

REFERENCE TITLE: county abatement liens; notice; priority

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1067

Introduced by
Senator Rogers

AN ACT

AMENDING SECTIONS 11-268, 42-18115 AND 42-18204, ARIZONA REVISED STATUTES;
RELATING TO LIENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-268, Arizona Revised Statutes, is amended to read:

11-268. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; violation; classification; removal by county; costs assessed; collection; priority of lien; definitions

A. The board of supervisors, by ordinance, shall compel the owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris or dilapidated buildings that constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such ordinance shall require and include:

1. Reasonable written notice to the owner, any lienholder, the occupant or the lessee. The notice shall be given at least thirty days before the day set for compliance and shall include the estimated cost to the county for the removal if the owner, occupant or lessee does not comply. The notice shall be either personally served or mailed by certified mail to the owner, occupant or lessee at ~~his~~ THE OWNER'S, OCCUPANT'S OR LESSEE'S last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

2. Provisions for appeal on both the notice and the assessments.

3. That any person, firm or corporation that recklessly places any rubbish, trash, filth or debris on any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation:

(a) Is guilty of a class 1 misdemeanor unless that person, firm or corporation immediately removes or causes to be removed the rubbish, trash, filth or debris from that property. One hundred ~~per cent~~ PERCENT of any assessed fine shall be deposited in the general fund of the county in which the fine was assessed. At least fifty ~~per cent~~ PERCENT of the fine shall be used by the county for the purposes of illegal dumping cleanup.

(b) In addition to the fine that is imposed for a violation of this section, is liable for all costs that may be assessed pursuant to this section for the removal of the rubbish, trash, filth or debris.

4. AT THE OPTION OF THE BOARD OF SUPERVISORS, THE COUNTY TREASURER TO INCLUDE ON THE PROPERTY TAX BILL AND PROPERTY TAX STATEMENT FOR THE PROPERTY THE AMOUNT OF THE ASSESSMENT.

B. The ordinance may provide that if any person with an interest in the property, including an owner, lienholder, lessee or occupant of the buildings, grounds or lots, after notice as required by subsection A, paragraph 1 OF THIS SECTION, does not remove the rubbish, trash, weeds,

1 filth, debris or dilapidated buildings and abate the condition that
2 constitutes a hazard to public health and safety, the county, at the
3 expense of the owner, lessee or occupant, may remove, abate, enjoin or
4 cause the removal of the rubbish, trash, weeds, filth, debris or
5 dilapidated buildings.

6 C. The board of supervisors may prescribe by the ordinance a
7 procedure for such removal or abatement and for making the actual cost of
8 the removal or abatement, including the actual costs of any additional
9 inspection and other incidental costs in connection with the removal or
10 abatement, an assessment on the lots and tracts of land from which the
11 rubbish, trash, weeds, filth, debris or dilapidated buildings are removed.

12 D. The ordinance may provide that the cost of removal, abatement or
13 injunction of the rubbish, trash, weeds, filth, debris or dilapidated
14 buildings from any lot or tract of land located in the unincorporated
15 areas of the county and associated legal costs be assessed in the manner
16 and form prescribed by ordinance of the county on the property from which
17 the rubbish, trash, weeds, filth, debris or dilapidated buildings are
18 removed, abated or enjoined. The county shall record the assessment in
19 the county recorder's office in the county in which the property is
20 located, including the date and amount of the assessment and the legal
21 description of the property. Any assessment recorded after August 6, 1999
22 is prior and superior to all other liens, obligations or other
23 encumbrances, except liens for general taxes and prior recorded
24 mortgages. A sale of the property to satisfy an assessment obtained under
25 this section shall be made on judgment of foreclosure and order of sale.
26 The county may bring an action to enforce the lien in the superior court
27 in the county in which the property is located at any time after the
28 recording of the assessment, but failure to enforce the lien by such
29 action does not affect its validity. The recorded assessment is prima
30 facie evidence of the truth of all matters recited in the assessment and
31 of the regularity of all proceedings before the recording of the
32 assessment. The assessment provided for in this subsection shall not be
33 levied against state or federal property.

34 E. Assessments that are imposed under subsection D of this section
35 run against the property until ~~they~~ THE ASSESSMENTS are paid and are due
36 and payable in equal annual installments as follows:

37 1. Assessments of less than ~~five hundred dollars~~ \$500 shall be paid
38 within one year after the assessment is recorded.

39 2. Assessments of ~~five hundred dollars~~ \$500 or more but less than
40 ~~one thousand dollars~~ \$1,000 shall be paid within two years after the
41 assessment is recorded.

42 3. Assessments of ~~one thousand dollars~~ \$1,000 or more but less than
43 ~~five thousand dollars~~ \$5,000 shall be paid within three years after the
44 assessment is recorded.

4. Assessments of ~~five thousand dollars~~ \$5,000 or more but less than ~~ten thousand dollars~~ \$10,000 shall be paid within six years after the assessment is recorded.

5. Assessments of ~~ten thousand dollars~~ \$10,000 or more shall be paid within ten years after the assessment is recorded.

F. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

G. Before the removal of a dilapidated building, the board of supervisors shall consult with the state historic preservation officer to determine if the building is of historical value.

H. If a county removes a dilapidated building pursuant to this section, the county assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

I. If a person, firm or corporation is required to remove any rubbish, trash, filth or debris pursuant to subsection A, paragraph 3 OF THIS SECTION, the person, firm or corporation shall provide the county with a receipt from a disposal facility to indicate that the rubbish, trash, filth or debris has been disposed of as required by law.

J. For the purposes of this section:

1. "Dilapidated building" means any real property structure that is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

2. Occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

3. Owner does not include a state or federal landowner.

Sec. 2. Section 42-18115, Arizona Revised Statutes, is amended to read:

42-18115. Easements and liens not extinguished by sale

A. The sale of a real property tax lien does not extinguish any easement on or appurtenant to the property.

B. The sale of a real property tax lien does not extinguish any lien for an assessment levied pursuant to title 48, chapter 4, 6 or 14, or section 9-276 OR 11-268.

Sec. 3. Section 42-18204, Arizona Revised Statutes, is amended to read:

42-18204. Judgment foreclosing right to redeem; effect

A. In an action to foreclose the right to redeem:

1. If the court finds that the tax lien sale is valid, the tax lien has not been redeemed and the defendant's request for an excess proceeds sale is unreasonable or the defendant did not request an excess proceeds sale, the court shall enter judgment:

(a) Foreclosing the right of the defendant to redeem.

1 (b) Directing the county treasurer to expeditiously execute and
2 deliver to the party in whose favor judgment is entered, including the
3 state, a deed conveying the property described in the certificate of
4 purchase.

5 2. If the court finds that the tax lien sale is valid, the tax lien
6 has not been redeemed and the defendant's request for an excess proceeds
7 sale is reasonable, the court shall enter judgment:

8 (a) Foreclosing the right of the defendant to redeem.

9 (b) Directing the sale of the property pursuant to article 6 of
10 this chapter.

11 (c) Setting the opening bid for the property as the total of the
12 amounts described in subsection B, paragraph 1, subdivisions (a), (b), (c)
13 and (e) of this section and any other reasonable fees as determined by the
14 court.

15 B. A property owner whose right to redeem is being foreclosed may
16 request the court to determine if the sale of the property to recover
17 excess proceeds is reasonable. The court shall determine that the sale of
18 the property for excess proceeds is reasonable if the sale price of the
19 property is likely to be more than \$2,500 above the total of the amounts
20 described in paragraph 1 of this subsection. If a request is made for an
21 excess proceeds sale, the following information shall be provided to the
22 court for the purposes of determining if an excess proceeds sale is
23 reasonable:

24 1. The certificate of purchase holder shall provide all of the
25 following:

26 (a) The costs related to filing the claim to foreclose the right to
27 redeem, including estimated attorney fees and costs to be incurred through
28 the date of the excess proceeds sale, if ordered.

29 (b) The amount for which the real property tax lien was sold, with
30 interest at a rate of sixteen percent per annum from the date of the tax
31 lien sale through the date of the excess proceeds sale, if ordered.

32 (c) The amount of any statutory fees the certificate of purchase
33 holder paid in connection with the certificate of purchase, except the
34 processing fee imposed by section 42-18116, subsection C, with interest at
35 a rate of sixteen percent per annum from the date of the tax lien sale
36 through the date of the excess proceeds sale, if ordered.

37 (d) The amount of all other recorded state liens or encumbrances on
38 the state property as indicated on a title report provided by the
39 certificate of purchase holder, including other years in which taxes are
40 delinquent. For the purposes of this subdivision, the certificate of
41 purchase holder does not have to determine the actual balance owed on any
42 lien or encumbrance on the property, except for property taxes owed.

43 (e) The estimated cost of the sale of property pursuant to article
44 6 of this chapter.

1 (f) Any other evidence relating to the value of the property or
2 objecting to the excess proceeds sale that the certificate of purchase
3 holder deems necessary.

4 2. The property owner whose right to redeem is being foreclosed
5 shall provide a reasonable estimate of the market value of the property.

6 C. After entering judgment the parties whose rights to redeem the
7 tax lien are thereby foreclosed have no further legal or equitable right,
8 title or interest in the property subject to the right of appeal and stay
9 of execution as in other civil actions.

10 D. The foreclosure of the right to redeem does not extinguish any
11 of the following:

12 1. An easement on or appurtenant to the property.

13 2. A lien for an assessment levied pursuant to title 48, chapter 4,
14 6, 14 or 18 or section 9-276 OR 11-268. For the purposes of this
15 paragraph, assessment does not include an abatement lien imposed under
16 section 9-499.

17 3. If the court finds that the request for an excess proceeds sale
18 is reasonable, the property owner's interest in the excess proceeds from
19 the sale of the property pursuant to article 6 of this chapter.