

CORRECTED

Senate Engrossed

county abatement liens; notice; priority

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

SENATE BILL 1067

AN ACT

AMENDING SECTION 11-268, ARIZONA REVISED STATUTES; AMENDING SECTION 11-268, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 42-18115, ARIZONA REVISED STATUTES; AMENDING SECTION 42-18115, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 42-18204, ARIZONA REVISED STATUTES; AMENDING SECTION 42-18204, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; RELATING TO LIENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 11-268. Removal of rubbish, trash, weeds, filth, debris and
5 dilapidated buildings; violation; classification;
6 removal by county; costs assessed; collection;
7 priority of lien; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 J. For the purposes of this section:

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

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

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

29 Sec. 2. Section 11-268, Arizona Revised Statutes, as amended by
30 section 1 of this act, is amended to read:

31 11-268. Removal of rubbish, trash, weeds, filth, debris and
32 dilapidated buildings; violation; classification;
33 removal by county; costs assessed; collection;
34 priority of lien; definitions

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

41 1. Reasonable written notice to the owner, any lienholder, the
42 occupant or the lessee. The notice shall be given at least thirty days
43 before the day set for compliance and shall include the estimated cost to
44 the county for the removal if the owner, occupant or lessee does not
45 comply. The notice shall be either personally served or mailed by

1 certified mail to the owner, occupant or lessee at the owner's, occupant's
2 or lessee's last known address or the address to which the tax bill for
3 the property was last mailed. If the owner does not reside on the
4 property, a duplicate notice shall also be sent to the owner at the
5 owner's last known address.

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

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

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

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

20 ~~4. At the option of the board of supervisors, the county treasurer~~
21 ~~to include on the property tax bill and property tax statement for the~~
22 ~~property the amount of the assessment.~~

23 B. The ordinance may provide that if any person with an interest in
24 the property, including an owner, lienholder, lessee or occupant of the
25 buildings, grounds or lots, after notice as required by subsection A,
26 paragraph 1 of this section, does not remove the rubbish, trash, weeds,
27 filth, debris or dilapidated buildings and abate the condition that
28 constitutes a hazard to public health and safety, the county, at the
29 expense of the owner, lessee or occupant, may remove, abate, enjoin or
30 cause the removal of the rubbish, trash, weeds, filth, debris or
31 dilapidated buildings.

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

38 D. The ordinance may provide that the cost of removal, abatement or
39 injunction of the rubbish, trash, weeds, filth, debris or dilapidated
40 buildings from any lot or tract of land located in the unincorporated
41 areas of the county and associated legal costs be assessed in the manner
42 and form prescribed by ordinance of the county on the property from which
43 the rubbish, trash, weeds, filth, debris or dilapidated buildings are
44 removed, abated or enjoined. The county shall record the assessment in
45 the county recorder's office in the county in which the property is

1 located, including the date and amount of the assessment and the legal
2 description of the property. Any assessment recorded after August 6, 1999
3 is prior and superior to all other liens, obligations or other
4 encumbrances, except liens for general taxes and prior recorded mortgages.
5 A sale of the property to satisfy an assessment obtained under this
6 section shall be made on judgment of foreclosure and order of sale. The
7 county may bring an action to enforce the lien in the superior court in
8 the county in which the property is located at any time after the
9 recording of the assessment, but failure to enforce the lien by such
10 action does not affect its validity. The recorded assessment is prima
11 facie evidence of the truth of all matters recited in the assessment and
12 of the regularity of all proceedings before the recording of the
13 assessment. The assessment provided for in this subsection shall not be
14 levied against state or federal property.

15 E. Assessments that are imposed under subsection D of this section
16 run against the property until the assessments are paid and are due and
17 payable in equal annual installments as follows:

18 1. Assessments of less than \$500 shall be paid within one year
19 after the assessment is recorded.

20 2. Assessments of \$500 or more but less than \$1,000 shall be paid
21 within two years after the assessment is recorded.

22 3. Assessments of \$1,000 or more but less than \$5,000 shall be paid
23 within three years after the assessment is recorded.

24 4. Assessments of \$5,000 or more but less than \$10,000 shall be
25 paid within six years after the assessment is recorded.

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

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

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

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

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

1 J. For the purposes of this section:

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

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

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

9 Sec. 3. Section 42-18115, Arizona Revised Statutes, is amended to
10 read:

11 42-18115. Easements and liens not extinguished by sale

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

14 B. The sale of a real property tax lien does not extinguish any
15 lien for an assessment levied pursuant to title 48, chapter 4, 6 or
16 14, ~~or~~ or section 9-276 ~~OR 11-268~~.

17 Sec. 4. Section 42-18115, Arizona Revised Statutes, as amended by
18 section 3 of this act, is amended to read:

19 42-18115. Easements and liens not extinguished by sale

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

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

25 Sec. 5. Section 42-18204, Arizona Revised Statutes, is amended to
26 read:

27 42-18204. Judgment foreclosing right to redeem; effect

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

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

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

34 (b) Directing the county treasurer to expeditiously execute and
35 deliver to the party in whose favor judgment is entered, including the
36 state, a deed conveying the property described in the certificate of
37 purchase.

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

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

42 (b) Directing the sale of the property pursuant to article 6 of
43 this chapter.

44 (c) Setting the opening bid for the property as the total of the
45 amounts described in subsection B, paragraph 1, subdivisions (a), (b), (c)

1 and (e) of this section and any other reasonable fees as determined by the
2 court.

3 B. A property owner whose right to redeem is being foreclosed may
4 request the court to determine if the sale of the property to recover
5 excess proceeds is reasonable. The court shall determine that the sale of
6 the property for excess proceeds is reasonable if the sale price of the
7 property is likely to be more than \$2,500 above the total of the amounts
8 described in paragraph 1 of this subsection. If a request is made for an
9 excess proceeds sale, the following information shall be provided to the
10 court for the purposes of determining if an excess proceeds sale is
11 reasonable:

12 1. The certificate of purchase holder shall provide all of the
13 following:

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

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

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

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

31 (e) The estimated cost of the sale of property pursuant to article
32 6 of this chapter.

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

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

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

42 D. The foreclosure of the right to redeem does not extinguish any
43 of the following:

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

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

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

8 Sec. 6. Section 42-18204, Arizona Revised Statutes, as amended by
9 section 5 of this act, is amended to read:

10 42-18204. Judgment foreclosing right to redeem; effect

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

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

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

17 (b) Directing the county treasurer to expeditiously execute and
18 deliver to the party in whose favor judgment is entered, including the
19 state, a deed conveying the property described in the certificate of
20 purchase.

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

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

25 (b) Directing the sale of the property pursuant to article 6 of
26 this chapter.

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

31 B. A property owner whose right to redeem is being foreclosed may
32 request the court to determine if the sale of the property to recover
33 excess proceeds is reasonable. The court shall determine that the sale of
34 the property for excess proceeds is reasonable if the sale price of the
35 property is likely to be more than \$2,500 above the total of the amounts
36 described in paragraph 1 of this subsection. If a request is made for an
37 excess proceeds sale, the following information shall be provided to the
38 court for the purposes of determining if an excess proceeds sale is
39 reasonable:

40 1. The certificate of purchase holder shall provide all of the
41 following:

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

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

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

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

15 (e) The estimated cost of the sale of property pursuant to article
16 6 of this chapter.

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

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

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

26 D. The foreclosure of the right to redeem does not extinguish any
27 of the following:

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

29 2. A lien for an assessment levied pursuant to title 48, chapter 4,
30 6, 14 or 18 or section 9-276 ~~or 11-268~~. For the purposes of this
31 paragraph, assessment does not include an abatement lien imposed under
32 section 9-499.

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

36 Sec. 7. Effective date

37 Section 11-268, Arizona Revised Statutes, as amended by section 2 of
38 this act, section 42-18115, Arizona Revised Statutes, as amended by
39 section 4 of this act, and section 42-18204, Arizona Revised Statutes, as
40 amended by section 6 of this act, are effective from and after September
41 30, 2028.