

REFERENCE TITLE: unlawful occupants; forcible entry; detainer

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

SB 1426

Introduced by
Senators Rogers: Finchem

AN ACT

AMENDING SECTIONS 12-1171 AND 12-1173, ARIZONA REVISED STATUTES; RELATING
TO FORCIBLE ENTRY AND DETAINER ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1171, Arizona Revised Statutes, is amended to
3 read:

4 12-1171. Acts which constitute forcible entry or detainer

5 A person is guilty of forcible entry and detainer, or of forcible
6 detainer, as the case may be, if ~~he~~ **THE PERSON**:

7 1. Makes an entry into any lands, tenements or other real property,
8 except in cases where entry is given by law.

9 2. Makes such an entry by force.

10 3. Wilfully and without force holds over any lands, tenements or
11 other real property after termination of the time for which such lands,
12 tenements or other real property were let to him or to the person under
13 whom he claims, after demand made ~~in writing~~ for the possession ~~thereof~~ **OF**
14 **THE LANDS, TENEMENTS OR OTHER REAL PROPERTY** by the person entitled to such
15 possession.

16 Sec. 2. Section 12-1173, Arizona Revised Statutes, is amended to
17 read:

18 12-1173. Definition of forcible detainer; substitution of
19 parties

20 A. There is a forcible detainer if:

21 1. A tenant at will or by sufferance or a tenant from month to
22 month or a lesser period whose tenancy has been terminated retains
23 possession after his tenancy has been terminated or after he receives
24 written demand of possession by the landlord.

25 2. The tenant of a person who has made a forcible entry refuses for
26 five days after written demand to give possession to the person ~~upon~~ **ON**
27 whose possession the forcible entry was made.

28 3. A person who has made a forcible entry ~~upon~~ **ON** the possession of
29 one who acquired such possession by forcible entry:

30 (a) Refuses for five days after written demand to give possession
31 to the person ~~upon~~ **ON** whose possession the first forcible entry was made.

32 (b) **REFUSES AFTER A REASONABLE REQUEST TO LEAVE AND TO GIVE**
33 **POSSESSION TO THE PERSON ON WHOSE POSSESSION THE FIRST FORCIBLE ENTRY WAS**
34 **MADE IF ALL OF THE FOLLOWING APPLY:**

35 (i) **THE REQUESTING PERSON IS THE PROPERTY OWNER OR THE PROPERTY**
36 **OWNER'S AUTHORIZED AGENT.**

37 (ii) **THE PROPERTY INCLUDES A RESIDENTIAL DWELLING OR IS BEING USED**
38 **FOR RESIDENTIAL PURPOSES.**

39 (iii) **AN UNAUTHORIZED PERSON IS UNLAWFULLY OCCUPYING THE PROPERTY.**

40 (iv) **THE PROPERTY OWNER HAS DIRECTED THE UNAUTHORIZED PERSON TO**
41 **LEAVE.**

42 (v) **THE PROPERTY WAS NOT OPEN TO THE PUBLIC AT THE TIME THE**
43 **UNAUTHORIZED PERSON ENTERED THE PROPERTY.**

44 (vi) **THE UNAUTHORIZED PERSON IS NOT A CURRENT OR FORMER TENANT AT**
45 **THAT PROPERTY.**

1 (vii) THE UNAUTHORIZED PERSON DID NOT HAVE A PRIOR VERBAL OR
2 WRITTEN AGREEMENT TO COHABITATE WITH THE PROPERTY OWNER IN THAT
3 RESIDENTIAL DWELLING.

4 (viii) THE UNAUTHORIZED PERSON IS NOT AN IMMEDIATE FAMILY MEMBER OF
5 THE PROPERTY OWNER.

6 (ix) THERE IS NO LITIGATION PENDING BETWEEN THE PROPERTY OWNER AND
7 THE UNAUTHORIZED PERSON.

8 4. A person who has made a forcible entry ~~upon~~ ON the possession of
9 a tenant for a term refuses to deliver possession to the landlord for five
10 days after written demand, after the term expires. If the term expires
11 while a writ of forcible entry applied for by the tenant is pending, the
12 landlord ~~may~~, at his own cost and for his own benefit, MAY prosecute it in
13 the name of the tenant.

14 B. THE SUPREME COURT SHALL ADOPT RULES TO ALLOW FOR THE EXPEDITIOUS
15 RESOLUTION OF CLAIMS CONSISTENT WITH THIS SECTION. FOR A FORCIBLE
16 DETAINER ACTION BROUGHT PURSUANT SUBSECTION A, PARAGRAPH 3, SUBDIVISION
17 (b) OF THIS SECTION AGAINST AN UNAUTHORIZED PERSON, A WRIT OF RESTITUTION
18 SHALL BE ISSUED IMMEDIATELY AFTER THE COURT SIGNS ANY JUDGMENT AGAINST THE
19 UNAUTHORIZED PERSON.