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## SUMMARY: THE MOBILE HOME PARKS RESIDENTIAL LANDLORD AND TENANT ACT (Updated 11/1/17)

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The numbers in italics refer to the section numbers of the Arizona Revised Statutes where the complete law pertaining to that item can be found.

“The Act”, as used below, refers to the Arizona Mobile Home Parks Residential Landlord and Tenant Act.

**Highlighted** sections in this document are changes based on the 2017 Legislative Session.

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### I. General Information

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A “Mobile Home” is at least 8’ wide x 30’ long (with exceptions of some older homes). Arizona Revised Statutes (“A.R.S.”) § 33-1409.14.

The Act does not apply to recreational vehicles (which includes park models) or if mobile home and space are owned by the same person. A.R.S. § 33-1407(B). *Note: See changes to Relocation Fund related to park models.*

The Act only applies to the rental of a space in a mobile home park; a mobile home park is defined as a parcel of land with four or more mobile home spaces. A.R.S. §§ 33-1406 and 33-1409(15).

Prior to entering a rental agreement, a landlord shall provide each prospective tenant with a concise written summary of the Mobile Home Parks Residential Landlord and Tenant Act that is approved by the Director of the Arizona Department of Housing, at no cost to the tenant. A.R.S. § 33-1432(G).

A landlord shall make available to all tenants a concise written summary of the Act which includes: any legislative changes in the preceding year; and where a complete copy of the Act may be obtained/reviewed. The summary shall be made available at no cost to the tenant. A.R.S. § 33-1432(H).

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### II. Rental Agreements

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At the beginning of a tenancy, a signed, written rental agreement must be executed which will include the amount of current rent and security deposit. A.R.S. § 33-1413(A).

After the initial rental agreement expires, at the request of either the tenant or landlord, a new written rental agreement must be executed. A.R.S. § 33-1413(H).

If the landlord and tenant agree on a term (length of time) of the rental agreement, it can be for any term; if landlord and tenant do not agree, the term shall be for twelve months except that the tenant has the right to demand a four year lease; this request must be in writing. A.R.S. §§ 33-1413(B),(H), and (K).

The rents for the entire term must be specified. Upon receipt of the proposed four-year lease, a tenant has 10 days to accept or reject it. If rejected, the tenant still has the right to a one-year lease. A.R.S. § 33-1413(K).

Without a written rental agreement, tenancy is on a month-to-month basis. A.R.S. § 33-1413(H).

Included with the rental agreement should be a statement signed by the tenant acknowledging receipt of a current copy of Rules and Regulations and Statement of Policy, and a copy of the summary of the Arizona Mobile Home Parks Residential Landlord and Tenant Act. A.R.S. §§ 33-1413(D) and 33-1432.

All blank spaces on the rental agreement must be filled in. A.R.S. § 33-1413(B).

Shall not place any additional person's name on the title to the mobile home as a condition of tenancy or residency for that additional person or pay a fee or other form of penalty for failing to place an additional person's name on the title to the mobile home.

*Pursuant to SB1362 enacted 5/17/16. A.R.S. § 33-1414(A)(8)*

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### **III. Utility Charges**

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Utilities provided by the park may either be included in base rents or may be separately charged. If a landlord charges separately, the utility charge may not exceed the single-family residential rate charged by the utility provider or the local serving utility. A.R.S. § 33-1413.01(B).

If the utility is metered (water, gas, electricity), the landlord must have individual meters at each space; must take periodic readings; and must provide a periodic billing showing opening and closing meter readings with a computation of the utility charge in the same manner as used by the local utility provider. A.R.S. § 33-1413.01(A).

Non-metered utilities (trash and sewer service) may be charged for at a rate not to exceed the local provider's single-family residential rate. A.R.S. § 33-1413.01(D).

If a landlord schedules a shutdown of a utility, they must inform tenants by either individual delivery or by posting a notice including the period of the interruption in a conspicuous place. This provision of course precludes interruptions in the case of an emergency. A.R.S. § 33-1434(A)(7).

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### **IV. Inheritance of mobile home; requirements**

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For any person who inherits a mobile home by will, trust or any other testamentary conveyance. *Pursuant to HB 2176 enacted 3/29/17. A.R.S. § 33-1419.*

Reside in the mobile home on the premises only if the person meets the requirements prescribed for other tenants in the mobile home park, including compliance with age requirements, background checks and signing the mobile home park's standard rental documentation. A.R.S. § 33-1419 (a).

Sell the mobile home in accordance with the provisions of this article and the deceased tenant's rental agreement. A.R.S. § 33-1419 (b).

The person shall pay any amount past due to the landlord from the deceased tenant. A.R.S. § 33-1419 (2).

The landlord shall apply all of the deceased tenant's prepaid amounts or credits, including security deposits, for the benefit of the person inheriting the mobile home. A.R.S. § 33-1419 (3).

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## V. Rent and Fees

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There are no limits on what a landlord may charge for rent. But if a park imposes rent increases not previously agreed to in a rental agreement which, taken together with all other rent increases the preceding 12 months exceeds 10% plus the preceding year's Metropolitan Phoenix Consumer Price Index ("CPI") percentage, the tenant, if they choose to vacate, is eligible for relocation fund assistance. A.R.S. § 33-1476.04(A).

Rent cannot be changed during the term of a rental agreement except as provided in the agreement. Increases in the park's costs of utilities, taxes and insurance, however, can be prorated and immediately passed through to tenants if substantiated in writing and the rental agreement so provides. A.R.S. § 33-1413(I).

Guest fees may not be charged unless the guest stays for more than 14 days in a calendar month, and they cannot be charged if the person is occupying the tenant's home on a temporary basis to provide necessary live-in health care to the resident as directed by a physician. A.R.S. §§ 33-1413.02, 33-1413.03, and 33-1414(A)(5).

Late fees cannot exceed \$5 per day if rent is not remitted by the sixth day from the due date. A.R.S. § 33-1414(C).

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## VI. Mobile Home Relocation Fund

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A tenant can obtain money from the Relocation Fund in the case of a Park Closure; Redevelopment of Park; Qualifying Rent Increase; Change in Age Restricted Community Use; or for Rehabilitation of a pre-HUD home in order to relocate home (for Rehabilitation purposes only, the home owner's income must qualify).

The Relocation Fund is administered by the Arizona the Department of Housing. A.R.S. § 33-1476.02.

Each owner of a mobile home located in a mobile home park who does not own the land the home is located on will be assessed 50 cents per \$100 of taxable assessed valuation of his or her home which shall be deposited in the Relocation Fund. A.R.S. § 33-1476.03. *NOTE: Beginning July 1, 2016, this tax assessment was waived as the balance of the Relocation Fund*

exceeded the cap of \$8M. The tax assessment may be applied again once the Relocation Fund balance is less than \$6M.

Each owner of a park trailer or a park model located in a mobile home park who does not own the land the park trailer or park model is located on shall pay each year to the state an assessment in an amount determined by making the assessment as prescribed. A.R.S. § 33-2151. Pursuant to HB 2176 enacted 3/29/17.

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### **Park Closure or Redevelopment:**

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Landlord must give tenants a 180 day notice of the closure or redevelopment. The tenant can collect, from the Relocation Fund, the lesser of the actual moving expenses or \$7,500 for a single-wide or \$12,500 for a multi-section home. Or, the tenant may abandon the mobile home in the park, and collect an amount equal to one-fourth of the maximum allowable moving expense for that home from the fund if the tenant delivers to the landlord the current title to the home with the notarized endorsement of the owner of record together with complete releases of all liens that are shown on the title and pays all property taxes due on the home. If the mobile home was ground set in the mobile home park, the tenant may collect up to \$2500 additionally for the cost of removing a ground set home. The landlord must pay \$500 for each single-wide and \$800 for each multi-section home into the Relocation Fund in the case of a park closure. A.R.S. § 33-1476.01

For recreational vehicles that are park trailers or park models, the tenant can collect from the Relocation Fund the lesser of the actual moving expenses or \$4000, or the tenant may abandon the park model or park trailer in the park, and collect an amount equal to one-fourth of the allowable moving expense for that home from the fund if the tenant delivers to the landlord the current title to the home with the notarized endorsement of the owner of record together with complete releases of all liens that are shown on the title and pays all property taxes due on the home. If the park trailer or park model was ground set in the park from which it was removed, the tenant may collect up to \$2500 additionally for the cost of removing a ground set home. A.R.S. § 33-2149. Pursuant to HB 2176 enacted 3/29/17.

After delivery of the 180 day notice, the landlord and the tenants shall inform any prospective buyer or tenant that closure of the park is pending. A.R.S. § 33-1476.01(N). Pursuant to HB 2176 enacted 3/29/17.

Rehabilitation of pre-HUD homes (built prior to June 15, 1976): A.R.S. § 41-4008, is required when moving a pre-HUD home from one mobile home park to another within the state or bringing a mobile home into the state. If the home owner's income falls below federal poverty guidelines, the homeowner can collect up to \$1,500 to pay for rehabilitation.

Tenants moving homes due to eviction are not eligible for assistance.

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## Rent Increases

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Landlord must give each tenant written notice of an increase 90 days prior to expiration of the rental agreement, unless the increase is for actual increased costs in insurance, taxes or utilities AND the rental agreement states that the landlord can increase the rent immediately for these purposes AND the landlord substantiates the increase in writing; otherwise the landlord must give the 90 days written notice prior to the expiration of the rental agreement and does not have to give any reasons for the increase. A.R.S. §§ 33-1413(G) and (I); 33-1432(F). (2) If the park increases the rent in any 12-month period by more than 10% plus the most recent one-year increase in the CPI, the tenant is eligible for assistance from the Mobile Home Relocation Fund. (3) The landlord must pay \$500 for each single-wide and \$800 for each multi-section home into the Relocation Fund in the case of a qualifying rent increase. A.R.S. §§ 33-1476.01 and 33-1476.04.

When a landlord is giving notice of a rent increase which exceeds this amount, the landlord must also inform the tenant of their eligibility for relocation assistance, if applicable. A.R.S. § 33-1476.04(D).

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## Change in Age Restricted Community

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Landlord must give the Director and tenants at least a 60 day notice of the change in the age restricted community to an all age community. The tenant can collect, from the Relocation Fund, the lesser of the actual moving expenses (within a 100 mile radius to another age restricted community) or \$5,000 for a single-wide or \$10,000 for a multi-section home. The landlord is not responsible for making any payment into the Relocation Fund. A.R.S. § 33-1476.05

For recreational vehicles that are park trailers or park models the tenant can collect, from the Relocation Fund, the lesser of the actual moving expenses or \$4000, or the tenant may abandon the park model or park trailer in the park, and collect an amount equal to one-fourth of the allowable moving expense for that home from the fund if the tenant delivers to the landlord the current title to the home with the notarized endorsement of the owner of record together with complete releases of all liens that are shown on the title and pays all property taxes due on the home; if the park trailer or park model was ground set in the park from which it was removed, the tenant may collect up to \$2500 additionally for the cost of removing a ground set home. A.R.S. § 33-2150. Pursuant to HB 2176 enacted 3/29/17.

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## VII. Rules and Regulations

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Landlords must give all tenants 30 days written notice by mail of any change in rules. A.R.S. § 33-1452(D).

Rules must apply in a fair manner to all tenants. A.R.S. § 33-1452(A)(3).

Landlord has the right to approve prospective buyers of homes in the park, however approval cannot be unreasonably withheld; if requested in writing, the landlord shall send a notice to the prospective purchaser to identify the reasons for disapproval; landlord can force someone

bringing a home into the park to make permanent improvements if they are written in rules or statements of policy and he discloses the approximate cost of the improvements to the prospective tenant; landlord cannot force an existing tenant, even if he is selling his home, to make permanent improvements, nor can he force the buyer of a home already in the park to make permanent improvements. A.R.S. § 33-1452(E).

“Permanent Improvements” are those that cannot be removed without damaging the improvement or the space. A.R.S. § 33-1452(E)(6).

Landlord does have the right to upgrade his park. This can be done by rules and statements of policy stating the condition of homes allowed in the park. Landlord cannot force current residents to move their homes from the park, but can force purchasers to move them upon sale of the home. However, a landlord cannot require replacement of siding and skirting on an existing home in the park which is sold unless the replacement will significantly change or improve the appearance of the mobile home. A.R.S. § 33-1452 (A),(B, (C), and (D).

On the sale of a mobile home manufactured after June 15, 1976, to a tenant otherwise qualified for tenancy, a landlord shall not require removal of the mobile home from the park solely because of the age of the mobile home. A.R.S. § 33-1452(L).

Landlord must give tenants an emergency phone number when the park is left unattended in addition to the name and address of park owner, park manager, and the person authorized to accept service of process for notices and demands. A.R.S. §§ 33-1432(A) and 33-1452(F).

Landlord shall not prohibit meetings of tenants to discuss issues related to mobile home lifestyle. A.R.S. § 33-1452(G).

Landlord does not have right to access tenant’s mobile home unless tenant gives landlord written permission. A.R.S. § 33-1453.

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## **VIII. Landlord’s Obligations**

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Security Deposits – amount of any security deposit should be stated in each rental agreement and cannot exceed 2 month’s rent unless the tenant voluntarily agrees to pay more; cannot be changed after initial rental agreement is executed; landlord must pay or accrue 5% annual interest on deposit. A.R.S. § 33-1431.

Landlord must maintain fit, safe and habitable premises. A.R.S. § 33-1434.

Required disclosures for new tenants: (1) Written disclosure of rent increases over the three full calendar years immediately preceding the effective date of the rental agreement; (2) Identity of manager, owner and statutory agent of park; (3) Information on utility connections; (4) Information on fire protection services. A.R.S. § 33-1432.

Landlord must provide tenant with a Statement of Policy (a park can only have one set of statements of policy in effect for all residents at any one time). A.R.S. § 33-1436(A) and (D).

Park managers must show proof of completing at least six hours of continuing education every two years. Parks failing to comply are subject to civil penalties. Parks managers must post such proof of completion in a conspicuous place at the mobile home park. A.R.S. §§ 33-1409(9) and 33-1437.

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## **IX. Tenant Obligations**

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Maintain and keep his space as clean and safe as conditions allow, and not to let visitors, guests or members of the household unreasonably disturb their neighbors. A.R.S. § 33-1451(A).

Inform landlord of non-renewal of rental agreement at least 30 days prior to its expiration. A.R.S. § 33-1451(A)(6).

A person shall not enter a mobile home park and begin work on the removal of a mobile home from a mobile home park without first satisfying the requirements for a clearance for removal as prescribed in section 33-1485.01. A person who has not satisfied the requirements for a clearance for removal as prescribed in section 33-1485.01 and who refuses to leave and remove their removal equipment from the mobile home park on request from the landlord commits criminal trespass in the third degree pursuant to section 13-1502. This subsection does not apply if the landlord refuses to provide the clearance for removal if the requirements in section 33-1485.01 are satisfied. A.R.S. § 33-1451 (C)

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## **X. Notices**

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Notice is effective when a party has actual knowledge of the subject or has received the notice from the other party. A.R.S. § 33-1412(A).

A notice is received when the party actually gets it or, if sent by certified mail, it is deemed received five days after deposit in the mail. A.R.S. § 33-1412(B).

Rent increases not programmed in rental agreements require a 90-day notice, effective at expiration of a rental agreement. A.R.S. § 33-1413(G).

Rules and regulation changes require a 30-day notice prior to the change, by mail. A.R.S. § 33-1452(D).

Statements of policy changes require a 60-day notice, effective at expiration of current statements of policy. A.R.S. § 33-1436(C).

Tenants for proper cause may terminate their rental agreements as follows:

For health and safety violations, with a 10/20 notice to the landlord (10 days to cure or the tenancy will end in 20 days). A.R.S. § 33-1471 (A);

For non-health and safety violations, with a 14/30 notice to the landlord. A.R.S. § 33-1471(A).

Tenants may cure and charge landlords the cost of repair for health and safety hazards which are the landlord's responsibility by giving a 20 day notice and, if not cured by the landlord within that time, by having the work done by a licensed contractor. A.R.S. § 33-1473.

Landlords for good cause may terminate tenant rental agreements as follows:

For violence or other serious criminal conduct, with an immediate termination notice. A.R.S. § 33-1476(D)(3);

For health and safety violations, with a 10/20 notice to the tenant. A.R.S. § 33-1476(D)(2);

For non-health and safety violations, with a 14/30 notice to the tenant. A.R.S. § 33-1476(D)(1);

For non-payment of rent, with a seven day notice to the tenant. A.R.S. § 33-1476(E).

If a 10/20 or 14/30 notice is given, and the tenant cures the violation, the landlord must give a notice of cure. A.R.S. § 33-1476(D)(1) and (2).

If a tenant receives 3 notices about the same problem or 4 notices about different problems within 12 months, landlord can evict on the next notice. A.R.S. § 33-1476(D)(4).

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## **XI. Evictions**

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If a rental agreement is terminated but the tenant fails to vacate, the landlord may file an eviction action in court. A.R.S. § 33-1481(A).

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## **XII. Retaliatory Action**

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If a landlord retaliates by increasing rent or decreasing services or by bringing or threatening to bring an eviction against a tenant after any of the following, it is presumed to be a retaliatory action and it is up to the landlord to prove it was not: (1) Tenant complains to a government agency charged with the responsibility of enforcing building or housing codes of a violation materially affecting health and safety; (2) Tenant complains to the landlord of a violation of the Act; (3) Tenant organizes or becomes a member of a tenant's union or similar organization; (4) Tenant files an action against the landlord with the hearing officer or court. A.R.S. § 33-1491.

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## **XIII. Mobile Home Parks Hearing Officer**

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Either landlord or tenant can file a complaint with the mobile home parks hearing officer. Complaints are limited to claims of violations of mobile home space rental agreements or the Mobile Home Parks Residential Landlord Tenant Act. Rent increases cannot be challenged, but the manner in which notices were given can be. Complaints are filed with the Arizona Department of Housing. A.R.S. §§ 41-4062, 41-4063, 41-4064 and 41-4065.

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**XIV. Removal of a Mobile Home from a Park A.R.S. § 33-1485.01**

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The tenant or tenant's successor in interest shall provide the landlord with a written notification of intent to remove a mobile home from a space; the notification shall include the date the home will be removed, address and telephone number of person or entity that will be removing the home, and name, address and telephone number of person or entity that will be the responsible party for restoring the mobile home space in accordance with the rental agreement and park rules and regulations.

If the Responsible Party is not licensed by the Arizona Department of Housing or the Registrar of Contractors, the landlord may require a security deposit or surety bond of not more than \$1,000 minus the amount of any security deposit that was collected at the beginning of the tenant's tenancy.

The person or entity removing the mobile home from the space must have received from the landlord a written clearance for removal containing a statement that all monies due for space rent as of the date of removal have been paid or that the landlord and tenant have agreed otherwise; and the requirements for mobile home space restoration.

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**XV. Rules and Regulations A.R.S. § 33-1452 (H)**

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The landlord shall not prohibit or adopt a rule that prohibits tenants or a tenant association from meeting with permission of the tenant in the tenant's mobile home, assembling at common facilities or areas within the park or meeting with or without invited visiting speakers in the mobile home park to discuss issues relating to mobile home living and affairs including the forming of a tenant association. Such meetings shall be allowed in common facilities if such meetings are held during normal operating hours of the common facility and when the facility is not otherwise in use. The tenant or tenant association shall be allowed to post notice of a meeting on a bulletin board in the mobile home park used for similar notice and shall be allowed to include notice of a meeting in a park newsletter. Meeting notices and meetings prescribed in this subsection shall not constitute a solicitation. For the purposes of this subsection, "common facilities" means a recreation hall, clubhouse, community center and any outdoor common area meeting location that is utilized by the tenants.

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**XVI. Landlord to Maintain Fit Premises A.R.S. § 33-1434 (C) (D)**

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For new tenants who are moving into a mobile home park, any rental agreements that are executed or adopted after December 21, 2016, shall specifically disclose in writing any requirement that the tenant maintain one or more existing trees located on the mobile home space.

Any change regarding the tenant's obligation to maintain any one or more trees located on the mobile home space constitutes a substantial modification of the rental agreement.

*A.R.S. § 33-1434 (C) (D)*

**RESOURCES:**

**Arizona Department of Housing – [www.housing.az.gov](http://www.housing.az.gov)**

**Arizona Legislature – <https://www.azleg.gov/>**

Note: All legislative bills signed into law by the Governor by legislative session can be found at the Arizona Legislature's website.