

PLUMLEE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2612  
(Reference to printed bill)

- 1 Page 1, strike lines 2 through 45  
2 Strike page 2  
3 Page 3, strike lines 1 through 16  
4 Renumber to conform  
5 Line 20, strike "definitions"  
6 Page 4, line 27, strike "MANAGING AGENT" insert "TENANT"  
7 Line 28, after "OTHER" strike remainder of line  
8 Strike lines 29 through 45  
9 Page 5, strike lines 1 through 8, insert "PENALTY FOR ACCESSING LAW ENFORCEMENT OR  
10 OTHER EMERGENCY SERVICES."  
11 Strike lines 23 through 28  
12 Between lines 28 and 29 insert:  
13 Sec. 2. Section 33-1381, Arizona Revised Statutes, is amended to read:  
14 33-1381. Retaliatory conduct prohibited  
15 A. Except as provided in this section, a landlord may not retaliate by  
16 increasing rent or decreasing services, ~~or~~ by bringing or threatening to  
17 bring an action for possession OR BY IMPOSING A FEE, ASSESSMENT OR OTHER  
18 PENALTY ON A TENANT after any of the following:  
19 1. The tenant has complained to a governmental agency charged with  
20 responsibility for enforcement of a building or housing code of a violation  
21 applicable to the premises materially affecting health and safety.  
22 2. The tenant has complained to the landlord of a violation under  
23 section 33-1324.  
24 3. The tenant has organized or become a member of a tenants' union or  
25 similar organization.  
26 4. The tenant has complained to a governmental agency charged with the  
27 responsibility for enforcement of the wage-price stabilization act.

1           5. THE TENANT OR OTHER PERSON IN THE TENANT'S HOUSEHOLD HAS SUMMONED  
2 LAW ENFORCEMENT OR OTHER EMERGENCY SERVICES TO THE PREMISES.

3           B. If the landlord acts in violation of subsection A of this section,  
4 the tenant is entitled to the remedies provided in section 33-1367 and has a  
5 defense in action against him for possession. In an action by or against the  
6 tenant, evidence of a complaint within six months ~~prior to~~ BEFORE the alleged  
7 act of retaliation creates a presumption that the landlord's conduct was in  
8 retaliation. The presumption does not arise if the tenant made the complaint  
9 after notice of termination of the rental agreement. "Presumption", in this  
10 subsection, means that the trier of fact must find the existence of the fact  
11 presumed unless and until evidence is introduced which would support a  
12 finding of its nonexistence.

13           C. Notwithstanding subsections A and B of this section, a landlord may  
14 bring an action for possession if either of the following occurs:

15           1. The violation of the applicable building or housing code was caused  
16 primarily by lack of reasonable care by the tenant or other person in ~~his~~ THE  
17 TENANT'S household or ~~upon~~ ON the premises with ~~his~~ THE TENANT'S consent.

18           2. The tenant is in default in rent. The maintenance of the action  
19 does not release the landlord from liability under section 33-1361,  
20 subsection B."

21 Page 5, line 32, strike "definitions"

22 Page 6, line 39, strike "MANAGING AGENT" insert "TENANT"

23 Strike lines 40 through 45

24 Page 7, strike lines 1 through 20, insert "PENALTY FOR ACCESSING LAW ENFORCEMENT OR  
25 OTHER EMERGENCY SERVICES."

26 Strike lines 35 through 40

27 Amend title to conform

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