

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1362  
(Reference to printed bill)

- 1 Page 1, line 4, strike ". rules"
- 2 Line 6, after "agreement" strike remainder of line
- 3 Line 7, strike "DENOMINATED,"
- 4 Line 26, after "ANY" insert "ADDITIONAL"
- 5 Line 27, after "TENANCY" insert "FOR THAT ADDITIONAL PERSON"
- 6 Line 28, strike "A" insert "AN ADDITIONAL"
- 7 Line 30, after "agreement" strike remainder of line
- 8 Line 31, strike "MOBILE HOME PARK"
- 9 Line 32, strike "OR RULES OR REGULATIONS"
- 10 Line 34, strike "OR RULES OR REGULATIONS ~~is~~ ARE" insert "is"
- 11 Between lines 39 and 40, insert:
- 12 "Sec. 2. Section 33-1452, Arizona Revised Statutes, is amended to
- 13 read:
- 14 33-1452. Rules and regulations
- 15 A. A landlord shall adopt written rules or regulations, however
- 16 described, concerning the tenant's use and occupancy of the premises. Such
- 17 rules or regulations are enforceable against the tenant only if:
- 18 1. Their purpose is to promote the convenience, safety or welfare of
- 19 the tenants on the premises, preserve the landlord's property from abusive
- 20 use, preserve or upgrade the quality of the mobile home park or make a fair
- 21 distribution of services and facilities held out for the tenants generally.
- 22 2. They are reasonably related to the purpose for which adopted.
- 23 3. They apply to all tenants on the premises in a fair manner.

1           4. They are sufficiently explicit in prohibition, direction or  
2 limitation of the tenant's conduct to fairly inform the tenant of what must  
3 or must not be done to comply.

4           5. They are not for the purpose of evading the obligations of the  
5 landlord.

6           6. The prospective tenant has a copy of the current rules and  
7 regulations before the prospective tenant enters into the rental agreement.

8           B. A new tenant who brings a mobile home into a mobile home park or  
9 who purchases an existing mobile home in a mobile home park shall comply with  
10 all current statements of policy and rules or regulations, including those  
11 pertaining to the size, condition and appearance of the mobile home, and  
12 exterior materials with which the mobile home has been constructed.

13           C. A new tenant who purchases an existing mobile home in a mobile home  
14 park shall comply with all current statements of policy and rules and  
15 regulations, including those pertaining to the size, condition and appearance  
16 of the mobile home and exterior materials with which the mobile home has been  
17 constructed, except that the landlord shall not require the replacement of  
18 the siding and skirting on a mobile home unless the replacement siding and  
19 skirting will significantly change or improve the appearance of the mobile  
20 home.

21           D. If any mobile home park owner adds, changes, deletes or amends any  
22 rule, notice in writing of all such additions, changes, deletions or  
23 amendments shall be furnished to all mobile home tenants thirty days before  
24 they become effective by first class or certified mail. Any rule or  
25 condition of occupancy ~~which~~ THAT is unfair and deceptive or ~~which~~ THAT does  
26 not conform to the requirements of this chapter shall be unenforceable. A  
27 rule or regulation adopted after the tenant enters into the rental agreement  
28 is enforceable against the tenant only if it does not work a substantial  
29 modification of the rental agreement.

30           E. A person who owns or operates a mobile home park shall not:

31           1. Deny rental unless the mobile home does not meet the requirements  
32 of the rules and regulations of the landlord and the statements of policy

1 prescribed pursuant to section 33-1436 or the park resident or prospective  
2 resident cannot conform to park rules and regulations.

3 2. Require any person as a precondition to renting, leasing or  
4 otherwise occupying a space for a mobile home in a mobile home park to pay an  
5 entrance or exit fee of any kind unless for services actually rendered or  
6 pursuant to a written agreement.

7 3. Deny any resident of a mobile home park the right to sell the  
8 resident's mobile home at a price of the resident's own choosing during the  
9 term of the tenant's rental agreement, but the landlord may reserve the right  
10 to approve the purchaser of such mobile home as a tenant but such permission  
11 may not be unreasonably withheld, except that the landlord may require,  
12 notwithstanding paragraph 6 of this subsection, in order to preserve or  
13 upgrade the quality of the mobile home park, that any mobile home not in  
14 compliance with the landlord's current rules and regulations and statements  
15 of policy, in a rundown condition or in disrepair be removed from the park  
16 within sixty days. Within ten days of a written request by the seller or  
17 prospective purchaser, a landlord shall notify the seller and the prospective  
18 purchaser in writing of any reasons for withholding approval of a purchaser  
19 pursuant to this paragraph. The notice to the prospective purchaser shall  
20 identify the reasons for disapproval with reasonable specificity. The notice  
21 to the seller shall identify the reasons in summary fashion consistent with  
22 applicable federal and state consumer protection laws and shall inform the  
23 seller that the seller should consult with the prospective purchaser for more  
24 specific details.

25 4. Exact a commission or fee with respect to the price realized by the  
26 tenant selling the mobile home, unless the park owner or operator has acted  
27 as agent for the mobile home owner pursuant to a written agreement.

28 5. Require a tenant or prospective tenant to use any specific sales  
29 agency, manufacturer, retailer or broker.

30 6. Notwithstanding section 33-1436, subsection C, require an existing  
31 tenant to furnish permanent improvements ~~which~~ THAT cannot be removed without  
32 damage thereto or to the mobile home space by a tenant at the expiration of

1 the rental agreement. If the landlord includes any requirements for  
2 permanent improvements in the rules or statements of policy, these  
3 requirements shall not apply to any mobile home already existing in the  
4 mobile home park.

5 7. Prohibit a tenant from advertising the sale or exchange of the  
6 tenant's mobile home, including the display of a "for sale" or "open house"  
7 sign on the dwelling or in the window of the mobile home stating the name,  
8 address and telephone number of the owner or agent of the mobile home. The  
9 sign may be no larger than twelve inches wide and eighteen inches long. In  
10 addition to the display of a sign in the window, the tenants may display the  
11 signs on a central posting board in the park ~~which~~ THAT is reasonably  
12 accessible to the public seven days a week during daylight hours.

13 8. REQUIRE A TENANT TO PLACE ANY ADDITIONAL PERSON'S NAME ON THE TITLE  
14 TO THE MOBILE HOME AS A CONDITION OF TENANCY FOR THAT ADDITIONAL PERSON OR  
15 PAY A FEE OR OTHER FORM OF PENALTY FOR FAILING TO PLACE AN ADDITIONAL  
16 PERSON'S NAME ON THE TITLE TO THE MOBILE HOME.

17 F. The landlord or manager of a mobile home park shall include, in  
18 rules and regulations, an emergency number to be called when the park is left  
19 unattended, regardless of the size of the park.

20 G. The landlord shall not prohibit or adopt a rule that prohibits  
21 tenants or a tenant association from meeting with permission of the tenant in  
22 the tenant's mobile home, assembling at common facilities or areas within the  
23 park or meeting with or without invited visiting speakers in the mobile home  
24 park to discuss issues relating to mobile home living and affairs including  
25 the forming of a tenant association. Such meetings shall be allowed in  
26 common facilities if such meetings are held during normal operating hours of  
27 the common facility and when the facility is not otherwise in use. The  
28 tenant or tenant association shall be allowed to post notice of a meeting on  
29 a bulletin board in the mobile home park used for similar ~~notice~~ NOTICES and  
30 shall be allowed to include notice of a meeting in a park newsletter.  
31 Meeting notices and meetings prescribed in this subsection shall not  
32 constitute a solicitation. For the purposes of this subsection, "common

1 facilities" means a recreation hall, A clubhouse, A community center and any  
2 outdoor common area meeting location that is utilized by the tenants.

3 H. Any improvements made by a tenant such as plants, vines, edgings,  
4 gravel, stone or other additions made for the benefit of the tenancy may be  
5 removed by the tenant, or by agreement of both parties the landlord may  
6 retain the improvements by paying the tenant for their actual cost.

7 I. If a tenant dies, any surviving joint tenant or cotenant continues  
8 as tenant with the same rights, privileges and liabilities as if the  
9 surviving tenant were the original tenant, with the additional right to  
10 terminate the rental agreement by giving sixty days' written notice to the  
11 landlord within sixty days after the death of the tenant.

12 J. If a tenant who was sole owner of the mobile home dies during the  
13 term of the rental agreement, the tenant's heirs or legal representative have  
14 the right to cancel the lease by giving thirty days' written notice to the  
15 landlord with the same rights, privileges and liabilities of the original  
16 tenant.

17 K. This section does not prohibit a landlord from requiring removal of  
18 a mobile home from the mobile home park within sixty days after the sale by a  
19 tenant if the mobile home does not meet the current requirements of the rules  
20 and regulations and statements of policy, including those pertaining to the  
21 size, condition and appearance of the mobile home, and exterior materials  
22 with which the mobile home has been constructed.

23 L. On the sale of a mobile home that was manufactured after June 15,  
24 1976 to a tenant who is otherwise qualified for tenancy, a landlord shall not  
25 require removal of that mobile home from the mobile home park solely because  
26 of the age of the mobile home. A landlord may require the removal of a  
27 mobile home on the sale of the mobile home solely because of the age of the  
28 mobile home if the mobile home was manufactured on or before  
29 June 15, 1976. This subsection shall not be construed to preclude a landlord  
30 from prohibiting a mobile home from being moved into a mobile home park  
31 solely because of the age of the mobile home without regard to its date of  
32 manufacture."

1 Renumber to conform

2 Page 1, line 41, strike "：rules"

3 Line 42, strike "AND ANY PARK RULES, HOWEVER DESCRIBED,"

4 Page 2, line 1, after "ANY" insert "ADDITIONAL"

5 Line 2, after "TENANCY" insert "FOR THAT ADDITIONAL PERSON"

6 Line 3, strike "A" insert "AN ADDITIONAL"

7 Line 5, after "AGREEMENT" strike remainder of line

8 Line 6, strike "VEHICLE PARK"

9 Line 7, strike "OR RULES"

10 Line 8, strike "OR RULES ARE" insert "IS"

11 After line 9, insert:

12 "Sec. 4. Section 33-2132, Arizona Revised Statutes, is amended to  
13 read:

14 33-2132. Rules

15 A. A landlord shall adopt written rules, however described, concerning  
16 the tenant's use and occupancy of the premises. Rules are enforceable  
17 against the tenant only if:

18 1. They apply to all tenants on the premises in a fair manner.

19 2. They are sufficiently explicit in prohibition, direction or  
20 limitation of the tenant's conduct to fairly inform the tenant of what the  
21 tenant must or must not do to comply.

22 3. They are not for the purpose of evading the obligations of the  
23 landlord.

24 4. The prospective tenant has a copy of the current rules before  
25 entering into the rental agreement.

26 B. If the owner or agent adds, changes, deletes or amends any rule,  
27 the owner or agent shall provide notice in writing of all additions, changes,  
28 deletions or amendments to all tenants thirty days before they become  
29 effective. Any rule or condition of occupancy that is unfair and deceptive  
30 or that does not conform to the requirements of this chapter is  
31 unenforceable. A rule adopted after the tenant enters into the rental  
32 agreement is enforceable against the tenant only if the rule does not

1 substantially modify the rental agreement. For purposes of this subsection,  
2 notice shall be by personal delivery or mailed by first class or certified  
3 mail.

4 C. A landlord shall not:

5 1. Deny rental unless the prospective resident cannot conform to park  
6 rules. A landlord is not required to enter into an initial recreational  
7 vehicle space agreement in excess of one hundred seventy-nine days.

8 2. Charge an exit fee to a tenant whose rental agreement has expired.

9 3. Require a person as a precondition to renting, leasing or otherwise  
10 occupying a recreational vehicle space in a recreational vehicle or mobile  
11 home park to pay an entrance or exit fee, unless the fee is for services that  
12 are actually rendered or pursuant to a written agreement.

13 4. Deny any resident of a recreational vehicle park the right to sell  
14 the recreational vehicle at a price of the resident's own choosing during the  
15 term of the tenant's rental agreement, but the landlord may reserve the right  
16 to approve the purchaser of the recreational vehicle as a tenant. This  
17 permission shall not be unreasonably withheld, except that the landlord may  
18 require, in order to preserve or upgrade the quality of the recreational  
19 vehicle park, that any recreational vehicle not compatible with the other  
20 recreational vehicles in the park, in a rundown condition or in disrepair be  
21 removed from the park within sixty days. Within ten days ~~of~~ AFTER a written  
22 request by the seller or prospective purchaser, a landlord shall notify the  
23 seller and the prospective purchaser in writing of any reasons for  
24 withholding approval of a purchase pursuant to this paragraph. The notice to  
25 the prospective purchaser shall identify the reasons for disapproval with  
26 reasonable specificity. The notice to the seller shall identify the reasons  
27 in summary fashion consistent with applicable federal and state consumer  
28 protection laws and shall inform the seller that the seller should consult  
29 with the prospective purchaser for more specific details.

30 5. Require an existing tenant to furnish permanent improvements that  
31 cannot be removed without damage to the improvements or to the recreational  
32 vehicle space by a tenant at the expiration of the rental agreement.

1           6. Prohibit a tenant from advertising the sale or exchange of the  
2     tenant's recreational vehicle, including the display of a for sale or open  
3     house sign on the recreational vehicle or in the window of the recreational  
4     vehicle stating the name and contact information of the owner or agent of the  
5     recreational vehicle. In addition, a tenant may display a sign on a central  
6     posting board in the park that is reasonably accessible to the public seven  
7     days a week during daylight hours.

8           7. Require a tenant or prospective tenant to use any specific sales  
9     agency, manufacturer, retailer or broker.

10          8. REQUIRE A TENANT TO PLACE ANY ADDITIONAL PERSON'S NAME ON THE TITLE  
11     TO THE RECREATIONAL VEHICLE AS A CONDITION OF TENANCY FOR THAT ADDITIONAL  
12     PERSON OR PAY A FEE OR OTHER FORM OF PENALTY FOR FAILING TO PLACE AN  
13     ADDITIONAL PERSON'S NAME ON THE TITLE TO THE RECREATIONAL VEHICLE.

14          D. The landlord shall not prohibit or adopt a rule that prohibits  
15     tenants or a tenant association from meeting with permission of the tenant in  
16     the tenant's recreational vehicle or from, ~~assembling~~ assembling or meeting with or  
17     without invited speakers in the park to discuss issues relating to  
18     recreational vehicle or mobile home living and affairs, including the forming  
19     of a tenant association. Such meetings shall be allowed in common facilities  
20     if such meetings are held during normal operating hours of the common  
21     facility and when the facility is not otherwise in use. The tenant or tenant  
22     association shall be allowed to post notice of a meeting on a bulletin board  
23     in the park used for similar notices and shall be allowed to include notice  
24     of a meeting in a park newsletter. Meeting notices and meetings prescribed  
25     in this subsection shall not constitute a solicitation. For the purposes of  
26     this subsection, "common facilities" means a recreation hall, A clubhouse, A  
27     community center and any outdoor common area meeting location that is  
28     utilized by the tenants.

29          E. If a tenant dies, any surviving joint tenant or cotenant continues  
30     as tenant with the same rights, privileges and liabilities as if the  
31     surviving tenant were the original tenant.

1           F. A new tenant who brings a recreational vehicle into a park or who  
2 purchases an existing recreational vehicle or mobile home shall comply with  
3 all rules then in effect.

4           G. A resident may have one person who is at least eighteen years of  
5 age occupy the recreational vehicle on a temporary basis to provide necessary  
6 live-in health care to the resident pursuant to a written treatment plan  
7 prepared by the resident's physician. The landlord may require the resident  
8 to provide a written renewal of the physician's treatment plan every six  
9 months. The landlord shall not charge a fee for the person rendering care.  
10 The person rendering care has no rights of tenancy. Any agreement between  
11 the resident and the person rendering care does not modify the rental  
12 agreement between the landlord and tenant. The person rendering care shall  
13 comply with the rules of the park."

14 Amend title to conform

KIMBERLY YEE

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C: MYR