

REFERENCE TITLE: residential rental property penalties; award

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1303

Introduced by
Senator McCune Davis; Representative Meza; Senator Chevront;
Representative Campbell CH

AN ACT

AMENDING SECTION 33-1902, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL
RENTAL PROPERTY PENALTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1902, Arizona Revised Statutes, is amended to
3 read:

4 33-1902. Residential rental property; recording with the
5 assessor; agent designation; civil penalty; fee

6 A. An owner of residential rental property shall maintain with the
7 assessor in the county where the property is located information required by
8 this section in a manner to be determined by the assessor. The owner shall
9 update any information required by this section within ten days after a
10 change in the information occurs. The following information shall be
11 maintained:

12 1. The name, address and telephone number of the property owner.

13 2. If the property is owned by a corporation, limited liability
14 company, partnership, limited partnership, trust or real estate investment
15 trust, the name, address and telephone number of any of the following:

16 (a) For a corporation, a corporate officer.

17 (b) For a partnership, a general partner.

18 (c) For a limited liability company, the managing or administrative
19 member.

20 (d) For a limited partnership, a general partner.

21 (e) For a trust, a trustee.

22 (f) For a real estate investment trust, a general partner or an
23 officer.

24 3. The street address and parcel number of the property.

25 4. The year the building was built.

26 B. An owner of residential rental property who lives outside this
27 state shall designate and record with the assessor a statutory agent who
28 lives in this state and who will accept legal service on behalf of the owner.
29 The owner shall designate the agent in a manner to be determined by the
30 assessor. The information shall include the name, address and telephone
31 number of the agent.

32 C. Residential rental property shall not be occupied if the
33 information required by this section is not on file with the county assessor.
34 If the owner has not filed the information required by this section with the
35 county assessor and the residential rental property is occupied by a tenant
36 and the tenant chooses to terminate the tenancy, the tenant shall deliver to
37 the landlord, owner or managing agent of the property a written ten day
38 notice to comply with this section. The notice shall be delivered by
39 certified mail, return receipt requested, or by hand delivery. If the owner
40 does not comply with this section within ten days after receipt of the
41 notice, the tenant may terminate the rental agreement and the landlord shall
42 return all prepaid rent to the tenant. Security deposits shall be returned
43 in accordance with section 33-1321, subsection D. The landlord shall return
44 those monies by certified mail, return receipt requested, or by hand delivery
45 to the tenant within ten days after the termination of the rental agreement.

1 This subsection applies to any existing lease and to any new lease after
2 August 25, 2004. Notwithstanding this subsection, an owner is in compliance
3 with this subsection only if the owner had filed the information required by
4 subsection A of this section with the county assessor.

5 D. All records, files and documents that are required by this section
6 are public records.

7 E. For residential rental property that is acquired by an owner after
8 the date of the notice of assessed valuation and the notice prescribed by
9 section 42-15103 and until the issuance of the next notice of assessed
10 valuation, a city or town shall assess a civil penalty of one thousand
11 dollars against a person who fails to comply with this section, plus an
12 additional one hundred dollars for each month after the date of the original
13 violation until compliance occurs. The court shall not suspend any portion
14 of the civil penalty provided by this subsection.

15 F. Notwithstanding subsection E of this section, if a person complies
16 within ten days after receiving the complaint that notices the violation, the
17 court shall dismiss the complaint and shall not impose a civil penalty.

18 G. Except for newly acquired residential rental property as prescribed
19 by subsection E of this section, if a residential rental property owner fails
20 to register with the county assessor as prescribed by this section, the city
21 or town may impose a civil penalty in the amount of one hundred fifty dollars
22 ~~per day~~ for each day of violation after the date of the most recent notice of
23 assessed valuation and the notice prescribed by section 42-15103. If a
24 person complies within ten days after receiving the notice from the county
25 assessor, the court shall dismiss the complaint and shall not impose a civil
26 penalty.

27 H. A CITY OR TOWN SHALL AWARD TEN PER CENT OF THE TOTAL PENALTIES FOR
28 A VIOLATION OF THIS SECTION COLLECTED PURSUANT TO SUBSECTION E OR G OF THIS
29 SECTION TO ANY PERSON WHO REPORTED THE VIOLATION TO THE CITY OR TOWN.

30 ~~H.~~ I. In carrying out this section, the county assessor shall have
31 immunity as provided in section 12-820.01.

32 ~~I.~~ J. The county assessor may assess a fee of not more than ten
33 dollars for each initial registration and each change of information in the
34 registry.

35 ~~J.~~ K. On request from a city or town, the county assessor shall
36 provide the most current list of all registered rental property owners within
37 the city's or town's boundaries.