

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HOUSE BILL 2123

AN ACT

AMENDING TITLE 33, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-2107; RELATING TO RECREATIONAL VEHICLE LONG-TERM RENTAL SPACE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 33, chapter 19, article 1, Arizona Revised Statutes,  
3 is amended by adding section 33-2107, to read:

4 33-2107. Utility fees; service interruption; waste, garbage and  
5 rubbish removal fees; refunds; enforcement

6 A. A LANDLORD MAY CHARGE SEPARATELY FOR GAS, WATER OR ELECTRICITY BY  
7 DOING EITHER OF THE FOLLOWING:

8 1. INSTALLING A SUBMETERING SYSTEM.

9 2. ALLOCATING THE CHARGES SEPARATELY THROUGH A RATIO UTILITY BILLING  
10 SYSTEM.

11 B. IF A LANDLORD CHARGES SEPARATELY FOR GAS, WATER OR ELECTRICITY BY  
12 INSTALLING A SUBMETERING SYSTEM:

13 1. THE LANDLORD SHALL PROVIDE A SEPARATE METER FOR EVERY USER.

14 2. FOR EACH BILLING PERIOD THE COST OF THE CHARGES FOR THE PERIOD  
15 SHALL BE SEPARATELY STATED, ALONG WITH THE OPENING AND THE CLOSING METER  
16 READINGS AND THE DATES OF THE METER READINGS. EACH BILL SHALL SHOW THE  
17 COMPUTATION OF THE CHARGE GENERALLY IN ACCORDANCE WITH THE SERVING UTILITY  
18 COMPANY BILLING FORMAT FOR INDIVIDUAL SERVICE SUPPLIED THROUGH A SINGLE  
19 SERVICE METER.

20 3. THE LANDLORD SHALL NOT CHARGE MORE THAN THE PREVAILING BASIC  
21 SERVICE SINGLE FAMILY RESIDENTIAL RATE CHARGED BY THE SERVING UTILITY OR  
22 PROVIDER.

23 C. IF A LANDLORD CHARGES SEPARATELY FOR GAS, WATER OR ELECTRICITY  
24 PURSUANT TO A RATIO UTILITY BILLING SYSTEM:

25 1. THE LANDLORD MAY RECOVER THE CHARGES IMPOSED ON THE LANDLORD BY THE  
26 UTILITY PROVIDER, EXCEPT THAT A LANDLORD MAY NOT INCLUDE A CHARGE BY THE  
27 SUPPLYING UTILITY FOR GAS, WATER OR ELECTRICITY USED IN A COMMON AREA OR  
28 OFFICE IF SUCH AREA IS SEPARATELY METERED. THE LANDLORD SHALL POST IN A  
29 CONSPICUOUS PLACE ON THE PREMISES THE CURRENT UTILITY USAGE RATE AND OTHER  
30 FEES IMPOSED ON THE LANDLORD BY THE PROVIDER.

31 2. A LANDLORD MAY CHARGE AN ADMINISTRATIVE FEE FOR THE LANDLORD'S  
32 ACTUAL ADMINISTRATIVE COSTS ONLY. THE LANDLORD SHALL NOT IMPOSE ANY OTHER  
33 ADDITIONAL CHARGES. "ADMINISTRATIVE COSTS" SHALL INCLUDE THE DIRECT ACTUAL  
34 COSTS TO THE LANDLORD OF BILLING FOR UTILITIES, INCLUDING THE COST OF STAFF  
35 TIME TO CALCULATE AND MAIL THE BILLS, POSTAGE AND STATIONERY. IF THE  
36 LANDLORD ARRANGES FOR UTILITY BILLINGS TO BE HANDLED BY A THIRD PARTY, THE  
37 UTILITY BILLINGS SHALL INCLUDE THE ACTUAL AND REASONABLE COST CHARGED BY THE  
38 THIRD PARTY FOR THE SERVICE.

39 3. THE RENTAL AGREEMENT SHALL CONTAIN A DISCLOSURE THAT LISTS THE  
40 UTILITY SERVICES THAT ARE CHARGED SEPARATELY AND SHALL SPECIFY THE AMOUNT OF  
41 ANY ADMINISTRATIVE FEE THAT IS ASSOCIATED WITH THE USE OF THE RATIO UTILITY  
42 BILLING SYSTEM.

43 4. ALLOCATION SHALL BE MADE ON THE BASIS OF RENTED SPACES.

1 D. A LANDLORD WHICH IS ALSO A MOBILE HOME PARK PURSUANT TO SECTION  
2 33-1409, PARAGRAPH 15 SHALL COMPLY WITH SUBSECTION A, PARAGRAPH 1 AND  
3 SUBSECTION B OF THIS SECTION.

4 E. THE LANDLORD SHALL PROVIDE A STATEMENT OF PROPOSED INTERRUPTION OF  
5 UTILITY SERVICE TO THE TENANTS WITHIN A REASONABLE TIME, EXCEPT IN THE CASE  
6 OF AN INTERRUPTION CAUSED BY AN EMERGENCY. AN EMERGENCY DOES NOT INCLUDE ANY  
7 FAILURE OR REFUSAL BY THE LANDLORD TO FULFILL THE DUTIES AND OBLIGATIONS TO  
8 MAINTAIN FIT PREMISES. A STATEMENT OF PROPOSED INTERRUPTION OF UTILITY  
9 SERVICE MAY BE PROVIDED BY POSTING AN ANNOUNCEMENT OF THE PERIOD OF THE  
10 INTERRUPTION IN A CONSPICUOUS PLACE ON THE PREMISES WHERE A RECREATIONAL  
11 VEHICLE SPACE IS LOCATED OR BY INDIVIDUAL DELIVERY TO EACH TENANT.

12 F. FOR THE PURPOSE OF REGULATING RECREATIONAL VEHICLE PARKS AS PUBLIC  
13 OR CONSECUTIVE WATER SYSTEMS, THE STATE SHALL NOT ADOPT RULES PURSUANT TO  
14 TITLE 49, CHAPTER 2, ARTICLE 9 THAT ARE MORE STRINGENT THAN AUTHORIZED BY THE  
15 FEDERAL GOVERNMENT. SUBMETERING SOLELY TO DETERMINE THE CHARGES FOR  
16 INDIVIDUAL WATER USE BY PARK TENANTS FOR THE PURPOSE OF WATER CONSERVATION,  
17 WITHOUT OTHER EVIDENCE INDICATING A TRANSACTION SUBJECT TO REGULATION UNDER  
18 TITLE 49, CHAPTER 2, ARTICLE 9, SHALL NOT BE USED AS A BASIS FOR TREATING ANY  
19 RECREATIONAL VEHICLE PARK AS A PUBLIC OR CONSECUTIVE WATER SYSTEM.

20 G. A LANDLORD MAY CHARGE SEPARATELY FOR REMOVAL OF WASTE, GARBAGE,  
21 RUBBISH, REFUSE AND TRASH AND FOR SEWER SERVICES. ANY CHARGES FOR REMOVAL OR  
22 SEWER SERVICES MAY NOT EXCEED THE PREVAILING SINGLE FAMILY OR RESIDENTIAL  
23 CHARGE, FEE OR RATE FOR THESE SERVICES LEVIED BY THE POLITICAL SUBDIVISION OR  
24 PROVIDER.

25 H. A LANDLORD WHO DETERMINES, ON HIS OWN OR AS A RESULT OF A TENANT  
26 OBJECTION, THAT HE HAS OVERCHARGED TENANTS SHALL REFUND THE OVERCHARGED  
27 AMOUNT TO THE TENANTS WHO WERE OVERCHARGED AND WHO RESIDE IN THE RECREATIONAL  
28 VEHICLE PARK AT THE TIME THE OVERCHARGE IS DETERMINED. THE REFUND SHALL BE  
29 MADE THROUGH A CREDIT TOWARD FUTURE UTILITY CHARGES OR A REFUND AND SHALL BE  
30 PROVIDED WITHIN SIXTY DAYS.

31 I. IF A TENANT BELIEVES THAT A LANDLORD IS NOT IN COMPLIANCE WITH THIS  
32 SECTION, THE TENANT SHALL PROVIDE WRITTEN NOTICE TO THE LANDLORD REGARDING  
33 THE ALLEGED VIOLATION OF THIS SECTION. IF THE DISPUTE IS NOT RESOLVED WITHIN  
34 THIRTY DAYS AFTER THE NOTICE IS RECEIVED BY THE LANDLORD, THE TENANT MAY FILE  
35 A CIVIL COMPLAINT IN JUSTICE COURT TO ENFORCE THIS SECTION. IN AN ACTION  
36 PURSUANT TO THIS SUBSECTION, THE COURT SHALL AWARD THE PREVAILING PARTY COURT  
37 COSTS AND REASONABLE ATTORNEY FEES.