

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 SHALL NOT INCLUDE A CHARGE BY THE
27 SUPPLYING UTILITY FOR GAS, WATER OR ELECTRICITY USED IN A COMMON AREA OR
28 OFFICE IF THE COMMON AREA OR OFFICE IS SEPARATELY METERED. THE LANDLORD
29 SHALL POST IN A CONSPICUOUS PLACE ON THE PREMISES THE CURRENT UTILITY USAGE
30 RATE AND OTHER 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. IF THE LANDLORD ARRANGES FOR UTILITY BILLINGS TO BE
34 HANDLED BY A THIRD PARTY, THE UTILITY BILLINGS SHALL INCLUDE THE ACTUAL AND
35 REASONABLE COST CHARGED BY THE THIRD PARTY FOR THE SERVICE. FOR THE PURPOSES
36 OF THIS PARAGRAPH, "ADMINISTRATIVE COSTS" INCLUDES THE DIRECT ACTUAL COSTS TO
37 THE LANDLORD OF BILLING FOR UTILITIES, INCLUDING THE COST OF STAFF TIME TO
38 CALCULATE AND MAIL THE BILLS, POSTAGE AND STATIONERY.

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 THAT IS ALSO A MOBILE HOME PARK AS DEFINED IN SECTION
2 33-1409 SHALL COMPLY WITH SUBSECTION A, PARAGRAPH 1 AND SUBSECTION B OF THIS
3 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 SHALL 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 THE LANDLORD'S OWN OR AS A RESULT OF
26 A TENANT OBJECTION, THAT THE LANDLORD HAS OVERCHARGED TENANTS SHALL REFUND
27 THE OVERCHARGED AMOUNT TO THE TENANTS WHO WERE OVERCHARGED AND WHO RESIDE IN
28 THE RECREATIONAL VEHICLE PARK AT THE TIME THE OVERCHARGE IS DETERMINED. THE
29 REFUND SHALL BE MADE THROUGH A CREDIT TOWARD FUTURE UTILITY CHARGES OR A
30 REFUND AND SHALL BE 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.