

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 264

HOUSE BILL 2766

AN ACT

AMENDING TITLE 33, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1331; RELATING TO THE ARIZONA RESIDENTIAL LANDLORD AND TENANT ACT.

(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 10, article 2, Arizona Revised Statutes,
3 is amended by adding section 33-1331, to read:

4 33-1331. Notice of foreclosure; effect on lease; damages

5 A. IF A RENTAL AGREEMENT IS ENTERED INTO AFTER THE FORECLOSURE ACTION
6 WAS INITIATED, THE OWNER SHALL INCLUDE WRITTEN NOTICE OF POSSIBLE FORECLOSURE
7 WITH THE RENTAL AGREEMENT WITH THE TENANT. THE NOTICE SHALL INCLUDE A
8 STATEMENT THAT IS SUBSTANTIALLY IN THE FOLLOWING FORM:

9 THIS PROPERTY IS UNDERGOING FORECLOSURE. FOR MORE
10 INFORMATION ON THIS ACTION, YOU SHOULD CONTACT _____
11 (NAME, ADDRESS AND PHONE NUMBER OF THE COURT WHERE THE ACTION IS
12 FILED OR TRUSTEE, ATTORNEY OR OTHER RESPONSIBLE PARTY).

13 A SALE AT AUCTION MAY OR MAY NOT OCCUR AS A RESULT OF THIS
14 FORECLOSURE. CURRENTLY, THE SALE OF THIS PROPERTY HAS BEEN SET
15 FOR _____ (TIME, DATE AND PLACE) OR NO DATE FOR SALE OF THIS
16 PROPERTY HAS BEEN ESTABLISHED.

17 IF THE OWNER FAILS TO PROVIDE NOTICE AS PRESCRIBED IN THIS SECTION THE TENANT
18 MAY DELIVER A WRITTEN NOTICE PURSUANT TO SECTION 33-1361 AND RECOVER DAMAGES
19 AND OBTAIN INJUNCTIVE RELIEF. THE SECURITY DEPOSIT SHALL BE RETURNED TO THE
20 TENANT AS PRESCRIBED IN 33-1321.

21 B. THIS SECTION SHALL NOT APPLY TO MULTIFAMILY RESIDENTIAL RENTAL
22 UNITS CONSISTING OF FOUR OR MORE CONNECTED UNITS.

23 Sec. 2. Legislative intent; protecting tenants in foreclosure
24 act

25 The legislature intends by this act to provide information to renters
26 in homes that are subject to foreclosure and to work in conjunction with the
27 provisions in the protecting tenants at foreclosure act of 2009 (P.L. 111-22;
28 123 Stat. 1660; 12 United States Code section 5201).

APPROVED BY THE GOVERNOR MAY 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.