



Landlord Information

Thinking about renting out your property in Peoria? This booklet contains information for landlords including relevant Arizona Revised Statute sections. Some answers offer guidance on provisions of the Arizona Residential Landlord and Tenant Act but this guidance does not constitute legal advice. For legal advice you must consult an attorney.

How do I get started?

Before you rent out your property in Peoria, you must obtain a business license. You can apply for a license online at www.stars.peoriaaz.gov or go to www.peoriaaz.gov to download an application form from the Finance Department web page.

What if I use a property manager or real estate agent?

You must obtain a separate license for your rental property. If you use a management company, they can usually file the tax returns on your behalf. However, you still need an individual license for your property.

What is the tax rate?

The City of Peoria tax rate on residential rental revenue is 1.8%. There is no state tax on residential rentals. For more information on residential rental tax rates and regulations download our [residential rental brochure](#) or call us at 623-773-7160.

Can I charge the tax to the tenant?

Yes, you may assess and collect the tax from the tenant. However, you must pay the tax to the City regardless of whether or not you collected it from the tenant.

How much can I charge for a security deposit?

The landlord cannot collect more than one and one-half month's rent as a security deposit. The landlord may also collect funds such as cleaning and redecorating fees. If any fee is intended to be non-refundable, it must be designated in writing by the landlord. Any fee or deposit which is not designated as nonrefundable shall be refundable. ARS §33-1321.

What can I do if my tenant does not pay rent when it's due?

You must first give the tenant a five-day notice to pay all rent due or vacate the dwelling. The notice may be hand-delivered to the tenant or sent by certified or registered mail. If the tenant still fails to pay rent, you can file a forcible detainer complaint (a written action that a landlord can take if the existing occupant refuses to leave) in the Justice of the Peace Court on the sixth day. The court will issue a summons ordering the tenant to appear in court to show cause why they should not pay rent or vacate the rental unit. If the tenant fails to show cause, the court will issue a writ of restitution (a court order issued to evict the tenant). ARS§33-1368.

Can I discontinue the tenant's water, sewer, or trash collection services?

If you are providing water, sewer, or trash collection services to the property in your name, you may discontinue services on the day following the day that a writ of restitution (eviction notice) is issued. ARS §33-1368.

If the services are in the tenant's name, the City of Peoria will not allow disconnection of services unless court documents are provided stating the tenant has been evicted.

What if my tenant fails to put the water, sewer, or trash collection services in their own name?

If lease requires the tenant obtain services and there is no writ of restitution, the City of Peoria will post a notification (door tag) to the tenant informing them they have 72 hours to setup services in their own name. If the tenant does not contact the City within 72 hours, services will be disconnected.

What are some activities of the tenant that can result in an immediate eviction?

Here are some of the conditions under which a tenant may be declared to have committed an irreparable breach of their lease: illegal discharge of a weapon; prostitution; criminal street gang activity; unlawful manufacturing, selling, using, storing, keeping or giving of a controlled substance; or infliction of serious bodily harm. Threatening or intimidating behavior or falsification of a document may also be grounds for immediate eviction. ARS §33-1368.

Who is responsible for maintaining the property to City Code standards?

As the owner of the property, you are responsible for ensuring the property meets or exceeds all City Code requirements. Depending on the terms of your lease agreement, the tenants may be required to maintain the property. City staff will work with you to enforce the Code and address any violations. However, it is up to you to enforce the terms of your lease agreement.

Do I have the right to evict the tenant if the dwelling is not kept in a habitable condition?

The landlord can evict the tenant if the dwelling is not maintained or the tenant causes damage to the dwelling. The landlord may also make repairs at the tenant's expense. Examples of damages for which the landlord can hold the tenant responsible include (1) damaged plumbing, (2) broken light fixtures, (3) damaged or soiled carpet, (4) broken windows, (5) marred or damaged walls and ceilings and (6) broken appliances caused by the tenant's abuse and neglect. ARS §33-1369.

How many people may occupy my dwelling?

State law has a standard occupancy limit of two persons per bedroom. Therefore, you have the right to refuse to rent to a tenant who will have more than two persons per bedroom. However, you can choose to rent to more persons per bedroom. ARS §33-1317.

What do I need to do to become a Section 8 landlord?

Prospective landlords are encouraged to contact the Housing Authority directly at 623-486-7375 with specific questions regarding becoming a Section 8 Landlord. Both landlords and tenants must submit specific rental paperwork with the Housing Authority prior to executing a lease agreement.

What do I need to know about the Fair Housing Act?

As a landlord, you can not discriminate against any person in the terms, conditions, or privileges of a rental property because of an applicant's race, color religion, sex, familial status, disability or national origin. FHA Sec. 804 [42 U.S.C. 3604]

Discrimination by a landlord against a tenant with children is not allowed unless the dwelling meets the definition of housing for older persons in §41-1491.04. ARS §33-1317.

Where can I get more information?

For information on renting your property in Peoria, setting up water, sewer, or trash collection services, and obtaining a business license contact the Peoria Customer Service Center at 623-773-7160.

For information on the Arizona Residential Landlord Tenant Act visit:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp> and select Title 33 Property.

For information on Fair Housing and Equal Opportunity visit:

<http://www.hud.gov/offices/fheo>

