



City of Peoria Finance Department

Tenant Information

Thinking about renting a property in Peoria? This booklet contains information for tenants 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.

What should be done before moving into a rental unit?

Both you and the landlord should conduct a walk-through inspection of the unit to find existing problems. The landlord should give a copy of the inspection report to you. You should also get a signed copy of the lease or rental agreement with all blanks filled in. ARS §33-1321, ARS §33-1322.

How do I sign-up for water, sewer, and trash collection services?

Call **623-773-7160** or visit 8401 W. Monroe to start service. We are open from 7:00 a.m. to 6:00 p.m. Monday through Thursday. Services may be started with a minimum of 24 hours advance notice excluding Friday, weekends, and holidays. There is a \$28.00 account set up fee that will be assessed on your first bill. For faster service, please have the following information available:

Signed lease/rental agreement.

Completed "Application for Service-Tenant" form ([click here](#))

\$200 deposit

What if I forgot to put the water, sewer or trash collection service in my name?

If the services are still in the owner's name and the owner contacts us to discontinue services, we will post a notification (door tag) on your door. You will have 72 hours to setup services in your own name. If you do not contact the City within 72 hours, services will be disconnected.

Can my landlord discontinue my water, sewer or trash collection services?

If your landlord is providing utility services to the property, they may discontinue services if you are being evicted. They can 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 your name, the City of Peoria will not allow disconnection of services unless the landlord provides court documents showing you have been evicted.

What are some activities that could result in my immediate eviction?

Here are some of the conditions under which you may be declared to have committed an irreparable breach of your 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?

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

Can my landlord evict me if I don't keep my dwelling in a habitable condition?

The landlord can evict you if the dwelling is not maintained or you cause damage to the dwelling. The landlord may also make repairs at your expense. Examples of damages for which the landlord can hold you 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 your 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, the landlord has the right to refuse to rent to you if you will have more than two persons per bedroom. However, the landlord can choose to rent to more persons per bedroom. ARS §33-1317.

Does my landlord need a City of Peoria business license?

All landlords must obtain a business license. If you have reason to believe your landlord is not licensed, call the City of Peoria Sales Tax Section at 623-773-7112 and inquire if the landlord has a business license. If the landlord does not have a license, the City will send them an application to become licensed.

Why is my landlord charging me tax?

The City of Peoria tax rate on residential rental revenue is 1.8%. There is no state tax on residential rentals. The landlord may assess and collect the tax from you.

Can I refuse to allow the landlord to show the rental unit to prospective buyers, tenants, contractors, or mortgagees?

You cannot withhold consent to the landlord to show the premises to a prospective buyer, tenant, contractor, or mortgagee, as long as the landlord gives you at least two days notice. The landlord can enter only at reasonable times. You cannot deny entrance to the landlord. This includes changing the locks because this would prevent the landlord from entering the dwelling in case of emergencies. The landlord may enter your dwelling without your consent in case of an emergency such as fire, smoke, or noxious odors. ARS §33-1343.

What can I do if the landlord fails to make repairs?

You have several options if the landlord fails to maintain the dwelling:

- **Minor defects.** You have the right to have repairs made by a licensed contractor, after proper notice to the landlord. If the landlord fails to comply, you can have the repairs done and deduct up to \$300 dollars or one-half month's rent, whichever is greater. You must submit an itemized statement to the landlord and a lien waiver provided by the contractor. ARS §33-1363.

- **Wrongful failure to supply essential services such as heat, air conditioning, cooling, water or hot water.** If your landlord deliberately or negligently fails to provide essential services contrary to the rental agreement or the Arizona Residential Landlord and Tenant Act, you may give written notice to the landlord specifying the breach and may do one of the following. ARS §33-1363.
 - Obtain the essential services and deduct the actual reasonable cost from the rent;
 - Seek damages based on the decrease in the fair rental value of the dwelling;
 - Move to reasonable substitute housing during the period of the landlord's noncompliance, during you are excused from paying rent. If the cost of the substitute housing is higher than the regular rent, you may recover the additional cost from the landlord in an amount not to exceed 25 percent of the unpaid regular rent. ARS §33-1364.

A landlord who is aware of a problem and is slow to correct or repair it could be considered to have acted deliberately or negligently. You **cannot invoke** the above remedies if the condition was caused by members of your family through damage or misuse or was caused by any other person on the premises with your consent.

Do I have the right to terminate a rental agreement if the landlord failed to make repairs affecting health and safety?

If you gave a written five-day notice requesting repairs, and the landlord failed to make them, the you may move out after the end of the fifth day. ARS §33-1361.

Can the landlord refuse to rent to me because of my race, color, religion, sex, familial status, disability or national origin?

The landlord 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.

What are my rights under the Foreclosure Act of 2009?

The Helping Families Save Their Homes Act of 2009 signed into law on Wednesday, May 20th, 2009 (Pub. L. 111–22) provides a **90-day notice** requirement and additional protections for tenants in foreclosed properties. Here are the major provisions outlined under Title VII, Protecting Tenants at Foreclosure Act of 2009:

- During the term of the lease, the tenant has a right to remain in the unit and cannot be evicted, except for actions that constitute good cause.
- If the lease ends in less than 90 days, the new owner may not evict the tenant without giving the tenant at a minimum 90 days notice.
- At the end of the term of the lease, the new owner may terminate the tenancy if the new owner provides a 90-day notice.

- The new owner may terminate the tenancy if the owner will occupy the unit as a primary residence, and has provided the tenant a notice to vacate at least 90 days before the effective date of such notice. This is the only exception to the rule that the tenant may not be evicted during the term of the lease.
- These provisions expire on December 31, 2012.

Where can I get more information?

For information on renting a property in Peoria, setting up water, sewer, or trash services, or 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>

