

*“Is Your Rental Property in Compliance with the County Assessor?”*

BURNS AND BURNS, P.C. IS AN AV RATED LAW FIRM THAT REPRESENTS MULTI-GENERATIONAL FAMILIES AND BUSINESS OWNERS WITH THEIR ASSET PROTECTION, REAL ESTATE, AND ESTATE PLANNING NEEDS.

## Residential Rental Property Owner's Filing Requirements & Tenant's Rights

### Residential Rental Property Owner Filing Requirements

Owners of residential rental property are required to keep on file with the County Assessor's office the following information:

1) If owned by an individual, the property owner's name, address and telephone number or if owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust; the name, address and telephone number of any of the following is required:

- a) For a corporation, a corporate officer;
- b) For a partnership, a general partner;
- c) For a limited liability company, the managing or administrative member;
- d) For a limited partnership, a general partner;
- e) For a trust, a trustee; and
- f) For a real estate investment trust, a general partner or an officer.

Additional requirements are:

- 2) The street address and parcel number of the property; and
- 3) The year the building was built.

### County Assessor Update Requirements –

It is the owner's responsibility to update any information required within ten (10) days after a change in the information occurs.

### Out-of-State Residential Rental Property Owner Requirements

If the owner of a residential rental property lives outside the State of Arizona, the out of state residential rental property owner is required to designate and record with the county assessor's office the name and street address of a statutory agent who lives in Arizona and will accept legal service on behalf of the out-of-state owner.

### Penalties for New Owners of Residential Rental Property

This paragraph applies to persons/entities who acquire residential rental property after the previous property owner already received the property's assessed valuation notice. Thus, if a person/entity acquires a residential rental property after the date of the property's last notice of assessed value, the city or town where the property is located has the right to assess a penalty of one thousand dollars and no/cents (\$1,000.00) against the new owner, if they

fail to comply with the county assessor's recording requirements. In addition to the one thousand dollars and no/cents (\$1,000.00) penalty, the owner can also be charged one hundred dollars and no cents (\$100.00) each month starting from the date of the original violation until the owner's compliance. This penalty will accrue until the issuance of the next notice of assessed valuation is issued.

However, if the owner complies within ten (10) days after receiving the complaint that provides notice of the violation, the court shall dismiss the complaint and shall not impose the civil penalty.

### **Penalties for Existing Owners of Residential Rental Property**

This paragraph applies to persons/entities who own residential rental property. If a residential rental property owner fails to register with the county recorder, the city or town where the property is located has the right to impose a civil penalty in the amount of one hundred and fifty dollars and no/cents (\$150.00) per day for each day of violation after the date of the most recent notice of assessed valuations.

However, if the owner complies within ten (10) days after receiving the notice from the county assessor, the court shall dismiss the complaint and shall not impose the civil penalty.

### **Tenant's Rights if Owner of Residential Rental Property is Noncompliant**

For an existing lease or new lease entered into after August 25, 2004, if the owner of a residential rental property has not filed the required information with the county assessor, the tenant has the right to terminate

the tenancy (e.g. rental relationship/move-out).

If the tenant chooses to terminate the tenancy, the tenant shall deliver to the landlord, property owner or managing agent of the property a written ten (10) day notice requiring the residential rental property owner to perform their duties. The tenant must deliver the notice via certified mail, return receipt requested or by hand delivery. If the owner does not comply with the tenant's written request within ten (10) days of the receipt of tenant's letter, the tenant may terminate the rental agreement. Upon tenant's termination of the rental agreement, the tenant will be entitled to a return of all their prepaid rent and any security deposit owed to them by the landlord within ten (10) days of the date the rental agreement was terminated. Lastly, the landlord is required to return all monies owed to the tenant via certified mail, return receipt requested or by hand delivery.

### **About the Author Scott F. Burns, Esq.**

Scott F. Burns, Esq. is an Arizona attorney whose clientele include professional athletes, business owners, and families desirous of protecting their personal and professional legacies through the use of asset protection strategies, estate planning and business consulting.

For Additional Information  
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