ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: JUD DP 6-1-1-0 | 3rd Read 16-14-0-0
House: JUD DP 10-0-0-0

[SB 1322](): eviction proceedings; virtual appearances
Sponsor: Senator Petersen, LD 12
Caucus & COW

Overview
Requires a court to allow remote participation at an initial appearance in special detainer or forcible detainer proceedings.

History
In counties with a population over 2,000,000 people, a justice of the peace has original jurisdiction over special detainers and forcible detainers if the amount of rent requested is no more than $10,000 ([A.R.S. § 22-201]()).

A *forcible detainer* occurs if a tenant whose tenancy has been terminated remains in possession after receiving a written demand of possession from the landlord. A forcible detainer can also occur if, following a forcible entry and five days of written notice, the person who made the forcible entry refuses to return possession of the property ([A.R.S. § 12-1173]()). Forcible detainer proceedings may also arise after property has been sold, forfeited or foreclosed upon after the transfer of a title ([A.R.S. § 12-1173.01]()).

A *special detainer* follows a similar process as a forcible detainer, and occurs if: 1) a rental agreement is terminated or not renewed by the landlord; 2) the tenant fails to comply with the rental agreement; or 3) there is failure to pay rent ([A.R.S. § 33-1377]()). Similar statute creates special detainer action for mobile home parks ([A.R.S. § 33-1485]()).

Provisions
1. Permits any party, including an attorney or witness, to a special detainer or forcible detainer proceeding to participate remotely through either a telephone or video conference connection at an initial appearance if written notice is provided to the court. (Sec. 1)

2. Allows the court to require in-person attendance at subsequent hearings in a contested matter. (Sec. 1)

☐ Prop 105 (45 votes)　　☐ Prop 108 (40 votes)　　☐ Emergency (40 votes)　　☐ Fiscal Note