



1 that he cuts his own lawn because he planted the grass but the trees are the  
2 responsibility of the Park. In support of his contention, he relied on an Administrative  
3 Law Judge Decision issued in 2007 in which an Administrative Law Judge found that  
4 the Park in that case was responsible for the trees of the Park. (Exhibit A)

5 3. On the other hand, the Respondent argued that tenants in mobile home parks  
6 have always been responsible for the trees on their spaces due to the unique  
7 ownership rights enjoyed by mobile home owners. Respondent also argued that the  
8 2007 Administrative Law Judge Decision considered the statutory obligations imposed  
9 on mobile home park landlords without consideration of the statutory obligations of  
10 mobile home park tenants, possibly because the parties were not represented by  
11 attorneys in that case and the Administrative Law Judge may not have searched the  
12 law for further illumination of the issue.

### 13 CONCLUSIONS OF LAW

14 1. Pursuant to A.R.S. § 41-2198.01(A), "A person who is subject to title 33,  
15 chapter 11 or a party to a rental agreement entered into pursuant to title 33, chapter 11  
16 may petition the department for a hearing concerning violations of the Arizona mobile  
17 home parks residential landlord and tenant act by filing a petition with the department and  
18 paying a fifty dollar filing fee..."

19 2. Pursuant to A.R.S. § 41-2198.02(A), "The administrative law judge may order  
20 any party to abide by the statute or contract provision at issue and may levy a civil penalty  
21 on the basis of each violation..."

22 3. Pursuant to A.R.S. § 41-2198.02(B), "The order issued by the administrative  
23 law judge is binding on the parties unless a rehearing is granted pursuant to § 41-  
24 2198.04 based on a petitioner setting forth the reasons for the request for rehearing, in  
25 which case the order issued at the conclusion of the rehearing is binding on the parties.  
26 The order issued by the administrative law judge is enforceable through contempt of court  
27 proceedings."  
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1           4. Pursuant to A.R.S. § 33-1434(A)(2), mobile home park landlords are  
2 responsible to keep the “premises in a fit and habitable condition.”

3           5. Pursuant to A.R.S. § 33-1451(A), a mobile home park tenant “shall exercise  
4 diligence to maintain that part of the premises which he has rented in as good condition  
5 as when he took possession...”

6           6. The “premises” referred to in the statute is defined as “the mobile home park  
7 and its facilities...” A.R.S. § 33-1409(22).

8           7. A plain reading of the above statutes makes it clear that the landlord is  
9 responsible for the maintenance of the park in general, but, when a part of the premises  
10 (the space) is rented out, the tenant is responsible to maintain it.

11           8. Petitioner Terry Crouse made it clear at hearing that he did not expect the  
12 landlord to come onto his space to cut the grass or do other tasks that maintain the yard.  
13 He implied that this was because he planted the grass. However, this argument has no  
14 legal support. There is nothing in the law that distinguishes responsibility for the property  
15 by who planted anything. Mr. Crouse's testimony confirms the Respondent's argument  
16 that the tenants of a mobile home park have an expectation of privacy on their spaces,  
17 and the application of the 2007 Administrative Law Judge Decision militates against that  
18 very expectation, leading one to the conclusion that the Decision did indeed go against  
19 the traditional understanding in the mobile home park community that the tenant was  
20 responsible for the maintenance of his rented space. Additionally, the Respondent was  
21 correct in noting that the Decision neglected to consider A.R.S. § 33-1451(A), which  
22 clearly carves out an exception to the landlord's general responsibility.

23           9. The Petitioners in this matter failed to establish that the applicable law requires  
24 the mobile home park landlord to be responsible for the maintenance of the space once it  
25 has been rented to a tenant. To the contrary, the tenant has this responsibility, which  
26 includes the responsibility to trim the trees that grow on the rented space, regardless of  
27 who planted them.  
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**RECOMMENDED DECISION**

Based upon the foregoing considerations, the undersigned Administrative Law Judge hereby recommends that this Petition be denied in its entirety.

Done this day, October 5, 2010

/s/ Dorinda M. Lang  
Administrative Law Judge

Transmitted electronically to:

Gene Palma, Director  
Department of Fire Building and Life Safety