

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: CIVIL DISPUTES 3.13

SUBJECT: Civil Disputes

AZ POST DESIGNATION: 3.13

HOURS: 1

COURSE CONTENT:

An outline of the techniques and procedures for handling civil disputes are presented. Differences between civil and domestic disputes are stressed, applicable laws are described and the specific authority granted to law enforcement agencies are emphasized.

PERFORMANCE OBJECTIVES:

Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:

- 3.13.1 Identify the following provisions of A.R.S. pertaining to landlord-tenant disputes:
- A. Apartment keeper's lien (Title 33).
 - B. Eviction notices (Title 33).
 - C. Notice to terminate lease or rental agreement (Title 33).
 - D. Innkeeper/guest dispute (A.R.S. §§13-1504, 13-1602, 13-1802; A.R.S. §§33-951 and 33-952).
- 3.13.2 Identify the following basic responsibilities of a peace officer at the scene of a civil dispute (other than domestic violence):
- A. Keep the peace.
 - B. Determine if a crime has been committed.
 - C. Provide safety to individuals and property.
 - D. Attempt to refer or resolve the problem.

- E. Be tactful.
- F. Retain reasoning powers.

DATE FIRST PREPARED: February 2001

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	ALEA Instructors	DATE: August 2002
REVIEWED – REVISED:	SME Committee	DATE: July 2004
REVIEWED – REVISED:	SME Committee	DATE: April 2008
REVIEWED – REVISED:	Lt. Dave Kelly, ALEA	DATE: November 2009
REVIEWED – REVISED:	SME Committee	DATE: May 2010
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED:	SME Committee	DATE: November 2012
REVIEWED – REVISED:	SME Committee	DATE: November 2014
REVIEWED – REVISED:	AZPOST (Docx)	DATE: November 2021
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
AZ POST – APPROVAL:	Richard Watling	DATE: November 2014
AZ POST -- APPROVAL:	Lori Wait	DATE: November 2021

INSTRUCTOR REFERENCES: Interactive lecture and class discussion.

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY:

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 3.13 Civil Disputes

DATE RELEASED TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives.
- C. Introductory statement.
 - 1. Up to 75% of a law enforcement officer’s time is not spent on enforcing the law, but in handling non-criminal situations or incidents.
 - 2. One (1) of the types of incidents that a law enforcement officer will have to face, will be civil disputes.
 - 3. Civil disputes will range from a guest at a motel/ hotel, to disputes between tenants and landlords, to serving an eviction notice on somebody.
- D. Primary purpose of a law enforcement officer is to keep the peace and prevent the injury or death of the individuals involved as well as prevent the destruction of property.

II. LAWS PERTAINING TO CIVIL DISPUTES

- A. Residential landlord/tenant disputes. **P. O. 3.13.1**
 - 1. Residential landlord and tenant act (A.R.S. §33, Chapter 10) provides rules relating to most residential landlord/tenant relationships.
 - 2. Exceptions: Fraternities/sororities, federally regulated public housing, residence at an educational/medical institution, transient occupancy, manager/custodian or occupancy under a contract for sale.
- B. Apartment-keepers lien – basically, there is no such thing. A statute similar to this used to be in force. A landlord cannot put a lien on the personal property of a tenant due to non-payment of rent. **P. O. 3.13.1A**
 - 1. Eviction notices: **P. O. 3.13.1B**
 - a. A.R.S. §33-1368. Non-compliance with rental agreement by tenant; failure to pay rent, utility discontinuation.
 - 2. Paragraph A:
 - a. A Landlord must give written notice of acts/ omissions that broke the rental agreement and a 10-day notice to evict if breach is not remedied in 10 days after receipt of notice.
 - b. If a violation of health and safety code in A.R.S. §33-1341, the landlord may serve

a five (5)-day notice to evict if breach is not remedied in five (5) days after receipt of notice.

- c. If serious bodily injury or discharge of a weapon on premises, the landlord may deliver a written notice for immediate termination.

3. Paragraph B:

- a. Landlords may terminate utility services provided by the landlord following a Writ of Restitution.

C. A.R.S. §33-1370. Abandonment; notice remedies; personal property; definition.

P. O. 3.13.1C

1. Paragraph A:

- a. When a dwelling is abandoned according to section H, the landlord shall send a written notice by certified mail to the last known or alternate address of the tenant and post a copy on the door, or conspicuous place, on the property for five (5) days.

2. Paragraph B:

- a. After five (5) days have passed, the landlord may retake the property and re-rent it. Security deposit by renter is forfeited.

3. Paragraph C:

- a. Renter agreement is terminated upon being rented to someone else.

4. Paragraph D:

- a. Landlords may remove the renter's personal property and send a certified letter to the last known address of rent as to the location of the property.

5. Paragraph E:

- a. Ten (10) days after the landlord's declaration of abandonment and the tenant makes no reasonable effort to recover the property, the landlord may sell the property and apply the proceeds to the unpaid rent.
- b. Any excess proceeds shall be mailed to the tenant.

6. Paragraph F:

- a. For a period of 12 months, the landlord shall keep records of the unpaid rent and the sale of property as well as hold the proceeds of the sale.

7. Paragraph G:
- a. If the tenant notifies the landlord in writing on, or before, the date the landlord sells the property, he/she may reclaim the property within five (5) days.
 - b. To reclaim the property, the tenant must pay for the removal and storage of the property.

D. Innkeeper/guest disputes.

P. O. 3.13.1D

- 1. Innkeeper/guest disputes refer to the disputes and problems that are encountered at a motel/hotel.
 - a. There are several laws that pertain to these types of disputes that may be encountered.
 - b. Criminal violations include:
 - i. Issuance of bad checks.
 - ii. Criminal trespass.
 - iii. Criminal damage.
 - iv. Theft.
- 2. Remedies to the innkeeper include:
 - a. Innkeepers' liens. A.R.S. §33-951 authorizes the innkeeper to hold personal property as a lien until the bill is paid.
 - b. A.R.S. §33-952 authorizes the innkeeper to sell property at public auction in order to pay a debt after a waiting period of four (4) months.
 - c. Requirement to post – innkeepers are required by law to post a copy of the innkeeper's lien statutes (A.R.S. §§33-951 and 33-952) in each room.

III. BASIC RESPONSIBILITIES OF A PEACE OFFICER AT THE SCENE OF A CIVIL DISPUTE

A. Keep the peace.

P. O. 3.13.2

P. O. 3.13.2A

B. Determine if a crime has been committed.

P. O. 3.13.2B

C. Provide safety to individuals and property.

P. O. 3.13.2C

D. Attempt to refer or resolve the problem.

P. O. 3.13.2D

E. Be tactful.

P. O. 3.13.2E

F. Retain reasoning powers.

P. O. 3.13.2F

IV. CONCLUSION

A. Review of performance objectives.

B. Final questions and answers.

C. Instructor closing comment(s).