

Alaska State Legislature House of Representatives

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Sponsor Statement HB 282 – Residential Landlord Tenant Act

Alaska adopted the Uniform Residential Landlord Tenant Act (RLTA) in 1973. The mid-70s was the height of the pipeline construction era and it brought out the worse abuses by landlords as would-be tenants scrambled to find scarce housing.

Its last update was in the mid 90's and new circumstances, technologies and laws require Alaska to review and tweak the rules. HB 282 incorporates changes to protect the tenant without being burdensome to landlords. In conjunction with the federal Violence Against Women Act, House Bill 282 gives new protections to victims of domestic violence. It integrates property management best practices and protects against abuses by either landlord or tenant.

Highlights of the bill include:

Pet deposit

HB 282 allows landlords to include a separate pet deposit, thus permitting more dwellings to have pets. Currently pet damage can easily exceed security deposits so landlords exclude them as a general rule because the potential damage cannot be covered under the current caps.

Define Normal Wear and Tear

A problem identified by property managers and tenants was the lack of a suitable definition of normal wear and tear.

Require Landlords to Maintain Separate Accounting of Security Funds

There have been cases of using Peter's money to pay Paul's damages and that's not fair to Peter. The security and damage deposits paid to the landlord are in trust for that particular renter and shouldn't be used to cover the cost of repair to a different dwelling. This does not require a separate account for each one but separate accounting of each deposit.

Confirm Premise Condition

Similar to renting a car from a car rental firm, the tenant will acknowledge and the landlord will verify the condition of the property upon possession. Either party may use this as the basis to determine if payment for damages is necessary.

Permit Rental of Dry Cabins

Uniform law doesn't currently permit renting facilities that do not have running water. Renting dry cabins in Alaska is common and sometimes highly sought after. As long as both parties desire and recognize the condition, it is permitted.

Allow Landlords to Restrict the Number of Persons in a Dwelling

HUD housing has occupancy restrictions but if a building isn't financed by HUD there aren't any guidelines in law. Landlords may limit the number of persons in a dwelling based on applicable law or covenants.

Permits a Victim of Domestic Abuse Early Termination

If a tenant is the victim of domestic violence, stalking or sexual assault and wants to terminate their lease, they can within 10 days given certain provisions.

Eviction of Tenants for Illegal Activities

Current law has not allowed landlords to expedite eviction of tenants for illegal activities such as drug manufacturing, dealing or prostitution.

Provides Greater Clarity on the Definition of "Transient Occupancy"

Transient housing is defined as presence or stay of an individual for less than 30 consecutive days.

Permits Landlords to Attach PFD for Unpaid Rent or Damages

Landlord will now be able to attach a tenant's Permanent Fund Dividend distribution if they have a judgment for unpaid rent or damages.