

Alaska State Legislature House of Representatives

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Session

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Sectional Analysis HB 282 version N

Section 1, 2 & 3

Simply removes the reference to the word “Uniform” in the Residential Landlord Tenant Act. (RLTA)

The Uniform Law Commission was established in 1892 to provide states with non-partisan legislation that brings clarity and stability to critical areas of state statutory law. In Alaska we have often used uniform laws in our commerce law (UCC codes), but it has also been used to establish the Landlord Tenant contract law. The Uniform Law Commission (www.uniformlaws.org) first enacted the Uniform Residential Landlord Tenant Act in 1972. Alaska adopted it (1973). The RLTA is currently enacted in 21 states.

While the RLTA is currently under review by the commission¹, and may incorporate many of the changes this bill suggests, the changes proposed are not currently part of the uniform law, thus our legislative team felt we need to remove the word “uniform” in the title and references throughout the bill.

Section 4

“Landlord and tenant” replaces [Parties] for clearer understanding.

Section 5

Reaffirms the maximum prepaid rent except in the case of a pet. It allows landlords to request and maintain an additional amount for potential damage caused by a pet. Persons with pets would/could pay an additional amount over and above the cap of two months’ rent but not more than three months.

¹ <http://www.uniformlaws.org/Committee.aspx?title=Residential Landlord and Tenant Act>

Page

Section 6

Includes a definition for normal wear and tear and is further defined in Section 9 on Page 7 lines 12 & Section 13 Page 10 lines 4-9

Section 7

Changes a semicolon to a period.

Specifically requires the landlord to separately account for each tenant's prepaid rent and security deposits and restricts their use for the intended tenant's unit. "Separately accounting for" is a bookkeeping methodology and doesn't require the creation of a separate bank account for each unit.

Section 8

Allows the landlord to have up to 30 days to return a security deposit if damage has occurred. This allows the landlord to acquire bids or work estimates prior to assessing the cost of the repair and refund.

Section 9

Allows for an additional deposit over and above the current security deposit maximums to allow for pets, defines normal wear and tear and brings forward the American Disabilities Act definition of "service animals" as opposed to pets or "comfort animals."

Section 10

Requires tenant and landlord sign a premises condition statement. This gives both the tenant and the landlord a mutually agreed upon basis to determine damages or "normal wear and tear" at the end of the agreement.

Section 11

Permits rental of dry cabins if both parties agree.

Section 12

This allows a landlord to restrict the number of inhabitants in a dwelling to levels allowed by law or covenants.

Section 13

Asks the tenant to leave the premises in substantially the same condition, including in the landlord's discretion, professionally cleaning carpets if the carpets were professionally cleaned before tenancy began.

Section 14

Adds a new section allowing for early termination as a result of domestic violence, sexual assault or stalking. If someone is a victim of domestic violence, especially from an occupant in the same premises, they will be allowed to terminate within 10 days if certain conditions are met.

- Notice must be delivered to the landlord within 30 days after the incident
- Provide a copy of the complaint provided by a law enforcement agency or court related to the incident
- Noting the approximate date of the most recent incident
- Date the individual will terminate the rental agreement
- State if the perpetrator was a tenant
- Whether a tenant other than the individual providing notice intends to continue to occupy the premises
- Provide a plan for tenant to remove or retrieve personal property from the premises
- Contact information for the purpose of refunds

Section 15

Permits the landlord to evict a tenant that is engaged in prostitution or other illegal activities between 1-5 days.

Grammatical change (“on” replaces “upon”)

Grammatical change (“days” instead of “days”)

Section 16

Gives a stronger definition of “transient occupancy”. It is meant to refer to people staying less than a month in a dwelling. If they stay at an extended stay hotel more than 30 consecutive days then they would be afforded the privileges and protections of this law.

Section 17

Removes the word “Uniform” from the title of the act.

Section 18

Landlords will be able to attach a tenant's permanent dividend check for a judgment of unpaid rent or damage.