

CS FOR SENATE BILL NO. 6(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/22/01

Referred: Rules

Sponsor(s): SENATORS ELLIS, Davis

REPRESENTATIVES Guess, Croft, Murkowski

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to required notice of eviction to mobile home park dwellers and**
2 **tenants before redevelopment of the park."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 09.45.090(a) is amended to read:

5 (a) For property to which the provisions of AS 34.03 (Uniform Residential
6 Landlord and Tenant Act) apply, unlawful holding by force includes each of the
7 following:

8 (1) when, for failure or refusal to pay rent due on the lease or
9 agreement under which the tenant or person holds, and after service, under
10 AS 09.45.100(b), of the written notice required by AS 34.03.220(b) by the landlord for
11 recovery of possession of the premises if the rent is not paid, the tenant or person in
12 possession fails or refuses to vacate or pay the rent within seven days;

13 (2) when,

14 (A) after a violation of a condition or covenant set out in

1 AS 34.03.120(a), other than a breach of AS 34.03.120(a)(5) due to the
2 deliberate infliction of substantial damage to the premises, or after a breach or
3 violation of a condition or covenant in a lease or rental agreement and
4 following service of written notice to quit, the tenant fails or refuses to remedy
5 the breach or to deliver up the possession of the premises within the number of
6 days provided for termination under AS 34.03.220(a)(2);

7 (B) after a violation of AS 34.03.120(a)(5) by deliberate
8 infliction of substantial damage to the premises, following service of written
9 notice to quit, the tenant fails or refuses to deliver up the possession of the
10 premises by the date set out in the written notice to quit under
11 AS 34.03.220(a)(1);

12 (C) after a violation of AS 34.03.220(e) following
13 discontinuance of a public utility service, following service of written notice to
14 quit, the tenant fails or refuses to deliver up the possession of the premises by
15 the date set out in the written notice to quit under AS 34.03.220(e);

16 (D) the landlord requires the tenant to vacate the premises for a
17 reason set out in AS 34.03.310(c)(2) or (c)(4) - (7), following service of
18 written notice to quit, the tenant fails or refuses to deliver up the possession of
19 the premises within the longer of 30 days or the period of notice for the
20 landlord's recovery of possession of the premises set out in the rental
21 agreement;

22 (E) in a mobile home park, there is to be a change in the use of
23 land for which termination of tenancy is authorized by AS 34.03.225(a)(4),
24 following service of written notice to quit, the mobile home dweller or tenant
25 fails or refuses to vacate within the **period** [NUMBER OF DAYS] provided
26 for termination under AS 34.03.225(a)(4);

27 (F) after termination of a periodic tenancy as prescribed by
28 AS 34.03.290(a) or (b), following service of written notice to quit, the tenant
29 remains in possession without the landlord's consent after expiration of the
30 term of the rental agreement or after the date of its expiration;

31 (G) after the tenant has violated AS 34.03.120(b) or the tenant

1 has used the dwelling unit or allowed the dwelling unit to be used for an illegal
 2 purpose in violation of AS 34.03.310(c)(3) other than a breach of
 3 AS 34.03.120(b), following service of written notice to quit, the tenant fails or
 4 refuses to deliver up the possession of the premises within five days; or

5 (H) following service of written notice to quit, a person in
 6 possession continues in possession of the premises without a valid rental
 7 agreement, as that term is defined in AS 34.03.360, and without the consent of
 8 the landlord; or

9 (3) when, without a notice to quit, a tenant or person in possession
 10 continues in possession of the premises after the tenancy has been terminated by
 11 issuance of an order of abatement under AS 09.50.210(a).

12 * **Sec. 2.** AS 34.03.225(a) is amended to read:

13 (a) A mobile home park operator may evict a mobile home or a mobile home
 14 park dweller or tenant only for one of the following reasons:

15 (1) the mobile home dweller or tenant has defaulted in the payment of
 16 rent owed;

17 (2) the mobile home dweller or tenant has been convicted of violating
 18 a federal or state law or local ordinance, and that violation is continuing and is
 19 detrimental to the health, safety, or welfare of other dwellers or tenants in the mobile
 20 home park;

21 (3) the mobile home dweller or tenant has violated a provision,
 22 enforceable under AS 34.03.130, of the rental agreement or lease signed by both
 23 parties and not prohibited by law including rent and the terms of agreement; and

24 (4) a change in the use of the land comprising the mobile home park,
 25 or the portion of it on which the mobile home to be evicted is located; however, all
 26 dwellers or tenants so affected by a change in land use shall be given **a quit date**
 27 **during the calendar year falling no earlier than May 1 and no later than**
 28 **October 15, and** at least **365** [180] days' notice, or longer if a longer notice period is
 29 provided in a valid lease, **except that only 180 days' notice is required if a suitable**
 30 **place to relocate the mobile home is found and the mobile home park owner or**
 31 **operator pays the disconnection, relocation, and reestablishment costs of the**

1 mobile home or \$5,000, whichever is less, and a longer notice period is not
 2 provided in a valid lease. If the change in land use requires relocating 10 or more
 3 mobile homes, the mobile home park owner or operator may contribute to a
 4 pooled relocation fund \$5,000 for each mobile home being relocated, and the
 5 relocation fund shall pay the actual disconnection, relocation, and
 6 reestablishment costs of each mobile home; however, the relocation fund may not
 7 be required to pay more than the total received from the owner or operator.

8 * **Sec. 3.** AS 34.08.620(a) is amended to read:

9 (a) A declarant of a common interest community containing conversion
 10 property, and any dealer who intends to offer units in a common interest community
 11 containing conversion units, shall give each residential tenant and each residential
 12 subtenant in possession of a portion of conversion property notice of the conversion
 13 and provide each person with the public offering statement no later than 180 days
 14 before the tenant and any subtenant in possession are required to vacate. If the
 15 conversion property consists of a mobile home park, notice of the conversion and
 16 delivery of a public offering statement shall be provided no later than one year before
 17 the tenant and any subtenant in possession are required to vacate, with a quit date
 18 during the calendar year falling no earlier than May 1 and no later than
 19 October 15. The notice must set out generally the rights of tenants and subtenants
 20 under this section and shall be hand delivered to the tenant or subtenant in possession
 21 or mailed by certified mail, return receipt requested, to the tenant and subtenant at the
 22 address of the unit or any other mailing address provided by a tenant. The failure to
 23 give notice as required by this section is a defense to an action for possession and the
 24 terms of the tenancy may not be altered during the notice period provided by this
 25 subsection. A tenant or subtenant may not be required to vacate upon less than 180
 26 days' notice and a tenant and a subtenant in possession in a mobile home park may not
 27 be required to vacate upon less than one year's notice except for one of the following
 28 reasons:

29 (1) the tenant or subtenant has defaulted in the payment of rent owed;

30 (2) the tenant or subtenant has been convicted of violating a federal or
 31 state law or local ordinance, and that violation is continuing and is detrimental to the

1 health, safety, or welfare of other dwellers or tenants in the mobile home park; and
2 (3) the tenant or subtenant has violated a provision, enforceable under
3 AS 34.03.130, of the rental agreement or lease signed by both parties and not
4 prohibited by law including rent and the terms of agreement.