

**CS FOR HOUSE BILL NO. 351(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/1/04

Referred: Judiciary

Sponsor(s): REPRESENTATIVES GATTO AND GRUENBERG, Gara, Meyer, Guttenberg, Kerttula

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the devices, including carbon monoxide detection devices, required**  
2 **in dwellings; and providing for an effective date."**

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

4 **\* Section 1.** AS 18.70.095(a) is amended to read:

5 (a) Smoke detection devices shall be installed and maintained in all dwelling  
6 units in the state, **and carbon monoxide detection devices shall be installed and**  
7 **maintained in all qualifying dwelling units in the state.** The **smoke detection**  
8 devices **must** [SHALL] be of a type and **shall be** installed in a manner approved by  
9 the state fire marshal. **The carbon monoxide detection devices must have an alarm**  
10 **and shall be installed and maintained according to manufacturers'**  
11 **recommendations.**

12 **\* Sec. 2.** AS 18.70.095(b) is amended to read:

13 (b) In a dwelling unit occupied under the terms of a rental agreement or under  
14 a month-to-month tenancy,

1 (1) at the time of each occupancy, the landlord shall provide smoke  
 2 detection devices and, if the dwelling unit is a qualifying dwelling unit, carbon  
 3 monoxide detection devices; the devices must be in working condition, and, after  
 4 notification by the tenant, the landlord shall be responsible for replacement; and

5 (2) the tenant shall keep the devices in working condition by keeping  
 6 charged batteries in battery-operated devices, if possible, by testing the devices  
 7 periodically, if possible, and by refraining from permanently disabling the devices.

8 \* **Sec. 3.** AS 18.70.095(c) is amended to read:

9 (c) If a landlord did not know and had not been notified of the need to repair  
 10 or replace a smoke detection device or a carbon monoxide detection device, the  
 11 landlord's failure to repair or replace the device may not be considered as evidence of  
 12 negligence in a subsequent civil action arising from death, property loss, or personal  
 13 injury.

14 \* **Sec. 4.** AS 18.70.095(d) is repealed and reenacted to read:

15 (d) In this section,

16 (1) "dwelling unit" has the meaning given in AS 34.03.360;

17 (2) "landlord" has the meaning given in AS 34.03.360;

18 (3) "qualifying dwelling unit" means a dwelling unit that

19 (A) contains or is serviced by a carbon-based-fueled appliance  
 20 or device that produces by-products of combustion;

21 (B) has an attached garage or carport; or

22 (C) is adjacent to a parking space;

23 (4) "rental agreement" has the meaning given in AS 34.03.360;

24 (5) "tenant" has the meaning given in AS 34.03.360.

25 \* **Sec. 5.** AS 34.03.100(a) is amended to read:

26 (a) The landlord shall

27 (1) make all repairs and do whatever is necessary to put and keep the  
 28 premises in a fit and habitable condition;

29 (2) keep all common areas of the premises in a clean and safe  
 30 condition;

31 (3) maintain in good and safe working order and condition all

1 electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other  
 2 facilities and appliances, including elevators, supplied or required to be supplied by  
 3 the landlord;

4 (4) provide and maintain appropriate receptacles and conveniences for  
 5 the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of  
 6 the dwelling unit and arrange for their removal;

7 (5) supply running water and reasonable amounts of hot water and heat  
 8 at all times, insofar as energy conditions permit, except where the building that  
 9 includes the dwelling unit is so constructed that heat or hot water is generated by an  
 10 installation within the exclusive control of the tenant and supplied by a direct public  
 11 utility connection;

12 (6) if requested by the tenant, provide and maintain locks and furnish  
 13 keys reasonably adequate to ensure safety to the tenant's person and property; and

14 (7) provide smoke detection devices **and carbon monoxide detection**  
 15 **devices** as required under AS 18.70.095.

16 \* **Sec. 6.** AS 34.03.120(a) is amended to read:

17 (a) The tenant

18 (1) shall keep that part of the premises occupied and used by the tenant  
 19 as clean and safe as the condition of the premises permit;

20 (2) shall dispose all ashes, rubbish, garbage, and other waste from the  
 21 dwelling unit in a clean and safe manner;

22 (3) shall keep all plumbing fixtures in the dwelling unit or used by the  
 23 tenant as clean as their condition permits;

24 (4) shall use in a reasonable manner all electrical, plumbing, sanitary,  
 25 heating, ventilating, air-conditioning, kitchen, and other facilities and appliances  
 26 including elevators in the premises;

27 (5) may not deliberately or negligently destroy, deface, damage,  
 28 impair, or remove a part of the premises or knowingly permit any person to do so;

29 (6) may not unreasonably disturb, or permit others on the premises  
 30 with the tenant's consent to unreasonably disturb, a neighbor's peaceful enjoyment of  
 31 the premises;

1                   (7) shall maintain smoke detection devices **and carbon monoxide**  
2 **detection devices** as required under AS 18.70.095;

3                   (8) may not, except in an emergency when the landlord cannot be  
4 contacted after reasonable effort to do so, change the locks on doors of the premises  
5 without first securing the written agreement of the landlord and, immediately after  
6 changing the locks, providing the landlord a set of keys to all doors for which locks  
7 have been changed; in an emergency, the tenant may change the locks and shall,  
8 within five days, provide the landlord a set of keys to all doors for which locks have  
9 been changed and written notice of the change; and

10                   (9) may not unreasonably engage in conduct, or permit others on the  
11 premises to engage in conduct, that results in the imposition of a fee under a municipal  
12 ordinance adopted under AS 29.35.125.

13 \* **Sec. 7.** This Act takes effect January 1, 2005.