

Original sponsor: Parker and McKinnon

Offered: 5/17/76
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 829

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mobile home parks and mobile home
7 park dwellers."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 34.03.040(b) is amended to read:

10 (b) A provision prohibited by (a) or (c) of this section included
11 in a rental agreement is unenforceable. If a landlord or tenant wil-
12 fully uses a rental agreement containing provisions known by him to be
13 prohibited, the other party may recover the amount of his actual dam-
14 ages.

15 * Sec. 2. AS 34.03.040 is amended by adding a new subsection to read:

16 (c) No rental agreement between a mobile home park operator and a
17 mobile home park tenant may

18 (1) deny a tenant of a mobile home park the right to sell the
19 tenant's mobile home within the park or require the resident or tenant
20 to remove the mobile home from the park solely on the basis of the sale
21 of the mobile home, nor may the mobile home park operator make a rule or
22 regulation to the same effect, except that, within 30 days of written
23 notice by the tenant of intent to sell the mobile home to a specified
24 buyer, the operator or owner of the mobile home park may refuse to allow
25 a sale only for the following reasons:

26 (A) the mobile home is in substantial violation of laws
27 or ordinances relating to health, safety or welfare;

28 (B) the proposed buyer refuses to assume the same terms
29 as are in the existing rental agreement; or

1 (C) the proposed buyer does not have sufficient finan-
2 cial responsibility;

3 (2) require a tenant to provide permanent improvements that
4 become a part of the real property of the mobile home park owner or
5 operator as a condition of tenancy in the mobile home park; however, the
6 rental agreement may require the tenant to maintain existing conditions
7 in the park;

8 (3) require payment of any type of vendor or transfer fee
9 either by a tenant in the mobile home park desiring to sell his mobile
10 home to another party or by any party desiring to purchase a mobile home
11 from a tenant in the park as a condition of tenancy; however, this
12 paragraph does not prevent the owner or operator from applying normal
13 park standards to prospective tenants before granting or denying tenancy
14 or from charging a reasonable vendor or transfer fee for services
15 actually performed if the tenant is notified in writing of the amount of
16 those charges before agreeing to move into the park; or

17 (4) require the prospective tenant to pay a fee to enter the
18 mobile home park or a tenant to pay a fee to transfer his mobile home to
19 another location outside the park; however, this paragraph does not
20 prevent the owner or operator from charging a reasonable fee for ser-
21 vices actually performed and if the tenant is notified in writing of the
22 amount of those charges before agreeing to move into the park.

23 * Sec. 3. AS 34.03.080 is amended by adding a new subsection to read:

24 (d) A mobile home park operator shall disclose fully in writing
25 all capital improvements that will be required to be made by the tenant
26 including but not limited to skirting or utility hook-ups, before
27 entering into a rental agreement.

28 * Sec. 4. AS 34.03.130 is amended by adding a new subsection to read:

29 (c) A mobile home park operator may determine by rule or regula-

1 tion the style or quality of the equipment, including but not limited to
2 underskirting and tie-downs, to be purchased by the tenant from the
3 vendor of the tenant's choice; however, the operator may not require
4 that the equipment be purchased from the operator.

5 * Sec. 5. AS 34.03 is amended by adding a new section to read:

6 Sec. 34.03.225. LIMITATIONS ON MOBILE HOME PARK OPERATOR'S RIGHT
7 TO TERMINATE. A mobile home park operator may evict a mobile home or a
8 mobile home park dweller or tenant only for one of the following reasons:

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

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

15 (3) the mobile home dweller or tenant has substantially
16 violated a rule or regulation properly established by the operator and
17 agreed to by both parties; or

18 (4) a change in the use of the land comprising the mobile
19 home park, or the portion of it on which the mobile home to be evicted
20 is located; however, all dwellers or tenants so affected by a change in
21 land use shall be given at least 90 days notice, or longer if a longer
22 notice period is provided in a valid lease.

23 * Sec. 6. AS 45.30 is amended by adding a new section to read:

24 CHAPTER 30. [STANDARD FOR] MOBILE HOMES
25 AND MOBILE HOME PARKS.

26 Sec. 45.30.070. CERTAIN LANDLORD-VENDOR AGREEMENTS PROHIBITED.

27 A vendor of mobile homes may not require as a condition of sale that a
28 purchaser locate the mobile home in a particular mobile home park or in
29 one of a particular group of mobile home parks.