

Offered: 4/4/85
Referred: Rules

Original sponsors: Ringstad, Duncan,
Sund, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 155 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to notice requirements on the clo-
7 sure of mobile home parks and permitting the estab-
8 lishment of horizontal property regimes for mobile
9 homes; and providing for an effective date."

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

11 * Section 1. AS 34.03.225 is amended to read:

12

Sec. 34.03.225. LIMITATIONS ON MOBILE HOME PARK OPERATOR'S

13

RIGHT TO TERMINATE. A mobile home park operator may evict a mobile
14 home or a mobile home park dweller or tenant only for one of the
15 following reasons:

16

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

18

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

22

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

26

(4) a change in the use of the land comprising the mobile
27 home park, or the portion of it on which the mobile home to be evicted
28 is located; however, all dwellers or tenants so affected by a change
29 in land use shall be given at least 180 days' [90 DAYS] notice, or

1 longer if a longer notice period is provided in a valid lease.

2 * Sec. 2. AS 34.03.225 is amended by adding a new subsection to read:

3 (b) A mobile home park operator may not evict a mobile home or a
4 mobile home park dweller or tenant because of the age of the mobile
5 home. This does not prohibit eviction for violation of a provision
6 enforceable under AS 34.03.130 that requires that a mobile home be in
7 a fit and habitable condition.

8 * Sec. 3. AS 34.07 is amended by adding a new section to read:

9 ARTICLE 8. HORIZONTAL PROPERTY REGIME FOR MOBILE HOMES.

10 Sec. 34.07.500. HORIZONTAL PROPERTY REGIME FOR MOBILE HOMES.

11 (a) Notwithstanding the provisions of AS 34.07.010 - 34.07.460, a
12 horizontal property regime for mobile homes may be established as an
13 estate in real property consisting of an undivided interest in common
14 in a portion of the real property together with a separate interest in
15 space, the boundaries of which are described in a declaration filed by
16 the sole owner or all of the owners of the property and which complies
17 to the extent applicable with AS 34.07.020.

18 (b) The portion of the parcel of real property held in undivided
19 interest may be all of the real property of an existing parcel except
20 for the separate interests in space without regard to any three-dimen-
21 sional aspects of the real property if the purpose of the horizontal
22 property regime is the establishment of a horizontal property regime
23 for mobile homes.

24 (c) A person who intends to convert a mobile home park into a
25 horizontal property regime for mobile homes under this section shall
26 give each tenant and each subtenant in possession of a portion of the
27 conversion land notice of the conversion no later than 180 days before
28 the tenant and any subtenant in possession is required to vacate. The
29 notice must set out generally the rights of tenants and subtenants

1 under this section and must be hand delivered to the tenant or sub-
2 tenant in possession or mailed by certified mail, return receipt
3 requested, to the tenant and subtenant at the address of the unit or
4 any other mailing address provided by a tenant. A tenant or subtenant
5 may not be required to vacate upon less than 180 days' notice except
6 by reason of nonpayment of rent, waste, or conduct that constitutes a
7 continuing private nuisance, and the terms of the tenancy may not be
8 altered during the period. The failure to give notice as required by
9 this section is a defense to an action for possession.

10 (d) For 60 days after delivery or mailing of the notice des-
11 cribed in (c) of this section, the person required to give the notice
12 shall offer to convey the unit or proposed unit to the tenant. If a
13 tenant fails to purchase the unit during the 60-day period, the
14 offeror may not offer to dispose of an interest in the unit during the
15 following 180 days at a price or on terms more favorable to the
16 offeree than the price or terms offered to the tenant.

17 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).