

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR FAHRENKAMP

Introduced: 1/21/91

Referred: State Affairs, Judiciary and Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the statement of the duties of the office of public advocacy,
 2 Department of Administration, to add responsibilities for mediation of landlord-tenant
 3 disputes arising under the Uniform Residential Landlord and Tenant Act and disputes
 4 involving tenants in certain state-assisted housing."

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

6 * Section 1. AS 18.55.130(a) is amended to read:

7 (a) In the operation or management of low-cost housing projects, the authority shall from
 8 time to time establish rents and requirements for admission of tenants to low-cost housing
 9 projects of the authority in each city or borough of any class in which low-cost housing projects
 10 of the authority are located. The rents and requirements for admission

11 (1) are subject to the approval of the United States Department of Housing and
 12 Urban Development; and

13 (2) shall, if requested by the tenant or prospective tenant, include a provision
 14 making disputes between the landlord and tenant subject to the mediation services program

1 established by the office of public advocacy under AS 44.21.410(a)(8) and 44.21.415.

2 * Sec. 2. AS 34.03.020(a) is amended to read:

3 (a) The landlord and tenant may include in a rental agreement clauses and conditions not
4 prohibited by this chapter or by law, including rent, terms of agreement, mediation of landlord-
5 tenant disputes by the office of public advocacy under AS 44.21.410(a)(8) and 44.21.415, and
6 other provisions governing the rights and obligations of the parties.

7 * Sec. 3. AS 44.21.410(a) is amended to read:

8 (a) The office of public advocacy shall

9 (1) perform the duties of the public guardian under AS 13.26.360 - 13.26.410;

10 (2) provide visitors and experts in guardianship proceedings under AS 13.26.131;

11 (3) provide guardian ad litem services to children in child protection actions under
12 AS 47.17.030(e) and to wards and respondents in guardianship proceedings who will suffer
13 financial hardship or become dependent upon a government agency or a private person or agency
14 if the services are not provided at state expense under AS 13.26.112;

15 (4) provide legal representation in guardianship proceedings to respondents who
16 are financially unable to employ attorneys under AS 13.26.106(b), to indigent parties in cases
17 involving child custody in which the opposing party is represented by counsel provided by a
18 public agency, to indigent parents or guardians of a minor respondent in a commitment
19 proceeding concerning the minor under AS 47.30.775;

20 (5) provide legal representation and guardian ad litem services under
21 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on Juveniles); in
22 cases involving petitions to adopt a minor under AS 25.23.125(b) or petitions for the termination
23 of parental rights on grounds set out in AS 25.23.180(c)(3); in cases involving petitions to
24 remove the disabilities of a minor under AS 09.55.590; in children's proceedings under
25 AS 47.10.050(a); and in cases involving indigent persons who are entitled to representation under
26 AS 18.85.100 and who cannot be represented by the public defender agency because of a conflict
27 of interests;

28 (6) develop and coordinate a program to recruit, select, train, assign, and supervise
29 volunteer guardians ad litem from local communities to aid in delivering services in cases in
30 which the office of public advocacy is appointed as guardian ad litem;

31 (7) provide guardian ad litem services in proceedings under AS 12.45.046;

1 (8) establish and maintain a program to mediate disputes between landlords
2 and tenants under AS 44.21.415; in the program established under this paragraph, the office
3 of public advocacy may use volunteers as mediators.

4 * Sec. 4. AS 44.21 is amended by adding a new section to read:

5 Sec. 44.21.415. MEDIATION SERVICES. (a) A landlord or a tenant may seek to
6 mediate disputes between the parties as to the disposition of an obligation of either of them
7 arising out of a rental agreement.

8 (b) Mediation shall be conducted informally as a conference, or by telephone, or by a
9 series of conferences, as determined by the mediator. The parties to the action shall attend.

10 (c) If the mediator determines that mediation efforts are unsuccessful, the mediator shall
11 terminate mediation and notify the parties that mediation efforts have failed. Thereafter, the
12 parties may seek to use other remedies provided by law.

13 (d) The office of public advocacy shall adopt regulations under which landlords and
14 tenants may initiate mediation services under this section.