

**CS FOR SENATE BILL NO. 63 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered: 3/1/91
Referred: Judiciary and Finance
Sponsor(s): SENATOR FAHRENKAMP**

A BILL

FOR AN ACT ENTITLED

**1 "An Act requiring the Department of Community and Regional Affairs to establish and
2 evaluate a pilot mediation project for landlord-tenant disputes arising under the Uniform
3 Residential Landlord and Tenant Act; and providing for an effective date."**

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

**5 * Section 1. LANDLORD-TENANT MEDIATION PROJECT. (a) A landlord-tenant mediation
6 project is established to determine whether mediation may profitably resolve disputes between landlords
7 and tenants arising under the Uniform Residential Landlord and Tenant Act (AS 34.03). In order to
8 determine whether the best interests of the parties can be served by mediation, the Department of
9 Community and Regional Affairs shall**

**10 (1) establish a mediation project using mediators to mediate landlord-tenant disputes; the
11 pilot mediation project shall be located in and serve residents of the Fourth Judicial District of the state;
12 and**

**13 (2) evaluate the mediation project established under (1) of this subsection; the evaluation
14 must measure**

- 1 (A) the success of the project in terms of its ability to promote and serve the best
- 2 interests of the parties;
- 3 (B) the satisfaction of the legitimate and appropriate needs of the persons who
- 4 participate in the project;
- 5 (C) the project's efficiency;
- 6 (D) the project's economy; and
- 7 (E) whether the project has reduced litigation relating to landlord-tenant disputes.

8 (b) In establishing the mediation project under (a) of this section, the Department of Community
9 and Regional Affairs shall

10 (1) adopt regulations for the initial contact and for the mediation orientation session that
11 describe the process and purpose of mediation and inform the parties of their rights and the scope and
12 purpose of the project before mediation begins;

13 (2) consult with other states to determine their experiences with mediation and to obtain
14 their recommendations relating to mediation disputes; and

15 (3) develop a list of qualifications for persons who may serve as mediators, including
16 persons who volunteer to serve as mediators.

17 (c) A landlord or a tenant may seek to mediate disputes between the parties as to the disposition
18 of an obligation of either of them arising out of a rental agreement.

19 (d) Mediation shall be conducted between a landlord and a tenant who agree to the mediation.
20 Mediation may be conducted informally as a conference, or by telephone, or by a series of conferences,
21 as determined by the mediator. The parties to the mediation shall attend.

22 (e) If the mediator determines that mediation efforts are unsuccessful, the mediator shall
23 terminate mediation and notify the parties that mediation efforts have failed. Thereafter, the parties may
24 seek to use other remedies provided by law.

25 (f) Mediation conferences under the landlord-tenant mediation project are confidential. The
26 mediator may not submit recommendations to a court about the disposition of the dispute.

27 * Sec. 2. PROJECT EVALUATION. The Department of Community and Regional Affairs shall
28 complete the evaluation required under sec. 1(a)(2) of this Act and report the evaluation to the legislature
29 by February 1, 1993.

30 * Sec. 3. MEDIATION BY AGREEMENT. In addition to the provisions of AS 34.03.020(a), a
31 landlord and tenant may include in a rental agreement a clause or condition authorizing mediation of

1 landlord-tenant disputes under sec. 1 of this Act.

2 * Sec. 4. USE OF MONEY FROM OTHER SOURCES. The Department of Community and
3 Regional Affairs, or any person with whom the department contracts to fulfill the department's duties
4 under this Act, shall apply for federal money and may apply for money from other sources that may be
5 available for a landlord-tenant mediation project. The receipt and expenditure of money under this
6 section not covered by appropriation is subject to AS 37.07.080(h).

7 * Sec. 5. This Act is repealed February 1, 1993.

8 * Sec. 6. This Act takes effect July 1, 1991.