

HB

177

Original sponsors: McKinnon, Bradley  
and Parker

Offered: 3/21/75  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 177 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to security deposits and prepaid rent."

7

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

8

\* Section 1. AS 34.03.070(a) is amended to read:

9

(a) A landlord may not demand or receive prepaid rent or a security

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deposit, however denominated, in an aggregate amount or value in excess

11

of two months' periodic rent. A landlord may not demand or receive

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prepaid rent or a security deposit unless the tenant and the landlord

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take an inventory of the condition of the existing facilities and of any

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damage to the part of the premises that the tenant will occupy and use

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and a written version of this inventory is signed by the landlord and the

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tenant.

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CORRECTION

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 177 amended

Please discard any other version .

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COMMITTEE REPORT

3/7/75

HOUSE

Mr. Speaker:

Date 3/20/75

The Committee on JUDICIARY has had HB 177

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(X) recommends it BE REPLACED WITH CS FOR HB 177 AND THAT

CS FOR HB 177 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

<u>Flunk</u>	recommends: <u>Amend to pass</u>
_____	recommends: _____
_____	recommends: _____
_____	recommends: _____
_____	recommends: _____

[Signature] Chairman

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10 deposit, however denominated, in an aggregate amount or value in excess  
11 of two months' periodic rent. A landlord may not demand or receive  
12 prepaid rent or a security deposit unless the tenant and the landlord  
13 take an inventory of the condition of the existing facilities and of any  
14 damage to the part of the premises that the tenant will occupy and use  
15 and a written version of this inventory is signed by the landlord and the  
16 tenant.

17 \* Sec. 2. AS 34.03.070(d) is amended to read:

18 (d) If the landlord <sup>willfully</sup> fails to comply with (a) of this section, the  
19 tenant may recover twice the amount of the deposit or prepaid rent in  
20 excess of the amount allowed. If the landlord wilfully fails to comply  
21 with (b) of this section, the tenant may recover an amount not to exceed  
22 twice the actual amount withheld.  
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AMENDMENTS TO HB 177

1. On line 10, after "an", insert "aggregate" *clarify*
2. On line 13, after "inventory of" strike "existing" and insert "the condition of existing facilities and any" *clarify*
3. On line 16, add a new section:

\*Sec. 2. AS 34.03.070 (d) is amended to read:

"(d) If the landlord fails to comply with (a) of this section, the tenant may recover twice the amount of the deposit or prepaid rent in excess of the amount allowed. If the landlord willfully fails to comply with (b) of this section, the tenant may recover an amount not to exceed twice the actual amount withheld."

*no penalty  
now  
for (2)*

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House Judiciary Committee  
March 19, 1975

SB 28 Marriage

The meeting was called to order by Chairman Gardiner at 1:25 p.m. All members were present except Rep. Specking.

The committee proposed adding a (new (1) to page 2 to state : that the parents have given their consent, and to renumber (2) and (3). On page 1, line 26, delete 13 and add has reached the age of 14.

Mr. Parr moved the bill out of committee with a do pass with the above amendments.

HB 177 Security deposits

Rep. McKinnon, sponsor of the bill, testified that it arose as a result of problems in Anchorage.

Mr. Fink stated that in these days of housing shortages, the tenant will sign anything to get an apartment. If this bill passes, landlords will raise rents.

Don Clocksin suggested that on line 13 the language "or his representative" should be deleted since a landlord's representative is already covered in the definition section of the bill for landlord. He stated that many landlords already take an inventory, that security deposits are the second largest share of landlord-tenant complaints, and that the bill would eliminate litigation. He proposed three further amendments.

Mr. Brown moved that a draft CS be prepared to incorporate all four suggested amendments by Mr. Clocksin, and that the CS be held for further consideration. Mr. Fink objected. The motion passed on vote.

Mr. Fink and Mr. Brown were appointed a subcommittee to study medical malpractice.

Introduced: 2/18/75  
Referred: Commerce and  
Judiciary

BY MCKINNON, BRADLEY AND  
PARKER

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9 (a) A landlord may not demand or receive prepaid rent or a  
10 security deposit, however denominated, in an amount or value in excess  
11 of two months' periodic rent. <sup>Appropriate</sup> A landlord may not demand or receive  
12 prepaid rent or a security deposit unless the tenant and the landlord  
13 [or their representatives] take an inventory of [existing] damage to the  
14 part of the premises that the tenant will occupy and use and a written  
15 version of this inventory is signed by the landlord and the tenant.  
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"The condition of existing facilities and any"

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