

COMMITTEE REPORT

SENATE

FURTHER:

5/9/85

Date 5/22/85

Mr. President

The Committee on FINANCE considered CSHB 155 (Jud)

notice requirements on the closure of mobile home parks and permitting the establishment of horizontal property regimes for mobile homes; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSHB 155 (Jud)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

[Signature]

[Signature]

[Signature]

[Signature]

Chairman

Chairman recommendation

Offered: 5/9/85
Referred: Finance

Original sponsors: Ringstad, Duncan,
Sund, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 155 (~~Judiciary~~) *Finance*

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 ele-~~
7 ~~sure of mobile home parks.~~" *(See new title)*

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

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

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

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

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

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

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

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

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

Add new sec. 3 (see attached)

1/23/86

New Sec. 3

AMENDMENT

Offered in the SENATE

By Sund

TO: SCS CSHB 155 (Judiciary)

Page 2, following line 5, add a new bill section to read:

"* Sec. 3. AS 34.08.620(b) is amended to read:

(b) For 90 days after delivery or mailing of the notice described in (a) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases or rents the unit. If a tenant fails to purchase the unit during the 90-day period, the offeror shall extend a right of first refusal to the tenant who leases or rents the unit. The offeror may not offer to dispose of an interest in the unit [DURING THE FOLLOWING 180 DAYS] at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. The tenant must exercise the right of first refusal within 90 days from the time of receiving the offer. This subsection does not apply to a unit in conversion property if the unit will be restricted to exclusively non-residential use or if the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion."

1/23/86

New Title

A M E N D M E N T

B

Offered in the SENATE

To: SCS CSHB 155 (Judiciary)

Page 1, lines 5 - 6, delete all material and insert:

"For an Act entitled: 'An Act relating to limitations on a mobile home park operator's right to terminate tenancy within the mobile home park and granting a tenant in property being converted to a common interest ownership under AS 34.08 a right of first refusal.'"

*If suggested
Rep. Sund CS
is adopted*

STATE OF ALASKA, 1985 LEGISLATIVE SESSION
FISCAL NOTE

RB

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 155 (L&C)
 Title: "...notice requirements...
 mobile homes..."
 Sponsor: Repr. Ringstad
 Requestor: House Labor & Commerce
 Date of Request: March 15, 1985

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Public Protection
 BRU, Program or Subprogram(s) Affected: Consumer Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The committee substitute adds a provision for 180 day eviction notice for mobile home owners when any changes in land use is to be made. The CSHB 155 (L&C) also gives the tenant or subtenant first right of refusal on the land and provides that if the offer is not accepted the offerer may not offer the land at a better price or terms to others for 180 days. These changes will not cause a fiscal impact as they provide precise guidelines that will encourage compliance with both landlord and tenant rights.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 3/15/85

Approved by Commissioner: Norman C. Gorsuch Date: 3/15/85
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 23, 1986

SUBJECT: SCS CSHB 155(Finance)

TO: Senator Jan Faiks
Senator John Sackett
Co-Chairmen, Senate Finance Committee

FROM: Richard A. Bradley
Legislative Counsel *RB*

I wish to remind the committee that the requested version of HB 155, as with the earlier version by the Senate Judiciary Committee, contains a change in the bill title and accordingly it violates Uniform Rule 41(b).

And, as the committee undoubtedly knows, SCR 26 was introduced last year to rectify the problem.

If I may be of further assistance, please advise.

RAB:mkr
M2:074

1/23/86
Technical changes (noted in yellow) which were not included in amendments furnished Leg's Legal Services were approved by Sen Faiks this date.

Original sponsors: Ringstad, Duncan,
Sund, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 155 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limitations on a mobile home park
7 operator's right to terminate tenancy within the
8 mobile home park and granting a tenant in property
9 being converted to a common interest ownership under
10 AS 34.08 a right of first refusal."

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

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

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

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

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

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

27 (4) a change in the use of the land comprising the mobile
28 home park, or the portion of it on which the mobile home to be evicted
29 is located; however, all dwellers or tenants so affected by a change

1 in land use shall be given at least 180 days' [90 DAYS] notice, or
2 longer if a longer notice period is provided in a valid lease.

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

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

9 * Sec. 3. AS 34.08.620(b) is amended to read:

10 (b) For 90 days after delivery or mailing of the notice des-
11 cribed in (a) of this section, the person required to give the notice
12 shall offer to convey each unit or proposed unit occupied for residen-
13 tial use to the tenant who leases or rents the unit. If a tenant fails
14 to purchase the unit during the 90-day period, the offeror shall
15 extend a right of first refusal to the tenant who is leasing or
16 renting the unit at the time of the conversion. The offeror may not
17 offer to dispose of an interest in the unit [DURING THE FOLLOWING 180
18 DAYS] at a price or on terms more favorable to the offeree than the
19 price or terms offered to the tenant while the tenant is in
20 possession. The tenant must exercise the right of first refusal
21 within 90 days from the receipt of the offer. This subsection does
22 not apply to a unit in conversion property if the unit will be
23 restricted exclusively to nonresidential use or if the boundaries of
24 the converted unit do not substantially conform to the dimensions of
25 the residential unit before conversion.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 23, 1986

SUBJECT: SCS CSHB 155(Finance)

TO: Senator Jan Faiks
Senator John Sackett
Co-Chairmen, Senate Finance Committee

FROM: Richard A. Bradley
Legislative Counsel 

I wish to remind the committee that the requested version of HB 155, as with the earlier version by the Senate Judiciary Committee, contains a change in the bill title and accordingly it violates Uniform Rule 41(b).

And, as the committee undoubtedly knows, SCR 26 was introduced last year to rectify the problem.

If I may be of further assistance, please advise.

RAB:mkr
M2:074

ANALYSIS FOR SCS CS HOUSE BILL 155 (Judiciary)

An Act relating to notice requirements on the closure of mobile home parks

Section 1

This section amends the chapter in Title 34 having to do with the Limitations on Mobile Home Park Operators Right to Terminate. Under current law, a mobile home park operator must provide all dwellers or tenants 90 days eviction notice when the use of the land comprising the mobile home park is to be changed. This section would increase the required notice to 180 days.

Section 2

Adds a new subsection to Chapter 3 (Limitations on Mobile Home Park Operators Right to Terminate) which would prohibit a mobile home park operator from evicting a mobile home or its tenant because of the age of the mobile home. However, the mobile home must be in a fit and habitable condition, otherwise the above does not apply.

Comments

As passed by the House, this bill also contained a section that established horizontal property regimes for mobile homes. The passage of SB 44, the Uniform Common Interest Ownership Act, no longer made that section necessary and it was deleted in the Senate Judiciary Committee Substitute.

Deleting that section required changing the title of the House passed version which violates Rule 41(b) of the Uniform Rules. Therefore, the Senate Judiciary Committee introduced SCR 26 which would allow for this title change. That resolution is currently in the Senate Rules Committee.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

AD

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 155
Title: "An Act permitting...horizontal property regimes...manufactured housing..."
Sponsor: Repr. Ringstad
Requestor: House Labor & Commerce
Date of Request: 2/1/85

FISCAL DETAIL

Agency Affected: Department of Law
Program Category Affected: _____
Public Protection
BRU, Program or Subprogram(s) Affected: _____
Consumer Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill would amend AS 34.07 to permit condominium mobile homes. The Department of Law would only be involved to the extent that sales of some condominiums might result in complaints of Mobile Home Warranty Act. Such complaints are not expected to exceed the complaint rate for the mobile home industry as a whole and they do not warrant fiscal note costs.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: 2/4/85
Approved by Commissioner: Norman C. Gorsuch Date: 2/4/85
Agency: Department of Law

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

A M E N D M E N T

A

Offered in the SENATE

To: SCS CSHB 155 (Judiciary)

Page 1, lines 5 - 6, delete all material and insert:

"For an Act entitled: 'An Act relating to limitations on a mobile home park operator's right to terminate tenancy within the mobile home park.'"

*IF suggested
Rep Sund CS
is not adopted.*

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).

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/12/85

Date 5-9-85

Mr. President

The Committee on JUDICIARY considered CSHB 155(Jud)

relating to notice requirements on the closure of mobile home parks and permitting the establishment of horizontal property regimes for mobile homes; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass

do pass with attached amendment(s)

replace with/or adopt SCS for CSHB 155 (Judiciary)

new title

same title and recommends _____

and attached a "LETTER OF INTENT" NEW FISCAL NOTE

reports it back without recommendation

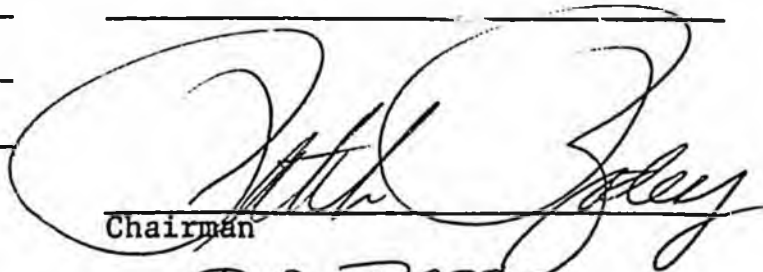
recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

3 members

MEMBERS HAVING
OTHER RECOMMENDATIONS

Tim Kelly - No Rec



Chairman
DO PASS
Chairman recommendation