

H B

1 5 5

By

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)

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."

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.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Suspending Uniform Rule 41(b) of the
6 Alaska State Legislature concerning
7 House Bill No. 155.

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

9 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-
10 ture the provisions of Rule 41(b) of the Uniform Rules are suspended in the
11 consideration of House Bill No. 155.

*
* DELIVER TO: JPOK *
*
* ORIGINAL *
* SENT: 04/22/85 TIME: 16:53 *
* FROM: VERNITA VESTAL *
* SUBJECT: FOM *
* PRINT DATE: 04/22/85 TIME: 16:54 *
*

TO: SENATE JUDICIARY COMMITTEE:
SENATORS RODEY, KELLY, FAIKS, HALFORD, AND ZIEGLER

FROM: RUDOLPH PYE
7800 DEBARR #54
ANCHORAGE, ALASKA 99504 (H) 337-7502

RE: HB 155-MOBILE HOME

AS A MOBILE HOME OWNER I URGE YOU TO ACT ON HB 155 IMMEDIATELY.
AS A MOBILE HOME OWNER I FEEL THAT I AM BEING CHEATED IN ALASKA
VILLAGE 7800, AS WE ARE PAYING EXORBANT SPACE RENT AND NOT BEING
ZONED IN THE CITY OF ANCHORAGE. NO SECURITY AT BY LIVING HERE,
I CAN'T SELL IT OR ANYTHING.

*
* DELIVER TO: JPCN *
* *
* ORIGINAL *
* SENT: 04/25/85 TIME: 10:04 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 04/25/85 TIME: 10:04 *
*

10

TO: SENATE JUDICIARY
SEN. RODEY, KELLY, FAIKS, HALFORD, ZIEGLER
SEN. JOSEPHSON AND V. FISCHER
REF. POURCHOT AND MARTIN

FROM: JAMES DERRY, 5750 GLENN, #38, ANCHORAGE, 99504,
333-0937(HH), 338-0774(WK)

RE: HB 155, MOBILE HOMES

I'M A MOBILE HOME OWNER AND HAVE A RIGHT TO LIVE WHERE AND HOW I
WISH. I PLEASE ASSIST ME IN MY RIGHT TO DO SO BY PASSING HB 155.
WHERE I HAVE MY MOBILE HOME WILL SOON BE SOLD. THANK YOU FOR
YOUR ASSISTANCE.

FROM: HAROLD BAUER
5811 TONGA DRIVE
ANCHORAGE, AK. 99507 PHONE: 562-4462

RE: NB 153- CONDO'S MANUFACTURED HOUSING

WE WANT THE RIGHTS TO OWN THE LAND WE LIVE ON JUST
PLEASE HELP US GET OUR LAND BY PASSING HB 105. ALL
OWNERS WILL BE APPRECIATIVE. 100 00.
THE HOME

* DELIVER TO: JPOH

* ORIGINAL

* SENT: 04/25/85 TIME: 10:01

* FROM: MICKI HENSON

* SUBJECT: FOM

* PRINT DATE: 04/25/85 TIME: 10:21

601

TO: ALL LEGISLATORS

FROM: PEGGY M. PAROT

4110 DEBARR C-19

ANCHORAGE, AK. 99508 PHONE: 337-5273

RE: HB 155- CONDOS MANUFACTURED HOUSING

AS A MOBILE HOME OWNER I DO NOT THINK I SHOULD BE A
DISENFRANCHISED HOME OWNER BECAUSE OF WHERE I CHOOSE TO LIVE.
GIVE ME THE ABILITY TO OWN THE LAND I LIVE ON BY PASSING HB 155
AS IS.

FORMER EVICTED "VAGABOND" RESIDENT

* DELIVER TO: JPOH

* ORIGINAL

* SENT: 04/25/85 TIME: 08:52
* FROM: LANA TRUJILLO
* SUBJECT: POM
* PRINT DATE: 04/25/85 TIME: 08:53

TO: ALL SENATORS

FROM: COLLEEN MILLER, 1545 S. HOYT, #26, ANCHORAGE, 99508,
333-8633(HH), 561-2162(WK)

RE: HB 155, MOBILE HOMES

AS A MOBILE HOME OWNER, I DON'T BELIEVE THAT I SHOULD BE
DISENFRANCHISED SIMPLY BECAUSE OF WHERE I CHOOSE TO LIVE. PLEASE
GIVE ME THE ABILITY TO OWN THE LAND I LIVE ON BY PASSING HB 155
AS IS.

FROM: ELIEEN THORNTON, 4110 DEBARR, SPACE 5-C, ANCHORAGE, AK
99504, 338-4743 (H) AND 279-2544 (W)

SUBJECT: HB 155, CONDOMINIUM REGIMES; MANUFACTURES HOUSING

I WOULD LIKE TO SEE THIS BILL PASSED. I AM A MOBILE HOME OWNER
AND I AM ON A LIMITED INCOME AND I DON'T THINK IT IS FAIR THAT
THEY KEEP "UPPING" MY RENT \$25 ANYTIME THEY FEEL LIKE IT.

DELIVER TO: JFOM

ORIGINAL

SENT: 04/25/85 TIME: 16:02

FROM: BARBARA NORRELL

SUBJECT: POM

PRINT DATE: 04/25/85 TIME: 16:10

TO: ALL LEGISLATORS

FROM: KAREN TURLINGTON, 7800 DEBARR, ANCHORAGE, AK 99504,
337-2726 (H) OR 333-6522 (W)

SUBJECT: HB 155, CONDOMINIUM REGIMES; MANUFACTURED HOUSING

AS A MOBILE HOME OWNER THE PASSING OF HB 155 COULD ENABLE US TO
OWN THE LAND WE LIVE ON, LIKE EVERYONE WANTS TO. I AM SURE ALL
MOBILE HOME OWNERS WILL FEEL STRONGLY ON THIS ISSUE.

TO: ALL LEGISLATORS
FROM: VERNITA VESTAL
SUBJECT: POB
PRINT DATE: 04/30/85 TIME: 13:15

TO: ALL LEGISLATORS
FROM: ABRAHAM LINCOLN HIDGETT, JR.
1545 S. HOYT SP 71
ANCHORAGE, ALASKA 99508 (H) 333-6065 (W) 337-1434

RE: HB 155-CONDOMINIUM REGIMES
I LIVE IN MALESPENA MOBILE HOME PARK, I WANT TO JOIN THE OTHERS WHO WANTS TO OWN THEIR PROPERTY. NOW THAT THE HB 155 IS PASSED I URGE YOU ALL TO DO THE SAME. MAY GOD BLESS YOU ALL.

TO: ALL MEMBERS OF THE LEGISLATURE
FROM: TERRY C. KENNARD
3171 STOREY DR., NORHT POLE 99705
PHONE: H) 488-1517 W) 452-4705
RE: HB 372 - ABORTIONS

MSG: I DON'T BELIEVE THE STATE OF ALASKA SHOULD BE PAYING FOR ABORTIONS UNLESS IT IS TO SAVE THE LIFE OF THE WOMAN.

TO: ALL LEGISLATORS
FROM: AL WORTFIELD
2527 QUAK
ANCHORAGE, ALASKA 99507 (H) 583-6047

RE: HB 155-CONDOMINIUM REGIMES
I WOULD LIKE AN OPPORTUNITY TO PURCHASE MY TRAILER AND WHO KNOWS WHEN THE OWNER WILL DECIDE WHEN TO SELL THE LAND OF OTHER PEOPLE? WE LEAVE US WITHOUT A PLACE TO LIVE.

*
* DELIVER TO: JFOM
*
* ORIGINAL
* SENT: 04/26/85 TIME 08:14
* FROM: LANA TRUJILLO
* SUBJECT: FOM
* PRINT DATE: 04/26/85 TIME 09:14
*

TO: ALL LEGISLATORS

FROM: CHERYL JONES, 801 AIRPORT HEIGHTS, #409, ANCHORAGE, 99504,
277-9704(HM), 264-5419(BK)

RE: HB 155, MOBILE HOMES

I AS A MOBILE HOME OWNER WOULD LIKE TO HAVE THE CHOICE TO OWN MY OWN LAND WHICH I LIVE ON JUST AS YOU DO. BY PASSING HB 155 I WOULD HAVE THAT CHOICE. I FEEL THAT ALL MOBILE HOME OWNERS WILL BE VERY APPRECIATIVE OF THIS PASSING OF HB 155.

FROM: MARCELINO RESARI
1545 SO. HOYT #35
ANCHORAGE, AK. 99508 PHONE: 333-0894 HM.

RE: HB 155- CONDOS MANUFACTURED HOUSING

WE MOBILE HOME OWNERS LIKE MANY OTHERS IN ANCHORAGE CAN'T AFFORD TO BUY A HOUSE BECAUSE WE DON'T MAKE ENOUGH MONEY- ESPECIALLY WHEN YOU ARE RETIRED. IT IS MORALLY WRONG FOR THE PARK OWNERS TO ADVERTISE A SPACE THEN LATER CLOSE THE PARK DOWN. WE'VE GOT NO PLACE TO GO AND NO PLACE TO LIVE- PLEASE PASS HB 155 TO SAVE THE HOMES OF THE LOW INCOME PEOPLE.

FROM: KIM PARTYKA, 2415 NORTH TAHITI LOOP, ANCHORAGE, ALASKA
99507 (H) 563-8160

RE: HB155 CONDOMINIUM REGINET

PLEASE PASS THIS BILL ON BEHALF OF ALL MOBILE HOME OWNERS AND LONG TIME ALACIA RESIDENTS THEREBY GIVING US THE RIGHT TO OWN THE LAND THE MOBILE HOMES SIT ON AND THEREFORE TO BUILD EQUITY IN OUR LAND.

FROM: TERRY HARLEY, 4110 DEBARR, SP. 19-D, ANCHORAGE, AK 99508,
338-2524

SUBJECT: HB 155, CONDOMINIUM REGIMES; MANUFACTURED HOUSING

AS A MOBILE HOME OWNER, I WOULD LIKE TO BE ABLE TO BUY SPACE
WHERE I CHOOSE. I SEE NO USE IN ENRICHING CONTRACTORS BY BUY
SUBSTANDARD HOUSING WHEN A MOBILE HOME IS ADEQUATE BY
COMPARISON.

FROM: DORIS SMITH, 328 BONIFACE TRAIL, #2772 (L1) AT 1001
BONIFACE, MAYFLOWER CIRCLE) ANCHORAGE, ALASKA 99503 (337-2405

RE: HB155. CONDOMINIUM REGIMES

I WANT THE RIGHT TO OWN THE LAND THAT WE LIVE ON. WE NEED TO
GET THIS LAND BY PAYING TAXES AS MOBILE HOME OWNERS. WE WILL BE
APPRECIATIVE. THANK YOU

*
* DELIVER TO: JPOK *
*
* ORIGINAL *
* SENT: 04/26/85 TIME: 09:39 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 04/26/85 TIME: 09:40 *
*

61

TO: ALL LEGISLATORS

FROM: TERESA BRUNNER, 7505 GLENN BULDOGN, #38, ANCHORAGE, 99504,
337-5484(HH)

RE: HB 155, MOBILE HOME

THE HOUSE HAS PASSED HB 155 UNANIMOUSLY. PLEASE DO THE SAME
BEFORE TIME RUNS OUT THIS SESSION.

Confidential Information - WCCO-TV NEWS - Anchorage, Alaska, 99504, 337-5484

11

11

6

```

*****
*
* DELIVER TO: JPOH
*
* ORIGINAL
* SENT: 05/02/85 TIME: 13:22
* FROM: VERNITA VESTAL
* SUBJECT: FON
* PRINT DATE: 05/02/85 TIME: 13:23
*
*****

```

TO: SENATE JUDICIARY COMMITTEE:
 SENATORS RODEY, KELLY, FAIKS, HALFORD, AND ZIEGLER

FROM: RON DODSON
 P.O. BOX 110332
 ANCHORAGE, ALASKA 99511 (H) 344-1655 (W) 344-1233

RE: SB 44-CONDOMINIUM

TO CONTINUE SUPPORT FOR SB 44. SUGGEST VOTE AGAINST HB 155 AS
 THE OWNER OF MANAGEMENT COMPANY. I FIND SB 44 FAR SUPERIOR TO HB
 155.

2025 RELEASE UNDER E.O. 14176

* DELIVER TO: JPOH

*
*

* ORIGINAL

* SENT: 05/02/85 TIME: 10:54

* FROM: BARBARA NORRELL

* SUBJECT: POM

* PRINT DATE: 05/02/85 TIME: 11:30

*

TO: SENATE JUDICIARY
SEN. RODEY, KELLY, FAIKS, HALFORD, ZIEGLER

FROM: WILEY BROOKS/CPM, PRESIDENT ELECT AK CHAPTER INSTITUTE OF
REAL ESTATE MANAGEMENT, 2525 BLUEBERRY ROAD, SUITE 105,
ANCHORAGE, AK 99503, 277-2484

SUBJECT: HB 155, CONDOMINIUM REGIMES; MANUFACTURED HOUSING

PLEASE CONTINUE YOUR SUPPORT OF SB 44. IT IS FAR SUPERIOR TO HB
155.

*
* DELIVER TO: JPOH *
* *
* ORIGINAL *
* SENT: 05/02/85 TIME: 10:03 *
* FROM: VERNITA VESTAL *
* SUBJECT: POM *
* PRINT DATE: 05/02/85 TIME: 10:04 *
* *

TO: SENATE JUDICIARY COMMITTEE:
SENATORS RODEY, KELLY, FAIKS, HALFORD, AND ZIEGLER

FROM: MARTHA BRISTOW
STR 1 BOX 204
CHUGIAK, ALASKA 99567 (H) 688-3918 (W) 786-4320

RE: HB 155-CONDOMINIUM

I URGE YOU TO VOTE AGAINST HB 155. IT DOES NOT GIVE THE PUBLIC AS MUCH PROTECTION AS SB 44.

*
* DELIVER TO: JFOM *
*
* ORIGINAL *
* SENT: 05/01/85 TIME: 09:00 *
* FROM: VERNITA VESTAL *
* SUBJECT: POM *
* PRINT DATE: 05/01/85 TIME: 09:01 *

6

TO: SENATE JUDICIARY COMMITTEE:
SENATORS RODEY, KELLY, FAIKS, HALFORD, AND ZIEGLER

FROM: WILLIAM MCNALL
P.O. BOX 771421
EAGLE RIVER, ALASKA 99577 (H) 694-4030(W) 276-2535

RE: HB 155-SB 44, CONDOMINIUM

SB 44 IS FAR SUPERIOR TO HB 155. HB 155 SUPPORTERS HAVE RECENTLY MISREPRESENTED THE IMPACT OF THEIR BILL. YOU UNDOUBTLY HAVE RECEIVED MANY POMS BASED UPON THIS MISINFORMATION. PLEASE CONTINUE TO SUPPORT SB 44 BY DECLINING SUPPORT FOR HB 155.
SINCERELY YOURS,

McNALL, William J. 1985-05-01 09:01

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



1024 W. 6th Avenue, Suite 203
Anchorage, Alaska 99501
Phone: (907) 274-1426

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR JAN FAIKS
SENATOR RICK HALFORD
FROM: ELIZABETH J. HICKERSON *efh*
SUBJECT: BILLS RELATING TO MOBILE HOMES: CS HB 155
(Judiciary); CS HB 148 (Judiciary); CS SB 188
(L&C)
DATE: MAY 3, 1985

The so called crisis facing mobile home owners has peaked the interest of the Legislature this session. Three bills have been introduced specifically relating to mobile homes and parks:

CS HB 155 (Judiciary), an act relating to notice requirements on the closure of mobile home parks and permitting the establishment of horizontal property regimes for mobile home;

CS HB 148 (Judiciary), an act relating to mobile home warranties; and,

CS SB 188 (L&C), an act relating to eviction from a mobile home park.

These three bills have been promoted as consumer bills, however, a closer review of the bills raises many questions that should be addressed.

CS HB 148 (Judiciary) is a needed measure, because of the increasing cost of mobile homes, and lack of state regulation over the construction of mobile homes. The federal government does provide construction standard regulation, but is not geared to our unique problems in Alaska. Mobile homes are not presently manufactured in Alaska, but are sold here. Numerous consumers have encountered substantial harm due to ill constructed mobile homes. Too often the out of state manufacturer has gone bankrupt or otherwise gone out of business, leaving the consumer without a means to recover damages. The performance bond is the only true means to ensure that consumers will be more protected from these manufacturers. This bill increases the performance bond for manufacturers from \$35,000 to \$100,000. The average cost of mobile homes

is approximately \$40,000, but the prices range from \$10,000 to over \$100,000. A private cause of action against the bond is established. Violations of these provisions are made unfair trade practices. This bill is strongly endorsed by the Consumer Protection Division of the Department of Law, and is considered the most important mobile home bill pending before the legislature. A hearing is scheduled on this bill for Monday, May 6, before Senate Labor and Commerce. It has a Judiciary referral.

CS HB 155 (Judiciary) has three main provisions. Section 1 amends AS 34.03.225, and increases the eviction notice for mobile home tenants from 90 to 180 days in the event that a change in the use of the land occurs.

Section 2 provides that a mobile home park operator may not evict a mobile home or a tenant because of the age of the mobile home. I am concerned that this may unreasonably interfere with the rights of an operator. Mobile home owners realize that they own personal property, not real property, and are required to arrange for the location of their mobile homes. Park operators need to be able to operate parks which are attractive and safe. The lease should provide protection for both parties. By passing state law which eliminates the rights of the parties to contract on this issue, the state may encourage more operators to sell their parks. If this happens, fewer spaces will be available in an already tight market.

Section 3 provides for the establishment of mobile home parks which are owned by the inhabitants. This section has been sold as a consumer bill, and in reality, it is an operator's bill. The effect of this bill, if it becomes law, will be to allow operators to sell their lots, with few consumer protection provisions. The only provisions that will extend some protection to consumers are in the eviction notice (180 days), and the right of first purchase during the first 60 days. According to AHFC, Consumer Protection, and others involved in the industry, 180 days is not sufficient time for tenants to relocate. One year notice is required by AHFC, and advocated by others as the minimum amount of notice needed.

It is important to note what is not provided under this bill:

unit boundaries are not established;

description of units are not provided;

contents of the declaration are not itemized;

allocation of allocated interests are not described;

development rights are not outlined;
alteration of units is not discussed;
organization and powers of the unit owners' association
are not mentioned;
transfer of association control is not outlined;
termination of contracts and leases are not included;
upkeep of common elements is not provided;
tort and contract liability is not outlined;
liens for assessments are not included;
public offering statements or certificates for
resale, which provide for disclosures regarding budget
and reserve accounts are not required;
no warranties are included;
- declarant is not obligated to complete and restore the
property; and
unconscionable agreement or terms of contracts are not
mentioned.

As you know, all of these provisions and more are included
in SB 44. Without these provisions, the state will be
allowing an unknown entity "condominimized mobile home
parks" to be established under an outdated statute, the
Horizontal Property Regimes Act. We know that problems
exist already with regular condos. Mobile home parks have
many more unique problems which should be addressed. Park
operators will have the advantage if this bill passes.

CS SB 188 (L&C) provides that mobile homes or tenants can
not be evicted because of the age of the mobile home. The
same concerns I mentioned regarding Section 2. of CS HB 155
(Judiciary) apply to this bill.

HB155

History:

HB155 is this years version of last years SB464 sponsored by Sen. Halford. SB464 went through the full Senate in a 20-0 vote. The House version died as the Legislature adjourned.

This year HB155 is sponsored by Rep. Ringstad. After three hearings in the House Labor and Commerce Committee (including two teleconferences), a substitute was approved and past out of committee.

The bill was then referred to the House Judiciary Committee where another substitute was approved before being passed out of that committee.

Intent:

CSHB155 is an act relating to notice requirements on the closure of mobile home parks and permitting the establishment of horizontal property regimes for mobile homes.

Purpose:

CSHB155 is divided into two sections. Section 1 outlines the criteria in which a mobile home owner may be evicted from a mobile home park. This section also amends the old Landlord Tenant Act to provide 180 days eviction notice for mobile home owners when any change is made in land use. This provision is designed to provide the same level of protection to the mobile home owner during conversion to a non-horizontal property regime as is provided for in conversion to a horizontal property regime. This section also provides for the protection of older mobile homes, thus not permitting a mobile home park owner to evict a mobile home because of its age.

Section 2 of this bill allows for the establishment of a horizontal property regime for mobile homes. This concept of "condominiumization" of mobile homes is simply to allow mobile home owners an opportunity to become the legal property owners of the designated parcel of land within a mobile home park. Furthermore, mobile home park owners would now have the option to develop their parks and sell independent parcels of property.

Section 2 includes a subsection (c) that requires 180 days notice be given to the mobile home owner in the event of an eviction notice. The old law only provided for a 90 day notice. Subsection (d) provides the tenant or subtenant of a mobile home the first right of refusal on the property in the event of a sale. If the offer is not accepted, then the offeror may not offer the land at a higher price for the following 180 days.

SECTIONAL ANALYSIS CSiB 155 (PROPOSED)

A title change has been made over HB 155 to include the changes made to the Landlord Tenant Act on notification requirements.

SECTION 1 - The section amends A.S. 34.03.225(4) of the Landlord Tenant Act to provide 180 days eviction notice for mobile home owners when any change in land use is to be made. This provision is designed to provide the same level of protection to the mobile home owner during conversion to a non-horizontal property regime as is provided for in conversion to a horizontal property regime.

SECTION 2 - This section has been expanded from the original bill by changing "manufactured housing" to "mobile homes" and deleting the old subsection (c) and adding new sections (c) and (d). The new subsection (c) requires that 180 days notice be given prior to the eviction date and that the notice include the rights of the tenant under this section. The new subsection (d) gives the tenant or subtenant of a mobile home first right of refusal on the land and states that if the offer is not accepted then the offeror may not offer the land at a better price or terms for 180 days following.

SECTION 3 - Immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 6, 1985

SUBJECT: Manufactured housing condominiums
(HB 155)

TO: Representative John Ringstad
Chairman, House

FROM: Richard A. Bradley
Legislative Counsel **B**

You have requested a brief analysis of HB 155.

As a preliminary matter, note that any analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

The predecessor to HB 155 in the Thirteenth Legislature was a sequel to the rather long bill that was drafted to permit the establishment of the "horizontal property regime," (i.e., condominiums) for mobile home parks. The problem was that the typical word used throughout AS 34.07, the chapter dealing with condominiums, to describe what is owned in a condominium by the individual owner is "apartment" and it was thought that that word did not quite accurately describe the condominium estate that would result in a condominium for mobile homes. I assume that a condominium for mobile homes would consist of land improved by utility connections for the individual mobile homes-- but not much more is required.

The phrase "manufactured housing" seems to describe "mobile homes" generically.

The provisions of sec. 500(a) describe the condominium estate ("an estate in real property consisting of an undivided interest in common in a portion of real property

Representative John Ringstad
February 6, 1985
Page 2

together with a separate interest in space") with reference to the needs of a condominium for manufactured housing.

Sec. 500(b) acknowledges the fact that a condominium regime for manufactured housing will not have any "three-dimensional aspects" to the real property owned.

And sec. 500(c) states the intent of the legislature that unless the provisions of AS 34.07.010 - 34.07.460 are "inapplicable" to a condominium regime for manufactured housing, the provisions of that chapter apply.

If I may be of further assistance, please advise.

RAB:ojb
J11/062

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

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						
----------------	--	--	--	--	--	--

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

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
 Division: Administrative Services

Phone: 465-3672
 Date: 3/15/85

Approved by Commissioner: Norman C. Gorsuch
 Agency: Department of Law

Date: 3/15/85

Distribution (by Agency preparing fiscal note):

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