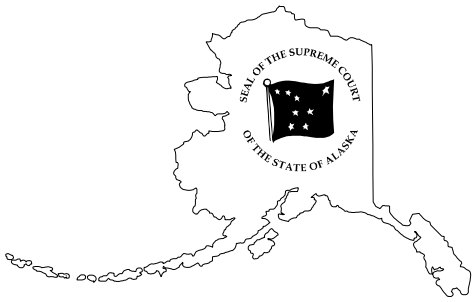


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REQUEST FOR COMMENTS ON PROPOSED RULE CHANGES
(Comments Due by Monday, December 7, 2026)

The Alaska Supreme Court seeks comments on the following proposed rule changes. Proposed changes to existing rules are shown in "legislative" style: new language is underlined, and deleted language is struck through. Except as otherwise indicated, new text is not underlined when a new rule is proposed or when an existing rule is rescinded and readopted. The two rule changes in this announcement are both related to evictions (forcible entry and detainer cases).

Comments are due by Monday, December 7, 2026. Please direct your comments via email to RuleComments@akcourts.gov or use the mailing address shown above. Thank you for your time and consideration.

Proposed Changes to the Civil Rules

1. **Civil Rule 85 – Forcible Entry and Detainer** 2

Proposed Changes to the Administrative Rules

2. **Administrative Rule 40 – Index to Cases** 3

THE CIVIL RULES COMMITTEE RECOMMENDS THE FOLLOWING PROPOSAL:

1. Civil Rule 85 – Forcible Entry and Detainer.

The Alaska Court System's Access to Justice Services proposes amendments to Civil Rule 85 addressing evictions. Access to Justice Services created and staffed an Eviction Diversion Program from July 2022 through June 2025 through a grant from the National Center for State Courts. The program's goal was to create a sustainable program to help residential landlords and tenants resolve housing disputes. Certain provisional court rules in Administrative Bulletin 98, authorized through Supreme Court Order 1988, applied to the program. Due to the success of these provisional rules in the program, Access to Justice Services suggests permanent adoption of some of the changes.

Some of the changes impact Civil Rule 85 that governs eviction procedures. Access to Justice Services proposes three changes to Civil Rule 85: (1) requiring a landlord to provide a resource information sheet with a Notice to Quit (with different timing applying to Alaska Housing Finance Corporation (AHFC) evictions); (2) requiring a landlord to provide another resource sheet when filing an eviction case; and (3) requiring the landlord to provide tenant contact information to the court.

The Civil Rules Committee discussed the proposal and voted unanimously in favor of the proposed changes. The Committee recommends the following changes:

Rule 85. Forcible Entry and Detainer.

* * * *

(c) Pre-filing Resource Sheet. Except as provided for in subsection (d), a landlord who seeks to evict a tenant must give the tenant a copy of the court's pre-filing resource sheet with the Notice to Quit. If the landlord later starts a Forcible Entry and Detainer (eviction) case, they must confirm in the complaint or at the possession hearing that they provided the resource sheet with the Notice to Quit. A landlord who does not provide the resource sheet must explain at the possession hearing why they did not do so and the judge may use their discretion to grant any just and proper remedy authorized by law or court rule, including a continuance up to two days under AS 09.45.120 to allow the parties time to resolve the matter or for the tenant to seek legal information or advice.

(d) AHFC Exception to Pre-filing Resource Sheet. Subsection (c) does not apply to housing units that Alaska Housing Finance Corporation (AHFC) owns, maintains, and for which AHFC is the landlord. In those cases, AHFC shall provide the court's AHFC pre-filing resource sheet to tenants at least 7 days prior to filing a Forcible Entry and Detainer (eviction) case with the court. This subsection does not apply, and subsection (c) does apply, to landlords with tenants using federal housing vouchers administered by AHFC in housing units that are not owned or maintained by AHFC.

(e) Post-filing Resource Sheet. A landlord who starts a Forcible Entry and Detainer (eviction) case must give the tenant the court's post-filing resource sheet, which is page 2 of the court's Summons. A landlord who does not provide the resource sheet must explain at the possession hearing why they did not do so and the judge may use their discretion to grant any just and proper remedy authorized by law or court rule, including a continuance up to two days under AS 09.45.120 to allow the parties time to resolve the matter or for the tenant to seek legal information or advice.

(f) Tenant Contact Information. A landlord who starts a Forcible Entry and Detainer (eviction) case must provide a phone number and email address for all adult tenants, to the extent known to the landlord. This information should be

listed court's F.E.D. information sheet, which must be filed with the complaint. The F.E.D. information sheet is confidential and shall not be considered part of the public record.

2. Administrative Rule 40 – Index to Cases.

The Alaska Court System's Access to Justice Services also proposes amendments to Administrative Rule 40 that would remove certain eviction cases (Forcible Entry and Detainer cases) from the court system's public index available on the internet (CourtView). The Eviction Diversion Program received a comment noting the harm to individuals who have an eviction case listed on the court system's public index regardless of the outcome or merits of the case. The mere fact an eviction case is publicly available can act as a barrier to housing and exacerbate cycles of poverty and housing instability. This can harm the individual as well as the greater community that often bears the economic and social costs of unstably housed and unhoused individuals. The entity contends the punitive effect of a public eviction record exceeds the legitimate public interest in access to the court record.

Administrative Bulletin 98 sets provisional rules for the Eviction Diversion Program. The Bulletin excludes from the court system's public index on its website eviction cases closed after January 1, 2023, in which no Judgment for Possession was issued with a provision that re-opened cases return to the index. The proposed rule change goes a step further and addresses all eviction cases with different removal time frames depending on whether a judgment of possession was entered and the status of the case.

Here are the proposed changes:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The index shall be an accurate chronological record of the case's filings and events as they actually occurred in the case. If subsequent case filings amend or purport to correct a prior filing or event, the existence of the initial filing or event having occurred shall be maintained along with the amended filing, so that the index is at all times a record of actual filings and events in the case. The court system shall publish a public version of the index on the court system's website, which excludes only

* * * *

(14) cases in which the defendant was charged with an offense under AS 04.16.049, 04.16.050, 04.16.060(g), 28.35.280, 28.35.285, 28.35.290, or a similar municipal ordinance (whether the case was classified as a criminal case, minor offense case, or underage alcohol case and regardless of the disposition of the case), if the offense was charged in a separate action and not joined with any other minor offense or criminal charge at the time of filing; ~~and~~

(15) cases in which the defendant was convicted of possessing less than one ounce of marijuana under AS 11.71.060, or a prior version of that statute that criminalize the same conduct, or a municipal ordinance that criminalized that same contact if

(A) the defendant was 21 years of age or older at the time of the offense, and

(B) the defendant was not convicted of any other criminal charges in that same case; and.

(16) forcible entry and detainer cases

(A) 30 days after the case is closed or dismissed if no judgment of possession was entered except for a case in reopened status or a case in which a writ of execution has been issued within the last five years, or

(B) three years after the case is closed or dismissed if a judgment of possession was entered except for a case in reopened status or a case in which a writ of execution has been issued within the last five years.

(b) * * * *

The following Note would be added at the end of Rule 40:

Note to SCO XXXX—adding new paragraph (a)(16):

(1) *Retroactivity:* This rule change applies to forcible entry and detainer (FED) cases that were dismissed or closed prior to its effective date.

(2) *Reopened Cases:* If an FED case is removed from the public index under paragraph (a)(16) but it is later reopened, the case will appear again on the public index on the court system's website. When the case is closed or dismissed after the reopening, the case will be excluded again under the provisions of paragraph (a)(16).

(3) *Administrative Bulletin 98:* Administrative Bulletin 98 set provisional rules for the Eviction Diversion Program and authorized the exclusion from the public version of the index on the court system's website all forcible entry and detainer (FED) cases (evictions) closed after January 1, 2023, in which no judgment of possession was issued. FED cases that were excluded from the public version of the index on the court system's website under Administrative Bulletin 98 will continue to be excluded. Administrative Bulletin 98 is rescinded effective XXXX coinciding with the effective date of SCO XXXX. [The effective date and Supreme Court Order (SCO) number will be added if the Supreme Court approves these changes.]