

Original sponsor: Health, Education
and Social Services Committee

Offered: 4/20/74
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 520

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of rent
7 regulation and control in emergency situations; and
8 providing for an effective date."

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

10 * Section 1. AS 34 is amended by adding a new chapter to read:

11 CHAPTER 06. EMERGENCY RESIDENTIAL RENT

12 REGULATION AND CONTROL.

13 Sec. 34.06.010. LEGISLATIVE FINDINGS, PURPOSE. The legislature
14 finds and declares that

15 (1) a serious public emergency may exist in the housing
16 of a considerable number of persons in Alaska when, because of sudden
17 economic development and uneven population growth, there may continue
18 to be, in some parts or all of the state, an acute shortage of
19 dwellings;

20 (2) abnormal economic conditions affecting the availability
21 of residential rental housing may produce serious threats to the public
22 health, safety and general welfare and, to prevent these perils,
23 standby preventative regulations that may be invoked in the event of
24 an emergency should be promulgated.

25 Sec. 34.06.020. DECLARATION OF HOUSING EMERGENCY. (a) In
26 accordance with regulations promulgated under sec. 30 of this chapter,
27 when the governor finds that emergency conditions exist with regard to
28 residential rental housing, after public hearings in the area, or
29 areas, affected, he may by written proclamation declare that a state

1 of housing emergency exists. A housing emergency exists when the rate
2 of vacancies in residential rental housing is so low that there is a
3 substantial impairment of free choice in residential rental housing or
4 when the average vacancies in residential housing rentals falls below
5 three per cent in the area, or areas, affected and remains below three
6 per cent for a period of at least 90 days. The proclamation shall
7 state the nature of the housing emergency, designate the area, or
8 areas, affected and be published generally through the state in the
9 manner provided by law. When the state of emergency no longer exists,
10 the governor shall issue a written proclamation stating this fact and
11 publish it generally throughout the state in the manner provided by
12 law.

13 (b) On issuing a proclamation of a housing emergency, the
14 governor may invoke the provisions of this chapter to regulate and
15 control residential rents and evictions in some parts or all of the
16 state.

17 Sec. 34.06.030. SCOPE OF EMERGENCY HOUSING REGULATIONS. Subject
18 to the Administrative Procedure Act (AS 44.62), the commissioner of
19 commerce, who is charged with the administration of this chapter, shall
20 promulgate regulations concerning the control of residential rents,
21 including but not limited to provision for the establishment and
22 adjustment of maximum rents, the classification of residential housing
23 accommodations and the regulation of evictions.

24 Sec. 34.06.040. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. (a)
25 Administrative and adjudicatory proceedings conducted under this chapter
26 shall be conducted under the Administrative Procedure Act (AS 44.62).

27 (b) A final determination or order issued, or a regulation
28 promulgated, under this chapter is subject to judicial review under the
29 Administrative Procedure Act (AS 44.62).

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Sec. 34.06.050. DEFINITIONS. In this chapter

(1) "commissioner" means the commissioner of commerce;

(2) "department" means the Department of Commerce;

(3) "residential housing accommodation" means a single or multiple unit private dwelling, including mobile homes, or a structure on the land that may be leased for any term of one week or longer, or other condition of tenancy, that is used for dwelling purposes.

Sec. 34.06.060. SHORT TITLE. This chapter may be cited as the Emergency Residential Housing Rent Regulation and Control Act.

* Sec. 2. AS 44.62.330 is amended by adding a new paragraph to read:

(37) Department of Commerce, under the Emergency Residential Rent Regulation and Control Act (AS 34.06).

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.