

Original sponsor: Miller, Huber,  
Ray and Butrovich

Offered: 4/26/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 290

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 rent regulation and control in  
7 emergency situations; and providing for an effective  
8 date."

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

10 \* Section 1. AS 34.06.020 is amended to read:

11 Sec. 34.06.020. DECLARATION OF HOUSING EMERGENCY. (a) In accor-  
12 dance with regulations promulgated under sec. 30 of this chapter, when  
13 the governor finds that emergency conditions exist with regard to resi-  
14 dential rental housing, after public hearings in the area or areas  
15 affected, he may by written proclamation declare that a state of housing  
16 emergency exists. A housing emergency exists when the rate of vacancies  
17 in residential rental housing is so low that there is a substantial  
18 impairment of free choice in residential rental housing [OR WHEN THE  
19 AVERAGE VACANCIES IN RESIDENTIAL HOUSING RENTALS FALLS BELOW THREE PER  
20 CENT IN THE AREA, OR AREAS, AFFECTED AND REMAINS BELOW THREE PER CENT  
21 FOR A PERIOD OF AT LEAST 90 DAYS]. The proclamation shall state the  
22 nature of the housing emergency, the area or areas affected, and shall  
23 be published generally through the state in the manner provided by law.  
24 When the state of emergency no longer exists, the governor shall issue a  
25 written proclamation stating this fact and publish it generally through-  
26 out the state in the manner provided by law.

27 (b) After the governor issues [ON ISSUING] a proclamation of a  
28 housing emergency, the attorney general [GOVERNOR] may invoke the pro-  
29 visions of this chapter to regulate and control residential rents and

1 evictions in some parts or all of the state.

2 \* Sec. 2. AS 34.06.030 is amended to read:

3 Sec. 34.06.030. SCOPE OF EMERGENCY HOUSING REGULATIONS. Subject  
4 to the Administrative Procedure Act (AS 44.62), the attorney general  
5 [COMMISSIONER OF COMMERCE], who is charged with the administration of  
6 this chapter, shall promulgate regulations concerning the control of  
7 residential rents, including but not limited to provision for the estab-  
8 lishment and adjustment of maximum rents, the classification of residen-  
9 tial housing accommodations, [AND] the regulation of evictions and the  
10 standards for issuance of certificates of eviction.

11 \* Sec. 3. AS 34.06 is amended by adding a new section to read:

12 Sec. 34.06.035. INVESTIGATIONS. (a) The attorney general may  
13 make studies and conduct investigations and hearings when necessary for  
14 the enforcement of the provisions of this chapter.

15 (b) The attorney general may administer oaths and affirmations,  
16 and, when necessary, may issue subpoenas and order a person to appear  
17 and testify, or appear and produce documents, at any designated place.  
18 If a person refuses to obey a subpoena served upon him by the attorney  
19 general, the superior court of the judicial district in which that  
20 person resides or transacts business may issue an order requiring him to  
21 appear and testify, produce documents, or both. Failure to obey an  
22 order of the superior court is punishable by the court as contempt.

23 \* Sec. 4. AS 34.06 is amended by adding new sections to read:

24 Sec. 34.06.041. PROHIBITIONS. (a) During a proclaimed housing  
25 emergency, regardless of any existing contract, lease or other agree-  
26 ment, no person may demand or receive rent for a residential housing  
27 accommodation in excess of the maximum rent established for the accom-  
28 modation by the attorney general by regulation, or to perform or omit to  
29 perform an act which violates this chapter or a regulation or order

1 issued under this chapter. However, the attorney general may by regu-  
2 lation permit increases in the maximum rent established under this  
3 subsection to allow for increases in local property taxes, actual  
4 maintenance costs, or charges for utility services including but not  
5 limited to heat, water, electricity, natural gas, garbage or other solid  
6 waste disposal services when supplied by the landlord.

7 (b) During a proclaimed housing emergency, no person may remove or  
8 attempt to remove from a residential housing accommodation the tenant or  
9 occupant of the accommodation or refuse to renew the lease or agreement  
10 for the use of the accommodation because the tenant or occupant has  
11 taken or proposes to take action authorized by this chapter or a regu-  
12 lation or order issued under it.

13 (c) During a proclaimed housing emergency no landlord or person  
14 acting on his behalf, with intent to cause a tenant to vacate, may  
15 engage in a course of conduct including but not limited to interruption  
16 or discontinuance of essential services which interferes with or is  
17 intended to interfere with the quiet enjoyment of the tenant in his use  
18 or occupancy of a residential housing accommodation.

19 (d) No officer, employee, agent, or consultant of the department  
20 may disclose, other than in the course of his official duty under this  
21 chapter, information obtained under this chapter or use any of that  
22 information for his personal benefit.

23 Sec. 34.06.042. INJUNCTIVE RELIEF. When a person has engaged or  
24 is about to engage in acts or practices which constitute or will con-  
25 stitute a violation of this chapter or a regulation or order issued  
26 under it, a tenant or the department may apply to the superior court in  
27 the judicial district where the alleged violation has occurred or is  
28 about to occur for an order enjoining these acts or practices, or for an  
29 order enforcing compliance with this chapter or the regulations or

1 orders issued under it, or for an order directing the landlord to  
2 correct the violation. Upon a showing that a person has engaged in or  
3 is about to engage in a violation a permanent injunction, temporary  
4 restraining order, or other appropriate order shall be granted without  
5 bond.

6 Sec. 34.06.043. CRIMINAL PENALTIES. A person who wilfully vio-  
7 lates a provision of this chapter or a regulation or order issued under  
8 it is guilty of a misdemeanor and upon conviction is punishable by a  
9 fine of not more than \$2,500, or by imprisonment for not more than one  
10 year, or by both.

11 Sec. 34.06.044. ACTION FOR DAMAGES. (a) If a landlord violates  
12 a provision of this chapter or a regulation or order issued under it,  
13 an aggrieved tenant, within one year from the date of the violation, may  
14 bring an action against the landlord for damages, except as provided in  
15 this section. In an action for damages the landlord is liable for  
16 reasonable attorney fees and costs as determined by the court, plus  
17 whichever of the following sums is the greater: (1) an amount not more  
18 than three times the damages upon which the action is based, as the  
19 court in its discretion may determine; or (2) \$100.

20 (b) If a landlord violates a provision of this chapter or a regu-  
21 lation or order issued under it and the aggrieved tenant fails to insti-  
22 tute an action under (a) of this section within 90 days from the date of  
23 the violation, the department may bring an action under this section  
24 within one year from the date of the violation, and for damages provided  
25 in (a) of this section. If the department brings the action, the  
26 tenant affected is barred from bringing an action for the same viola-  
27 tion, unless the action brought by the department has been dismissed  
28 without prejudice. If judgment is rendered in favor of the department,  
29 the department shall pay the affected tenant one-third of the recovery,

1 exclusive of costs and attorney fees.

2 (c) A judgment in an action for damages under (a) or (b) of this  
3 section is a bar to recovery in any other action under this section  
4 against the same landlord for the same violation.

5 (d) A tenant who has vacated his residential housing accommodation  
6 because the landlord or person acting on his behalf intentionally  
7 engaged in a course of conduct, including but not limited to interrup-  
8 tion or discontinuance of essential services, which interfered with the  
9 quiet enjoyment of the tenant in his use or occupancy of the residential  
10 housing accommodation, may within 90 days after vacating apply for a  
11 determination from the department that the housing accommodation was  
12 vacated as a result of that conduct, and may within one year after the  
13 determination bring an action against the landlord by reason of his  
14 misconduct under this subsection. In this action the landlord is liable  
15 to the tenant in an amount not more than three times the damages sus-  
16 tained on account of the landlord's misconduct plus reasonable attorney  
17 fees and costs as determined by the court. In addition to any other  
18 damages the cost of removal and storage of property and any increase in  
19 rent is a lawful measure of damages.

20 Sec. 34.06.045. CERTIFICATE OF EVICTION. During a proclaimed  
21 housing emergency the department, upon application by the landlord,  
22 shall issue a certificate of eviction if it finds that the reasons given  
23 by the landlord are reasonable and consistent with the purposes of this  
24 chapter. If after the department has granted a certificate of eviction  
25 allowing the landlord to pursue his legal remedies to acquire posses-  
26 sion, the landlord evicts the tenant and permits use of the residential  
27 housing accommodation in any manner other than contemplated in the  
28 eviction certificate, unless good cause is shown, the landlord is liable  
29 to the tenant in an amount not more than three times the damages sus-

1 tained on account of the removal plus reasonable attorney fees and costs  
2 as determined by the court. In addition to any other damage, the cost  
3 of removal and storage of property and any increase in rent is a lawful  
4 measure of damage.

5 \* Sec. 5. AS 34.06.050(1) is repealed.

6 \* Sec. 6. AS 34.06.050(2) is amended to read:

7 (2) "department" means the Department of Law [COMMERCE].

8 \* Sec. 7. AS 34.06.050 is amended by adding a new paragraph to read:

9 (4) "essential services" means running water, hot water,  
10 heat, sanitary facilities, or the supply of other like services; and  
11 electricity and garbage or other solid waste disposal services when  
12 supplied by the landlord.

13 \* Sec. 8. Section 3, ch. 128, SLA 1974, is amended to read:

14 Sec. 3. This Act expires July 1, 1977 [1975].

15 \* Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-

16 070(c).  
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