

Original sponsor: Miller, Huber,
Ray and Butrovich

Offered: 5/16/75

1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR 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(a) is amended to read:

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

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

28 Sec. 34.06.030. SCOPE OF EMERGENCY HOUSING REGULATIONS. Subject
29 to the Administrative Procedure Act (AS 44.62), the commissioner of

1 commerce, who is charged with the administration of this chapter, shall
2 promulgate regulations concerning the control of residential rents,
3 which may include a [INCLUDING BUT NOT LIMITED TO] provision for the
4 establishment and adjustment of maximum rents, the classification of
5 residential housing accommodations, [AND] the regulation of evictions
6 and the standards for issuance of certificates of eviction.

7 * Sec. 3. AS 34.06.030 is amended by adding a new subsection to read:

8 (b) The department shall adopt regulations for use during a housing
9 emergency which permit evictions upon a finding that the reasons for the
10 eviction are valid and consistent with the purposes of this chapter.

11 * Sec. 4. AS 34.06 is amended by adding a new section to read:

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

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

23 * Sec. 5. 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 an increase in rent for a resi-
27 dential housing accommodation without justification for that increase as
28 the commissioner of commerce may prescribe by regulation, or perform or
29 omit to perform an act which violates this chapter or a regulation or

1 order issued under this chapter.

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

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

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

18 Sec. 34.06.043. INJUNCTIVE RELIEF. After exhausting the adminis-
19 trative remedies provided under the regulations promulgated under this
20 chapter, an aggrieved person or the department may apply to the superior
21 court for an order enjoining any act which is or may be a violation of
22 this chapter or a regulation or order issued under it. The court order
23 shall be granted without bond.

24 Sec. 34.06.045. ACTION FOR DAMAGES. For a violation of this
25 chapter or regulation or order issued under it, an aggrieved person may
26 bring an action for damages within one year from the date of the viola-
27 tion or from the effective date of a declaration of a housing emergency,
28 whichever is the longer period of time. In that action, the prevailing
29 party may recover attorney fees and costs in addition to damages, as

1 determined by the court.

2 Sec. 34.06.047. CRIMINAL PENALTIES. A person who wilfully vio-
3 lates a provision of this chapter or a regulation or order issued under
4 it, or who falsifies an eviction notice application, is guilty of a
5 misdemeanor and upon conviction is punishable by a fine of not more than
6 \$2,500, or by imprisonment for not more than one year, or by both.

7 * Sec. 6. AS 34.06.050 is amended by adding a new paragraph to read:

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

12 * Sec. 7. Section 3, ch. 128, SLA 1974, is amended to read:

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

14 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-

15 070(c).