

Introduced: 3/24/81
Referred: Labor & Commerce and
Judiciary

1 IN THE HOUSE

BY MALONE AND CLOCKSIN

2 HOUSE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. AS 34.06 is amended by adding new sections to read:

11 Sec. 34.06.020. DECLARATION OF HOUSING EMERGENCY. (a) In accor-
12 dance with regulations adopted under AS 34.06.030, when the governor
13 finds that emergency conditions exist with regard to residential rental
14 housing, after public hearings in the area or areas affected, he may by
15 written proclamation declare that a state of housing emergency exists.
16 A housing emergency exists when the rate of vacancies in residential
17 rental housing is so low that there is a substantial impairment of free
18 choice in residential rental housing or when the average vacancies in
19 residential housing rentals falls below three percent in the area or
20 areas affected and remains below three percent for a period of at least
21 90 days. The proclamation shall state the nature of the housing emer-
22 gency, designate the area or areas affected, and be published generally
23 throughout the state in the manner provided by law. When the state of
24 emergency no longer exists, the governor shall issue a written proclama-
25 tion stating this fact and publish it generally throughout the state in
26 the manner provided by law.

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

1 Sec. 34.06.030. SCOPE OF EMERGENCY HOUSING REGULATIONS. (a)
2 Subject to the Administrative Procedure Act (AS 44.62), the commissioner
3 of commerce and economic development, who is charged with the adminis-
4 tration of this chapter, shall adopt regulations concerning the control
5 of residential rents, which may include a provision for the establish-
6 ment and adjustment of maximum rents, the classification of residential
7 housing accommodations, the regulation of evictions and the standards
8 for issuance of certificates of eviction.

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

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

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

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 adopted
28 under this chapter is subject to judicial review under the Administra-
29 tive Procedure Act (AS 44.62).

1 Sec. 34.06.041. PROHIBITIONS. (a) During a proclaimed housing
2 emergency, regardless of any existing contract, lease or other agree-
3 ment, a person may not demand or receive an increase in rent for a
4 residential housing accommodation without justification for that in-
5 crease as the commissioner may prescribe by regulation, or perform or
6 omit to perform an act which violates this chapter or a regulation or
7 order issued under this chapter.

8 (b) During a proclaimed housing emergency, a person may not
9 remove or attempt to remove from a residential housing accommodation
10 the tenant or occupant of the accommodation or refuse to renew the
11 lease or agreement for the use of the accommodation because the tenant
12 or occupant has taken or proposes to take action authorized by this
13 chapter or a regulation or order issued under it.

14 (c) During a proclaimed housing emergency, a landlord or person
15 acting on his behalf, with intent to cause a tenant to vacate, may not
16 engage in a course of conduct including but not limited to interruption
17 or discontinuance of essential services which interferes with or is
18 intended to interfere with the quiet enjoyment of the tenant in his use
19 or occupancy of a residential housing accommodation.

20 (d) An officer, employee, agent, or consultant of the department
21 may not disclose, other than in the course of his official duty under
22 this chapter, information obtained under this chapter or use any of
23 that information for his personal benefit.

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

1 Sec. 34.06.045. ACTION FOR DAMAGES. For a violation of this
2 chapter or regulation or order issued under it, an aggrieved person may
3 bring an action for damages within one year from the date of the viola-
4 tion or from the effective date of a declaration of a housing emergency,
5 whichever is the longer period of time. In that action, the prevailing
6 party may recover attorney fees and costs in addition to damages, as
7 determined by the court.

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

13 Sec. 34.06.050. DEFINITIONS. In this chapter,

14 (1) "commissioner" means the commissioner of commerce and
15 economic development;

16 (2) "department" means the Department of Commerce and
17 Economic Development;

18 (3) "essential services" means running water, hot water,
19 heat, sanitary facilities, or the supply of other like services; and
20 electricity and garbage or other solid waste disposal services when
21 supplied by the landlord;

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

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

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

29 (52) Department of Commerce and Economic Development, under

1 the Emergency Residential Rent Regulation and Control Act (AS 34.06).
2 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
3 070(c).
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