

personnel, and otherwise as said Board of Regents acting under

the authority of section 37-10-13 ACLA 1949 may request.

Approved March 29, 1955

CHAPTER 184

AN ACT

Relating to "Urban Renewal"; amending Ch. 105, SLA, 1951, by adding new sections thereto; authorizing the Alaska Housing Authority to undertake additional activities for the elimination and for the prevention of the development or spread of slums and blight, including functions with respect to rehabilitation and conservation for the restoration and renewal of blighted, deteriorated, or deteriorating areas; providing that all of the rights, powers, privileges, and immunities of public or private bodies or agencies applicable with respect to redevelopment projects shall be applicable with respect to such additional activities; and declaring an emergency.

(H. B. 228)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. Chapter 105, Session Laws of Alaska, 1951, is hereby amended by adding the following sections:

Sec. 24. Urban Renewal Projects. In addition to its authority under any other section of this Act, the "Authority" is hereby authorized to plan and undertake urban renewal projects. As used in this Act, an urban renewal project may include undertakings and activities for the elimination

(and for the prevention of the development or spread) of slums or blighted, deteriorated, or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include: (1) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (2) acquisition of

real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; Provided that such disposition shall be in the manner prescribed in this Act for the disposition of property in a redevelopment project area.

Sec. 25. Urban Renewal Plan. Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this Act, an "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of struc-

tures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in this Act with respect to a redevelopment plan.

Sec. 26. Powers with Respect to Urban Renewal. The "Authority" shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which this Act confers on the "Authority" with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the Authority, the municipality, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or

redevelopment project, in the same manner as though all of the provisions of this Act applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project; Provided that for such purpose the word "redevelopment" as used in this Act (except in this section and in the definition of "redevelopment project" in section 3) shall mean "urban renewal", the word "slum" and the word "blighted" as used in this Act (except in this section and in the definitions in section 3) shall mean "blighted, deteriorated, or deteriorating", and the finding prescribed in subsection (b) of section 4 with respect to a blighted area shall not be required; and Provided further that this subsection shall not change the corporate name of the Authority or the short title of this Act or amend any section of this Act. In addition to the surveys and plans which an Authority is otherwise authorized to make, an Authority is hereby specifically authorized to make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The Authority is authorized to develop, test, and report methods

and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight.

Sec. 27. Assistance to Urban Renewal by Municipalities and Other Public Bodies. Any municipality or other public body is hereby authorized (without limiting any provision in the preceding section, to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which such municipality or public body is authorized to act, including the furnishing of such financial and other assistance as the municipality or public body is authorized by this Act to furnish for or in connection with a redevelopment plan or redevelopment project. The Authority is hereby authorized to delegate to a municipality or other public body any of the powers or functions of the Authority with respect to the planning or undertaking of an urban renewal project in the area in which such municipality or public body is authorized to act, and such municipality or public body is hereby authorized to carry out or perform such powers or functions for the Authority. Any public body is hereby authorized to enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with any other public body or bodies respecting action to be taken pur-

suant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

Sec. 28. Workable Program. The governing body of the municipality, or such public officer or public body as it may designate, is hereby authorized to prepare a workable program (which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

Sec. 29. Ordinances Relating to Repair, Closing and Demolition of Dwellings Unfit for Human Habitation. (a) Whenever any municipality finds that there exist in

such municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions, including those set forth in subsection (c) hereof, rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to require or cause the repair, closing or demolition or removal of such dwellings in the manner herein provided. A "dwelling" shall mean any buildings, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any appurtenances belonging thereto or usually enjoyed therewith.

(b) Upon the adoption of an ordinance finding that dwelling conditions of the character described in subsection (a) hereof exist within a municipality, the governing body of such municipality is hereby authorized to adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinances shall include the following provisions:

(1) That the Authority be designated to exercise the powers prescribed by the ordinances.

(2) That whenever a petition is filed with the Authority by at least five residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the Authority or designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Authority.

(3) That if, after such notice and hearing, the Executive Director of the Authority determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in

support of such determination and shall issue and cause to be served upon the owner thereof an order which,

(A) if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(B) if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to remove or demolish such dwelling.

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Authority may cause such dwelling to be repaired, altered or improved, or to be vacated

(5) That, if the owner fails to comply with an order to remove or demolish the dwelling,

the Authority may cause such dwelling to be removed or demolished.

(6) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Authority shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of its cost and necessary attorneys' fees, may be foreclosed in judicial proceedings and in the manner provided or authorized by law for loans secured by liens on real property. If the dwelling is removed or demolished by the Authority it shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the Authority after deducting the costs of such judicial proceedings, including its necessary attorneys' fees incurred therein, as determined by the court.

(c) An ordinance adopted by a municipality pursuant to this section shall provide that the Authority may determine that a dwelling is unfit for human habitation if it finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the

occupants of neighboring dwellings or other residents of such municipality, or which have a blighting influence on properties in the area. Such conditions may include the following, without limitation: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects, uncleanliness; overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements. Such ordinance may provide additional standards to guide the Authority or agents or employees thereof in determining the fitness of a dwelling for human habitation.

(d) Complaints or orders issued by the Authority pursuant to an ordinance adopted under this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Authority in the exercise of reasonable diligence, and the Authority shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the municipality, or, in

the absence of such newspaper, in one printed and published in the Territory and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the District Court in the judicial division in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(e) Any person affected by an order issued by the Authority may petition the District Court for an injunction restraining the Authority from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the Authority pending the final disposition of the cause; Provided, however, that within sixty days after the posting and service of the order of the Authority, such person shall petition such court. Hearings shall be had by the court on such petitions within twenty days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceeding. In all such proceedings the findings of the Authority as to facts, if supported by evidence, shall be conclusive.

Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the Authority shall be entitled to recover any damages for action taken pursuant to any order of the Authority, or because of compliance by such person with any order of the Authority.

(f) An ordinance adopted by the governing body of the municipality may authorize the Authority to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter including the following powers in addition to others herein granted: (1) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation; (2) to administer oaths, affirmations, examine witnesses and receive evidence; (3) to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; (4) to appoint and fix the duties of such officers, agent and employees as the Authority deems necessary to carry out the purposes of such ordinance; and (5) to delegate any functions and powers under such ordinance to such officers, agents

and employees as the Authority may designate.

(g) The governing body of any municipality adopting an ordinance under this section shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in such municipality for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of its ordinance or ordinances adopted under this section.

(h) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(i) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(j) Any municipality may (by ordinance adopted by its governing body) (1) prescribe minimum standards for the use and occupancy of dwellings throughout the city, (2) prevent the use or occupancy of any dwelling which is injurious to the public health, safety, morals or welfare, and (3) prescribe punishment for the violation of any provision of such ordinance.

Section 2. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

Section 3. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.

Approved March 29, 1955

CHAPTER 185

AN ACT

Providing for maximum hours and minimum wages of labor, excepting