



LAWS OF ALASKA

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Chapter No.

128

AN ACT

Relating to the establishment of rent regulation and control in emergency situations; and providing for an effective date.

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

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

CHAPTER 06. EMERGENCY RESIDENTIAL RENT REGULATION AND CONTROL.

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

(1) a serious public emergency may exist in housing in Alaska when, because of sudden economic development and uneven population growth, there develops an acute shortage of dwellings in all or parts of Alaska;

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

Sec. 34.06.020. DECLARATION OF HOUSING EMERGENCY. (a) In accordance with regulations promulgated under sec. 30 of this chapter, when the governor finds that emergency conditions exist with regard to residential rental housing, after public hearings in the area, or areas, affected, he may by written proclamation declare that a state of housing emergency exists. A housing emergency exists when the rate of vacancies in residential rental housing is so low that there is a substantial impairment of free choice in residential rental housing or when the average vacancies in residential

housing rentals falls below three per cent in the area, or areas, affected and remains below three per cent for a period of at least 90 days. The proclamation shall state the nature of the housing emergency, designate the area, or areas, affected and be published generally through the state in the manner provided by law. When the state of emergency no longer exists, the governor shall issue a written proclamation stating this fact and publish it generally throughout the state in the manner provided by law.

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

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

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

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

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 expires July 1, 1975.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.