



LAWS OF ALASKA

1975

Source

FCCS HCSSB 290

Chapter No.

108

AN ACT

Relating to 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 34.06.020(a) is amended to read:

(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. The proclamation shall state the nature of the housing emergency, the area or areas affected, and shall be published generally throughout 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.

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

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, which may include a provision for the establishment and adjustment of maximum rents, the classification of residential housing accommodations, the regulation of evictions and the standards for issuance of certificates of eviction.

* Sec. 3. AS 34.06.030 is amended by adding a new subsection

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to read:

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

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

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

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

* Sec. 5. AS 34.06 is amended by adding new sections to read:

Sec. 34.06.041. PROHIBITIONS. (a) During a proclaimed housing emergency, regardless of any existing contract, lease or other agreement, no person may demand or receive an increase in rent for a residential housing accommodation without justification for that increase as the commissioner of commerce may prescribe by regulation, or perform or omit to perform an act which violates this chapter or a regulation or order issued under this chapter.

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

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

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

Sec. 34.06.043. INJUNCTIVE RELIEF. After exhausting the administrative remedies provided under the regulations promulgated under this chapter, an aggrieved person or the

department may apply to the superior court for an order enjoining any act which is or may be a violation of this chapter or a regulation or order issued under it. The court order shall be granted without bond.

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

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

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

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

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

Sec. 3. This Act expires July 1, 1977.

* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.070(c).