

ANCHORAGE, ALASKA
AO No. 2025-93(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.05 AND 15.10 TO REQUIRE RESIDENTIAL RENTAL PROPERTY OWNERS PROVIDE TENANTS FINANCIAL RELOCATION ASSISTANCE FOLLOWING ISSUANCE OF A NOTICE TO VACATE AND AMENDING TITLE 8 TO ENACT A NEW SECTION 8.30.200 AND TO MAKE FAILURE TO COMPLY WITH AN ENFORCEMENT ORDER OR A NOTICE TO VACATE PUNISHABLE AS MISDEMEANOR OFFENSES.

WHEREAS, Anchorage currently lacks sufficient housing to fulfill the needs of its residents; and

WHEREAS, the municipality's stock of multifamily housing is aging rapidly and degrading around its tenants; and

WHEREAS, the expense associated with repairs can often prove substantial, providing property owners with a perverse financial incentive to delay needed work; and

WHEREAS, mechanical problems can compound when routine upkeep is neglected, and repairs can be ignored to the point that homes become dangerous or unlivable; and

WHEREAS, these circumstances can present municipal building inspectors the difficult choice of trying to compel property owners to fix problems or order them to vacate the premises, which would put tenants out on the street with few other options; and

WHEREAS, in addressing Anchorage housing crisis, the Municipal government has a responsibility to ensure existing housing stock remains habitable, and suitable for its residents; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 8.30 is hereby amended to insert a new section to read as follows (*requiring no legislative drafting*):

Chapter 8.30

OFFENSES AGAINST PUBLIC ORDER

*** *** ***

8.30.200 Failure to comply with an enforcement order or notice to vacate residential buildings; failure to provide relocation assistance.

A. *Violation by owner.* No owner of any rental dwelling shall:

1. Fail to comply with any notice or order to repair, vacate or demolish said rental dwelling, duly issued by an authorized law enforcement officer or by personnel charged with the responsibility of enforcing titles 14, 15, or 23 of this code; or
2. Fail to provide their tenants relocation assistance as required by section 15.05.060, when given notice to vacate a rental dwelling.

B. *Violation by occupant.* No occupant or lessee in possession of a rental dwelling, or dwelling unit within a rental dwelling, shall fail to comply with any notice to vacate issued pursuant to titles 15 and 23 of this code.

C. *Removal of notice from building.* No person without legal authority to do so shall remove a lawfully posted notice of violation or notice to vacate issued pursuant to titles 15 and 23 of this code.

D. Pursuant to AS 11.16.130, a corporation or other business organization may be prosecuted for conduct of its agents constituting an offense under this section.

E. Violation of this section is a class B misdemeanor.

Section 2. Anchorage Municipal Code section 8.05.025 is hereby amended to add as follows (*the remainder of the section is not affected and therefore not set out*):

8.05.025 Minor offense fine schedule; misdemeanor penalty reference table; and state surcharge.

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B. *Misdemeanor offenses reference table.*

Section	Description	Penalty	Penalty Section
*** **			
Chapter 8.30 OFFENSES AGAINST PUBLIC ORDER			
*** **			
8.30.200(A)-(C)	Failure to comply with an enforcement order or notice to vacate residential buildings; failure to provide relocation assistance.	Class B	8.05.020H.2.
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(AO No. 2014-42, § 1, 6-21-14; AO No. 2015-7, § 2, 2-24-15; AO No. 2015-

84, § 2, 9-24-15; AO No. 2015-87, § 2, 9-24-15; AO No. 2015-123(S), § 2, 11-10-15; EO No. 2016-1, § 1, 7-12-16; AO No. 2016-83(S), § 1, 7-26-16; AO No. 2016-114, § 1, 12-15-16; AO No. 2017-156, § 1, 12-5-17; AO No. 2018-34(S), § 4, 7-26-18; AO No. 2019-25, § 2, 3-5-19; AO No. 2023-100(S), § 1, 11-7-23; AO No. 2025-74(S-2), § 4, 7-15-25)

Section 3. Anchorage Municipal Code section 15.05.060 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

15.05.060 Notice of violation.

A. Except as otherwise provided in section 15.05.070, whenever the director of the department determines that any premises, condition, activity or property fails to meet the requirements set forth in this title or in applicable rules and regulations issued pursuant thereto, the director shall issue a notice setting forth the alleged violations and advise the owner, occupant, operator or agent that such failures must be corrected.

B. The notice of violation prescribed in subsection A. of this section shall be in writing, set forth the alleged violations of this title or of applicable rules and regulations issued pursuant thereto, describe the premises, condition, activity or property where the violations are alleged to exist or to have been committed, specify a specific date for the correction of any violation alleged, and be served upon the owner, occupant, operator or agent of the premises, condition, activity or property in the manner required by section 15.05.100.

C. At the end of the period of time allowed for the correction of any violation alleged, the premises, condition, activity or property described in the notice shall be reinspected.

1. If upon reinspection the violations are determined by the director not to have been corrected, the director may assess penalties and initiate legal proceedings for injunctive relief authorized in section 15.05.120F. In addition, the director may refer the matter to the municipal prosecutor as appropriate.

2. **If, [In addition to those remedies provided in subsection 1 above, if]** upon reinspection of a rental dwelling, the violations are determined by the director not to have been corrected, **[and]** that the building is unfit for human habitation pursuant to section 15.10.180, and that those remedies provided in subsection 1 above have been exhausted, the director may post a notice to vacate **[Pursuant to this section], and the owner shall bear the cost of relocation of their tenants to suitable housing.**

a. Within 7 calendar days of receiving a notice to vacate, the owner shall pay to the tenant relocation assistance

in the amount of two times the tenant's monthly rent in addition to refunding the ~~[full]~~ amount of any deposit and prepaid rent to the full extent required by state law .

b. For purposes of this subsection, a tenant may only receive and retain relocation assistance once per tenancy per dwelling unit. All tenants holding a valid tenancy at any point after issuance of the initial notice to repair and prior to issuance of the final notice to vacate shall be entitled to relocation assistance.

c. The owner shall not be required to pay relocation assistance if:

i. The violations resulting in a notice to vacate are directly caused by a tenant's or third party's illegal conduct without the owner's prior knowledge;

ii. The violations resulting in the notice to vacate result from conditions arising from a natural disaster, including an earthquake, tsunami, windstorm, or wildfire; or

iii. The tenant's displacement is a direct result of the acquisition of the property by eminent domain.

d. If the owner fails to complete payment of relocation assistance within the period required under this section, the municipality may advance the cost of the relocation assistance to the displaced tenants.

i. If, after sixty days from the date that the municipality first advanced relocation assistance funds to the displaced tenants, an owner has failed to repay the amount of relocation assistance advanced by the municipality, then the municipality shall assess civil penalties in the amount of fifty dollars per day for each tenant to whom the municipality has advanced a relocation assistance payment.

ii. If the municipality must initiate legal action in order to recover the amount of relocation assistance payment that it has advanced under this section, including penalties under this title, the municipality shall be entitled to attorneys' fees and costs arising from its legal action.

e. The director shall notify the displaced tenants contemporaneously with a notice to vacate that they

may be entitled to relocation assistance under this section.

- D. The director may, concurrent with issuing a notice of violation, issue a citation under section 14.30.020 for civil penalties and fines authorized in section 15.05.120.

(CAC 8.10.080; AO No. 2016-90, § 2, 8-23-16)

Section 4. Anchorage Municipal Code section 15.05.120 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

15.05.120 Enforcement.

- A. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title or any rule, regulation, permit, variance or order issued pursuant to this title shall be subject to a civil penalty as set forth in section 14.60.030, or, if no penalty is included in section 14.60.030, a civil penalty of not less than \$50.00 and not more than \$2,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty.
- B. Any person who violates any provision of this title or any rule, regulation or permit issued pursuant to this title shall be subject to a fine of not less than \$50.00 and not more than \$500.00 for each offense, except that the fine for a violation of sections 15.20.020B.6.a and 15.20.020B.12.c shall be set at \$300.00 for the first offense and not less than \$300.00 and not more than \$600.00 for second and subsequent offenses.
- C. Each day of violation of any provision of this title or any rule, regulation, permit, variance or order issued pursuant to this title shall constitute a separate offense.
- D. In addition to any other remedy or penalty provided by this title, failure to comply with a notice of violation or notice to vacate, duly issued pursuant to section 15.05.060, shall be punishable as a misdemeanor as set forth in section 8.30.200.
- E. In addition to any other remedy or penalty provided by this title, the superior or district court may require that any person who violates section 15.20.020B.6 shall pick up and properly dispose of litter and other solid waste at a time and place within the boundaries of the municipality for not less than four consecutive hours for each separate violation.
- E[E]. In addition to other remedies available under this title, any person aggrieved by a violation of section 15.20.020A. with regard to a public nuisance listed in section 15.20.020B. may also initiate a private enforcement action before the administrative hearings officer to abate

those violations as provided in section 21.25.035.

G[F]. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this title or any rule, regulation, permit, variance or order issued pursuant to this title, the superior court shall grant injunctive relief to restrain the violation.

(AO No. 79-63; AO No. 79-80(AM); AO No. 80-2; AO No. 80-70; AO No. 80-131; AO No. 82-22; AO No. 88-174; AO No. 93-124(S-3), § 3, 4-13-94; AO No. 93-167(S-1), § 12, 4-13-94; AO No. 96-147(S), § 3, 12-17-96; AO No. 2016-90, § 3, 8-23-16; AO No. 2019-9(S), § 3, 2-12-19)

Section 5. Anchorage Municipal Code section 15.10.160 is hereby amended to read as follows:

15.10.160 Powers and duties of the appropriate authority.

A. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the appropriate authority has reasonable cause to believe there exists in dwellings, dwelling units, roominghouses, rooming units, a dwelling, dwelling unit or rooming unit, or of a multiple dwelling, hotel or hotel unit, or a roominghouse, dormitories, or dormitory rooms a condition which is contrary to or in violation of this chapter and makes the premises unfit, the code official may enter the premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided :

1. If such premises ~~are~~**be** occupied that credentials be presented to the occupant and entry requested. **If an inspection is made at the request of any party other than the occupant, the inspector shall provide the occupant with 24 hours advanced notice prior to entry.**

2. If such premises **are vacant**~~is unoccupied~~, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry. [THE APPROPRIATE AUTHORITY, AFTER PROVIDING AN OCCUPANT WITH 24 HOURS ADVANCED NOTICE PRIOR TO ENTRY, SHALL ENFORCE THE PROVISIONS OF THIS CHAPTER AND IS HEREBY AUTHORIZED AND DIRECTED TO MAKE INSPECTIONS IN RESPONSE TO A COMPLAINT WHERE A COMPLAINANT HAS GIVEN HIS OR HER NAME, ADDRESS AND TELEPHONE NUMBER AND ALLEGES THAT VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR OF APPLICABLE RULES OR REGULATIONS PURSUANT THERETO MAY EXIST.

B. THE APPROPRIATE AUTHORITY, AFTER PROVIDING AN OCCUPANT WITH 24 HOURS ADVANCED NOTICE PRIOR TO ENTRY, IS HEREBY AUTHORIZED TO ENTER AND INSPECT

1 BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. ALL
2 DWELLINGS, DWELLING UNITS AND ROOMINGHOUSES,
3 ROOMING UNITS, DORMITORIES, AND DORMITORY ROOMS
4 SUBJECT TO THE PROVISIONS OF THIS CHAPTER, AND THEIR
5 SURROUNDING PREMISES, FOR THE PURPOSE OF
6 DETERMINING WHETHER THERE IS COMPLIANCE WITH ITS
7 PROVISIONS.
8

9 1. THE APPROPRIATE AUTHORITY AND THE OWNER,
10 OCCUPANT OR OTHER PERSON IN CHARGE OF A
11 DWELLING, DWELLING UNIT, ROOMING UNIT,
12 ROOMINGHOUSE OR DORMITORY ROOM SUBJECT TO
13 THIS CHAPTER MAY AGREE TO AN INSPECTION BY
14 APPOINTMENT AT A TIME OTHER THAN THE HOURS
15 PROVIDED IN THIS SUBSECTION.
16

17 C. THE OWNER, OCCUPANT OR OTHER PERSON IN CHARGE OF A
18 DWELLING, DWELLING UNIT, ROOMING UNIT, ROOMINGHOUSE
19 OR DORMITORY ROOM, UPON PRESENTATION OF PROPER
20 IDENTIFICATION BY THE APPROPRIATE AUTHORITY, SHALL
21 GIVE THE APPROPRIATE AUTHORITY ENTRY AND FREE
22 ACCESS TO EVERY PART OF THE DWELLING, DWELLING UNIT,
23 ROOMING UNIT OR DORMITORY ROOM OR TO THE PREMISES
24 SURROUNDING ANY OF THESE.
25

26 D. TO THE EXTENT ALLOWED BY LAW, ALL RECORDS PERTAINING
27 TO THE IDENTIFICATION OF A COMPLAINANT SHALL BE KEPT
28 CONFIDENTIAL FROM THE PUBLIC RECORD OF INSPECTION
29 AND NOTICE OF VIOLATION IN REGARD TO ANY STRUCTURE.
30 ALL OTHER INFORMATION REGARDING INSPECTIONS AND
31 NOTICES OF VIOLATIONS MADE PURSUANT TO THIS CHAPTER
32 SHALL BE PUBLIC RECORD AND AVAILABLE UPON REQUEST.]
33

34 B[E]. If any owner, occupant, or other person in charge of a dwelling,
35 dwelling unit or rooming unit, or of a multiple dwelling, hotel, or a
36 roominghouse, subject to licensing, fails or refuses to permit free
37 access and entry to the structure or premises under his control, or any
38 part thereof, with respect to which an inspection authorized by this
39 chapter is sought to be made, the appropriate authority may obtain
40 and serve an administrative search warrant to inspect the dwelling,
41 dwelling unit, rooming unit, hotel unit, roominghouse or dormitory
42 room. The application to the trial courts of the state to obtain an
43 administrative search warrant shall state the name of the owner(s) and
44 address of the premises to be inspected, the authority to conduct the
45 inspection, the nature and extent of the inspection, and the facts and
46 circumstances justifying the inspection. Warrants issued under this
47 section shall be returned within ten days [MAY, UPON A SHOWING
48 THAT PROBABLE CAUSE EXISTS FOR THE INSPECTION AND
49 FOR THE ISSUANCE OF AN ORDER DIRECTING COMPLIANCE
50 WITH THE INSPECTION REQUIREMENTS OF THIS SECTION
51 WITH RESPECT TO SUCH DWELLING, DWELLING UNIT,

ROOMING UNIT, MULTIPLE DWELLING OR ROOMINGHOUSE, PETITION AND OBTAIN SUCH ORDER FROM A COURT OF COMPETENT JURISDICTION].

[F. WHEN REQUIRED, THE APPROPRIATE AUTHORITY SHALL OBTAIN THE NECESSARY ORDER FROM THE COURT TO CONDUCT THE INSPECTION.]

C. To the extent allowed by law, all records pertaining to the identification of a complainant shall be kept confidential from the public record of inspection and notice of violation in regard to any structure.

D[G]. Inspection fees.

1. If an inspection is made pursuant to this section at the request of the occupant, owner, operator, agent or other person in charge of a dwelling unit, rooming unit or other structure subject to the provisions of this chapter, the inspection fee provided in this section shall constitute a debt in favor of the municipality against the person requesting the inspection if the request is the 4th or subsequent request in a 12-month period and:

a. The requestor is the same person, or circumstances indicate the complaint was made on the requestor's behalf, and

b. The appropriate authority determines that the requestor did not have a good-faith basis for making the request, and at least three other requests in the immediately prior 12-month period.

2. If a notice of violation is issued and compliance does not occur on or before a reasonable date for compliance provided in the notice, the inspection fee provided in this section for such inspection shall constitute a debt in favor of the municipality against the person to whom the notice of violation is issued.

3. If any person fails, neglects or refuses to pay the municipality the amount of the debt provided in this section, it shall be recoverable in a civil action against that person or that person's successor brought in a court of competent jurisdiction by the municipality, which shall possess all rights of a private creditor.

E[H]. Excessive violations.

1[a]. In the event three notices of violation under this chapter are issued to the same owner[PERSON] for the same real property, premises, dwelling, or dwelling unit, the municipality may assess the actual costs of each inspection and re-inspection if:

a[1]. Upon re-inspection, any one of the violations was not

cured within the time period specified in the notice;

b[2]. The notices of violation were issued within a consecutive 12-month period; and

c[3]. The notices contain a warning regarding the possibility of assessing actual costs under this subsection for excessive inspections.

2[b]. For purposes of this subsection, actual costs include:

a[1]. The fully loaded salaries of the inspectors and their staff, including staff used to research property ownership and provide administrative support; and

b[2]. The pro rata cost of equipment, materials and overhead costs related to the inspection.\

3[c]. *Minimum actual costs.* For purposes of administrative efficiency, the municipality may elect to assess a charge of \$150.00 per hour for each inspection and re-inspection, in lieu of actual costs. The minimum charge shall be \$150.00. Charges shall be in hourly increments and shall not be prorated.

(AO No. 2016-76(S), § 6, 7-12-16)

Section 6. Anchorage Municipal Code section 15.10.040 is hereby amended to add the following definition as follows (*the remainder of the section is not affected and therefore not set out*):

15.10.040 Definitions.

*** *** ***

B. The following definitions shall apply in the interpretation and enforcement of this chapter:

*** *** ***

Rental dwelling shall mean any dwelling which contains at least one dwelling unit, rooming unit, or hotel unit that is not occupied as a residence by the owner; and shall include any single-family residential structure that is not occupied as a residence by the owner. Individual rooms for rent within a single-family dwelling in which the owner resides are not included in this definition.

*** *** ***

Tenancy shall mean the legal right to occupy or use land or property that belongs to another for a specific period of time.

Tenant shall mean a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.

*** *** ***

(AO No. 2016-76(S), § 6, 7-12-16; AO No. 2017-119(S), § 5, 11-9-17)

Section 7. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____, 2025.

Chair

ATTEST:

Municipal Clerk