RENT STABILIZATION
IN A NATIONAL SECURITY EMERGENCY

State and Local Guidance

Prepared for

Federal Emergency Management Agency
Washington, D.C. 20472

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# RENT STABILIZATION
## IN A NATIONAL SECURITY EMERGENCY

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RENT STABILIZATION
IN A NATIONAL SECURITY EMERGENCY

I. INTRODUCTION

A. Purpose

The purpose of this document, Rent Stabilization in a National Security Emergency, is to provide guidance to State and local government leaders on rent and real estate price stabilization during a national security emergency. The guidance covers basic authorities, the emergency conditions covered, planning assumptions, general policies, concept of operations, and the price control organization and its responsibilities. The document provides the basis for improving the readiness of State and local jurisdictions for undertaking economic stabilization programs. The guidance is intended to be sufficiently flexible so that modifications can be made to meet local and State requirements or situations.

B. Objectives of the Stabilization Program

Under the conditions of severe economic dislocation attendant to a national emergency that results in an attack on our nation, the primary objective of economic stabilization would be to maintain and protect the surviving economy as part of the overall effort directed toward national survival and recovery. Stabilization strategies would be applied to: financial and monetary systems; wages, salaries, and benefits; prices; rents; and rationing of essential goods. These measures are designed to maintain public confidence in our market and financial systems and their institutions so that general inflation can be controlled, scarce resources conserved, and the recovery effort supported so that the most efficient use is made of human material and capital resources to bring about national recovery as rapidly as possible. The stabilization program is also meant to encourage the equitable sharing of the available supply of goods and services for consumption purposes.
The specific objectives of rent stabilization in an emergency period are to prevent unwarranted increases in prices, ensure equitable rents, maximize utilization of available space, and prevent profiteering and other disruptive practices.

C. Responsibilities

The Federal Government is responsible for the imposition and administration of nationwide economic controls. However, in the event of an intense crisis or nuclear attack, the Federal Government would rely upon State and local governments to provide immediate post-attack administration.

The State Government is responsible for:

a. Establishing the necessary planning and administrative organization at the State level.

b. Determining appropriate ways and means for creating the required operating capability at each and every operating level.

c. Providing continuing and appropriate administrative and technical guidance to each and every operating-level organization in order to ensure maximum program uniformity within the State.

Local- or operating-level organizations are responsible for developing, in accordance with State preparedness plans, a pre-attack capability to administer on an interim basis the Federal rent stabilization program (as well as the price stabilization and consumer rationing program) immediately after attack.
II. PLANNING ASSUMPTIONS

A. Operational Conditions

Economic stabilization programs operative during peacetime and non-war emergencies must be modified and extended for implementation in any of the operational conditions that might arise as a result of a national security emergency. While price stabilization and, more importantly, consumer rationing would be required on a local basis following nuclear attack on the United States, such stabilization measures might have to be instituted by the Federal Government prior to an attack. The present guidance focuses on the stabilization programs for intense strategic crisis or post-nuclear attack in the event that no Federal emergency economic stabilization program has been implemented.

Figure 1 depicts the range of conditions for which preparations should be made. The figure shows an "intensity of emergency" profile developing over time for a possible scenario. Increases in intensity could occur if an international event is clearly recognized as an overt and immediate threat. The intensity could continue to increase through various stages of U.S. defense mobilization, possibly leading to a national security emergency and possibly a nuclear attack on the United States. On the other hand, the confrontation might be resolved at any level of intensity short of attack. To meet these conditions, economic stabilization measures and other emergency actions must be responsive to the increased levels of readiness and the nation's capability to respond as the situation changes, while minimizing the disruption to normal economic activities.

B. Islands of Survival

Following a nuclear attack, the nation could consist of "islands of survival" interspersed among areas of widespread damage. These islands could include part or all of a State or portions of several States located in relatively low population areas. However, it is also possible that such "islands of survival" could include significant portions of urban areas. In the absence of a Federal stabilization program in an "island of survival", States and localities should be prepared to implement and administer a stabilization program in accordance with State plans for price and rent stabilization as well as consumer rationing.
Figure 1

Intensity of Emergency

EMERGENCY PROFILE

Time (months)

MOB, Mobilization
EV, Evacuation
PA, Post-Attack

Overt Threat
C. Economic Stabilization Measures for Various Conditions

Because of the possibility of a buildup of tension over time, types of economic stabilization actions to be taken can be considered in terms of a number of conditions. They are:

CONDITION I: Peacetime
CONDITION II: National emergency (Threat of war)
CONDITION IIIA: Mobilization with limited controls
CONDITION IIIB: Mobilization with full controls
CONDITION IV: Post-attack recovery

Key objectives and economic stabilization measures for conditions of increasing intensity are shown in Table 1.

Condition I, Peacetime, usually uses only indirect controls, such as fiscal and monetary policies, to maintain a healthy economy. It may be considered the base case.

Key objectives of Condition II are limited to moderating private business expectations of shortages and inflation and supporting U.S. international (economic defense) measures that could improve the stability of the domestic economy.

With increasing tension accompanying Condition III, Mobilization, the principal objective would be to subdue inflation while increasing the defense share of the GNP. At the early stages of mobilization, this might be accomplished by indirect measures, such as emergency taxes and restrictive monetary and credit policies accompanied by a system of priorities and allocations for key resources. Continued movement toward full mobilization might bring with it the need for selective credit controls and direct controls, including a Federal freeze order on prices, wages, and rents. The occurrence of ordered evacuation or an attack would also require rationing of essential consumer goods and services. Some of these measures could be imposed earlier, however, depending on the state of the economy and Federal-level decisions.

Objectives under Condition IV, following a nuclear attack on the United States, would be designed to reconstitute as soon as possible a viable economic system to support the surviving populations. As previously noted, the post-attack period would
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<td>o Support U.S. international economic measures that could affect the domestic economy</td>
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require States and localities to implement and administer price stabilization and consumer rationing in the event that no such Federal programs were imposed prior to the attack. In the event that Federal programs had been made effective prior to the attack, States and localities should pattern provisions of their regulations after those of the Federal programs. Such action will facilitate the re-establishment of Federal programs for national recovery, indemnification, clarification of Federal programs for loss sharing and ownership, and other measures necessary to promote economic recovery.

D. Rent-related Problems During Evacuation and Post-attack Periods

Many of the problems that would be expected to accompany a rent freeze or rent control in an evacuation or post-attack period have been encountered before. However, the extent of disruption that these periods could induce has not accompanied previous periods when controls have been enacted. Treatment of some of the problems occurring during this reconstitution period could be deferred, while others would require timely actions. Some of the major related problems that could expect to be experienced are:

- **Nonresidential space converted to residential space.** Large amounts of nonresidential space would be converted to residential space to accommodate displaced persons. Ceiling rents for such nonresidential space are to be set by the local rent boards, based on reports and recommendations of appraisers. The large number of this type of accommodations would make it likely that many rents for individual properties could not be set in a timely manner during the occupancy period using conventional means.

- **Space not rented or offered for rent.** If space has not been offered for rent for the term and number of occupants contemplated, the owner is to set the price, based on the rent generally prevailing in the area for comparable accommodations. The Rent Board, however, may be required to rule on whether the ceiling rent so established is in excess of that prevailing for such accommodations. Identification of comparable accommodations and determination of comparability may be a persistent problem. Levels of occupancy are expected to be very high and conditions are likely to be austere in evacuation or post-attack periods, resulting in highly variable conditions that could overload conventional means of making rulings.
Differentials for additional occupants. The Rent Board may find it necessary to establish a flat dollar rate per additional person in rental units. Such a rate ignores the quality of the accommodations, may fail to generate potential utilization of premium space, and may add an excessive number of tenants to some units.

Temporary use. Evacuation, particularly, requires space for an unknown duration but probably a short one. Allowances for post-occupancy cleanup and repair would probably be desirable.

Fallout shelter use. Protective measures, in many cases, will probably be taken that adversely affect the value of the property. Funds should be provided to restore the units to their pre-crisis condition.

Pricing industrial property. A sale of industrial property for conversion to military production or other high-priority use could entail some consideration of going-concern value in determining fair price. This may properly involve higher authority than local rent boards in consummating the transfer of ownership. Desirable conversions may be impeded by rent board review.

A persistent problem for rent boards will be passing on comparability of offerings in view of unusual terms, levels of occupancy, and uses of space, particularly for owner-occupied dwellings.
III. GENERAL POLICIES AND AUTHORITIES

A. General Policies

The basic national policy would be to restrain inflationary pressures during mobilization or following an attack on the United States to support the efficient use of economic resources. Current economic stabilization planning applicable to a developing economic national security emergency provides as a Presidential option the possible imposition of an initial freeze with rollback on wages, salaries, benefits, prices, and rents to support essential economic activities and set the stage for a return to orderly markets. Such a freeze might be accompanied by consideration of a Federal program for the rationing of essential goods and services should the mobilization crisis require. Following nuclear attack, these stabilization programs would form a basis for State and local stabilization programs along with other Federal guidance.

Rent ceilings will be established for housing accommodations, rooms of all types, commercial or industrial units, and for any rented structure, unit, or space. Ceiling prices for real property will also be established under the jurisdiction of the local rent administrator.

Adjustments of ceiling rents will be held to an absolute minimum even though temporary inequities may result. If urgent adjustments are required, such as when failure to grant an increase would create a severe hardship on the owner, local authorities will issue a general or individual order.

B. General Instruments of Control

1. Federal General Freeze Order

Appendix I is a draft of a General Freeze Order that covers the major economic stabilization measures that it is expected would be declared by the Federal Government in the event that direct economic stabilization measures have not been enacted and there is an extreme crisis or nuclear attack upon the United States. In addition to the freeze order covering prices, wages and salaries, and rents, it also deals with rationing and includes:
2. Rent Control Regulations

As indicated in the General Freeze Order, the Federal Government places heavy reliance upon State and local authorities to administer the rent control program for an interim period during crisis and following attack. One instrument of control will be the rent control regulations issued by State or local governments to cover the interim period. Regulations will cover such considerations as:

- Establishment of State and local rent control organizations, with appropriate jurisdictional boundaries.
- Delegation of authority.
- Procedures for registering rental space and recording rents charged.
- Policies and procedures for enforcement of rent ceilings.
- Establishing rental or billeting charges in institutions, public facilities, and emergency housing.
- Exceptions and exemptions from the rent controls.
- Procedures for estimating space available and total space requirements.
- Records and record keeping.

3. Instruments of Compliance and Enforcement

It is expected that, for the most part, there will be voluntary compliance with the freeze order. One of the principal instruments of compliance will be the widespread
knowledge of the freeze and public opinion. It will be in the public's interest to keep prices down, a motivation for reporting violators to the rent control offices. Most violations will be handled by direct contact by rent control personnel requesting price rollbacks and refunds to offset the overcharges. The requirement for registering rental units (after the initial interim administration) is also expected to act as a deterrent to potential violators. In the case of reported repeat violations or a landlord's or seller's unwillingness to comply, an investigation will be undertaken. It is expected that legal action will be deferred until after the crisis or early post-attack period.

C. Authorities

1. Peacetime (Condition I)

The two basic authorities for economic stabilization activities in peacetime are the National Security Act of 1947 and Executive Order 11490. The first provides for advice to the President concerning programs "for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions".

Executive Order 11490, as amended, requires FEMA and the Federal financial agencies to cooperate "in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage, and salary stabilization, and consumer rationing programs".

States and local jurisdictions should be prepared under their emergency powers to assume responsibility for rent stabilization and for determining ceiling prices of real property in the event the Federal Government is unable, temporarily, to administer the national program.

2. Emergency Conditions Short of Imminent Attack (Condition II, IIIA, or IIIB)

Federal authority for implementing an economic stabilization program is not yet in place for conditions short of evacuation or attack. However, there is standby legislation, referred to as the Defense Resources Act. In the event of an emergency,
it is expected that this act would be passed by Congress and signed by the President. The legislation calls for an Office of Emergency Resources (OER) to be established within FEMA, and it provides for an Economic Stabilization Agency (ESA) to report to that Office. The ESA would be staffed by members of FEMA, members of other Federal agencies, and National Defense Executive Reservists (NDERs).

3. Extreme Crisis (Attack or Imminence of Attack) (Condition IIIB or IV)

The President's constitutional powers as Commander-in-Chief would be invoked in an intense crisis or if attacked. It is expected that he will declare a national emergency and freeze order.

If rent and real estate sales controls have not been imposed prior to nuclear attack, it will be assumed that the President has issued a general freeze order as shown in Appendix 1. State and local jurisdictions will declare a state of emergency, which will allow them to proceed with stabilization measures if the Federal Government is unable, temporarily, to assume administration of the national program.
IV. THE EMERGENCY ORGANIZATION AND ITS RESPONSIBILITIES

A. Federal

If rent control has been established by the Federal Government prior to an evacuation or attack, it would likely be only in geographic areas impacted by a mobilization effort. It is expected that FEMA, with the assistance of the Department of Housing and Urban Development, will have responsibility for providing technical assistance and advice to State and local boards. Such assistance could, for example, include policies and procedures for determining fair market rents. If rent control has not been established and there is an attack, the State and local organizations will take the initiative. These organizations and their responsibilities are described below.

B. State

A State-level Rent Board will be established, which will include persons that represent tenants, landlords, and the general public. A member of the Rent Board should be appointed or elected to serve in an executive capacity. This Board will be principally concerned with the establishment of operating-level organizations and for providing guidance and coordination to such organizations in order to ensure maximum uniformity of administration within the State. Boards in large, populous States may choose to establish regional rent boards to coordinate operations of the local boards.

The Board will work with local governments to ensure that appropriate authorities are in place and that rent boards are established at the local level throughout the State. It will also provide assistance to include information on publicity, emergency executive orders, and technical materials necessary for local rent stabilization administration. The Board may also act as arbitrators in local rent stabilization disputes.

C. Local

Local rent boards may be established at either the county, city, or subcity level or all three, depending on the decision of the State-level Rent Board. The administrative
head of local government (such as the Board of Supervisors, Mayor, or City Manager) will have responsibility for appointing members to the local rent board. These members should also be representative of the community at large (as is true at the State level). The local boards, in turn, will establish district or neighborhood boards, if appropriate. Local rent boards should also be established in both hazard and reception areas. In the event of evacuation, hazard area board personnel will be expected to report to the local boards in reception areas to assist them with their responsibilities.

Local boards generally will have the responsibility for setting up the local offices and ensuring their smooth functioning, and for ensuring that there is compliance with the established or base period rents. The local offices will have responsibility for providing press releases to the media to inform the public of the major provisions of the freeze order and the location of local rent control offices. Follow-up information on rules, regulations, and interpretations will also be provided to the media for public dissemination. Personnel in the offices will handle informational inquiries and complaints. Complaints must be recorded and contact made with the alleged violators.
V. CONCEPT OF OPERATIONS

Whether the Federal Government or the State and local governments have responsibility for the program, the sequence of operational functions to be performed will be the same. These include:

1. Immediate announcements to the public. A press release will be disseminated to the public immediately upon notification or assumption of the promulgation of the freeze order. The press release provides information on the main provisions of the rent freeze and, if possible, lists the locations of local rent control offices, when they will be open, and what their responsibilities are.

2. Initial implementing actions. As soon as possible after promulgation of the general freeze order, rent boards and offices will be activated. Staff members of the emergency organization will advise and assist persons to comply with the freeze. Staff will accept and process complaints and will be delegated the authority to make investigations deemed necessary to administer the freeze order. They will make preliminary determinations as to whether there are violations.

3. Follow-up announcements to the public. As soon as possible, announcements will be made to the public that will include names of key officials, the locations of additional offices established, additional details on complaints and compliance, interpretations and guidance related to the freeze, and any other matters that should be brought to the attention of the public.
VI. IMPROVING READINESS PRIOR TO CRISIS

A. Planning

Although this document provides general guidance for operations in the event that State and local authorities must direct and enforce rent and real estate sales, the level of detail is not sufficient to serve as a substitute for planning. The guidance needs to be adapted to the individual States, and detailed plans, standard operating procedures, press releases, rosters of personnel, and telephone emergency call-out and resource lists must be prepared.

State and local authorities should be in place, and the list of appointees for the State and local-level Rent Stabilization Boards should have been made prior to a crisis. The State-level Board is expected to incorporate planning guidance from FEMA into plans for local operations. Details should include plans for organizational development, recruitment and training, resource planning, and interagency coordination. These four aspects of operations are discussed below as they relate to improving readiness prior to crisis.

B. Organizational Development

As tension increases prior to crisis or attack, members of State-level Rent Stabilization Boards should be chosen and preliminary organizational meetings should be held. The State organization should work with local jurisdictions to ensure that personnel for rent boards have been chosen or the process has been set in motion. Preliminary meetings should be held at these levels to plan for recruiting and training personnel, determining required resources, and determining how the board will interact with the price control, wage control, and rationing boards.

C. Recruitment and Training

The Governor should select and designate qualified government and private sector leaders to provide the necessary direction to the State's Economic Stabilization Agency
in an emergency. The State should develop a roster indicating the positions that these individuals will occupy in the emergency organization. Complete information (e.g., names, telephone numbers, addresses) should be documented and kept up-to-date for use in times of emergency.

Other sources of personnel may include real estate management associations, government, civic and consumer groups, and professional groups, such as real estate appraisers. Three to five persons may be all that is required for a board at the local level.

If rent control has not been imposed in a prior period, the State-level board should ensure that appropriate information and training materials are available to the local boards and staffs.

D. Resource Planning

Plans at the State, regional, and local levels should include requirements for office space, communications, and office furniture, supplies, and equipment. Consideration should be given to sharing office space and administrative staff with other economic stabilization control programs to help ensure close coordination and to minimize administrative costs. After evacuation or after attack a requirement would exist for greater staffing in reception areas.

E. Review of Authority

State and local jurisdictions should review the adequacy of their current emergency authority to increase readiness under conditions short of a declared national emergency.
Appendix 1

FEDERAL GENERAL FREEZE ORDER
(Economic Stabilization)

Whereas, the President has proclaimed the existence of an unlimited national emergency and of a civil defense emergency, and has found that it is necessary to provide for resource conservation and control and for the stabilization of the civilian economy;

Now, Therefore, by virtue of the authority vested in me by the President, it is hereby ordered as follows:

Section 1. General Freeze.

All prices, wages and salaries, and rents are hereby frozen at the levels specified in section 2 of this order.

Section 2. Prohibitions.

(a) No person may charge, receive, or pay more for commodities and services than the highest prices which were in effect during the one-month base period (prior to the base date).

(b) No employer shall pay and no employee shall receive a wage, salary, or other form of compensation at a rate higher or lower than that paid or received as of (the base date).

(c) No person shall demand or receive, nor shall any person pay more than the following rent ceilings:

(1) The rent in effect on the base date for any housing accommodation, commercial, or industrial unit which was rented on the base date;
Section 3. Consumer Rationing.

For a period of five days from the effective date of this Order, all retail sales, except perishable foods or any health item dispensed under prescribed procedures, shall be prohibited. Thereafter, rationing of selected essential consumer items will be imposed as rapidly as possible.

Section 4. Definitions.

(a) "Base Date": Base date means the date of the first nuclear attack on the United States.

(b) "Base Period": Base period means the one-month period prior to the base date as to ceiling prices, and the three months prior to and ending on the base date as to rents.
(c) "Persons": Persons shall include an individual, corporation, partnership, firm, or any other entity.

(d) "Price": Price shall include rentals, commissions, margins, rates, fees, charges, or other forms of prices paid or received for the sale or use of commodities or services or for the sale of real property, but shall not include prices on finished military items produced for the armed forces.

(e) "Commodity": Commodity means all commodities, articles, products, and materials, including those provided by public utilities services, such as electricity, gas, and water.

(f) "Services": Services means all services rendered, other than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation of purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity, or privileges including professional services. (The term "service" shall not be construed to authorize the regulation of compensation paid by an employer to any of his employees.)

(g) Wage, salary, or other form of compensation includes all forms of remuneration to an employee by an employer for personal services including, but not limited to, premium overtime rate payments, night shift, year-end and other bonus payments, incentive payments, commissions, vacation and holiday payments, employer contributions to or payment of insurance or welfare benefits or pension funds or annuities, and other payments in kind. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in such rates of wages, salaries, or other forms of compensation except as may be permitted or required by regulations, orders, or directives issued under this Order.

(h) "Sale": Sale includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing.

(i) "Authorized Appraiser": Authorized appraiser means qualified appraiser designated by the local rent administrator to make appraisals in connection with the establishment of sales price ceilings for real property.
(j) "Essential Consumer Items": Essential consumer items means items that are used to satisfy essential needs of individual consumers, such as food, clothing, petroleum products, and other items as indicated in section 5.(b).

(k) "Retail": Retail (sometimes referred to as secondary) means the level at which commodities, products, and materials are sold directly to the consumer.

(l) "Rent": Rent includes charges for any building, structure or part thereof, or land appurtenant thereto, or services, furnishings, furniture, equipment, facilities, and improvements connected with the use or occupancy of such property.

Section 5. Interim Administration.

Until such time as a Federal emergency stabilization agency is created and is capable of administering the provisions of this Order, interim operations include the following:

(a) The Secretary of Labor is delegated authority to administer those provisions of this Order dealing with wages, salaries, and other compensation (and the resolution of any labor disputes that may arise) and to issue such regulations, orders, or directives as he deems necessary to such administration. He is further authorized to redelegate this authority to such officers of his Department as he deems appropriate.

(b) It is expected that the Governor of each State, through such State officers or agencies, local authorities including civil defense and other emergency organizations as he may designate, will exercise such emergency authorities as are available to him under State law, to provide for the administration of those provisions of this Order dealing with ceilings on prices and rents, the prohibition of all retail sales, and the rationing of essential consumer items. In the course of such administration, the Governor through such designees is expected to make such essential exceptions to the prohibition-of-sales provisions of this Order as he finds necessary and shall designate those essential consumer items to be distributed through the consumer rationing system.

(c) It is further expected that the Governor of each State, pursuant to the laws of his State and supported by local authorities, will provide for the interim enforcement of ceilings established by this Order and of any regulations, orders, or directives issued pursuant to this section.
Section 6. Record Keeping.

(a) Commodities and Services: All records in existence on the date of this Order reflecting prices which were charged for the commodities or services during the base period, together with all other records of any kind or description, shall be preserved. All records hereafter required to be kept pursuant to regulations or directives issued hereunder shall be preserved.

(b) Rents: All persons subject to this Order shall preserve and maintain all records which are necessary to show the manner by which the ceiling rentals were determined and the record of payments made by persons in occupancy of real property or any part thereof.

(c) Wages and Salaries: All employers shall preserve and maintain all records which reflect the rates of wages, salaries, or other forms of compensation paid on the base date, together with all other records of any kind or description.

Section 7. Applicability.

The provisions of this Order shall be effective immediately and are applicable to the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the District of Columbia.

Section 8. Termination.

This interim order shall expire when replaced by subsequent executive or administrative Economic Stabilization Agency orders.

Dated ________________________ Designated Federal Official

(Note: For planning purposes States are to assume that such an order will be issued by the Federal Government in a nuclear attack emergency.)