

Gavel to Gavel: What to know about disaster relief statutes

By: Craig M. Regens and G. Blaine Schwabe, III Guest Columnists



With Oklahoma's storm season approaching, businesses should be aware of the Oklahoma Disaster Relief Materials Price Stabilization Act and the Emergency Price Stabilization Act. When Oklahoma's governor or the president of the United States declares an emergency arising out of a natural or man-made disaster, the provisions of the EPSA become effective within the county or counties included in the declared emergency area.

Under the Act, during and for 30 days after the declaration of an emergency, it is illegal to sell, rent, or lease, or offer to sell, rent, or lease, any goods, services, dwelling units, or storage space in the emergency area at a price that is more than 10 percent above what was charged for the same or similar items immediately prior to the declaration of emergency. This holds true unless the increase in the price is attributable to price increases in applicable regional, national or international petroleum commodity markets or only to factors unrelated to the emergency and does not include any increase in profit to the seller or owner.

Additionally, for 180 days after the declaration of an emergency, it is illegal to rent or lease or offer to rent or lease any dwelling unit or storage space or sell goods for use within the emergency area to repair, restore, remodel, or construct any dwelling unit for a price of more than 10 percent above the price charged immediately prior to the declaration of emergency. The same exceptions apply during this period.

Sellers must act with caution because the attorney general actively encourages consumers to report complaints. Private parties may also file suit at any time within one year of the alleged violation. A violation of the act is a violation of Oklahoma's Consumer Protection Act, which subjects the violator to awards of costs and assessments of penalties.

The Oklahoma Disaster Relief Materials Price Stabilization Act contains the same price control measures and permits private enforcement actions, but is limited to disaster relief materials, such as lumber and roofing products. The ODRMPSA prohibits businesses from selling at a loss to build market share, but excludes sales at a loss and donations to charitable organizations, government agencies and certain other sales from its scope.

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