



## **50 State Pricing Requirements During States of Emergency:**

With an increase in the number and frequency of natural disasters, it is important for self storage operators to be aware of their state's laws related to price increases during a state of emergency. Although few businesses would intentionally raise their rates because of a natural disaster, the laws may affect your ability to implement even standard rate increases during a state of emergency.

Below is a general overview of all 50 states' laws. Some of these laws clearly apply to self storage operators, some are clearly inapplicable to self storage operators, and others are uncertain. Moreover, some of the laws contain exemptions that we have not listed in full in order to keep this document at a manageable length. Therefore, operators should consult with their legal counsel regarding any potential rate changes during the initial state of emergency or any extension to the state of emergency.

<b>State</b>	<b>Statute</b>
	This document is provided for informational purposes only. It is not intended to be nor should it be construed as legal advice.

### **Summary of the Law**

<b>Alabama</b>	<ul style="list-style-type: none"><li>Charging "unconscionable" prices for commodities or rental facilities (including self storage) during a declared state of emergency.</li><li>A price is unconscionable if any person charges a price that exceeds, by an amount equal to or in excess of twenty-five percent of the average price at which the same or similar commodity or rental facility was obtainable in the affected area during the last 30 days immediately prior to the declared state of emergency and the increase in the price charged is not attributable to reasonable costs incurred in connection with the rental or sale.</li></ul>	<a href="#"><u>§ 8-31-1</u></a>
<b>Alaska</b>	n/a	
<b>Arizona</b>	n/a	
<b>Arkansas</b>	<ul style="list-style-type: none"><li>Upon the proclamation of a state of emergency and for a period of thirty (30) days following that declaration, it is unlawful for any person, contractor, business, or other entity to sell or offer to sell any consumer food items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services, or gasoline or other motor fuels for a price of more than ten percent (10%) above the price charged by that person for those services immediately prior to the proclamation of emergency.</li></ul>	<a href="#"><u>§ 4-88-301</u></a>

<b>California</b>	<ul style="list-style-type: none"> <li>Upon the proclamation of a state of emergency and for a period of 30 days following that proclamation or declaration, it is unlawful for a person, contractor, business, or other entity to sell or offer to sell any consumer food items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services for a price of more than 10 percent greater than the price charged by that person for those goods or services immediately prior to the proclamation or declaration of emergency.</li> </ul>	<a href="#">PEN § 396</a>
<b>Colorado</b>	n/a	
<b>Connecticut</b>	<ul style="list-style-type: none"> <li>It is unlawful to increase the price of any item which such person, firm or corporation sells or offers for sale at retail at any location in an area which is the subject of any disaster emergency declaration issued by the Governor pursuant to any transportation emergency declaration, until the period of emergency or disaster is declared by the Governor or the President to be at an end.</li> </ul>	<a href="#">§ 42-230</a>
<b>Delaware</b>	n/a	
<b>DC</b>	<ul style="list-style-type: none"> <li>It is unlawful to sell commodities or services, including self storage, after a declared state of emergency for more than 10% over the price at which similar services/products were sold during the 90-day period preceding the emergency.</li> </ul>	<a href="#">§ 28-4101</a>
<b>Florida</b>	<ul style="list-style-type: none"> <li>Selling commodities, household essentials, rentals, fuel, etc. after a declared state of emergency at "unconscionable" prices.</li> <li>Price is unconscionable if the amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, unless the increase in the amount charged is attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national, or international market trends.</li> <li>This prohibition is effective not to exceed 60 days under the initial declared state of emergency but may be extended by the Governor.</li> </ul>	<a href="#">§ 501.160</a>
<b>Georgia</b>	<ul style="list-style-type: none"> <li>Selling items or services determined by the Governor during a declared state of emergency to be necessary for public safety at a higher cost than they were immediately prior to the declaration.</li> </ul>	<a href="#">§ 10-1-393.4</a> <a href="#">§ 10-1-438</a>
<b>Hawaii</b>	<ul style="list-style-type: none"> <li>"Any increase in the selling price of any commodity" after the Governor declares a state of emergency; also, landlords may not terminate tenancy for residential dwellings in an area subject to severe weather warning or emergency declaration.</li> </ul>	<a href="#">§ 127A-30</a> <a href="#">§ 480-2</a>

<b>Idaho</b>	<ul style="list-style-type: none"> <li>Selling "fuel or food, pharmaceuticals, or water for human consumption at an exorbitant or excessive price" (based on a comparison of prices immediately before and after the declaration) during a declared state of emergency.</li> </ul>	<a href="#">§ 48-603</a>
<b>Illinois</b>	<ul style="list-style-type: none"> <li>"During any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price" (defined as a "gross disparity" between the prices immediately before and after the emergency).</li> </ul>	<a href="#">815 ILCS 505/2</a> ; <a href="#">465.10</a>
<b>Indiana</b>	<ul style="list-style-type: none"> <li>Price-gouging on fuel sales during (and 24 hours before) a declared state of emergency; defined as charging a price that "grossly exceeds" the average price of fuel in the immediate area during the 7 days immediately preceding the declaration.</li> </ul>	<a href="#">§ 4-6-9.1-1</a>
<b>Iowa</b>	<ul style="list-style-type: none"> <li>Charging "an excessive price for merchandise to be provided to persons within an area declared to be a disaster area during the period of any declaration of emergency and for the subsequent recovery period."</li> </ul>	<a href="#">§ 714.16</a> ; <a href="#">61-31.1 (714)</a>
<b>Kansas</b>	<ul style="list-style-type: none"> <li>For any supplier of a "necessary property or service" (including self storage) to "profiteer from a disaster" by charging 25% or more above the pre-disaster price for such goods/services.</li> </ul>	<a href="#">§ 50-6.106</a>
<b>Kentucky</b>	<ul style="list-style-type: none"> <li>Selling or renting goods or services "for a price which is grossly in excess of the price prior to the declaration and unrelated to any increased cost to the seller."</li> <li>It may be implemented by executive order for a period of thirty (30) days.</li> </ul>	<a href="#">§ 367.372</a>
<b>Louisiana</b>	<ul style="list-style-type: none"> <li>Selling goods/services during a declared state of emergency (within the designated emergency area) in excess of the ordinary price range immediately before the declaration.</li> <li>The prohibition is effective for an initial period not to exceed thirty days pursuant to the initial declared state of emergency and shall be renewed only by specific reference in any subsequent proclamations renewing the declared state of emergency by the governor.</li> </ul>	<a href="#">§ 732</a>
<b>Maine</b>	<ul style="list-style-type: none"> <li>Selling or offering for sale "necessities at an unconscionable price" when there is an abnormal market disruption (typically a declaration by the Governor).</li> <li>"Unconscionable price" means a price that is actionable under this section. There is a rebuttable presumption that a price is unconscionable when it exceeds by more than 15% the sum of: (1) The price at which similar goods or services were offered for sale or sold by that person immediately prior to the beginning date of the abnormal market disruption. If that person did not offer such goods or services immediately prior to the abnormal market disruption, then the price is the price at which similar goods or services were offered for sale or sold by another person similarly situated prior to the abnormal market disruption; and (2) The increased cost calculated according to the method used by that person prior to the abnormal market disruption.</li> </ul>	<a href="#">Title 10, § 1105</a> ; <a href="#">§ 207</a>

<b>Maryland</b>	n/a	
<b>Massachusetts</b>	<ul style="list-style-type: none"> <li>Selling "any petroleum product" at an unconscionably high price "during any market emergency" (as declared by the Governor).</li> </ul>	<a href="#">940 CMR 3.18</a>
<b>Michigan</b>	<ul style="list-style-type: none"> <li>"Charging the consumer a price that is grossly in excess of the price at which similar property or services are sold" -- regardless of whether there is a declared emergency.</li> </ul>	<a href="#">§ 445.903</a>
<b>Minnesota</b>	n/a	
<b>Mississippi</b>	<ul style="list-style-type: none"> <li>Selling goods and services at above the prices normally charged during a declared state of emergency (or what was charged immediately preceding the declaration).</li> </ul>	<a href="#">§75-24-25</a>
<b>Missouri</b>	<ul style="list-style-type: none"> <li>Charging within a disaster area an excessive price for any necessity (or that which the seller has reason to believe will likely be provided to consumers within a disaster area).</li> </ul>	<a href="#">§ 407.020</a> ; <a href="#">15 CSR 60-8.030</a>
<b>Montana</b>	n/a	
<b>Nebraska</b>	n/a	
<b>Nevada</b>	n/a	
<b>New Hampshire</b>	n/a	
<b>New Jersey</b>	<ul style="list-style-type: none"> <li>During a declared emergency, selling goods and services at a price that is at least 10% higher than it was preceding the declaration.</li> </ul>	<a href="#">56 § 8-107</a>
<b>New Mexico</b>	n/a	
<b>New York</b>	<ul style="list-style-type: none"> <li>Selling "goods and services vital and necessary for the health, safety and welfare of consumers" at an "unconscionably excessive price" (as determined by the court) during an abnormal disruption of the market.</li> </ul>	<a href="#">GBS § 396-r</a>
<b>North Carolina</b>	<ul style="list-style-type: none"> <li>Selling or renting goods and services "used to preserve, protect, or sustain life, health, safety..." at unreasonably excessive prices after an emergency declaration or abnormal market disruption.</li> <li>In determining whether a price is unreasonably excessive, it shall be considered whether: (1) The price charged by the seller is attributable to additional costs imposed by the seller's supplier or other costs of providing the good or service during the triggering event. (2) The price charged by the seller exceeds the seller's average price in the preceding 60 days before the triggering event.</li> </ul>	<a href="#">§ 75-38</a>
<b>North Dakota</b>	n/a	
<b>Ohio</b>	n/a	

<b>Oklahoma</b>	<ul style="list-style-type: none"> <li>Selling, renting, or leasing goods, services, dwelling units, or storage space after the declaration of an emergency at a price of more than 10% above the rate charged before the declaration.</li> </ul>	<a href="#">15 OK St.</a> (download title 15 and scroll to page 169)
<b>Oregon</b>	<ul style="list-style-type: none"> <li>Selling essential consumer goods or services after the declaration of an emergency at a price of more than 15% above the rate charged before the declaration.</li> <li>The declaration will terminate automatically 30 days after the date on which the Governor makes the declaration unless extended.</li> </ul>	<a href="#">§ 401.960</a>
<b>Pennsylvania</b>	<ul style="list-style-type: none"> <li>Selling consumer goods or services in a geographic region subject to a declared emergency at an "unconscionably excessive price" (at least 20% higher than the normal price range immediately prior to the declaration), during and within 30 days of the termination of a state of disaster emergency.</li> </ul>	<a href="#">Title 73 § 232.1</a>
<b>Puerto Rico</b>	n/a	
<b>Rhode Island</b>	<ul style="list-style-type: none"> <li>Selling "essential commodities" -- any goods, services, materials, merchandise, supplies, equipment, resources, or other article of commerce, after the declaration of an emergency at an "unconscionably high price."</li> <li>Unconscionably high price means the amount charged represents a gross disparity between the average prices at which the same or similar commodity was readily available and sold or offered for sale within the local trade area in the usual course of business during the thirty (30) days immediately before the declaration of the market emergency and the additional charges are not substantially attributable to increased cost to retailers, imposed by their suppliers, including replacement costs imposed by the vendors' source.</li> </ul>	<a href="#">§ 6-13-21</a>
<b>South Carolina</b>	<ul style="list-style-type: none"> <li>After an emergency is declared, renting or selling a commodity at an unconscionable price or imposing unconscionable prices for the rental or lease of a dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility.</li> <li>Unconscionable price means a gross disparity between the price of the commodity or rental or lease of a dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the thirty days immediately before a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility, or local, regional, national, or international market trends; or grossly exceeds the average price at which the same or similar commodity, dwelling unit,</li> </ul>	<a href="#">§ 39-5-145</a>

		including a motel or hotel unit, or other temporary lodging, or self-storage facility was readily obtainable in the trade area during the thirty days immediately before a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility, or local, regional, national, or international market trends.	
<b>South Dakota</b>	n/a		
<b>Tennessee</b>	<ul style="list-style-type: none"> <li>Upon the declaration of a state emergency, charging "grossly excessive" prices for food, construction services, emergency supplies, storage services or other vital goods or services.</li> </ul>		<a href="#">§ 47-18-5101</a>
<b>Texas</b>	<ul style="list-style-type: none"> <li>After a declared emergency, "selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price."</li> </ul>		<a href="#">§ 17.46(b)(27)</a>
<b>Utah</b>	<ul style="list-style-type: none"> <li>After a declared emergency, charging an "excessive price" for consumer goods and services (10% higher than normal, or 30% higher for goods and services that were <i>not</i> provided immediately before the declaration).</li> </ul>		<a href="#">§ 13-41-201</a>
<b>Vermont</b>	<ul style="list-style-type: none"> <li>After a declared "market emergency," charging "unconscionably high" prices for petroleum or heating fuel-related products or services.</li> </ul>		<a href="#">§ 2461d</a>
<b>Virginia</b>	<ul style="list-style-type: none"> <li>During a time of disaster, selling, leasing, or licensing "any necessary goods and services at an unconscionable price," including storage services.</li> <li>Time of disaster means the shorter of (i) the period of time when a state of emergency declared by the Governor or the President of the United States as the result of a disaster, emergency, or major disaster, is in effect or (ii) 30 days after the occurrence of the disaster, emergency, or major disaster that resulted in the declaration of the state of emergency; however, if the state of emergency is extended or renewed within 30 days after such an occurrence, then such period shall be extended to include the 30 days following the date the state of emergency was extended or renewed.</li> </ul>		<a href="#">§ 59.1-525</a>
<b>Washington</b>	n/a		
<b>West Virginia</b>	<ul style="list-style-type: none"> <li>After a declared state of emergency, and continuing for the existence of the state of emergency or for thirty days following the declaration, whichever period is longer, selling consumer food items, medical supplies, heating oil, building supplies, or storage services at more than 10% above the average cost of those items prior to the declaration is prohibited.</li> </ul>		<a href="#">§ 46A-6J-1</a>
<b>Wisconsin</b>	No seller may sell, or offer to sell, in this state at wholesale or at retail, consumer goods or services at unreasonably excessive prices if the governor, by executive order, has certified that the state or a part of the state is in a period of abnormal economic disruption, including natural disasters.		<a href="#">§ 100.305</a> ; <a href="#">ATCP 106.01</a>

**Wyoming**

n/a