

## Chapter 94

### Disaster Assistance Programs

#### Article

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#### Article 1

#### 1998 Western Alaska Fisheries Disaster Emergency Disaster Assistance

#### Section

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#### 6 AAC 94.100. Purpose

#### Statute text

The provisions of 6 AAC 94.100 - 6 AAC 94.180 establish the criteria for distributing money that has been made available to the state for individual and family emergency aid under 16 U.S.C. 1861(a) (Magnuson-Stevens Act sec. 312(a)), P.L. 106-31, sec. 103 (May 21, 1999), P.L. 105-277, div.A, sec. 101(a), title VII, sec. 763, title XI, subtitle C, sec. 1124 (October 21, 1998), and P.L. 106-78, title VIII, subtitle B, sec. 817 (October 22, 1999).

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 3/16/2000, Register 154; am 9/11/2000, Register 156

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.110. Grant application

##### Statute text

(a) To seek a grant under 6 AAC 94.100 - 6 AAC 94.180, an individual or family member must apply for a grant through toll-free telephone registration or by fax or mail on a form issued by the division.

(b) The division will not consider an application that is not received by March 31, 2000, or, in the case of assistance requested due to the 1999 Norton Sound fisheries failure, by October 16, 2000, unless the division determines that extenuating circumstances beyond the applicant's control prevented the applicant from timely submitting an application. If the division determines that extenuating circumstances exist, the division will extend to May 30, 2000, or, in the case of assistance requested due to the 1999 Norton Sound fisheries failure, November 30, 2000, the time within which the individual or family member may submit an application.

(c) The division will request further information from an applicant as the division determines necessary in order to determine the applicant's grant eligibility.

##### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 3/16/2000, Register 154; am 9/11/2000, Register 156

##### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.120. Grant eligibility

##### Statute text

(a) Subject to (b) of this section, to qualify for a grant under 6 AAC 94.100 - 6 AAC 94.180, an individual or family member applicant

(1) must have an income for 1998, or, if applying for assistance due to the Norton Sound fisheries failure, for 1999, that meets the income eligibility criteria in 6 AAC 94.125; the income of a family member applicant is the income of that member's family;

(2) must be unable to purchase essential items or services in an eligible expense category under 6 AAC 94.130;

(3) must apply to all applicable available government disaster assistance programs for assistance to meet a necessary expense or serious need, and be determined not qualified for that assistance, or demonstrate that the assistance received does not satisfy the total necessary expense or serious need;

(4) may not have previously received or refused assistance from other means for all or part of the specific necessary expense, or serious need, for which application is made;

(5) must agree to refund to the division any part of a grant made for which assistance from other means is received, or which is not spent as identified in the grant award document;

(6) must be a citizen of the United States or an alien with resident alien or refugee status; and

(7) if applying for assistance due to the 1998 Western Alaska fishery disaster, must be able to document that the individual or family member applicant is in one of the following categories:

(A) a holder of a commercial fishing salmon permit to fish in the disaster area in 1997 or 1998;

(B) an employee of a salmon cannery or salmon processor in the disaster area

(i) during the 1998 fishing season; or

(ii) in 1997, who was unemployed in 1998 due to the disaster;

(C) a member of a crew of a commercial salmon fishing vessel, if during the 1997 or 1998 fishing season,

(i) that vessel fished in the disaster area;

(ii) the crew member was employed in that capacity by a holder of a commercial fishing salmon permit to fish in the disaster area; and

(iii) the crew member held a valid crew member license as required under AS 16.05.480 and 5 AAC 39.110; however, an applicant who did not hold a 1997 or 1998 crew member license but held such a license in 1996 may qualify for a grant under 6 AAC 94.100 - 6 AAC 94.180 if the division determines that based on the geography of where the applicant lives, and the type of fishery, the applicant had good cause not to purchase a crew member license in 1997;

(D) a subsistence user of Yukon River drainage salmon stocks in 1998 who

(i) because of the low salmon runs, caught or received less than half the salmon that the user or the user's family usually eats; and

(ii) is a resident living along the Yukon or Koyukuk River, or is a resident of one of the following communities: Alakanuk, Alatna, Allakaket, Anvik, Arctic Village, Beaver, Bettles, Birch Creek, Central, Chalkytsik, Chevak, Circle, Eagle, Eagle Village, Emmonak, Evansville, Fort Yukon, Galena, Grayling, Holy Cross, Hooper Bay, Hughes, Huslia, Kaltag, Kotlik, Koyukuk, Manley Hot Springs, Marshall/Fortuna Ledge, Minto, Mountain Village, Nulato, Pilot Station, Pitka's Point, Rampart, Ruby, Russian Mission, Scammon Bay, Shageluk, Sheldon Point, St. Mary's/Andreafsky, St. Michaels, Stebbins, Stevens Village, Tanana, Venetie, or Wiseman;

(8) if applying for assistance due to the 1999 Norton Sound fishery failure, must be able to document that the individual or family member applicant is in one of the following categories:

(A) a holder of a commercial fishing salmon permit to fish in Norton Sound in 1999;

(B) an employee of a salmon cannery or salmon processor in Norton Sound

(i) during the 1999 fishing season; or

(ii) in 1998, who was unemployed in 1999 due to the disaster;

(C) a member of a crew of a commercial salmon fishing vessel, if during the 1999 fishing season,

(i) that vessel fished in the disaster area;

(ii) the crew member was employed in that capacity by a holder of a commercial fishing salmon permit to fish in the disaster area; and

(iii) the crew member held a valid crew member license as required under AS 16.05.480 and 5 AAC 39.110; however, an applicant who did not hold a 1999 crew member license but held such a license in 1998 may qualify for a grant under 6 AAC 94.100 - 6 AAC 94.180 if the division determines that based on the geography of where the applicant lives, and the type of fishery, the applicant had good cause not to purchase a crew member license in 1999;

(D) a subsistence user of Norton Sound salmon stocks in 1999 who

(i) because of the low salmon runs, caught or received less than half the salmon that the user or the user's family usually eats; and

(ii) is a resident of a community in an area in which the Department of Fish and Game closed or restricted subsistence salmon fisheries in 1999, including Nome, Solomon, Teller, Brevig Mission, Golovin, and White Mountain.

(b) In addition to meeting the requirements of (a) of this section, an individual or family member applicant must submit a grant application as follows in order to qualify for a grant:

(1) family members who meet the eligibility criteria in (a)(1) - (6) of this section and who are eligible under (a)(7)(A), (B), or (C), or (a)(8)(A), (B), or (C), of this section are each eligible to apply for a grant;

(2) a family that has one or more members who meet the eligibility criteria in (a)(1) - (6) and either (a)(7)(D) or (a)(8)(D) of this section is eligible to submit one application for the entire family;

(3) an eligible individual or family member applicant is eligible to apply for only one grant under this chapter even if the applicant is a member of more than one of the categories in (a)(7) or (a)(8) of this section.

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 3/16/2000, Register 154; am 4/8/2000, Register 154; am 8/10/2000, Register 155; am 9/11/2000, Register 156; am 1/14/2001, Register 157

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.125. Income eligibility criteria

##### Statute text

(a) To qualify for a grant under 6 AAC 94.100 - 6 AAC 94.180, an applicant's income for 1998, or, if applying for assistance due to the Norton Sound fisheries failure, for 1999, must be less than or equal to the applicable income eligibility level listed in (b) of this section.

(b) Income eligibility levels are as follows:

(1) if the applicant is an individual, the applicant's income for 1998, or, if applying for assistance due to the Norton Sound fisheries failure, for 1999, must be less than or equal to \$13,488;

(2) if the applicant is a family member, the applicant's family income for 1998, or, if applying for assistance due to the Norton Sound fisheries failure, for 1999, must be less than or equal to an amount that corresponds to the applicant's family size as follows:

Family Size	Income Eligibility Level
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2	\$21,552
3	\$24,240
4	\$26,928
5	\$29,040
6	\$32,292
7	\$34,980
8	\$37,668
Each added dependent	\$2,676

(c) In this section, "income" means gross income less deductions for the following items:

(1) money received from student study grants;

(2) longevity bonus payments received under AS 47.45;

(3) payments received under 43 U.S.C. 1601 - 1629 (Alaska Native Claims Settlement Act);

(4) permanent fund dividends received under AS 43.23;

(5) wages received by a full time student under 18 years of age who is not the head of the household;

(6) payments received for reimbursement of expenses incurred in connection with employment, including travel, mileage, and per diem reimbursement;

(7) payments received for reimbursement of medical expenses;

(8) payments for jury duty issued directly to the employer;

(9) food or rent in lieu of wages;

(10) non-cash or in-kind income;

(11) money received from an educational, personal, commercial, or other loan for which the borrower has an obligation to repay;

(12) payments received under 42 U.S.C. 5044 for support services or reimbursement of out-of-pocket expenses, such as lunches or transportation, made to an individual serving as a volunteer in a domestic volunteer service program under 42 U.S.C. 4951-5028a;

(13) payments made to, or on behalf of, a household member by the division of vocational rehabilitation, Department of Labor and Workforce Development or by the United States Department of Veterans Affairs, for purposes related to training programs in which the individual is enrolled;

(14) cash gifts that do not exceed a total of \$20 per month, per individual in the household;

(15) federal income tax refunds or earned income tax credits;

(16) the value of food stamps received;

(17) the value of non-cash general relief assistance received under AS 47.25.120 - 47.25.300;

(18) income specifically excluded by federal law from being counted as income for purposes of the determination of eligibility or payment amounts under AS 47.27 (Alaska Temporary Assistance Program);



(19) essential living expense grants provided under the governor's disaster declarations dated July 30, 1998, September 16, 1998, and October 16, 1998;

(20) payments received under AS 47.27 (Alaska Temporary Assistance Program);

(21) adult public assistance payments received under AS 47.25.430 - 47.25.615;

(22) payments received under 7 AAC 44 (Low Income Home Energy Assistance Program), or from a tribal organization under 42 U.S.C. 8621-8629;

(23) the first \$50 per month of child support payments received;

(24) payments received from the Department of Health and Social Services under AS 47.14.100 for the care of a foster child, or payments received from the Department of Administration under AS 47.24.011 for the care of a vulnerable adult, unless the foster child or vulnerable adult is claimed on the application;

(25) proceeds from the sale of personal property;

(26) general assistance payments received from the United States Department of Interior, Bureau of Indian Affairs under 25 C.F.R. 20;

(27) proceeds from the sale of stocks or bonds.

#### History

History: Eff. 3/16/2000, Register 154; am 8/10/2000, Register 155; am 9/11/2000, Register 156

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

## 6 AAC 94.130. Eligible expense categories

### Statute text

(a) Except as provided in (b) of this section, the division will make assistance available under 6 AAC 94.100 - 6 AAC 94.180 to help a grantee meet necessary expenses or serious needs by providing means for a grantee to purchase essential items or services in the following categories:

(1) electric, water, and sewer utilities and heating fuel for the primary residence occupied by the grantee;

(2) gasoline for subsistence hunting;

(3) eligible foods as defined in 7 C.F.R. 271.2, revised as of January 1, 1999 and adopted by reference.

(b) The division will make assistance available under 6 AAC 94.100 - 6 AAC 94.180 to help a grantee who qualifies for a grant as a subsistence user under 6 AAC 94.120(a)(7)(D) or (a)(8)(D) meet necessary expenses only for items within the categories set out in (a)(2) and (a)(3) of this section.

### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 9/11/2000, Register 156; am 1/14/2001, Register 157

### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

## 6 AAC 94.140. Need determination

### Statute text

(a) The division will determine the amount of each grantee's serious needs and necessary expenses.

(b) The amount of food need of a grantee who qualifies for a grant as a subsistence user under 6 AAC 94.120(a)(7)(D) or (a)(8)(D) is determined to be equivalent to 25 percent of the yearly cost of food based on the grantee's family size. The division will determine the yearly cost of food by utilizing the

Department of Health and Social Services Alaska Food Stamp Program Manual, Addendum 4, the table entitled Maximum Food Stamp Allotment, Rural II, as revised as of October 1, 1997 and adopted by reference. The amount of need for gasoline for subsistence hunting by a grantee who qualifies for a grant as a subsistence user under 6 AAC 94.120(a)(7)(D) or (a)(8)(D) is determined by the average cost of gasoline used for hunting by a representative sample of households in the disaster area.

(c) If the grantee qualifies for a grant under 6 AAC 94.120(a)(7)(A), (B) or (C), or (a)(8)(A), (B), or (C), the division will use following formulas to determine the amount of the grantee's need for assistance in the eligible expense categories set out in 6 AAC 94.130(a):

(1) the amount of need for utilities and heating fuel is determined by multiplying the monthly mean cost for electric and heating fuel for a representative sample of households in the disaster area by the number of months in the qualifying period;

(2) the amount of need for gasoline for subsistence hunting is determined by the average cost of gasoline used for hunting by a representative sample of households in the disaster area;

(3) the amount of need for water and sanitation utilities is determined by multiplying the monthly mean cost for drinking water and sanitation for a representative sample households in the disaster area by the number of months in the qualifying period;

(4) the amount of need for eligible foods is determined by the grantee's family size and is based on the cost of food as calculated utilizing the Department of Health and Social Services Alaska Food Stamp Program Manual, Addendum 4, the table entitled Maximum Food Stamp Allotment, Rural II, as revised as of October 1, 1997 and adopted by reference.

(d) The division will reduce the amounts determined under (c) of this section for an individual or family by the amount or value of any assistance from other means received by the individual or family for serious needs or necessary expenses in the eligible expense categories for which the grant application is made under 6 AAC 94.100 - 6 AAC 94.180.

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 9/11/2000, Register 156

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.150. Grant award

##### Statute text

(a) The division will award grants in an amount determined by the division after review of the grant application, the division's determination under 6 AAC 94.140, and any supporting documentation required by the division. The division will notify the applicant by mail whether a grant has been approved and if approved, of the grant amount awarded.

(b) The division will issue the grant in the form of a credit at vendors, selected by the grantee and approved by the division, in the grantee's name for items in the applicable eligible expense categories listed in 6 AAC 94.130. The division will approve a vendor if the vendor has a valid business license issued under AS 43.70, and if the vendor sells items or services listed in 6 AAC 94.130.

(c) The division will determine the amount of the grant awarded to an individual or family member under 6 AAC 94.100 - 6 AAC 94.180 as follows:

(1) an individual applicant who qualifies for a grant and is within a category set out in 6 AAC 94.120(a)(7)(A), (B), or (C) or (a)(8)(A), (B), or (C) will be awarded a grant in the amount of the individual's need as determined by the division under 6 AAC 94.140(c) or \$5,000, whichever is less;

(2) a family member applicant who qualifies for a grant and is within a category set out in 6 AAC 94.120(a)(7)(A), (B), or (C) or (a)(8)(A), (B), or (C) will be awarded a grant in the amount of the need of that member's family as determined by the division under 6 AAC 94.140(c) or \$5,000, whichever is less; however, the total of all grants awarded to a family with more than one family member applicant eligible under this paragraph may not exceed \$5,000 or the total amount of family need, whichever is less;

(3) an individual applicant who qualifies for a grant and is within a category set out in 6 AAC 94.120(a)(7)(D) or (a)(8)(D) will be awarded a grant in the amount of the individual's need as determined by the division under 6 AAC 94.140(b) or \$1,500, whichever is less;

(4) a family member applicant who qualifies for a grant and is eligible under 6 AAC 94.120(a)(7)(D) or (a)(8)(D) will be awarded a grant in the amount of the need of that member's family as determined by the division under 6 AAC 94.140(b) or \$5,000, whichever is less.

(d) The division will award a supplemental assistance grant in an amount greater than the amount initially awarded, if the division determines that

(1) sufficient money is available;

(2) the eligible applicant has unmet needs in eligible expense categories under 6 AAC 94.130, applying the need determination criteria of 6 AAC 94.140; and

(3) the total grant amount does not exceed \$5,000.

(e) If grant amounts are increased under (d) of this section, the increase will be on a pro rata basis for all qualified individual and family member applicants.

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 4/8/2000, Register 154; am 9/11/2000, Register 156; am 1/14/2001, Register 157

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

#### 6 AAC 94.155. Overpayments

#### Statute text

(a) Subject to (b) of this section, if the division pays a vendor to establish a grant under 6 AAC 94.150(b), the division will require a refund from the vendor in the amount of any unused credit or overpayment, including

(1) an overpayment by the division or a payment disbursed in error;

(2) unused credit remaining if the grantee closes the grantee's account with the vendor; or

(3) unused credit remaining if the grantee dies and no surviving family member continues to use the account; and

(4) unused credit remaining on the grantee's account one year after the date the division made payment to the vendor to establish the grantee's credit account.

(b) The division will, in its discretion, waive its right to a refund of an overpayment or unused credit if the division determines that the amount to be refunded is minimal and that a waiver is in the best interest of the state.

#### History

History: Eff. 4/8/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

6 AAC 94.160. Reconsideration

#### Statute text

(a) If the division denies a grant application in whole or in part, an applicant may file a written request for reconsideration with the division grant program manager within 30 days after the division sends the written notification provided under 6 AAC 94.150(a).

(b) The division will consider a request for reconsideration if the applicant submits information to show that

(1) additional relevant information can be provided to the division that was not initially available; or

(2) the division's determination was erroneous.

(c) The division will make a determination on the request for reconsideration within 15 working days of receiving the applicant's request for reconsideration and mail notice of the determination to the applicant.

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.170. Appeals

#### Statute text

(a) If the division denies, in whole or in part, a grant application or a request for reconsideration, or if the applicant disputes a division needs determination, an applicant may appeal the division's decision to the division director within 60 days after the division sends the written notification provided under 6 AAC 94.150(a) or 6 AAC 94.160(c). The appeal must be in writing and include information justifying a reversal of the division's action. The division may request additional information. Within 20 days of receipt of the appeal, the division director, or the division director's authorized designee, will review the appeal and will notify the applicant, in writing, of the disposition of the appeal or of the need for additional information. If the division requests additional information, the division's decision on appeal will be issued within 20 days of receipt of the additional information. The decision of the division director, or authorized designee, is the final decision of the agency.

(b) If an applicant has filed a request for reconsideration with the division, the 60-day period for filing an appeal begins on the date that the division sends the written notification provided under 6 AAC 94.160(c).

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.175. Nonassignability of grants

##### Statute text

A grant received under 6 AAC 94.100 - 6 AAC 94.180 is not assignable or transferable.

##### History

History: Eff. 6/26/99, Register 150

##### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.180. Definitions

##### Statute text

In 6 AAC 94.100 - 6 AAC 94.180, unless the context otherwise requires,

(1) "commercial fishing salmon permit" means a commercial fishing salmon permit issued by the Commercial Fisheries Entry Commission;

(2) "disaster area" means the disaster area described in the governor's disaster declarations dated July 30, 1998, September 16, 1998 and October 16, 1998, or areas of 1999 fishery failure in Norton Sound, as described in the summary and recommendation documents accompanying the governor's correspondence of September 17, 1999 with United States Senator Ted Stevens;

(3) "qualifying period" means July 1, 1998 through April 30, 1999;

(4) "subsistence user" means an individual or a family member who ordinarily harvests, gives, or receives salmon that are caught in compliance with state subsistence regulations applicable to the Yukon River drainage or Norton Sound under 5 AAC 01.001 - 5 AAC 01.040, 5 AAC 01.150 - 5 AAC 01.186, 5 AAC 01.200 - 5 AAC 01.249, 5 AAC 05.333, 5 AAC 05.335, and 5 AAC 05.377;



(5) "working day" means a calendar day, except a Saturday, Sunday, or state holiday.

#### History

History: Eff. 2/18/99, Register 149; am 6/26/99, Register 150; am 4/8/2000, Register 154; am 9/11/2000, Register 156; am 1/14/2001, Register 157

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.220

AS 26.23.300

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#### Article 2

#### Individual and Family Disaster Grants

#### Section

200. Scope.

210. Disaster grant application.

220. Disaster grant eligibility.

230. Disaster grant award.

240. Eligible expense categories for disaster grants.

250. Limitations on disaster grants made for flood damage.

260. Reconsideration.

270. Appeals.

280. (Repealed).

6 AAC 94.200. Scope

#### Statute text

(a) Except as provided in (b) of this section, the provisions of 6 AAC 94.200 - 6 AAC 94.280 apply if the governor has declared a disaster under AS 26.23.020 and makes money available for individual and family disaster grants.

(b) If the President declares a major disaster or emergency under 42 U.S.C. 5121 - 5204c (Stafford Act), and provides a grant to the state for making individual and family grants under 42 U.S.C. 5178, the provisions of 6 AAC 94.200 - 6 AAC 94.280 do not apply to those grants and do not apply to the state's participation in that grant program.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

6 AAC 94.210. Disaster grant application

Statute text

(a) To seek a grant under 6 AAC 94.200 - 6 AAC 94.280, an individual or family member must file an application with the division on a form provided by the division or through toll-free telephone registration if available.

(b) Subject to (c) of this section, applications must be submitted to the division within 60 days after the date of the governor's disaster declaration, unless the division determines that extenuating circumstances beyond the applicant's control prevented the applicant from timely submitting an application. If the division determines that extenuating circumstances exist, the division will extend the time for submittal of the application by an additional 30 days.

(c) If an individual applies to the SBA for assistance before applying for a grant under 6 AAC 94.200 - 6 AAC 94.280, and the SBA accepts the application for processing and subsequently declines the application, or provides an insufficient loan, the division will consider that application as a timely filed application for assistance under this section.

(d) In addition to the information required under 6 AAC 94.210(a), the division will request further information, including cost, estimates from an applicant as the division determines necessary in order to determine the applicant's grant eligibility or the grant amount.

History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.220. Disaster grant eligibility

##### Statute text

(a) Subject to 6 AAC 94.250, to qualify for a grant under 6 AAC 94.200 - 6 AAC 94.280, an individual applicant or an applicant's family

(1) must incur a necessary expense or serious need in the declared disaster area as a result of the disaster, and be unable to meet that expense or need;

(2) must apply to all applicable governmental disaster assistance programs for assistance to meet a necessary expense or serious need, and be determined not qualified for that assistance, or demonstrate to the division that the assistance received does not satisfy the total necessary expense or serious need;

(3) may not have previously received or refused assistance from other means for all or part of the specific necessary expense, or serious need, for which application is made; and

(4) must agree to refund to the division any part of a grant made for which assistance from other means is received, or that is not spent as identified in the grant award document.

(b) An individual or family who incurs a necessary expense or serious need is eligible for assistance under 6 AAC 94.200 - 6 AAC 94.280 without regard to alienage or residency, except that for grant assistance in the expense category described in 6 AAC 94.240(a)(1), residency in the declared disaster area is required.

##### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

##### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

6 AAC 94.230. Disaster grant award

Statute text

(a) The division will award grants in an amount determined by the division after review of the grant application and any supporting documentation, including cost estimates, required by the division. The division will notify the applicant by mail whether a grant has been approved and, if approved, of the grant amount awarded.

(b) The total amount of state money awarded to an individual or to a family as a grant under 6 AAC 94.200 - 6 AAC 94.280 may not exceed the maximum amount authorized under AS 26.23.090(b)(2).

History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

6 AAC 94.240. Eligible expense categories for disaster grants

Statute text

(a) Subject to 6 AAC 94.250, the division will make grants available under 6 AAC 94.200 - 6 AAC 94.280 to help a grantee meet necessary expenses or serious needs by providing essential items or services in the following categories:

(1) housing; with respect to primary residences that are owner-occupied at the time of the disaster, the division will authorize grants to:

(A) repair, replace, or rebuild; for purposes of this subparagraph, "housing" does not include landscaping;

(B) provide access; if an access serves more than one individual or family, an owner-occupant whose primary residence is served by the access may

(i) receive a grant for a proportionate share of the cost of repairing the access; and

(ii) combine a grant amount determined under (a)(1)(B)(i) of this section with money made available by the other individuals or families if an agreement for joint use of the access is executed or if joint ownership of the access is agreed to;

(C) clean, make sanitary, or remove debris; debris removal is limited to the minimum necessary to remove health or safety hazards from the residence or to protect against additional damage to the residence;

(D) provide or to take minimum protective measures against a potential safety hazard to the primary residence if that hazard

(i) is caused by the disaster; and

(ii) will cause, if not repaired, an actual safety hazard from common weather or environmental events; or

(E) pay for minimization measures required to enable an owner-occupant to receive assistance from other means or to enable the owner-occupant to comply with flood plain management regulations, including zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of the police power, if those regulations pertain to floodplain management and provide standards for the purpose of flood damage prevention and reduction;

(2) personal property; the division will authorize grants to replace, repair, sanitize, or clean an eligible personal property item or to move or store an eligible personal property item to prevent or reduce damage from the disaster; eligible personal property items must be repaired, cleaned, or sanitized in lieu of replacement if verification indicates that repair or cleaning is economically feasible; for purposes of this paragraph, eligible personal property items are

(A) clothing;

(B) household items, furnishings, or appliances; and

(C) tools, specialized or protective clothing, and equipment if:

(i) required by an employer as a condition of employment; or

(ii) required by the applicant as a self-employed person in order to conduct the applicant's business;

(3) transportation; the division will authorize grants to repair, or to replace, a family's or individual's only means of transportation, or to provide public transportation for the individual or family for one year from the date of the disaster declaration; an individual or family who did not have a means of transportation before the disaster but who the division determines has a need for private transportation directly as a result of the disaster is eligible for a grant for family or individual transportation; the division will not authorize a grant for transportation replacement or repair that exceeds 50 percent of the maximum grant amount set out in AS 26.23.090(b), except if the grant includes the cost of accommodating a disabled applicant;

(4) medical or dental expenses;

(5) funeral expenses; grants may be made to pay for expenses related to funerals, burials, and cremations;

(6) the cost of flood insurance premiums for one year; if flood insurance is required under 6 AAC 94.250, the division will withhold the cost of the premiums from the grantee's grant award and purchase the insurance for the grantee;

(7) the cost of any cost estimates that the division requires the applicant to provide under 6 AAC 94.210(d) for grant eligibility determinations, excluding the cost of an estimate done to support an appeal by the applicant;

(8) other essential items or services, if warranted in the division's determination based on the circumstances of the disaster.

(b) If a predisaster renter receives a grant under 6 AAC 94.200 - 6 AAC 94.280 for eligible personal property household items, furnishings or appliances, and these items are an integral part of the mobile home or other furnished unit, the predisaster renter may apply the funds awarded for these specific items toward the purchase of the mobile home or other furnished unit and toward mobile home site development, towing, setup, and utility connections.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

6 AAC 94.250. Limitations on disaster grants made for flood damage

#### Statute text

(a) The following limitations apply to grants made under 6 AAC 94.200 - 6 AAC 94.280 to cover flood damage expenses:

(1) the division will not make grants for acquisition or construction purposes if structures to which the grant assistance is related are located in a designated special flood hazard area that has been identified by FEMA for at least one year as flood prone unless the community in which the structure is located already participates in the NFIP; however, if the community qualifies for and enters the NFIP within six months after the date the governor declares a disaster under AS 26.23.020, the division will consider applications for grants made to cover flood damage expenses in that community if the applications were timely submitted under 6 AAC 94.210;

(2) the division will not make grants for acquisition or construction purposes in a designated special flood hazard area in which flood insurance is available for purchase by the applicant unless the applicant agrees to purchase adequate flood insurance for the structure to which grant assistance is related; for purposes of this paragraph, adequate flood insurance is an amount of insurance coverage equivalent to the maximum individual and family grant amount calculated in accordance with 42 U.S.C. 5178(f)

(Stafford Act); for purposes of this paragraph, 42 U.S.C. 5178(f), as amended as of November 23, 1988, is adopted by reference.

(b) If the grantee is a homeowner, flood insurance coverage required under this section must be maintained on the residence at the flood-damaged property address for as long as the grantee owns the structure in order for the grantee to be eligible for a future grant for acquisition and construction purposes.

(c) If the grantee is a renter, flood insurance required under this section must be maintained on the contents of the rental unit for as long as the grantee resides at the flood-damaged property address.

(d) If flood insurance is required under this section, as a grant condition, the grantee shall provide proof of purchase of the insurance to the division within 30 days after the division disburses the grant.

(e) If an applicant receives state or federal disaster assistance for a disaster and is required, but fails, to purchase and maintain flood insurance as a condition of receiving that assistance, the division will determine the applicant to be ineligible for grant assistance under 6 AAC 94.200 - 6 AAC 94.280 for items in the amount that would have been covered by the insurance.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

6 AAC 94.260. Reconsideration

#### Statute text

(a) If the division denies a grant application in whole or in part, an applicant may file a written request for reconsideration with the division director within 30 days after the division sends the written notification provided under 6 AAC 94.230(a).



(b) The division director, or the division director's authorized designee, will consider a request for reconsideration if the applicant submits information to show that

(1) additional relevant information can be provided to the division that was not initially available; or

(2) the division's determination was erroneous.

(c) The division will make a determination on the reconsideration request within 15 working days of receiving the applicant's reconsideration request and mail notice of the determination to the applicant.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.270. Appeals

##### Statute text

(a) If the division denies, in whole or in part, a grant application or a request for reconsideration, or if the applicant disputes a division cost estimate, an applicant may appeal the division's decision to the division director within 60 days after the date the division sends the written notification under 6 AAC 94.230(a) or 6 AAC 94.260(c). The appeal must be in writing and include information justifying a reversal of the division's action. The division will, in its discretion, request additional information. Within 20 days of receipt of the appeal, the division director, or the division director's authorized designee, will review the appeal and will notify the applicant, in writing, of the disposition of the appeal or of the need for additional information. If the division requests additional information, the division's decision on appeal will be issued within 20 days of receipt of the additional information. The decision of the division director, or authorized designee, is the final decision of the agency.

(b) If an applicant has filed a request for reconsideration with the division, the 60-day period for filing an appeal begins on the date that the division sends the written notification required under 6 AAC 94.260(c).

## History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

## Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.220

AS 26.23.300

## 6 AAC 94.280. Definitions

## Statute text

Repealed.

## History

History: Eff. 2/11/2000, Register 153; repealed 7/1/2000, Register 154

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## Article 3

### Temporary Housing Assistance

## Section

300. Scope.

310. Application for temporary housing assistance.

320. Eligibility for temporary housing assistance.

330. Duration of temporary housing assistance.

340. Forms of temporary housing assistance.

350. Award of temporary housing assistance.

360. Reconsideration.

370. Appeals.

380. Definitions.

6 AAC 94.300. Scope

## Statute text

(a) Except as provided in (b) of this section, the provisions of 6 AAC 94.300 - 6 AAC 94.380 apply if the governor has declared a disaster under AS 26.23.020 and makes money available for temporary housing assistance to persons living in the declared disaster area.

(b) If the President declares a major disaster or emergency under 42 U.S.C. 5121 - 5204c (Stafford Act) and provides temporary housing assistance under 42 U.S.C. 5174, the provisions of 6 AAC 94.300 - 6 AAC 94.380 do not apply to that temporary housing program and do not apply to the state's participation in that program.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

6 AAC 94.310. Application for temporary housing assistance

#### Statute text

(a) To apply for temporary housing assistance under 6 AAC 94.300 - 6 AAC 94.380, an applicant must file an application on a form provided by the division or apply through toll-free telephone registration if available.

(b) The division will not consider an application submitted more than 60 days after the date of the governor's disaster declaration, unless the division determines that extenuating circumstances beyond the applicant's control prevented the applicant from timely submitting an application. If the division determines that extenuating circumstances exist, the division will extend the time for submittal of an application by an additional 30 days.

(c) All members of a household must be included on a single application. If the division approves the application, one temporary housing residence will be provided for the household unless, in the division's determination, the household requires more than one residence.

(d) The division will request further information from an applicant as the division determines necessary in order to determine the applicant's eligibility for temporary housing assistance.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

6 AAC 94.320. Eligibility for temporary housing assistance

Statute text

(a) The qualify for temporary housing assistance under 6 AAC 94.300 - 6 AAC 94.380, an applicant must meet the following conditions:

(1) the applicant's primary residence must be located in the declared disaster area and must be unlivable as a result of the disaster or the applicant must have been displaced from that residence as the result of the disaster because

(A) the residence was destroyed, essential utility service was interrupted, or the essential living area was damaged as a result of the disaster to such an extent as to constitute a serious health or safety hazard that did not exist before the disaster;

(B) the residence is inaccessible as a result of the disaster to the extent that the applicant cannot reasonably be expected to gain entry due to the disruption or destruction of transportation routes, other impediments to access, or restrictions placed on movement by a responsible official;

(C) the owner of the applicant's residence requires the residence to meet the owner's personal needs because the owner's predisaster primary residence is unlivable as a result of the disaster;

(D) financial hardship resulting from the disaster has led to the applicant's eviction or dispossession; or

(E) of other circumstances that, in the determination of the division, result from the disaster and prevent the applicant from occupying the applicant's predisaster primary residence;

(2) if an applicant has applicable insurance coverage, the applicant must

(A) have made every reasonable effort to secure the insurance benefits, and the benefit payment must be delayed more than 14 days;

(B) have exhausted applicable insurance benefits or the benefits must be insufficient; or

(C) be unable to obtain housing on the private market due to unavailability even though the applicant's benefits are adequate;

(3) the applicant may not own another residence that meets the temporary housing needs of the applicant's household;

(4) the applicant may not have adequate rent-free housing accommodations;

(5) the applicant must agree to pay to the division from any insurance benefits or recoveries, or from benefits the applicant receives from any source for temporary housing assistance, an amount not to exceed the cost to the state of providing the applicant with assistance under 6 AAC 94.300 - 6 AAC 94.380.

(b) The division will not provide temporary housing assistance to an applicant if another source already is providing temporary housing assistance. If a local government or volunteer agency already is providing temporary housing to an applicant, the division will provide temporary housing assistance under 6 AAC 94.300 - 6 AAC 94.380 at the expiration of assistance by the local government or volunteer agency, subject to the division's determination that the applicant qualifies under 6 AAC 94.300 - 6 AAC 94.380.

(c) The division will base its determination of the applicant's eligibility for temporary housing assistance upon

(1) the division's verification of the applicant's ownership or occupancy of the residence that the disaster has made unlivable or from which the applicant was displaced because of the disaster; and

(2) an inspection of the damaged residence unless, in the division's determination, due to the nature of the disaster, eligibility can be determined without an inspection of the particular residence.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.330. Duration of temporary housing assistance

##### Statute text

(a) Except as provided in (b) of this section,

(1) the earliest date when an eligible applicant may receive temporary housing assistance is the date of the disaster declaration; and

(2) an occupant may not receive temporary housing assistance for more than 18 months after the date of the disaster declaration.

(b) The division will provide a predisaster renter who qualifies for assistance under 6 AAC 94.320 with no more than one month of assistance in a form set out in 6 AAC 94.340(b)(1), (2), or (3) unless the division determines that the renter is eligible for continued assistance under (d) of this section. The division will not provide assistance to a predisaster renter for more than 90 days from the effective date of assistance.

(c) If an applicant is not a predisaster renter, the division will certify the applicant as eligible for temporary housing assistance under 6 AAC 94.340(b)(1), (2), or (3) in increments not to exceed three months. The division will recertify an occupant for continued eligibility in accordance with (d) of this section, taking into consideration the occupant's plan for permanent housing. The division will establish a plan for permanent housing for each occupant requesting additional assistance no later than three months after the division first certified the occupant as eligible for temporary housing assistance.

(d) An occupant shall make every effort to obtain and occupy permanent housing at the earliest possible time. The occupant shall provide receipts documenting disaster related housing costs. The division will determine the occupant to be eligible for continued assistance under 6 AAC 94.300 - 6 AAC 94.380 if:

(1) adequate alternate housing is not available to the occupant; the division will determine

(A) housing to be adequate alternate housing if that housing

(i) accommodates an occupant's needs;

(ii) is within reasonable commuting distance of the occupant's work or school, or of the occupant's agricultural activities that provide over 25 percent of the household income; and

(iii) is within the financial ability of the occupant in the realization of a plan for permanent housing; and

(B) for purposes of (A)(iii) of this paragraph, the occupant's ability to pay housing costs, considering extreme or unusual financial circumstances, and based upon

(i) the amount the occupant paid for housing before the disaster, if the occupant's household income has not changed after or as a result of the disaster; or

(ii) 25 percent of gross post-disaster income, if the occupant's household income changed after or as a result of the disaster;

(2) the occupant's plan for permanent housing has not been realized through no fault of the occupant; and

(3) the occupant is in compliance with the terms of any leases or rental agreements between the occupant and the state.

(e) The division will notify an occupant at least 30 days before the date the division terminates the occupant's temporary housing assistance.

(f) After the date of temporary housing assistance termination, if the occupant continues to occupy the temporary housing, the occupant is liable for the rent and any additional costs of the temporary housing.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.340. Forms of temporary housing assistance

##### Statute text

(a) In determining the form of temporary housing assistance to be provided under (b) and (c) of this section, the division will provide the form that meets an applicant's minimum housing requirements. In determining an applicant's minimum housing requirements, items that the division will consider include timely availability, cost effectiveness, plans for permanent housing plans, and special needs of the applicant. The division will not provide an eligible applicant more than one form of temporary housing except if, in the determination of the division, provision of an additional form is in the best interest of the state.

(b) The forms of temporary housing assistance disbursable to an eligible applicant include

(1) transient accommodations; immediately following a disaster declaration or evacuation, applicants shall stay with family or friends without state provided assistance, or make use of shelters to the fullest extent possible for immediate short-term housing needs; however, the division will provide transient accommodation assistance or immediate short-term housing if the division determines that individual circumstances warrant that assistance; in making the determination that transient accommodations are



warranted, the division will consider shelter availability, assistance from other means available to the applicant, and the applicant's special needs; transient accommodation assistance is limited to

(A) a maximum period of 30 days unless the division determines an extension is necessary because longer term temporary housing is not available to the applicant; and

(B) payment of rent including utilities; for purposes of this subparagraph, "utilities" does not include telephone costs and any utilities that are separately metered;

(2) rental payments by the division to a landlord on behalf of an eligible applicant;

(3) the provision of housing to the applicant in a temporary housing unit acquired by purchase, lease, or other means by the division, another state agency, or a state political subdivision;

(4) repairs and replacements; assistance for repairs and replacements is subject to the following limitations and requirements:

(A) if the division determines that the cost of repairs or replacements to repair or restore, to a livable condition, the essential living area of the owner-occupied primary residence of an eligible applicant is less than providing the applicant another form of temporary housing assistance under this section, the division will provide assistance for repairs and replacements to the essential living area, or areas affecting the essential living area, of the residence;

(B) in calculating the cost of the repairs or replacements eligible for assistance under (A) of this paragraph, the division will subtract from the cost

(i) repair or replacement costs covered by insurance or other government programs; and

(ii) the amount, if any, of a grant to the applicant under 6 AAC 94.200 - 6 AAC 94.280 that remains after subtracting the cost of the applicant's eligible expenses, other than home repairs, under 6 AAC 94.240;

(C) as a condition for receiving assistance under this paragraph, an eligible applicant must agree to conform repairs and replacements made under this paragraph to applicable local and state building codes; the division will authorize an upgrade of existing damaged utilities if required by these codes; items must be repaired when feasible and replaced only when necessary to insure the health and safety of the occupant; repairs and replacements must be disaster related; replacement items must be of average quality, size, and capacity, taking into consideration the needs of the occupant;

(D) if the division provides repair or replacement assistance under this paragraph, the division will provide the assistance in one or more of the following forms, as determined by the division:

(i) a cash payment to the applicant, in an amount determined by the division, for replacements or repairs;

(ii) the provision of repair materials to the applicant;

(iii) the provision to the applicant of the services of a contractor under a division-awarded repair contract.

(c) The division will utilize existing rental resources and home repairs to the fullest extent practicable before providing state-acquired temporary housing units.

(d) An applicant shall accept the division's first offer of temporary housing assistance, unless the applicant demonstrates to the division's satisfaction that the first offer does not meet the applicant's minimum housing requirements. The division will not provide temporary housing assistance to an applicant who fails to accept the first offer or make the demonstration described in this subsection.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

## 6 AAC 94.350. Award of temporary housing assistance

### Statute text

The division will award temporary housing assistance in the form that the division determines after review of an applicant's program application, any supporting documentation required by the division, and any inspection under 6 AAC 94.320(c)(2) of the applicant's primary residence. The division will notify the applicant by mail whether assistance has been approved and if approved, of the form and amount awarded.

### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

## 6 AAC 94.360. Reconsideration

### Statute text

(a) If the division denies a temporary housing program application in whole or in part or terminates assistance, an applicant may file a written request for reconsideration with the division director within 30 days after the division sends the written notification provided under 6 AAC 94.330(e) or 6 AAC 94.350.

(b) The division director, or the division director's authorized designee, will consider a request for reconsideration if the applicant submits information to show that

(1) additional relevant information can be provided to the division that was not initially available; or

(2) the division's determination was erroneous.

(c) The division will make a determination on the request for reconsideration within 15 working days of receiving the applicant's request for reconsideration and mail notice of the determination to the applicant.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.370. Appeals

#### Statute text

(a) If the division denies, in whole or in part, a grant application or a request for reconsideration, or terminates assistance, the applicant may appeal the division's decision to the division director within 60 days after the division sends the written notification provided under 6 AAC 94.330(e), 6 AAC 94.350, or 6 AAC 94.360(c). The appeal must be in writing and include information justifying a reversal of the division's action. The division will, in its discretion, request additional information. Within 20 days of receipt of the appeal, the division director, or the division director's authorized designee, will review the appeal and will notify the applicant, in writing, of the disposition of the appeal or of the need for additional information. If the division requests additional information, the division's decision on appeal will be issued within 20 days of receipt of the additional information. The decision of the division director, or authorized designee, is the final decision of the agency.

(b) If an applicant has filed a request for reconsideration with the division, the 60-day period for filing an appeal begins on the date that the division sends the written notification provided under 6 AAC 94.360(c).

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

#### 6 AAC 94.380. Definitions

##### Statute text

In 6 AAC 94.300 - 6 AAC 94.380, unless the context otherwise requires,

(1) "household" means all residents of the predisaster residence who request temporary housing assistance, including residents who were not present at the time of the disaster but who are expected to return during the temporary housing period;

(2) "occupant" means an applicant who is eligible for temporary housing under 6 AAC 94.300 - 6 AAC 94.380 and who resides in temporary housing provided under 6 AAC 94.340(b)(1), (2), or (3).

##### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

##### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.100

AS 26.23.220

AS 26.23.300

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#### Article 4

#### General Provisions

##### Section

900. Definitions.

6 AAC 94.900. Definitions

##### Statute text

In this chapter, unless the context otherwise requires,

(1) "acquisition or construction purposes" means the repair, replacement, or rebuilding of the insurable portions of a home, or the purchase or repair of insurable contents;

(2) "assistance from other means" means monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or any sources other than those of the individual or family; "assistance from other means" does not include expendable items;

(3) "declared disaster area" means the disaster area as described in a disaster declaration;

(4) "dependent" means

(A) a person who is normally claimed as a dependent on the federal income tax return of another person, according to 26 U.S.C. 151-153 (Internal Revenue Code); or

(B) the minor children of a couple not living together, if the children live in the affected residence with the parent who does not actually claim them on that parent's federal income tax return;

(5) "designated special flood hazard area" means an area as designated by FEMA under 42 U.S.C. 4001 - 4129 (National Flood Insurance Act) and as defined in 44 C.F.R. 59.1;

(6) "disaster" means an event as described in a disaster declaration;

(7) "disaster declaration" means the governor's declaration of disaster emergency under AS 26.23.020;

(8) "division" means the division of emergency services in the Department of Military and Veteran's Affairs;

(9) "effective date of assistance" means the date the eligible applicant first received temporary housing assistance;

(10) "essential living area" means that area of the residence essential to normal living; "essential living area"

(A) includes a kitchen, one bathroom, a dining area, a living room, entrances and exits, and essential sleeping areas; and

(B) does not include family rooms, guest rooms, garages, or other nonessential areas, unless hazards exist in these areas that impact the safety of the essential living area;

(11) "expendable items" includes linens, clothes, and basic household kitchenware; for purposes of this paragraph, "basic household kitchenware" means pots, pans, utensils, dinnerware, flatware, and small kitchen appliances;

(12) "family" means a social unit living together and composed of

(A) legally married individuals and their dependents;

(B) individuals living together as if they were married and their dependents;

(C) a single individual and that individual's dependents; or

(D) individuals who jointly own a residence and occupy that residence with dependents;

(13) "FEMA" means the Federal Emergency Management Agency;

(14) "individual" means an individual who is not a member of a family;

(15) "necessary expense" means the cost of a serious need;

(16) "NFIP" means the National Flood Insurance Program established by 42 U.S.C. 4011 - 4084;

(17) "owner-occupied" means occupied by

(A) the legal owner;

(B) a person who occupies the residence, pays the taxes and maintenance, and pays no rent; or

(C) a person who has lifetime occupancy rights in the residence with formal title vested in another;

(18) "primary residence" means a residence that is owner-occupied for more than six months in a calendar year, or into which the owner has recently moved for that purpose;

(19) "SBA" means the federal Small Business Administration;

(20) "serious need" means the requirement for an item or services in an eligible expense category under 6 AAC 94.130 or 6 AAC 94.240, as applicable, that is essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition; "serious need" does not include a financial obligation incurred before the disaster;

(21) "working day" means a calendar day, except a Saturday, Sunday, or state holiday.

#### History

History: Eff. 2/11/2000, Register 153; am 7/1/2000, Register 154

#### Annotations

Authority: AS 26.23.020

AS 26.23.040

AS 26.23.050

AS 26.23.090

AS 26.23.100

AS 26.23.220

AS 26.23.300