

**HOUSE BILL NO. 131**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Introduced: 2/15/17

Referred:

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to relocation assistance for federally assisted public construction and**  
2   **improvement projects and programs; and providing for an effective date."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4    \* **Section 1.** AS 34.60.010 is amended to read:

5           **Sec. 34.60.010. Purpose.** The purpose of this chapter is to establish a uniform  
6           policy for the fair and equitable treatment of persons displaced as a result of federally  
7           assisted **public construction and improvement projects and** programs in order that  
8           the displaced persons will not suffer disproportionate injuries as a result of programs  
9           designed for the benefit of the public as a whole.

10   \* **Sec. 2.** AS 34.60.040(c) is repealed and reenacted to read:

11           (c) A displaced person eligible for payments under (a) of this section who is  
12           displaced from a place of business or from a farm operation and who elects to accept  
13           the payment authorized by this subsection in place of the payment authorized by (a) of  
14           this section may receive a fixed payment, in an amount determined by the state

agency, subject to the payment amount limitations under 42 U.S.C. 4622(c), as amended. A person whose sole business at the real property acquired is the rental of the property to others does not qualify for payment under this subsection.

\* **Sec. 3.** AS 34.60.040(d) is amended to read:

(d) In addition to the moving expenses allowed under this section, a displaced farm or business may receive a payment, not to exceed **the amount described in 42 U.S.C. 4622(a)(4), as amended** [\$10,000], for the actual reasonable expenses necessary to reestablish the operation at a new site.

\* **Sec. 4.** AS 34.60.050(a) is amended to read:

(a) In addition to payments otherwise authorized by this chapter, the state agency shall make an additional payment, not to exceed **the amount described in 42 U.S.C. 4623(a)(1), as amended** [\$22,500], to a displaced person who is displaced from a dwelling actually owned and occupied by the person for not less than **90** [180] days before the initiation of negotiations for the acquisition of the property. This additional payment must include the following elements:

(1) the amount, if any, that, when added to the acquisition cost of the dwelling acquired by the state agency, equals the reasonable cost of a comparable replacement dwelling that is a decent, safe, and sanitary dwelling adequate to accommodate the displaced person, is reasonably accessible to public services and places of employment, and is available on the private market; all determinations required to carry out this paragraph shall be made in accordance with standards established by the state agency making the additional payment;

(2) the amount, if any, that will compensate the displaced person for any increased interest costs that the displaced person is required to pay for financing the acquisition of the comparable replacement dwelling; this amount may be paid only if the dwelling acquired by the state agency was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than **90** [180] days before the initiation of negotiations for the acquisition of the dwelling; and

(3) reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

1 \* **Sec. 5.** AS 34.60.060 is amended to read:

2       **Sec. 34.60.060. Replacement housing for tenants and others.** In addition to  
3 amounts otherwise authorized by this chapter, the state agency shall make a payment  
4 to or for a displaced person displaced from a dwelling, who is not eligible to receive a  
5 payment under AS 34.60.050, if the dwelling was actually and lawfully occupied by  
6 the displaced person for not less than 90 days before the initiation of negotiations for  
7 acquisition of the dwelling. The payment must be either

8               (1) the amount necessary to enable the displaced person to lease or rent  
9 for a period not to exceed three years and six months, a decent, safe, and sanitary  
10 dwelling of standards adequate to accommodate the displaced person in areas not  
11 generally less desirable in regard to public utilities and public and commercial  
12 facilities, and reasonably accessible to the person's place of employment, but not to  
13 exceed **the amount described in 42 U.S.C. 4624(a), as amended** [\$5,250]; or

14               (2) the amount necessary to enable the displaced person to make a  
15 down payment, including incidental expenses described in AS 34.60.050(a)(3), on the  
16 purchase of a decent, safe, and sanitary dwelling of standards adequate to  
17 accommodate the displaced person in areas not generally less desirable in regard to  
18 public utilities and public and commercial facilities, but not to exceed **the amount**  
19 **described in 42 U.S.C. 4624(a), as amended** [\$5,250].

20 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22       **RETROACTIVITY.** This Act is retroactive to October 1, 2014.

23 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).