

Introduced: 2/22/77
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state land to be made available
7 as homesites."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. PURPOSE OF ACT. This Act is intended to implement the
10 policy of the state declared in the Constitution of the State of Alaska,
11 art. VIII, sec. 1, to encourage the settlement of its land by making it
12 available for maximum use consistent with the public interest so that
13 residents of Alaska, not already land owners, may obtain land at a reason-
14 able price for the primary purpose of the construction and occupation of
15 their own single-family dwellings. This Act is further intended to assist
16 landless residents, in all areas of the state, during periods of land
17 scarcity based on lack of availability or high prices of land. If any
18 portion of this Act is held invalid by a court of competent jurisdiction,
19 the entire Act is invalid.

20 * Sec. 2. AS 38.05 is amended by adding new sections to read:

21 Sec. 38.05.326. HOMESITE ENTRY LAND. The commissioner may
22 classify, survey, subdivide and prepare homesites on appropriate state
23 land or land conveyed to the state by boroughs for this purpose which
24 is suitable on the basis of location and natural characteristics for
25 use as permanent abodes. In making homesite classifications, the
26 commissioner shall consider regional or local land scarcity, price,
27 and environmental factors, and funds available and budgeted for ad-
28 ministration of secs. 326 - 328 of this chapter. Classification
29 procedure is subject to the following:

- 1 (1) notice and review under sec. 305 of this chapter;
- 2 (2) a size or configuration conforming with local or state
- 3 zoning but not exceeding two and one-half acres per homesite;
- 4 (3) approval of the classification or subdivision by any
- 5 local, state or municipal subdivision authority with jurisdiction over
- 6 the land;
- 7 (4) state or borough regulations relating to land use and
- 8 environmental quality.

9 Sec. 38.05.327. ELIGIBILITY OF APPLICANTS; APPLICATION PROCEDURES;
10 SELECTION BY LOTTERY. (a) To be eligible, an applicant for a homesite
11 classified under sec. 326 of this chapter shall

12 (1) submit appropriate evidence as required by regulation
13 that he

14 (A) is at least 19 years of age;

15 (B) is a resident of the State of Alaska as defined in
16 sec. 328(e) of this chapter; and

17 (C) has not held within the previous 12 months any
18 option or title or part of an option or title to or interest
19 in real property in Alaska or elsewhere other than as tenant
20 for a limited term;

21 (2) agree to fulfill the terms and conditions set out in
22 sec. 328 of this chapter;

23 (3) pay a nonrefundable application fee not more than \$10
24 for each homesite application.

25 (b) An applicant may apply for more than one available homesite
26 but no applicant or his spouse may receive more than one homesite.

27 (c) The commissioner shall accept applications for homesites
under the following procedures and conditions:

28 (1) the application period must be not less than 60 days;

1 (2) no application may be accepted less than 45 days before
2 the homesite lottery;

3 (3) notice of the application period and the date of lottery
4 must be given according to regulations adopted by the commissioner;

5 (4) the application must be on a form provided by the de-
6 partment.

7 (d) No application may be received for a homesite under secs.
8 326 - 328 of this chapter after June 30, 1982.

9 (e) Homesites shall be awarded to applicants by lot.

10 (f) If an applicant has applied for more than one homesite, he
11 must take the first homesite awarded to him by lot at that lottery.

12 Sec. 38.05.328. TERMS AND CONDITIONS OF OWNERSHIP; BREACH. (a)
13 An applicant whose name is drawn by lot may within 30 days execute a
14 three-year conditional contract with the state for partial patent to
15 the homesite conveying title only to the residential development
16 rights, subject to the limitations that the land be used only for
17 single-family residential purposes, and that the land not be subdivided,
18 if he or she fulfills the following conditions:

19 (1) the payment of a pro-rated share of the costs incurred
20 by the state in surveying, subdividing, or otherwise preparing the
21 homesite land, in compliance with the requirements mentioned in sec.
22 326(4) of this chapter, including any cost required by operation of
23 state or borough regulations, unless specifically waived by the appro-
24 priate state agency or borough;

25 (2) the signing of an agreement that the title he may be
26 granted to the homesite includes only the single-family residential
27 development rights and that all remaining development rights are
28 vested in the state both before and after partial patent is conveyed
29 and may be conveyed or leased by the state only under sec. 69(c) of

1 this chapter;

2 (3) the deposit of \$500 in a homesite reclamation fund
3 established by the commissioner or the provision of a bond acceptable
4 to the commissioner in the same amount which is payable to the depart-
5 ment upon breach of the contract under (b) of this section and failure
6 on the part of the contract holder to restore the homesite as provided
7 in (c)(2) of this section; upon issuance of partial patent to a home-
8 site any deposit shall be returned with eight per cent interest.

9 (b) A homesite contract for partial patent terminates and all
10 interests in the land under that contract revert to the state upon a
11 finding by the commissioner of a breach of the terms and conditions
12 imposed under this section or upon a finding that any portion of an
13 application for a homesite was falsified. The holder of a contract
14 may not assign, convey or otherwise transfer it, but rights under the
15 contract for partial patent may devolve by testate or intestate succes-
16 sion. An attempt to assign, convey, or otherwise transfer a contract
17 is void and constitutes a breach. Breach also occurs, the contract
18 terminates, and all interests under the contract revert to the state,
19 upon a finding that

20 (1) the contract holder has not within three years after
21 execution of the contract erected a habitable, permanent, single-
22 family dwelling on the homesite which meets all applicable state and
23 local regulations; for purposes of secs. 326 - 328 of this chapter,
24 mobile homes are not considered to be permanent dwellings;

25 (2) the contract holder has not occupied the homesite for
26 an aggregate of 21 months during the contract period of three years.

27 (c) Upon breach and termination of a contract, and reverter of
28 interests under that contract

29 (1) improvements or chattels upon the homesite shall be

1 managed and subsequent issuance of another contract for partial patent
2 to the homesite shall be conditioned in the same manner as provided in
3 sec. 90 of this chapter for removal or reversion of improvements upon
4 termination of leases of state land;

5 (2) the department shall be paid that part of the \$500 de-
6 posit or bond required by (a)(3) of this section which is equal to the
7 value of the damages to the homesite land and the cost of returning it
8 as nearly as possible to its original condition, less the value of any
9 improvements which may revert to the state; any balance shall be re-
10 turned to the contract holder who breached the contract.

11 (d) Upon expiration of a homesite contract for partial patent,
12 after satisfactory performance of the conditions of the contract, and
13 compliance with the provisions of secs. 326 - 328 of this chapter, the
14 contract holder shall be issued partial patent to his homesite con-
15 veying title only to the residential development rights, subject to
16 the limitations that the land be used only for single-family residential
17 purposes, and the land not be subdivided. Use of a homesite in viola-
18 tion of the terms and limitations of a partial patent results in
19 reversion of the homesite to the state and the provisions of (c)(1) of
20 this section apply to the improvements and chattels on the homesite.

21 (e) In sec. 326 - 328 of the chapter "resident" means a person
22 who

23 (1) is not claiming residence in another state;

24 (2) has been a resident of this state for at least one year
25 immediately preceding his application for a homesite;

26 (3) shows by all attending circumstances that his intent is
27 to make this state his permanent residence.
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