

Education

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

January 19, 1977

Dear Member of the Regulation Review Committee:

The Department of Education has amended or adopted the regulations discussed below. The salient points of the amendments and newly adopted sections will be discussed, and possible deviations from Legislative intent commented upon in the light of statutes being interpreted or implemented.

Summary

4 AAC 06.090 was amended to incorporate by reference the latest version of "A Manual for Alaska School Boards." Notice of adoption of this regulation appeared in the 'Anchorage Daily Times', 'Anchorage Daily News', 'Fairbanks Daily News-Miner', 'Kenai Peninsula', 'Cheechako News', 'Kodiak Mirror', 'Sitka Sentinel', and 'Southeast Alaska Empire'.

Summary

4 AAC 06.130 was adopted to carry out the provisions of ch. 188 SLA 1976, which requires the Board of Education to establish by regulation guidelines for a health education program. Accordingly, a document entitled "Framework for Health Education in Alaskan Schools" has been produced, and is incorporated by reference under this regulation. Notice of adoption of this regulation appeared in the 'Ketchikan Daily News', 'Nome Nugget', 'Sitka Sentinel', and 'Southeast Alaska Empire'.

Summary

4 AAC 34.010 - 4 AAC 34.090 is a new chapter in title 34, relating to bilingual-bicultural education. It implements section 45, ch. 124, SLA 1975. These sections fairly carry out the directive of AS 14.30.410(b), which requires the department to adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts. 4 AAC 34.030 enumerates, in accordance with AS 14.30.400, those elements

which must appear in the plan submitted by the school district; also, 4 AAC 34.040 sets out priorities for determination of how funds shall be awarded. The notice of adoption of this regulation appeared in the 'Fairbanks Daily News-Miner', 'Ketchikan Daily News', and 'Tundra Times', and public hearings were held in Bethel on May 24, 1976, Fairbanks on May 25, 1976, Ketchikan on May 27, 1976, and Barrow on May 31, 1976.

Comment

The provision of 4 AAC 34.020(b) that grant awards may not be made for a period longer than one year would appear to be with in the grant of authority contained in AS 14.30.410(b).

Register 60, ^{January} 1977

EDUCATION

4 AAC 06.090

4 AAC 06.090 is amended to read:

4 AAC 06.090. A MANUAL FOR ALASKA SCHOOL BOARDS. "A Manual for Alaska School Boards", dated July, 1976 is adopted by reference as the official guide for the boards of all school districts in the state. (Eff. 5/63, Reg. 10; am 5/30/71, Reg. 38; am 10/4/73, Reg. 47; am 12/30/76, Register 60)

Authority: AS 14.07.020(1)

EDITOR'S NOTE: This manual may be obtained by writing the Commissioner, Department of Education, Pouch F, Juneau, Alaska 99811.

Register ^{Jan. 7} 1976

EDUCATION

4 AAC 06.130

4 AAC 06.130. FRAMEWORK FOR HEALTH EDUCATION. The "Framework for Health Education in Alaskan Schools", dated May, 1976 is adopted by reference as the official guide for health education in grades K through 12 of the schools of Alaska. (Eff. ¹² 3/76 Register 60)

Authority: 14.07.020(1) ^{and} (4)
14.30.360(b)

EDITOR'S NOTE: This manual may be obtained by writing the Commissioner Department of Education, Pouch F, Juneau, Alaska 99811

Register 60, Jan 1976⁷

EDUCATION

4 AAC 34.010

4 AAC 34.030

CHAPTER 34. BILINGUAL-BICULTURAL EDUCATION.

Section

- 10. Purpose
- 20. Scope of state assisted programs
- 30. Grant application
- 40. Entitlement
- 50. Definitions

4 AAC 34.010 PURPOSE. The purpose of this chapter is to encourage and assist school districts, in cooperation with local communities, to meet the special needs of children of limited English-speaking ability. The department believes that establishment of bilingual programs of education will tend to bring about an end to the depreciation of local culture elements and values by the schools, stimulate better communication between the community and the schools in solving educational problems, effect a positive student self-image, provide more effective use of both English and the student's language, foster more successful secondary and higher education careers, ease the obtaining of employment, allow genuine options for all students in choosing a way of life, and facilitate more harmonious relationships between the student's culture and the mainstream of society. (Eff. 12/29/76, Register 60)

Authority: AS 14.07.060
AS 14.30.410

4 AAC 34.020. SCOPE OF STATE ASSISTED PROGRAMS. (a) Grants of state funds will be made to school districts to assist in the establishment, expansion, improvement, or maintenance of bilingual-bicultural education programs.

(b) Grant awards will be made for a period of not more than one fiscal year. Grantees seeking to receive assistance for additional one-year periods must submit new applications for each year. (Eff. 12/29/76, Register 60)

Authority: AS 14.07.060
AS 14.30.410

4 AAC 34.030. GRANT APPLICATION. The commissioner may award grants to school districts upon applications submitted to him by their governing bodies. A district's application must contain the following:

(1) an assessment of the bilingual-bicultural education needs of students in the district and a description of the methods utilized for determining the students' proficiency in English and native languages; and

(2) a bilingual-bicultural education program plan which assures that:

(A) the governing body has a statement of philosophy consistent with the bilingual-bicultural education philosophy expressed in sec. 10 of this chapter;

(B) to the extent possible, all sources of funds available for bilingual-bicultural education will be coordinated;

(C) there are comprehensive program objectives in measurable terms for each component of a program;

(D) there are plans for the procurement or development of bilingual-bicultural education materials;

(E) qualified bilingual-bicultural education instructors, coordinators, and administrators will be utilized;

(F) there is a program staff training design based upon training priorities for bilingual-bicultural education program staff, including, but not limited to, pre-service and in-service training;

(G) there is a mechanism for parent and community involvement in the development, establishment, and evaluation of the program and for the dissemination of program information to parents and community;

(H) there is an evaluation design for determining student progress and program progress; and

(I) there is a budget consistent with program specifications and requirements. (Eff. 12/29/76 Register 60)

Authority: AS 14.07.060
AS 14.30.410

4 AAC 34.040. GRANT ENTITLEMENT. The commissioner shall consider the following in making grants to school districts:

(1) his evaluation of the program plan submitted under sec. 30 of this chapter, ranked in the following program priority order:

(A) programs directed to monolingual speakers of a language other than English;

(B) programs directed to bilingual speakers whose proficiency in the language in which instruction is given is not sufficient for instructional purposes;

(2) numbers of students in each program priority;

(3) relevant cost factors in serving variable numbers of students in the same language program priority; and

(4) program costs related to the amount of special instruction required based on the needs of identified students. (Eff. 12/29/76, Register 60)

Authority: AS 14.07.060
AS 14.30.410

4 AAC 34.090. DEFINITIONS. As used in this chapter and AS 14.30.400 and AS 14.30.410, unless the context otherwise requires;

(1) "commissioner" means the commissioner of education;

(2) "children of limited English speaking ability" means both children born in the United States and children not born in the United States who have difficulty performing ordinary classwork in English due to an interference with their English comprehension by a language other than English;

(3) "bilingual-bicultural education program" means an organized program of instruction in elementary or secondary education which is designed for children of limited English-speaking ability, uses English, the child's primary language, or both as a means of instruction, allows children to progress effectively through the educational system, and which may include elements of the culture inherent in the language;

(4) "department" means the department of education;

(5) "school district" means both city and borough school districts and regional educational attendance areas;

(6) "school which is attended by at least eight pupils" means either an elementary school or a secondary school with eight or more pupils in regular daily attendance. (Eff. 12/27/76 Register 60).

Authority: AS 14.07.060
AS 14.30.410

STATE OF ALASKA THE LEGISLATURE

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4 AAC 34.010 - 4 AAC 34.090 is a new chapter in title 34, relating to bilingual-bicultural education. It implements section 45, ch. 124, SLA 1975. These sections fairly carry out the directive of AS 14.30.410(b), which requires the department to adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts. 4 AAC 34.030 enumerates, in accordance with AS 14.30.400, those elements

consideration not only the price offered by the bidder, but also (1) the past performance of the bidder in performing similar projects for ASHA or others during the preceding five years, (2) the reputation for responsibility of the bidder, and (3) the academic or professional credentials of the bidder.

In other words, competitive bidding is required with regard to the award of construction contracts, but not required with regard to the selection of realtors and appraisers. There might be a question as to whether maintenance of this distinction properly implements legislative intent. The statutes include no requirements in relation to ASHA pertaining to competitive bidding. However, the regulations themselves do not provide any insight as to the rationale for maintaining this distinction, e.g., even though no competitive bidding is required in the selection of real estate agents and appraisers, the regulations state that criteria similar to that taken into consideration along with the bid price (see 3 AAC 95.080, supra) in the competitive bidding context shall be considered in selecting real estate agents and appraisers, i.e., factors relating to dependability and experience.

Summary

3 AAC 96.080 - 3 AAC 96.210 relates to and governs the acquisition of real property and improvements acquired by ASHA not under a U.S. Department of Housing and Urban Development assisted program. Notice of these regulations appeared in the 'Anchorage Daily Times', 'Fairbanks Daily News-Miner', and 'Southeast Alaska Empire', and hearings were held in Anchorage on March 17, 1976, Fairbanks on February 26, 1976, and Juneau on March 2, 1976. Salient points of these sections of the AAC are the following:

- * Requires that real property to be acquired by ASHA shall be appraised by at least 2 appraisers, and more if the appraisals differ by more than 20 percent or if more appraisals are deemed necessary by the executive director of ASHA (3 AAC 96.120).
- * Where acquisition of property would leave an owner with a parcel with little or no value when separated from the main parcel, ASHA shall acquire the whole property (3 AAC 96.140).
- * Reasonably just compensation defined as being not less than the appraised value of the property, uninfluenced by certain factors (3 AAC 96.150).
- * An owner must receive compensation before being required to vacate property being acquired by eminent domain (3 AAC 96.170).

TITLE 3. COMMERCE

PART 9. ALASKA STATE HOUSING AUTHORITY

CHAPTER 96. ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS

ARTICLE 1. HUD ASSISTED.

Section

- 10. HUD-Assisted Acquisition of Real Property and Improvements
- 20. HUD Procedures and Regulations
- 30. Conflict of Interest
- 40. Selection of Appraisers
- 50. Selection of Real Estate Brokers
- 60. Appraisals of Real Property
- 70. Record of Transaction

3 AAC 96.010. HUD-ASSISTED ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS. All real property and improvements that are acquired by ASHA through the assistance of the United States Department of Housing and Urban Development shall be acquired under Secs. 10 - 70 of this chapter. (Eff. 1/1/76, Reg. 1)

Authority: AS 18.55.100(a)(4)
 AS 18.55.240
 AS 18.55.420
 AS 18.55.440
 AS 18.55.560
 AS 34.60.010
 AS 34.60.120
 AS 34.60.130
 AS 34.60.140

3 AAC 96.020. HUD PROCEDURES AND REGULATIONS. ^(a) The broad parameters of the acquisition and purchase of real property and improvements shall be governed by Title III of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, 84 Stat. 1894; 42 U.S.C.A. §§4651-4655 (1973 ed.)

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3 AAC 96.020
3 AAC 96.040

(b)
(ii) Secs. 10 - 70 and Secs. 220 - 250 of this chapter and the most recent and applicable HUD Handbook in conjunction with the most recent Code of Federal Register that sets forth and implements the provisions of Title III shall govern the specific procedures of the acquisition and purchase of real property. These provisions of federal law and regulations are incorporated by reference.
(Eff. 1/1/76, Reg. 1/1/76)

Authority: AS 18.55.100(a)(4)
AS 18.55.240
AS 18.55.420
AS 18.55.440
AS 18.55.560
AS 34.60.010
AS 34.60.120
AS 34.60.130
AS 34.60.140

3 AAC 96.030. CONFLICT OF INTEREST. A seller of real property under Secs. 10 - 70 of this chapter shall declare in an affidavit the extent of any involvement which a board member or employee of ASHA has or may have with the seller or the real property to be sold. (Eff. 1/1/76, Reg. 1/1/76)

Authority: AS 18.55.080
AS 18.55.100(a)(4)
AS 18.55.420
AS 18.55.500

3 AAC 96.040. SELECTION OF APPRAISERS. (a) The selection of appraisers utilized in acquiring real property need not be by competitive bidding.

(b) ASHA will make appropriate inquiries among users of appraisal services, including other public agencies, and will examine its own experience, to identify the best qualified appraiser for a particular assignment. The factors that will be considered in evaluating and selecting appraisers will be their dependability and experience. All appraisers shall have a State of Alaska business license.

(c) ASHA's files will contain a full record of all actions respecting each appraisal contract, including:

(1) a resolution by the ASHA board authorizing the award of the contract;

(2) a signed statement by the appraiser setting out qualifications, general appraisal experience, specific experience in appraising properties of the type involved, the courts in which he has testified as an expert witness and other information pertinent to his professional qualifications; and

(3) an affidavit by the appraiser indicating whether or not a board member or employee of ASHA has or will have any financial, business or familial interest, direct or indirect, in the appraisal contract, the property involved or the proceeds of the contract, or has a financial, business or familial interest in or with the appraiser or its business. (Eff. . / . / . . , Reg. . .)

Authority: AS 18.55.100(a)(4)
AS 18.55.140
AS 18.55.240
AS 18.55.520
AS 34.60.120

3 AAC 96.050. SELECTION OF REAL ESTATE BROKERS. (a) If ASHA utilizes real estate brokers to acquire real property, the selection of the brokers need not be by competitive bidding.

(b) ASHA will make appropriate inquiries among users of real estate brokers, including other public agencies, and will examine its own experience, to identify the best qualified real estate broker for a particular assignment. The factors that will be considered in evaluating and selecting brokers will be their dependability and experience. A real estate broker selected by ASHA shall be licensed by the State of Alaska, and shall have a State of Alaska business license.

(c) ASHA's files will contain a full record of all actions respecting each real estate broker's contract, including:

(1) a resolution by the ASHA board authorizing the award of the contract;

(2) a signed statement by the real estate broker setting out qualifications, general real estate broker experience, specific experience in marketing properties of the type involved, the courts in which he has testified as an expert witness and other information pertinent to his professional qualifications; and

(3) an affidavit by the broker indicating whether or not a board member or employee of ASHA has or will have any financial, business or familial interest, direct or indirect, in the broker contract, the property involved or the proceeds of the contract, or has a financial, business or familial interest in or with the broker or its business. (Eff. 7/1/76, Reg. 57)

Authority: AS 18.55.100(a)(4)
AS 18.55.140
AS 18.55.240
AS 18.55.520

3 AAC 96.060. APPRAISALS OF REAL PROPERTY. (a) A parcel of real property to be acquired shall be appraised by at least two professional appraisers.

(b) The appraisal shall be performed pursuant to guidelines, if any, as suggested by HUD in the most recent and applicable HUD Handbook. (Eff. 7/1/76, Reg. 57)

Authority: AS 18.55.100(a)(4)
AS 18.55.240
AS 18.55.520
AS 34.60.120
AS 34.60.140

3 AAC 96.070. RECORD OF TRANSACTION. (a) Transactions of all real estate acquisition will be made a part of a file or record.

(b) These files or records will be open to public inspection at all reasonable times and will be retained by ASHA for at least three years. (Eff. 7/1/76, Reg. 57)

Authority: AS 18.55.100(a)(4)
AS 18.55.420
AS 18.55.520

TITLE 3. COMMERCE

PART 9. ALASKA STATE HOUSING AUTHORITY

CHAPTER 96. ACQUISITION OF REAL
PROPERTY AND IMPROVEMENTS

ARTICLE 2. NON-HUD ASSISTED.

Section

- 80. Non-HUD Assisted Acquisition of Real Property and Improvements
- 90. Conflict of Interest
- 100. Selection of Appraisers
- 110. Selection of Real Estate Brokers
- 120. Appraisals of Real Property
- 130. Acquisition of Improvements
- 140. Uneconomic Remnant
- 150. Acquisition by Negotiation
- 160. Acquisition by Eminent Domain
- 170. Surrender of Possession
- 180. Conveyance of Real Property
- 190. Cost of Conveyance
- 200. Relocation Assistance
- 210. Record of Transaction

3 AAC 96.080. NON-HUD ASSISTED ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS. Real property and improvements acquired by ASHA not under a United States Department of Housing and Urban Development assisted program shall be acquired under Secs. 80 - 210 of this chapter. (Eff. 1/1/76, Reg. 57)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.090. CONFLICT OF INTEREST. A seller of real property under Secs. 80 - 210 of this chapter shall declare in an affidavit the extent of any involvement which a board member or employee of ASHA has or may have with the seller or the real property to be sold. (Eff. 1/1/76, Reg. 59)

Authority: AS 18.55.080
AS 18.55.100(a)(4)
AS 18.55.420
AS 18.55.500

3 AAC 96.100. SELECTION OF APPRAISERS. (a) The selection of appraisers utilized in acquiring real property need not be by competitive bidding.

(b) ASHA will make appropriate inquiries among users of appraisal services, including other public agencies, and will examine its own experience, to identify the best qualified appraiser for a particular assignment. The factors that will be considered in evaluating and selecting appraisers will be their dependability and experience. All appraisers shall have a State of Alaska business license.

(c) ASHA's files will contain a full record of all actions respecting each appraisal contract, including:

(1) a resolution by the ASHA board authorizing the award of the contract;

(2) a signed statement by the appraiser setting out qualifications, general appraisal experience, specific experience in appraising properties of the type involved, the courts in which he has testified as an expert witness and other information pertinent to his professional qualifications; and

(3) an affidavit by the appraiser indicating whether or not a board member or employee of ASHA has or will have any financial, business or familial interest, direct or indirect, in the appraisal contract, the property involved or the proceeds of the contract, or has a financial, business or familial interest in or with the appraiser or its business. (Eff. 1/1/76, Reg. 1.)

Authority: AS 18.55.100(a)(4)

AS 18.55.140(4)

AS 18.55.240

3 AAC 96.110. SELECTION OF REAL ESTATE BROKERS. (a) If ASHA utilizes real estate brokers to acquire real property, the selection of the brokers need not be by competitive bidding.

(b) ASHA will make appropriate inquiries among users of real estate brokers, including other public agencies, and will examine its own experience, to identify the best qualified real estate broker for a particular assignment. The factors that will be considered in evaluating and selecting brokers will be their dependability and experience. A real estate broker selected by ASHA shall be licensed by the State of Alaska and shall have a State of Alaska business license.

(c) ASHA's files will contain a full record of all actions respecting each real estate broker's contract, including:

(1) a resolution by the ASHA board authorizing the award of the contract;

(2) a signed statement by the real estate broker setting out qualifications, general real estate broker experience, specific experience in marketing properties of the type involved, the courts in which he has testified as an expert witness and other information pertinent to his professional qualifications; and

(3) an affidavit by the broker indicating whether or not a board member or employee of ASHA has or will have any financial, business or familial interest, direct or indirect, in the broker contract, the property involved or the proceeds of the contract, or has a financial, business or familial interest in or with the broker or its business. (Eff. 1/1/76, Reg. 1.1.1)

Authority: AS 18.55.100(a)(4)
AS 18.55.140(4)
AS 18.55.240

3 AAC 96.120. APPRAISALS OF REAL PROPERTY. (a) A parcel of real property, including improvements to be acquired by ASHA, will be appraised by at least two appraisers. A parcel of real property acquired by ASHA will have been appraised within at least 180 days before acquisition. The purpose of the appraisals is to establish a fair market value for the real property or improvements.

(b) The appraisals will be reviewed by the Executive Director of ASHA and his staff. The purpose of this review is to determine whether, in their opinion, the appraisals reflect fair market value. If, in their opinion, the appraisals do not reflect fair market value, or if there is more than a 20 percent difference in value between the appraisals, additional appraisals will be obtained.

(1) If ASHA determines that an appraisal does not reflect the fair market value, written notice to that effect shall be sent to the appraisers. (Eff. 1/1/76, Reg. 1.1.1)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.130. ACQUISITION OF IMPROVEMENTS. When ASHA acquires an interest in real property, it will also acquire at least an equal interest in those buildings, structures or other improvements located upon the real property which must be removed from the real property or those which will be adversely affected by the use to which the real property will be put. The improvements acquired must be a part of the real property. Acquisition of improvements will not result in duplication of payment. (Eff. . / . / . , Reg. . .)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.140. UNECONOMIC REMNANT. (a) If the acquisition of the property would leave the owner with an uneconomic remnant, ASHA will acquire the entire property. The determination of an uneconomic remnant shall be made by professional appraisers. The determination of an uneconomic remnant shall be supported by a written analysis by the appraisers.

(b) For purposes of this section, an uneconomic remnant means a remaining parcel of real property that has little or no value apart from the parcel that has been or will be acquired by ASHA. (Eff. . / . / . , Reg. . .)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.150. ACQUISITION BY NEGOTIATION. (a) Reasonable effort will first be made to expeditiously acquire real property by negotiation. ASHA will, by certified mail, return receipt requested, inform the owner of ASHA's interest in purchasing the real property, and the purpose for which the property is being purchased.

(b) Appraisals will be conducted on the property to be purchased by professional appraisers. The owner or his designated representative shall be given an opportunity to accompany the appraisers during their inspection of the property.

(c) Subsequent to the appraisals, an amount will be established that is reasonably just compensation for the real property. The amount may not be less than the approved appraisals of the fair market value of the property. A decrease or increase in the fair market value of the real

property before the date of evaluation caused by the projected public improvement for which the property is to be acquired or by the likelihood that the property would be acquired for the improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in determining compensation for the property. The owner of the real property that is to be acquired will be provided with a copy of the appraisals.

(d) ASHA will not use the threat of a condemnation proceeding as a means to compel an agreement on the price to be paid for the property. (Eff. 1/1/76, Reg. 18.55.427)

Authority: AS 18.55.100(a)(4)
AS 18.55.427

3 AAC 96.160. ACQUISITION BY EMINENT DOMAIN. If ASHA is not successful in negotiating the purchase of the real property at a fair and equitable price, the property will be obtained by eminent domain. Before the exercise by ASHA of its power of eminent domain, the Executive Director of ASHA must make an affidavit indicating that the public interest in acquiring the property outweighs the injury or loss incurred by the owner. (Eff. 1/1/76, Reg. 18.55.427)

Authority: AS 18.55.100(a)(4)
AS 18.55.100(a)(6)
AS 18.55.420
AS 18.55.440
AS 18.55.550

3 AAC 96.170. SURRENDER OF POSSESSION. (a) An owner may not be required to surrender possession of real property before ASHA pays the agreed purchase price or deposits with the court in accordance with applicable law, for the benefit of the owner, an amount not less than the approved appraisal of the fair market value of the property, or the amount of the award of compensation in the condemnation proceeding for the property.

(b) The construction or development of an improvement will be scheduled so that, to the greatest extent practicable, a person lawfully occupying real property may not be required to move from a dwelling or to move his business or farm operation, without at least 90 days written notice of the date by which the move is required.

(c) If an owner or a tenant is permitted to occupy the real property on a rental basis for a short term or for a period subject to termination by ASHA on a short notice, the amount of rent charged by ASHA will not exceed the fair market rental value of the property to a short-term occupier. (Eff. 1/1/76, Reg. 18.55.100)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.180. CONVEYANCE OF REAL PROPERTY. ASHA will, in its discretion, accept the conveyance of real property by Warranty or Quitclaim Deed. If a conveyance of real property is made by Quitclaim Deed, ASHA will institute a quiet title action prior to payment of the purchase price to insure that a full interest is acquired, or ASHA will secure title insurance, unless the Executive Director of ASHA makes a determination that the interest conveyed by Quitclaim is sufficient for the purpose of acquiring the real property. (Eff. 1/1/76, Reg. 18.55.100)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.190. COST OF CONVEYANCE. The cost incurred in the acquisition of property will be apportioned between ASHA and the seller on a case-by-case basis through negotiations between ASHA and the seller, or by order of the court. (Eff. 1/1/76, Reg. 18.55.100)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.200. RELOCATION ASSISTANCE. (a) If an acquisition of real property results in the direct displacement of a person, family, individual, business or other organization, relocation assistance and relocation payments will be made.

(b) The schedule of moving expense allowance for relocation assistance will be determined by reference to the current moving expense schedules developed and published by the Department of Highways, State of Alaska, and approved by the Federal Highway Administration.

(c) ASHA shall process a claim for relocation assistance and make payments directly to the claimant. Displaced persons shall make a claim for relocation assistance and relocation payments, including moving expense allowance, as follows:

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3 AAC 96.200

3 AAC 96.210

(1) each displaced person shall make a written claim on a form prescribed by ASHA; and

(2) each claim shall be supported by all information requested. (Eff. 7/1/76, Reg. 18.55.420)

Authority: AS 18.55.100(a)(4)
AS 18.55.420

3 AAC 96.210. RECORD OF TRANSACTION. (a) Transactions of all real estate acquisition will be made a part of a file or record.

(b) These files or records will be open to public inspection at all reasonable times and will be retained by ASHA for at least three years. (Eff. 7/1/76, Reg. 18.55.420)

Authority: AS 18.55.100(a)(4)
AS 18.55.420