



# LAWS OF ALASKA

1977

Source

Chapter No.

SCS CSHB 2 (Resources) am S

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## AN ACT

Authorizing state land to be made available as homesites.

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

\* Section 1. PURPOSE OF ACT. The longstanding policy of the state, declared in the Constitution of the State of Alaska (art. VIII, sec. 1) and the Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the state's land and the development of its resources by making them available for maximum use consistent with the public interest. In authorizing the classification of land for settlement as homesites, this Act is intended to further that policy explicitly, by recognizing that the immediate production of revenues to the state through the auction of land to the highest bidder, virtually the only method by which state land has been made available to the public for residential use, is secondary in importance to the primary, and ultimately more beneficial and productive, goal of providing land for Alaskans to settle at a cost reasonably within their means, and that the highest and best use of some land may clearly be for habitation.

\* Sec. 2. AS 38 is amended by adding a new chapter to read:

#### CHAPTER 8. HOMESITES.

Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a) The director shall classify, survey, and plat for homesite entry 25,000 acres of state land which is otherwise vacant, unappropriated and unreserved and is suitable for erection of residential dwellings to use as a permanent abode.

(b) Land classified as homesite entry land shall be divided into parcels not exceeding five acres in reasonably compact form, with boundaries conforming as nearly as practicable to natural geologic and topographic features.

Chapter 142

(c) No land may be classified for homesite entry which

(1) lacks drainage sufficient for construction of residential dwellings;

(2) has soil which has been classified and interpreted as appropriate for agriculture in soil surveys conducted by the Soil Conservation Service of the United States Department of Agriculture;

(3) is known to be mineralized with commercially valuable minerals;

(4) is located where homesites would threaten fish regeneration;

(5) is located where existing services provided by the state and political subdivisions of the state would be inaccessible;

(6) lacks sufficient water for a residential dwelling used as a permanent abode; or

(7) is unsuitable for on-site sewage disposal, if other methods of sewage disposal are not feasible.

Sec. 38.08.020. OFFERING OF LAND FOR HOMESITE ENTRY. Following classification of land for homesite entry, offerings of homesite entry land shall be made on a rotating basis from among the four judicial districts of the state. The director shall publish notice of the availability of the land for at least three consecutive weeks through the electronic media and in at least three newspapers of general circulation in the state, at least one of which, if possible, shall be a newspaper of general circulation in the vicinity of the available land.

Sec. 38.08.030. APPLICATIONS FOR HOMESITE ENTRY; FEES. (a) To qualify for a homesite entry permit, an applicant shall

(1) at the time of application have attained the age of 18;

(2) submit proof acceptable to the commissioner that he is a resident of the state at the time of application, and that he has been a resident of the state for not less than six years immediately preceding the date his application was submitted, or that he has been a resident for 20 years cumulatively;

(3) agree to comply with the requirements for obtaining a patent to land set out under sec. 60 of this chapter.

(b) Fees for filing an application may not exceed \$10.

Sec. 38.08.040. ISSUANCE OF ENTRY PERMIT. (a) An applicant meeting the qualifications for homesite entry under sec. 30 of this chapter shall be issued a revocable

permit to occupy and improve the homesite in order to qualify for issuance of patent as provided in this chapter. The application fee is the sole rent chargeable on the permit for its duration.

(b) If the number of applicants qualified for homesite entry exceeds the number of available homesites offered, or if several applicants apply and qualify for the same homesite, priority in award of an entry permit shall be accorded to that applicant showing proof of the longest residency in the state.

(c) The permit may not be assigned, conveyed or otherwise transferred, but rights under the permit may devolve by testate or intestate succession. An attempt to assign, convey, or to otherwise transfer the permit, is void and constitutes a substantial breach.

(d) An applicant may apply for more than one available homesite. No person holding a homesite patent may apply for a homesite entry permit, no person may simultaneously hold more than one homesite entry permit, and no person who is a member of the homesite entry permit holder's household may be issued a homesite entry permit while a member of the homesite entry permit holder's household.

Sec. 38.08.050. REVOCATION OF ENTRY PERMIT. (a) The entry permit may only be revoked for failure to erect a dwelling as required under sec. 60 of this chapter, or for other substantial breach of the terms and conditions of the homesite entry permit.

(b) Upon revocation and termination of a permit, improvements or chattels upon the homesite shall be managed, and subsequent issuance of a permit for entry on the homesite shall be conditioned, in the same manner as provided in AS 38.05.090 for removal or reversion of improvements upon termination of leases of state land.

Sec. 38.08.060. ISSUANCE OF PATENT. (a) A person who enters upon homesite entry land under a permit issued by the director shall be issued a patent to the land conveying an unencumbered title if that person

(1) occupies the land for a cumulative total of 21 months within the three-year period following issuance of the homesite entry permit, or five months with 20 years Alaskan cumulative residence;

(2) erects a habitable, permanent, single-family dwelling on the homesite, which meets all applicable state and local regulations, within three years of the date of issuance of the homesite entry permit; for the purposes of this paragraph, mobile homes are not considered to be permanent dwellings unless they are placed on a permanent foundation;

(3) reimburses the state for the survey and platting undertaken in accordance with this chapter; the director shall provide by regulation for installment payments of this reimbursement.

Chapter 142

(b) Nothing in this chapter shall be construed to prohibit a person issued a homesite entry permit from residing in a temporary habitable dwelling on the homesite until revocation of the homesite entry permit.

(c) No person may be issued more than one patent during his lifetime, nor may any person who is a member of a patent holder's household be issued a patent while a member of the patent holder's household.

(d) If a dwelling is found to have been substantially completed under sec. 100 of this chapter, patent shall be issued upon completion of the dwelling, notwithstanding (a)(2) of this section.

Sec. 38.08.070. LAND LOCATED WITHIN MUNICIPALITIES. No state land which is located within the boundaries of an organized borough or city may be classified for homesite entry under this chapter until the proposed use of the land has been studied and approved jointly by the director and the local planning authority. Nothing in this section or AS 29.18.190 prevents the director from selecting and classifying for homesite entry land which would otherwise be available for borough or city selection under AS 29.18.-190. If classified for homesite entry, the land shall not be available for city or borough selection.

Sec. 38.08.080. REQUIRED ZONING. No state land which is located within the boundaries of a municipality which exercises planning and zoning authority under AS 29 may be offered by the director for homesite entry under this chapter until the land has been zoned by the governing body of the municipality for residential use only. No state land which is located within a municipality which does not exercise planning and zoning authority, or which is located in the unorganized borough, may be offered by the director for homesite entry under this chapter unless the division of lands has adopted zoning regulations to restrict the use of the land to residential purposes.

Sec. 38.08.090. DISCLAIMER OF INTENT TO PROVIDE SERVICES. Nothing in this chapter obligates the state to provide services to land which is the subject of homesite entry and patent.

Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An entry permit may not be revoked for failure to erect a dwelling in the time required under sec. 60(a)(2) of this chapter if the director finds that erection of the dwelling has been substantially completed and progress toward completion is being made at the expiration of the time required.

Sec. 38.08.110. REGULATIONS. The commissioner shall adopt regulations in accordance with AS 44.62.180 - 44.62.-290 to carry out the purposes of this chapter.

Sec. 38.08.120. DEFINITIONS. In this chapter

(1) "commissioner" means the commissioner of natural resources;

(2) "habitable dwelling" means a dwelling of a permanent nature, together with fixtures and facilities, including sanitary facilities, required or customary in the vicinity of the land made available for homesite entry;

(3) "resident" means a person who is not claiming residence in another state and shows by all attending circumstances that his intent is to make this state his permanent residence.

\* Sec. 3. AS 29.33.090 is amended by adding a new subsection to read:

(c) The assembly shall regulate and restrict the use of state land within the borough which is vacant, unappropriated and unreserved and which is found suitable for classification and disposal for homesite entry under AS 38.08.010. Compliance with the provisions of this subsection is a prerequisite to issuance of homesite entry permits for land within the borough.

\* Sec. 4. AS 29.13.100 is amended by adding a new paragraph to read:

(37) AS 29.33.090(c) (zoning of state land for homesite entry)

\* Sec. 5. No land may be classified and made available for homesite entry under AS 38.08.010 - 38.08.120 within any portion of the new capital site established under AS 44.06 before July 1, 1982.