



LAWS OF ALASKA

2018

Source
HB 131

Chapter No.
13

AN ACT

Relating to relocation assistance for federally assisted public construction and improvement projects and programs; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to relocation assistance for federally assisted public construction and improvement
2 projects and programs; and providing for an effective date.

3 _____

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10 * **Sec. 2.** AS 34.60.040(c) is repealed and reenacted to read: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

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

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

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

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

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

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

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

29 (3) reasonable expenses incurred by the displaced person for evidence
30 of title, recording fees, and other closing costs incident to the purchase of the
31 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).