

3 AAC 180.040 - Request for adjustment of population determination

Current through December 2, 2021

(a) A municipality or reserve, or the village council or incorporated nonprofit entity for a community, may request an adjustment of the population determination under 3 AAC 180.030 for the municipality, reserve, or community by submitting a written request to the director, postmarked no later than April 1 of the calendar year. If a municipality or reserve, or the village council or incorporated nonprofit entity for a community, requests an adjustment under this section, the municipality, reserve, village council, or incorporated nonprofit entity shall substantiate the requested adjustment with

(1) a head count census conducted by the municipality, reserve, village council, or incorporated nonprofit entity in accordance with (c) of this section; or

(2) a housing unit method population estimate conducted by the municipality, reserve, village council, or incorporated nonprofit entity in accordance with (d) of this section.

(b) If a request under (a) of this section is postmarked after April 1 of the calendar year, the director shall deny the request as being untimely filed. An appeal to the commissioner regarding that denial, submitted in accordance with 3 AAC 180.050, will be accepted if the applicant shows good cause for missing the postmark deadline.

(c) For the purposes of (a)(1) of this section, a head count census must be conducted in a manner satisfactory to the division. The division shall validate the census in accordance with the standard census definitions and procedures specified by the division. The municipality, reserve, village council, or incorporated nonprofit entity shall bear the expense of the census. The governing body of the municipality or reserve, or the governing body of a village council or incorporated nonprofit entity for a community, must

(1) pass a resolution adopting the results of the census; and

(2) provide a copy of the resolution with the census results to the division.

(d) For the purposes of (a)(2) of this section, a housing unit population estimate must be conducted in a manner satisfactory to the division. The division shall validate the estimate in accordance with standard census definitions and procedures specified by the division. The municipality, reserve, village council, or incorporated nonprofit entity shall bear the expense of the estimate. The governing body of the municipality or reserve, or the governing body of a village council or incorporated nonprofit entity for a community, must

- (1) pass a resolution adopting the results of the estimate; and
- (2) provide a copy of the resolution with the estimate results to the division.

(e) A municipality, reserve, village council, or incorporated nonprofit entity shall, upon request of the director, furnish available information and provide assistance requested by the director necessary to make a determination to grant or deny a request for adjustment under (a) of this section. The director may prescribe forms containing procedures for reporting the information.

(f) The director shall, in writing, grant or deny a request for adjustment within 10 days after receipt of the request. The director's response shall include the reason for granting or denying the request for adjustment, and a determination of the population determination based upon the director's decision to grant or deny the request.