

# ALASKA STATE LEGISLATURE

## Senator Josh Revak

### Session Contact

State Capitol, Rm 125  
Juneau, AK 99801  
(907) 465-3879  
sen.josh.revak@akleg.gov



### Interim Contact

1500 W. Benson Blvd.  
Anchorage, AK 99503  
(907) 269-0222  
alaskasenate.org

## Senate Bill 143 - Sponsor Statement

***"An Act relating to horizontal property regimes and common interest communities; and relating to mortgages, deeds of trust, and other property liens."***

In 1986, the Uniform Common Interest Ownership Act (UCIOA) made major revisions to Alaska statute governing Homeowners Associations (HOA's) and Condominium Owner's Association (COA's) in Alaska. However, two issues were not fixed by UCIOA when it passed and remain problematic for HOA's/COA's and the members of these communities to this day. SB 143 addresses these two issues and ensures that all associations, regardless of when they were formed, receive the same treatment.

The first change SB 143 makes is to the process by which HOA's/COA's make amendments to their governing documents. As statute currently stands, the process of amending an HOA's/COA's charter is so onerous that many associations are forced to continue operating with long-outdated rules. Unless a statutory change is made, these associations may be forced to operate under outdated and archaic standards forever. Unfortunately, this problem affects mostly older and often lower-income properties; the very properties that most need the protections provided by UCIOA. SB 143 does not eliminate the current amendment process, but instead provides a more reasonable alternative for associations who are unable to complete the process currently laid out.

Secondly, when a home in an HOA/COA is abandoned, or the owners stop paying their regular dues, the HOA/COA (and thereby all the individuals who pay their dues) bear the cost of maintaining the property until the dues are paid or the house is foreclosed upon. In the event of a foreclosure, UCIOA grants all HOA's/COA's created *after* 1986 "super-priority lien status," which allows them to collect all outstanding HOA/COA dues before the bank receives the remainder of the sale. However, in practice, the statute has been interpreted to not grant super-priority lien status to HOA's/COA's created *before* 1986. SB 143 rectifies this decades old problem for pre-1986 associations and clarifies what is already in statute to assure that pre-1986 HOA's/COA's will receive their unpaid dues just like their post-1986 counterparts.

SB 143 will serve to benefit homeowners associations, condominium associations, common interest ownership communities, and the homeowners within those communities by providing an alternative to the overburdensome charter amendment process currently laid out in statute and assuring that even pre-1986 HOA's/COA's are eventually compensated for the costs they incur to maintain homes that are not paying dues. SB 143 will directly benefit all due-paying homeowners in HOA's/COA's and grant all HOA's/COA's, regardless of when they were formed, the same flexibility and rights.