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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 358 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to minimum thermal and lighting
7 energy standards; and providing for an effective
8 date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 18.56.090 is amended to read:
11 Sec. 18.56.090. GENERAL POWERS. In addition to other powers
12 granted in this chapter, the corporation may, for the purpose of
13 providing housing for persons of lower and moderate income or persons
14 located in remote, underdeveloped, or blighted areas of the state and
15 for its other corporate purposes,
16 (1) [REPEALED
17 (2)] make or participate in the making of mortgage loans to
18 sponsors, developers, builders, and purchasers of residential housing,
19 if the corporation determines that
20 (A) mortgage loans are not otherwise available, wholly
21 or in part, from private lenders upon reasonably equivalent terms
22 and conditions; and
23 (B) the residential housing for which the mortgage
24 loans are made complies with applicable provisions of AS 18.56.-
25 096(c) and the applicable thermal and lighting energy standards
26 of AS 46.11.040;
27 (2) [(3)] purchase or participate in the purchase of mort-
28 gage loans made to sponsors, developers, builders, owners, and pur-
29 chasers of residential housing, if the corporation

1 (A) has given approval before the initial making of
2 the loan and has determined that mortgage loans were, at the time
3 the approval was given, not otherwise available, wholly or in
4 part, from private lenders upon reasonably equivalent terms and
5 conditions, or

6 (B) has determined that

7 (i) the purchase or participation will result in
8 additional residential housing, taking into account without
9 limitation such factors as reinvestment of the proceeds of
10 the sale in additional mortgage loans, increased avail-
11 ability of mortgage loans insured by the federal government,
12 its agencies or departments, the reduction, if any, of
13 interest payments to be made with respect to mortgage loans,
14 or such other factors as will tend to increase or improve
15 the supply of residential housing within the state; and

16 (ii) the residential housing covered by the mort-
17 gage loan complies with applicable provisions of AS 18.56.-
18 096(c) and the applicable thermal and lighting energy stan-
19 dards of AS 46.11.040;

20 (3) [(4)] make partial rental payments and mortgage inter-
21 est payments under a contract with any housing owner if the payments
22 will be applied to decrease rental or mortgage interest charges of
23 persons of lower and moderate income or owners or purchasers of res-
24 idential housing in remote, underdeveloped, or blighted areas of the
25 state;

26 (4) [(5)] make loans from the housing development fund;

27 (5) [(6)] collect and pay reasonable fees and charges in
28 connection with making, purchasing, and servicing its mortgages,
29 loans, notes, bonds, certificates, commitments, and other evidences of

1 indebtedness;

2 (6) [(7)] acquire real property, or any interest in real
3 property, in its own name, by purchase, transfer, or foreclosure, when
4 the acquisition is necessary or appropriate to protect any loan in
5 which the corporation has an interest; sell, transfer, and convey the
6 property to a buyer; and, if the sale, transfer, or conveyance cannot
7 be effected with reasonable promptness or at a reasonable price, rent
8 or lease the property to a tenant pending the sale, transfer, or
9 conveyance;

10 (7) [(8)] sell, at public or private sale, to any purchas-
11 er, including the Federal National Mortgage Association, all or any
12 part of a mortgage or other instrument or document securing a con-
13 struction, land development, mortgage, or temporary loan of any type
14 permitted by this chapter;

15 (8) [(9)] purchase, in order to meet the requirements of
16 the sale of its mortgages to the Federal National Mortgage Associa-
17 tion, stock of the Federal National Mortgage Association;

18 (9) [(10)] procure insurance against any loss in connection
19 with its operation;

20 (10) [(11)] consent to the modification of the rate of
21 interest, time of payment of any installment of principal or interest,
22 or any other terms, of the mortgage loan, mortgage loan commitment,
23 construction loan, temporary loan, contract, or agreement of any kind
24 to which the corporation is a party;

25 (11) [(12)] borrow money as provided in this chapter to
26 carry out and effectuate its corporate purposes; and issue its obliga-
27 tions as evidence of borrowing;

28 (12) [(13)] include in any borrowing the amounts necessary to
29 pay financing charges, interest on the obligations for a period not

1 exceeding one year after the date on which the corporation estimates
2 funds will otherwise be available to pay the interest, consultant,
3 advisory and legal fees, and other expenses that are necessary or
4 incident to this borrowing;

5 (13) [(14)] under AS 18.56.088, adopt and publish regula-
6 tions respecting its lending programs and other regulations that are
7 necessary to effectuate its purposes;

8 (14) [(15)] provide technical and advisory services to
9 sponsors, builders, and developers of residential housing and to
10 residents of it;

11 (15) [(16)] promote research and development in scientific
12 methods of constructing low-cost and energy-efficient residential
13 housing of high durability;

14 (16) [(17)] make and execute agreements, contracts, and
15 other instruments necessary or convenient in the exercise of the
16 powers and functions of the corporation under this chapter, including
17 contracts with any person, firm, corporation, governmental agency, or
18 other entity;

19 (17) [(18)] receive, administer, and comply with the condi-
20 tions and requirements respecting any appropriation or gift, grant, or
21 donation of property or money;

22 (18) [(19)] sue and be sued in its own name;

23 (19) [(20)] adopt an official seal;

24 (20) [(21)] adopt bylaws for the regulation of its affairs
25 and the conduct of its business and adopt regulations and policies in
26 connection with the performance of its functions and duties;

27 (21) [(22)] employ fiscal consultants, engineers, attorneys,
28 real estate counselors, appraisers, and other consultants and employ-
29 ees that may be required in the judgment of the corporation, and fix

1 and pay their compensation from funds available to the corporation;

2 (22) [(23)] do all acts and things necessary, convenient, or
3 desirable to carry out the powers expressly granted or necessarily
4 implied in this chapter;

5 (23) [(24)] invest or reinvest, subject to its contracts with
6 noteholders and bondholders, any money or funds held by the corpora-
7 tion in any obligations or other securities or investments in which
8 banks or trust companies in the state may legally invest funds held in
9 reserves or sinking funds or any funds not required for immediate
10 disbursement, and in certificates of deposit or time deposits secured
11 by obligations of, or guaranteed by, the state or the United States;

12 (24) [(25) REPEALED

13 (26) REPEALED

14 (27) REPEALED

15 (28)] purchase a mortgage loan made to refinance an existing
16 mortgage loan, without regard to whether the corporation holds the
17 existing mortgage loan, as long as the interest rate and fees charged
18 to the borrower are sufficient to fully reimburse the corporation for
19 all costs incurred by the corporation in purchasing the mortgage loan
20 and as long as the borrower will be in compliance with AS 18.56.-
21 096(a)(6) after purchase of the mortgage loan by the corporation.

22 * Sec. 2. AS 18.56.096 is amended by adding a new subsection to read:

23 (c) The corporation may not make, participate in the making of,
24 purchase, or participate in the purchase of a loan for a residential
25 building if construction of the building begins after December 31,
26 1991, unless the building complies with the thermal and lighting
27 energy standards required by AS 46.11.040. The corporation

28 (1) may adopt regulations to implement this subsection; and

29 (2) shall, by regulation, establish

1 (A) procedures by which the person responsible for the
2 construction of the building may demonstrate that the building
3 complies with the thermal and lighting energy standards, includ-
4 ing

5 (i) self-certification, if the contractor respon-
6 sible for the building construction provides satisfactory
7 evidence that the contractor has completed a training pro-
8 gram of the Alaska Craftsman Home Program and the training
9 program is satisfactory to the commissioner of community and
10 regional affairs;

11 (ii) submission of the certificate of a registered
12 architect, registered engineer, or a building inspector, and
13 the architect, engineer, or building inspector has completed
14 a training program of the Alaska Craftsman Home Program and
15 the training program is satisfactory to the commissioner of
16 community and regional affairs;

17 (iii) submission of the certificate of occupancy
18 issued by the municipality in which the building is located,
19 if the certificate is issued by a municipality in which the
20 municipal building code meets or exceeds the thermal and
21 lighting energy standards, as determined by the commissioner
22 of community and regional affairs;

23 (iv) another method approved by the commissioner
24 of community and regional affairs in regulations adopted by
25 the commissioner after consultation with the executive
26 director of the corporation; and

27 (B) criteria by which the energy conservation stan-
28 dards may be met; for purposes of this subparagraph, the residen-
29 tial building complies with the energy standards if the residence

1 has received a rating under the rating system developed by Energy
2 Rated Homes of Alaska if, in the judgment of the commissioner of
3 community and regional affairs, the rating meets or exceeds the
4 thermal energy standards required by AS 46.11.040.

5 * Sec. 3. AS 18.56.105 is amended to read:

6 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpora-
7 tion shall designate regions within the state which in the aggregate,
8 encompass the entire state. In participating in the making or pur-
9 chasing of loans under AS 18.56.090(1) and (2) [AS 18.56.090(2) AND
10 (3)] or under AS 18.56.100, the corporation shall make its money
11 available through the private financial institutions in the state
12 within each region designated by the corporation under this section.
13 The corporation shall allocate its money among the regions on the
14 basis of recent and future anticipated lending activity as well as the
15 potential need for the loans in each region and may reallocate its
16 money among the regions as it considers appropriate to reflect changes
17 in lending activity or need in the regions.

18 * Sec. 4. AS 18.56.110(g) is amended to read:

19 (g) Notwithstanding AS 18.56.090(11) [AS 18.56.090(12)] and (a)
20 of this section, the corporation may not issue bonds in any 12-month
21 period beginning after June 30, 1983, in an amount that exceeds the
22 amount of bonds authorized to be issued during the preceding period,
23 unless a different amount is authorized by the legislature. This
24 subsection does not apply to the issuance by the corporation of re-
25 funding bonds or to the issuance by the corporation of bonds the
26 proceeds of which are intended to be used to refinance mortgage loans
27 held by the corporation.

28 * Sec. 5. Section 1, ch. 83, SLA 1980, is amended to read:

29 Section 1. DECLARATION OF POLICY. It is the policy of the state

1 to encourage and facilitate the implementation of energy conservation
2 measures relating to in-state energy use. This policy shall be imple-
3 mented by

4 (1) the state setting an example of wise and efficient
5 energy use, by designing and managing public buildings and their
6 energy systems to meet appropriate standards for energy efficiency;

7 (2) providing incentives for the design and modification of
8 residential [COMMERCIAL, AND INDUSTRIAL] buildings to accomplish
9 maximum energy efficiency; and

10 (3) establishing mandatory energy efficiency standards for
11 buildings purchased or constructed with state financial assistance.

12 * Sec. 6. AS 46.11.040 is amended to read:

13 Sec. 46.11.040. APPLICABILITY OF THERMAL AND LIGHTING ENERGY
14 STANDARDS TO RESIDENTIAL [PRIVATE] BUILDINGS. State financial assis-
15 tance may not be approved or granted for the construction of or pur-
16 chase of a loan for a [NEW] residential [OR COMMERCIAL] building if
17 construction of the building begins after December 31, 1991 [1980],
18 unless

19 (1) the building is in compliance with thermal and lighting
20 energy standards;

21 (2) the building is in compliance with the building code of
22 a municipality and the standards for thermal and lighting energy of
23 the municipal building code meet [MEETS] or exceed [EXCEEDS] the
24 thermal and lighting energy standards;

25 (3) the building

26 (A) is constructed under an exception to the municipal
27 building code granted because the exception will result in in-
28 creased energy efficiency; or

29 (B) is located or is to be located in an area where

1 thermal and lighting energy standards are not justified because
2 of the high cost of implementation of the standards, with spe-
3 cific consideration given to the availability of inexpensive home
4 heating energy sources, as determined under regulations adopted
5 by the commissioner of community and regional affairs; or

6 (4) the applicant agrees, in writing, that the building
7 will be brought into compliance with thermal and lighting energy
8 standards within one year of conveyance.

9 * Sec. 7. AS 46.11.900 is amended to read:

10 Sec. 46.11.900. DEFINITIONS. In this chapter

11 (1) "alternative energy system"

12 (A) means a source of thermal, mechanical, or elec-
13 trical energy that [WHICH] is not dependent on oil or gas or a
14 nuclear fuel for the supply of energy for space heating and
15 cooling, refrigeration and cold storage, electrical power, mechan-
16 ical power, or the heating of water;

17 (B) includes

18 (i) an alternative energy property as defined by
19 [SEC. 48(1)(3)(A) OF THE INTERNAL REVENUE CODE (] 26 U.S.C.
20 48(1)(3)(A) [)]; and

21 (ii) a method of architectural design and construc-
22 tion that [WHICH] provides for the collection, storage, and
23 use of direct radiation from the sun; [AND

24 (iii) REPEALED]

25 (2) "department" means the Department of Commerce and
26 Economic Development;

27 (3) "energy audit" means a determination and written sum-
28 mary prepared under 42 U.S.C. 8216(b) [42 U.S.C. 8216(b)(1)(A),
29 (SEC. 215, P.L. 95-619, NATIONAL ENERGY CONSERVATION POLICY ACT)] of

1 (A) the energy consumption characteristics of a build-
2 ing, including the size, type, and rate of energy consumption of
3 major energy consuming systems of the building and the climate
4 characterizing the region where the building is located; and

5 (B) the energy conservation and cost savings likely to
6 result from appropriate energy-conserving maintenance and operat-
7 ing procedures and modifications, including the purchase and
8 installation of energy-related fixtures; for purposes of this
9 subparagraph when a fossil fuel is the energy source, the energy
10 cost savings shall be determined with reference to the projected
11 price of that fossil fuel over a 10-year period;

12 (4) "financial institution" means a bank, trust company,
13 savings bank, savings and loan association, or credit union;

14 (5) "life-cycle cost" means the total cost of owning,
15 operating, and maintaining a building over its useful life, including
16 its energy and fuel costs, determined on a basis of a systematic
17 evaluation and comparison of alternative building systems, except that
18 in the case of leased buildings the life-cycle cost shall be calculat-
19 ed over the effective remaining term of the lease;

20 (6) ["NEW BUILDING" MEANS A BUILDING THE CONSTRUCTION OF
21 WHICH BEGINS AFTER DECEMBER 31, 1980;

22 (7)] "public building" means a building owned or controlled
23 and held by the state for government or public use;

24 (7) [(8)] "state financial assistance" means a loan, grant,
25 guarantee, insurance, payment, rebate, subsidy, or other form of state
26 assistance other than aid under AS 05.35.010 - 05.35.070, AS 14.11.-
27 100 - 14.11.135, and AS 29.60, including the purchase by a state
28 agency of a loan to finance the construction or purchase of a [NEW]
29 residential [, COMMERCIAL, OR INDUSTRIAL] building;

1 (8) [(9)] "thermal and lighting energy standards" means the
2 thermal and lighting energy standards

3 (A) established by the American Society of Heating,
4 Refrigeration, and Air Conditioning Engineers as revised

5 (i) [(A)] by the commissioner of transportation
6 and public facilities under AS 44.42.020(a) for public
7 facilities; or

8 (ii) [(B)] by the commissioner of community and
9 regional affairs for buildings and structures that are not
10 public facilities; or

11 (B) developed in regulations adopted

12 (i) by the commissioner of transportation and
13 public facilities under AS 44.42.020(a) for public facili-
14 ties; or

15 (ii) by the commissioner of community and regional
16 affairs for buildings and structures that are not public
17 facilities.

18 * Sec. 8. APPLICATION OF THERMAL AND LIGHTING ENERGY STANDARDS TO
19 PROGRAMS FOR RESIDENTIAL HOUSING THAT IS CONSTRUCTED OR PURCHASED WITH
20 STATE FINANCIAL ASSISTANCE. Persons responsible for administration and
21 management of programs in which state assistance is provided for the pur-
22 chase or construction of residential buildings are encouraged to adopt and
23 enforce the compliance standards and methods of AS 18.56.096(c)(2), added
24 by sec. 2 of this Act, within the housing programs for which they are
25 responsible.

26 * Sec. 9. ELIGIBILITY OF PERSONS FOR STATE INCENTIVE PAYMENT. (a) A
27 person who initiates and completes construction of a residential building
28 after the effective date of this Act and before January 1, 1992, qualifies
29 for payment of not more than \$1,500 from the Department of Community and

1 Regional Affairs if the person demonstrates, to the satisfaction of the
2 commissioner, that

3 (1) the residential building meets or exceeds the thermal and
4 lighting energy standards; or

5 (2) the residential building meets or exceeds the building code
6 of a municipality and the standards for thermal and lighting energy of the
7 municipal building code meet or exceed the thermal and lighting energy
8 standards.

9 (b) The Department of Community and Regional Affairs shall

10 (1) adopt regulations to implement this section;

11 (2) from legislative appropriations made for the purpose, make
12 the payments required to persons who qualify under (a) of this section.

13 (c) In this section,

14 (1) "commissioner" means the commissioner of community and
15 regional affairs;

16 (2) "thermal and lighting energy standards" has the meaning
17 given in AS 46.11.900(8), as amended by sec. 7 of this Act.

18 * Sec. 10. RESIDENTIAL ENERGY STANDARDS TECHNICAL ADVISORY COMMITTEE
19 FOR INITIAL REGULATIONS. (a) Before adopting the initial regulations
20 under AS 46.11.040(3)(B), as amended by sec. 6 of this Act, the commis-
21 sioner of community and regional affairs shall consult with the Residential
22 Energy Standards Technical Advisory Committee established under (b) of this
23 section.

24 (b) To assist with the development and review of the thermal stan-
25 dards developed under AS 46.11.040, the commissioner of community and
26 regional affairs shall establish a Residential Energy Standards Technical
27 Advisory Committee and appoint its members. The advisory committee is
28 composed of 18 members and must include

29 (1) a homebuilder, residential building contractor, or other

1 person who is actively engaged in the construction or sale of residential
2 homes from each of the following regions of the state:

3 (A) Anchorage;

4 (B) Matanuska-Susitna Borough;

5 (C) Kenai Peninsula Borough;

6 (D) Bristol Bay-Kodiak-Aleutian Islands;

7 (E) Fairbanks and Interior Alaska;

8 (F) Southeast Alaska;

9 (G) Southwest Alaska;

10 (H) Northwest Alaska;

11 (I) the Arctic Slope;

12 (2) a representative of the Department of Housing and Urban
13 Development;

14 (3) a representative of the Alaska Housing Finance Corporation;

15 (4) a representative of the Alaska Craftsman Home Program;

16 (5) a representative of the Energy Rated Homes of Alaska Pro-
17 gram;

18 (6) a residential real estate appraiser;

19 (7) a building official employed by a municipality;

20 (8) a registered architect or engineer with experience in energy
21 efficient building design and construction techniques;

22 (9) a representative of a utility; and

23 (10) a public member to represent consumer interests.

24 (c) Before making appointments to the advisory committee, the commis-
25 sioner shall solicit nominations from the Alaska State Homebuilders Asso-
26 ciation for those regions in which the association has an active local
27 association or chapter.

28 (d) In developing the thermal and lighting standards under AS 46.11.-
29 040, the commissioner of community and regional affairs, in consultation

1 with the technical advisory committee established under (b) of this sec-
2 tion, shall ensure that incremental costs attributable to meeting the
3 standards bear a reasonable relationship to the energy cost savings result-
4 ing from the energy efficiency investments.

5 * Sec. 11. Section 9 of this Act is repealed January 1, 1992.

6 * Sec. 12. Section 10 of this Act is repealed on the effective date of
7 the initial regulations adopted under AS 46.11.040(3)(B), as amended by
8 sec. 6 of this Act. The commissioner of community and regional affairs
9 shall notify the lieutenant governor and the revisor of statutes of the
10 effective date of those regulations.

11 * Sec. 13. This Act takes effect immediately under AS 01.10.070(c).