

H B

368

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 22, 1990  
(Returned to Judiciary from Calendar)  
Date of Committee Action: 2/27/90

FURTHER REFERRALS:

The JUDICIARY Committee considered:

HB 368

HOUSE BILL NO. 368

CONSTRUCTION STNDS FOR AHFC HOUSING LOANS

"An Act relating to residential housing assistance provided by the Alaska Housing Finance Corporation."

RECOMMENDATIONS:

- be replaced with CS HD 368 (Judiciary)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- ~~Individual~~ individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) Rev. cc 1/30/90
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Mark Krumholz  
John Ellis  
John Walker  
Steve Jace

	Do Not Pass	No Rec	Amend
<u>Terry Austin</u>		<input checked="" type="checkbox"/>	

Steve Jace / Mark Krumholz  
Chairman's Signature

Original sponsor(s): REP. SWACKHAMMER, Navarre, Brown, Zawacki

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 368 (Judiciary)

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 residential housing assistance  
7 provided by the Alaska Housing Finance Corporation."

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

9 \* Section 1. AS 18.56.088(c) is amended to read:

10 (c) The board may adopt regulations to carry out the purposes of  
11 this chapter, and shall adopt regulations necessary for the following  
12 purposes:

13 (1) determination of borrower eligibility including, but  
14 not limited to, income limitations and the determination of remote,  
15 underdeveloped or blighted areas of the state;

16 (2) loan guidelines and terms including but not limited to  
17 maximum loan amounts and required loan-to-value ratios, but excluding  
18 mortgage loan interest rates;

19 (3) characteristics of housing eligible for loans or pur-  
20 chase of loans, including compliance with the requirements of AS 18.-  
21 56.300; [AND]

22 (4) the qualifications of loan originators and servicers  
23 and the method of allocating amounts available for the purchase of  
24 loans; and [.]

25 (5) establishment of a procedure, including a fee schedule,  
26 for the commitment for one year or less of money for the purchase of  
27 an individual mortgage loan at a specific interest rate.

28 \* Sec. 2. AS 18.56 is amended by adding a new section to read:

29 Sec. 18.56.300. CONSTRUCTION STANDARDS FOR HOUSING ELIGIBLE FOR  
30

1 PURCHASE OF LOANS. (a) The corporation may not make or purchase a  
2 housing loan for residential housing the construction of which begins  
3 after June 30, 1991, unless the seller of the mortgage loan complies  
4 with the provisions of this section and unless

5 (1) the unit is in compliance with the construction codes  
6 of the municipality, if the unit is located within a municipality that  
7 has adopted and enforces construction codes and each of those codes  
8 meets or exceeds the comparable standards for similar housing estab-  
9 lished by the state building code; or

10 (2) the unit is in compliance with the comparable standards  
11 for similar housing established by the state building code

12 (A) if the unit is located

13 (i) within a municipality whose construction  
14 codes do not meet the standards for similar housing estab-  
15 lished by the state building code;

16 (ii) within a municipality that does not enforce  
17 construction codes; or

18 (iii) outside a municipality; or

19 (B) as to each specific code within the construction  
20 codes of the municipality that has adopted and enforces con-  
21 struction codes if the specific code does not meet or exceed the  
22 comparable standard for similar housing established by the state  
23 building code.

24 (b) As a condition of a commitment to purchase or approve a loan  
25 under this section for residential housing the construction of which  
26 begins after June 30, 1991, the corporation shall require inspection  
27 of the unit of residential housing that is the subject of the loan.  
28 The inspection must be performed by a municipal building inspector or  
29 by a person who is approved or certified to perform residential

1 inspections by the International Conference of Building Officials or  
2 the International Association of Electrical Inspectors. The person  
3 who makes the inspection shall determine whether the construction  
4 conforms to relevant provisions of the construction codes of the  
5 municipality or of the state building code, as applicable, at each of  
6 the following stages of construction:

- 7 (1) plan approval;
- 8 (2) completion of footings and foundations;
- 9 (3) completion of electrical installation, plumbing, and  
10 framing;
- 11 (4) completion of installation of insulation;
- 12 (5) final approval.

13 (c) A person may not bring an action for damages based on a duty  
14 imposed by (b) of this section to inspect a residential unit unless  
15 the action is for damages caused by gross negligence or intentional  
16 misconduct.

17 (d) This section does not apply to a housing loan made by the  
18 corporation under AS 18.56.106.

19 (e) In this section,

20 (1) "construction codes" means, with reference to a munic-  
21 ipality, the building, mechanical, plumbing, and electrical codes, or  
22 any of them that have been adopted and are enforced by the municipal-  
23 ity;

24 (2) "state building code" means

25 (A) for building standards, the standards set out in  
26 the version of the Uniform Building Code adopted by the Depart-  
27 ment of Public Safety under AS 18.70.080, including the pro-  
28 visions of that code applicable to buildings used for residential  
29 purposes containing fewer than four dwelling units.

1 notwithstanding the exclusion of those buildings from the Depart-  
2 ment of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

3 (B) for mechanical standards, the standards set out in  
4 the version of the Uniform Mechanical Code adopted by the Depart-  
5 ment of Public Safety under AS 18.70.080, including the pro-  
6 visions of that code applicable to buildings used for residential  
7 purposes containing fewer than four dwelling units, notwithstand-  
8 ing the exclusion of those buildings from the Department of  
9 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

10 (C) for plumbing standards, the minimum plumbing code  
11 adopted by the Department of Labor under AS 18.60.705; and

12 (D) for electrical standards, the minimum electrical  
13 standards prescribed by AS 18.60.580.

14 \* Sec. 3. AS 18.56.300(e)(2)(A) and (B), enacted by sec. 2 of this Act,  
15 are intended to assure that, for purposes of determining whether housing  
16 the construction of which begins after June 30, 1991, meets the building  
17 and mechanical standards under AS 18.56.300(a) and (b), enacted by sec. 2  
18 of this Act, the standards set out in each of the following fully apply to  
19 residences containing fewer than four dwelling units, even though those  
20 residences are excepted from regulation by AS 18.70.080(a)(2):

21 (1) the Uniform Building Code, adopted for the state by 13 AAC  
22 50.020(a);

23 (2) the Uniform Mechanical Code, adopted for the state by 13 AAC  
24 50.020(b).

A M E N D M E N T

#1

OFFERED IN THE HOUSE

BY REP. SWACKHAMMER

TO: CSHB 36b (Finance)

Page 3, following line 24:

Insert a new subsection to read:

"(d) This section does not apply to a housing loan made by the corporation under AS 18.56.106."

Reletter the following subsection accordingly.

Page 4, line 20:

Delete "AS 18.56.300(d)(2)(A) and (B)"

Insert "AS 18.56.300(e)(2)(A) and (B)"

*MG  
Adopted*

*from calendar  
2d Reading  
Ref to Judiciary  
(attached am #1  
though it was  
not offered)*

#2

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. GRUENBERG

TO: CSHB 368 (Finance)

Page 3, lines 13 - 24:

Delete all material and insert:

*Created* "(c) A person may not bring an action for damages based on a duty *under (b) of this section* <sup>*created*</sup> to inspect a residential unit ~~under (b) of this section~~ unless the action is for damages caused by gross negligence or intentional misconduct."

*MG MW*  
*advised*

6-1671M  
Chenoweth  
2/27/90

Original sponsor(s): REP. SWACKHAMMER, Navarre, Brown, Zawacki

1 IN THE HOUSE

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2 CS FOR HOUSE BILL NO. 368 (Judiciary)

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 residential housing assistance  
7 provided by the Alaska Housing Finance Corporation."

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

9 \* Section 1. AS 18.56.088(c) is amended to read:

10 (c) The board may adopt regulations to carry out the purposes of  
11 this chapter, and shall adopt regulations necessary for the following  
12 purposes:

13 (1) determination of borrower eligibility including, but  
14 not limited to, income limitations and the determination of remote,  
15 underdeveloped or blighted areas of the state;

16 (2) loan guidelines and terms including but not limited to  
17 maximum loan amounts and required loan-to-value ratios, but excluding  
18 mortgage loan interest rates;

19 (3) characteristics of housing eligible for loans or pur-  
20 chase of loans, including compliance with the requirements of AS 18.-  
21 56.300; [AND]

22 (4) the qualifications of loan originators and servicers  
23 and the method of allocating amounts available for the purchase of  
24 loans; and [.]

25 (5) establishment of a procedure, including a fee schedule,  
26 for the commitment for one year or less of money for the purchase of  
27 an individual mortgage loan at a specific interest rate.

28 \* Sec. 2. AS 18.56 is amended by adding a new section to read:

29 Sec. 18.56.300. CONSTRUCTION STANDARDS FOR HOUSING ELIGIBLE FOR

1 PURCHASE OF LOANS. (a) The corporation may not make or purchase a  
2 housing loan for residential housing the construction of which begins  
3 after June 30, 1991, unless the seller of the mortgage loan complies  
4 with the provisions of this section and unless

5 (1) the unit is in compliance with the construction codes  
6 of the municipality, if the unit is located within a municipality that  
7 has adopted and enforces construction codes and each of those codes  
8 meets or exceeds the comparable standards for similar housing estab-  
9 lished by the state building code; or

10 (2) the unit is in compliance with the comparable standards  
11 for similar housing established by the state building code

12 (A) if the unit is located

13 (i) within a municipality whose construction  
14 codes do not meet the standards for similar housing estab-  
15 lished by the state building code;

16 (ii) within a municipality that does not enforce  
17 construction codes; or

18 (iii) outside a municipality; or

19 (B) as to each specific code within the construction  
20 codes of the municipality that has adopted and enforces con-  
21 struction codes if the specific code does not meet or exceed the  
22 comparable standard for similar housing established by the state  
23 building code.

24 (b) As a condition of a commitment to purchase or approve a loan  
25 under this section for residential housing the construction of which  
26 begins after June 30, 1991, the corporation shall require inspection  
27 of the unit of residential housing that is the subject of the loan.  
28 The inspection must be performed by a municipal building inspector or  
29 by a person who is approved or certified to perform residential

1 inspections by the International Conference of Building Officials or  
2 the International Association of Electrical Inspectors. The person  
3 who makes the inspection shall determine whether the construction  
4 conforms to relevant provisions of the construction codes of the  
5 municipality or of the state building code, as applicable, at each of  
6 the following stages of construction:

- 7 (1) plan approval;  
8 (2) completion of footings and foundations;  
9 (3) completion of electrical installation, plumbing, and  
10 framing;  
11 (4) completion of installation of insulation;  
12 (5) final approval.

13 (c) A person may not bring an action for damages based on a duty  
14 to inspect a residential unit<sup>created</sup> under (b) of this section unless the  
15 action is for damages caused by gross negligence or intentional mis-  
16 conduct.

17 (d) In this section,

18 (1) "construction codes" means, with reference to a munic-  
19 ipality, the building, mechanical, plumbing, and electrical codes, or  
20 any of them that have been adopted and are enforced by the municipa-  
21 lity;

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28 standing the exclusion of those buildings from the Department of  
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1 (B) for mechanical standards, the standards set out in  
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8 (C) for plumbing standards, the minimum plumbing code  
9 adopted by the Department of Labor under AS 18.60.705; and

10 (D) for electrical standards, the minimum electrical  
11 standards prescribed by AS 18.60.580.

12 \* Sec. 3. AS 18.56.300(d)(2)(A) and (B), enacted by sec. 2 of this Act,  
13 are intended to assure that, for purposes of determining whether housing  
14 the construction of which begins after June 30, 1991, meets the building  
15 and mechanical standards under AS 18.56.300(a) and (b), enacted by sec. 2  
16 of this Act, the standards set out in each of the following fully apply to  
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6-1671M  
Chenoweth  
2/27/90

Original sponsor(s): REP. SWACKHAMMER, Navarre, Brown, Zawacki

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24 the version of the Uniform Building Code adopted by the Depart-  
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26 visions of that code applicable to buildings used for residential  
27 purposes containing fewer than four dwelling units, notwith-  
28 standing the exclusion of those buildings from the Department of  
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12 \* Sec. 3. AS 18.56.300(d)(2)(A) and (B), enacted by sec. 2 of this Act,  
13 are intended to assure that, for purposes of determining whether housing  
14 the construction of which begins after June 30, 1991, meets the building  
15 and mechanical standards under AS 18.56.300(a) and (b), enacted by sec. 2  
16 of this Act, the standards set out in each of the following fully apply to  
17 residences containing fewer than four dwelling units, even though those  
18 residences are excepted from regulation by AS 18.70.080(a)(2):

19 (1) the Uniform Building Code, adopted for the state by 13 AAC  
20 50.020(a);

21 (2) the Uniform Mechanical Code, adopted for the state by 13 AAC  
22 50.020(b).

AN ACT

Relating to immunity for treatment of intoxicated or incapacitated persons; and providing for an effective date.

\* Section 1. INTENT. It is the intent of the legislature that the immunity granted under this Act should not lower the duty imposed on a peace officer to fully enforce the laws of the state, including the duty to take a person incapacitated by alcohol into protective custody imposed under AS 47.37.170(b).

\* Sec. 2. AS 47.37.170(g) is repealed and reenacted to read:

(g) A person may not bring an action for damages based on the decision of a peace officer under this section to take or not to take an intoxicated person or a person incapacitated by alcohol into protective custody, unless the action is for damages caused by gross negligence or intentional misconduct.

\* Sec. 3. This Act applies to causes of action that accrue on or after the effective date of this Act.

\* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# HOUSE COMMITTEE REPORT

2/16

(11)

Date Referred: February 2, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/14/90

(Ruler)  
+ Approval

The FINANCE Committee considered:

HB 368

HOUSE BILL NO. 368

CONSTRUCTION STNDS FOR AHFC HOUSING LOANS

"An Act relating to residential housing assistance provided by the Alaska Housing Finance Corporation."

**RECOMMENDATIONS:**

- [  ] be replaced with CS HB 368 (FIN) [  ] the same title
- [ ] have attached amendment(s) [ ] a new title
- [  ] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

**ADOPTS:** \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**  
(Dept)

**APPROVES PREVIOUS:**

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_
- [ ] zero fiscal note \_\_\_\_\_
- [ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_
- [ ] zero fiscal note(s) \_\_\_\_\_
- [  ] zero fn/analysis 2/2/90 / REVENUE

**SIGNING DO PASS:**

**SIGNING:**  
(Check approp. column)

Do Not Pass    No Rec    Amend

\_\_\_\_\_  
Hoffman

\_\_\_\_\_  
Larson

\_\_\_\_\_  
Swackhammer

\_\_\_\_\_  
Brown

\_\_\_\_\_  
Barnes

		Do Not Pass	No Rec	Amend
_____ Kopman			No Rec	
_____ Phillips		✓		
_____ Wallis		✓		
_____ Rieger		✓		
_____				
_____				
_____				
_____				

\_\_\_\_\_  
Hoffman

cc - \_\_\_\_\_  
Chairman's Signature

Larson

# HOUSE COMMITTEE REPORT

2-2  
Fin

(7)  
Date Referred: January 8, 1990

FURTHER REFERRALS: FINANCE

Date of Committee Action: 1/25/90

The LABOR & COMMERCE Committee considered:

HB 368

HOUSE BILL NO. 368

CONSTRUCTION STNDS FOR AHFC HOUSING LOANS

"An Act relating to residential housing assistance provided by the Alaska Housing Finance Corporation."

### RECOMMENDATIONS:

- be replaced with CS HB 368 (L+C)  the same title
- have attached amendment(s)  a new title
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- do not pass
- no recommendation
- individual recommendations
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ADOPTS: \_\_\_\_\_ letter of intent

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(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_  fiscal note(s) \_\_\_\_\_
- zero fiscal note \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_
- zero with analysis Rev  zero fn/analysis \_\_\_\_\_

### SIGNING DO PASS:

### SIGNING:

(Check approp. column)

Do Not Pass  
No Rec  
Amend

<u>[Signature]</u>	<u>FUNKELSTEIN</u>	<u>[Signature]</u>	<u>GOENRIG</u>		
<u>[Signature]</u>	<u>BOUCHER</u>	<u>[Signature]</u>			
<u>[Signature]</u>	<u>DONLEY</u>				
<u>[Signature]</u>	<u>BOYER</u>				

[Signature]

Chairman's Signature

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: CSHB 368 (L & C)  
PUBLISH DATE: HOUSE 2/2/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Construction Stas for Housing  
Eligible for AHFC Financing  
Sponsor: Rep. SWACKHAUSER  
Requester: \_\_\_\_\_  
Agency Address: \_\_\_\_\_  
AAU: Alaska Housing Finance Corporation  
Component: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Judith DeSpain   
Division: Alaska Housing Finance Corporation Phone: 561-1900  
Date: 1/30/90

Approved by Commissioner: Hugh Malone Date: \_\_\_\_\_  
Agency: Department of Revenue

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requester  
Office of Management and Budget  
Interested Agency(ies)

FISCAL ANALYSIS  
SB 368

The cost to AHFC to implement the provisions of this legislation are negligible, as the onus for ensuring compliance rests with the lender, not AHFC. AHFC activity will be limited to the routine adding and publicizing of a new underwriting requirement which must be met by the lender before a commitment to purchase can be issued.

Inspections will be done by non-AHFC personnel. Costs of inspections ultimately will be borne by borrowers.