

**February 2010 Alaska Legislative Preview
Real Estate Section Meeting – Alaska Bar Association
February 25, 2010 – Joan Travostino, K&L Gates LLP**

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Bills under consideration- Regular session ends on April 18, 2010

HB 145/SB 279—to regulate residential mortgage lending- limits the ability of municipalities to take action against nonconforming uses (reported out of one committee, on the second assignment).

- Licensing of lenders, brokers and originators
- Expansion of current system under AS 06.60, licensing of brokers
- HB 145 introduced in 2009. Referred to Labor and Commerce, no committee vote since February 2009.
- SB 279 introduced in 2010. Referred to Labor and Commerce. Will also need review by Finance.

HB 108—Modifies and clarifies foreclosure procedures.

- A borrower may cure no less than 2 days before the sale.
- Sale may be postponed for less than 12 months without beneficiary giving a new notice of sale.
- Attorneys for beneficiaries are authorized to sign substitutions, in addition to beneficiaries.
- Internet notice of sales required, website must have a specific traffic flow.
- Passed House, referred to Senate Labor and Commerce, passed, referred to Senate Judiciary, no action since April 2009.

HB 253—Increases time period for construction lien recording.

- Changes the 90 day period in AS 35.34.068 to 120 days.
- Applies to services, labor, material and equipment supplied after the effective date of the act.

HB 153—conversion of manufactured homes to real property.

- Manufactured home becomes real property when it is permanently affixed to the land, when there is an affixation affidavit recorded, when the owner of the home and owner of the land are the same and the home is permanently affixed, and the Dept. of Administration cancels the certificate of title or origin
- Permanently affixed has three parts-anchored to a permanent foundation, complies with building codes, and connected to utilities
- No effect on prior liens under title 28
- Introduced in 2009, referred to Labor and Commerce, no vote since March 2009

HB 238—changes reasons landlord can reject a sublease for residential property.

- Deletes AS34.03.060(d)(3):landlord may refuse consent based on the number of persons under 18 who will occupy the residence
- Introduced in 2009 Labor and Commerce passed out in 2010, now in Judiciary