

Super Liens

AS 34.08.470 – Liens for Assessments

On July 8, 2022, Governor Dunleavy signed Senate Bill 143 into Law, with an effective date of October 6, 2022.

Section II amends AS 34.08.040 by adding a new subsection (b) which provides that for purposes of AS 34.08.040(a), the application of AS 34.08.470 to a Common Interest Community created under AS 34.07 before January 1, 1986, with respect to an event or circumstance occurring after January 1, 1986, does not invalidate a provision in the declaration of the common interest community, even if a provision in the declaration conflicts with AS 34.08.470.

Accordingly, Section II clarifies that Common Interest Communities formed before enactment of UCIOA are granted super-priority lien status in the same way that their post-UCIOA counterparts are under AS 34.08.470(b).

If an Association forecloses on a Super Lien, it eliminates the first mortgage. Consequently, when a lender is notified that a foreclosure has been initiated by the HOA for unpaid assessments for a Super Lien, the lender often pays the delinquent amount owed to preserve its position as first-lien holder.

Associations in Alaska, as well as property management companies, are encouraged to reach out to AHFC directly in the event of a Super Lien, prior to collection or attorney referral, to reduce or eliminate unnecessary fees, including: late fees, fines, interest and possible attorney fees when AHFC holds interest in the property in question.

For assistance with HOA fees associated with an AHFC loan, please contact:

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