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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 21, 2024

RE: Filed Permanent Regulations: Real Estate Commission

Real Estate Commission regulations re: Updates to consumer forms (12 AAC 64.118, 12 AAC 64.119, 12 AAC 64.930)

Attorney General File:	2023200418
Regulation Filed:	8/21/2024
Effective Date:	9/20/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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August 19, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 64.118, 12 AAC 64.119, 12 AAC 64.930: Real Estate Commission -
Updates to consumer forms*
Our file: 2023200418

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Real Estate Commission against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Real Estate Commission after the close of the public comment period.

The regulations update existing consumer forms, notably the *Residential Real Property Transfer Disclosure Statement*; adopt by reference additional forms, and amend the definition of "residential real property".

The November 7, 2023 public notice, the June 13, 2024 supplemental public notice, and the August 15, 2024 certification of adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.08.19
13:14:27 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/scw

CC w/enclosure: Stefanie Davis, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Harriet D. Milks, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached three pages of regulations, dealing with the consumer disclosure form, the waiver of right to be represented form, and the property disclosure form which have been updated and are to be adopted by reference, are certified to be a correct copy of the regulation changes that the Real Estate Commission adopted at its June 27, 2024 meeting, under the authority of AS 08.88.071, AS 08.88.081, AS 08.88.171, AS 08.88.610, AS 08.88.615, AS 08.88.685 and AS 34.70.050, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Real Estate Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 8/15/2024

Nancy Harris

Digitally signed by Nancy Harris
Date: 2024.08.15 13:37:39
-08'00'

Nancy Harris, Executive Administrator
Real Estate Commission

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on August 21, 2024 at 1:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for *April Simpson*

Nancy Dahlstrom, Lieutenant Governor

Effective: September 20, 2024.

Register: 251, October 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, appearing to read "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 64.118 is amended to read:

12 AAC 64.118. Consumer disclosure form. Before a real estate licensee provides specific assistance to a person, or when entering into a contract with the person to provide specific assistance, the real estate licensee shall provide the person with a copy of the commission's *Alaska Real Estate Commission Consumer Disclosure*, dated **April 2024** [FEBRUARY 2015], and adopted by reference. (Eff. 1/1/2005, Register 172; am 11/18/2006, Register 180; am 6/20/2015, Register 214; am 9 / 20 / 2024, Register 251)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.685
AS 08.88.081

The editor's note that follows 12 AAC 64.118 is changed to read:

Editor's note: Copies of the *Alaska Real Estate Commission Consumer Disclosure*, adopted by reference in 12 AAC 64.118, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Real Estate Commission, 550 W. 7th Avenue, Suite 1500, Anchorage, AK **99501**; **telephone** [99501-3567; PHONE]: **(907) 269-8168** [(907) 269-8162].

12 AAC 64.119 is amended to read:

12 AAC 64.119. Waiver of right to be represented form. A written consent that a neutral licensee obtains under AS 08.88.610 must be provided on the commission's form entitled *Alaska Real Estate Commission Waiver of Right to Be Represented*, dated **April 2024** [FEBRUARY 2015], and adopted by reference. (Eff. 1/1/2005, Register 172; am 11/18/2006, Register 180; am 6/20/2015, Register 214; am 9 / 20 / 2024, Register 251)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.610
AS 08.88.081

The editor's note that follows 12 AAC 64.119 is changed to read:

Editor's note: Copies of the *Alaska Real Estate Commission Waiver of Right to Be Represented*, adopted by reference in 12 AAC 64.119, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Real Estate Commission, 550 W. 7th Avenue, Suite 1500, Anchorage, AK 99501; telephone [99501-3567; PHONE]: (907) 269-8168 [(907) 269-8162].

12 AAC 64.930 is amended to read:

12 AAC 64.930. Property disclosure form. (a) The forms titled *Residential Real Property Transfer Disclosure Statement*, dated May 2024 [DECEMBER 2021], *Residential Real Property Transfer Disclosure Statement – Exemption for First Sale, dated May 2024, and Residential Real Property Transfer Disclosure Statement – Waiver by Agreement, dated May 2024, are* [IS] adopted by reference. These forms [THIS FORM], prepared by the Real Estate Commission, present [PRESENTS] the information required by AS 34.70 that a transferor of an interest in residential real property must disclose to a prospective transferee of the property before the transferee makes a written offer. Use of these forms [THIS FORM] also complies with AS 34.70.050 regarding notice to the transferee to conduct investigations regarding convicted sex offenders residing in the neighborhood and whether there is an agricultural facility or operation in the vicinity.

(b) For the purposes of this section, "residential real property" has the meaning given to the term in AS 34.70.200 and AS 34.80.090. (Eff. 9/12/93, Register 127; am 2/12/99, Register 149; am 8/23/2001, Register 159; am 6/20/2003, Register 166; am 1/1/2005, Register 172; am 11/18/2006, Register 180; am 10/4/2008, Register 188; am 7/16/2022, Register 243;

Register 251, October 2024 PROFESSIONAL REGULATIONS

am 9 / 20 / 2024, Register 251)

Authority: AS 08.88.071 AS 08.88.615 AS 34.70.050
AS 08.88.081

The editor's note that follows 12 AAC 64.930 is changed to read:

Editor's note: Copies of the *Residential Real Property Transfer Disclosure Statement*, *Residential Real Property Disclosure Statement – Exemption for First Sale, and Residential Real Property Transfer Disclosure Statement – Waiver by Agreement*, adopted by reference in 12 AAC 64.930, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Real Estate Commission, 550 W. 7th Avenue, Suite 1500, Anchorage, AK 99501; telephone [PHONE]: (907) 269-8168.