

AO 2025-103: Dangerous Buildings - Foreclosure of Liens

Dangerous Buildings

(AMC 23.70.701-710)

Anchorage Municipal Code: any building or structure damaged or defective to such an extent that it poses a threat to public health, safety, or property

Code Abatement & Liens: Process

Collection of abatement charges (AMC 23.70.710.6)

The lien created herein may be enforced as provided in Alaska Statutes, **including foreclosure in accordance with Alaska Statutes 09.45.170 through 09.45.220 or similar statutes in substitution thereof.** The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in section 709.

Judgment on Foreclosure of Lien

(Alaska Statutes 09.45.170)

A person having a lien upon real property, other than that of a judgment, whether created by mortgage or otherwise, to secure a debt or other obligation **may bring an action to foreclose the lien**. In the action, the court may direct the sale of the encumbered property or a portion of it and the application of the proceeds of the sale to the payment of costs, expenses of sale, and the amount due the plaintiff. The judgment shall also determine the personal liability of a defendant for the payment of the debt secured by the lien and be entered accordingly.

Municipalities: General powers (Alaska Statutes 29.35.010)

All municipalities have the following general powers, subject to other provisions of law:

(17) to provide by ordinance for the creation, recording, and notice of a lien on real or personal property to secure payment of past due utility fees, **costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance**; except as otherwise provided by state law, when recorded, a municipal lien under this paragraph has priority over all other liens except:

- (A) liens for property taxes, special assessments, and sales and use taxes;
- (B) liens that were perfected before the recording of the lien under this paragraph;
- (C) liens that, under state law, are prior, paramount, and superior to all other liens; and
- (D) mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this paragraph.

Vacant & Abandoned Properties (AMC 15.20.105)

G. Liens. Unpaid registration fees, delinquent fines imposed for violations of this section, and costs incurred by the municipality for enforcement and work performed to achieve compliance with this section become a lien upon the real property upon which the building or structure is or was located. The director shall cause to be recorded a claim of lien at the Anchorage District Recorder's Office. The lien placed shall meet all Alaska Statutes and municipal codes, and may be foreclosed upon in accordance with AS 09.45.170 through 09.45.220 or similar statutes in substitution thereof.