

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 350

H.P. 238

House of Representatives, February 23, 1989

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative JACQUES of Waterville, Representative NADEAU of Lewiston and Senator DUTREMBLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act Concerning the Purchase of Real Estate by the State or Local
Housing Authorities.**



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 30-A MRSA §4721, sub-§5 is enacted to read:

5 5. Restrictions. Thirty days before a municipal housing
7 authority may enter into any agreement or take any action to
9 acquire property within that municipality, the municipal housing
11 authority must notify the municipal legislative body of its
13 intentions in writing.

11 Sec. 2. 30-A MRSA §4722, sub-§2, as enacted by PL 1987, c.
13 737, Pt. A, §2 and Pt. C, §106, is amended to read:

15 2. Restrictions. Notwithstanding any other provision of
17 this chapter, the Maine State Housing Authority may not provide
19 funds for, finance, purchase the mortgage on or otherwise assist
21 in the construction or management of:

23 A. Any housing owned, sponsored or assisted by an
25 institution of higher education in the State;

27 B. Any housing, the mortgage on which is insured by any
29 federal or state program of mortgage insurance, the primary
31 purpose of which is to assist student housing; or

33 C. Any nursing home or related institution licensed or
35 subject to license by the Department of Human Services under
37 Title 22, section 1817, except intermediate care facility
39 group homes for the mentally retarded and persons with
41 related conditions or the construction, substantial
43 rehabilitation or improvement of homeless shelter facilities
45 that may be related to an institution licensed or subject to
47 license by the Department of Human Services under Title 22,
49 section 1817.

51 Thirty days before the Maine State Housing Authority may enter
into any agreement or take any action to acquire property within
a municipality, the Maine State Housing Authority must notify the
municipal legislative body of its intentions in writing.

41 Sec. 3. 30-A MRSA §5109, sub-§1, as enacted by PL 1987, c.
43 737, Pt. A, §2 and Pt. C, §106, is amended to read:

45 1. Acquisition of undeveloped land. If the municipal
47 officers determine by resolution that the acquisition and
49 development of undeveloped vacant land, not within a slum or
51 blighted area, is essential to the proper clearance or
redevelopment of slum or blighted areas or a necessary part of
the general slum-clearance program of the municipality, the
acquisition, subject to section 4721, subsection 5, planning,
preparation for development or disposal of that land constitutes

1 an urban renewal project which may be undertaken by the
authority, provided that the area may not be so acquired unless:

3
5 A. If the undeveloped vacant land is to be developed for
residential uses, the municipal officers shall determine
that:

7 (1) A shortage of housing of sound standards and
9 design which is decent, safe and sanitary exists in the
municipality;

11 (2) The need for housing accommodations has been or
13 will be increased because of the clearance of slums in
other areas, including other portions of the urban
15 renewal area;

17 (3) The conditions of blight in the area and the
shortage of decent, safe and sanitary housing cause or
19 contribute to an increase in and spread of disease and
crime and constitute a menace to the public health,
21 safety, morals or welfare; and

23 (4) The acquisition of the area for residential uses
is an integral part of and essential to the program of
25 the municipality; or

27 B. If the undeveloped vacant land is to be developed for
nonresidential uses, the municipal officers shall determine
29 that:

31 (1) The nonresidential uses are necessary and
appropriate to facilitate the proper growth and
33 development of the community in accordance with sound
planning standards and local community objectives; and

35 (2) The acquisition of the land may require the
37 exercise of governmental action, as provided in this
chapter, because of defective or unusual conditions of
39 title, diversity of ownership, tax delinquency,
improper subdivisions, outmoded street patterns,
41 deterioration of site, economic disuse, unsuitable
topography or faulty lot layouts, the need for the
43 correlation of the area with other areas of a
municipality by streets and modern traffic
45 requirements, or any combination of these factors or
other conditions which retard development of the area.

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STATEMENT OF FACT

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5 This bill requires that prior to the acquisition of property
7 within a municipality by the state or local housing authority,
 the municipal legislative body shall approve the acquisition by
 affirmative vote.