

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

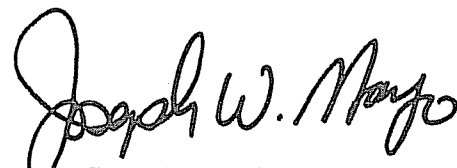
No. 746

H.P. 550

House of Representatives, March 2, 1993

An Act to Increase Tenant Representation on Housing Authorities.

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


JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Representatives: DONNELLY of Presque Isle, MELENDY of Rockland,
OLIVER of Portland, WALKER of Blue Hill, Senators: CONLEY of Cumberland, HARRIMAN
of Cumberland, PINGREE of Knox.

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

2
3 Sec. 1. 30-A MRSA §4723, sub-§1, ¶A, as amended by PL 1989, c.
4 104, Pt. C, §§8 and 10, is further amended to read:

6 A. Each authority shall have appoint 6 commissioners
7 appointed. No commissioner may be appointed until the
8 authority is authorized to function as provided in section
9 4721. In the case of a city having a mayor-council form of
10 government, the mayor shall appoint the commissioners with
11 the advice and consent of the council. In the case of a
12 city having a manager-council form of government, the
13 council shall appoint the commissioners. In the case of a
14 town, the ~~selectmen~~ municipal officers shall appoint the
15 commissioners.

16
17 Any person who resides within the authority's boundaries or
18 area, and who is otherwise eligible for appointment under
19 this chapter, may be appointed as a commissioner of the
20 authority. This section does not prevent a commissioner
21 from concurrently serving as a commissioner on a renewal
22 authority established by any city with a population of
23 20,000 or more.

24
25 The commissioners who are initially appointed under this
26 section ~~shall be designated to~~ serve for terms of one, 2, 3,
27 4 and 5 years, respectively, from the date of their
28 appointment. Thereafter, the commissioners ~~shall be~~ are
29 appointed for a ~~term~~ terms of 5 years, except that all
30 vacancies shall must be filled for the unexpired terms. All
31 subsequent appointments and appointments to fill a vacancy
32 shall must be made as provided in this subsection.

34 (1) In a municipality with housing which that is
35 subsidized or assisted by programs of the United States
36 Department of Housing and Urban Development, ~~one~~ 3 of
37 the commissioners must be a ~~resident~~ residents of that
38 housing. ~~Where~~ When tenant associations exist in the
39 housing, the appointing authority shall give priority
40 consideration to nominations made by the associations.
41 The first commissioner appointed to an authority, who
42 is a resident of subsidized or assisted housing, ~~shall~~
43 ~~be designated to serve~~ serves for a 4-year term from
44 the date of appointment. Thereafter, the commissioner
45 shall must be appointed as provided in this subsection.

46
47 (2) A certificate of the appointment or reappointment
48 of any commissioner shall must be filed with the
49 authority. This certificate is conclusive evidence of
50 the due and proper appointment of the commissioner.

2 **Sec. 2. 30-A MRSA §4723, sub-§2, ¶B**, as amended by PL 1989, c.
104, Pt. C, §§8 and 10, is further amended to read:

4 B. The Maine State Housing Authority, as authorized by
5 Title 5, chapter 379, shall ~~have~~ has 7 commissioners, 5 of
6 whom shall ~~be~~ are appointed by the Governor, subject to
7 review by the joint standing committee of the Legislature
8 having jurisdiction over economic development, and to
9 confirmation by the Legislature. The 6th commissioner is
10 the Treasurer of State who shall serve ex officio. The
11 Treasurer of State may designate the Deputy Treasurer of
12 State to serve in place of the Treasurer of State. The 7th
13 commissioner is the director of the Maine State Housing
14 Authority who shall serve ex officio, and who is ~~chairman~~
chair of the commissioners. The 5 gubernatorial
15 appointments must include, but are not limited to,
16 representatives of bankers and of low-income or elderly
17 people. ~~One commissioner~~ Three commissioners must be a
18 ~~resident~~ residents of housing which ~~that~~ is subsidized or
19 assisted by programs of the United States Department of
20 Housing and Urban Development or of the Maine State Housing
21 Authority. In making this appointment, the Governor shall
22 give priority consideration to nominations that may be made
23 by tenant associations established in the State.

24
25 The commissioners shall elect a ~~vice-chairman~~ vice-chair of
26 the commissioners from among their number. The
27 commissioners of the Maine State Housing Authority shall
28 establish and revise from time to time policies of the Maine
29 State Housing Authority relating to the following particular
30 matters:

31
32 (1) Standards of issuing, servicing and redeeming
33 bonds;

34
35 (2) Purchase, sale or commitment to purchase mortgages
36 or notes;

37
38 (3) Initiating project construction and accepting
39 properly completed facilities;

40
41 (4) Setting and establishing selection and evaluation
42 standards, criteria and procedures under which it will
43 purchase, sell or agree to purchase loans, notes or
44 obligations, having regard among other things to:

45 (a) Property values;

46 (b) Local economic conditions and expectancy;

47 (c) Credit and employment; and
48
49
50

- 2 (d) Local housing conditions and needs and the
4 availability of credit resources to meet those
6 needs relative to similar or competing conditions
8 and needs in other localities in the State;
- 10 (5) Setting and establishing procedures for the
12 servicing of loans, notes and obligations acquired by
14 it, including the allowance of servicing fees to
16 participating lenders to whom the Maine State Housing
18 Authority may entrust such the servicing;
- 20 (6) Setting and establishing procedures for the
22 collection of money due from persons liable for
24 payment, as to any loan, note or obligation held by the
26 Maine State Housing Authority, by subrogation or
28 otherwise, and to initiate and maintain any action at
30 law or in equity, including foreclosure proceedings, to
enforce payment;
- 32 (7) Setting and establishing procedures for the
34 orderly liquidation and disposition of any property
36 acquired by the Maine State Housing Authority through
38 foreclosure or otherwise in full or partial
40 satisfaction of any debt or obligation held by it; and
- 42 (8) Establishing and maintaining out of income or
44 otherwise any reserves that the Maine State Housing
46 Authority from time to time determines to be necessary
48 and prudent in addition to those specifically required.

32 Following reasonable notice to each commissioner, 4
34 commissioners of the Maine State Housing Authority
36 constitute a quorum for the purpose of conducting its
38 business, exercising its powers and for all other purposes,
40 notwithstanding the existence of any vacancies. Action may
42 be taken by the commissioners upon a vote of a majority of
44 the commissioners present, unless its the bylaws of the
46 Maine State Housing Authority require a larger number.

42 STATEMENT OF FACT

44 This bill increases from one to 3 the number of
46 commissioners of local housing authorities who must be residents
48 of assisted housing and increases from one to 3 the number of
Maine State Housing Authority commissioners who must be residents
of assisted housing.