

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1340

S.P. 454

In Senate, April 6, 2017

An Act To Amend the Laws Governing the Maine State Housing Authority

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative FECTEAU of Biddeford and
Senator: LANGLEY of Hancock, Representatives: AUSTIN of Gray, BATES of Westbrook,
HANDY of Lewiston, LOCKMAN of Amherst, MASTRACCIO of Sanford, SYLVESTER of
Portland, VACHON of Scarborough.

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

2 **Sec. 1. 5 MRSA §1742, sub-§23, ¶D**, as amended by PL 1989, c. 502, Pt. A,
3 §16, is further amended to read:

4 D. The department shall work closely with the Maine State Housing Authority to
5 develop a procedure by which surplus state-owned land and structures are held in
6 trust for the purpose set forth in this section and Title 30-A, chapter 201, ~~subchapters~~
7 ~~III-A and XI~~ subchapter 3-A;

8 **Sec. 2. 10 MRSA §363, sub-§11**, as amended by PL 1999, c. 728, §8, is repealed.

9 **Sec. 3. 30-A MRSA §4702, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and
10 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
11 further amended to read:

12 **1. Area of operation.** "Area of operation" of a municipal housing authority includes
13 all of the municipality for which it is created and, except as provided in paragraphs A
14 ~~and B and C-1~~, the area within 10 miles outside its ~~territorial~~ municipal boundaries. The
15 "area of operation" of the Maine State Housing Authority is the entire State, except as
16 provided in paragraph C-1.

17 A. ~~No~~ A municipal housing authority may not operate in any area in which ~~an~~ a
18 municipal housing authority already established is operating without the consent by
19 resolution of the municipal housing authority already operating in that area.

20 B. The area of operation of the housing authority of a ~~city~~ municipality does not
21 include any area ~~which that~~ lies within the ~~territorial~~ municipal boundaries of any
22 ~~other city nor does it include any portion of a town~~ municipality for which a
23 municipal housing authority has been organized, without the consent by resolution of
24 the legislative body ~~of the other city~~ or the selectmen of the ~~town~~ other municipality.

25 ~~C. The Maine State Housing Authority may not operate in any area in which a~~
26 ~~municipal authority already established under this chapter is operating without the~~
27 ~~consent by resolution of that authority.~~

28 ~~(1) In the case of the Maine State Housing Authority, the requirements of~~
29 ~~coordination and local approval specified in sections 4741, subsection 10 and~~
30 ~~4771 may be complied with by the local municipal legislative body's passage of~~
31 ~~the following resolution:~~

32 ~~"The Maine State Housing Authority is authorized to seek and may contract~~
33 ~~for financial assistance from the Federal Government for the purpose of~~
34 ~~providing housing for low income persons and families in (Name of~~
35 ~~Municipality)."~~

36 ~~Passage of this resolution is conclusive evidence of compliance with sections~~
37 ~~4741, subsection 10, and 4771. The local municipal legislative body may repeal~~
38 ~~the resolution, provided that:~~

39 ~~(a) Any contract for federal assistance entered into between the Maine State~~
40 ~~Housing Authority and any person in or with respect to the municipality in~~

1 question after the original resolution is passed and before it is repealed is not
2 affected by the repeal; and

3 (b) ~~The security of the authority's mortgage interest or the obligation or~~
4 ~~repayment of debt to bondholders is not affected by the repeal.~~

5 C-1. A municipal housing authority has exclusive jurisdiction within the municipal
6 boundaries of the municipality for which it was organized to administer regular
7 tenant-based housing choice vouchers under Section 8 of the United States Housing
8 Act of 1937, Public Law 75-412, 50 Stat. 888, as amended. This paragraph does not
9 limit the authority of the Maine State Housing Authority to administer project-based
10 vouchers or to administer specialty vouchers that are associated with services such as
11 case management, clinical services, child welfare services or other housing stability
12 services.

13 ~~D. The authority shall meet and discuss with the local municipal legislative body~~
14 ~~concerning permissible and preferred developers, housing management entities and~~
15 ~~sites in anticipation of a preliminary designation of a proposed project. When the~~
16 ~~authority has received a proposed project for consideration, it shall so notify the~~
17 ~~municipality in question. When the authority has made a preliminary designation of~~
18 ~~a proposed project, it shall so notify the municipality within 30 days. If the municipal~~
19 ~~legislative body disapproves of the preliminary designation, it shall notify the~~
20 ~~authority of its disapproval within 45 days after the authority's notice of selection.~~
21 ~~The notice of disapproval has the effect of repealing the consent resolution for that~~
22 ~~proposed project.~~

23 **Sec. 4. 30-A MRSA §4702, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and
24 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
25 repealed.

26 **Sec. 5. 30-A MRSA §4702, sub-§10, ¶A**, as amended by PL 1991, c. 574, §1, is
27 further amended to read:

28 A. An interest-bearing obligation secured by a mortgage constituting a lien on
29 single-family or multi-unit residential housing, including any mortgage loan made for
30 the purpose of acquiring, developing, constructing or reconstructing single-family or
31 multi-unit residential housing or for the purpose of preserving and maintaining the
32 affordability of the housing;

33 **Sec. 6. 30-A MRSA §4702, sub-§10-A** is enacted to read:

34 **10-A. Municipal housing authority or municipal authority.** "Municipal housing
35 authority" or "municipal authority" means any of the public corporations authorized to be
36 created by section 4721.

37 **Sec. 7. 30-A MRSA §4702, sub-§13**, as enacted by PL 1987, c. 737, Pt. A, §2
38 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
39 repealed.

40 **Sec. 8. 30-A MRSA §4706, sub-§1, ¶D**, as amended by PL 2007, c. 562, §3, is
41 further amended to read:

1 D. Any statements of financial condition or information pertaining to financial
2 condition submitted to any of the persons or entities set forth in paragraph C in
3 connection with an application for services related to weatherization, energy
4 conservation, homeless assistance or fuel assistance programs of the Maine State
5 Housing Authority; ~~and~~

6 **Sec. 9. 30-A MRSA §4706, sub-§1, ¶E**, as enacted by PL 2007, c. 562, §4, is
7 amended to read:

8 E. The address of a shelter or other living accommodations for victims of domestic
9 violence; and

10 **Sec. 10. 30-A MRSA §4706, sub-§1, ¶F** is enacted to read:

11 F. Personnel files of Maine State Housing Authority employees.

12 **Sec. 11. 30-A MRSA §4722, sub-§1, ¶F**, as enacted by PL 1987, c. 737, Pt. A,
13 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
14 is further amended to read:

15 F. Act as the public agency of the State for the purpose of accepting federal funds or
16 other assistance, or funds or other assistance from any other source, in relation to
17 housing activity ~~in those areas~~ and for those projects authorized under section 4741,
18 subsection 2 and other relevant provisions of this chapter;

19 **Sec. 12. 30-A MRSA §4722, sub-§1, ¶K**, as enacted by PL 1987, c. 737, Pt. A,
20 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
21 is further amended to read:

22 K. Perform other functions necessary ~~to the powers and duties expressly stated in~~
23 this chapter or useful for carrying out any of its powers, duties or purposes;

24 **Sec. 13. 30-A MRSA §4722, sub-§1, ¶M**, as enacted by PL 1987, c. 737, Pt. A,
25 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
26 is repealed.

27 **Sec. 14. 30-A MRSA §4722, sub-§1, ¶O**, as enacted by PL 1987, c. 737, Pt. A,
28 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
29 is further amended to read:

30 O. Issue or cause to be issued certificates or other instruments evidencing the
31 holder's fractional undivided interest in a pool of mortgage loans. Whether or not the
32 certificates or instruments are of such form or character as to be negotiable
33 instruments under Title 11, article § ~~8-A~~, the certificates or instruments are deemed
34 negotiable instruments within the meaning of and for all the purposes of Title 11,
35 article § ~~8-A~~, subject only to any registration requirements that the Maine State
36 Housing Authority may establish;

37 **Sec. 15. 30-A MRSA §4722, sub-§1, ¶W**, as amended by PL 2003, c. 704, §4, is
38 further amended to read:

1 W. Pursuant to the purpose of the Act to provide housing assistance to persons of
2 low income and in accordance with rules adopted under the Maine Administrative
3 Procedure Act, operate programs to provide energy conservation and fuel assistance
4 on behalf of persons of low income in connection with single-family or multi-unit
5 residential housing and accept, obtain, distribute and administer federal and state
6 funds, including block grants, for energy conservation and fuel assistance for the
7 purpose of operating those programs;

8 ~~(1) The Maine State Housing Authority shall report to the joint standing~~
9 ~~committee of the Legislature having jurisdiction over appropriations and~~
10 ~~financial affairs on June 30, 1992 and annually thereafter on the low income~~
11 ~~energy assistance program. The report must include, but is not limited to,~~
12 ~~program revenue and expenditures, number of individuals served and types of~~
13 ~~services provided;~~

14 **Sec. 16. 30-A MRSA §4722, sub-§1, ¶Y**, as amended by PL 2011, c. 679, §29,
15 is repealed.

16 **Sec. 17. 30-A MRSA §4722, sub-§1, ¶CC**, as corrected by RR 2009, c. 2, §85,
17 is amended to read:

18 CC. Encourage and provide incentives to individuals and entities that conserve
19 energy; support and participate, with resources derived from sources except the
20 conservation program fund under Title 35-A, section 10110, subsection 7, in markets
21 that reward energy conservation and use the proceeds from this participation to
22 support affordable housing programs under its jurisdiction; and create and administer
23 programs that encourage individuals and entities to conserve energy; ~~and~~

24 **Sec. 18. 30-A MRSA §4722, sub-§1, ¶DD**, as amended by PL 2011, c. 453, §2,
25 is further amended to read:

26 DD. Certify affordable housing projects for the purpose of the income tax credit
27 increase under Title 36, section 5219-BB, subsection 3; administer and enforce the
28 affordability requirements set forth in this paragraph; and perform other functions
29 described in this paragraph and necessary to the powers and duties described in this
30 paragraph.

31 (1) For purposes of this paragraph, unless the context otherwise indicates, the
32 following terms have the following meanings.

33 (a) "Affordable housing" means a decent, safe and sanitary dwelling,
34 apartment or other living accommodation for a household whose income
35 does not exceed 60% of the median income for the area as defined by the
36 United States Department of Housing and Urban Development under the
37 United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8,
38 as amended.

39 (b) "Affordable housing project" means a project in which:

40 (i) At least 50% of the aggregate square feet of the completed project is
41 housing of which at least 50% of the aggregate square feet of the
42 completed housing creates new affordable housing; or

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(ii) At least 33% of the aggregate square feet of the completed project creates new affordable housing.

(2) An affordable housing project for which the owner of the property received the income tax credit increase under Title 36, section 5219-BB, subsection 3 must remain an affordable housing project for 30 years from the date the affordable housing project is placed in service. If the property does not remain an affordable housing project for 30 years from the date the affordable housing project is placed in service, the owner of the property shall pay to the Maine State Housing Authority for application to the Housing Opportunities for Maine Fund established under section 4853 an amount equal to the income tax credit increase allowed under Title 36, section 5219-BB, subsection 3, plus interest on that amount at the rate of 7% per annum from the date the property is placed in service until the date of payment of all amounts due. The affordability requirements and the repayment obligation in this subparagraph must be set forth in a restrictive covenant executed by the owner of the property and the affordable housing project for the benefit of and enforceable by the Maine State Housing Authority and recorded in the appropriate registry of deeds before the owner of the property claims the income tax credit increase under Title 36, section 5219-BB, subsection 3.

(3) If the repayment obligation in subparagraph (2) is not fully satisfied after written notice is sent by certified mail or registered mail to the owner of the property at the owner's last known address, the Maine State Housing Authority may file a notice of lien in the registry of deeds of the county in which the real property subject to the lien is located. The notice of lien must specify the amount and interest due, the name and last known address of the owner, a description of the property subject to the lien and the Maine State Housing Authority's address and the name and address of its attorney, if any. The Maine State Housing Authority shall send a copy of the notice of lien filed in the registry by certified mail or registered mail to the owner of the property at the owner's last known address and to any person who has a security interest, mortgage, lien, encumbrance or other interest in the property that is properly recorded in the registry of deeds in which the property is located. The lien arises and becomes perfected at the time the notice is filed in the appropriate registry of deeds in accordance with this subparagraph. The lien constitutes a lien on all property with respect to which the owner receives the income tax credit increase under Title 36, section 5219-BB, subsection 3 and the proceeds of any disposition of the property that occurs after notice to the owner of the repayment obligation. The lien is prior to any mortgage and security interest, lien, restrictive covenant or other encumbrance recorded, filed or otherwise perfected after the notice of lien is filed in the appropriate registry of deeds. The lien may be enforced by a turnover or sale order in accordance with Title 14, section 3131 or any other manner in which a judgment lien may be enforced under the law. The lien must be in the amount of the income tax credit increase allowed under Title 36, section 5219-BB, subsection 3, plus interest on that amount at the rate of 7% per annum from the date the property is placed in service until the date of payment of all amounts due. Upon receipt of payment of all amounts due under the lien, the

1 Maine State Housing Authority shall execute a discharge lien for filing in the
2 registry or offices in which the notice of lien was filed.

3 (4) Annually by every August 1st until and including August 1, 2023, the Maine
4 State Housing Authority shall review the report issued pursuant to Title 27,
5 section 511, subsection 5, paragraph A to determine the percentage of the total
6 aggregate square feet of completed projects that constitutes new affordable
7 housing, rehabilitated and developed using:

8 (a) Either of the income tax credits under Title 36, section 5219-BB,
9 subsection 2; and

10 (b) The income tax credit increase under Title 36, section 5219-BB,
11 subsection 3.

12 If the total aggregate square feet of new affordable housing does not equal or
13 exceed 30% of the total aggregate square feet of rehabilitated and developed
14 completed projects eligible for a credit under Title 36, section 5219-BB, the
15 Maine State Housing Authority and Maine Historic Preservation Commission
16 shall notify the State Tax Assessor of this fact; and

17 **Sec. 19. 30-A MRSA §4722, sub-§1, ¶EE** is enacted to read:

18 EE. Refinance a single-family mortgage loan held by the Maine State Housing
19 Authority for a homeowner whose income at the time of refinancing is no greater
20 than the income limits for qualified first-time homebuyers established under 26
21 United States Code, Section 143, or an existing loan on any owner-occupied single-
22 family residence for purposes of lowering mortgage payments or making home
23 improvements for persons of low income.

24 **Sec. 20. 30-A MRSA §4724, sub-§2**, as amended by PL 1991, c. 476, is further
25 amended to read:

26 **2. Acquisition of interest in project; accepting employment.** ~~No~~ During tenure
27 and within one year of service, no employee or commissioner of any authority may;
28 ~~within 2 years of that service, or in the case of employees of the authority, during tenure~~
29 ~~or within 2 years of that service,~~ voluntarily acquire any interest, direct or indirect, in any
30 contract, project or property included or planned to be included in any project of that
31 housing authority over which the employee or commissioner has exercised responsibility,
32 control or decisions during tenure with the authority; ~~nor may any, and no~~ employee or
33 commissioner of any authority, if employment is accepted with any person who has an
34 interest in any contract, property or project included or planned to be included in any
35 project of that authority, may work directly on that contract, project or property for that
36 person if the employee or commissioner has exercised responsibility, control or decisions
37 over that contract, project or property.

38 A. This subsection does not prohibit a manufactured housing inspector employed by
39 the Maine State Housing Authority from accepting employment by a person to work
40 on manufactured housing ~~which that~~ which that is manufactured after the date employment with
41 the Maine State Housing Authority has terminated.

1 **Sec. 21. 30-A MRSA §4741, sub-§§10 and 11**, as enacted by PL 1987, c. 737,
2 Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8
3 and 10, are further amended to read:

4 **10. Coordination with municipal officers.** The commissioners of a municipal
5 authority or the director of the Maine State Housing Authority shall ~~establish procedures~~
6 ~~by which the legislative body of a municipality may provide the municipal officers an~~
7 opportunity to review and discuss proposed development projects and prior to submitting
8 the plans for financing proposed projects to the appropriate municipal officer or agency;

9 **11. Mortgage credits.** The Maine State Housing Authority may acquire from banks,
10 life insurance companies, savings and loan associations, pension or retirement funds, any
11 fiduciaries, the Federal Government and other financial institutions, persons or
12 governmental or business entities mortgage loans and notes anywhere in the State, ~~the~~
13 ~~restriction as to the area of operation in section 4702 notwithstanding,~~ and may sell
14 mortgages and notes to insurance companies, other financial institutions, persons or
15 governmental or business entities and the Federal Government or any fiduciaries or
16 pension or retirement funds;

17 **Sec. 22. 30-A MRSA §4741, sub-§17**, as amended by PL 2015, c. 494, Pt. B, §2,
18 is further amended to read:

19 **17. Comprehensive housing affordability strategy coordinator.** The Maine State
20 Housing Authority is designated the comprehensive housing affordability strategy
21 coordinator for the State and has the power to prepare and submit on behalf of the State
22 the annual comprehensive housing affordability strategy called for in the Cranston-
23 Gonzalez National Affordable Housing Act, Public Law 101-625 ~~(1990)~~, as amended,
24 and to undertake all monitoring and certification procedures required under that law. The
25 Maine State Housing Authority shall represent the State in carrying out the HOME
26 Investment Partnerships Program created by the Cranston-Gonzalez National Affordable
27 Housing Act, as amended;

28 **Sec. 23. 30-A MRSA §4752, sub-§2**, as amended by PL 2011, c. 691, Pt. B, §27,
29 is repealed.

30 **Sec. 24. 30-A MRSA §4753, sub-§2**, as enacted by PL 1989, c. 914, §4, is
31 repealed.

32 **Sec. 25. 30-A MRSA §4754, sub-§3**, as enacted by PL 1989, c. 48, §§3 and 31,
33 is amended to read:

34 **3. State-owned property.** The Maine State Housing Authority may use surplus
35 state-owned property pursuant to this subchapter ~~and subchapter XI~~ and Title 5, section
36 1742, subsection 23; to achieve the purpose of this article.

37 **Sec. 26. 30-A MRSA §4755**, as enacted by PL 1989, c. 48, §§3 and 31, is
38 amended to read:

1 **§4755. Provide property**

2 The Maine State Housing Authority may provide surplus state property below market
3 value pursuant to this subchapter ~~and subchapter XI~~ and Title 5, section 1742, subsection
4 23; to any person, firm or organization that agrees to construct, reconstruct or rehabilitate
5 affordable housing for low-income and moderate-income households and maintain this
6 property for this purpose in a written contract with the Maine State Housing Authority.

7 **Sec. 27. 30-A MRSA §4771, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2
8 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
9 repealed.

10 **Sec. 28. 30-A MRSA §4832, sub-§1**, as amended by PL 1989, c. 6; c. 9, §2; c.
11 48, §§4 and 31; c. 104, Pt. C, §§8 and 10; and c. 581, §10, is further amended to read:

12 **1. Participation requirements.** Except as provided in ~~paragraph~~ paragraphs A and
13 B, the Maine State Housing Authority may not participate in the making of construction
14 loans unless a financial institution in the State agrees to participate in the loan at least to
15 the extent of acting as escrow agent. Notwithstanding any other provisions of law,
16 financial institutions in the State may act as required by this subchapter.

17 A. The Maine State Housing Authority may make construction loans to state public
18 bodies or other public instrumentalities and private nonprofit corporations without the
19 participation of a financial institution.

20 B. If a project's financing requires that the Maine State Housing Authority participate
21 in the construction loan at a level greater than 60%, the Maine State Housing
22 Authority may make the whole construction loan without using an escrow agent.

23 **Sec. 29. 30-A MRSA §4854, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2
24 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
25 further amended to read:

26 **3. Gains from investments.** Subject to any pledge, contract or other obligation
27 under this section, all interest, dividends and pecuniary gains from the investment of
28 money of the fund; ~~and~~

29 **Sec. 30. 30-A MRSA §4854, sub-§3-A** is enacted to read:

30 **3-A. Nonlapsing revolving loan funds.** Any funds remaining in a revolving loan
31 fund administered by the Maine State Housing Authority for a period longer than 10
32 years and directed by the Maine State Housing Authority to be paid into the fund; and

33 **Sec. 31. 30-A MRSA §4863, sub-§5**, as enacted by PL 2009, c. 372, Pt. E, §1, is
34 amended to read:

35 **5. Reporting.** Not later than March 1, 2011 and March 1st of each year thereafter,
36 the director of the authority shall report to the joint standing committee of the Legislature
37 having jurisdiction over affordable housing matters on the status of the fund as long as
38 there has been new activity since the previous report. The report must include, but is not

1 limited to, the amount of revenue bonds issued under this subchapter, the type, location
2 and cost of projects receiving bond proceeds, the number of housing units created by each
3 project, the number of direct construction jobs created or maintained by each project, the
4 amount of direct construction wages paid in creating or maintaining those jobs and the
5 total amount of building materials purchased in the development of each project.

6 **Sec. 32. 30-A MRSA §4871, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2
7 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
8 further amended to read:

9 **2. Negotiable instruments.** Whether or not the bonds are of such form and
10 character as to be negotiable instruments under the Uniform Commercial Code, Title 11,
11 article § 8-A, the bonds are hereby made negotiable instruments within the meaning of
12 and for all the purposes of the Uniform Commercial Code, Title 11, article § 8-A, subject
13 only to the provisions of the bonds for registration.

14 The bonds may be sold at public or private sale. Any provision of any law to the contrary
15 notwithstanding, any bonds issued under this chapter ~~shall be~~ are fully negotiable.

16 **Sec. 33. 30-A MRSA §4912**, as amended by PL 1989, c. 501, Pt. DD, §36, is
17 repealed.

18 **Sec. 34. 30-A MRSA §4913**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
19 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

20 **Sec. 35. 30-A MRSA c. 201, sub-cc. 9-A and 9-B**, as amended, are repealed.

21 **Sec. 36. 30-A MRSA c. 201, sub-c. 11**, as amended, is repealed.

22 **Sec. 37. 30-A MRSA §4973, sub-§2**, as amended by PL 1993, c. 175, §11, is
23 further amended to read:

24 **2. Right of first refusal.** The Maine State Housing Authority has the right of first
25 refusal to purchase the property at its current appraised value, as determined by appraisers
26 for the owner and the authority. The authority holds the right of first refusal throughout
27 the 90-day period. Failure to respond to the notice of first refusal within 90 days
28 constitutes a waiver of that right of first refusal by the authority. By stating in writing its
29 intention to pursue its right of first refusal during the 90-day period, the authority has an
30 additional 90 days, beginning on the date ~~of the termination of the first refusal period~~ the
31 appraised value is determined by the appraisers for the owner and the authority, to buy or
32 to produce a buyer for the property. This additional 90-day period may be extended by
33 mutual agreement between the authority and the owner of the property.

34 A. Nothing in this section prevents an owner of the property from deciding not to
35 sell, transfer or take other action that would result in termination of the financial
36 assistance and revoking the notice required by subsection 1 at any time before its
37 expiration. The withdrawal or revocation extinguishes any right of first refusal held
38 by the Maine State Housing Authority.

- 1 6. Specifies that the personnel files of authority employees are confidential;
- 2 7. Eliminates the authority's authority to formulate affirmative housing action plans
3 for submission to regional and local planning boards and commissions;
- 4 8. Eliminates the requirement that the authority annually report to the Legislature on
5 the low-income energy assistance program;
- 6 9. Eliminates the requirement that the authority expand access to housing for young
7 professionals, young families and first-time home buyers;
- 8 10. Authorizes the authority to refinance single-family mortgage loans in order to
9 lower mortgage payments or make home improvements for persons with low income;
- 10 11. Decreases from 2 years to one year the period during which an employee or
11 commissioner of the authority may not accept employment with or acquire interest in a
12 project over which that person has exercised control, and, with respect to a commissioner,
13 it extends the prohibition to the period of the commissioner's tenure;
- 14 12. Eliminates the requirement that each municipality report to the Department of
15 Administrative and Financial Services, Bureau of General Services on any municipally
16 owned land or buildings that may be suitable for affordable housing;
- 17 13. Eliminates the requirement that the authority conduct a comprehensive
18 assessment of information on the State's housing and biennially submit a report on its
19 findings;
- 20 14. Eliminates the prohibition against the authority's entering into contracts with the
21 Federal Government until the municipality in which the project is to be located adopts a
22 resolution approving the contract;
- 23 15. In certain instances, authorizes the authority without using an escrow agent to
24 make construction loans for the construction of housing units for persons with low
25 income;
- 26 16. Eliminates the requirement that the authority develop guidelines defining energy
27 improvements that may be made with proceeds of home improvement notes;
- 28 17. Eliminates the Maine Natural Disaster Home Assistance Program;
- 29 18. Eliminates the Maine Overboard Discharge Assistance Program; and
- 30 19. Repeals the provisions of law governing state-owned land for construction of
31 housing and surplus land held in trust.