

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1542

H.P. 1063

House of Representatives, April 27, 2017

An Act To Support Lead Abatement in Older Residential Properties

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GOLDEN of Lewiston.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: BROOKS of Lewiston, HANDY of Lewiston, Senator: VOLK of
Cumberland.

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

2 **Sec. 1. 30-A MRSA c. 201, sub-c. 12-A** is enacted to read:

3 **SUBCHAPTER 12-A**

4 **LEAD ABATEMENT**

5 **§4981. Lead abatement program**

6 **1. Program.** The Maine State Housing Authority shall establish and administer a
7 program that provides assistance, including grants, for the abatement of lead paint
8 hazards in residential housing, referred to in this subchapter as "the program." Program
9 funds may be used to match federal funds available for lead abatement. The program is
10 subject to the following conditions.

11 A. A grant may be made to a municipality that has administered a lead hazard
12 program grant in the previous 5 years.

13 B. Program funds, provided as grants to municipalities, must be distributed on a
14 basis proportional to the geographical distribution of children who have been
15 determined to have lead poisoning, as defined in Title 22, section 1315, subsection 5-
16 C, to the extent reasonably practicable, for the most recent year such information is
17 available.

18 C. The Maine State Housing Authority shall establish eligibility standards for
19 participation in the program, including, but not limited to:

20 (1) Housing units or housing projects occupied by residents with incomes up to
21 100% of the area median income as established by the United States Department
22 of Housing and Urban Development, whether the housing is owned by an
23 individual or a for-profit or nonprofit entity, are eligible;

24 (2) Annual rent for a housing unit or housing project receiving project funds may
25 not exceed 30% of the area median income as established by the United States
26 Department of Housing and Urban Development for 4 years after completion of
27 the abatement work;

28 (3) Housing that serves as a child care location for children under 6 years of age
29 is eligible; and

30 (4) An owner of housing is eligible as long as the owner is not in arrears on any
31 property taxes owed for that housing and has not been cited for more than 4
32 violations of a building code or safety code on that housing within the prior 2
33 years.

34 The Maine State Housing Authority shall adopt the eligibility standards pursuant to
35 this paragraph by routine technical rule as described in Title 5, chapter 375,
36 subchapter 2-A.

37 D. All lead abatement performed pursuant to the program must comply with industry
38 standards for lead abatement, including pre-abatement inspection and post-abatement

1 inspection of the housing and other standards established by the Department of
2 Environmental Protection. If the pre-abatement inspection identifies the presence of
3 lead in or on the windows, replacement of those windows must be recommended.

4 E. An owner of housing who receives lead abatement assistance under the program
5 shall pay a portion of the abatement costs as follows:

6 (1) At least 20% of the costs of abatement; or

7 (2) At least 40% of the costs of abatement if a child who is a resident of the
8 housing has been determined to have lead poisoning, as defined in Title 22,
9 section 1315, subsection 5-C.

10 Priority for program funds must be given to abatement projects for housing in which a
11 child who has been determined to have lead poisoning, as defined in Title 22, section
12 1315, subsection 5-C, resides.

13 **2. Lead Abatement Fund.** The Lead Abatement Fund, referred to in this subchapter
14 as "the fund," is established under the jurisdiction and control of the Maine State Housing
15 Authority. The fund is nonlapsing and must be used to fund the program. The fund
16 consists of funds received under Title 36, section 4641-B, subsection 4-B, paragraph H
17 and any other funds acquired by the Maine State Housing Authority to accomplish the
18 purpose of the program.

19 **Sec. 2. 36 MRSA §4641-A, sub-§3** is enacted to read:

20 **3. Lead abatement surtax.** In addition to the tax imposed under subsections 1 and
21 2, a tax is imposed at the rate of \$0.30 per \$500 or fractional part of \$500 of the value of
22 real property that is subject to tax under those subsections. The surtax under this
23 subsection must be imposed and collected in the same manner as the tax under
24 subsections 1 and 2.

25 **Sec. 3. 36 MRSA §4641-B, sub-§4-B, ¶H** is enacted to read:

26 H. The Treasurer of State shall deposit all revenue received pursuant to section
27 4641-A, subsection 3 to the Lead Abatement Fund established in Title 30-A, section
28 4981, subsection 2.

29 SUMMARY

30 This bill establishes a residential housing lead abatement program, administered by
31 the Maine State Housing Authority. The purpose of the program is to provide grants to
32 municipalities that have administered a lead abatement program and to housing units and
33 housing projects that meet specified eligibility standards. Priority for lead abatement
34 projects funded by the program is given to residences occupied by children who have
35 tested positive for lead poisoning.

36 The program is funded by a real estate transfer tax surtax of \$0.30 per \$500 of the
37 value of property transferred by deed or property in which a controlling interest is
38 transferred.