

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1132

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H.P. 810

House of Representatives, March 22, 2021

### **An Act To Encourage the Renovation of Available Housing Stock**

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Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Taxation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative MORALES of South Portland.

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

2 **Sec. 1. 36 MRSA §946-B, sub-§1**, as enacted by PL 2013, c. 521, Pt. D, §2, is  
3 amended to read:

4 **1. Tax liens recorded after October 13, 2014.** A Except as provided in section  
5 946-C, a person may not commence an action against the validity of a governmental taking  
6 of real estate for nonpayment of property taxes upon the expiration of a 5-year period  
7 immediately following the expiration of the period of redemption. This subsection applies  
8 to a tax lien recorded after October 13, 2014.

9 **Sec. 2. 36 MRSA §946-C** is enacted to read:

10 **§946-C. Abandoned tax-acquired property**

11 **1. Evidence of abandonment.** For the purposes of this section, evidence of  
12 abandonment showing that the property taken for nonpayment of property taxes is vacant  
13 and the occupant has no intent to return may include, but is not limited to, the following:

14 A. Doors and windows on the property are continuously boarded up, broken or left  
15 unlocked;

16 B. Rubbish, trash or debris has observably accumulated on the property;

17 C. Furnishings and personal property are absent from the property;

18 D. The property is deteriorating so as to constitute a threat to public health or safety;

19 E. Reports of trespassers, vandalism or other illegal acts being committed on the  
20 property have been made to local law enforcement authorities;

21 F. A code enforcement officer or other public official has made a determination or  
22 finding that the property is abandoned or unfit for occupancy; and

23 G. Other reasonable indicia of abandonment.

24 **2. Court determination of abandonment; vacation of order.** The municipality may  
25 at any time after at least 6 months have elapsed since the right of redemption expired file  
26 with the Superior Court in the county in which the property is located a motion to determine  
27 that the property has been abandoned.

28 A. If the court finds by clear and convincing evidence, based on testimony or reliable  
29 hearsay, including affidavits by neutral public officials, including the sheriff, and other  
30 neutral nonparties, that the property has been abandoned, the court may issue an order  
31 granting the motion and determining that the property is abandoned.

32 B. The court may not grant the motion if the former owner or a lawful occupant of the  
33 property appears and objects to the motion.

34 C. The court shall vacate the order under paragraph A if the former owner or a lawful  
35 occupant of the property appears in the action and objects to the order prior to the entry  
36 of judgment.

37 **3. Tax liens for abandoned property recorded after September 1, 2021.**  
38 Notwithstanding section 946-B, a person may not commence an action against the validity  
39 of a governmental taking of real estate for nonpayment of property taxes upon the  
40 expiration of a 6-month period immediately following a judgment under subsection 2 that

1 the property is abandoned. This subsection applies to a tax lien recorded after September  
2 1, 2021.

3 **Sec. 3. Program to purchase renovated housing.** In order to increase the  
4 available stock of affordable housing, the Maine State Housing Authority shall develop a  
5 program authorizing the purchase by the Maine State Housing Authority of renovated  
6 single-family and multifamily housing that was acquired by municipalities through the  
7 foreclosure of property tax liens. The Maine State Housing Authority shall make such  
8 housing available for rent or for sale to first-time home buyers.

9 **SUMMARY**

10 The purpose of this bill is to make available more affordable housing by allowing the  
11 clearing of title of tax-acquired abandoned property within a year of the acquisition rather  
12 than the existing wait of 5 years. This bill also directs the Maine State Housing Authority  
13 to develop a program to purchase tax-acquired properties that have been renovated and  
14 make them available for rent or for sale to first-time home buyers.