

MAINE STATE LEGISLATURE

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SAZ
ROS

L.D. 1961

Date: 4/1/22

(Filing No. S-498)

MAJORITY

LABOR AND HOUSING

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STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 699, L.D. 1961, "An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority"

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30-A MRSA §4312, sub-§3, ¶D, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

D. ~~To encourage and promote affordable, decent housing opportunities for all Maine citizens~~ promote and work to ensure choice, economic diversity and affordability in housing for low-income and moderate-income households and use housing policy to help address disparities in access to educational, occupational and other opportunities;

Sec. 2. 30-A MRSA §4312, sub-§3, ¶K, as amended by PL 2021, c. 293, Pt. A, §44, is repealed.

Sec. 3. 30-A MRSA §4312, sub-§3, ¶L, as corrected by RR 2019, c. 1, Pt. A, §37, is amended to read:

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities; and

Sec. 4. 30-A MRSA §4312, sub-§3, ¶M, as amended by PL 2021, c. 293, Pt. A, §45, is repealed.

Sec. 5. 30-A MRSA §4326, sub-§1, ¶H, as amended by PL 2019, c. 145, §5, is further amended to read:

H. Residential housing stock, including ~~affordable~~ housing for low-income and moderate-income households, policies that assess an assessment of community needs and environmental effects of municipal regulations, lessen an examination of the effect of excessive parking requirements for buildings in downtowns and on main streets and

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1 ~~provide for alternative approaches for compliance relating to that limit the reuse of~~
2 ~~upper floors of buildings in downtowns and on main streets and policies that provide~~
3 ~~an identification of opportunities for accessory dwelling units;~~

4 **Sec. 6. 30-A MRS §4326, sub-§3-A, ¶G**, as amended by PL 2019, c. 38, §6 and
5 c. 145, §6, is repealed and the following enacted in its place:

6 G. Ensure that the municipality's or multimunicipal region's land use policies and
7 ordinances encourage the siting and construction of affordable housing within the
8 community and comply with the requirements of section 4358 pertaining to individual
9 mobile home and mobile home park siting and design requirements. The municipality
10 or multimunicipal region shall seek to achieve a level of at least 10% of new residential
11 development, based on a 5-year historical average of residential development in the
12 municipality or multimunicipal region, that meets the definition of affordable housing.
13 A municipality or multimunicipal region is encouraged to seek creative approaches to
14 assist in the development of affordable housing, including, but not limited to:

- 15 (1) Cluster housing;
- 16 (2) Reduced minimum lot and frontage sizes;
- 17 (3) Increased residential densities;
- 18 (4) Use of municipally owned land;
- 19 (5) Establishment of policies that:
 - 20 (a) Assess community needs and environmental effects of municipal
 - 21 regulations;
 - 22 (b) Lessen the effect of excessive parking requirements for buildings in
 - 23 downtowns and on main streets;
 - 24 (c) Provide for alternative approaches for compliance relating to the reuse of
 - 25 upper floors of buildings in downtowns and on main streets;
 - 26 (d) Promote housing choice and economic diversity in housing; and
 - 27 (e) Address disparities in access to educational and occupational opportunities
 - 28 related to housing;
 - 29 (6) Provisions for accessory dwelling units and greater density where such density
 - 30 is consistent with other laws governing health and safety;
 - 31 (7) Promotion of housing options for older adults that address issues of special
 - 32 concern, including the adaptation, rehabilitation and construction of housing that
 - 33 helps older adults age in place with adequate transportation and accessibility to
 - 34 services necessary for them to do so in a safe and convenient manner; and
 - 35 (8) Establishment of policies that affirmatively advance and implement the federal
 - 36 Fair Housing Act, 42 United States Code, Chapter 45;

37 **Sec. 7. 30-A MRS §4326, sub-§3-A, ¶H**, as enacted by PL 2001, c. 578, §15, is
38 amended to read:

39 H. Ensure that the value of historical and, archeological, tribal and cultural resources
40 is recognized and that protection is afforded to those resources that merit it;

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Sec. 8. 30-A MRSA §4326, sub-§3-A, ¶I, as amended by PL 2015, c. 349, §5, is further amended to read:

I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking, and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality or multimunicipal region shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection; and

Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶J, as amended by PL 2019, c. 38, §7 and c. 145, §7, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction.

Sec. 10. 30-A MRSA §4326, sub-§3-A, ¶K, as corrected by RR 2019, c. 1, Pt. A, §40, is repealed.

Sec. 11. 30-A MRSA §4326, sub-§3-A, ¶L, as corrected by RR 2019, c. 1, Pt. A, §41, is repealed.

Sec. 12. 30-A MRSA §4326, sub-§3-A, ¶M, as enacted by PL 2019, c. 145, §9 and reallocated by RR 2019, c. 1, Pt. A, §42, is repealed.

Sec. 13. 30-A MRSA §4723, sub-§2, ¶B, as amended by PL 2015, c. 449, §3, is further amended to read:

B. The Maine State Housing Authority, as authorized by Title 5, chapter 379, must have 10 commissioners, 8 of whom must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~economic development~~ housing matters and to confirmation by the Legislature. The 9th commissioner is the Treasurer of State, who serves as an ex officio voting member. The Treasurer of State may designate the Deputy Treasurer of State to serve in place of the Treasurer of State. The 10th commissioner is the director of the Maine State Housing Authority, who serves as an ex officio nonvoting member. ~~At least 3 gubernatorial appointments must include a representative of bankers, a representative of elderly people and a resident of housing that is subsidized or assisted by programs of the United States Department of Housing and Urban Development or of the Maine State Housing Authority. In appointing the resident, the Governor shall give priority consideration to nominations that may be made by tenant associations established in the State. Of the 5 remaining gubernatorial appointments, the Governor shall give priority to a representative involved in the housing business and a representative of people with disabilities.~~ The Governor, in making appointments or reappointments to fill vacancies for commissioners under this paragraph, shall ensure that commissioners of the Maine State Housing Authority meet the requirements outlined in paragraph B-1. The powers of the Maine State Housing Authority are vested in the commissioners. The commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.

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1 The Governor shall appoint the chair of the commissioners from among the 8
2 gubernatorial appointments. The chair serves as a nonvoting member, except that the
3 chair may vote only when the chair's vote will affect the result. The commissioners
shall elect a vice-chair of the commissioners from among their number.

5 Following reasonable notice to each commissioner, 5 commissioners of the Maine
6 State Housing Authority constitute a quorum for the purpose of conducting its business,
7 exercising its powers and for all other purposes, notwithstanding the existence of any
8 vacancies. Action may be taken by the commissioners upon a vote of a majority of the
9 commissioners present, unless otherwise specified in law or required by ~~its~~ the Maine
10 State Housing Authority's bylaws.

11 The Maine State Housing Authority may meet by telephonic, video, electronic or other
12 similar means of communication with less than a quorum assembled physically at the
13 location of a public proceeding identified in the notice required by Title 1, section 406
14 only if:

15 (1) Each commissioner can hear all other commissioners, speak to all other
16 commissioners and, to the extent reasonably practicable, see all other
17 commissioners by videoconferencing or other similar means of communication
18 during the public proceeding, and members of the public attending the public
19 proceeding at the location identified in the notice required by Title 1, section 406
20 are able to hear and, to the extent reasonably practicable, see all commissioners
21 participating from other locations by videoconferencing or other similar means of
22 communication;

23 (2) Each commissioner who is not physically present at the location of the public
24 proceeding and who is participating through telephonic, video, electronic or other
25 similar means of communication identifies all persons present at the location from
26 which the commissioner is participating;

27 (3) A commissioner who participates while not physically present at the location
28 of the public proceeding identified in the notice required by Title 1, section 406
29 does so only when the commissioner's attendance is not reasonably practical. The
30 reason that the commissioner's attendance is not reasonably practical must be stated
31 in the minutes of the meeting; and

32 (4) Each commissioner who is not physically present at the location of the public
33 proceeding and who is participating through telephonic, video, electronic or other
34 similar means of communication has received prior to the public proceeding all
35 documents and materials discussed at the public proceeding, with substantially the
36 same content as those presented at the public proceeding. Documents or other
37 materials made available at the public proceeding may be transmitted to the
38 commissioner not physically present during the public proceeding if the
39 transmission technology is available. Failure to comply with this subparagraph
40 does not invalidate an action taken by the Maine State Housing Authority at the
41 public proceeding.

42 **Sec. 14. 30-A MRS §4723, sub-§2, ¶B-1 is enacted to read:**

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B-1. The Governor, in making appointments or reappointments to fill vacancies for commissioners under paragraph B, shall ensure that commissioners of the Maine State Housing Authority include the following:

(1) A commissioner who represents tenants, who is an advocate for tenants' rights or who resides in housing subsidized by the United States Department of Housing and Urban Development or the Maine State Housing Authority;

(2) A commissioner who has knowledge and expertise in civil rights or in affirmatively advancing fair housing policy;

(3) A commissioner who represents residents with disabilities or aging residents;

(4) A commissioner with expertise in energy efficiency issues regarding residential structures; and

(5) Four members who have:

(a) Experience or expertise in any of the following: housing development and rehabilitation; supporting unhoused populations; improving labor standards; economic and community development; transportation; municipal land use planning; the building trades; the real estate market; or banking and finance; and

(b) An interest in and commitment to increasing the availability and affordability of housing opportunities for the people of the State.

The Governor shall make a good faith effort to ensure that, to the extent possible, the commissioners of the Maine State Housing Authority closely reflect the geographic, gender and racial diversity of the State.

Sec. 15. 30-A MRS §4723, sub-§2, ¶C, as amended by PL 2011, c. 560, §1, is further amended to read:

C. The Maine State Housing Authority must have a director, who must be a person qualified by training and experience to perform the duties of the office. The Governor shall appoint the director of the Maine State Housing Authority, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~economic development~~, housing matters and to confirmation by the Legislature.

(1) The director is the chief administrative officer of the Maine State Housing Authority. The commissioners shall establish the rate and amount of compensation of the director. The commissioners are responsible for the performance review and termination of the director. Any decision to terminate the director must be made by an affirmative vote of at least 5 commissioners.

(3) The director of the Maine State Housing Authority shall supervise the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners. The director of the Maine State Housing Authority may act in all personnel matters and may employ technical or legal experts and any other officers, agents and employees that the director requires, and shall determine their qualifications, duties and compensation. The director may delegate to the employees and agents any powers and duties that the director considers proper.

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Sec. 16. Transition. Notwithstanding the Maine Revised Statutes, Title 30-A, section 4723, subsection 2, paragraphs B and B-1, a commissioner of the Maine State Housing Authority serving on the effective date of this Act continues to serve until the expiration of that commissioner's term.¹

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and removes the emergency preamble and emergency clause. This amendment includes among the state goals for actions of all state and municipal agencies that affect natural resource management, land use and development the goals of promoting housing choice and economic diversity in housing that is affordable to low-income and moderate-income households and addressing disparities in access to educational, occupational and other opportunities. It also changes the membership of the Maine State Housing Authority and clarifies that appointments to the Maine State Housing Authority and the appointment of the director of the authority are subject to review by the joint standing committee of the Legislature having jurisdiction over housing matters.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1961

LR 2339(02)

An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-498)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Maine State Housing Authority

Fiscal Detail and Notes

Additional costs to the Maine State Housing Authority or the Department of Agriculture, Conservation and Forestry associated with the requirements of this legislation can be absorbed within existing budgeted resources.