

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1961

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S.P. 699

In Senate, February 7, 2022

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

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on February 3, 2022. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Speaker FECTION of Biddeford and

Senators: DAUGHTRY of Cumberland, President JACKSON of Aroostook, MIRAMANT of Knox, VITELLI of Sagadahoc, Representatives: GERE of Kennebunkport, MORALES of South Portland, SYLVESTER of Portland, TALBOT ROSS of Portland.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period in order to help alleviate the housing shortage in this State as soon as possible; and

5           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6 the meaning of the Constitution of Maine and require the following legislation as  
7 immediately necessary for the preservation of the public peace, health and safety; now,  
8 therefore,

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

10           **Sec. 1. 30-A MRSA §4312, sub-§3, ¶I,** as amended by PL 2015, c. 349, §1, is  
11 further amended to read:

12           I. To preserve the State's historic ~~and~~ archeological, tribal and cultural resources;

13           **Sec. 2. 30-A MRSA §4312, sub-§3, ¶M,** as amended by PL 2021, c. 293, Pt. A,  
14 §45, is further amended to read:

15           M. To encourage municipalities to develop policies that provide for accessory  
16 dwelling units; ~~and~~

17           **Sec. 3. 30-A MRSA §4312, sub-§3, ¶N,** as enacted by PL 2019, c. 153, §3 and  
18 reallocated by RR 2019, c. 1, Pt. A, §39, is amended to read:

19           N. To plan for the effects of the rise in sea level on buildings, transportation  
20 infrastructure, sewage treatment facilities and other relevant state, regional, municipal  
21 or privately held infrastructure, property or resources;

22           **Sec. 4. 30-A MRSA §4312, sub-§3, ¶O** is enacted to read:

23           O. To address significant disparities in housing needs and access to educational,  
24 occupational and other opportunities;

25           **Sec. 5. 30-A MRSA §4312, sub-§3, ¶P** is enacted to read:

26           P. To affirmatively further the purposes of the federal Fair Housing Act, 42 United  
27 States Code, Chapter 45; and

28           **Sec. 6. 30-A MRSA §4312, sub-§3, ¶Q** is enacted to read:

29           Q. To promote housing choice and economic diversity in housing, including housing  
30 for both low-income and moderate-income households.

31           **Sec. 7. 30-A MRSA §4723, sub-§2, ¶B,** as amended by PL 2015, c. 449, §3, is  
32 further amended to read:

33           B. The Maine State Housing Authority, as authorized by Title 5, chapter 379, must  
34 have ~~10~~ 14 commissioners, & 12 of whom must be appointed by the Governor, subject  
35 to review by the joint standing committee of the Legislature having jurisdiction over  
36 ~~economic development~~ housing matters and to confirmation by the Legislature. The  
37 ~~9th~~ 13th commissioner is the Treasurer of State who serves as an ex officio voting  
38 member. The Treasurer of State may designate the Deputy Treasurer of State to serve  
39 in place of the Treasurer of State. The ~~10th~~ 14th commissioner is the director of the  
40 Maine State Housing Authority who serves as an ex officio nonvoting member. ~~At~~

1 least 3 gubernatorial appointments must include a representative of bankers, a  
2 representative of elderly people and a resident of housing that is subsidized or assisted  
3 by programs of the United States Department of Housing and Urban Development or  
4 of the Maine State Housing Authority. In appointing the resident, the Governor shall  
5 give priority consideration to nominations that may be made by tenant associations  
6 established in the State. Of the 5 remaining gubernatorial appointments, the Governor  
7 shall give priority to a representative involved in the housing business and a  
8 representative of people with disabilities. Commissioners appointed or reappointed by  
9 the Governor after April 20, 2022 must include: a commissioner who represents tenants  
10 or is an advocate for tenants' rights; a commissioner who serves as a commissioner of  
11 a municipal housing authority; a commissioner who represents nonprofit affordable  
12 housing developers; a commissioner who has knowledge and expertise in housing  
13 energy efficiency; a commissioner who has knowledge and expertise in affirmatively  
14 advancing fair housing policy; a commissioner who has knowledge and expertise in  
15 regional planning; a commissioner who resides in housing that is subsidized by the  
16 United States Department of Housing and Urban Development or by the Maine State  
17 Housing Authority; a commissioner who represents financial institutions; a  
18 commissioner who represents real estate developers; a commissioner who has  
19 knowledge and expertise in economic and community development; a commissioner  
20 who represents persons with disabilities; and a commissioner who represents persons  
21 who are elderly. Commissioners may have overlapping qualifications but must be  
22 appointed or reappointed according to the requirements set forth in this paragraph. The  
23 Governor shall make a good faith effort to ensure that, to the extent possible, the  
24 commissioners of the Maine State Housing Authority closely reflect the geographic,  
25 gender and racial diversity of the State. The powers of the Maine State Housing  
26 Authority are vested in the commissioners. The commissioners may delegate such  
27 powers and duties to the director of the Maine State Housing Authority as they  
28 determine appropriate.

29 The Governor shall appoint the chair of the commissioners from among the 8 12  
30 gubernatorial appointments. The chair serves as a nonvoting member, except that the  
31 chair may vote only when the chair's vote will affect the result. The commissioners  
32 shall elect a vice-chair of the commissioners from among their number.

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

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

- 43 (1) Each commissioner can hear all other commissioners, speak to all other  
44 commissioners and, to the extent reasonably practicable, see all other  
45 commissioners by videoconferencing or other similar means of communication  
46 during the public proceeding, and members of the public attending the public

1 proceeding at the location identified in the notice required by Title 1, section 406  
2 are able to hear and, to the extent reasonably practicable, see all commissioners  
3 participating from other locations by videoconferencing or other similar means of  
4 communication;

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

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

14 (4) Each commissioner who is not physically present at the location of the public  
15 proceeding and who is participating through telephonic, video, electronic or other  
16 similar means of communication has received prior to the public proceeding all  
17 documents and materials discussed at the public proceeding, with substantially the  
18 same content as those presented at the public proceeding. Documents or other  
19 materials made available at the public proceeding may be transmitted to the  
20 commissioner not physically present during the public proceeding if the  
21 transmission technology is available. Failure to comply with this subparagraph  
22 does not invalidate an action taken by the Maine State Housing Authority at the  
23 public proceeding.

24 **Sec. 8. 30-A MRSA §4723, sub-§2, ¶C**, as amended by PL 2011, c. 560, §1, is  
25 further amended to read:

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

31 (1) The director is the chief administrative officer of the Maine State Housing  
32 Authority. The commissioners shall establish the rate and amount of compensation  
33 of the director. The commissioners are responsible for the performance review and  
34 termination of the director. Any decision to terminate the director must be made  
35 by an affirmative vote of at least 5 7 commissioners.

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

