

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2158

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H.P. 1382

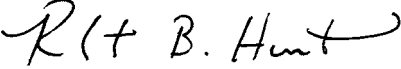
House of Representatives, January 9, 2024

### An Act to Improve the Housing Voucher System

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

Reference to the Committee on Labor and Housing suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative GOLEK of Harpswell.  
Cosponsored by Senator DAUGHTRY of Cumberland and  
Representatives: ANKELES of Brunswick, CLUCHEY of Bowdoinham, GATTINE of  
Westbrook, JAUCH of Topsham, RANA of Bangor, ROEDER of Bangor, Senator:  
ROTUNDO of Androscoggin.

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

2 **Sec. 1. 30-A MRSA §4702, sub-§8-A** is enacted to read:

3 **8-A. Housing voucher.** "Housing voucher" means a tenant-based housing choice  
4 voucher issued under Section 8 of the United States Housing Act of 1937, Public Law  
5 75-412, 50 Stat. 888, as amended.

6 **Sec. 2. 30-A MRSA §4722, sub-§1, ¶GG,** as amended by PL 2021, c. 322, §2, is  
7 further amended by amending subparagraph (3) to read:

8 (3) Perform other functions and duties necessary for the proper administration of  
9 the credit, including providing any necessary certifications and notices to taxpayers  
10 and to the Department of Administrative and Financial Services, Bureau of  
11 Revenue Services containing information required by the State Tax Assessor  
12 necessary for determining eligibility and the amount of the credit for each taxable  
13 year; ~~and.~~

14 **Sec. 3. 30-A MRSA §4722, sub-§1, ¶GG,** as amended by PL 2021, c. 322, §2, is  
15 further amended by amending the first blocked paragraph to read:

16 Rules adopted under this paragraph are routine technical rules;:

17 **Sec. 4. 30-A MRSA §4722, sub-§1, ¶HH,** as enacted by PL 2021, c. 322, §3, is  
18 amended to read:

19 HH. Provide the joint standing committee of the Legislature having jurisdiction over  
20 housing matters copies of any reports required to be submitted to the United States  
21 Department of the Treasury or the Governor regarding the administration of the  
22 emergency rental assistance programs established by Section 501 of Division N of the  
23 federal Consolidated Appropriations Act, 2021 and Section 3201(a) of the federal  
24 American Rescue Plan Act of 2021. Copies of any reports required to be submitted to  
25 the United States Department of the Treasury or the Governor must be submitted to the  
26 joint standing committee of the Legislature having jurisdiction over housing matters  
27 no later than 7 days after the reports are submitted to the United States Department of  
28 the Treasury or the Governor. If no such reports are required to be submitted to the  
29 United States Department of the Treasury or the Governor, the Maine State Housing  
30 Authority shall submit, beginning January 15, 2022 and annually thereafter, to the joint  
31 standing committee of the Legislature having jurisdiction over housing matters a report  
32 on any rental assistance distributed by the Maine State Housing Authority;:

33 **Sec. 5. 30-A MRSA §4722, sub-§1, ¶II** is enacted to read:

34 II. Enter into contracts with landlords of residential housing at the highest rental rates  
35 permitted by the United States Department of Housing and Urban Development for  
36 residential housing;

37 **Sec. 6. 30-A MRSA §4722, sub-§1, ¶JJ** is enacted to read:

38 JJ. Establish reasonable time limits for the use of housing vouchers issued by the  
39 authority and allow municipal housing authorities to establish reasonable time limits  
40 for the use of housing vouchers issued by those municipal authorities; and

41 **Sec. 7. 30-A MRSA §4722, sub-§1, ¶KK** is enacted to read:

1 KK. Permit the use of a housing voucher issued to a resident of this State to be used  
2 anywhere within the State and require municipal housing authorities that issue housing  
3 vouchers to allow those housing vouchers to be used upon issuance anywhere within  
4 the State.

5 **Sec. 8. Collection of data for waiver requests for payment of rate higher**  
6 **than fair market rental rate; time limits; and geographical expansion.** The  
7 Maine State Housing Authority shall collect any data necessary, in addition to that required  
8 pursuant to the Maine Revised Statutes, Title 30-A, section 4722, subsection 1, paragraph  
9 A, to prepare and submit to the United States Department of Housing and Urban  
10 Development a request for a waiver that:

11 **1. Waiver for exceeding fair market rental rate.** Allows the Maine State Housing  
12 Authority to enter into contracts with landlords of residential housing for the rental of that  
13 residential housing at a higher rate than the fair market rental rate as established by the  
14 United States Department of Housing and Urban Development. A waiver obtained  
15 pursuant to this subsection may not require a housing authority to issue a lower number of  
16 housing vouchers to residents of this State than the number issued prior to the waiver;

17 **2. Waiver for time limits for securing housing under federal housing voucher.**  
18 Allows the Maine State Housing Authority or a municipal housing authority to determine  
19 the appropriate length of time a person holding a housing voucher has to secure housing;  
20 and

21 **3. Waiver for expansion of geographical use.** Allows the Maine State Housing  
22 Authority to allow a resident of the State who is issued a housing voucher by a municipal  
23 housing authority to use that voucher upon issuance anywhere in the State.

24 For purposes of this section, "housing voucher" has the same meaning as in the Maine  
25 Revised Statutes, Title 30-A, section 4702, subsection 8-A and "municipal housing  
26 authority" means a housing authority or public corporation created or authorized pursuant  
27 to Title 30-A, chapter 201.

28 The Maine State Housing Authority shall submit requests for waivers pursuant to this  
29 section no later than 120 days after the effective date of this section.

30 **Sec. 9. Conformity of voucher assistance; report.** The Maine State Housing  
31 Authority shall submit to the joint standing committee of the Legislature having jurisdiction  
32 over housing matters during the 132nd Legislature in 2025:

33 **1. Suggested legislation.** Suggested legislation that requires all housing authorities  
34 or public corporations created or authorized pursuant to the Maine Revised Statutes, Title  
35 30-A, chapter 201 to conform their housing voucher programs to the housing voucher  
36 program administered by the Maine State Housing Authority; and

37 **2. Report.** A report detailing the Maine State Housing Authority's efforts to obtain  
38 waivers from the United States Department of Housing and Urban Development regarding:

39 A. Contracting with landlords to pay rental rates that are more than the fair market  
40 rental rate as established by the United States Department of Housing and Urban  
41 Development;

42 B. Allowing the Maine State Housing Authority or another housing authority or public  
43 corporation created or authorized pursuant to the Maine Revised Statutes, Title 30-A,

1 chapter 201 to establish reasonable time limits for the use of housing vouchers issued  
2 by the Maine State Housing Authority or another housing authority or public  
3 corporation; and

4 C. Allowing the Maine State Housing Authority or another housing authority or public  
5 corporation created or authorized pursuant to Title 30-A, chapter 201 to issue housing  
6 vouchers that may be used upon issuance anywhere within the State.

7 The Maine State Housing Authority shall submit the suggested legislation and report  
8 required pursuant to this section to the joint standing committee of the Legislature having  
9 jurisdiction over housing matters by December 4, 2024. The joint standing committee may  
10 report out legislation related to the suggested legislation and the report to the 132nd  
11 Legislature in 2025.

12 **Sec. 10. Contingent effective date.** Those sections of this Act that amend the  
13 Maine Revised Statutes, Title 30-A, section 4722, subsection 1, paragraphs GG and HH do  
14 not take effect unless:

15 **1. Waivers granted.** The United States Department of Housing and Urban  
16 Development grants a waiver to:

17 A. Allow the Maine State Housing Authority to enter into contracts at a higher rate  
18 than the fair market rental rate as established by the United States Department of  
19 Housing and Urban Development;

20 B. Allow the Maine State Housing Authority or another housing authority or public  
21 corporation created or authorized pursuant to Title 30-A, chapter 201 to establish  
22 reasonable time limits for the use of housing vouchers issued by the Maine State  
23 Housing Authority or another housing authority; or

24 C. Allow the Maine State Housing Authority or another housing authority or public  
25 corporation created or authorized pursuant to Title 30-A, chapter 201 to issue housing  
26 vouchers that may be used upon issuance anywhere within the State; and

27 **2. Notice.** The chief administrative officer of the Maine State Housing Authority  
28 notifies the Secretary of the Senate, the Clerk of the House of Representatives and the  
29 Revisor of Statutes of the receipt of a waiver pursuant to subsection 1, paragraph A, B or  
30 C.

31 **Sec. 11. Contract rates; contingent effective date.** That section of this Act that  
32 enacts the Maine Revised Statutes, Title 30-A, section 4722, subsection 1, paragraph II  
33 does not take effect unless the United States Department of Housing and Urban  
34 Development grants a waiver to allow the Maine State Housing Authority to enter into  
35 contracts at a higher rate than the fair market rental rate as established by the United States  
36 Department of Housing and Urban Development and the chief administrative officer of the  
37 Maine State Housing Authority notifies the Secretary of the Senate, the Clerk of the House  
38 of Representatives and the Revisor of Statutes of the receipt of that waiver.

39 **Sec. 12. Reasonable time limits; contingent effective date.** That section of this  
40 Act that enacts the Maine Revised Statutes, Title 30-A, section 4722, subsection 1,  
41 paragraph JJ does not take effect unless the United States Department of Housing and  
42 Urban Development grants a waiver to allow the Maine State Housing Authority or another  
43 housing authority or public corporation created or authorized pursuant to Title 30-A,

1 chapter 201 to establish reasonable time limits for the use of housing vouchers issued by  
2 the Maine State Housing Authority or another housing authority and the chief  
3 administrative officer of the Maine State Housing Authority notifies the Secretary of the  
4 Senate, the Clerk of the House of Representatives and the Revisor of Statutes of the receipt  
5 of that waiver.

6 **Sec. 13. Geographic expansion; contingent effective date.** That section of this  
7 Act that enacts the Maine Revised Statutes, Title 30-A, section 4722, subsection 1,  
8 paragraph KK does not take effect unless the United States Department of Housing and  
9 Urban Development grants a waiver to allow housing vouchers issued by the Maine State  
10 Housing Authority or another housing authority or public corporation created or authorized  
11 pursuant to Title 30-A, chapter 201 to be used upon issuance anywhere within the State and  
12 the chief administrative officer of the Maine State Housing Authority notifies the Secretary  
13 of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of the  
14 receipt of that waiver.

## 15 SUMMARY

16 This bill does the following regarding housing vouchers.

17 1. It requires the Maine State Housing Authority to collect data regarding and to submit  
18 applications to the United States Department of Housing and Urban Development for  
19 waivers that:

20 A. Allow the Maine State Housing Authority to enter into contracts at a higher rate  
21 than the fair market rental rate as established by the United States Department of  
22 Housing and Urban Development. The waiver may not result in fewer housing  
23 vouchers being issued than before the waiver was obtained;

24 B. Allow the Maine State Housing Authority or a municipal housing authority to  
25 establish reasonable time limits for the use of housing vouchers issued by the Maine  
26 State Housing Authority or the municipal housing authority; and

27 C. Allow the Maine State Housing Authority or a municipal housing authority to issue  
28 housing vouchers that may be used upon issuance anywhere within the State.

29 2. Contingent upon approval of a waiver, it codifies under the powers and duties of the  
30 Maine State Housing Authority the power authorized by each waiver.

31 3. It requires the Maine State Housing Authority to submit:

32 A. Suggested legislation that requires all housing authorities or public corporations  
33 created or authorized pursuant to the Maine Revised Statutes, Title 30-A, chapter 201  
34 to conform their housing voucher programs to the housing voucher program  
35 administered by the Maine State Housing Authority; and

36 B. A report detailing its efforts to obtain the 3 waivers from the United States  
37 Department of Housing and Urban Development.

38 The joint standing committee of the Legislature having jurisdiction over housing  
39 matters is authorized to report out to the 132nd Legislature in 2025 legislation related to  
40 the report and suggested legislation submitted by the Maine State Housing Authority.