

Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals

Additional Legislation of Interest

130th Maine Legislature - LD 484: PL 2021, chapter 753 – AA Relating to the Housing Opportunities for Maine Fund (Taxation Committee)

Public Law 2021, chapter 753 provides that the Maine State Housing Authority must use 25% of funds transferred from the real estate transfer tax to the Housing Opportunities for Maine Fund to support the creation of new housing units, through new construction or adaptive reuse, that are affordable to low-income households.

Title 30-A §4852. Housing Opportunities for Maine Program

1. Operator of program. The Maine State Housing Authority shall operate the Housing Opportunities for Maine Program. This program may be operated in conjunction with or as part of one or more other programs of the Maine State Housing Authority.

2. Use of money. Money in the fund may be used as provided in this subsection.

A. Money in the Housing Opportunities for Maine Fund may be applied to:

- (1) Reduce the rate of interest on or the principal amount of such mortgage loans as the Maine State Housing Authority determines;
- (2) Reduce payments by persons of low-income for the rental of single-family or multi-unit residential housing;
- (3) Make mortgage loans and such other types of loans or grants as the Maine State Housing Authority determines;
- (4) Fund reserve funds for, pay capitalized interest on, pay costs of issuance of or otherwise secure and facilitate the sale of the Maine State Housing Authority's bonds issued under this subchapter;
- (5) Pay the administrative costs of state public bodies or other public instrumentalities and private, nonprofit corporations directly associated with housing projects; and
- (6) Otherwise make the costs of single-family or multi-unit residential housing affordable by persons of low-income.

130th Maine Legislature - LD 1694: PL 2021, chapter 664 – AA To Create the Maine Redevelopment Land Bank Authority (Innovation, Development, Economic Advancement and Business (IDEA) Committee)

Public Law 2021, chapter 664 establishes the Maine Redevelopment Land Bank Authority, whose purpose is to assist municipalities and other entities in this State in the redevelopment of properties, including properties that are blighted, abandoned, environmentally hazardous and functionally obsolete, in order to return those properties to productive use. The redevelopment authority may acquire property at the request of a municipality or county. It also establishes:

- A fund to support the purpose of the redevelopment authority, which includes as a source of revenue a fee on the disposal of construction and demolition debris.
- The Development Ready Advisory Committee within the redevelopment authority in order to develop and maintain best practices for community development and to assist the redevelopment authority and any other entity that requests assistance with redevelopment matters.

Title 30-A chapter 204 – Redevelopment Land Bank Authority

§5153. Definitions

- 1. Abandoned.** "Abandoned" with reference to a property means a property that is vacant and to which the owner has no intent to return.
- 2. Blighted.** "Blighted" with reference to a property means a property on which buildings or improvements are detrimental or are a threat to the public health, safety or welfare in their present condition.
- 3. Environmentally hazardous.** "Environmentally hazardous" with reference to a property means a property that is designated as an uncontrolled hazardous substance site under Title 38, section 1365.
- 4. Functionally obsolete.** "Functionally obsolete" with reference to a property means a property that is unable to be used to adequately perform the functions for which it was intended.

§5154. Maine Redevelopment Land Bank Authority established; purpose

The Maine Redevelopment Land Bank Authority, as established in Title 5, section 12004-G, subsection 7-G and referred to in this chapter as "the redevelopment authority," is a body corporate and politic and a public instrumentality of the State.

The purpose of the redevelopment authority is to assist municipalities and other entities in this State in the redevelopment of properties identified as eligible under section 5157, subsection 1 in order to return those properties to productive use.

The purposes of this chapter are public and the redevelopment authority is performing a governmental function in carrying out this chapter.

§5157. Eligible properties; exemption of certain properties

1. Eligible properties. The redevelopment authority may acquire property through an agreement under section 5158, subsection 4, which may include:

A. Property that the redevelopment authority has determined is abandoned as demonstrated by a totality of evidence including, but not limited to, the following:

- (1) Doors and windows on the property are boarded up, broken or continuously left unlocked;
- (2) Rubbish, trash or debris has accumulated on the property;
- (3) Furnishings and personal property are absent from the property;
- (4) The buildings or improvements on the property are deteriorating so as to constitute a threat to public health or safety;
- (5) Gas, electric or water service to the property has been terminated or utility consumption is so low that it indicates the property is not regularly occupied;
- (6) A mortgagee has changed the locks on the property and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the property;
- (7) Reports of trespass, vandalism or other illegal acts being committed on the property have been made to local law enforcement authorities;
- (8) A code enforcement officer or other public official has made a determination or finding that the property is abandoned or unfit for occupancy;
- (9) The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the property; or
- (10) Other reasonable signs of abandonment;

B. Property that the redevelopment authority has determined is blighted because of:

- (1) Dilapidation, deterioration, age or obsolescence;
- (2) Inadequate provision for ventilation, light, air, sanitation or open spaces;
- (3) High density of population and overcrowding;
- (4) Tax or special assessment delinquency exceeding the fair value of the land;
- (5) The existence of conditions that endanger life or property; or
- (6) Any combination of the factors described in subparagraphs (1) to (5);

C. Property that the redevelopment authority has determined is functionally obsolete due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design or other similar factors that affect the property itself or the property's relationship with other surrounding property;

D. Property that is environmentally hazardous; and

E. Property that a municipality or county has determined is not within the capacity of the municipality or county to redevelop and for which the municipality or county has requested the assistance of the redevelopment authority.

2. Exemption. Notwithstanding any provision of this chapter to the contrary, the redevelopment authority may not:

- A. Acquire land or other natural resources owned by a federally recognized Indian tribe or owned by the United States for the benefit of a federally recognized Indian tribe;
- B. Acquire land the majority of which is unimproved or is not integral to the redevelopment of the property; or
- C. Acquire property that is an active or former military facility that qualifies for inclusion in the Defense Environmental Restoration Program under 10 United States Code, Section 2701.

130th Maine Legislature – LD 1269: PL 2021, chapter 270 (Labor and Housing Committee)

Public Law 2021, chapter 270 requires the Maine State Housing Authority, to the extent consistent with federal law, use its funding or any state or local funding in a manner to affirmatively further fair housing in the State.

Title 30-A §4741, sub-§20

20. Affirmatively further fair housing. The Maine State Housing Authority shall, to the extent consistent with federal law, ensure that any Maine State Housing Authority funding or any state or local funding is used in a manner that will affirmatively further fair housing in this State. For the purposes of this subsection, "affirmatively further fair housing" means to engage actively in efforts to address barriers to and create opportunities for full and equal access to housing without discrimination on the basis of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or receipt of public assistance.

An overview of the federal Fair Housing Act (FHA): <https://legislature.maine.gov/doc/7185>
Maine Fair Housing Act overview: <https://legislature.maine.gov/doc/7186>

In Massachusetts – Chapter 40B – Regional Planning Law (in effect since 1969)

- Enables local Zoning Board of Appeals to approve affordable housing developments under flexible rules if at least 20 to 25% of the units have long-term affordability restrictions.
- Cities and towns that achieve a [minimum housing affordability threshold of 10 percent](#) may reject 40B comprehensive permit applications without facing an appeal from the developer, giving such cities and towns great discretion over 40B proposals.
- MassHousing has made \$2 million available through the [Planning for Housing Production Grant Program](#) to help cities and towns implement their planning goals, and achieve safe harbor status under Chapter 40B.

Here's a link to the law:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40B/Section22>

MassHousing website:

<https://www.masshousing.com/en/programs-outreach/planning-programs/40b>

Citizens' Housing and Planning Association Fact Sheet:

<https://www.chapa.org/sites/default/files/Fact%20Sheet%20on%20Chapter%2040B%202011%20update.pdf>

New MA law (1/21) – Multi-family Zoning Requirement for MBTA communities Mass. General Laws c. 40A §3A

MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions and suitable for families with children