Legislative Committee Meeting 12-13-2018
Meeting
December 13, 2018
Room 209

AGENDA

I. Call to Order

II. Approval of Meeting minutes

a. Approval of November 19, 2018 Meeting Minutes

b. Approval of November 26, 2018 Meeting Minutes

III. Legislative Update

a. Discussion of Legislative Priorities

b. New Items for Committee/Delegation Consideration

c. Lead Safe Housing Program Memo

IV. Meeting Schedule

V. Adjournment

Legislative and Nominating Committee
Meeting Minutes

November 19, 2018
9-11 AM
Room 209
City Hall

I. Call to order

Chair Ali called the meeting to order at 9:07 AM. Present were Councilor and Committee Chair Chair Pious Ali, Councilor and Committee member Jill Duson, Councilor and Committee member Kim Cook, Mayor Ethan Strimling, School Committee member Roberto Rodriguez, Alicia Gardiner, Executive Director of Budget and Finance, PPS, City Manager Jon Jennings, Corporation Counsel Danielle West-Chuhta, Kate Knox, Alysia Melnick, Esq., Mike Murray(Staff), David MacLean (Administrator, Social Services Division, DHHS), Chris Huff (City Assessor), Jeff Levine(Director of Planning and Urban Development), Anne Torregrossa (Associate Corporation Counsel), Chris Hall,(GPCOG) .

II. Approval of minutes

1. Approval of October 10, 2018 meeting minutes

   - Councilor Cook made motion to accept minutes; Councilor Cook seconded; motion passed 3-0.

2. Approval of the November 5, 2018 minutes

   - Councilor Cook moved to amend the minutes of the Committee recommendation of GA funding to reflect Committee recommendation to have staff bring back proposal for Committee to review; Councilor Duson seconded; motion to amend passed 3-0.
   - Councilor Cook moved passage of the amended minutes; Councilor Duson seconded; motion passed 3-0.

III. New Business

1. Presentation of City Legislative Priorities

- Request by Jeff Levine, Director of Planning and Urban Development, for the Committee consider legislation to add flexibility to conditional use approvals. *Committee recommendation is to look to have outside organization sponsor legislation which the committee may support, but not be lead sponsor.*

- Request by Jeff Levine, Director of Urban Planning and Development to amend the subdivision bill from last session, as the bill as currently written does not apply to sites under 1.5 acres in size. *Committee recommendation is to pursue legislative fix in errors/omissions bill.*

- Request by Jeff Levine, Director of Housing and Urban Development is for the Legislature to create a housing tax credit bill; Alysia Melnick stated that ME Affordable Housing Coalition may be submitting legislation to address this.

- Request from Chris Huff, City Assessor to address personal property leased to hospitals is currently tax exempt; a similar bill to change this LD 1212, supported by MMA and the ME Association of Assessing Officers, died on the table in the last session. *Committee is comfortable with concept, but would like to see some other entity bring legislation forward.*

- Presentation by Anne Torregrossa, Associate Corporation Counsel about difficulties with marijuana legislation. Specific areas of concern are:

    1. LD 1539 provides for a caregiver retail stores, but provides no definition.
    2. LD 1539 can't prohibit stores, dispensaries, testing facilities, and manufacturing facilities that are operating with "municipal approval" as of 12/13/2018. There needs to be clarity/definition about what "municipal approval" means.
    3. Currently municipalities cannot prohibit or limit number of caregivers. Again clarity is needed that does not prohibit municipality from imposing zoning or setback restrictions.
    4. Current requirements with NFPA 2018 include certification by a PE of facilities and equipment. There are very few PE's with experience in marijuana industry; request for a state program to qualify engineers.
    5. Request for revenue sharing of marijuana sales tax; data collection by city staff is already in place to develop true cost of what marijuana laws will cost city.
       Committee recommends that staff prepare a draft bill or sections of draft bill & emergency legislation if necessary if State regs do not provide clarity to above concerns.

- Update on GA reimbursement: Dave MacLean, Social Services Administrator explained staff had met and recommended – a combination of pre 2015 policies and post 2015 policies: State reimbursement for all municipalities would be at the current 70% and then bumps to 90% for the fiscal year when GA costs are in excess of .0003 of the municipality's most recent valuation relative to the state fiscal year for which reimbursement is being issued as determined by the State Tax Assessor. This keeps smaller/non service center municipalities whole, while acknowledging the role and costs to service centers and hopefully encourages other municipalities to consider having a shelter in their community. *Committee recommends this approach.*

- Request by the City Manager for legislation to ban persons from carrying weapons in municipal buildings; ME Gun Safety Coalition will be providing a bill*. Committee is supportive of measure to include "city halls" in the description.*

- Lead Screening – *Committee requested staff submit a memo regarding efforts currently undertaken by City of Portland to screen children for lead poisoning*.

- Review of City Councilor Priorities – *Committee suggested that staff merge the city councilor priorities into the list of perennial issues so that there is one master list to review.*

IV. Adjournment

At 11:07 AM, Councilor Cook moved adjournment; Councilor Duson seconded the motion. 3-0 to adjourn.

Legislative and Nominating Committee
Meeting Minutes

November 26, 2018
9-11 AM
Room 209
City Hall

I. Call to order

Chair Ali called the meeting to order at 9:06 AM. Present were Councilor and Committee Chair Chair Pious Ali, Councilor and Committee member Jill Duson, Councilor and Committee member Kim Cook, Rep. Richard Farnsworth, Sen. (Elect) Heather Sanborn, Rep. (Elect) Michael Brenan, Rep. Rachel Tabot-Ross, Rep. (Elect) Ed Crockett, Rep. Matt Moonen, Rep. Erik Jorgensen, Sen. Ben Chipman, Rep. Michael Sylvester, School Committee member Roberto Rodriguez, Alicia Gardiner, Executive Director of Budget and Finance, PPS, City Manager Jon Jennings, Corporation Counsel Danielle West-Chuhta, Kate Knox, Esq.,Alysia Melnick, Esq., Mike Murray(Staff), David MacLean (Administrator, Social Services Division, DHHS), Jeff Levine(Director of Planning and Urban Development), Anne Torregrossa (Associate Corporation Counsel), Troy Moon, (Sustainability Coordinator).

II. Approval of minutes

1. Approval of September 4, 2018 meeting minutes

- Councilor Duson made motion to accept minutes; Councilor Cook seconded; motion passed 3-0.

III. New Business

- Discussion of staff legislative priorities between Legislative Committee & Delegation:

  A. General Assistance Reimbursement

  B. Gap Funding for Asylum Seekers

  C. Land Use/Zoning

  D. Marijuana Rules/Legislation

- Delegation Priorities/Legislation (As of 11/26/2018)

A. General Assistance Legislation
B. Increase GA Benefits for Asylum Seekers from 2-3 years
C. Bond for Housing First Initiatives
D. Bond for Fire Station Construction
E. Local Option Sales Tax
F. Health Care Initiatives
G. Education Funding
H. Bond for Climate Change Initiatives
I. Bill to clarify numbering vs lettering for state and local referendums
J. Bond for Smart Cities Initiatives
K. Funding for School Construction
L. Child Protection and Welfare Services

IV. Meeting Schedule

- Next Meeting scheduled for December 13, 2018 9-11 AM, Room 209, City Hall.

V. Adjournment

- At 11:04 AM, Councilor Duson moved adjournment; Councilor Cook seconded the motion. 3-0 to adjourn.

CITY OF PORTLAND, MAINE

Legislative and Nominating Committee Meeting

Staff Legislative Priorities

General Assistance

1. Reimbursement of GA Costs

Prior to 2015, all municipalities receive 50% reimbursement until they reach a threshold, at which point the reimbursement bumps up to 90% for the fiscal year when GA costs are in excess of .0003 of the municipality's most recent valuation relative to the state fiscal year for which reimbursement is being issued as determined by the State Tax Assessor. Since 2015, GA has been reimbursed at a 70% rate.

Legislative Change: Request is to add the 90% reimbursement for GA when a community reaches the above described threshold.

This keeps smaller/non service center municipalities whole, while acknowledging the role and costs to service centers and hopefully encourages other municipalities to consider having a shelter in their community.

LC recommendation: Staff to draft bill title and LC to discuss with Delegation.

Administrative Change: Operating expenses – hopeful that the new administration will return to the interpretation in which reimbursement calculations include all shelter operating expenses.

2. Gap Coverage for Asylum Seekers

Proposal to have State provide GA assistance to asylum seekers from the time that duration of stay for which a person is considered lawfully present to the time the individual obtains proof of receipt of the asylum application being received by the Federal Government, which allows that person 24 months of assistance from that date. The "gap" can be anywhere from 6-9 months without coverage.

LC recommendation – Staff to develop language for bill title

Administrative Change: ILAP to share their definition of lawfully present/pursuing a lawful process with the new administration in the hopes that it will utilize this definition for purposes of GA state reimbursement for non-citizens. This does not require a legislative change.

Sustainability

1. Proposal for legislation to relax the net metering cap for large scale community solar; currently set a 1MW.

   LC Recommendation - Lobbyist and staff to m*onitor for Bill Titles; LC may take a position but not take the lead.*

2. Proposal for legislation to compensate municipal and community solar project owners in cash rather than kWh credits; current legislation does not cover demand charges which City of Portland is subject to. Monetary credit could then be applied to the demand charges.

   LC Recommendation - Lobbyist and staff to m*onitor for Bill Titles; LC may take a position but not take the lead.*

3. Proposal for legislation that would expand number of participants in a net metered community solar projects; current number of participants is 9.

   LC Recommendation - Lobbyist and staff to m*onitor for Bill Titles; LC may take a position but not take the lead.*

4. Proposal for legislation that would allow municipalities to adopt a stretch energy code to improve performance of new building construction .

   LC Recommendation - Lobbyist and staff to m*onitor for Bill Titles; LC may take a position but not take the lead.*

Land Use

1. Proposal to make changes to state zoning statutes to provide limited flexibility.

   LC Recommendation – look to MEREDA or other organization to lead bill efforts that LC may support.

2. Request a fix to the subdivision legislation from last session. The MEREDA bill that the City supported does not apply to sites under 1.5 acres; this size limit does not help the City.

   LC Recommendation – Possible remedy in the errors/omissions bill later in the session.

3. Creation of a state housing tax credit program. Creation of such a program will help further address the need for affordable homes.

   LC Recommendation – MAHC bring forth bill that LC can support.

Assessing

1. Amend Definition of Eligible Business Equipment for BETE program; currently leased hospital equipment is exempt from personal property tax. LD 1212 in the last session was intended to correct the issues; it received the support from MMA and the ME Association of Assessing Officers, but died on the table.

   LC Recommendation - Committee is comfortable with concept, but would like to see some other entity bring legislation forward.

Marijuana

1. LD 1539 provides for a caregiver retail stores, but provides no definition.

2. LD 1539 can't prohibit stores, dispensaries, testing facilities, and manufacturing facilities that are operating with "municipal approval" as of 12/13/2018. There needs to be clarity/definition about what "municipal approval" means.

3. Currently municipalities cannot prohibit or limit number of caregivers. Again clarity is needed that does not prohibit municipality from imposing zoning or setback restrictions.

4. Current requirements with NFPA 2018 include certification by a PE of facilities and equipment. There are very few PE's with experience in marijuana industry; request for a state program to qualify engineers.

5. Request for revenue sharing of marijuana sales tax; data collection by city staff is already in place to develop true cost of what marijuana laws will cost city.

   LC Recommendation – Committee is comfortable bringing forth legislation; requests staff to prioritize requests for legislation or emergency legislation.. Committee recommends that city staff be trained in equipment/facilities certifications.

Safety in Municipal Buildings

1. Request brought forth by City Manager to ban weapons from municipal buildings/city halls. Lobbyist has indicated that ME Gun Safety Coalition will be introducing legislation.

LC Recommendation – Committee is supportive of legislation; wants to ensure that "city halls" are in the bill language.

Lead Screening/Child Safety

1. Lobbyist alert Committee that MAHC is proposing legislation to create a universal lead screening law in Maine.

   LC Recommendation – Committee is supportive of this measure and has asked staff to prepare supporting documentation as to what measures are already taking place in Portland through Housing and Neighborhood Services.

Perennial Legislative Issues/City Councilor Legislative Priorities

The following is a list of perennial issues that has been assembled by our lobbyist. In addition, the list includes items identified by city councilors as areas of concern; those items in *italics* are called out in the list and attributed to individual councilors.

<u>Perennial Issues to Discuss Pre Session</u>

1. **Revenue sharing** (full funding/increasing funding - currently 2% and want it to back to 5%)

   **Identified as priority by Councilors Costa, Ray*

   **Identified as priority by Ray – revenue sharing model that offers greater funding to service center cities;*

2. **School funding**
   a. Changes to the formula
   b. State aid for education/property tax relief (making good on 55% obligation to municipalities)
   c. Free and reduced lunch
   d. Supports for low income students
   e. School based health centers
   f. Funding for facilities/school construction (revolving school loan fund)

   ** Identified as a priority by Strimling – raise debt ceiling so that more schools can make the construction funding list;*

   **Identified as Priority by Ray – reforming school funding formula to address communities that are land rich and income at or below average;*

**Identified as priority by Costa – overall funding for education;*
state support for adult education, including workforce development;
teacher retirement costs;

3. **Addressing the opioid crisis** (funding and support for evidence-based prevention, treatment and enforcement measures)
    a. Funding for needle exchanges
    b. Funding/increased support for LEAD type programs

    **Identified as priority for Ray – more funding for detox beds and treatment facilities;*

    **Identified as a priority by Batson – Increased funding for opioid treatment;*

4. **Public benefits** – General protection of/increased state funding for state SSI, TANF, and GA
    a. Oppose the creation of additional/unreasonable barriers to accessing benefits
    b. Support increased state funding (change GA funding form?)
    c. Support reimbursement of service centers by the municipalities that send them (or the state)
    d.

    **Identified as priority for Batson – Increased funding for HHS; increased funding for homeless services;*

    **Identified as priority by Costa – Shelter reimbursements & GA rules more generally;*

    **Identified as priority by Ray – bring back Chipman bill to mandate communities treat homelessness as an emergency and use GA funds to provide housing in hotels or temporary housing if they do not operate a shelter facility*

5. **Public benefits (mostly GA) for non-citizens/asylum seekers**

6. **LOST -**
    a. MC/MMA/Service Center Coalition may be able to take lead on this issue. MMA and Mayor's coalition both exploring proposals.

        **Identified as priority for Ray – LOST*

    b. Adult use cannabis LOST for host communities?\

7. **Firearms controls**
    a. Guns in school parking lots
    b. Red flag bill.
    c. Background checks

8. **Affordable housing**

   a. Senior housing
   b. Housing for those experiencing homeless

9. **Automobile excise tax**

10. **Property tax proposals** (support or opposition depends on impact of proposal)

11. **Homestead exemption**

12. **County jail funding**

13. **County inmate healthcare costs**

14. **Bonds (especially for infrastructure, roads, schools, etc.)**

    Priority identified by Costa – fire stations; port activities, i.e. dredging, pier improvements *

<u>Other bills we anticipate this year for which you may want to pre-discuss your position.</u>

1. **Adult Use Marijuana Tax Revenue**
   a. MMA considering proposing 25% of excise and sales tax revenues from adult use cannabis be shared with host communities.

   *Identified as a priority by Ray - % of marijuana taxes for municipalities that allow retail shops

2. **Moving CDS services to the public schools (Per** Xavier, this is ok as long as it doesn't become part of the EPS formula)
3. **ELL criteria changes -** Changes to the criteria for students to exit the ELL program will result in loss in school funding for Portland (about 160-200 kids will exit due to the change). We need a temporary fix to cover this year. Heather Sanborn offered to put in a bill/spoke to Xavier.

Other:

Sustainability

**Identified as a priority for Ray: more/new credits for energy efficiency and renewables (solar power, geothermal pumps, energy efficient appliances, windows, doors, etc)*

L.D. 1010

Date: (Filing No. H-)

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 711, L.D. 1010, Bill, "An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow for the Regulation of Transportation Network Companies at Airports'

Amend the bill in the emergency preamble in the 3rd paragraph in the first line (page 1, line 5 in L.D.) by striking out the following: "municipalities" and inserting the following: 'primary airports as designated by the Federal Aviation Administration that have at least 20,000 enplaned passengers annually'

Amend the bill by striking out all of section 1 and inserting the following:

'**Sec. 1. 29-A MRSA §1677,** as enacted by PL 2015, c. 279, §2, is amended to read:

§1677. Municipal action

Notwithstanding any other provision of law, a municipality or other political subdivision may not adopt an ordinance, regulation or procedure governing the operations of a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride or impose a tax or fee on or require a license for a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride<u>, except that a primary airport as designated by the Federal Aviation Administration that annually has at least 20,000 enplaned passengers may regulate the traffic flow and parking for and charge reasonable fees to a transportation network company in a manner consistent with the airport's regulation of other reserved transportation providers</u>.'

SUMMARY

This amendment, which is the majority report, removes the provisions of the bill and instead provides that a primary airport with at least 20,000 enplaned passengers annually may regulate the traffic flow and parking for and charge reasonable fees to a transportation network company in a manner consistent with the airport’s regulation of other reserved transportation providers.

Testimony to the Joint Standing Committee on Transportation

On: LD 1010 “An Act to Allow for the Regulation of Transportation Network Companies at Airports by Municipalities”

April 7, 2017

Paul H. Bradbury, Airport Director Portland International Jetport

Good morning Chairman Collins, Chairman McLean, and members of the committee. My name is Paul Bradbury, Airport Director for the Portland International Jetport. Thank you for the opportunity to speak to the Committee. Today, I will be commenting on the benefits of enacting LD 1010, for the Portland International Jetport.

The Portland International Jetport provides a critically important connection for Maine residents, businesses, and visitors to the national and international air transportation systems. It provides this connection to nearly 1.8 million individuals each year. The ability to quickly and efficiently connect Maine to the world is vital to the State’s economy. The Jetport’s recently completed Sustainable Airport Master Plan found the total economic benefit of the Jetport to be over $1.04 billion annually, supporting more than 8,200 jobs.

Under current law Sec.1. 29-A M.R.S.A Chapter 13, subchapter 4 section 1677 the ability for airports to regulate Transportation Network Companies (TNCs) such as Uber and Lyft was preempted by the State. Airports are unique facilities that must safely and efficiently connect air travelers to all available modes and forms of ground transportation including private vehicles, taxis, livery, limos, shuttles, buses, bicycles, and walking. This is a difficult task at facilities that tend to be very constrained on space and subject to traffic peaks throughout the day based on flight schedules. On a busy day in August peak hour traffic can exceed 2,000 passengers that must all be accommodated through some form of ground transportation.

Transportation Network Companies have become a helpful and efficient method of transportation for many people throughout Maine and the country. I certainly support and want to provide every ground transportation option to our many travelers. Yet, the inability to regulate TNCs has already caused congestion and confusion at the Portland International Jetport as TNC driver’s attempt to solicit fares through smart phone applications which are geo-referenced by location. The selection of a TNC driver is based upon proximity to the request for service, so there is an incentive for the TNC driver to continuously loop airport roadways or loiter in areas intended for immediate passenger pick up/drop off. Additionally the lack of rules surrounding TNCs causes conflict and confusion with the operation of other ground transportation service operators who are required to comply with airport rules.

All other commercial ground transportation operators at the Portland International Jetport are required through the establishment of its rules and regulations to queue in designated locations and pay fees associated with their operation. This regulation provides for the safe and efficient interaction of pedestrians, private vehicles, and commercial vehicles within the limited space of the Jetport roadway system and terminal pick up/drop off curb.

Other airports across the country have already established rules and entered into agreements with TNCs in order to alleviate the problems now being experienced at the Portland International Jetport. TNCs have established geo-fences on airport campuses that consider all TNC drivers entering the campus as equidistant to the airport then allocate fare assignments based on a first-in/first out process. Additionally TNCs through rules and agreements with airports have designated waiting areas for their drivers outside of the roadway system to avoid congestion. All of these options for the prudent management of TNCs at airports in Maine have been pre-empted by current law under Section 1677 of 29-A M.R.S.A.

Airports in Maine need the ability to regulate all commercial ground transportation including TNCs within their campuses to provide safe, efficient, and convenient access to all travelers.

Please provide the Jetport and all airports in Maine the tools to properly manage ground transportation by adopting LD 1010.

4. **Powers of municipality or plantation.** Within development districts and consistent with the development program, the municipality or plantation may acquire, construct, reconstruct, improve, preserve, alter, extend, operate or maintain property or promote development intended to meet the objectives of the development program. Pursuant to the development program, the municipality or plantation may acquire property, land or easements through negotiation or by using eminent domain powers in the manner authorized for community development programs under section 5204. The municipality's or plantation's legislative body may adopt ordinances regulating traffic in and access to any facilities constructed within the development district. The municipality or plantation may install public improvements.

[2011, c. 101, §8 (AMD) .]

SECTION HISTORY
2001, c. 669, §1 (NEW). 2003, c. 451, §NNN1 (AMD). 2005, c. 646, §1 (AMD). 2007, c. 413, §3 (AMD). 2007, c. 693, §3 (AMD). 2007, c. 693, §37 (AFF). 2009, c. 314, §8 (AMD). 2009, c. 627, §1 (AMD). 2011, c. 101, §8 (AMD). 2011, c. 287, §1 (AMD). 2011, c. 675, §2 (AMD). 2011, c. 691, Pt. A, §31 (AMD). 2013, c. 184, §2 (AMD).

§5224. DEVELOPMENT PROGRAMS

1. **Adoption.** The legislative body of a municipality or plantation shall adopt a development program for each development district. The development program must be adopted at the same time as is the district, as part of the district adoption proceedings or, if at a different time, in the same manner as adoption of the district, with the same notice and hearing requirements of section 5226. Before adopting a development program, the municipal or plantation legislative body shall consider the factors and evidence specified in section 5223, subsection 2.

[2011, c. 101, §9 (AMD) .]

2. **Requirements.** The development program must include:

A. A financial plan in accordance with subsections 3 and 4; [2001, c. 669, §1 (NEW).]

B. A description of public facilities, improvements or programs to be financed in whole or in part by the development program; [2001, c. 669, §1 (NEW).]

C. A description of commercial facilities, arts districts, transit expansion, improvements or projects to be financed in whole or in part by the development program; [2009, c. 314, §9 (AMD).]

D. Plans for the relocation of persons displaced by the development activities; [2001, c. 669, §1 (NEW).]

E. The proposed regulations and facilities to improve transportation; [2001, c. 669, §1 (NEW).]

F. The environmental controls to be applied; [2001, c. 669, §1 (NEW).]

G. The proposed operation of the development district after the planned capital improvements are completed; [2001, c. 669, §1 (NEW).]

H. The duration of the development district, which may not exceed a total of 30 tax years beginning with the tax year in which the designation of the development district is effective pursuant to section 5226 or, if specified in the development program, the subsequent tax year; and [2013, c. 184, §3 (AMD).]

I. All documentation submitted to or prepared by the municipality or plantation under section 5223, subsection 2. [2011, c. 101, §10 (AMD).]

[2013, c. 184, §3 (AMD) .]

betterment of the health, welfare or safety of the inhabitants of the municipality or plantation. Interested parties must be given a reasonable opportunity to present testimony concerning the proposed district or program at the hearing provided for in section 5226, subsection 1. If an interested party claims at the public hearing that the proposed district or program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evidence to that effect, the legislative body must consider that evidence. When considering that evidence, the legislative body also shall consider whether any adverse economic effect of the proposed district or program on that interested party's existing business in the municipality or plantation is outweighed by the contribution made by the district or program to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the inhabitants of the municipality or plantation.

[2011, c. 101, §8 (AMD) .]

3. Conditions for approval. Designation of a development district is subject to the following conditions:

A. At least 25%, by area, of the real property within a development district must meet at least one of the following criteria:

(1) Must be a blighted area;

(2) Must be in need of rehabilitation, redevelopment or conservation work including a fisheries and wildlife or marine resources project; or

(3) Must be suitable for commercial or arts district uses. [2011, c. 675, §2 (AMD).]

B. The total area of a single development district may not exceed 2% of the total acreage of the municipality or plantation. The total area of all development districts may not exceed 5% of the total acreage of the municipality or plantation. [2011, c. 101, §8 (AMD).]

C. The original assessed value of a proposed tax increment financing district plus the original assessed value of all existing tax increment financing districts within the municipality or plantation may not exceed 5% of the total value of taxable property within the municipality or plantation as of April 1st preceding the date of the commissioner's approval of the designation of the proposed tax increment financing district.

Excluded from the calculation in this paragraph is any district excluded from the calculation under former section 5253, subsection 1, paragraph C and any district designated on or after the effective date of this chapter that meets the following criteria:

(1) The development program contains project costs, authorized by section 5225, subsection 1, paragraph A, that exceed $10,000,000;

(2) The geographic area consists entirely of contiguous property owned by a single taxpayer;

(3) The assessed value exceeds 10% of the total value of taxable property within the municipality or plantation; and

(4) The development program does not contain project costs authorized by section 5225, subsection 1, paragraph C.

For the purpose of this paragraph, "contiguous property" includes a parcel or parcels of land divided by a road, power line or right-of-way. [2011, c. 101, §8 (AMD).]

D. [2013, c. 184, §2 (RP).]

The conditions in paragraphs A to C do not apply to approved downtown tax increment financing districts, tax increment financing districts that consist solely of one or more community wind power generation facilities owned by a community wind power generator that has been certified by the Public Utilities Commission pursuant to Title 35-A, section 3403, subsection 3 or transit-oriented development districts.

[2013, c. 184, §2 (AMD) .]

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

To: Jeff Levine, Director, Planning and Urban Development

From: Theresa Galvin, Lead Safe Housing Program Manager
Housing & Community Development Division

cc: Mary Davis, Division Director Housing and Community Development

Date: December 6, 2018

Subject: Lead Safe Housing Program

The City of Portland received its first HUD Lead Hazard Control Grant in 1995, followed up by an additional five, three year grants (including the current one). To date, under the City's Lead Hazard Control grant program, 413 Portland units have been made lead-safe.

The 2016-2019 Lead Hazard Control grant from HUD is a county-wide program committed to completing lead hazard control work in 88 units. As of this date, 50 units have been completed, with 27 of those units located in Portland and the remaining in Westbrook, South Portland and several other municipalities. New to this grant cycle is the Healthy Homes Program, which provides additional funding to address code violations, and health and safety issues. A Healthy Homes inspection is performed on all qualifying units, and in conjunction with HOME and CDBG funds, the program is able to address findings that align with the priorities of the program.

The Lead Safe Housing Program aims to achieve the following goals:

- Increase public awareness of lead-based paint hazards. Target audiences include property owners, property management companies, high risk tenants and community health and housing organizations.
- Create a coordinated effort with the City of Portland's Department of Health and Human Services, Maine CDC and Maine Housing to reduce the incidence of childhood lead poisoning.
- Increase the pool of lead abatement contractors and property owners with program funded trainings that teach lead safe practices.

- Provide a City of Portland Lead Safe Housing Registry as a resource to prospective renters or buyers.

The program is designed to benefit low and moderate-income families and households. A grant applicant must meet the HUD income limits set for Portland and other municipalities within Cumberland County. Priority is given to rental units where there is an active abatement order or where young children reside. If enrolled in the program, property owners agree to rent the unit to low income families for a period of three years.

Under the program guidelines, created in accordance with HUD rules and regulations, the City is allowed to issue a forgivable loan of up to $10,000 per qualifying unit for lead abatement work. With permission from HUD, on a case by case basis, that amount can be increased to $20,000/unit. The Healthy Homes portion of the HUD grant allows up to $2,750/unit to address code violations, and health and safety risks that might exist in the property. For this grant cycle, the average cost per unit is landing at approximately $9,000/unit.

Portland also addresses lead-safe practices by leveraging funds as the lead entity for the Cumberland County HOME Consortium (CCHC). The Consortium allows both programs to reach a much wider audience with their lead outreach and education efforts, as well as produce a number of lead-safe units in other communities across Cumberland County. This joint effort results from a desire to provide cost-effective , efficient programs to benefit all communities of the region.