

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
H.P. 960 - L.D. 1505

An Act to Amend the Maine Cooperative Affordable Housing Ownership Act

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

Sec. 1. 13 MRSA §1742, sub-§4-A is enacted to read:

4-A. Group equity cooperative. "Group equity cooperative" means a cooperative affordable housing corporation organized in accordance with section 1763.

Sec. 2. 13 MRSA §1742, sub-§4-B is enacted to read:

4-B. Housing assistance program. "Housing assistance program" means any program that offers financial assistance to individuals or organizations for housing costs, residential utilities or the development, acquisition, repair, weatherization, remediation, renovation or operation of residential housing.

Sec. 3. 13 MRSA §1742, sub-§4-C is enacted to read:

4-C. Housing cooperative. "Housing cooperative" includes any type of cooperative affordable housing corporation.

Sec. 4. 13 MRSA §1754, sub-§2, as enacted by PL 1993, c. 300, §1, is amended to read:

2. Maintenance of affordability. A limited equity formula, once established by a cooperative affordable housing corporation in its articles of incorporation, may be amended only if that amendment does not make the cooperative membership unaffordable for classes of low-income or moderate-income households for which the cooperative affordable housing corporation was originally incorporated. A cooperative affordable housing corporation once organized under this section may not reorganize as other than a limited equity cooperative or group equity cooperative without first dissolving.

Sec. 5. 13 MRSA §1760, sub-§1, ¶B, as enacted by PL 1993, c. 300, §1, is amended to read:

B. As a dividend not to exceed 6% per annum on invested capital, except that a group equity cooperative may not apportion a dividend.

Sec. 6. 13 MRSA §1763 is enacted to read:

§1763. Group equity cooperative

A cooperative affordable housing corporation may organize as a group equity cooperative for the purpose of providing and preserving housing for classes of low-income or moderate-income households at the time that the person or household purchases a membership. A group equity cooperative must meet the following requirements.

1. Interest does not accrue equity. The articles of incorporation must require that cooperative interests may not be sold for more than the original par value. The original par value may not exceed \$100.

2. Maintenance of affordability. A cooperative affordable housing corporation, once organized under this section, may not reorganize as other than a group equity cooperative without first dissolving.

3. Uphold public purpose. A group equity cooperative may not sell all or substantially all of its assets if the sale is intended to circumvent the purpose of this section.

4. Right to repurchase. The articles of incorporation must require that the cooperative affordable housing corporation has the first right to repurchase a member's cooperative interest.

5. No capital distribution. The articles of incorporation must require that there is no distribution of capital to a member in the form of dividends or any additional interest in the cooperative affordable housing corporation.

6. Distribution upon dissolution. The articles of incorporation must require that upon dissolution of the cooperative affordable housing corporation any assets remaining after retirement of corporate debts and distribution to members must be distributed to a charitable organization described in the United States Internal Revenue Code of 1986, Section 501(c)(3), as amended, a public agency or another limited equity cooperative whose formula for determining transfer value is no less restrictive than that of the cooperative affordable housing corporation being dissolved.

7. Sublease limitations. The articles of incorporation must require that a sublease of a unit may not require monthly payments by the sublessee in excess of 100% of the monthly payments for the unit required in the proprietary lease.

8. Minimum occupancy requirement. At least 80% of the occupied units of a group equity cooperative must be occupied by members.

9. Residents only. Voting authority may not be assigned to nonresidents.

Sec. 7. 13 MRSA §1764 is enacted to read:

§1764. Housing assistance programs

1. Program inclusion. Housing cooperatives and residents of housing cooperatives as classified or categorized in subsection 2 as owners, landlords, tenants or renters must be considered for eligibility as owners, landlords, tenants or renters for all state and municipal housing assistance programs, including publicly funded programs administered by private agencies, notwithstanding state law or agency rules to the contrary, including but not limited to:

A. Energy efficiency and weatherization assistance programs administered by the Efficiency Maine Trust Board set out in Title 35-A, section 10103, subsection 2;

B. Programs administered by the Maine State Housing Authority established by Title 30-A, section 4722, including but not limited to home fuel and electricity assistance programs, manufactured home replacement programs and programs to assist tenants with locating housing and with the rental application process and to provide supportive services to promote successful landlord-tenant relationships; and

C. Municipal general assistance provided pursuant to Title 22, chapter 1161.

2. Classification of housing cooperatives. Housing assistance programs may develop specific policies that govern the treatment of program applicants who belong to or reside in housing cooperatives. For those programs that do not have specific policies regarding housing cooperatives, program applicants belonging to the housing cooperative must be treated as owners with a housing classification type of homeownership, except for the following:

A. A program applicant belonging to a group equity housing cooperative must have the program applicant's housing type classified as rental property, and all residents must be categorized as a renter or tenant and the group equity housing cooperative must be categorized as the owner or landlord and carrying charges as rent; and

B. A program applicant who is a resident of a housing cooperative and leases the program applicant's unit from the housing cooperative but is not a member of the housing cooperative, does not own a share of stock and does not hold any other ownership interest in the housing cooperative or residential property must be categorized as a renter or tenant and the respective cooperative affordable housing corporation must be categorized as owner or landlord.

3. Cooperative affordable housing corporation participation in housing assistance programs. If a cooperative affordable housing corporation is classified as the owner, the cooperative affordable housing corporation has the right to apply for multifamily owner benefit programs in accordance with the guidelines of the housing assistance programs.