

Summary of LD 2003

Presentation to KVCOG
Annual Planning Day

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Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (LD 609)

Recommendations

1. Allow accessory dwelling units by right in all zoning districts currently zoned for single-family homes.
2. Eliminate single-family zoning restrictions in all residential zones across the State by allowing up to four residential units on all lots, in compliance with ii any health and safety requirements such as minimum septic and lot sizes, with a sunrise clause to provide adequate time for municipalities to prepare for this change.
3. Prohibit municipal growth caps on the production of new housing.
4. Provide technical and financial assistance for all communities seeking support in making zoning improvements and in identifying opportunities for increasing affordable housing.
5. Create density bonuses in all residential zones throughout the State, giving low to middle-income housing projects 2.5 times the density of the existing zone, with a parking requirement of no more than .66 spaces per unit for the additional units, and with the requirement that those units be protected as affordable for a specific period of time.
6. Create a three-year statewide incentive program for municipalities as follows: in Year 1, a qualifying community must make a commitment to reviewing zoning and land use restrictions. In Years 2 and 3, adopt zoning and land use policies to promote housing opportunities; qualifying communities would receive a state financial reward for up to three years, so long as they remain in good standing with the program requirements.
7. Create a system of priority development areas, where multifamily housing is permitted with limited regulatory barriers.
8. Strengthen Maine's Fair Housing Act by eliminating the terms "character," "overcrowding of land," and "undue concentration of population" as legal bases for zoning regulations.
9. Create a state-level housing appeals board to review denials of affordable housing projects made at the local level.

An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (LD 2003)

Original Bill

1. Amends the fair housing provisions of the Maine Human Rights Act to define the terms "character of a location," "overcrowding of land" and "concentration of the population" and to prohibit municipalities and government entities from using these criteria to restrict the construction or development of housing accommodations in any area;
2. Establishes the Municipal Housing Development Permit Review Board, which is responsible for the review of municipal housing development permit decisions;
3. Prohibits municipalities from adopting any ordinance that caps the number of building or development permits each year;
4. Requires DECD to develop a program to provide technical assistance to municipalities for the purposes of developing and implementing zoning and land use ordinances;
5. Requires DECD to implement a program to provide grants to municipalities for the purposes of contracting for services and hiring staff to help administer municipal responsibilities in developing and implementing zoning and land use ordinances;
6. Requires DECD to create an incentive program that a municipality may participate in for up to 3 years and receive grants for fulfilling certain requirements related to reviewing how its zoning and land use ordinances may impact the availability of housing;
7. Defines "affordable housing development," requires municipalities to allow affordable housing developments to be built at certain densities and sets certain criteria to ensure that an affordable housing development remains affordable for at least 30 years;
8. Requires, for any zone in which housing is permitted, that a municipality permit structures with up to 4 dwelling units and creates general requirements for municipal ordinances governing residential zones;
9. Requires municipalities to allow the construction of accessory dwelling units and sets out specific requirements for the permitting and construction of accessory dwelling units; and
10. Requires that a municipality designate an area within the municipality as a priority development zone, which is defined as a zone in which multifamily housing is permitted at a greater density, and requires the priority development zone to be located in an area that has significant potential for housing development and is located near community resources.

LD 2003 as Enacted (P.L. 2021, ch. 672)

- DECD to establish statewide housing production goals
- Municipal role in statewide production goals & STR regulatory authority
- Affordable housing density bonus
- Up to 4 dwelling units allowed per lot
- Accessory dwelling units

Statewide Housing Production Goals

- DECD, in coordination with Maine State Housing Authority, must establish statewide and regional goals that increase the availability and affordability of all types of housing in all parts of the State.



Municipal Role in Statewide Housing Production Goals

- Fair housing and nondiscrimination
 - Municipalities shall ensure ordinances and regulations are designed to further the purposes of the federal Fair Housing Act and the Maine Human Rights Act to achieve the statewide or regional housing production goals
- Municipalities may regulate short-term rentals
 - In order to achieve the statewide or regional housing production goals.



Affordable Housing Density

- Affordable housing developments where multifamily dwellings are allowed must be allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location
- May not require more than 2 off-street parking spaces for every 3 units
- The development must be in a designated growth area or the served by a public, special district or other centrally managed water and sewer system
- Restrictive covenants to ensure long-term affordability
- Must comply with shoreland zoning
- Is not exempt from subdivision requirements



Up to 4 Dwelling Units on a Lot

For any area where housing is allowed

- If no existing dwelling unit is on a lot:
 - Up to two dwelling units, or
 - Up to four dwelling units if lot is in a designated growth area or served by public, special district, or centrally managed water and sewer system
- If existing dwelling unit is on a lot:
 - Addition of up to two dwelling units
 - Within or attached, detached, or one of each.
- Cannot establish density dimensional or setback requirements that are greater than requirements for single-family housing units
- Can establish lot area per dwelling unit requirement as long as required lot area for subsequent units is not greater than required lot area for the first unit
- Lot not eligible for additional density requirements
- Housing must comply with shoreland dwelling



Accessory Dwelling Units



- An ADU must be allowed to be located on the same lot as a single-family dwelling in any area where housing is permitted
- Can be constructed:
 - Within an existing dwelling unit
 - Attached to or sharing a wall with a single-family dwelling unit
 - As a new structure
- Exempt from density and area requirements
 - But - if more than one ADU is constructed, lot is not eligible for additional increases in density
- Setback and dimensional requirements must be same as single-family dwelling units
- Not subject to additional parking requirements.

Thank you.

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