



## Testimony of the Maine Municipal Association

### In Opposition to LD 1673, *An Act To Create a Comprehensive Permit Process for the Construction of Affordable Housing*

February 14, 2022

---

Senator Daughtry, Representative Sylvester and members of the Labor and Housing Committee, my name is Kate Dufour, and I am providing testimony in opposition to LD 1673 on behalf of the Maine Municipal Association (MMA).

Municipal officials oppose LD 1673 because it shifts decision-making authority for housing developments away from residents, either appointed by boards and councils or elected by their peers, who are most familiar with our communities' ordinances, comprehensive plans, and goals.

As proposed, decisions over affordable housing developments are left to the local board of appeals, rather than being first reviewed by the planning board. More troubling, however, is that in communities without appointed appeals boards, the decision over housing developments would be left to the Maine State Housing Authority (MSHA). This important decision, which can have financial and infrastructure related impacts, is shifted to an entity that may or may not understand or have any familiarity with a community's goals.

While the bill provides the procedures by which the local appeals board, or MSHA, must consider a denial, our reading of the language suggests that following the procedure is at the discretion of the local board or MSHA. As drafted, the failure to convene a public hearing within 30 days of the receipt of the application or to render a decision within 40 days of the public hearing, if scheduled, results in the automatic approval of the housing project. Furthermore, these entities are authorized to adopt rules for the conduct of their business and provide those rules to the municipality, seemingly without community input.

To the extent a local appeals board or MSHA deny an application, a five-member Affordable Housing Appeals Committee, which includes a member of MSHA, would be available to review that outcome, further removing local decision-making from the community. It is unfathomable to think that a group of five individuals would have the time, resources, and

information necessary to carefully evaluate decisions for adherence to the planning goals and infrastructure needs of the hundreds of communities in Maine.

Rather than moving forward with this approach, municipal leaders urge you to implement a process that is based on partnerships with your constituents and our residents. A successful plan, reflecting some of the recommendations of the Housing Commission, is one that is focused on the development of measurable goals, assessment of which level of government is better suited to implement mutually beneficial strategies and investment in financial and technical resources necessary to deliver statewide goals.

Working together, rather than at odds, will yield intended outcomes without stripping the voices of municipal residents who will be left to address all unintended consequences associated with eroding local control.

Compromise and investment in our communities is the path forward.

Thank you for considering the municipal perspective on this issue.