



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

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Testimony of the Maine Municipal Association

In Support For

*LD 665 – An Act to Extend the Date by Which Compliance is Required for Affordable Housing
Development, Increased Numbers of Dwelling Units and Accessory Dwelling Units*

April 11, 2023

Sen. Pierce, Rep. Gere, and distinguished members of the Housing Committee, my name is Rebecca Graham, and I am providing testimony in support of LD 665 on behalf of Maine Municipal Association which represents the interests of municipal government before the state and federal government. The positions of the Association are formed at the direction of our 70-member Legislative Policy Committee, (LPC) who are elected by the selectboards and council of the municipalities in each of the 35 Senate districts in Maine. As a result, the positions represent a wide view of communities with varying resources, rural and urban, and those with ample local resources as well as those with none.

This initiative forms an MMA platform bill at the direction of that same LPC, and we thank Rep. Allison Hepler for carrying this effort forward for communities in her own district as well as the rest of Maine.

First let me open with what this bill does not do. This bill does not prevent communities who feel ready to move forward from doing so. That said, there are many pieces of rulemaking that are not yet final and may require an edit of those efforts later. A delay in implementation does not change, stop, or slow down those efforts.

This bill does not prevent communities from continuing their efforts to attract affordable housing development into their communities. That said, it remains to be seen how they will positively support achieving statewide housing goals for their region, as those goals have not yet been established by the department.

Long before LD 2003 was adopted, communities had moved in a direction to allow ADUs and have not seen any significant uptick in building, in part because of the same issues that have created the housing crisis in Maine —market forces— and limited access to funding for the average working-class homeowner coupled with a lack of builders to meet the demand. To answer one piece of these market forces, Auburn, has not only created preapproved plans for ADU development, but they have also created a grant program to assist homeowners without capacity to build from the plans.

Over sixty percent of Maine's 487 towns have no zoning at all, and in order to comply with statute they need the rules, technical support to establish density requirements and to adopt ordinances to conform with achieving statewide housing goals for their region —again not yet established by the department.

As written, the statute attempts to create statewide definitions for common terms that exist in municipal ordinances in several forms. As a result, not only do all communities need to have the

Department of Economic and Community Development (DECD) rules fully established to understand how to edit those terms and apply them across their multiple ordinances, but towns also need to adopt new ordinances that will allow for broader applications of where accessory dwelling units can be constructed. The Association understands it will be May until they are finalized.

Absent the funding mechanism required by the constitution when enacted, the statute and subsequent rules are voluntary, not mandated, and this is not what was envisioned by the statute. MMA understands that DECD is working on an appropriation to reimburse municipalities for this work, in addition to the grant program for community organizations to assist them. These pieces need to be in place for many towns to even begin this work.

The date of July 1, 2023 was established in statute without a proper understanding of the due process responsibilities for municipal ordinance adoption. Why does this matter? If this body actually cares about dedicating resources to housing and not to pockets of trial attorneys it surely must understand that without legally defensible positions, all the efforts of municipal volunteer planning boards will invite NIMBYism challenges that divert excruciatingly small revenues to legal challenges that could otherwise be used to incentivize or provide opportunities for residents without capital that such construction requires.

LD 665 simply allows all the rest of Maine to catch up with resources, and technical support firmly in place to establish defensible ordinances, create community buy-in for the effort and make sure they are not using additional resources to run special town meetings for that purpose. Officials are asking you to vote ought to pass on LD 665, not only for your local government partners, but also in service to your constituents who are the legislative body of the municipalities and will either vote in support or in opposition of those final ordinances based on their appropriate construction.