



MAINE ASSOCIATION OF
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Testimony Presented to the Joint Standing Committee on Judiciary

In Support of LD 775

"An Act To Streamline Judicial Review of Certain Land Use Decisions"

May 14, 2015

Senator Burns, Representative Hobbins, and Members of the Committee, my name is Linda Gifford. I am a resident of Readfield and I represent the Maine Association of REALTORS®. MAR is a professional trade association with approximately 4700 members throughout Maine who are involved in all aspects of the real estate industry, including residential and commercial sales, leasing, and development. MAR supports LD 775 "An Act to Streamline Judicial Review of Certain Land Use Decisions".

Time is money in the building and development business. If a local decision is adverse to the developer, and there is reason to appeal the decision, the impact of a long and protracted legal process often means that market conditions have changed such that the opportunity to build and sell homes is lost due to declining values or increasing interest rates. That same delay may reduce the ability to make a reasonable return on a commercial development or create a situation where the financing terms available to the builder/developer/buyer are no longer such that a sale or lease can occur which will allow compliance with those terms.

Worse is the situation where the project has been permitted at the local level and there is a party who is trying to stop the development who then uses the judicial system to delay the project, hoping that in the end the project will not be built because of the very real negative impacts a delay can cause. All the missed opportunities in the market place and the increased costs of a delayed project may result in a decision by the builder or developer to walk away from the project, creating exactly the situation which the party bringing the appeal had sought, even though in the end the municipal permitting decision would be upheld by the courts. The delay created in a full-blown appeal through the judicial system as it now stands creates a situation where the outcome desired by an adverse party can be achieved simply by a filing of an appeal, and a hope that the market conditions change in such a way that the development is no longer viable. An expedited or streamlined process would get to the outcome sooner, thus preserving the economic opportunity for the builder who had been permitted by the local authorities.

Setting up a streamlined judicial review process including an appeal directly to the Law Court will facilitate economic development, create jobs, reduce the overall costs of development which in turn will reduce or hold steady the cost of housing, and allow projects to come online in a faster, therefore more economic fashion.

The Maine Association of REALTORS urges your support of LD 775.



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