APPROVED	CHAPTER
APRIL 16, 2026	733
BY GOVERNOR	PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-SIX

H.P. 1461 - L.D. 2173

An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units

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

Sec. 1. 25 MRSA §2463-B, as enacted by PL 2025, c. 385, §1, is amended to read:

§2463-B. Fire protection in accessory dwelling units

Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure ~~of~~ that contains, or will contain upon completion of construction, more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C. This section may not be construed to exempt an accessory dwelling unit from fire protection requirements when the unit is located within or attached to a mixed-use or nonresidential building or when sprinkler protection is otherwise required based on occupancy classification, building use or hazard level under the National Fire Protection Association codes adopted pursuant to section 2452.

Sec. 2. 30-A MRSA §4351-A is enacted to read:

§4351-A. Definition

As used in this subchapter, unless the context otherwise indicates, "public sewer system" means a sewer system managed, owned or operated by a municipality or quasi-municipal entity that is a municipal sewer department, a sewer district as defined in Title 38, section 1032, subsection 3, a standard district as defined in Title 38, section 1032, subsection 4 or a sanitary district formed under Title 38, chapter 11.

Sec. 3. 30-A MRSA §4360, as amended by PL 2025, c. 385, §3 and affected by §23, is further amended to read:

§4360. Rate of growth ordinances

1. Ordinance review and update. A municipality that enacts a rate of growth ordinance shall review and update the ordinance at least every 3 years to determine whether the rate of growth ordinance is still necessary and how the rate of growth ordinance may be adjusted to meet current conditions.

1-A. Definition; common scheme of development. As used in this section, unless the context otherwise indicates, "common scheme of development" means a plan or process of development that:

A. Takes place on contiguous parcels or lots in the same immediate vicinity; and

B. Exhibits characteristics of a unified approach, method or effect, such as:

(1) Unified ownership, management or supervision;

(2) Sharing common equipment or labor; or

(3) Common financing.

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted in ~~designated rural~~ different areas~~. A~~, except that a municipality may not enact or enforce rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by ~~this chapter~~ subsection 3.

3. Ordinance requirements; growth areas. A municipality may adopt a rate of growth ordinance that applies to a designated growth area only if:

A. The ordinance is consistent with section 4314, subsection 3;

B. The ordinance sets the number of building or development permits for new residential dwellings~~, not including permits for affordable housing,~~ at 105% or more of the mean number of total permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued~~, excluding permits issued for affordable housing,~~ for new residential dwellings for each year in the prior 10 years and then dividing by 10;

~~C. In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and~~

C-1. The ordinance does not restrict the number of building permits or require a development permit for affordable housing as defined in section 5246, subsection 1;

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years~~.~~; and

E. Within the designated growth area, the ordinance does not limit the development permits allowed per project or per common scheme of development to a number that is less than 35% of the allocated permits for that area.

4. Ordinance requirements; other areas. A municipality may adopt a rate of growth ordinance applicable to all other areas without limitation by this section.

Sec. 4. 30-A MRSA §4364, first ¶, as amended by PL 2023, c. 192, §1, is further amended to read:

For an affordable housing development approved on or after the implementation date, a municipality with density requirements shall apply density requirements and a municipality with height restriction requirements shall apply height allowance requirements in accordance with this section.

Sec. 5. 30-A MRSA §4364, sub-§2, as amended by PL 2025, c. 385, §4 and affected by §23 and amended by c. 388, Pt. D, §36, is repealed and the following enacted in its place:

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality as identified in a comprehensive plan adopted pursuant to subchapter 2 or be served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

Sec. 6. 30-A MRSA §4364, sub-§2-A, as enacted by PL 2025, c. 385, §5 and affected by §23, is amended to read:

2-A. Additional height allowance. Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow~~, subject to review by a municipal fire official or designee,~~ an affordable housing development to exceed any municipal height restriction by ~~no less than one story or~~ 14 feet but only up to a total building height of 55 feet. To be eligible for the additional height allowance pursuant to this subsection, an affordable housing development must be approved by the Office of the State Fire Marshal or a municipality registered under Title 25, section 2448-A and must be:

A. In a designated growth area of a municipality as identified in a comprehensive plan adopted pursuant to subchapter 2; or

B. Served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

Sec. 7. 30-A MRSA §4364, sub-§5, ¶A, as enacted by PL 2021, c. 672, §4, is amended to read:

A. If a housing unit is connected to a public~~, special district or other comparable~~ sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

Sec. 8. 30-A MRSA §4364, sub-§5, ¶C, as enacted by PL 2021, c. 672, §4, is amended to read:

C. If a housing unit is ~~connected to a public, special district or other centrally managed water system~~ served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

Sec. 9. 30-A MRSA §4364, sub-§5, as amended by PL 2025, c. 385, §6 and affected by §23, is further amended by repealing the first blocked paragraph.

Sec. 10. 30-A MRSA §4364, sub-§9, as enacted by PL 2023, c. 264, §1, is repealed and the following enacted in its place:

9. Exceptions. This section does not apply to:

A. A lot or portion of a lot that is within the watershed of a water source that is located in the City of Lewiston or the City of Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 Code of Federal Regulations, Sections 141.70 to 141.76, as determined by the Department of Health and Human Services; or

B. A lot or a portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1 as long as a municipality exempts the lot or portion of the lot in a duly adopted ordinance.

Sec. 11. 30-A MRSA §4364-A, as amended by PL 2025, c. 385, §§7 to 12 and affected by §23 and amended by c. 388, Pt. D, §37, is further amended by amending the section headnote to read:

§4364-A. Residential areas~~,~~; generally~~; up to 4 dwelling units allowed~~

Sec. 12. 30-A MRSA §4364-A, sub-§1, as repealed and replaced by PL 2025, c. 385, §7 and affected by §23 and amended by c. 388, Pt. D, §37, is repealed and the following enacted in its place:

1. Use allowed. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, the following are permitted uses:

A. At least 3 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot; and

B. At least 4 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to subchapter 2, or the lot is served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

A municipality may allow more dwelling units than the minimum number required by this subsection.

Sec. 13. 30-A MRSA §4364-A, sub-§1-B, as enacted by PL 2023, c. 264, §2 and reallocated by RR 2023, c. 1, Pt. A, §26, is repealed and the following enacted in its place:

1-B. Exceptions. This section does not apply to:

A. A lot or portion of a lot that is within the watershed of a water source that is located in the City of Lewiston or the City of Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 Code of Federal Regulations, Sections 141.70 to 141.76, as determined by the Department of Health and Human Services; or

B. A lot or a portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1 as long as a municipality exempts the lot or portion of the lot in a duly adopted ordinance.

Sec. 14. 30-A MRSA §4364-A, sub-§2-A, as enacted by PL 2025, c. 385, §9 and affected by §23, is repealed and the following enacted in its place:

2-A. Limitations on municipal ordinances related to lot size and density allowance for private property rights protection. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 5,000 square feet and may not require more than 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units.

B. If a lot is located outside a designated growth area and in an area served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 10,000 square feet and may not require more than 10,000 square feet of lot area for the first dwelling unit or 20,000 square feet of lot area for the first 2 dwelling units within a single structure.

C. If a lot is located in a designated growth area without a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 20,000 square feet or a density requirement or calculation that is more restrictive than required by Title 12, chapter 423-A.

If 4 dwelling units have been constructed on a lot, the lot is not eligible for any additional increases in density, including under section 4364, unless more units are allowed by the municipality.

Sec. 15. 30-A MRSA §4364-A, sub-§5-A, as enacted by PL 2025, c. 385, §12 and affected by §23, is amended to read:

5-A. Planning board approval not required. ~~A~~ For any area in which residential uses are allowed, including as a conditional use, a municipality may not require planning board approval for accessary dwelling units or solely because the project will establish 4 or fewer dwelling units within a single structure on a lot.

Sec. 16. 30-A MRSA §4364-B, sub-§1, as amended by PL 2025, c. 385, §13 and affected by §23, is further amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or ~~multi-unit~~ 2-unit or 3-unit residential structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

Sec. 17. 30-A MRSA §4364-B, sub-§2, ¶B, as amended by PL 2025, c. 385, §14 and affected by §23, is further amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit residential structure; or

Sec. 18. 30-A MRSA §4364-B, sub-§3, ¶A, as amended by PL 2025, c. 385, §15 and affected by §23, is further amended to read:

A. At least one accessory dwelling unit must be allowed on any lot where ~~a single-family dwelling unit is~~ the principal structure is a single-family dwelling unit or 2-unit or 3-unit residential structure; and

Sec. 19. 30-A MRSA §4364-B, sub-§8, as amended by PL 2025, c. 648, §4, is further amended to read:

8. Municipal implementation. In adopting an ordinance under this section, a municipality may:

~~A. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;~~

B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; ~~and~~

C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B, 4-C or 4-D~~.~~; and

D. Exempt a lot or portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1.

Sec. 20. 30-A MRSA §4364-D, sub-§1, ¶C is enacted to read:

C. "Small child care facility" has the same meaning as in Title 22, section 8301-A, subsection 1-A, paragraph E.

Sec. 21. 30-A MRSA §4364-D, sub-§2, as enacted by PL 2025, c. 288, §2, is amended to read:

2. Location of child care. A child care facility or a family child care provider ~~is~~ must be a permitted use in a municipal area that is zoned for residential purposes~~,~~. A family child care provider or small child care facility located in an area zoned for residential purposes must be subject to the same zoning requirements ~~for other residential property~~ as a single-family dwelling unit.

Sec. 22. 30-A MRSA §4364-E, as enacted by PL 2025, c. 364, §2 and reallocated by RR 2025, c. 1, Pt. A, §42, is amended by enacting at the end a new paragraph to read:

This section does not apply to areas allowing industrial uses.

Sec. 23. PL 2025, c. 288, §3 is enacted to read:

Sec. 3. Application; retroactivity. That section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 4364-D applies to municipalities beginning July 1, 2027. This section applies retroactively to September 24, 2025.

Sec. 24. PL 2025, c. 374, §2 is enacted to read:

Sec. 2. Application; retroactivity. This Act applies to municipalities beginning July 1, 2027. This section applies retroactively to September 24, 2025.

Sec. 25. PL 2025, c. 385, §23 is amended to read:

Sec. 23. Application. Notwithstanding any provision of law to the contrary, except for those sections of this Act that enact the Maine Revised Statutes, Title 25, section 2463-B, amend Title 30-A, section 4301, subsection 1-C and enact Title 30-A, section 4364-C, subsection 4, this Act applies to ~~municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality beginning July 1, 2026 and applies to all other~~ municipalities beginning July 1, 2027.

Sec. 26. General application date; changes to public laws retroactive. Notwithstanding any provision of law to the contrary, except for those sections of this Act that amend Public Law 2025, chapters 288, 374 and 385, this Act applies to municipalities beginning July 1, 2027. Those sections of this Act that amend Public Law 2025, chapters 288, 374 and 385 apply retroactively to September 24, 2025.