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Date: (Filing No. H-)

HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1095, L.D. 1706, “An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units”

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires, beginning July 1, 2023, all municipalities to allow a certain number of dwelling units under certain circumstances and the construction of accessory dwelling units on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements; and

Whereas, it is the intent of this legislation to extend the implementation date for certain municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 30-A MRSA §4364, first ¶, as enacted by PL 2021, c. 672, §4, is amended to read:

For an affordable housing development approved on or after ~~July 1, 2023~~ the implementation date, a municipality with density requirements shall apply density requirements in accordance with this section.

Sec. 2. 30-A MRSA §4364, sub-§1, as enacted by PL 2021, c. 672, §4, is amended to read:

1. Definition. For the purposes of this section, "affordable housing development" means:

COMMITTEE AMENDMENT

1 A. For rental housing, a development in which a household whose income does not
2 exceed 80% of the median income for the area as defined by the United States
3 Department of Housing and Urban Development under the United States Housing Act
4 of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority
5 51% or more of the units that the developer designates as affordable in the development
6 without spending more than 30% of the household's monthly income on housing costs;
7 and

8 B. For owned housing, a development in which a household whose income does not
9 exceed 120% of the median income for the area as defined by the United States
10 Department of Housing and Urban Development under the United States Housing Act
11 of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority
12 51% or more of the units that the developer designates as affordable in the development
13 without spending more than 30% of the household's monthly income on housing costs.

14 **Sec. 3. 30-A MRSA §4364, sub-§1-A** is enacted to read:

15 **1-A. Implementation date.** For purposes of this section, "implementation date"
16 means:

17 A. January 1, 2024 for municipalities for which ordinances may be enacted by the
18 municipal officers without further action or approval by the voters of the municipality;
19 and

20 B. July 1, 2024 for all other municipalities.'

21 Amend the bill by inserting after section 4 the following:

22 '**Sec. 5. 30-A MRSA §4364-A, sub-§1-A** is enacted to read:

23 **1-A. Implementation date.** For purposes of this section, "implementation date" has
24 the same meaning as in section 4364, subsection 1-A.'

25 Amend the bill by striking out all of section 5 and inserting the following:

26 '**Sec. 5. 30-A MRSA §4364-A, sub-§2, ¶B,** as enacted by PL 2021, c. 672, §5, is
27 amended to read:

28 B. A municipal zoning ordinance may establish a prohibition or an allowance for lots
29 where a dwelling unit in existence after ~~July 1, 2023~~ the implementation date is torn
30 down and an empty lot results.'

31 Amend the bill by inserting after section 7 the following:

32 '**Sec. 8. 30-A MRSA §4364-A, sub-§10,** as enacted by PL 2021, c. 672, §5, is
33 amended to read:

34 **10. Implementation.** A municipality is not required to implement the requirements
35 of this section until ~~July 1, 2023~~ the implementation date.'

36 Amend the bill by inserting after section 8 the following:

37 '**Sec. 9. 30-A MRSA §4364-B, sub-§1-A** is enacted to read:

38 **1-A. Implementation date.** For purposes of this section, "implementation date" has
39 the same meaning as in section 4364, subsection 1-A.

1 **Sec. 10. 30-A MRSA §4364-B, sub-§2**, as enacted by PL 2021, c. 672, §6, is
2 amended by amending the first blocked paragraph to read:

3 This subsection does not restrict the construction or permitting of accessory dwelling units
4 constructed and certified for occupancy prior to ~~July 1, 2023~~ the implementation date.'

5 Amend the bill by striking out all of section 10 and inserting the following:

6 **'Sec. 10. 30-A MRSA §4364-B, sub-§4, ¶B**, as corrected by RR 2021, c. 2, Pt. A,
7 §110, is amended to read:

8 B. For an accessory dwelling unit located within the same structure as a single-family
9 dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the
10 setback requirements and dimensional requirements must be the same as the setback
11 requirements and dimensional requirements of the single-family dwelling unit, except
12 for an accessory dwelling unit permitted in an existing accessory building or secondary
13 building or garage as of ~~July 1, 2023~~ the implementation date, in which case the
14 requisite setback requirements for such a structure apply. A municipality may establish
15 more permissive dimensional and setback requirements for an accessory dwelling unit.'

16 Amend the bill by striking out all of section 12 and inserting the following:

17 **'Sec. 12. 30-A MRSA §4364-B, sub-§5**, as enacted by PL 2021, c. 672, §6, is
18 amended to read:

19 **5. Shoreland zoning.** An accessory dwelling unit must comply with shoreland zoning
20 requirements established by the Department of Environmental Protection under Title 38,
21 chapter 3 and municipal shoreland zoning ordinances, except that a municipality may not
22 categorically prohibit accessory dwelling units in the shoreland zone that would otherwise
23 meet requirements established by the Department of Environmental Protection under Title
24 38, chapter 3 and municipal shoreland zoning ordinances.'

25 Amend the bill by inserting after section 14 the following:

26 **'Sec. 15. 30-A MRSA §4364-B, sub-§13**, as enacted by PL 2021, c. 672, §6, is
27 amended to read:

28 **13. Implementation.** A municipality is not required to implement the requirements
29 of this section until ~~July 1, 2023~~ the implementation date.'

30 Amend the bill by adding before the summary the following:

31 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
32 takes effect when approved.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
34 number to read consecutively.

SUMMARY

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36 This amendment, which is the majority report of the committee, changes the
37 implementation date for provisions of law regarding affordable housing, dwelling units and
38 accessory dwelling units from July 1, 2023 to January 1, 2024 for municipalities for which
39 ordinances may be enacted by the municipal officers without further action or approval by
40 the voters of the municipality and July 1, 2024 for all other municipalities.

