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**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS  
TO THE COMMITTEE ON HOUSING**

**WRITTEN TESTIMONY PROVIDED AGAINST 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”**

**DATE OF HEARING: Tuesday, April 11, 2023**

**Honorable Senator Teresa Pierce, Honorable Representative Traci Gere, Distinguished  
Members of the Committee on Housing:**

After polling a number of municipal and regional planners from across the state, the Maine Association of Planners recommends that the July 1, 2023 implementation date of LD 2003 be postponed to September 1, 2024 only for municipalities that amend their zoning ordinance by Town Meeting. It is logistically challenging and expensive to have a special town meeting to adopt the zoning amendments most communities would need to comply with the LD 2003. In our polling of these communities, September 1, 2024 was agreed upon to be sufficient. No one supported an extension to 2025.

For all other communities, no extension should be granted for the following reasons:

1. Many communities, primarily with Council forms of government, have already or are in process of coming into compliance with LD 2003. As the housing issue is regional, mitigation strategies must also be regional and not limited to only a handful of voluntary actors that will face undaunted development pressures as they assume the housing demand of neighboring communities. Postponing the implementation date would unfairly burden communities trying to do their fair share.
2. There is no penalty from the state for a municipality failing to meet the existing July 1st deadline and thus there is little purpose in extending this deadline. The risk for noncompliance is that communities will be at increased liability from private lawsuits. Any





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community that misses the deadline but is making a good faith effort to come into compliance with LD 2003 will not appreciably face any such liability. If failing to comply with state law has not spurred the effort in some communities to amend local code, the legal liability and procedural headache of having to approve building permits with local codes that are inconsistent with state law will be the only thing that will spur such effort.

Ninety percent of the state's housing shortage exists in Southern Maine where the highest proportion of the Council forms of government exist. Postponing the implementation date to September 1, 2024 will help Town Meeting communities avoid expensive and poorly attended special town meetings. However, this extension should not apply to other communities that are able to more quickly and easily amend zoning ordinances.

Of the 200-some municipalities with zoning, only 41 are Council forms of government. To adequately address all Town Meeting communities and the 20 communities with a mixed Town Meeting-Council form of government, we recommend the implementation date be postponed to September 1, 2024 for municipalities that amend their zoning ordinance by Town Meeting.

Sincerely,

The Maine Association of Planners Legislative Policy Committee

