

September 13, 2022

LD 1673

P.L. 2021, ch. 754

“An Act To Establish Fair Housing Goals in Certain Communities in Maine”

LD 1673 modifies the Growth Management Act by:

- 1) Changing the definition of “Service center community” from major substantive rules (requiring legislative review) to routine technical (not requiring legislative review).
- 2) Requiring the Department of Agriculture, Conservation and Forestry (DACF) to, beginning in 2023 and every 5 years, classify service center communities in the State into at least 4 categories based on a method that DACF establishes by rule. Both DACF and the Department of Economic and Community Development (DECD) must post the list on their websites.
- 3) Requires DACF, Maine State Housing Authority (MaineHousing) and DECD to share data useful in assessing and determining growth management policies and standards.
- 4) Amends the inventory and analysis section of the Growth Management Act by ensuring that in a service center community at least 10% of the housing stock is affordable housing
- 5) It also requires that DACF submit reports to the committee with jurisdiction over housing matters (in addition to natural resources matters and appropriations and financial affairs matters). It specifies that each committee may report out legislation.
- 6) It also requires by Feb. 15, 2023 that DACF submit report to committee with jurisdiction over housing matters detailing where population growth is occurring and projected to occur. That Committee can report out a bill.

Definitions relevant to LD 1673

14-A. Service center community. "Service center community" means a municipality or group of municipalities identified by the department according to a methodology established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-workers ratio, the amount of federally assisted housing and the volume of service sector jobs. Rules adopted pursuant to this subsection are major substantive rules as defined in [Title 5, chapter 375, subchapter 2-A](#).

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, [Section 8](#), as amended.

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LD 2003

P.L. 2021, ch. 672

“An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”

LD 2003:

1. Provides that for any area in which housing is allowed, as long as the law describing minimum lot size for subsurface waste disposal is followed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit

EXCEPT that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit AND the lot is located in a designated growth area within a municipality (consistent with section 4349-A, subsection 1 paragraph A or B)

OR if the lot is served by a public, special district or other centrally managed water system AND a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality can allow more if it chooses to.

2. Provides that a municipality must allow structures on a lot with an existing dwelling unit to add up to 2 additional dwelling units on that lot if one additional dwelling unit is within or attached to the existing structure and the other additional dwelling unit is detached;

3. Specifies that, for a lot in any zone for which housing is permitted, the intent is not to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with Title 30-A, chapter 187, subchapter 4;

4. Specifies that accessory dwelling units are not subject to a municipality’s rate of growth ordinance;

5. Provides that the affordable housing development and accessory dwelling unit provisions are subject to minimum lot size requirements in accordance with the Maine Revised Statutes, Title 12, chapter 423-A, as applicable;

6. Specifies that the income eligibility for all the housing units in an affordable housing development must be calculated at the time of initial occupancy;

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7. Authorizes a municipality to allow more dwelling units in residential areas than the minimum number required to be allowed by the municipality;
8. Provides that lots that have constructed dwelling units or accessory dwelling units in accordance with this law are not eligible for any additional increases in density except as allowed by the municipality;
9. Provides that a municipality may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit;
10. Provides that DECD, in cooperation with MaineHousing, must establish both statewide and regional housing production goals;
11. Specifies that municipalities must, to fulfill the statewide or regional housing production goal established by DECD, ensure that all zoning ordinances affirmatively further fair housing in accordance with federal law and the Maine Human Rights Act; and
12. Specifies that a municipality may regulate a short-term rental to meet the statewide or regional housing production goal established by DECD.

LD 2003 initially included the Housing Opportunity Program within DECD. The program was enacted as Part U of P.L. 2021, ch. 635 (supplemental General Fund budget bill). This program sets up a fund within DECD to provide grants to support municipal ordinance development, technical assistance and to encourage public participation and community engagement in the process of increasing housing opportunities.

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LD 1961

P.L. 2021, ch. 657

“An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority”

LD 1961:

1) Sets as a state goal in managing to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use and development to read:

~~D. To encourage and promote affordable, decent housing opportunities for all Maine citizens promote and work to ensure choice, economic diversity and affordability in housing for low-income and moderate-income households and use housing policy to help address disparities in access to educational, occupational and other opportunities;~~

2) It amends Growth Management Act's inventory and analysis section that a comprehensive plan must include to read:

~~H. Residential housing stock, including affordable housing for low-income and moderate-income households, policies that assess an assessment of community needs and environmental effects of municipal regulations, lessen an examination of the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to that limit the reuse of upper floors of buildings in downtowns and on main streets and policies that provide an identification of opportunities for accessory dwelling units;~~

3) It amends the guidelines for policy development and implementation strategy to include tribal and cultural resources:

~~H. Ensure that the value of historical and, archeological, tribal and cultural resources is recognized and that protection is afforded to those resources that merit it;~~

4) It changes the membership of MaineHousing (still 10 commissioners, 8 appointed by Governor).

The 8 appointed by Governor must represent:

- A commissioner who represents tenants, who is an advocate for tenants' rights or who resides in housing subsidized by the United States Department of Housing and Urban Development or the Maine State Housing Authority;
- A commissioner who has knowledge and expertise in civil rights or in affirmatively advancing fair housing policy;
- A commissioner who represents residents with disabilities or aging residents;

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- A commissioner with expertise in energy efficiency issues regarding residential structures; and
- *Four members* who have:
 - (a) Experience or expertise in any of the following: housing development and rehabilitation; supporting unhoused populations; improving labor standards; economic and community development; transportation; municipal land use planning; the building trades; the real estate market; or banking and finance; and (b) An interest in and commitment to increasing the availability and affordability of housing opportunities for the people of the State.

Previously, statute said:

“At least 3 gubernatorial appointments must include a representative of bankers, a representative of elderly people and a resident of housing that is subsidized or assisted by programs of the United States Department of Housing and Urban Development or of the Maine State Housing Authority. In appointing the resident, the Governor shall give priority consideration to nominations that may be made by tenant associations established in the State. Of the 5 remaining gubernatorial appointments, the Governor shall give priority to a representative involved in the housing business and a representative of people with disabilities.”

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LD 201

P.L. 2021, ch. 671

“An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit”

Public Law 2021, ch. 671 amends the definition of “certified qualified rehabilitation expenditure” under the law governing the tax credit for rehabilitation of historic properties to extend from December 31, 2025 to December 31, 2030 the date by which the United States Department of the Interior, National Park Service must determine a proposed rehabilitation of a structure meets its standards for rehabilitation in order for a taxpayer to claim an income tax credit for a qualified rehabilitation expenditure. Chapter 671 also extends from August 1, 2025 to August 1, 2030 the date of a report by the Maine State Housing Authority regarding the affordable housing portion of the credit.