1	L.D. 1706
2	Date: (Filing No. H-)
3	HOUSING
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	131ST LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 1095, L.D. 1706, "An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units"
11	Amend the bill by inserting after the title and before the enacting clause the following:
12 13	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
14 15 16 17	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
18 19	Whereas, it is the intent of this legislation to extend the implementation date for certain municipalities; and
20 21 22 23	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,'
24	Amend the bill by striking out all of section 1 and inserting the following:
25 26	'Sec. 1. 30-A MRSA §4364, first ¶, as enacted by PL 2021, c. 672, §4, is amended to read:
27 28 29	For an affordable housing development approved on or after July 1, 2023 2025, a municipality with density requirements shall apply density requirements in accordance with this section.
30 31	Sec. 2. 30-A MRSA §4364, sub-§1, as enacted by PL 2021, c. 672, §4, is amended to read:
32 33	1. Definition. For the purposes of this section, "affordable housing development" means:

Page 1 - 131LR1001(04)

COMMITTEE AMENDMENT

1 2 3 4 5 6 7	A. For rental housing, a development in which 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, can afford a majority 51% or more of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and
8 9 10 11 12 13	B. For owned housing, a development in which a household whose income does not exceed 120% 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, can afford a majority 51% or more of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.'
14	Amend the bill by striking out all of section 5 and inserting the following:
15 16	'Sec. 5. 30-A MRSA §4364-A, sub-§2, ¶B, as enacted by PL 2021, c. 672, §5, is amended to read:
17 18 19	B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 2025 is torn down and an empty lot results.'
20	Amend the bill by inserting after section 7 the following:
21 22	'Sec. 8. 30-A MRSA §4364-A, sub-§10, as enacted by PL 2021, c. 672, §5, is amended to read:
23 24	10. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023 2025.'
25	Amend the bill by inserting after section 8 the following:
26 27	'Sec. 9. 30-A MRSA §4364-B, sub-§2, as enacted by PL 2021, c. 672, §6, is amended by amending the first blocked paragraph to read:
28 29	This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023 2025.'
30	Amend the bill by striking out all of section 10 and inserting the following:
31 32	'Sec. 10. 30-A MRSA §4364-B, sub-§4, ¶B, as corrected by RR 2021, c. 2, Pt. A, §110, is amended to read:
33 34 35 36 37 38 39 40 41	B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023 2025, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and setback requirements for an accessory dwelling unit for an accessory dwelling unit.'

Page 2 - 131LR1001(04)

COMMITTEE AMENDMENT

1 'Sec. 12. 30-A MRSA §4364-B, sub-§5, as enacted by PL 2021, c. 672, §6, is amended to read: 2 3 5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, 4 chapter 3 and municipal shoreland zoning ordinances, except that a municipality may not 5 categorically prohibit accessory dwelling units in the shoreland zone that would otherwise 6 meet requirements established by the Department of Environmental Protection under Title 7 38, chapter 3 and municipal shoreland zoning ordinances." 8 9 Amend the bill by inserting after section 14 the following: 10 'Sec. 15. 30-A MRSA §4364-B, sub-§13, as enacted by PL 2021, c. 672, §6, is amended to read: 11 12 13. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023 2025.' 13 14 Amend the bill by adding before the summary the following: 15 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.' 16 17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section 18 number to read consecutively. **SUMMARY** 19 20 This amendment, which is one of 2 minority reports, changes the implementation date for provisions of law regarding affordable housing, dwelling units and accessory dwelling 21 22 units from July 1, 2023 to July 1, 2025. 23 The amendment also changes the definition of "affordable housing development" in the laws governing affordable housing density to provide that an affordable housing 24 25 development is a development in which a household whose income does not exceed certain 26 levels can afford 51% or more of the units in the development without spending more than 27 30% of the household's monthly income on housing costs. 28 The amendment clarifies that an accessory dwelling unit must comply with shoreland 29 zoning requirements established by the Department of Environmental Protection and 30 municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet 31 requirements established by the department and municipal shoreland zoning ordinances. 32 33 **FISCAL NOTE REQUIRED** 34 (See attached)

Page 3 - 131LR1001(04)

COMMITTEE AMENDMENT