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April 11, 2023

Re: LD 214, An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain Requirements to Municipalities with a Population of More than 10,000

LD 654, Resolve, Directing the Finance Authority of Maine to Establish a Pilot Program to Encourage the Development of Accessory Dwelling Units

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

LD 1154, An Act Regarding Accessory Dwelling Units and Municipal Zoning Ordinances

LD 1358, An Act to Clarify Density Requirements for Affordable Housing Developments

Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing, my name is Cullen Ryan, and I am the Executive Director of Community Housing of Maine or CHOM, the largest housing provider for homeless populations in Maine. Our staff of 11 works collaboratively with more than 50 different service provider organizations to effectively and efficiently house more than 1100 of Maine's most vulnerable people in 88 properties throughout the state. I am also a member of the Statewide Homeless Council, and I serve as President of the Maine Continuum of Care Board of Directors. I also chair the ESAC Long Term Stayers Committee which with 18 participating organizations has housed more than 427 of the longest stayers in homelessness in Maine over the last eight years, and also demonstrated that this population is as many as 57 times more likely to be in jail and 29 times more likely to be in the hospital when unhoused vs housed. Housing this population saves us a lot of money and is a game changer for each person.

I am testifying in support of two bills and in opposition to three additional bills for consideration by the Committee in today's Public Hearing:

Testimony For:

- LD 654, Resolve, Directing the Finance Authority of Maine to Establish a Pilot Program to Encourage the Development of Accessory Dwelling Units

This bill directs the Finance Authority of Maine to establish a 2-year pilot program to encourage the development of accessory dwelling units (ADUs) in the State. The program must buy down interest rates to levels below market rates for up to 100 community bank loans for accessory dwelling units until the program ends. The authority must submit annual reports to the joint standing committee of the Legislature having jurisdiction over housing matters regarding the usage of the program, the first such report to be made no later than November 6, 2024.

- LD 1358, An Act to Clarify Density Requirements for Affordable Housing Developments
This bill changes the definition of "affordable housing development" in the laws governing affordable housing density to provide that an affordable housing development is a development in which a household whose income does not exceed certain levels can afford a majority of the units in the development without spending more than 30% of the household's monthly income on housing costs.

Both of the aforementioned bills would further enhance the changes made as a result of LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. This landmark bill, recognized nationally, made substantive, positive changes to reduce zoning and land use barriers to the development of affordable housing. Both LD 654 and LD 1358 would build enhance/expand these substantive changes by establishing a pilot program to promote the create of ADUs, and further clarify the definition of "affordable housing development" to ensure that the housing truly is and remains affordable for people in Maine with the lowest incomes, many of whom are among the state's most vulnerable populations.



Testimony Against:

- LD 214, An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain Requirements to Municipalities with a Population of More than 10,000

This bill makes the following provisions applicable only to a municipality with a population over 10,000:

1. The requirement that a municipality 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 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;
 2. Certain zoning conditions that apply to dwelling units;
 3. The requirement that a municipality allow an accessory dwelling unit on the same lot as a single-family dwelling unit in any area in which housing is permitted; and
 4. Other requirements relating to accessory dwelling units.
- 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

This bill amends, from July 1, 2023 to July 1, 2025, the date by which laws must be implemented regarding affordable housing development, increased numbers of dwelling units and accessory dwelling units enacted by Public Law 2021, chapter 672.

- LD 1154, An Act Regarding Accessory Dwelling Units and Municipal Zoning Ordinances

This bill would make changes to municipal zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances may provide for allowing at least one accessory dwelling unit on a lot where a single-family dwelling unit is the principal structure. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.

The three aforementioned bills would unnecessarily restrict provisions as enacted by LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.

LD 214 would limit the extent to which the changes made as a result of LD 2003 are applicable to municipalities in Maine. This landmark bill allowed for the creation of ADUs on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements. LD 214 would restrict this to only municipalities with a population of 10,000 or less. LD 665 would add an additional two years to the implementation timeline for the affordable housing development and ADU provisions included within LD 2003 as enacted. And it appears LD 1154 would reduce the number of dwelling units allowed on lots. These changes would create unnecessary barriers to the creation of ADUs in Maine and further limit the ability to create new affordable housing in Maine's.

As Members of this Committee know, there is an overall shortage of affordable housing for all populations in Maine. In the past few years, resources have only allowed for affordable housing development at a rate that is less than 20% of what Maine needs, and even less for supportive housing development. There is an extraordinary unmet demand for affordable, quality housing for all populations, as well as supportive housing for people experiencing homelessness with complex issues such as serious and persistent mental illness, substance use disorder, and trauma from domestic violence.

MaineHousing and the Legislature are increasing resources toward this, but we will need other tools as well, and key among them is improved zoning processes and eased land use restrictions, including zoning/land use that promotes the development of accessory dwelling units (ADUs) – all of which would open the doors for developing vital affordable and supportive housing.

All of these changes would assist Maine in increasing its ability to create new affordable and supportive housing. The changes to zoning, permitting, and land use restriction would also open the door for the creation of permanent supportive housing for long term homeless populations - the group that costs the system far more to serve while unhoused.



Please support LDs 654 and 1358 and any other bill that would improve zoning and land use for the creation of affordable housing, including the development of ADUs, which would significantly help Maine end long term and chronic homelessness. And please oppose LDs 214, 665, and 1154, and any other bill that would impose unnecessary barriers and restrict Maine's ability to do so.

Thank you for the opportunity to comment.