

Testimony on LD 214, April 11, 2023

Earl Brechlin, member, Bar Harbor Planning Board

To:

Senator Teresa Pierce - Chair

Representative Traci Gere - Chair

Dear Senator Pierce, Representative Gere, and members of the committee.

On my own behalf, I submit this testimony neither in favor or in opposition for LD 214 although it is my fervent belief that some legislative relief to the situation LD 2003 has created for communities all across Maine is sorely needed.

I am in hopes this committee might contemplate amendments to do just that.

I strongly agree with the intent of the original legislation as allowing greater residential density where smart and prudent can go a long way to helping ease the regulatory hurdles hamstringing the creation of additional housing units in this state.

The problem from Bar Harbor's perspective is that the timeline for implementation (deadline in July) is way too short. The state is just now holding workshops about proposed guidelines and the deadline for having any local ordinance changes on a town meeting ballot was months ago.

Likewise, in just a few weeks, the deadline for having something on the November ballot will arrive, leaving no time for thoughtful consideration, the preparation of necessary changes and the scheduling of public hearings etc., as required by law.

There is wisdom in the original statute as so many communities, especially smaller ones, in the service of the forces of NIMBY (Not In My Back Yard), long ago adopted density, setback, and lot coverage rules that have locked up tens of thousands of acres of property well-suited for residential use. Increasing the number of places units could be constructed would be a major factor in driving market forces in the correct direction (more supply, more reasonable, or at least stable, prices).

The proposal in LD 214, which is applicable to towns of 10,000 residents or more, would not apply to the vast majority of Maine towns. That would gut the anticipated positive effect.

Changing that figure to towns of over 5,000 population (which includes Bar Harbor) would be a step in right direction. But it does nothing to address the

timeline issue which is the major crux of the situation faced by every municipality in Maine.

Even if, as LD 214 suggests, the deadline was moved to October of 2023, that is still not enough time to make the necessary amendments and changes.

Rather, from my perspective, legislation nudging the deadline to July of 2024 for all would be much more realistic. It would permit us to await patiently the state guidelines, hold our required meetings and hearings, and conform to the town meeting public notice guidelines to get it onto the ballot next June.

Another consideration is that the original legislation did not include any prohibition on any of the new units, or some portion of them, from being shifted to vacation rentals (such as AirBnB). There's no sense in allowing greater density to increase the supply of affordable housing if newly-created units can be quickly transferred to investors, the vast majority of which are from out of state.

In the end, what we need on the local level is time. Time for our excellent planning staff to become familiar with the state guidelines under the existing law (when they are done) and then work with our volunteer board to apply them fairly, logically, and judiciously through our existing ordinances.

Thank you for your service to the Great State of Maine and for your time and attention.

Best

Earl Brechlin