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Testimony in Support of LDs 214 and 665
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
and
An Act to Extend the Date by Which Compliance is Required for Affordable Housing Development, Increased Numbers of Dwelling Units and Accessory Dwelling Units

Senator Pierce, Representative Gere, and distinguished members of the Committee on Housing, thank you for the opportunity to submit testimony regarding LDs 214 and 665..

LD2003, while well intentioned, failed to account for many factors such as municipal compliance and the feasibility of affordable housing developments in certain areas. It is important when looking at state mandates for affordable housing to look at what has worked in other states and what hasn't.

The States of New Jersey and Pennsylvania offer compelling insights into statewide affordable housing policy as the judiciaries of both states have set statewide standards for the development of affordable housing.

The model enacted in LD2003 more closely resembles New Jersey's model for affordable housing development. The New Jersey model allows developers, with little to no input from municipalities, to build higher density affordable housing developments. The Pennsylvania model, however, allowed higher density housing to be built with cooperation from the municipality. Municipalities would have to determine 'realistically available zones' for lower cost, higher density housing to be built.¹

The New Jersey model, which allowed for less municipal input resulted in substantially less affordable development occurring. This has been largely attributed to the lack of input allowed by municipalities in these affordable housing developments.²

This type of failure of statewide zoning mandates is not limited to New Jersey. Massachusetts adopted mandatory inclusionary zoning policies at the statewide level through Chapter 40B, which allows the state to overrule local zoning ordinances for affordable housing developments if the municipality does not meet affordability requirements.³ The Massachusetts program failed because smaller municipalities lacked the resources to work with developers.

¹ James Mitchell, "Will Empowering Developers to Challenge Exclusionary Zoning Increase Suburban Housing Choice?," *Journal of Policy Analysis and Management* 23, no. 1 (Winter 2004), 122-23

² Mitchell, 131.

³ Jenny Scheutz and Lance Freeman, "Producing Affordable Housing in Rising Markets: What Works?," *Cityscape* 19, no. 1 (2017): 221.

LDs 214 and 665 will help in undoing some of the harm of the well intentioned but poorly implemented Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. Please vote ought to pass on these two bills.