

Dan Davis  
Porter  
LD 214

Senator Pierce, Representative Gere, and Housing Committee members,

I represent no agency or entity other than myself, and would like to express support for LD214.

The State has scheduled 'questions and answer' periods over the next two months (April & May) to help educate the public while it is still completing missing portions of the law through rule-making (March & April public input).

Many municipalities have already expended significant funds attempting to understand this law and its impacts on their design in advance of the July 1, 2023 roll-out, but it is not rationally possible while the State itself is still figuring it out up to within a month of initiating a substantive change in law.

It has come to my attention that a State Representative even claimed to their constituents that LD2003 public law was merely guidance and is optional. If our legislature still does not understand LD2003, how can all of the municipalities, and why then was it passed into law with so many unknowns?

Most Maine towns will not be able to compete for the limited funds that were provided by the State, as they will be overshadowed by the larger urban centers with more robust infrastructure and attraction.

Few towns can barely turn around an integrated structural planning change in two (2) years, let alone one (1) month. Even if they could, there are not the regional planning resources to support it, as even SMPDC stated they do not have sufficient labor staffing to take on any new client communities.

It is estimated that even for a community of 1,500-1,600 people alone, it would take roughly \$15,000.00 in outsourcing regulatory drafting support to properly integrate this law as it stands right now.

Southern Maine Regional Planning Commission and Maine Municipal Association, and even the State Fire Marshall's Office and MEDEP are still unclear on the overall breadth and depth of impacts of this law across the state and within their jurisdictions, or the extent of litigation that will be needed to clarify the law. Both SMPDC and MMA promote a 2-year delay which is the basis of another bill, LD665 bill, which is appropriate given the circumstances.

The Housing Commission already recognized publicly that the approach of LD2003 was designed for larger communities that are expected to have cohesive services and close-by economics, an integral sidewalk network, public parking, and public transit. Yet this approach is ultimately being applied everywhere in Maine, leaving it up to each municipality, many very small low-tax base communities without these aspects to contend with a 'one-size-fits-all' mandate on development and its peripheral unintended consequences. This is both unreasonable and unfair.

The law pushes 97% of the regulation of the impacts to roughly 70% of the municipalities in this State where a one-size-fits-all mandate is disproportionate and excessive, a mandate which will have many long-term adverse side-effects that will likely need to be corrected by future legislatures, if a low-population exemption, flexibility, and time are not afforded to Mainers. I would argue that 15,000 in population is more appropriate exemption level to support the State's long-term centralized planning and environmental protection goals.

Many smaller towns will have to deal with this on their own, somehow, even though definitions and cost impacts of the law are still being created. The changes in definitions of suitable dwellings, structures, density, parking, and stormwater management due to this law will dramatically impact code enforcement, comprehensive planning, functional local design constructs, and introduce expensive legal entanglements through no fault of the individual communities. Local

governments will need to amend regulations to modular housing communities, mobile home parks, campgrounds, cluster subdivisions, private campsites, rv-camper-tent uses, auto graveyards, rentals, phosphorous loading, lot coverage, impervious %, net acreage, and net density in order to properly compensate for the likely negative impacts of LD2003 as it is currently written. These are largely rural issues that larger urban centers don't have to contend with or have the resources to properly manage, but it is a reality that needs to be discussed for most of Maine. Again, this sort of effort takes years, not a month, for smaller communities without fiscal resources, and what small resources were earmarked by the State will undoubtedly be out of their reach.

I would respectfully encourage the Housing Committee to support an OUGHT TO PASS for LD214 (with 15,000 pop exemption), to provide some competent and reasonableness based on the widely varied levels of capability, capacity, size, and speed throughout our State. LD1554 and LD665 are complimentary and necessary to pass with this bill as well.

Thank you.

Dan