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**Testimony in Opposition to LD 1593:  
"An Act to Increase Affordable Housing Development"**

Senator Pierce, Representative Gere, and distinguished members of the Committee on Housing, thank you for the opportunity to submit testimony regarding LD 1594

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.<sup>1</sup>

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.<sup>2</sup> The Pennsylvania model, which allowed greater municipal input has been considered largely successful.

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.<sup>3</sup> The Massachusetts program failed because smaller municipalities lacked the resources to work with developers.

LD 1593 would strip away even more municipal involvement in the housing development process. This bill doubles down on the worst aspects of LD2003, stripping away local control. I am particularly concerned about the elimination of lot size requirements, which exist to both protect neighboring dwellings and allow for consideration of needed infrastructure. As I've

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<sup>1</sup> 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

<sup>2</sup> Mitchell, 131.

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

highlighted above, municipal input and involvement is critical in the development of affordable housing. This bill would strip away that very input. Please deem LD 1593 "Ought Not to Pass."