

TESTIMONY TO THE JOINT SELECT COMMITTEE ON HOUSING

WRITTEN TESTIMONY PROVIDED FOR LD 1672

“An Act to Establish an Affordable Housing Permitting Process”

January 3, 2024

Honorable Senator Piece, Honorable Representative Gere, Distinguished Members of the Committee:

Thanks to the Joint Select Committee on Housing for offering this chance to provide testimony in support of LD 1672 (*An Act to Establish an Affordable Housing Permitting Process.*) As background, I worked as a municipal planner from 1998 to 2019, most recently as the Director of Planning & Urban Development for the City of Portland. Currently I teach planning and work with communities and regions on their planning projects. While I am writing in support of LD 1672, I have concerns that some of the language in the bill may stymie its effectiveness.



The idea of a state review board to review affordable housing developments was proposed by the [Commission to Increase Housing Opportunities in Maine by Studying Zoning & Land Use Restrictions](#). However, it did not make it into the final language in LD 2003. The idea is laudible and worth implementing. It is a national practice that is adapted in this case to the specifics of Maine. Other states, such as Connecticut and Massachusetts, have versions of such a board – in those cases, the powers of the board are much broader than those proposed in LD 1672 to overturn local zoning. The model in LD 1672 is better suited to Maine than the models from those states.

I have concerns that the Review Standards in Section 3.C. may have the effect of significantly limiting the benefit of this bill, as a literal interpretation of them may in many cases make affordable housing development uneconomic. In particular, some of the prescriptive design requirement language in 3.C. is likely to prevent developments from meeting the per-unit requirements of many state and federal funding programs for affordable housing development. They may similarly make the developments infeasible without such support. While there are exceptions when municipal comprehensive plans suggest otherwise, those plans lag considerably behind community goals and housing needs, so these changes will still limit the utility of this state committee in producing more affordable housing.

There should be efforts to ensure that new affordable housing development fits in with its context as much as possible. However, as written, the requirements will likely render many affordable housing developments uneconomic. They will also provide avenues for appeals of the board decision that may result in projects being abandoned despite meeting local housing needs.

Please let me know if you have any questions. I hope my comments are helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JRL'.

Jeff Levine
10 Amherst Street
Portland, ME 04103