



SIERRA CLUB

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To: Committee On Housing and Economic Development
From: Nathan Davis, Ph.D., Sierra Club Maine
Date: February 27, 2025
Re: **Testimony in Support of L.D. 427: An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes**

Senator Curry, Representative Gere, and members of the Committee On Housing and Economic Development,

My name is Nathan Davis, and I write on behalf of Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nationwide as we work towards combating climate change and promoting a just and sustainable economy. To that end, we urge you to support L.D. 427: An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes.

I also am serving my second term on the Rockland City Council, and though I don't speak for Rockland in this testimony, my service in municipal government strongly informs my opinions on this matter.

I've spent years thinking about how land use laws inhibit smart growth, encourage unsustainable sprawl, and literally codify economic and racial segregation. In Rockland, I've fought against single-family zoning, minimum dwelling and lot sizes, and our ahistorical miasma of dread that surrounds the natural changes through which cities have evolved for the thousands of years they existed before modern land use laws. I can't think of a more destructive extant set of land use laws than parking minimums.

They encourage - nay, demand! - sprawl. They create dead seas of asphalt whose land could be put to profoundly better use. They drive the cost of housing up and the availability of housing down. These policies constrain the choices of housing developers and stop them from providing the types and amounts of housing that the market demands. Worst of all, from my perspective, they assume that everyone drives everywhere and that this situation - new by historical standards - will persist ad aeternum.

There has been a huge amount of research on the deleterious effects of parking minimums in recent years. Here are a few examples:

- 1) A 2020 study in Land Use Policy found that "Off-street parking requirements lead to negative social and environmental outcomes."¹

¹ <https://www.sciencedirect.com/science/article/abs/pii/S0264837718312870>

- 2) A 2021 study in the Journal of the American Planning Association on the effects of removing minimum parking requirements in Buffalo found the results to be largely positive and observed that “Cities of all types stand to benefit from undoing constraining parking policies of the past and allowing developers to transform parking lots to ‘higher uses.’”²
- 3) The recently-deceased scholar Donald Shoup spent much of his career studying parking. A good place to start with his work is his seminal book “The High Cost of Free Parking,” which argues strenuously against parking minimums.

We should keep in mind that the bare minimum test for any regulation under most administrative procedure acts, state or federal, is that the regulations must not be “arbitrary, capricious, or not otherwise in accordance with the law.” Given that the overall mandate of state government included the fundamental duty to protect that health and safety of its citizens and residents, for the state to allow local governments to undermine the health and safety of local residents by ignoring such peer-reviewed scientific findings as I have cited above is the very definition of arbitrary and capricious. So, the state legislature owes a duty to Maine citizens and residents to restore logic and fairness to our local governments and land use laws by enacting this bill and getting rid of this arbitrary and capricious misuse of land use law.

A recent news story surveying the trend away from such minimum parking rules includes a subheading that calls them just that: “Arbitrary Rules.”³

You will hear in other testimony that L.D. 427 tramples on Maine’s tradition of home rule, to which I respond: in the case of housing, good riddance to home rule. In passing the landmark housing law L.D. 2003, the Legislature finally had the guts to take the position that tight local control of housing production has been disastrous for Maine, especially for our young people. If we are truly in a housing crisis, we need to be reserving space for people, not cars. Everybody hates change, and giving municipalities the ability to block needed change means that nothing changes. Parking minimums deserve a place in the dustbin of history. Put them there.

Sincerely,
Nathan Davis, Ph.D.
Sierra Club Maine
Legislative Team member

² <https://www.tandfonline.com/doi/full/10.1080/01944363.2020.1864225#abstract>

³ <https://edition.cnn.com/2023/05/20/business/parking-minimums-cars-transportation-urban-planning/index.html>