

**Senator Curry, Representative Gere, and distinguished members of the Joint Standing Committee on Housing & Economic Development,**

My name is Daniel Davis, I live in southern Oxford County (*Porter, Maine*) and present to you as licensed CEO and LPI in my own community, with no interest other than having current and reasonable laws in place that support aging in place here in Maine. I am testifying in SUPPORT of [LD 907](#), ***“An Act to Amend the Law Governing Zoning Ordinance Variances for Persons with Permanent Disabilities.***

Last February, Maine’s outdated and unattainable appeal variances were discussed Sen. Craig Hickman, and these state conflicts with state policy were intended to be shared with the Housing & Development Committee at that time.

In working to align our local regulatory design with our long-term comprehensive and state housing and aging in place goals, we identified several sections in and around "appeal variances" of **every** type here in Maine (*Title 30-A Section 4353, subsection 4, 4-A, 4-B, and 4-C*) that frustrate State policy to current demographic challenges.

This bill **LD907** specifically looks at section **4-A** in zoning adjustment variance law.

We had an individual who wants to age in place and have his vehicles and equipment under cover (*protected*), but his appeal was denied based on the strictness and irrelevance of the state statute. It was disheartening that there are no alternatives in law to meet state (*and our*) community goals. The applicant was asked to apply for the 4-A variance in statute (*disability variance/vehicle storage*) which was apparently updated last in 2015, but this law does not take into account that people aging in place or that are disabled have other supporting personal property such as riding lawnmowers, snowblowers, upward mobility UTV's or golf carts, plows, as well as rechargeable property maintenance equipment that helps them get around and to be able to continue to effectively and safety do things.

The current allowable size (*2 times width and length of standard non-commercial vehicle*) is overtly prescriptive, and is extremely limiting in meeting Mainers actual needs for them to be confident they can continue with independent living as they age. The existing law also does not consider topography, access, and appropriate orientation or the structure for use, which should be left to the zoning appeals board at the local level who are closest to the situation.

Municipalities:

- a.) Don’t have the ability or the right to realistically (*or evenly – Due Process*) track and monitor the personal purchases made by person in their community,
- b.) Often don’t have the skills, knowledge, or mindset to properly care for HIPPA privacy information they may inadvertently receive (*in this case, the ZBA can request it per law – have you seen ZBA records in most towns in Maine and how that information is treated, stored, shared, disposed? Not well*),
- c.) Should not be forcing only “certain” disabled peoples to acquire handicap plates, or further labeling them and sharing their challenges publicly,
- d.) Should not be telling a property owner with physical disabilities what they individually need to be self-sustaining on their own land,

Disabled and aging individuals need covered spaces to protect and keep accessible their methods of mobility, period, whatever they may be.

An applicant for variance 4-A should provide evidence, describe the need(s), and **the appeals board of the community will evaluate the risks and deliberate if what is proposed is most suitable and appropriate for each situation, at the local level.**

I respectfully request that the committee vote **OUGHT TO PASS** on LD 907.

Daniel Davis - CEO/LPI - #2202/Alt E911 AO

Town of Porter, Maine (*Oxford County*)

2.27.25