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Testimony of Representative Amy D. Kuhn in support of
**LD 2173, An Act to Update the Laws Regarding Housing Developments
and Accessory Dwelling Units**
Before the Joint Standing Committee on Housing and Economic Development

Senator Curry, Representative Gere and distinguished members of the Housing and Economic Development Committee, my name is Amy Kuhn, and I proudly represent House District 111 in the town of Falmouth. It is a pleasure to be with you today to testify in support of **LD 2173, An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units**.

LD 1829 from last year advanced a number of important changes to help Maine address its housing shortage, which my community and I support. I am here today to ask the Committee to consider two amendments to LD 2173 that would support the legislation's underlying goals while addressing the concerns of some municipalities.

First, as you know, 1829 allowed a density bonus in both designated growth areas and where there is sewer and water. I am aware that a number of municipalities, including my own, will be asking today for that provision to be repealed because they believe it undermines communities that engage in comprehensive planning by allowing dense development in areas outside areas that a community has identified for growth.

In the event the committee decides not to repeal, I wanted to offer a compromise – that the provision be changed to allow for the application of housing density bonuses to *either* growth areas identified in a state-approved comprehensive plan, *or* where there is sewer and water if the municipality does not have a state-approved comprehensive plan (instead of permitting it in both).

In my community, we have two growth areas with wastewater infrastructure, one on each side of town, with connectivity between them that traverses a low-density area valued for its rural character. This area includes a number of antique homes that are original homesteads with surrounding lands that serve as important wildlife and recreation corridors. These areas were deliberately kept separate from the growth corridors and reserved for low-density development in our most recent Comprehensive Plan, a Comprehensive Plan that also committed to boosting dense development in other areas of town that offer sewer and water, and also sidewalks, access to transit, and more.

As you know, comprehensive planning is an expensive and time-consuming process. I co-chaired Falmouth's comprehensive planning committee just a couple of years ago, and I can speak to both the financial investment and human capital that goes into achieving community consensus around growth that works for everyone (or at least most). This process involved countless hours of community dialogue at workshops, neighborhood meetings, and council meetings in order to collectively get over the difficult hurdle of "change" and move on to the kind of productive planning that leads to a successful comprehensive plan.

To be clear, this request is not an effort to avoid building housing, or even dense housing. Rather, it recognizes a community's interest in planning where that growth will occur. I will add that in my town, we are meeting the vision of our housing goals, building 48 energy-efficient homes right now that are priced specifically for buyers earning up to 120% of the Greater Portland Area median income.

Second, I would request an extension of the deadline for implementation. Although Falmouth has a town manager government, our charter's notice requirements mean that an ordinance amendment must be brought to the council three months prior to anticipated passage. For Falmouth to meet this deadline, staff would have to bring a fully developed proposed ordinance to the council by April 1, before this legislature is even adjourned. It is unreasonable to ask municipal staff, elected officials, and most importantly, the public to develop and refine complex ordinance language when the goal posts are still moving. This kind of rush will almost certainly result in errors and unintended consequences. I urge you to give our towns the ability to comply with the law successfully.

Thank you for your thoughtful work on these important issues.