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**Testimony of Frank D'Alessandro, Maine Equal
Justice**
In opposition of LD 214

**"An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain
Requirements to Municipalities with a Population of More than 10,000"**

April 11, 2023

Good afternoon, Senator Pierce, Representative Gere, and distinguished members of the Committee on Housing. My name is Frank D'Alessandro, and I am the Legal Services Director of Maine Equal Justice. We are a civil legal services organization, and we work with and for people with low income seeking solutions to poverty through policy, education, and legal representation. Thank you for the opportunity to offer written testimony to you in opposition of LD 214.

Maine Equal Justice opposes LD 214. Our state is in a serious housing crisis, and the current zoning laws are part of the solution to getting out of this crisis. This bill is contrary to the current zoning laws, and it would undercut the positive changes made to zoning laws by the legislator in the last session.

What This Bill Does

This bill will exempt any municipality under 10,000 people (which includes over 90% of municipalities in Maine and 65% of Maine's population) from the amended zoning laws passed in the 130th Legislature.¹ These changes cleared the path to produce the additional housing Maine so desperately needs.

¹ Maine Demographics, https://www.maine-demographics.com/cities_by_population (last visited Apr. 10, 2023) (citing United States Census Bureau, B01001 SEX BY AGE, 2021 American Community Survey 5-Year Estimates, U.S. Census Bureau, American Community Survey Office, <http://www.census.gov/>).

Why Maine Equal Justice Opposes LD 214

LD 214 Would Undercut the Zoning Laws Passed by the 130th Maine Legislature

If this bill were passed, only 22 municipalities—consisting of 466,095 Mainers or 34% of the state’s population—would have to abide by the zoning laws passed by the 130th Legislature.² In other words, this bill would exempt 95% of all towns in Maine or 65% of the state’s population (890,951), and leave the remaining 22 municipalities to try and solve the state’s housing crisis. If LD 214 passed, other than the college towns of Waterville and Orono, we would be living in two different Maines.³ One would be a Maine south of Augusta that makes building more housing units easier, and the other would be north of Augusta in which building housing would be limited by municipalities that do not want to have denser populations. This bill would relieve some of Maine’s richest communities from any requirement that they help address Maine’s affordable housing crisis.⁴ This committee cannot allow two different Maines to exist, where the solution to the housing crisis is put upon only one of those Maines.

Maine is in the Midst of a Housing Crisis that is Only Getting Worse

Maine needs somewhere between 20,000 and 25,000 housing units to meet its need for affordable housing.⁵ Nationally there is “less housing available for rent and sale than at any time in 30 years.”⁶ According to Maine Housing Authority, there are four major causes to this crisis.

First, as of 2022 nearly 77% of all Mainers cannot afford to buy a median priced home⁷ and in 2020 55% could not afford a median 2-bedroom apartment.⁸

Second, vacancy rates are plummeting (with a 19% decrease in vacant homes for rent from 2014 to 2019, and a 16% decrease in vacant homes for sale in the same period), which drives up housing costs as renters and buyers compete on price.⁹

Third, New Construction has slowed considerably: only 27,026 housing units were built from 2010 to 2019, while 96,460 units were built from 2000 to 2009.¹⁰

² *Id.*

³ *Id.*

⁴ <http://www.usa.com/rank/maine-state--median-household-income--city-rank.htm>

⁵ Hannah Laclaire, *Scenes From the Affordable Housing Crisis*, PORTLAND PRESS HERALD (Feb. 12, 2023), <https://www.pressherald.com/2023/02/12/scenes-from-the-affordable-housing-crisis/>.

⁶ JIM PARROT & MARK ZANDI, URBAN INSTITUTE & MOODY’S ANALYTICS, OVERCOMING THE NATION’S DAUNTING HOUSING SUPPLY SHORTAGE 1 (March 2021), <https://www.moodyanalytics.com/-/media/article/2021/Overcoming-the-Nations-Housing-Supply-Shortage.pdf>.

⁷ Maine Housing, *2022 Homeownership Housing Facts and Affordability Index for Maine*, <https://www.mainehousing.org/policy-research/housing-data/housing-affordability-indexes> (hereinafter Housing Data from Maine Housing)

⁸ Maine Housing, *2020 Rental Housing Facts and Affordability Index for Maine*, <https://mainehousing.org/policy-research/housing-data/affordability-indexes>.

⁹ Maine Housing, *Housing Data*, <https://mainehousing.org/policy-research/housing-data>.

¹⁰ *Id.*

Fourth, since 2000, while Median Income has increased 132.30% (\$37,968 to \$68,316), while Median House Prices have increased 330.76% (\$109,000 to \$334,000). This unbridled increase in housing prices is even more dramatic when looking at the data between 2019 and 2022. In those years, median income has gone up only 14.6% (\$59,571 to \$68,316), while median home prices have gone up 48.4% (\$225,000 to \$334,000). Now, Maine is expecting to see some of the highest home price inflation rates in the country this year.¹¹ If we do not make it easier to build housing in Maine, we will not solve this problem.

Maine's Housing Crisis is a State-Wide Problem

Maine's housing crisis "is not isolated to one part of the state or any individual group or demographic."¹² Maine Housing Authority data shows that in every county a median priced house is unaffordable to a person who earns median income.¹³ ¹⁴ Aroostook is the county that is closest to being affordable with 56.9% of its households unable to afford a \$128,062 house (a median priced house in the county), while York and Lincoln counties are practically tied at last with 80.4% and 79.9% of the households in those counties unable to afford a median priced house in that county.¹⁵ The median price of a home in Maine has risen to \$334,000—over \$100,000 since before the pandemic—and yet over three times as many unattainable houses were sold in 2022 as compared to affordable houses sold.¹⁶ The housing crisis in Maine is being felt throughout Maine, and any solution to the crisis has to include all of Maine.

Maine's Zoning Laws Are an Important Part of the Housing Crisis Solution

Eliminating barriers that allow for denser neighborhoods, communities, and municipalities can create more affordable housing, more economic activity, and a better environment.¹⁷ The changes made by the 130th legislature to eliminate barriers across the state are a key part of the solution to Maine's housing crisis. More housing units can lower the costs of housing, especially when the cost for land is dispersed between multiple units.¹⁸ Having denser housing can lead to increased foot traffic which could lead to increased economic

¹¹ William Hall, *Portland area home prices expected to increase faster than any in the US next year*, MAINEBIZ (Dec. 1, 2021), [https://www.mainebiz.biz/article/portland-area-home-prices-expected-to-increase-faster-than-any-in-the-us-next-](https://www.mainebiz.biz/article/portland-area-home-prices-expected-to-increase-faster-than-any-in-the-us-next-year#:~:text=Realtor.com%20also%20predicts%20that,line%20with%20recent%20statewide%20trends)

[year#:~:text=Realtor.com%20also%20predicts%20that,line%20with%20recent%20statewide%20trends](https://www.mainebiz.biz/article/portland-area-home-prices-expected-to-increase-faster-than-any-in-the-us-next-year#:~:text=Realtor.com%20also%20predicts%20that,line%20with%20recent%20statewide%20trends).

¹² Teresa Pierce & Traci Gere, *Commentary: Maine's Housing Crisis Requires Urgent Action, and We're Ready to Get to Work*, PORTLAND PRESS HERALD (Jan. 28, 2023), <https://www.pressherald.com/2023/01/28/commentary-maines-housing-crisis-requires-urgent-action-and-were-ready-to-get-to-work/?auth0Authentication=true>

¹³ Median income in the county could not cover the payments of a median priced home using no more than 28% of gross income.

¹⁴ Housing Data from Maine Housing, *supra* note 6.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Alex Baca et al., "Gentle" Density Can Save Our Neighborhoods, BROOKINGS (Dec. 4, 2019), <https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>.

¹⁸ *Id.*

activity nearer to the housing.¹⁹ Also, having more foot traffic and smaller houses will improve the environment. New houses are more energy efficient, sustainable, and safer,²⁰ and if a worker can move just 10 miles closer to work, they will reduce their carbon emissions by over 4,500 pounds per year.²¹

Conclusion

“Every Mainer deserves a safe, warm place to call home,”²² Maine’s housing crisis requires all of Maine to be a part of the solution. This bill would be a step backwards from that goal. Maine Equal Justice strongly urges the Committee to vote ‘ought not to pass’ on LD 214.

We thank you for the opportunity to provide testimony and I am happy to answer any questions.

¹⁹ Kaid Benfield, *The Best Smart Growth Projects in America*, BLOOMBERG (Dec. 1, 2011), <https://www.bloomberg.com/news/articles/2011-12-01/the-best-smart-growth-projects-in-america>.

²⁰ M. Nolan Gay, *Stop Fetishizing Old Homes*, THE ATLANTIC (Jan. 11, 2022), <https://www.theatlantic.com/ideas/archive/2022/01/stop-fetishizing-old-homes-new-construction-nice/621012/>.

²¹ EPA, Greenhouse Gas Emissions from a Typical Passenger Vehicle, (last visited Apr. 10, 2023) <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle#driving>.

²² Teresa Pierce & Traci Gere, *supra* note 11.