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**TESTIMONY BEFORE THE JOINT SELECT COMMITTEE ON HOUSING
IN OPPOSITION TO LD 1672**

An Act to Establish an Affordable Housing Permitting Process

January 5, 2024

Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing, my name is Judy East, and I am the Director of the Bureau of Resource Information and Land Use Planning (BRILUP) within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking in opposition to LD 1672, *An Act to Establish an Affordable Housing Permitting Process*.

This bill establishes the Affordable Housing Development Review Board within BRILUP to issue permits for the development of affordable housing and workforce housing.

The Department favors establishing mechanisms to promote affordable housing. As proposed, however, this bill will reduce local control over certain land use decisions and may be costly and difficult to administer statewide.

The department wishes to raise three concerns. First, the proposed definitions for "affordable housing," "local board," and "municipal reviewing authority" vary from those in existing statutes and should be made consistent.

Second, the structure, composition, and tenure of the proposed Affordable Housing Development Review Board vary from other comparable boards and commissions, which should be consistent if this proposal moves forward. The proposed Board should add a member who works on housing issues at the regional level and a representative from the Housing Opportunity Program at DECD. If DACF is to provide staff to the proposed Board, it should not also be a Board member. As there is no current staff capacity to develop rules, provide staff review, or provide expenses to the proposed Board within DACF, a fiscal note will need to be estimated.

Third, we understand that the intent of the proposed affordable housing permits is to ensure that local ordinances implement the goals for affordable housing in designated growth areas. However, the proposed application criteria and review standards would be better articulated in rulemaking rather than in statute. For instance, the bill proposes standards that are or could be in conflict with one another, procedures that need to reference the receipt of a complete application (not simply an application), fees that should reflect the size and scale of an application, and many assumptions about the consistency of ordinances with local Comprehensive Plans which may be

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inaccurate. A state-level Board would also find it difficult to reconcile many of these issues given the range and variety of Comprehensive Plans and local ordinances throughout Maine.

Finally, the proposed Comprehensive Review (§5074.5.B) is inconsistent with the proposed review standard J (comply with all state environmental and wetlands laws and rules) and would pre-empt the allowable density in shoreland zoning districts that may be in designated growth areas. This would allow high-density residential housing in all shoreland zones within growth areas, including residential, Commercial Fisheries Marine Activities districts, and industrial and heavy commercial districts, the latter three categories of which may be incompatible with residential housing.

Thank you for your time. I would happily answer any questions now or at the work session.