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Testimony of Rep. Marc Malon Introducing

LD 997, An Act to Allow Residential Use Development in Commercial Districts

Before the Joint Standing Committee on Housing and Economic Development

Senator Curry, Representative Gere and esteemed colleagues on the Joint Standing Committee on Housing and Economic Development, I am Marc Malon, and I represent House District 133, which is part of the great City of Biddeford. I am here today to present **LD 997, An Act to Allow Residential Use Development in Commercial Districts**.

This bill targets arbitrary denials of housing development, something which I have been frustrated with for some time. In this case, it would prohibit a municipality from denying residential use of a lot solely because the lot is zoned for commercial use. To be clear - this does not mean that a municipality would be *required* to approve a residential use site plan. Nobody wants to see housing built on a lot for which housing would be unsafe or environmentally destructive. They simply need to have legitimate cause for the denial beyond the commercial zoning of the lot.

Beyond curtailing arbitrary denials of necessary housing development, allowing residential use in commercial zones is a way of encouraging mixed-use development. This committee and committees in previous legislatures have considered smart land-use planning to be a goal worth pursuing under the idea that it should be more affordable for folks to live closer to where they work, buy groceries and seek medical care. As legislators, we chose a career that requires many of us to travel long distances to work. However, too many Mainers have been forced into that circumstance because they cannot afford housing closer to their jobs.

When we work on LD 997, I should note to the committee that we ought to look carefully at the language to avoid unintended negative consequences. I have heard reasonable suggestions that we should consider adding greater specificity to the language to get at allowable uses, but it is obviously not so specific that it renders the bill meaningless. I can provide examples of that specificity inspired by other states for the committee before the work session.

Another suggestion that I found to have merit is that the language of this bill would be better placed in 30-A MRS §4364-C (Municipal role in statewide housing production goals), which already touches on commercial zones but could use greater clarity.

I have confidence in this committee's ability to work through complex areas of the statute, but the goal of this bill remains simple: we need more housing close to where people work, shop and seek services. This bill helps us chip away further at unnecessary barriers to achieving this goal.

Thank you for your time. I am happy to answer any questions.