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Testimony of Rep. Tiffany Roberts presenting

LD 1396, An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered a Subdivision

Before the Joint Standing Committee on Housing and Economic Development

Good afternoon, Senator Curry, Representative Gere and esteemed members of the Joint Standing Committee on Housing and Economic Development. I am Representative Tiffany Roberts, and I represent House District 149, which includes parts of North and South Berwick. Thank you for the opportunity to present **LD 1396, An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered a Subdivision**.

Put simply, this bill would help lower the barriers to housing creation. As we know, Maine is in the midst of a housing crisis, therefore, we must do everything in our power to ensure that it is easy to build new houses.

LD 1396 proposes to raise the threshold for statutory municipal subdivision review from three or more units or lots to five or more units or lots. The bill would also clarify that internal divisions of a new or existing building are not subject to subdivision review, so long as the town has a municipal site plan review. It is important to understand that this statutory municipal subdivision review is different from the Department of Environmental Protection (DEP) subdivision review conducted under the Natural Resources Protection Act (NRPA) and the Site Location of Development Act (SLODA).

This bill would make two critical changes to help unlock infill development. First, it proposes to change the threshold for the review of the number of new units created from three to five. This change effectuates recommendation 1.6 of the HR&A Roadmap for the Future of Housing Production in Maine. It further unlocks the full promise of (formerly titled) LD 2003, by allowing a homeowner to construct up to four units on their property, as allowed by law, without the burden of a lengthy subdivision review.

Second, LD 1396 would raise the threshold for the review of the creation of new lots from three to five. This change will enable small-scale infill development by permitting landowners to

create housing units that require a division of property – particularly true of homes to purchase. Municipal subdivision review touches on things like: parking, lighting and other aspects of a traditional single-family sprawling subdivision. That review is time-consuming and costly for developers and discourages the kind of entrepreneurial infill development we need.

It is worth noting that LD 1272, Speaker Fecteau's bill on ADU's and subdivisions, proposes the same change to subdivision – raising the threshold for municipal subdivision review from three or more units or lots to five or more units or lots. This speaks to the consensus among the housing creation community that the current lot threshold is unreasonably low and overly burdensome to housing creation.

Finally, LD 1396 clarifies and expands existing law to ensure that the internal division of an existing building is not subject to municipal subdivision review so long as the municipality has a site plan review process.

This change clarifies existing law and to expand the exemption to allow an unlimited number of internal divisions of a building, subject to other municipal land use restrictions including density and dimensional standards.

I acknowledge that there may be a subdivision working group to look over the comprehensive mandates and standards in statutory municipal subdivision law. I support that effort. However, taking the action outlined in LD 1396 now will help lower barriers to housing creation. This step is important and overdue. Waiting two or more years for a thorough review of the land use standards applicable to subdivisions is a worthy but separate discussion. Now, we merely want to establish what the floor for creation of a subdivision should be.

Thank you for your time and attention. I'm happy to answer any questions.