



Maine Real Estate &
Development Association

Supporting Responsible Development

LD 1272, An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units

Testimony in Support

Sponsored by: Speaker Ryan Fecteau

April 29, 2025, 3:00 pm

Chair Curry, Chair Gere, and Honorable Members of the Housing and Economic Development Committee,

My name is Bev Uhlenhake, and I am testifying on behalf of the Maine Real Estate and Development Association (MEREDA) in support of LD 1272, *An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units*, sponsored by Speaker Fecteau.

LD 1272 unlocks responsible infill development by doing the following:

1. allows for the creation of up to 4 units of housing on a lot without triggering subdivision review
2. mandates that the second housing unit not be subject to municipal density requirements or other calculations related to the area in which the ADU is constructed but requires all other units be subject to the same
3. requires municipalities to allow the occupancy of an accessory dwelling unit (ADU) on a lot even if the owner of the lot does not reside on the lot itself, and
4. eliminates a potential requirement by a municipality for a fire sprinkler system in an ADU, provided that the ADU is separated by appropriate fire-resistant walls.

Like LD 1396 which you heard last week, this bill would provide the ability for a property owner to add up to three additional housing units (for a total of four units) within five years without triggering an onerous and time-consuming subdivision review. And like in our conversations last week about the other bill, this bill would not eliminate a municipality's right to review any project through its normal course of action, which would be a site plan review in most cases. Municipal *subdivision review* is governed by the State, requiring a significant level of detail and often waivers for items which would not apply to minor projects of less than five units. Municipal *site plan review* is much more flexible and, in most cases, faster review process, allowing housing units to be put into use sooner. This change effectuates Recommendation 1.6 of the HR&A Roadmap for the Future of Housing Production in Maine.

We saw in testimony opposed to LD 1396 and expect to see it here that some folks are concerned that reducing the subdivision requirements would quickly and exponentially increase the number of dwellings in areas that are unprepared to handle them. We would like to remind the committee that the five-year timeline would still exist and would stop more than four units from being developed in less than five years. For example, if three new dwellings were added to a current parcel for a total of four units, subdivision would not be triggered, but if one of those units chose to add an ADU within five years, it would trigger subdivision for the entire parcel.

As further insurance against sprawl, we think it's important to note that although the first ADU is not subject to density restrictions (law since LD 2003), any units added after that would be subject to those

restrictions. This bill does not eliminate that local control. Additionally, even these small-sized infill projects of 4 units would be subject to existing environmental protections, including shoreland zoning, stormwater, local site plan review, and local land use restrictions and impact fees. These laws, regulations, and ordinances are equipped to manage proper environmental, health, and safety impacts from the creation of four units. For these reasons, MEREDA believes that the move to allow up to 4 units strikes the right balance between land use and environmental protection and incentivizing housing creation.

The final two points in this legislation – eliminating the residency and fire sprinkler requirements – are frankly guards against NIMBYism. When LD 2003 passed, we saw a number of local ordinances go into effect that would make the development of ADUs prohibitively expensive or impossible without having any sound, logical safety basis for implementation. This bill would eliminate both of these tactics, while keeping appropriate fire safety measures in place.

Finally, we would urge this committee to act on LD 1272 in the current session. We recognize that there may be a subdivision working group to look over the comprehensive mandates and standards in statutory municipal subdivision law. We support that effort. However, taking the action outlined in LD 1272 now will help lower barriers to housing creation. There is consensus amongst housing advocates that 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. For now, we merely want to establish the law for the right-sized threshold for creation of a subdivision. We urge the committee to pass LD 1272 now.

Thank you for your thoughtful consideration of this important policy initiative, and for all you do for the State of Maine.

Sincerely,

Bev Uhlenhake

On behalf of the Maine Real Estate and Development Association (MEREDA)