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Testimony in Opposition to LD 2173

An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units

Steven Weems

To the Joint Standing Committee on Housing and Economic Development

February 17, 2026

Senator Curry, Representative Gere, Representative Golek, and other distinguished members of the joint Standing Committee on Housing and Economic Development; my name is Steve Weems, a member of the Brunswick Town Council. I am submitting this testimony as an individual elected official, reflecting the perspective and opinion I bring to my duties as a town councilor. I am not speaking officially on behalf of the town. The Town Council is considering an official Town of Brunswick Resolution on LDs 1829 and 2173, and intends to submit it forthwith.

In this context, I arise in opposition to LD 2173, with some requests for language changes that could change this to support. The underlying laws being updated are seriously flawed, and are far more expansive than the stated original intent to encourage the construction of affordable housing. These are sweeping growth management laws, establishing state mandates which usurp the ability of municipalities to address housing growth effectively at the local level. Out of respect for the good intentions of this Committee, past and present, and the purpose of LD 2173, I will limit my further comment today to the content of this bill.

In Section 2, pertaining to Rate of Growth ordinances, in subsection 3.B. it is not clear how the mathematical calculations would be applied in a community where a rate of growth ordinance is contemplated for only a defined geographic portion of the municipality (say, its rural area only). If there is a rate of growth ordinance for a whole town, consistent with subsection 3, it appears a municipality could set different limits for different sections of town, as long as the aggregate minimum

number of units allowed meets or exceeds the minimum required for the whole town. However, if there is no limit on the rate of growth in some areas of the town, compliance with a required percentage cannot be calculated. I recommend exempting a town from rate of growth provisions if the town restricts its rate of growth ordinance to only a section of the entire municipality (e.g., its rural area).

Second, still in Section 2, subsection 3.B., the minimum percentage required should be left unchanged or eliminated. The overall intent of this provision may be to “level the playing field,” but any percentage level seems punitive to towns, like Brunswick, that have recently experienced rapid growth in housing. It locks such towns into an ever spiraling increase in the minimum amount of growth they will have to accommodate under state law. Towns which have, advertently or inadvertently, experienced rapid growth will be required to accommodate more and more growth as a “reward” for their good performance. I am sure other towns will be making this point. There has to be a better way to encourage all towns to do their part in providing sufficient housing.

Third, the implementation date of July 1, 2026 for compliance with LD 1829 and LD 2173 is imminent, and the degree of difficulty in getting everything in alignment with these bills, assuming LD 2173 passes in some form, is incredibly high. Even in Brunswick, which fortuitously adopted an updated Comprehensive Plan in December, getting all the parts and pieces in alignment by July 1, 2026 will be a daunting task. Heaven help other municipalities who will be required to do so without any additional funding support, with existing staff and within current-year budgets. I agree with others that the implementation date should be extended to July 1, 2027 for towns with municipal officer authority and July 1, 2028 for municipalities requiring voter approval for ordinance changes.

Fourth, although I may be straying into the area of the underlying growth management provisions of existing law, I think the density provisions applicable in areas of a municipality with public water and sewer that are not in its designated growth area should be amended to reflect the goal of creating affordable housing more directly. These areas are primarily existing residential areas. Decrease or eliminate the density requirements for market rate housing in these areas and keep the existing density requirements in these areas as bonus units available for the creation of affordable and workforce housing only.