

Testimony of the Greater Portland Council of Governments

Neither For Nor Against

LD 2173 - An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units

February 17, 2026

Good morning, Senator Curry, Representative Gere, and members of the Joint Standing Committee on Housing and Economic Development. My name is Jamie Garvin, and I'm the Director of Community Affairs for the Greater Portland Council of Governments. GPCOG represents 25 Southern Maine communities, and I'm here today to provide testimony *neither for nor against* on LD 2173.

Let me start by saying: our member communities share the Legislature's commitment to addressing Maine's housing shortage. We want to be part of the solution. LD 2173 makes some helpful technical corrections to LD 1829, and we appreciate Representative Collamore's work on this bill.

More reforms need to be included in this bill. Fundamental implementation challenges facing our communities need to be more comprehensively addressed.

First, infrastructure capacity. Communities like Windham are processing over 900 dwelling units in the next 2-3 years – on top of averaging 112 units annually for the past decade. Water, sewer, stormwater, transportation systems, and schools cannot accommodate this growth without capital investment that exceeds local budget capacity. LD 2173 contains no infrastructure funding, no prioritization of state resources for growth areas, and no relief from impact fee restrictions that prevent municipalities from planning for regional infrastructure needs.

Second, growth management tools. LD 2173 does not restore the ability of fast-growing municipalities to manage growth responsibly. In fact, the changes to rate of growth ordinances – requiring 130% of a 5-year mean instead of 105% of a 10-year mean – make these tools even

harder to use. Communities that have been regional leaders in housing production now have fewer tools to align development with infrastructure capacity and comprehensive plans.

Third, comprehensive planning. LD 2173 does not remove density mandates outside designated growth areas. Municipalities have spent years developing comprehensive plans that identify where growth should and shouldn't occur. Yet the law still requires density along water and sewer lines that may traverse rural areas, farmland, or natural resource areas we've deliberately chosen to preserve. This creates perverse incentives that undermine smart growth principles.

Fourth, implementation timelines. The July 1, 2026, deadline remains unrealistic. This fix bill will require additional rulemaking, on top of the just completed LD 1829 rules finalized last month. Other housing legislation is still pending – LD 1375's regulatory barriers working group, LD 1926, and others. Many municipal charters require months-long processes that don't allow mid-stream changes. We need time to get this right. LD 997 and subdivision threshold changes don't take effect until July 1, 2027– that's the deadline LD 1829 should have.

Finally, affordability outcomes. We all want this law to produce housing people can actually afford. But LD 2003's density increases have produced \$600,000 condos and million-dollar homes in our region. LD 2173 contains no mechanisms to track affordability covenants or support municipalities in administering them.

Our communities aren't asking to opt out. They're asking for the tools and resources to implement this law successfully – in ways that produce the housing Maine needs while maintaining the infrastructure, natural areas, and comprehensive planning frameworks our communities have developed through years of deliberate public engagement.

We urge this Committee to strengthen LD 2173 by extending implementation deadlines and removing density mandates that conflict with comprehensive planning. Furthermore, additional provisions or supplemental legislation are needed to address the issues of insufficient infrastructure necessary to support the growth envisioned with LD 2003 and 1829, along with measures to ensure the *affordable* homes each is intended to produce come to fruition.

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