

Testimony on LD2173/LD1829 February 17, 2026  
Larry Cain, Vice Chair - Scarborough Town Council

Thank you for the opportunity to speak today on this very impactful piece of legislation.

Throughout this public process, I am sure you will hear from many stakeholders that the current version of LD1829 and the corrective changes proposed in LD 2173 may not effectively address housing needs, but will add undue burdens and unintended consequences to communities in Maine. I agree with that 100%. Please listen closely to the facts and logic that support those speakers. You will hear from a number of Scarborough elected officials and our residents...not because we are against the laws' intent, but because the components of laws so drastically affect our Town.

If you choose to move forward without a more thorough review of the goals, intent and impacts, I want to offer suggestions that should be the bare minimum of improvements to the original LD1829 enacted law. I have included a red line example of the proposed changes.

As some of you know, Scarborough has been very active and invested in following the progress of this law. First, let me express our appreciation to Speaker Fecteau and Representative Collamore for recognizing the need, and participating in the process, of improving LD 1829 from its enacted version with the proposed changes in LD2173. We also appreciate that along with the Speaker, we had representatives Warren, Gattine and Murphy attend a public forum hosted in Scarborough that was very productive for both the Town Council and for the community members who attended.

Scarborough has a decades long commitment to residential growth. We have a significant amount of land that has been available for development. We have outstanding schools, beaches, healthcare and community services that are attractive considerations for home buyers. However, we also have the largest salt water marsh in the State, a working waterfront and a long tradition of rural farming. All need to be actively preserved. Those competing factors have led our Town to be excellent stewards of planned growth, along with welcoming new residents at a high rate.

I can also proudly report that our town recognizes the existing housing shortage in Maine. We agree that affordability and availability of housing should be a top priority for both State and local governments. I want to stress that we are already doing our part. Our housing initiatives include a commitment to affordable housing, and we have demonstrated that with approved projects, direct grant funding and development subsidies through Credit Enhancement Agreements.

So, I am speaking today to point out that applying the same rules of this law to every community in the State needs to be reconsidered.

My first topic is the changes to Rate of Growth ordinances. I appreciate that in the corrective bill, there is now some ability to retain a rate of growth ordinance. What makes Scarborough unique is that over the last five years we have averaged 226 housing permits issued per year. That number has grown based on the existing 105% growth factor. Changing that to 130% increases every year is untenable. In 2030 we would be required to offer 331 permits!! Over that same five year period we would be required to offer a total of 1499 permits!! Based on an average land use of less than a  $\frac{1}{4}$  acre home, that's over 345 acres of land. Think about that.

Please consider the unfunded burden for traffic, public safety, infrastructure and schools. Again, Scarborough is already doing our part, we should not be penalized for creating innovative policies that have achieved positive outcomes. We insist that you consider retaining the 105% increase, and a ten year look back period. I do understand that low, or no growth communities may need a faster pace to achieve the goals of this bill. It is perfectly reasonable for there to be a lesser % rate for high growth towns, and a higher rate to spur low growth towns.

In a similar vein, for the density provisions, we propose to eliminate the density allowances outside the designated growth areas, but served by water and sewer. This contradicts and undermines the intent of our Comp plan, and in some ways, the legislative intent as explained in committee testimony. In addition, there is currently no requirement for affordable or workforce housing related to these density bonuses. In order to achieve one of the main goals of this legislation, there must be a requirement for a percentage of affordable and/or workforce housing in order for a developer to receive any density bonuses. Otherwise, this density effort will only yield

additional market rate housing growth....which benefits neither the community nor the State's intent.

Next, please consider extending the original effective date of this law to July 1, 2028. Whatever the final version looks like, this will absolutely require significant changes to our Comp Plan, Zoning, Rate of Growth Ordinance, Designated Growth Plan, and other work. The original bill granted municipalities that require voter approval until 7/1/27 to comply. At the very least, based on the amount of work to be done, we need that same time frame. Without adequate time, we will certainly have to consider a building moratorium, which also works against the intent of the law.

Lastly, let's talk about costs. As shown, Scarborough has a long history of progressive commitments to housing. Our community has been forced to support these efforts with tax increases and debt burdens. In November, our residents approved a \$140 million school project that impacts five separate schools. This project has no State assistance, but the residents still voted to make that investment. Public safety also recently needed to hire 10 new fire fighters. In addition, we purchased a new ambulance. These are just a few examples that illustrate the investments we have made because of growth impacts. Other communities will discover these unfunded impacts very quickly. There are many more road, traffic and municipal projects coming to us to be dealt with because of residential growth. Based on these additional cost burdens, we expect there will be a focused effort at the State level to recognize the financial burden of these housing initiatives with supportive funding for infrastructure improvements.

As mentioned, I am not here to argue against the need or intent of this law. I am not here to propose changes that weaken this law. I am here asking for consideration to make this law work better by taking into account the unique details of various Maine communities; along with better outcomes for housing affordability and availability.

Thank you.