

Senator Curry, Representative Gere, and distinguished members of the Joint Standing Committee on Housing & Economic Development,

My name is Daniel Davis, I live in southern Oxford County (*Porter, Maine*) and present to you as licensed CEO and LPI in my own community, with no interest other than local governments actually delivering on the commitments that they make to taxpayers, and that each taxpayer is treated equally under law, regulation, ordinance, or charter.

I'm testifying *Neither For Nor Against* in regard to **LD445 - An Act to Stimulate Housing Production by Increasing the Threshold Before Participation in the Maine Uniform Building and Energy Code Is Mandatory**, but would like to provide some discussion content and thought on the matter.

The reality is, if a community between 4,000 and 10,000 in population does not have a full-time Code Enforcement Officer/LPI *and a sworn deputy with dedicated office support* on staff, it probably shouldn't be claiming that it can consistently enforce and administer MUBEC/MUBC and that it is readily available and adequate to serve the public needs. Not providing this is a disservice to Mainers, adds unnecessary delays and bureaucracy, and betrays the public trust.

I respectfully recommend that the committee workshop to evaluate the following, before rendering any decision on LD445:

A.) Assess how many towns between 4,000 and 10,000 in population have a full-time CEO/LPI with sworn deputy and dedicated office support for this specific service, and

B.) Have the State perform a *random audit of 10% of the Towns under 10,000 and over 4,000 who have legally adopted administration and enforcement of MUBEC (*there are roughly 65 of them*), to verify the consistency and execution of required inspections, reporting, test data collection and data review/determinations, as well as the associated document retention of development history for a typical housing build there.

**This is manageable to present to the committee as it would be just seven (7) communities, and the acting Code Enforcement Officers at these locations should readily welcome support the State's audits, to prove their capabilities of efficiently, accurately, and evenly applying this service in their own towns or cities.*

I am personally aware of a number of towns in Maine that have legally adopted MUBEC enforcement and administration, yet they don't fully execute it, and worse, apply it selectively under the pretense of 'health & safety' when it is convenient, or as a retaliatory tool with ill intent.

I have also personally witnessed unsafe and inefficiency buildings in MUBEC communities of 10,001+, 20,000+, 30,000+, and even 60,000+ people, just as the same as there are in 4,001 communities.

And over the past 5 years I have realized many State agencies not evenly applying their own regulatory standards, straining Due Process, or not applying them at all, and worse, initiating policies and processes that conflict with and obstruct local compliance with State Laws, straining the very credibility of these State offices, departments, bureaus, and services.

So please forgive me if I do not exude blind fealty in government mandated "standards".

Several other thoughts to consider related to this discussion:

- 1.) **TRAINING***: Other municipal positions outside of the CEO-LPI have their own entities (“handlers”) basically at their beck and call, handling all scheduling and training requirement coordination for them, while a CEO-LPI has to hunt-and-peck for his or her own trainings, having to enroll in numerous annual memberships over the years as they are randomly found, in order to fulfill a 6-year curriculum that each CEO-LPI had to pre-design on their own in order to re-certify every 6 years. It’s a process with no security or comfort, not knowing if one will be able to acquire the CEU’s for each component of their license over that time, where to go to find them, how to schedule the time to attend (*for physical site location trainings*), and to be confident knowing that the municipal officers will even cover all of those reoccurring costs.

****It’s actually more cost effective and better time spent for taxpayers, municipalities, and code officers in Maine to let their certifications expire every 6 years and simply spend 2-3 days re-testing.***

Maybe this is why nearly 50% of the CEO’s in Maine have had difficulty in staying current in their re-certifications. I consider this a more significant liability in and of itself, than those who believe a MUBEC/MUBEC banner automatically signifies a trusted safety blanket, one that would instantly vanish should LD445 pass, wouldn’t you? (*e.g. an unlicensed local government employee giving development guidance regarding land and structures, interpreting technical documents and plans, writing legal determinations, and denying or issuing permits*)

- 2.) **RISK EXPOSURE**: The State considers animal control a **first responder**, offering them extensive training to deal with the unabated drug, mental health, and housing crises here, law enforcement education, and support for ballistic vests and weapons carry capabilities.

It is interesting to note that those who mistreat or fail to train the animals they shouldn’t even own, often mistreat and fail to honor basic maintenance of ***their own homes, their septic systems, their land, and don’t really care about community design, permitting processes, and building standards.*** It’s actually the CEO and LPI who are more often responding first to these crises, not an ACO.

Yet there’s no state training, no criminal justice education, or ballistic vest and permit carry support from the state for local CEO’s/LPI’s, as we investigate failed septic systems, the interiors of dangerous and abandoned structures, squatter camps, and parcels filling up with squalor and filth, all while communicating directly with those often struggling with mental health, drug addiction, and lack of affordable housing.

- 3.) **LOCAL RESPONSE TIME to PUBLIC HEALTH AND SAFETY HAZARDS**: Whether it is reckless bonfires by often squatting folks out of their right minds, the discovery of garbage bags or open stockpiles of feces, witnessing small children playing with their untrained dogs shin-deep in raw sewerage from failed septic fields, collections of hot diapers and rotting food packed to the roof in broken down vehicles, signs of pests and rodents multiplying, attempting to remove squatters from public lands performing all of the above, cardboard box and steamy camper winter-living (*inclusive of untrained dogs, babies, domestic violence, and often involving drug use*), or even to address a straightforward MUBEC/MUBC violation, the **“QUICKEST RESPONSE”** tools given to the CEO, LPI, LHO, and Fire Wardens **are all one in the same**: An average of 18-months tied up in litigation and \$10k investment per lawsuit largely ending in useless mechanics liens that can be sidestepped, or to go it alone and pony up community taxation funds and risk to address an immediate health and safety problem,

hoping that a random judge will grant the ability to recover sunk costs, but often ending as eternal mechanics liens and unresolved problems just the same.

Incorporated municipalities have no quick-response legal tools in an era of increasing breadth and depth of immediate public health and safety issues. This is an unsustainable problem as people are living closer together and the State is simultaneously repealing landlord, foreclosure, land use, and subdivision laws, and expanding what a dwelling can be to absorb the unsupported homeless in the State who have been displaced from the price escalation in urban economic centers.

So, until the State makes a commitment to support sustained education access to CEO's and LPI's (*not temporary grants*), acknowledges increased CEO and LPI occupational risk exposure to multiple crises since the pandemic shutdown, recognizes them as a highly skilled and technical positions of value, and restores local quick-response tools to address more frequent immediate health and safety issues, there won't likely be any consistency to MUBEC/MUBC enforcement or development trends anywhere in Maine for quite some time, and the dearth and brain-drain of qualified labor at these positions will probably continue.

If or when that time ever comes that the State is willing to take the lead on these issues noted above, who are we as local civil servants to continually put our necks on the line pretending to be full-time insurance/mortgage proxies or de facto social workers?

I support a workshop to evaluate the Code Enforcement service capacity of the 65 communities between 4,000 and 10,000 in population, and to perform a random 10% audit (7 communities between 4k and 10k pop) to affirm consistent, thorough, and even application.

Neither for nor Against LD445.

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Town of Porter, Maine (Oxford County)

2.27.25