



### **Testimony neither in Support or Opposition of LD 427:**

**“An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes”**

Senator Curry, Representative Gere, and the distinguished members of the Committee on Housing and Economic Development, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine.

Thank you for the opportunity to testify neither in support or opposition to LD 427, "An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes." While we neither support nor oppose this bill, we appreciate the opportunity to provide our perspective.

#### **State Level Mandates**

Maine Policy Institute has long advocated for policies that limit excessive state mandates and encourage local decision-making. In this regard, we support restricting state-imposed parking space minimums, as such requirements often create unnecessary burdens on development, increase costs for businesses and consumers, and contribute to inefficient land use. By removing state-mandated parking minimums, Maine can foster a more market-driven approach that allows developers and businesses to determine appropriate parking allocations based on actual demand rather than arbitrary regulatory requirements.

Additionally, due to the amount of resources available to larger cities versus smaller towns, the cities that most need reductions in minimum parking requirements have the resources to legally circumvent state-level mandates. One example is Portland's response to LD 2003, which, on paper, appears to be compliant, as it allowed for increased density in traditionally single-family zones. However, the city created a complex web of hoops and requirements one must jump through to build the legal max of four units on a traditionally single-family property, specifically to make the increased density options harder to access.<sup>1</sup> The same would happen with statewide parking minimum mandates, even though Maine's largest cities that would find clever ways to circumvent these land use reforms are the same jurisdictions that most need them.

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<sup>1</sup> <https://mainebeacon.com/opinion-portlands-strategy-to-dodge-ld-2003-will-prolong-our-housing-crisis/>



## **Local Control of Land Use Policy**

However, while we oppose state-level parking mandates, we firmly believe municipalities should retain the authority to govern local zoning and land-use decisions. Local governments are best positioned to determine parking policies that align with the specific needs of their communities. By prohibiting municipalities from setting their parking space minimums, LD 427 would infringe upon local control and undermine the ability of towns and cities to shape development in a way that best serves their residents and businesses. By allowing municipalities to control their local parking minimums, they can experiment with what is best for different parts of the state and copy neighbors with better laws.

A balanced approach to parking policy should recognize that different communities have different needs. In more urban areas with robust public transit and pedestrian-friendly infrastructure, reduced or eliminated parking minimums may be appropriate. Conversely, in rural and suburban areas where car travel remains a necessity, some level of parking requirements may still be needed. These decisions should be made locally, not dictated by one-size-fits-all state policy.

A better approach than top-down mandates is to find ways to incentivize localities to deregulate with additional funding, perhaps through state revenue sharing. While Maine Policy largely supported the local reforms outlined in LD 2003, our opposition derived from the bill's top-down approach. It would be much more effective to create financial incentives for towns to deregulate local land use policies than force their hand through heavy-handed mandates. This approach is how jurisdictions like Portland comply on paper, but realistically, make it a nightmare to build additional units on their property as was the intent of the density allowances contained in LD 2003.

## **Conclusion**

To that end, we encourage the Legislature to amend LD 427 to ensure that while state-mandated parking minimums are eliminated, municipalities retain the flexibility to set parking standards that reflect their unique circumstances and consider ways to incentivize towns to move in this direction rather than a one-size-fits-all policy for the state. By doing so, Maine can achieve a more efficient and locally responsive approach to land use without imposing unnecessary constraints on local governments. Thank you for your time and consideration.