

Senator Pierce, Representative Gere, and members of the Housing Committee,

I represent no entity or agency other than myself and would like to testify in **OPPOSITION** to **LD1706** and **LD1593**.

LD1706 will further complicate efforts for communities as they frantically attempt to understand what the law means right now, and while still asking that the State address all of the gaps and ambiguity in statute or rules (*which it has not yet done*). This bill introduces even more unfunded labor and cost burdens on municipalities than LD2003 has already incurred, further undermines subdivision law, allows development first then government review later which is extremely reckless ("after-the-fact"), and undermines life/fire safety.

LD1593 is construed as a disingenuous approach to further State overreach and to induce more development into many portions of Maine who do not have the capability or capacity to properly manage it. It also conflicts with numerous State Laws and manipulates the small lot law that towns are currently validating their local designs against, and the law that is a foundation of LD2003.

As LD2003 was being developed, community local governments have consistently sought to gain a mutual agreement by all stakeholders that maintains local control while encouraging affordable housing that is within the capabilities, capacity, and comprehensive planning of diverse political subdivisions throughout the State. This has not occurred and there is a feeling by smaller communities, roughly 70% of this state, of disenfranchisement and an overall sense of a tone-deaf administration making emotional decisions rather than applying common-sense and reason.

Even today, there are over 17 current legislative documents revolving around increasing housing affordability; five (5) that are "placeholders" for ideas the legislators have yet to come up with, six (6) that undermine the quality and service of the Tree Growth Program, the MEDEP, LURC, and local governments, and six (6) that are actively manipulating the LD2003 public law (*Chapter 672*) which is still disproportionate, incomplete, comes with an unknown and unfunded price tag, and continues to be a moving target law that towns have to somehow comply with in the next two months.

There are current attempts to add reasonableness, proportionality, and competency to LD2003 (*LD214, and LD1154*), to address a significant blind spot in the law that will negatively affect our environment and natural resources (*LD54*), and to rationally delay rolling out an incomplete law that will likely result in extended court testing by municipalities due to its lack of quality (*LD665*). LD2003 was passed through by the legislature without full understanding of its impacts, without carrying the true costs that are fully considered, finalized, or approved, and without proper completion to be able to stand in a court of law.

The law that LD1706 and LD1593 attempts to continue to bandaid and bolt-on has substantive conflicts with the existing State legal construct (*at least 21 statutes*) and rights and obligations codified in our state constitution (*5 sections across 6 articles*), putting into question validity of LD2003.

Legislators are still being educated on what LD2003 does, the DECD supposedly claims to have finalized rules for LD2003 (*Chapter Law 672*) just this April 2023 (but it hasn't), the DECD is still having training sessions for local governments up to the end of May 2023, legislators are even indicating to their constituents that LD2003 was never a mandate, but guidance, very large cities are still not even close to being ready for this law enactment just a couple months from now, municipalities don't know how or if

they'll ever receive funding for the work they are doing to complete LD2003 for the State, and there continues to be missing, ambiguous, and conflicting definitions.

Based on "final" rule-making of Chapter 4 and the DECD summary of inquiries from various municipalities regarding LD2003, roughly 50% of the DECD responses to eleven (11) unique questions indicate that the rules are incomplete and that details on how grant proposals, target metrics, allowable uses, and scoring criterion will be determined for those seeking funding are stilling being fleshed out. Towns need and rely on these grants now, and they don't have the information available to them to make informed and responsible decisions, and their property taxpayers are not responsible for completing the unfinished work of state legislators with their legal counsel or testing unreasonable and ambiguous legislation in court.

Based on "final" rule-making of Chapter 5 and a DECD summary of inquiries from various municipalities regarding LD2003, a significant number of DECD responses (roughly 40%) to 132 unique questions (*there were 53 redundant questions in the survey*) either indicated that the legislature is responsible for correcting the flaws within with law, that municipalities will largely be responsible for hiring legal counsel to interpret, complete, and court test the significant ambiguity, conflicts, omissions, legality, and constitutionality of LD2003, and that rulemaking is incomplete in both chapters, even referring several Chapter 5 grant funding questions to an incomplete Chapter 4 rule.

Not acknowledging that a majority of municipalities in this state do not have public sidewalks, public parking, public transit, cohesive community services, police, local government staffing, or the tax base to support this unfunded and unreasonable mandate as it has been written is unbecoming of both the legislature and the governor.

Funding alone for this unreasonable and incomplete mandate (*municipalities being forced to court test and to hire independent lawyers to design and complete this law FOR the legislature*) has not been properly provided by the State as is required by our State Constitution, and even if adequate funding were available, it is still unattainable as the details, proposal requirements, target metrics, allowable uses, and scoring criterion have not yet been completed per the DECD, and the State has not yet even defined what the goal of LD2003 actually is.

It is well documented that the rules and the LD2003 law remain substantively incomplete and ambiguous even two months leading up to a state-wide roll-out, with serious missing foundational requirements to stand in a court of law. LD2003 remains contrary to the standards of conduct furnished by the laws and the constitution of this State (*lex iniusta non est lex*).

I urge the Committee to start listening, working with, and respecting the broad range of communities throughout the state to assure that LD2003 is reasonable, proportionate, and does not conflict with the existing legislative construct. LD2003 and current bills like these (*LD1706, LD1593*) will cause the same detrimental issues here in Maine that justified creation of the very Subdivision Law that the State is currently attempting to now dismantle.

Please vote **OUGHT NOT TO PASS** on **LD1706/LD1593** to allow Maine centralized planning to grow in a more orderly and sensible manner, thereby protecting our environment, natural resources, and climate.

Thank you.