



HOUSE OF REPRESENTATIVES

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March 7, 2022

Senator Daughtry, Representative Sylvester, and honorable members of the Joint Standing Committee on Labor and Housing. I am Representative Jack Ducharme and I represent the good folks of Madison, Norridgewock and Solon. I am writing to express my opposition to this bill, LD 2003, *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions* as written. Prior to serving in the Legislature, I served on the Madison Board of Selectmen for 9 years. I currently serve on the Madison Housing committee. As a former mortgage lender, current administrator of a real estate law firm, I'm painfully aware of the need for housing in Maine. Further, the law of supply and demand has driven prices beyond the reach of many people. I acknowledge there is a problem. I don't believe that LD 2003 is the answer to this problem.

I've been reading LD 2003 this weekend. I am struggling with several areas of this bill. Generally, I am concerned that it, in many ways, violates Title 30-A, Chapter 141, the "Home Rule" provision of municipal law. I recently worked on LD 1694, the Land Bank bill, a bill that hits on Title 30-A regarding blighted and abandoned properties. We worked hard on that bill to make sure that it would not infringe on the explicit "Home Rule" powers held by the 488 cities, towns and plantations of Maine.

In Section 5, Housing Development definitions, the definitions described; specifically, "Concentration of Population" and "Overcrowding of the Land" are poorly written and subjective. "Too high" is not a measure that can be clearly defined. Too high in Biddeford is different than too high in Madison or Madawaska. It is an opinion. Who makes that determination?

The section regarding "Growth Caps", Section 4360 subsection 4 clearly violates Home Rule. The State cannot forbid a municipality from enacting an ordinance that is not specifically allowed or prohibited in the Constitution of the State of Maine. Nothing in the Maine Constitution speaks to population density, to residential housing or municipal growth.

I have concerns about the "rule making" piece of the grant program but as written, the municipality must apply to be part of that so they should know the rules going in if they wish to obtain funds. I do have concerns that these rules that will be promulgated by this group may somehow become rules that local planning boards MUST follow down the road either by future legislative action or pressure by State officials on municipal boards.

It appears that the Municipal Housing Development Permit Review Board will have broad powers to force a town to approve a project over the concerns of the citizens and taxpayers of the town. Do we really want to give a board of politically appointed people the power to override the decisions of a municipally elected board? In Madison for many years, we discussed land use ordinances to see if we could help make sure that neighborhoods were maintained to a particular standard. These discussions always came down to how can we write an ordinance that serves both the in-town folks as well as the rural areas of our town. I cannot imagine how that could be done by a committee trying to balance the housing needs of Portland or South Portland with the rural characteristics of Norridgewock or Solon.

Finally, Section 5250-U, Priority Development Zones required; whenever a law says "municipality shall" worries me. This section REQUIRES that municipalities designate a priority development zone. Once that zone is designated, it gives the State through DECD the power to review the ordinance for compliance with rules yet to be established by DECD. The notion that the municipality is given 2 years to comply with these rules is really no safeguard for the municipality. It only delays the mandate.

Thank you for your time and consideration of my testimony. While affordable housing is clearly a major issue for many Mainers, I don't believe that this bill will fix it. It will create neighborhoods in communities that will be looked upon as "state mandated" and somehow foisted upon the local citizens. We work hard to maintain equality and good relations among the citizens in our communities. This bill will create the opposite effect in many larger towns and cities by forcing development where the State wants it rather than allowing it to develop organically. Please vote against the passage of this bill, LD 2003. There are better ways to stimulate housing development.

Cordially,

A handwritten signature in black ink, appearing to read "Jack Ducharme", with a large, sweeping flourish extending to the right.

Representative Jack Ducharme
Maine House District 111
Madison, Norridgewock, Solon