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**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS
TO THE JOINT STANDING
COMMITTEE ON LABOR AND HOUSING**

**WRITTEN TESTIMONY PROVIDED FOR LD #1673
“An Act to Create a Comprehensive Permit Process for the
Construction of Affordable Housing”**

DATE OF HEARING: Monday, February 14, 2022

**Honorable Senator Matthea Daughtry, Honorable Representative Mike Sylvester,
Distinguished Members of the Committee on Labor and Housing:**

My name is Charles Haeuser, and I presently am a community planning consultant having done planning for over 40 years at the local and regional levels. I am providing testimony on behalf of the Maine Association of Planners Legislative Policy Committee to testify in favor of LD #1673. The Maine Association of Planners, or MAP, is an organization of over 100 members, including professional public, private, and nonprofit planners, citizen volunteers serving on local boards, and Mainers from other professions like attorneys, landscape architects, professors, and developers. Though our membership works in diverse settings, we are all dedicated to enhancing the practice of planning in Maine.

This bill is similar to Recommendation #9 of the Commission to Increase Housing Opportunities in Maine. That recommendation is to “Create a state-level housing appeals board to review denials of affordable housing projects made at the local level.” Fortunately, proposed LD 1673 goes beyond the state appeals board formulation to also include the comprehensive permitting process that has worked so well for many years in Massachusetts. This is the process that allows municipalities to use their own discretion to meet basic affordable housing benchmarks, and, if they don't, streamlines the approval and permitting process for developments that include affordable housing.

In my time as Planning Director for the City of South Portland, almost every affordable housing project that came forward required a zoning amendment or a new contract zone in order to get the density of units necessary to make the project economically feasible. This was as true for our own South Portland Housing Development Corporation



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as for Avesta and other affordable housing non-profits. Having to go to the City Council for a zone change guaranteed a protracted review and approval process that in a number of cases was just too onerous for needed projects to proceed. South Portland probably meets the proposed law's affordable housing benchmarks, but for municipalities that do not, a benefit of the comprehensive permit process would be the elimination of the time-consuming and costly need for rezoning.

We often say, "If it ain't broke, don't fix it." Sometimes the corollary is true—if something is tried and true, use it. That's the situation in this case. With all the discussion and effort to try to get affordable housing units built in Maine, there is a procedure in a neighboring state that has worked remarkably well for years.

According to MassHousing, the equivalent of Maine State Housing in Massachusetts:

[Chapter 40B](#), the Commonwealth's regional planning law, promotes responsible housing growth by creating a streamlined permitting process for eligible projects that utilize subsidized financing, and that meaningfully accommodate lower-income residents.

Since its passage in 1969, Chapter 40B has supported almost all affordable housing construction in Massachusetts outside of the Commonwealth's largest cities. Approximately 70,000 total units have been produced under Chapter 40B, of which over 35,000 units are restricted to households making less than 80% of the area median income (AMI).

Chapter 40B promotes regional planning solutions and new housing consistent with local and regional planning needs. The law balances the regional need for affordable housing development with local public health, public safety, design, and environmental welfare needs.

The statute allows eligible affordable housing developments to receive a comprehensive permit, even when projects require waivers of local zoning. In cities and towns that achieve certain affordable housing production goals, zoning boards of appeal may reject 40B proposals without facing an appeal from the developer, giving those communities great discretion over 40B development. Municipalities that have not achieved minimum affordable housing production thresholds have a more limited ability to reject 40B proposals.¹

¹ "Chapter 40B and MassHousing," MassHousing, <https://www.masshousing.com/en/programs-outreach/planning-programs/40b#:~:text=Chapter%2040B%20is%20the%20state%E2%80%99s%20regional%20planning%20statute%2C,for%20municipalities%20to%20control%20their%20own%20housing%20growth>, accessed 2/11/2022.





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It should be noted that many bills need to go through a certain amount of rule-making after adoption, and MAP feels it will be important to ensure during rule-making for LD 1673 that some important details are more clearly spelled out. Some examples are the number or percent of affordable housing units a developer would need to be providing in order to be eligible for the comprehensive permit process, and being more explicit about proposed affordable housing projects needing to meet local standards for architectural design, required landscaped open space, and other site plan standards (as long as they pertain to non-affordable residential development projects as well).

Given the enormous need for affordable housing in Maine and the proven success of the comprehensive permit process, I hope the Committee will give serious consideration to voting in favor of LD 1673 and to any companion bills resulting from the work of the Housing Opportunities Commission. MAP would be happy to answer any questions you may have about our testimony and would be pleased to work with the Committee as it considers LD 1673

Thank you.

