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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 #2003
“An Act to Implement the Recommendations of the Commission to Increase
Housing Opportunities in Maine by Studying Zoning and Land Use
Restrictions”**

DATE OF HEARING: Monday, March 7, 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 2003. 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.

MAP is well-aware of the affordable housing crisis and our members whole-heartedly agree that it warrants emergency legislation. We support LD 1673, the legislation to incentivize communities to meet affordable housing benchmarks as has been done successfully in other states, and we support LD 2003, albeit with suggestions for several amendments. In fact, we feel the two bills complement each other and should both be adopted.

We also understand that the recommendations of the Commission, as reflected in LD 2003, work together as a package. However, MAP feels that changes can be made to a few of the parts without compromising, but in fact strengthening, the whole.



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First, in terms of the Fair Housing section, while we understand how terms like “overcrowding of land” have been misused for discriminatory purposes, we foresee that this section, as written, will lead to litigation over legitimate applications of housing density. It should be amended so that a community that makes adequate provision for housing choice and housing affordability can still set different densities for its various residential zoning districts.

Second, it is a bit unclear as to why the growth ordinance section is being amended to not allow growth caps rather than simply being repealed.

Third, while MAP strongly supports the technical assistance and municipal incentive sections of the LD 2003, we hope, whether through this bill or by other means, that the regional planning commissions will also receive additional funds in order to have the capacity they will need to assist their member communities with the extensive amount of ordinance work that LD 2003 will engender.

Fourth, we support the affordable housing density provisions but fear they will be ineffective unless there also is added a provision to limit minimum lot size. As is attempted to be demonstrated in Figure 1 on the last page of this testimony, if the minimum lot size of the residential zoning district in which the affordable housing project will be located is an acre or more, there is virtually no chance that sufficient density will be achieved that would make an affordable housing development financially feasible.

Fifth, although we struggled with it, the conclusion of the Maine Association of Planners is that the section requiring municipalities to permit up to 4 dwelling units per structure is too blunt, will lead to too much neighborhood disruption, will reduce housing choice, and is too indirect for achieving housing affordability. As discussed below, we therefore recommend that this provision only apply to the proposed Priority Development Zones.

Sixth, instead of the universal 4 units per structure provision, we recommend that the section on accessory dwelling units (ADUs) be amended to require municipalities to permit not just one, but two ADUs in their single-family zones, with a stipulation that only one of the ADUs could be free-standing. (In other words, you could have two ADUs within a home, an internal ADU and either an attached or freestanding ADU, but not two unattached ADUs.) Regardless, it is crucial that ADU development be restricted from being



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used as Short Term Rentals. Otherwise, this provision will not have any meaningful impact on the creation of affordable housing.

Seventh, we support the Municipal Housing Development Review Board, but for the reasons outlined in our testimony in support of LD 1673—all of which boil down to the fact that the comprehensive development permit process with affordable housing benchmarks is a proven success story—we feel that LD 1673 should be adopted and that the Municipal Housing Development Review Board provided for in this bill, LD 2003, be the Affordable Housing Review Board from LD 1673.

Eighth, we support the creation of the Priority Development Zones but, in keeping with previous comments, we recommend that the minimum lot size in these zones be limited to 20,000 square feet (which is roughly half an acre) or less. As shown in Figure 1 below, this is needed as a complement to the 2.5 times affordable housing density provision to create at least a possibility that there will be enough density to support an affordable housing development project.

Ninth, this bill wisely delays implementation of its sections to various points in the future. Given that adoption of the legislation will require ordinance work by virtually all of Maine's municipalities, and given the general lack of capacity between both municipalities and regional planning commissions to keep up with current demand, we recommend that implementation of all of the sections of LD 2003 be delayed until two years after the completion of rule-making.

Thank you for this opportunity to testify in support of LD 2003. If the Maine Association of Planners can be of any help in the future on this bill, please do not hesitate to ask.

See Figure 1 on next page.



Figure 1

