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

After much review and refinement of the Speaker’s bill, the Maine Association of Planners strongly supports the bill as amended. We recognize that zoning, subdivision, and growth management are the focus of planners almost exclusively, and as such, we want to provide you with our unique perspective on the legislation and the impact we anticipate in municipalities.

The need for housing cannot be understated and the need for affordable housing is a crisis even more acute. However, there are no quick fixes and no bill is a silver bullet. As was firmly established during the Commission, the creation of this problem was not by one entity alone, thus its solution will be a partnership between state and local governments. As amended, this bill skillfully lays a foundation of minimum standards for communities to individually design the built environment that best suits their community. It's a partnership to solve the statewide housing crisis.

The minimum standards as outlined in the bill will begin to reverse the historically problematic zoning issues that have greatly contributed to our current inadequate housing supply while also setting state and regional housing production goals. However, this bill will not accomplish such lofty goals alone. Instead, the bill gives local communities a plum and square foundation on which a variety of housing-opportunity environments can be built. As such this bill should not be considered a “one size fits all” approach. It provides, even requires, local flavor and creativity to execute its intent. The minimum requirements as outlined in this bill represent the moral obligation all communities must realize and this newest amendment skillfully allows local interpretation and rulemaking which will result in a stronger, sustained, and more beautiful patchwork quilt of a state on a journey to create more housing opportunity.



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From a public policy perspective, we find the provisions in this bill to be consistent with good planning principles while at the same time providing increased opportunities for housing. In practice, we believe this is consistent with Maine's climate goals, will help alleviate Maine's housing shortage crisis, and delivers on a promise that Maine can be home to people of all incomes. The following sections outline our thinking:

Affordable Housing Opportunity

This bill builds the foundation for focusing future growth of Affordable Housing (as statutorily defined) where it makes sense: in areas already designated by municipalities for growth or areas that have sewer and water infrastructure. With 2.5X base density allowed, more units may be built at higher density which will support regional transit, vibrant walkable neighborhoods, and create less impact on the environment. It will allow neighborhood scaled development at appropriate density and only in existing multifamily zones so that people may live and work in an affordable and enjoyable community.

Middle Housing Opportunity

This bill as amended allows duplexes to be built wherever single-family homes are built, should the owner choose to do so. When two dwelling units are built for the same cost of land and improvements, significant construction savings can be realized. The construction of attached dwelling units is similarly less expensive than construction of single-family homes. A minimal increase of allowable dwelling units in rural or suburban land, where housing already exists, will not meaningfully contribute to sprawl. This provision will not undermine smart growth management. Allowing duplexes where single-family is already allowed simply adds more affordable housing opportunities for Mainers.



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Short Term Rentals

There has been concern that this bill does not regulate short-term rentals (STR). We share the concern that STR may erode housing stock. However, all municipalities may (and some do) regulate short-term rentals. In the spirit of local control, this bill explicitly enables municipalities to regulate STR to achieve local housing goals. In addition, LD 1240 has been enacted to specifically study regulating short-term rentals.

Infrastructure

This bill does not create housing, it creates housing opportunities. The state currently estimates a shortage of 19,031 housing units. Allowing up to 4 units in areas where communities already choose to focus growth will not create 4 units overnight. This bill will allow more clustering and more density in developments that would otherwise occur, resulting in less expensive units. Over time, the building industry will be able to increase its rate of supply, but this will not happen overnight. Also, the bill as amended requires demonstration of adequate water and sewer capacity to build proposed housing.

Environment

The bill directs new affordable housing into growth areas designated by municipalities. It also provides an opportunity to build a 2-unit where a single-family home is already allowed. The environmental impact of adding an attached second unit is much, much smaller than the impact of building a second detached single-family dwelling. Further, all existing environmental protections, including shoreland zoning, still apply.

Local Control

The bill as amended retains local control to tailor its execution differently for each community. Each community may continue to enforce, adopt, or revise the following local ordinances:



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- Growth caps in designated rural areas to focus growth where public infrastructure exists.
- STR regulation to preserve housing stock
- ADU size and/or residency standards such as primary residency requirements.
- Building and lot dimensional/setback requirements
- Prohibitions of tear downs
- Local shoreland zoning laws can be more restrictive
- Standards for drinking water supply and wastewater disposal

In conclusion, we are supportive of creating greater housing opportunities for Mainers and we believe this bill contributes to that effort. Fear of negative or unintended consequences is healthy and should be considered in any piece of legislation. However, we believe that with the most recent amendments, communities retain sufficient local control to ensure that both now and into the future, local values can be preserved.



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Example of how a multi-unit structure can be designed to fit into a single-family neighborhood. Shown here is a three-unit building comprised of two accessible one-bedroom units on the ground floor and a single two-bedroom unit on the second floor, with on-site parking.

[Provided by Utile, Inc. from the City of Pittsfield, MA and MassDevelopment Housing Plan]

