

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 273

S.P. 153

In Senate, February 21, 1989

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ANDREWS of Cumberland.

Cosponsored by Representative CROWLEY of Stockton Springs, Senator DUTREMBLE of York and Representative MILLS of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Allow Municipalities to Assess Impact Fees for Activities that Create or Intensify Problems for Municipalities with Respect to the Availability of Affordable Housing.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **30 MRSA §4960-C, sub-§4, ¶C**, as enacted by PL 1987, C. 766.
5 §4, is amended to read:

7 C. A comprehensive plan shall include an implementation
9 strategy section which contains a timetable for the
11 implementation program, including land use ordinances, that
13 ensures that the goals established under this subchapter are
15 met. These implementation strategies shall be consistent with
17 state laws and shall actively promote policies developed during
19 the planning process. The timetable shall identify significant
 ordinances to be included in the implementation program. Those
 ordinances shall be adopted within one year of the plan. The
 strategies shall guide the subsequent adoption of policies,
 programs and land use ordinances. In developing its strategies
 and subsequent policies, programs and land use ordinances, each
 municipality shall employ the following guidelines consistent
 with the goals of this subchapter:

21 (1) Identify and designate at least 2 basic types of
23 geographic areas: ~~Growth~~ growth areas and rural areas.

25 (a) Growth areas are those areas suitable for
27 orderly residential, commercial and industrial
 development forecast over the next 10 years. Each
 municipality shall:

29 (i) Establish standards for such
31 developments;

33 (ii) Establish timely permitting procedures;

35 (iii) Ensure that needed public services are
 available within the growth area; and

37 (iv) Prevent inappropriate development in
39 natural hazard areas, including flood plains
 and areas of high erosion.

41 (b) Rural areas are those areas where protection
43 should be provided for agricultural, forest, open
45 space and scenic lands within the municipality.
 Each municipality shall adopt land use policies
 and ordinances to discourage incompatible
47 development.

49 These policies and ordinances may include, without
51 limitation, density limits; cluster or special zoning;
 acquisition of land or development rights; or
 performance standards;

1
3 (2) Develop a capital investment plan for financing
5 the replacement and expansion of public facilities and
services required to meet projected growth and
development;

7 (3) Protect, maintain and, where warranted, improve
9 the water quality of each water body pursuant to Title
38, chapter 3, subchapter I, article 4-A;

11 (4) Ensure that its land use policies and ordinances
13 are consistent with applicable state law regarding
critical natural resources. A municipality may adopt
15 ordinances more stringent than applicable state law;

17 (5) Ensure the preservation of access to coastal
waters necessary for commercial fishing, commercial
19 mooring, docking and related parking facilities. Each
coastal municipality shall discourage new development
21 that is incompatible with uses related to the marine
resources industry;

23 (6) Ensure the protection of agricultural and forest
resources. Each municipality shall discourage new
25 development that is incompatible with uses related to
the agricultural and forest industry;

27 (7) Ensure that its land use policies and ordinances
29 encourage the siting and construction of affordable
housing within the community. The municipality shall
31 seek to achieve a level of 10% of new residential
development, based on a 5-year historical average of
33 residential development in the municipality, meeting
the definition of affordable housing. The municipality
35 is encouraged to seek creative approaches to assist in
the development of affordable housing, including, but
37 not limited to, cluster zoning, reducing minimum lot
and frontage sizes and increasing densities. In order
39 to alleviate the affordable housing problem, a
municipality may:

41 (a) Enact an ordinance for the assessment of
43 impact fees for activities that decrease the
availability of affordable housing. These
45 activities shall include, but are not limited to:
47 the conversion of low-income housing to other uses
including condominiums and apartments for
49 middle-income and upper-income households; the
replacement of low-income housing with facilities
51 for other uses; the demolition of housing
facilities with no intent to replace these
facilities with affordable housing within 2 years;

1 and other activities defined in the comprehensive
2 plan. The municipality shall use the impact fee
3 revenues to address the affordable housing
4 problem; and

5
6 (b) Hold public hearings with respect to the
7 amount of fees to be charged, the types of
8 activities to be assessed and the procedures for
9 the collection and use of the impact fees;

11
12
13 **STATEMENT OF FACT**

14 This bill authorizes municipalities, in preparing affordable
15 housing provisions for municipal comprehensive plans, to develop
16 a schedule of impact fees for activities that decrease the
17 availability of affordable housing. The revenues derived from
18 these fees will be used to alleviate the affordable housing
19 problem in each municipality. The impact fees, as well as the
20 activities that are established as decreasing the availability of
21 affordable housing, will be subject to public hearings.