

# MAINE STATE LEGISLATURE

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DATE: 4-16-03

(Filing No. H-145)

R. of S.

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 364, L.D. 472, "Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State'**

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

**'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, this resolve directs the Community Preservation Advisory Committee to study a number of issues pertaining to affordable housing; and**

**Whereas, it is necessary that this resolve be enacted as an emergency measure to afford adequate time for the issues to be appropriately addressed by the Community Preservation Advisory Committee; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it**

**COMMITTEE AMENDMENT**

R. 013

2           **Sec. 1. Community Preservation Advisory Committee to study issues**  
3           **pertaining to affordable housing. Resolved:** That the Community  
4           Preservation Advisory Committee, as established in the Maine  
5           Revised Statutes, Title 30-A, section 4350, referred to in this  
6           resolve as "the committee," shall undertake a comprehensive study  
7           to identify regulatory or other barriers to the creation of  
8           affordable housing in the State. For each barrier identified,  
9           the committee shall make recommendations on ways to reduce that  
10          barrier and to provide incentives for the creation of affordable  
11          housing. The committee's study must include, but is not limited  
12          to, a review of and recommendations on methods to remove or  
13          reduce barriers to the creation or availability of affordable  
14          housing created by:

16           1. State rules or local regulations that inhibit the  
17           construction of new affordable housing units or the renovation of  
18           existing buildings for the purpose of creating affordable housing  
19           units. The committee's recommendations in this area must be  
20           consistent with the legitimate concerns of the State and the  
21           local communities for healthy neighborhoods, sound environmental  
22           practices, sustainable affordability and inclusive communities;

24           2. Zoning or zoning practices that create barriers to  
25           affordable housing;

26           3. Laws pertaining to municipal impact fees, as allowed  
27           under Title 30-A, section 4354, to the extent those laws create  
28           barriers to the creation of affordable housing. In reviewing  
29           this issue, the committee shall consider and make recommendations  
30           on exempting affordable housing units from such impact fees and  
31           applying that exemption only to affordable housing located within  
32           a locally designated growth area identified in the municipality's  
33           comprehensive land use plan. If the committee recommends such an  
34           exemption, its recommendations must include specific  
35           recommendations on how an exemption would be calculated and  
36           applied and what impact that exemption would have on the ability  
37           of a municipality to adequately fund infrastructure improvements  
38           necessitated by the construction of those units;

40           4. Laws pertaining to municipal moratoria on development  
41           permits, as allowed under Title 30-A, section 4356, to the extent  
42           those laws create barriers to the creation of affordable  
43           housing. In reviewing this issue, the committee shall consider  
44           and make recommendations on exempting affordable housing units  
45           from such moratoria and applying that exemption only to  
46           affordable housing located within a locally designated growth  
47           area identified in the municipality's comprehensive land use plan;

18. 2 5. Laws pertaining to municipal rate of growth ordinances,  
3 as allowed under Title 30-A, section 4314, to the extent those  
4 laws create barriers to the creation of affordable housing  
5 units. In reviewing this issue, the committee shall consider and  
6 make recommendations on exempting affordable housing units from  
7 such laws pertaining to municipal rate of growth ordinances;

8 6. Barriers to the creation of affordable rental housing,  
9 including the unavailability of deposit assistance, in areas of  
10 the State where rental housing is unaffordable;

11 7. Barriers to the construction or availability of  
12 affordable housing for veterans, seniors, retirees, persons with  
13 disabilities and homeless persons; and

14 8. Other barriers to the construction or availability of  
15 affordable housing identified by the committee or by  
16 stakeholders; and be it further

17 **Sec. 2. Consultation with stakeholders. Resolved:** That the  
18 committee shall consult with stakeholders during this study and  
19 in the development of its recommendations. Those stakeholders  
20 include, but are not limited to, the following:

- 21 1. The Commissioner of Economic and Community Development;
- 22 2. The Director of the Maine State Housing Authority;
- 23 3. The Executive Director of the State Planning Office  
24 within the Executive Department;
- 25 4. The President of the Maine State Chamber of Commerce;
- 26 5. The Executive Director of the Maine Municipal  
27 Association;
- 28 6. The President of the Maine Association of Planners;
- 29 7. A representative from a neighborhood association;
- 30 8. A representative from a city council;
- 31 9. A municipal officer;
- 32 10. A representative from a town planning board;
- 33 11. A representative from a nonprofit housing developer;
- 34 12. A representative from a for-profit housing developer;

13. A representative from a land trust;

14. A representative from a manufactured housing manufacturer;

15. A representative from a financial institution;

16. A representative from the business community;

17. A representative of the York County Initiative to End Homelessness;

18. A representative of the Genesis Community Loan Fund;

19. A representative from an organization in the Lewiston-Auburn area that is active in matters pertaining to affordable housing;

20. A representative of the Maine Affordable Housing Network; and

21. A person representing the AFL-CIO; and be it further

**Sec. 3. Staff assistance. Resolved:** That the Executive Department, State Planning Office shall, within its existing budgeted resources, provide staffing assistance to the committee in conducting this study; and be it further

**Sec. 4. Drafting assistance. Resolved:** That the Office of Policy and Legal Analysis shall draft any legislation recommended by the committee to implement its recommendations; and be it further

**Sec. 5. Report. Resolved:** That the committee shall submit its report to the Joint Standing Committee on Business, Research and Economic Development no later than December 10, 2003. The committee shall submit legislation to implement its recommendations to the Legislature not later than January 1, 2003; and be it further

**Sec. 6. Legislation. Resolved:** The Joint Standing Committee on Business, Research and Economic Development may report out a bill during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

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**SUMMARY**

6 This amendment strikes the resolve and directs the Community  
8 Preservation Advisory Committee to study barriers to affordable  
10 housing in the State and to submit a report to the Joint Standing  
12 Committee on Business, Research and Economic Development in the  
14 Second Regular Session of the 121st Legislature. That report  
16 must include any legislation necessary to implement the  
18 recommendations of the advisory committee.

20 The amendment requires the advisory committee's study to  
22 include, without limitation, state rules or local regulations  
24 that inhibit the construction of new affordable housing units or  
26 the renovation of existing buildings for the purpose of creating  
affordable housing units; zoning or zoning practices that create  
barriers to affordable housing; laws pertaining to municipal  
impact fees; municipal moratoria on development permits;  
municipal rate of growth ordinances; barriers to the creation of  
affordable rental housing, including the unavailability of  
deposit assistance; barriers to the construction or availability  
of affordable housing for veterans, seniors, retirees, persons  
with disabilities and homeless persons; and other barriers to the  
construction or availability of affordable housing identified by  
the advisory committee or stakeholders.

28 In conducting its study, the advisory committee is required  
30 to consult with a broad range of stakeholders including public  
32 and private organizations, elected officials and others involved  
with affordable housing issues.

34 The amendment also authorizes the Joint Standing Committee  
36 on Business, Research and Economic Development to report out  
38 legislation during the Second Regular Session of the 121st  
40 Legislature on issues pertaining to barriers to affordable  
42 housing.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 472**

**Resolve, To Establish the Task Force To Study Regulatory Barriers to  
Affordable Housing**

**LR 0125(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Business, Research and Economic Development**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Current Costs - Legislative Study

**Legislative Study**

Funds are budgeted in the legislative account for the payment of per diem and expenses for legislative members of the Community Preservation Advisory Committee for the 4 authorized meetings of the committee and for the required annual report in fiscal years FY 04 and FY 05 pursuant to PL 2001, c. 648. Because this legislation adds a requirement for submission of a report by December 10, 2003, there will be an additional unbudgeted cost to the General Fund of approximately \$750 in FY 04. This will require review and authorization by the Legislative Council for potential funding from the \$30,000 budgeted in FY 04 for miscellaneous interim studies. Any additional cost to the State Planning Office, the Department of Economic and Community Development and the Maine State Housing Authority can be absorbed utilizing existing budgeted resources.