

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 609

H.P. 445

House of Representatives, March 1, 2021

**Resolve, To Establish a Commission To Increase Housing
Opportunities in Maine by Studying Zoning and Land Use
Restrictions**

(EMERGENCY)

Received by the Clerk of the House on February 25, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker FECTEAU of Biddeford.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: BERRY of Bowdoinham, BRADSTREET of Vassalboro, CROCKETT of
Portland, DOUDERA of Camden, MORALES of South Portland, STOVER of Boothbay,
WARREN of Scarborough, Senator: LIBBY of Androscoggin.

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

3 **Whereas,** this resolve establishes the Commission To Increase Housing Opportunities
4 in Maine by Studying Zoning and Land Use Restrictions; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted in time for submission to the next
7 legislative session; and

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

12 **Sec. 1. Commission established. Resolved:** That the Commission To Increase
13 Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, referred
14 to in this resolve as "the commission," is established.

15 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
16 353, the commission consists of 15 members appointed as follows:

17 1. Two members of the Senate appointed by the President of the Senate, including a
18 member from each of the 2 parties holding the largest number of seats in the Legislature;

19 2. Two members of the House of Representatives appointed by the Speaker of the
20 House, including a member from each of the 2 parties holding the largest number of seats
21 in the Legislature;

22 3. The Director of the Maine State Housing Authority, or the director's designee;

23 4. One member representing the Office of the Governor, appointed by the Governor;

24 5. Four public members, one representing a statewide municipal association, one
25 representing a statewide organization that advocates for affordable housing, one
26 representing statewide agricultural interests and one who is in the building trades,
27 appointed by the President of the Senate; and

28 6. Five public members, one representing a regional planning association or a
29 statewide organization that advocates for smart growth policies and projects, one
30 representing the real estate industry, one who is a residential developer, one representing
31 an organization that advocates for low-income or middle-income renters or homeowners
32 and one representing a local or statewide organization promoting civil rights that has racial
33 justice or racial equity as its primary mission, appointed by the Speaker of the House.

34 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
35 and the first-named House of Representatives member is the House chair of the
36 commission.

37 **Sec. 4. Appointments; convening of commission. Resolved:** That all
38 appointments must be made no later than 30 days following the effective date of this
39 resolve. The appointing authorities shall notify the Executive Director of the Legislative
40 Council once all appointments have been completed. After appointment of all members,
41 the chairs shall call and convene the first meeting of the commission. If 30 days or more

1 after the effective date of this resolve a majority of but not all appointments have been
2 made, the chairs may request authority and the Legislative Council may grant authority for
3 the commission to meet and conduct its business.

4 **Sec. 5. Duties. Resolved:** That the commission is authorized to meet 6 times and
5 shall:

6 1. Review data on housing shortages in the State for low-income and middle-income
7 households;

8 2. Review state laws that affect the local regulation of housing;

9 3. Review efforts in other states and municipalities to address housing shortages
10 through changes to zoning and land use restrictions;

11 4. Consider measures that would encourage increased housing options in the State,
12 including but not limited to municipal incentives, state mandates, eliminating or limiting
13 single-family-only zones and allowing greater housing density near transit, jobs, schools
14 or neighborhood centers; and

15 5. Review and consider the historical role of race and racism in zoning policies and
16 the best measures to ensure that state and municipal zoning laws do not serve as barriers to
17 racial equality.

18 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
19 necessary staffing services to the commission, except that Legislative Council staff support
20 is not authorized when the Legislature is in regular or special session.

21 **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than
22 November 3, 2021, the commission shall submit a report that includes its findings and
23 recommendations, including suggested legislation, for presentation to the Joint Standing
24 Committee on Labor and Housing.

25 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
26 takes effect when approved.

27 SUMMARY

28 This resolve establishes the Commission To Increase Housing Opportunities in Maine
29 by Studying Zoning and Land Use Restrictions, which is a 15-member commission directed
30 to review data on housing shortages in the State for low-income and middle-income
31 households, state laws that affect the local regulation of housing and efforts in other states
32 and municipalities to address housing shortages; to consider measures that would
33 encourage increased housing options in the State; and to review and consider the historical
34 role of race and racism in zoning policies and the best measures to ensure that state and
35 municipal zoning laws do not serve as barriers to racial equality. The commission must,
36 no later than November 3, 2021, submit a report, including suggested legislation, for
37 presentation to the Joint Standing Committee on Labor and Housing.