

# MAINE STATE LEGISLATURE

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Date 6/15/23

L D 492  
(Filing No H- 557)

**HOUSING**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 309, L D 492, "An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 30-A MRSA §4364-C, sub-§3 is enacted to read

3. Residential units in commercial zones. As necessary to achieve the statewide and regional housing production goals, a municipality shall adopt ordinances to allow the establishment of residential units in high-density areas within buildings located in an area zoned for commercial use, including but not limited to vacant or partially vacant retail property. An ordinance establishing a limit on the number of residential units within a building in a location zoned for commercial use, whether previously adopted or adopted pursuant to this subsection, must be proportional to the space available for residential units. This subsection is not intended to reduce or change health or safety requirements applicable to residential units located in a municipality.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

This amendment replaces the bill, which is a concept draft. The amendment adds a requirement that, as necessary to meet statewide regional housing production goals, a municipality is required to adopt ordinances to allow the establishment of residential units in buildings on property zoned for commercial use including vacant or partially vacant retail space. The amendment also adds a fiscal note which states that the amendment is a potential state mandate.

**FISCAL NOTE REQUIRED**

(See attached)



# 131st MAINE LEGISLATURE

LD 492

LR 2040(02)

## An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail

Fiscal Note for Bill as Amended by Committee Amendment *A (H-557)*

Committee: Housing

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

Required Activity	Unit Affected	Local Co.
Requires municipalities to adopt ordinances to allow the establishment of residential units within buildings located in areas zoned for commercial use, including but not limited to, vacant or partially vacant retail property if necessary to achieve statewide and regional housing production goals established pursuant to Title 5, section 13056, subsection 9	Municipality	Moderat statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate, or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.