

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 665

H.P. 434

House of Representatives, February 16, 2023

**An Act to Extend the Date by Which Compliance is Required for
Affordable Housing Development, Increased Numbers of Dwelling
Units and Accessory Dwelling Units**

Reference to the Joint Select Committee on Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.
Cosponsored by Representatives: CRAY of Palmyra, HALL of Wilton, LANDRY of
Farmington, MATLACK of St. George, MEYER of Eliot, PLUECKER of Warren, ROBERTS
of South Berwick, Senator: BLACK of Franklin.

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

2 **Sec. 1. 30-A MRSA §4364, first ¶**, as enacted by PL 2021, c. 672, §4, is amended
3 to read:

4 For an affordable housing development approved on or after July 1, ~~2023~~ 2025, a
5 municipality with density requirements shall apply density requirements in accordance
6 with this section.

7 **Sec. 2. 30-A MRSA §4364-A, sub-§2, ¶B**, as enacted by PL 2021, c. 672, §5, is
8 amended to read:

9 B. A municipal zoning ordinance may establish a prohibition or an allowance for lots
10 where a dwelling unit in existence after July 1, ~~2023~~ 2025 is torn down and an empty
11 lot results.

12 **Sec. 3. 30-A MRSA §4364-A, sub-§10**, as enacted by PL 2021, c. 672, §5, is
13 amended to read:

14 **10. Implementation.** A municipality is not required to implement the requirements
15 of this section until July 1, ~~2023~~ 2025.

16 **Sec. 4. 30-A MRSA §4364-B, sub-§2**, as enacted by PL 2021, c. 672, §6, is
17 amended by amending the first blocked paragraph to read:

18 This subsection does not restrict the construction or permitting of accessory dwelling units
19 constructed and certified for occupancy prior to July 1, ~~2023~~ 2025.

20 **Sec. 5. 30-A MRSA §4364-B, sub-§4, ¶B**, as corrected by RR 2021, c. 2, Pt. A,
21 §110, is amended to read:

22 B. For an accessory dwelling unit located within the same structure as a single-family
23 dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the
24 setback requirements and dimensional requirements must be the same as the setback
25 requirements and dimensional requirements of the single-family dwelling unit, except
26 for an accessory dwelling unit permitted in an existing accessory building or secondary
27 building or garage as of July 1, ~~2023~~ 2025, in which case the requisite setback
28 requirements for such a structure apply. A municipality may establish more permissive
29 dimensional and setback requirements for an accessory dwelling unit.

30 **Sec. 6. 30-A MRSA §4364-B, sub-§13**, as enacted by PL 2021, c. 672, §6, is
31 amended to read:

32 **13. Implementation.** A municipality is not required to implement the requirements
33 of this section until July 1, ~~2023~~ 2025.

34 **SUMMARY**

35 This bill amends, from July 1, 2023 to July 1, 2025, the date by which laws must be
36 implemented regarding affordable housing development, increased numbers of dwelling
37 units and accessory dwelling units enacted by Public Law 2021, chapter 672.