

MAINE STATE LEGISLATURE

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Date: 3/22/24

(Filing No. S-600)

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HOUSING

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STATE OF MAINE

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SENATE

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131ST LEGISLATURE

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SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 331, L.D. 772, "An Act to Establish a Process to Vest Rights for Land Use Permit Applicants"

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

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'An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing'

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

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'Sec. 1. 30-A MRSA §3007, sub-§7 is enacted to read:

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7. Restriction on retroactive application. A municipality or a municipal reviewing authority as defined by section 4301, subsection 12 may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application. A municipality or municipal reviewing authority may not apply a land use ordinance with retroactive effect to a pending permit application for a land use permit that includes a proposal for a development that includes one or more units of residential housing if the proposal date of the ordinance occurred after the application was submitted to the municipality and, notwithstanding Title 1, section 302, the application is deemed complete for processing. For the purposes of this subsection:

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A. "Proposal date" means the date on which the proposed land use ordinance or proposed amendment to an ordinance is posted pursuant to section 3002, subsection 1 or the date on which a permit application is filed to circulate a petition for a voter-initiated measure to adopt or amend a land use ordinance; and

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B. A permit application is deemed complete for processing when it is submitted to the municipality or municipal reviewing authority and, at the time of submission, the applicant can demonstrate legally enforceable title or right to or interest in all the property proposed for development.'

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

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SUMMARY

This amendment replaces the bill and changes the title. The amendment provides that a municipality or municipal reviewing authority may not apply a land use ordinance retroactively with regard to a permit application for a development that includes residential housing if the ordinance was proposed after the permit was submitted and deemed complete for processing.