

# MAINE STATE LEGISLATURE

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REP A

4/10/23

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Date 6/5/23 Report 'A'

L D 1706  
(Filing No H-345)

**HOUSING**

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

COMMITTEE AMENDMENT "A" to HP 1095, L D 1706, "An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units"

Amend the bill by inserting after the title and before the enacting clause 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,** current law requires, beginning July 1, 2023, all municipalities to allow a certain number of dwelling units under certain circumstances and the construction of accessory dwelling units on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements, and

**Whereas,** it is the intent of this legislation to extend the implementation date for certain municipalities, 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,'

Amend the bill by striking out all of section 1 and inserting the following

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

For an affordable housing development approved on or after ~~July 1, 2023~~ the implementation date, a municipality with density requirements shall apply density requirements in accordance with this section

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

**1. Definition.** For the purposes of this section, "affordable housing development" means

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to H P 1095, L D 1706

1 A For rental housing, a development in which a household whose income does not  
2 exceed 80% of the median income for the area as defined by the United States  
3 Department of Housing and Urban Development under the United States Housing Act  
4 of 1937, Public Law 75-412, 50 Stat 888, Section 8, as amended, can afford a majority  
5 51% or more of the units ~~that the developer designates as affordable~~ in the development  
6 without spending more than 30% of the household's monthly income on housing costs,  
7 and

8 B For owned housing, a development in which a household whose income does not  
9 exceed 120% of the median income for the area as defined by the United States  
10 Department of Housing and Urban Development under the United States Housing Act  
11 of 1937, Public Law 75-412, 50 Stat 888, Section 8, as amended, can afford a majority  
12 51% or more of the units ~~that the developer designates as affordable~~ in the development  
13 without spending more than 30% of the household's monthly income on housing costs

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

15 **1-A. Implementation date.** For purposes of this section, "implementation date"  
16 means

17 A January 1, 2024 for municipalities for which ordinances may be enacted by the  
18 municipal officers without further action or approval by the voters of the municipality,  
19 and

20 B July 1, 2024 for all other municipalities '

21 Amend the bill by inserting after section 4 the following

22 **'Sec. 5. 30-A MRSA §4364-A, sub-§1-A** is enacted to read

23 **1-A. Implementation date.** For purposes of this section, "implementation date" has  
24 the same meaning as in section 4364, subsection 1-A '

25 Amend the bill by striking out all of section 5 and inserting the following

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

28 B A municipal zoning ordinance may establish a prohibition or an allowance for lots  
29 where a dwelling unit in existence after ~~July 1, 2023~~ the implementation date is torn  
30 down and an empty lot results '

31 Amend the bill by inserting after section 7 the following

32 **'Sec. 8. 30-A MRSA §4364-A, sub-§10,** as enacted by PL 2021, c 672, §5, is  
33 amended to read

34 **10. Implementation.** A municipality is not required to implement the requirements  
35 of this section until ~~July 1, 2023~~ the implementation date '

36 Amend the bill by inserting after section 8 the following

37 **'Sec. 9. 30-A MRSA §4364-B, sub-§1-A** is enacted to read

38 **1-A. Implementation date.** For purposes of this section, "implementation date" has  
39 the same meaning as in section 4364, subsection 1-A.



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The amendment also changes the definition of "affordable housing development" in the laws governing affordable housing density to provide that an affordable housing development is a development in which a household whose income does not exceed certain levels can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs

The amendment clarifies that an accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection and municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet requirements established by the department and municipal shoreland zoning ordinances

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 1706

LR 1001(02)

**An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units**

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

**Committee: Housing**

**Fiscal Note Required: Yes**

*A" (H-345)*

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Economic and Community Development associated with implementing the provisions in this legislation can be absorbed within existing budgeted resources