

MAINE STATE LEGISLATURE

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Rep B
CORRECTED

LD 1706

(Filing No H-346)

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Date 6/5/23 Report 'B'

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HOUSING

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

COMMITTEE AMENDMENT "B" to HP 1095, LD 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~~ 2025, 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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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 Amend the bill by striking out all of section 5 and inserting the following

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

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

20 Amend the bill by inserting after section 7 the following

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

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

25 Amend the bill by inserting after section 8 the following

26 '**Sec. 9. 30-A MRSA §4364-B, sub-§2,** as enacted by PL 2021, c 672, §6, is
27 amended by amending the first blocked paragraph to read

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

30 Amend the bill by striking out all of section 10 and inserting the following

31 '**Sec. 10. 30-A MRSA §4364-B, sub-§4, ¶B,** as corrected by RR 2021, c 2, Pt A,
32 §110, is amended to read.

33 B For an accessory dwelling unit located within the same structure as a single-family
34 dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the
35 setback requirements and dimensional requirements must be the same as the setback
36 requirements and dimensional requirements of the single-family dwelling unit, except
37 for an accessory dwelling unit permitted in an existing accessory building or secondary
38 building or garage as of July 1, ~~2023~~ 2025, in which case the requisite setback
39 requirements for such a structure apply A municipality may establish more permissive
40 dimensional and setback requirements for an accessory dwelling unit '

41 Amend the bill by striking out all of section 12 and inserting the following

COMMITTEE AMENDMENT

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'Sec. 12. 30-A MRSA §4364-B, sub-§5, as enacted by PL 2021, c 672, §6, is amended to read

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 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 of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances '

Amend the bill by inserting after section 14 the following

'Sec. 15. 30-A MRSA §4364-B, sub-§13, as enacted by PL 2021, c 672, §6, is amended to read

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

Amend the bill by adding before the summary the following

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

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

SUMMARY

This amendment, which is one of 2 minority reports, changes the implementation date for provisions of law regarding affordable housing, dwelling units and accessory dwelling units from July 1, 2023 to July 1, 2025

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)



Approved 05/18/23 *mac*

131st MAINE LEGISLATURE

LD 1706

LR 1001(04)

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

B. (H-346)

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