

LD 2003 Overview

Southern Maine Planning and
Development Commission



SMPDC

SOUTHERN MAINE PLANNING & DEVELOPMENT COMMISSION

Overview

LD 2003 was passed by the Legislature in last session and approved by the Governor on April 27, 2022.

- The purpose is to “increase housing opportunities in Maine.”
- Requires municipalities to allow certain housing types and densities, depending on various factors
- Officially in effect 90 days after being enacted, but **requirements do not take effect until July 1, 2023**

Part 1: Affordable Housing - Requirements

Density	Parking	Location requirements	Water and wastewater	Length of affordability for designated affordable units
2 ½ times existing base density	Up to 2 off-street spaces for every 3 units	Zoning district that allows multifamily dwellings	If connected to public water or sewer, must show system has capacity to serve; and proof of payment for connection if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o	30 years minimum
		Designated growth area or area served by public water and public sewer	For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o	30 years minimum

Diagram by Jensen Baird

Part 2: Increased Density Requirements

Vacant-not served by water or sewer or located in designated growth area	Vacant- served by water or sewer or located in designated growth area	Developed with one dwelling unit	Dimensional requirements (all areas)	Water and wastewater	Restrictions
Up to 2 dwelling units per lot	Up to 4 dwelling units per lot	Up to 2 additional dwelling units, one in the same building or attached and/or one detached dwelling unit; municipality may allow more	Cannot exceed dimensional or setback requirements established for single-family dwellings	If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection; if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o	If more than one ADU or additional dwelling unit is constructed under the statute, no additional increases are allowed unless otherwise provided by Ordinance
				For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o	If a dwelling unit in existence on 7-1-2023 is torn down and results in vacant lot, Ordinance may allow or prohibit additional density
					Subject to subdivision review and shoreland zoning

Diagram by Jensen Baird

Part 3: Accessory Dwelling Units

Allowed use	Where located	Zoning requirements	Size requirements	Water and wastewater
At least one must be allowed on any lot where housing is permitted and a single-family dwelling exists	May be added to existing dwelling structure, attached to existing structure or in new structure	Exempt from density requirements	Minimum-190 square feet; municipality may establish a maximum size	If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection; if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o
		No additional parking required for unit		For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o
		Subject to same setbacks as building in which unit is located		
		Must comply with Shoreland zoning		

Diagram by Jensen Baird

“Growth Area” Requirements

- Part 1, and the “Up to 4 Units” section of Part 2 are only allowed in *“designated growth areas of a municipality consistent with section 4349-A subsection 1, paragraph A or B”* or if the lot is served by public water & sewer.
- This includes:
 - *Communities with consistent comprehensive plans:* Identified growth area
 - *Communities without consistent comprehensive plans:* Areas served by public sewer system, Census Designated Places, and Urban Compact Areas

What's Coming

- Governor's Office of Policy Innovation and the Future
 - Working on an interim guidance document & FAQ's
 - Working on setting up an email "hotline" for questions
 - Starting to create technical assistance grant programs
 - Will be hiring 2 new staff members to implement after 90 day period
- Department of Community Development & Department of Agriculture, Conservation & Forestry
 - Rulemaking should begin after 90 day period

What Municipalities Can Do

- Enact lot size per unit requirements, as long as the required area for subsequent units is not larger than the first.
- Define maximum area of accessory dwelling units
- Define maximum number of allowed accessory dwelling units
- Regulate short term rentals
- Be aware of applicability in your municipalities (where is your “growth area”?)