

LD 2003

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Requirements & Applicability

Overview

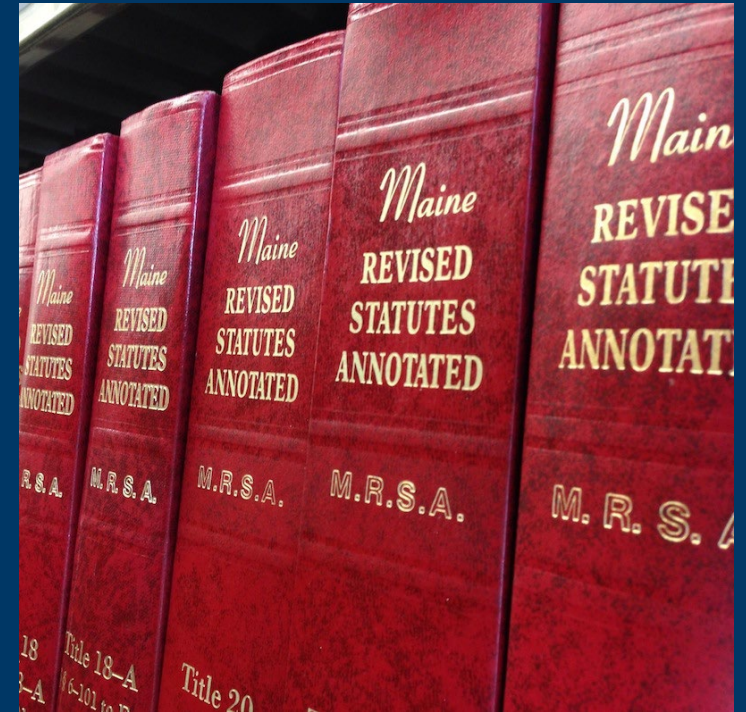
- Passed by Legislature in last session and approved by Governor on April 27, 2022
 - Purpose is to “increase housing opportunities in Maine.”
 - Establishes requirements for municipalities that will serve as further limit on municipal home rule authority as related to issues set forth in statute



Requirements & Applicability (cont'd)

Effective Date

- 90 days after adjournment of the session of the Legislature
 - August 8, 2022
 - Note: Density requirements have different effective dates



FAQ

1. What does LD 2003 authorize?



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

Affordable Housing - Defined

- “Affordable housing” is defined as follows:
 - For rental housing, a development in which a household with income that does not exceed 80% of median income for the area as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs. (Not all units in development have to be designated as affordable.)
 - For owned housing, a development in which a household with income that does not exceed 120% of the median income for the area as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs. (Not all units in development have to be designated as affordable).
 - The Maine Department of Economic and Community Development is to adopt rules to administer and enforce the affordable housing requirements.

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

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-109 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		

FAQ (cont'd)

2. How does all of this relate to existing density requirements?

FAQ

3. How does a municipality prevent these additional dwelling units from being used for short-term rentals so that they are used for their intended purpose as housing?



FAQ (cont'd)

4. Will existing subdivisions be able to use the increased density provisions of the statute?

FAQ (cont'd)

5. Are new units exempted from subdivision review?

FAQ (cont'd)

6. How does LD 2003 relate to shoreland zoning requirements?



FAQ (cont'd)

7. What do Towns need to do?

Thank you!

Questions?