



HOUSING
PARTNERSHIP
NETWORK

Policy Notes

**Maine Housing Commission
Recommendations Lead to
Statewide Zoning Changes**



Overview of Zoning Reform in Maine

A 2021 study showed that only 5% of land in major population centers in Maine, such as Portland, Falmouth, Westbrook, Gorham, Scarborough, South Portland and Cape Elizabeth is zoned for multi-unit apartments and condominiums¹. Additionally, the Maine Affordable Housing Coalition reported that Maine continues to fall short of the yearly target of 1,000 new units produced, with only 230 affordable units produced in 2020².

In response to growing data showing a lack of production, the Maine legislature established the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (the Commission) on June 15, 2021. The legislature tasked the Commission with identifying ways Maine could increase the availability of housing. The Commission recommended, among other things, that the legislature should investigate ways to encourage eliminating or limiting single-family zoning. The Maine legislature took the recommendations, introduced related legislation, and eventually passed a bill implementing some of the Commission's recommendations, including statewide limits on single-family zoning.

Status of Implementation

House Speaker Ryan Fecteau, who introduced the bill to create the Commission, also sponsored L.D. 2003, An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (Maine Zoning Law). The bill passed the Maine House and Senate on April 18, 2022, with a bipartisan majority, and was signed into law April 27, 2022³. The bill became effective on August 9, 2022, though many of its provisions include a sunrise clause that gives municipalities until July 1, 2023 to begin enforcement.

[1] <https://www.gpcog.org/DocumentCenter/View/1633/Multi-family-housing-and-land-use-regulation-report-by-Jeff-Levine>

[2] <https://legislature.maine.gov/doc/6960> Last page of pdf

[3] <https://www.maine.gov/governor/mills/news/governor-mills-signs-bills-address-maines-housing-shortage-2022-04-27>

Overview of the Maine Zoning Law

Primarily the law and corresponding funding provisions will:

- Guarantee the right to build accessory dwelling units (ADUs) on single-family properties, so long as adequate infrastructure exists;
- Create a statewide affordable housing density bonus in multi-family zoned areas;
- Allow up to four units on lots in locally designated growth areas that are otherwise zoned as single-family only;
- Provide technical and financial assistance for communities seeking support in making zoning improvements and in identifying additional opportunities for increasing affordable housing;
- Establish statewide and regional housing production goals.

Operating Members in Maine

Operating Members as of 2022:



On the Ground Perspective:

Dana Totman, Avesta Housing

Maine Affordable Housing Coalition

Dana Totman, the CEO of Avesta Housing in Maine at the time, worked closely with other state leaders in the effort to develop and pass the Maine Zoning Law. His involvement began before any legislative action was taken when Avesta Housing was instrumental in forming the Maine Affordable Housing Coalition (the Coalition). Avesta Housing provided critical support to the coalition, including sharing a staff person. This broad and diverse coalition has become a key voice in Maine, advocating to advance solutions to create and preserve affordable housing.

Legislative Champions

One of the Coalition's goals is to identify and support legislative champions for affordable housing in the Maine legislature. Representative Ryan Fecteau (D-Biddeford) showed early on that he was interested in housing policy and began his legislative career by introducing a bill to create a state housing tax credit. Mr. Totman emphasized that quickly identifying legislative champions is critical in advancing housing policy changes. Maine's legislative term limits also increase the urgency in identifying a champion, as the time each individual lawmaker has to advance bills is finite.



Maine Demographic and Housing Data

([Maine State Housing Authority](#)).

Population (2019): 1,372,247 ⁴

Racial Composition:

- White = 94.4%
- Black = 1.7%

Population in Poverty: 11.8%

Renters: 27.7%

Cost-burdened households:

- Moderately = 42.5%
- Severely = 19.3%

Homeowners: 72.3%

Median Income:

- Owner-Occupied = \$70,344
- Renter-Occupied = \$32,235

Unattainable Homes Sold in 2021: 64.8%

*GIS Zoning Map can be found [here](#)

[4] <https://www.census.gov/quickfacts/ME>

Rep. Fecteau saw the need for more housing density in Maine and more efficient land use. To address these needs, he introduced a bill to create the Commission. Mr. Totman was a member of the Commission as the representative of affordable housing advocates in Maine. Mr. Totman credits having Rep. Fecteau as a committed champion from the beginning as critical to the ultimate passage of the legislation.

Key Partnerships

The selection of members of the Commission was done carefully to ensure there was appropriate stakeholder representation and strategic political perspectives. The Commission's creators knew who was on the Commission would directly impact the outcome. Ultimately the Commission included representatives from:

- Real estate industry;
- Affordable Housing advocates;
- The Maine State Housing Authority;
- Municipal association;
- Agriculture interests;
- Building trades;
- Organizations promoting civil rights and racial equity;
- The Governor's office;
- Real estate developers and;
- Municipal planners;

A Democrat and Republican from both the Maine House and Senate participated as well. According to Mr. Totman, the balance of Commission membership was crucial because each representative brought different expertise and influence to the table. For example, the realtors are often close with conservative legislators, civil rights leaders could speak to the marginalization of minority communities, and municipal planners understand how zoning affects communities. Municipal officials voiced the concerns of the cities and towns that would have to abide by the recommended changes.

Dissenting Viewpoint on the Commission

Maine is a home rule state where the state has granted municipalities authority over most local issues, such as zoning. Mr. Totman describes the Municipal Association, which represented Maine municipalities on the Commission as well coordinated and politically powerful. The Municipal Association believed that the Commission's proposals would erode local independence, and the municipal representative was often the dissenting vote during Commission deliberations. The other coalition members pointed to previous state-wide land use efforts such as state-mandated shoreland zoning, which prohibits building near waterways to protect the water supply. Despite the dissent of the Municipal Association, the majority of the Commission thought that the need for more housing was also an issue important enough for state intervention.

Passage of the Legislation

Speaker Fecteau led the negotiations to turn the Commission's recommendations into legislation that could become law. During the negotiations, some of the Commission's recommendations, such as an appeal process for zoning decisions and housing discrimination protections were taken out to secure enough legislative support. Many stakeholders, including advocates, the Realtors, the Governor's office, and supportive legislators, worked hard to pass the bill through the House and Senate. Mr. Totman said that it was important to the Commission to support municipalities to change their zoning practices, therefore a state fund was created to provide technical assistance to towns to help them implement the law and create further opportunities for additional housing. According to Mr. Totman the Commission will reconvene again to specifically study issues that it was not able to discuss, such as short-term rentals and creative homeownership opportunities.

Mr. Totman hopes the efforts to pass this law will plant a seed for future housing discussions in Maine and the possibility of additional state-wide action. He thinks the most pressing housing issue facing Maine moving forward is the lack of housing for the poorest renters.

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