



MEREDA Newsletter
2/8/2022

MEREDA Supports Legislation to Amend Height Calculations in Shoreland Zone and Increase Nonprofit Housing Sales Tax Exemption

MEREDA recently testified in support of LD 1809, An Act to Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws. The bill, introduced by Senator Brenner (Senate Chair of the Environment and Natural Resources Committee) on behalf of the Department of Environmental Protection (DEP), will make it easier for property owners to comply with federal flood insurance program requirements while complying with the height restrictions under Maine's Shoreland Zoning laws. The bill received a majority Ought to Pass as Amended report from the ENR Committee and will likely be enacted by the legislature later this session.

Additionally, MEREDA is testifying in support of LD 1732, An Act to Amend the Sales Tax Exemption for Nonprofit Housing Development Organizations to expand the availability of the credit to nonprofits that provide housing to households with incomes at or below 120% of area median income. MEREDA hopes that this legislation will get support from the Taxation Committee, particularly given the rising bipartisan interest in addressing housing affordability.

MEREDA Opposes Pine Tree Amendment/Right to Healthy Environment

MEREDA members are being asked this week to reach out to their legislators in opposition to LD 489, Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Healthy Environment - sometimes referred to as the "Pine Tree Amendment." If adopted, this proposed amendment to the Constitution of Maine could have broad implications for development by calling into question the sufficiency of Maine's current environmental and land use laws. Specifically, the new amendment would be:

Section 25. Environmental rights. The people of the State have the right to a clean and healthy environment, including pure water, clean air and healthy ecosystems, and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment. The State may not infringe upon these rights by action or inaction or through the action of others. The State, including each branch, agency and political subdivision, shall serve as trustee of the natural resources of the State, among them its waters, air, flora, fauna, ecosystems and public lands. The State shall conserve, protect and maintain these resources for the benefit of all the people, including generations yet to come. The rights stated in this section are inherent, inalienable and indefeasible and are among those



rights reserved to all the people and are on par with other protected inalienable rights.

If approved by the legislature, LD 489 would not be subject to veto by Governor Mills. Voters would be asked to vote on the amendment in the November elections as follows:

"Do you favor amending the Constitution of Maine to grant the people of the State a right to a clean and healthy environment and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment?"

MEREDA encourages members to reach out to their legislators and will be sending a separate advocacy alert on this issue. If you're interested in learning or doing more, keep an eye on your inbox!

MEREDA and Coalition Partners Encourage Passage of LD 201 to Extend the Maine Historic Rehabilitation Tax Credit to 2035

Following on the heels of a successful tax expenditure review by the Office of Program Evaluation and Government Accountability (OPEGA), the Maine Historic Rehabilitation Tax Credit (MHRTC) coalition, including MEREDA, has been hard at work advocating for final passage of LD 201, An Act to Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit. The bill is sponsored by Senator Libby of Lewiston, and is awaiting final approval on the Special Appropriations Table. There is no cost associated with the bill in the current biennium, so we are encouraging members of the Appropriations and Financial Affairs (AFA) Committee to move the bill through to final passage as soon as possible.

MEREDA is been proud to be a part of a coalition of organizations supporting the extension of the MHRTC. These organizations include: GrowSmart Maine (our convener); CEI; the Maine Development Foundation; Maine Downtown Centers; Maine Preservation; Greater Portland Landmarks; and the Genesis Fund.

MEREDA Anticipates Draft Legislation to Implement Recommendations of Housing Commission

[The Commission to Increase Housing Opportunities by Studying Zoning and Land Use Restrictions](#) released its final report in December, 2021. The report makes the following 9 recommendations to the legislature:

1. Allow accessory dwelling units by right in all zoning districts currently zoned for single-family homes.
2. Eliminate single-family zoning restrictions in all residential zones across the State by allowing up to four residential units on all lots, in compliance with any health and safety requirements such as minimum septic and lot sizes, with a sunrise clause to provide adequate time for municipalities to prepare for this change.
3. Prohibit municipal growth caps on the production of new housing.



4. Provide technical and financial assistance for all communities seeking support in making zoning improvements and in identifying opportunities for increasing affordable housing.
5. Create density bonuses in all residential zones throughout the State, giving low to middle-income housing projects 2.5 times the density of the existing zone, with a parking requirement of no more than .66 spaces per unit for the additional units, and with the requirement that those units be protected as affordable for a specific period of time.
6. Create a three-year statewide incentive program for municipalities as follows: in Year 1, a qualifying community must make a commitment to reviewing zoning and land use restrictions. In Years 2 and 3, adopt zoning and land use policies to promote housing opportunities; qualifying communities would receive a state financial reward for up to three years, so long as they remain in good standing with the program requirements.
7. Create a system of priority development areas, where multifamily housing is permitted with limited regulatory barriers.
8. Strengthen Maine's Fair Housing Act by eliminating the terms "character," "overcrowding of land," and "undue concentration of population" as legal bases for zoning regulations.
9. Create a state-level housing appeals board to review denials of affordable housing projects made at the local level.

Those recommendations are currently being drafted into a legislative document that will be considered this session by the Labor and Housing Committee. MEREDA has been and will continue to be closely engaged in this process and is eagerly anticipating the release and review of the draft language once it is available. Anyone interested in that process should contact Shelly Clark about joining the Public Policy Committee meetings.

