



Maine Real Estate &
Development Association

Supporting Responsible Development

11/03/23

Advocacy Kit – LD 772, Permitting Predictability

Legislative Document Information

Bill number and title: [LD 772, An Act to Establish a Process to Vest Rights for Land Use Permit Applicants](#)

Committee of Jurisdiction: Joint Select Committee on Housing

Sponsor: Sen. Matt Pouliot

Co-Sponsors: Rep. Jim Boyle, Rep. Ben Collings, Rep. Josh Morris, and Senator Craig Hickman

Public Hearing Date: November 14 at 10:00 a.m. in the Cross Office Building Room 216, also online at <https://legislature.maine.gov/Audio/#216>

Testimony Submission: Can be presented in person or submitted in writing online at [this link](#).

Proposal Overview

- The underlying goal of this legislation is to help **catalyze housing creation** in Maine to meet the state’s current and future need. This legislation is intended to establish a **fair, practical, and predictable** policy landscape for housing creators.
- The legislation would achieve this goal by establishing the date on which a land use application has been submitted as the date after which the land use ordinance cannot be changed with respect to that application.
- This proposal would not require any town or municipality to have any specific requirements in its land use ordinance. Rather, it establishes a fair and reasonable cut-off date by which a land use applicant can have certainty that the underlying ordinance standards will not change in the middle of the process.

Advocacy Discussion Points

- According to a newly released Maine Housing Production Study, Maine needs to create 84,000 units of housing by 2030:

“To address [unmet] needs and meet the State’s policy priorities, Maine needs approximately 38,500 homes to remedy historic underproduction and will need an additional 37,900 to 45,800 homes to meet expected population growth and household change by 2030. Maine can meet this goal both through the production of new homes and reinvestment in existing homes that are vacant or unavailable due to disrepair or foreclosure.” Housing Study, pg. 8, available at https://mainehousing.org/docs/default-source/default-document-library/state-of-maine-housing-production-needs-study_full_final-v2.pdf.

- By providing certainty to a housing creator, this legislation would reduce risk, lower housing costs by reducing overall costs.
 - For example, when retroactive ordinances are applied to existing land use applications, it requires the applicant to go back to the drawing board, wasting thousands and sometimes millions of dollars on existing architectural, structural, legal, and land use purchase costs. This added cost can be a project-killer, or if a project is able to meet the new requirements, it will guarantee higher prices to accommodate the higher costs of development.
- Additionally, the current landscape is so risk-heavy that it runs the risk of driving out small housing creators when only deep-pocketed ones can afford to engage in such a high-risk/high-reward scenario.
 - We believe much of the housing need can be met through small and medium-sized infill development, and we believe these projects are often best tackled by community housing creators. Surely, towns would rather than a local, small-scale developer doing housing creation in their town as opposed to an enormous developer who has sufficient resources and a higher appetite for risk. This legislation will help protect those small and community housing creators.

Contact Housing Committee

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