6/10/2025

MEREDA ACTION ALERT

Help us Advance Housing Creation in Maine!

Please Contact your Legislators in Support of LD 1829!

An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Municipal Land Use Decisions

MEREDA encourages its members to contact their Legislators and encourage them to Support LD 1829, to advance housing creation in Maine. LD 1829 will help make incremental change to ensure consistency across state and local regulations for infill development.

Below are talking points and email template to help when contacting your local legislators.

Find the contact information and email addresses for your House Representative here, and Senator here.

MEREDA

ACTION ALERT

Support LD 1829, Omnibus Housing Bill

- **Permits up to four units on a lot** before triggering municipal subdivision review.
- Updates the exemption for the interior division of a new or existing building to mirror upward revised threshold.
- Builds on and clarifies LD 2003 by enabling greater flexibility in placement of permissive additional units.
- Creates a **height bonus** of one story for affordable housing developments.
- Provides that sprinkler systems are not needed in ADUs unless the ADU is attached to at least 2 additional dwelling units which may also be ADUs.
- In designated growth areas, **limit minimum lot size** to 5,000 sq. feet.
- Streamlines municipal housing review for developments under **four units** by permitting an **administrative review**.
- Removes the owner-occupancy requirement for ADUs to unlock financing for construction.

ACT NOW

[PLEASE USE YOUR PERSONAL LETTERHEAD]

[Find the contact information and email addresses for your House Representative here, and Senator here.

Hello,

As my elected official, I hope you will consider supporting LD 1829 to advance housing creation in Maine. As a member of the Maine Real Estate and Development Association (MEREDA), I support LD 1829 because it will help make incremental change to ensure consistency across state and local regulations for infill development.

[CHOOSE TWO]

> [LD 1829 takes small steps in the right direction – by enabling a series of changes to Maine's statewide land use laws, LD 1829 builds on the work of LD 2003 to help encourage entrepreneurial Mainers to create housing in their communities, and in their own backyards.]
>
> [LD 1829 helps encourage housing construction by raising threshold for unit creation for small subdivisions – up to four units on a lot. It also clarifies provisions of LD 2003 relating to the arrangement of units permitted under that law, ensuring that Mainers can make the best use of their existing property to infill with additional units or ADU's.]
>
> [The type of infill development supported by LD 1829 is largely light density. In fact, MEREDA strongly believes LD 1829 does not go far enough with respect to certain provisions – for example, we support the original version of the bill to raise the threshold on lots in small subdivisions, not just units. We also believe that provisions like limiting minimum lot size are critical to predictability in development – LD 1829 restricts minimum lot size only in designated growth areas. While this is an important step, MEREDA believes the issue of minimum lot size must be addressed in all parts of the state to encourage unit development on smaller parcels of land and prevent sprawl, while driving down the cost of housing.]
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> [LD 1829 is important to continue statewide predictability for the housing creation community. The current risk in the system is too great. LD 1829 take steps to improve these conditions – for example, LD 1829 would allow an affordable housing building to take a height bonus of up to one additional story. This would enable affordable housing by allowing the creation of enough units to justify the expense, and by leveraging state and federal tax credits in low-income housing creation.]

Maine cannot afford to wait longer for planning and construction of housing units – we need to build them now. LD 1829 is another small but important step in helping Maine achieve the 84,000 housing units we must build by 2030 in order to meet our existing and expected demand.

Thank you for your thoughtful consideration of this important policy initiative, and for all you do for the State of Maine.

Sincerely,

[YOUR NAME AND ORGANIZATION]

Committee: HED
New Title: **YES**
Add Emergency: No
Date: June 2, 2025

COMMITTEE AMENDMENT " . " to **LD 1829, An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Municipal Land Use Decisions**

Amend the bill by striking the title and substituting the following:
An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density

Amend the bill by striking out everything after the enacting clause and substituting the following:

Sec. 1. 25 MRSA §2463-B is enacted to read:

§2463-B. Fire protection in accessory dwelling units. Fire suppression sprinklers shall not be required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure of more than 2 dwelling units, including accessory dwelling units.

Sec. 2 30-A MRSA §4301, sub §1-C is amended to read:

1-C. (REALLOCATED FROM T. 30-A, §4301, sub-§1-B) Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-unit structure located on the same parcel of land.

Sec. 3. 30-A MRSA §4360, sub-§2 is amended to read:

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of buildings or development permit that are permitted in designated rural areas ~~and designated growth areas~~. A municipality may not enact rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by this chapter.

Sec. 4. 30-A MRSA §4364, sub-§2 is amended to read:

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality ~~consistent with section 4349-A, subsection 1, paragraph A or B~~ as identified in a comprehensive plan adopted pursuant to this subchapter or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

Sec. 5. 30-A MRSA §4364, sub-§2-A is enacted to read:

2-A. Additional height allowance. Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow, subject to review by a municipal fire official or designee, an affordable housing development to exceed any municipal height restriction by no less than one-story or 14 feet.

Sec.6. 30-A MRSA §4364, sub-§5 is amended to read:

5. Water and wastewater. The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

A. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

B. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

D. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, a municipality shall not require additional review or documentation related to waste and wastewater requirements before issuing a certificate of occupancy.

Sec. 6. 30-A MRSA §4364-A, sub-§1, as amended by PL 2023, c. 192, §6, is repealed and the following enacted in its place:

1. Use allowed. Notwithstanding any provision of law to the contrary except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, a municipality shall allow at a minimum:

A. Three dwelling units, attached or detached, including accessory dwelling units, per lot, and,

B. Four dwelling units, attached or detached, including accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to this subchapter, or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

A municipality may allow more units than the minimum number required by this subsection.

Sec. 7. 30-A MRSA §4364-A, sub-§2 is repealed.

Sec. 8. 30-A MRSA §4364-A, sub-§2-A is enacted to read:

2-A. Lot size and density allowance for private property. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.

B. If a lot is located outside a designated growth areas and in an area served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including accessory dwelling units.

C. If a lot is located in a designated growth area without a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed the minimum lot size required by Title 12, chapter 423-A and the density requirement or calculation may not be more restrictive than required by Title 12, chapter 423-A.

If 4 or fewer dwelling units have been constructed on a lot as a result of the allowances under this section or section 4364-B, the lot is not eligible for any additional increases in density, including under section 4364 unless more units are allowed by the municipality.

Sec. 9. 30-A MRSA §4364-A, sub-§3 is repealed and the following enacted in its place:

3. General requirements. Except as provided in this section, a municipal ordinance may not establish dimensional requirements for multiple units allowed by this section that are greater than is required for single-family housing dwelling units. As used in this subsection, dimensional requirements means requirements which govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks.

Sec. 10. 30-A MRSA §4364-A, sub-§4 is amended to read:

4. Water and wastewater. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:

A. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

B. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

D. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, a municipality shall not require additional review or documentation related to waste and wastewater requirements before issuing a certificate of occupancy.

Sec. 11. 30-A MRSA §4364-A, sub-§5-A is enacted to read:

5. Planning board approval not required. A municipality may not require planning board approval for 4 or fewer dwelling units within a structure.

Sec. 12. 30-A MRSA § 4364-B, sub- §1, as amended by PL 2023, c. 192, §12, is further amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or multi-unit structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

Sec. 13. 30-A MRSA § 4364-B, sub- §2, as amended by PL 2023, c. 192, §14, is further amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit structure; or

Sec. 14. 30-A MRSA §4364-B, sub-§3, ¶B, as amended by PL 2023, c. 192, §15, is repealed.

Sec. 15. 30-A MRSA §4364-B, sub-§3, ¶C, as enacted by PL 2023, c. 192, §15, is amended to read:

C. An accessory dwelling unit must be allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. A municipality shall exempt ~~an~~ one accessory dwelling unit on a lot from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶E is enacted to read:

E. A municipality shall allow the construction or occupancy of an accessory dwelling unit on a lot even if the owner of the lot where the accessory dwelling unit is located does not reside in a dwelling unit on that lot.

Sec. 18. 30-A MRSA §4364-B, sub-§7 is amended to read:

7. Water and wastewater. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

A. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;

B. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

D. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, a municipality shall not require additional review or documentation related to waste and wastewater requirements before issuing a certificate of occupancy.

Sec. 19. 30-A MRSA § 4364-C, sub-§4 is enacted to read:

C. The municipal reviewing authority and the municipal body hearing zoning appeals, if applicable, shall attend a training on land use planning offered by a state agency or a statewide association representing municipalities or a regional council or municipality within 180 days of appointment or of the effective date of this paragraph, whichever is later. If a training is not available within the 180-day period, a municipal reviewing authority member must attend the next available training.

Sec. 20. 30-A MRSA §4401, sub-§4, is further amended to read:

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into ~~3~~ 5 or more dwelling units within a 5-year period, the construction or placement of ~~3~~ 5 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into ~~3~~ 5 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel.

The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter or avoid other applicable municipal requirements including, but not limited to, road standards and safety.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than ~~January 1, 2021~~ July 1, 2027. ~~Such a municipality~~

~~must file its conflicting definition at the county registry of deeds by June 30, 2020~~ January 1, 2027 ~~for the definition to remain valid for the grace period ending January 1, 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located~~

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. A mortgage, pledge, or other instrument of hypothecation against a dwelling unit or other smaller portion of real property within a parcel that is otherwise defined by this section as a lot shall not itself constitute a subdivision for purposes of this section.

J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

(a) Retaining or protecting the natural, scenic or open space values of the land;

(b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;

(c) Protecting natural resources; or

(d) Maintaining or enhancing air quality or water quality; and

(2) The transferred interest is not subsequently further divided or transferred except to another holder.

As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2.

Sec. 21. 30-A MRSA §4402, sub-§6, as amended by PL 2019, c. 174, §2, is further 10 amended to read:

6. Division of new or existing structures. Beginning ~~July 1, 2018~~ January 1, 2026, a division of a new or existing structure into ~~3~~ 5 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

Sec. 22. Implementation date. The following sections of this Act take effect July 1, 2026 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality and July 1, 2027 for all other municipalities:

1. Section 3;
2. Section 4 and section 5, notwithstanding Maine Revised Statutes, Title 30-A, section 4364, subsection 1-A;
3. Sections 6, 7, 8, 9, 10 and 11, notwithstanding Maine Revised Statutes, Title 30-A, section 4364-A, subsection 10;
4. Sections 12, 13, 14, 15, 16, 17 and 18, notwithstanding Maine Revised Statutes, Title 30-A, section 4364-B, subsection 13; and
5. Sections 19, 20 and 21.