Maine Municipal Association

MMA Legal Services

New Affordable Housing Law; Summary for Municipalities

MMA Legal Services

January 30, 2022

On April 27, 2022, Governor Mills signed new affordable housing legislation into law, P.L. 2021, c. 672, entitled, *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*. The effective date of Chapter 672 was August 8, 2022, although municipalities are not required to comply with many of the requirements in the law until July 1, 2023.

The law (Chapter 672) aims to increase affordable housing in Maine by:

(1) establishing statewide and regional housing production goals and the municipal role in achieving those goals;

(2) imposing density and other requirements for affordable housing developments that preempt inconsistent municipal regulations;

(3) requiring municipalities to allow up to two, three, or four dwelling units on each lot where housing is allowed, depending on the location of the lot and whether it contains an existing dwelling unit; and

(4) requiring municipalities to allow an accessory dwelling unit (ADU) on the same lot as a single-family dwelling unit in any area where housing is permitted and to comply with certain requirements pertaining to ADUs.

The following summary outlines general requirements of Chapter 672 and identifies some ambiguities in the law. Chapter 672 requires the Maine Department of Economic and Community Development (DECD) to promulgate rules to assist with the administration and enforcement of the law. MMA Legal Services anticipates that at least some ambiguities will be addressed in the DECD rules. We will release additional guidance when any rules are promulgated or if any legislative amendments are adopted. The DECD began rulemaking in the Fall of 2022 and it is likely that final rules governing the administration of the law and funding for municipalities will be available prior to July 2023 (however, there are many factors that may affect when the rules will be finally adopted).

1. Statewide and Regional Housing Production Goals

Summary. Chapter 672 requires the DECD, in consultation with Maine State Housing, to establish statewide and regional "housing production goals" aimed at increasing the availability of affordable housing in the state. 5 M.R.S. § 13056(9). The DECD must establish measurable standards and benchmarks of success to achieve those housing production goals. The DECD is required to consider information submitted by municipalities concerning current or prospective housing developments and permits issued for the construction of housing when establishing

housing production goals. We understand that the DECD will contract with an independent research firm to assist with gathering the information necessary to establish these goals.

A different provision in Chapter 672 establishes a municipality's role in achieving the statewide and regional housing production goals. Section 4364-C requires municipalities to ensure that local ordinances and regulations are designed to "affirmatively further" the purposes of the federal Fair Housing Act (FHA) and the Maine Human Rights Act (MHRA) to achieve the statewide or regional housing production goals. 30-A M.R.S. § 4364-C. This section also provides that municipalities may establish and enforce short-term rental regulations to achieve housing production goals.

The purpose of the Fair Housing Act is to "provide, within constitutional limitations, for fair housing throughout the United States" by prohibiting discriminatory practices that make housing unavailable to an individual because of their race or color, religion, sex, national origin, familial status or disability. 42 U.S.C. § 3601 *et seq*. Similarly, in the context of housing, the purpose of the MHRA is to prevent discrimination due to an individual's "actual or perceived race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry or national origin and... on the basis of familial status..." 5 M.R.S. § 4552.

This is the only portion of the law that is currently in effect (effective date August 8, 2022).

Takeaway. To assist the state efforts in achieving the statewide and regional housing production goals set by the DECD, municipalities are required to ensure their ordinances and regulations are designed to "affirmatively further" the purposes of the FHA and MHRA, and municipalities may establish and enforce short-term rentals for this purpose. For this reason, MMA Legal Services believes that municipalities must ensure that local ordinances and regulations do not discriminate against protected classes identified in these law. However, because the DECD has not yet developed statewide or regional housing production goals, it is unclear at this time how affirmatively furthering the purposes of the FHA and MHRA relates to the statewide and regional housing production goals and affordable housing, as affordable housing production is not a clear purpose of either Act. Moreover, absent state rules or a Legislative amendment clarifying this requirement, only a court can rule on what is required for an ordinance to "affirmatively further" the purposes of these laws at this time.

General Recommendations. We recommend that municipalities review local ordinances to identify and amend any clearly discriminatory provisions or provisions that may create barriers for protected classes to access housing. Specifically, municipalities should review land use ordinances and regulations for consistency with the FHA and MHRA prohibitions on housing discrimination based on race, color, religion, national origin, ancestry, sex, sexual orientation or gender identity, disability, familial status, receipt of a permanent protection order, or receipt of public assistance.

Since the purpose of Chapter 672 is to encourage affordable housing in the state, to comply with the underlying spirit of the law, we also encourage municipalities to review local land use ordinances and regulations and evaluate whether the ordinances or regulations affirmatively further (or act as a barrier) to affordable housing in the municipality. For municipalities that

have adopted zoning ordinances, the municipality's comprehensive plan should be consulted, as affordable housing is usually a plan component. 30-A M.R.S. § 4326(3-A)(G).

Municipalities should document any actions taken to review ordinances and regulations (i.e., by recording minutes of a workshop dedicated to ordinance review, or making express written findings of an official, board, or committee) in the event that the law is later determined to require municipalities to demonstrate that they took specific steps to ensure that local ordinances and regulations have been designed to "affirmatively further" the purposes of the FHA and MHRA or state affordable housing goals.

2. Affordable Housing Developments (30-A M.R.S. § 4364)

Summary. This section governs affordable housing developments approved on or after July 1, 2023.

Section 4364 of the law requires any municipality that has adopted "density requirements," to allow a "density bonus" for any "affordable housing development," as defined in the statute. 30-A M.R.S. § 4364. "Density bonus," means granting a dwelling unit density of at least 2.5 times the base density that is otherwise allowed by municipal ordinance in that location.

To be eligible for a "density bonus," an affordable housing development must:

- Meet the definition of "affordable housing" in 30-A M.R.S. § 4364(1) (which includes specific income limits for rental or owner occupied developments);
- Be located in any area in the municipality where multifamily dwellings are allowed;
- Be located in a "designated growth area" (defined as an area consistent with 30-A M.R.S. § 4349-A(1)(A) or (1)(B)) or be served by a public, special district or other centrally managed water system and a public, special district, or other comparable sewer system;
- Meet the state subsurface wastewater disposal system minimum lot size requirements (12 M.R.S. Ch. 423-A); and
- The developer must certify compliance with several water and wastewater system requirements in 30-A M.R.S. § 4634(5).
- If located in the shoreland zone, the development must also comply with minimum shoreland zoning requirements.

Under this section, a municipality:

- May not require more than 2 off-street parking spaces for every 3 units in an affordable housing development.
- Must require that the owner of an eligible affordable housing development execute and record a restrictive covenant in the registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, ensuring that the development will remain affordable, as defined by the law, for at least 30 years. See 30-A M.R.S. § 4364(3) for affordability criteria.

Takeaways. MMA Legal Services advises that municipalities subject to this section amend local ordinances and regulations to ensure provisions governing "affordable housing developments" are consistent with the requirements in the law. However, several questions about the applicability of § 4364 remain unanswered. Some of these questions are discussed below.

Will this section apply to your municipality? Section 4364 applies to any municipality that has adopted local density requirements. However, because "density requirement" is not defined for this purpose, it is not clear whether the affordable housing requirements in this section apply only to municipalities that have adopted express "density" calculations (i.e., a density ratio or percentage) in a local land use ordinance or whether § 4364 applies to any municipality that has adopted provisions in a local ordinance that affect density, including minimum lot size, lot coverage, set-back, or frontage requirements. It is also unclear whether a municipality could adopt or apply its own definition of this term. Generally, when terms in a statute are undefined, a court will apply common law rules of statutory interpretation, which include reading the requirements in this section consistently with the overall scheme of the statute, other provisions in the statute, and giving undefined terms their common and generally accepted meanings. However, even if we apply these principles to § 4364, it is difficult to predict how a court would rule on this issue. This issue may be resolved if a definition of "density requirement" or further clarification is provided in the forthcoming DECD rules.

If this section applies, which local land use provisions are subject to the density bonus requirement? Similarly, because § 4364 does not define "density requirement" or "base density," it is not clear whether the density bonus requirement will apply to all density related requirements in a local land use ordinance or only an express "density" calculation. As noted above, we cannot predict how a court would interpret this provision. However, it is likely that a court would apply the common and generally accepted meaning of "density requirements," which arguably would include any local land use requirement that affects density, including minimum lot size, lot coverage, set-back and frontage requirements. Again, this issue may be resolved with further guidance from the DECD.

If this section applies, where must affordable housing be located in your municipality? Section 4364 requires a municipality to allow an eligible "affordable housing development" in any area where "multifamily dwellings" are allowed. However, since the law does not define "multifamily dwellings," it is not clear where in the municipality an affordable housing development must be located in order to be eligible for a density bonus. In this case, it is likely that a court will apply the common and generally accepted meaning of this term. As a result, because "multi" means "more than one," it is likely that a court would find that "multifamily" zones include those where duplexes or structures with more than one dwelling unit on a parcel are located. However, since municipalities are generally required to allow multiple dwellings on each lot under §§ 4364-A and 4364-B (see the description of §§ 4364-A and 4364-B below), arguably municipalities are required to allow multifamily dwellings (and therefore grant a density bonus) to eligible affordable housing developments in every area where housing is allowed in the municipality.

General Recommendations. Municipalities drafting ordinance amendments to comply with this section should be working with local legal counsel to ensure that the attorney defending the ordinance is comfortable with the municipality's interpretation of the ambiguous provisions. It may also be worth delaying the final adoption of proposed amendments until the DECD has issued its rules governing the administration of this section of the law.

MMA Legal Services also recommends that local land use ordinances include a provision establishing criteria to determine the type of entity that is acceptable as the holder of the restrictive covenant required by this section. Note that Maine State Housing Authority is familiar with affordable housing development and is commonly named as a party responsible for administering and enforcing these types of restrictive covenants. We also recommend that municipal ordinances require the developer to obtain a legal opinion at its own expense confirming that the covenant complies with this law.

3. Additional Dwelling Units; Dwelling Unit Density Requirements (30-A M.R.S. § 4364-A)

Summary. This section requires municipalities to allow a certain number of dwelling units on every lot in areas where housing is allowed, depending on whether the lot already contains a dwelling unit and where the lot is located within the municipality. Compliance with this portion of the law is required by July 1, 2023.

Lots without an existing dwelling unit (30-A M.R.S. § 4364-A(1))

- In any area within the municipality where dwelling units are allowed, a municipality must allow structures with up to 2 dwelling units per lot, provided that the lot does not contain an existing dwelling unit.
- If the lot is located in a "designated growth area" (as defined in 30-A M.R.S. § 4349-A(1)(A) or (1)(B)) or connected to public water and sewer, a municipality must allow up to 4 dwelling units per lot.
- Any additional dwelling units allowed under this section must comply with state subsurface wastewater disposal system minimum lot size requirements in 12 M.R.S. ch. 423-A.

Lots with an existing dwelling unit (30-A M.R.S. § 4364-A (1))

- On lots having one existing dwelling unit, a municipality must allow up to 2 additional dwelling units per lot. Note that it is not clear whether an additional unit is allowed if a lot already contains two existing dwelling units.
- The additional units may consist of one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.
- Additional dwelling units must comply with state subsurface wastewater disposal system minimum lot size requirements in 22 M.R.S. ch. 423-A.

General Requirements.

- The owner of the housing structure must certify compliance with several water and wastewater system requirements in § 4634-A(4).
- Additional dwelling units in the shoreland zone must meet minimum shoreland zoning requirements.
- For municipalities with zoning ordinances, if more than one dwelling unit has been constructed on a lot pursuant to the allowance under this section or § 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.
- Municipalities may not establish dimensional or setback requirements for the additional dwelling units allowed under § 4364-A that are greater than the dimensional or setback requirements for single-family housing units. However, an ordinance may establish lot area requirements for dwelling unit as long as the required lot area for subsequent units is not greater than the required lot area for the first unit.
- If a municipality has adopted a zoning ordinance or regulation, it may include a provision that either prohibits or allows additional dwelling units under this section on lots where a dwelling unit in existence after July 1, 2023, is torn down and an empty lot results.

Takeaways. Arguably, § 4364-A's requirements will be the most challenging for municipalities to implement, primarily because there are several ambiguities in this section that make it difficult to determine the extent that municipal home rule is preempted. The requirements in this section will also likely impact and require a substantial shift in the way municipalities establish and apply land use requirements in general. Some of these ambiguities are discussed below.

Can a municipality still enforce dimensional requirements if it would prohibit a landowner from developing the number of dwelling units allowed under § 4364-A? One notable ambiguity is that the law appears to require municipalities to allow a certain number of dwelling units to be located on a lot (§ 4364-A(1)), but also appears to allow municipalities to adopt dimensional, setback, and lot size requirements provided they are no greater than for single-family housing (§ 4364-A (3)). Therefore, it is not clear whether municipalities may adopt and enforce dimensional requirements (i.e., lot area) that would have the effect of limiting the number of dwellings on a lot to less than the maximum number of dwellings than would otherwise be allowed by § 4364-A.

Similarly, it is not clear whether a municipality may adopt "per dwelling unit" dimensional requirements or setback requirements or whether the law prohibits a municipality from adopting any additional dimensional requirements for additional dwelling units (other than for lot size). See 30-A M.R.S. § 4364-A(3), which states that municipalities may not establish dimensional requirements or setback requirements for additional dwelling units allowed under this section that are greater than dimensional requirements for "single-family housing." However, it is clear that the statute does not intend to allow zones where residential development is limited to only single-family dwellings. As noted above, these issues may be

resolved in the DECD rules, if the term "dimensional requirement" is defined or these requirements are further clarified.

What is the difference between an "additional dwelling unit" and "accessory dwelling unit?" Another notable ambiguity is that it is not entirely clear how this section relates to 30-A M.R.S. § 4364-B, which requires a municipality to allow an *accessory* dwelling unit on each lot that contains a single-family dwelling. Without a definition of "dwelling unit" or "accessory dwelling unit," it is not clear whether an additional dwelling unit must be regulated under the provisions for additional dwellings or accessory dwellings, specifically when a lot already contains a single-family dwelling or when an additional dwelling unit and single-family dwelling will be constructed on a lot. While there is a definition of "accessory dwelling unit" in 30-A M.R.S. § 4301, this definition is unhelpful in distinguishing these terms.

Do additional dwelling units need to be attached? Section 4364-A establishes distinct requirements for whether additional dwelling units can be attached or detached depending on whether a dwelling unit already exists on the lot and where the lot is located. Specifically, a municipality must allow "*structures* with up to 2 dwelling units per lot" in any area where housing is allowed, suggesting that the two dwelling units must be within the same structure. In designated growth areas, the municipality must allow "up to 4 dwelling units" per lot if the lot does not contain an existing dwelling unit, which suggests that the dwelling units could be either attached or detached. If the lot contains one existing dwelling unit, the municipality must allow up to 2 dwelling units per lot, further specifying that an additional dwelling unit allowed can be within or attached to an existing structure, or detached, or one of each. However, that the law does not define "attached" or "detached" for purposes of this section and, even if a definition were established, it is not clear how the definition would apply to each of these requirements, as this section does not consistently use the terms "attached" or "detached."

General Recommendations. MMA Legal Services strongly recommends that each municipality review its local land use ordinances with local legal counsel to ensure that its provisions are consistent with this section of the law.

4. Accessory Dwelling Units Must Be Allowed; ADU Density Requirements (30-A M.R.S. § 4364-B)

Summary. This section requires municipalities to allow at least one "accessory dwelling unit" (ADU) to be constructed on the same lot as a single-family dwelling unit in any area of the municipality where housing is allowed. Compliance with this section of the law is required by July 1, 2023. However, this section does not restrict the construction or permitting of an ADU constructed and certified for occupancy prior to July 1, 2023.

General Requirements. In order for an ADU to be constructed on a lot:

- The ADU must be located on the same lot as a single-family dwelling and in an area in which housing is allowed.
- The ADU must be constructed either:

- Within an existing dwelling unit on the lot;
- Attached to or sharing a wall with a single-family dwelling unit; or
- As a new structure on a lot for the primary purpose of creating an ADU.

- The ADU must be a minimum size of 190 square feet.
- The addition of the ADU must be consistent with state subsurface wastewater disposal system minimum lot size requirements in 12 M.R.S. ch. 423-A.
- The owner of the ADU must certify compliance with several water and wastewater system requirements in § 4634-B(7).
- If the ADU is located in the shoreland zone, it must comply with minimum shoreland zoning requirements.
- For municipalities with zoning ordinances, if more than one ADU has been constructed on a lot as a result of the allowance under this section or § 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.

Under this section, a municipality must:

- Exempt an ADU from any density requirements or calculations related to the area in which the ADU is constructed.
- Ensure that the setback and dimensional requirements for ADUs that are attached to, sharing a wall, or within a single-family dwelling unit are the same as or more permissive than the setback and dimensional requirements for the single-family dwelling unit on the lot in which the ADU is located. If an ADU is located in an existing accessory building or secondary building or garage as of July 1, 2023, the setbacks for that structure apply.
- Ensure local ordinances do not establish any additional parking requirements for an ADU beyond the parking requirements of the single-family dwelling unit on the lot where the ADU is located.
- Ensure that any permit issued for an ADU is not counted as a permit issued toward a municipality's rate of growth ordinance.

Takeaways. This section contains similar ambiguities as those relating to additional dwelling units required under § 4364-A. Further discussion is provided below.

<u>What is the definition of ADU and how is this different from and additional dwelling under § 4364-A?</u> Section 4364-B does not clearly define "accessory dwelling unit" for purposes of this section or § 4364-A. "Accessory dwelling unit" is defined generally in Title 30-A as "a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land." 30-A M.R.S. § 4301(1-C). However, it is not clear whether this definition is intended to apply since 30-A M.R.S. § 4364-B(2) further restricts the type of construction that will qualify as an ADU for purposes of the law. As discussed previously, without a definition of "accessory dwelling unit" it is not clear how municipalities will be able to distinguish ADUs from additional dwelling units allowed under § 4364-A. Again, because the law preempts municipal home rule authority on these matters, it is not clear

whether the law leaves room for municipalities to apply existing definitions adopted through a local land use ordinance. The DECD may establish a definition of "ADU" or otherwise clarify this ambiguity in its rules.

May a municipality adopt dimensional requirements for ADUs? Municipal authority to establish dimensional and setback requirements for ADUs is not clear. Section 4364-B requires municipal ordinances and regulations to exempt ADUs from any density requirements or calculations. However, because "density requirement" is not defined in the law, it is not clear whether the law intends only that municipalities exempt ADU's from express local ordinance "density" calculations or whether municipalities must exempt ADUs from all generally applicable dimensional or setback requirements that impact the number of units allowed per lot. Moreover, in the following subsection, the Legislature provides that ADUs located within, attached, or sharing a wall with a single-family dwelling unit must comply with the dimensional and setback requirements of the single-family dwelling unit. See § 4364-B(4)(B). As a result, it is not clear if the Legislature intended only to carve out an exemption for ADUs located within, attached, or sharing a wall with a single-family dwelling unit from the overall exemption from density requirements or whether the Legislature is indicating that "density requirements" are different than "dimensional requirements."

Specifically, note that under the affordable housing (§ 4364) and additional dwelling unit (§ 4364-A) sections of this law, "density" requirements could reasonably be interpreted as including any types of "dimensional" requirements that affect density. However, in this section of the law, the Legislature has indicated that these terms may be distinct, raising a question on whether this is intended to affect the applicability of these terms elsewhere in the statute. Again, further guidance from the DECD or a legislative amendment is needed.

General Recommendations. MMA Legal Services strongly recommends that each municipality review its local land use ordinances with local legal counsel to ensure that its provisions are consistent with this section of the law. Note, that municipalities can likely regulate ADUs in existing structures that are not dwelling units (i.e., commercial, industrial, or existing garages) independently from the requirements in this section. In addition, we recommend that municipalities consider adopting maximum sizes for ADUs, as expressly authorized by § 4364-B. (Note, the law establishes a minimum size for ADUs, but not a maximum size.)

Issues Applicable to Multiple Sections of the Law

The several provisions that comprise chapter 672 include a number of common terms and requirements. These and several ambiguities common to all the provisions are addressed below:

Designated Growth Area. Chapter 672 defines "designated growth area" as either 1) the locally designated growth area as identified in a comprehensive plan adopted pursuant to and consistent with the Growth Management Act or as identified in a comprehensive plan that

has been certified by the state under 30-A M.R.S. § 4347-A, or 2) in the absence of a comprehensive plan, an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the Federal Decennial Census as a census-designated place, or a compact area of an urban compact municipality as defined by 23 M.R.S. § 754.

For purposes of the affordable housing density requirements in § 4364, the development must be in a designated growth area OR served by public, special district or other centrally managed water system and public, special district or other comparable sewer system.

For purposes of the requirement that a municipality allow up to 4 dwelling units on a lot in § 4364-A, the lot must be located in a designated growth area OR, if the municipality does not have a comprehensive plan, be served by public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

Municipalities should be aware that the areas where additional development must be allowed under Chapter 672 are probably not already clearly identified in local ordinances and regulations. Any amendments to local ordinances and regulations must carefully take the definition of "designated growth area" and the requirements under each section of the law into account.

Nonconforming lots and structures. Chapter 672 does not address how its requirements apply to legally nonconforming lots or structures and the limits that generally apply to expansion or development involving nonconformance issues. Usually, ordinances provide that a legally nonconforming lot or structure of record may not become more non-conforming and expansion of the nonconforming structure or use is limited. It is not clear whether the law intends to allow for additional dwelling units that increase nonconforming conditions.

Shoreland Zoning. Chapter 672 expressly provides that any affordable housing development, additional dwelling unit, or ADU allowed under this law must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances. This may have the practical effect of disallowing affordable housing developments as well as many additional dwelling units and ADU's in shoreland zones.

Subdivision Law. Chapter 672 expressly provides that it does not exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with the state subdivision law (30-A M.R.S. §§ 4401 to 4408). It is not clear if these sections in Chapter 672 are intended to also exempt divisions of a dwelling unit from the state subdivision law.

Water and Wastewater. Chapter 672 requires that the owner of an affordable housing development or a housing structure with additional or accessory dwelling units allowed under this law provide written verification to the municipality that each unit or the housing structure is connected to adequate water and wastewater services before a municipality may certify the development for occupancy. The law specifies the information that must be included in the

written verification. It is not clear as to who is authorized under this law to review and find the written verification acceptable and whether this is required in municipalities that are not required to issue certificates of occupancy under state law.

What should municipal officials do now?

Each municipality should consider how it will approach the requirements in this law. There is no one size-fits-all answer. For example, municipalities may differ in approaches due to the size of the municipality, complexity of land use regulations, and type of ordinances or regulations currently in effect. For this reason, MMA Legal Services advises municipalities to consult with legal counsel for more specific guidance based on the municipality's individual needs.

However, in general, MMA Legal Services recommends that municipalities begin reviewing applicable land use ordinances and regulations to; 1) determine whether there are any clearly discriminatory provisions and ensure compliance with the FHA and MHRA housing requirements, and 2) identify which provisions in local land use ordinances or regulations may be affected by Chapter 672's requirements. Even if some municipalities have decided to wait for further guidance from the DECD to adopt or draft specific amendments, we encourage these municipalities to at least conduct a preliminary review and flag any provisions that would likely be affected.

Specifically, before July 1, 2023 we suggest that municipalities:

- Identify whether local charters, ordinances, or regulations may need to be amended to comply with Chapter 672, identify the process for amending those documents, and estimate the time required to accomplish any necessary amendments.
- Determine which municipal officials will oversee drafting any necessary amendments, and ensure that the official, board, or committee has the required authority and funding to accomplish this task. Consider working with a professional who is knowledgeable in land use planning when developing ordinance language appropriate for your municipality.
- Consult with the municipality's attorney for review of any proposed ordinance amendments.
- Keep watch for legislative amendments and for DECD rulemaking during 2023.

Funding: The Maine Legislature created the Housing Opportunity Program and Housing Opportunity Fund in separate legislation (PL 2021, c. 635). Through this Program and Fund, the DECD is required to provide technical and financial assistance to support communities implementing zoning and land use related policies necessary to support increased housing development, including model ordinance development. We anticipate compiling information on financial and technical resources available to municipalities as these resources become available.

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Quick Links; Municipal Planning Resources

Statutes:

P.L. 2021, c. 672 , An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (LD 2003)

Title 30-A, Chapter 187; see sections 30-A- M.R.S. § § 4364 to 4364-C

State Agencies:

Municipal Planning Assistance program, DACF:
https://www.maine.gov/dacf/municipalplanning/index.shtml

DECD: https://www.maine.gov/decd/housing-legislation

MMA Legal Services Resources:

MMA Legal Services Ordinance Enactment information packet:
https://www.memun.org/Member-Center/Info-Packets-Guides/Ordinance-Enactment

Regional Planning Resources:

List of Regional Planning Organizations (MPAP):
https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml

Southern Maine Planning Guidance on LD 2003: https://smpdc.org/ld2003

Maine Municipal Association Legal Services

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Ordinance Enactment Procedure:

➔ Generally.

For municipalities with a town meeting form of government, the enactment procedure for most ordinances is set forth in 30-A M.R.S. § 3002. Ordinances must generally be adopted by the municipal legislative body (town meeting or council), although there are some exceptions, discussed below.

If legislative powers are vested by municipal charter in a town or city council, the enactment procedure is usually set forth in the municipality's charter.

In a few situations, ordinances may be enacted by the municipal officers (select board members or councilors) rather than by the town meeting. These include traffic and parking, general assistance, and cable television ordinances. For these ordinances, the enactment procedure is set forth in the applicable statute. (See e.g., 30-A M.R.S. §§ 3008, 3009(3); 22 M.R.S. § 4305). For subdivision regulations that may be adopted by planning boards, the adoption procedure is set forth in 30-A M.R.S. § 4403(2). See the "Ordinances Adopted by the Municipal Officers" section of this packet for more information

➔ Distinguishing Various Drafts of an Ordinance, Amendment, Map or Plan.

When a board or committee is developing an ordinance, amendment, map or plan for consideration at a public hearing and/or a vote of the legislative body, it is important to devise a system to distinguish one draft from another and to identify which board or committee has developed it. Something as simple as a designation like "PB # 5" or "SB #1" would tell which board developed the document and which version it is; another option would be to use "SB" (select board) or "PB" (planning board) followed by the date of the draft document.

➔ Statutory Enactment Procedures.

Maine statute, 30-A M.R.S. § 3002, sets out the default procedures for adoption of a municipal ordinance. These procedures must be followed unless another statute or a municipal charter requires a different process. These procedures apply whether an ordinance is adopted at an open town meeting or at a referendum town meeting, although some additional procedures apply to referendums (discussed below).

30-A M.R.S. § 3002 requires the following to lawfully enact an ordinance, generally in the following order:

- **Certification.** After the ordinance is drafted in its final form, the municipal officers must certify a copy of the final version of the proposed ordinance to the municipal clerk at least 7 days prior to the day of town meeting to be preserved in the town records as a public record. The certification must be made before the town meeting warrant is posted. As most proposed ordinances involve several drafts, certification formally designates the final version of the ordinance to be presented to voters.

- **Attestation.** From the certified copy, the municipal clerk must make attested copies that will be posted along with the town meeting warrant. The clerk, in attesting copies of the ordinance for posting, should use substantially the following language:

  Attest: A true copy of an ordinance entitled "_____" as certified to me by the municipal officers of _____ on the __ day of _____, 2022.

  Signature _____
  Town Clerk, _____

- **Copies available/distributed.** The municipal clerk must make copies of the certified ordinance. The law requires that copies be left in the clerk's office for distribution to the voters and that copies be present at the town meeting for voter use. All copies of ordinances referred to here, including the certified and attested copies, may be reproduced by any standard process that the clerk decides to use, such as photocopying or computer printing.

- **Form of question/article.** The subject matter of the proposed ordinance must be reduced to a question submitted to the town meeting for action either as an article in the warrant and/or as a question on a secret ballot referendum. Section 3002 requires specific wording when an ordinance is presented to the voters:

  "Shall an ordinance entitled __*(use exact title of ordinance)*_____ be enacted?
  (*An attested copy of this ordinance is attached to, and posted with, this warrant*)"

  The law requires the specific wording above; therefore, the traditional wording "To see if the town will vote . . .", should not be used. However, irregularities in wording may not be fatal to the ordinance validity; Maine courts have held that substantial compliance with the statutory wording is sufficient. See *Crosby v. Inhabitants of Town of Ogunquit*, 468 A.2d 996 (Me. 1983).

  The exact title of the ordinance must be used in the question, not a descriptive phrase. For this reason, it is important that the select board ensure, before certifying a draft ordinance to the clerk, that it contains a title.

- **Ordinance posted.** The article concerning the ordinance should be included within a town meeting warrant issued by the select board, attested and posted in the manner provided for town meetings. A town meeting warrant containing a properly worded article is required whether the vote will be by referendum ballot or at open town meeting.

  In addition to the posting procedure required of all town meeting warrants, 30-A M.R.S. § 3002 requires that an attested copy of the complete text of the proposed ordinance be posted along with, next to, and at the same time as the warrant for the town meeting at which the proposed ordinance will be considered.

  However, if the proposed ordinance exceeds ten pages in length, the warrant and warrant article relating to adoption of the item need only state that attested copies of the ordinance are available from the municipal clerk. See 30-A M.R.S. § 3002(1).

Although attestation is performed by the municipal clerk, the posting is accomplished by the person posting the warrant and ordinance. The return of the person who posts the warrant should contain additional wording at the end, and before his/her signature, substantially as follows:

"And I have this day posted one copy of an ordinance entitled '_____ _____,' attested by the municipal clerk, with the warrant(s) at said places."

The same time limits that apply to posting of town meeting warrants will apply to posting of the proposed ordinance, and both should be accomplished simultaneously. For more information on the form of a warrant and the return completed by the person posting the warrant, see MMA Legal Services' *Town Meeting & Elections Manual*.

A permissible alternative is for the ordinance itself to be incorporated into the warrant article and printed and attested as part of the warrant. Some communities prefer this approach, particularly where the text of the ordinance is short.

See chapter 4 of the manual linked above for several sample warrant articles.

- **Special Procedures.** Additional special enactment procedures may be required for particular ordinances, such as zoning ordinances. These special procedures are discussed in the "Special Enactment Procedures" section of this packet.

- **Effective Date.** If approved by the voters, the ordinance will take effect immediately unless a different date is specified in the ordinance, warrant article or a municipal charter.

- **Application.** The enactment process in 30-A M.R.S. § 3002 does not apply to ordinances which the law requires be enacted by the municipal officers, such as traffic, general assistance or cable TV ordinances.

- **Availability to public.** All enacted ordinances must be on file with the municipal clerk and accessible to any member of the public. Copies must be made available at reasonable cost (fees limits under the Freedom of Access Act apply). Notice must be posted that the ordinances are available. 30-A M.R.S. § 3005.

➔ Ordinance amendments.

Although state law prescribes no particular procedure for amending ordinances, it is generally agreed (and charters or ordinances often provide) that ordinances may be amended by using the same basic procedure as for enactment. Miscellaneous or technical amendments usually are presented in the form of the ordinance's original text with proposed deletions struck through and additions underscored. Major revisions are generally accomplished by repealing and replacing entire sections or paragraphs with new text.

An ordinance that was adopted by the legislative body may only be amended by a vote of the legislative body. This is true even if the reason for amending the ordinance is to correct typographical errors or change section headings or numbers. See *Maine Town & City* Legal Notes in the Samples section for more information.

➔ No amendment at town meeting.

The MMA legal staff advises that, in a town meeting format, the proposed text of an ordinance or ordinance amendment may not be further amended from the floor of the meeting. The ordinance must be voted up or down in its entirety and an amendment or a new version of the ordinance presented at a future meeting.

➔ Referendum procedures.

When a proposed ordinance, ordinance amendment, map, comprehensive plan, or other item of business will be voted on by referendum ballot pursuant to 30-A M.R.S. § 2528(5), a number of additional statutory deadlines come into play:

- **Order with question wording.** The municipal officers (select board or councilors) must issue an order to the municipal clerk at least 60 days before the date of the referendum, instructing the clerk to place a particular article on the referendum ballot. See Samples & Resources section for sample order.

  Ideally, the municipal officers should have in their possession a final draft of the ordinance, comprehensive plan, or ordinance amendment that is the subject of the referendum vote at the time they issue their order to the clerk to place the related referendum question on the ballot. However, it is often the case that the board or the committee which is preparing the ordinance or plan is not quite finished with its work at the time that the municipal officers must issue their order. As long as the board or committee gives the municipal officers sufficient notice in advance of their 60-day deadline that a ballot question is needed and the title of the ordinance or plan which must be referenced in the ballot question, it probably is legal for the board or committee to provide the final ordinance/plan text at a later date, provided they do so by the time the clerk begins to make absentee ballots available.

  It is possible that the municipal officers will not be willing to set an election date and order the preparation of a ballot without knowing the content of the ordinance or plan, so there are policy and legal reasons why the board or committee should have the final draft of the ordinance or plan ready to submit when requesting a ballot question.

- **Public hearing.** At least 10 days before the date of the referendum vote, the municipal officers must conduct a public hearing on the ballot question in accordance with § 2528(5).

- **Hearing notice.** The hearing notice must include a copy of the proposed article, together with the date, time, and place of the hearing. Notice of the public hearing must be posted at least 7 days before the hearing date in the same manner that town meetings are posted. This means that the clerk should keep the original hearing notice and attest copies for posting, and the person who posts the notice should make a formal return to the clerk. If town meeting warrants are usually posted in more than one public and conspicuous place in town, it is also advisable that the notice of hearing be posted in all of those same places. The statute actually states that the "municipal officers" shall make a return on the original notice stating the manner of notice and the time it was given. We believe it was intended for

the municipal officers to recite that they caused the notice to be posted and to recite who posted it and where. The person who does the posting can write out a return and give it to the municipal officers, who can then rely on it for their own recitation. See Samples & Resources section for sample hearing notice.

- **Absentee ballots** generally must be available 30 days before the referendum date.

- **Warrant.** A town meeting warrant must be posted at least 7 days in advance of the meeting and an attested copy of the ordinance must be posted with the warrant. Proposed ordinances over 10 pages need not be posted but must be available in the clerk's office.

- See chapter 4 of MMA Legal Services' *Town Meeting & Elections Manual* for additional discussion.

➔ Filing Requirements.

After enactment, a copy of all ordinances must be filed with the municipal clerk and available for public inspection. 30-A M.R.S. § 3005.

Certain types of ordinances also must be filed with various state agencies before or after enactment, and some also require approval by the designated agency's commissioner. For example:

- Shoreland zoning ordinances with the Department of Environmental Protection (38 M.R.S. § 438-A(3));
- Forest practices ordinances (12 M.R.S. § 8869(8) and § 8869(9)) and agriculture ordinances (7 M.R.S. § 155) with the Department of Agriculture, Conservation, and Forestry;
- Shellfish ordinances with the Department of Marine Resources (12 M.R.S. § 6671(4));
- General assistance ordinances with the Department of Health & Human Services (22 M.R.S. § 4305(4));
- Solid waste siting or licensing ordinances with the Department of Environmental Protection (38 M.R.S. § 1310-U);
- Ordinances regulating water levels or minimum flow with the Department of Environmental Protection (30-A M.R.S. § 4455);
- Pesticide control ordinances with the Board of Pesticide Control (22 M.R.S. § 1471-U);
- Firearm discharge ordinances with the Commissioner of Inland Fisheries and Wildlife (30-A M.R.S. § 3007(5)); and
- Fireworks ordinances with the Office of the State Fire Marshal (8 M.R.S. §223-A(2)).

See chapter 4 of MMA's *Town Meeting & Elections Manual* for additional information.

Special Notice & Hearing Requirements

➔ Overview.

In addition to customary town meeting warrant and Freedom of Access notice requirements, special notice and hearing requirements may apply to some ordinance enactments, depending on applicable statute, charter or ordinance provisions, the type of ordinance proposed and the method of enactment.

➔ Zoning Ordinance Public Hearing Requirements.

Special notice and hearing requirements apply to enactment of zoning ordinances, zoning ordinance amendments or zoning maps. 30-A M.R.S. §§ 4352(9) and (10). These include posted, published and (in some cases) personal notices. The planning board must coordinate these notice and hearing deadlines with the deadlines for a town meeting and/or referendum vote and the public hearing held by the municipal officers pursuant to 30-A M.R.S. § 2528 (discussed elsewhere in this packet).

A "zoning" ordinance is one that establishes different regulations for different areas of the municipality. State law defines a zoning ordinance as "a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district." 30-A M.R.S. § 4301(15-A). Zoning ordinances include shoreland zoning, floodplain management, and aquifer protection ordinances, among others.

Requirements are as follows:

- **Public hearing.** The municipal planning board must conduct a public hearing preceded by public notice on a proposed zoning or shoreland zoning ordinance, map or amendment. 30-A M.R.S. § 4352(9).

- **Hearing Notice.** Notice must be posted in the municipal office at least 13 days before the hearing. The hearing notice must also be published in a newspaper twice – once at least 12 days before the hearing and once at least 7 days before the hearing. 30-A M.R.S. § 4352(9).

- **Minimum newspaper standards.** The required newspaper notice must be published in a newspaper that complies with 1 M.R.S. § 601, meaning that the newspaper must be (1) printed in English language; (2) must be entered as 2nd class postal matter in the United States mails; and (3) must have general circulation in the vicinity where the notice is required to be published. Any legal notice, legal advertising or other matter required by law to be published in a newspaper must appear in all editions of that newspaper and must appear on any publicly accessible website that the newspaper maintains in accordance with the requirements of 1 M.R.S. § 603.

- **Zoning map.** Rezoning is ordinarily accomplished by amending a municipal zoning ordinance and map. Before any rezoning, a hearing as described above must be held, and the required notice must be both posted and published. In addition, the notice must contain a copy of a map showing the portion of the municipality affected by the proposed amendment. 30-A M.R.S. § 4352(10)(A).

- **Notice to Drinking Water Suppliers.** If an area to be rezoned is within the source water protection area of a public drinking water supplier, notice must also be sent to the public drinking water supplier. See 30-A M.R.S. § 4352(9)(E). Contact the Maine DHHS Public Drinking Water Program for more information about "source water protection areas" and "public drinking water suppliers."

- **Landowner Notice.** If the proposed ordinance/amendment would have the effect of either prohibiting all industrial, commercial or retail uses in a particular area where any of these uses are permitted, or of permitting any of these uses where they are prohibited, special notice must be sent by first class mail at least 13 days before the public hearing to the last known address of the person to whom the property within or abutting the affected area is assessed. 30-A M.R.S. § 4352(10). All mailed notices must include a copy of a map indicating the portion of the municipality affected by the proposed amendment. See § 4352(10)(A) for additional requirements regarding mailed notice.

  However, § 4352(10)(B) states that individual landowner notice is not required where the proposed ordinance, map, or amendment involves a zoning ordinance adopted pursuant to the Growth Management Act (30-A M.R.S. §§ 4301- 4457) or a shoreland zoning ordinance. Since virtually all zoning ordinances are now adopted pursuant to the state Growth Management Act or the laws governing shoreland zoning, and since that has been true for a number of years, it appears that this individual notice requirement will rarely apply. It is unclear why the Legislature included the abutter notice provision, given its limited applicability on the face of the statute. It may apply to adoption or amendment of "de facto" zoning ordinances, such as floodplain management ordinances or aquifer protection ordinances. In any case, a person who does not receive a required notice has 30 days from the adoption of the ordinance, amendment or map to appeal to Superior Court to challenge the ordinance or map.

- **Changes to proposed ordinance.** If, after holding a public hearing, the planning board determines that changes should be made in the final draft of the zoning ordinance or map prior to sending it to the municipal officers, the planning board probably may do so without holding an additional public hearing on the revised version. This is because 30-A M.R.S. § 4352(9) only appears to require one public hearing during the development of the ordinance, rather than a hearing on every new draft. As noted in "Enactment Procedures" page of this packet, the municipal officers must also hold their own hearing on any question to be voted on by "secret ballot" referendum election pursuant to 30-A M.R.S. § 2528(5). If the municipal officers find it necessary to revise an ordinance before submitting it to a referendum vote after holding their public hearing, they should call a new public hearing on the revised draft. *Town of Hampton v. Brust*, 446 A. 2d 458 (NH 1982).

➔ Shoreland Zoning Ordinances.

- **Zoning Ordinance Procedures.** Shoreland zoning ordinances are subject to all the hearing and notice requirements described above for zoning ordinances.

- **Proposed Resource Protection Zone.** Additional notice requirements apply to shoreland zoning ordinances if land is being proposed for inclusion in a Resource Protection Zone. See 38 M.R.S. § 438-A (1-B). The municipality must provide notice by first-class mail to the affected landowners. This notice must be sent no later than 14 days before a public hearing is held on the proposed shoreland zoning amendment. The municipal officers must prepare a notarized list of the people to whom notice was sent and the addresses used. The list must also indicate when, by whom and from what location the notices were mailed.

Ideally, the public hearings envisioned by 30-A M.R.S. § 4352 and 38 M.R.S. § 438-A will be addressed with one hearing, provided the notice required by each statute has been given within the required timeframe and by the required method. If some notice was not properly given, then another hearing would need to be held to ensure compliance. The purpose of the public hearing that the planning board must hold is to allow citizens an opportunity to comment on a proposed ordinance at a time when those comments could still persuade the planning board to make changes and before the ordinance is submitted to the municipal officers to schedule a vote of the legislative body. The planning board's public hearing should be held prior to any hearing held by the municipal officers under 30-A M.R.S. § 2528 and prior to the meeting at which the legislative body will vote.

➔ Conditional and Contract Zoning.

There are distinct, separate requirements for both posted and published notice of public hearings in connection with conditional and contract rezoning of property. These requirements are generally similar to those recited above for adoption or amendment of a zoning ordinance, but see 30-A M.R.S. § 4352(8) and chapter 6 of MMA Legal Services' *Municipal Clerks Manual* for more detailed discussion of the requirements.

➔ Comprehensive Plans.

Maine law requires the comprehensive planning committee to hold a public hearing on a proposed comprehensive plan. See 30-A M.R.S. § 4324(8).

- **Hearing Notice.** Notice of the public hearing must be given at least 30 days before the hearing date.

- **Plan available to public.** A copy of the proposed plan must be available for public inspection at least 30 days before the public hearing. (The notice for this hearing is not governed by 30-A M.R.S. §§ 4352(9) or (10), as neither subsection mentions comprehensive plans.

- **Changes to proposed Plan.** If, after the public hearing, the committee decides that revisions to the draft plan are necessary, it should hold another public hearing on the new proposed plan. This is because the applicable statute (§ 4324(8)(B)) says that "(t)he planning committee shall hold at least one public hearing on its proposed comprehensive plan." The word "proposed" suggests that the planning committee is ready to present a draft comprehensive plan that it feels is in final form and ready to go to a vote; it envisions a completed plan, not one that most would agree is still in the drafting stage. Moreover, the statute recognizes that the committee may hear things at the public hearing on the

proposed plan that might result in changes to the final draft plan and the statute provides for shorter public notice of a follow up hearing by referring to the more general public notice requirements in the Freedom of Access Act. (See 1 M.R.S. § 406).

Note that the public hearing that the comprehensive planning committee must hold and the public hearing that the municipal officers must hold on any referendum question are two different hearings, and should not be scheduled on the same date. Also, a public hearing held by the comprehensive planning committee pursuant to 30-A M.R.S. § 4352(1) during the preparation of a comprehensive plan would not qualify as the hearing required by section 4324(8) on the final version of the "proposed plan."

➔ Citizen Petitions.

When a citizen petition is submitted proposing an ordinance, zone change or other zoning amendment, the planning board still must comply with the public notice, landowner notice, and public hearing requirements of 30-A M.R.S. §§ 4352 (9) and (10) to the extent they would be applicable generally. The petition doesn't short circuit the normally-required process.

Maine Municipal Association

Presentation to the Joint Select Committee on Housing

Rebecca J. Graham

Maine Municipal Association

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1/31/2023

Planning as a Duty

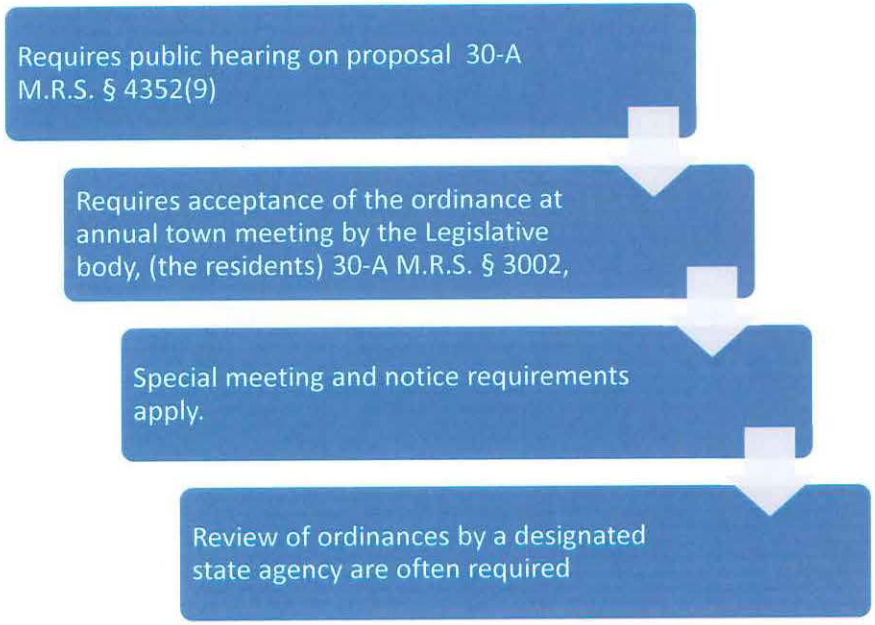
"To preserve public health, safety and general welfare; to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide for appropriate residential, recreational, commercial and industrial uses; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and inappropriate use of the water in these areas; and to preserve ecological and natural values." (12 M.R.S.A. § 681)

Municipalities Not All Equal or Behind

- 60% of Maine towns have no zoning.
- Before 2020 more that 40 towns allowed Accessory Dwelling Units.
- Some municipalities have pre-approved plans for ADU and Grant Programs.
- Many communities with resources have rehabilitation grants for lower income residents.
- Where municipalities own housing, they keep rents affordable for workforce.

- Some communities have limited development to protect geographically limited water resources.
- Many municipalities share Code Enforcement Officers and have limited enforcement ability.
- 40 Communities (more added soon) have EPA permit requirements that force added development costs to protect water quality.
- Most municipalities cannot also be landlords.

Ordinance Creation and Adoption



- Local charter for Council form may have additional review entities before adoption. (i.e., MS4 communities have federal permit requirements for review of development, new "Low Impact Development" (LID) restrictions)
- Should involve legal review for interplay between other ordinances and obligations.
- Ambiguity of legal terms, authority or protection exposes ordinances to challenge without clarity of definition.
- Non-existent state level technical support.

Market Forces vs Municipal Control

1/31/2023

Market views housing as a financial return.

- REITs, or real estate investment trusts, are companies that own or finance income-producing real estate Return on investment for fund holders is the goal.
- Purchases are based on future earning potential and more likely in desirable areas.
- Seek to build cheap and quick to maximize return.
- Since 2020, housing has been purchased well above normal residential value nationwide, particularly in desirable areas and near scenic beauty spots.

Municipalities view housing occupants as agents of community creation and growth.

- Communities without year-round residents struggle to retain character, aging in place services, municipal workforce and public safety employees.
- Housing is a key need for economic growth.
- Quality of life for residents is primary concern (and QOL issues are biggest complaints.)
- Rehab of existing housing is as important as the creation of new. Building Codes make this challenging.

Short-Term Rentals & Investment Purchase

1/31/2023

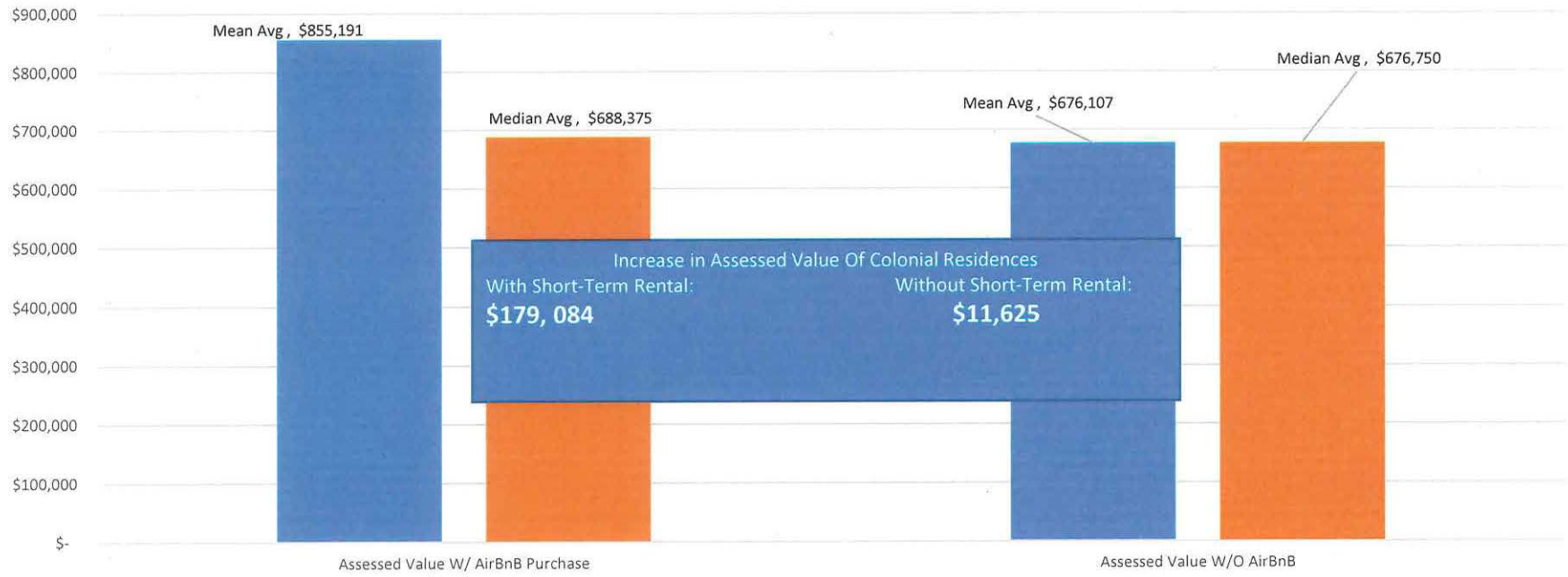
- Municipalities may regulate short-term rentals in their communities.
- Most municipalities lack full time staff to administer a regulatory program.
- Municipal regulation pushes activity into the next community who may lack resources to accomplish the same.

- Unlike other commercial uses, operate in residential areas with no commercial assessment category adversely impacting residential assessment.
- Usually found in areas of natural beauty and compete with workforce available uses. (i.e., Businesses are now building or renting property specific to protect availability for their needed workforce.)

Assessment and Market Impacts on Property Tax

Assessed Value of Like Colonial Residences

Assessed Value Impacts of Same Based on Investment Purchase



1/31/2023

Rep Lavochelle bill

Tax Increment Financing

Relies on prospect of increase in future value of development not always achieved.

Does not require developer/business to provide any direct benefits back to community for the benefit received.

Retained value for community is very restrictive on applicable use.

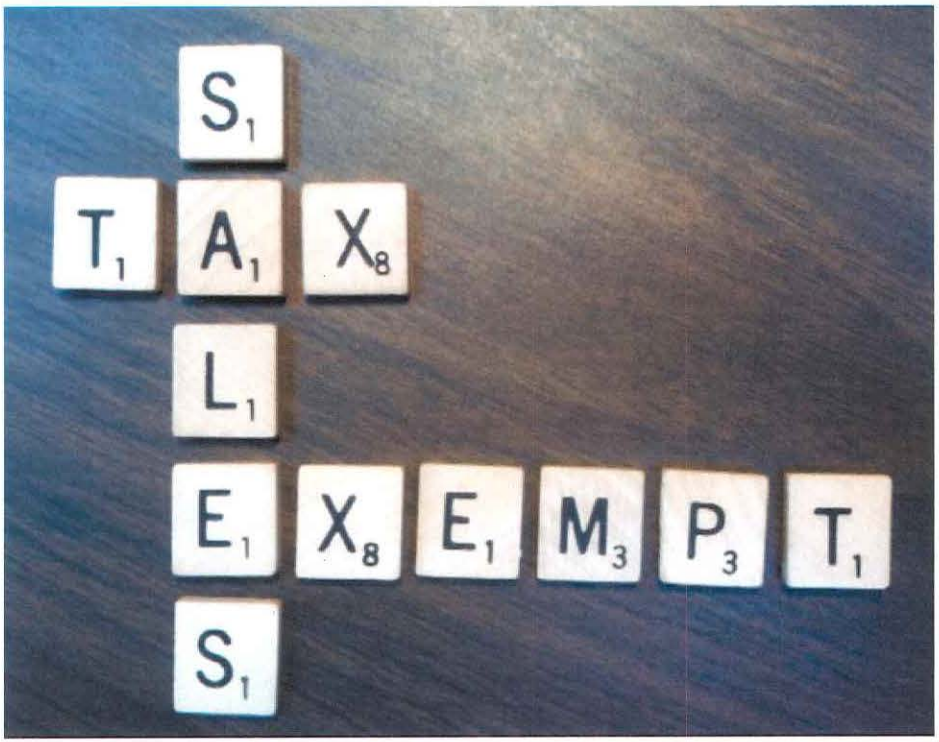
Increases the need for additional essential public services with no increase in revenue.

- Allows a developer to have instant equity in a project which improve financing terms.
- Can be used to improve blighted or declining areas and improve overall value of community.
- Development bonds do not county towards overall municipal debt.
- Must have community support and input for project.

Pine Tree Zone space to workforce and affordable housing

Pine Tree Housing Zone May Add Balance to Local Risk

- Allow Developers to benefit from additional equity for alleviating the tax on goods and services connected to development.
- May help reduce the local TIF impact.
- Incentivize more communication with communities for desirable development. (Avoid Towerblocks 2.0)



Links to Municipal Housing Projects & Incentives

- https://www.mainepublic.org/business-and-economy/2022-12-27/35-unit-low-income-housing-complex-planned-for-millinocket
- https://www.mainepublic.org/news/2022-10-12/facing-labor-shortage-and-shrinking-population-presque-isle-looks-to-attract-refugee-families
- https://www.mainehousing.org/news/news-detail/2022/11/08/city-of-auburn-wins-grant-for-adu-development
- https://www.kitteryme.gov/home/news/town-kittery-launches-adu-grant-pilot-program
- https://www.boothbayregister.com/article/planning-board-approves-washburn-doughty-housing-plan/165724
- https://brewermaine.gov/news/brewers-passive-housing-project-largest-of-its-kind-in-us/
- https://rocklandmaine.gov/municipal/departments/economic-and-community-development/community-planning/#housing-rehabilitation-program
- https://www.centralmaine.com/2022/08/30/madison-residents-give-ok-to-10-million-affordable-housing-project/
- https://evocloud-prod3-public.s3.us-east-2.amazonaws.com/meetings/47/attachments/4561.pdf
- https://www.portlandmaine.gov/267/Inclusionary-Zoning
- https://www.ci.lewiston.me.us/129/City-Housing-Programs