

## Tammy Hodgman

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**Sent:** Thursday, July 3, 2025 12:05 PM  
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## Legislature Places Further Mandates on Residential Zoning

On June 20, 2025, the Governor signed LD 1829, “An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density.” As with predecessor legislation known as “LD 2003,” this legislation seeks to create conditions to increase housing density within the state. To do so, it mandates permissive zoning and inspection allowances on topics over which municipalities have, traditionally enjoyed broad home rule authority. Key changes include:

- Modifying 30-A M.R.S. 4360(2) to prohibit municipalities from enacting rate of growth ordinances that limit residential development in designated growth areas, with few exceptions.
- Allowing, other than in the shoreland zone and other limited at-risk areas, affordable housing projects to exceed local height restrictions by fourteen (14) feet; and
- Mandating that, with limited exceptions, municipalities allow at least four dwelling units on any lot in a zoned residential district that is also located in a growth area or that is serviced by a public sewer system. The law further requires that three dwelling units be permitted on any other lot located in a residential area.
- Restricting the ability of municipalities to regulate dimensional requirements, including the size and placement of structures, building height, lot area, minimum frontage, lot depth, and setbacks. Specifically, the legislation establishes low minimum lot sizes, and further prohibits municipalities from establishing dimensional requirements for multiple unit lots that differ from such requirements applying to lots with single-family dwelling units.
- Fast-tracking construction approvals. Specifically, it prohibits municipalities from withholding a certificate of occupancy for waste or wastewater concerns after receipt of written verification from the local plumbing inspector that a housing structure meets all applicable requirements. In addition, 30-A M.R.S. 4364-A is amended to prohibit municipalities from requiring planning board approval for four or fewer dwelling units in a structure.
- Requiring any municipal authority reviewing land use applications, or a board of appeals hearing zoning disputes, to attend a training on land use planning offered either by the state or a statewide association representing municipalities within 180 days of appointment.

Preti Flaherty will continue monitoring any changes in Maine law but recommends contacting your municipal attorney with any questions relating to your local ordinances and their enforcement in light of these recent legislative changes.



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