

#	LD 2003 provisions	Relation to town ordinances	Status
1	<p><b>Sec. 3. 5 MRSA §13056, sub-§9</b> is enacted to read: <b>9.</b>  <b>Establish statewide housing production goals.</b> Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall: B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing;</p>	None. The town may want to submit information to the department about current or prospective housing developments and permits issued for construction of housing. GPCOG is coordinating.	Ongoing
2	<p><b>Sec. 4. 30-A MRSA §4364</b> <b>1.</b>  <b>Definition.</b> For the purposes of this section, "affordable housing development" means: A.  For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority <b>51% or more</b> of the units that the developer designates as affordable <b>in the development</b> without spending more than 30% of the household's monthly income on housing costs; and</p>	This definition will need to be incorporated into Article 3, Definitions. Adopted 4/25/23. <b>LD 1706 PLCh 192 changed definition. May consider updating but as mandate can enforce statute definition as it provides clarification.</b>	Complete
3	<p>B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority <b>51% or more</b> of the units that the developer designates as affordable <b>in the development</b> without spending more than 30% of the household's monthly income on housing costs.</p>	Same as above.	Complete
4	<p><b>2. Density requirements.</b> 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 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.</p>	Multifamily housing is allowed in all the the growth areas. Growth areas are the C-1, C-1N, C-2, RM, and VC Districts. Proposed in WC and VR (up to 4 units) Districts. § 120-501.1 Affordable housing development adopted 4/25/23. WC & VR adopted 5/23/23.	Complete
5	<p><b>3. Long-term affordability.</b> Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:</p>	§ 120-501.1 Affordable housing development adopted 4/25/23.	Complete
6	<p>A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and</p>	Same as above	Complete
7	<p>B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.</p>	Same as above	Complete
8	<p><b>4. Shoreland zoning.</b> An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.</p>	No change needed. Chapter 185 already applies.	Complete
9	<p><b>5. Water and wastewater.</b> 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:</p>	No change needed. Chapter 181, Sewers already applies. Section 120-911 and 120-812 have water and sewage performance standards.	Complete
10	<p><b>6. Subdivision requirements.</b> This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.</p>	No change needed. Chapter 120 Article 9 Subdivision Review already applies.	Complete

#	LD 2003 provisions	Relation to town ordinances	Status
11	<b>7. Restrictive covenants.</b> This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.	No change needed. Town Ordinances do not negate private property deed restrictions.	Complete
12	<b>Sec. 5. 30-A MRSA §4364-A 1. Use allowed.</b> Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is residential uses are allowed, including as a conditional use, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan. A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each. A municipality may allow more units than the number required to be allowed by this subsection.	<ul style="list-style-type: none"> <li>•All zoning districts where single family dwelling is listed as a permitted use will need to also allow a 2-unit with the same lot size, etc requirements. <b>Change to permit two-family dwellings in F, FR, RL and C-3 Districts.</b></li> <li>•All vacant lots in the C-1, C-1N, C-2, RM and VC, Districts shall allow up to 4-units (not a structure) under the same lot size, etc requirements for a single family home. No change required. Proposed WC and VR will comply with this growth area requirement. WC &amp; VR adopted 5/23/23.</li> <li>•All zoning districts shall allow up to 2 accessory dwelling units to be added to a single family home, either within the home, attached or detached, subject to the existing setback and height requirements. Currently, Windham permits only one accessory apartment per lot. DECD guidance is: "One accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where residential uses are permitted." No change needed.</li> </ul>	Incomplete
13	<b>2. Zoning requirements.</b> With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.		Complete
14	A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.	No additional change needed.	Complete
15	B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results	Optional for the town to not to create an incentive for tearing down single family homes to achieve more units. No recommended change.	Complete
16	<b>3. General requirements.</b> A municipal ordinance may not establish dimensional requirements or, including but not limited to setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or, including but not limited to setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.	The Town already has area per dwelling unit requirements that are less than the minimum lot size (first unit). LD 1706 PLCh 192 amended. Buffer Yards adopted 8/15/23 that do not create additional requirements for multifamily (up to 4 units).	Complete
17	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:	No change needed. Chapter 181, Sewers already applies. Section 120-911 and 120-812 have water and sewage performance standards.	Complete
18	<b>5. Municipal implementation.</b> In adopting an ordinance, a municipality may: A. Establish an application and permitting process for housing structures;	Permitting for single family home structures already apply.	Complete
19	B. Impose fines for violations of building, zoning and utility requirements for housing structures; and	Fines for violations already apply.	Complete
20	C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.	Optional only.	Complete
21	Subsection 6-10	Addressed above.	Complete
22	<b>Sec. 6. 30-A MRSA §4364-B. 1. Use permitted.</b> 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 in any area in which housing is residential uses are permitted, including as a conditional use.		Complete
23	<b>2. Restrictions.</b> An accessory dwelling unit may be constructed only:		Complete
24	A. Within an existing dwelling unit on the lot;		Complete

#	LD 2003 provisions	Relation to town ordinances	Status
25	B. Attached to or sharing a wall with a single-family dwelling unit; or	The town already allows ADUs under Sec. 120-501. 1 accessory apartment is permitted on a lot, regardless if non-conforming. <u>LD 1706 PLCh 192 amended.</u> No changed needed.	Complete
26	C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.		Complete
27	This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to <del>July 1, 2023</del> <u>the implementation date.</u>		Complete
28	<b>3. Zoning requirements.</b> With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:		Complete
29	A. At least one accessory dwelling unit must be allowed on any lot where a single- family dwelling unit is the principal structure; and		Complete
30	B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section <del>or section 4364-A</del> ; the lot is not eligible for any additional increases in density except as allowed by the municipality.		Complete
30A	<u>C. An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.</u>		Complete
31	<b>4. General requirements.</b> With respect to accessory dwelling units, municipalities shall comply with the following conditions.		Complete
32	A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.		Complete
33	B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.		The ADU provisions allow accessory buildings to be subject to the same setbacks for a single family home.
34	C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.	Section 120-501J references parking standards in Article 5 and 8, however note that the referenced section does not prescribe a minimum requirement for parking. <b>Delete/change parking requirement in Section 120-501J.</b>	Incomplete
34A	<u>D. An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this section.</u>	No change needed.	Complete
35	<b>5. Shoreland zoning.</b> An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances, <u>except that a municipality may not categorically prohibit accessory dwelling units in he shoreland zone that would otherwise meet requirements established by the Department of Environmental Protection under Title 38, capter 3 and municipal shoreland zoning ordinances.</u>	No change needed. Chapter 185 Shoreland Zoning already applies. ADUs not categorically excluded, they are just another dwelling unit that requires double the minimum lot area and water frontage.	Complete
36	<b>6. Size requirements.</b> An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.	The Town has a maximum ADU size of 600 square feet that may be retained. <b>Reconsider maximum size? Add a minimum size? Is it necessary to add minimum size as it is already a MUBEC standard?</b>	No Change Needed
37	<b>7. Water and wastewater.</b>	Section 120-501I requires evidence of adequate septic to accommodate the wastewater volume from two dwelling units.	Complete
38	<b>8. Municipal implementation.</b> In adopting an ordinance under this section, a municipality may:	A Building permit process already applies that does not require PB approval. Section 120-501F states that the permit runs with the property owner and not the land. <b>While not a requirement of LD 2003, consider further amendments to reduce barriers for ADUs.</b>	Complete
39	A. Establish an application and permitting process for accessory dwelling units <u>that does not require planning board approval;</u>		
40	B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and	Violation provisions already apply.	Complete

#	LD 2003 provisions	Relation to town ordinances	Status
41	C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.	The town may establish lesser criteria.	Complete
42	<b>9. Rate of growth ordinance.</b> A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.	Chapter 101 Growth Management does not apply to accessory apartments.	Complete
43	#10-13	Already covered above	Complete
44	<b>§4364-C. Municipal role in statewide housing production goals</b> <b>1. Fair housing and nondiscrimination.</b> A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.	Review Cumberland County's report on municipal ordinance compliance with the Fair Housing Act. <b>Some revisions recommended</b> (not necessarily a hinderance to housing production goals)	Ongoing
45	<b>2. Municipalities may regulate short-term rentals.</b> A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.	The Town does not have STR regulations. To achieve housing goals, Town could consider defining STR and adding an explicit requirement that ADUs may not be operated as STRs.	Ongoing