

AFFORDABLE HOUSING COMPLIANCE DELAYED

The July 1, 2023 deadline for municipalities to comply with most portions of the “Affordable Housing Law” enacted last year (a.k.a., LD 2003) has been extended. That legislation requires municipalities to relax density standards for affordable housing developments and requires that municipalities allow multiple dwelling units and accessory dwelling units in specified areas. See 30-A M.R.S. §§ 4364 – 4364-C.

Emergency legislation (PL 2023, c.192) signed by the Governor on June 16, 2023, establishes two new “implementation dates” based on the type of municipal government involved. Implementation of the requirements in Title 30-A sections 4364, 4364-A and 4364-B is delayed:

- (1) until January 1, 2024 for municipalities in which the municipal officers (select board or town/city council) have authority (via municipal charter) to adopt ordinances without further action or approval by the voters; or
- (2) until July 1, 2024 for all other municipalities.

Note that the Affordable Housing Law’s requirement that municipalities ensure that local ordinances are designed to affirmatively further the purposes of the federal Fair Housing Act and the Maine Human Rights Act (30-A M.R.S. § 4364-C) has been in effect since August 8, 2022, and is not impacted by the extension.

Minor changes were also made to other provisions of the Affordable Housing Law, which will necessitate additional rulemaking by the Department of Economic & Community Development to update its “*Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule*,” 19-100 C.M.R. ch.5.

Look for updated guidance from MMA Legal Services in the near future. In the meantime, contact us at 800-452-8786 or legal@memun.org with questions about the law’s requirements.