



## Frequently Asked Questions:

### LD 1829, LD 997, LD 427

This document answers frequently asked questions about recent housing legislation. This document will be updated periodically. Don't see an answer to your question? Email the Housing Opportunity Program (HOP) at [housing.moca@maine.gov](mailto:housing.moca@maine.gov).

#### General

**Q: Has the Housing Opportunity Program engaged in rulemaking to help with municipal implementation?**

A: Yes. The Program's rule can be found on HOP's [webpage](#).

**Q: Will the Housing Opportunity Program create additional guidance materials to assist with implementation?**

A: The Housing Opportunity Program is in the process of updating its [LD 2003 Guidance Document](#). The Program also anticipates creating additional technical assistance documents in 2026. New and updated materials will be available on HOP's webpage. Finally, HOP will be hosting informational sessions starting in February. Please visit HOP's [webpage](#) for more information.

**Q: Is there funding available to support my municipality with ordinance amendments to comply with this legislation?**

A: Yes. The first round of grant funding is now open for municipal applications. Please visit HOP's [webpage](#). The Program anticipates opening two additional grant rounds in 2026. The Program highly encourages municipalities to apply early for this funding.

**Q: To prepare for implementation of these laws, what should my municipality do?**

A: The Program encourages municipalities to review the rule and apply for funding. Also, municipalities should review any existing comprehensive plans to determine the availability of public water and public sewer (if applicable) and where designated growth areas are located (if

applicable). This will help your municipality determine where additional density and certain parking requirements are allowed. Finally, if a municipality needs help finding a consultant to help with ordinance amendments, please reach out to the Housing Opportunity Program at [housing.moca@maine.gov](mailto:housing.moca@maine.gov).

**Q: Does recent housing legislation (LD 997, LD 1829, LD 427) apply in the Land Use Planning Commission's (LUPC) service area?**

A: No, recent housing legislation does not apply within the LUPC's service area. LD 2003/LD 1829, LD 997, and LD 427 establish housing requirements pursuant to Title 30-A, which governs municipalities. Land use in the LUPC jurisdiction is governed separately under Title 12, and therefore, the standards in LD 997, LD 427 and LD 2003/LD1829 do not extend to the towns, plantations, and townships overseen by the LUPC.

**Q: The Department of Economic and Community Development's LD 2003 guidance states that LD 2003 "is an express preemption on municipal home rule authority" and that "any ordinance or regulation that is not consistent with the law may be challenged as invalid." Does the same guidance apply to these new laws?**

A: LD 1829, LD 997 and LD 427 are also express preemptions on municipal home rule authority.

**Q: May a municipality consider transit when discussing housing changes within local land use and zoning frameworks?**

A: LD 1829, LD 427 and LD 997 do not require municipalities to take transit into consideration when revising ordinances to increase housing. However, municipalities may consider transit when drafting local land use regulations based on local circumstances.

### **LD 1829**

**Q: Does the building height allowance in LD 1829 only apply to municipal land use ordinance requirements? Would this also pertain to the requirements of the building code?**

A: LD 1829 applies to municipal land use ordinances only and does not impact MUBEC requirements.

**Q: How does the affordable housing density bonus interact with the new lot and density requirements in LD 1829?**

A: The affordable housing density bonus, described in Section 2, allows a developer to take advantage of an affordable housing density bonus if a lot is (1) in a designated growth area or (2) is served by public water and public sewer (or comparable systems). The lot also must be in an area zoned for multi-family housing. The density bonus allows a proposed affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is

otherwise allowed in that location. Base density in rule means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Multi-family housing is commonly defined as three or more dwelling units in one structure. Therefore, Section 3(B)'s base density requirements could intersect with Section 2 because Section 3(B) allows multi-family housing (as commonly defined) across all areas of a municipality that permit residential uses.

To limit the applicability of the affordable housing density bonus section, a municipality may adopt a different definition of multi-family housing to restrict multi-family housing to certain sections of a municipality that are in growth areas or have access to public water and public sewer (or comparable systems). A municipality, for instance, could define multi-family housing as five or more units in one structure. In addition, municipalities could define the type of housing permitted in Section 3(B) as medium-density housing (or a similar term) to differentiate triplexes and quadplexes from multi-family housing.

**Q: Some municipalities have residential areas in environmentally sensitive locations that are on public water and sewer and fall outside of the shoreland zone but are covered by a floodplain management ordinance. Do the lot size, density, and lot coverage provisions in 1829 supersede the Floodplain Management ordinance?**

A: The Floodplain Management Program's [model ordinances](#) do not require a municipality to establish certain dimensional standards in the floodplain. Instead, these ordinances establish certain building development standards for structures in the floodplain.

For floodplain areas that fall within the shoreland zone, dimensional standards in local shoreland zoning ordinance apply.

If a municipality has environmental protection areas that permit residential uses, but that fall outside of the shoreland zone, then the minimum requirements of LD 1829 apply in those areas/zones, including LD 1829's dimensional standard requirements.

For more information about floodplain management ordinances, please contact the following staff in the Floodplain Management Program in the Maine Office of Community Affairs: Sue Baker at 207-287-8063 or Janet Parker at 207-287-9981.

**Q: How do the requirements in LD 1829 related to dimensional requirements interact with the commercial building code?**

A: LD 1829 requires municipalities to establish specific lot size and density requirements in certain zoning districts/areas of a municipality. LD 1829 applies to municipal land use ordinance only and does not impact MUBEC requirements.

**Q: Is the definition of “dimensional requirements” in rule meant to be exhaustive? Can a municipality include impervious surface, lot coverage, floor area ratios and buffers to this definition?**

A: The definition of dimensional requirement in rule is not meant to be exhaustive. A municipality may amend the definition of dimensional requirements in local ordinance to include any other requirements that govern the size and placement of structures based on local needs and considerations.

**Q: To comply with LD 1829, can a municipality’s minimum lot size exceed the 20,000 square foot minimum lot size as required in subsurface wastewater statutes, Title 12, Chapter 423-A?**

A: A municipality’s minimum lot size may exceed the 20,000 square foot minimum lot size for one unit if a lot is: (1) located outside of a designated growth area; AND (2) not served by a public, special district or other comparable sewer system.

**Q: My town has a two-acre minimum lot size for a single home. Can my town, under LD 1829, still require four acres for two units and six acres for three units?**

A: Establishing lot area per dwelling unit in this manner is acceptable only if a zone/area meets the following criteria: (1) located outside of a designated growth area; AND (2) not served by a public, special district or other comparable sewer system. If the area/zone does meet the above two criteria, a municipality may establish a greater than 20,000 square foot minimum lot size per unit. This could result in a municipality maintaining a two-acre minimum lot size and a two-acre per dwelling unit requirement. However, LD 1829 does require smaller minimum lot size requirements and specific lot area per dwelling unit standards for lots served by public water and public sewer (or comparable systems) and lots in growth areas. For more information on how this section of law applies to your municipality, please contact the Housing Opportunity Program at [housing.moca@maine.gov](mailto:housing.moca@maine.gov).

**Q: My town has rural areas identified and designated in its comprehensive plan as defined in [30-A M.R.S. § 4301\(14-B\)](#). In some of these designated rural areas, there is sewer and water available. Do the density and lot size requirements in LD 1829 apply in these areas?**

A: LD 1829 requires municipalities to establish smaller lot sizes and increased density in areas that have access to public water and public sewer (or comparable systems), irrespective of whether a municipality has deemed this area a designated rural area in its comprehensive plan.

Municipalities may amend comprehensive plans to adjust designated growth areas and designated rural areas.

**Q: Do municipalities have to update their property tax assessing models to reflect different minimum lot sizes? If so, how does this happen, and how will new minimum lot sizes impact valuations?**

A: Property assessment is managed at the local level by assessors. Individual assessors make decisions based on their knowledge of the local market.

It is possible that adjustments to minimum lot sizes could require a local assessor to adjust pricing tables for land values, but it is not mandatory that they do so. Any change to valuation based on the change would need to be market-driven. Making a change to a lot size might not necessarily result in a change in valuation, based on the site value. That would not include the addition of any dwelling units. Additional units would likely result in an increased valuation.

Increasing density in a residential neighborhood could negatively impact valuations but this would need to be proven in the market by looking at sales activity within the neighborhood.

Given the complex nature of market forces on real estate values, there is not one answer to this question. It is the responsibility of the assessor to respond to market forces, and the result of a change in minimum lot size could take some time to play out.

For more information about property tax assessments, please contact the [Property Tax Division](#) within Maine Revenue Services at [Prop.Tax@maine.gov](mailto:Prop.Tax@maine.gov).

**Q: What are the water and wastewater requirements for dwelling units permitted under LD 2003 and now LD 1829?**

A: LD 2003 requires all dwelling units, housing structures, and accessory dwelling units to be connected to “adequate” water and wastewater services. LD 1829 did not change this requirement. Below are the specific requirements in statute organized by water and wastewater system.

- 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.
- 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.

- 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
- 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.

The Program encourages municipalities to reach out to the [Department of Health and Human Services' Subsurface Wastewater Unit](#) with specific questions about subsurface wastewater. Please contact Alex Pugh at [Alex.L.Pugh@maine.gov](mailto:Alex.L.Pugh@maine.gov).

**Q: How do towns determine adequate sewage disposal for ADUs? Do the subsurface wastewater disposal rules conflict with the definition of ADU in statute?**

A: The State's subsurface wastewater rules do not have one standard formula for determining the maximum flow rate for all units that meet the statutory definition of an accessory dwelling unit in Title 30-A. Instead, the State's subsurface wastewater rules apply different design flows to units based on the anticipated usage of a proposed unit. This anticipated usage may be based on a variety of factors, including the number of bedrooms in a unit, whether the ADU has separate appliances, or whether the unit is attached or detached. For example, subsurface wastewater rules establish different requirements for accessory dwelling units that are attached to or carved out of the primary dwelling unit. These are referred to in rule as "in-law apartments." These units have a design flow of 120 gallons per day because they are considered to have one-bedroom and a minor expansion of the existing design flow.

In the alternative, another accessory dwelling may have a design flow of 180 gallons per day because it is considered a self-contained structure that is not incorporated into the primary structure on the lot. In this instance, subsurface wastewater rules treat this unit as a two-bedroom unit (whether it is or not) for purposes of determining design flow. To determine the design flow for a specific proposed unit, please contact your local plumbing inspector or the [Subsurface Wastewater Unit](#).

**Q: LD 1829 removes the ability for a municipality to create an owner occupancy requirement for accessory dwelling units. Can municipalities regulate short-term rentals? What should a municipality consider if interested in regulating short-term rentals?**

A: Municipalities may regulate short-term rentals. See [30-A MRS § 4364-C\(2\)](#). Municipalities approach short-term rental regulation differently depending on local considerations. Regulation may include requiring owners to register short-term rentals or prohibiting short-term rentals in

accessory dwelling units. The type of regulatory approach a municipality takes depends on a variety of local factors, including the prevalence of short-term rentals, staff capacity to monitor short-term rentals, and the goals of a community. The Housing Opportunity can help point municipalities to resources about short-term regulations. Contact [housing.moca@maine.gov](mailto:housing.moca@maine.gov).

#### **LD 427**

**Q: What is meant by 0.25 miles in the definition of parking agreement in LD 427? Is it 0.25 miles in terms of reasonable lines of access or the most direct route between the housing development and the off-site parking facility?**

A: The distance between a residential development and an off-site parking facility is measured in a straight, direct line from the nearest edge of the parcel containing the residential development to any point on the parcel(s) that make up the parking facility.

**Q: Do accessible parking spaces required by the Americans With Disabilities Act (ADA) count towards municipal parking requirements?**

A: Yes. Any spaces required by the ADA to make a parking space ADA accessible would count towards the municipal parking requirements. However, unless a municipality establishes parking maximums, the parking spaces need not replace accessible parking spaces.

#### **LD 997**

**Q: Can a municipality enact limiting factors to address the potential safety concerns with constructing residential housing in commercial areas?**

A: Yes, LD 997 permits municipalities to limit residential development in commercial zones based on health and safety concerns.

**Q: Are self-standing residential units allowed in commercial zones because of LD 997?**

A: Yes, stand-alone residential units are permitted in commercial zones.