

Maine Office of Community Affairs Housing Opportunity Program

LD 1829 & LD 2173 Overview



MAINE OFFICE OF
**Community
Affairs**

LD 1829: “An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density”

- Built on LD 2003
- 23 sections in all
- Covered topics from fire suppression rules (Section 1) to rate of growth ordinances (Section 3) to maximum lot sizes (Section 9) to Accessory Dwelling Units (Sections 13 through 18) to mandatory training for Planning Board members (Sections 19 & 22)
- Set deadlines beginning January 1, 2026 for local compliance

132nd Maine Legislature,
First Special Session

Signed by the Governor
June 20, 2025

LD 2173: “An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density”

- Mostly refined and amended language from LD 1829
- 25 sections in all
- Most of the language in LD 2173 adjusted requirements from LD 1829, in most cases to return some authority to municipalities
- Restored rate of growth ordinances
- Also amended other bills such as LD 997 and LD 427
- Extended deadlines for local compliance for most sections

132nd Maine Legislature,
Second Regular Session

Signed by the Governor
April 16, 2026

Overview *Combines and Summarizes* Outcomes

Rather than going through both bills separately, we seek to provide an outline by topic area so local staff and officials understand how they will affect local ordinances.

We also include some elements of related zoning and land use bills

Topic Areas

- Multifamily lot allowances
- Minimum lot sizes
- Lot area per Dwelling Unit
- Accessory Dwelling Units
- Affordable Housing
- Rate of Growth Ordinances
- Board training requirements
- Subdivision review changes
- Childcare facilities in residential areas
- Housing in commercial zones
- Parking requirements
- Definitions & deadlines

Multifamily Lot Allowances

- ✓ Generally, allows 3 units per lot in residential areas and 4 units per lot (including ADUs) as a use in designated growth areas or served by water/sewer.
- ✓ Units may be attached or detached.
- ✓ Limits dimensional requirements (height, lot area, frontage, depth and setbacks) for multifamily as allowed in this section to the same as single family
- ✓ Planning Board review not permitted for 4 or fewer dwelling units within a structure and/or ADUs.

Some limits

- ✓ Exempts areas in coastal barrier resource systems, special flood hazard areas, and coastal sand dune systems when identified in ordinances.
- ✓ Allows for Planning Board review of multifamily for reasons *other than* it being multifamily housing

LD 1829 Sections 7, 10 & 12

LD 2173 Sections 11, 12, 13, 15 & 17

Limits to Minimum Lot Size Requirements

Growth Area
Served by
Water/Sewer

≤5,000 sf.

Growth Area
without
Water/Sewer

20,000 sf.

Non-growth Area
with Water/Sewer

≤10,000 sf.

Non-growth Area
without
Water/Sewer

Septic laws (Title
12, ch. 423-A))

LD 1829 Section 9
LD 2173 Section 14

Limits to Lot Area per Dwelling Unit

Growth Area
Served by
Water/Sewer

1,250 sf. for first 4
units

Growth Area
without
Water/Sewer

Septic laws (Title
12, ch. 423-A)

Non-growth Area
with Water/Sewer

10,000 sf. each
for first 2 units in
a single structure

Non-growth Area
without
Water/Sewer

No explicit limits

LD 1829 Section 9

LD 2173 Section 14

Accessory Dwelling Units (1 of 2)

- ✓ Fire suppression systems are not required in ADUs unless attached to >2 units or in mixed-use buildings
- ✓ ADUs allowed on lots with both single family and 2-3 units structures, in areas allowing residential uses even if they are conditional uses.
- ✓ ADUs may share a wall with a multifamily fully residential structure.

Defined

A “self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-unit structure located on the same parcel of land.”

LD 1829 Sections 1, 2, 13, 14, 15, 16, 17 & 18
LD 2173 Sections 1, 18 & 19

Accessory Dwelling Units (2 of 2)

- ✓ One ADU is exempted from density requirements per lot
- ✓ Residency requirements for ADUs not allowed
- ✓ Allows municipalities to exempt areas in coastal barrier resource systems, special flood hazard areas, and coastal sand dune systems when identified in ordinances from ADU requirements.

Defined

A “self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-unit structure located on the same parcel of land.”

LD 1829 Sections 1, 2, 13, 14, 15, 16, 17 & 18
LD 2173 Sections 1, 18 & 19

Affordable Housing Bonuses

- ✓ Ties affordable housing density bonuses/parking relief to municipal growth areas defined in Comprehensive Plans or sewer/water.
- ✓ Adds 14' height bonus – up to 55' total - for affordable housing developments other than in municipal shoreland areas. Requires approval of State Fire Marshall, as well as having to be served by public water and sewer or be in a growth area.

Areas in coastal barrier resource systems, special flood hazard areas, and coastal sand dune systems when identified in ordinances

LD 1829 Sections 4, 5 & 6
LD 2173 Sections 4, 5, 6, 9 & 11

Rate of Growth Ordinances

- ✓ Allowed within growth areas at 105% of mean number of total permits in the municipality including affordable housing but prohibits building permit restrictions or requirements for development permits for housing affordable to households at or below 120% of Area Median Income)
- ✓ Adds minimum limit for “common scheme of development” plans. Allows no limit to growth restrictions in non-growth areas.

- *Area Median Income (AMI) varies by location and household size across Maine*
- *For a four-person household, 120% AMI in 2025 was \$102,480 in Lewiston-Auburn; \$155,760 in Portland; and \$102,000 in Oxford County*

*LD 1829 Section 3
LD 2173 Section 3*

Mandatory Board Training Requirements

Creates mandatory training requirements for municipal zoning appeals boards and reviewing authorities within 180 days of appointment, or as soon as possible after that time.

This includes existing members

Increases Subdivision Review Threshold

Increases general definition of subdivision to 5 or more dwelling units on a lot within 5 years.

Extends deadline for compliance to 7/1/27.

Housing in Commercial Areas Allowed

- ✓ Municipalities must allow residential units in areas zoned for commercial use (eg. buying or selling of goods or services)
- ✓ Zones allowing industrial uses are exempt from this requirement
- ✓ Number of units in a development may be limited
- ✓ Municipalities may require ground-level commercial uses
- ✓ Municipalities may regulate siting and design of residential uses

From LD 997

Takes effect 7/1/27



Parking Requirements in Growth Areas Limited

- ✓ Municipalities cannot require more than one off-street parking space per dwelling unit within designated growth areas
- ✓ Can have parking maximums and require Transportation Demand Management strategies
- ✓ Must also allow this minimum to be met via off-site parking agreements with existing parking facilities within 0.25 miles of the development

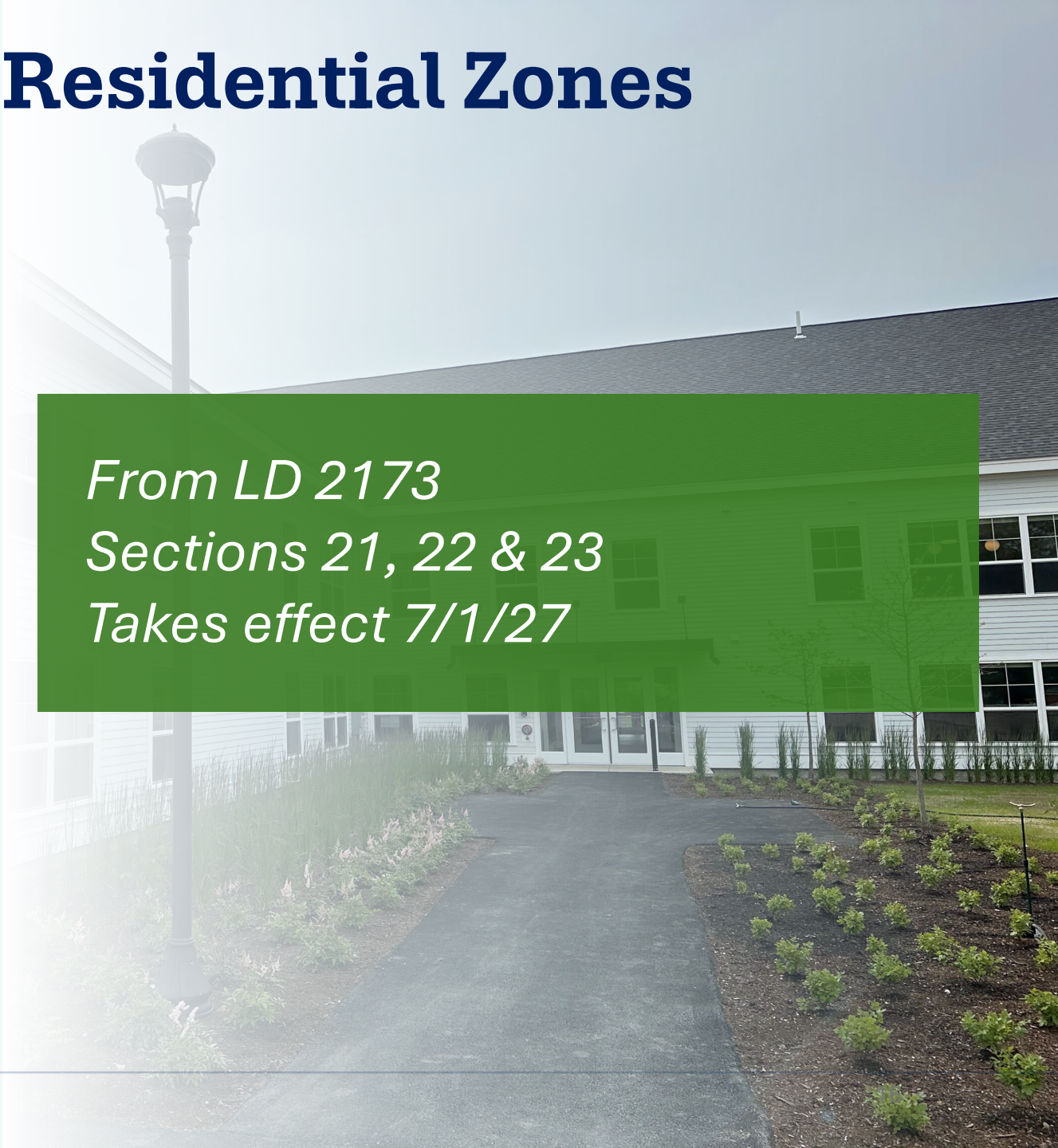
From LD 427

Takes effect 7/1/27



Childcare Allowance in Residential Zones

- ✓ Municipalities must allow childcare facilities and family childcare providers as permitted uses in areas zoned for residential purposes
- ✓ Subject to same requirements as single-family homes



*From LD 2173
Sections 21, 22 & 23
Takes effect 7/1/27*

Miscellaneous Definitions and Deadlines

- ✓ Specifies meaning of public sewer system as municipal, owned by a quasi-municipal sewer department, a sewer district or a sanitary district
- ✓ Specifies public water is a water system delivering water from a public water source as defined in Title 22, section 2641.
- ✓ Sets deadline 7/1/27 for all municipalities in cases when not otherwise specified.

Frequently Asked Questions

In areas with public water and public sewer, not in a growth area, the density requirements for only two units are mentioned. What about the density requirements for the 3rd and 4th unit that are permitted?

A municipality may determine the density for the 3rd and 4th units and do not have to stick with the 10,000 per unit requirement.



Frequently Asked Questions

These bills only mention 2 units in 1 structure in non-growth areas with public water and public sewer. What about 2 single-units on a lot. What is the density?

Without clarity in law, it seems like a municipality could also determine the density requirement for this scenario.



Frequently Asked Questions

How do you calculate minimum lot size requirements for a dwelling unit(s) utilizing a septic system?

- Per Chapter 243, the minimum lot size requires 66.67 square feet per GPD of generated wastewater. A single-family home uses 300 GPD regardless of bedroom count. A multiple-unit (lot or building with more than one unit) uses 120 GPD/bedroom (BR) but each unit must assume a minimum of 2 bedrooms.

Example A: Single Family Home:

$$300 \text{ GPD} \times 66.67 \text{ sf/GPD} = 20,000 \text{ sf}$$

Example B: 3-Unit Building composed of 1 2-BR and 2 1-BR units

$$6 \text{ BR} \times 120 \text{ GPD/BR} \times 66.67 \text{ sf/GPD} = 48,000 \text{ sf}$$

Example C: 3-BR House and 2-BR House on same property

$$5 \text{ BR} \times 120 \text{ GPD/BR} \times 66.67/\text{GPD} = 40,000 \text{ sf}$$

- Minimum lot size requirements do not apply to lots created before January 1, 1970, or to structures that existed on or before October 3, 1973.

Frequently Asked Questions

How do you determine system output for subsurface wastewater purposes based on unit type?

Per Chapter 241, subsurface wastewater system design is based on total bedroom count and the type of residential use (single-family vs multiple-unit). At a high level, a single-family home requires 180 GPD for 1-2 bedrooms, and an additional 90 GPD for every bedroom thereafter per Table 5A. A multiple-unit requires 120 GPD for a 1-bedroom unit, 180 GPD for a 2-bedroom unit and an additional 90 GPD for every bedroom thereafter.

Chapter 241 provides additional guidance and technical nuance





Frequently Asked Questions

How does the minimum lot size waiver process work?

The Minimum Lot Size Law allows a State-level waiver when a lot does not meet the statutory minimum lot size requirements but can still support a compliant First Time System under the Subsurface Wastewater Disposal Rules. To request a waiver, the applicant submits an HHE-236 waiver form along with a complete HHE-200 design. The State reviews the application – typically with supporting documentation prepared by a Licensed Site Evaluator (LSE) – to determine whether the lot can adequately accommodate the proposed system.

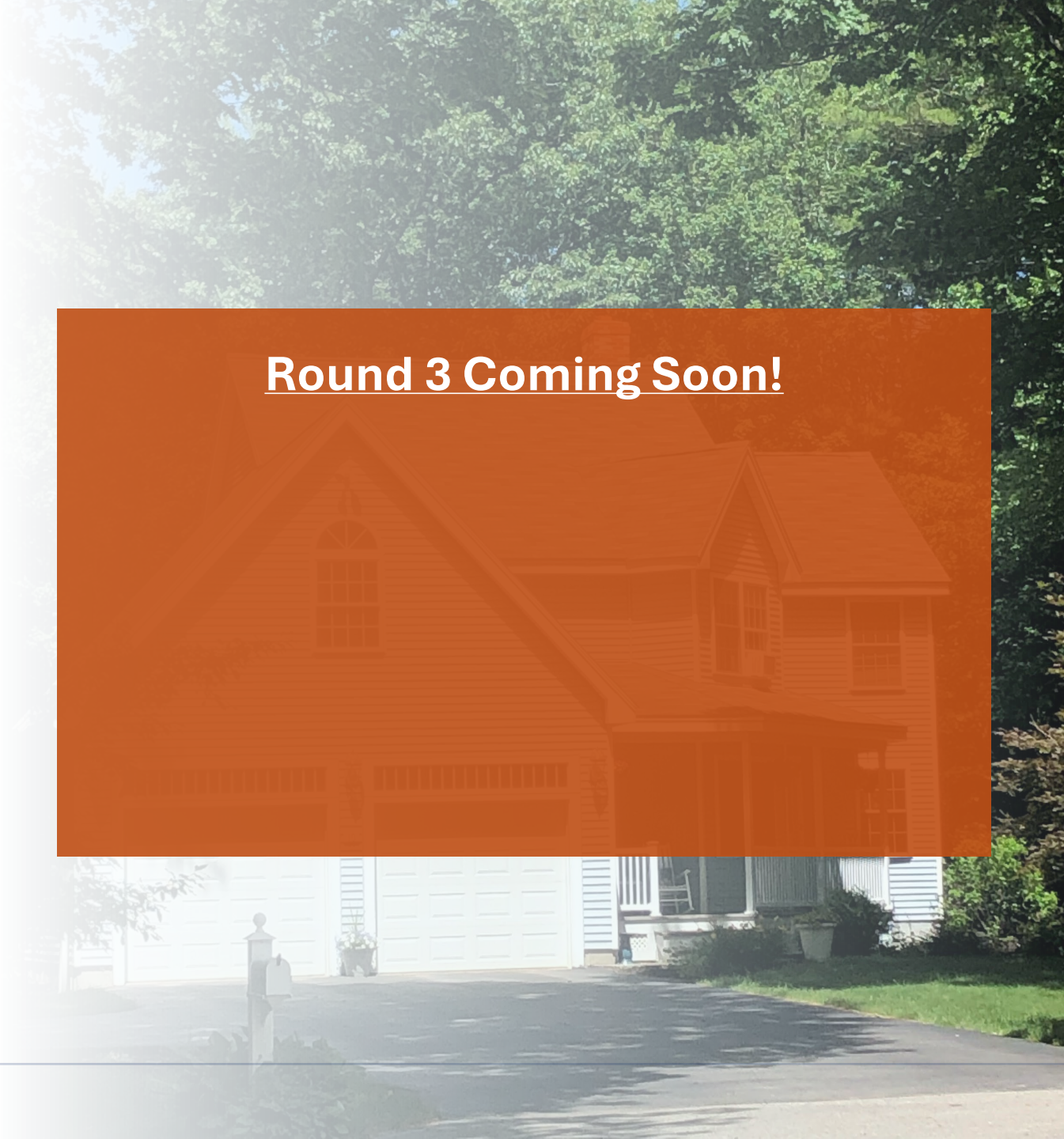
Rulemaking

- ✓ The Housing Opportunity Program will amend its zoning and land use rule because of LD 2173
- ✓ Rule will open for public comment in August 2026
- ✓ Comment period will be open for about a month
- ✓ Rule will likely be adopted by end of 2026



Financial Assistance

- ✓ The Housing Opportunity Program has funding to help municipalities comply with these laws.
- ✓ Each municipality is eligible for up to \$10,000.
- ✓ Funding can be used for staff/volunteer time, legal fees, and/or public meeting/town meeting costs.



Round 3 Coming Soon!

Technical Assistance

- ✓ Upcoming Technical Assistance Sessions:
 - **August 27**, in coordination with GPCOG
 - **September 2**, via Zoom
 - **September 8**, in coordination with SMPDC
- ✓ More dates for online webinars coming soon!

Need additional help?

We can provide informational sessions to individual planning boards, CEOs, and other municipal staff.

To schedule, email
housing.moca@maine.gov



THANK YOU!

Questions?

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