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An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4360, sub-§3, ¶B, as enacted by PL 2005, c. 597, §3 and affected by §4, is amended to read:

B. The ordinance sets the number of building or development permits for new residential dwellings, not including permits for affordable housing, at 105% or more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 10 years and then dividing by 10;

Sec. 2. 30-A MRSA §4360, sub-§3, ¶D, as enacted by PL 2005, c. 597, §3 and as affected by §4, is amended to read:

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years.

SUMMARY

This bill addresses the issue of the state regulation of local rate of growth ordinances, which limit the number of building permits issued each year.

Public Law 2005, chapter 597, which was enacted last year, states that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years. The current language could be interpreted to mean all building permits, including permits for minor construction activity such as adding a deck onto an existing dwelling, which are not limited by rate of growth ordinances.

This bill clarifies that the local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.