

## Affordable Housing – Requirements

Density	Parking	Location Requirements	Water & Wastewater	Length of Affordability for Designated Affordable Units
2.5 times existing base density [§4364(2)]	Up to 2 off-street spaces for every 3 units [§4364(2)]	Zoning district that allows multifamily dwellings [§4364(2)]  Designated growth area or area served by public sewer or public water [§4364(2)]	If connected to public sewer or water, owner/applicant must show system has capacity to serve; and proof of payment for connection if served by septic. [§4364(5)]  If connecting to private water (i.e. well), owner/applicant must provide evidence of potability prior to issuance of CO [§4364(5)]	30 years minimum, after completion of construction [§4364(3)]

**Keep in mind:**

- Affordable housing is defined as [§4364(1)]:
  - *For rental housing:* a development in which a household with income that does not exceed 80% of median income for the areas as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs (not all units in a development need to be designated as affordable).
  - *For owned housing:* a development in which a household with income that does not exceed 120% of the median income for the areas as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs (not all units in a development need to be designated as affordable).
- An affordable housing development must comply with shoreland zoning requirements [§4364(4)].
- These requirements 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 in this section, as long as the agreement does not abrogate rights under the US Constitution or the Constitution of Maine [§4364(7)].

## Increased Density Requirements

Vacant – Not served by water or sewer or located in a designated growth area	Vacant – Served by water or sewer or located in a designated growth area	Developed with One (1) Dwelling Unit	Dimensional Requirements (All Areas)	Water and Wastewater	Restrictions
Up to two (2) dwelling units per lot <i>[§4364-A(1)]</i>	Up to four (4) dwelling units per lot <i>[§4364-A(1)]</i>	Up to two (2) additional dwelling units with one in the same building or attached and/or one detached dwelling unit <i>[§4364-A(1)]</i>  Municipality can allow more if they chose <i>[§4364-A(1)]</i>	Cannot exceed dimensional or setback requirements established for single-family dwellings <i>[§4364-A(3)]</i>	If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection <i>[§4364-A(4)(A) &amp; (C)]</i>  If served by septic system, local plumbing inspector must verify adequate system <i>[§4364-A(4)(B)]</i>  If served by well, owner must provide evidence of potability and acceptability for domestic use. <i>[§4364-A(4)(D)]</i>	If more than one additional dwelling unit or accessory dwelling unit (under §4364-B) is constructed under the statute, no additional increases are allowed unless otherwise provided by local municipal ordinance <i>[§4364-A(2)(A)]</i>  If a dwelling unit in existence after 07/01/2023 is torn down and results in a vacant lot, local ordinance may allow or prohibit additional density <i>[§4364-A(2)(B)]</i>

**Keep in mind:**

- A housing structure must still comply with shoreland zoning requirements *[§4364-A(6)]*
- The allowances described above do not exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4 *[§4364-A(7)]*
- These requirements 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 in this section, as long as the agreement does not abrogate rights under the US Constitution or the Constitution of Maine *[§4364-A(8)]*

## Accessory Dwelling Units (ADUs)

Allowed Use	Location?	Zoning Requirements	Size Requirements	Water & Wastewater
<p>At least one (1) ADU must be allowed on any lot where housing is permitted and a single-family dwelling is the principal structure [§4364-B(1)]</p>	<p>May be added to an existing dwelling structure [§4364-B(2)(A)]</p> <p>Attached to or sharing a wall with an existing structure [§4364-B(2)(B)]</p> <p>In a new structure for primary purpose of creating an ADU [§4364-B(2)(C)]</p>	<p>Exempt from density requirements [§4364-B(4)(A)]</p> <p>Cannot require additional parking for the unit [§4364-B(4)(C)]</p> <p>Subject to same setbacks as the building the unit is located within [§4364-B(4)(B)]</p>	<p>Minimum size of an ADU is 190 square feet [§4364-B(6)]</p> <p>A municipality can impose a maximum size for an ADU [§4364-B(6)]</p>	<p>If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection [§4364-B(7)(A) &amp; (C)]</p> <p>If served by septic, local plumbing inspector must verify adequacy of system [§4364-B(7)(B)]</p> <p>If connected to well, owner must provide evidence of potability and acceptability for domestic use [§4364-B(7)(D)]</p>
<p><b>Keep in mind:</b></p> <ul style="list-style-type: none"> <li>• A permit issued by a municipality for an accessory dwelling does not count as a permit issued toward their rate of growth ordinance [§4364-B(9)]</li> <li>• An ADU must still comply with shoreland zoning requirements [§4364-B(5)]</li> <li>• The allowances described above do not exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4 [§4364-B(10)]</li> <li>• These requirements 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 in this section, as long as the agreement does not abrogate rights under the US Constitution or the Constitution of Maine [§4364-B(11)]</li> </ul>				