

Housing Opportunity Program Municipal Payments

PL 2021, ch. 672 (LD 2003)

INFORMATIONAL SESSION

MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

JULY 27, 2023

Overview

The Housing Opportunity Program within the Maine Department of Economic and Community Development has funding available to support municipalities with PL 2021, ch. 672 (LD 2003) compliance.

Municipalities can either receive funding to:

- Reimburse qualifying expenses; or
- Cover future qualifying expenses.

Eligibility

- Municipalities with zoning are eligible to receive funding from the Department.
 - Zoning means the municipality is divided into zone or districts in which differing regulations and uses apply.
 - Municipalities that only have shoreland zoning are not eligible for funding.

Municipalities Without Zoning

- Municipalities without zoning, including municipalities with only shoreland zoning, are not eligible to receive funding from the Department's municipal payments.
- However, there are two funding opportunities for municipalities without zoning to receive financial support with PL 2021, ch. 672 compliance:
 - Service Provider Grants: Now open
 - Municipal Grants: More information to come in 2024

Payment Amount

- Eligible municipalities that have (1) one or more designated growth areas or (2) a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system shall receive **up to \$10,000**.
- Eligible municipalities that do not have (1) designated growth areas or (2) a public, special district, or other centrally managed water system and a public, special district or other comparable sewer system shall receive **up to \$5,000**.

Qualifying Expenses

The funding must be used for the following zoning ordinance related qualifying expenses:

- Attorney's fees to research, draft and revise zoning ordinances;
- Attorney's fees associated with development of legal opinions regarding local regulations;
- Staff and contractor time for research and drafting zoning ordinances, including staff time and board/town meetings;
- Fees associated with providing notice of election and public meetings; and
- Staff time, including overtime and stipends, and other associated expenses, for the conduct of town meetings and elections.

Payment Process

- To receive funding, municipalities must fill out an invoice template and email to housing.decd@maine.gov.

INVOICE

Date	Invoice #
	Town 1

Municipality Name
Municipality Contact Person
Municipality Mailing Address
Municipality Email Address

Bill To
DECD Attn: Housing Opportunity Program 59 State House Station Augusta, ME 04333-0059 housing.decd@maine.gov

+	Description	Amount
	Municipal payment to fund costs associated with P.L. 2021, ch. 672 compliance	
	Vendor Code (if known):	
		TOTAL:

Don't know your town's vendor code?
Contact housing.decd@maine.gov.

Municipal Responsibilities

- Any municipality that receives funding from the Department to comply with P.L. 2021, ch. 672 must send the Department:
 - Updated ordinances following adoption; and
 - Accounting documentation that is detailed enough for the Department to determine whether the funds spent are qualifying expenses as described above in Section D(3). Accounting documentation should provide, at a minimum: the goods and/or services paid for; the amount paid for goods and/or services; and the date of payment(s).
- Adopted ordinances and accounting documentation must be emailed to the Housing Opportunity Program at housing.decd@maine.gov.

Municipal Responsibilities

- Municipalities may request reimbursement for staff time in multiple ways. A municipality may provide a narrative statement or chart about staff time used for research, drafting, public hearings, or town meetings.

Staff Member	Date/Time	Amount of Time	Hourly Rate	Total
Clerk	9/2022, Public Hearing	2 hours	\$25	\$50
Clerk	1/2022-9/2022 - 20 weeks	5 hours/week	\$25	\$2500
Town Manager	9/2022, Public Hearing	2 hours	\$30	\$60
Town Manager	1/2022-9/2022 - 20 weeks	5 hours/week	\$30	\$3,000
Staff Planner	Research	15 hours	\$30	\$450
				\$6,060

Unexpended Funds

- If a municipality does not expend all the funds allocated pursuant to this payment schedule, the municipality must return the unexpended funds to the Department. To initiate a return of the funding, please email housing.decd@maine.gov.

Deadline

- At this time, the Department has not set a deadline to submit invoices to receive a municipal payment.
- However, the Department anticipates that most municipalities will be asking for funding and providing accounting documentation around July 1, 2024.
- When the Department intends to close the program, ample notice will be provided.

Appeal Process

- In accordance with the Maine Administrative Procedure Act, a municipality may appeal the number, amount, and timing of payments to the Department.
- If a municipality desires to appeal, the appeal must:
 - Be in writing;
 - Addressed to the Commissioner of the Department;
 - Be emailed to the following designated email box: housing.decd@maine.gov;
 - Label the subject line of the email “Municipal Payment Schedule Appeal”; and
 - Explain the basis for the appeal.
- Decisions on appeal from the number, amount, and timing of payments awarded pursuant to this payment schedule constitute final agency action for judicial review purposes pursuant to the Maine Administrative Procedure Act, 5 M.R.S. § 11001(1).

Questions?

Housing Opportunity Program
Maine Department of Economic and Community Development
housing.decd@maine.gov