

Maine Housing Density Law: What Homeowners Need to Know

Two laws — signed June 2025 and April 2026 — fundamentally changed what you can build on your property in Maine. This guide reflects the combined, current state of the law in plain English.

CURRENT AS OF JULY 2026

76,400+

HOMES MAINE NEEDS STATEWIDE

July 1, 2026

EFFECTIVE DATE, MOST TOWNS

3 Units

ALLOWED BY RIGHT, ANY LOT

What's in this guide

- 1 The two laws — what changed, and when
- 2 Current law, provision by provision
- 3 What this unlocks on your property
- 4 Key nuances to verify before you plan
- 5 Next steps — and how Anchorpoint can help

Two Bills, One Framework — Current Law, Provision by Provision

PL Ch. 385 (LD 1829) — signed June 20, 2025. The core density law, effective July 1, 2026 for most municipalities. **PL Ch. 733 (LD 2173)** — signed April 16, 2026 as emergency legislation, clarifying and strengthening several provisions before they took effect. Both laws govern simultaneously today.

What Is Now In Effect

- + **3 units minimum — by right.** Every residential lot must allow at least 3 dwelling units (attached, detached, or ADUs). In a designated growth area with public water and sewer, the minimum is 4.
- + **No Planning Board review for small projects.** Municipalities cannot require Planning Board approval for 4 or fewer dwelling units in a structure, or for any ADU. *(Updated Ch. 733)*
- + **No owner-occupancy requirement for ADUs.** You can build and rent an ADU without living on the property — where the principal structure is 1, 2, or 3 units. *(Clarified Ch. 733)*
- + **Lot size and density caps.** In growth areas with public water and sewer: minimum lot size cannot exceed 5,000 sq ft, and no more than 1,250 sq ft per unit for the first 4 units. *(Strengthened Ch. 733)*
- + **No extra dimensional requirements.** Municipalities cannot impose stricter setbacks, lot area, frontage, or height on multi-unit projects than on single-family homes.
- + **No fire sprinklers for most ADUs.** Not required unless the structure contains — or will contain upon completion — more than 2 units. *(Clarified Ch. 733)*
- + **Height bonus for affordable housing.** May exceed municipal height limits by 14 feet or one story, up to 55 feet total. Fire official review required. *(55 ft cap added Ch. 733)*
- + **Site plan review threshold raised.** Triggered only at 5+ dwelling units, up from 3. *(Changed Ch. 733)*
- + **Growth ordinance restrictions.** Rate-of-growth ordinances can't cap permits below 130% of the 5-year mean; affordable housing is exempt. Takes effect January 1, 2028.

WHEN DOES THIS APPLY TO YOUR TOWN?

Ch. 385 + Ch. 733 housing provisions:

Municipalities that can amend ordinances by officers (no voter vote): **July 1, 2026**

All other municipalities: **July 1, 2027**

Ch. 733 growth ordinance rules: **January 1, 2028**

State law supersedes conflicting local ordinances even before municipalities update their codes. If your town hasn't complied yet, the state standard still applies.

FOR HOMEOWNERS — WHAT THIS UNLOCKS

- **Build and rent an ADU.** No owner-occupancy required, where your primary structure is 1–3 units.
- **Add a 2nd or 3rd unit.** A right on any residential lot; up to 4 in designated growth areas.
- **Skip Planning Board entirely.** 4 or fewer units, or any ADU — administrative sign-off only.
- **Nonconforming lots included.** Small or irregular lots aren't automatically excluded.
- **5+ unit projects easier.** Site plan review now triggers at 5 units, not 3.

Thousands of residential lots qualify today that did not qualify two years ago. Knowing the rules is the first step — knowing what your specific site can support is the next.

Key Nuances, Federal Support, and Your Next Steps

Key Nuances to Verify Before Planning

Growth area status is critical.

Enhanced density minimums and lot size rules only apply in state-designated growth areas with public water AND sewer. Confirm your parcel's status before assuming anything.

ADU protection is tied to structure size.

The mandatory ADU allowance applies only where the principal structure is 1, 2, or 3 units.

Shoreland zoning is not overridden.

Title 12 and municipal shoreland ordinances remain in full effect. Waterfront and shoreland properties require separate analysis.

Height bonus has a hard ceiling.

The affordable housing height bonus cannot push total height above 55 feet.

Septic capacity governs practical feasibility.

State law does not override DHHS septic rules — private systems must have adequate rated capacity for the additional unit.

Before You Move Forward

- 1 Confirm whether your parcel is in a state-designated growth area
- 2 Verify public water and sewer availability at your specific address
- 3 Identify your municipality's compliance status and ordinance update timeline
- 4 Check for shoreland zoning or Title 12 overlays on your lot
- 5 Determine your principal structure's current unit count
- 6 Engage a design-build professional early to assess feasibility and budget

FEDERAL TAILWIND — 21ST CENTURY ROAD TO HOUSING ACT

Passed Congress in June 2026 by wide bipartisan margins (Senate 85–5; House 358–32), the ROAD to Housing Act **became law July 11, 2026**. For homeowners, the most relevant piece is Section 303: it expands FHA loan eligibility to ADU construction — widening financing options beyond cash or a conventional construction loan.

Questions about what these laws mean for your property?

Anchorpoint Management is a design-build general contractor serving Central, Southern, and Midcoast Maine — from ADU feasibility assessments and design-build packages to custom homes.

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Sources: Maine Public Law Chapter 385 (LD 1829, signed June 20, 2025) and Maine Public Law Chapter 733 (LD 2173, signed April 16, 2026), read directly from official Maine Legislature documents; 21st Century ROAD to Housing Act (became law July 11, 2026). For informational purposes only — not legal advice. Consult a Maine land use attorney before making development decisions. © 2026 Anchorpoint Management, Auburn, Maine.