

Repeal of the Informed Growth Act (IGA)

By Philip Saucier | June 27, 2011

The Governor recently signed “An Act to Amend the Informed Growth Act,” which effectively repealed the Informed Growth Act (IGA) as a mandatory statewide requirement for large-scale retail development. The new law makes the IGA optional by allowing municipalities to “opt-in” by adopting an ordinance referencing the state IGA law. If a municipality decides to adopt a local IGA ordinance, the process must still include hiring a consultant to prepare a comprehensive economic impact study to determine the effect of large-scale retail development in the community. However, there is now more flexibility on setting the amount of the fee for the preparation of the comprehensive economic impact study, since both the dollar amount of the fee and the reference to the State Planning Office have been eliminated. Municipalities may also decide which economic impact factors to require in the comprehensive economic impact study if they decide to adopt a local ordinance. The new law specifically notes that even with this new IGA opt-in local option, a municipality may still adopt ordinances on the same topic without referencing the optional state IGA law.

With this new amendment to the IGA, it is important for municipalities to review their land use ordinances to avoid confusion with respect to the permitting of large-scale retail development. We have been closely following the Legislature’s discussions of the Informed Growth Act, and are prepared to assist municipalities with questions and to assist with the process of updating ordinances to comply with the new law.

If you have questions regarding this issue please contact Philip Saucier, psaucier@bernsteinshur.com or any member of our Municipal and Regulatory Practice Group at our Portland office, 774-1200 or Augusta office, 623-1596.