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Housing Is Local: Do the Math — Preemption Arguments Are Based on Incomplete Research (post #2 of 2)

This is Post #2 of a series. Read Post #1 "[Undermining local authority is not a solution](#)" here

For several months now, a trade association representing private builders and developers - with the help of a group of state legislators - has promoted state legislation that would undermine city authority to administer development fees that cover costs for city expenses and zoning regulations in their own communities. Supporters contend that these proposals would accelerate the building of affordable housing in the Twin Cities metro area. They also attempt to link city zoning policy to long-standing racial disparities in homeownership in our state.

Cities acknowledge that racial disparities exist and want to address ways to mitigate those disparities. Cities also are working to address affordable housing needs in our communities.

It is critically important, though, that cities maintain local authority to respond to community-specific housing needs and support the construction and preservation of [housing stock across the housing spectrum](#) in order for a city to support the diverse needs of its residents. State preemption promoted by for-profit developers is not a solution and will only hinder local efforts to support housing issues in their communities.



Research unpacked

To help bolster their case for preemption, the group known as Housing First and legislators who seek state mandates point to research highlighted in a Star Tribune story published this past summer. The story presented data and statistics on zoning and its relationship to racial disparities in homeownership.

However, there are issues with the Star Tribune's research that cast doubt on some of its conclusions. For example, the Star Tribune created a "rural residential" zoning classification that was characterized as "residential." At first glance, there doesn't seem to be any issue with this. However, "rural residential" is described as zoning districts that only allow single-family detached homes but have minimum lot size requirements exceeding five acres.

Upon closer examination, our own League research found an overwhelming majority of the zoning districts with this designation are zoned for agricultural purposes or future development. It makes sense that the lots would be larger in nature. Very few of these "rural residential" categories actually included single-family detached homes, but were nevertheless included in the reported statistics for the percentage of the Metro that is residential and also single-family zoning.

ABOUT ME

MNCities Blog

The League of Minnesota Cities is a membership organization dedicated to helping cities throughout Minnesota build quality communities through effective advocacy, expert analysis, trusted guidance, and collective action. The League serves its more than 830 members through advocacy, education and training, policy development, risk management, and other services. For more information, visit www.lmc.org.

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NOTE: The Star Tribune collected zoning ordinances in 2019. The League re-examined the "rural residential" zoning ordinances in 2021, so there may be differences based on time. However, zoning districts in 2021 would be modified to be more specific, not less.

What does this all mean?

The League took a closer look at the data provided by the Star Tribune and found that if you don't include farmland or land zoned for future development, 43% of the land in the Metro area allows for a residential structure to be built on less than or equal to a ¼ acre.

Here's how the formula works:

- Percentage from city_zoning_sizes.csv = (Mixed + Only Detached + Two Family + PUD-R + MF Residential, Minimum lot size per unit ≤ 1/4 acre)/(Mixed + Only Detached + Two Family + PUD-R + MF Residential)

If farmland or land zoned for future development is not included, 31% of the land in the Metro area is zoned to allow only single-family, detached homes to be built on less than or equal to ¼ acre.

- Percentage from city_zoning_sizes.csv = (Only Detached, Minimum lot size per unit ≤ 1/4 acre)/(Mixed + Only Detached + Two Family + PUD-R + MF Residential)

But how many cities allow for homes to be built on less than ¼ acre? The numbers show that 84% (86 cities out of 102 Metro-area cities) have at least one zoning district that allows a residential property to be built on ¼ acre lot or less. 60% (62 of these cities) allow for single-family, detached homes and other residential structures on 1/5 acre lot or less.

Housing First and some legislators have for years pushed to undermine local planning and zoning authority. And now they're drawing on the Star Tribune's incomplete analysis to push legislation that would undermine local decision-makers across the entire state.

Comprehensive solutions support local efforts

As the 2022 legislative session approaches, the League will work with stakeholders to advance a more comprehensive solution for housing in Minnesota that seeks to support local efforts rather than hinder them. We will continue to oppose measures, however, that undermine local control under the guise that it improves housing affordability. Housing development is a local matter.



[View Housing Needs in Cities: State Policy Solutions That Work](#)

[View the League's other housing and development resources](#)

As this topic continues to unfold in the state legislature, watch this blog and the Cities Bulletin for additional updates.

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