



## Zoning's Asteroid Moment

**ZONING IS OFTEN CONSIDERED** a timeless element of land policy and planning. And it is. Zoning originated in Asia more than three millennia ago. In those days, it was used to designate land uses behind city walls or to separate people by caste. The practice was adopted more recently in the United States to pursue similar ends. It is now one of the biggest impediments to sustainability in U.S. cities in the 21st century.

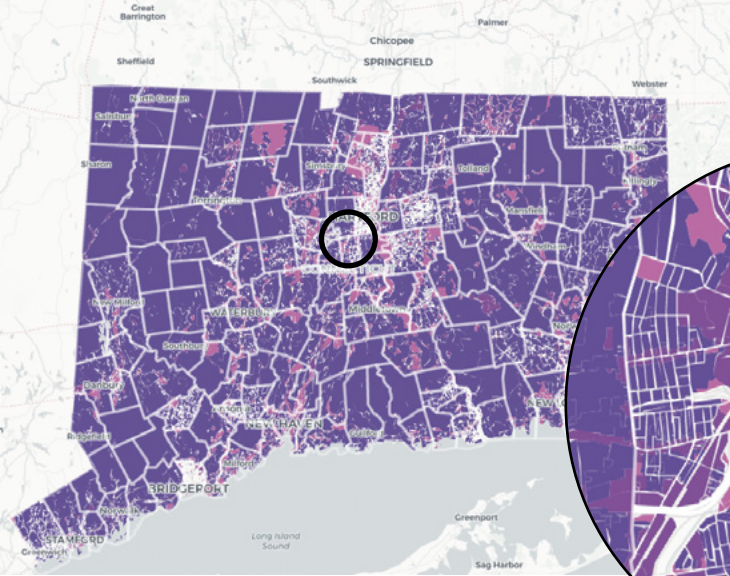
I've made my feelings about hyperlocal land control known for many years. A decade ago, on a panel with Nic Retsinas, then director of the Joint Center for Housing Studies at Harvard, I opined that home rule and local land use controls were "dinosaurs" that made it almost impossible to coordinate regional transportation planning and affordable housing efforts. Nic reminded me and the audience that powerful political and economic forces stood firmly in the way of land policy reform. And he noted that dinosaurs lasted for millions of years before becoming extinct—because of a random asteroid colliding with Earth, not natural selection.

But now, something almost as rare as a planet-changing asteroid is afoot in the world of land policy: bipartisan agreement. Numerous blue, red, and purple states have passed or are

contemplating efforts to preempt local zoning so they can advance critical policy objectives. Why the sudden shift? Because many policy makers now understand that the national affordable housing crisis cannot be addressed without structural changes to the rules of the game. Other policy makers know that we cannot address one of the ugliest manifestations of zoning—spatial segregation by race and class—without aggressive affirmative action.

Although we are seeing bipartisan agreement on the need for reform, the motivations of policy makers are quite different. Advocates from the right argue that the housing crisis is an artifact of overregulation that stifles housing production. These critics believe zoning reform will unleash market forces that will confront the housing crisis by accelerating new production. Advocates from the left argue that we cannot build affordable housing in the places we need it most because of land policies that have effectively excluded people based on race and income for generations, such as minimum lot sizes and bans on multifamily housing. Zoning reform will make it possible, they say, to build affordable housing in "high opportunity" places with good schools and decent jobs.

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A team of researchers from Cornell University painstakingly documented zoning practices in 180 jurisdictions in Connecticut with 2,622 zoning districts. The team has now launched an effort to build a crowdsourced atlas of zoning practices across the country. Credit: National Zoning Atlas.

**Type of Zoning District**

- Primarily Residential
- Mixed with Residential
- Nonresidential Zone

State preemption of local zoning is not new. In 1969, Massachusetts passed Chapter 40B, a measure that allows the state to override local zoning and approve mixed-income, multifamily developments in jurisdictions with little affordable housing. Although it has helped to promote some affordable housing development in some affluent suburbs, it was not a game changer, and few other states considered following suit, until very recently.

Now, some 10 states are ready to preempt local zoning to permit development of multiple housing units on lots that are currently zoned for single-family homes. These include permitting the right to add accessory dwelling units (ADUs) to single-family lots in Connecticut, Nebraska, Utah, Oregon, Maryland, California, and Washington; approving “middle housing,” two- to four-family townhomes, on lots zoned for single families in Virginia, Utah, Nebraska, Washington, and Maryland; or completely preempting local government efforts to prohibit multifamily housing development on single-family lots in Oregon, California, Virginia, Maine, and Washington. Massachusetts and California also recently mandated upzoning in “transit-rich” communities. Clearly, local control over land use is no longer sacrosanct.

Although zoning practice is thousands of years old, it is less than a century old in most of the United States. States began granting municipalities the power to dictate land uses in the 1920s, based on the Standard State Zoning Enabling Act drafted by the Department of Commerce in 1923. But what states giveth, states can taketh away. It is sometimes necessary for higher levels of government to supersede the decisions of lower levels of government to promote general welfare or address negative externalities that are artifacts of uncoordinated actions at lower levels. Too often, state efforts to override local governments are misguided; for example, when state policy makers curry favor from voters by imposing property tax limits. In the case of zoning, the need for state action is clearly defensible.

We should celebrate the fact that we are moving in the right direction—mustering the political will to take on a challenge that was, until very recently, considered impossible. But we still know less about zoning than we should. Each state, and often individual jurisdictions in a state, developed its own zoning conventions, which makes it extremely difficult to compare zoning practices among them. It also makes it almost impossible to understand the

implications of zoning decisions on land values and development patterns, or how zoning reform might address big challenges like the housing crisis, spatial inequality, or urban sprawl. This too is changing.

Last year, a small team of visionaries at Cornell University, led by Professor Sara Bronin, produced a Zoning Atlas for the State of Connecticut. Using spreadsheets, maps, and geographic information systems, the team documented, with impressive granularity, residential zoning practices in 180 jurisdictions with 2,622 zoning districts. Incredibly, this required reviewing more than 30,000 pages of text describing zoning practices—in one state.

This herculean task apparently was not a big enough challenge for this plucky band of researchers. The Cornell team recently launched an effort to build a National Zoning Atlas. Now, with a field-tested methodology for creating the Zoning Atlas in Connecticut, they have set out to crowdsource zoning data from the rest of the country using the same methods. So far,

self-organized teams in 12 states are participating. When they succeed at building the national atlas—and the Lincoln Institute of Land Policy will do all it can to make sure that happens—a new era of land policy scholarship will arrive. Debates about the costs, benefits, and consequences of zoning reform will be informed by real data.

Zoning reform alone is not sufficient to solve the national housing crisis. But it is necessary. And we need to know a lot more about current zoning practices, and the potential benefits of improved zoning practice, to address the ills generated by decades of bad practice. A century of decentralized and isolated local control of land produced unacceptable levels of racial and economic segregation, urban sprawl that contributed to the climate crisis, and an almost unassailable affordable housing crisis. With the unprecedented alignment of political will with new tools and knowledge, possible solutions to this triple threat are closer than they have ever been. □

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The National Zoning Atlas has teams in 12 states to date. To learn more about the effort, including how to participate, visit [www.zoningatlas.org](http://www.zoningatlas.org). Credit: National Zoning Atlas.

