THE ROOTS OF ZONING REFORM

*Brian J. Connolly**

In recent years, more than one hundred U.S. cities have reformed their zoning laws to allow more housing construction. Many now allow accessory dwelling units and small multi-family "middle housing" in areas previously zoned exclusively for single-family detached homes. Because scholars agree that restrictive zoning contributes to unaffordable housing, local governments—which establish and administer zoning laws—are at the forefront of addressing the crisis. Places that have adopted pro-housing zoning reforms offer important lessons on how these reforms originate. By analyzing demographic and electoral data and presenting five case studies of reform jurisdictions, this Article identifies several factors behind successful reforms. Contrary to prevailing scholarship emphasizing the primacy of landowner self-interest in zoning decision-making, these recent reforms appear animated by a mix of heightened renter influence, increasingly effective organizing by pro-housing forces, and community values and ideology. These findings suggest that, for needed reforms to advance, the law must accommodate broader participation in zoning decision-making, enhance the role of comprehensive planning, and consider state preemption of some local zoning.

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INTRODUCTION

In most of America's 39,000-plus cities, villages, townships, and counties, zoning decision-making provokes heated neighborhood battles, generates local news headlines, and dictates the political fortunes of local elected officials.[1] Yet despite their capacity to affect local politics and

1. *See, e.g.*, M. NOLAN GRAY, ARBITRARY LINES: HOW ZONING BROKE THE AMERICAN CITY AND HOW TO FIX IT 30 (2022) (discussing the reach of zoning laws);

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media, zoning laws rarely change.[2] Indeed, it is the politics of zoning—namely, vociferous opposition from landowners in the vicinity of a proposed zoning change—that often produces this stasis.[3]

Nevertheless, since 2015, more than seventy cities have adopted zoning reforms that allow duplexes, triplexes, and fourplexes—sometimes called "middle housing"—and accessory dwelling units ("ADUs") on lots where only single-family houses were previously permitted.[4] Some cities now also allow denser housing along transit

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William A. Fischel, Zoning Rules! The Economics of Land Use Regulation, at ix (2015) (describing zoning as a "bottom-up" institution); J. Eric Oliver et al., Local Elections and the Politics of Small-Scale Democracy 93, 152 (2012) (describing zoning as a "staple[] of local politics" and observing that many local elected officials get their start in opposing real estate projects); William A. Fischel, The Homevoter Hypothesis: How Home Values Influence Local Government Taxation, School Finance, and Land-Use Policies 8–10 (2001) [hereinafter Fischel, Homevoter Hypothesis] (discussing examples of zoning conflicts); Richard F. Babcock, The Zoning Game: Municipal Practices and Policies 30–31 (1966) (discussing the politics of zoning).

2. *See* Robert C. Ellickson, America's Frozen Neighborhoods: The Abuse of Zoning 112–15 (2022) (discussing the freezing of zoning designations).

3. *See, e.g.*, *id.* at 111 ("The politics of local zoning almost invariably works to freeze land uses . . . "); Katherine Levine Einstein, David M. Glick & Maxwell Palmer, Neighborhood Defenders 81 (2019) (describing neighborhood politics as a "potent obstacle[]" to building new housing); Roderick M. Hills, Jr. & David N. Schleicher, *Balancing the "Zoning Budget"*, 62 Case W. Rsrv. L. Rev. 81, 90 (2011) (describing the local politics of zoning decisions); Eric H. Steele, *Participation and Rules—The Functions of Zoning*, 11 Am. Bar Found. Rsch. J. 709, 730 (1986) (discussing how opposition often stops new development).

4. *See* Ipso Cantong, *The Destabilization of American Zoning*, Othering & Belonging Inst. (May 15, 2024) [hereinafter Cantong, *Destabilization of American Zoning*], https://belonging.berkeley.edu/destabilization-american-zoning [https://perma.cc/SAV8-AAUV]; Ipso Cantong et al., *Zoning Reform Tracker*, Othering & Belonging Inst. (Mar. 15, 2023) [hereinafter Cantong et al., *Zoning Reform Tracker*], https://belonging.berkeley.edu/zoning-reform-tracker [https://perma.cc/5DSR-M9DJ] (listing the cities that have adopted reforms since 2015). The term "middle housing" is often used interchangeably with "missing middle housing," and sometimes small multi-family apartment buildings, and cottage courts. *See* Richard D. Kahlenberg, Excluded: How Snob Zoning, NIMBYism, and Class Bias Build the Walls We Don't See 126 (2023); *see also* David Garcia et al., Terner Ctr. for Hous. Innovation, UC Berkeley, Unlocking the Potential of Missing Middle Housing 1–2 (2022). An ADU is a secondary dwelling located on the same parcel as another dwelling; they can be attached or detached from the primary dwelling. *See* Jenny Schuetz, Fixer-Upper: How To Repair America's Broken Housing Systems 147 n.6 (2022) ("ADUs take on different forms and colloquial names across the country; examples include basement apartments and converted stand-alone garages or carriage houses, sometimes called 'granny flats' or 'in law suites.'"). Throughout this Article, the terms "reform" or "reforms" are used to describe zoning changes that ease housing construction. In this Article, "reform jurisdiction" describes a locality that adopted reforms, "middle-housing reform jurisdiction" describes one that amends its single-family zoning to allow duplex, triplex, or fourplex housing, and "ADU reform jurisdiction" describes one that amends its zoning to allow ADUs in single-family and other neighborhoods.

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lines and important corridors, require less vehicle parking for new units, maintain small minimum lot sizes, avoid discretionary decision-making, expedite permitting, and otherwise ease homebuilding.[5] Curiously, these places sometimes exhibit characteristics, like high homeownership rates, that often precipitate anti-growth sentiment.[6] By closely analyzing these cities' demography, politics, and reform processes, this Article explains why and how these cities bucked the seemingly inexorable trend of stagnant, restrictive zoning, and how the law can better facilitate these changes in other communities.

Zoning has been described as "what may be the most consequential regulatory program in the United States."[7] State enabling laws authorize most American localities to zone, and their zoning usually must follow a comprehensive plan.[8] To separate purportedly incompatible uses from one another, zoning divides each locality into geographic districts and, for each district, establishes allowable land uses, building dimensions and design, lot sizes, parking, and the procedures for constructing or reconstructing structures.[9]

In most jurisdictions, zoning for low-density single-family detached housing predominates, accompanied by large minimum lot sizes, broad setbacks, and low building heights.[10] However, by limiting urban areas to low-density development, single-family zoning suppresses housing supply and increases prices.[11] Compared

5. *See* Cantong, *Destabilization of American Zoning*, *supra* note 4.

6. *See infra* Part II.A.1; Einstein, Glick & Palmer, *supra* note 3, at 109.

7. Ellickson, *supra* note 2, at 1. Nevertheless, there are several other forms of land-use regulation. *See also id.* at 4–5 (describing, *inter alia*, historic preservation and subdivision laws).

8. *See, e.g.*, Sara C. Bronin, *Zoning by a Thousand Cuts*, 50 Pepp. L. Rev. 719, 727–28 (2023); Gray, *supra* note 1, at 34; Rolf Pendall et al., *Shifts Toward the Extremes: Zoning Change in Major U.S. Metropolitan Areas From 2003 to 2019*, 88 J. Am. Plan. Ass'n 55, 58–59 (2022); Richard Briffault, *Our Localism: Part I—The Structure of Local Government Law*, 90 Colum. L. Rev. 1, 19 (1990); Daniel R. Mandelker, *The Role of the Local Comprehensive Plan in Land Use Regulation*, 74 Mich. L. Rev. 899, 901 (1976). Throughout this Article, the terms "local government," "locality," "jurisdiction," "city," and "place" are used interchangeably.

9. *See, e.g.*, Bronin, *supra* note 8, at 728; Gray, *supra* note 1, at 34, 37–38; Robert C. Ellickson, *Zoning and the Cost of Housing: Evidence from Silicon Valley, Greater New Haven, and Greater Austin*, 42 Cardozo L. Rev. 1611, 1614 (2021) [hereinafter Ellickson, *Zoning and the Cost of Housing*].

10. Schuetz, *supra* note 4, at 21. "Single-family" housing gets its name because many local zoning laws restrict this housing type to groups of people based on their relatedness. *See* Sara C. Bronin, *Zoning for Families*, 95 Ind. L.J. 1, 5 (2020).

11. *See* Edward Glaeser & Joseph Gyourko, *The Economic Implications of Housing Supply*, 32 J. Econ. Persps. 3, 8 (2018); *see generally* Vicki Been et al., *Supply Skepticism Revisited*, 35 Hous. Pol'y Debate 96, 106 (2024) [hereinafter Been et al., *Supply Skepticism Revisited*] (detailing studies showing the relationship between housing supply and prices); Joint Ctr. for Hous. Stud. of Harv. Univ., The State of the

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with other housing types, single-family homes are costlier to build and connect to utilities, and buyers must usually purchase large land parcels, which adds to the cost.[12] Because many people cannot afford these costs, pervasive single-family development patterns bar lower-wealth households from homeownership, along with its attendant wealth-generating opportunities and amenities such as good schools, safe neighborhoods, or recreation and public health infrastructure.[13] These development patterns also have various negative environmental consequences, from encouraging automobile usage and greenhouse gas emissions to increasing land consumption and furthering habitat loss.[14]

NATION'S HOUSING 2024 36 (2024) (describing the constrained housing supply); *Reforming Permitting Requirements to Lower the Cost of Building New Housing and Increase Housing Affordability*, COUNCIL OF ECON. ADVISERS, THE WHITE HOUSE (Aug. 13, 2024), https://bidenwhitehouse.archives.gov/cea/written-materials/2024/08/13/reforming-permitting-requirements-to-lower-the-cost-of-building-new-housing-and-increase-housing-affordability/ [https://perma.cc/R4ZY-ZY4A] (proposing reforms in the face of zoning laws driving up the costs of housing). Other reasons for high housing costs include demographic changes, labor shortages, supply-chain disruptions, and high wealth concentrations. *See, e.g.*, Brian J. Connolly et al., *Tackling the Affordability Crisis in the West: The Colorado Housing Affordability Project and the Challenge of Zoning Reform*, 58 IDAHO L. REV. 513, 516–17 (2022) (describing demographic shifts); Chung Yim Yiu, *Are Central Banks' Monetary Policies the Future of Housing Affordability Solutions*, 7 URB. SCI. 18, 14 (2023) (discussing interest rates); Michael Neal & Laurie Goodman, *Labor Conditions Are a Big Factor in Our Current Housing Supply Challenges*, URB. INST.: URB. WIRE (Jan. 22, 2020), https://www.urban.org/urban-wire/labor-conditions-are-big-factor-our-current-housing-supply-challenges [https://perma.cc/D6X2-SDSU] (discussing labor shortages); Adewale A. Maye & Kyle K. Moore, *The Growing Housing Supply Shortage Has Created a Housing Affordability Crisis*, ECON. POL'Y INST.: WORKING ECON. BLOG (July 14, 2022, 09:31 ET), https://www.epi.org/blog/the-growing-housing-supply-shortage-has-created-a-housing-affordability-crisis/ [https://perma.cc/9DYW-XVMQ] (noting supply-chain issues). Some scholars argue that blaming zoning laws for the U.S. housing crisis is misplaced or ill-advised. *See, e.g.*, Andrés Rodríguez-Pose & Michael Storper, *Housing, Urban Growth and Inequalities: The Limits to Deregulation and Upzoning in Reducing Economic and Spatial Inequality*, 57 URB. STUD. 223 (2020); Ganesh Sitaraman et al., *Regulation and the Geography of Inequality*, 70 DUKE L.J. 1763, 1813–14 (2021); Christopher Serkin, *A Case for Zoning*, 96 NOTRE DAME L. REV. 749, 770–82 (2020).

12. *See* KAHLENBERG, *supra* note 4, at 39; *see also* Lee Anne Fennell, *Homes Rule*, 112 YALE L.J. 617, 635–36 (2002) (observing that some homeowners might consume more housing than necessary to exclude lower-income home seekers).

13. *See* EINSTEIN, GLICK & PALMER, *supra* note 3, at 9. The term "exclusionary zoning" is used to describe rules that prohibit the construction of more affordable forms of housing, such as apartments. *See* ELLICKSON, *supra* note 2, at 5.

14. *See, e.g.*, KAHLENBERG, *supra* note 4, at 63–65; Samantha Fu, *How Cities Can Tackle Both the Affordable Housing and Climate Crises*, URB. INST.: HOUS. MATTERS (Nov. 2, 2022), https://housingmatters.urban.org/articles/how-cities-can-tackle-both-affordable-housing-and-climate-crises [https://perma.cc/T2MW-ALXX]; Adie Tomer et al., *We Can't Beat the Climate Crisis Without Rethinking Land Use*, BROOKINGS (May 12, 2021), https://www.brookings.edu/articles/we-cant-beat-the-climate-crisis-without-rethinking-land-use [https://perma.cc/FHN4-ABG8]; *see generally* INTERGOVERNMENTAL PANEL ON CLIMATE

Nevertheless, local political forces ensure the predominance of single-family housing.[15] The prevailing political economy model for zoning decision-making is William Fischel's "homevoter hypothesis."[16] It asserts that because most homeowners' wealth is undiversified and tied up in their homes, they are especially incentivized to maintain their home's value and participate vigorously in local politics to accomplish this goal.[17] Since public amenities, such as schools, parks, libraries, and streets, are capitalized into home values, Fischel asserts that homeowners will oppose proposals that threaten the quality or availability of these amenities.[18] Adding more housing, particularly affordable housing, to a community could reduce home values by increasing supply, congesting public amenities, or forcing incumbent owners to cross-subsidize more service-dependent households that pay less taxes.[19] For many communities, single-family zoning averts these concerns.[20]

Other forces are also at work. Individuals' and communities' strong status quo bias militates against changing existing neighborhoods.[21] Social pressures may push neighbors to oppose denser development.[22] Public distaste for real estate developers might also yield opposition to new, denser housing.[23] And in some cases, racism or classism—whether overt or subtle—underlies anti-growth attitudes.[24] Moreover,

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Change, Climate Change 2023: Synthesis Report 42 (H. Lee & J. Romero eds., 2023) (attributing global warming to human activities, primarily greenhouse gas emissions).

15. *But cf.* Michael Manville et al., *It's Time to End Single-Family Zoning*, 86 J. Am. Plan. Ass'n 106, 108 (2020) (asserting that it's not entirely obvious that the majority of Americans prefer to live in single-family detached housing).

16. Fischel, Homevoter Hypothesis, *supra* note 1, at 4.

17. *Id.*; *see also* Vicki Been, *City NIMBYs*, 33 J. Land Use & Env't L. 217, 220–22 (2018) [hereinafter Been, *City NIMBYs*] (explaining how the hypothesis, which once explained zoning decision-making in exclusionary suburbs, now extends to larger cities).

18. Fischel, Homevoter Hypothesis, *supra* note 1, at 6, 9.

19. *See id.* at 46, 230, 259; *see also* Ellickson, *supra* note 2, at 10; Robert C. Ellickson, *Suburban Growth Controls: An Economic and Legal Analysis*, 86 Yale L.J. 385, 400 (1977); Jessica Trounstine, *The Geography of Inequality: How Land Use Regulation Produces Segregation*, 114 Am. Pol. Sci. Rev. 443, 445–46 (2020).

20. *See* Ellickson, *supra* note 2, at 10.

21. *See* Robert C. Ellickson, *The Zoning Straitjacket: The Freezing of American Neighborhoods of Single-Family Houses*, 96 Ind. L.J. 395, 420–21 (2021) [hereinafter Ellickson, *The Zoning Straitjacket*].

22. *See id.* at 425.

23. *See* Paavo Monkkonen & Michael Manville, *Opposition to Development or Opposition to Developers? Experimental Evidence on Attitudes Toward New Housing*, 41 J. Urb. Aff. 1123, 1128, 1133–34 (2019) [hereinafter Monkkonen & Manville, *Opposition to Developers?*] (attributing such distaste to distrust of affluent people, skepticism about developers' profiting off of housing, and other things).

24. *See* Ellickson, *supra* note 2, at 11. Single-family zoning arose concurrently with, and in response to, the demise of express racial zoning. *See* John Infranca, *Singling Out Single-Family Zoning*, 111 Geo. L.J. 659, 673 (2023).

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local decision-making structures—namely, the parcel-specific nature of zoning decision-making—aid opponents of new housing.[25] Whereas prospective new residents and other likely supporters of new housing are geographically diffuse, those who will experience the greatest costs from a project—such as traffic, noise, and disruption—are concentrated around it, which eases their ability to organize.[26] Consequently, organized opposition often stops new housing.[27] Thus, in most places, to build anything but single-family housing, builders must navigate discretionary approval processes that empower localities to demand public amenities and opponents to stop them altogether.[28]

Given these circumstances and the severity of the ongoing U.S. housing crisis, zoning reform may help unlock housing production, ameliorate undersupply, and alleviate unaffordability.[29] Although some states have enacted legislation to displace low-density zoning, most have not, and, irrespective of whether the state acts, local governments must invariably administer zoning and other rules that affect housing

25. *See* Hills, Jr. & Schleicher, *supra* note 3, at 81, 83–87, 92–93; *see also* Anika Singh Lemar, *The Role of States in Liberalizing Land Use Regulations*, 97 N.C. L. Rev. 293, 347 (2019) [hereinafter Lemar, *The Role of States*] (describing the difference between a jurisdiction-wide rezoning and parcel-specific zoning change). The term "rezoning" is often used to describe a zoning amendment or reform. *Rezoning*, Black's Law Dictionary (12th ed. 2024).

26. Hills, Jr. & Schleicher, *supra* note 3, at 90–93. For empirical analysis that confirms local homeowner opposition to new, nearby housing, see Monkkonen & Manville, *Opposition to Developers?*, *supra* note 23, at 1125; Michael Hankinson, *When Do Renters Behave Like Homeowners? High Rent, Price Anxiety, and NIMBYism*, 112 Am. Pol. Sci. Rev. 473, 473–74 (2018).

27. *See* Lemar, *The Role of States*, *supra* note 25, at 347; Steele, *supra* note 3, at 722–23, 730.

28. *See, e.g.*, *Types of Affordable Housing*, Mun. Rsch. & Servs. Ctr. of Wash. (Jan. 2, 2026), https://mrsc.org/explore-topics/housing-homelessness/housing/types-of-affordable-housing [https://perma.cc/S45Z-MRAZ] (discussing typologies of more affordable housing); *see generally* Michael Manville et al., *Does Discretion Delay Development?: The Impact of Approval Pathways on Multifamily Housing's Time to Permit*, 89 J. Am. Plan. Ass'n 336 (2023); Gray, *supra* note 1, at 61; Anika Singh Lemar, *Overparticipation: Designing Effective Land Use Public Processes*, 90 Fordham L. Rev. 1083, 1092–93 (2021) [hereinafter Lemar, *Overparticipation*]; Ellickson, *Zoning and the Cost of Housing*, *supra* note 9, at 1632.

29. *See, e.g.*, Amrita Kulka et al., *Under the (Neighbor)Hood: Understanding Interactions Among Zoning Regulations* (Feb. 13, 2026) (unpublished manuscript) (available at SSRN); Linlin Liang et al., *Minneapolis Land Use Reforms Offer a Blueprint for Housing Affordability*, Pew (Jan. 4, 2024), https://pew.org/3S76oXJ [https://perma.cc/EW54-JFEZ]; Alex Horowitz & Tara Roche, *Lot-Size Reform Unlocks Affordable Homeownership in Houston*, Pew (Sep. 14, 2023), https://pew.org/3R9KNOb [https://perma.cc/VNU2-35MG]; Ben Christopher, *Los Angeles' One Weird Trick To Build Affordable Housing At No Public Cost*, CalMatters (Mar. 4, 2024), https://calmatters.org/housing/2024/02/affordable-housing-los-angeles/ [https://perma.cc/K78E-6RRW].

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supply.[30] Therefore, it is important to understand why and how some cities adopt reforms despite political economy models that predict anti-growth behavior. These jurisdictions' experiences—often entailing lengthy procedures and strident public debate—will inform other places' processes and substantive reforms, and provide insight into whether and how local reforms can contribute to addressing the pressing national housing crisis.

To explain these reforms and test previously developed hypotheses for why cities adopt them, this Article draws clues from reform jurisdictions' demography and political makeup, as well as case studies of some cities' reform-adoption efforts.[31] It evaluates reform jurisdictions' demographic characteristics, including homeownership, median income, and racial composition, to determine whether they share any specific characteristics that might explain their acceptance of reforms. It also considers how these jurisdictions' electorates voted in recent U.S. presidential elections to determine whether their residents' political ideologies or values shed light on these communities' willingness to adopt reforms.[32] Furthermore, it reviews several case-study jurisdictions' paths to reform by considering local media reports, public records, hearing testimony, and interviews with key stakeholders to determine how these jurisdictions arrived—usually after lengthy procedures and contentious public debates—at their respective reforms.

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30. *See, e.g.*, Brian J. Connolly, *The Black Box of Single-Family Zoning Reform*, 65 B.C. L. Rev. 2327, 2368–69 (2024) [hereinafter Connolly, *The Black Box*]; Shazia Manji et al., Terner Ctr. for Hous. Innov. at UC Berkeley, Incentivizing Housing Production: State Laws from Across the Country to Encourage or Require Municipal Action 14 (2023); Edward J. Sullivan, *Will Housing Become the Inflection Point for Realignment of State Land Use Structures?*, 58 Idaho L. Rev. 495, 496 (2022); John Infranca, *The New State Zoning: Land Use Preemption amid a Housing Crisis*, 60 B.C. L. Rev. 823, 875–76 (2019). For example, local governments process development permits and enact dimensional, design, and other building requirements.

31. *See* Brian J. Connolly, *Putting The "Why" In YIMBY*, 57 Ariz. St. L.J. 443, 443 (2025) [hereinafter Connolly, *Putting The "Why" In YIMBY*] (identifying five possible drivers of local zoning reform).

32. Several authors have observed a bipartisan nature to sentiment about housing and the need for zoning reforms; however, the degree to which zoning reform represents a bipartisan consensus is not well-established. *See, e.g.*, Tushar Kansal & Andy Winkler, *Strong Support Across Partisan Lines for Policies That Boost Housing*, Bipartisan Pol'y Ctr. (May 30, 2024), https://bipartisanpolicy.org/report/strong-support-across-partisan-lines-for-policies-that-boost-housing [https://perma.cc/C3M6-3QXM]; Kahlenberg, *supra* note 4, at 229–31; Schuetz, *supra* note 4, at 152; Annie Lowrey, *The Anti-California: How Montana Performed a Housing Miracle*, Atlantic (Aug. 9, 2023), https://www.theatlantic.com/ideas/archive/2023/08/rural-montana-housing-crisis-supply/674950 [https://perma.cc/3N5N-WEYA].

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This Article proceeds in five parts. Part I summarizes five hypotheses for why communities and their local government officials might support easing zoning laws to allow more housing.

Part II examines reform jurisdictions' populations and political characteristics, finding that reform jurisdictions usually have lower homeownership rates and skew younger, but many have higher median incomes than non-reform jurisdictions. These places skew heavily Democratic, suggesting reforms may be animated by ideologies and values associated with political liberals.

Part III analyzes five case-study reform jurisdictions: Boise, Idaho; Anchorage, Alaska; Saint Paul, Minnesota; and Englewood and Fort Collins, Colorado. This Part evaluates interviews with public officials and housing advocates, public testimony at reform hearings, and local media and public records to determine whether and how community values or, alternatively, self-interest animated each place's reforms.

Part IV maps the findings of Parts II and III onto the hypotheses presented in Part I. It concludes that, contrary to some scholars' assertions that zoning decision-making is driven heavily by the material self-interest of businesses and homeowners, pro-housing reforms are adopted in reform jurisdictions when renters and other non-landowners engage in advocacy, reformers use technological tools to build engagement, and community members—especially homeowners—share nonmonetary values.

Part V offers three normative recommendations for how the law could facilitate future reform efforts. It suggests that localities might be better positioned to adopt reforms if the law better facilitated non-landowner engagement in zoning decision-making and gave greater weight to community planning efforts. It also suggests that some state preemption will enable localities to minimize the political risk of reforms, avoid lengthy and duplicative public engagement efforts that tend to result in watered-down reforms, and focus on the most efficacious interventions.

Two important limitations apply. First, although this Article endeavors to explain why various types of pro-housing zoning reforms occur, most of the reforms studied here center on allowing ADUs and middle housing in formerly single-family neighborhoods. These reforms have been the most popular and headline-grabbing in recent years, and this variety of reforms provides a basis for like-kind cross-jurisdictional comparisons. Furthermore, because prevailing political economy scholarship focuses on homeowners' support for single-family zoning, these reforms' departure from that paradigm makes them particularly informative. Second, the demographic and political analysis offered

here is mostly descriptive and observational; it does not isolate variables and is not intended to show causation. There are many opportunities for further quantitative empirical research to confirm the initial conclusions drawn in this Article, which are identified throughout.

Scholars, advocates, and policymakers have rightly lauded localities and their officials who have deregulated zoning to boost housing supply. To address our stubborn housing crisis, more localities will need to follow these communities' lead. This Article underscores the shortcomings of relying upon a fragmented system of local government to address this national problem. It also suggests that, although many reforms may result from communities' demographic and electoral idiosyncrasies, certain factors—such as politically engaged renters, technologically equipped reformers, and shared values—most reliably animate reforms. The lessons offered by these places can inform efforts to expand pro-housing zoning reforms. By telling these communities' stories, this Article aims to provide scholars, policymakers, and reformers with a clearer pathway toward enacting the legal reforms needed to address an urgent national crisis.

I. Why Zoning Reforms Happen

This Part summarizes five hypotheses to explain localities' adoption of reforms.[33] Reforms might be explained by one or more of the following: (1) landowner or developer capture of local decision-making; (2) homeowner self-interest; (3) renter self-interest; (4) improved organizing ability for reformers; or (5) shared communal values. Each hypothesis is evaluated in a separate subsection below.

A. The Growth Machine

In an influential 1976 article, sociologist Harvey Molotch observed that many cities adopt pro-growth laws and policies at the behest of business interests, i.e., the "growth machine."[34] He asserted that landowning business interests, namely real estate investors and developers, and their allies in building professions, law, local media, and other fields, marshal financial resources to support public officials' campaigns and personal interests in exchange for pro-growth policy and lawmaking.[35] According to Molotch, the growth machine enjoys

33. *See* Connolly, *Putting The "Why" In YIMBY*, *supra* note 31.

34. Harvey Molotch, *The City as a Growth Machine: Toward a Political Economy of Place*, 82 Am. J. Socio. 309, 312 (1976).

35. *Id.* at 314; *see also* Daniel A. Lyons, *Public Use, Public Choice, and the Urban Growth Machine: Competing Political Economies of Takings Law*, 42 U. Mich. J.L. Reform 265, 283 (2009).

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less influence in places dominated by politically engaged middle-class or wealthy residents, like suburbs, which usually have stronger anti-development attitudes and lack dominant business interests.[36]

Today, localities with low incumbent voter turnout are particularly susceptible to growth-machine capture.[37] For instance, fast-growing suburbs, where building-industry participants hold outsized influence in local elections, exhibit pro-growth tendencies by maintaining objective, growth-oriented zoning rules.[38] The few incumbent residents in such places usually benefit from improved schools, roads, parks, utilities, emergency services, or other public amenities accompanying new development.[39] Similarly, in poorer, shrinking cities that are starved for investment, jobs, tax revenues, and public amenities, and thus lack leverage against powerful industry interests, incumbent residents have less capacity to organize and oppose real estate development. As a result, the growth machine wields influence by promising job opportunities, housing-quality improvements, or public amenities.[40]

If the growth machine were responsible for influencing reforms, it follows that such reforms would likely prioritize the interests of larger real estate investment and development firms and draw participation from them and their allies. Given that larger firms buy and build large multi-family apartment buildings and tract single-family housing and tend to avoid smaller projects, like ADUs or middle housing, growth machine-influenced reforms would presumably ease construction of the former.[41] Such reforms would allow large multi-family apartment buildings and single-family housing to be built by-right at higher densities and with fewer requirements, such as parking, impact fees,

36. *See* Molotch, *supra* note 34, at 327–28.

37. *See* Paul E. Peterson, City Limits 115 (1981).

38. *See* Ellickson, *The Zoning Straitjacket*, *supra* note 21, at 418; Steele, *supra* note 3, at 740.

39. *See generally* Fischel, Homevoter Hypothesis, *supra* note 1, at 277–78 (observing that incumbent residents benefit from amenities provided by new development); Ellickson, *The Zoning Straitjacket*, *supra* note 21, at 399–400 (asserting that zoning freezes communities only *after* they have been built out).

40. *See generally* Daniel B. Rosenbaum, *Reforming Local Property for an Era of National Decline*, 70 Buff. L. Rev. 1115, 1136–43 (2022) (describing how growth machine politics predominate in shrinking cities).

41. *See, e.g.*, Connolly, *The Black Box*, *supra* note 30, at 2389 (describing an absence of a middle-housing building industry); Gopal Ahluwalia et al., *Concentration in Homebuilding Driven by a Few Large Builders*, Joint Ctr. for Hous. Stud. of Harv. Univ. (Apr. 19, 2022), https://www.jchs.harvard.edu/blog/concentration-homebuilding-driven-few-large-builders [https://perma.cc/B6ZQ-3ZWV] (describing the scale benefits of homebuilding); Garcia et al., *supra* note 4, at 9 (explaining how the economics of housing construction favor larger builders).

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or offsite exactions.[42] The growth machine's participation in reforms usually entails contributions to local officials' campaigns and pro-housing advocacy groups, drafting and preparing zoning laws, and supportive testimony at local public hearings; any of these features would be indicia of the growth machine's influence in recent reforms.[43]

B. Homeowner Self-Interest

Whereas the growth machine theory emphasizes landowning businesses' influence, the homevoter hypothesis emphasizes landowning *residents'* influence.[44] As discussed in the Introduction, because of capitalization and the absence of home-value insurance, Fischel argues that homeowners might oppose new housing in their communities out of fear that some combination of additional supply, congestion of public amenities, and cross-subsidization of more service-dependent residents will reduce their home values.[45] To resist undesirable new housing, residents elect representative officials and participate in land-use processes to prevent such housing or to support the construction of more expensive homes whose residents are less likely to burden public amenities.[46]

Other scholars' work supports the existence of homevoters' influence. J. Eric Oliver observes a close relationship between homeownership and a person's propensity to vote in local elections.[47]

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42. *See, e.g.*, Christopher S. Elmendorf & Clayton Nall, *Plain-Bagel Streamlining? Notes from the California Housing Wars*, 75 Case W. Rsrv. L. Rev. 263, 270 (2024) (explaining why building tract single-family houses is more financially advantageous compared to middle housing). Large banks and institutional equity firms also tend to make loans and invest in larger projects, but not ADUs or middle housing. *See, e.g.*, David Garcia, Terner Ctr. for Hous. Innov. at UC Berkeley, Making it Pencil: The Math Behind Housing Development 7 (2019) (explaining how lenders care about developer capacity).

43. *See* Molotch, *supra* note 34, at 314 (describing how elites participate with their "energies" and "fortunes").

44. Fischel, Homevoter Hypothesis, *supra* note 1, at 4.

45. *Id.* at 10, 46, 230, 259; *see also* Jessica Trounstine, *You Won't Be My Neighbor: Opposition to High Density Development*, 59 Urb. Aff. Rev. 294, 301–02 (2023) (finding a ubiquitous preference for single-family housing); Ellickson, *supra* note 2, at 201–02 (describing homeowners opposing densification to "protect their major financial asset").

46. *See* Fischel, Homevoter Hypothesis, *supra* note 1, at 65–66 (observing that local governments are unlikely to approve new housing that costs less than extant housing in the community, due to concerns about cross-subsidization).

47. *See* Oliver et al., *supra* note 1, at 69–70. *But see* Brian J. McCabe, No Place Like Home: Wealth, Community and the Politics of Homeownership 82–83 (2016) (observing that homeowners' political participation is mostly oriented around voting, rather than other forms of participation, and further observing that other characteristics, such as long-term residence in a place, may be as or more influential than homeownership in driving participation).

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Andrew Hall and Jesse Yoder find that homebuying increases residents' chances of participating in local elections, particularly when they concern zoning.[48] Michael Hankinson and Jessica Trounstine each demonstrate that homeowners are more likely than renters to oppose nearby new housing and multi-family apartments.[49] Clayton Nall and William Marble find that even pro-housing liberals are likely to oppose new market-rate housing development out of self-interest.[50]

Although the homevoter hypothesis usually explains anti-growth decision-making, it could also explain pro-growth decisions. Fischel submits that diverse yet wealthy jurisdictions like Oak Park, Illinois, and Shaker Heights, Ohio, demonstrate that some homeowners value racial diversity.[51] Moreover, homeowners benefit directly from reforms that give them more development rights.[52] For instance, allowing ADUs or middle housing enables homeowners to earn additional income, boosting their property values.[53] They also benefit indirectly from walkability and increased proximity to jobs and amenities, factors that usually enhance land values.[54] Furthermore, new public services

48. *See* Andrew B. Hall & Jesse Yoder, *Does Homeownership Influence Political Behavior? Evidence from Administrative Data*, 84 J. POL. 351, 357, 361 (2022).

49. *See* Hankinson, *supra* note 26, at 480–81; Trounstine, *supra* note 45, at 301. Researchers have also observed that opposition to new housing tends to increase among people who reside in single-family detached housing. *See* C. J. Gabbe, *Why Are Regulations Changed? A Parcel Analysis of Upzoning in Los Angeles*, 38 J. PLAN. EDUC. & RSCH. 289, 295–96 (2017); Edward L. Glaeser & Bryce A. Ward, *The Causes and Consequences of Land Use Regulation: Evidence from Greater Boston*, 65 J. URB. ECON. 265, 266–67 (2009).

50. *See generally* William Marble & Clayton Nall, *Where Self-Interest Trumps Ideology: Liberal Homeowners and Local Opposition to Housing Development*, 83 J. POL. 1747 (2021).

51. *See* FISCHEL, HOMEVOTER HYPOTHESIS, *supra* note 1, at 69–70. *But see* KAHLENBERG, *supra* note 4, at 79 (noting that price appreciation in predominantly white neighborhoods exceeds that in more diverse neighborhoods).

52. *See* Manville et al., *supra* note 15, at 109–10 (describing how pro-density zoning reforms increase land values).

53. *See id.*; Sarah Tory, *Can Accessory Dwelling Units in Denver Help Keep Families and Communities Intact?*, COLO. SUN (Mar. 29, 2024, 14:45 MT), http://coloradosun.com/2024/03/29/colorado-accessory-dwelling-unit-communities-families/ [https://perma.cc/592A-D44M]; *see also* Sarah Thomaz, Investigating ADUs: Determinants of Location and Effect on Property Values (2020) (unpublished job market paper), https://www.economics.uci.edu/files/docs/workingpapers/JobMarketPaper_Thomaz.pdf [https://perma.cc/9CP7-VUXQ] (finding that ADUs increase property values). Nevertheless, at least one researcher has found ADUs reduce surrounding properties' values. *See* Idil Tanrisever, *Spillover Effects of Accessory Dwelling Unit Development*, 114 REG'L SCI. & URB. ECON. 1, 12 (2025).

54. *See, e.g.*, Melissa Dittmann Tracey, *Survey: Buyers May Pay More to Live in Walkable Communities*, NAR REALTOR NEWS (June 27, 2023), https://www.nar.realtor/magazine/real-estate-news/survey-buyers-may-pay-more-to-live-in-walkable-communities [https://perma.cc/XS3M-BN3A]; Lily Katz, *How Much Does Walkability*

or amenities provided with new housing might also benefit incumbent owners.[55] If adding more housing enables communities to maintain the quality or availability of amenities—for example, by helping school districts, childcare providers, or hospitals attract and retain quality workers—then new housing might benefit homeowners.[56] And if new housing reduces homelessness and its spillover effects, it might boost property values, too.[57]

If homeowner self-interest animates reforms, then reform jurisdictions could have high homeownership rates. In addition, because homeowner self-interest cuts across the ideological spectrum,[58] one might expect political heterogeneity among reform jurisdictions. Public testimony on zoning reforms could also reveal self-interest if homeowners express a desire to improve their properties or support reforms for property rights-based reasons.

C. Renter Self-Interest

The prevailing models of local decision-making described above emphasize *landowners'* influence in zoning. Scholars tend to focus on landowner influence because a large body of research developed over the past several decades demonstrates that renters vote and participate in local politics at substantially lower rates than landowners.[59] Yet, there

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Increase the Value of a Home?, Redfin News (Oct. 14, 2020), https://www.redfin.com/news/how-much-does-walkability-increase-home-values/ [https://perma.cc/3LGM-HVCJ]; Joe Cortright, *Walkable Places Are Growing in Value Almost Everywhere*, City Observatory (Jan. 16, 2020), https://cityobservatory.org/walkable-places-are-growing-in-value-almost-everywhere/ [https://perma.cc/W3EK-RM4S]; Hankinson, *supra* note 26, at 476.

55. *See* Fischel, Homevoter Hypothesis, *supra* note 1, at 66–67.

56. *See* Lily Katz & Sheharyar Bokhari, *The Typical Teacher Can Only Afford Just 12% of Homes Near Their School, Down from 30% in 2019*, Redfin News (Aug. 31, 2023), https://www.redfin.com/news/teacher-housing-affordability-2023/ [https://perma.cc/2GY4-Z3S3]; *see also* Eliza Relman, *Childcare Is Getting Even More Expensive as Providers Battle Landlords and Zoning Regulations at a Time When Federal Funding Is Running Out*, Bus. Insider (Sep. 26, 2023, 06:20 ET), https://www.businessinsider.com/childcare-daycare-cliff-crisis-landlords-zoning-regulations-federal-funding-expiring-2023-9 [https://perma.cc/7GX9-M6S5] (describing zoning and rental implications on operating child care providers).

57. *See generally* Katherine Levine Einstein & Charley E. Willison, *Planning for Homelessness: Land Use Policy, Housing Markets, and Cities' Homelessness Responses*, 61 Urb. Aff. Rev. 375 (2024); Alex Horowitz & Lisa Marshall, *Zoning Reform Can Reduce Homelessness*, Pew (Feb. 19, 2024), https://pew.org/48ZR8Bb [https://perma.cc/PPU5-K6LG]; Gregg Colburn & Clayton Page Aldern, Homelessness is a Housing Problem: How Structural Factors Explain U.S. Patterns 180 (2022).

58. *See* Marble & Nall, *supra* note 50, at 1749.

59. *See, e.g.*, Oliver et al., *supra* note 1, at 70–71; Einstein, Glick & Palmer, *supra* note 3, at 38–39; Jesse Yoder, *Does Property Ownership Lead to Participation in Local Politics? Evidence from Property Records and Meeting Minutes*, 114 Am. Pol.

is reason to believe that renters may also drive reforms. In theory, more housing causes rents to moderate or decrease.[60] Even if new housing is for sale, renters benefit from moderated or reduced purchase prices or reduced rental-unit demand.[61] Renters thus have an incentive to advocate for reforms.

Nevertheless, renters' attitudes toward new housing are not uniformly supportive. Some renters, particularly in high-cost cities, oppose new nearby housing.[62] Vicki Been observes that, in these cities, where renters must compete with one another for housing, a new, high-end apartment building in an affordable neighborhood might signal the area's undervaluation and presage rent hikes or displacement.[63] Although empirical evidence disproves this phenomenon, some renters still fear new development.[64] Outside of high-cost cities, renters often support new housing.[65]

Irrespective of renters' support for new housing, demographic and economic trends might be driving greater renter influence in local politics. There are now more renter households overall, more high-income renters, and more renter households headed by middle-aged and older people than in past decades.[66] High housing costs and debt burdens have driven young people to delay family formation and home purchases.[67] Older, more educated, and longer-term community residents, even if they are renters, participate in local elections and land-use hearings at relatively high rates compared to young, less-educated, and shorter-term residents.[68] Whereas suburbs have historically been

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Sci. Rev. 1213, 1228 (2020); Katherine Levine Einstein, Joseph T. Ornstein & Maxwell Palmer, *Who Represents the Renters?*, 33 Hous. Pol'y Debate 1554, 1554 (2023). *But see* McCabe, *supra* note 47, at 82–83 (observing that, although homeowners vote at higher rates than renters, renters participate in civic life in other ways).

60. *See* Hankinson, *supra* note 26, at 475; Been, *City NIMBYs*, *supra* note 17, at 238–39.

61. *See* Been et al., *Supply Skepticism Revisited*, *supra* note 11, at 99–101.

62. *See* Been, *City NIMBYs*, *supra* note 17, at 238–43; Hankinson, *supra* note 26, at 478.

63. Been, *City NIMBYs*, *supra* note 17, at 243–44.

64. *See generally* Evan Mast, *JUE Insight: The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market*, 133 J. Urb. Econ. 103383 (2023).

65. *See* Hankinson, *supra* note 26, at 480–81.

66. *See* Joint Ctr. for Hous. Stud. of Harv. Univ., America's Rental Housing 2024 9, 10–12 (2024) [hereinafter America's Rental Housing 2024] (noting increases in the number of renter households headed by householders in their thirties and forties, as well as over sixty-five years old). The homeownership rate in the United States decreased from 2004 to 2016 and remains below its 2004 peak. *See Homeownership Rate in the United States*, Fed. Rsrv. Bank of St. Louis (Feb. 4, 2026), https://fred.stlouisfed.org/series/RHORUSQ156N [https://perma.cc/X3M6-ASBB].

67. *See* America's Rental Housing 2024, *supra* note 66, at 11.

68. *See* Oliver et al., *supra* note 1, at 70–71; McCabe, *supra* note 47, at 82–83; Einstein, Glick & Palmer, *supra* note 3, at 101. There is a strong correlation between

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dominated by homeowners, there are now over two hundred U.S. suburbs where renters outnumber homeowners.[69]

These features—renters' objective self-interest in more housing supply and the increasing prevalence of renters among more participatory demographic groups—suggest that renters may be pushing their local officials to approve reforms.[70] Therefore, data showing that reform jurisdictions have higher proportions of renter households than other jurisdictions might help confirm these trends. Similarly, public hearing testimony and stakeholder interviews will aid in confirming renters' support for and participation in reforms.

D. YIMBY Organizing is Getting Easier

Local governments' structure and decision-making processes tend to produce anti-growth laws.[71] In a 2011 article, Roderick Hills, Jr., and David Schleicher observed that zoning decision-making processes, which usually occur on a parcel-by-parcel basis, naturally benefit housing opponents by creating organizational advantages for them.[72] Whereas housing seekers and advocates are numerous and geographically dispersed and each benefits only slightly from a given project, the small, geographically concentrated group comprising a project's immediate neighbors is most affected by its construction noise and dust, traffic, and aesthetic effects.[73] Each opponent experiences a great benefit—outweighing their participation cost—from delaying, stopping, or reducing the project's impact, enabling opponents to recruit allies easily.[74] Conversely, housing supporters' advocacy costs, including time spent attending public hearings or recruiting other supporters, usually exceed their benefit from a given

education levels and income levels in the United States. Elka Torpey, *Measuring the Value of Education*, Bureau of Lab. Stat. (Apr. 2018), https://www.bls.gov/careeroutlook/2018/data-on-display/education-pays.htm [https://perma.cc/XE4T-SMA6].

69. *See* Andra Hopulele, *The Renter Suburb: Renters Outnumber Homeowners in 203 Suburbs in Largest U.S. Metros*, Point2Homes (June 2, 2025), https://www.point2homes.com/news/research/renters-outnumber-owners-in-203-suburbs.html [https://perma.cc/C2YQ-5SFQ].

70. *See* Connolly, *Putting The "Why" In YIMBY*, *supra* note 31, at 492–95. Academic literature on local political behavior generally bifurcates homeowners and renters, but does not single them out based on their unit types; for instance, the relative openness of owners of multi-family condominium units, as compared with owners of detached houses, is not well-understood.

71. *See* Hills, Jr. & Schleicher, *supra* note 3, at 87.

72. *Id.* at 83–86; *see also* Carol M. Rose, *Planning and Dealing: Piecemeal Land Controls as a Problem of Local Legitimacy*, 71 Calif. L. Rev. 837, 841 (1983).

73. *See* Hills, Jr. & Schleicher, *supra* note 3, at 90–91; Lemar, *The Role of States*, *supra* note 25, at 347.

74. *See* Hills, Jr. & Schleicher, *supra* note 3, at 92.

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project, particularly if it produces few units and has an immaterial impact on housing prices.[75] Thus, opponents vigorously oppose new projects, and local boards respond to their concerns by denying or paring them back.[76]

Hills and Schleicher also observe that localities' nonpartisan elections enable development opponents to gain disproportionate influence.[77] Political parties hold legislators accountable by developing platforms and agendas and whipping votes.[78] However, in nonpartisan systems, candidates often run for office based on incumbency or idiosyncrasies, such as their views on a particular real estate project. Decisions like zoning approvals are made via aldermanic privilege or logrolling, in which the entire legislature defers to the representative of the proposed project's neighborhood.[79] That representative is usually most influenced by her most active constituents, often anti-development homeowners.[80]

While forces of self-interest may animate reforms, the housing crisis itself and the advent of social media have also eased housing advocates' ability to organize and counter opposition. Although most recent reforms are citywide rather than seriatim, housing supporters now enjoy two additional advantages.[81] First, because collective action requires a definable, important problem shared among a group, the severity of the housing crisis is an important trigger for cooperation.[82]

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75. *See id.* at 91.

76. *See, e.g.*, Noah M. Kazis, *Transportation, Land Use, and the Sources of Hyper-Localism*, 106 Iowa L. Rev. 2339, 2346 (2021) (observing that local boards are populated by volunteers who are responsive to vocal opponents); Lemar, *The Role of States*, *supra* note 25, at 347 (noting that local land-use boards are often swayed by neighbor testimony); Rose, *supra* note 72, at 856–57 (describing local land-use hearings as "a few interested parties meeting only on single issues," unconstrained by coalition-building processes).

77. *See* Hills, Jr. & Schleicher, *supra* note 3, at 97–99; Peterson, *supra* note 37, at 114–15.

78. *See* Hills, Jr. & Schleicher, *supra* note 3, at 98–99.

79. *See id.* at 98–99, 102; Oliver et al., *supra* note 1, at 152–54; Peterson, *supra* note 37, at 114–15.

80. *See* Hills, Jr. & Schleicher, *supra* note 3, at 102–03; David Schleicher, *City Unplanning*, 122 Yale L.J. 1670, 1710–11 (2013).

81. *See, e.g.*, Cantong, *Destabilization of American Zoning*, *supra* note 4 (discussing citywide nature of reforms, noting "the majority of the reforms in the tracker include approved reforms instituted through the singular municipal ordinance mechanism").

82. *See* Shaked Spier, Collective Action 2.0: The Impact of Social Media on Collective Action 113 (2017); Helen Margetts et al., Political Turbulence: How Social Media Shape Collective Action 189 (2015); Mancur Olson, The Logic of Collective Action: Public Goods and the Theory of Groups 33–36 (1965); Peyton Whitney, *More Than* 42 *Million US Households Were Cost Burdened in 2022*, Joint Ctr. for Hous. Stud. of Harv. Univ. (Jan. 19, 2024),

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Since the crisis hits middle- and even upper-income people—the likeliest participants in local politics—conditions for collective action around housing costs are favorable.[83] Second, technology—namely social media—aids reformers.[84] Social media eases organizing costs for disparate groups, facilitates information sharing, and generates social pressure to join movements.[85] It has facilitated housing advocates' organizing: the "Yes In My Backyard," or YIMBY, movement originated on and remains linked via social media.[86] Pro-housing groups use it to share information about housing issues and announce opportunities for engagement at public meetings or hearings, enabling them to counter anti-development opposition.

Technology's impact on reforms may be revealed by public hearing testimony, stakeholder interviews, and local news reporting. These sources will aid in determining whether and how reformers organize themselves in advance of their localities' adoption of reforms, and the extent to which these efforts successfully outweigh opposition efforts.

E. Ideology and Communal Values

Finally, rather than being driven by self-interest, concerns about the public interest might motivate some jurisdictions' reforms.[87] Whereas *public choice* theory concerns the self-interest of public officials and their constituents, elected officials may simply act out of *public interest*, based upon objective, communal values derived from reasoned public discourse.[88] Scholarly discussion of public interest decision-making

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https://www.jchs.harvard.edu/blog/more-42-million-us-households-were-cost-burdened-2022 [https://perma.cc/RV5U-AUNV] (describing the severity of the housing crisis).

83. *See* Daniel Laurison, *Social Class and Political Engagement in the United States*, 10 Socio. Compass 684, 685–86 (2016).

84. *See* Margetts et al., *supra* note 82, at 5–6 (defining social media as "Internet-based platforms that allow the creation and exchange of user-generated content").

85. *See id.* at 12, 35; Spier, *supra* note 82, at 111.

86. *See* Ellickson, *supra* note 2, at 138, 241; *see also* Conor Dougherty, Golden Gates: Fighting for Housing in America 28, 31, 36, 219–20, 230 (2020) (telling the story of early YIMBY activity in California); YIMBY Action, 2023 Impact Report 5–8, 15–16 (2024) (describing successes of YIMBY movement generally); Kahlenberg, *supra* note 4, at 158–59 (detailing YIMBY organizing in Minneapolis).

87. *See* Connolly, *Putting The "Why" In YIMBY*, *supra* note 31, at 501.

88. *See* Vicki Been et al., *Urban Land-Use Regulation: Are Homevoters Overtaking the Growth Machine?*, 11 J. Empirical Legal Stud. 227, 230 (2014) [hereinafter Been et al., *Urban Land-Use Regulation*]; Frank I. Michelman, *Political Markets and Community Self-Determination: Competing Judicial Models of Local Government Legitimacy*, 53 Ind. L.J. 145, 149, 179–80 (1977). In zoning, public-interest decision-making might explain actions that aim to achieve broad social benefits like improving

in zoning and land-use regulation usually traces to a 1977 law review article by Frank Michelman, which identified this alternative to the public choice theory.[89]

Prevailing scholarship generally argues that voters' views on housing are shaped by self-interest.[90] However, voters' views may be more nuanced. For instance, the degree to which a given voter cares about maintaining their home value might depend on whether they intend to move soon.[91] Similarly, political ideology, racial bias, or other factors may affect voters' views on housing.[92] Some voters may also be influenced by their social groups' welfare. In polling about housing before the 2024 U.S. presidential election, while some respondents expressed concern about their own ability to afford housing, many were concerned about their friends' and family members' ability to do so, or issues like essential workers' welfare, racial and income segregation, and the natural environment.[93] Thus, attitudes around new housing may be driven by values and ideology rather than a narrow conception of self-interest.

Election results help identify ideology's role in reforms. Reform jurisdictions' political homogeneity could reveal common values and

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public health or livability. *See* Neil K. Komesar, *Housing, Zoning, and the Public Interest*, *in* Public Interest Law: An Economic and Institutional Analysis 218, 220–21 (Burton A. Weisbrod ed., 2019).

89. *See generally* Michelman, *supra* note 88.

90. *See, e.g.*, Michael Manville & Paavo Monkkonen, *Unwanted Housing: Localism and Politics of Housing Development*, 44 J. Plan. Educ. & Rsch. 685, 686 (2021) [hereinafter Manville & Monkkonen, *Unwanted Housing*] (describing homeowner self-interest generally); Trounstine, *supra* note 45 (discussing homeowner self-interest in opposing multi-family development); Hall & Yoder, *supra* note 48 (discussing homeowner self-interest as animating voting); Hankinson, *supra* note 26, at 476 (describing renter self-interest in large cities); Fischel, Homevoter Hypothesis, *supra* note 1, at 4 (identifying homeowner self-interest as a driving force in local politics); David O. Sears & Carolyn L. Funk, *The Limited Effect of Economic Self-Interest on the Political Attitudes of the Mass Public*, 19 J. Behav. Econ. 247, 248 (1990) (discussing how self-interest factors in local politics).

91. *See* Connolly, *Putting The "Why" In YIMBY*, *supra* note 31, at 502.

92. *See, e.g.*, Ellickson, *supra* note 2, at 141 (asserting that political ideology plays a role in land use regulation decisions); Monkkonen & Manville, *Opposition to Developers?*, *supra* note 23, at 1124 (describing how anti-*developer* attitudes influence views on housing); Richard Rothstein, The Color of Law: A Forgotten History of How Our Government Segregated America 53 (2017) (discussing how racial biases influence views on new housing); Richard Schragger, *Consuming Government*, 101 Mich. L. Rev. 1824, 1837–38 (2003) (describing the role of race in attitudes about new housing).

93. *See* Jeff Karoub, *Survey Finds Rare Bipartisan Agreement on Housing Issues Among Us Voters*, Mich. News: Univ. of Mich. (Apr. 15, 2024), https://news.umich.edu/survey-finds-rare-bipartisan-agreement-on-housing-issues-among-us-voters/ [https://perma.cc/Q9Q2-GABY].

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ideology that motivate local decision-making.[94] Similarly, housing supporters' messages in public testimony may aid in surfacing any ideological motivations. For example, if reformers—whether local officials or constituents—in majority-white cities support reforms because they will ameliorate racial inequity or because they increase environmental sustainability, public-interest decision-making may be at hand.

With this background on possible reasons why cities are now adopting zoning reforms, the next Parts turn to analyzing reform jurisdictions to determine which, if any, of the hypotheses best explain this trend.

II. Reform Jurisdictions: Demographics and Politics

To test the hypotheses described in Part I, this Part considers reform jurisdictions' demographic and ideological makeup.[95] Subpart A evaluates selected demographic characteristics of reform jurisdictions. Subpart B reviews how their electorates have voted in recent U.S. presidential elections. These inquiries offer some clues as to the demographic or political characteristics uniquely associated with these places.

This Article's list of jurisdictions that adopted zoning reforms was generated using the University of California, Berkeley's Othering & Belonging Institute's *Zoning Reform Tracker* database, which tracks U.S. localities that have adopted pro-housing deregulatory reforms.[96] To find *single-family* zoning reforms, I selected jurisdictions that adopted

94. Of course, if Democratic-majority cities are experiencing worse housing outcomes than Republican-majority cities, this information may be less helpful.

95. The middle-housing reform jurisdictions analyzed include Anchorage, Alaska; Berkeley, Oakland, Sacramento, and San Francisco, California; Atlanta and Decatur, Georgia; Boise, Idaho; Iowa City, Iowa; Baltimore, Maryland; Grand Rapids, Michigan; Minneapolis, Richfield, Rochester, and Saint Paul, Minnesota; Charlotte, Durham, and Raleigh, North Carolina; Cincinnati, Ohio; Knoxville, Tennessee; Austin, Dallas, and El Paso, Texas; Salt Lake City, Utah; Burlington, Vermont; Alexandria, Arlington, and Charlottesville, Virginia; Spokane, Tacoma, Tukwila, and Walla Walla, Washington; and Milwaukee, Wisconsin. The ADU reform jurisdictions analyzed include Phoenix and Tucson, Arizona; Fayetteville, Arkansas; Hartford and New Haven, Connecticut; Washington, D.C.; Jacksonville, Florida; Chicago and Evanston, Illinois; Richmond, Indiana; Lexington and Louisville, Kentucky; Auburn and South Portland, Maine; Boston, Greenfield, and Somerville, Massachusetts; Ann Arbor, Michigan; Kansas City, Missouri; Missoula, Montana; Maplewood and Princeton, New Jersey; Albuquerque, New Mexico; Tigard, Oregon; East Lampeter Township and Philadelphia, Pennsylvania; Rapid City, South Dakota; Richmond, Virginia; Bellingham, Burien, Everett, Kenmore, Kirkland, and Yakima, Washington; Madison, Wisconsin; and Laramie, Wyoming.

96. Cantong et al., *Zoning Reform Tracker*, *supra* note 4. As of this publication, the *Tracker* was last updated in April 2026; however, the jurisdictions analyzed here include only those reflected in an earlier, November 2023 update.

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middle-housing or ADU reforms,[97] and further filtered the selection to include jurisdictions that adopted *legally binding* reforms.[98] Finally, because this Article concerns communities that organically adopt pro-housing zoning, it does not consider jurisdictions in states that mandated zoning reforms.[99] Under these criteria, thirty-three localities adopted middle-housing reforms, and another thirty-six adopted ADU reforms.[100]

A. Demographic Characteristics of Reform Jurisdictions

Scholars generally agree that some demographic characteristics reveal objective self-interest: for instance, homeowners naturally desire to maintain or increase their home values and lower their property tax bills, while renters' self-interest is advanced by reducing their rents and lowering home prices.[101] Despite the challenges local elected officials face in aggregating citizen preferences,[102] these objective self-interests may translate into local policy and lawmaking: a majority-homeowner locality can be expected to curb property taxes if they do not materially benefit homeowners, while a renter-dominated locality is likelier to enact rent control.[103]

Demography also correlates closely with local political participation and attitudes around housing. Local election and public hearing

97. The *Tracker* refers to middle-housing reforms as "plex reforms." I also filtered jurisdictions to identify those where the reforms in question were *approved*; early-stage or late-stage, but not yet approved, reforms are not adopted law and thus did not factor into this analysis.

98. For instance, whereas California law requires localities to implement a general plan, Cal. Gov't Code § 65860(a) (2024), other states do not, 1 Rathkopf's The Law of Zoning & Planning § 14:16 (4th ed. 2024). Thus, housing plans that called for single-family zoning reforms, but that were adopted in states where plans are not binding, were excluded from this analysis.

99. For instance, Portland, Oregon, allowed ADUs and triplexes in all residential zones because state law required it to do so. *See* Or. Rev. Stat. §§ 197.312, 197.758 (2024); Rebecca Ellis, *Portland Overhauls Zoning Code to Allow for Duplexes, Triplexes, Fourplexes*, Or. Pub. Broad. (Aug. 12, 2020, 22:23 ET), https://www.opb.org/article/2020/08/12/residential-infill-project-portland/ [https://perma.cc/S8NH-469J] ("This proposal will bring the city into compliance with state law.").

100. Most of the jurisdictions that adopted middle-housing reforms also adopted ADU reforms. *See* Cantong et al., *Zoning Reform Tracker*, *supra* note 4.

101. *See supra* Parts I.B, I.C (describing homeowner and renter self-interests). The term "objective self-interest" as used herein refers to a person's short-term material self-interest—namely his or her economic self-interest—as compared to a subjective self-interested concern for, say, sunny weather or a neocolonial house. *See infra* note 340 and accompanying text.

102. *See* Stewart E. Sterk, Nollan*, Henry George, and Exactions*, 88 Colum. L. Rev. 1731, 1737 (1988).

103. *See* Dennis Chong et al., *When Self-Interest Matters*, 22 Int'l Soc'y Pol. Psych. 541, 547, 560 (2001); Fischel, Homevoter Hypothesis, *supra* note 1, at 9.

participation tends to increase with homeownership, age, education, and longevity in a community, among other factors.[104] Individuals who are homeowners, older, more educated, and longer-tenured in their communities, as well as white, non-Hispanic individuals, often oppose new housing at public hearings.[105] And suburbanites, single-family home occupants, and homeowners are more likely to support new low-density housing over apartments.[106]

Because the reforms with which this Article is concerned are usually intended to moderate or reduce housing prices and rent growth, reform jurisdictions might be expected to have higher proportions of renters, lower proportions of residents living in single-family detached homes, or higher proportions of residents near the median first-time homebuyer age.[107] They may also have higher proportions of non-white residents, lower median incomes, and fewer long-term residents.[108]

To interrogate the relationship between reforms and objective self-interest, this Subpart considers reform jurisdictions based on six population characteristics: housing tenure (i.e., whether a household owns or rents), housing type (i.e., whether a person owns a single-family detached home), longevity in the community, median household income, racial composition (namely the proportion of the population that identifies as white, non-Hispanic), and age composition.[109] It compares reform jurisdictions to their respective

104. *See* OLIVER ET AL., *supra* note 1, at 69; EINSTEIN, GLICK & PALMER, *supra* note 3, at 102. Hall and Yoder also find that people are more likely to vote in elections involving zoning issues after they become homeowners. Hall & Yoder, *supra* note 48, at 361–62.

105. *See* EINSTEIN, GLICK & PALMER, *supra* note 3, at 109.

106. *See* Trounstine, *supra* note 45, at 301.

107. *See* Marble & Nall, *supra* note 50, at 1761; Manville & Monkkonen, *Unwanted Housing*, *supra* note 90, at 695; Trounstine, *supra* note 45, at 301; FISCHEL, HOMEVOTER HYPOTHESIS, *supra* note 1, at 9.

108. *See* EINSTEIN, GLICK & PALMER, *supra* note 3, at 102, 109–10; Manville & Monkkonen, *Unwanted Housing*, *supra* note 90, at 695; *see generally* AMERICA'S RENTAL HOUSING 2024, *supra* note 66. Status quo bias in favor of existing development patterns is presumably higher among longtime residents. ELLICKSON, *supra* note 2, at 143–47.

109. *See Subject Definitions*, U.S. CENSUS BUREAU, https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html#household [https://perma.cc/4L4B-78K3]. U.S. Census Bureau data regarding the reform jurisdictions and, as a control group, their respective states, were used to evaluate the foregoing characteristics. *See Explore Census Data*, U.S. CENSUS BUREAU, https://data.census.gov/ [https://perma.cc/6D8C-2JXF]. The dataset used was the 2022 American Community Survey five-year estimates, which include data for the time periods when reforms were adopted; the specific data tables used for this analysis were: (1) DP-5 Demographic and Housing Estimates; (2) B03002 Hispanic or Latino Origin by Race;

states' populations to determine how they differ from other, surrounding places that do not adopt reforms. These analyses are broken down between middle-housing and ADU reform jurisdictions. Critically, because this Article focuses on how zoning laws are reformed and how the law can facilitate reforms, the analysis below is not intended to show causality; instead, it provides a descriptive analysis of the associations between localities' demography and zoning reforms. Another important caveat is that this data includes reform jurisdictions' and their respective states' *entire* populations, not just voting-age residents or registered or active voters, as data about active voters in local elections is not readily available. Despite these limitations, this analysis paints a representative picture of populations in reform jurisdictions.

Summary data is presented in Table 1 below. Both middle-housing and ADU reform jurisdictions' averages across several demographic categories are shown, along with the average difference in the given figure from its statewide counterpart (i.e., how reform jurisdictions compare to the rest of their respective states, where reforms were not undertaken). Following Table 1 is a brief discussion of each demographic characteristic.

1. Housing Tenure

The average reform jurisdiction was majority-homeowner, yet had a lower owner-occupancy rate than other jurisdictions in its state.[110] Several reform jurisdictions had high owner-occupancy rates: in

(3) S1901 Income in the Past 12 Months; (4) B25008 Total Population in Occupied Housing Units by Tenure; (5) B25033 Total Population in Occupied Housing Units by Tenure by Units in Structure; and (6) B25026 Total Population in Occupied Housing Units by Tenure by Year Householder Moved In.

110. *See Total Population in Occupied Housing Units by Tenure*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B*25008*,* 2022*,* U.S. Census Bureau [hereinafter Table 1], https://data.census.gov/table/ACSDT5Y2022.B25008?t=Occupancy%20Characteristics&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/DUK4-JC5T]; *Total Population in Occupied Housing Units by Tenure*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B*25008*,* 2022*,* U.S. Census Bureau [hereinafter Table 2], https://data.census.gov/table/ACSDT5Y2022.B25008?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,

TABLE 1. SUMMARY REFORM JURISDICTION DEMOGRAPHIC CHARACTERISTICS

	Middle-Housing Reform Jurisdictions		ADU Reform Jurisdictions	
	Average	Average Difference from Statewide Figure	Average	Average Difference from Statewide Figure
Percent Living in Owner-Occupied Housing	53.74%	-15.23%	55.28%	-13.97%
Percent of Total Population in Owner-Occupied Housing Who Moved in 2009 or Earlier	25.95%	-8.24%	49.18%	-1.60%
Percent of Total Population in Single-Family Detached Owner-Occupied Housing	49.03%	-14.65%	86.32%	-3.26%
Median Income (Dollars)	$78,580.70	-$1,623.64	$78,603.39	-$349.53
White Non-Hispanic as Percentage of Total Population	52.34%	-9.55%	59.39%	-8.38%
Percent of Total Population 25 to 44 years	32.03%	4.97%	29.77%	3.18%
Percent of Total Population 65 years and over	13.17%	-2.57%	14.60%	-2.73%

Rochester, Minnesota, 71.5 percent of the household population lived in owner-occupied housing, and eight other middle-housing

3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Detailed%20Tables [https://perma.cc/4K75-4ME5]. This figure excludes people who do not live in households, such as individuals who reside in institutional housing like dormitories, prisons, or hospitals. The Census Bureau generally divides households and housing units between owner-occupied and renter-occupied housing. *See* U.S. Census Bureau, Definitions and Explanations, https://www.census.gov/housing/hvs/definitions.pdf [https://perma.cc/4EEX-9ASR].

reform jurisdictions had owner-occupancy rates above sixty percent.[111] In thirteen ADU reform jurisdictions, more than sixty percent of the household population lived in owner-occupied housing.[112] Fifteen middle-housing reform jurisdictions were majority-renter.[113] The fact that most reform jurisdictions are majority-homeowner yet not overwhelmingly so suggests that at least some homeowners are amenable to more housing, but that a higher proportion of renters might produce pro-housing reforms.[114] It may also be the case that homeowners in communities with more renters are, for some reason, more inclined to support additional housing in their community. Finally, while majority-homeowner communities may support pro-housing reforms, no jurisdiction with ubiquitous or near-ubiquitous homeownership—which is common among wealthy suburbs—was among the reform jurisdictions, suggesting that at least *some* renters might be necessary to animate reforms.

2. Single-Family Homeowners

In middle-housing reform jurisdictions, on average, just under half of the household population lived in owner-occupied single-family housing.[115] ADU reform jurisdictions had a slightly higher average share of single-family homeowners, yet still lower than their respective states' shares.[116] Although single-family homeowners tend to oppose new housing in their neighborhoods, several reform jurisdictions have large proportions

111. *See* Table 1, *supra* note 110.
112. *See* Table 2, *supra* note 110.
113. *See* Table 1, *supra* note 110.
114. *See* Table 1, *supra* note 110; Table 2, *supra* note 110.
115. *See Total Population in Occupied Housing Units by Tenure by Units in Structure*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B25033, 2022,* U.S. Census Bureau [hereinafter Table 3], https://data.census.gov/table/ACSDT5Y2022.B25033?t=Units%20and%20Stories%20in%20Structure&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/4TUW-72PR].
116. *See Total Population in Occupied Housing Units by Tenure by Units in Structure*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B*25033*,* 2022*,* U.S. Census Bureau [hereinafter Table 4], https://data.census.gov/table/ACSDT5Y2022.B25033?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Detailed%20Tables [https://perma.cc/W3GC-V9GB].

of single-family homeowners—although in places with smaller shares of them, renters and apartment-dwellers may enjoy more political influence. Public hearing testimony and interviews may shed additional light on single-family homeowners' support for more housing. Just as with majority-homeowner jurisdictions, whereas some communities with high proportions of single-family homeowner households are included among reform jurisdictions, the reform jurisdictions do not include communities universally or near-universally dominated by single-family homeowners, as many wealthy suburbs are.

3. Resident Longevity

In middle-housing reform jurisdictions, on average, approximately one-quarter of homeowner households' residents had lived in their current homes since 2009 or earlier, a share lower than in their respective states.[117] In ADU reform jurisdictions, just under half of homeowner households' residents moved in 2009 or earlier.[118] Across both types of reform jurisdictions, around ten percent of renters lived in the same home as they did in 2009.[119] Because ADU reform jurisdictions have large proportions of long-term homeowners, while middle-housing

117. *See Total Population in Occupied Housing Units by Tenure by Year Householder Moved Into Unit*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B25026, 2022,* U.S. Census Bureau [hereinafter Table 5], https://data.census.gov/table/ACSDT5Y2022.B25026?t=Occupancy%20Characteristics&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/2FR6-UBV4]. The zoning reforms in the jurisdictions described in this Part occurred between 2016 and 2023, with most occurring between 2019 and 2023. Thus, a household that moved into a unit in 2009 would have resided in that unit for seven or more years at the time the reform was enacted. Although it is difficult to identify how long a person has lived in a given city, Census Bureau data tracks how long a person has resided in their current dwelling—which is used here as a signifier for longevity in a community.

118. *See Total Population in Occupied Housing Units by Tenure by Year Householder Moved Into Unit*, *American Community Survey, ACS* 5-*Year Estimates Detailed Tables, Table B25026, 2022,* U.S. Census Bureau [hereinafter Table 6], https://data.census.gov/table/ACSDT5Y2022.B25026?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Detailed%20Tables [https://perma.cc/2E5M-9EMG].

119. *See* Table 5, *supra* note 117; Table 6, *supra* note 118.

reform jurisdictions have fewer of them, middle-housing reforms appear less amenable to long-term owners.[120] Long-term homeowners may more readily accept ADU reforms, perhaps because they aid long-term homeowners in earning additional income, aging in place, or housing family members.[121]

4. Income

There were only slight average differences between reform jurisdictions' median incomes and their respective states'.[122] However, these differences masked wide variation across jurisdictions; for instance, median household income in Decatur was over $58,000 above Georgia's statewide figure, while Baltimore's median household income was more than $40,000 below Maryland's.[123] Some research has found that higher-income people and those with pricier homes participate more in local elections and oppose new housing in their communities.[124] However, reform jurisdictions' income data paints an unclear picture, suggesting that income may not predict whether a locality will adopt reforms.[125]

120. *See* EINSTEIN, GLICK & PALMER, *supra* note 3, at 102; Table 5, *supra* note 117; Table 6, *supra* note 118.

121. *See* Table 6, *supra* note 118. The term "aging in place" means enabling people to live in their homes later in life, avoiding various physical, financial, or other constraints to doing so.

122. *See Income in the Past 12 Months (in 2022 Inflation-Adjusted Dollars)*, *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table S1901, 2022,* U.S. CENSUS BUREAU [hereinafter Table 7], https://data.census.gov/table/ACSST5Y2022.S1901?t=Income%20and%20Earnings&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/JG7R-AJV9]; *Income in the Past 12 Months (in 2022 Inflation-Adjusted Dollars)*, *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table S1901, 2022,* U.S. CENSUS BUREAU [hereinafter Table 8], https://data.census.gov/table/ACSST5Y2022.S1901?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Subject%20Tables&moe=false [https://perma.cc/SKH7-K737].

123. *See* Table 7, *supra* note 122; Table 8, *supra* note 122.

124. *See* Hall & Yoder, *supra* note 48, at 362–63; Manville & Monkkonen, *Unwanted Housing*, *supra* note 90, at 688.

125. *See* Table 7, *supra* note 122; Table 8, *supra* note 122.

5. Race

Although reform jurisdictions have lower proportions of white, non-Hispanic residents than their respective states, there is variation among these places.[126] On average, white, non-Hispanic populations comprised almost sixty percent of populations in ADU reform jurisdictions, compared with just over half for middle-housing reform jurisdictions.[127] Research suggests white people are likelier than others to oppose new housing in their communities,[128] and reform jurisdictions often have smaller shares of white, non-Hispanic populations than their respective states.[129] However, the wide variation in these places' racial makeup suggests race may not be highly determinative of a place's propensity to adopt reforms.[130] Further analysis, including interviews of stakeholders in reform jurisdictions, is necessary to understand how a community's racial makeup affects its zoning decision-making. For instance, many predominantly white reform jurisdictions are in states and regions with little racial diversity, perhaps reducing community members' fears that new housing will increase diversity.[131]

6. Age Characteristics

Reform jurisdictions tend to skew younger than their respective states, with larger shares of their populations in the twenty-five-to-forty-four

126. *See Hispanic or Latino Origin by Race, ACS 5-Year Estimates Detailed Tables, Table B03002, 2022,* U.S. Census Bureau [hereinafter Table 9], https://data.census.gov/table/ACSDT5Y2022.B03002?t=Race%20and%20Ethnicity&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/LGX7-9XLG]; *Hispanic or Latino Origin by Race, ACS 5-Year Estimates Detailed Tables, Table B03002, 2022,* U.S. Census Bureau [hereinafter Table 10], https://data.census.gov/table/ACSDT5Y2022.B03002?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Detailed%20Tables[https://perma.cc/Q96F-D8E3].

127. *See* Table 9, *supra* note 126; Table 10, *supra* note 126.

128. *See* Trounstine, *supra* note 45, at 301; Manville & Monkkonen, *Unwanted Housing*, *supra* note 90, at 695; Einstein, Glick & Palmer, *supra* note 3, at 110.

129. *See* Table 9, *supra* note 126; Table 10, *supra* note 126.

130. *See* Table 9, *supra* note 126; Table 10, *supra* note 126.

131. *See* Table 9, *supra* note 126; Table 10, *supra* note 126.

age range and smaller shares over sixty-five.[132] Some places, including Austin, Texas, and Arlington and Alexandria, Virginia, skewed considerably younger.[133] Only three middle-housing reform jurisdictions had lower proportions of younger residents and higher proportions of older residents than their respective states.[134] Two ADU reform jurisdictions, Boston and Somerville, Massachusetts, had proportions of twenty-five-to-forty-four-year-olds more than ten percentage points greater than their state, and only three ADU reform jurisdictions had lower proportions of younger residents and larger proportions of older residents than their respective states.[135] Prior research suggests older people frequently oppose new housing in their communities.[136] And younger people may be likelier to support new housing if they rent or are in the market for a first-time home purchase.[137] Combined with the

132. *See ACS Demographic and Housing Estimates, ACS 5-Year Estimates Detailed Tables, Table B03002, 2022,* U.S. Census Bureau [hereinafter Table 11], https://data.census.gov/table/ACSDP5Y2022.DP05?t=Populations%20and%20People&g=040XX00US02,06,13,16,19,21,24,26,27,37,39,47,48,49,50,51,53,55_060XX00US5000710675,5151090020_160XX00US0203000,0606000,0653000,0664000,0667000,1304000,1322052,1608830,1938595,2148000,2404000,2634000,2743000,2754214,2754880,2758000,3712000,3719000,3755000,3915000,4159000,4740000,4805000,4819000,4824000,4967000,5103000,5114968,5367000,5370000,5372625,5375775,5553000&y=2022 [https://perma.cc/EN2U-JQC2]; *ACS Demographic and Housing Estimates, ACS 5-Year Estimates Detailed Tables, Table B03002, 2022,* U.S. Census Bureau [hereinafter Table 12], https://data.census.gov/table/ACSDP5Y2022.DP05?g=040XX00US04,05,09,11,12,17,18,21,23,25,26,29,30,34,35,41,42,46,51,53,55,56_060XX00US4207121344_160XX00US0455000,0477000,0523290,0937000,0952000,1150000,1235000,1714000,1724582,1864260,2146027,2148000,2302060,2371990,2507000,2527060,2562535,2603000,2938000,3050200,3443830,3460900,3502000,4173650,4260000,4652980,5167000,5305280,5308850,5322640,5335170,5335940,5380010,5548000,5645050&y=2022&d=ACS%205-Year%20Estimates%20Data%20Profiles [https://perma.cc/CCF2-TMN8].

133. *See* Table 11, *supra* note 132.

134. *See* Table 12, *supra* note 132.

135. *See id.* These cities are home to several universities, and thus, students' presence likely bolsters their respective shares of younger residents.

136. *See* Einstein, Glick & Palmer, *supra* note 3, at 101, 109 (showing that older people make up a large share of public meeting attendees, and a large share of project opponents).

137. *See* Khristopher J. Brooks, *It's Taking Americans Much Longer in Life to Buy their First Home*, CBS News (Aug. 15, 2023, 15:38 ET), https://www.cbsnews.com/news/average-homebuyer-age-millennial-data-realtor/ [https://perma.cc/H7GG-DYC5]. According to data from the National Association of Realtors, the average age at which a person purchases their first home is now thirty-six, and this average has increased in recent years as homes have become more expensive. *Id.* In particular, younger adults who may be contemplating their first home purchase or who will contemplate it in the future are presumptively more amenable to increasing housing supply to the extent it may reduce or moderate home price growth.

data above, these findings suggest that age demographics may affect a jurisdiction's likelihood of adopting reforms.[138]

B. Political Characteristics

Whereas the demographic characteristics discussed above help describe the objective self-interest of reform jurisdictions' residents, how they vote in national elections offers clues about these places' ideological makeup.[139] This Subpart evaluates reform jurisdictions' voting patterns to determine whether their reforms might also be motivated by their residents' ideologies and values.

Voter behavior is generally informed by a mix of values and self-interest.[140] In national elections, voters' self-interest is usually less determinative than their values, as their positions on national issues are usually informed by "political ideology, party identification, and racial attitudes."[141] Conversely, self-interest typically matters more to voters when policy choices "offer clear benefits or impose tangible costs" for a distinct group.[142] Such dynamics are usually more evident in local elections where, for instance, homeowners function as a distinct group, and choices involving property taxes, education, or development have clearer costs and benefits to them.[143] Sometimes, residents' values and self-interest align, as in the case of residents who favor limited-government conservatism.[144]

Political ideologies are usually aligned on a scale of conservative to liberal. Conservatives, usually aligned with the Republican Party, generally value limited government and free markets, whereas liberals, typically identified with the Democratic Party, often support government

138. *See* Table 11, *supra* note 132; Table 12, *supra* note 132.

139. *See generally* Matthew E. Kahn, *Do Liberal Cities Limit New Housing Development? Evidence from California*, 69 J. URB. ECON. 223, 224 (2011) (analyzing how resident political ideology may impact permitting).

140. *See* Michael Manville, *Liberals and Housing: A Study in Ambivalence*, 33 HOUS. POL'Y DEBATE 844, 845 (2023); Chong et al., *supra* note 103, at 541–42; Hall & Yoder, *supra* note 48, at 351.

141. Chong et al., *supra* note 103, at 541; *see also* Martin Gilens & Adam Thal, *Doing Well and Doing Good? How Concern for Others Shapes Policy Preferences and Partisanship Among Affluent Americans*, 82 PUB. OP. Q. 209, 212, 227 (2018) (observing that wealthier people tend to vote based on social and moral values to a greater degree than less wealthy people).

142. Chong et al., *supra* note 103, at 543–44.

143. *See* Marble & Nall, *supra* note 50, at 1747–48. Scholars have long observed that some homeowners behave in self-interested ways, particularly in local politics. *See supra* Part I.B.

144. *See* Chong et al., *supra* note 103, at 542.

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intervention to address market failures, social or environmental problems, and to broaden the social safety net.[145] In the 2016 campaign, Donald Trump, the Republican presidential candidate, mostly hewed to conservative principles, emphasizing support for homeownership, limited federal intervention in housing, deregulation, and local zoning control.[146] Conversely, Hillary Clinton, the Democratic candidate, emphasized expanding the social safety net, increasing the minimum wage, addressing the climate crisis, encouraging federal investment in housing, expanding housing vouchers, and strengthening enforcement under the Fair Housing Act.[147] The 2020 Democratic platform, under nominee Joe Biden, contained similar principles.[148] While voters may not closely review party platforms, such platforms have been found to

145. *See* Gilens & Thal, *supra* note 141, at 211; Kahn, *supra* note 139, at 224; Marble & Nall, *supra* note 50, at 1748–49. Although some observers have noted changes in the Republican Party's constituency and policy priorities during Donald Trump's candidacy and presidency, the party's economic platform in the 2016 and 2024 elections has continued to prioritize deregulation, free markets, low taxes, and limited government. *See, e.g.*, Irie Sentner, *How Has Trump Transformed the Republican Party? Look at the Platforms*, Politico (July 17, 2024, 16:45 ET), https://www.politico.com/interactives/2024/republican-platform-trump-changes/ [https://perma.cc/N8T4-QRWF]; Gerald F. Seib, *How Trump Has Changed the Republicans*, Wall St. J. (Aug. 21, 2020), https://www.wsj.com/articles/how-trump-has-changed-the-republicans-11598023026 [https://perma.cc/76JE-3V36].

146. *See* 2016 *Republican Party Platform*, Am. Presidency Project (July 18, 2016), https://www.presidency.ucsb.edu/documents/2016-republican-party-platform [https://perma.cc/US4S-N22F]. The Republican Party did not issue a platform in 2020. *See Resolution Regarding the Republican Party Platform*, Am. Presidency Project (Aug. 24, 2020), https://www.presidency.ucsb.edu/documents/resolution-regarding-the-republican-party-platform [https://perma.cc/3MDM-L3M5]; Andrew Prokop, *Why Republicans Didn't Write a Platform for Their Convention this Year*, Vox (Aug. 24, 2020, 15:50 ET), https://www.vox.com/2020/8/24/21399396/republican-convention-platform-2020-2016 [https://perma.cc/WW8G-JVD7]. Trump is widely understood as a polarizing figure, so some voters may have based their decisions on things other than policy. *See* Michael Dimock & John Gramlich, *How America Changed During Donald Trump's Presidency*, Pew Rsch. Ctr. (Jan. 29, 2021), https://www.pewresearch.org/politics/2021/01/29/how-america-changed-during-donald-trumps-presidency/ [https://perma.cc/SRM3-KMK2]; Ronald Brownstein, *Trump Leaves America at Its Most Divided Since Civil War*, CNN Pol. (Jan. 19, 2021, 07:38 ET), https://www.cnn.com/2021/01/19/politics/trump-divided-america-civil-war/index.html [https://perma.cc/5EJ5-YDB2]; Philip Bump, *The Polarization of Trump, in One Simple Poll Result*, Wash. Post (Mar. 29, 2023), https://www.washingtonpost.com/politics/2023/03/29/polarization-trump-one-simple-poll-result/ [https://perma.cc/YNW6-FKFL].

147. 42 U.S.C. §§ 3601–17; *see* 2016 *Democratic Party Platform*, Am. Presidency Project (July 21, 2016), https://www.presidency.ucsb.edu/documents/2016-democratic-party-platform [https://perma.cc/DU95-TV8R].

148. *See* 2020 *Democratic Party Platform*, Am. Presidency Project (Aug. 17, 2020), https://www.presidency.ucsb.edu/documents/2020-democratic-party-platform [https://perma.cc/3U76-MWNH].

respond to voter sentiment, and voters presumably support candidates with whom they agree on at least some policies.[149]

This Subpart thus assumes that local results for the 2016 and 2020 U.S. presidential elections[150] indicate, albeit imperfectly, a reform jurisdiction's political ideology and the degree of its ideological heterogeneity.[151] A local electorate that overwhelmingly and consistently supports one party presumably shares that party's values; such shared social or moral values might animate reforms and reflect public-interest decision-making in the process.[152] Conversely, in ideologically heterogeneous places, self-interest—which appeals across the ideological spectrum—may supersede ideology as the driving force of housing reform.[153]

Geographic information systems shapefiles containing precinct-level election results, combined with U.S. Census Bureau TIGER/Line

149. *See generally* Charlana Benefiel & Christopher J. Williams, *Taking Official Positions: How Public Policy Preferences Influence the Platforms of Parties in the United States*, 57 Electoral Studs. 71 (2019).

150. Presidential election results were selected for three reasons. First, every reform jurisdiction voted for the same presidential candidates, enabling more consistent cross-jurisdictional comparisons. Second, presidents enjoy less incumbent advantage than legislators, whose advantage often transcends ideology or party affiliation. *See generally* Stephen Ansolabehere & James M. Snyder, Jr., *The Incumbency Advantage in U.S. Elections: An Analysis of State and Federal Offices, 1942–2000*, 1 Election L.J.: Rules, Pol., & Pol'y 315 (2002); David R. Mayhew, *Incumbency Advantage in U.S. Presidential Elections: The Historical Record*, 123 Pol. Sci. Q. 201 (2008). Third, presidential elections generate the highest turnout. *See United States Voter Turnout*, Election Lab, Univ. of Fla., https://election.lab.ufl.edu/voter-turnout/ [https://perma.cc/TF3Z-68XX]. The 2024 election was not used because precinct-level data was unavailable at the time of writing.

151. For another example of how localities are classified politically, see Kahn, *supra* note 139, at 224. The imperfection comes from the fact that the coalitions and policy aims of the two major U.S. political parties have fluctuated over time. Pew Rsch. Ctr., Changing Partisan Coalitions in a Politically Divided Nation (2024); *see generally* Pew Rsch. Ctr., In Changing U.S. Electorate, Race and Education Remain Stark Dividing Lines 4 (2020) (describing changing political coalitions and policy objectives); Michael Barbaro et al., *How NAFTA Broke American Politics*, The Daily: N.Y. Times (Oct. 8, 2024), https://www.nytimes.com/2024/10/08/podcasts/the-daily/american-politics-trade.html [https://perma.cc/GV8C-TPZF] (discussing how U.S. political parties have changed in recent decades); Daniel Schlozman & Sam Rosenfeld, *How Conservatives Changed the Whole Point of Political Parties*, Time (June 10, 2024, 09:00 ET), https://time.com/6985660/conservative-political-party-history/ [https://perma.cc/C6H8-RXC7] (explaining how the Republican Party's policy priorities have changed). Furthermore, presidential elections are also influenced by candidate likability, political party affiliation (which may itself be a stand-in for ideology), and recent economic performance. *See* Oliver et al., *supra* note 1, at 2; Chong et al., *supra* note 103, at 541–42.

152. *See* Kahn, *supra* note 139, at 224; Chong et al., *supra* note 103, at 541.

153. *See* Marble & Nall, *supra* note 50, at 1761–62.

boundary shapefiles for each reform jurisdiction, were used to analyze precinct-level election results for each reform jurisdiction.[154]

Among middle-housing reform jurisdictions, in 2016, Clinton averaged 70.37 percent of the vote and, in 2020, Biden averaged 74.9 percent.[155] In both elections, the Democratic candidate won more than eighty percent of the vote in eight or more of these communities.[156] The Republican candidate won a middle-housing reform jurisdiction just once across both elections: Trump won a plurality in Anchorage in 2016. Only a handful of these cities were particularly competitive: in 2016, the winner won by fewer than ten percentage points in just four places, and in 2020, that happened in just two places.[157]

In ADU reform jurisdictions, Clinton received an average of 67.62 percent of votes in 2016, and Biden received 71.38 percent in 2020.[158] Although at least thirteen communities delivered more than eighty percent of their votes to the Democratic candidate in both elections, these places tended to be more competitive.[159] In 2016, Trump won four ADU reform jurisdictions, including two by a margin of victory exceeding eighteen percentage points, and he won three ADU reform jurisdictions in 2020, albeit by narrower margins.[160]

The strong Democratic lean among reform jurisdictions could be attributable to two things. For one, Democratic-leaning cities have been hardest hit by the housing crisis, and thus may be likelier to adopt reforms irrespective of political ideology. However, this assertion is undermined by the fact that some Republican-leaning and politically heterogeneous places face rapidly increasing home prices and affordability challenges

154. *See* Voting and Election Science Team, *2020 Precinct-Level Election Results*, Harv. Dataverse, https://doi.org/10.7910/DVN/K7760H (last visited Feb. 8, 2025); Voting and Election Science Team, 2016 *Precinct-Level Election Results*, Harv. Dataverse, https://doi.org/10.7910/DVN/NH5S2I (last visited Feb. 8, 2025); *2020 TIGER/Line Shapefiles*, U.S. Census Bureau, https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.2020.html#list-tab-790442341 [https://perma.cc/4XNS-FYEG]; 2016 *TIGER/Line Shapefiles*, U.S. Census Bureau, https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.2016.html#list-tab-790442341 [https://perma.cc/K62H-7ZNK]. In a few cases, precinct boundaries were not coterminous with municipal boundaries in some of the reform jurisdictions, which required some estimation of the results.

155. *See* Tables A–D (on file with author). These conclusions are derived from the author's calculations from publicly available election data.

156. *See id.*

157. *See id.*

158. *See id.*

159. *See id.*

160. *See id.*

but have not responded with zoning reforms.[161] It is also undermined by prior empirical research suggesting that liberal-leaning homeowners are just as likely as other homeowners to oppose new housing and preserve higher home values.[162] Alternatively, this data could mean that Democratic-leaning places are more likely to adopt pro-housing zoning reforms for ideological reasons, such as social inclusion or environmental sustainability. Therefore, to determine how reform jurisdictions' political ideologies relate to their adoption of reforms, the next Part presents the results of interviews, public hearing testimony, and public records.

III. Stories from Reform-Land: Five Case Studies

The data presented in Part II help explain why jurisdictions adopt reforms, yet they paint an incomplete picture. To fill gaps in this analysis, this Part presents five case studies. Of them, four jurisdictions—Boise, Idaho; Anchorage, Alaska; Saint Paul, Minnesota; and Englewood, Colorado—successfully adopted middle-housing reforms. The fifth, Fort Collins, Colorado, adopted reforms that were later repealed. Each case study uses stakeholder interviews, public hearing testimony, public records, and local media reports to explore how and why jurisdictions arrived at reforms.[163]

These case studies were selected to represent a broad cross-section of reform jurisdictions. Boise is mid-sized[164] with a relatively

161. *See Almost 90% of Metro Areas Posted Home Price Increases in Third Quarter of 2024*, Nat'l Ass'n of Realtors (Nov. 7, 2024), https://www.nar.realtor/newsroom/almost-90-of-metro-areas-posted-home-price-increases-in-third-quarter-of-2024 [https://perma.cc/FRH4-BWBK] (noting that cities like Youngstown, Ohio; Syracuse, New York; Peoria, Illinois; Springfield, Illinois; and Shreveport, Louisiana, have seen some of the largest home price gains; their respective regions are either Republican-leaning or swing areas).

162. *See* Marble & Nall, *supra* note 50.

163. Although public testimony may not always reveal a speaker's true reasons for supporting or opposing an action, it can be particularly effective in persuading zoning decision-making boards to take a particular position; research demonstrates that zoning boards presented with either supportive or opposing public hearing testimony, even by small groups, tend to side with public hearing speakers' preferences. *See generally* Steele, *supra* note 3.

164. Although there are several population-based classifications of cities, mid-sized cities are sometimes described as having between 50,000 and 500,000 residents. *See, e.g.*, Hayley Raetz, *Housing Characteristics of Small and Mid-Sized Cities*, Furman Ctr. for Real Estate & Urb. Pol'y (Jan. 27, 2021), https://www.furmancenter.org/publication/housing-characteristics-of-small-and-mid-sized-cities/ [https://perma.cc/4S3Q-J5EL]; Jacqueline Homann, *Get to Know America's Midsize Cities*, Metro Ideas Project (Feb. 10, 2016, 11:30 CT), https://metroideas.org/blog/get-to-know-americas-midsize-cities/ [https://perma.cc/R6EE-ZP8U].

high homeownership rate and low racial heterogeneity.[165] Anchorage, also mid-sized, is politically diverse, having narrowly supported the Republican presidential candidate in 2016 and the Democrat in 2020.[166] Saint Paul is racially heterogeneous, lower-income, and has a low homeownership rate.[167] Englewood is a rare example of a suburban reform jurisdiction. And Fort Collins is an example of a university town, located outside of a major metropolitan area, with significant age and income diversity. The following table describes basic characteristics of each case study city:

City	Total Population	Percent Living in Owner-Occupied Housing	Median Income (Dollars)	White Non-Hispanic Share of Total Population
Anchorage, AK	290,674	66.14%	$95,731	55.24%
Boise, ID	234,192	66.63%	$76,402	81.22%
Englewood, CO	33,634	52.19%	$79,375	70.39%
Fort Collins, CO	168,758	56.45%	$78,977	78.05%
Saint Paul, MN	308,806	58.25%	$69,919	51.29%

A. Boise, Idaho

In June 2023, Boise amended its single-family residential districts, primarily the R-1C "Single-Family Residential, Urban" district, which includes most of Boise's residential land.[168] Although R-1C previously allowed ADUs and duplexes, the 2023 reforms allow up to four dwelling units—whether duplexes, triplexes, fourplexes, or single-family attached units—on every residential lot in R-1C and the city's other residential districts.[169] To build a triplex or fourplex, a landowner

165. *See* Table 1, *supra* note 110; Table 9, *supra* note 126.
166. *See* Tables A–B (on file with author).
167. *See* Table 9, *supra* note 126; Table 7, *supra* note 122; Table 1, *supra* note 110.
168. *See* Boise, Idaho, Ordinance 27-23 (July 18, 2023); Don Day, *Boise Is Set to Revamp Its Zoning Code. What It Means, What It Doesn't and What's to Come*, BoiseDev (Mar. 23, 2023, 14:22 MT), https://boisedev.com/news/2023/03/23/boise-zoning-code-rewrite-2/ [https://perma.cc/TZ6N-HR94]. For an excellent pre-reform history of planning and zoning in Boise, and the city's challenges in the face of historic growth, see generally Stephen R. Miller, *Can America's Fastest-Growing City Save Itself? Property Rights and the Planning Ethic in Boise, Idaho*, 58 Idaho L. Rev. 404 (2022).
169. Boise, Idaho, Ordinance 27-23 (July 18, 2023). Boise's zoning code distinguishes between a duplex, which includes two units in a structure that may be stacked or accessed from a single entrance, and a single-family attached home, which includes up to four units, but where the units are arranged horizontally and each unit has a separate entrance. Boise, Idaho, Zoning Code § 11-06-03 (2024).

must make the additional units affordable to low- and moderate-income households and incorporate energy efficiency measures.[170]

Beyond these changes, the reforms increased allowable density in R-1C from eight to 12.4 units per acre, reduced minimum lot sizes by thirty percent to 3,500 square feet, and reduced setbacks.[171] The reforms also allow small-scale commercial uses, such as neighborhood cafes in residential areas.[172] In R-1C, up to twelve-unit multi-family buildings may now be built near major corridors on vacant or underutilized parcels, subject to affordability standards.[173] In addition, Boise's reforms allow apartments in its commercial and office zoning districts with unlimited residential density, reduced parking requirements for apartments citywide, and they provide for nondiscretionary, administrative approval for middle housing and apartments in residential and mixed-use districts.[174]

These reforms proved controversial. One hundred sixty-one people testified at a four-day city council hearing addressing the reforms, with over sixty percent in support, just over thirty percent opposed, and the remainder neutral.[175] Most of the commenters were homeowners, of

170. Boise, Idaho, Zoning Code § 11-04-03.7.D (2024); Ian Max Stevenson, *Boise Mayor Wants More Affordable Housing, Higher Density, More Transit. Here's the Plan*, Idaho Statesman (Apr. 3, 2023, 14:15 MT), https://www.idahostatesman.com/news/local/community/boise/article273751445.html [https://perma.cc/Z6TP-7CQ8]. The affordable units must be reserved for households earning eighty percent (for rentals) and one hundred twenty percent (for for-sale units), respectively, of Boise's median income. Boise, Idaho, Zoning Code § 11-04-03.7.D (2024).

171. Day, *supra* note 168. Residential density is a measure of the intensity of a residential use, typically measured in number of dwelling units per acre. A city may impose a density limit, on top of building height and setback limits, so that a builder cannot construct a large number of small units on a site.

172. *Id.*

173. Boise, Idaho, Zoning Code § 11-04-03.7.D.

174. *See id.* § 11-03-02 (2024); Day, *supra* note 168; Daniel Malarkey, *Boise Poised for First Step Towards More Abundant, Affordable Housing*, Sightline Inst. (June 9, 2023), https://www.sightline.org/2023/06/09/boise-poised-for-first-step-towards-more-abundant-affordable-housing [https://perma.cc/3HP5-6EMC].

175. *See Zoning Ordinance Amendment of Boise City Code Title 11 and the Adoption of a New Zoning Map: Public Hearing on ZOA23-0001 Before the Boise City Council* (June 12–14, 2023) [hereinafter Boise Hearing]. Before the city council took them up, the city's planning and zoning commission considered the reforms; over 130 residents and thirteen neighborhood associations testified at the commission's hearing, after which it unanimously recommended their approval. *See* Ian Max Stevenson, *Commission Decides on Boise's Plan for More Affordable Housing, Density. What You Missed*, Idaho Statesman (Apr. 28, 2023, 10:39 MT), https://www.idahostatesman.com/news/local/community/boise/article274812681.html [https://perma.cc/PP8Q-SKR5]. In each case-study jurisdiction, to obtain data on public testimony, I reviewed video or audio recordings of the governing body's hearing on zoning reforms. I coded each speaker as in support, opposed, or neither, based on whether the speaker indicated support or opposition; speakers who did neither were coded as such. I further coded speakers as

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whom over fifty percent supported the reforms.[176] Over ninety percent of renters supported them.[177] Of the opponents, seventy-eight percent were homeowners.[178]

One-third of testifiers supporting the proposal discussed housing affordability—for both themselves and their family members—and housing diversity.[179] Just under a quarter of speakers offered transportation-related reasons for their support, including their view that reforms would aid walkability and bikeability, while reducing vehicle traffic congestion and parking demand.[180] A smaller handful of supporters offered environmental reasons for their support, including general sustainability, open space preservation, sprawl prevention, and maintaining recreational access.[181]

Boise began rewriting its zoning code in 2019, amid public concerns about rapidly increasing home prices and recognition that outdated zoning laws were producing suburban sprawl and imposing high administrative burdens for city officials and developers.[182] Although Boise's planners first proposed allowing multiplexes in single-family neighborhoods, their proposal drew opposition, including from a group called Reject Boise Upzone ("RBU").[183] This group challenged the proposal at public meetings, posted anti-reform yard signs, and built an anti-growth social media presence.[184]

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homeowners, renters, unknown, or neither based on whether the speaker indicated if they owned or rented their home; speakers who did not clearly specify whether they owned or rented were coded as unknown and those who testified on behalf of business entities or other organizations were coded as neither. Because this Article is concerned with why individuals and communities *support* reforms, for each supporter, I recorded the reason(s) the speaker gave for their support. These reasons were then classified into a series of categories and subcategories based on common reasons given for support.

176. Boise Hearing, *supra* note 175.

177. *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. *Id.*

182. Malarkey, *supra* note 174; Video Interview with Deanna Dupuy, Plan. Manager, City of Boise, Idaho (May 22, 2024) [hereinafter Dupuy Interview]; Video Interview with Byron Folwell, Co-Founder, Neighbors for Boise (June 3, 2024) [hereinafter Folwell Interview]; Video Interview with Jimmy Hallyburton, City Council Member, City of Boise, Idaho (Jan. 7, 2025) [hereinafter Hallyburton Interview]; Kate Talerico, *Boise Leaders Say They Want Affordable Housing. They Enforce Zoning That Impedes It*, IDAHO STATESMAN (June 23, 2020, 12:39 MT), https://www.idahostatesman.com/news/local/community/boise/article243543907.html [https://perma.cc/5KV6-M36F] (observing that, prior to the reforms, Boise allowed only single-family homes in eighty percent of its residential areas).

183. Dupuy Interview, *supra* note 182; Video Interview with Lindsay Moser, Pub. Engagement Senior Manager, City of Boise (May 28, 2024) [hereinafter Moser Interview]; Stevenson, *supra* note 170; Day, *supra* note 168; Malarkey, *supra* note 174.

184. Dupuy Interview, *supra* note 182; Day, *supra* note 168.

In response, the city shifted to designing reforms around a set of values identified in its comprehensive plan, such as providing diverse housing in all neighborhoods; expanding mobility; offering housing at "Boise budgets"; open space preservation, protection, and access; maintaining clean water; and directing growth to places with existing or planned public investment.[185] According to city planners, these values de-emphasized the reforms' technicalities and generated support.[186] Planners also incorporated community feedback into their drafts.[187]

After drafting reforms, planners conducted outreach and education with faith, arts, mobility, and other housing-interested groups.[188] A group called Neighbors for Boise ("NFB") was particularly influential.[189] NFB originated as a Facebook group comprised of younger Boiseans focused on transit and neighborhood planning issues.[190] Once the city released a final draft of the reforms, NFB began its advocacy, engaging other housing-related groups, developing pro-reform messaging, and holding meetings and social events at neighborhood businesses near downtown.[191] NFB also prepared yard signs, maintained a social media presence by posting articles and discussing local development issues, and held workshops on public-hearing speaking.[192] NFB's messages mirrored planners' values-based arguments by referencing inclusion, complete neighborhoods, traffic mitigation, and fiscal responsibility.[193] Other groups also advocated for reforms. For instance, Conservation Voters for Idaho ("CVI"), recognizing pro-density reforms could aid in achieving sustainability goals, campaigned for their passage.[194]

City leaders and advocates cite several reasons for Boiseans', especially homeowners', support for reforms. In particular, older residents are concerned about their children's ability to afford nearby

185. Dupuy Interview, *supra* note 182; Moser Interview, *supra* note 183.
186. Dupuy Interview, *supra* note 182.
187. *Id.* For example, the idea to allow triplexes and fourplexes in single-family neighborhoods subject to affordability requirements originated from community discussions around implementing the values. *Id.*
188. *Id.*; Moser Interview, *supra* note 183.
189. Dupuy Interview, *supra* note 182; Moser Interview, *supra* note 183 (referring to Neighbors for Boise as the city's "primary YIMBY group").
190. Folwell Interview, *supra* note 182.
191. Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182. These events were held in areas near renters and people who support denser, walkable neighborhoods, which contrasted with RBU's organizing of opponents from disparate locations across the city. *See* Dupuy Interview, *supra* note 182.
192. Folwell Interview, *supra* note 182; *see also* Video Interview with Ryan McGoldrick, Program Dir., Conservation Voters for Idaho (July 8, 2024) [hereinafter McGoldrick Interview] (noting that "[p]ublic testimony is really intimidating").
193. Folwell Interview, *supra* note 182.
194. McGoldrick Interview, *supra* note 192.

housing.[195] Additionally, many homeowners agreed that denser neighborhoods facilitated by the reforms benefit them by increasing property values and improving quality of life through urban vibrancy and more opportunities for social interactions.[196] Many also agreed that these changes would enable them to "age down" into ADUs or attached housing, allow friends or family members to live nearby, and aid locally owned businesses.[197] Observers agreed, however, that for most homeowners, values-related concerns, like walkability, inclusion, and open space protection, dominated the discourse.[198]

Interviewees further confirmed that real estate investors and developers played little role in advocating for reforms.[199] As one interviewee observed, whereas developers have the legal and political advocacy expertise to obtain project approvals, homeowners adding a unit to their properties or small-scale middle-housing builders usually do not, and these latter groups benefit more from streamlining zoning.[200]

B. Anchorage, Alaska

In 2024, Anchorage approved reforms allowing duplexes on all residential lots in its urbanized area.[201] Before these changes, it prohibited duplex construction on just over forty percent of lots.[202]

195. Dupuy Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Folwell Interview, *supra* note 182; Hallyburton Interview, *supra* note 182.

196. Folwell Interview, *supra* note 182. Nevertheless, Folwell acknowledges that he personally does not care as much about his property value in light of the perceived quality of life benefits he receives from denser housing in his neighborhood. *Id.*

197. *Id.*

198. *Id.*; McGoldrick Interview, *supra* note 192; Hallyburton Interview, *supra* note 182.

199. Folwell Interview, *supra* note 182.

200. *Id.*

201. Mun. of Anchorage, Alaska, Assembly Ordinance 2023-87(S-1) (June 25, 2024); Wesley Early, *Anchorage Assembly Narrowly Passes Zoning Change to Allow for More Duplexes*, Alaska Pub. Media (June 26, 2024, 12:05 AKT), https://alaskapublic.org/2024/06/26/anchorage-assembly-narrowly-passes-zoning-change-to-allow-for-more-duplexes/ [https://perma.cc/CU7K-TV7V]. Anchorage is classified as a municipality, rather than a city, and is a geographically large area that includes the downtown area, suburban areas, and several outlying areas; the reference to "urbanized area" means the downtown and suburban portions of the municipality. *See* Catie Gould, *Anchorage Assembly Unites to End Parking Mandates*, Sightline Inst. (Nov. 23, 2022), https://www.sightline.org/2022/11/23/anchorage-assembly-unites-to-end-parking-mandates/ [https://perma.cc/PG8W-D3D9]. These reforms also allow two detached units on a lot to count as a single duplex. Mun. of Anchorage, Alaska, Assembly Ordinance 2023-87(S-1) (June 25, 2024).

202. Early, *supra* note 201.

As in Boise, Anchorage's reforms drew both support and opposition.[203] Just over sixty percent of speakers at the borough assembly's hearing supported the proposal, but only thirty-five percent of homeowners did.[204] Concerns about housing affordability dominated, as did concerns about Anchorage's need for housing diversity.[205] Alleviating homelessness was another oft-mentioned argument for reforms.[206] No supporters addressed transportation, and few expressed concern for economic, environmental, or aesthetic issues.[207] A handful of supporters observed that reforms would enable them to earn rental income or increase their property values.[208]

Anchorage's middle-housing reforms followed several other measures to address housing affordability. In 2017, it adopted a land-use plan calling for more infill housing.[209] The 2019 election ushered in younger assembly members with firsthand experience navigating the challenges of finding and affording housing.[210] In 2022, with support from progressives and libertarians, the assembly repealed minimum parking requirements to ease housing construction.[211] And in early 2023, the assembly allowed ADUs on all residential properties in Anchorage's urban areas.[212]

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203. *An Ordinance of the Anchorage Assembly Amending the Comprehensive Plan and Anchorage 2040 Land Use Plan to Allow Implementation of the HOME Initiative Including Text Amendments to Title 21: Public Hearing on ORD. No. AO2024-44 and AO2023-87(S-1), as Amended, Before the Anchorage Assembly* (June 25, 2024) [hereinafter Anchorage Hearing]. Anchorage's assembly is the equivalent of other cities' city councils.

204. *Id.*

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

209. Mun. of Anchorage Plan. Dep't, Anchorage 2040 Land Use Plan 77–78 (2017); Video Interview with Anna Brawley, Assembly Member, Mun. of Anchorage; Daniel McKenna-Foster, Senior Planner, Mun. of Anchorage; Melisa Babb, Planning Dir., Mun. of Anchorage; and Graham Downey, Special Assistant to the Mayor, Mun. of Anchorage (Dec. 16, 2024) [hereinafter Brawley Interview].

210. Brawley Interview, *supra* note 209; Video Interview with Meg Zaletel, Assembly Member, Mun. of Anchorage (Jan. 14, 2025) [hereinafter Zaletel Interview]; Video Interview with Erin Baldwin Day, Member, Anchorage Hous. Club (Dec. 19, 2025) [hereinafter Day Interview]. Whereas other cities' planning departments led reforms, Anchorage's part-time assembly led those efforts. Brawley Interview, *supra* note 209.

211. Gould, *supra* note 201; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210.

212. Jeannette Lee, *Anchorage Adopts Model ADU Reforms*, Sightline Inst. (Mar. 17, 2023), https://www.sightline.org/2023/03/17/anchorage-adopts-model-adu-reforms/ [https://perma.cc/9D83-FTGE]. The city's ADU law allows these dwellings to be constructed in connection with both single-family detached homes and multi-family housing. *See id.*

In May 2023, two assembly members proposed allowing multi-family housing everywhere public water and sewer services existed.[213] Homeless advocates, an affordable housing builder, and a regional housing advocacy group supported the proposal.[214] But it drew significant backlash.[215] Eventually, the sponsors modified the proposal to allow duplexes throughout Anchorage's urbanized areas and medium-density housing in some areas of the city.[216] This effort was nicknamed the "HOME"—Housing Opportunities in the Municipality for Everyone—Initiative.[217]

HOME was tabled in late summer 2023 to allow more outreach.[218] In the meantime, in December 2023, the assembly reduced the minimum lot size for triplexes and fourplexes—which were previously allowed in some zoning districts—from 8,500 to 6,000 square feet and reduced the setback requirements for these dwelling types.[219] It also amended the building code to reclassify triplexes as residential rather than commercial uses, and eased building code requirements on fourplexes, thus reducing costs and technical requirements for new middle housing.[220]

Meanwhile, HOME's sponsors continued to conduct outreach and tweak their proposal.[221] One non-governmental group, the Anchorage

213. Mun. of Anchorage, Alaska, Assembly Ordinance 2023-66 (2023); Zaletel Interview, *supra* note 210; Alex DeMarban, *Assembly Members Propose Sweeping Overhaul of Zoning Rules to Address Anchorage Housing Shortage*, Anchorage Daily News (June 10, 2023), https://www.adn.com/alaska-news/anchorage/2023/06/10/assembly-members-propose-sweeping-overhaul-of-zoning-rules-to-address-anchorage-housing-shortage [https://perma.cc/5RKD-3XLT].

214. Brawley Interview, *supra* note 209.

215. *Id.*

216. Alex DeMarban, *Addressing Criticism, Assembly Members Propose More Modest Overhaul of Anchorage Zoning*, Anchorage Daily News (Aug. 18, 2023), https://www.adn.com/alaska-news/anchorage/2023/08/18/addressing-criticism-anchorage-assembly-members-propose-more-modest-overhaul-of-anchorage-zoning [https://perma.cc/2ZUF-QYMB].

217. *Id.*

218. Anchorage's planning staff did not engage in the reform effort, and outreach efforts were instead led by the assembly. *See* Brawley Interview, *supra* note 209.

219. Emily Goodykoontz, *Anchorage Assembly Changes Zoning and Building Rules for Tri- and Fourplexes, Aiming to Spur More Housing*, Anchorage Daily News (Jan. 17, 2024), https://www.adn.com/alaska-news/anchorage/2024/01/17/anchorage-assembly-changes-zoning-and-building-rules-for-tri-and-fourplexes-aiming-to-spur-more-housing/ [https://perma.cc/CHB5-U3UX].

220. *Id.* This change, for instance, eliminated the requirement that triplexes and fourplexes meet the same landscaping and design standards as larger apartment buildings. *See id.*

221. Alex DeMarban, *Debate Intensifies over Proposed Anchorage Zoning Overhaul*, Anchorage Daily News (Mar. 21, 2024), https://www.adn.com/alaska-news/anchorage/2024/03/21/debate-intensifies-over-anchorage-zoning-overhaul-measure/ [https://perma.cc/29MC-NZAL]; Emily Goodykoontz, *Anchorage Assembly Members Dial Back Housing Initiative, Focus on Encouraging Duplexes*, Anchorage

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Housing Club ("AHC"), became influential. AHC was formed by individuals interested in planning and economic justice as the municipality considered its earlier parking reforms.[222] Although developers supported changing Anchorage's zoning rules, they were not deeply involved in AHC's activities.[223]

AHC co-founder Anna Brawley was elected to the assembly in 2023 and became a sponsor of HOME. Along with her co-sponsors and AHC, she prepared and executed a public engagement plan for the reforms.[224] They focused their efforts on residents who were often underrepresented in zoning discussions; although Anchorage has an established system of homeowner-controlled community councils, Brawley and her colleagues sought to bring new voices into the discourse.[225] Reformers used websites, social media, Zoom meetings, and in-person events to educate the public about zoning's impacts and to build support for reforms.[226] They relied on the municipality's land-use plan to support reforms and offered examples where zoning failed to accommodate existing community members.[227]

Interviewees attributed Anchorage's success in adopting reforms to several things. First, messages emphasizing property rights, housing flexibility, and the need for housing diversity to allow residents to age in place helped generate support across Anchorage's diverse political spectrum, including among homeowners.[228] These messages appealed to both conservative and liberal residents.[229] Although advocates discussed the need for reforms to address racial equity with sympathetic groups and individuals, public advocacy for reforms usually avoided social and environmental topics.[230] Interviewees also attributed reforms' adoption to support from atypical zoning-process participants, namely renters; this approach avoided having to change the minds of anti-growth homeowners.[231] In particular, interviewees noted that

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DAILY NEWS (June 18, 2024), https://www.adn.com/alaska-news/anchorage/2024/06/18/anchorage-assembly-members-whittle-down-housing-initiative-to-one-goal-end-single-family-zoning/ [https://perma.cc/F7T3-DY92].

222. Brawley Interview, *supra* note 209.

223. *Id.*; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210.

224. Brawley Interview, *supra* note 209.

225. *Id.*; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210.

226. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Video Interview with Alexa Dobson, Member, Anchorage Hous. Club (Jan. 23, 2025) [hereinafter Dobson Interview].

227. Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210.

228. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Dobson Interview, *supra* note 226; Zaletel Interview, *supra* note 210.

229. *See* Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.

230. Brawley Interview, *supra* note 209.

231. *Id.*; Day Interview, *supra* note 210; Dobson Interview, *supra* note 226.

participation from professional, high-income renters may have helped sway some homeowners to support reforms, as these renters effectively communicated the housing affordability challenges facing Anchorage.[232]

C. Saint Paul, Minnesota

In 2023, Saint Paul adopted reforms allowing up to four dwellings on almost every residential lot, five dwelling units per lot near transit, and up to six units per lot if buildings meet certain affordability and unit size standards.[233] They also reduced setbacks, allowed taller buildings and smaller lot sizes, and eased ADU development with more permissive dimensional limits.[234] These reforms followed zoning changes in 2022, allowing ADUs citywide.[235]

At the city council's hearing on the reforms, nearly ninety percent of speakers supported the reforms, including over seventy percent of homeowners and all renters.[236] Housing affordability concerns and the need for housing diversity predominated.[237] Speakers also cited social equity, racial justice, and wealth inequality as reasons for their support.[238]

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232. Day Interview, *supra* note 210; Dobson Interview, *supra* note 226.

233. St. Paul, Minn., Ordinance 23-43 § 6 (2023); Katie Galioto, *St. Paul City Council Votes to Allow Multi-Unit Housing Throughout the City—Under a Sweeping Set of Changes to the Zoning Code, Duplexes and Triplexes Will Be Allowed on Almost Any Lot*, Minn. Star Tribune (Oct. 18, 2023), https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=0D1A2AB84F2D3D40&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F194C3C1AF5691880 [https://perma.cc/VYK4-YJFU]. The lone exception was in an area of the city that is not consistently served by public water and sewer utilities. *See id.* Six-unit buildings must provide income restrictions for low- and moderate-income households or three-or-more-bedroom units suitable for families. *Id.*

234. St. Paul, Minn., Ordinance 23-43 § 6 (2023); Galioto, *supra* note 233.

235. Katie Galioto, *St. Paul Zoning Changes Pave the Way for Smaller Homes, Cottage Clusters - City Leaders Are Also Considering More Substantial Zoning Code Changes*, Minn. Star Trib. (Jan. 20, 2022), https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=0D1A2AB84F2D3D40&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F18BEAEAA6B36E978 [https://perma.cc/7GJH-C7KW]. These changes also eliminated size restrictions and owner-occupancy requirements related to ADUs. *See id.*

236. *Amending the Zoning Map and Specific Sections of the Legislative Code Pertaining to Zoning Regulations to Promote the Production of 1-6 Unit Residential Housing Options as Recommended in Phase 2 of the 1-4 Unit Housing Study and Amending Additional Legislative Code Sections That Regulate Those Aspects of Property Maintenance Associated with 1-6 Unit Housing: Public Hearing on Ord. No. 23-43 Before the Saint Paul City Council* (Oct. 18, 2023) [hereinafter Saint Paul Hearing].

237. *Id.*

238. *Id.*

Additionally, a small group identified transportation concerns, including a desire for more transit usage and walkability.[239]

Saint Paul's reform efforts date to a 2018 city council resolution calling for action on housing affordability and racial equity, requiring the city's planners to study density increases in residential neighborhoods.[240] The city council's interest in this topic stemmed in part from neighboring Minneapolis's contemporaneous adoption of a plan contemplating single-family zoning reforms.[241] Council members had also observed unaffordability and racial inequity, particularly in homeownership; recognizing that Saint Paul was growing, they preferred to integrate new housing into existing neighborhoods.[242] The city adopted a new comprehensive plan in November 2020, calling for "broad policy reform" around housing, including accommodating diverse housing types throughout the city, increasing housing choice for people at all income levels, supporting diverse living arrangements, and reducing racial disparities in homeownership.[243]

After the plan's adoption, the city kicked off the resolution-directed housing study.[244] Residents expressed little concern about adding middle housing in existing neighborhoods and preferred this approach over more concentrated, higher-density housing.[245] City staff framed the proposal as enabling homeowners with equity to be part of the solution to the city's housing needs.[246] Moreover, planners predicted middle housing would be constructed by smaller-scale, local builders rather than national developers, thereby benefiting local businesses.[247] Instead of relying on messages about ideological issues like racial

239. *Id.*

240. St. Paul, Minn., City Council Resol. 18-1204 (2018) (including, in addition, several housing finance, antidiscrimination, and other measures); Video Interview with Luis Pereira, AICP, former Plan. Dir., City of St. Paul (July 12, 2024) [hereinafter Pereira Interview].

241. Video Interview with Rebecca Noecker, City Council Member, City of St. Paul (Oct. 9, 2024) [hereinafter Noecker Interview]; Pereira Interview, *supra* note 240.

242. Pereira Interview, *supra* note 240; Noecker Interview, *supra* note 241. Council member Rebecca Noecker says that the city council was interested in ameliorating zoning's racist past by aligning the city's zoning laws "with our values and becoming more progressive . . . with our values." *Id.*

243. Noecker Interview, *supra* note 240. St. Paul, Minn., City Council Resol. 20-1524 (2020); CITY OF ST. PAUL, MINN., SAINT PAUL FOR ALL: 2040 COMPREHENSIVE PLAN 132–34 (2022). The city council approved the plan in June 2019, but Minnesota law required it to be reviewed subsequently by the Metropolitan Council, and the plan was thus not finally approved until November 2020. MINN. STAT. § 473.858 (2025).

244. Pereira Interview, *supra* note 240.

245. *Id.*

246. *Id.*

247. *Id.*

equity or environmental sustainability, the staff referenced local needs and conditions.[248]

The planners' efforts were supported by Sustain Saint Paul ("SSP"), a non-governmental group organized on Twitter in 2017 to counterbalance anti-development homeowners near a major redevelopment site.[249] After successfully advocating approval of that project, SSP began urging citywide reforms.[250] SSP positioned itself as the city's primary group focused on housing abundance, diversity, and affordability, encouraging members to engage and attend city public information sessions on the zoning reforms to help signal community support for the changes.[251] SSP did not receive support from developers and counted only one builder—a local, small-scale one—among its members; large developers generally did not engage in Saint Paul's reforms.[252]

SSP's messaging focused on environmental sustainability and "legalizing" different housing types.[253] It utilized technology to communicate with its members and others, while also using one-on-one communications and in-person events.[254] SSP prepared members and others for public speaking at hearings and partnered with other organizations supporting new housing, such as environmental, housing, and racial justice advocacy groups.[255]

Saint Paul's reforms did not face organized opposition.[256] One interviewee attributes the absence of opposition to the citywide, rather than single-neighborhood, scope of the reforms.[257] SSP also credits the

248. *Id.*

249. Video Interview with Luke Hanson, Bd. Member, Sustain St. Paul (June 20, 2024) [hereinafter Hanson Interview] (noting the group was originally called Sustain Ward 3); Nathaniel M. Hood, *Who Gets to Decide How a Neighborhood Is Redeveloped?*, Strong Towns (Sep. 6, 2017), https://www.strongtowns.org/journal/2017/9/5/ford-plant-redevelopment-st-paul-neighbors [https://perma.cc/RDN7-FZ2L].

250. Hanson Interview, *supra* note 249; Frederick Melo, *St. Paul Council Approves Sweeping Plan to Redevelop Former Ford Plant*, St. Paul Pioneer Press (Sep. 28, 2017, 19:18 CT), https://www.twincities.com/2017/09/27/st-paul-council-approves-sweeping-plan-to-redevelop-former-ford-plant/ [https://perma.cc/SS65-MXH3].

251. Hanson Interview, *supra* note 249.

252. *Id.*; Video Interview with Cody Fischer, Bd. Member, SSP, and President, Footprint Dev. (June 20, 2024) [hereinafter Fischer Interview].

253. Pereira Interview, *supra* note 240; Hanson Interview, *supra* note 249.

254. Hanson Interview, *supra* note 249.

255. *Id.* Hanson noted that SSP additionally collaborated with groups such as the American Association of Retired Persons ("AARP"), as that group was particularly interested in more housing diversity to support elders' housing needs. *Id*. Nevertheless, several tenant organizations were skeptical of the reforms because of concerns about affordability of new housing units. *Id.*

256. Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249.

257. Noecker Interview, *supra* note 241.

lack of opposition to the city's decision to avoid mentioning "ending single-family zoning" and instead present the reforms as technical zoning corrections.[258] Interviewees in Saint Paul attribute their reforms' overwhelming support to community concerns about social justice, racial equity, inclusiveness, environmental sustainability, and economic development.[259] One interviewee questioned whether economic self-interest motivates reformers because, even if new development increases property values, it need not occur in every neighborhood to benefit landowners citywide.[260] Nevertheless, interviewees agreed that upzoning improves homeowners' quality of life by, for example, helping neighborhood businesses survive and enliven communities, and some small-business owners saw economic benefits in the reforms.[261] One SSP board member attributes the adoption of reforms to pro-housing council members who recognized that citywide reforms might avoid conflicts associated with site-specific upzoning.[262]

D. Englewood, Colorado

Englewood, a Denver suburb, reformed its zoning in 2023 to allow an ADU on every residential lot, up to three ADUs per lot in one zoning district, and multiplexes on corner lots in all residential zoning districts and all lots in some residential zoning districts.[263] These reforms also allow middle housing and small, three- to eight-unit multi-family apartments on smaller parcels in some zoning districts.[264]

At the city council's hearing on its reforms, thirty-seven percent of speakers supported the reforms, while the remainder were opposed or neutral.[265] Over ninety percent of testifiers were homeowners, of whom one-third supported the reforms.[266] Affordability concerns were the most-cited reason for speakers' support, along with themes such as

258. Hanson Interview, *supra* note 249.
259. Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252.
260. Noecker Interview, *supra* note 241.
261. *Id.*
262. Fischer Interview, *supra* note 252.
263. *See* Englewood, Colo., Ordinance 46-2023 (Sep. 25, 2023) (codified as Englewood, Colo. Mun. Code §§ 16-4-2–4 (2024)); Scott Gilbert, *CodeNext Gets Final Approval in 4-3 Vote by Englewood City Council*, Colo. Cmty. Media (Sep. 26, 2023), http://coloradocommunitymedia.com/2023/09/26/codenext-gets-final-approval-in-4-3-vote-by-englewood-city-council/ [https://perma.cc/KTQ6-CJWZ]; *Case No. 2020-09, Unified Development Code: Public Hearing Before the Englewood, Colo., City Council* (Aug. 21, 2023) (presentation of Chris Brewster, consultant to the City of Englewood) [hereinafter Englewood Hearing].
264. Englewood, Colo., Ordinance 46-2023 (Sep. 25, 2023).
265. Englewood Hearing, *supra* note 263.
266. *Id.*

inclusion, changing household composition, and population growth.[267] Some speakers offered economic (including workforce development) and property rights (including the ability to earn rental income) reasons for their support.[268]

Englewood's reforms followed its 2017 comprehensive plan, which, although it did not expressly contemplate more density in single-family neighborhoods, recommended creating and retaining more affordable and attainable housing and increasing housing diversity.[269] Thereafter, amid accelerating teardowns of older single-family homes, the city's planners began preparing zoning amendments to address the plan's goals.[270] During the public engagement process, younger residents who desired more housing and wanted to preserve Englewood's vibrancy supported additional density.[271] Additionally, some homeowners supported interventions that would enable their children or other family members to afford nearby housing.[272] In response, Englewood's planners proposed adding housing in neighborhoods along major streets, near train stations and bus stops, and allowing duplexes and ADUs.[273] The city council even supported allowing fourplexes in all residential neighborhoods, but abandoned that proposal in the face of community opposition.[274]

There was little organized support or opposition to Englewood's reforms.[275] A pro-housing group, YIMBY Englewood, coalesced after Denver's YIMBY chapter introduced Englewood-based housing advocates to one another.[276] The group's members supported densifying Englewood to advance environmental sustainability and encourage

267. *Id.*
268. *Id.*
269. City of Englewood, Colo., Englewood Forward: Comprehensive Plan 2–26 (2016); Video Interview with Brad Power, Dir., Cmty. Dev. Dep't, City of Englewood, Colo. (June 7, 2024) [hereinafter Power Interview].
270. Power Interview, *supra* note 269; Video Interview with Othoniel Sierra, Mayor, City of Englewood, Colo. (Sep. 27, 2024) [hereinafter Sierra Interview].
271. Power Interview, *supra* note 269.
272. Sierra Interview, *supra* note 270.
273. Power Interview, *supra* note 269.
274. *Id.*; Sierra Interview, *supra* note 270; John Aguilar, *HOUSING: Big Fight Ignites over Density in Englewood—Citizens Group Wants to Recall Four Council Members, Including Mayor*, Denv. Post, June 22, 2023, at 1; Danielle Kreutter, *Changes Made to Englewood Land Code Discussions After Pushback from Residents*, Denv. 7 (Apr. 21, 2023, 02:07 ET), https://www.denver7.com/follow-up/changes-made-to-englewood-land-code-discussions-after-pushback-from-residents [https://perma.cc/U54W-2WJT].
275. Power Interview, *supra* note 269.
276. Video Interview with Nicole Shoup, Co-Founder, YIMBY Englewood (Dec. 17, 2024) [hereinafter Shoup Interview].

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transit usage.[277] YIMBY Englewood performed little recruiting, yet the group convinced some residents that reforms would protect their property rights.[278] Developers and industry groups were uninvolved in Englewood's reforms, as city leaders were concerned their involvement would produce distrust among community residents.[279]

The city used social media to communicate information about the reforms' status and opportunities for public participation.[280] With few non-governmental groups involved, Englewood residents learned about the reforms through social media, newspaper articles, community signs, and face-to-face interaction with city council members.[281]

Although the city council rescinded the fourplex proposal, an opposition group successfully petitioned to recall three city council members and the mayor for their support of the proposal.[282] Nonetheless, the city continued to work on the reforms.[283] The recall generated more formal organizing than the reforms, and Englewood's mayor credits it with facilitating his ability to educate residents, dispel rumors, and receive feedback about the proposed reforms.[284] He believes the city's existing stock of ADUs and middle housing—built before the zoning code's original adoption—allowed residents to visualize the reforms' prospective impact, and his outreach convinced him that many younger residents were interested in improving walkability, supporting Englewood's businesses, and expanding social inclusion.[285] The city council adopted the reforms a week before the recall election.[286] One recalled council member resigned after the petitions' submission, but the others survived the recall.[287]

277. *Id.*
278. *Id.*
279. Sierra Interview, *supra* note 270.
280. *Id.*
281. *Id.*
282. Aguilar, *supra* note 274.
283. John Aguilar, *Englewood Council Members to Face Recall Election*, Denv. Post, July 19, 2023, at 4.
284. Sierra Interview, *supra* note 270.
285. *Id.*
286. Elisabeth Slay, *Englewood Recall Effort Falls Short as Sierra, Anderson, Nunnenkamp Appear to Keep Seats*, Colo. Cmty. Media (Oct. 4, 2023), http://coloradocommunitymedia.com/2023/10/04/englewood-recall-effort-falls-short-as-sierra-anderson-nunnenkamp-appear-to-keep-seats/ [https://perma.cc/3ZM5-A4WB].
287. John Aguilar, *Unofficial Election Results Show Recall Effort in Englewood Falling Short*, Denv. Post, Oct. 3, 2023, at 4.

E. Fort Collins, Colorado

Fort Collins's city council twice approved pro-housing reforms and twice repealed them following community backlash. Later, the Colorado legislature adopted preemptive laws that, in effect, implement the city's initial proposals for pro-housing zoning reforms. However, Fort Collins's story is illustrative, and its contrast to the other case studies aids in explaining why reforms happen and why some might fail.

In November 2022, Fort Collins's city council approved zoning reforms that allowed ADUs and middle housing (including up to four units) in all residential and mixed-use zoning districts, reducing minimum lot sizes in some of the city's zoning districts. Additionally, the reforms increased permitted density in some districts, reduced parking requirements for residential uses, and used incentives, such as height and density bonuses, to encourage the construction of income-restricted affordable housing.[288] The reforms also eliminated neighborhood-meeting requirements for new residential developments and overrode private covenants that precluded the housing types allowed by the reforms.[289] During two public comment sessions, just under a quarter of speakers, and only fifteen percent of homeowners, supported these reforms.[290] Supporters based their support on housing affordability and diversity, while a handful argued the proposal would increase social equity and environmental sustainability.[291]

The city council considered these reforms after adopting a plan calling for zoning changes to allow denser housing.[292] During that

288. Fort Collins, Colo., Ordinance 114-2022 (Nov. 1, 2022); *see also* Molly Bohannon, *Changes Planned in Land Use Code*, Fort Collins Coloradoan, Oct. 30, 2022, at A1; Jacy Marmaduke, *A Blueprint for Growth: Fort Collins' Land Use Code Overhaul Could Rewrite the City's Housing Future*, Fort Collins Coloradoan, June 26, 2022, at A1; Molly Bohannon, *Dueling Citizen Groups Form: Fort Collins Land Development Code Update the Cause*, Fort Collins Coloradoan, Nov. 29, 2022, at A1 [hereinafter Bohannon, *Dueling Citizen Groups*].

289. Fort Collins, Colo., Ordinance 114-2022 (Nov. 1, 2022).

290. *Second Reading of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2022 Transitional Land Use Regulations": Hearing Before the City Council of Fort Collins, Colo.* (Nov. 1, 2022); *First Reading of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the* 1997 *Land Use Code as "Transitional Land Use Regulations": Hearing Before the City Council of Fort Collins, Colo.* (Oct. 18, 2022) [hereinafter collectively Fort Collins Hearings].

291. *Id.*

292. City of Fort Collins, Colo., 2021 Housing Strategic Plan 36, 42 (2021); Interview with Jenny Arndt, Mayor, City of Fort Collins, Colo., in Fort Collins, Colo. (May 29, 2024) [hereinafter Arndt Interview].

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planning process, the city's planners observed strong support for ADUs and small multi-family housing in Fort Collins's existing neighborhoods, to capitalize on existing infrastructure, limit sprawl, and meet the city's carbon-neutrality goals.[293]

After adopting the housing plan, the city began updating its zoning.[294] City planners conducted public outreach regarding the proposed reforms, but these efforts had low turnout due to the COVID-19 pandemic.[295] The staff interpreted low participation to mean the reforms had support.[296]

Thereafter, a citizen group called Preserve Fort Collins ("PFC"), which generally included homeowners in covenant-controlled communities and anti-growth environmental activists in Fort Collins's historic neighborhoods, formed to oppose the reforms.[297] After the council adopted the reforms, PFC circulated a referendum petition, eventually obtaining the requisite number of signatures to force the city council to reconsider them.[298] Concerned that it was unfair to ask the city's voters to weigh in on a lengthy and complex zoning code, in January 2023, the city council voted unanimously to repeal the reforms and direct city staff to conduct additional studies and outreach.[299]

In response to the petition drive, two groups organized to support the reforms. One, FoCo Forward ("FCF"), was co-founded by two city council members and supported by the local chamber of commerce, housing advocacy groups, and progressive policy organizations.[300] The other group, YIMBY Fort Collins ("YIMBY FC"), formed when several pro-housing advocates were connected by nearby Denver's YIMBY chapter.[301] YIMBY FC supported repealing the reforms and adopting

293. Interview with Clay Frickey, Plan. Manager, City of Fort Collins, Colo., in Fort Collins, Colo. (May 29, 2024) [hereinafter Frickey Interview].

294. Fort Collins, Colo., Ordinance 114-2022 (Nov. 1, 2022); *see also* Rebecca Powell, *A Draft of the Land Use Code Is Ready. Here's Why It Matters*, Fort Collins Coloradoan, Sep. 18, 2023, at A1.

295. Frickey Interview, *supra* note 293.

296. *Id.*

297. Video Interview with Chris Conway, Co-Founder and Bd. Member, YIMBY Fort Collins (July 8, 2024) [hereinafter Conway Interview]; Arndt Interview, *supra* note 292.

298. Molly Bohannon, *Fort Collins Repeals Land Use Code: City Commits to More Public Engagement*, Fort Collins Coloradoan, Jan. 19, 2023, at A1. Upon submission of a sufficient petition, the Fort Collins Charter requires the city council to decide whether to repeal the challenged law or to put it to a popular vote. Fort Collins, Colo., Charter art. X, § 2 (2023).

299. Arndt Interview, *supra* note 292; Frickey Interview, *supra* note 293.

300. Bohannon, *Dueling Citizen Groups*, *supra* note 288; Conway Interview, *supra* note 297.

301. Conway Interview, *supra* note 297.

new ones, rather than resubmitting the existing reforms to voters and causing community confusion.[302]

After the repeal, the city's planners conducted additional public engagement and prepared another proposal for reforms.[303] This proposal included allowing ADUs in all residential districts subject to some height limits and restrictions on their use for short-term rentals, allowing duplexes in some residential districts, allowing triplexes on larger lots in one district, and allowing up to five units per lot on large lots in a dense residential zoning district subject to an affordability requirement.[304] These reforms also dialed back the covenant-override provision, allowing associations to regulate the aesthetics and dimensions of housing but still requiring them to allow ADUs.[305]

During this time, YIMBY FC built its organizational capacity, held educational events, and used social media to educate the public.[306] The group identified residents affected by unaffordable housing and focused its messaging on the human aspects of the housing crisis—including the ability of people's family members to live nearby or the value of neighborhood inclusion more broadly—and generally avoided discussion of density, property values, traffic, and more complex economic arguments for reform.[307] Real estate developers did not aid YIMBY FC and were generally uninvolved in the debate around the reforms.[308] Meanwhile, PFC continued its opposition effort by using imagery of bulldozers and high-rise buildings on its website and social media pages to provoke fears among incumbent residents.[309]

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302. *Id.*

303. Fort Collins, Colo., Ordinance 136-2023 (Nov. 1, 2022).

304. *Id.*; *see also* Sady Swanson, *Back to the Drawing Board; Fort Collins Considers 33 Changes to Repealed Land Use Code*, The Coloradoan, Aug. 13, 2023, at A1.

305. Fort Collins, Colo., Ordinance 136-2023 (Nov. 1, 2022); Conway Interview, *supra* note 297.

306. Conway Interview, *supra* note 297. Conway observed that the group shifted its efforts toward state-level advocacy when Colorado Governor Jared Polis and his allies in the state's legislature introduced a sweeping zoning-reform bill to advance housing construction statewide, but YIMBY FC returned to local efforts after the bill died in the legislature. *Id.*; Seth Klamann, *A Statewide Housing Fight Plays out in One Growing Colorado City*, Denv. Post (Aug. 25, 2023), https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=0D1A2AB84F2D3D40&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F193A4486775C0AF8 [https://perma.cc/R6ML-7EQ4].

307. Conway Interview, *supra* note 297.

308. *Id.*

309. Arndt Interview, *supra* note 292; *News*, Preserve Fort Collins, https://preservefortcollins.org/news [https://perma.cc/7A6E-USMN]; Powell, *supra* note 294.

In October 2023, the city council approved the revised reforms by a 5–1 vote, eliminating the proposal for duplexes in the low-density residential district.[310] This time around, a majority of speakers at the city council supported the measure, although homeowners were nearly uniformly opposed to it.[311] Supporters referenced general concerns about housing affordability in their comments, and a handful discussed environmental sustainability and cultural diversity as reasons for their support.[312]

Although the mayor and two city council members who supported the reforms won reelection shortly after voting for their approval, the battle over the reforms continued.[313] PFC again circulated a referendum petition to oppose the revised reforms, and again collected enough signatures to force the city council to reconsider the reforms.[314] On December 19, 2023, the city council again voted to repeal the reforms.[315] Although PFC and other opponents urged the city council to refer the reforms to the electorate, the city council was by then aware that the state would likely adopt preemptive zoning reforms.[316]

After the city council's second repeal of its reforms, the city staff prepared a third round of code updates that removed the ADU and middle-housing provisions included in the earlier reforms.[317] These reforms

310. Rebecca Powell, *City Council Gives Final OK to Land Use Code Favoring Density, ADUs*, Fort Collins Coloradoan, Oct. 19, 2023, at A1; Rebecca Powell, *Council OKs Land Use Code: Amendment Reduces Density Plan for Some Neighborhoods*, Fort Collins Coloradoan, Oct. 5, 2023, at A1.

311. *Second Reading of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the "Pre-2024 Transitional Land Use Regulations": Public Hearing Before the City Council of Fort Collins, Colo.* (Oct. 17, 2023).

312. *Id.*

313. Rebecca Powell, *Voters Pick Progressive City Council Candidates: Land Use Code Proponents Reelected, Mayor Arndt Wins 2nd Term*, Fort Collins Coloradoan, Nov. 9, 2023, at A1.

314. Rebecca Powell, *Effort to Repeal Land Use Code Has Enough Valid Signatures*, Fort Collins Coloradoan, Dec. 7, 2023, at A1. The group used text messaging to encourage signatures on the petitions, with messages like, "[t]hese changes will create haphazard density and destroy the livability of our residential neighborhoods," "[f]orced densification will greatly increase the cost of housing and living," and "[t]he only winners are big developers, investors and land speculators." Rebecca Powell, *Who Is Preserve Fort Collins? Born Out of Land Use Code Fight, Group Cites Broader Mission*, Fort Collins Coloradoan (Apr. 4, 2024, 09:56 MT), https://www.coloradoan.com/story/news/2024/04/04/preserve-fort-collins-co-founder-shares-its-mission-desires/72859017007/ [https://perma.cc/448V-3YPG].

315. Rebecca Powell, *Fort Collins Land Use Code Repealed Again: Here's What's Next*, Fort Collins Coloradoan, Dec. 21, 2023, at A1.

316. *Id.*; Arndt Interview, *supra* note 292.

317. Fort Collins, Colo., Ordinance 055-2024 (May 7, 2024). These updates retained density bonuses for income-restricted affordable housing projects. *Id.* at 2.

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were passed on May 7, 2024.[318] Nevertheless, as the city considered its most recent attempt to update the code, the Colorado legislature passed several bills that preempt local zoning in Fort Collins. These new state laws allow ADUs by right in populated areas of the state, eliminate minimum parking requirements for residential developments, prohibit family-occupancy limitations, and require local governments to zone for higher-density apartments in areas around public transit stations.[319]

The next Part draws several conclusions about the political economy of zoning reform based on the information from the foregoing case studies and the demographic and political analysis contained in Part II.

IV. Putting It All Together: What We Know About Zoning Reform

This Part maps the findings and analysis of Parts II and III onto the hypotheses presented in Part I. Using the five hypotheses as an organizational framework, this Part explores the relative influence of each decision-making model in reform jurisdictions.

A. The Growth Machine Appears Absent in Recent Reforms

The analysis in Parts II and III indicates that the growth machine coalition has played little role in recent middle-housing and ADU reforms. These reforms allow unit types not typically built by large firms, which present challenges involving scalability, industrial capacity, and financing.[320] Whereas large builders prefer to produce hundreds or even thousands of units in one project, generating transaction-cost, permitting, financing, and labor efficiencies, infill middle housing's piecemeal nature usually precludes these efficiencies.[321] In addition, because of their small scale, risk profile, and lesser returns, middle housing projects face challenges in attracting financing from institutional investors or large banks and are accordingly usually constructed by

318. Fort Collins, Colo., Minutes of the May 7, 2024 City Council Regular Meeting (May 7, 2024).

319. Jesse Paul & Sandra Fish, *The Six Major Colorado Land-Use Bills Passed by Democrats in the Legislature and Aimed at Housing Affordability*, Colo. Sun (May 8, 2024, 19:44 MT), http://coloradosun.com/2024/05/08/colorado-land-use-bills-legislature-2024/ [https://perma.cc/ZWC2-CXCJ].

320. Connolly, *The Black Box*, *supra* note 30, at 2386–91.

321. *See id.* at 2386–87; *see also* Raven Molloy, *The Effect of Housing Supply Regulation on Housing Affordability: A Review*, 80 Reg'l Sci. & Urb. Econ. 103350, 2 (2020); Daniel G. Parolek, Missing Middle Housing: Thinking Big and Building Small to Respond to Today's Housing Crisis 81 (2020); Peter Hendee Brown, How Real Estate Developers Think: Design, Profits, and Community 194–95 (2015).

small builders.[322] ADUs fare slightly better with big business, as ADU builders do not typically acquire and carry land as part of their projects; instead, they supply prefabricated units to homeowners, along with permitting and construction support.[323] ADU builders benefit from increased scalability afforded by ADU reforms and may thus have a greater incentive to engage in local zoning reforms.

Nevertheless, in every case-study jurisdiction, interviewees noted that developers were mostly absent from reforms.[324] The only exceptions were smaller, local middle-housing builders, yet their participation appears to have been limited.[325] In each case-study jurisdiction, developers offered little to no testimony at public hearings.[326] For instance, in Saint Paul, just one local middle-housing builder attended hearings to support reforms.[327] Builders did not participate in most of the case-study jurisdictions' advocacy groups—like SSP or NFB—during their cities' consideration of reforms.[328] In at least one case, developers' absence was by design: Englewood intentionally sidelined developers to avoid arguments from residents that the reforms were profit-motivated.[329]

Anchorage experienced some developer involvement in reforms. Its 2022 parking reforms were co-sponsored by a real estate-professional assembly member, and the bill was expressly intended to ease real estate development.[330] Individual employees of developers were involved in

322. Connolly, *The Black Box*, *supra* note 30, at 2389–90; PAROLEK, *supra* note 321, at 80–81.

323. Connolly, *The Black Box*, *supra* note 30, at 2392.

324. Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Hallyburton Interview, *supra* note 182; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Pereira Interview, *supra* note 240; Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252; Sierra Interview, *supra* note 270; Power Interview, *supra* note 269; Shoup Interview, *supra* note 276; Frickey Interview, *supra* note 293; Conway Interview, *supra* note 297.

325. *See* Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252.

326. *See* Boise Hearing, *supra* note 175; Anchorage Hearing, *supra* note 203; Saint Paul Hearing, *supra* note 236; Englewood Hearing, *supra* note 263; Fort Collins Hearings, *supra* note 290.

327. Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252.

328. Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252; Folwell Interview, *supra* note 182; Dupuy Interview, *supra* note 182; McGoldrick Interview, *supra* note 192.

329. Sierra Interview, *supra* note 270.

330. Brawley Interview, *supra* note 209; Emily Goodykoontz, *Anchorage Assembly Member Kevin Cross Announces Resignation*, ANCHORAGE DAILY NEWS (Dec. 20, 2023), https://www.adn.com/alaska-news/anchorage/2023/12/20/anchorage-assembly-member-kevin-cross-announces-resignation/ [https://perma.cc/JX97-DFZ2].

the AHC, too, although they did not create or fund it.[331] Anchorage's preeminent affordable housing builder also advocated for middle-housing reforms.[332] Nevertheless, interviewees observe that most Anchorage development is conducted by local builders who generally stay away from politics.[333]

Several case-study interviewees suggested that developers lacked incentives to advocate for middle-housing reforms.[334] In some cases, their financial, professional, and political ability to seek and obtain site-specific zoning approvals for projects gives them a competitive advantage, limiting others' market entry.[335] Whereas these firms use their influence to obtain approval for their projects, they may lack incentives to assist a broader class of builders.[336]

The relative absence of the growth machine in the reforms discussed in this Article demonstrates that its influence is probably confined to places where incumbent residents—whether they are pro- or anti-growth—have relatively little political influence, including fast-growing suburbs or declining cities.[337] Unlike these places, the reform jurisdictions identified in Parts II and III are mature communities that are already physically built up, with established sociopolitical institutions and organizations, and their zoning decision-making tends to derive from participatory processes that engage incumbent residents.[338] Thus, it appears that the growth machine theory does not readily explain their recent zoning reforms.

B. Homeowner Self-Interest Is Nuanced

Many reform jurisdictions are majority-homeowner, yet not renter-dominated, and in many of them, most of the household population lives in *single-family* owner-occupied homes.[339] Thus, if local zoning

331. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.
332. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.
333. Brawley Interview, *supra* note 209.
334. Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252; Brawley Interview, *supra* note 209.
335. Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252.
336. *See* Hills, Jr. & Schleicher, *supra* note 3, at 93.
337. *See* Connolly, *Putting The "Why" In YIMBY*, *supra* note 31, at 469–70; *see also supra* text and accompanying notes 37–40.
338. *See* Steele, *supra* note 3, at 741.
339. *See supra* Parts II.A.1, II.A.2. In no reform jurisdiction was the homeownership rate lower than forty percent. *See* Table 1, *supra* note 110; Table 2, *supra* note 110. Among ADU reform jurisdictions specifically, homeownership rates are even higher than in middle-housing jurisdictions. *Compare* Table 1, *supra* note 110, *with* Table 2, *supra* note 110.

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decision-making reflects constituent preferences, then it seems many, if not most, homeowners in these places acquiesced to these interventions.

In contrast to the homevoter hypothesis, few homeowners appear to have supported recent reforms out of short-term material self-interest.[340] A handful of Boise public hearing commenters referenced themes such as property values, regulatory certainty, flexibility, and transparency.[341] Englewood's reforms originated after city council members heard from homeowners who wished to build ADUs on their properties.[342] In Anchorage, interviewees stated that some homeowners supported reforms for property-rights reasons, and a few homeowners referenced property rights, property values, and the possibility of rental income in their public hearing testimony.[343] These are classically self-interested positions to support more housing.[344]

Nevertheless, in the case-study cities, material self-interest appears to have factored little in reforms' adoption. In public hearings and other forums, most homeowners did not acknowledge the positive property-value implications of zoning reform.[345] Interviewees who interacted with homeowners in their respective reform-adoption processes uniformly agreed that most supportive homeowners either did not understand reforms' prospective benefits for property values or that they supported them for other, non-economic reasons.[346] In a few instances, homeowners obliquely referenced topics implying they understood their prospective gains, but these mostly included references

340. Fischel, Homevoter Hypothesis, *supra* note 1, at 4 (referencing capitalization). Philosophers and political psychologists generally define self-interest as relating to the short-term material welfare—measured in wealth or power—of a person or their family; they avoid including other, non-monetary or non-material things under the umbrella of self-interest because these things tend not to be easily measurable or identifiable. Sears & Funk, *supra* note 90, at 248; Brian Barry, Political Argument 124 (Routledge Revivals, 2010) ("The necessary qualifications to this first approximation can best be introduced by thinking of wealth and power as assets.").

341. *See* Boise Hearing, *supra* note 175.

342. *See* Sierra Interview, *supra* note 270; Englewood Hearing, *supra* note 263 (including several speakers who desired to build ADUs on their properties).

343. *See* Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210; Anchorage Hearing, *supra* note 203.

344. *See* Barry, *supra* note 340, at 66–67, 123–24; Sears & Funk, *supra* note 90, at 248.

345. *See* Boise Hearing, *supra* note 175; Saint Paul Hearing, *supra* note 236; Anchorage Hearing, *supra* note 203; Englewood Hearing, *supra* note 263.

346. Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Hallyburton Interview, *supra* note 182; Hanson Interview, *supra* note 249; Noecker Interview, *supra* note 241; Pereira Interview, *supra* note 240; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210; Day Interview, *supra* note 210; Power Interview, *supra* note 269; Sierra Interview, *supra* note 270; Conway Interview, *supra* note 297.

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to general, citywide property value increases, expanded property rights, or greater regulatory flexibility that would allow them to build ADUs or expand their homes.[347]

While this narrower, material self-interest appears not to have been a major force behind reforms, many homeowners in the case-study cities supported reforms for other, more community-interested reasons. They acknowledged that added density would improve neighborhood amenities, benefit local businesses, or produce aesthetic benefits.[348] In Anchorage, some homeowners agreed that unaffordable housing undermines their well-being when, for instance, service workers cannot afford housing, causing local business closures or reduced access to amenities.[349] In every case-study jurisdiction, homeowners were concerned about their loved ones' ability to afford housing nearby, and younger homeowners, who have navigated a challenging market or have peers experiencing these challenges, tended to support reforms.[350] These things generally benefit homeowners, yet they are less oriented toward material wealth; moreover, if realized, these benefits would accrue to the entire population and not just homeowners.[351]

Homeowners' material self-interest in the design and messaging of reforms appears to be related to the relative political heterogeneity of reform jurisdictions. Whereas in Anchorage, advocates emphasized property rights, deregulation, and the economic benefits of reforms,[352] as evidenced by their hearing testimony and advocacy, other cities' homeowners were swayed by subjective, non-monetary factors like their quality of life, mental or spiritual welfare, social status, environmental protection, or advancing the welfare of other members of their social group.[353] Yet, unlike concerns about property values, these non-monetary

347. *See* Boise Hearing, *supra* note 175; Englewood Hearing, *supra* note 263; Anchorage Hearing, *supra* note 203; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210; Sierra Interview, *supra* note 270.

348. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Brawley Interview, *supra* note 209; Power Interview, *supra* note 269; Sierra Interview, *supra* note 270.

349. Day Interview, *supra* note 210.

350. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; Brawley Interview, *supra* note 209; Power Interview, *supra* note 269; Day Interview, *supra* note 210. This finding matches national polling data conducted before the 2024 U.S. presidential election, in which poll respondents across the political spectrum indicated concern for their family members' and friends' ability to afford housing. *See* Karoub, *supra* note 93 (crosstabs to be provided upon request).

351. *See* BARRY, *supra* note 340, at 123–24; Sears & Funk, *supra* note 90, at 248.

352. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.

353. *See* Boise Hearing, *supra* note 175; Saint Paul Hearing, *supra* note 236; Anchorage Hearing, *supra* note 203; Englewood Hearing, *supra* note 263; Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview,

interests are not unique to homeowners; renters also benefit from them. Thus, homeowners' short-term material self-interest appears to play a minor role in encouraging reforms, while their subjective self-interest may be more influential.

C. Renters Are a Force in Zoning Reform

Compared to other cities, renters tend to form a larger—although not overwhelming—share of reform jurisdictions' populations.[354] Whereas the weight of scholarship emphasizes homeowners' outsized political influence—even in majority-renter cities—this increased prevalence of renters in reform jurisdictions suggests local officials are accounting for their preferences.[355]

Although homeowners outnumbered renters in every case-study public hearing, renters also participated.[356] Whereas homeowners were often split in their positions on reforms, renters nearly uniformly supported them.[357] Moreover, in many cases, renters focused their comments on housing affordability rather than, for instance, social equity or environmental sustainability, frequently referencing their experiences securing or purchasing housing.[358] Higher-income professionals appear to have been among the renter participants. In Boise, interviewees noted that NFB's gatherings, held near the city's downtown, attracted participation from downtown-area professional renters.[359] Anchorage interviewees observed that lower-income renters face obstacles to attending and presenting at public hearings, but professional, high-income renters could participate, and their appeals may have even influenced some homeowners to support reforms.[360]

Renters' testimony seems to have been persuasive. In most zoning cases, homeowners predominate; they are usually (unlike renters)

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supra note 192; Hallyburton Interview, *supra* note 182; Hanson Interview, *supra* note 249; Noecker Interview, *supra* note 241; Pereira Interview, *supra* note 240; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210; Day Interview, *supra* note 210; Power Interview, *supra* note 269; Sierra Interview, *supra* note 270; Sears & Funk, *supra* note 90, at 248.

354. *See* Table 1, *supra* note 110; Table 2, *supra* note 110.

355. Been et al., *Urban Land-Use Regulation*, *supra* note 88, at 231.

356. *See* Boise Hearing, *supra* note 175; Englewood Hearing, *supra* note 263; Saint Paul Hearing, *supra* note 236; Anchorage Hearing, *supra* note 203; Fort Collins Hearings, *supra* note 290.

357. *See* Boise Hearing, *supra* note 175; Englewood Hearing, *supra* note 263; Saint Paul Hearing, *supra* note 236; Anchorage Hearing, *supra* note 203; Fort Collins Hearings, *supra* note 290.

358. *See* Boise Hearing, *supra* note 175; Anchorage Hearing, *supra* note 203.

359. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182.

360. *See* Day Interview, *supra* note 210; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210.

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legally entitled to notice of proposed zoning changes and likely to oppose new housing.[361] Elected and appointed officials tend to respond to such testimony by denying or modifying proposals.[362] Nevertheless, renters' overwhelming support for zoning reforms in the case-study jurisdictions appears to have played a part in encouraging their leaders to approve these interventions.

D. YIMBY Organizing Has Become Easier—And More Effective

Technology appears to have aided housing advocates' organizing and partially mitigated their disadvantages compared with anti-growth interests. The case-study jurisdictions generally had well-organized nongovernmental groups that built support for reforms, eventually enabling reformers to effectively counter opposition at hearings.[363] These third-party groups' organizational capacity correlates with the eventual adoption and success of reforms, as they tend to recruit broad constituencies to speak at hearings.[364] In Fort Collins, the only case-study jurisdiction where reforms were eventually repealed, the local nongovernmental advocacy groups seemingly had less organizational capacity to counter opposition efforts.[365]

In each case, these groups formed, recruited supporters, and educated members and the general public online.[366] Although they held in-person meetings and social events, they organized on Facebook, Twitter, Nextdoor, and other social media platforms.[367] Although opponents also used online media to recruit members and spread

361. Einstein, Glick & Palmer, *supra* note 3, at 38–39, 101, 109; Sarah Schindler & Kellen Zale, *The Anti-Tenancy Doctrine*, 171 U. Pa. L. Rev. 267, 284 (2023).

362. Steele, *supra* note 3, at 728–29, 733.

363. *See* Dupuy Interview, *supra* note 182; Moser Interview, *supra* note 183; Hallyburton Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210; Dobson Interview, *supra* note 226; Hanson Interview, *supra* note 249; Noecker Interview, *supra* note 241; Pereira Interview, *supra* note 240; Fischer Interview, *supra* note 252; Power Interview, *supra* note 269; Shoup Interview, *supra* note 276.

364. *See* Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Boise Hearing, *supra* note 175; Hanson Interview, *supra* note 249; Pereira Interview, *supra* note 240; Noecker Interview, *supra* note 241; Saint Paul Hearing, *supra* note 236; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Dobson Interview, *supra* note 226; Anchorage Hearing, *supra* note 203.

365. *See* Conway Interview, *supra* note 297.

366. *See* Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Shoup Interview, *supra* note 276; Conway Interview, *supra* note 297.

367. *See* Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Shoup Interview, *supra* note 276. Englewood's group was assembled through another nearby YIMBY chapter. *See* Shoup Interview, *supra* note 276.

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information in the case-study jurisdictions, supporters' ability to organize, recruit, and counter opponents was partly due to their use of technology tools.[368]

Online tools' availability to organize diffuse housing supporters is relatively new and seemingly powerful. Whereas opponents' geographic proximity, shared harm, and a favorable cost-benefit calculus to appear at hearings and voice concerns once advantaged them, the case-study jurisdictions' experiences suggest online organizing methods can effectively counter these forces.[369] In particular, given that renters—the group that stands to benefit most from new housing—usually do not receive any formal notice of new housing applications for which they could advocate, online organizing tools offer a salient opportunity to notify renters of prospective zoning decisions that may affect them.[370] Thus, this hypothesis likely describes an important force in zoning reforms.

E. Ideology and Values Matter in Reform Jurisdictions

This Article's findings suggest ideology and values are relevant forces in reform jurisdictions, perhaps more so than most political economy scholarship acknowledges. The Democratic lean and absence of political competitiveness in most reform jurisdictions might lead one to conclude that pro-housing reforms are consistent with liberal ideology and values.[371] Nevertheless, as some politically competitive and Republican-leaning places have adopted them, these reforms are not exclusive to liberal cities.[372]

Values and ideology appear to have informed public discourse on reforms.[373] Interviewees in each case-study jurisdiction observed that homeowners' values and ideology superseded their self-interest, with many estimating that many homeowners want to live in inclusive

368. *See* Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Brawley Interview, *supra* note 209; Shoup Interview, *supra* note 276; Conway Interview, *supra* note 297.

369. For a description of the historically unequal balance of who participates locally, see EINSTEIN, GLICK & PALMER, *supra* note 3, at 32–33; Hills, Jr. & Schleicher, *supra* note 3, at 90–93; Steele, *supra* note 3, at 722–23.

370. *See* Schindler & Zale, *supra* note 361, at 284; EINSTEIN, GLICK & PALMER, *supra* note 3, at 38–39, 101.

371. *See* Tables A–B (on file with author).

372. *See id.*

373. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210; Power Interview, *supra* note 269; Sierra Interview, *supra* note 270; Shoup Interview, *supra* note 276.

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localities.[374] One also suggested that homeowners without plans to sell their homes may be less concerned about their homes' values than about physical and social improvements to their neighborhoods.[375]

The centrality of values and ideology to reform discourse is also clear from the case-study jurisdictions' advocacy and public hearing testimony. For instance, in majority-homeowner Boise, support for reforms centered on community values like providing housing opportunities at prices affordable to Boise families and protecting open spaces and recreational access.[376] In Saint Paul, racial and social equity concerns drove city leaders' decision to undertake reforms; their planning documents acknowledge these concerns, and these themes were reflected in the city's adopted ordinance.[377] By contrast, in politically heterogeneous Anchorage, reform rationales involving housing affordability, quality of life, economic growth and development, regulatory flexibility, and property rights were more effective—and appealed to constituencies across the political spectrum—than arguments around social equity or environmental sustainability.[378] In contrast to Saint Paul, the Anchorage assembly's ordinance did not refer to racial or social equity and only briefly mentioned the environmental impacts of sprawl.[379]

Thus, homeowners' support for reforms cannot be explained entirely by concerns for short-term material wealth. Their interest in improving their quality of life or supporting their social groups appears neither purely materially self-interested nor unique to homeowners as a group.[380] Although homeowners may not always reveal their true motivations in public testimony,[381] case-study interviewees generally confirmed that homeowners were less motivated by concern for property values and

374. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Hallyburton Interview, *supra* note 182; Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249; Fischer Interview, *supra* note 252; Sierra Interview, *supra* note 270; Power Interview, *supra* note 269.

375. *See* Folwell Interview, *supra* note 182.

376. *Id.*; Dupuy Interview, *supra* note 182; McGoldrick Interview, *supra* note 192.

377. Noecker Interview, *supra* note 241; Hanson Interview, *supra* note 249; Melissa Olson, *St. Paul City Council Considers Eliminating Single-Family-Only Zoning*, MPR News (Oct. 5, 2023, 09:10 CT), https://www.mprnews.org/story/2023/10/05/st-paul-city-council-considers-eliminating-singlefamilyonly-zoning [https://perma.cc/935N-UTGJ]; Zak Yudhishthu, *In St. Paul, Zoning Discourse Has Developed for the Better*, Streets.MN (July 5, 2023), https://streets.mn/2023/07/05/st-paul-zoning-discourse/ [https://perma.cc/53KF-KTTW].

378. Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.

379. Mun. of Anchorage, Alaska, Assembly Ordinance 2023-87(S-1) (June 25, 2024).

380. *See supra* Part IV.B.

381. *See* Einstein, Glick & Palmer, *supra* note 3, at 118 (noting that public hearing commenters may not always reveal their true concerns or intentions).

instead subscribed to values-based arguments.[382] Moreover, given that renters willingly testified about their economic self-interest in supporting reforms—and that opponents of zoning changes routinely invoke property-values arguments to support their positions—it seems unlikely that homeowners hid self-interested motives to avoid social stigma.[383] These observations about reform jurisdictions are consistent with other scholars' assertions that Fischel may overstate the degree to which homeowners care about their home values.[384] The case studies imply that non-economic motives, like desires for inclusion, underlie pro-housing sentiment.

Regardless of whether reforms in the case study jurisdictions were animated by considerations of racial equity, economic growth, or private property rights, values-based arguments appear to have superseded those of economic self-interest, particularly among homeowners. This conclusion counters the predominant view that economic self-interest drives zoning decision-making and suggests that there is political room for zoning laws to do more than simply protect homeowners' property values.

F. Conclusion: Why Localities Adopt Reforms

Localities' single-family zoning reforms appear unanimated by either the growth machine or homeowners' material self-interest hypotheses. Developers and their allies were mostly absent from case-study cities' reform processes, and the reforms adopted in these communities do not serve the interests of large and powerful real estate developers. Similarly, although single-family zoning reforms may increase homeowners' material wealth, the homevoter-hypothesis dynamic appears absent: these reforms are mostly adopted in majority-homeowner jurisdictions, which the hypothesis predicts will usually oppose new housing, and supportive homeowners overwhelmingly describe their support in non-material and non-monetary terms.

In contrast, increased renter participation, improvements in pro-housing forces' organizational capacity, and public-interest-focused decision-making motivated by values or ideology appear to be more relevant factors in recent zoning reforms. Renters and their allies participated in the case-study jurisdictions' reforms. Their participation,

382. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Hallyburton Interview, *supra* note 182; Hanson Interview, *supra* note 249; Noecker Interview, *supra* note 241; Pereira Interview, *supra* note 240; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210; Zaletel Interview, *supra* note 210; Dobson Interview, *supra* note 226; Power Interview, *supra* note 269; Sierra Interview, *supra* note 270; Shoup Interview, *supra* note 276.

383. *See* Boise Hearing, *supra* note 175; Anchorage Hearing, *supra* note 203; Englewood Hearing, *supra* note 263.

384. *See supra* text and accompanying notes 91–93.

along with that of sympathetic homeowners, was aided by pro-housing groups that used technology—namely social media—to educate, recruit supporters, and build coalitions that overshadowed or countered opponents of reforms. Moreover, whereas some renters appear to have supported reforms because of their self-interest, interviewees' accounts and homeowners' public statements suggest that they came to support reforms for reasons ranging from racial and social equity to environmental sustainability and high housing prices' impacts on their social groups.

This account of zoning decision-making—at least as it relates to jurisdiction-wide reforms aimed at adding small multi-family and accessory dwelling units to single-family neighborhoods—challenges the dominant narratives of why local governments adopt pro- or anti-growth laws.[385] Whereas public choice models tend to minimize values' and ideology's role in cities' decisions, reform jurisdictions' experiences suggest that self-interest—whether of business interests or homeowners—cannot always predict how localities will make their zoning laws. Nevertheless, given that pro-housing zoning reforms have occurred in only a small handful of U.S. localities as of this writing, it is not yet clear whether the model described here is an anomaly caused by the current U.S. housing crisis or if other jurisdictions will follow suit. Given the relatively slow adoption of these reforms around the nation and their concentration in Democratic-leaning cities and university towns, the decision-making model described in this Article may not spread beyond a small minority of jurisdictions. Despite reformers' enthusiasm about these local reforms,[386] if these and other reforms are not adopted in more places, the prospects for resolving the housing crisis seem dim. The next Part discusses how the law could expand the reach of these reforms.

V. What It All Means: How the Law Might Facilitate Further Reforms

This Part discusses what the preceding analysis means for land-use law, future reform efforts, and prospects for addressing the housing crisis. The law can facilitate or hinder reform efforts, and reform-minded lawyers and lawmakers can shape the procedures and standards

385. *See* Been et al., *Urban Land-Use Regulation*, *supra* note 88, at 228 (describing the two dominant narratives around land-use decision-making); Daniel R. Mandelker, *Spot Zoning: New Ideas for an Old Problem*, 48 Urb. Law. 737, 745 (2016) (explaining "capture" of the zoning process). Although this analysis may bear some relevance to site-specific rezonings or upzoning to allow denser apartments and condominiums, it should not be interpreted as weighing on these scenarios.

386. *See* Bronin, *supra* note 8, at 783.

governing future reforms. Nevertheless, while this Article demonstrates that local reforms are possible, it also presents a cautionary tale about exclusively relying on local governments to confront the housing crisis. What follows are three normative recommendations for how courts, lawmakers, and lawyers—at the state and local levels—could expand or modify local and state law to better facilitate reforms. These include creating more opportunities for people besides incumbent homeowners to participate in and challenge local zoning decision-making, requiring community planning and ensuring that it receives deference in zoning decision-making, and utilizing state preemption where appropriate to minimize local debate over minor or broadly agreed-upon interventions.

First, expanding the universe of participants in zoning decision-making was important to several reforms' successful adoption.[387] Most local elected officials own homes, homeowners vote in local elections at higher rates than non-homeowners, and homeowners are likelier to participate in zoning decisions—usually in opposition to new development—than non-homeowners, thus biasing local decision-making and participation toward homeowners.[388] In most states and cities, the law directly facilitates and encourages their participation, ensuring homeowners receive formal notices of zoning applications and hearings, requiring public hearings and meetings to occur at times and in locations that favor homeowning professionals who work daytime jobs and have access to evening childcare, and empowering institutions like homeowners' associations or other government-sponsored neighborhood organizations to advocate on behalf of homeowners while providing no similar outlet for non-homeowners.[389]

387. *See* Dupuy Interview, *supra* note 182; Folwell Interview, *supra* note 182; Hanson Interview, *supra* note 249; Shoup Interview, *supra* note 276.

388. *See* OLIVER ET AL., *supra* note 1, at 69, 98; FISCHEL, HOMEVOTER HYPOTHESIS, *supra* note 1, at 4; EINSTEIN, GLICK & PALMER, *supra* note 3, at 101.

389. Sarah Schindler & Kellen Zale, *Neighbors Without Notice: The Unequal Treatment of Tenants and Homeowners in Land Use Hearing Procedures*, 59 HARV. C.R.-C.L. REV. 339, 350 (2024); Lemar, *Overparticipation*, *supra* note 28, at 1148. Homeowners' associations are usually a required governance feature of common-interest communities. *See* Robert C. Ellickson, *Stale Real Estate Covenants*, 63 WM. & MARY L. REV. 1831, 1839–40 (2022). Yet many engage in advocacy around zoning matters. In many local jurisdictions, homeowners' associations receive extra time for public testimony. *See* Boise Hearing, *supra* note 175; Englewood Hearing, *supra* note 263. In some cities, city law establishes—and may even fund—formal neighborhood associations that serve as *de facto* homeowners' associations, and the law often provides opportunities for these groups to receive special notice of proposed land-use actions. *See, e.g.*, *Neighborhood Associations,* CITY OF ANN ARBOR, MICH., https://www.a2gov.org/planning/neighborhood-associations/ [https://perma.cc/8YU2-WMUS]; ANCHORAGE, ALASKA, CHARTER § 8.01 (2024); DENV., COLO., REV. MUN. CODE §§ 12-91–98 (2024).

The case-study jurisdictions show that renters' and younger people's support was important to the adoption of reforms.[390] Given decision-makers' likelihood of approving development proposals when hearing attendees support them, reformers should consider how the law might facilitate greater participation from non-homeowners.[391] For example, jurisdictions could require broader public-hearing notice to ensure that renters, business owners, and other non-homeowners are aware of pending actions. They could also limit owners' associations' power in decision-making by restricting their speaking time at public hearings, while offering opportunities outside of evening public hearings for individuals and groups to voice their positions on reforms. Cities could also offer opportunities for public input outside of lengthy, formalistic evening or mid-day public hearings, which tend not to be easily accessible to groups with the greatest need for more affordable housing types, such as working people, parents of young children, or those who rely on public transportation.[392]

Furthermore, the law could better empower non-incumbents to participate in a jurisdiction's zoning decision-making. Many localities—particularly suburbs—have exceedingly high proportions of homeowners, meaning that providing broader notice or more opportunities for public testimony would have little effect in expanding participation to non-homeowners. Under federal law, non-residents generally lack standing to challenge a jurisdiction's exclusionary zoning, and state courts rarely entertain non-incumbents' challenges to exclusionary zoning practices.[393] Nevertheless, state legislatures could expand standing for non-resident housing seekers—something likely within their prerogative as a matter of statewide concern—which would offer localities greater incentive to consider non-incumbents'

390. *See* Dupuy Interview, *supra* note 182; McGoldrick Interview, *supra* note 192; Hanson Interview, *supra* note 249; Brawley Interview, *supra* note 209; Day Interview, *supra* note 210.

391. Steele, *supra* note 3, at 728.

392. *See* Lemar, *Overparticipation*, *supra* note 28, at 1148; Lemar, *The Role of States*, *supra* note 25, at 347. Some cities have adopted online platforms for public comment and engagement, including Lakewood, Colorado. *See Participate in Lakewood Government Online*, LAKEWOOD SPEAKS, https://lakewoodspeaks.org/ [https://perma.cc/4HAU-RQYW]. Little is known about whether these platforms improve access and engagement.

393. *Warth v. Seldin*, 422 U.S. 490, 502–04 (1975); *see also* Briffault, *supra* note 8, at 107–08 ("In *Warth v. Seldin*, the Supreme Court effectively precluded federal judicial review of most local exclusionary zoning practices."). The case of *Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel* is a prominent exception, as the New Jersey Supreme Court found that a local government's exclusionary zoning was a violation of a state constitutional obligation to provide sufficient low-income housing. 336 A.2d 713, 724–28 (N.J. 1975).

positions.[394] Although it is possible that expanding non-residents' standing might give non-incumbent opponents more opportunities to stop new housing, it seems likelier that expanding standing would afford greater opportunity for housing seekers and advocates to push homeowner-majority jurisdictions to approve more housing. For example, California's Housing Accountability Act,[395] which confers standing on housing seekers eligible for income-restricted housing to challenge localities' denials of such housing, has been used by YIMBY groups to challenge exclusionary decision-making in some cities.[396]

The second way the law could better facilitate local reforms is to give greater legal weight to planning. Comprehensive planning usually involves extensive public engagement, identifying community values and goals, and preparing recommendations for zoning, land use, infrastructure, and physical development.[397] Although state enabling laws generally require zoning to conform to a plan, the necessary degree of closeness between zoning and planning has long been a subject of debate and confusion among scholars, courts, and legislatures.[398] The Standard State Zoning Enabling Act, promulgated by the U.S. Department of Commerce in 1926 and generally adopted in some form by most states, required that zoning "regulations shall be made in accordance with a comprehensive plan," ostensibly to avoid "haphazard or piecemeal" regulation.[399]

Today, some states require close conformance between plans and zoning—the plan effectively binds subsequent zoning—whereas others treat plans as non-binding guidance.[400] Scholars have observed

394. *See* Kenneth Stahl, *Home Rule and State Preemption of Local Land Use Control*, 50 URB. LAW. 179, 196–97 (2020).

395. CAL. GOV'T CODE § 65589.5 (2024).

396. *See* DOUGHERTY, *supra* note 86, at 104–05.

397. *See* Schleicher, *supra* note 80, at 1705; Edward J. Sullivan & Matthew J. Michel, *Ramapo Plus Thirty: The Changing Role of the Plan in Land Use Regulation*, 35 URB. LAW. 75, 79 (2003).

398. *See, e.g.*, Roderick M. Hills, Jr. & David Schleicher, *Planning an Affordable City*, 101 IOWA L. REV. 91 (2015) [hereinafter Hills, Jr. & Schleicher, *Planning an Affordable City*]; *see generally* Sullivan & Michel, *supra* note 397; John R. Nolon, *Comprehensive Land Use Planning: Learning How and Where to Grow*, 13 PACE L. REV. 351 (1993); Mandelker, *supra* note 8, at 901–02; Charles M. Haar, *In Accordance with a Comprehensive Plan*, 68 HARV. L. REV. 1154 (1955).

399. ADVISORY COMM. ON ZONING, U.S. DEP'T OF COM., A STANDARD STATE ZONING ENABLING ACT UNDER WHICH MUNICIPALITIES MAY ADOPT ZONING REGULATIONS 6 (1926); Stuart Meck, *The Legislative Requirement That Zoning and Land Use Controls Be Consistent with an Independently Adopted Local Comprehensive Plan: A Model Statute*, 3 WASH. U. J. L. & POL'Y 295, 296–98 (2000).

400. *See* Sullivan & Michel, *supra* note 397, at 85. Examples of states that require greater conformance between plans and zoning include Arizona, *see* ARIZ. REV. STAT. ANN. § 9-462.01(F) (2025), California, CAL. GOV'T CODE § 65350 (2025), and Florida,

that increasing the legal force accorded to plans might increase public participation in their development and create reliance interests in their substantive provisions.[401] Additionally, giving planning more legal force might better aid in (1) identifying shared communal values, (2) establishing housing needs, and (3) mitigating local legislators' legal and political risk arising from reforms' adoption.

The importance of planning—and developing shared community values through the planning process—appears to have been integral to the case-study jurisdictions' reforms. As presented above, each case-study jurisdiction's reforms accorded with general or specific principles contained in the respective jurisdiction's plan, which was adopted shortly before the reforms.[402] In some places, the values and goals outlined in the plan aligned closely with constituents' reasons for supporting reforms.[403] Given community values' outsized role in public discourse around reforms, planning offers an opportunity to define and generate support for those values. Affording plans greater legal weight might thus incentivize localities and their constituents to establish shared values *before* drafting and soliciting support for reforms, and to identify sources of such support.

Similarly, the robust data-gathering attendant to planning could encourage research-backed policy interventions that facilitate increasing housing supply. Planning presents an opportunity for jurisdictions and housing advocates to establish housing needs and develop concrete proposals to meet them. Some states already require localities to plan for housing needs.[404] Housing-needs planning forces localities to collect data on their existing housing stocks and gaps in them, present that information to the public, and formulate approaches to address those gaps.[405] Particularly where their zoning laws do not allow housing types

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FLA. STAT. ANN. § 163.3194(1)(a) (2025). Other states tend to require less conformance, and allow zoning decisions that may be in conflict with plans. *See, e.g.*, Griswold v. City of Homer, 925 P.2d 1015, 1021 (Alaska 1996); Bd. of Cnty. Comm'rs v. Conder, 927 P.2d 1339, 1346 (Colo. 1996); Urrutia v. Blaine Cnty., 2 P.3d 738, 742–43 (Idaho 2000); City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, Inc., 749 N.E.2d 916, 928 (Ill. 2001).

401. *See* Haar, *supra* note 398, at 1155–73; Hills, Jr. & Schleicher, *Planning an Affordable City*, *supra* note 398, at 99–100, 108–20.

402. *See* Dupuy Interview, *supra* note 182; Brawley Interview, *supra* note 209; Noecker Interview, *supra* note 241; Pereira Interview, *supra* note 240; Power Interview, *supra* note 269.

403. *E.g., compare* Boise Hearing, *supra* note 175, *with* BOISE CITY PLAN. & DEV. SERVS. DEP'T, BLUEPRINT BOISE: BOISE'S COMPREHENSIVE PLAN 2-1–2-5 (2023).

404. CAL. GOV'T CODE §§ 65580–89.11 (2024); OR. REV. STAT. §§ 197A.270, 197A.280 (2024); MICH. COMP. LAWS § 125.3833 (2025).

405. *See* LISA M. OLIVEIRA, HOUS. & HOMELESSNESS RES. CTR., GUIDE AND DATA TEMPLATE FOR PREPARING A HOUSING NEEDS AND DEMAND ASSESSMENT: FOR SERVICE MANAGERS, ONTARIO (2013).

that would fill those gaps, the plan may call for reforms; by giving a plan sufficient legal weight, it would force localities to prepare and adopt such reforms.

Finally, by encouraging broader community representation and participation in earlier-stage planning, giving plans more legal force could minimize duplicative procedures, enabling localities to be more responsive in addressing unaffordability. Even though outreach processes were not mandatory and these cities had already (and recently) conducted public outreach in connection with their plans, each case-study jurisdiction conducted extensive outreach before adopting reforms.[406] Their reasons for undertaking these extralegal processes likely included insuring against political risk, responding to constituent pressure, or complying with local norms around public feedback and engagement.[407] Nevertheless, these duplicative public processes delayed reforms—sometimes for years—and negotiations between opponents and decision-makers frequently pared them back from their initial proposals and what earlier plans called for.[408]

In many cases, legal requirements can insulate elected officials from political risk by enabling officials to justify their decisions to their constituents.[409] Affording plans greater legal weight might obviate the need for extensive and time-consuming extralegal public engagement processes, as it would allow public officials to explain their adoption of reforms in light of their legal obligations to follow plan recommendations.[410]

This Article's suggestion that planning should receive greater legal weight in the face of the current housing crisis echoes an earlier recommendation of Hills and Schleicher.[411] They observe that enabling planning more directly bind subsequent zoning decisions might facilitate better cross-neighborhood bargaining over new development

406. *See* BOISE, IDAHO, CODE OF ORDS. § 11-05-05.4.B (2024) (establishing procedures for amending code); ANCHORAGE, ALASKA, MUN. CODE § 21.03.210 (2024) (establishing procedures for amending code); SAINT PAUL, MINN., CODE OF ORDS. § 61.801 (2024) (establishing procedures for amending code); ENGLEWOOD, COLO., MUN. CODE § 16-2-2 (2024) (establishing procedures for amending code).

407. *See* Kazis, *supra* note 76, at 2361–63.

408. *See* Dupuy Interview, *supra* note 182; Brawley Interview, *supra* note 209; Zaletel Interview, *supra* note 210; Sierra Interview, *supra* note 270.

409. *See* BRIAN J. CONNOLLY & DWIGHT H. MERRIAM, GROUP HOMES: STRATEGIES FOR EFFECTIVE AND DEFENSIBLE PLANNING AND REGULATION 145 (2014) (explaining how the Fair Housing Act insulates local officials from political risk); Tim Iglesias, *Managing Local Opposition to Affordable Housing: A New Approach to NIMBY*, 12 J. AFFORDABLE HOUS. & CMTY. DEV. L. 78, 94 (2002).

410. *See* CONNOLLY & MERRIAM, *supra* note 409, at 145.

411. Hills, Jr. & Schleicher, *Planning an Affordable City*, *supra* note 398.

and produce more transparent, predictable outcomes for neighborhoods and developers, thus facilitating more housing construction.[412] This Article's recommendation adds to this chorus, suggesting that if zoning were required to hew closer to localities' plans, it could better effectuate the pro-housing elements of good planning.

Third and finally, state preemption is likely necessary to advance zoning reforms. Assuming widespread zoning deregulation is needed to address housing undersupply and unaffordability, it appears that local reforms alone will be insufficient. To accomplish the necessary scale of zoning deregulation entirely at the local level, the complicated mix of renter self-interest, effective organizing by pro-housing forces, and convergence of values and ideology that produced the reforms described in this Article must be replicated tens of thousands of times. In any given jurisdiction, assuming processes and negotiations similar to those in the case-study jurisdictions, such replication could take decades. Although that has occurred in the seventy-odd jurisdictions discussed in Parts II and III of this Article, the likelihood of aligning these forces in other jurisdictions—particularly demographically homogeneous suburbs, places with very high homeownership rates, and communities that lack the same political ideologies and values in most of the reform jurisdictions—seems low. Fort Collins offers a cautionary tale in this regard: even in a city that supported zoning reform and where the city council approved it, a small minority of residents was twice able to petition for referenda on modest reforms.

Whether and to what extent states should preempt zoning has been a subject of great scholarly debate, particularly amid the housing crisis. Several scholars assert that state preemption is necessary to address the crisis, arguing that the homeowner-centric political economy of local decision-making means localities will almost always default to exclusionary tendencies.[413] Conversely, some are more skeptical of preemption, arguing that preemption might unite antidevelopment interests into statewide or regional cartels, the political economy of state decision-making may prove just as challenging as in localities, or state preemption might have unintended consequences that undermine progressive local legislation.[414] Some scholars express particular concern

412. *Id.* at 124–34.

413. *See, e.g.*, Christopher S. Elmendorf, *Beyond the Double Veto: Housing Plans as Preemptive Intergovernmental Compacts*, 71 HASTINGS L.J. 79, 129–30 (2019); Lemar, *The Role of States*, *supra* note 25, at 345–48; Stahl, *supra* note 394, at 209–12; Ezra Rosser, *The Euclid Proviso*, 96 WASH. L. REV. 811, 815–19 (2021); Infranca, *supra* note 30, at 875–86.

414. *See* Richard C. Schragger, *The Perils of Land Use Deregulation*, 170 U. PA. L. REV. 125, 150–62 (2021); Ellickson, *supra* note 19, at 434–35.

that preempting local zoning might invite or encourage preemption in other areas where cities might be inclined to adopt more progressive positions than their surrounding states.[415]

State preemption offers the prospect of avoiding altogether the need for this complex alignment of pro-housing forces and the delays inherent in local processes to formulate and adopt reforms. Whereas past generations' attempts at state preemption tended to create duplicative processes between states and local governments, recent state-led efforts usually avoid these, instead displacing local regulations and setting generally applicable baselines for them.[416] For example, recent state legislation allowing ADUs by right in states like Oregon, Washington, and California simply displaces contrary local zoning and ensures that every locality allows a certain number of dwelling units per lot.[417]

This type of state preemption also helps streamline local reforms. Where state law displaces a particular subject of zoning—like allowing ADUs by right statewide—it withdraws that subject from local debate and avoids the need for coalition-building and public outreach around a widely accepted reform. For instance, Anchorage, Boise, and other case-study cities could have avoided some of their rancorous community debates over ADUs and small-scale multi-family projects and instead focused their efforts on other, potentially more impactful affordability measures. Fort Collins could have avoided the threat of a referendum on its ADU and small multi-plex reforms. Similarly, preemption could minimize local officials' political liability for passing reforms, as officials can point to their obligations under state law and avoid blame for adopting reforms. And by displacing some subjects of local regulation, state preemption frees reformers and local governments to focus on other areas of zoning that constrain housing supply and allows progressive jurisdictions the opportunity for further experimentation to advance housing affordability. For instance, instead of requiring local officials and reformers to spend time and political capital negotiating with anti-growth forces over backyard ADUs, statewide permission for ADUs might push housing debates to focus on other, more significant interventions. Moreover, evidence suggests that state preemption might soften public opposition to middle housing, which might in turn encourage local governments to go further than state law requires.[418]

415. Schragger, *supra* note 414, at 156.
416. *See* Rosser, *supra* note 413, at 859–60; Infranca, *supra* note 30, at 875–76; Lemar, *The Role of States*, *supra* note 25, at 305–44.
417. *See* Infranca, *supra* note 30, at 860–68.
418. *See id.* at 882–83.

Furthermore, despite some scholars' concerns about the possible breadth of state preemption, the preemptive measures that will achieve the foregoing outcomes are limited incursions on local authority. For instance, displacing local authority to prohibit ADUs or middle housing leaves localities with many other subjects to regulate, from design and dimensional standards to procedural steps and infrastructure requirements.[419] Particularly where these limited preemptive measures align with general public attitudes about ADUs and middle housing—as might be demonstrated through state or local polling—they avoid capture of local decision-making by anti-growth minority interests and ensure a minimum cross-jurisdictional regulatory baseline. Such measures leave adequate room for additional local experimentation and will continue to provide pro-housing forces with meaningful opportunities to engage their officials to adopt further reforms.[420]

Nevertheless, although state preemption could better address the housing crisis compared with exclusive reliance on local reforms, the local political economy of zoning reform remains important for two reasons. First, whereas statehouses offer more favorable advocacy opportunities for pro-housing forces, anti-growth forces can also advocate their positions in state legislatures. State legislatures are often friendlier to developers, employers, and housing advocacy organizations because these groups enjoy better access to professional lobbyists and can concentrate their lobbying power at the state level, whereas local governments—which are far more numerous and geographically disparate than states—tend to be dominated by homeowners who enjoy physical and social proximity to decision-makers.[421] Nonetheless, "[s]tate legislators do not represent separate 'state' citizens nor a government apparatus detached from the local political economy," and they may therefore be just as influenced by their anti-growth constituents as local legislators.[422] Thus, although state-level reformers may be able to rely upon a growth machine coalition or concentrated lobbying power of other pro-housing forces, they may also need to build coalitions of pro-housing homeowners and renters to advance these reforms. The lessons of this Article provide them with a roadmap for doing that.

Second, only a small handful of states have adopted preemptive legislation to address housing undersupply, and even those that have leave ample room for local governments to regulate housing development. In some cases, like Oregon, state law requires local governments to adopt

419. *See* Lemar, *The Role of States*, *supra* note 25, at 351–52.
420. *See* Infranca, *supra* note 30, at 882–84.
421. *See* Lemar, *The Role of States*, *supra* note 25, at 345–47.
422. Schragger, *supra* note 414, at 151.

reforms. In others, where states preempt local regulations, localities have authority to adopt permitting, design and dimensional standards, impact fees and exactions, and otherwise affect housing development. In each case, local reformers will need to build support for measures that ease housing construction, and the political dynamics described in this Article will be critical to those efforts.

Conclusion

Local pro-housing zoning reforms are the exception rather than the rule. Only a few of America's nearly 40,000 local governments have adopted them. Nevertheless, those that have done so provide important lessons for other jurisdictions, signal prospects for broader zoning reform, and contemplate the United States' ability to address the problem of unaffordable housing. Reform jurisdictions' public officials appear to have been influenced by renters, tend to have well-organized housing advocates who use technology to build support for reforms, and seem to share values and ideologies consistent with expanding housing opportunities with their constituents. These jurisdictions' experiences contrast with scholars' assumptions that localities are guided by landowners' self-interest, and this contrast implies that building local support for zoning reform across most or all communities will present complex challenges. Nevertheless, to solve the pressing national housing crisis, housing advocates and reformers must find ways to influence local zoning decision-making. This Article presents a pathway for doing so and offers guidance for how the law can better facilitate pro-housing forces' participation and influence in such decision-making.