

REDUCE ZONING RESTRICTIONS

David R. Burton, Senior Fellow in Economic Policy



TOPLINE: State and local zoning laws restrict housing supply and increase the cost of building homes.

BACKGROUND: The [first](#) U.S. zoning law was adopted in New York City in 1916. After the U.S. Department of Commerce developed and promoted the [Standard State Zoning Enabling Act](#) (1924) and the [Standard City Planning Enabling Act](#) (1928), states rapidly adopted zoning laws. By 1930, [35 states](#) had laws enabling local zoning ordinances. Now all do. Local zoning ordinances vary dramatically but have become increasingly [restrictive](#), prescriptive, and complex over the years.

Action Items (Primarily State and Local Governments):

- **State Zoning Enabling Acts should place specific, enforceable limits** on how restrictive and prescriptive local zoning ordinances can be, particularly ordinance provisions that limit housing supply and raise costs.
- **States should enact legislation that allows projects to proceed as a matter of right** if they comply with established land use and building regulations, without the need for discretionary review or approval.
- **Local jurisdictions should remove zoning restrictions** that limit supply and raise costs, and target needlessly restrictive rules related to permitted density, floor-area-ratio limits, building height, minimum lot size, street frontage requirements, setback requirements, lot division, design standards, "inclusionary zoning," and neighborhood plans or overlay zones that reduce a parcel's feasible yield or buildable area. In general, objective development standards should replace discretionary standards.
- **Federal policymakers should consider conditioning federal housing aid** (over [\\$50 billion](#) annually) on state adoption of Zoning Enabling Act reforms that remove provisions that artificially raise housing costs.

How It Would Make Life More Affordable:

- Reducing zoning restrictions would substantially improve housing affordability by increasing the supply of housing and reducing the cost of building new homes.

Related Model Legislation: [By-Right Housing Development Act](#); [FAIR \(Fairness, Accountability, and Integrity in Rezoning\) Zoning Act](#) (relating to third-party zoning challenges); [Property and Land Use Stability \(PLUS\) Act](#) (restricts down-zoning without property owners' consent); [Private Property Protection Act](#) (requires compensation for regulatory takings); [Ending Housing Extortion Act](#) (disallows the imposition of unrelated fees and conditions to procure project approval).

BOTTOMLINE: State and local officials who want more housing to be built should stop burying builders under voluminous, complex zoning restrictions.