Of Pigs in Parlors: The Politics of Local Zoning "Reform"

Royce Hanson
George Washington Institute of Public Policy

Abstract

This commentary grounds current zoning policy in the early history of U.S. zoning. In the U.S. Supreme Court decision upholding the municipality's authority to regulate zoning, Justice George Sutherland raised the same issues regularly introduced today in rezoning cases: the need to protect the residential character of the neighborhood, the desire to avoid traffic, and the enjoyment of open spaces for recreation. This article begins with an examination of the mechanics of zoning, then discusses the technical and political impediments to producing affordable housing. Specifically, the commercial republic, based on Hamilton's vision of a partnership between the public and private sectors to generate a virtuous cycle of growth, and the miniature republics, based on Jefferson's vision of virtuous citizens with a strong attachment to the land democratically governing themselves, have interests that converge to maintain current zoning practices. One hundred years after the publication of a Standard State Zoning Enabling Act, the local interests of the commercial republic and miniature republics create an environment in which local elected leaders are more likely to take symbolic action to address housing needs, such as amending single-family zones, rather than the significant efforts needed to add the necessary affordable housing units to local housing stock.

Introduction

It has been 100 years since the advisory committee appointed by U.S. Commerce Secretary Herbert Hoover proposed a Standard State Zoning Enabling Act. Several cities had already enacted a zoning ordinance and mapped residential, commercial, and industrial districts. The village of Euclid, a suburb of Cleveland, Ohio, was one of those cities, and it placed in its residential zone a large portion of property the Ambler Realty Company had planned to develop for industrial and commercial uses. Ambler sued the village, claiming the zoning ordinance and map denied it liberty to use its property by taking it without just compensation in violation of the Due Process Clause of the Fourteenth Amendment. It also claimed, by placing its property in a different classification than other property, it had been denied equal protection of the laws. Eminent attorneys represented the

parties. Ambler's attorneys included Newton D. Baker, a former mayor of Cleveland and Secretary of War in the Wilson Administration. Alfred Bettman was among the lawyers for the village.

Ambler prevailed in federal district court, but the U.S. Supreme Court, in a five-to-four decision written by Justice George Sutherland, upheld the constitutionality of zoning as an exercise of police power. Sutherland would later achieve notoriety as one of the "Four Horsemen of the Apocalypse" for joining decisions decimating New Deal legislation, but in 1926, he found a conservative rationale for classification of land uses. He acknowledged zoning would have been considered arbitrary and oppressive as recently as 50 years earlier, but that conditions had changed and "while the meaning of constitutional guarantees never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within their field of operation. In a changing world, it is impossible that it should be otherwise."[1] Analogizing zoning to the law of nuisances, Sutherland said, "A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard. If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."[2]

The Euclid ordinance had six use districts. Only the first was exclusive, limiting buildings to single-family, detached residences. The remaining zones were cumulative, including all uses in the prior zones. All zones limited lot sizes, building heights, and other dimensions. Sutherland justified the exclusion of other uses from the single-family zone, characterizing the apartment house as "a mere parasite," taking advantage of the attractive residential character of the district. Once the first apartment was allowed, it would be followed by others—

> [I]nterfering by their height and bulk with the free circulation of air and monopolizing the rays of sun which would otherwise fall on smaller homes, and bringing, as their necessary accompaniments, the disturbing noises incident to increased traffic and business, and the occupation, by means of moving and parked automobiles, of larger portions of streets, thus detracting from their safety and depriving children of the privilege of quiet and open spaces for play, enjoyed by those in more favored localities, until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed.[3]

Sutherland wrote the template for presentations, the author heard hundreds of times at hearings on master plans or reviewing rezoning cases and subdivision applications. He captured the essence of objections to current proposals to modify single-family zones to permit some other forms of housing as a matter of right. The purpose of this article is not to justify those proposals or exclusive single-family zones but to explain why innovations in land use policies are difficult to achieve. That requires, first, a primer on zoning—what you always wanted to know but were embarrassed to ask. The second section examines the technical ways zoning limits the production of affordable housing, and the third section looks at the local political environment's role in determining what gets built. The concluding section delves into the interests of and relationships between

[1] *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 387 (1926).

[2] 272 U.S. 365, 388.

[3] 272 U.S. 365, 394.

these groups, the commercial republic and citizen miniature republics, which result in a zoning environment resistant to major changes that would enable the production of affordable housing.

A Primer on Zoning

In the 100 years since *Euclid v. Ambler* was filed, relatively little has changed. Most localities continue to place much, if not most, of their land in Euclidean zones—so named for the village, not the ancient Greek mathematician. These zones rely on uniform geometric rules governing lot area, setbacks, and the dimensions of structures. This primitive system ensured zoning could pass muster under the Due Process Clause of the Fourteenth Amendment by providing an argument that use classifications of zones were reasonable and that no property was denied equal protection of the laws, because the same rules applied to every property in each zone.

The inflexibility and monotony of Euclidean zoning soon challenged the ingenuity of builders, planners, and land use attorneys who invented new forms of zoning. Examples include the cluster option, floating zones, planned development zones, overlay zones, and form-based zoning codes. The latter replaces traditional uses with standards for physical form and the public realm to regulate the character of zoning districts.

Whatever mutation of zoning a locality selects, the features are common, although the relationship of zoning to planning varies by state, and within states it may vary by locality. Some states require zoning ordinances and maps to be consistent with recommendations of adopted comprehensive plans, but in most places, plans are not binding guidance for zoning and other development regulations. Zoning involves two separate legislative actions: the zoning code, which contains the permitted, conditional, and excluded uses and rules for each zoning district, and the zoning map, which applies a zone to every parcel of land.

Zoning can be changed in two ways. First, a legislative body can amend the text of the code to permit a new use or form or to change the rules governing development in the zone. Second, it can amend the zoning map either by a comprehensive map amendment that changes or updates the zoning for a large area or the entire jurisdiction, or by local map amendments changing the zoning of a specific parcel. The legislative body initiates comprehensive map amendments. A landowner application initiates local map amendments. A comprehensive map amendment is a pure legislative action. Courts generally will uphold it if a reasonable legislator could have believed it was an appropriate thing to do. Local zoning map amendments are also legislative actions, but they include a quasi-judicial phase that involves procedural requirements and a decision based on the record. In some states, before making the case that the proposed zone is suitable for the property and compatible with adjacent and confronting properties, an applicant must show that a change has occurred in the character of the neighborhood since the most recent comprehensive rezoning or that the existing zoning was mistakenly applied to the parcel. In some states, an applicant must demonstrate that the proposed zoning is consistent with the prevailing plan.

The rigor or laxity with which these rules are applied depends on the history of practice in the state or locality and the tolerance of state courts. Zoning is an exercise of the state's police power. Its exercise has generally been delegated to local governments under enabling legislation (often

modeled initially on the language that Hoover's commission provided). Although state legislatures can enact general laws that affect zoning, it is difficult for them to enact laws to which local governments strongly object because of the political pressure local officials can mobilize, especially when they are allied with development interests.

The Technical Impediments to Affordable Housing

With this brief survey of zoning as context, this article will now consider the politics of affordable housing and its relation to the current efforts in some places to ameliorate the problem of inadequate supply by permitting "missing middle" housing types to be constructed in zones previously restricted to single-family detached houses.

All zones are exclusionary; single-family zones are the most exclusive of all. What they exclude are other types of dwelling units and all or most nonresidential uses. They commonly allow houses of worship and accessory uses, schools, parks and recreation centers, and some in-home businesses that do not stink, make noise, or generate much traffic. Single-family zoning is not intrinsically racially exclusive. When New York City adopted the first municipal zoning ordinance in 1916, African-American residents composed less than 2 percent of its 10 million people. Single-family zoning was placed primarily on existing single-family neighborhoods. When the Supreme Court decided the Ambler case in 1926, Euclid had fewer than 50 African-American residents in a population of about 10,000. It mainly excluded industry and apartments from its single-family zone. By 1920, major U.S. cities' residential areas were largely built out, and as zoning ordinances and maps were adopted, they tended to follow the New York pattern of applying single-family zoning to areas where that was the main building type. In suburbs, such as Euclid, development was just beginning, and zoning was applied to land that was largely vacant. Most existing housing was detached, and residents wanted to keep development that way. It also happened to be what the market supported, builders knew how to build, and banks would finance. As late as the mid-1960s, Robert Simon had trouble securing financing for townhouses in Reston, Virginia. Lenders were concerned no one would buy them in a suburb because no one had done so before, and almost no suburbanites lived in the townhouses that were not there.

The primary form of zoning discrimination was economic, achieved by a hierarchy of zones based on lot size, although location still had a lot to do with the value of a lot and, therefore, the price of the dwelling built on it. For example, the Village of Chevy Chase, adjacent to the District of Columbia, was well developed before Montgomery County enacted a zoning ordinance in 1928. It was zoned the same as vacant land about 5 miles farther north that became Viers Mill Village, developed after the Second World War. Its modest homes were marketed to returning veterans. In 2022, the median value of a house in Chevy Chase was roughly four times the median value of a Viers Mill house.

In metropolitan areas where suburban municipalities can be little more than incorporated subdivisions, single-family houses on large lots may be the only residential use permitted, achieving both economic and racial discrimination, because racial minorities—especially African-Americans and Hispanics—are overrepresented among households whose incomes do not qualify them to purchase homes in such zones. Even if a municipality's zoning provides for apartment

buildings, land and transaction costs can make production of lower-cost units sufficiently unprofitable to discourage their production. The principal culprit in racial discrimination in housing was not zoning, as such, but racially restrictive covenants. These private contracts, attached to all deeds to property in a subdivision or neighborhood, prohibited sale or rent to a person of a race, religion, or ethnicity listed in the covenant. Neighbors or homeowners' associations of restricted subdivisions could enforce the covenants by bringing lawsuits against anyone who violated their terms. Because racially restrictive covenants were private agreements, the Supreme Court initially found they did not violate the Fourteenth Amendment, but in 1948, the Supreme Court declared that state and federal courts could not enforce them. However, their use continued until outlawed by the Fair Housing Act of 1968. Covenants are still used to restrict the type of housing and other uses in a neighborhood, and they cannot be extinguished by rezoning.

The Political Impediments to Affordable Housing

The technical and legal impediments to rezoning land to make housing more affordable, especially for low-income households, are reinforced by institutional and political impediments. In metropolitan America, the housing market is regional, but the power to affect land use policy is distributed among the region's municipalities and counties. Their influence on the housing market involves exercise of their three basic powers: the power of the purse, the police power, and the power to take property by eminent domain. Thus, cities and counties acquire land and produce the infrastructure necessary to support housing. They manage a land use system that configures zoning districts and regulates subdivisions and buildings. Furthermore, they levy property taxes and impose exactions to cover some of the costs of public facilities, services, amenities, and amelioration of the externalities that development causes.

Because private firms build almost all housing and private individuals or firms own it, it is built and managed to be sold or rented to people who can pay market prices that can produce a return on investment for owners and investors sufficient to cause them to keep building. Although the homebuilding industry is competitive, oversupply is relatively rare and never intentional. Consequently, growing metropolitan areas tend to have chronic housing deficits, especially for households with incomes below the regional median. The dimensions of the problem are well known. The market does not produce enough houses that sell or rent at price levels a large portion of households can afford; they do not have enough money. Builders claim they cannot build less expensive housing, because zoning and other development regulations increase the cost of land and of doing business and because of public opposition to making land available and reducing regulatory burdens. When problems seem intractable, the impulse is strong to blame someone. Candidates include racism, not in my back yard (NIMBY)-ism, greedy or indifferent developers, and environmental regulations. The only consensus seems to be equal revulsion of sprawl and density.

Having presided at approximately one thousand cases involving conflicts between developers and residents, this author accepts that greed, racism, and NIMBY-ism exist. However, reflecting on 15 years of listening to testimony, a deeper clash of values and interests exists than superficial assertions of blame reveal. Land use is at the core of the local political economy, and zoning wars involve the competitive but symbiotic relationship of two virtual republics whose differing

values and visions of the common good lead them to be antagonists, although their interests often converge in resistance to increasing the supply of housing affordable to lower-income households.

The two virtual republics are rooted in the republican visions Alexander Hamilton and Thomas Jefferson held for America. Hamilton envisioned America as a great commercial republic in which the private and public sectors would become partners to generate a virtuous cycle of growth that would produce a prosperous and powerful nation. Jefferson envisioned a republic of virtuous citizens attached to the land, forming miniature republics to govern themselves democratically. Commercial interests are regarded with suspicion, in need of regulation lest they use their wealth to usurp power from the people.[4]

Builders, bankers, brokers, and land use lawyers are the base of suburban commercial republics. Firms and individuals with interests in sustained growth augment this base, including consultants, architects, building trades, plant nurseries, sod farms, building suppliers, automobile dealers, home furnishings businesses, and the local chamber of commerce whose members benefit from the sale of goods and services to increasing numbers of households and local workers.

Adherents of the commercial republic share certain values and beliefs: the primacy and protection of private property rights, a free market with minimal regulatory burdens, low taxes, and expansion of local and state infrastructure. Land is considered a commodity. They regard growth as the essence of the American Way and the gateway to opportunity and prosperity. They believe in the democracy of the market—householders are customers who vote with their feet (or moving vans), purchasing homes in the places that provide the best packages of house price, tax bill, commuting time, and services for their incomes.

The commercial republic believes that the public interest is served best by limiting regulations to only those necessary to restrain public nuisances narrowly defined. Public happiness is achieved by a rate of growth that enables local government to provide necessary public improvements and an acceptable level of services without inducing unacceptable levels of taxation and debt. Like Hamilton, they see a partnership between private and public sectors to foster a virtuous cycle of growth. Public officials promote growth by incurring debt to provide public facilities necessary for development. Private industry produces homes and business structures that are modestly taxed to service the public debt and provide more facilities that support more development, which is taxed to provide facilities, services, and amenities to serve the residents and businesses filling the homes and commercial spaces.

Except for the few builders that specialize in construction of subsidized public and nonprofit housing and the agencies and foundations that finance them, the partners of the commercial republic tend to have little interest in low-income residents or housing that is affordable for them. Such housing is less profitable to build and manage. Because of the heavy dependence of local government on property taxes, local elected officials tend to have a strong preference for housing that rapidly appreciates in assessed value and affluent residents occupy, with few demands for

[4] For origins of the idea of the commercial republic, see Elkin, Stephen L. 1982. *City and Regime in the American Republic*. Chicago, IL: University of Chicago Press. Robert Wood (1959) first raised the concept of miniature republics in *Suburbia: Its People and Their Politics*. Boston, MA: Houghton-Mifflin.

public services. This preference is magnified because homebuilding is a significant sector of the local economy, and a prosperous development industry is the principal source of contributions to local political campaigns. This gives the interests of the commercial republic high priority in public policy.

The suburban homeowners of miniature republics reject the idea that they are mere customers of the commercial republic. They view themselves as citizens and stakeholders in the local political economy. As citizens, they demand the right to decide what is best for their community through elections. As stakeholders, their houses are simultaneously their largest investment, their greatest debt, an important savings plan, and a rung up on the ladder of success. They are investors in the commonwealth, with the moral authority that status conveys, reinforced by the political power of the vote. They do not see government as a partner with industry or the cycle of growth as invariably virtuous. Rather, they see government as a shield against the excesses and adverse effect of development.

Equating voice and loyalty of a miniature republic's homeowners with mere NIMBYism is an error. Actions that degrade property values endanger the householder's sense of economic and moral worth, because slowing the appreciation of home value diminishes the ability to ascend the economic and social ladder and might even impair the ability to hold one's current place. In the extreme case, all too common during the Great Recession, the collapse in home values led to default on mortgages and carried the dual opprobrium of inability to provide shelter for one's family and contribution to the reduction in value of neighbors' homes. Miniature republicans are not inherently opposed to growth but believe it should be democratically regulated and managed in the interest of maintaining the values of their homes and the amenity of their neighborhoods. The more residents that depend on continuing improvement in their home values, the more vigilant they grow in protecting their communities from changes perceived to threaten the character of their neighborhood. Commercial and industrial uses, less expensive homes, apartments—whether rental or condominium—or any uses, forms, densities, or heights different than theirs can be perceived as threats to the economic, aesthetic, or social values of their homes and the security and amenity of their neighborhoods. As a public philosophy of suburbia, the union of spatial, political, and property values embodied in the suburban miniature republic resolves the paradox of citizens who regard themselves as liberal or progressive on most matters, acting as conservatives when it involves land uses that impinge on their homes and neighborhoods.

The Intersection of Interests of the Commercial and Miniature Republics

These virtual republics compete for priority for their interests and values in local political and policy agendas. Although they may often be fierce antagonists, their relationship in suburban land use politics and policies is more nuanced than the usual portrayal of it as a simple conflict between citizens and developers. Their constituencies and interests overlap, and they need each other. Miniature republics need some level of growth to sustain their wealth and aspirations, which makes their interests more complicated than demanding that development not occur in their back yards. They depend on enough growth to enhance the value of their own properties and expand the overall assessable base of their town or county to maintain a stable or declining property tax rate sufficient to maintain or improve the level of public services and amenities, which affect home

values. The commercial republic needs the legitimacy it can obtain, especially once the homes it built are occupied, only from a democratic government. It cannot be sustained without the legitimacy of popular support. It, too, is interested in low taxes, seeing them as a spur to growth by reducing the carrying costs of development and providing a competitive advantage for business.

Each republic favors shifting the tax burden and the cost of ameliorating externalities toward the other. The commercial republic opposes regulations and procedures that increase transaction costs and time required for development. The miniature republics favor regulations that reduce the effect of new growth on existing residents and favor procedures that provide redundant opportunities for public participation to influence land use decisions. These opposing interests maneuver to create or vitiate organizations and processes that provide them or their adversary with advantages. Their relative parity in influence over time results in the establishment of policies and procedures that add transaction costs but increase the legitimacy of land use decisions.

Neither republic is enamored of housing that is affordable for low-income households. For the commercial republic, it is the least profitable segment of the housing market and the most difficult to finance and manage. Builders are especially wary, in the absence of subsidies for its production, of exactions in zoning ordinances requiring its production or a fee in lieu thereof. Although mandates that require a percentage of all units to meet affordability standards can be sweetened with "incentives" such as increased density or flexibility in building types, height limits, lot sizes, faster review, and so on, they essentially require market units to be sold or rented at prices that provide cross-subsidies for the below-market units.

Absent subsidies, the only way the private market can provide a stock of units that serves all income bands is to produce a large oversupply, creating a filtering process in which older units lose value and become available for new tenants with lower incomes than prior ones. In healthy regional economies, builders and the bankers financing them will not intentionally provide an oversupply, and if one occurs because the industry is so fragmented and competitive, the problem will soon be corrected. A tight market and rising prices make a happy commercial republic. In declining cities and regions and during recessions, oversupplies occur but abandonments and foreclosures do not automatically make those units available to lower-income households, because many current owners cannot sell at prices that retire the mortgage and provide enough excess cash to move up in the housing market. Below-market houses need subsidies for construction and rent.

The miniature republic's attitude toward affordable housing is even more complicated than that of the commercial republic. Many residents recognize that the shortage of affordable units affects the households they wish to accommodate, such as for seniors, upwardly mobile young families trying to enter the housing market, their own children, and workers who provide important and necessary public and private services but whose incomes are too low to afford new or resale homes in the communities where they work. They are likely to support housing for moderate-income workers of local businesses and industries but are less inclined to support heavily subsidized public housing construction or policies that involve rezoning existing neighborhoods to permit greater density or taller buildings. Organizations advocating affordable housing look a lot like other civic associations, but with the addition of builders that specialize in subsidized construction. Consequently, housing

policy debate may pit these special miniature republics against those that are neighborhood-based, characterized by media as "yes in my back yard," or YIMBYs, versus NIMBYs.

The convergence of interests of the two republics makes it difficult for local governments to achieve a substantial increase in the stock of affordable housing. Whether local officials are aligned more with the interests of the commercial or miniature republic, and even if they support affordable housing for all income strata, they approach measures that might expand the supply with caution. The heavy dependence of local government on property taxes induces a strong preference for housing that affluent residents occupy but make few demands for public services other than schools, police, and free-flowing traffic.

The inescapable fact is that people are poor because they do not have enough money to afford adequate food, clothing, and shelter. That means that providing affordable housing requires redistributive policies that extract money from some higher income people and firms through taxes or exactions to supplement incomes of the less affluent and low income households directly or to subsidize the construction and rent of their housing. City and suburban governments rarely engage in redistributive policies because the local potential donor population tends to be relatively small, requiring a high tax rate on the most politically potent members of both the local commercial and miniature republics and because the beneficiary population is less politically salient. Although state and federal governments have a broader base from which to extract revenue for redistributive policies such as housing construction and rental assistance and broader political latitude within which to act, they have not acted at the scale necessary to affect the problem materially. Their offices are state or national, but their constituencies are local.

Thus, unable to tackle the issue as one of redistribution and lacking enough budgetary or credit capacity to handle it as a matter of distribution of resources, state and local officials confronted with demands that they do "something" about the affordable housing crisis do what they regard as appropriate. Lacking votes and appetite for actions that cost money, they reframe the issue as a regulatory problem—a zoning issue. They are familiar with zoning. They know it can be a red-hot stove, so a narrative is constructed to cool it enough to touch. A good story, after all, will always trump a regression table. A good zoning story has someone or something to blame for a problem created from an impure motive and for an unjust pecuniary interest. It has a virtuous and innocent victim and a simple resolution that symbolizes dedication to principles of fairness, equality, and justice.

The basic story is that the affordable housing crisis is a consequence of inadequate supply, especially "missing middle" units such as duplexes and other buildings with four to six units, apartment buildings with fewer than five stories, rowhouses, and accessory units such as "granny flats." These mid-market units would house the kind of families one would want as neighbors. They are missing because way too much land has been zoned to permit only single-family, detached units with the practical result, if not the specific intention, of excluding or severely limiting the kind of housing racial and ethnic minorities and lower-income households can afford. If single-family zoning is slightly tweaked to allow missing middle housing to be constructed on any lot, it could alleviate the shortage and, thereby, result in making more market housing affordable.

This story has enough truth in it to seem plausible. Its beneficiaries are likely too few to destabilize neighborhoods, it involves no public expenditures beyond some administrative costs, and the private costs will be widely scattered. Its purpose is not to provide an accurate account of the housing problem of a city and propose a solution for it. Rather, it is to define a problem that will fit the solution of permitting more building types in a zone that previously permitted only detached houses. Nonetheless, it is difficult to achieve because of opposition or lack of interest by both virtual republics and the awkwardness of the zoning rules summarized previously. Consequently, except for Minneapolis, Arlington County in Virginia, and a few other places, the termination of single-family zoning has fallen to state legislatures. So far, Oregon, California, and Maine have acted. Other legislatures have declined the honor.

In all the cases in which new dwelling types were permitted, either state legislation or amendment of the text of the zoning code has done it. Politically, that avoids identifying any specific places where the new building types may be erected, simultaneously making every neighborhood a possibility, but those with no vacant lots are unlikely prospects because of the cost of acquisition, demolition, permitting in the face of subdivision regulations that may require compatibility or "harmony" with adjacent properties, and lawsuits from unhappy neighbors. These costs mean the units eventually constructed will be middle forms but will not be affordable for people substantially less affluent than other residents of the neighborhood. A text amendment also avoids a public hearing that might be required for a local map amendment, and it even circumvents the months of controversy that would inevitably accompany an effort to amend a comprehensive or area master plan followed by a consistent comprehensive zoning map amendment to change the zoning of former single-family areas to permit more dense development because of access to services such as public transit. A text amendment has the same effect with a fraction of the hassle.

The text amendment shortcut, however, can create other political problems of the *genus unintended consequences*. All single-family zones are not equal. Jurisdictions containing many square miles of land will have several single-family zones with lot sizes ranging from less than 2,000 square feet to 5, 10, or even 25 to 50 acres in areas zoned to protect agriculture or natural resources. Zones requiring minimum lots of an acre or more often lack public water and sewerage. What may make sense in a small suburban municipality with only one residential zone may be inappropriate in a large county with a half-dozen or more single-family zones containing houses ranging from 800 to 15,000 square feet or more in floor area.

Zoning is a crude tool for increasing the supply of affordable housing units. Some zones can permit such housing to be built, but so long as we depend primarily on the private sector to build and sell or rent at market rates, it cannot ensure that a duplex, fourplex, or garden apartment affordable for middle-income households will be built on a teardown lot instead of a McMansion or a luxury condominium. The odds probably favor the latter, depending on the neighborhood and its location.

Section 3 of the *Standard State Zoning Enabling Act* states that the regulations shall be designed "to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements." One hundred

years later, these components continue to influence development. The resistance of the miniature republic to changes in the character of the community makes dealing with the problem of affordable housing electorally risky. Although it will welcome a relaxation of regulations, the commercial republic is unlikely to build for the low end of the market or foreswear engaging in gentrification. It is likely to resist creating housing for people who will need services requiring higher taxes. These responses reinforce the natural tendency of elected officials to avoid deliberately irritating either donors or voters, making symbolic gestures such as amending single-family zones a more appropriate response than actions that might add significant numbers of affordable units to the local housing stock.

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Author

Royce Hanson is a Research Professor at the George Washington Institute of Public Policy and a former chair of the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission. He is author of *Suburb: Planning Politics and the Public Interest* (Cornell University Press, 2017) and co-author, with Harold Wolman, of *Nation's Metropolis: The Economy, Politics, and Development of Metropolitan Washington* (University of Pennsylvania Press, 2023).