

# NIMBYs, YIMBYs, and the Politics of Land Use in American Cities

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## Keywords

local politics, land use, development, housing

## Abstract

Debates over the development and density of housing have gained visibility in recent years as housing costs have skyrocketed in many metropolitan areas. With those who seek to limit development (NIMBYs) on one side and those who seek to promote it (YIMBYs) on the other, scholarly attention has turned to understanding preferences and power in the politics of development. This article reviews scholarship relating to the politics of land use. After discussing the history of land use regulation, we describe who the important actors are (and, generally, what they want) in the politics of land use; we explain the distribution of power and inequality in the politics of land use; and we briefly review how land use regulation affects other societal outcomes. We end with a set of unanswered political questions that could push the field forward.

## INTRODUCTION

The physical location and appearance of development in our communities are intensely controversial. Collectively, communities decide the rules of development. They determine how space is used: which types of housing go where, and who gets to live near the landfill, marijuana dispensary, school, or dog park. They wrestle with major questions, like whose neighborhood will be disrupted when a new highway is added, and mundane ones, like whether residents can park cars on their lawn. Economic growth, individual property rights and wealth, environmental protection, housing affordability, and access to public goods are all affected by the way that land is used (or not used) in our neighborhoods.

Debates over the development and density of housing have gained visibility in recent years as housing costs have skyrocketed in many metropolitan areas. On one side are those who seek to limit residential development, either close to their homes or in the broader community. They are colloquially termed NIMBYs (“not in my back yard”).<sup>1</sup> On the other side are those who are interested in increasing development, often referred to as YIMBYs (“yes in my back yard”). What NIMBYs and YIMBYs want from the government, and when they get their preferences met, has been the subject of an increasing number of scholarly works. Historically, since the 1970s, NIMBYs have succeeded in increasing land use restrictions, but this pattern has begun to change as prodevelopment forces have achieved some political victories (Elmendorf et al. 2020).

In the United States, the power to make decisions about land use lies nearly exclusively in the hands of general-purpose local governments—municipalities and counties. States grant general-purpose local governments police powers to protect the health, welfare, and safety of their residents, empowering cities to pass ordinances (e.g., laws) to achieve these ends. Under these auspices, cities manage space by using various regulatory policies—including, among others, zoning, planning, and building regulations; growth boundaries; development fees; open-space preservation; historical overlays; environmental review requirements; and growth caps. The placement of publicly owned or regulated infrastructure like roads, parks, and dumps also affects patterns of development, as do the establishment and alteration of municipal boundaries.

To make land use decisions, elected officials and bureaucrats need two kinds of information: technical and political. If a city wants to build a new homeless shelter, officials need to know which sewer lines have the capacity for this kind of development, which locations will be most accessible to unhoused persons, and what parcels of land are zoned for emergency housing. Experts in planning, law, and geography can provide this technical information, and a great deal of research on development has been generated by these fields. But technical information is insufficient to meet the political needs of officials. Officials also need to know how property values will be affected by the presence of a homeless shelter, the broader community’s commitment to sheltering unhoused people, how various constituents are likely to react to having a homeless shelter in their neighborhood, and which constituents to attend to when they make their decision. Research in the field of urban economics addresses the first of these questions, and an emerging political science literature on the politics of development has begun to explore the latter questions.

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<sup>1</sup>There is disagreement in the literature on how to define NIMBYs. Some scholars (Freudenburg & Pastor 1992, Esaiasson 2014, Einstein et al. 2019) emphasize that a NIMBY approach to politics is defined by self-interest and personal costs/gains rather than other reasons for opposing development. Other scholars distinguish between different scales of development (Pendall 1999, Dokshin 2016, Hankinson 2018): NIMBYs may or may not accept development in the larger community but are certainly opposed to it in their neighborhood. In our view, these categorizations are less useful than understanding the various drivers of opposition to development and the power that different interests have when achieving their priorities. This is the focus of our discussion here.

This article reviews scholarship on the politics of land use. We begin by discussing the history of land use regulation. Then we describe who the important actors are (and, generally, what they want) in the politics of land use. We explain the distribution of power and inequality in the politics of land use, and we briefly review how land use regulation affects other societal outcomes. We end with a set of unanswered political questions that could push the field forward.

## HISTORY OF LAND USE REGULATION

Since colonial times, governments have enacted policy that dictates how land may or may not be used. In the 1600s, colonial governments required landowners to improve and inhabit their property or forfeit ownership (Hart 1996). In some cases, colonial law even dictated what constituted improvement—e.g., building a mill, establishing a mining operation, fencing the property for farming or animal husbandry, or funding a drainage project. Over the next 200 years, local governments shaped the form and function of municipalities. They enacted building regulations, nuisance laws, tenement codes, and other ordinances protecting public health, safety, and quality of life, all of which affected what property owners could do with their land. But these efforts were generally piecemeal until comprehensive land use planning dramatically reshaped the way the cities regulated property rights in the early 1900s (Shertzer et al. 2022).

At the dawn of the twentieth century, urban populations exploded as the industrial revolution took hold. In this environment, the limited, caretaker approach to city governance became suddenly and profoundly insufficient for maintaining health, order, and property. Monkkenon (1990, p. 4) observes that “cities could have chosen to ignore sewage, crime, unschooled children, and slow transportation by simply tolerating higher disease rates, offense rates, illiteracy rates, and traffic tangles.” Many cities did not take that path. Instead, they worked aggressively to shape their social and economic environments. Between 1890 and 1940, cities modernized—providing services such as clean water, fire protection, police patrol, and road paving. Of course, there was variation in the extent to which cities built their service capacity. Trounstone (2018) finds that cities with larger populations and greater density were more likely to grow their governments. She also finds that cities with higher land values, more homeowners, and more white-collar employment had larger budgets. Trounstone argues that property owners and professionals were important drivers of modernization. It was in this environment that cities also began to seek more control over space through zoning and city planning. The end goal of this control, as was true of most Progressive Era reforms, was to improve the lives and opportunities of residents—more specifically, US-born, middle- and upper-class, White residents (Woodward 1955, Toll 1969, Brownell 1975, Weiss 1986, Tretter 2012).

At the time, it was far from obvious that cities would assert control over their environments. But the rapid spread of slums, worries about skyscrapers blocking natural light, fears of conflagration, and concern about public health threats provided early inspiration for cities to invoke their policy power of regulation over nuisances (Toll 1969). Reformers debated the correct policy solutions for these ills, recommending, for example, density restrictions (Woodbury 1929), stricter building codes (Power 1983), the removal of alley dwellings (Silver 1997), or policies that would encourage suburban homeownership for the working class (Baar 1996). In many cases, typically at the urging of local Chambers of Commerce, city councils chose to pursue zoning—regulating the permitted uses and density of all parcels of land within the boundaries of the city (Brownell 1975, Gray 2022).

Early on, zoning was frequently combined with general development plans for the city. Planners like Daniel Burnham and Frederick Law Olmsted (leaders of the City Beautiful movement) sought to improve the squalid conditions in industrial cities by reducing densities and creating garden-like settings with tree-lined streets, wide boulevards, and central open spaces (Robinson 1916). To achieve these goals, planners advocated for local zoning measures that would

restrict tenement housing, separate housing from factories, and provide public parks. Trounstein (2018) argues that zoning was a tool that enabled politicians to generate segregation, increase property values, and target public goods to key constituencies. She finds that zoning adoption during this period is predicted by investment in public goods (particularly schools) and higher property tax revenues. Generally, zoning adoption was more likely where the Republican Party and Progressive Reformers had strong support—except in the South, where Republican strength depressed adoption.

Political leaders often used threats to public safety as a rationale for implementing land use regulations. New York's 1916 zoning law, the first citywide comprehensive zoning ordinance in the nation, sought to "rationalize the city's growth and to prevent the spread of urban congestion to the better business and residential areas" (Fischler 1998, p. 682). Fifth Avenue merchants were heavily supportive of the law as they sought to control the encroachment of garment manufacturing on the shopping district. They argued that skyscrapers blocked natural light, generated overcrowded conditions, and increased congestion leading to the spread of disease (Toll 1969). Because immigrants were viewed as disease carriers, segregating them was a typical goal of zoning (Power 1983). Prohibiting race and class mixing through housing segregation was another goal (Perin 1977, Silver 1997, Trounstein 2018, Whitemore 2021). Proponents of zoning also argued that it would create stability in property values and ensure orderly growth (Abrams 1955, Brownell 1975). Zoning opponents, often property developers, builders, and land speculators, argued that such regulations illegally infringed upon their property rights, limiting their ability to maximize profits from their properties and stifling development (Weiss 1986, Aoki 1992).

The legality of zoning was settled by the Supreme Court's decision in *Euclid v. Ambler Realty Company* (1926, 272 US 365). The Court determined that comprehensive zoning would not require cities to compensate owners for losses in prospective land values, and zoning ordinances spread rapidly after the ruling. Zoning adoption had also been propelled by the federal government when, in 1922, the Department of Commerce issued a template for state enabling laws in the Standard State Zoning Enabling Act.<sup>2</sup> By 1930, about half of all large US cities had adopted comprehensive zoning plans.

As zoning practices spread through the 1920s, emphasis on the enhancement of property values became a core part of the argument in favor of adoption, even among developers (see, e.g., Weiss 1986). By separating industrial, commercial, and residential uses into separate districts, each with standard regulations regarding the use, height, and area of buildings, zoning would make "every town, city or village a more orderly, convenient, economic and attractive place in which to live and work" (Holliday 1922, p. 218). One key to ensuring high property values (and property tax revenues) and orderly living arrangements was the ability for zoning ordinances to prevent noxious uses from polluting good residential neighborhoods (Fischel 2001). Apartment buildings (and the lower-income residents who resided in them) constituted one such noxious use.

In *Euclid v. Ambler* (1926, 272 US 365, pp. 394–95) Justice Sutherland explained that the apartment house is often a

mere parasite, constructed to take advantage of the open spaces and attractive surroundings...interfering by [its] height and build with the free circulation of air and monopolizing the rays of the sun...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

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<sup>2</sup>The enabling acts recommended a statute that granted municipalities the power to regulate and restrict development and the authority to divide the territory into districts, established procedures for establishing and amending zoning regulations, and required the organization of a commission that would advise the local legislative body on zoning (Advis. Comm. Zoning 1926).

and its desirability as a place of detached residences are utterly destroyed. Under these circumstances, apartment houses, which in a different environment would be not only entirely unobjectionable but highly desirable, come very near to being nuisances.

By allowing cities to protect single-family home neighborhoods and ban higher-density development, *Euclid* laid the groundwork for the modern-day NIMBY/YIMBY debate, generally defined as a conflict between those who want to limit development and growth in their communities (NIMBYs) and those who support more and denser development (YIMBYs).

Like the regulation of building heights or the prohibition of apartment complexes, the establishment and alteration of city boundaries are another way that local governments affect land use. In the late nineteenth and early twentieth centuries, conflicting forces animated city development. On the one hand, as Teaford (1979) explains, socioeconomic diversity generated an impetus for separation. As early as the mid-1800s, “the urban population was resolving itself into separate geographic spheres—factory zones, ethnic neighborhoods, upper-middle-class retreats, race-track havens—and each zone sought local self-government as a means of protecting its own particular interests” (Teaford 1979, p. 23). This separation, Teaford shows, led to an explosion of newly incorporated suburbs (e.g., municipalities that were located inside metropolitan areas but were legally separate entities from the central city). This development also coincided with a diverse array of new governance structures propelled by the Progressive Reform movement. It was in small suburban communities in the Northeast and Midwest, as well as nascent cities in the South and West, that municipal reforms like nonpartisan elections, appointed city managers, and at-large elections were most likely to be adopted (Wood 1959, Banfield & Wilson 1966, Bridges 1997).

However, over the next 50 years, many of these tiny new cities consolidated and/or were annexed into larger central cities for one primary reason: the provision of city services (Dilworth 2005). Suburban governments were simply unable to provide the quality of sewers, clean water, paved streets, uniformed police forces, and fire-fighting that was available in the central city. As a result, as cities became more diverse, the forces of separation pulled people into different neighborhoods, but not into different cities.

By about 1940, larger suburbs had the fiscal capacity to compete with central city service provision and began developing their own municipal sewers, police and fire forces, and the like. This increased the incentive among residents, industry, and business to move away from the center, and suburban populations rose. Then, in the postwar period, state annexation laws changed, and political boundaries ceased to keep pace with residential spread (Briffault 1990). That is, neighborhoods outside city boundaries became (and remained) separate incorporated municipalities with taxing and regulatory powers. America began to suburbanize rapidly (Rappaport 2005). Scholars have detailed the roles of automobile accessibility (Glaeser et al. 2008), highway construction (Dreier et al. 2001, Nall 2018), federal programs encouraging home ownership (Jackson 1987), changes in the building industry, and rising incomes (Margo 1992) in the growth of suburbs. Thus, in the middle of the twentieth century, central city boundaries stopped expanding and suburbs arose as powerful actors in the metropolitan universe (Danielson 1976, Teaford 1979, Miller 1981, Burns 1994). In 1970, more than half of all metropolitan area populations lived outside of the central city, a portion that would grow to two-thirds over the next 30 years.

This phenomenal growth in suburban development affects the politics of land use. Historically, suburbs have had more tightly regulated land use policies (e.g., requiring larger lot and home sizes and lower-density development) compared to central cities (Davidoff & Brooks 1976, Schuetz 2009, Been et al. 2014, Whitemore 2020). For many decades, due to a combination of restrictive covenants and racist lending policies in both the public and private mortgage markets, the opportunity to build a life in the suburbs was made available only to middle- and upper-class Whites (Jackson 1987, Kruse & Sugrue 2006, Hayward 2013, Rothstein 2017). As Fischer et al.

(2004) and Reardon & Bischoff (2011) detail, the affluent have become increasingly walled off in separate cities over the last several decades. Scholars have argued that suburban land use stringency is an attempt to maintain the class and race composition of suburban communities (Trounstein 2018, 2020). Yet, land use regulation is simply one among many contributors to a community's race and class composition. For example, as suburban housing stock ages, suburbs become more diverse along race and class lines (Silver 1986, Teaford 2008, Frasure-Yokley 2015). Furthermore, central cities have come to adopt more restrictive land use regulations in the last several decades, suggesting that there are complex reasons for residents to object to development other than racial/class division (Navarro & Carson 1991, Been 2018).

Nonetheless, suburban development and metropolitan area fragmentation profoundly affect political outcomes.<sup>3</sup> Neighborhoods are subject to a municipality's land use regulations only when they are located within the municipality's boundaries. When many or most of the metropolitan area's high-socioeconomic-status (high-SES) residents move away from the center to live in separate cities, they cannot be compelled to help address the needs of those who remain in the center. As Friesema (1969) so eloquently explained, residential patterns in the postwar period offered Black Americans a "hollow prize," where they could control city politics but would lack the tax base to produce meaningful change. While central cities may wish that their tony suburban neighbors housed a larger share of lower-income residents or were willing to coordinate on building a metropolitan mass transit system, they cannot force them to accept this kind of development. Regional governance structures offer a remedy but have proven to be politically unworkable in practice (Downs 1994, Frug 2002).

## PREFERENCES IN LAND USE POLITICS

Resident opposition to development is not a new phenomenon. In one of the earliest examples of antidevelopment sentiment, in 1636, the city of Cambridge, Massachusetts, enacted an ordinance prohibiting the building of any new housing without the consent of a majority of the towns' residents.<sup>4</sup> What is the source of this opposition?

Residents seek to maximize individual wealth and local service quality. But they must work cooperatively to achieve these goals because housing markets and public goods provision are collective endeavors (Babcock 1966; Hamilton 1975, 1976; Perin 1977; Fischel 2001). Maximizing wealth and local service quality requires coordination in restricting the supply of housing, limiting congestion, reducing the possibility of free-riding/redistribution, and managing peer effects. Land use regulation offers solutions to these challenges, and scholars have shown that cities have historically adopted land use regulations and formal zoning requirements when voluntary solutions were incapable of minimizing threats to communal goals (Silver 1997, Trounstein 2018, Troesken & Walsh 2019).

Land use regulation affects both the supply of and demand for housing, which in turn affect property values (Navarro & Carson 1991). Existing homeowners in a community will generally prefer to restrict development in order to limit supply and drive up property values (Ellickson 1973, Fennell 2006). By limiting the density of housing, residents who currently own houses will benefit from increased prices for their properties. The stronger the demand for housing in a community, the more lucrative restricting supply will be (Gyourko et al. 2008, Saiz 2010). Land use regulation is a tool that communities use to limit housing supply—by, for example, banning denser

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<sup>3</sup>The literature on metropolitan fragmentation is too large to review here. For an introduction to the field, see Berry (2009), Schneider (1986), Tiebout (1956), and Ostrom et al. (1961).

<sup>4</sup>Of course, at this time, property ownership was necessary to vote in most of the colonies (Keyssar 2000), so the political consequences of such ordinances were potentially more profound than they are today.

housing, restricting new building, enacting growth caps, placing burdensome requirements on new development, or levying development charges. These regulations prohibit an individual property owner from undermining the collective goal of limiting supply by subdividing their lot, breaking a large home into flats, or selling their property to a developer interested in building a multifamily unit. Empirical work shows that more stringent land use regimes are associated with higher housing prices and that homeowners support development restrictions (Fischel 2001, Gyourko & Molloy 2014, Marble & Nall 2021). However, recent research reveals that residents appear to misunderstand the link between housing supply and cost. Many people believe that building more housing will not lower prices and/or will only benefit developers' pocketbooks (Been et al. 2019, Monkkonen & Manville 2019, Elmendorf et al. 2022). This suggests that their opposition to development may not have anything to do with monopolistic control of property values.

All residents (homeowners and renters alike) are affected by the congestion and potential environmental degradation that new development produces. Most local public goods are not pure public goods, meaning they lack the features of nonrivalry and nonexcludability. If a good is nonrivalrous, one person's consumption of the good does not infringe upon someone else's ability to consume it. A local park is nonrivalrous to a point; one family's children playing on the playground does not substantially limit other children's enjoyment of the playground. But if too many children try to use the playground, everyone's experience is lessened. Because local public goods are rivalrous, residents are likely to collectively prefer a limit to the total number of people who can access the community. Further, local public goods are excludable, as they are only available to the people who buy or rent housing in the community proximate to their provision. Land use regulations can prevent congestion and maintain the quality of public goods by restricting the number of families that can access housing in a community. There is some evidence in support of this supposition. Hilber & Robert-Nicoud (2013) show that areas that are in high demand feature more stringent land use regulations. High-quality (uncongested) public goods are valuable directly, but they are also capitalized into the price of housing (Banzhaf 2014). In fact, Banzhaf & Mangum (2019) provide evidence that a significant portion of housing value reflects a price for accessing the community; and land use regulations can play a role in determining how many people are able to access the community by dictating housing quantity and density.

Land use regulations can also play a role in ensuring more equal tax contributions for public goods. Most local services require investments that are beyond the capacity of an individual household to supply. Although individual residents can drill wells and operate their own septic tanks, over the long run a municipal water and sewer service is a more efficient way to provide water and waste treatment, and it makes sense for residents to contribute to the local tax pool to obtain these services. But local taxes are largely derived from property, and poorer households may have an incentive to buy or rent small houses in rich communities (Hamilton 1975). Their entry into the community equates to a transfer of funds from richer households because the benefits they receive in public goods are worth more than they pay in property taxes. Thus, public goods financing becomes a redistributive transfer. Land use regulation can prevent this redistribution/free-riding by requiring a minimum level of housing consumption (e.g., through stipulating minimum lot sizes, preventing small-square-footage homes, or prohibiting renting).

Finally, land use regulations allow communities to manage peer effects. Efforts to manage the composition of communities have historic roots. To control the social and spiritual order of communities, some colonial towns prohibited or discouraged the sale of property to outsiders or servants (Hart 1996). This tendency persists in land use policy today. Many local public goods, such as education, public health, and public safety, are affected by the characteristics of one's neighbors (Oates 1981, Schwab & Oates 1991). Even a service as mundane as code inspection will yield higher-quality outcomes if there are fewer violators in a community. Similar to the case

with congestion, high-quality public good outcomes are both valued directly and capitalized into the price of housing. Land use regulations are a tool that communities can invoke to bar certain types of residents from their community. Without access to information about who will be a criminal, code violator, public health compromiser, or poor student, communities engage in statistical discrimination in defining who ought to have access to housing. Statistical discrimination occurs when people make decisions using observable characteristics to stand in for unobservable but relevant characteristics. This process entails deciding how to treat an individual by substituting real or imagined group characteristics—i.e., stereotypes/generalizations—for missing information about an individual from that group. Such stereotypes are invoked not only by decision makers in the economic realm but also by politicians and voters in making public policy. Large literatures in political science and sociology show that White political behavior and policy attitudes are frequently driven by perceived threats from racial outgroups (for overviews, see Hutchings & Valentino 2004, Parker & Towler 2019, Cramer 2020, Stephens-Dougan 2021).

In the early 1950s, Rose Helper interviewed Chicago real estate agents to understand opposition to integration. She found that most firms had a policy against selling homes in White neighborhoods to Black buyers because “the general public. . . is not willing to accept the Negro as a neighbor” (Helper 1969, p. 41). Summarizing her interviewees’ response to the question of why White residents do not want Black neighbors, Helper concludes:

In sum. . . most white people have an unfavorable conception of Negroes. They do not want Negroes to come into their neighborhood, most of all because they fear deterioration, decline of property values and financial loss, loss of social status, crime and assault, and particularly, danger to their children through their mingling with Negro children in school and at play, and the possibility of intermarriage. Most respondents maintained that the majority of white people do not want to live in the same building or even in the same neighborhood with Negroes.

Explicit statements connecting race (or class) and neighbor quality are less common today, but similar beliefs may drive opposition to certain housing developments. Land use regulation can affect what types of people have access to a community and its public goods—such as the poor, people of color, or renters. If residents believe that people who live in high-density housing are more likely to produce negative peer effects than people who live in low-density housing, they are likely to want to restrict high-density housing. Tighe (2012) demonstrates that negative race and class stereotypes are correlated with opposition to affordable housing. The commonness of opposition to the development of affordable housing suggests that managing peer effects is likely a motive (Scally 2013). Several scholars have found that some residents oppose new development in order to protect some unspecified sense of the character of their community, which may necessitate preventing *any* outsiders from moving in, regardless of their individual traits (Einstein et al. 2019, Manville & Monkkonen 2021, Trounstone 2023).

Scholars have endeavored to determine more specifically who opposes development and to theorize about their reasons for doing so, although some argue that varied motives for opposing development are impossible to disentangle (Pendall 1999, Koebel et al. 2004). Some research links land use regulation and the share of low-income residents and residents of color in a community. A lack of poor and/or minority residents is taken as *prima facie* evidence of an exclusion motive. Pendall (2000) shows that communities that restrict residential development to fewer than eight units per acre have lower amounts of rental housing and lower shares of Black and Latino residents than communities that do not restrict density. Bates & Santerre (1994) find that restrictive residential zoning is more likely in cities that abut a central city with a large share of poor residents. Feiock (2004) shows that racially homogeneous communities with high income and levels of education are more likely to adopt land use restrictions. Pogodzinski & Sass (1994) find that communities with higher median incomes are more likely to have minimum lot size



requirements for residential development. They conclude from this evidence that exclusionary zoning is likely a tool used by higher-income residents to maintain economic homogeneity. Consistent with these findings, Rothwell & Massey (2010) and Trounstone (2018) show that when suburbs restrict the density of development, metropolitan areas have higher levels of income segregation. Yet, the intent behind these strategies is difficult to uncover with aggregate, observational data because the outcome (restricting development to low-density housing) is consistent with several possible motivations, including a preference for single-family development or environmental protection.

Other research is focused on residents' attitudes toward development. Pendall (1999) reviews letters voicing concerns over specific development projects in the San Francisco Bay Area and finds that multifamily projects and those containing affordable units generated more objections than did single-family developments and market rate proposals. Analyzing minutes from planning and zoning board meetings in Massachusetts, Einstein et al. (2019) find that community participants overwhelmingly opposed new housing. They show that women, Republicans, and homeowners were more likely to oppose new housing compared to their counterparts, and Black participants, while rare and still generally against new housing projects, were more likely to support new housing compared to other races. Manville & Monkkonen (2021), Trounstone (2020), Sahn (2021), and Harwood & Myers (2002) find that higher-SES residents (e.g., homeowners, higher-income households, and White residents) are most supportive of local control over development, exclusionary land use, and development restrictions. So, the research seems clear that higher-SES residents, who are the most vocal and active participants in local politics, generally oppose higher-density development.

However, while advantaged residents may dislike development more intensely, it is not clear that making the process more representative would increase development of multifamily housing. Indeed, Hankinson & Magazinnik (2023) show that in segregated cities where electoral rules expand representation for minority neighborhoods, new housing supply decreased overall, and particularly decreased in neighborhoods that gained representation. Under less representative electoral rules, building necessary but locally unpopular developments like multifamily housing could be achieved by building in minority communities with less electoral power. But under electoral rules where these communities are better represented, there are fewer places to site these projects without potential electoral punishment to an elected local official, thereby reducing the overall development of multifamily housing. Other scholars have shown that both renters and homeowners, and both liberals and conservatives, dislike spatially concentrated higher-density development (Hankinson 2018, Marble & Nall 2021). Trounstone (2023) finds that all demographic subgroups prefer single-family housing to apartment complex development. Cross-sectional survey data reveal that housing consumers prefer suburban developments with large lots and wide streets (Myers & Gearin 2001). So, while antidevelopment preferences may be more ubiquitous than previously thought, it still seems to be the case that higher-SES communities are better able to achieve the land use restrictions they want.

## POWER AND INEQUALITY IN LAND USE POLITICS

Given that local governments are the bodies that make land use decisions, understanding what choices they make requires an analysis of power and process in city politics (Danielson 1976). Fischel (1990) suggests that land use regulation should be thought of as a collective property right that is used to maximize the wealth of those who have political power in the municipality. Similarly, Denzau & Weingast (1982) and Clingermayer (1994) argue that zoning offers local politics the opportunity to grant benefits to the politically powerful. So, who has political power and what do they want?

A great deal of scholarship on local politics has debated who governs. The literature can be divided into two broad camps. One side argues that local governments have little discretion over the policies that they choose because of cities' subordinate place in the federal structure, porous borders, and ever-present competition with other cities for residents and businesses (Tiebout 1956, Peterson 1981, Minkoff 2009). This perspective predicts that city policy will have a progrowth focus to successfully attract and retain mobile capital and wealthy residents. Other scholars view local politics as an arena for interest contestation (as is the case at other levels of government). This pluralist approach, most famously articulated by Dahl (1961), views local policy as the result of political processes where elected officials represent the preferences of those with political power. This perspective predicts more variation in cities' growth orientation.

Within the pluralist approach, some scholars highlight the importance of voters in driving policy outcomes (Tausanovitch & Warshaw 2014, Einstein & Kogan 2016), while others are focused on groups (Anzia 2022). Perhaps unsurprisingly, many scholars find that different interests are powerful in different arenas. For example, Hajnal & Trounstein (2010) show that public opinion is correlated with redistributive expenditures but matters little in predicting expenditures on development. Similarly, Dahl (1961) finds little influence of the electorate on key decisions in his analysis of (re)development. In this policy arena, Dahl finds that the mayor and his direct appointees are uniquely powerful and quite insulated from constituents' preferences. Logan & Molotch (1987) also argue that the "growth machine," a set of actors with monetary interests in land value (such as elected officials, developers, real estate agents, and property owners), who seek to increase population and economic growth, hold power in the development arena. Efforts to test the power of the growth machine have yielded mixed results. Stone (1989) finds that in Atlanta, business elites hold a great deal of power in policy making, but this power is tempered by elected officials' attention to voters' demands. Harwood & Myers (2002) reveal a similar pattern in Santa Ana. Mollenkopf (1983) provides evidence in San Francisco and Boston that residents are able to successfully mobilize against the growth machine. Been et al. (2014) find that areas with more homeowners, more Whites, and higher voter turnout were more likely to be downzoned and less likely to be upzoned in New York; Gabbe (2018) finds a similar result in Los Angeles. Hall & Yoder (2022) find that buying a home causes individuals to participate more in local elections. De Benedictis-Kessner et al. (2024) find that when city councils have the authority to block new development, mayoral partisanship has no effect on housing production. Together, these results suggest that, in many cities, Fischel's (2001) homevoters (i.e., homeowners voters) play a powerful role in blocking development.<sup>5</sup>

Anzia (2022) conducts a comprehensive analysis of power and influence in the politics of growth. She studies many different kinds of prodevelopment activities, such as advertising, providing assistance with permits, and tax abatements. Most importantly for this discussion, she analyzes the effect of different actors in the adoption of land use regulations that affect the development of housing. She finds evidence that developers, Chambers of Commerce, building trade unions, and homeowners are the key interests in the politics of land use. She also finds that large homeowner populations and active neighborhood associations are correlated with more restrictive regulations, while active Chambers of Commerce and building trade unions are associated with less restriction. Additionally, she observes that where developers are more active in politics, more housing gets built. Anzia concludes that in the politics of housing, prodevelopment forces, e.g., Chambers

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<sup>5</sup>Not all scholars agree. Glaeser & Ward (2009) analyze land use regulations in the Boston metro area and find that no demographic variables significantly predict restrictiveness. These authors conclude that land use regulation adoption is random.

of Commerce and developers, are generally pitted against antidevelopment homeowners (and in some cases renters as well; see, e.g., Hankinson 2018).

An important component of understanding land use politics is the rigidity of the policy arena. The way in which a geographic area is developed is sticky both because existing uses are often grandfathered into changing regulations and because buildings last for a long time. As a result, a great deal of political energy from constituents is channeled into preserving the status quo. Schleicher (2012) argues that developers often lose these battles because it is difficult to build coalitions on city councils that support their interests. Hills & Schleicher (2011) and Einstein et al. (2019) suggest that antidevelopment forces can use costly delays to bring down individual projects that are not worth developers' time and money to shepherd through the process. As Anzia (2022) points out, most single development projects represent a relatively small benefit to developers but a significant cost to the opposed community, incentivizing residents to fight and developers to move on. Several scholars have noted that developers are often not committed to development in any particular community and are instead likely to venue shop to find the friendliest location (Lubell et al. 2009). As a result, developers are generally not focused on winning political battles to alter land use regulations, leaving local Chambers of Commerce (and the less mobile businesses they represent) as important local prodevelopment advocates. The strength and interest of Chambers of Commerce, however, vary over time and with business composition (Anzia 2022). This means that the power of the growth machine/homevoters also likely varies across time and place.

Whittemore (2012) presents a historical analysis of land use zoning in Los Angeles between 1920 and 2010. He identifies four distinct periods, each with different winners and losers: (a) rampant speculation from 1920 to World War II, (b) government-sponsored big real estate from World War II to 1950, (c) antigrowth policies from 1950 to 2000, and (d) the present, 2000–2010. The earliest period was defined by over-zoning for commercial interests, and the winners were small developers who would buy land hoping to lease or sell it for a profit while residents were often subject to undesirable land uses in their neighborhoods. The second regime favored big developers, city elected officials, and homeowners, as New Deal housing legislation favored construction of low-density residential neighborhoods. The third era was defined by the success of homeowners who successfully halted big developers' plans to increase the density of neighborhoods with multifamily development. The fourth era is defined by city leaders realizing that the densification of their cities is necessary to accommodate growing populations, even against the wishes of residents. Other scholars emphasize that compared to big cities like Los Angeles, suburbs have relatively little contestation between residents and growth forces; residents' preferences dominate (Fischel 2001, Oliver 2001, Oliver et al. 2012).

Hankinson & Magazinnik (2023) find that the degree to which residents can block development is conditional on the structure of city council representation. When city councils are elected at large, higher-density housing is funneled into neighborhoods with more minority residents; district elections limit this outcome. Shertzer et al. (2016) examine patterns of land use and demography in Chicago before and after the introduction of comprehensive zoning in 1923. They show that neighborhoods predominantly populated by first-generation immigrants and Black residents in the pre-1923 period were more likely to be zoned for manufacturing uses and high-density residential usage after the 1923 zoning ordinance. This is strong evidence that local officials intentionally protected White, native-born neighborhoods from industrial, high-density uses. Hinds & Ordway (1986) find that who is in power matters. They compare rezoning applications in Atlanta before and after 1965, when the Black community gained representation. They find that before 1965, rezoning applications were rejected at a higher rate in White-dominated census tracts as compared to Black census tracts, but that the inequality disappears after 1970. Folke et al. (2021) find that politicians are able to block higher-density development in their own neighborhoods

when their party holds a governing majority. De Benedictis-Kessner et al. (2024) find that Democratic mayors produce more multifamily housing. One voice that consistently lacks authority in land use politics is the set of residents who might like to live in a community but currently do not. These outsiders have no official mechanism (e.g., voting) to participate in the policy process. Their only option is to work through higher levels of government—regional entities, state legislatures, and state and federal courts.

State governments can affect the degree to which pro- and antidevelopment forces prevail in local politics. Until recently, state legislatures and courts have been largely deferential to local control. Scholars have found that in many instances, antidevelopment forces use state regulatory frameworks to overcome prodevelopment forces at the local level (Bosselman & Callies 1972, Fischel 2015). In New Jersey, Massachusetts, Illinois, Rhode Island, and Connecticut, state attempts to force localities to zone for their fair share of deed-restricted, below-market-rate housing have had inconclusive results (for a review, see Elmendorf 2019). Collins (2004) finds that state fair housing laws did little to improve Black housing outcomes in the 1960s. Baer (2008) reviews the evolution of California's policies to encourage affordable housing and concludes that requirements for cities to increase housing became stricter over time but lacked real enforcement mechanisms. Punishment for noncompliance relied on (ultimately infrequent) litigation brought forward by public-interest and private-developer groups against cities, without state-level sanctions. The result of this compliance mechanism was occasional admonishment by state officials for noncompliance, but little else. Elmendorf (2019) offers a more optimistic view of state power, particularly in California. He explains that changes in planning requirements empower developers to use state law to force local governments to permit development, and new state laws directly preempt development restrictions. He argues these new laws are likely to be more successful than past attempts because they constitute intergovernmental compacts, instead of mandates that can be easily avoided by local governments layering on new regulations and cumbersome processes.

To provide a window into recent state activity in land use regulations, we gathered data from the National Council of State Legislatures on housing-related laws. We find 1,760 bills introduced since 2019, with more than 600 in the first half of 2023 alone. This first-half-2023 bill volume is over 200 more bills than were introduced in 2022 and 15 times the volume of bills introduced in 2019. We categorized the 2023 bills by topic, as shown in **Table 1**.

Nearly two-thirds of these bills offer incentives and mandates to municipalities for providing affordable and/or supportive housing to vulnerable populations (low-income, disabled, elderly, etc.). Close to a quarter of the bills provide state guidance for public funding (e.g., establishing

**Table 1 Housing-related bills introduced in state legislatures in 2023**

Topic of proposed law	Percentage of bills introduced <sup>a</sup>
Affordable/subsidized housing	39
Supportive housing	25
Public funding (e.g., housing trust funds, tax credits, land banks)	22
Administration of development	18
Land use regulations/permits/zoning	16
Rental housing	10
Economic development/jobs	6
Transit	5
Environment	3

<sup>a</sup>Bills could be relevant to more than one topic, so the percentages do not total 100%.

housing trust funds). Smaller shares promote transit-oriented development, environmental protection, and the like. The bills concerning rentals are overwhelmingly related to short-term rentals. In short, states are actively engaged in the politics of land use. But to date, we have limited evidence that state action substantially influences local outcomes.

## CONSEQUENCES OF LAND USE REGULATION

Large literatures in economics, sociology, planning, and geography investigate the effect of land use regulations on various social outcomes. Restrictive land use regulations increase housing costs (Fischel 1990, Zhou et al. 2008, Glaeser & Ward 2009, Zabel & Dalton 2011, Albouy & Ehrlich 2018, Glaeser & Gyourko 2018, Song 2021), reduce the amount of development (Glaeser et al. 2005, Jackson 2016), and depress aggregate economic growth (Hsieh & Moretti 2019). The lack of access to affordable housing in economically productive areas, in turn, decreases economic mobility for lower-income Americans (Acolin & Wachter 2017). But other scholars argue that relaxing regulation is unlikely to improve housing affordability or reduce inequality and could exacerbate gentrification (Freemark 2020, Rodríguez-Pose & Storper 2020, Imbroscio 2021).

Restrictive land use regulations are also associated with segregation along lines of race (Trounstein 2018, 2020; Song 2021) and class (Rothwell & Massey 2009, Rothwell 2011, Lens & Monkkonen 2016) and increase social stratification (Lens 2022). The incorporation of suburbs and population growth in suburbia have increased segregation and inequality (Danielson 1976, Burns 1994, Dreier et al. 2001, Kruse & Sugrue 2006). Monarrez & Schonholzer (2023) show that segregation across local government boundaries explains a substantial share of racial stratification and provide evidence that households sort to obtain public goods provided by different governments. Reardon et al. (2000) also show that segregation across local government boundaries has grown. They argue that promoting equal access to suburban housing markets is the remedy for this pattern. Manville et al. (2020) agree, arguing that ending exclusive single-family zoning, particularly in high-opportunity areas, is crucial for reducing inequality. Schwartz (2010) finds that housing regulations that promote economic integration have a powerful positive effect on educational outcomes for low-SES children.

At present, the NIMBY/YIMBY contestation remains in flux. Public opinion on housing and development is generally unstable, and preferences over solutions are weakly held. This is due, at least in part, to the fact that housing has only rarely been an issue that has been organized by clear partisan or ideological divisions (Marble & Nall 2021). Additionally, the public seems to fundamentally misunderstand how the housing market works, espousing preferences for both low housing prices and little new development (Elmendorf et al. 2022). However, preferences among neighbors who are close to proposed development *are* stable and tend to be strongly in opposition (Hankinson 2018, Sahn 2024). This means that the people who would benefit most from new housing are the least likely to be vocal participants in the political process. As a result, at the local level, NIMBYs still tend to dominate policy making (Einstein et al. 2019). However, states may be changing the playing field, with significant advancements in mandates and preemption law (Elmendorf 2019). If we begin to see the development impasse breached, it will be because states have forced the hand of local communities, and a new round of scholarship will be needed to investigate the ways in which federalism affects this issue space.

## REMAINING PUZZLES

Research on the politics of land use regulation has grown rapidly over the last several years, opening the door to new, unanswered questions. In decades past, the only obvious voices in favor of development and lax land use regulations were those of developers and elected officials. Today,

in high-housing-cost communities across the nation, we have seen organizations arise to advocate for increased home building and the reformation of local laws and regulations. Housing even made it to the presidential campaign in 2020 when Republican candidate Donald Trump tweeted a warning that Democratic candidate Joe Biden would imperil single-family zoning and “ABOLISH Suburban Communities as they currently exist,”<sup>6</sup> while Trump promised to preserve and improve such neighborhoods.<sup>7</sup> Pro- and antidevelopment attitudes do not map neatly onto national partisan identities. For instance, the movement for environmental protection has become solidly allied with the Democratic Party, but, particularly in earlier decades, it was a force *against* development (Duane 2023). Today, densifying neighborhoods, particularly near transit, is viewed by some environmental activists as essential to combating climate change (Velasco & Cohen 2022). Other actors in the politics of land use, such as developers and Chambers of Commerce (prodevelopment voices), have typically been aligned with the Republican Party. Yet, as Trump reminded us, many suburban (Republican) voters are staunchly antidevelopment.

We need new research on the evolution of attitudes toward development and a better understanding of the demographic correlates of NIMBY and YIMBY activism. A clearer mapping of development attitudes will help scholars to better understand the fault lines over development at multiple levels of government. We need to know how variation in goals and perspectives affects what regulations are enacted in cities, counties, and state legislatures. We need to know who has a seat at the policy table and who is excluded. Important and interesting work could be done to explore what happens when powerful interests conflict (e.g., neighborhood property owners versus residential developers). What determines who wins? Who are members of their political coalitions during different time periods? What are the policy consequences of these variations?

Another important line of research will come through more detailing of the process by which land use regulations are enacted, with attention paid to elected officials, voters, and bureaucratic staff. We need more information about the priorities of each set of actors, and more knowledge of how they have (or have not) achieved their policy goals. Where are the veto points in the process and when is change possible? When and why do higher levels of government involve themselves in local regulations, and what effect (if any) has this had?

In short, the emerging field of the politics of land use is an exciting and important space for research. The future of our communities depends on knowing how our geographies are created, how they can be changed, and for whom they work.

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<sup>7</sup><https://twitter.com/realdonaldtrump/status/1286372175117791236>.

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