Zoning Is A 20th Century Solution To A 19th Century Problem, Let's End It

My former colleagues at the [Sightline Institute](#) in Seattle have produced a well-meaning video on zoning as the cause of housing price problems. However, the video ends up defending zoning regulation, arguing that there isn't anything wrong with zoning — the practice of geographically segregating use and typology of buildings in a city — we just need more of it. Zoning is how we got into the current mess we're in and the rules and regulations that have become wound together with zoning are the enemy of people who need housing. We don't need more zoning. We need to get rid of it completely.

Zoning by definition is the segregation of use and typology and it's the reason people need transportation to get from one type of use going on in one kind of building to a use in another type of building, from home to work, from the park to the grocery store. Zoning also limits and regulates the look, size, and what can legally be done in those buildings. As the video points out, one area can be zoned for living in apartments with multiple families and another for single-family use only.

The video deftly explains how this segregation works and how it also segregates people. Single-family use and typology are more expensive because that use —- one unit on a 5,000 square-foot parcel — is inefficient. It's sort of an extravagance to use so much land for so few in a city with growing population, like lighting your cigar with a $100 bill. The wall between multifamily and single-family uses, the video argues, is created by zoning. The solution is to expand multifamily use into areas reserved for single-family. This would create more supply and thus lower price.

So far so good. **But the problem is not that cities don't have enough multifamily zones but that they have zones at all.** I've argued before, that zoning is a 20th century solution for a 19th century problem. Back then, the _Euclid_ [decision](#) allowed government to break up use to keep say a rendering plant from being too close to an apartment. Cities in the 19th century were chaotic, messy, and had multiple and even dangerous uses everywhere, with people, animals, and equipment all mixed up. Zoning was intended to better organize this.

What happened, however, was the suburb and highways. People figured out that if government built lots of roads they could hop in their car and drive from their quiet and idyllic home to more intense uses to work and others to be entertained and others to shop. Cities and exurban areas all began to organize themselves this way and as populations grew the inefficiency of this system has become more obvious as

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people, cars, bikes and buses sit idle in traffic. For housing, the use and typology obviously mean meeting housing demand is constrained by the type and zone allowed.

But is "upzoning" the answer? I used to think so, especially before I became a housing developer myself for a brief time and worked with people who provide housing. I believed then that simply adding more capacity by increasing the size of buildings and places where multifamily housing would be allowed would be more sustainable and affordable. I even thought that such additional capacity was lucrative for developers; wouldn't they make more money with the ability to build bigger buildings for more people in more places? Wouldn't that also create more supply and lower prices?

The problem though is that in all zones all housing is more and more expensive and difficult to build. The government could add more land for multifamily by upzoning, in Seattle for example, a third of the 60 percent of land used for single-family. But I doubt it would make a difference. Why? Two examples.

First, it's almost impossible to build single-family housing in single-family zones. Back in 2014, angry neighbors were outraged that developers had managed to tuck small single-family homes onto smaller lots. This meant more affordable for purchase homes where people wanted them, in the city. But the Seattle City Council acted to abolish the practice of small-lot housing. It was pure politics; neighbors in adjacent houses didn't want *any* new housing even if it was the same type and smaller than their own unit. Does anyone believe that those same angry neighbors will allow duplexes and triplexes down the block?

Second, design review in Seattle adds thousands, sometimes hundreds of thousands, to developing apartments in the city. The design review process allows single-family owners to dictate how, where, and when apartments get built in multifamily zones. The process forces builders into an uncertain and lengthy public review that is also expensive, a cost that makes housing more expensive.

Finally, organizations like Sightline, ironically, support Mandatory Inclusionary Zoning (MIZ) which forces a small increase in square footage built in multifamily zones but charges a tax on *every square foot* of new housing. The idea is both that the new housing is somehow an impact — it isn't, it's more supply — and that by definition new housing is too expensive and should include a tiny fraction of rent restricted units or pay a fee to a non-profit, laundered first by city bureaucrats. Sure, this is an

"upzone" but one that produces little additional supply at huge cost to consumers. It's inefficient, inflationary and ultimately illegal.

Had Sightline and others who are pushing for more capacity by upzoning considered this, the video would have aimed at regulation and suggested abolishing zoning all together. Instead, the video says zoning is good and we just need more of it. As I suggested in comments to HUD on the Fair Housing Act, subsidizing regulation like zoning, design review, and mandating all sorts of other rules, fees, and taxes is racist since it keeps wealthy single-family owners whole, but forces disproportionately poorer people of color on waiting lists for non-profit housing. This is inefficient and morally wrong. Mandatory inclusion policies are a political solution not a housing solution.

The answer to price problems is to abolish all land use and zoning regulations other than the building code which is about safety and health. When I worked at Sightline I wrote about how strong building codes can save lives (and ironically, that they should be strengthened without listening to builders). So I'm not a libertarian arguing for no rules at all. But it's simply insane, when we're facing rising demand and limited supply, to limit the production of housing for anything other than health and safety. As I've said before, imagine if our space program was run by the neighbors down the street limiting the size of rockets, angry socialists mobs dictating limits on how long people worked on the rockets, and politicians arguing over how rockets blocked views and took away parking. We'd never have gotten to the moon.

Housing is built by people with know how and determination, but they are struggling to build housing even where it is legally allowed. Developers, builders, and people who rent and manage property should be listened to and trusted. These people see customers for a product and they're trying to meet customer demand for housing. They don't want more zoning, they want to build more housing. Let's get rid of zoning and let buyer and seller meet so that everyone gets the best deal. Today, what frustrates people who need housing and those that build it is that local government is constantly interfering with the basic relationship between buyer and seller at the behest of entitled, single-family homeowners who got here first.

Unit size is the best example of how this works. Unit sizes for apartments are falling because tenants are willing to give up square footage for proximity. This means lower monthly rents and higher returns for investors. But unit size has already been regulated to get bigger for absolutely no good reason. Seattle abolished microhousing and has steadily made rules to make units get bigger. The people who

know housing best — buyers and sellers — should get to decide what they want, the only role government should have is being sure what gets built is safe.