International Municipal Lawyers Association
2023 Mid-Year Seminar
Washington, DC

State League Meeting
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Preemption of Local Housing & Zoning Policies

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League of Minnesota Cities

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Agenda

- History/background information (2018-2021)
- 2022 bills
- 2023 bills
- LMC response



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History of issue

- 2018-2019
  - *Harstad v. City of Woodbury* (2018)
    - Minn. Stat. § 462.358, subd. 2a (subdivision regulations)
  - Attacks on city fees
    - Minn. Stat. § 326B.153, subd. 1 (building permit fees)
    - Minn. Rule 1300.0160 (valuation)
    - Minn. Stat. § 326B.145 (fee and expense reports)



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History of issue, cont.

- 2020
  - Several building/development fee bills, including:
    - Limiting park fees, change annual reporting requirements, limiting building permit fees, etc.
  - HF 4473/SF 3886
    - Planning and zoning limitations
- 2021
  - HF 1840/SF 915
    - Planning and zoning limitations, redux
  - HF1484/SF 1145
    - Sacred settlements



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2022 Bills

- Legalizing Affordable Housing Act
  - HF 3256/SF 3259
    - Minimum lot sizes
    - Duplexes
    - Planned Unit Developments
    - Architectural design standards



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2023 LMC Legislative Priorities

Local Control/ Preemption

The League will oppose legislation that erodes local control in cities across Minnesota.

Housing

The League calls for solutions that support the diverse housing needs in cities across the state and solutions that address the full housing spectrum, support local innovation, provide state incentives instead of mandates, and advance community-specific housing solutions.

LEAGUE OF MINNESOTA CITIES

2023 City Policies

For Legislative and Administrative Action

Adopted November 10, 2022

The only comprehensive statewide advocacy agenda for all Minnesota cities

LMC LEAGUE of MINNESOTA CITIES

This document is available in the Legislative Action Center on the League's website at www.lmc.org/policies

OPINION EXCHANGE

Counterpoint: Local housing solutions are best addressed by cities

Here's what won't help — and what will.

By David Unmacht, Patricia Nauman, Bradley Peterson, Cap O'Rourke and James B. Hovland

AUGUST 22, 2021 — 6:00PM



MARK VANCLEAVE, STAR TRIBUNE

League of Minnesota Cities TEMPLATE HOUSING & LOCAL AUTHORITY RESOLUTION

Please consider personalizing and presenting this resolution to your city council.
You can access this draft template at www.lmc.org/HDresolution

If your city council passes the resolution, please have a copy sent to advocacy@lmc.org so your city can be added to the League's master list and shared with legislators.

RESOLUTION #_____
A RESOLUTION SUPPORTING HOUSING AND LOCAL DECISION-MAKING AUTHORITY

WHEREAS, local elected decision-makers are in the best position to determine the health, safety, and welfare regulations that best serve the unique needs of their constituents; and

WHEREAS, zoning regulation is an important planning tool that benefits communities economically and socially, improves health and wellness, and helps conserve the environment; and

WHEREAS, local zoning regulation allows communities to plan for the use of land transparently, involving residents through public engagement; and

WHEREAS, cities across the state are keenly aware of the distinct housing challenges facing their communities and they target those local housing challenges with available tools; and

WHEREAS, multiple bills restricting local decision-making related to housing have been introduced in the 2021-2022 biennium.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF _____ that this Council supports local decision-making authority and opposes legislation that restricts the ability for local elected officials to respond to the needs of their communities.

LET IT ALSO BE RESOLVED that this Council supports housing policy that advances solutions to support full housing spectrum solutions, local innovation, incentives instead of mandates, and community-specific solutions throughout Minnesota.

ADOPTED by the _____ City Council this ____ day of _____, 2022.

League-Supported Bill 2022

- Comprehensive Housing Spectrum Act (HF 2880/SF 3147)
- Highlights
  - New housing cost reduction incentive program
  - Additional funding for existing programs
  - Funding for new programs including a naturally occurring affordable housing grant program for preservation and rehabilitation of NOAH units
  - Public infrastructure assistance for residential development
  - Excise tax on corporate entities purchasing residential real property
  - Increased HRA levy cap

2023 Bills

- Legalizing Affordable Housing Act, redux
  - HF 2235
- Sacred settlements, again
  - HF 1872/SF 2471
- Reintroduction of Comprehensive Housing Spectrum Act
  - HF 743/SF 1093


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