



Your LMC Resource

Irene Kao

IGR Counsel

(651) 281-1260 or (800) 925-1122

ikao@lmc.org

Daniel Lightfoot

IGR Representative

(651) 281-1295 or (800) 925-1122

dlightfoot@lmc.org

Local Zoning Preemption Bill Advances in Senate

March 15, 2021

City officials are encouraged to contact their legislators to voice opposition to this bill, which is scheduled for another Senate committee hearing on March 16.

The Senate Housing Finance and Policy Committee (https://www.senate.mn/committees/committee_bio.html?ls=92&cmte_id=3108) on March 9 heard a League-opposed bill, SF 915 (<https://www.revisor.mn.gov/bills/bill.php?f=SF0915&ssn=0&y=2021>) (Sen. Rich Draheim (http://mail01.tinyletterapp.com/LMC_Action_Alerts/lmc-action-alert-bills-that-would-preempt-city-zoning-building-permit-fees-and-park-dedication-fees-authority/16487158-mail01.tinyletterapp.com/lmc_action_alerts/lmc-action-alert-bills-that-preempt-city-authority-on-zoning-and-the-use-of-city-building-inspectors/16414926-www.senate.mn/members/member_bio.php?c=0330544d-3849-435a-8768-d060f52d9f4b), R-Madison Lake), which would preempt local zoning authority.

The bill was amended and passed on a party-line vote of 4-3. It now goes to the [Senate Local Government Policy Committee](https://www.senate.mn/committees/committee_bio.html?cmte_id=3100&ls=92) (https://www.senate.mn/committees/committee_bio.html?cmte_id=3100&ls=92), where it will be heard on March 16.

The adopted amendment removed some problematic provisions, but other problems remain. The bill would still preempt local zoning authority by, for example, limiting planned unit development (PUD) conditions and prohibiting aesthetic conditions.

Moving ahead despite missing deadline

Typically, bills need to be heard in all relevant committees in one body before the first legislative deadline, which was March 12. (The House companion bill — HF 1840 (<https://www.revisor.mn.gov/bills/bill.php?f=HF1840&y=2021&ssn=0&b=house>), authored by Rep. Steve Elkins (<https://www.house.leg.state.mn.us/members/profile/15517>), DFL-Bloomington — has not had any hearings.)

Because the Senate Local Government Policy Committee did not hear this bill by the deadline, it should no longer be considered in the 2021 legislative session. Nonetheless, the Local Government Committee is scheduled to hear the bill.

City opposition

At the March 9 hearing, Prior Lake City Manager Jason Wedel and Elko New Market City Administrator Tom Terry testified in opposition to the bill, along with the League and Metro Cities. City testifiers discussed the importance of local control for zoning.

Cities — not the Legislature — know their communities and are in the best position to address local zoning and respond to local needs, they argued. And while proponents claim otherwise, PUDs are requested by developers, not required by cities.

Joining the League in opposition to the bill are several city organizations, including Metro Cities, the Municipal Legislative Commission, Coalition of Greater Minnesota Cities, and Minnesota Association of Small Cities.

[Read the joint city letter opposing SF 915 \(pdf\)](https://www.senate.mn/committees/2021-2022/3108_Committee_on_Housing_Finance_and_Policy/City%20Letter%20-%20SF%20915.pdf) (https://www.senate.mn/committees/2021-2022/3108_Committee_on_Housing_Finance_and_Policy/City%20Letter%20-%20SF%20915.pdf)

Proponents of the bill

Housing First and the Minnesota Association of Realtors testified in support of the bill, claiming that zoning regulations are the reason residential development is driving up the cost of housing. However, it is widely known that land, labor, and materials are the highest cost drivers — not city regulations.

[Read information from Housing First \(pdf\)](https://www.senate.mn/committees/2021-2022/3108_Committee_on_Housing_Finance_and_Policy/Housing%20First%20-%20SF915.pdf) (https://www.senate.mn/committees/2021-2022/3108_Committee_on_Housing_Finance_and_Policy/Housing%20First%20-%20SF915.pdf)

Reach out to legislators

City officials are encouraged to contact their legislators to express their opposition to this bill.

[For more background information about this bill, read a previous article](https://www.lmc.org/news-publications/news/all/zoning-preemption/) (<https://www.lmc.org/news-publications/news/all/zoning-preemption/>).

[Read more news articles](https://www.lmc.org/news-publications/news/latest-news/) (<https://www.lmc.org/news-publications/news/latest-news/>)