Michigan Association of Planning
A Chapter of the American Planning Association

Position on Representative Grant's 4-Bill Housing Package
December 9, 2024

HB 6095 – Minimum Residential Parking Space Requirements
HB 6096 – Prohibit Requirements for Repeat Studies
HB 6097 – Permit Duplexes in Single-Family Zones
HB 6098 – Revise Protest Petition Requirements

The Michigan Association of Planning supports, with some caveats, the above-referenced bills, each of which concerns housing in Michigan. For the reasons discussed below, we strongly support efforts to ease barriers to new housing production across our state.

The Michigan Association of Planning (MAP) is a 501(c)(3) membership-based non-profit organization that serves community planning professionals in Michigan, including elected and appointed city council and township board members, appointed planning and zoning officials, and professional planners employed in the public and private sectors. We have over 4,000 members and provide information, education, and advocacy to more than 300 municipalities. Our members prepare, draft, and implement community master plans, which are the subject of this bill.

Housing has been MAP's top legislative and policy priority since 2021. We have worked tirelessly over the last 4 years to research and develop products for planners and municipal leaders that help them increase housing supply and affordability in their communities. In 2022, we launched the MSHDA-funded Zoning Reform for Housing Supply and Choice Toolkit, and the zoning reforms in our guidebook are helping municipalities make regulatory changes at the local level to expand housing supply. In 2023, we followed that up with Zoning Reform Stories & Studies.

In supporting these measures, MAP does not posit that local government is to blame for Michigan's housing crisis or that the state should preempt all local zoning authority. MAP recognizes that many local governments and local officials in Michigan are working diligently to address unaffordable housing, and we have been proud to support and inform those efforts.

Nevertheless, we recognize that housing markets and the housing crisis are not confined to individual jurisdictions. The decision of one community to limit new housing production can have regional and statewide consequences. Michigan faces statewide housing challenges that necessitate solutions that include, as the proposed bills do, setting reasonable baselines to ensure that all local governments, particularly in the urban and suburban areas most affected by the crisis, are doing their part to address these challenges. These bills represent a very limited

incursion on local control while employing principles of good planning such as encouraging a mix of housing types, multi-modal transportation, and fairness and consistency in the planning process. Importantly, they will empower planners in and outside of local government to facilitate building new and more affordable forms of housing.

MAP offers the following comments on the above-referenced bills:

HB 6095 – Minimum Residential Parking Space Requirements

MAP supports HB 6095, but recommends changes to this bill. Although we support this bill, we would prefer the bill go further and eliminate all vehicle parking requirements for new housing. Studies show that requiring builders to provide parking with new housing construction adds significant cost to new housing units.[1] These costs are passed on directly to new housing consumers, contributing to high housing costs in our state. Moreover, requiring vehicle parking encourages vehicle usage, reducing the viability of public transit and other, non-motorized forms of transportation. Furthermore, vehicle parking consumes a large land area, preventing other, more productive land uses. It also results in significant impervious area, thus increasing the risk of flooding and water pollution.

MAP notes that this bill will not prevent builders from providing vehicle parking as market conditions merit. It is MAP's position that builders and owners of housing are best positioned to determine how much parking to provide.

HB 6096 – Prohibit Requirements for Repeat Studies

MAP supports HB 6096. MAP supports any measure that increases certainty for all participants in the planning and development process and avoids procedural abuses concerning development applications. However, one of the hallmarks of good planning is ensuring that local units of government, planners, and the public can review and evaluate relevant information concerning a development proposal and its prospective impact. Thus, local units of government must have leeway to require an applicant to prepare and submit studies and other documentation regarding the scope and impact of a given project.

As drafted, HB 6096 requires local units of government to establish, at the time of each site plan application, (1) a list of submittal requirements for that particular application; and (2) technical standards for each submittal requirement, subject to ensuring that planners can require additional information where a project's scope changes or the applicant submits insufficient information. We believe that this proposal will streamline development applications while ensuring that local units of government and the public are privy to important information about development projects. Although we understand that some local units may be overinclusive in their enumeration of required studies, MAP believes that the proposed approach provides more certainty than one that allows local units to change submittal requirements after the initial application has been submitted. Thus, we believe this bill will achieve the twin goals of providing certainty for all participants in

[1] DAVID GARCIA ET AL., MAKING IT PENCIL: THE MATH BEHIND HOUSING DEVELOPMENT (2023 UPDATE) (Dec. 2023); Hannah Hoyt & Jenny Schuetz, *Parking Requirements and Foundations Are Driving Up The Cost of Multifamily Housing*, BROOKINGS (Jun. 2, 2020), https://www.brookings.edu/articles/parking-requirements-and-foundations-are-driving-up-the-cost-of-multifamily-housing/.

the development process and providing necessary information to decision-makers and the general public.

HB 6097 – Permit Duplexes in Single-Family Zones

MAP recommends changes to HB 6097. Michigan's existing housing stock is dominated by single-family detached houses, many of which are located on large lots. A large proportion of new housing in Michigan is also single-family homes or condominium or apartment units in large buildings. Medium-density "middle housing"—including everything from duplexes to townhomes—is much rarer. Nevertheless, research suggests that this type of housing results in a lower housing cost burden, particularly among middle-income households, and it provides a pathway to homeownership for first-time and middle-income households.

Although HB 6097 would allow duplexes in local units of government located within and adjacent to metropolitan statistical areas, MAP believes that this bill could be improved in several ways, as described below:

- As drafted, the requirements of the bill apply to local units of government within metropolitan statistical areas and adjacent to metropolitan statistical areas. MAP recommends, however, that this proposal be limited to cities, villages, and charter townships wholly or partly located within a metropolitan statistical area and that it further exempt areas in charter townships not served by public water and sewer systems. MAP supports housing construction in a fiscally responsible manner in places where infrastructure and services—including, for example, water and sanitary sewer service and sufficient transportation infrastructure—are already available to serve such housing, we recommend that the proposal apply only in urban and suburban local units of government, irrespective of their populations. While some Michigan communities have experienced population growth, the state has experienced a decline in population density per housing unit, meaning that existing infrastructure is, in many places, underutilized. Furthermore, we are concerned that allowing multi-family development throughout the state will inadvertently lead to "density sprawl," where new housing is constructed in places without adequate infrastructure or services.

- As drafted, the bill would require affected local units of government to allow duplexes in single-family residential zoning districts. Although MAP supports allowing middle housing in single-family areas, we recommend that the bill be broadened to allow other types of middle housing, both in single-family districts and elsewhere. Where they have been permitted in single-family zoning districts in other states and cities, duplexes have been slow to materialize. Builders face significant structural hurdles in producing these housing types, from high transaction costs to an inability to scale production and limited financing availability. MAP supports measures that will facilitate the development of more financially feasible housing types. For instance, MAP supports allowing medium- and higher-density multi-family housing in zoning districts that allow commercial uses and at least four units per residential lot. These housing types allow builders to take advantage of economies of scale and have proven more successful in other states and cities.

- MAP further recommends clarifying the language of the proposed Subsection 1 as follows: "Subject to subsection (2), a residential duplex is a permitted use in any district in which a single-family residence is a permitted use, ~~and the duplex is not subject to a special or conditional use permit or procedure to which single-family residences are not subject~~ and shall be subject to the same permitting procedures as a single-family residence."

HB 6098 – Revise Protest Petition Requirements

MAP supports HB 6098 but recommends changes to this bill. MAP supports reducing opportunities for citizen protests that increase the affirmative vote thresholds for zoning actions. MAP believes that local elected officials, with the advice of professional planners and other allied professionals, are best positioned to determine whether particular zoning actions are appropriate for their entire communities and meet applicable legal standards. Conversely, protest petitions give opponents of new development proposals—who already enjoy rights to receive notice and comment on such proposals, as well as rights to challenge local governments' decisions through referenda or litigation—unnecessary authority to impose additional procedural hurdles against those proposals. In recognition of protest petitions' use to thwart needed housing developments and specifically deny people of minority race and ethnic backgrounds opportunities to reside in communities, many states and cities around the nation have eliminated protest petitioning opportunities.

Given the foregoing, MAP supports fully eliminating protest petition rights in Michigan. In the event protest petition rights are not fully eliminated, MAP recommends increasing the petitioning threshold for all amendments to local zoning ordinances, rather than just those that increase development intensity. Additionally, MAP is concerned that the term "intensity of development" in the proposed bill is not well-defined and should be defined to include any increase in the number of permitted housing units on a given parcel.

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