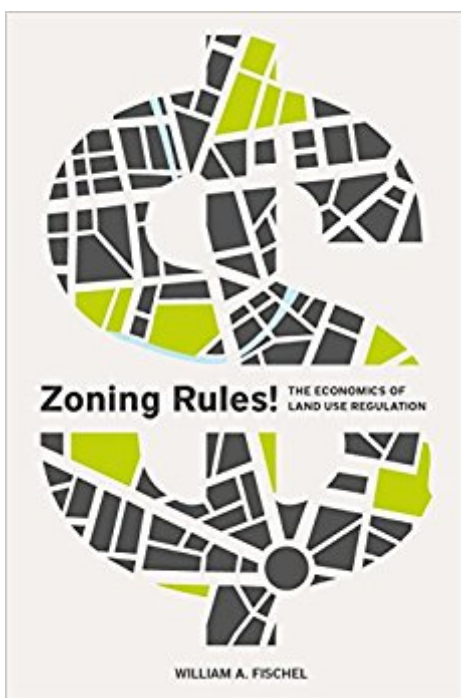


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# Zoning Rules!: The Economics Of Land Use Regulation



## Synopsis

Zoning has for a century enabled cities to chart their own course. It is a useful and popular institution, enabling homeowners to protect their main investment and provide safe neighborhoods. As home values have soared in recent years, however, this protection has accelerated to the degree that new housing development has become unreasonably difficult and costly. The widespread Not In My Backyard (NIMBY) syndrome is driven by voters' excessive concern about their home values and creates barriers to growth that reach beyond individual communities. The barriers contribute to suburban sprawl, entrench income and racial segregation, retard regional immigration to the most productive cities, add to national wealth inequality, and slow the growth of the American economy. Some state, federal, and judicial interventions to control local zoning have done more harm than good. More effective approaches would moderate voters' demand for local-land use regulation by, for example, curtailing federal tax subsidies to owner-occupied housing.

## Book Information

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## Customer Reviews

"Fischel's new book is the definitive work on the economics of land-use regulation. In an engaging manner, Fischel lays out the history, motivation, structure, and impact of land-use regulation in the United States. It's all here."  
—WALLACE E. OATES, Distinguished University Professor, Emeritus, University of

Maryland and the laws that shape their development should read this excellent book. The fact that Fischel conveys his encyclopedic knowledge on a subject that is routinely considered too technical or too theoretical in such a clear, engaging, and accessible way is an additional delight to the reader.

•SONIA A. HIRT, Professor and Associate Dean for Academic Affairs, College of Architecture and Urban Studies, Virginia Tech

“Written with wit and insight, *Zoning Rules!* provides the most persuasive economic, political, and legal account of how Americans control their most important personal investment—their home—by treating zoning as a collective property right. *Zoning Rules!* is both an accessible primer on local government law and politics for the layperson, and an exposition of a sophisticated political and economic theory about neighbors’ capacity to be a potent political force, shaping everything from taxes and environmental quality to schools and demography of American communities.

•RODERICK HILLS, William T. Comfort III Professor of Law, New York University School of Law

“*Zoning Rules!* is much more than an update of Fischel’s 1985 classic, *The Economics of Zoning Laws*. An important addition, so relevant to today’s world, is his discussion of zoning as a mechanism for controlling suburban growth. Fischel deals with this topic and others in the same style that his readers have come to expect. He is a scholar, first and foremost, but he also knows how to tell a good story. My students will love this book!

•JON SONSTELIE, Professor of Economics, University of California Santa Barbara

“Bill Fischel’s latest zoning masterwork is a wake-up call for an American public lulled into mass acceptance of zoning as an invisible hand. Fischel unfolds the many faces and consequences of zoning as a product of our own doing, showing that this American institution needs to be wrestled to the ground. The good news? We-the-people have the power to change it. This book is a necessary primer for plotting a realistic strategy.

•EMILY TALEN, Professor of Urban Planning, Arizona State University

Bill Fischel has taught economics at Dartmouth College since 1973. His scholarship focuses on local government, especially land use regulation and property taxation. Bill has served on the Hanover, New Hampshire, zoning board and on the board of directors of the Lincoln Institute of Land Policy.

This book is a fantastic look at the history of land use law and economics in the US. He not only

covers a variety of court cases, but often times has actually visited the sites in question in order to describe them. Fischel's "homevoter hypothesis" seems sensible, but I do wish there were a bit more comparison with other countries, ala Sonia Hirt's "Zoned in the USA", as many of those people also own their homes, but have not developed the same NIMBY instincts that we are seeing as one of the main causes of the current housing crisis in the US. A bit more information on his policy recommendations might have been good too, but overall the book is a must read for anyone who wants to know more about the nuts and bolts of US land use regulation.

The first quarter or so of this book is a guide to zoning regulation as traditionally practiced in the United States. Then, Fischel addresses the following issues (taking many detours along the way):

1. Why did zoning become popular when it did (the 1910s and 1920s)? Before then, most people walked to work, and so the idea of separating housing from commerce would have been anathema. But in the 1920s, the rise of trucking and of buses meant that industry and apartments could locate in suburban parts of town. Both were anathema to suburbanites- industry because of noise and pollution, apartments because of the prospect of low-income people nearby. So suburbs created zoning to keep these uses out- and then the zoning power made it more attractive for neighborhoods to be independent suburbs, since small places could control land use rather than being limited by citywide interests. So suburbs created zoning which created more suburbs.
2. Why did zoning become stricter in the past several decades? Fischel mentions a variety of factors. Interstate highways shifted jobs to suburbia, which meant that auto ownership grew, which meant that lower-income workers found suburbs more attractive and could commute to suburbs more easily, which in turn meant that suburbs had to be innovative (i.e. stricter) to keep them out. In addition, the rise of environmentalism gave suburbanites an excuse to keep out development without seeming selfish. Inflation led to rising home values, which caused homeowners to be more sensitive to housing values, which in turn caused them to make zoning more restrictive in order to preserve their gains.
3. Why has zoning become especially strict on the coasts? Fischel suggests that the popularity of local referenda cause restriction in the West (since restrictions tend to be popular with homeowners, who are the majority of voters), and that the high number of small suburbs causes restriction in the North (because the smaller the town the less likely it is to consider the impacts of regionwide high housing costs). By contrast, Southern metro areas tend to have fewer municipalities, and most southern suburbs are part of a 500-square-mile city or a large unincorporated county. Such large governments are more likely to balance homeowner interests against the regionwide interest in affordable housing, and as a result zone less strictly.

Fischel also

discusses possible remedies for the costs of exclusionary zoning. However, this discussion is much skimpier than his discussion of causes- perhaps because he doesn't have much hope.

Excellent!

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