

The Limits of Zoning Preemption: Public Opinion and the Abundance Agenda

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The leading account in local government scholarship traces opposition to zoning reform to narrow local constituencies, especially homeowners protecting property values. Because local politics is uniquely susceptible to capture by incumbents who benefit from housing scarcity, the prescribed policy solution is state or federal preemption of local land-use authority. This Article tests that claim using a nationally representative survey of 60,000 voters in the 2024 election. This unusually large and rich dataset allows us to measure individual-level determinants of support for zoning reform while holding demographics, ideology, and neighborhood characteristics constant.

We find limited support for several canonical NIMBY theories of restrictive zoning. Homeowners are indeed less supportive than renters, but the gap is modest, and nearly 40% of renters oppose reform. Racial resentment is strongly predictive of opposition among white voters, suggesting that racial exclusion remains a relevant explanation. Income, however, exhibits little independent relationship with zoning attitudes. Contrary to popular belief, liberals and voters concerned about the environment are more, not less, likely to support reform.

This Article advances a public goods account of zoning attitudes, wherein voters oppose reform not because they are ideologically hostile to housing production, but because they doubt that local infrastructure, schools, and public services will keep pace with new development. Our argument is based on two new factors the literature has largely ignored. Women are substantially less supportive than men (by a margin larger than the homeownership gap). And trust in state government strongly predicts support for zoning liberalization. These patterns suggest that state or federal preemption alone cannot resolve political resistance to zoning reform. Preemption may bypass local veto points, but it cannot manufacture durable support where opposition is broadly distributed across the electorate. We conclude that reform requires a second track: bottom-up coalition-building that pairs housing production with visible commitments to the provision of public goods.

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Introduction

Zoning reform has emerged as a central pillar of the contemporary “abundance agenda,” a loose but influential reform movement that seeks to address rising costs and chronic shortages in housing, transportation, energy, and other essential goods by reducing regulatory barriers to private and public production.¹ In the housing context, abundance-oriented reformers argue that decades of restrictive land-use regulation—particularly limits on density and multifamily construction—have artificially constrained supply in high-demand regions, contributing to soaring prices, increased segregation, and reduced economic mobility.² Across ideological lines, zoning reform has become a focal point for broader debates about state capacity, economic growth and the legitimacy of local control.³

Legal scholarship on zoning reform has coalesced around two related questions.⁴ The first is diagnostic: why did local land-use regulation become so restrictive? The dominant account attributes the problem to “NIMBYism,” a constellation of theories holding that narrow local constituencies that benefit from housing scarcity, especially homeowners seeking to protect property values, have captured municipal land-use processes.⁵ Scholars have advanced several

¹ See, e.g., David Brooks, *We Can Achieve Great Things*, N.Y. TIMES (Feb. 27, 2025), <https://www.nytimes.com/2025/02/27/opinion/government-great-progressive-abundance.html> [<https://perma.cc/D8VL-F5GH>] (describing how the “the abundance movement is having its coming-out party”); Nicholas Wu & Holly Otterbein, *House Democrat Starts ‘Abundance Movement’-Inspired Caucus*, POLITICO (May 8, 2025, 4:45 AM EDT), <https://www.politico.com/news/2025/05/08/house-democrat-abundance-caucus-00333760> [<https://perma.cc/T2LC-VUEE>].

² See, e.g., EZRA KLEIN & DEREK THOMPSON, ABUNDANCE 30-32 (2025); David Schleicher, *City Unplanning*, 122 YALE L.J. 1670 (2013) [hereinafter Schleicher, *City Unplanning*] (arguing that major cities increasingly use land-use controls and procedural “unplanning” to limit new development and economic growth in the most productive places); David Schleicher, *Exclusionary Zoning’s Confused Defenders*, 2021 WIS. L. REV. 1315, 1318–22 (2021) [hereinafter Schleicher, *Exclusionary Zoning’s Confused Defenders*] (describing the cross-ideological scholarly and elite-national consensus that exclusionary zoning in high-demand regions suppresses housing supply and drives up prices, and arguing that liberalizing land-use controls is essential to affordability).

³ Right-wing commentators have used debates over zoning reform to advocate for the virtues of private development. See, e.g., Reihan Salam, *Want Abundance in Housing? Acknowledge that Greed is Good*, CITY J. (Mar. 27, 2025), <https://www.city-journal.org/article/new-york-city-housing-development-profit-abundance-yimby> [<https://perma.cc/9PCH-SHD6>]. Some left-wing defenders of zoning insist that it remains an effective tool for “maintaining community character, enhancing property values, and allocating the costs of development between insiders and outsiders.” Christopher Serkin, *A Case for Zoning*, 96 NOTRE DAME L. REV. 749, 752 (2020); see also Ganesh Sitaraman, Morgan Ricks & Christopher Serkin, *Regulation and the Geography of Inequality*, 70 DUKE L.J. 1763, 1768 (2021) (contending that “loosening land-use controls” without further reforms is “likely to deepen geographic inequality and its negative consequences”). David Schleicher argues that these claims erroneously equate local land-use regulations with federal regulation, reflect a blanket skepticism of markets, and more fundamentally, belie an “intense conservatism” that affords undue value to the expectations of incumbent property owners. Schleicher, *Exclusionary Zoning’s Confused Defenders*, *supra* note 2, at 1320-21.

⁴ See John R. Infranca, *The New State Zoning: Land Use Preemption Amid a Housing Crisis*, 60 B.C. L. REV. 823, 826–29 (2019) (explaining why restrictive local zoning persists despite sustained scholarly criticism and framing the institutional question of when and how states should intervene in local land-use regulation).

⁵ See WILLIAM A. FISCHER, THE HOMEVOTER HYPOTHESIS 4–5 (2001) (arguing that homeowners act as “homevoters” and use local politics and zoning to protect housing wealth); Lee Anne Fennell, *Homes Rule*, 112 YALE L.J. 617, 618 (2002) (reviewing FISCHER, *supra*) (unpacking the background assumptions of Fischer’s theory); Schleicher, *City Unplanning*, *supra* note 2, at 1676–77 (arguing that cities’ legal and procedural choices systematically raise barriers to development); Vicki Been, *City NIMBYs*, 33 J. LAND USE & ENVTL. L. 217, 212-22 (2018) (describing how discretionary, multi-layered approval regimes and neighborhood-level mobilization can

variants of this explanation, emphasizing the “homevoter hypothesis,” racial exclusion, fiscal zoning, environmental objections, and ideological resistance from liberals skeptical of development.⁶

The second question is prescriptive: what is the best institutional pathway for reform? The prevailing answer has been state (and, more ambitiously, federal) preemption of local land-use authority.⁷ The logic follows directly from the NIMBY diagnosis. If local governments are uniquely susceptible to capture by homeowners and other exclusionary interests, then relocating decision-making to higher levels of government should overcome political resistance. Scholars have documented how states have begun to assert authority over local zoning, from Oregon’s statewide ban on single-family exclusive zoning to California’s numerous laws overriding local density restrictions.⁸ A minority view, articulated most prominently by Richard Schragger, resists this turn toward centralization, arguing that local governments retain important capacities for equitable development and that higher levels of government are subject to their own forms of capture, as evidenced by the poor record of their past interventions.⁹

This Article intervenes in both debates. On the diagnostic question, we test the leading NIMBY theories against individual-level data and find that the standard account of who opposes zoning reform is incomplete. On the prescriptive question, we argue that preemption, while necessary, is insufficient because opposition to zoning reform is far more widespread than the standard account assumes. If resistance were concentrated among homeowners and other narrow local interests, shifting authority to state legislatures would indeed unlock latent support for housing production. But if opposition is broadly distributed across the electorate, preemption merely relocates the political conflict without resolving it. The same voters who oppose zoning liberalization locally will continue to oppose it when the decision moves to the state capitol.

delay or block new housing); KATHERINE LEVINE EINSTEIN, DAVID M. GLICK & MAXWELL PALMER, NEIGHBORHOOD DEFENDERS: PARTICIPATORY POLITICS AND AMERICA’S HOUSING CRISIS 3–4 (2019) (documenting how a small, unrepresentative set of local participants can dominate land-use hearings and block new housing).

⁶ See *infra* Part II.

⁷ See, e.g., Sara C. Bronin, *The Quiet Revolution Revived: Sustainable Design, Land Use Regulation, and the States*, 93 MINN. L. REV. 231, 233-35 (2008); Kenneth Stahl, *Home Rule and State Preemption of Land Use Control*, 50 URB. LAW. 179, 180-85 (2011); Infranca, *supra* note 4, at 875 (2019); Schleicher, *Exclusionary Zoning’s Confused Defenders*, *supra* note 2, at 1318, 1353; Anika Singh Lemar, *The Role of States in Liberalizing Land Use Regulations*, 97 N.C. L. REV. 293, 296 (2019); Christopher S. Elmendorf, *Beyond the Double Veto: Housing Plans as Preemptive Intergovernmental Compacts*, 71 HASTINGS L. J. 79, 83-84 (2019).

⁸ See Infranca, *supra* note 4, at 846-75 (2019); Note, *Developments in the Law—Climate Change: Chapter Three: State Preemption of Local Zoning Laws as Intersectional Climate Policy*, 135 HARV. L. REV. 1592, 1602-03 (2022) [hereinafter *State Preemption of Local Zoning Laws as Intersectional Climate Policy*].

⁹ See Richard Schragger, *The Perils of Land Use Deregulation*, 170 U. PA. L. REV. 125, 128-32 (2021); Nestor M. Davidson & Richard C. Schragger, *Do Local Governments Really Have Too Much Power? Understanding the National League of Cities’ Principles of Home Rule for the 21st Century*, 100 N.C. L. REV. 1385, 1389-90 (2022).

We use the 2024 Cooperative Election Study (“CES”), a nationally representative survey of approximately 60,000 respondents.¹⁰ The CES dataset is widely used by political scientists,¹¹ and prior waves have been used in law-review articles as well.¹² The 2024 Survey includes a direct question on whether respondents support relaxing local zoning laws to allow the construction of more apartments and condominiums.¹³ While there is only one question addressing attitudes toward zoning reform, unlike the battery of questions typical in political-science survey experiments, the key advantage is the survey’s extraordinary size and breadth. Using the largest representative survey to ask a direct question about zoning reform allows us to compare respondents within the same ZIP code, holding constant local housing-market conditions, regulatory environments, and unobserved features of neighborhoods. The survey also provides rich information on respondents’ demographic characteristics (including age, race, and gender), political identity (party affiliation and ideology), housing tenure (homeowner or renter), and geography (ZIP code, state, and self-reported community type). These features of the data allow us to test whether the assumptions underlying contemporary preemption strategies are borne out in mass public opinion.

¹⁰ The 2024 Cooperative Election Study is a nationally representative survey of approximately 60,000 U.S. adults, administered by YouGov in two waves surrounding the November 2024 general election. See Brian Schaffner, Marissa Shih, Stephen Ansolabehere & Jeremy Pope, *Cooperative Election Study Common Content, 2024*, HARV. DATAVERSE (2025), <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/X11EP6> [<https://perma.cc/5EFD-QY3T>].

¹¹ See e.g., Gary C. Jacobson, *The 2024 Presidential and Congressional Elections: Small Wave, Seismic Effects*, 140 POL. SCI. Q. 439 (2025) (arguing that the pivotal movement in 2024 came less from ideological “realignment” than from issue- and performance-based dissatisfaction among marginal voters, especially pessimism about the economy and heightened concern about immigration); Brian F. Schaffner & Caroline Soler, *Power to the People? How Dobbs Failed to Deliver on Democratic Representation* (May 14, 2025) (unpublished manuscript), <https://preprints.apsanet.org/engage/api-gateway/apsa/assets/orp/resource/item/68252c03927d1c2e66d19502/original/power-to-the-people-how-dobbs-failed-to-deliver-on-democratic-representation.pdf> [<https://perma.cc/25LV-S9AX>] (estimating state-level abortion-policy preferences and comparing them to enacted state policy after *Dobbs*, finding that public opinion is typically clustered around intermediate gestational limits while state policy is frequently and increasingly more extreme); Arica Schuett, *Beyond the Bloc: Black Voter Subgroups & Declining Democratic Support* (Aug. 29, 2025) (unpublished manuscript), <https://preprints.apsanet.org/engage/api-gateway/apsa/assets/orp/resource/item/68b34e07a94eede1549da267/original/beyond-the-bloc-black-voter-subgroups-declining-democratic-support.pdf> [<https://perma.cc/WY5D-2A72>] (evaluating competing explanations for reduced Democratic presidential support among Black voters in 2024, arguing that the most salient change is not broad ideological conversion but a weakening of social and partisan norms that had historically constrained Republican defection).

¹² See, e.g., Stephen Ansolabehere & Nathaniel Persily, *Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements*, 121 HARV. L. REV. 1737 (2008) (testing whether public fear of election fraud is associated with turnout and whether stricter voter-ID regimes reduce perceived fraud); Jamal Greene, Nathaniel Persily & Stephen Ansolabehere, *Profiling Originalism*, 111 COLUM. L. REV. 356 (2011) (mapping the demographic, political, and cultural correlates of self-identified originalism); Stephen Ansolabehere & Nathaniel Persily, *Testing Shaw v. Reno: Do Majority-Minority Districts Cause Expressive Harms?*, 90 N.Y.U. L. REV. 1041 (2015) (finding little evidence that district form or majority-minority status shifts racial stereotyping measures); Stephen Ansolabehere & Bernard L. Fraga, *Do Americans Prefer Coethnic Representation? The Impact of Race on House Incumbent Evaluations*, 68 STAN. L. REV. 1553 (2016) (estimating how a member’s race/ethnicity affects constituent approval and vote choice).

¹³ The full question reads: “Do you support or oppose each of the following proposals? Relax local zoning laws in your state to allow for construction of more apartments and condos.” *Id.*

We start by asking a simple question: Who actually supports zoning reform, and who opposes it? Approximately half of American voters oppose zoning liberalization. This striking fact suggests that resistance to housing production is not a minority position held by self-interested parts of the electorate, but rather, a mainstream view that any reform strategy must confront.

Next, we turn to individual-level predictors of support for zoning liberalizations. Our findings provide limited support for canonical NIMBY theories that dominate legal scholarship. Homeowners are ten percentage points more likely to oppose zoning reform than renters, which is consistent with the homevoter hypothesis.¹⁴ Black respondents are more supportive than white respondents, and racial resentment predicts opposition among white voters, consistent with accounts emphasizing racial exclusion.¹⁵

But these theories explain much less than the literature suggests. If the homevoter hypothesis fully explained resistance to zoning reform, renters should overwhelmingly support liberalization. They bear the costs of housing scarcity through higher rents and have no property values to protect. Yet nearly 40% of renters oppose zoning reform, even though it would reduce their housing costs.¹⁶ This pattern suggests that opposition extends well beyond the narrow constituency of asset-protecting homeowners, an idea that receives great attention in the scholarly literature.¹⁷

Other NIMBY theories fare even worse. We find no evidence in support of the class-based exclusion theory. Under this account, affluent communities use zoning to exclude lower-income households, thereby protecting local fiscal resources and public services from the demands of poorer residents.¹⁸ In the data, the lowest-income voters surveyed exhibit roughly the same support for zoning reform as the highest-income voters, though both were stronger supporters of zoning reform than median-income voters.

We also reject the commonly held view that environmental activists and liberals are strongly opposed to zoning reform.¹⁹ The abundance movement has directed much of its

¹⁴ These estimates are roughly in line with previous studies. *See e.g.*, William Marble & Clayton Nall, *Where Self-Interest Trumps Ideology: Liberal Homeowners and Local Opposition to Housing Development*, 83 J. Pol. 1747 (2021) (finding a seven to thirteen percentage point gap in a survey of 4,200 residents of the largest metropolitan areas); Michael Hankinson, *When Do Renters Behave Like Homeowners? High Rent, Price Anxiety, and NIMBYism*, 112 AM. POL. SCI. REV. 473 (2018) (polling residents of San Francisco and finding an eleven-point gap with regard to increasing citywide supply and a twenty-two-point gap at the neighborhood level).

¹⁵ Incentivized experiments have also documented such racial stereotyping in different settings. J. Rosie Tighe, *How Race and Class Stereotyping Shapes Attitudes Toward Affordable Housing*, 27 HOUS. STUD. 962 (2012) (finding racial stereotyping to be a predictor of opposition to affordable housing).

¹⁶ *C.f.* Hankinson, *supra* note 14 (finding that, in high-rent cities, renters demonstrated NIMBYism on par with homeowners).

¹⁷ *See e.g.*, Elmendorf, *supra* note 7, at 89 (describing a “standard view” that incumbent homeowners’ concern for home values drives local barriers to housing); Been, *supra* note 5, at 220 & n.8 (characterizing the homevoter account as “ground-breaking” and noting that it “has led to a large literature”).

¹⁸ Schleicher, *City Unplanning*, *supra* note 2, at 1684; Recent Case, *California Building Industry Association v. San Jose*, 351 P.3d 974 (Cal. 2015), 129 HARV. L. REV. 1460, 1466–67 (2016).

¹⁹ *See, e.g.*, Ros Coward, *Nimbys Are Not Selfish. We’re Just Trying to Stop the Destruction of Nature*, GUARDIAN (July 4, 2021, 10:34 EDT), <https://www.theguardian.com/commentisfree/2021/jul/04/nimbys-nature-destruction-wildlife-developers> [<https://perma.cc/K67H-VZ9Q>]; Camille Von Kaenel, *California Is About to Roll Back a Landmark Environmental Law*, POLITICO (June 30, 2025), <https://www.politico.com/news/2025/06/30/california-landmark-environmental-ceqa-housing-00434678> [<https://perma.cc/DB4S-FSTK>] (covering environmental groups’

rhetorical fire at affluent liberals in coastal metropolitan areas, particularly suburban homeowners who vote Democratic but resist housing construction in their own neighborhoods.²⁰ The story is that these voters support climate policy in the abstract but oppose the infill development that would reduce vehicle miles traveled and carbon emissions, instead using tools like environmental review to block housing production.²¹ A related critique holds that ideological liberals are particularly inclined toward land-use regulation and skeptical of market-based solutions to housing scarcity.²²

Our results contradict these claims. Individuals expressing strong environmental concern are *more*, not less, likely to support zoning reform even after controlling for ideology. That is,

intense opposition to CEQA rollbacks); *c.f.* Richard McGahey, *Environmentalists Fighting Each Other Over Housing Development*, FORBES (Jan. 24, 2024), <https://www.forbes.com/sites/richardmgahey/2024/01/24/environmentalists-fight-each-other-over-housing-development> [<https://perma.cc/S53H-ZHNNH>] (describing a split in which “many longtime environmentalists (and some younger ones)” oppose denser urban housing, while others treat density as an “aid to a greener and more racially just economy.”); Nathanael Johnson, *Enviros and Developers: A Love Story*, GRIST (Oct. 30, 2017), <https://grist.org/article/san-francisco-environmentalists-housing-development-fight> [<https://perma.cc/53YK-CAKW>] (describing San Francisco’s pro-development YIMBYs as “part of a national trend, as millennial environmentalists embrace a different shade of green from their predecessors”).

²⁰ See, e.g., Benjamin Wallace-Wells, *Do Democrats Need to Learn How to Build?*, NEW YORKER (Mar. 3, 2025), <https://www.newyorker.com/magazine/2025/03/10/abundance-ezra-klein-derek-thompson-book-review> [<https://perma.cc/84MM-ZAHM>] (situating the abundance agenda as a self-critical project aimed at liberal governance failures in big, expensive Democratic metros—especially on housing); Eric Levitz, *A New Book Suggests a Path Forward for Democrats. The Left Hates It.*, VOX (Mar. 20, 2025), <https://www.vox.com/politics/405063/ezra-klein-thompson-abundance-book-criticism> [<https://perma.cc/P6Z4-P8YT>] (describing abundance liberalism as an intra-“blue America” critique and emphasizing that Democratic municipalities and affluent suburbs use zoning/lot-size rules to block multifamily housing and keep out working-class households); J. Oliver Conroy, *What Is “Abundance” Liberalism, and Why Are People Arguing About It?*, GUARDIAN (Mar. 28, 2025), <https://www.theguardian.com/us-news/2025/mar/28/what-is-abundance-liberalism> [<https://perma.cc/JQ72-ZJA7>] (explaining the abundance agenda as a left-facing argument about scarcity “particularly in Democratic-run metropolitan areas,” and identifying NIMBYism as supporting development in the abstract but fighting it when it reaches one’s own neighborhood); Richard D. Kahlenberg, *Liberal Suburbs Have Their Own Border Wall*, ATLANTIC (July 23, 2023), <https://www.theatlantic.com/ideas/archive/2023/07/wealthy-liberal-suburbs-economic-segregation-scarsdale/674792> [<https://perma.cc/V8SK-38BW>] (using Scarsdale and other rich, heavily Democratic suburbs to argue that liberal inclusion rhetoric coexists with exclusionary zoning that bans multifamily housing).

²¹ William A. Fischel, *The Rise of the Homevoters: How the Growth Machine Was Subverted by OPEC and Earth Day*, in EVIDENCE AND INNOVATION IN HOUSING POLICY 13, 19 (Lee Anne Fennell & Benjamin J. Keys eds., 2017); Infranca, *supra* note 4, at 877; Elmendorf, *supra* note 7, at 82–83; *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, *supra* note 8, at 1608–09; Anika Singh Lemar, *Overparticipation: Designing Effective Land Use Public Processes*, 90 FORDHAM L. REV. 1083, 1086 (2021).

²² See e.g., Steve P. Calandrillo & Kelsey Dunn, *The New Redlining: How Progressive Policies Restrict the Development of Housing Supply and Perpetuate America’s Racist Property Law Past*, 77 FLA. L. REV. 1085, 1086 (2025) (arguing that “well-intentioned progressives” often enact supply-constraining zoning, fees, and delays partly to “stick it” to “capitalistic developers,” reflecting skepticism toward private market supply); Roderick M. Hills Jr., *Why Do So Many Affordable-Housing Advocates Reject the Law of Supply and Demand?*, WASH. POST (Sep. 18, 2018), <https://www.washingtonpost.com/outlook/2018/09/18/why-do-so-many-affordable-housing-advocates-reject-law-supply-demand> [<https://perma.cc/S2DS-KT2S>] (describing “self-styled progressives” who reject market-rate supply responses and labeling this posture “Left NIMBYism”); Julie Z. Weil, *Are YIMBYs Winning the Housing Wars? Not So Fast, These People Say.*, WASH. POST (Feb. 1, 2026), <https://www.washingtonpost.com/business/2026/02/01/yimby-housing-affordability> [<https://perma.cc/WX2K-9UB9>] (profiling “supply skeptics” who argue affordability requires government policy rather than “market forces,” and reporting intra-Democratic conflict between abundance-style deregulation and less market-driven approaches).

support for carbon regulation and green energy mandates independently predicts support for zoning reform. This finding should allay the concerns of left-wing critics who view the abundance agenda's focus on zoning reform as indicative of a broader deregulatory platform.²³ It also undermines the "green NIMBY" hypothesis and shows that the views of pro-housing environmentalists have gained more sway. We also show that partisan identification is perhaps the strongest predictor of support for zoning reform. Among all the factors considered, it is Harris voters who are most likely to support zoning reform and Trump voters who are most likely to oppose it. This is not driven by the fact that liberal areas of the country suffer more from housing shortages, as the result holds even when comparing respondents who live in the same zip code. Similarly, ideological liberals are among the strongest supporters of zoning liberalization, suggesting that they are not the constituency that needs to be overcome.

We conclude the empirical analysis by presenting two predictors of support for zoning reform that have not yet been discussed in the literature. First, women are twelve percentage points more likely to oppose zoning reform than men—a gap more significant than that between homeowners and renters. Second, voters who have higher levels of trust in state and federal government are eleven and three percentage points more likely to support zoning reform, respectively.²⁴

Our findings support a public-goods account of zoning attitudes. Many voters oppose zoning reform not because they are ideologically hostile to housing production, but because they doubt that local infrastructure will keep pace with new development. They worry about crowded schools, heavier traffic, and lower public safety but are not ideologically hostile to housing production.²⁵ The two pillars for this account are our findings regarding trust in government and

²³ See e.g., Ron Davis, *The Biggest Myth About the YIMBY Movement*, ATLANTIC (July 14, 2025), <https://www.theatlantic.com/ideas/archive/2025/07/housing-abundance-antitrust/683504> [<https://perma.cc/SVP4-PEF4>] (noting that Democratic YIMBY arguments to lower barriers to housing has "inspired a furious backlash within the liberal coalition," especially from progressives who view the abundance agenda "as a centrist, pro-business scheme that betrays progressive values" and from anti-monopoly proponents who view the abundance agenda as "a stalking horse for libertarianism"); Dylan Gyauch-Lewis, *The Abundance Agenda: Neoliberalism's Rebrand*, AM. PROSPECT (Nov. 26, 2024), <https://prospect.org/2024/11/26/2024-11-26-abundance-agenda-neoliberalisms-rebrand> [<https://perma.cc/6CGJ-UF8F>] (arguing that "abundance" has become "a rallying cry for a whole array of deregulatory causes," and framing it as "neoliberalism repackaged for a post-neoliberal world," rather than a narrow housing-governance fix); Sandeep Vaheesan, *The Real Path to Abundance*, BOS. REV. (May 22, 2025), <https://www.bostonreview.net/articles/the-real-path-to-abundance> [<https://perma.cc/R8GS-RRYM>] (criticizing Abundance for "misrepresent[ing] deregulation's obvious costs and regulation's clear benefits," that is, treating deregulation as a general solution); Matt Bruenig, *What the "Abundance Agenda" Leaves Out*, JACOBIN (Mar. 24, 2025), <https://jacobin.com/2025/03/abundance-klein-thompson-book-review> [<https://perma.cc/K2N9-EJTY>] (summarizing the program's "main policy argument" as the claim that "the administrative burdens placed on construction are too high," and criticizing the tendency to treat that procedural critique as sufficient while "sidelin[ing]" distributional concerns).

²⁴ The gap can be rationalized by the simple fact that state governments are overwhelmingly responsible for providing services and infrastructure that an influx of new residents might strain. See David Schleicher & Nicholas Bagley, *The State Capacity Crisis*, 66 B.C. L. REV. 2301, 2306 (2025). It is also consistent with the general trend of greater trust in lower levels of government. See Jeffrey M. Jones, *Americans Trust Local Government Most, Congress Least*, GALLUP (Oct. 13, 2023), <https://news.gallup.com/poll/512651/americans-trust-local-government-congress-least.aspx> [<https://perma.cc/R6SM-F7TA>].

²⁵ See Jessica Trounstone, *You Won't Be My Neighbor: Opposition to High Density Development*, 59 Urb. Affs. Rev. 294, 303-04 (2023);; Shelby R. King, *Fact Check: New Housing Doesn't Lead to Overcrowded Schools*, SHELTERFORCE (Dec. 3, 2024), <https://shelterforce.org/2024/12/03/fact-check-new-housing-doesnt-lead-to-overcrowded-schools> [<https://perma.cc/Y2WQ-679J>].

gender, which are among the strongest predictors of opposition to zoning reform. A public-goods framework explains both. Voters who distrust government are less willing to believe that public institutions will deliver the schools, roads, and services needed to absorb growth.²⁶ The gender gap may similarly reflect differential weighting of these local quality-of-life concerns.²⁷ Our project therefore partially vindicates the claims of zoning-reform skeptics as a descriptive matter, showing how voters treat zoning as protecting local conditions they have come to rely on, not as a regulatory barrier to be dismantled in the name of housing supply.²⁸

The project contributes to a recent literature that uses empirical methods to understand opposition to housing development.²⁹ These articles typically use survey experiments, asking

²⁶ See Daryl J. Levinson, *Incapacitating the State*, 56 WM. & MARY L. REV. 181, 203 (2014) (making the point that the less confidence people have that government can be controlled or kept accountable, the less state capacity they will “countenance,” that is, distrust pushes citizens toward limiting government rather than empowering it to provide public goods); Jason Mazzone, *Political Trust, Social Trust, and Judicial Review*, 36 CONST. COMMENT. 297, 300 (2021) (describing political trust as being determined by perceptions of the overall equality of government including “in its delivery of public services”); Tom R. Tyler, *Trust and Law Abidingness: A Proactive Model of Social Regulation*, 81 B.U. L. REV. 361 (2001) (describing motive-based trust as based on inferences about whether authorities are doing “what they can to solve problems”).

²⁷ To our knowledge, this is the first law-review article to note and analyze women’s opposition to zoning reform. At least one political-science paper notes this, albeit in passing, see Christopher A. Cooper, H. Gibbs Knotts and Kathleen M. Brennan, *The Importance of Trust in Government for Public Administration: The Case of Zoning*, 68 PUB. ADMIN. REV. 459, 461, 463 (2008) (hypothesizing that women will be more supportive of zoning because of their heightened concern with the “collective good” but finding insignificant support for the theory). There is a rich literature that studies the relationship between gender and urban planning, zoning, and the built environment. See e.g., Noah M. Kazis, *Fair Housing for a Non-Sexist City*, 134 HARV. L. REV. 1684, 1688 (2021) (“[L]egal scholarship’s canonical description of American planning’s flaws does not consider sex.”); Nicole Stelle Garnett, *On Castles and Commerce: Zoning Law and the Home-Business Dilemma*, 42 WM. & MARY L. REV. 1191 (2001); Katharine B. Silbaugh, *Women’s Place: Urban Planning, Housing Design, and Work-Family Balance*, 76 FORDHAM L. REV. 1797 (2007); Naomi Schoenbaum, *Mobility Measures*, 2012 BYU L. REV. 1169; Kate Redburn, Note, *Zoned Out: How Zoning Law Undermines Family Law’s Functional Turn*, 128 YALE L.J. 2412 (2019).

²⁸ Several scholars have described (and defended) zoning as an entitlement. See e.g., Serkin, *supra* note 3, at 771–73; Christopher Serkin, *Divergence in Land Use Regulations and Property Rights*, 92 S. CAL. L. REV. 1055, 1055 (2019); Bradley C. Karkkainen, *Zoning: A Reply to the Critics*, 10 J. LAND USE & ENV’T L 45, 69 (1994); Kenneth A. Stahl, *Reliance in Land Use Law*, 2013 BYU L. REV. 949, 957.

²⁹ See e.g., David Broockman, Christopher S. Elmendorf & Joshua Kalla, *The Symbolic Politics of Housing* (Oct. 29, 2025) (unpublished manuscript) [hereinafter Broockman, Elmendorf & Kalla, *Symbolic Politics*], https://osf.io/preprints/osf/surv9_v2 [<https://perma.cc/69C9-ZKEX>] (showing opposition to housing construction, at least in part, can be explained by how respondents view the potential beneficiaries of new construction); Tali Mendelberg, Gustavo Novoa & Adrian Pietrzak, *Insufficiently Affordable: Public Opinion About Housing Affordability*, (Sep. 5, 2025) (unpublished manuscript), https://jdbk.scholars.harvard.edu/sites/g/files/omnuum4201/files/2025-09/Insufficiently_Affordable_APSA_2025_Mendelberg_Novoa_Pietrzak.pdf [<https://perma.cc/D6BK-SDMH>] (finding wide support for affordable housing when it “primarily benefits people of low and modest means and does not favor private profit at public expense”); Martin Vinæs Larsen & Niels Nyholt, *Understanding Opposition to Apartment Buildings*, 5 J. INST. POL. ECON. 29 (2024); Christopher S. Elmendorf, Clayton Nall & Stan Oklobdzija, *The Folk Economics of Housing*, 39 J. ECON. PERSPS. 45 (2025); David Broockman, Christopher S. Elmendorf & Joshua Kalla, *How Sociotropic Aesthetic Judgments Drive Opposition to Housing Development* (Nov. 25, 2025) (unpublished manuscript) [hereinafter Broockman, Elmendorf & Kalla, *Sociotropic Aesthetic Judgments*], https://osf.io/preprints/socarxiv/kz4m8_v2 [<https://perma.cc/45QG-6XHC>] (2025); Carter Anderson et al., *Debunking NIMBY Myths Increases Support for Affordable Housing, Especially Near Respondents’ Homes*, J. EXP. POL. SCI. 1 (2025); Jessica Trounstone, *You Won’t Be My Neighbor: Opposition to High Density Development*, 59 Urb. Affs. Rev. 294 (2023); William Marble & Clayton Nall, *Where Self-Interest Trumps Ideology: Liberal Homeowners and Local Opposition to Housing Development*, 83 J. Pol. 1747 (2021).

participants several questions to explore in depth their attitudes toward development and the policies that facilitate it. Our project complements and contributes to this scholarship by introducing the largest known survey to that literature, linking our empirical analysis to canonical theories of NIMBYism, and analyzing the doctrinal implications of voter attitudes.

Although scholars have discussed zoning reform, and state preemption in particular, as an ascendant movement, few have asked whether the electorate actually holds the preferences that these reform strategies presuppose.³⁰ Even the discussion about the tension between preemption and democratic control has largely focused on questions of institutional design and political theory without first asking whether a latent pro reform electorate exists to be unlocked by moving the decision making authority upward.³¹ Moreover, little attention has been paid to how opposition to zoning reform varies across housing tenure, ideology, and place. Our empirical results narrow the gap between elite beliefs about the electorate and mass opinion.³² They also

³⁰ See e.g., Serkin, *supra* note 3, at 749–51 (2020) (observing that “a consensus is building” that zoning is “what ails America,” and describing governments beginning to “heed the call” of a deregulatory agenda); Schragger, *supra* note 9, at 126–28 (noting that zoning has “become hot” and describing an “emerging . . . land use reform consensus”); Brian J. Connolly, *The Black Box of Single-Family Zoning Reform*, 65 B.C. L. REV. 2327, 2350–51 (2024) (stating that “the pro-reform consensus has won the day”); John Infranca, *Singling Out Single-Family Zoning*, 111 GEO. L. J. 659, 659–60 (2023) (noting that single-family zoning is “increasingly under attack” in the press and in scholarship and that it faces its “fiercest test” in the “court of public opinion” without discussing voter preferences).

³¹ See, e.g., Rachel Cohen Booth, *The Housing Movement Is Divided Against Itself: What 3 New Books Reveal About Where the Housing Movement Goes Next*, VOX (Dec. 4, 2024), <https://www.vox.com/policy/389431/housing-affordable-homes-yimby-nimby-shortage-construction> [<https://perma.cc/T8PA-WX9S>] (treating the “meaning of democracy” in housing policy as a central fault line—local participation versus state override—while largely proceeding at the level of institutional theory and political narrative rather than measuring baseline national opposition to zoning liberalization); Jerusalem Demsas, *The Labyrinthine Rules that Created a Housing Crisis*, ATLANTIC (Sep. 2, 2024), <https://www.theatlantic.com/ideas/archive/2024/09/jerusalem-demas-on-the-housing-crisis-book/679666> [<https://perma.cc/4X9C-KPZL>] (contending that local land-use governance is “democratic” in name only because it entrenches unrepresentative veto points and arguing that state politics have higher salience and accountability); Emily Hamilton, *More Housing, Less Participatory Democracy*, DISCOURSE MAG. (Oct. 4, 2024), <https://www.discoursemagazine.com/p/more-housing-less-participatory-democracy> [<https://perma.cc/TLC2-4322>] (presenting the case for shifting land-use authority upward as a question of representational skew and institutional design); Alan Ehrenhalt, *Housing and the Pitfalls of Public Meetings*, GOVERNING (May 19, 2025), <https://www.governing.com/urban/housing-and-the-pitfalls-of-public-meetings> [<https://perma.cc/5BAV-KF58>] (questioning if broader participation in planning meetings is possible without addressing opposition among the broader electorate); Infranca, *supra* note 4 (engaging the state–local tradeoff primarily at the level of institutional design rather than voter-level constraints); Schragger, *supra* note 9 (critiquing the rush to preempt local land-use regulation and emphasizing distributive and democratic risks of state override). In short, the preemption-versus-democracy debate is usually framed as an institutional-legitimacy dispute—local vetoes, representational skew, and statewide externalities—rather than as a question disciplined by empirical evidence about whether opposition to zoning liberalization is itself a broadly shared, electorate-wide constraint.

³² The gap between actual voter preferences (expressed or revealed) and elite perceptions of voter preferences has been discussed in the literature. See Christopher S. Elmendorf & Abby K. Wood, *Elite Political Ignorance: Law, Data, and the Representation of (Mis)Perceived Electorates*, 52 U.C. DAVIS L. REV. 571, 620 (2018); David E. Broockman & Christopher Skovron, *Bias in Perceptions of Public Opinion among Political Elites*, 112 AM. POL. SCI. REV. 542, 542–63 (2018); Nicholas O. Stephanopoulos, *Elections and Alignment*, 114 COLUM. L. REV. 283, 286–87 (2014).

speak to the broader concern that the abundance agenda is often articulated and advanced through elite, technocratic channels.³³

A natural objection to this project is that public surveys measure the wrong object. The canonical NIMBY theories were built to explain outcomes in local forums where organized minorities with skin in the game routinely win, not to describe what the median voter believes in the abstract. On this view, the public's attitudes are not relevant because land-use issues are fought in low-salience settings that are dominated by a very specific set of interests.

This critique misunderstands our contribution. The question is not whether institutions matter. Of course they do. The question is whether the standard diagnosis of why institutions produce restrictive outcomes is correct. Legal scholars and policymakers have converged on a few complementary stories: opposition to housing is concentrated among homeowners protecting property values, affluent residents engaged in fiscal exclusion, and environmentalists skeptical of development. State preemption follows from that diagnosis. If a narrow local coalition is blocking a latent pro-housing majority, then shifting decisions upward unlocks that majority. If, instead, opposition to zoning reform is broadly distributed across the electorate, then preemption does not unlock that majority.

We conclude by proposing a two-track reform strategy. Preemption remains necessary, but it is not sufficient.³⁴ Some of our results do support relocating land-use authority from localities to higher levels of government. Homeowner opposition to zoning reform and opposition driven by racial resentment are concentrated at the local level, where exclusionary capture is most likely. Moving decisions to state legislatures can bypass these veto points. But other sources of opposition that we identify cannot be overcome by shifting authority upward. The gender gap in zoning attitudes is larger than the homeownership gap, and it persists regardless of which level of government makes the decision. Distrust of government, one of the strongest predictors of opposition, may actually worsen when authority moves to more distant institutions. Durable reform, therefore, requires a different kind of intervention: bottom-up

³³ See e.g., Zephyr Teachout, *An Abundance of Ambiguity*, WASH. MONTHLY (Mar. 23, 2025), <https://washingtonmonthly.com/2025/03/23/an-abundance-of-ambiguity> [<https://perma.cc/LE43-5ASV>] (placing the “abundance movement” in “Twitterati, Substack, and elite magazines”); Robert Saldin & Steven Teles, *The Rise of the Abundance Faction*, NISKANEN CTR. (June 4, 2024), <https://www.niskanencenter.org/the-rise-of-the-abundance-faction/#forging-a-new-elite-network> [<https://perma.cc/VP4U-GN88>] (describing abundance as initially “a detached, elite movement” concentrated in “politically insulated, low-salience, technocratic circles”); Waleed Shahid, *The Abundance Debate Is Broken. Here’s How to Fix It.*, NATION (June 11, 2025), <https://www.thenation.com/article/politics/abundance-populism-debate> [<https://perma.cc/7W2S-PS76>] (warning that abundance can become a donor-driven technocracy which prioritizes “elite consensus over grassroots engagement”); c.f. Ron Davis, *The Biggest Myth About the YIMBY Movement*, ATLANTIC (July 14, 2025), <https://www.theatlantic.com/ideas/archive/2025/07/housing-abundance-antitrust/683504> [<https://perma.cc/SVP4-PEF4>] (noting, but ultimately arguing against, the critique that portrays the abundance agenda as a “stalking horse” for libertarian politics and recognizing how Bay Area tech alliances have shaped the movement’s elite-coded public image).

³⁴ Scholars have often argued that preemption may not be sufficiently ambitious for other reasons, see Connolly, *supra* note 30 **Error! Bookmark not defined.**, (documenting that recent upzoning reforms have often been “disappointing,” and arguing that zoning reform alone cannot achieve its promised ends without additional more ambitious complimentary reforms); Schragger, *supra* note 9, (warning that state-level preemption and deregulation has a mixed history and can reproduce exclusionary political pathologies rather than “solving” affordability); and Vicki Been, Ingrid Gould Ellen & Katherine O’Regan, *Supply Skepticism: Housing Supply and Affordability*, 29 HOUS. POL’Y DEBATE 25 (2019) (arguing that new market-rate housing, which preemption would enable, is “necessary but not sufficient” and that government intervention is critical for affordability across incomes).

persuasion and coalition-building that addresses voter concerns about school capacity, traffic, and public safety.³⁵ The irony is that this coalition-building must happen at the local level, the very site that preemption is designed to circumvent.

The Article proceeds as follows. Part I discusses the legal strategies that have been proposed to achieve zoning reform, which have coalesced around state- and federal-level preemption. We describe the evolution of “first generation” and “second generation” reforms at the state level, as well as constitutional litigation and proposed legislation at the federal level. Part II reviews the existing theories of NIMBYism in legal and economic scholarship, organizing them around testable predictions for individual-level traits and attitudes. Part III describes the data and our empirical approach. Part IV presents results, testing each theory and identifying the role of gender and trust. Part V draws out implications for the design of preemption strategies, federal incentives, and bottom-up coalition building.

I. Preemptive Approaches to Zoning Reform

Zoning critics have argued that localism and restrictive land-use policy go hand-in-hand.³⁶ As David Schleicher succinctly explains, “when one favors land use localism, the main beneficiaries are owners of housing in rich suburban towns.”³⁷ Reform advocates, therefore, push for state and federal level to override local exclusionary tendencies.³⁸ This Part describes the legal doctrine of preemption and evaluates the impacts of these efforts. At the federal level, constitutional challenges to local land-use regulation have consistently failed, while legislative efforts have largely been stagnant due to congressional quiescence. Meaningful progress has therefore occurred, if at all, at the state level. Early state interventions focused on narrow obligations—most prominently judicially enforced requirements that municipalities provide a “fair share” of affordable housing or meet housing targets across income levels. Over time, however, reformers concluded that these approaches were too easily evaded through procedural delay and local discretion. The result has been a newer generation of state reforms that move beyond mandates and incentives to directly preempt specific features of local zoning and permitting regimes, particularly those that empower local veto points or impose costly procedural barriers. Preemption has thus emerged not as an abstract preference, but as the culmination of decades of frustration with reform strategies that left ultimate control in local hands.

³⁵ Some scholars and commentators have speculated about the future of the abundance movement along these lines, see Chris Elmendorf & David Schleicher, *YIMBYism Started as a Single-Issue Movement. It's Time to Think Bigger.*, SUBSTACK (Jul. 23, 2025), <https://hypertext.niskanencenter.org/p/yimbyism-started-as-a-single-issue> [<https://perma.cc/A3QG-NCP8>] (arguing that durable land-use liberalization will require party-like, cross-issue coalition-building tied to broader urban governance and quality-of-life outcomes); Saldin & Teles, *supra* note 33 **Error! Bookmark not defined.** (contending that “abundance” should function as a durable intra-party faction organized around supply-side state-building, and emphasizing that lasting influence requires turning elite networks into mass politics).

³⁶ See, e.g., Schleicher, *Exclusionary Zoning's Confused Defenders*, *supra* note 2, at 1321-22.

³⁷ *Id.* at 1360.

³⁸ See *supra* note 7 and accompanying text.

A. Primer on Preemption

Before exploring the specific proposals to preempt local zoning codes, it is helpful to understand the legal mechanisms that allow local zoning to function as it does, and why preemption is even a policy option for zoning reformers.

Preemption encompasses a set of legal principles that lie at the core of local government law. The key starting point is that local governments are creatures of state law.³⁹ From the perspective of the federal constitution, local governments are merely “convenient” administrative wings of state governments and are therefore presumptively subject to state override without further protections.⁴⁰ In other words, local democracy has no independent protection beyond what the state grants it.⁴¹ This understanding of local power reflects the prevalence of Dillon’s Rule at the turn of the twentieth century, a canon of construction that presumed localities lacked the power to act without an express delegation of authority from the state.⁴² Dissatisfaction with these limits on local authority and the growing influence of urban Progressives led to the adoption of home rule in states across the country during the early twentieth century.⁴³

Home rule—and indeed, all doctrine governing state-local relations—depends on a distinction between powers of initiative and immunity. The initiative power is the ability to act in the first place without prior authorization from the state, while the immunity power refers to the locality’s freedom from state override of the action it has taken.⁴⁴ Traditionally, home-rule localities had both initiative and immunity power for local affairs, that is, the ability to exercise authority on matters of local concern without prior state authorization and free from state preemption.⁴⁵ This form of home rule is called imperio home rule, short for “imperium in imperio,” Latin for a state within a state.⁴⁶

By midcentury, a new form of “legislative” home rule had begun to take root, in response to the tendency of courts to interpret local affairs quite narrowly.⁴⁷ Legislative home rule jurisdictions have full initiative powers without any immunity power. They can take any action that the state could, but they have no independent freedom from state override.⁴⁸ In other words, local authority in a legislative home-rule jurisdiction centers entirely around the question of preemption.

It bears emphasis that Dillon’s Rule, imperio, and legislative home rule are merely formal, albeit helpful, categories that belie a much more complex legal landscape.⁴⁹ Many

³⁹ See, e.g., *City of Trenton v. State of New Jersey*, 262 U.S. 182, 187 (1923); *Ysursa v. Pocatello Educ. Ass’n*, 555 U.S. 353, 362 (2009).

⁴⁰ *Hunter v. City of Pittsburgh*, 207 U.S. 161, 178 (1907).

⁴¹ *Id.* at 178-79 (explaining that the state “at its pleasure, may modify or withdraw all such powers” of local governments and even altogether eliminate them “with or without the consent of the citizens, or even against their protest”).

⁴² See Paul Diller, *Intrastate Preemption*, 87 B.U. L. REV. 1113, 1122-23 (2007).

⁴³ *Id.* at 1124.

⁴⁴ RICHARD BRIFFAULT & LAURIE REYNOLDS, *CASES AND MATERIALS ON STATE AND LOCAL GOVERNMENT LAW* 346 (8th ed. 2016).

⁴⁵ Diller, *supra* note 42, at 1124-25.

⁴⁶ See *id.* at 1125.

⁴⁷ *Id.* at 1125-26.

⁴⁸ *Id.* at 1126.

⁴⁹ See, e.g., *California Fed. Savings & Loan Ass’n v. City of Los Angeles*, 812 P.2d 916, 931 (Cal. 1991) (describing the court’s approach to analyzing questions of home rule as “one of ad hoc intuition informed by pragmatic common sense rather than a rigid fidelity to some theoretical model.”).

imperio home-rule states developed zones of legislative home rule where localities have initiative but not immunity power for mixed state/local affairs,⁵⁰ just as legislative home-rule regimes develop spheres of immunity for local governance structures.⁵¹ Even Dillon’s Rule jurisdictions display interpretive flexibility in broadening the scope of local authority.⁵²

The point is that regardless of the specific home-rule setup (or lack thereof), zoning remains “the quintessential local government power.”⁵³ From this backdrop, a “broad consensus” has emerged that local zoning codes have become too restrictive, leading to soaring housing prices and a shortage of housing units in the most economically productive areas, exacerbating urban sprawl and its attendant environmental consequences, deepening racial and economic segregation, and a host of other harms at the regional, state, and national level.⁵⁴ These scholars coalesce on a structural diagnosis of this problem—localities are responsive to the narrow set of residents benefited by restrictive zoning codes but do not consider the “broader interests” that are hurt by them.⁵⁵ Harnessing the fact that local zoning authority is always a delegation from the state, and remains subject to state revision, withdrawal, and override,⁵⁶ the consensus focuses its reform strategy on encouraging states to limit local zoning authority.⁵⁷ The next two sections will describe the efforts that have been undertaken to curtail local zoning restrictionism by placing land-use authority in the hands of higher-level decisionmakers.

B. Reform at the Federal Level

Some scholars support federal intervention because only the federal government has incentives to address the nationwide impact of local zoning rules.⁵⁸ The argument finds some support in history as well—though zoning is seen as a quintessentially local activity,⁵⁹ its almost universal prevalence is due in large part to a century-old federal model code that was adopted in every state. Since then, the Supreme Court has repeatedly upheld zoning ordinances, making the prospects of constitutional litigation grim, though scholars have made novel arguments in recent years. Legislative action has likewise not served as an effective conduit for zoning reform, though unlike in the case of constitutional challenges, the problem here does seem to be a lack of trying. As with constitutional litigation, legislation appears to present a more promising avenue of reform as of late. Just a few months ago, the Senate passed a comprehensive bill that would promulgate growth-friendly model codes, backed by a robust set of financial incentives and penalties, along with a host of other measures.

⁵⁰ See, e.g., *id.* at 923-24.

⁵¹ See, e.g., *State ex rel. Haynes v. Bonem*, 845 P.2d 150, 154-57 (N.M. 1992).

⁵² See, e.g., *S. Constructors, Inc. v. Loudon Cnty. Bd. of Educ.*, 58 S.W.3d 706, 714-18 (Tenn. 2001).

⁵³ *Infranca*, *supra* note 4, at 825.

⁵⁴ Schleicher, *Exclusionary Zoning’s Confused Defenders*, *supra* note 2, at 1317-18.

⁵⁵ *Id.* at 1318.

⁵⁶ See *supra* notes 39-41 and accompanying text.

⁵⁷ *Id.*

⁵⁸ See David Schleicher, *Stuck! The Law and Economics of Residential Stagnation*, 127 *YALE L.J.* 78, 150 (2017).

⁵⁹ See, e.g., *Lapid-Laurel, L.L.C. v. Zoning Bd. of Adjustment of Twp. of Scotch Plains*, 284 F.3d 442, 451 (3d Cir. 2002); *Homefront Org., Inc. v. Motz*, 570 F. Supp. 2d 398, 400 (E.D.N.Y. 2008).

1) Constitutional Litigation

The federal judiciary does not usually intervene in local land-use disputes. In the seminal case of *Village of Euclid v. Ambler Realty Company*, the Supreme Court held that a local zoning scheme did not constitute an unconstitutional deprivation of property rights but was instead a valid exercise of the police power.⁶⁰ The Court's reasoning made several key moves.

First, it relied on an analogy to nuisance law,⁶¹ famously explaining that a “nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.”⁶² The pig the Court was referring to was the “apartment house,” which it described as a “a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district.”⁶³ The Court recognized that the zoning code's blanket prohibition of certain land uses was plainly overinclusive, as uses that were “innocuous” would receive the same treatment as those that were “offensive and dangerous,”⁶⁴ but dismissed the concern.⁶⁵ Second, the Court emphasized that a locality need not account for regional interests. Euclid was a “mere suburb” of Cleveland, and its restrictive ordinance would hinder the natural growth path of the city.⁶⁶ But the Court emphasized that Euclid was a “separate municipality” that could “govern as it sees fit.”⁶⁷ It was therefore under no obligation to serve regional interests.

In sum, *Euclid* made clear that localities could define their own nuisances and prevent them through prophylactic zoning regulation, even where such regulations frustrated regional welfare.

This century-old precedent has since been repeatedly reaffirmed. In *Village of Belle Terre v. Boraas*, the Court rejected a challenge to a zoning ordinance, authoring a paean to “[a] quiet place where yards are wide, people few, and motor vehicles restricted,” and where “family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.”⁶⁸ In the years following *Village of Belle Terre*, the Court cited and discussed *Euclid* approvingly in cases holding that zoning ordinances and related restrictions like historical-preservation laws do not violate the Takings Clause.⁶⁹

This doctrinal hostility to constitutional oversight of local land-use policy means that proposals for zoning reform at the federal level typically focus on legislative approaches. Nevertheless, in recent years, some scholars have called for Takings Clause litigation against restrictive zoning schemes. Joshua Braver and Ilya Somin argue that exclusionary zoning constitutes a taking⁷⁰ under both a living-constitutionalist approach and an originalist approach to

⁶⁰ 272 U.S. 365, 387-90, 397 (1926).

⁶¹ The development of zoning—a public-law technology—was impelled by private law's inability to meet homeowner demand to restrict the construction of apartment buildings through ordinary nuisance law and nuisance covenants. See Maureen E. Brady, *Turning Neighbors into Nuisances*, 134 HARV. L. REV. 1609, 1613-14 (2021).

⁶² *Euclid*, 272 U.S. at 388.

⁶³ *Id.* at 394.

⁶⁴ *Id.* at 388.

⁶⁵ *Id.* at 388-89.

⁶⁶ *Id.* at 389.

⁶⁷ *Id.*

⁶⁸ 416 U.S. 1, 9 (1974).

⁶⁹ *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 125, 134-35 (1978); *Agins v. City of Tiburon*, 447 U.S. 255, 261-62 (1980).

⁷⁰ U.S. CONST. amend. V.

constitutional interpretation.⁷¹ Ruppel takes a more doctrinal approach, arguing that treating zoning as a *per se* taking rather than as a regulatory taking would serve important policy aims and resolve confusions within Takings Clause jurisprudence.⁷²

2) Legislative Proposals

The near-universal adoption of zoning laws was spurred by federal policy. In the 1920s, the Department of Commerce, under then-Secretary Herbert Hoover, promulgated the Standard Zoning Enabling Act (SZA), setting forth the default structure and procedures for enacting zoning ordinances.⁷³ The SZA, which instructed states that “[a]n enabling act is advisable in all cases” and that states should “[m]odify this standard act as little as possible,”⁷⁴ was adopted by all fifty states.⁷⁵ It seems natural that what began by federal intervention could also end by federal intervention. Yet thus far, zoning reform proposals have not made it very far in Congress.

During the George H.W. Bush Administration, the Department of Housing and Urban Development (HUD) criticized exclusionary zoning policies in terms that would sound familiar to abundance-minded readers today: “[B]ecause of excessive and unnecessary government regulation, housing costs are too often higher than they should and could be.”⁷⁶ The HUD report blamed “the NIMBY syndrome” for the use of “zoning and subdivision ordinances, building codes, and permitting procedures to prevent development of affordable housing.”⁷⁷ Other obstacles included mandatory environmental-impact studies and wetland-protection requirements that continuously expanded the definition of wetland.⁷⁸ Suggested reforms included conditioning HUD assistance on removing barriers to development, providing regulatory and financial incentives for the elimination of barriers, and scaling back the Endangered Species Act.⁷⁹ But foreign-policy priorities and the L.A. riots soon took precedence, and the report was summarily ignored.⁸⁰

Several zoning-reform bills have been introduced in Congress in recent years. The most recent—and most promising—effort is the ROAD to Housing Act, which was passed as an amendment to the National Defense Authorization Act in the Senate, though its fate in the House remains uncertain.⁸¹ The bill contains congressional findings that “zoning and land use regulations . . . inhibit the creation of new housing to meet local and regional housing needs” and

⁷¹ Joshua Braver & Ilya Somin, *The Constitutional Case Against Exclusionary Zoning*, 103 TEX. L. REV. 1, 4-5 (2024).

⁷² Matthew J. Ruppel, *A Taking by Any Other Name: Why Exclusionary Zoning Should Be Classified as a Per Se Taking*, 48 SEATTLE U. L. REV. ONLINE 1, 4-5 (2024).

⁷³ ADVISORY COMM. ON ZONING, U.S. DEP’T OF COM., A STANDARD STATE ZONING ENABLING ACT: UNDER WHICH MUNICIPALITIES MAY ADOPT ZONING REGULATIONS (rev. ed. 1926).

⁷⁴ *Id.* at 1.

⁷⁵ See Michael Lewyn, *Twenty-First Century Planning and the Constitution*, 74 U. COLO. L. REV. 651, 655 (2003).

⁷⁶ ADVISORY COMM. ON REGUL. BARRIERS TO AFFORDABLE HOUS., U.S. DEP’T OF HOUS. & URB. DEV., “NOT IN MY BACKYARD”: REMOVING BARRIERS TO AFFORDABLE HOUSING 4 (1991).

⁷⁷ *Id.* at 3.

⁷⁸ *Id.* at 7.

⁷⁹ *Id.* at 12.

⁸⁰ See Nolan Gray, *When the Federal Government Takes on Local Zoning*, BLOOMBERG (Aug. 20, 2018, 10:19 AM EDT), <https://www.bloomberg.com/news/articles/2018-08-20/a-bipartisan-push-against-exclusionary-zoning-is-overdue> [<https://perma.cc/PJ6W-UJSH>].

⁸¹ S. 2651, 119th Cong. (2025); HENRY G. WATSON, MAGGIE McCARTY, LIBBY PERL, KATIE JONES & DARRYL E. GETTER, CONG. RSCH. SERV., R48732, ROAD TO HOUSING ACT OF 2025 1 (2025).

can run “contrary to the regional and national interest.”⁸² The bill contains numerous measures to address this problem, only a few of which will be highlighted here.

Recognizing the demonstrated influence of federal model zoning codes, the bill requires HUD to design new model zoning codes and guidelines that would support increased housing supply. For instance, the model codes would be required to recommend eliminating parking minimums, increasing floor area ratios and maximum building heights, allowing ADUs, reducing minimum lot sizes and set-back requirements, and permitting the construction of duplexes, triplexes, and quadplexes by right.⁸³ The guidelines would also reduce procedural complexity by advising localities to streamline review processes, including for environmental review.⁸⁴ Localities that comply with the new model codes or guidelines or who otherwise adopted pro-growth policies would be prioritized for grants.⁸⁵ At the same time, existing grant recipients with sluggish housing growth could see their funding reduced and transferred to higher-growth recipients.⁸⁶ In addition to these carrot-and-stick measures, the bill also seeks to eliminate direct federal barriers to housing development by exempting infill projects and medium-size developments from NEPA review.⁸⁷

C. Reform at the State Level

The practical and doctrinal obstacles to federal intervention in local land-use policy means that states are typically the primary battlegrounds for zoning liberalization. State-level strategies can be distinguished between “first generation” interventions that impose affirmative housing obligations through planning and fair-share mechanisms, and “second generation” interventions that preempt particular local rules (bans on multifamily housing, ADU prohibitions, parking minimums) and streamline approval processes.⁸⁸

1) “First Generation” Interventions

Long before the current set of preemptive policies, several states attempted to rein in exclusionary zoning practices through “first generation” interventions,⁸⁹ which can generally be divided into the “Northeastern Model” and the “West Coast Model.”⁹⁰ The Northeastern Model’s focus on affordable housing is typified by New Jersey’s *Mount Laurel* regime, which unfolded over several decades as the state judiciary and legislature attempted to require localities to provide their fair share of housing. In contrast, the “West Coast Model” is not limited to below market-rate housing but focuses on overall housing production. Its paradigmatic example is California’s Regional Housing Needs Assessment (RHNA) process.

In 1975, the New Jersey Supreme Court held that municipalities must “make realistically possible an appropriate variety and choice of housing” by affirmatively providing low- and moderate-income housing in accordance with “the municipality’s fair share of the present and

⁸² S. 2651 § 203(a).

⁸³ *Id.* § 203(c).

⁸⁴ *Id.*

⁸⁵ *Id.* § 209.

⁸⁶ *Id.* § 206(b).

⁸⁷ *Id.* § 208(b)(1)(C)

⁸⁸ Infranca, *supra* note 4, at 836; Elmendorf, *supra* note 7, at 94.

⁸⁹ *See* Infranca, *supra* note 4, at 836.

⁹⁰ Elmendorf, *supra* note 7, at 94.

prospective regional need.”⁹¹ Unlike the *Euclid* Court, the *Mt. Laurel I* Court required municipalities to account for the “external impact” of their land-use decisions.⁹² The Court reasoned that local zoning power was a delegation of the state’s police power to provide for the general welfare and thus could only be exercised under the same constraints.⁹³

As the case’s name indicates, *Mt. Laurel I* was far from the last word. Eight years later, in response to localities’ lack of compliance, the New Jersey Supreme Court laid down a robust set of remedies to enforce the dictates of *Mt. Laurel I*. The court exchanged the subjective compliance standard for an objective one satisfied only by outcomes, not by flimsy attempts to meet the “fair share” requirement.⁹⁴ Remarkably, the court set up its own enforcement mechanism, appointing three judges, each responsible for a particular region of the state, to exclusively determine the “fair share” for municipalities within their respective region.⁹⁵ For municipalities that continued to ignore their obligations, the court provided for a “builder’s remedy” that allowed developers of affordable housing to obtain court approval that would bypass local zoning restrictions.⁹⁶ The state legislature soon took action, establishing the Council on Affordable Housing that would make the “fair share” determination, but it was dismantled in 2015 by Governor Christie, leading the judiciary to reassert its role.⁹⁷

The *Mount Laurel* doctrine’s focus on ensuring a constant supply of below market-rate housing in all municipalities, with builder’s remedies as a backstop, is characteristic of what Elmendorf calls the “Northeastern Model” of zoning reform.⁹⁸ Another paradigmatic example of the Northeastern Model is Massachusetts’s “Anti-Snob Zoning Act,” which takes a different institutional form. The law authorizes developers to appeal to a state agency when a locality with insufficient affordable housing rejects an eligible project.⁹⁹

Prior to the most recent set of state preemption efforts, the other dominant approach to state-level zoning reform was what Elmendorf calls the “West Coast Model.”¹⁰⁰ This approach focuses on overall housing production and thus targets housing at all levels of affordability, including market-rate housing.¹⁰¹ The West Coast Model requires localities to set housing targets for all income levels based on projected population growth.¹⁰² The paradigmatic example here is California. There, the RHNA process directs a state agency to establish housing plans for each locality in consultation with each region’s “council of governments.”¹⁰³

Regardless of the specific mechanism they chose, these “first generation” approaches were largely unsuccessful in limiting local discretion, and ultimately, failed to meaningfully boost housing supply. For example, despite the decades of litigation and seemingly robust

⁹¹ S. Burlington Cty. NAACP v. Mount Laurel Twp. (*Mount Laurel I*), 336 A.2d 713, 724 (N.J. 1975).

⁹² *Id.* at 726.

⁹³ *Id.*

⁹⁴ S. Burlington Cty. NAACP v. Mount Laurel Twp. (*Mount Laurel II*), 456 A.2d 390, 421 (N.J. 1983).

⁹⁵ *Id.* at 439; *see also id.* at 438 (“In the absence of executive or legislative action to satisfy the constitutional obligation underlying *Mount Laurel*, the judiciary has no choice but to enforce it itself.”)

⁹⁶ *Id.* at 279-80.

⁹⁷ *See* Paola A. Franzese & Stephanie J. Beach, *Promises Still to Keep: The Fair Housing Act Fifty Years Later*, 40 CARDOZO L. REV. 1207, 1228-29 (2019).

⁹⁸ Elmendorf, *supra* note 7, at 94.

⁹⁹ MASS. GEN. LAWS. ch. 40B, §§ 20, 21 (2025); *see* Franzese & Beach, *supra* note 97, at 1230.

¹⁰⁰ Elmendorf, *supra* note 7, at 94-95.

¹⁰¹ *See id.*

¹⁰² *See id.*

¹⁰³ CAL. GOV’T CODE § 65584 (West 2024).

enforcement mechanism that *Mount Laurel* engendered, it had little effect on statewide housing production or housing prices.¹⁰⁴ The “first generation” approaches put states on their back foot, constantly responding to local evasion and noncompliance, which also created an uncertain environment for developers.¹⁰⁵

2) “Second Generation” Interventions

The latest efforts by states to bolster their housing markets through preemption of local governments differ from “first generation” reforms in several key ways. First, instead of imposing a general set of requirements on localities but leaving enforcement up to them, states increasingly override localities in matters involving the nitty-gritty details of their land-use regimes. Such granular interventions include limiting minimum-parking requirements, eliminating prohibitions on multifamily housing, and requiring municipalities to allow ADUs on single-family properties.¹⁰⁶ As Infranca puts it, the more recent reforms “expressly preempt or displace specific elements of local land use regulation” instead of “channeling local discretion.”¹⁰⁷

Second, recent interventions aim to reduce local procedural barriers, a stark contrast from the tendency of prior reforms to impose additional procedural requirements and phases of review.¹⁰⁸ This may reflect a recognition of the negative impacts of onerous procedural requirements that was largely absent from prior reform efforts, but which has become more prominent in recent years. In particular, abundance theorists criticize measures like environmental-impact review and restrictions on hiring and procurement, which, in their view, lead to a “proceduralism” that frustrates the ability of private and governmental actors to produce housing and other public goods.¹⁰⁹

A series of bills passed by the California legislature last year illustrate these trends. One bill establishes statewide minimum density requirements within a half mile of public transit, overriding local zoning schemes that fall below the density floor, which “effectively eliminates single-family zoning” in those areas.”¹¹⁰ This exemplifies the willingness to explicitly preempt specific elements of local zoning schemes typical of “second generation” reforms. Likewise, the recent tendency to reduce procedural barriers to housing development is demonstrated by reform to the California Environmental Quality Act (CEQA). For decades, CEQA served as a useful tool for opponents of development to stymie development for reasons that bore no connection to

¹⁰⁴ See Jason Sorens, *Have Mount Laurel Obligations Made New Jersey Housing More Affordable? A Synthetic Control Analysis of Housing Supply and Cost*, GARDEN ST. INITIATIVE & AM. INST. ECON. RSCH. 16 (Sep. 2025), https://aier.org/wp-content/uploads/2025/10/GS-1733_Housing_02.pdf [<https://perma.cc/W47A-29HL>].

¹⁰⁵ See Infranca, *supra* note 4, at 845-46.

¹⁰⁶ Infranca, *supra* note 4, at 847-57; *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, *supra* note 8, at 1601.

¹⁰⁷ Infranca, *supra* note 4, at 875.

¹⁰⁸ *Id.* at 876.

¹⁰⁹ Nicholas Bagley, *The Procedure Fetish*, 118 MICH. L. REV. 345, 363-64 (2019); see KLEIN & THOMPSON, *supra* note 2, at 91.

¹¹⁰ *Governor Newsom Approves SB 79: High-Density Transit-Oriented Housing Development Projects*, ALLENMATKINS (Oct. 10, 2025), <https://www.allenmatkins.com/real-ideas/governor-newsom-approves-sb-79-high-density-transit-oriented-housing-development-projects.html> [<https://perma.cc/5N4Y-ZNDN>]

environmental concerns.¹¹¹ A California state court recently described CEQA as “a formidable tool of obstruction, particularly against proposed projects that will increase housing density.”¹¹² CEQA has massive effects on an absolute level—in a given year, CEQA lawsuits can seek to block up to half of all housing production across the state.¹¹³ Recognizing the harms caused by CEQA, the California legislature recently enacted significant reforms to rein in the antidevelopment effects of the law. Crucially, infill projects below twenty acres are categorically exempt from CEQA review.¹¹⁴ At the same time, “near-miss” projects that qualify for an exemption under all but one ground can be reviewed only for that one factor,¹¹⁵ replacing the full review which often spans hundreds of pages and takes many years.¹¹⁶

Every preemption strategy described in this Part rests on a shared premise about who opposes zoning reform. The standard account points to homeowners protecting property values, affluent residents engaged in fiscal exclusion, and environmentalists skeptical of development. If those groups really are the source of the problem, and if their influence is concentrated at the local level, then preemption should work because state legislatures can override local veto points and unlock a latent pro-housing majority. The next Part examines that diagnosis by reviewing the leading theories of NIMBYism and organizing them around testable predictions about which individual-level characteristics predict opposition to zoning liberalization.

II. NIMBY-centric Accounts of Restrictive Zoning

Reformers often view preemption as the primary or even exclusive solution to the housing crisis.¹¹⁷ But a focus on preempting local land-use policy relies on a certain account of why localities prevent development. The assumption is that “the people who would benefit most from new housing are the least likely to be vocal participants in the political process,” because “at the local level, NIMBYs still tend to dominate policymaking.”¹¹⁸

This Part reviews the main variations of this account in the literature for why voters (and, relatedly, local political institutions) sustain restrictive land-use rules. We organize these theories

¹¹¹ Todd Nelson, *Save Tara and the Modern State of the California Environmental Quality Act*, 45 LOY. L.A. L. REV. 289, 292-93 (2011).

¹¹² *Tiburon Open Space Comm. v. County of Marin*, 294 Cal. Rptr. 3d 56, 122 (Ct. App. 2022).

¹¹³ Jennifer Hernandez, *In the Name of the Environment Part III: CEQA, Housing, and the Rule of Law*, 26 CHAP. L. REV. 57, 65 (2022).

¹¹⁴ *California Housing Supply and Land Use Legislative Round-Up 2025*, TERNER CTR. FOR HOUS. & INNOVATION AT U.C. BERKELEY (Nov. 13, 2025), <https://turnercenter.berkeley.edu/blog/california-housing-supply-and-land-use-legislative-round-up-2025/#:~:text=Previously%2C%20local%20governments%20often%20used,as%20the%20categorical%20exemption%20does> [https://perma.cc/MWV9-997L].

¹¹⁵ *Id.*

¹¹⁶ *See, e.g., Tiburon Open Space Comm.*, 294 Cal. Rptr. 3d at 122 (describing an environmental-impact review of a forty-three unit development that was almost 900 pages long and lasted twenty-five years). This phenomenon is not limited to CEQA. The average preparation time for environmental-impact statements under the National Environmental Protection Act (NEPA) has increased by about 50% since the 1990s, while the average page length has quadrupled since the 1970s, from just over 400 pages to over 1,700 pages. *See Zachary Liscow, Getting Infrastructure Built: The Law and Economics of Permitting*, 39 J. ECON. PERSPS. 151, 157 (2025).

¹¹⁷ *See supra* note 7; *see, e.g., N.R. Brouwer & Jessica Trounstone, NIMBYs, YIMBYs, and the Politics of Land Use in American Cities*, 27 ANNU. REV. POL. SCI. 165, 177 (2024) (“If we begin to see the development impasse breached, it will be because states have forced the hand of local communities.”).

¹¹⁸ Brouwer & Trounstone, *supra* note 117, at 177.

around empirically testable predictions of public support for zoning reforms that allow for construction of more multi-family units such as apartments and condos. We begin by examining William Fischel’s influential “homevoter hypothesis,” which explains the proliferation of restrictive zoning through homeowner dominance of local politics, itself the product of a need for homeowners to protect the value of their most important asset—their homes. Next, we explore race- and class-based explanations of restrictive zoning, wherein white, wealthy residents exclude low-income minority residents from their neighborhoods and towns. Finally, we describe research on how partisan affiliation and environmentalism influence opposition to development.

A. The Homevoter Theory

The most influential political-economy account of restrictive zoning treats land-use regulation as an outgrowth of homeowners’ incentives to protect the value of their largest asset. In William Fischel’s “homevoter” framework, homeowners are unusually attentive to local policy because housing is both illiquid and location-specific: neighborhood change cannot be diversified away. As a result, homeowners have incentives to engage in local politics to reduce perceived risks to property values and neighborhood amenities, including by favoring development limits, density caps, and other constraints that preserve “neighborhood character.”¹¹⁹

In this view, restrictive zoning is not an anomaly but an equilibrium outcome of local democratic politics. Homeowners participate at higher rates in local decision-making, face concentrated risks from new development, and thus favor legal rules that limit density and entry. Contemporary accounts emphasize that participatory land-use processes further amplify these dynamics by empowering organized incumbents at the expense of diffuse beneficiaries, such as renters and prospective residents.¹²⁰

To grasp the homevoter hypothesis, it is important to first understand the Tiebout model, another essential theory of local government that Fischel’s theory supplements.¹²¹ The Tiebout model views local voters as consumers of public goods shopping for deals, who stay in or move to the locality that reflects their preferences for goods and services at a particular tax-price.¹²² There are a host of assumptions, but the crucial takeaway is that local governments efficiently provide services because they are fundamentally no different from private vendors: “Just as the consumer may be visualized as walking to a private market place to buy his goods, the prices of which are set, we place him in the position of walking to a community where the prices (taxes) of community services are set.”¹²³

Missing from Tiebout’s demand-focused model of consumer-voters is a theory of politics that explains how local democracies come to express a certain revealed preference for services at a particular tax price. This is what Fischel’s homevoter hypothesis provides. According to

¹¹⁹ FISCHEL, *supra* note 5, at 4-5.

¹²⁰ See Katherine Levine Einstein, Maxwell Palmer & David M. Glick, *Who Participates in Local Government? Evidence from Meeting Minutes*, 17 PERSPS. ON POL. 28 (2019).

¹²¹ See William A. Fischel, *Footloose at Fifty: An Introduction to the Tiebout Anniversary Essays*, in THE TIEBOUT MODEL AT FIFTY: ESSAYS IN PUBLIC ECONOMICS IN HONOR OF WALLACE OATES 1, 18 (William A. Fischel ed., 2006).

¹²² Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. ECON. 416, 419-20 (1956).

¹²³ *Id.* at 422.

Fischel, localities provide a certain package of services in response to the demands of homeowners, who dominate local government decision-making and vote to maximize their property values.¹²⁴ Because a home is typically a homeowner's largest and least diversified asset, homeowners are unusually attentive to any local policy—from zoning ordinances to public expenditures—that might affect their property values.¹²⁵

The theory rests on two key assumptions. First, homeowners hold a concentrated stake in their community's future and a change in zoning that permits an undesirable use, or a fiscal decision that undermines school quality, can directly erode the market value of their home.¹²⁶ Second, unlike diversified investors, homeowners cannot easily hedge against local policy risks. If a new development or policy change threatens their property's value, they must rely on the political process to safeguard their interests.¹²⁷ Fischel analogizes local-government behavior under homevoter pressure to municipal corporate governance—just as shareholders push managers to maximize share prices, homevoters push local officials to maximize home values.¹²⁸

Fischel's work emerged partly in response to earlier theories that cast local land-use politics as captured by development interests. The classic “growth machine” thesis held that coalitions of developers, landlords, and business elites drove urban development policy to maximize land exchange values.¹²⁹ Fischel argued that by the late twentieth century, the growth machine had been tamed by rising homeownership rates and heightened homeowner activism.¹³⁰ As housing values surged, particularly during the inflationary 1970s, middle-class homevoters became ever more mobilized to guard those assets and wrestled control of land-use policy away from pro-growth elites.¹³¹ The homevoter hypothesis thus explains why local policies consistently favor the status quo. Homeowners, especially in residential suburbs, often oppose dense new development, fearing such changes could impair neighborhood aesthetics or introduce externalities that lower home prices.¹³²

In Fischel's view, homevoter influence in local governments can produce efficient outcomes that more distant levels of government could not. The local property tax functions as a “benefit tax” when homevoters are in charge. Homeowners demand public services up to the point that the marginal benefit (reflected in home value appreciation) equals the marginal cost (property taxes).¹³³ This yields an efficient provision of local public goods. Local governments “internalize” many land-use externalities to the extent those effects are capitalized in home prices; homevoters therefore push for outcomes that maximize their property values, which—in Fischel's optimistic account—often align with overall community welfare, at least within the community.¹³⁴

¹²⁴ FISCHEL, *supra* note 5, at 4.

¹²⁵ *Id.* at 4–6.

¹²⁶ *Id.* at 4–5; Fennell, *supra* note 5, at 619 & n.3 (2002).

¹²⁷ See Fischel, *supra* note 21, at 21.

¹²⁸ See FISCHEL, *supra* note 5, at 55–64.

¹²⁹ Harvey Molotch, *The City as a Growth Machine: Toward a Political Economy of Place*, 82 AM. J. SOC. 309, 309–12 (1976).

¹³⁰ *Cf.* Schleicher, *City Unplanning*, *supra* note 2, at 1676–77 (arguing that the lack of partisan competition and intra-party organization contributed to the demise of the growth machine by creating seriatim decision-making processes that unduly advantaged NIMBYs).

¹³¹ FISCHEL, *supra* note 5, at 13–16, 21–23.

¹³² See *id.* at 71–72, 77–81.

¹³³ FISCHEL, *supra* note 5, at 35–52.

¹³⁴ See Fennell, *supra* note 5, at 619.

Fischel himself acknowledged limits to the homevoter model. Because a house is such a significant and illiquid asset, homevoters may err on the side of caution. This can lead to NIMBY overreach where communities reject projects that might actually be socially beneficial out of excessive worry that any change is a threat. Fischel identified this tendency as a “blemish” on the otherwise efficient functioning of local politics.¹³⁵

The homevoter hypothesis has drawn significant critical commentary, particularly from legal scholars concerned with equity and the broader social impacts of homevoter-dominated zoning. While Fischel evaluated local land-use decisions through the lens of economic efficiency, critics have pointed out that the efficiency Fischel celebrates comes intertwined with serious equity problems. Local governments do not operate on a level playing field. The ability of homevoters in a wealthy suburb to “protect” their community directly affects who enjoys high-quality schools or clean parks and who is left out.¹³⁶ These fragmented and stratified forms of local control did not arise purely from neutral market choices, but from legal structures designed to empower municipalities to act as exclusionary clubs.¹³⁷

Other critics point out that local land-use decision making is often democratically deficient. A comprehensive analysis of Massachusetts zoning board meetings in ninety-seven municipalities found that sixty-three percent of commenters opposed proposed housing developments, while only fifteen percent spoke in support—despite survey data indicating much broader public support for new housing supply in the abstract. Meeting participants were vastly more likely to be homeowners and disproportionately older, whiter, and longer-tenured than the general voting population.¹³⁸ Such skewed participation suggests that the loudest voice in “local democratic” processes is not the median resident or a coalition of diverse interests, but rather the specific subset most motivated to preserve the status quo.¹³⁹

Perhaps the most devastating critique of Fischel’s work is that it focuses on the efficiency at the wrong level of government. When many localities simultaneously adopt stringent zoning, the cumulative effect is a significant undersupply of housing relative to demand, especially in high-growth metropolitan areas. This is a classic collective action problem—one town’s exclusion might be negligible, but every town’s exclusion leads to a shortage that harms even those who initially benefited.¹⁴⁰ What might seem efficient from the parochial perspective of one group of homevoters is inefficient and harmful when viewed from a broader policy perspective.¹⁴¹ Economists have estimated that strict local land-use regulations in high-productivity regions have prevented labor from relocating to where it is most productive, reducing U.S. GDP by trillions of dollars.¹⁴²

¹³⁵ FISCHEL, *supra* note 5, at 285–89; Fennell, *supra* note 5, at 634–35.

¹³⁶ Fennell, *supra* note 5, at 621–22; *see also* Richard Schragger, *Consuming Government*, 101 MICH. L. REV. 1824, 1835 (2003) (reviewing FISCHEL, *supra* note 5) (“Fischel . . . ignores the more thoroughgoing objection that the quality of local public services should not be a function of house price at all.”).

¹³⁷ Fennell, *supra* note 5, at 622–24; Schragger, *supra* note 136, at 1836.

¹³⁸ EINSTEIN, GLICK & PALMER, *supra* note 5, at 69–89.

¹³⁹ Katherine Levine Einstein, David M. Glick & Maxwell Palmer, *Neighborhood Defenders and the Capture of Land Use Politics*, DATA FOR PROGRESS (Mar. 12, 2019), <https://www.dataforprogress.org/blog/2019/3/12/neighborhood-defenders-and-the-capture-of-land-use-politics> [<https://perma.cc/DA9F-RF53>].

¹⁴⁰ *See* Schleicher, *City Unplanning*, *supra* note 2, at 1683–85.

¹⁴¹ *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, *supra* note 8, at 1610.

¹⁴² *See, e.g.*, Chang-Tai Hsieh & Enrico Moretti, *Housing Constraints and Spatial Misallocation*, 11 AM. ECON. J.: MACROECONOMICS 1, 2–3 (2019).

These critiques have fueled a longstanding scholarly and policy debate that the homevoter-dominated local model is not suited to tackle challenges that transcend local boundaries, to which abundance thinkers are the latest addition.¹⁴³ In policy circles, proponents of state-level preemption argue that local land-use authority has been captured by incumbent homeowners in a manner that subverts the general welfare and even subverts genuine democracy.¹⁴⁴ Like the *Mount Laurel* Court, they point out that local control over zoning is not an inherent right but a delegation from the state—and that reclaiming that authority at the state level can enhance democratic outcomes by accounting for the interests of the broader public, including those who cannot vote in every local township.¹⁴⁵ This view portrays state preemption as restoring balance and preventing a local minority from undermining statewide goals like housing affordability or racial integration.¹⁴⁶

The homevoter hypothesis thus stands as both an explanatory framework for America’s localist land-use system and as standing on one side of a normative debate. Its descriptive power is widely accepted, but the normative implications are contested. Some view homevoter dominance as a feature of American federalism that produces responsive local governance; others see it as a structural defect that perpetuates exclusion and thwarts efficient regional development. Regardless, the hypothesis generates a clear empirical prediction—if homeownership creates the incentives Fischel describes, homeowners should be substantially more likely than renters to oppose zoning liberalization. The results presented in Part III allow us to test this prediction directly.

B. Race and Racialized Exclusion

A separate literature links restrictive zoning to racial exclusion—historically and in its contemporary effects. The link is often direct—one study found that “the most powerful predictor of NIMBY attitudes . . . is racial stereotyping,” given the large degree of overlap between survey respondents who agreed with stereotypes about racial minorities and respondents who held negative views of affordable housing.¹⁴⁷ A different view focuses on how facially neutral land-use tools (single-family zoning, minimum lot sizes, density limits, procedural barriers) can operate as substitutes for explicit discrimination by reducing the supply of housing types disproportionately accessible to minority households.¹⁴⁸ One study of Chicago indicated that a one standard-deviation increase in the proportion of Black residents was associated with a 22% increase in permissible density, which indicates that “volume restrictions may have been

¹⁴³ See, e.g., Sheryll Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter: Addressing the Barriers to New Regionalism*, 88 GEO. L.J. 1985, 1987-88 (2000); KLEIN & THOMPSON, *supra* note 2, at 30-32; Schleicher, *Exclusionary Zoning’s Confused Defenders*, *supra* note 2, at 1325-27.

¹⁴⁴ See Demsas, *supra* note 31 (arguing that local land-use decision-making is at best a form of “theoretical democracy” because it “fail[s] to translate voter desires into reality”).

¹⁴⁵ Will Wilkinson, *There’s Nothing Especially Democratic About Local Control of Land Use*, MODEL CITIZEN (June 16, 2021), <https://modelcitizen.substack.com/p/theres-nothing-especially-democratic> [<https://perma.cc/3UWY-UNJA>].

¹⁴⁶ *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, *supra* note 8, at 1612–15.

¹⁴⁷ Tighe, *supra* note 15, at 977.

¹⁴⁸ Rolf Pendall, *Local Land Use Regulation and the Chain of Exclusion*, 66 J. AM. PLANNING ASSOC. 125 (2000); Jonathan Rothwell & Douglas S. Massey, *The Effect of Density Zoning on Racial Segregation in US Urban Areas*, 44 URB. AFF. REV. 779 (2009).

used as an early form of exclusionary zoning.”¹⁴⁹ Conversely, a study of Boston land-use patterns found that allowing multifamily housing increased the percentage of Black residents by 3.4% and of Hispanic residents by 5.5%.¹⁵⁰

Researchers of urban politics have emphasized how local governments have historically used land-use authority to protect the wealth and public goods enjoyed by white property owners, with enduring consequences for segregation and inequality.¹⁵¹ The same study of Chicago examined land-use patterns before and after the introduction of comprehensive zoning and showed how zoning increased the wealth of white homeowners relative to minority homeowners.¹⁵² The persistence of the effect for decades, and indeed, today, “cast[s] doubt on the de jure racial blindness of comprehensive zoning ordinances.”¹⁵³ These findings hold up at the national level—Trounstine finds that cities that were early adopters of zoning exhibited 25% higher levels of homeowner segregation and double the level of renter segregation.¹⁵⁴ As the urban planner M. Nolan Gray summarizes, “Originally devised to perpetuate segregation where it already existed and introduce segregation where it didn’t, zoning has been remarkably successful on its own terms.”¹⁵⁵

C. Income, Class, and “Exclusionary” Zoning

This Section discusses how restrictive zoning can be explained by class-based exclusion. The basic mechanism is straightforward. Local officials use “snob zoning” (large-lot requirements, apartment bans, minimum lot sizes, floor-area caps, parking minimums, and discretionary design review) as economic screens to keep out lower-income households while framing their actions as “comprehensive planning.”¹⁵⁶ These requirements raise the cost of housing in a jurisdiction and shrink the stock of lower-cost housing units.¹⁵⁷ There’s a clear empirical link between density zoning and class segregation even if causality can be debated.¹⁵⁸

¹⁴⁹ Allison Shertzer, Tate Twinam & Randall P. Walsh, *Race, Ethnicity, and Discriminatory Zoning*, AM. ECON. J.: APPLIED ECON. 217, 235, 244 (2016).

¹⁵⁰ Matthew Resenger, *The Impact of Land Use Regulation on Racial Segregation: Evidence from Massachusetts Zoning Borders 4* (Oct. 2022) (Mercatus Working Paper), <https://ssrn.com/abstract=4244120> [<https://perma.cc/P2EH-KXWY>].

¹⁵¹ Jessica Trounstine, *The Geography of Inequality: How Land Use Regulation Produces Segregation*, 144 AM. POL. SCI. REV. 443 (2020). See generally JESSICA TROUNSTINE, *SEGREGATION BY DESIGN: LOCAL POLITICS AND INEQUALITY IN AMERICAN CITIES* (2018).

¹⁵² Shertzer, Twinam & Walsh, *supra* note 149, at 219.

¹⁵³ *Id.*

¹⁵⁴ TROUNSTINE, *supra* note 151, at 94.

¹⁵⁵ M. NOLAN GRAY, *ARBITRARY LINES: HOW ZONING BROKE THE AMERICAN CITY AND HOW TO FIX IT* 88 (2022).

¹⁵⁶ Note, *Snob Zoning: Developments in Massachusetts and New Jersey*, 67 HARV. L. REV. 1283 (1954); RICHARD F. BABCOCK, *THE ZONING GAME: MUNICIPAL PRACTICES AND POLICIES* 3–18 (1966); Lawrence Gene Sager, *Tight Little Islands: Exclusionary Zoning, Equal Protection, and the Indigent*, 21 STAN. L. REV. 767, 780-82 (1969) (describing efforts by localities to exclude lower-income people altogether through exclusionary zoning); Eric Stern, Note, *A Federal Builder’s Remedy for Exclusionary Zoning*, 129 YALE L. J. 1516 (2020) (describing how technical and facially neutral land-use controls “practically barred the creation of affordable housing for low and moderate-income (LMI) households”).

¹⁵⁷ Robert C. Ellickson, *Suburban Growth Controls: An Economic and Legal Analysis*, 86 YALE L.J. 385, 401–20 (1977).

¹⁵⁸ Jonathan T. Rothwell & Douglas S. Massey, *Density Zoning and Class Segregation in U.S. Metropolitan Areas*, 91 SOC. SCI. Q. 1123 (2010); Sean F. Reardon & Kendra Bischoff, *Income Inequality and Income Segregation*, 116 AM. J. SOC. 1092 (2011).

In high-cost metros like San Francisco, regulatory constraints add hundreds of thousands of dollars to the price of a typical home.¹⁵⁹

Local actors rarely describe these rules as intentional income filters. Instead, they invoke “property values,” “neighborhood character,” or “comprehensive planning.” But the effect is to ration access by price. Local hearings invite arguments about traffic, parking, shade, and aesthetics that sound like neutral planning concerns but function as screens for who gets to live in the jurisdiction.¹⁶⁰

This account treats exclusionary zoning as protection of a bundle of local goods, not just exclusion of particular people. Since local governments finance schools and other services through property taxes and since school assignment is tied to residence, access to good schools is therefore purchased through housing.¹⁶¹ Localities function as clubs that price admission through housing costs and then deliver goods to members while school quality, low crime, parks, and a social environment that signals status. Jurisdictions compete as vendors of tax-service bundles and zoning is a way to enforce the price of admission.¹⁶²

The most sophisticated version of the class account is “fiscal zoning.” The idea is that residents use land-use rules to shape the local tax base and service demand. Housing types associated with lower-income residents and school-age children are treated as fiscal negatives. They cost more in services than they generate in property taxes. Housing types associated with higher-income residents and larger assessments are treated as fiscal positives. Zoning becomes a method of selecting residents indirectly by selecting housing forms.¹⁶³ Schools are the central channel—they dominate local budgets and are capitalized into housing prices. When zoning raises the price floor, it protects the school district’s socioeconomic composition.¹⁶⁴

Fiscal zoning explains opposition to development even where residents do not fear falling home prices. In many jurisdictions, officials and voters treat housing growth as a budget problem. New housing requires new school capacity and new infrastructure. In systems with tax caps or supermajority requirements for revenue increases, these costs are hard to finance.¹⁶⁵ The result is bias toward land uses perceived to “pay for themselves” (commercial, high-end residential) and against land uses perceived as fiscal drains (apartments, subsidized housing, units with families).

The accuracy of these views is empirically contested. In many places, multifamily housing generates substantial property-tax revenue, and high-rent apartments house childless

¹⁵⁹ Edward L. Glaeser & Joseph Gyourko, *The Impact of Building Restrictions on Housing Affordability*, 9 FED. RES. BANK N.Y. ECON. POL’Y REV. 21, 26–35 (2003); Edward L. Glaeser, Joseph Gyourko & Raven E. Saks, *Why Have Housing Prices Gone Up?*, 95 AM. ECON. REV. 329 (2005).

¹⁶⁰ EINSTEIN, GLICK & PALMER, *supra* note 5, at 67–98.

¹⁶¹ Richard Briffault, *Our Localism: Part I—The Structure of Local Government Law*, 90 COLUM. L. REV. 1, 20–45 (1990).

¹⁶² See generally Tiebout, *supra* note 122.

¹⁶³ Bruce W. Hamilton, *Zoning and Property Taxation in a System of Local Governments*, 12 URB. STUD. 205, 210–18 (1975). For a model of endogenous zoning in which residents select restrictions to influence the local tax base, see J. Michael Pogodzinski & Tim R. Sass, *The Theory and Estimation of Endogenous Zoning*, 24 REG. SCI. & URB. ECON. 601 (1994).

¹⁶⁴ WILLIAM A. FISCHER, MAKING THE GRADE: THE ECONOMIC EVOLUTION OF AMERICAN SCHOOL DISTRICTS 115–45 (2009).

¹⁶⁵ Michelle Wilde Anderson, *The New Minimal Cities*, 123 YALE L.J. 1118, 1145–70 (2014).

professionals. Consequently, it's unclear whether fiscal fears are rational or whether fiscal rhetoric is a convenient justification for exclusionary preferences.¹⁶⁶

A second mechanism treats development opposition as distributive politics. New housing is framed as redistribution from incumbents to newcomers. If public goods are locally financed and locally consumed, adding residents expands the group consuming services without increasing the pool of resources. Apartments are associated with renters and since renters are imagined as paying less in taxes, apartments essentially redistribute services away from incumbents.¹⁶⁷ This framing helps explain why “supply” arguments fail politically. Increasing housing supply reduces rents region-wide, but those gains are diffuse. The costs of construction (disruption, congestion, demographic change) are localized. The political economy follows the standard logic of concentrated costs and diffuse benefits.¹⁶⁸ Incumbents organize to block development and the beneficiaries of new housing (future residents, regional workers, young households priced out) cannot easily mobilize because they are dispersed or do not yet live in the jurisdiction.

What remains unclear is the individual-level relationship between income and these redistributive perceptions. The theory predicts that higher-income respondents should be more likely to view growth as a threat and oppose zoning liberalization. But the theory also predicts that in high-cost cities, even affluent renters may feel priced out rather than protected. Whether the net effect is an income gradient within any given place is an open empirical question.¹⁶⁹

A third mechanism treats “neighborhood character” as a coherent form of class politics. Restrictive zoning preserves amenities that are both consumption goods and status goods—low density, quiet streets, uniform building types. These amenities are disproportionately demanded by higher-income households and disproportionately available in jurisdictions that restrict lower-cost housing. “Character” politics works through law by converting social preferences into administrable categories (setbacks, height limits, historic districts, design review).¹⁷⁰ It also raises development costs and uncertainty. Parking minimums are a paradigmatic example. They can be framed as traffic management but in reality operate as density constraints that add tens of thousands of dollars per unit.¹⁷¹ Whether character rhetoric is sincere or strategic can be debated and the answer is probably both. Residents may genuinely value low density while also understanding that low density excludes lower-income households.

A final mechanism is institutional. Class power in land-use politics is amplified by procedure and participatory inequality. Public hearings, discretionary permits, multi-stage approvals, and litigation opportunities all favor actors with time, expertise, and organizational capacity. These traits correlate with education, income, and occupational flexibility.¹⁷² Participants in local land-use hearings are older, whiter, more male, more likely to own homes, and more likely to oppose development than the general population of their jurisdictions.¹⁷³

¹⁶⁶ See EINSTEIN, GLICK & PALMER, *supra* note 5, at 98–125.

¹⁶⁷ Schleicher, *supra* note 58, at 115–40.

¹⁶⁸ MANCUR OLSON, *THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS* 5–52 (1965).

¹⁶⁹ See Hankinson, *supra* note 14.

¹⁷⁰ See generally Brady, *supra* note 61 (describing how wealthier property owners relied on nuisance covenants to exclude apartment buildings and their inhabitants from their neighborhoods).

¹⁷¹ DONALD SHOUP, *THE HIGH COST OF FREE PARKING* 127–85 (2005).

¹⁷² SIDNEY VERBA, KAY LEHMAN SCHLOZMAN & HENRY E. BRADY, *VOICE AND EQUALITY: CIVIC VOLUNTARISM IN AMERICAN POLITICS* 269–330 (1995).

¹⁷³ Elmendorf, *supra* note 7, at 95–120.

Procedure creates veto points through which organized opponents can delay, shrink, or kill projects without bearing the social costs of reduced housing supply.¹⁷⁴

This institutional channel reveals an important dimension of the class account. While homevoter theory predicts opposition from owners due to asset exposure, and racial-exclusion accounts predict opposition where racial homogeneity is threatened, the institutional class account predicts that even within the same ZIP code, higher-status residents should be more likely to participate, more likely to perceive growth as a threat, and more likely to oppose reforms that reduce local procedural control.

D. Ideology and Partisanship

What is the relationship between political ideology and restrictive zoning? The answers vary and are often indeterminate.¹⁷⁵ One view is that partisan ideology does not map neatly onto views about zoning because of cross-cutting ideological commitments.¹⁷⁶

Another view criticizes liberal hypocrisy, emphasizing the partisan characteristics of the jurisdictions with the most restrictive zoning regimes. In general, land-use policies are often more restrictive in more liberal coastal cities.¹⁷⁷ More specifically, researchers have found that cities that experienced an increase in liberal voter share saw a reduction in the number of housing permits they issued.¹⁷⁸ Ezra Klein and Derek Thompson describe this phenomenon in vivid terms: “In the same progressive zip codes where homeowners press signs into the soil of their front lawns bearing the message Kindness is Everything, affordable housing can’t be found—and homelessness is endemic.”¹⁷⁹ M. Nolan Gray displays an image of an “All Are Welcome” yard sign next to a yard sign opposing zoning liberalization in Austin, noting that the “irony [was] apparently lost on the homeowner.”¹⁸⁰

But in analyzing the political dynamics of these cities more closely, Matthew Yglesias argues that it is local Republicans who most fervently oppose new development, pointing to near-unanimous GOP resistance to recent zoning-reform efforts in New York and Connecticut.¹⁸¹ This argument aligns with the empirical finding that electing a Democrat as mayor leads to

¹⁷⁴ Infranca, *supra* note 4, at 876-77.

¹⁷⁵ The difficulty of linking ideology to restrictive zoning is amplified by the plasticity of ideologies themselves. President Trump, for example, initially supported the relaxation of zoning codes, before criticizing the “unthinkable agenda” of “more high-density housing in single-family residential neighborhoods,” and then reversing tack one again on the 2024 campaign trail by describing zoning as a “killer.” See Christian Britschgi, *Trump Changes His Mind on Zoning. Again.*, REASON (July 17, 2024, 1:38 PM), <https://reason.com/2024/07/17/trump-changes-his-mind-on-zoning-again> [<https://perma.cc/XLZ4-HVSU>]; Donald J. Trump & Ben Carson, *We’ll Protect America’s Suburbs*, WALL ST. J. (Aug. 16, 2020, 4:02 PM ET), <https://www.wsj.com/opinion/well-protect-americas-suburbs-11597608133> [<https://perma.cc/R7UF-W9RN>].

¹⁷⁶ Brouwer & Trounstine, *supra* note 117, at 178.

¹⁷⁷ See Joseph T. Ornstein, *Zone Defense: Why Liberal Cities Build Too Few Homes*, 35 J. THEORETICAL POL. 310, 310-11 (2023).

¹⁷⁸ See Matthew E. Kahn, *Do Liberal Cities Limit New Housing Development? Evidence from California*, 69 J. URB. ECON. 223, 227 (2011).

¹⁷⁹ KLEIN & THOMPSON, *supra* note 2, at 38.

¹⁸⁰ GRAY, *supra* note 155, at 81.

¹⁸¹ See Matthew Yglesias, *Blue State Republicans Are the Problem*, SLOW BORING (June 10, 2025), <https://www.slowboring.com/p/blue-state-republicans-are-the-problem> [<https://perma.cc/Y9AY-GQLK>].

increases in the supply of multifamily housing units.¹⁸² Relatedly, some researchers, using a national data set, find that liberals are more supportive of housing construction, though only slightly, as the independent effect of liberal ideology is low compared to the effect of homeownership.¹⁸³ That result is contradicted by a study finding that liberals are much more supportive of zoning, though the limited geographic scope (Western North Carolina) and small number of participants (668) counsel heavy caution.¹⁸⁴

E. Concern about the Environment

A final explanation for restrictive zoning is environmentalism. The relationship between environmental concern and land-use policy has shifted dramatically over the past half-century, which creates theoretical ambiguity about whether environmentalists should be expected to support or oppose zoning reform. This Section traces that evolution and identifies the competing predictions it generates for individual-level preferences.

The modern alignment of environmentalism with growth opposition emerged in the 1970s. Fischel argues that homeowners during this period leveraged environmentalist arguments to achieve their goal of limiting local housing supply.¹⁸⁵ Persistent inflation in the 1970s transformed housing into the primary asset in most middle-class portfolios, which in turn created powerful incentives to oppose any development that might threaten property values. Environmental rhetoric helped create a socially acceptable vocabulary for exclusionary preferences. Arguments against new housing could be reframed from self-interested protection of property values to concerns about “preserving open space,” “protecting the water table,” and “preventing overcrowding.”¹⁸⁶

This convergence produced what might be called a “Baptist and Bootlegger” coalition in local land-use politics.¹⁸⁷ Sincere environmentalists who worried about habitat loss and resource depletion joined forces with homeowners concerned primarily with exclusivity and property values. Both groups favored restrictive zoning, though for different reasons. The result was a “growth control” regime that replaced the earlier “growth machine” coalitions of developers, real estate interests, and local business owners that had dominated postwar urban politics.¹⁸⁸

This “growth control” machine was blessed by the courts. In 1975, the Ninth Circuit upheld a municipal growth cap that limited new housing units to 500 per year in *Construction Industry Association of Sonoma County v. City of Petaluma*.¹⁸⁹ The city justified the cap on environmental grounds: protecting the surrounding greenbelt, managing water supply, and preventing ecological degradation. *Petaluma* provided a template that municipalities across the

¹⁸² Justin de Benedictis-Kessner, Daniel Jones & Christopher Warshaw, *How Partisanship in Cities Influences Housing Policy*, 69 AM. J. POL. SCI. 64 (2025).

¹⁸³ Marble & Nall, *supra* note 14, at 1752-53.

¹⁸⁴ Cooper, Knotts & Brennan, *supra* note 27, at 461, 463.

¹⁸⁵ Fischel, *supra* note 21, at 15.

¹⁸⁶ *Id.* at 17-18.

¹⁸⁷ Bruce Yandle, *Bootleggers and Baptists: The Education of a Regulatory Economist*, REGUL., May/June 1983, at 12 (“Bootleggers, you will remember, support Sunday closing laws that shut down all the local bars and liquor stores. Baptists support the same laws and lobby vigorously for them. Both parties gain, while the regulators are content because the law is easy to administer.”).

¹⁸⁸ See Molotch, *supra* note 129, at 309-12.

¹⁸⁹ 522 F.2d 897 (9th Cir. 1975).

country replicated, linking growth restrictions to environmental preservation and establishing that local environmental quality could legally supersede regional housing needs.¹⁹⁰

Judicial imprimatur was bolstered by warnings that unchecked population and economic expansion would cause ecological collapse.¹⁹¹ Scholars and popular writers celebrated localized, low-intensity systems over industrial-scale development.¹⁹² The era’s environmentalism was skeptical of density and large-scale infrastructure, romanticizing rural villages and low-density suburbs integrated with nature rather than the energy-efficient but gritty city.¹⁹³ When translated to municipal governance, this “limits to growth” philosophy became a “limits to housing” policy.

This history leads to the “Green NIMBY” hypothesis—individuals with high levels of environmental concern will oppose housing development, including dense infill projects that are environmentally efficient at the regional scale. Several other mechanisms could produce these individual-level preferences as well.

First, public-choice theory predicts that concentrated local costs will mobilize opposition more effectively than diffuse regional benefits. The environmental benefits of density (reduced carbon emissions, land conservation) are global, dispersed, and future-oriented. The costs (construction noise, loss of immediate open space, traffic congestion, shadow impacts) are local, immediate, and concentrated. An individual can support climate action globally while opposing a specific apartment building next door.¹⁹⁴

Second, residents may equate “environmental quality” with the presence of greenery, low traffic, and sunlight within their immediate vicinity. Dense urban development, which is more carbon-efficient per capita, is often perceived as “unnatural” or “congested” due to the lack of visible greenery. The pastoral aesthetic of the suburb feels greener to the resident, even if its actual carbon footprint vastly exceeds that of the city.¹⁹⁵

Third, traffic is the most cited objection to new housing in public meetings.¹⁹⁶ Environmentalists often frame this as a concern for air quality and emissions. But this framing ignores the counterfactual: preventing local housing does not eliminate the would-be residents. It pushes them to more distant, automobile-dependent locations, thereby increasing net regional emissions. The local environmentalist sees only the incremental cars on her street, not the regional system.¹⁹⁷

Empirical research provides some support for the Green NIMBY hypothesis. Some of the research offers a charitable interpretation of green NIMBYism as concerned with the negative externalities of development and ensuring that those who bear the brunt of the impacts have a say in the process.¹⁹⁸ Others provide a less sanguine perspective. Einstein, Glick, and Palmer’s study of Massachusetts planning-board meetings found that environmental concerns ranked among the

¹⁹⁰ See Michael Lewyn, *The Case Against the Case for Zoning*, 36 GEO. ENV’T L. REV. 155, 178–80 (2023).

¹⁹¹ See, e.g., DONELLA H. MEADOWS ET AL., *THE LIMITS TO GROWTH* (1972).

¹⁹² See, e.g., E.F. SCHUMACHER, *SMALL IS BEAUTIFUL: ECONOMICS AS IF PEOPLE MATTERED* (1973).

¹⁹³ Fischel, *supra* note 21, at 19–20.

¹⁹⁴ See Hankinson, *supra* note 14, at 475.

¹⁹⁵ Edward Glaeser & Matthew Kahn, *The Greenness of Cities: Carbon Dioxide Emissions and Urban Development*, 67 J. URB. ECON. 404, 415–16 (2010).

¹⁹⁶ Einstein, Glick & Palmer, *supra* note 120, at 35, 46.

¹⁹⁷ See Glaeser & Kahn, *supra* note 195, at 417.

¹⁹⁸ See James G. Coke & Steven R. Brown, *Public Attitudes About Land Use Policy and Their Impact on State Policy-Makers*, 6 PUBLIS: J. OF FEDERALISM 97, 111 (1976).

top reasons cited for opposition to new housing.¹⁹⁹ Common objections included flooding and stormwater impacts, tree canopy removal, and characterizing underutilized lots as precious “open space.” These arguments carry legal weight and social capital. In a liberal state like Massachusetts, opposing housing on environmental grounds is more socially acceptable than expressing concerns about demographic change.²⁰⁰

Previous research has also found a stark disconnect between ideology and behavior among liberal homeowners. Although liberals generally support environmental protection and redistributive policies in the abstract, liberal homeowners are “barely more likely” than conservative homeowners to support dense housing development in their own communities.²⁰¹ Even when reminded of the benefits of housing for low-income families, liberal homeowners’ support did not significantly increase. This suggests that the “homevoter” identity supersedes the “environmentalist” identity when local property interests are at stake.

Yet a powerful counter-narrative has emerged in recent years, driven by climate science and urban economics. This “pro-housing environmentalism” reframes zoning reform not as deregulation but as environmental policy.²⁰²

There is significant empirical support for this view. Transportation is the largest source of U.S. greenhouse-gas emissions, and the most effective way to reduce transportation emissions is to reduce vehicle miles traveled. Infill development places residents closer to jobs, schools, and services and significantly lowers emissions compared to greenfield development. Households in dense, transit-rich cities have significantly lower carbon footprints than those in sprawling suburbs.²⁰³ Apartment-style housing uses almost three times less energy per unit than detached single-family housing.²⁰⁴ And high-density development reduces pressure to convert agricultural land and wild habitat into housing at the urban fringe.²⁰⁵

This scientific consensus has produced a “YIMBY” (Yes In My Backyard) movement that explicitly positions itself as environmentalist. Organizations like California YIMBY argue that exclusionary zoning is a form of climate denial, forcing growth in high-carbon, automobile-dependent exurbs while wealthy coastal communities remain frozen in amber.²⁰⁶ Major environmental organizations have begun to embrace this framing, at least in part, as well. The Natural Resources Defense Council, the League of Conservation Voters, and California Environmental Voters endorsed California’s SB 50, a bill to upzone areas near transit, arguing that “building denser and more affordable housing close to public transportation is key to reducing pollution.”²⁰⁷

¹⁹⁹ EINSTEIN, GLICK & PALMER, *supra* note 5, at 117.

²⁰⁰ *See id.* at 117-140 (describing environmental concern as an “environmental defense tactic”); Fischel, *supra* note 21, at 15-20.

²⁰¹ Marble & Nall, *supra* note 14, at 1751.

²⁰² *See supra* note 19.

²⁰³ Glaeser & Kahn, *supra* note 195, at 412-14.

²⁰⁴ 2020 Residential Energy Consumption Survey Table CE3.1, U.S. ENERGY INFO. ADMIN 2 (Mar. 2024), <https://www.eia.gov/consumption/residential/data/2020/c&e/pdf/ce3.1.pdf> [<https://perma.cc/3XN4-498M>].

²⁰⁵ *See* REID EWING, KEITH BARTHOLOMEW, STEVE WINKELMAN, JERRY WALTERS & DON CHEN, GROWING COOLER: THE EVIDENCE ON URBAN DEVELOPMENT AND CLIMATE CHANGE (2008).

²⁰⁶ *See The Rise of the YIMBYs: A National Pro-Housing Movement*, CAL. YIMBY (2023), <https://cayimby.org/blog/the-rise-of-the-yimbys-a-national-pro-housing-movement> [<https://perma.cc/4SPG-VFJR>].

²⁰⁷ Press Release, State Sen. Scott Weiner, Major Environmental and Affordable Housing Organizations Endorse Senator Wiener’s SB 50, the More HOMES Act (Jan. 31, 2019), <https://sd11.senate.ca.gov/news/major->

Legal scholars have begun to advance this framework. State preemption of local zoning is justified as “intersectional climate policy” because local governments are structurally incapable of internalizing the regional climate costs of their exclusionary decisions.²⁰⁸ Some have framed state intervention as necessary to address environmental harms that transcend municipal boundaries.²⁰⁹

This shift has created a schism within the environmental movement. Some national organizations increasingly support zoning reform, while their own local chapters often oppose specific projects. The Sierra Club, for instance, has adopted national policies supporting infill development, but its local chapters have frequently opposed dense housing on environmental grounds.²¹⁰

The literature thus generates competing predictions. The historical “Green NIMBY” hypothesis suggests that individuals with high environmental concern should oppose zoning liberalization. The emergent “pro-housing environmentalism” suggests that environmentally concerned individuals should support zoning reform, having internalized the connection between density and sustainability. Which pattern predominates in contemporary public opinion is an empirical question that the analysis in Part IV addresses directly.

III. Data and Methodology

The theories reviewed in Part II generate several testable predictions. This Part describes the data and methods we use to test those predictions. Although the basic goal is descriptive, the results, as we show in Part IV, have significant implications for the political and legal strategy of zoning reform.

A. The Survey

Our main data source is the 2024 Cooperative Election Study (CES), a large-scale nationally representative survey of U.S. adults designed to measure political attitudes, policy preferences, and demographic characteristics. The CES is a biennial survey conducted since 2006 and is widely used in academic research in political science, economics, and public policy.²¹¹ The 2024 CES Common Content includes approximately 60,000 respondents, making it one of the largest publicly available surveys of political attitudes in the United States. The 2024 CES was administered by YouGov between October and December 2024, in two waves surrounding the 2024 general election.

We focus on the following question:

Do you support or oppose each of the following proposals? Relax local zoning laws in your state to allow for construction of more apartments and condos.

environmental-and-affordable-housing-organizations-endorse-senator-wieners-sb-50-more [https://perma.cc/SDP3-Z4CA].

²⁰⁸ *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, *supra* note 8, at 1601.

²⁰⁹ *Id.*

²¹⁰ *Compare Smart Growth & Urban Infill*, SIERRA CLUB (2024), <https://www.sierraclub.org/smart-growth-urban-infill> [https://perma.cc/GAX9-XUCL] (describing national policy supporting infill), with *Why Does the Sierra Club Oppose Affordable Housing?*, GREENLINING INST. (2020), <https://greenlining.org/2020/why-does-the-sierra-club-oppose-affordable-housing> [https://perma.cc/G4JD-3LA2] (documenting local chapter opposition).

²¹¹ *See supra* note 11.

This question directly captures public support for a central element of the abundance agenda—the relaxation of land-use restrictions to increase housing supply.²¹² We code the response as a simple indicator: 1 if the respondent supports the proposal and 0 if the respondent opposes it.

The CES also includes the standard ingredients needed to test the theories discussed in Part II—homeownership, race and ethnicity, gender, income, education, age, family status, and measures of political ideology and vote choice. We also draw on sets of variables that capture (1) environmental-policy views and (2) racial resentment, because both have been invoked in competing accounts of restrictive land-use politics.²¹³

Two basic facts about the data are worth keeping in mind throughout. First, the country is not uniform. Support varies substantially across states (Figure A1). Second, although the core outcome of interest is asked of all 60,000 respondents, some survey items are asked only to some. Therefore, the number of observations differs across tables (for example, the racial-resentment question is asked of a subset). We report the number of respondents used in each analysis in the tables.

B. Empirical Strategy

A central difficulty in studying zoning attitudes is that people choose where to live, and places differ, to put it mildly. Homeowners and renters are not randomly mixed across the country. Neither are Democrats and Republicans, nor high-income and low-income households. If we simply compare all homeowners to all renters nationwide, we risk confusing two competing effects: (1) a difference in attitudes between homeowners and renters, and (2) a difference driven by the fact that homeowners and renters tend to live in different kinds of places.

To illustrate the point, suppose homeowners are concentrated in suburbs and renters are concentrated in cities. Suppose suburban residents are less supportive of zoning reform for reasons having nothing to do with owning or renting, perhaps because they prefer the quiet environment. A nationwide homeowner–renter comparison would pick up both “ownership” and “suburban-ness.” It would not tell us which is doing the work.

To reduce that kind of confusion, we place heavy emphasis on within-state and especially on within–ZIP code comparisons, called “fixed effects.” In plain English, our core analyses ask: within the same ZIP code, are homeowners more or less supportive than renters? Are Democrats more or less supportive than Republicans? Are women more or less supportive than men? Because people in the same ZIP code face broadly similar local conditions, this kind of comparison holds constant many otherwise unmeasured features of place such as local housing costs, local school systems, local permitting practices, local political culture, and the immediate experience of development. These zip code “fixed effects” are based only to variation within neighborhoods and thus help isolate the impact of the measured attitude or trait.

This approach is possible only because the CES is very large. With 60,000 respondents spread across thousands of ZIP codes, there are enough “neighbors” in the dataset to make within-ZIP comparisons informative.

Moreover, our multivariate analysis allows us to control for many variables. This means we can disentangle the separate effects of many different personal characteristics. For example,

²¹² See *supra* notes 1-2 and accompanying text.

²¹³ See *supra* Part II.E; *supra* Part II.B.

we are able to disentangle the effect of income and ideology and analyze the independent effect of each of these factors on support for zoning reform. The large sample size allows us to compare people who hold different ideological views but have the same level of income to isolate the effect of ideology, or people with different levels of income who hold similar ideological views to isolate the effect of income.

However, it's important the limitations of this design. This is not a randomized experiment, and we cannot claim that changing a person from a renter into a homeowner would mechanically change their views by a certain number of points. People become homeowners for many reasons that may also relate to their attitudes. What the design does accomplish is more modest and more defensible: it allows us to say, with reasonable confidence, whether certain traits are associated with support for zoning reform even when we compare people who live in the same local environment.

Finally, a subset of tables shifts from “who you are” to “where you live.” We merge ZIP-code-level measures from the U.S. Census’s American Community Survey (ACS), such as median rent, median home value, owner-occupancy rates, poverty rates, and related characteristics. These sets of analyses ask whether, after accounting for individual traits, respondents in certain kinds of neighborhoods are systematically more or less supportive of zoning reform. This is not a substitute for the within-ZIP comparisons. It is a complement that helps interpret what “place” might mean in this domain.

C. Interpreting the Results

Part IV presents each set of results in two ways. The figures report simple means, showing, for example, the share of homeowners who support zoning reform compared to the share of renters. These straightforward comparisons make the central findings easy to understand at a glance. The appendix tables then subject each finding to a more demanding analysis. They add ZIP code fixed effects, demographic controls, ideology measures, and other covariates, progressively testing whether the pattern in the figure survives increasingly rigorous specifications. We place the tables in the appendix because the core result is typically apparent in the figure itself and the tables serve as robustness checks, confirming (or qualifying) what the simple means already suggest.

The Appendix tables use a consistent format designed to be readable without statistical training. Each table reports a series of comparisons (regressions) in columns which are best understood as a sequence of increasingly demanding ways to answer the same question.

A “Baseline” column reports the simplest difference. For example, Table 2 begins by asking whether homeowners differ from non-homeowners in their support for zoning reform, without trying to account for any other differences between them. These baseline comparisons are an important starting point, but can mix together individual traits and place effects. Later columns compare people within the same state, and more importantly within the same ZIP code.

Columns also add “controls” to account for obvious alternative explanations. If homeowners are older on average, and older respondents have different housing attitudes, we do not want to attribute an age effect to homeownership. So, we adjust for age. The appendix tables group controls in intuitive bundles: demographics; measures of ideology and voting; political engagement; views about the environment; and economic perceptions. We provide a detailed explanation of each of these variables and what each set of controls is actually controlling for in Appendix Table 2.

This stepwise presentation shows whether an apparent “baseline” relationship is robust or fragile. A coefficient that changes dramatically once we compare neighbors or account for basic political identity is often telling us that the original gap was partly an artifact of who lives where, or who sorts into which political camp.

Now, what do the numbers actually mean? Because the outcome is coded as 0 or 1 (oppose or support), the reported coefficients can be read as percentage-point differences in the likelihood of support.²¹⁴ If the coefficient is -0.10, the associated group is about ten percentage points less likely to support zoning reform than the comparison group. For example, in the most demanding specification of Table 3 (column 5), the coefficient on homeownership is -0.096. That means homeowners are about 9.6 percentage points less likely to support zoning reform than renters who live in the same ZIP code controlling for demographics, ideology, and other measured characteristics.

The tables report two additional pieces of information. The numbers in parentheses reflect uncertainty from sampling noise since a relationship estimated from a sample is never perfectly exact. The stars are essentially a conventional shorthand for how confident we can be that an observed relationship is not a product of random variation in this dataset. For instance, three stars indicate that there is only a 1% chance of observing the study’s results (or something more extreme) if the null hypothesis (no real effect/difference) were true. In simple terms, we are extremely confident that the results with any number of stars are statistically significant and not the result of random chance.

IV. Results

This Part tests the theories reviewed in Part II against individual-level data from the 2024 Cooperative Election Study. Each sub-section takes a canonical explanation for restrictive zoning, states the prediction it generates, and reports whether the data support it. We confirm some predictions. Homeowners are less supportive of reform than renters, though the gap is smaller than the literature would suggest. Racial resentment is a strong predictor of opposition among white respondents. But other predictions fail. Income has little independent relationship with zoning attitudes once we control for geography and demographics. And liberals and environmentalists are *more* supportive of reform, not less, contradicting two prominent accounts of NIMBY politics. After working through the existing theories in Sections A through E, Section F introduces two variables the literature has largely overlooked. Women are substantially less supportive of zoning reform than men, by a margin that exceeds the homeownership gap. And trust in state government is one of the strongest predictors of support.

Before discussing individual theories, it’s crucial to note that national opinion on zoning reform is closely divided. Forty-nine percent of respondents in the 2024 CES support relaxing zoning laws to allow more apartments and condominiums. Fifty-one percent oppose. If opposition to housing production were confined to a narrow set of self-interested homeowners or affluent incumbents, one would expect a majority in favor of reform. Instead, roughly half of the electorate opposes liberalization. This divide is consistent across the country albeit with some geographic variation. Support ranges from about 35% in Idaho to over 60% in Vermont and New

²¹⁴ A percentage-point difference is an absolute difference between two percentages. For example, if 49% of renters and 39% of homeowners support reform, the gap is ten percentage points. This is different from a *percent* difference which would describe a proportional change (ten percent of 49% is about 4.9 percentage points).

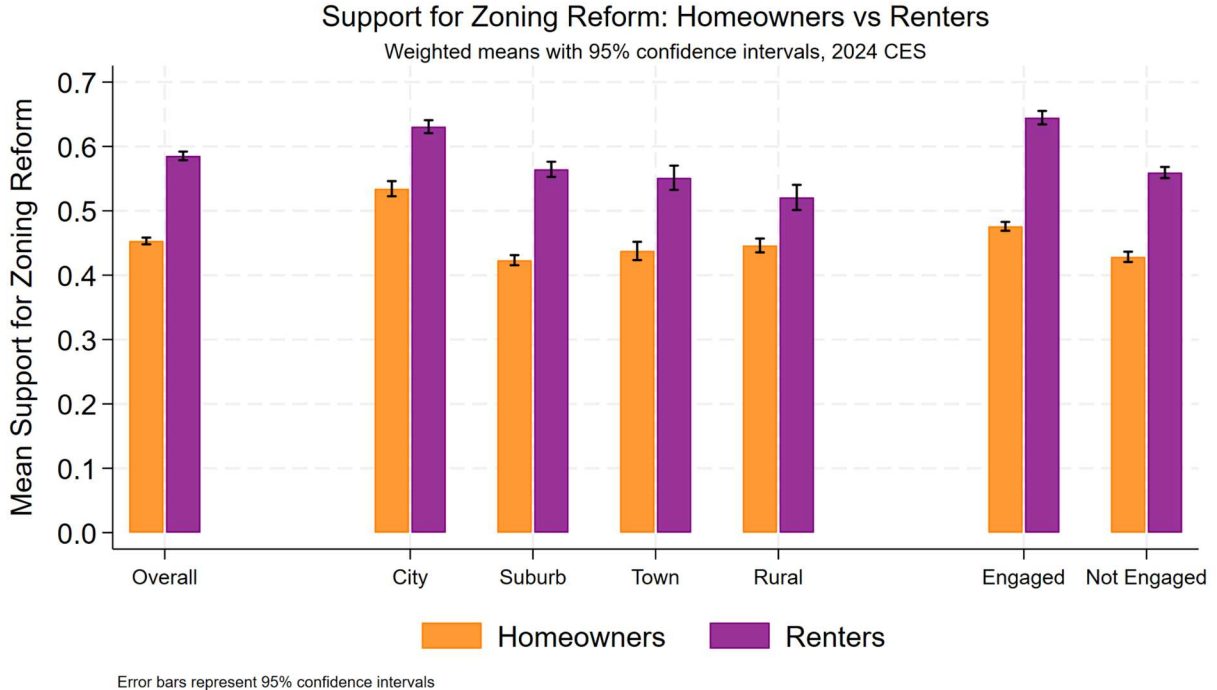
Hampshire (Figure A1). Even in states where support is highest, a substantial minority opposes reform. The baseline view, then, ought to be that there is no latent majority of liberalization supports waiting to be “unlocked” by preemption. The remainder of this Part seeks to answer why and examines each canonical theory of opposition in turn.

A. The Homevoter Hypothesis

The homevoter hypothesis relies on the notion that homeowners hold concentrated, illiquid, location-specific wealth in their homes.²¹⁵ Homeowners cannot diversify this investment the way they diversify stocks across industries and geographies. They cannot hedge against neighborhood change. So, they use local government to block new development and protect home prices. If the homevoter hypothesis is the master key to zoning politics, then homeownership (as opposed to renting) should be among the strongest predictors of zoning attitudes.

Error! Reference source not found.plots the percentage of respondents that support zoning liberalization across various categories. We find that 58% of renters are likely to support relaxing zoning laws while only 45% of homeowners are. Table 2 builds on this finding and adds a battery of controls. The gap narrows to 9.6 percentage points after we control for an individual’s demographics, ideology, level of political engagement, beliefs about the environment and zip-code of respondents. In simple terms, our results suggest that homeowners are 9.6 percentage points less likely to support zoning reform than otherwise similar renters living in the same neighborhood.

Figure 1: Homeownership and Zoning Reform



²¹⁵ See Part II.A.

We interpret this to be strong support for the homevoter hypothesis in the sense that the predicted direction holds robustly and the magnitude is relatively large. A roughly 10-point gap is a meaningful difference in a world where national opinion is split nearly 50-50. At the same time, the gap is not so large that homeownership alone can plausibly account for the scope of opposition to zoning reform. As we will see, other individual characteristics, including gender and partisan identity, exhibit comparable or larger associations with zoning attitudes.

The more interesting finding may be what the design reveals about the mechanism. One way to reconcile the modest gap with the outsized power of homeowners in land-use outcomes is to recall what land-use procedure actually looks like. Zoning is governed by hearings, notices, quasi-adjudicative processes, and discretionary standards like “compatibility” and “neighborhood character.” This confirms the notion that since individuals who participate in planning and zoning board meetings are demographically distinct from the general population, skewing older, whiter, more male, and overwhelmingly homeowner, the procedural structure of land-use decision-making empowers these neighborhood defenders.²¹⁶ Our results thus illustrate a more general proposition about constitutional structure. Because courts apply deferential review to local zoning decisions, the institutional rules governing who participates in the local process effectively determine outcomes. When courts defer to local governments, the institutional rules of participation become even more important.²¹⁷

The homevoter results suggest that tenure-based opposition to zoning reform is real but not overwhelming. A ten-point gap can be overcome by coalition-building across other dimensions. But the results also suggest that reformers should attend to procedure as much as to preferences. If homeowner power operates through hearings and discretionary review rather than through sheer numbers, then streamlining approval processes may matter as much as changing minds.

Separately, we also study whether the homevoter gap changes depending on what kind of neighborhood respondents live in. Figure 1 breaks down the relationship by showing how the homeowner-renter gap varies across different settlement patterns (city, suburb, town, rural). We find that although the gap is real across all community types, it’s largest in suburbs but only by a small margin (fifteen points in suburbs versus approximately ten points in cities/rural areas/towns).

These splits are not unique to this dataset. One recent mixed-methods paper documents that suburban residents are less supportive than urban residents even within major demographic groups, and the within-group gap is substantially larger among homeowners than among renters.²¹⁸ Interviewees describe their communities as having a “small town” feel and treat density reforms as “urbanization” that threatens the suburban status quo.²¹⁹ If that is the operative frame of mind, suburbs can exhibit outsized opposition to reform even when the aggregate homeowner–renter attitude gap is only modest.

A separate account points in the same direction and helps interpret why town and rural categories matter even after splitting by tenure. It argues that NIMBYism and homeowner self-interest do not explain much of public opinion about broad, generally applicable zoning and

²¹⁶ EINSTEIN, GLICK & PALMER, *supra* note 5, at 69–89.

²¹⁷ For greater discussion of how Courts defer to local government, *see infra* Part I.B.1.

²¹⁸ Stephanie Ternullo, *The Politics of Suburban Restrictivism* 10-12 (Apr. 24, 2025) (unpublished manuscript), <https://ssrn.com/abstract=4766660> [<https://perma.cc/388L-M2K3>].

²¹⁹ *Id.* at 25-26.

permitting reforms (as opposed to attitudes about a specific nearby project). Instead, voters rely heavily on affect toward salient groups that the reforms bring to mind, including developers and investors, government actors who approve projects, and prospective new residents.²²⁰

The third panel of Figure 1 distinguishes between politically engaged and non-engaged respondents and tests whether the homeowner-renter divide is concentrated among those who are more likely to participate in land-use proceedings. We find that more politically engaged homeowners are actually more likely to support liberalization. This finding runs counter to a core mechanism emphasized in the existing literature, which posits that politically engaged homeowners are the primary antagonists of zoning reform—the “neighborhood defenders” who show up to planning board meetings to block new development.

The apparent contradiction goes away once we distinguish between attitudes and outcomes. The homevoter hypothesis is ultimately a story about who shows, not necessarily about what the median homeowner believes. In that case, even a small minority of motivated opponents can dominate land-use proceedings because the procedural structure of local government empowers those who show up. Our data suggest that the mass of politically engaged homeowners actually holds relatively favorable views toward liberalization; the obstruction documented in the literature may therefore reflect a vocal subset rather than the broader class of civically active property owners. This has important implications for reform strategy.

As we’ll argue in more detail below, proponents of the abundance agenda need not view politically engaged citizens as inherently hostile, rather, they might direct persuasive efforts toward the relatively disengaged homeowners who are not yet part of any coalition and who, when activated by opposition groups, may be more susceptible to localist and exclusionary appeals. Conventional wisdom treats political engagement as a problem to be circumvented through state preemption. Our findings suggest an alternative that building bottom-up support among engaged citizens may be a viable path, while the harder challenge lies in preventing latent opposition among the disengaged from being mobilized by incumbent interests.

B. Racial Exclusion

Part II.B described a racial-exclusion account of restrictive zoning in which facially neutral land-use tools operate as substitutes for explicit discrimination.²²¹ If racial exclusion continues to motivate zoning attitudes, we should expect white respondents to be less supportive of zoning reform than minority respondents, and we should expect respondents who harbor racial resentment to be particularly opposed to liberalization.

Figure 2 displays mean support for zoning reform by racial groups and by level of racial resentment. The left panel shows that white respondents exhibit the lowest support for zoning liberalization at forty-five percent. Black respondents are more supportive at fifty-one percent, Hispanic respondents at fifty-five percent, and Asian respondents at fifty-five percent. The differences between white respondents and each minority group are statistically significant, with non-overlapping ninety-five percent confidence intervals. The right panel shows that respondents with low racial resentment support zoning reform at fifty-six percent, while those with high racial resentment support it at only thirty-seven percent, a gap of nearly twenty percentage points.

²²⁰ Broockman, Elmendorf & Kalla, *Symbolic Politics*, *supra* note 29, at 2-3.

²²¹ See *supra* Part I.B.

Figure 1: Race and Zoning Reform

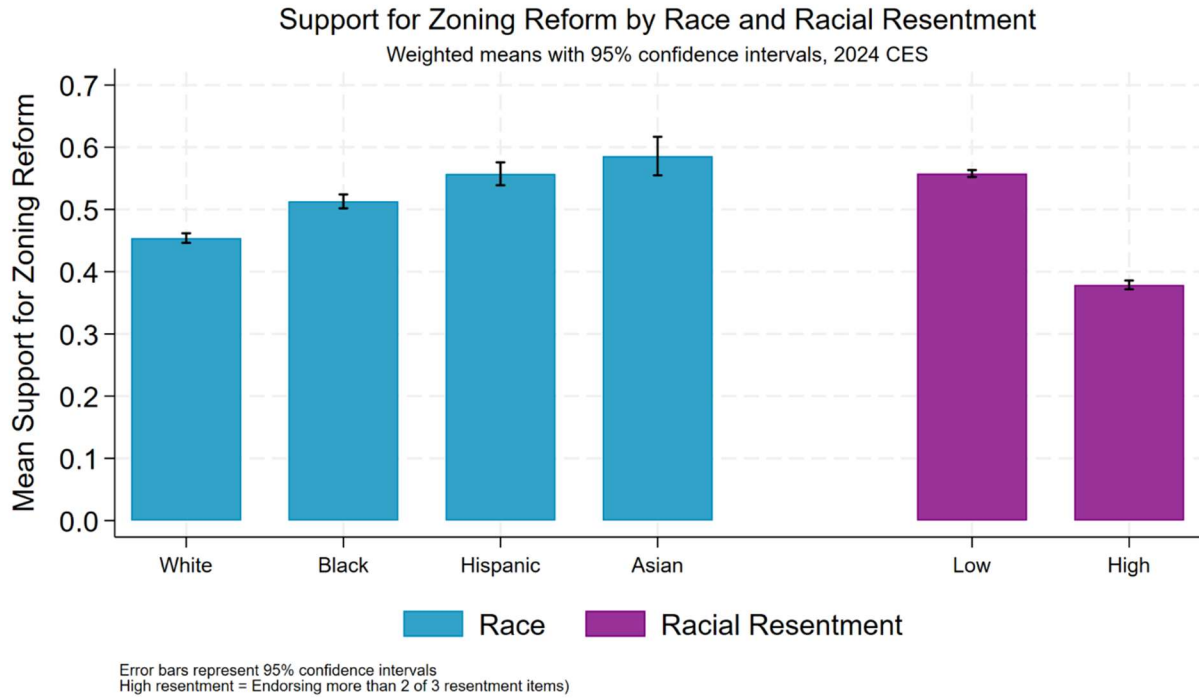


Table 2 tests these relationships with multivariate regression. Column 1 presents baseline estimates for the racial-resentment battery items without controls.²²² Each resentment item is negatively associated with support for zoning reform. Respondents who deny that Black Americans face structural disadvantages are 12.2 percentage points less likely to support zoning liberalization. Those who deny that white Americans have advantages due to race are 8.4 percentage points less likely to support reform. Agreement that Black Americans should work their way up without special favors is associated with 3.1 percentage points lower support.

In Column 2, we include ZIP-code fixed effects, demographics, ideology, political engagement, environmental attitudes, and economic characteristics. The inclusion of these controls substantially attenuates the racial-resentment coefficients, though two items remain statistically significant. Denial of structural disadvantages is associated with 5.1 percentage points lower support for reform; denial of white racial advantages is associated with 3.7 percentage points lower support. The attenuation reflects the correlation between racial resentment and other predictors, particularly ideology and partisanship. Racial resentment predicts conservative identification, and conservatism independently predicts opposition to zoning reform.²²³ But the persistence of significant effects after controlling for ideology indicates that racial resentment operates through channels beyond partisan sorting.

²²² The racial resentment index is constructed by taking the simple average of three responses. Respondents indicate agreement or disagreement with statements regarding whether Black Americans should work their way up without special favors, whether Black Americans face structural disadvantages and whether white Americans have advantages due to race.

²²³ See *infra* Part IV.D.

The race coefficients in column 2 tell a more complicated story. After controlling for ideology, demographics, and ZIP-code fixed effects, the raw racial gaps largely disappear. Black respondents are not significantly more supportive than white respondents; the coefficient is positive but small and statistically indistinguishable from zero. Hispanic respondents are actually 2.8 percentage points less supportive than the reference category, a reversal of the raw pattern. Asian respondents show no significant difference. These results suggest that the racial gaps observed in Figure 2 are substantially explained by other characteristics that differ across racial groups, particularly ideology. Black and Hispanic respondents are more likely to identify as Democrats, and Democrats are more supportive of zoning reform. Once ideology is held constant, much of the racial variation disappears.

The results provide partial support for the racial-exclusion hypothesis. The raw data show that white respondents are less supportive of zoning reform than Black, Hispanic, and Asian respondents. However, the racial gaps largely disappear once ideology, homeownership status and other characteristics are controlled for. Black respondents are not significantly more pro-reform than white respondents with the same ideology living in the same ZIP code. This suggests that the raw racial differences reflect compositional factors rather than direct racial identity effects. Put differently, Black Americans support zoning reform at higher rates than white Americans, but this appears to be because Black Americans are more likely to be Democrats, renters, and urban residents, not because their racial identity independently predicts pro-reform attitudes.

On the other hand, racial resentment is strongly associated with opposition to liberalization, even after controlling for ideology and other covariates, consistent with the view that anxieties about demographic change motivate resistance to new housing. This is consistent with the historical literature documenting how zoning has functioned as a mechanism of racial exclusion.²²⁴ Scholars have shown that zoning codes adopted in the early twentieth century produced racial wealth gaps that persist today, that cities adopting zoning earlier exhibit higher levels of segregation, and that the exclusionary effects of facially neutral land-use rules were often intentional.²²⁵ Our findings suggest that these historical patterns find expression in contemporary attitudes since respondents who harbor racial resentment are distinctively opposed to liberalizing land-use rules, regardless of their ideology or their own racial identity.

C. Fiscal Exclusion

Part I.C described a class-based account of restrictive zoning in which localities use land-use rules to screen out lower-income residents and protect the tax price of local service provision.²²⁶ The fiscal-exclusion hypothesis predicts that higher-income residents should oppose zoning reform more than lower-income residents, since liberalization would weaken the barriers that protect their favorable fiscal position.

Figure 3 plots mean support for zoning reform across income brackets, separately for all respondents, homeowners, and renters. The data do not support the predicted negative income gradient. Instead, the relationship between income and reform support is roughly flat. Respondents in the lowest bracket (under \$30,000) and the highest bracket (over \$200,000)

²²⁴ See TROUNSTINE, *supra* note 151, at 47-82 (documenting how zoning increased white homeowner wealth relative to minority homeowners and produced persistent segregation effects).

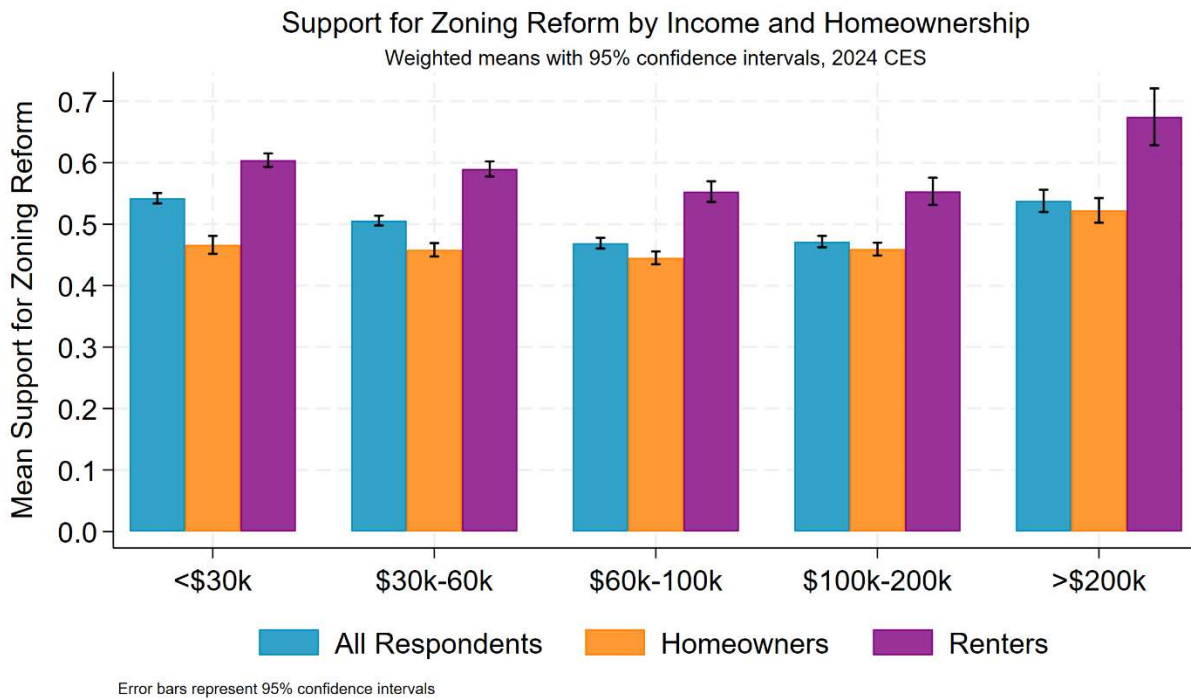
²²⁵ See GRAY, *supra* note 155, at 72.

²²⁶ See Part I.C.

report similar overall support rates of approximately fifty-four percent. The middle brackets show lower support, with the \$60,000-\$100,000 group at roughly forty-seven percent. If fiscal self-interest drove zoning attitudes, we would expect a monotonic decline in support as income rises. We observe a slight U-shape instead.

In theory, this can be explained by the homevoter hypothesis, since respondents in that middle income range likely hold a disproportionate amount of their wealth in their homes. The uber wealthy (income greater than \$200,000) probably have a lower fraction of their wealth in the home and the poor (income less than \$30,000) probably do not own a home, so they have nothing to protect. However, as we show below, even after controlling for a variety of factors, the richest group’s preference for zoning liberalization is statistically indistinguishable from preferences of the poorest reference category.

Figure 2: Income and Zoning Reform



Disaggregating by tenure status shows that renters at every income level are more supportive of zoning reform than homeowners at the same income level, consistent with the

homevoter results discussed above. But the income pattern differs across tenure groups. Among homeowners, support is essentially flat across income brackets, ranging from forty-five to fifty-three percent. Among renters, a positive income gradient emerges—support rises from approximately sixty percent among those earning under \$30,000 to approximately sixty-eight percent among those earning over \$200,000. The homeowner-renter gap thus widens with higher incomes. This widening is driven by strong support among affluent renters, not strong opposition among affluent homeowners.

In Table 7, we test these results with more sophisticated methods. We regress support for zoning reform on categorical income brackets, using under \$30,000 annual income as the reference category, and progressively add controls for state fixed effects, ZIP-code fixed effects, homeownership status, demographics, and ideology. In the baseline specification (column 1), middle-income respondents are significantly less supportive than low-income respondents. Those earning \$30,000-\$60,000 are 3.6 percentage points less supportive; those earning \$60,000-\$100,000 are 7.3 percentage points less supportive; those earning \$100,000-\$200,000 are 7.1 percentage points less supportive. By contrast, respondents earning over \$200,000 are statistically indistinguishable from those earning under \$30,000.

The pattern survives the inclusion of ZIP-code fixed effects (columns 2-4). In the fully saturated specification, which compares respondents living in the same ZIP code while controlling for homeownership, demographics, and ideology, respondents earning \$60,000-\$100,000 remain 5.3 percentage points less likely to support zoning reform than those earning under \$30,000. Respondents earning \$100,000-\$200,000 show a 5.0 percentage point gap. The highest earners continue to exhibit no statistically significant difference from the lowest earners. These within-ZIP estimates rule out the possibility that the U-shaped pattern reflects residential sorting, where high- and low-income respondents happen to live in pro-reform jurisdictions while middle-income respondents concentrate in exclusionary suburbs. Even comparing neighbors, middle-income respondents are distinctively less supportive of liberalization.

Table 8 complements this individual-level analysis by examining neighborhood characteristics. We regress support for zoning reform on ZIP-code-level census variables: log median household income, log median home value, log median rent, owner-occupancy share, poverty rate, property tax rate, and log median property tax paid. These specifications ask whether respondents in affluent neighborhoods differ systematically from respondents in less affluent neighborhoods, holding individual characteristics constant.

The results show that without controls for neighborhood composition (column 1), log ZIP median income is negatively associated with zoning reform support: a one-log-point increase corresponds to a 5.4 percentage point decrease in support. This raw correlation aligns with the fiscal-exclusion intuition that affluent neighborhoods oppose reform. But once we control for owner-occupancy share and poverty rate (columns 2-5), the coefficient on log median income flips sign and becomes positive. In the fully controlled specification, a one-log-point increase in median income is associated with a nine-percentage point increase in support. The apparent anti-reform orientation of high-income ZIP codes is confounded by their high owner-occupancy rates. Once homeownership is held constant, affluent neighborhoods are actually more supportive of zoning liberalization than less affluent neighborhoods with similar levels of owner-occupied rates and share of population that is white, which likely capture how suburban a neighborhood is.

We also find that respondents in high-rent markets are twelve to fourteen percent less supportive of reform regardless of their individual income or tenure status. One interpretation is that residents in high-cost markets associate new construction with gentrification, displacement,

or unwanted neighborhood change. Another is that high rents are a proxy for housing markets that are already heavily regulated, where residents have adapted to scarcity and view liberalization with suspicion.²²⁷ Notably, the coefficient on median home value is statistically insignificant in all specifications, suggesting that housing wealth per se does not drive neighborhood-level attitudes once rent and income are controlled for.

These findings complicate the fiscal-exclusion account. The hypothesis predicts that affluent households will oppose zoning reform to protect their favorable fiscal position. We find no support for this prediction at the individual level. High-income respondents are not distinctively anti-reform; middle-income respondents are. The ZIP-level analysis suggests that the apparent opposition of affluent neighborhoods is an artifact of their homeowner composition rather than their income level. Once tenure is accounted for, affluent ZIP codes are more favorable toward liberalization.

Several mechanisms *could* explain these patterns. First, high-income households hold more diversified portfolios, reducing their dependence on housing wealth relative to middle-income households for whom a home represents a larger share of net worth.²²⁸ The homevoter mechanism is thus diluted for the rich but concentrated for the middle class. Second, high-income households face lower moving costs and are therefore less invested in defending any particular local fiscal bargain through political means.²²⁹ Third, high-income respondents may have internalized the economist's case for increasing housing supply, which features prominently in media outlets that skew toward educated, affluent audiences.²³⁰

These results have clear implications for reform ideas. If fiscal concerns drive opposition, state preemption would seem well-suited since states could internalize regional externalities and override parochial fiscal calculations. But the data suggests that fiscal self-interest at the household level is maybe not a large driver of opposition to zoning liberalization. Economic arguments about fiscal impacts may therefore be less persuasive than reformers expect and appeals addressing concerns about community character, perceived neighborhood change, or distrust of developers may be more productive targets for persuasion.²³¹

D. Partisanship and Ideology

A recurring claim in the land-use literature is that attitudes toward housing construction do not map neatly onto national partisan identities.²³² On this view, where one falls on the left-right political spectrum bears little relationship to their views on zoning. Others argue that there is a relationship between partisan identity and land-use policy views. Within this category, some contend that liberals oppose zoning reform at a higher rate than conservatives, while others claim the opposite.

Our results support the minority view that liberal ideology is associated with support for zoning reform. Figure 4 shows how support for zoning reform varies with partisan identification

²²⁷ See Hankinson, *supra* note 14, at 475-78.

²²⁸ FISCHER, *supra* note 5, at 4-5.

²²⁹ See generally ALBERT O. HIRSCHMAN, EXIT, VOICE, AND LOYALTY: RESPONSES TO DECLINE IN FIRMS, ORGANIZATIONS, AND STATES (1970) (theorizing the relationship between exit costs and political voice).

²³⁰ See, e.g., EDWARD GLAESER, TRIUMPH OF THE CITY (2011); MATTHEW YGLESIAS, THE RENT IS TOO DAMN HIGH (2012); GRAY, *supra* note 155.

²³¹ See Broockman, Elmendorf & Kalla, *Symbolic Politics*, *supra* note 29, at 2-3; Broockman, Elmendorf & Kalla, *Sociotropic Aesthetic Judgments*, *supra* note 29, at 2.

²³² See Part I.D.

and voting behavior. It demonstrates that Democrats and Harris voters show consistently higher support for zoning liberalization than Republicans and Trump voters. This pattern contradicts the notion that land-use politics escapes left-right alignment, instead showing that zoning reform has become a legible partisan issue with liberals more supportive than conservatives. We also show that this result in the data isn't driven by a variety of other factors.

Figure 3: Ideology and Zoning Reform

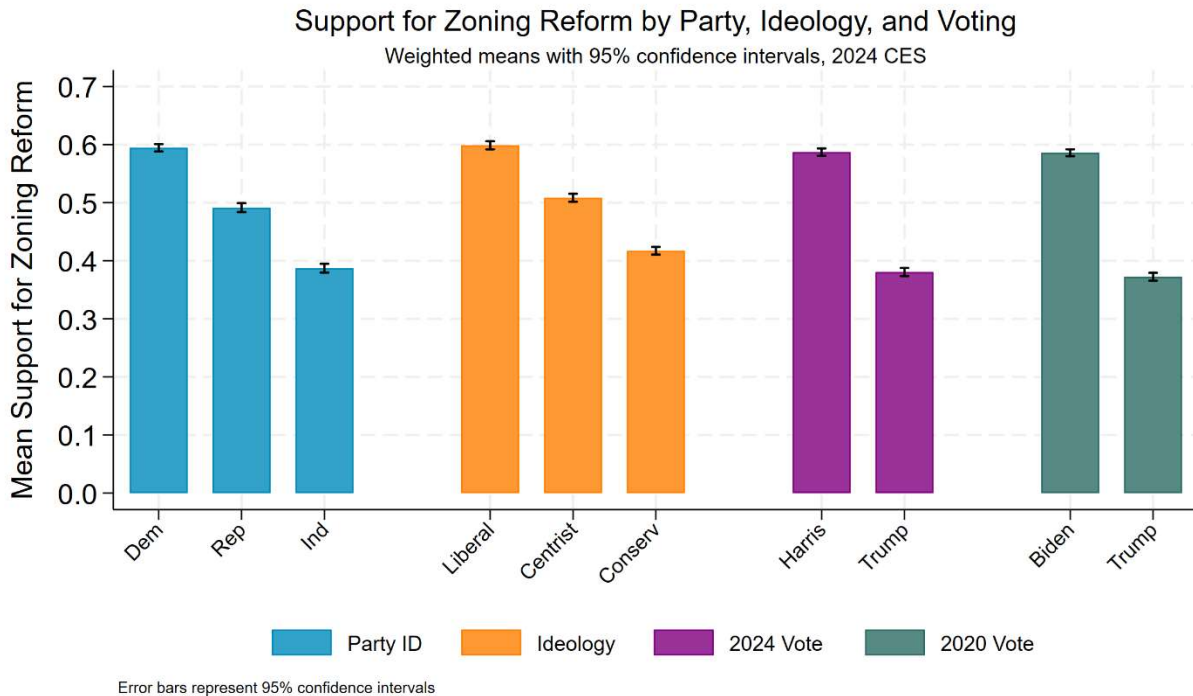


Table 5 reports ideology and voting coefficients from models that include environmental attitude controls, a demanding test since environmental concerns mediate part of the partisan relationship. We find that Harris voters in 2024 are 7.3 percentage points more likely to support zoning reform than Trump voters. Self-identified liberals are 4.9 percentage points more supportive than self-identified conservatives. Biden voters in 2020 show a 4.1 point gap. Those who voted for Democratic candidates in state legislative elections exhibit 3.7 points higher support.

Crucially, these estimates survive the inclusion of ZIP-code fixed effects. The relationship persists within neighborhoods, among respondents who face the same local housing market conditions, the same zoning regime, and the same school district. A Harris voter and a Trump voter living on the same block exhibit different attitudes toward zoning liberalization, and the gap runs in the direction that the Harris voter is more supportive.

The within-ZIP identification makes the partisanship result hard to dismiss as a housing-market artifact. It suggests that zoning reform has become legible as an element of partisan identity, a stance on governance, growth, and the legitimacy of redistribution across space. This finding complicates the “Liberal NIMBY” narrative that has gained traction. Some have argued that highly educated, upper-middle-class liberals are among the most exclusionary constituencies, supporting egalitarian policies at the national level while vigorously opposing

their implementation in their own neighborhoods.²³³ Our data suggest a more nuanced picture. While the education gradient we report below is consistent with notions that elites favor proceduralism, the partisan gradient runs in the opposite direction. Controlling for education, liberals are more supportive of zoning reform than conservatives.

All this matters because localism is itself a contested constitutional value. In state constitutional law and local-government doctrine, “home rule” is often defended as democratic responsiveness to a specific politics of growth.²³⁴ But our results indicate that when land-use politics moves to higher levels, localism can also function as a partisan entrenchment device. The findings thus invite a reconceptualization of state preemption. Preemption is often framed as technocratic correction. But preemption is also partisan constitutionalism, a way for liberal state majorities to impose a statewide vision of growth against locally organized incumbents.

E. Environmental Concern

A standard narrative holds that environmental concern operates as a brake on housing production, driven by a belief that additional housing construction would harm the environment.²³⁵ In recent years, a new wave of pro-housing environmentalism has emerged, advocating for denser housing patterns to reduce greenhouse-gas emissions.²³⁶ If the “green NIMBY” account is correct, we would expect pro-environment attitudes to predict opposition to zoning reform. But if pro-housing environmentalism has supplanted green NIMBYism, then attitudes associated with environmentalism will correlate with support for zoning reform.

Figure 5 shows the relationship between environmental policy preferences and support for zoning reform. The first panel displays support rates among respondents with different environmental attitudes, including support for EPA carbon regulation, willingness to enforce Clean Air Act standards even at economic cost, and preferences on domestic fossil-fuel production. The raw data shows that pro-environment respondents are more supportive of zoning reform, directly contradicting the green NIMBY narrative. These patterns suggest that environmental concern operates differently in mass opinion than in organized litigation, where environmental-review procedures are weaponized against housing construction. Indeed, these results are consistent with other findings that only about 13% of CEQA lawsuits are conducted by environmental-advocacy groups.²³⁷

²³³ See *supra* note 20 and accompanying text.

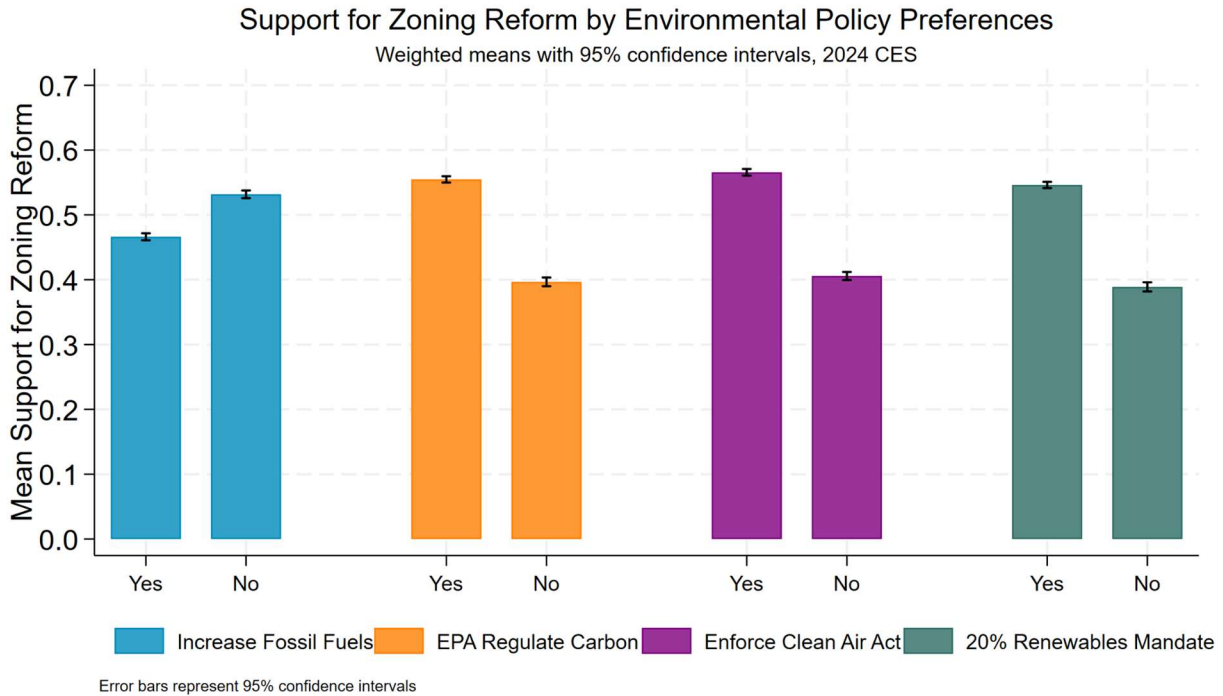
²³⁴ See NAT’L LEAGUE OF CITIES, PRINCIPLES OF HOME RULE FOR THE 21ST CENTURY 20 (2020)

²³⁵ See Coward, *supra* note 19; *supra* Part II.E.

²³⁶ See *supra* Part II.E.

²³⁷ Hernandez, *supra* note 113, at 117 n.232.

Figure 4: Environmental Concern and Zoning Reform



In Table 6, we test this prediction across multiple environmental attitude measures and with direct controls for ideology, demographics, homeownership status, and political engagement. We find that almost all pro-environment positions are positively associated with support for zoning reform, which directly contradicts the green NIMBY prediction. Respondents who support giving the EPA authority to regulate carbon emissions are 4.8 percentage points more likely to support zoning reform. Those who favor enforcing the Clean Air Act even at the expense of jobs show 3.1 points higher support. Meanwhile, support for increasing fossil-fuel production is also positively associated with zoning reform support by 6.8 percentage points.

The pattern is more consistent with a “pro-building” or “pro-production” orientation that cuts across traditional environmental alignments. One interesting nuance is that once we control for ideology (in Table 4), the relationship between views about fossil-fuel production and zoning reform flips. Since Republicans want to increase fossil-fuel production and on average are not supportive of zoning liberalization, the raw data finds a negative correlation. Once we control for ideology, the positive relationship between fossil-fuel support and zoning reform support persists, suggesting that a general ‘pro-production’ orientation, rather than a partisan or environmental identity, independently predicts support for relaxing zoning laws.

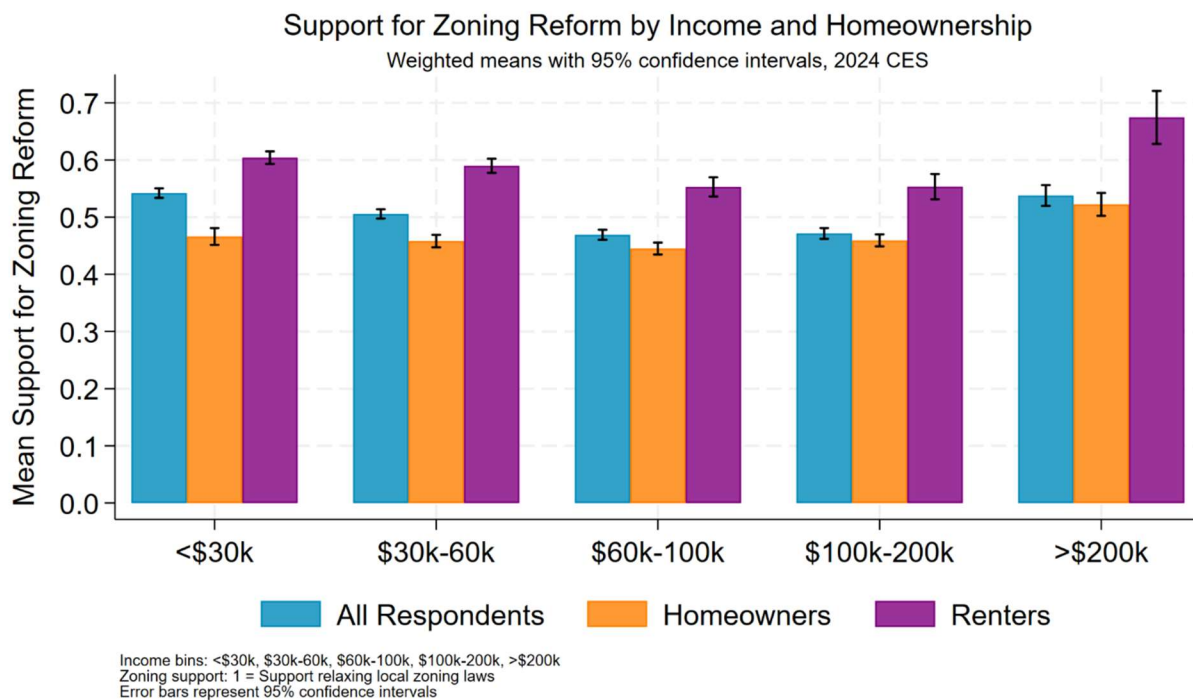
This challenges the idea that environmental concern is a principal barrier to upzoning. One can reconcile this view with our data by viewing environmental law less as a set of preferences but more a set of procedural weapons, including impact review, participation structures, and judicial review. Administrative-law scholars have long emphasized how

procedure can “ossify” policymaking.²³⁸ Land-use environmental review is a paradigmatic site where procedure becomes substance and delay becomes tantamount to veto.

On this reading, the obstacle is not mass environmental preference but procedure-based governance that converts organized opposition into project delay. This split between climate-conscious values and litigation-enabled obstruction explains the schism within the environmental movement.²³⁹ Environmental attitudes may support the substantive idea of dense housing as climate policy, while environmental procedure serves as an instrument of incumbent protection.

If environmental concern is not the mass constituency against reform, then the political problem is less about persuading environmentalists and more about reforming the legal architecture of review. California’s SB 35, which forces cities to approve housing meeting objective standards without discretionary review, represents the emerging “rights-based planning” approach that bypasses the CEQA handle.²⁴⁰

Figure 5: Income and Zoning Reform



F. Prospective Theories

So far, we’ve tested the main stories in the local-government-law literature on zoning. Here, we use the CES data to put forth two predictors that do not sit comfortably inside the standard accounts and that have direct implications for reform strategy. First, women are substantially less supportive of zoning liberalization than men. Second, trust in higher levels of government is a strong predictor of support. Taken together, we argue that these patterns suggest

²³⁸ Thomas O. McGarity, *Some Thoughts on “Deossifying” the Rulemaking Process*, 41 DUKE L.J. 1385 (1992).

²³⁹ See *supra* Part IV.E.

²⁴⁰ Cal. Gov’t Code § 65913.4 (West 2023).

that many voters evaluate “zoning reform” less as an abstract supply-side policy and more as a practical package that changes the reliability of everyday public goods—school capacity, traffic conditions, public safety, and basic infrastructure.

1) Gender

Women are about twelve percentage points less likely than men to support allowing more apartments and condos. Figure 7 shows that the gap is larger than the homeowner-renter gap, and it survives controls for ideology, political engagement, and ZIP-code fixed effects.²⁴¹ These results are consistent with previous findings that women are less pro-market and favor state intervention and regulation more than men,²⁴² and that libertarian views are much more prevalent among men than women.²⁴³ However, this connection only holds up if zoning itself, rather than zoning reform, is viewed as a state regulation rather than as a quasi-property right, an assumption we question in the next subsection.²⁴⁴

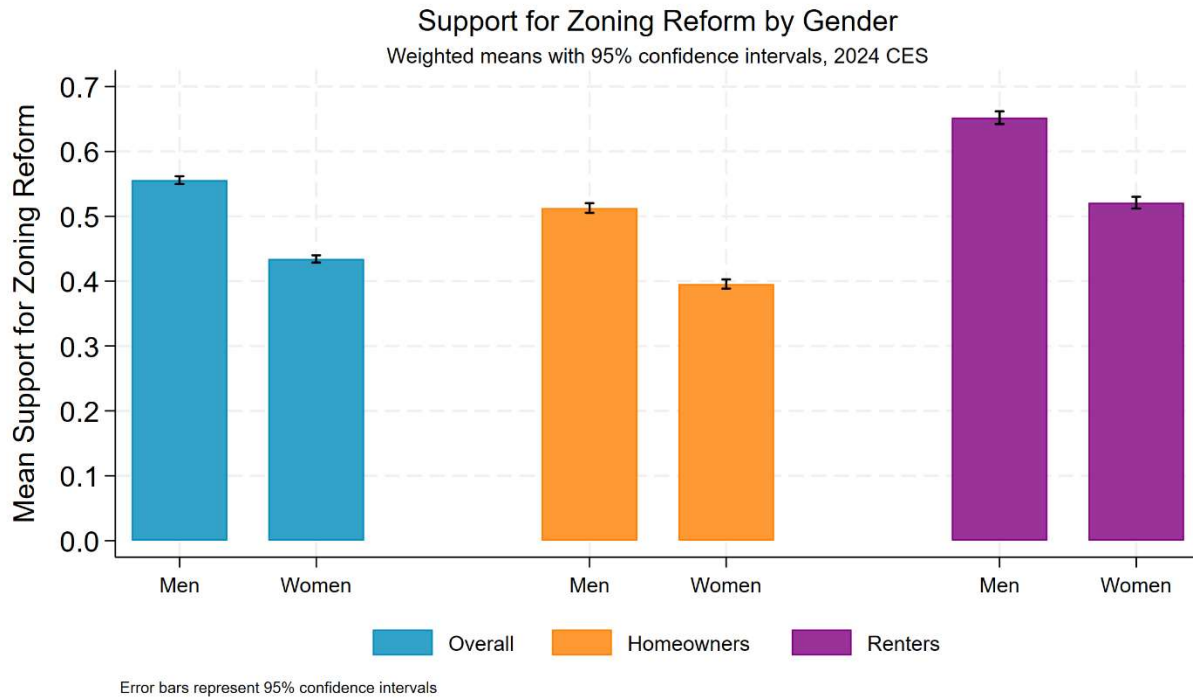
²⁴¹ See *supra* Part IV.A.

²⁴² See, e.g., Matteo Migheli, *Preferences for Government Interventions in the Economy: Does Gender Matter?*, 39 INT’L REV. L. & ECON. 39, 42-43 (2014); see also Kenedy Alva & Raúl López-Pérez, *Understanding the Gender Gap in Support for State Intervention: Evidence from Spain (2020-2024)*, 73 INT’L REV. ECON. 1, 2 (2026) (surveying literature).

²⁴³ See Mary-Kate Lizotte & Thomas Warren, *Understanding the Appeal of Libertarianism: Gender and Race Differences in the Endorsement of Libertarian Principles*, 21 ANALYSES SOC. ISSUES & PUB. POL’Y 640, 651-52 (2021); Robert P. Jones, Daniel Cox & Juhem Navarro-Rivera, *The 2013 American Values Survey: In Search of Libertarians in America*, PUB. RELIGION RSCH. INST. 9 (Oct. 29, 2013), https://prri.org/wp-content/uploads/2025/05/2013.AVS_WEB-1-1.pdf [<https://perma.cc/GG8D-FVZQ>].

²⁴⁴ See Part IV.F.2.

Figure 6: Gender and Zoning



We therefore focus on a different, though potentially related explanation.²⁴⁵ Women perform a disproportionate share of caregiving and consequently bear more of the costs when the surrounding environment becomes unpredictable and less desirable.²⁴⁶ Consequently, they may exhibit an even greater preference for neighborhood stability, as the costs imposed by any deterioration of safety or increase in traffic would disproportionately affect them. When reform is described as allowing “more apartments,” respondents may infer that the immediate result will be congestion, crowded schools, or reduced safety. Those concerns, even if they are sometimes exaggerated, would disproportionately affect women.

Two additional mechanisms deserve mention. First, a large literature finds that women are on average more risk-averse than men.²⁴⁷ Zoning reform is easy to perceive as higher risk because the promised benefits are diffuse and delayed, while the perceived costs are immediate. Second, fear of crime is gendered, with women on average expressing greater fear of crime and perceiving the risk of victimization as higher.²⁴⁸ If “more apartments” is associated with a potential for increased crime, women may disproportionately oppose the reform.

²⁴⁵ Gender differences in labor and economic roles have been linked to gender differences in views toward state intervention in the economy. See Alva & López-Pérez, *supra* note 242, at 2-3.

²⁴⁶ For an early feminist account linking residential zoning to gendered roles, see Marsha Ritzdorf, *A Feminist Analysis of Gender and Residential Zoning in the United States*, in *WOMEN AND THE ENVIRONMENT* 255 (Irwin Altman & Arza Churchman eds., 1994); see also Andrew Binet et al., *The Urban Infrastructure of Care: Planning for Equitable Social Reproduction*, 89 *J. AM. PLAN. ASS'N* 282 (2023).

²⁴⁷ Rachel Croson & Uri Gneezy, *Gender Differences in Preferences*, 47 *J. ECON. LIT.* 448 (2009).

²⁴⁸ See Jennifer W. Robinette, Jennifer R. Piazza & Robert S. Stawski, *Community Crime and Safety: An Investigation of Gender Differences in the Daily Stress Process*, 53 *J. CMTY. PSYCH.*, Feb. 2025, at 1, 3-4.

One policy implication is that a durable coalition must be explicit about local public goods and make credible capacity commitments. Liberalization should be paired with funding formulas for schools, streets, and utilities that voters can actually understand.²⁴⁹ Procedural reforms that shift approvals from discretionary review to objective standards can also build trust by reducing perceptions of favoritism.²⁵⁰

2) Trust in Government

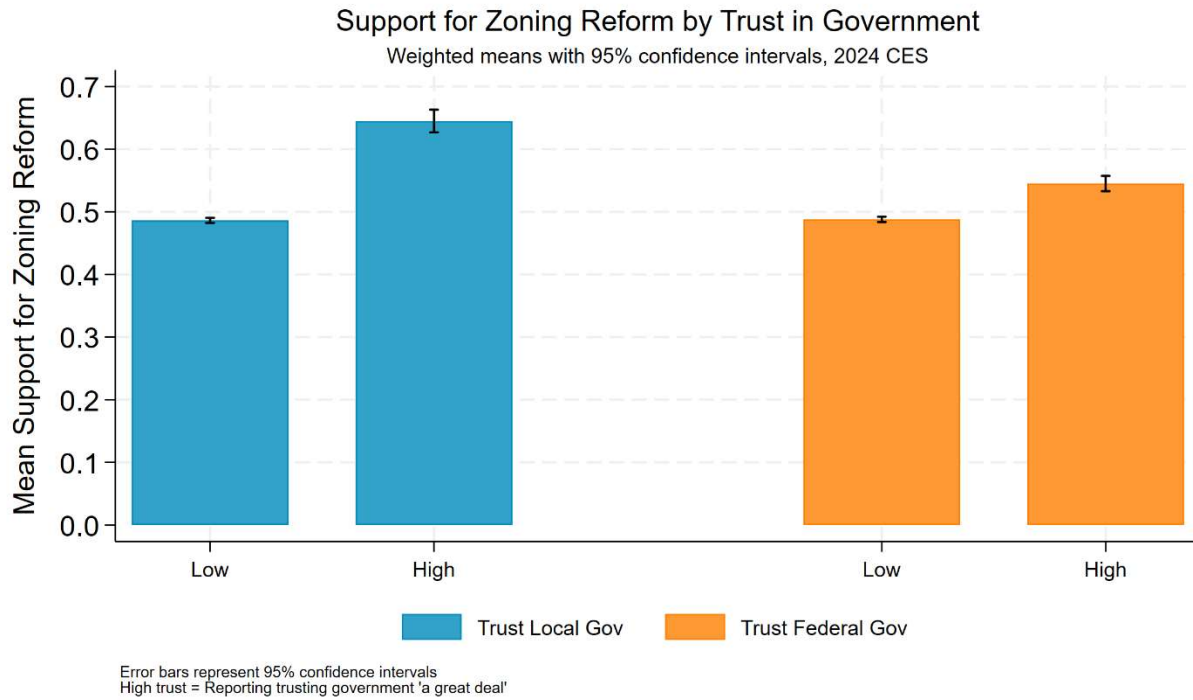
Zoning reform, and the abundance agenda more broadly, are often described as “deregulatory.”²⁵¹ On this view, support for zoning reform should be higher among voters with low trust in government and more skepticism of government regulation. However, we find the opposite is true. Figure 8 shows that respondents reporting high trust in state government are about eleven percentage points more likely to support zoning liberalization. Trust in the federal government predicts a smaller but still positive increase of about three points. Thus, the people most likely to support zoning reform are not generally suspicious of government intervention, but are the ones more willing to rely on it.

²⁴⁹ Roderick M. Hills Jr. & David N. Schleicher, *Balancing the “Zoning Budget,”* 62 CASE W. RES. L. REV. 81 (2011).

²⁵⁰ See Lemar, *supra* note 21.

²⁵¹ See Aaron Regunberg & David Sirota, *Liberals’ ‘Abundance’ Discourse Is Good for Trump and Musk—and Bad for Dems*, ROLLING STONE (Apr. 4, 2025), <https://www.rollingstone.com/politics/political-commentary/abundance-discourse-ezra-klein-trump-musk-democrats-1235310224> [<https://perma.cc/Y9M3-LGSD>]; Sitaraman, Ricks & Serkin, *supra* note 3, at 1811-24.

Figure 7: Trust in Government and Zoning



One way to interpret this result is to understand zoning as a quasi-property right. Charles A. Reich famously argued that government licenses, welfare, and other forms of “largess” functioned as property rights and should be protected as such.²⁵² Similarly here, even though zoning is a form of top-down public regulation, locals might have settled expectations in the form of their communities such that they see zoning as intertwined with their bundle of property rights.²⁵³ Some courts have even created common-law doctrines to protect landowners’ reasonable reliance on an existing zoning scheme.²⁵⁴ Zoning reform might therefore be seen as a more intrusive form of government regulation than zoning itself, akin to the sentiment to underlying the slogan, “Keep your government hands off my Medicare.”²⁵⁵ The point here is not that the two claims should be afforded the same normative weight, but that they make a similar logical move.

²⁵² Charles A. Reich, *The New Property*, 73 YALE L.J. 733, 785-86 (1964).

²⁵³ See Stahl, *supra* note 7, at 182 (2011) (“[M]any residents have become so accustomed to local control that they perceive it as akin to a birthright.”).

²⁵⁴ See Stahl, *supra* note 28, at 957. Relatedly, the Supreme Court has recognized a “reliance interest” that longstanding property owners have in low property tax rates as an “exceedingly persuasive justification” for government action. *Nordlinger v. Hahn*, 505 U.S. 1, 13 (1992).

²⁵⁵ Katrina Vandel Heuvel, *Keep Your Hands off My Medicare!*, NATION (May 3, 2011), <https://www.thenation.com/article/archive/keep-your-hands-my-medicare> [<https://perma.cc/252W-BHLE>].

But another way to read the trust result is as evidence about credibility, consistent with findings that local governments are trusted much more than state and federal governments.²⁵⁶ This local trust dynamic is not just observed with levels of government—trust in local media is much higher than in national media, for instance.²⁵⁷ More generally, standard accounts of political trust explain that it is partly a judgment about whether public officials will act competently and in good faith, and thus often predicts support for policies that require follow-through rather than a one-time rule change.²⁵⁸

In the realm of land use specifically, preference for local control can be driven not only by exclusionary motives, but by “a sense that state politicians are enabling greedy developers to ride roughshod over local resident taxpayers.”²⁵⁹ Liberalizing zoning codes can reduce prices over time, but can also impose immediate local costs—congestion, school crowding, and pressure on water, sewer, and roads.²⁶⁰ If residents believe those costs will not be managed, or that promised offsets will not arrive, resistance is unsurprising. This skepticism can be attributed to the shift in school finance and property-tax institutions that weakened the fiscal bargain that historically made growth attractive to existing residents and local governments and that contemporary infrastructure planning often fails to “pre-build” capacity in ways that would reassure incumbents.²⁶¹ Under that political economy, trust in state or federal government becomes central because those higher-level institutions are the plausible backstops when local budgets cannot (or will not) internalize the costs of growth.

Constitutional doctrine may amplify this trust dynamic by constraining localities’ ability to self-finance the infrastructure that new development demands. One can argue that constitutional doctrine reinforces the same dependence on higher-level credibility. Local bargaining over growth often relies on exactions and impact fees, but the Supreme Court’s exactions cases limit the circumstances in which governments may condition land-use approvals on property dedications or monetary payments, requiring an essential nexus and rough proportionality between the condition and the project’s impacts.²⁶² If localities face tighter constraints on using permit conditions to finance infrastructure, a larger share of the burden shifts to general taxation, intergovernmental transfers, or state and federal programs. Residents who distrust those higher-level institutions will be correspondingly less likely to view zoning reform as a complete package rather than a bare invitation to absorb the transition costs.

²⁵⁶ See Jones, *supra* note 24; Jenn Hatfield, *On Issue After Issue, Americans Say Things Are Going Better Locally than Nationally*, PEW RSCH. CTR. (Feb. 10, 2025), <https://www.pewresearch.org/short-reads/2025/02/10/on-issue-after-issue-americans-say-things-are-going-better-locally-than-nationally> [<https://perma.cc/BX27-CAM2>].

²⁵⁷ See Hatfield, *supra* note 256; Sarah Fioroni, *Local News Most Trusted in Keeping Americans Informed About Their Communities*, KNIGHT FOUND. (May 19, 2022), <https://knightfoundation.org/articles/local-news-most-trusted-in-keeping-americans-informed-about-their-communities> [<https://perma.cc/ZJQ5-7BFQ>].

²⁵⁸ Margaret Levi & Laura Stoker, *Political Trust and Trustworthiness*, 3 ANN. REV. POL. SCI. 475 (2000); TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* (2006).

²⁵⁹ Infranca, *supra* note 4, at 837; see Broockman, Elmendorf & Kalla, *Symbolic Politics*, *supra* note 29, at 2-3.

²⁶⁰ See Serkin, *supra* note 3, at 772.

²⁶¹ Judge Glock, *Growing the Growth Coalition*, WORKS IN PROGRESS (Sep. 7, 2023), <https://worksinprogress.co/issue/growing-the-growth-coalition> [<https://perma.cc/WPZ9-5X5Q>].

²⁶² Nollan v. Cal. Coastal Comm’n, 483 U.S. 825 (1987); Dolan v. City of Tigard, 512 U.S. 374 (1994); Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595 (2013); Sheetz v. County of El Dorado, 144 S. Ct. 893 (2024). State law can also limit the scope of impact fees. See, e.g., Raintree Homes, Inc. v. Vill. of Long Grove, 906 N.E.2d 751, 768 (Ill. App. 2009).

Therefore, although preemption can reduce local veto points, it does not solve the credibility problem for low-trust voters. A durable coalition for zoning reform likely requires policies that make the distribution of gains and burdens legible: stable infrastructure funding tied to housing permits, predictable fiscal transfers to jurisdictions (or neighborhoods) that accept new units, and objective approval rules that reduce the perception that discretionary review is a channel for favoritism or developer capture.

Taken together, the results upend the standard account of who opposes zoning reform and why. The homevoter gap is real but modest. Similarly, race and income matter less than expected. Environmental concern and identifying as liberal, on the other hand, pushes in the pro-reform direction, not against it. The two strongest predictors are gender and trust in government and neither of those findings fit the familiar NIMBY narrative. We discuss implications next.

V. Implications for Reform

The dominant legal strategy for zoning reform is preemption. Move the decision from the city council to the state legislature, and local veto points no longer matter. However, such a strategy cannot manufacture support if opposition is broad-based, nearly evenly split, and driven by concerns about public-goods provision that persist at every level of government. This Part argues that durable reform requires three additional components. First, reformers must build a bottom-up coalition that extends well beyond renters and urbanists, one that recruits environmentalists, appeals across partisan lines, and speaks directly to the neighborhood-stability concerns that drive the gender and trust gaps. Second, preemption must be paired with credible commitments on infrastructure, tying new housing permits to funding for schools, roads, and utilities rather than asking voters to absorb transition costs on faith. Third, the sequencing of reform is important. For instance, starting with ADUs, which pose minimal disruption to neighborhood form, can habituate residents to density before more ambitious measures follow.

A. The Limits of Preemption

Abundance reformers have justified zoning reform not only as promoting efficiency, but as furthering democratic ideals. Jerusalem Demsas argues that “NIMBYs win because land politics is insulated from democratic accountability,” not because “they’ve made better arguments or because they’ve mobilized a mass democratic coalition.”²⁶³ Our findings cast doubt on this claim—NIMBYism has more democratic legitimacy than Demsas and other abundance proponents recognize. But they are right to approach the problem through the lens of democracy, as our evidence strongly suggests that preemption is not a silver bullet. Preemption, akin to changing the rules of the game, can only neutralize local veto points, but it cannot manufacture durable support where opposition is not reducible to locally organized minorities.

National opinion on relaxing zoning to allow more apartments is split down the middle: 49% support, 51% oppose.²⁶⁴ When underlying preferences are evenly split, removing veto points does not resolve the conflict. The differences across groups also reinforce this point. Homeownership predicts opposition, but the gap is modest: about ten percentage points in our within-ZIP specification.²⁶⁵ That is meaningful, but it does not support a theory in which

²⁶³ Demsas, *supra* note 31; *accord* Wilkinson, *supra* note 145.

²⁶⁴ *See supra* Part IV.

²⁶⁵ *See supra* Part IV.

homeowners are the main obstacle. Renters are not overwhelmingly pro-reform and homeowners are not uniformly opposed. Similarly, even if exclusion is a motivation for middle-class homeowners, plenty of relatively poor people oppose zoning and so do plenty of Black and Hispanic people.

The biggest gap is gender. Women are about twelve percentage points less supportive than men.²⁶⁶ Women are half the electorate at every level of government and cannot be “preempted.” If the gap reflects risk aversion or worries about neighborhood services, moving decisions to the state capitol does not address these concerns.

Preemption still has a role to play, but it not a substitute for politics. If opposition is broad based rather than confined to a narrow set of homeowners, the reform task is not merely to reallocate authority. It is to assemble a statewide coalition that can win on housing across multiple election cycles.

This requires taking the message to the masses. Abundance thinkers have themselves noted that the movement’s primary supporters are “a relatively small, scattered, and disparate band of intellectuals, activists, and donors.”²⁶⁷ Many pro-abundance elites have themselves expressed skepticism about whether the movement already has or can build popular support.²⁶⁸ Although the movement so far has largely centered on building support amongst the left, Derek Thompson has expressed interest in appealing to a broad swaths of the political spectrum.²⁶⁹ Others temper these expectations, arguing that an abundance coalition will be difficult to assemble and hold together.²⁷⁰

B. Bottom-up Coalition Building

If the abundance agenda is to produce durable reform, it must convince voters that are currently ambivalent or simply opposed to zoning reform. Our findings suggest four main avenues for coalition building. First, coalition building must have a broad scope. In a country where about two-thirds of households own homes, homeowners cannot be ignored.²⁷¹ And perhaps more importantly, even renters and lower-income individuals, including those that make less than \$100,000, are nowhere near uniformly pro-reform, which suggests that abundance reforms cannot rest on narrow interest-group politics.

Second, the “green NIMBY” narrative is inapplicable to the current crop of environmentalists. One of the cleanest patterns in our data is that pro-environment attitudes correlate with *support* for zoning liberalization, not opposition, even after controlling for

²⁶⁶ *Id.*

²⁶⁷ Saldin & Teles, *supra* note 33.

²⁶⁸ See Bob Needham, *Q&A: Bagley and Klass on Abundance*, L. QUADRANGLE (Winter 2025), <https://quadrangle.michigan.law.umich.edu/issues/winter-2025/qa-bagley-and-klass-abundance> [<https://perma.cc/3BL5-C56N>] (“At this point, [abundance] is mostly an elite-level consensus. It’s not clear there’s a constituency clamoring for it anywhere on the political spectrum.”)

²⁶⁹ Derek Thompson, *A Simple Plan to Solve All of America’s Problems*, ATLANTIC (Jan. 12, 2022), <https://www.theatlantic.com/ideas/archive/2022/01/scarcity-crisis-college-housing-health-care/621221> [<https://perma.cc/G4YA-UZTM>] (arguing that the abundance agenda could “harness the left’s emphasis on human welfare . . . tap into libertarian’s obsession with regulation . . . [and] channel the right’s fixation with national greatness”).

²⁷⁰ See Thomas Hochman, *Will Anyone Vote for Abundance*, NEW ATLANTIS (Fall 2024), <https://www.thefai.org/posts/will-anyone-vote-for-abundance> [<https://perma.cc/BZJ4-3P8R>].

²⁷¹ See *Homeownership Rate in the United States*, FED. RSRV. BANK OF ST. LOUIS (Dec. 12, 2025, 10:14 AM CST), <https://fred.stlouisfed.org/series/RHORUSQ156N> [<https://perma.cc/ETE5-G4FB>].

ideology. Contemporary housing debates often conflate genuine environmental preferences and the strategic use of environmental review as a delay tool. A coalition strategy that treats environmentalism as a foe risks alienating a constituency that is more naturally aligned with compact development, which is widely understood to reduce carbon emissions.²⁷² The strategic implication is that reformers should separate environmental substance (performance standards, mitigation) from procedural weaponization (late-stage litigation, serial delay), and frame streamlining as a way to align environmental procedure with environmental outcomes.

Third, ideology matters more than the story emphasizes, but there is ample potential for bipartisan outreach to succeed. We find that Harris voters in 2024 are meaningfully more supportive of zoning reform than Trump voters, and self-identified liberals are more supportive than conservatives, even in within-ZIP comparisons. That does not imply that zoning reform is doomed to be partisan, nor does it deny the existence of left-NIMBY constituencies in particular high-cost metros since the gap is modest. In fact, in a highly partisan environment, the partisan gap in views over zoning reform is smaller in comparison to almost every other major issue, ranging from gun control to marijuana legalization to immigration, and much more.²⁷³ The point is anecdotal, but it is remarkable that zoning reform was a “point of resonance” between President Trump and Mayor Mamdani, two leaders at polar opposites of the political spectrum.²⁷⁴ The optimal coalition strategy, therefore, might involve convincing conservatives and libertarians to support liberalization.

Fourth, reform messages must expand beyond a narrow focus on housing supply. The two largest predictors in our results (gender and trust) point to non-exclusionary reasons to oppose zoning liberalization. We read these large gaps to mean that women and low-trust voters might be more invested in neighborhood stability and disproportionately care about strain on the provision of public goods. Reform campaigns should include visible commitments to school funding, traffic management, and public safety investments alongside housing production. Those commitments would signal responsiveness to the concerns that drive opposition among groups with lower baseline support. They also create opportunities for cross-cutting coalitions between housing advocates and groups focused on schools or infrastructure.

Several points of evidence are likely to be strategically useful here. Advocates should stress that zoning reform can actually *preserve* community character when high rents would otherwise force out longtime residents. For example, strict zoning laws in New York City’s West Village have transformed the character of the neighborhood from a bohemian enclave into a playground for the wealthy.²⁷⁵ More generally, zoning reform can allow families to continue

²⁷² See Schleicher, *Exclusionary Zoning’s Confused Defenders*, *supra* note 2, at 1330-31. Denser forms of development could have more climate impact than mass adoption of zero-emission vehicles. See Raghav Muralidharan et al., *Why State Land Use Reform Should Be a Priority Climate Lever for America*, ROCKY MOUNTAIN INST. (Feb. 16, 2024), <https://rmi.org/why-state-land-use-reform-should-be-a-priority-climate-lever-for-america> [<https://perma.cc/Q43K-AKPW>].

²⁷³ See Frank Newport, *Update: Partisan Gaps Expand Most on Government Power, Climate*, GALLUP (Aug. 7, 2023), <https://news.gallup.com/poll/509129/update-partisan-gaps-expand-government-power-climate.aspx> [<https://perma.cc/ZJ4X-GF3H>]. We thank David Schleicher for raising this point.

²⁷⁴ See Chris Sommerfeldt, *Trump and Mamdani Find Unlikely Common Ground on New York City Zoning*, POLITICO (Feb. 7, 2026, 10:00 AM EST), <https://www.politico.com/news/2026/02/07/trump-mamdani-meeting-new-york-zoning-00767521?nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=0000016b-e1ce-d671-a37b-f5ee84bc0000> [<https://perma.cc/9RDC-V2LB>].

²⁷⁵ Lewyn, *supra* note 190, at 259-61.

living in close proximity, enabling children to live in the same neighborhoods they grew up in and assist parents as they age.²⁷⁶

Likewise, it is worth emphasizing that new development can often expand the tax base and can make up for the additional service costs it creates.²⁷⁷ Specifically, because apartments tend to house single people and smaller families, they consume much less in services than they contribute in property taxes when compared to single-family homes, and can thus lower the overall effective property-tax rate of the jurisdiction.²⁷⁸

C. Policy Proposals

The broad policy takeaway is that preemption must be paired with designs that reduce the trust burden of reform and convert pro-housing claims into credible commitments. We see two broad avenues for policymakers to supplement the baseline coalition-building efforts described in the previous Section. One option is to accept efficiency tradeoffs inherent in the measures required to enhance trust and credibility, like tying preemption to increased funding, focusing on types of housing in line with neighborhood form, and avoiding the appearance of friendliness to developers. The other option is to play the longer game, to focus on improving governance to alleviate apprehensions about increased housing supply.

Enhancing democratic values can create efficiency tradeoffs in land-use policy, even assuming that one discounts the democratic value of local participatory processes. For example, switching from at-large to single-member districts increases the representation of racial minorities, but can reduce housing supply by creating more veto power.²⁷⁹ Specific measures that bolster support for zoning reform are likely to be no exception to this general observation.

We outline three proposals to build trust and credibility while noting their potential to raise the costs of development. It is important to emphasize that the depth of these tradeoffs can be mitigated by coalition building and bottom-up persuasion. The more people on board with zoning reform, the less need to “buy” support.

First, state legislators can directly allay concerns about straining local services by pairing preemptive measures with increased funding for local services. Similar strategies have previously had success in related areas of land-use reform. For example, Pasadena, facing congestion and a shortage of parking due to free street parking in its downtown, was able to obtain support for installing parking meters from skeptical property owners by committing to

²⁷⁶ See James Wen, *How the Family Zoning Plan Can Preserve Multigenerational West-Side Communities*, VOICE OF S.F. (Nov. 29, 2025), <https://thevoicesf.org/how-the-family-zoning-plan-can-preserve-multigenerational-westside-communities> [<https://perma.cc/3RGZ-WFZ8>].

²⁷⁷ See Noah Kazis, *Ending Exclusionary Zoning in New York City's Suburbs*, N.Y. UNIV. FURMAN CTR. 18 (Nov. 9, 2020), https://furmancenter.org/files/Ending_Exclusionary_Zoning_in_New_York_City's_Suburbs.pdf [<https://perma.cc/JD3D-QYKC>].

²⁷⁸ See Ryan M. Gallagher, *The Fiscal Externality of Multifamily Housing and Its Impact on the Property Tax: Evidence from Cities and Schools, 1980-2010*, 60 REG'L SCI. & URB. ECON. 249, 257 (2016); Jack Goodman, *Houses, Apartments, and the Incidence of Property Taxes*, 17 HOUS. POL'Y DEBATE 1, 7 (2006).

²⁷⁹ Michael Hankinson & Asya Magazinnik, *The Supply-Equity Trade-Off: The Effect of Spatial Representation on the Local Housing Supply*, 85 J. POL. 1033, 1034 (2023). This equity-efficiency tradeoff is arguably a unique product of first-past-the-post electoral systems. A proportional-representation system could increase minority representation without the efficiency tradeoffs that come with single-member districts. See Guy Uriel E. Charles, Luis Fuentes-Rohwer, Michael Latner & Carlos Algara, *Callais Confusion, Power Sharing, and the Inevitability of Proportional Representation*, 135 YALE L.J.F. (forthcoming February 2026) (manuscript at 33-41) (on file with authors).

spend the resulting revenues on local infrastructure improvements.²⁸⁰ Despite its potential trust-building capacity, the long history of local noncompliance with opt-in or incentives-based measures counsels against a more voluntary approach.²⁸¹ The budget impact of funding commitments is self-evident, but the statewide effects could be significant and force a much more incremental approach.

Second, preemptive reforms should begin with measures that are in line with neighborhood form, to cater to residents with more stake in neighborhood stability.²⁸² Our primary suggestion here is to initiate zoning reform by preempting ADU restrictions. Requiring localities to permit ADUs has a comparatively minimal impact on neighborhood form because it merely allows landowners to build a “granny flat,” home office, or rental unit on their own property.²⁸³ Of course, as useful as ADUs are, they will not solve the housing crisis on their own. Apartments and denser, more disruptive forms of development are a crucial part of the affordability equation. But addressing ADUs first could be a useful gateway to more ambitious reforms by habituating residents to greater density and showing that the sky does not fall.²⁸⁴ By preventing everyday homeowners from using their property as they see fit, ADU restrictions are also a helpful tool for reframing zoning as an interference with property rights, which our trust results indicate is often not the predominant view. The gateway potential of ADU reform can be seen in California, which just passed aggressive preemption measures, but began its “second generation” reforms years ago with ADUs.²⁸⁵

Third, states should avoid the appearance of advantaging greedy developers.²⁸⁶ States could more liberally impose impact fees on developers, including on an *ex post* basis to assure residents that the developer cannot reduce their contribution by underestimating the impact on services *ex ante*.²⁸⁷ Community Benefits Agreements are another way to reduce community skepticism of developers, but they have higher transaction costs than impact fees, may not actually be representative of their neighborhoods, and can create incentives to protest development to secure local benefits.²⁸⁸ More generally, states could focus on below market-rate housing, which seems to garner wider support than market-rate reforms due to symbolic redistributive attitudes.²⁸⁹ That presents an efficiency trade-off, as an exclusive focus on affordable units would mean much fewer overall units than would be produced and “filtered” down by market-rate housing.²⁹⁰

If none of these choices seem appealing, there is one other option—focus in the short term on improving local infrastructure and services. After all, the upshot of our findings on trust

²⁸⁰ See Douglas Kolozsvari & Donald Schoup, *Turning Small Changes into Big Changes*, ACCESS MAG., Fall 2003, at 2, 2-4, <https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/02/Access-23-02-Small-Change-into-Big-Change.pdf> [<https://perma.cc/9DZ7-HE6V>].

²⁸¹ See *supra* Part I.B.

²⁸² See Larsen & Nyholt, *supra* note 29.

²⁸³ See Infranca, *supra* note 4, at 872 (suggesting that “an influx of ADUs does not significantly alter neighborhood character, or does so in a fairly gradual and imperceptible manner”).

²⁸⁴ *Id.* at 882.

²⁸⁵ *Id.* at 860-67.

²⁸⁶ See *supra* note 259 and accompanying text; Elmendorf, Nall & Oklobdzija, *supra* note 29, at 60.

²⁸⁷ See Schleicher, *City Unplanning*, *supra* note 2, at 1733.

²⁸⁸ *Id.* at 1729.

²⁸⁹ Elmendorf, Nall & Oklobdzija, *supra* note 29, at 46; Mendelberg, Novoa & Pietrzak, *supra* note 29, at 3-4.

²⁹⁰ See generally Vicki Been, Ingrid Gould Ellen & Katherine O’Regan, 35 HOUS. POL’Y DEBATE 96 (2025) (debunking the claims of supply skeptics).

and gender is the “common-sense idea that making cities into broadly appealing places is essential to building support for more production of dense housing.”²⁹¹ This can only be accomplished by rebuilding the state capacity that once made American infrastructure and services “the envy of the world.”²⁹² Zoning reformers might therefore be wise to adopt state-capacity reforms first, while countenancing short-term relief measures to address housing affordability, like rent control, which would otherwise be unwise as long-term solutions.²⁹³ Our findings might thus generally vindicate the priorities of the abundance movement, which prominently feature state-capacity reforms, while suggesting a different order.

Postponing preemptive zoning reform is itself an efficiency tradeoff—if zoning experts know anything, it is the deep cost of delay.²⁹⁴ And using measures like rent control, even if intended as short-term relief, can have long-term political and economic implications.²⁹⁵ But the point is that abundance proponents must embrace the drudgery of politics, and deciding between tradeoffs is what politics is all about.²⁹⁶

Conclusion

The abundance agenda and most local government scholarship assumes a small, organized minority has captured local zoning politics, and that shifting authority to state or federal legislators will unlock a latent pro-housing majority. That assumption is half right. Homeowner opposition and racially motivated exclusion are real, and preemption can help overcome both. But opposition to zoning reform is a much broader phenomenon. It is distributed across the electorate and is shaped by gender, trust, and concerns about public services that no change in decision making authority can address. Nearly 40% of renters oppose reform. The gender gap is larger than the homeownership gap. And distrust of government, one of the strongest predictors of opposition, may deepen when authority moves to more distant institutions. The Abundance movement has been effective at making a case for reform. But it has not yet done the harder work of persuading voters who oppose liberalization not out of self-interest but out of doubt that government will deliver public goods. That work requires building coalitions that cut across the gender and trust divides this Article identifies, and pairing reform with visible local investment in schools, infrastructure, and services that makes the promise of growth credible before asking voters to accept it.

²⁹¹ Elmendorf & Schleicher, *supra* note 35.

²⁹² Schleicher & Bagley, *supra* note 24, at 2361.

²⁹³ See Rogé Karma, *Mamdani Has a Point About Rent Control*, ATLANTIC (Nov. 2, 2025), <https://www.theatlantic.com/economy/archive/2025/11/mamdani-housing-rent-control/684790> [<https://perma.cc/965F-YP5V>].

²⁹⁴ See, e.g., Been, *supra* note 5, at 212-22; Calandrillo & Dunn, *supra* note 22, at 1086; Demas, *supra* note 31.

²⁹⁵ Karma, *supra* note 293.

²⁹⁶ See JOHN KENNETH GALBRAITH, *AMBASSADOR’S JOURNAL: A PERSONAL ACCOUNT OF THE KENNEDY YEARS* 271 (1969) (“Politics is not the art of the possible. It consists in choosing between the disastrous and the unpalatable.”).

Appendix

Table 1: Summary Statistics

	N	Mean	St. Dev
Support for Zoning Reform	60,000	0.49	0.50
Homeowner	56,245	0.69	0.46
Female	60,000	0.51	0.50
Immigrant	60,000	0.09	0.29
White	60,000	0.26	0.44
Black	60,000	0.04	0.20
Asian	60,000	0.02	0.14
Parent of Child under 18	60,000	0.22	0.42
Lived at Same Address for >5 years	60,000	0.63	0.48
Employed Full-Time	59,822	0.36	0.48
Lives in City (Self-Report)	60,000	0.27	0.44
Lives in Suburb (Self-Report)	60,000	0.39	0.49
Lives in Town (Self-Report)	60,000	0.13	0.34
Voted for Harris in 2024	43,812	0.48	0.50
Voted for Trump in 2024	43,812	0.50	0.50
Voted for Democrat in State Election	36,524	0.42	0.49
Voted for Republican in State Election	36,524	0.46	0.50
Perceived High Inflation	59,874	0.87	0.33
Support Increase in State Transport/Infrastructure Spending	60,000	0.27	0.44
National Economy is better over Past Year	60,000	0.25	0.43
Political Interest	60,000	0.45	0.50
Make Political Donation	60,000	0.18	0.38
Trust State Gov a Great Deal	60,000	0.05	0.22
Trust Federal Gov a Great Deal	60,000	0.11	0.31
Black people should work their way up without special favors	49,430	0.50	0.50
Deny Black people face structural disadvantages	49,428	0.40	0.49
Deny White people have advantages due to race	49,270	0.31	0.46
Agree racial problems are isolated	48,836	0.27	0.45
Support Carbon Regulation	60,000	0.62	0.49
Support Green Energy Mandate	60,000	0.67	0.47
Enforce Clean Air Act at Expense of Jobs	60,000	0.55	0.50
Oppose Fossil Fuel Increase	60,000	0.43	0.49
Oppose Federal Land for Oil and Gas Leases	60,000	0.55	0.50
Support Gas Stove Regulations	60,000	0.33	0.47

Figure A1: State Differences in Support for Zoning Liberalization

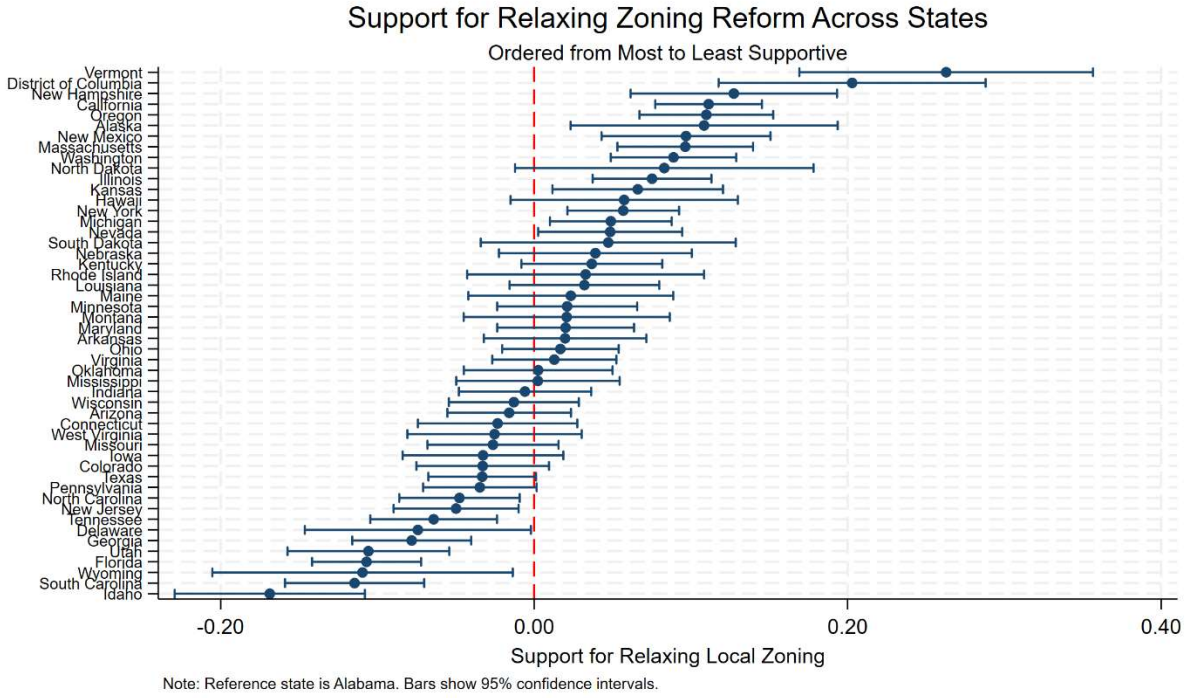


Table 2: Explanation of Control Variables

Category	Variable Name	Controls For
Demographics	Female, Family Income, Child Under 18, Immigrant, White, Black, Asian, Hispanic, Employment Status	Individual characteristics (e.g., separating income/age effects from homeownership)
Homeowner / Housing	Homeowner, Tenure at Address, City, Suburb, Town	Housing tenure and community type
Ideology & Voting	5-pt Ideology, Harris 2024, Trump 2024, State Dem, State Rep	Partisan/ideological predispositions that shape policy views broadly
Political Engagement	Political Interest, Donation, Sign, Campaign Work, Protest, Contact Official, Ran for Office (local/fed), Trust in Gov (state/fed)	Variation in participation intensity and institutional trust
Environmental	Carbon Regulation, Green Mandate, Clean Air Act, Oppose Fossil Fuels, Oppose Oil/Gas Leases, Gas Stove Regs	Pro-environmental attitudes that may independently predict opposition to development
Racial Resentment	Bootstrap, Deny Structural Disadvantages, Deny White Advantages, Problems Are Isolated	Racial attitudes that may shape views on neighborhood change
Economic Perceptions	Perceived Economic Performance, Perceived Inflation	Subjective economic conditions coloring all policy preferences

Table 3: Homevoter Hypothesis

	(1)	(2)	(3)	(4)	(5)
	Baseline	State FE	ZIP FE	Demographics	All Controls
Homeowner	-0.132*** (0.008)	-0.126*** (0.008)	-0.097*** (0.008)	-0.086*** (0.008)	-0.096*** (0.008)
State FE	No	Yes	No	Yes	Yes
ZIP FE	No	No	Yes	Yes	Yes
Demographics	No	No	No	Yes	Yes
Ideology Controls	No	No	No	Yes	Yes
Political Engagement Controls	No	No	No	No	Yes
Environmental Controls	No	No	No	No	Yes
Economic Controls	No	No	No	No	Yes
Adj. R-squared	0.015	0.031	0.254	0.288	0.302
Observations	56,129	56,129	51,127	50,922	50,889
Outcome Mean	0.500	0.500	0.501	0.501	0.501

Standard errors in parentheses. * p<0.10, ** p<0.05, *** p<0.01

Outcome is 1 if respondent supports relaxing local zoning laws.

This table tests whether homeownership drives opposition to zoning reform.

Table 4: Racial Exclusion Theory

	(1) Baseline	(2) All Controls	(3) White x Resentment
Black people should work their way up without special favors	-0.031*** (0.010)	-0.011 (0.010)	
Deny Black people face structural disadvantages	-0.121*** (0.011)	-0.051*** (0.011)	
Deny White people have advantages due to race	-0.085*** (0.011)	-0.037*** (0.011)	
Agree racial problems are isolated	0.026*** (0.010)	0.042*** (0.009)	
White		-0.009 (0.008)	-0.006 (0.010)
Black		0.006 (0.018)	0.019 (0.018)
Hispanic		-0.028** (0.014)	-0.025* (0.013)
Asian		-0.026 (0.027)	0.002 (0.026)
Top Quartile of Racial Resentment Index			-0.064*** (0.010)
High Resentment x White			-0.015 (0.014)
State FE	No	Yes	Yes
ZIP FE	No	Yes	Yes
Demographics	No	Yes	Yes
Ideology FE	No	Yes	Yes
Political Controls	No	Yes	Yes
Environmental Controls	No	Yes	Yes
Economic Controls	No	Yes	Yes
Adj. R-squared	0.035	0.291	0.290
Observations	48,571	35,608	41,161
Outcome Mean	0.492	0.488	0.489

Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Outcome is 1 if respondent supports relaxing local zoning laws. This table tests whether racial resentment drives views on zoning reform. The Racial Resentment Index is the average of the four variables in Columns 1 and 2. We take the top quartile (≥ 0.75) and interact with white to test whether white respondents drive results.

Table 5: Ideology Theory

	(1) Party ID	(2) Liberal Ideology	(3) Vote Harris	(4) Vote Biden	(5) Vote State Dem
Democrat	0.071*** (0.008)				
Liberal (Self Report)		0.058*** (0.008)			
Voted for Harris in 2024			0.092*** (0.011)		
Voted for Biden in 2020				0.061*** (0.009)	
Voted for Democrat in State Election					0.060*** (0.011)
State FE	Yes	Yes	Yes	Yes	Yes
ZIP FE	Yes	Yes	Yes	Yes	Yes
Demographic Controls	Yes	Yes	Yes	Yes	Yes
Housing Controls	Yes	Yes	Yes	Yes	Yes
Political Engagement Controls	Yes	Yes	Yes	Yes	Yes
Economic Controls	Yes	Yes	Yes	Yes	Yes
Environment Controls	No	No	No	No	No
Racial Resentment Controls	No	No	No	No	No
Adj. R-squared	0.304	0.303	0.282	0.303	0.278
Observations	50,710	50,710	36,254	50,667	30,363
Outcome Mean	0.501	0.501	0.487	0.501	0.488

Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Outcome is 1 if respondent supports relaxing local zoning laws. This table tests whether ideology drives views on zoning reform. We exclude controls for racial resentment and views on the environment as they are heavily correlated with being liberal/voting for Democrats.

Table 6: Empirical Test of Environmental Theory

	(1) Zip FE	(2) Demographic	(3) Economy	(4) All
Increase Fossil Fuel Production in U.S.	0.032*** (0.008)	0.030*** (0.008)	0.066*** (0.008)	0.059*** (0.009)
Use Federal Land for Oil and Gas Leases	0.020** (0.008)	0.023*** (0.008)	-0.008 (0.008)	-0.021** (0.009)
Give EPA Power to Regulate Carbon	0.077*** (0.010)	0.088*** (0.010)	0.052*** (0.010)	0.046*** (0.011)
Enforce Clean Air Act at Expense of Jobs	0.082*** (0.010)	0.070*** (0.010)	0.033*** (0.010)	0.015 (0.011)
Require that 20% of Electricity come from Renewables	0.039*** (0.010)	0.034*** (0.010)	0.021** (0.010)	0.017 (0.011)
Prevent the government from banning gas stoves	-0.013* (0.007)	-0.014** (0.007)	-0.002 (0.007)	-0.008 (0.008)
State Fixed Effect	Yes	Yes	Yes	Yes
ZIP Fixed Effect	Yes	Yes	Yes	Yes
Demographic Controls	No	Yes	Yes	Yes
Housing Controls	No	Yes	Yes	Yes
Political Engagement Controls	No	No	Yes	Yes
Voting/Ideology Controls	No	No	Yes	Yes
Economic Perception Controls	No	No	No	Yes
Racial Resentment Controls	No	No	No	No
Adj. R-squared	0.273	0.292	0.309	0.294
Observations	54,810	50,868	50,699	41,290
Outcome Mean	0.503	0.501	0.501	0.489

Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Outcome is 1 if respondent supports relaxing local zoning laws.

Table 7: Empirical Test of Fiscal Theory — Individual Results

	(1) Baseline	(2) ZIP FE	(3) + Homeowner	(4) All Controls
\$30k-60k	-0.036*** (0.011)	-0.022* (0.012)	-0.016 (0.011)	-0.020* (0.011)
\$60k-100k	-0.073*** (0.011)	-0.051*** (0.012)	-0.042*** (0.012)	-0.053*** (0.012)
\$100k-200k	-0.071*** (0.011)	-0.053*** (0.013)	-0.033*** (0.013)	-0.050*** (0.013)
\$200k+	-0.004 (0.017)	0.000 (0.018)	0.027 (0.017)	0.003 (0.017)
State FE	No	Yes	Yes	Yes
ZIP FE	No	No	Yes	Yes
Homeowner	No	Yes	Yes	Yes
Demographics	No	No	No	Yes
Ideology Controls	No	No	No	Yes
Political Controls	No	No	No	Yes
Adj. R-squared	0.004	0.053	0.274	0.296
Observations	54,749	51,524	46,448	46,437
Outcome Mean	0.501	0.500	0.501	0.501

Standard errors in parentheses. * p<0.10, ** p<0.05, *** p<0.01. Outcome is 1 if respondent supports relaxing local zoning laws. Reference category for income: less than \$30k.

Table 8: Empirical Test of Fiscal Theory — ZIP Code Results

	(1)	(2)	(3)	(4)	(5)
	Affluence	+ Suburban	+ Fiscal	+ Race	All Controls
Log ZIP Median Income	-0.054*** (0.020)	0.075** (0.032)	0.090*** (0.032)	0.095*** (0.032)	0.090*** (0.032)
Log Median Home Value	0.018 (0.015)	-0.012 (0.016)	-0.009 (0.038)	-0.001 (0.038)	-0.003 (0.038)
Log Median Rent	-0.088*** (0.023)	-0.117*** (0.024)	-0.122*** (0.024)	-0.140*** (0.025)	-0.139*** (0.025)
Owner-Occupied Share		-0.130*** (0.037)	-0.132*** (0.038)	-0.117*** (0.038)	-0.108*** (0.038)
Poverty Rate		0.282*** (0.103)	0.321*** (0.101)	0.284*** (0.103)	0.275*** (0.102)
Property Tax Rate			0.388 (2.835)	0.557 (2.829)	0.702 (2.820)
Log Median Property Tax			-0.007 (0.035)	-0.010 (0.035)	-0.014 (0.035)
Share White				-0.050** (0.026)	-0.053** (0.026)
State FE	Yes	Yes	Yes	Yes	Yes
Demographics	Yes	Yes	Yes	Yes	Yes
Homeowner	Yes	Yes	Yes	Yes	Yes
Ideology Controls	Yes	Yes	Yes	Yes	Yes
Political Controls	No	No	No	No	Yes
Environmental Controls	No	No	No	No	Yes
Adj. R-squared	0.076	0.078	0.078	0.078	0.084
Observations	55,156	55,156	55,102	55,102	55,102
Outcome Mean	0.493	0.493	0.493	0.493	0.493

Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Outcome is 1 if respondent supports relaxing local zoning laws. All models include state fixed effects and no ZIP fixed effects since we are directly estimating the effect of ZIP code characteristics.

Table 9: Prospective Theories of Zoning Reform

	(1) Gender	(2) Trust
Female	-0.117*** (0.007)	
Trust State Gov a Great Deal		0.107*** (0.016)
Trust Federal Gov a Great Deal		0.026** (0.010)
State FE	Yes	Yes
ZIP FE	Yes	Yes
Demographics	Yes	Yes
Ideology	Yes	Yes
Homeowner	Yes	Yes
Political	Yes	Yes
Adj. R-squared	0.288	0.281
Observations	50,946	50,946
Outcome Mean	0.501	0.501

Standard errors in parentheses. * p<0.10, ** p<0.05, *** p<0.01. Outcome is 1 if respondent supports relaxing local zoning laws.