



March 12, 2024

City comments on SF 1370 as amended

Dear Chair Port and Members of the Senate Housing and Preventing Homelessness Committee:

The League of Minnesota Cities, Coalition of Greater Minnesota Cities, Metro Cities, Minnesota Association of Small Cities, and Municipal Legislative Commission appreciate the opportunity to provide comments in opposition to SF 1370 (Port) as amended by the A-3. Our organizations and the cities we represent are concerned with provisions in this bill that broadly preempts city zoning and land use authorities, remove public input in the residential development process, ignore long range local comprehensive plans and lack consideration for how cities utilize zoning and land use to ensure the health safety and welfare for residents and scale infrastructure to support new housing density.

Cities across the state have implemented innovative changes at the local level with community engagement to address their individual zoning and land use ordinances, provide local resources to ensure affordability, and create opportunities for new development across the housing spectrum. Zoning is hyper local as is each community's locally identified housing needs, public infrastructure capacity to accommodate new density, and advancing other individual community goals including historic preservation and protection of natural resources. While housing is a statewide issue, addressing housing affordability and availability must continue to be locally driven to account for these nuances.

SF 1370 as amended unfortunately falls short of policy that supports state-local partnership for residential development. Instead, the bill replaces existing zoning and land use authorities with an overly broad framework that eliminates the ability for all cities to account for nuances and be responsive to local conditions. In addition to the overall breadth of the preemptive nature of the policy proposed in the bill, numerous provisions in the proposed legislation pose serious practical questions for how city operations would function under the bill and either lack clarity or directly conflict with existing statute in ways that would likely result in serious unintended consequences including:

- Section 1 and 2 use an established process for city approval procedures; however, the new language should be limited to residential building permits under this act.
- Section 5 of the bill creates questions and concerns for cities, primarily around local land use planning and zoning authorities and how they are used to balance land use desires of all residents and property owners and to preserve city ability to protect public health, safety, and welfare. This section should be tied to section 462.358, subdivision 2a. Additionally, the bill language does not reference any parameters around the number of emergency housing units on site and seems to encompass all possible types of emergency housing facilities, which vary widely and shape how cities ensure the health safe safety and welfare of residents in emergency housing based on the type and location of the emergency housing. Additionally, the bill language allows emergency housing to be authorized by right without discretionary approval, which would completely remove the ability of a city in some scenarios to protect against emergency housing being proposed in areas not suitable for that particular use. We appreciate improvements to clarify that heavy industrial areas are exempt.

- Section 6 of the bill would allow for a multifamily building in any mixed-use, multifamily, or commercial zoning district without adequate ability to ensure reasonable setbacks for fire and safety, as well as limiting height restrictions imposed by the city. We are concerned with exceptions allowed in subdivision 5, because they may not match with the requirements in section 462.358, subdivision 2a.
- Sections 6 and 7 limit minimum parking requirements while requiring higher density which could result in developers underbuilding parking resulting in spillover onto city streets that were not designed to accommodate dense on street parking.
- Section 7 creates minimum levels for density on all residential lots, with two units required statewide regardless of lot size. For cities of the first class, they would be required to allow between four and ten units per lot. Cities of the second, third, and fourth class within a half mile of a major transit stop would be required to permit between four and eight units. There are significant concerns with subdivision 5 which states that municipal official controls must not impose standards that create practical difficulties in the placement of residential units on any lot.
- Cities appreciate the inclusion of language to clarify that section 462.358 subdivision 2a applies for both sections 6 and 7.
- Section 7 imposes unreasonable minimum lot size requirements to support the level of density mandated in the bill.
- The bill also includes contradicting provisions including references that missing middle housing must be “compatible in scale, form, and character” with other housing while also broadly eliminating the ability for cities to impose those standards with the preemption of architectural design standards in section 8, which is overly broad and subjective likely resulting in legal challenges.

Thank you for consideration of our concerns. We look forward to continuing to work with Chair Port and other legislators to identify incentives-based approaches that support cities in their efforts to address local housing needs. Rigid state-mandated frameworks that lack consideration for how cities pay for and plan for infrastructure to support new residential density will create serious consequences for cities across the state.

Sincerely,

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