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From the Selected Works of Michael E Lewyn

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Hometown Blues

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HOMETOWN BLUES by Michael Lewyn

A few weeks ago, I received a “Constitutional Amendment Petition Form” in my office mailbox. The petition, from a group called “Florida Hometown Democracy” proposes a “Hometown Democracy” amendment to Florida’s Constitution. The proposed amendment states that before a local government amends its comprehensive land use plan, “such proposed plan or plan amendment shall be subject to vote of the electors of the local government by referendum.”

A comprehensive plan regulates local zoning, setting out in a general way what land uses may be allowed in an area. For example, Jacksonville’s comprehensive plan endorses low-density residential development in some areas, while allowing commercial and higher-density land uses in other areas. (For the land use element of Jacksonville’s comprehensive plan, go to <http://www.coj.net/Departments/Planning+and+Development/Strategic+Planning/2010+Comprehensive+Plan.htm> and click on the “Future Land Use Element” link; the land use maps are near the end of the document).

Traditionally, comprehensive plans have been decided through representative democracy, just like most other government decisions. For example, suppose the Blackacre subdivision is currently zoned for one house per acre, and Larry Landowner wants to change the law in order to build a more compact neighborhood on one of Blackacre’s vacant parcels. If Larry’s neighbors respond, “Not In My Backyard!” (NIMBY for short), the elected city council balances the interests of the landowner and his NIMBY neighbors. In other words, we elect people and hope they make the right decisions.

But under the Hometown Democracy proposal, comprehensive plan amendments would be governed not by representative democracy but by direct democracy- that is, city council decisions would be subject to popular vote. So in my Blackacre hypothetical, Hometown Democracy would allow the NIMBYs to get a second bite at the apple: even if the city council sided with Larry, the NIMBYs could win a referendum and thus stop new development.

If land use decisions were especially appropriate for government by referendum, Hometown Democracy would appeal to me. But it seems to me that if direct democracy is most appropriate in situations where even the least educated voter is likely to have a somewhat well-informed opinion- for example, moral issues such as gambling and (to the extent the Constitution is not decisive) abortion.

By contrast, I suspect that most people probably know nothing about zoning issues outside their own neighborhoods. For example, suppose a developer wants to build a project on Jacksonville’s Northside. Am I likely to know anything about whether this project should be approved? Probably not, since I know the north side of Atlanta better than I know the north side of Jacksonville. Am I likely to educate myself about it? Only if I am a zoning addict. So even if direct democracy makes sense in a small community, it doesn’t make sense in a 757-square mile city such as Jacksonville.

And even in a small city full of well-informed voters, Hometown Democracy may have noxious consequences. If the city is dominated by homeowners, most of its residents have an interest in maximizing the resale price of their homes. And one easy way to raise the price of your house is by reducing the supply of houses in your city, because when the supply of anything goes down, its price goes up.

And how can you limit the number of competing homesellers? By getting the city government to limit new construction in your neighborhood, thus reducing the supply of housing. It follows that rational, well-informed homeowners will usually act as NIMBYs and vote to limit new construction.

If this is so, it further follows that by allowing homeowners to vote directly on comprehensive plan amendments, Hometown Democracy will limit new development, thus decreasing the supply and increasing the cost of housing. Indeed, the Hometown Democracy website explicitly asserts that the goal of this measure is to prevent comprehensive plans from “being amended too often to increase development density and intensity”

(<http://www.floridahometowndemocracy.com/ross.html>) - in other words, to prevent landowners from building new houses and condos.

Over the past decade, housing prices in much of Florida have begun to spiral out of control. Even in relatively cheap cities like Jacksonville, home prices have exploded in recent years: between 1996 and 2007, the median home price more than doubled (from \$91,000 to 184,000) while the median family income increased by only about 40 percent (from \$43,000 to just under \$60,000). Do we really need to restrict housing supply even more?

By limiting new construction in already-developed areas, Hometown Democracy is likely to have unintended ecological consequences. When NIMBY homeowners veto development in older neighborhoods, new houses and their residents have to go somewhere- and that somewhere is usually Florida's more rural areas, where political resistance to development is less intense. In other words, NIMBY-inspired zoning regulation means more suburban sprawl. And more suburban sprawl means that development gobbles up more rural open space, destroying wildlife habitat and recreational opportunities. So if you don't want new housing in your neighborhood, be prepared to drive a lot farther if you want to see places without subdivisions.

And if NIMBY homeowners force development towards the countryside, that means that Florida's cities become even more spread out. Such low-density development typically leads to more driving and thus more pollution. In compact neighborhoods such as Miami's South Beach, residents live within walking distance of shops and restaurants. As a result, they can do many of their daily errands without driving. (In fact, in zip code 33139, which includes South Beach, 30 percent of households get to walk, bike or take the bus to work!). By contrast, in Jacksonville's sprawling suburbs, 20-mile commutes to work are already common, and almost nothing is within walking distance of anything else. So if we give neighborhood NIMBYs the power to make Florida's cities and suburbs even more spread out, we'll spend even more time in our cars and

send even more pollutants into the air.

So Hometown Democracy isn't the solution to sprawl- its just more of the same. More NIMBY vetoes of compact development, which means more inflation of housing prices, more development spreading rapidly into the countryside, more long commutes, and more pollution. Can't we do better?