

Changes to increase the predictability of the regulatory process overview

Many cities, towns, and counties seek to preserve some degree of flexibility in their zoning and land use policies to allow them to account for specific site conditions or community goals.

While a measure of flexibility can be helpful, an overreliance on discretionary approval processes – such as requiring zoning variances or special use permits for all or nearly all new development – can lead to a reduction in the supply of new housing by deterring developers from submitting proposals for needed development. This is especially problematic in jurisdictions where the duration of the regulatory approvals process is lengthy or unpredictable, and the outcomes uncertain. An unpredictable development process may cause developers to pursue projects in other communities, where they can be better assured of the requirements, the associated costs, and the timeframe in which it will be completed, or hold off undertaking projects until the potential reward is much higher. To avoid missed opportunities to increase housing supply, local jurisdictions should seek to ensure the greatest degree of predictability and transparency possible. This means establishing rules that allow for desired development to occur as of right, without necessarily seeking a variance or special use permit, and providing developers with a clear understanding of the information they will need to provide to obtain regulatory approval and what they can expect from local agencies and departments.
