City Council Agenda Item Report

FROM: Ryan Cummins, City Manager

MEETING DATE: March 9, 2026

SUBJECT: Resolution No. 260309-A Opposing Michigan House Bills 5529-5532 and Related Zoning Preemption Legislation

DESCRIPTION:

Housing affordability is a significant concern across the country. Several bills have been introduced in the Michigan legislature that according to the Michigan Municipal League (MML) would "significantly restrict local authority by preempting local decision-making on key zoning issues, including duplexes, accessory dwelling units (ADUs), minimum setbacks, lot sizes, and dwelling unit sizes." The MML has provided further details in the attached communication, including a call to action to oppose to the legislation.

The Michigan Association of Planning has also released a letter on behalf of its members which is supportive of some of the proposed legislation. A copy is attached.

The City of the Village of Douglas recently shared the attached letter in opposition to the proposed bills.

Recommendation

I recommend that City Council consider a resolution or letter opposing the bills. While I appreciate the goals of the legislation, preempting local zoning decisions with a one size fits all framework is not the best approach, especially when considering infrastructure availability and condition and community character. In Saugatuck, we have been ahead of the curve in that our zoning already contains similar elements that are proposed including:

- Permitting accessory dwelling units on a lot where the principal use is an existing single-family detached dwelling.
- Smaller dwelling unit sizes.
- Exempting our downtown commercial zoning districts, where denser housing can be built, from minimum parking requirements.

While we have opportunities to do more, that is best evaluated through our current master planning efforts and subsequent updates to our zoning ordinance, both of which involve extensive community engagement.

Workship Discussion
At the workshop meeting, Council requested that staff draft a resolution opposing the bills. A draft resolution is attached for consideration.

BUDGET ACTION REQUIRED:
None

LEGAL REVIEW:
Legal will be at your meeting if you have any questions.

SAMPLE MOTION:
Motion to approve Resolution No. 260309-A Opposing Michigan House Bills 5529-5532 and Related Zoning Preemption Legislation.

CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN

RESOLUTION NO. 260309-A

A RESOLUTION OPPOSING MICHIGAN HOUSE BILLS 5529–5532 AND RELATED ZONING PREEMPTION LEGISLATION

Council Member_____, offered the following resolution and moved for its adoption, seconded by Council Member_____:

RECITALS

WHEREAS, the Michigan Legislature has introduced House Bills 5529, 5530, 5531, and 5532, along with anticipated companion legislation, that would significantly preempt local zoning authority by imposing statewide requirements related to minimum lot sizes, duplex housing, accessory dwelling units (ADUs), parking requirements, dwelling unit sizes, setback standards, and development review processes; and

WHEREAS, local zoning authority is a critical tool used by municipalities to responsibly plan for growth, coordinate development with infrastructure capacity, protect environmental resources, and preserve community character; and

WHEREAS, statewide zoning mandates risk creating development patterns that conflict with locally adopted master plans, infrastructure capacity, and long-term capital planning, including systems such as water, sewer, stormwater, transportation networks, and emergency services; and

WHEREAS, the City of Saugatuck recognizes the importance of addressing housing availability and affordability and supports thoughtful strategies that expand housing opportunities within Michigan communities; and

WHEREAS, the City has already taken proactive steps to support housing diversity and flexibility through its zoning ordinance, including permitting accessory dwelling units (ADUs), allowing smaller dwelling unit sizes, and encouraging denser housing in appropriate locations such as downtown commercial districts where minimum parking requirements have been reduced; and

WHEREAS, the City is currently undertaking a community-wide Master Plan update that includes extensive public engagement and will guide future housing strategies and zoning updates tailored to the needs of the Saugatuck community; and

WHEREAS, the City believes housing policy should be developed collaboratively between the State and local governments and that one-size-fits-all statewide mandates are not the best approach for addressing the diverse needs of Michigan communities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of

Saugatuck hereby expresses its opposition to Michigan House Bills 5529, 5530, 5531, and 5532, along with any related legislation that would preempt local zoning authority or impose statewide land use mandates on Michigan municipalities.

BE IT FURTHER RESOLVED, that the City Council urges the Michigan Legislature to work collaboratively with local governments to develop housing solutions that respect local planning authority and the unique needs of Michigan communities.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit copies of this resolution to the Governor of Michigan, the City's State Senator and State Representative, the Michigan Municipal League, and other appropriate legislative leadership.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

ADOPTED this _____ day of _____, 2026

CITY OF SAUGATUCK

BY: _____
Holly Anderson, Mayor

BY:_____
Jamie Wolters, City Clerk

CERTIFICATION

I, Jamie Wolters, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held _____, 2026.

Signed: _____
Jamie Wolters, City Clerk

Ryan Cummins

From: Michigan Municipal League <jrigterink@email.mml.org>
Sent: Sunday, February 22, 2026 12:30 PM
To: Ryan Cummins
Subject: Urgent: Local Decision-Making at Risk

You don't often get email from jrigterink@email.mml.org. Learn why this is important

Caution: This email originated from outside of the organization. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

michigan municipal league

We love where you live

We Need Your Signature to Protect Local Decision-Making and Community-Led Housing Solutions

As local leaders, we have a chance to stand united in opposition to zoning preemption legislation that has been introduced in the Michigan House of

Representatives and is currently before the Regulatory Reform Committee. **House Bills 5529 through 5532**, along with related proposed legislation, if enacted, **would strip locally elected officials of their decision-making authority,** dismiss years of community planning work, and amount to a clear override from Lansing on local voices and voter-backed decisions.

We are asking for your immediate help in opposing this proposal.

Click here to read our letter of opposition, add your signature, and join our effort to protect local decision-making. **Local government leaders, both elected and nonelected,** within every Michigan community **are encouraged to submit**.

We need as many signatures as possible in advance of a Tuesday press conference. All local government elected officials and staff are encouraged to join us at this event.

The bill package, championed by Representative Kristian Grant (D-Grand Rapids) and Representative Joe Aragona (R-Clinton Township), would significantly restrict local authority by preempting local decision-making on key zoning issues, including duplexes, accessory dwelling units (ADUs), minimum setbacks, lot sizes, and dwelling unit sizes.

See below for a summary of the bills.

Join us in opposition!

The state legislature must not preempt local decision-making. Citizens and their elected local leaders engaging in vigorous debate on matters that impact them every day is a transparent and participatory process. State preemption lacks that same accountability.

Sign Letter of Opposition

Legislative Bill Package

Introduced:

- **HB 5529 (Grant) Land Division Act Lot Size:** Prohibits local ordinances from requiring a minimum parcel or lot size greater than 1,500 square feet for detached single-family residence where the subdivision is accessible and will be served by public water and sewer
- **HB 5530 (Wortz) Lot Size:** Prohibits a minimum parcel size greater than 1,500 square feet for detached single-family residence where the parcel is accessible and will be served by public water and sewer.
- **HB 5531 (Neeley) Study Requirements:** Allows local units of government to require reasonably necessary studies in reviewing a site plan application. Limits circumstances of when additional information can be required for the same application after initial approval. Creates a 60-day decision shot clock after receipt of a site plan for a local unit of government.
- **HB 5532 (Aragona) Protest Petitions:** Expands the qualifying petition area to 300 ft and sets a 60% signature threshold.

To Be Introduced:

- **Duplex by Right:** Creates a statewide definition of "duplex." Mandates duplexes are a permitted use in any district where single family residences are allowed and not subject to any procedures different from a single-family residence.
- **Parking Requirements:** Mandates parking requirements at no more than one space per dwelling unit for multifamily residential use of property. Allows mobile homes in any residential zone.
    - ***"Mobile home"*** *means a structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.*
- **Accessory Dwelling Units:** Creates a statewide definition of "accessory dwelling unit" (ADU). Mandates ADUs are permitted by right in residential zoning districts and not subject to a public hearing. ADUs are prohibited from density calculations, additional parking requirements, and owner occupancy requirements. Allows mobile homes in any residential zone.
- **Setback Requirements:** Mandates setback requirements at 15 feet or less from the front property line and five feet from the side or rear for dwellings or outbuildings if the local unit of government is located in whole or part within a metropolitan statistical area (MSA) or is located adjacent to a MSA area.
- **Dwelling Size:** Prohibits a minimum area requirement greater than 500 square feet for a dwelling.

Supporters of preemption often point to declining permits, rising home prices, and regulatory costs as justification for statewide mandates. While these pressures are real, they are driven by broader economic forces including the housing crash, rising labor and material costs, high interest rates, and complex market dynamics that go far beyond local zoning. **Sweeping mandates oversimplify the problem and ignore the unique needs and circumstances of Michigan's diverse communities.**

Thank you for taking the time to advocate for your community by voicing your opposition. **Your engagement will lead to our success.** If you have any questions, please do not hesitate to reach out to Jen Rigterink at **jrigterink@mml.org** or John LaMacchia at **jlamacchia@mml.org**.

Join us on social!

Michigan Municipal League, 1675 Green Road, Ann Arbor, MI 48105, USA, 734-662-3246
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Michigan Association of Planning
A Chapter of the American Planning Association

February 24, 2026

Re: Proposed Bills on Housing Supply and Affordability

To Members of the Michigan Association of Planning:

The Michigan Association of Planning (MAP) is pleased to offer comments on several draft bills currently under consideration to ease housing construction throughout Michigan. We strongly support efforts to facilitate housing production across our state. Thank you for your leadership on these efforts.

About MAP

As a 501(c)(3) membership-based nonprofit professional association and chapter of the American Planning Association (APA), MAP is dedicated to improving planning and zoning practices in Michigan. Our 4,000-plus members include professional planners in the public and private sectors, elected leaders, appointed officials such as, planning commissioners and zoning board of appeals members, and zoning administrators and building officials. We are the "Go-To" source for planning- and zoning-related resources and solutions, and the only organization in Michigan solely focused on these issues. Our Government Relations and Law committees actively work on policy and legislative initiatives, conducting research, drafting bills, and collaborating with legislators to advance policies that foster vital, economically prosperous, equitable, and sustainable communities, which are critical to Michigan's goal of attracting and maintaining a diverse and successful resident and business base.

Our Support for Expanding Housing Supply

These proposed bills address critical aspects of land use and development, directly affecting housing availability and affordability throughout Michigan. Our comments are informed by MAP's board-adopted housing platform, which emphasizes the need for thoughtful regulatory reforms to address Michigan's housing challenges.

Our housing platform advocates for several key strategies to encourage housing construction. One of our strategies—planning for realistic housing needs—was the subject of HB 5557, passed during the 2024 session. We also support allowing more accessory dwelling units (ADUs), encouraging medium-density housing types, from duplexes to

1919 West Stadium Blvd., Suite 4
Ann Arbor, Michigan 48103

p: 734.913.2000
www.planningmi.org

townhomes, promoting mixed-use development of housing in commercial areas, and using incentives to encourage the production of income-restricted affordable housing.

MAP continues to advocate at the local and state levels for zoning reforms to allow more housing and increase transparency and predictability in development. This includes providing technical assistance to local governments and supporting state legislation that encourages housing planning. Two years ago, we launched the MSHDA-funded *Zoning Reform for Housing Supply and Choice Toolkit*. The zoning reforms in our guidebook are helping local governments make changes to expand housing supply. Nevertheless, legislative reforms are needed to facilitate adequate construction of new housing. To date, local zoning reforms have been neither broad nor deep enough to meaningfully address Michigan's housing needs.

The Need for State Legislation – And Flexibility

In addition to supporting local reforms, we support state-level legislation to address Michigan's housing challenges. The widespread and severe undersupply of both market-rate and affordable housing units, as well as a limited variety of housing types (such as attached and multi-family dwellings), stems in part from existing zoning and building laws in some communities that prohibit, limit, or delay the construction of such units. MAP's research, including through the Michigan Zoning Atlas, our development of the *Zoning Reform Toolkit*, and the stories and testimony of our members, suggests that, although some local units in Michigan are proactively reforming their zoning laws to accommodate more housing, many are not, and some are actively opposed to doing so.

Therefore, while we firmly believe in the importance of local control, the breadth and severity of the current housing shortage make it unlikely to be resolved effectively through a patchwork of disparate local regulations that are slowly and inconsistently adopted. Consistent with APA's priorities, MAP supports state legislation that advances housing construction and builds upon planners' expertise in facilitating it. MAP members have deep experience preparing housing plans and drafting, administering, and enforcing zoning regulations. We also support clear and consistent application and enforcement of zoning laws, aligning with planners' ethical obligations to provide accurate information and treat all participants fairly. Furthermore, we support legislation that establishes consistent requirements for communities to allow a broader range of affordable housing types. This approach enables statewide progress while providing opportunities for innovative planning solutions at the local level. The proposed bill package represents a *targeted* incursion on local control, not a complete displacement.

We additionally recognize that streamlining onerous and outdated zoning regulations is but one important element in increasing housing supply and improving affordability. These measures must be buttressed by statewide efforts to address high materials and labor costs, moderate and equalize property tax burdens, and provide incentives to

builders and local governments to aid housing construction. We support any and all efforts, from the MI Home Program proposed by the Michigan Municipal League (MML) to stemming the negative effects of Proposal A, to address our state's housing needs. While each of these measures is necessary, none is independently sufficient to solve our crisis—an "all of the above" approach is needed.

Although we support many of the proposed bills as outlined below, as an overarching matter, ***we suggest offering local governments flexibility to exempt themselves from the duplex, minimum lot size, and setback bills discussed below if they zone sufficient land for by-right construction of medium-density housing, including multi-family residential units at certain dwelling unit density standards.*** Alternatively, we recommend broader changes that would require local governments with water and sewer infrastructure to prepare housing needs plans based on local conditions and zone in accordance with those plans, with state-level oversight. We would be happy to further discuss these ideas at your convenience.

Specific Comments

We have reviewed the following draft bills and offer our comments below.

1. ADUs

This bill would amend Section 102 and add Section 516 to the Michigan Zoning Enabling Act (MZEA), defining ADUs, permitting them by right on properties where residential uses are allowed and single-family dwellings have been established, and establishing regulations for their treatment, including excluding them from dwelling unit density calculations, setback and dimensional requirements relative to the principal dwelling, and exempting them from parking requirements. It also allows for retroactive approval of previously constructed ADUs.

We support this legislation, subject to the following conditions:

- Add a definition of the term "dwelling unit" to avoid any possible confusion about this term. One suggested definition is: "One or more rooms constituting a unit for permanent occupancy, having no more than one primary kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure used as a single-family dwelling."

- Limit this proposal to cities, villages, and charter townships wholly or partly located within a metropolitan statistical area (MSA), which have public sewer and water systems, and exempt areas in charter townships not served by public water and sewer systems. MAP supports housing construction in a fiscally responsible manner in places where infrastructure and services—including, for example, public water and sanitary sewer service and sufficient transportation infrastructure—are already available to serve such housing. While some Michigan communities have experienced population growth, the state has experienced a decline in population density per housing unit, meaning that existing infrastructure is, in many places, underutilized. Furthermore, we are concerned that allowing ADUs throughout the state will inadvertently lead to "density sprawl," where new housing is constructed in places without adequate infrastructure or services. Importantly, this suggestion would not prevent local governments outside of MSAs or general law townships in MSAs from choosing to permit ADUs.

- In section 516(1)(a), we recommend changing the word "less" to "more," such that small ADUs, rather than larger ones, are permitted by right.

2. Duplexes By Right

We support state legislation allowing middle housing in more areas of the state, but recommend the following changes to this bill:

- Limit this proposal to cities, villages, and charter townships which have public sewer and water systems, wholly or partly located within an MSA, and exempt areas in charter townships not served by public water and sewer systems. MAP supports housing construction in a fiscally responsible manner in places where infrastructure and services—including, for example, water and sanitary sewer service and sufficient transportation infrastructure—are already available to serve such housing. While some Michigan communities have experienced population growth, the state has experienced a decline in population density per housing unit, meaning that existing infrastructure is, in many places, underutilized. Furthermore, we are concerned that allowing multi-unit development throughout the state will inadvertently lead to "density sprawl," where new housing is constructed in places without adequate infrastructure or services.

- Broaden the proposal to allow, or at least strongly encourage, other types of middle housing—including, for example, triplexes, fourplexes, townhouses, and cottage clusters—in single-family districts and elsewhere. Where they have been permitted in other states and cities, duplexes have been slow to materialize, limiting their effectiveness in easing the housing crisis. Builders face significant structural hurdles in producing duplexes due to high transaction costs, low scalability, and insufficient financing options. MAP supports facilitating the construction of financially feasible housing types that are easy to construct, including allowing medium- and higher-density multi-family housing in zoning districts served by public sewer and water, that allow commercial uses and at least four units per residential lot.

- Change the term "single-family residence" as used throughout this bill to "single-family dwelling unit" or "dwelling unit" as used throughout the remainder of the MZEA.

3. Dwelling Size Requirements

This bill proposes to amend Section 205d of the Michigan Zoning Enabling Act to prohibit a zoning ordinance from imposing a minimum floor area requirement of greater than 500 square feet for a dwelling. Minimum dwelling size requirements can be a significant barrier to the development of smaller, more affordable housing units, such as studios or one-bedroom apartments, which are critical for diverse housing needs. Limiting these minimums to no more than 500 square feet allows for a wider range of housing types and price points, contributing to housing attainability and addressing the needs of single individuals, young professionals, and seniors. This aligns directly with our platform's focus on increasing housing options.

We support this legislation, subject to the following conditions:

- Limit this proposal to cities, villages, and charter townships wholly or partly located within an MSA, which have public water and sewer systems, and exempt areas in charter townships not served by public water and sewer systems. MAP supports housing construction in a fiscally responsible manner in places where infrastructure and services—including, for example, water and sanitary sewer service and sufficient transportation infrastructure—are already available to serve such housing. While some Michigan communities have experienced population growth, the state has experienced a decline in population density per housing unit, meaning that existing infrastructure is, in many places, underutilized. Furthermore, we are concerned that encouraging small-unit development throughout the state will inadvertently lead to "density sprawl," where new housing is constructed in places without adequate infrastructure or services.

- Change the term "single-family residence" as used throughout this bill to "single-family dwelling unit" or "dwelling unit" as used throughout the remainder of the MZEA.

4. Lot Size Requirements

HB 5530 proposes to amend Section 205d of the MZEA to prohibit a zoning ordinance from imposing a minimum lot or parcel size of more than 1,500 square feet on land zoned for a detached single-family residence if public water and sewer services are available or planned for the subject parcel. A related bill, HB 5529, proposes a corresponding Land Division Act amendment.

Large minimum lot sizes contribute to urban sprawl, increase infrastructure costs, and make housing less affordable by requiring larger land purchases.

We support HB 5530, subject to the following conditions:

- Make this proposal applicable to cities, villages, and charter townships wholly or partly located within a metropolitan statistical area, which have public water and sewer systems, and exempt areas in charter townships not served by public water and sewer systems. MAP supports housing construction in a fiscally responsible manner in places where infrastructure and services—including, for example, water and sanitary sewer service and sufficient transportation infrastructure—are already available to serve such housing. Although we appreciate that the proposal provides for a cap on minimum lot sizes in areas served or proposed to be served by water and sewer—an important infrastructure consideration—we recommend that the proposal apply only in the jurisdictions discussed above. While some Michigan communities have experienced population growth, the state has experienced a decline in population density per housing unit, meaning that existing infrastructure is, in many places, underutilized. Furthermore, we are concerned that allowing dense development throughout the state will inadvertently lead to "density sprawl," where new housing is constructed in places without adequate infrastructure or services.

- Clarify in the bill that the minimum lot size established in the bill will not supersede rules concerning environmental protection.

- Clarify the relationship between the rules proposed in these bills and Section 506 of the MZEA, which requires local units to maintain certain rules regarding open space preservation.

We do not support HB 5529 in its present form. It should be clarified to ensure that subdivided lots may be larger than 1,500 square feet where appropriate, particularly where they are encumbered by environmental conditions.

5. Setback Requirements

This bill proposes to amend Section 205d of the MZEA to preempt setback requirements greater than 25 feet on a dwelling or outbuilding if the local unit of government is located in whole or part within, or adjacent to, an MSA. Based on the proposed language, it appears to apply to all dwellings, not just single-family detached residences.

We are neutral on this proposal. We support state legislation allowing more housing types, smaller lot sizes, reduced parking requirements, and other rules that facilitate housing development. Although we are not aware of any widespread use of onerous setback rules by communities interested in preventing housing construction, the proposed maximum 25-foot setback rule affords communities flexibility in establishing setbacks. Setback rules are an important planning tool used to provide space for public utilities and landscaping, ensure building access and safety, and establish the aesthetic character of neighborhoods. In particular, larger setbacks may be appropriate along major arterial roadways or highways. We note that, even if onerous setback rules are adopted, landowners have recourse through the variance process and judicial review.

6. Parking Minimums

This bill proposes to amend Section 205d of the MZEA to prohibit a zoning ordinance from requiring the provision of more than 1 parking space per dwelling unit for a residential use of property.

We support this legislation. However, we would prefer that it eliminate all vehicle parking requirements for new housing. MAP notes that this bill will not prevent builders from providing vehicle parking as market conditions merit. It is MAP's position that builders and owners of housing are best positioned to determine how much parking to provide.

7. Revise Study Requirements (HB 5531)

This bill proposes to amend Section 501 of the MZEA by limiting when a local unit of government may require additional or revised studies or documents from an applicant for a site plan approval, and clarifying site plan approval criteria.

Increasing certainty for all participants in the planning and development process and avoiding procedural abuses concerning development applications, while ensuring full review and evaluation of relevant information concerning a development proposal and its prospective impact, is consistent with good planning practice.

We support this legislation, subject to the following conditions:

- Not all local governments use a multi-step site plan review process, and the language "initial site plan approval" is thus confusing. We recommend changing the defined term in section 501(6) from "initial site plan approval" to "initial site plan review," with corresponding edits to the definition.

- We suggest including a provision in section 501(5) allowing applicants to extend the 60-day deadline, particularly in the case of large or otherwise complex projects.

8. Petition Process Changes (HB 5532)

This bill proposes to amend Section 403 of the MZEA, modifying protest petition requirements for zoning ordinance amendments, including increased signature thresholds for amendments that increase the authorized number of dwelling units.

We support this legislation; however, we recommend completely eliminating protest petition rights in Michigan. If protest petition rights are not fully eliminated, we recommend increasing the petitioning threshold for all amendments to local zoning ordinances, rather than just those that increase the authorized number of dwelling units.

Conclusion and Future Work

In conclusion, MAP is encouraged by most of these proposed bills, as they are consistent with MAP's platform and APA's policy positions on housing. Nevertheless, we believe these bills are just a starting point for important policy discussions—involving ***all stakeholders***, from local governments to housing builders and other advocacy organizations—to determine how Michigan can best add needed housing supply and encourage strategic economic growth while respecting individual communities' needs. This type of dialogue and exchange is critically important to the successful passage of any housing-related legislation and its durability in the future. We look forward to working with you and your colleagues, as well as diverse stakeholders, as we continue these efforts.

We appreciate the opportunity to provide these comments and stand ready to assist the Legislature with our expertise as these important bills move forward. Please do not hesitate to contact us for further discussion or clarification.

Sincerely,

Andrea Brown

Michigan Association of Planning
Andrea Brown, AICP, Executive Director

New Housing Laws: Through the Lense of Zoning / State Law Preemption

Housing affordability and availability continues to be a major issue for Michigan and the United States. One of the core powers of Michigan municipalities is to provide for land use and zoning regulations that intend to regulate the use of land and structures to meet the needs of Michigan citizens including for "places of residence." MCL 125.3201.

Like other states, the Michigan legislature has recently introduced multiple bills that, if adopted, would preempt certain aspects of local control particularly related to housing. Presumably, these bills try to address problems with housing identified within this E-Letter. This E-Letter summarizes the current state of recently-introduced proposed legislation and gives perspective on existing state preemption of land use related issues. Information shared in this E-Letter may also help generate interest for municipalities to take a broader look at their zoning regulations on housing and to potentially develop local solutions to Michigan's housing problem.

I. The Housing Problem

Overwhelming public polling and sources show that housing is an issue of concern throughout Michigan and the United States. For example, nationally, a *Pew Research Center* survey found that 69% of Americans said they were "very concerned" about the cost of housing. DeSilver, *A look at the state of affordable housing in the U.S.*, Pew Research Center (October 25, 2024), https://www.pewresearch.org/short-reads/2024/10/25/a-look-at-the-state-of-affordable-housing-in-the-us/. The 69% polling figure was an 8% increase from 2023.

Moving to Michigan, the Michigan Housing Data Portal (created by the Michigan Municipal League (MML), Michigan State Housing Development Authority (MSHDA), and Michigan Economic Development Corporation (MEDC), reports the following findings:

1. 50% of Michigan renters and 25% of homeowners pay too much for housing.
2. Michigan permitted 208,000 new homes from 2015 through 2024, but added 397,000 more workers over that period. That calculates to 525 new homes per 1,000 jobs added (national average is 948).
3. 8% of all homes in Michigan were vacant and available to rent or for sale in 2024. The Housing Data Portal reports a "healthy availability rate" being around 5%.

Source: State of Michigan Housing Data Portal (Accessed March 1, 2026), https://mihousingdata.org/?tab=supply

The *Pew Research Center* source above also made some other interesting findings. First, for what it identified as entry level new homes (under 1,400 square feet), 186,000 such homes were built in 2004. Yet, that number was reduced to 87,000 in 2023. Second, of the top ten areas ***in the United States*** where median housing prices have increased the most (from 2019-2024); one of the areas was Big Rapids, Michigan.

There have been a number of reactions to the housing issue. First, local units of government have made changes to their own regulations. See https://fsbrlaw.com/2025/03/27/allowing-accessory-dwelling-units-the-pros-the-cons-and-the-current-trends/ addressing allowing accessory dwelling units to provide additional housing opportunities in a municipality. Second, the legislature has helped incentivize Housing Tax Increment Financing to assist with the economics of locating housing. https://fsbrlaw.com/2025/07/31/brownfield-redevelopment-financing-acts-newest-tool-the-housing-tif/.

Next, various states have enacted legislation overhauling housing regulations, which in some instances has eroded local control. These include states from California to Texas to Montana and have included concepts such as requirements to allow apartment buildings in certain areas as well as duplexes and tiny homes. See M. Nolan Gray, *Red State YIMBYs Lead the Way* (August 25, 2025), https://www.city-journal.org/article/home-prices-texas-montana-republican-yimby#:~:text=Republicans%20in%20Texas%2C%20though%2C%20weren,pro%2Dhousing%20legislation%20this%20year and Christopher, *Gavin Newsom signs law overhauling local zoning to build more housing* (October 10, 2025), https://calmatters.org/housing/2025/10/newsom-signs-massive-california-housing-overhaul/

In fact, in the first half of 2025 alone over 400 bills were introduced in state legislatures that were identified as impacting housing policy. Lydia Lo, Annie Rosenow, Yonah Freemark, *Advancing Pro-Housing Land-Use Policy at the State Level* (July 25, 2025), https://www.urban.org/research/publication/advancing-pro-housing-land-use-policy-state-level.

II. The Proposed New Laws and What Do They Do?

Following the trends above, there have been four bills introduced in the Michigan legislature that, if adopted, would erode local control of certain aspects of housing regulation. There are more bills expected to be introduced. Below is a summary of the bills and what they would do.

A. HB 5529 (Land Division Act Residential Minimum Parcel Size)

1. Introduced: Feb 18, 2026
2. What it does? Amends Section 109(1)(d) of the Land Division Act to not allow a local ordinance to impose a minimum parcel size of more than 1,500 square feet (.03 acres) for a detached single-family residence if the parcel will be served by public water and sewer.
3. Potential Concerns (Other Than Erosion of Local Control)
   - Lot size very small for any detached single-family development.
   - Unclear when applicants for land split would be able to determine purpose for split.
   - What if a split is granted, but never developed?
   - Other housing types (e.g., multi-family) may be more appropriate for what could be such small housing.

B. HB 5530 (Michigan Zoning Enabling Act Minimum Parcel Size)

1. Introduced: Feb 18, 2026

2. What it does? Adds a Section 205f to the Michigan Zoning Enabling Act to not allow a zoning ordinance to impose a minimum parcel size of more than 1,500 square feet (.03 acres) for land zoned for a detached single-family residence if the parcel will be served by public water and sewer.
3. Potential Concerns (Other Than Erosion of Local Control)
    - Lot size very small for any detached single family development.
    - The language as drafted may not just impose the prohibition on minimum lot size to single family residential land uses but may impact an entire zoning district that provides for the land use.
    - Other housing types (e.g., multi-family) may be more appropriate for what could be such small housing.

C. HB 5531 (Michigan Zoning Enabling Act Site Plan)

1. Introduced: Feb 18, 2026
2. What it does? Amends Section 501 of the Michigan Zoning Enabling Act to allow studies to review site plan applications, but require making a decision on a site plan within 60 days after receipt of such a plan.
3. Potential Concerns (Other Than Erosion of Local Control)
    - 60 days may not be enough time to review an application. Further, submitted site plans can be incomplete.
    - Many zoning ordinances do not provide for formal site plan review for single family housing.
    - May unintentionally cause needing to decide on special land uses (which are submitted with a site plan) to also be decided within 60 days.
    - Planning Commissions only have to meet four times a year. See MCL 125.3821(1). 60 days to consider a site plan may not be enough time for smaller local units of government to meet on a site plan and consider any public comment at public meetings.

D. HB 5532 (Village and City Protest Petitions)

1. Introduced: Feb 18, 2026
2. What it does? Amends Section 403 of the Michigan Zoning Enabling Act to make protest petitions on zoning ordinance amendments in cities or villages to have a higher signature requirement if related to increasing the authorized number of dwelling units.
3. Potential Concerns (Other Than Erosion of Local Control)
    - May be challenging to determine whether a zoning ordinance amendment increases dwelling units or not.
    - Adds criminal penalties related to petition conduct, which could possibly happen by mistake (e.g., signing a petition twice).

The concept of state law preemption on development issues is not new. The general rule is that municipalities may control and regulate matters of local concern when such powers are conferred by the state. *Deruiter v Twp of Byron*, 505 Mich 130, 140; 949 NW2d 91 (2020). As identified above, the Michigan Zoning Enabling Act allows for the regulation of land use matters.

Nevertheless, the state legislature can remove the ability for locally controlled issues through preemption. One form of this is direct preemption where a local regulation would directly conflict with state regulation (e.g., a zoning ordinance banning accessory dwellings units, but state law providing that they must be able to be sited). *Id.*

Various forms of preemption already exist for certain developments. Below are some examples.

A. Natural Resource Extraction: Municipalities cannot prohibit the mining or valuable natural resources from properties by zoning regulations unless "very serious consequences" would occur. See MCL 125.3205(3).

B. Renewable Energy Land Uses (PA 233 of 2023): State legislation allowing certain utility-scale renewable energy projects to bypass any local zoning review. See https://fsbrlaw.com/2024/01/05/renewable-energy-projects-how-should-your-township-adjust-its-zoning-approach/.

C. Oil and Gas: Counties and townships cannot regulate or control the drilling, completion, or operation of oil or gas wells. See MCL 125.3205(2).

D. Commemorative Signs: Zoning Ordinance cannot regulate or prohibit signs on a building commemorating firefighters, police officers, corrections officers, armed forces members, among others. See MCL 125.3205d.

E. Adult Foster Care Facility Licensing Act / Qualified Residential Treatment Programs: Section 206 of the Michigan Zoning Enabling Act mandates that certain land uses must be treated as residential and permitted in all residential zones (as well as cannot be subject to needing special land use permits). These include, but are not limited to, state licensed residential facilities, certain facilities in the adult foster care licensing act, and certain qualified residential treatment programs land uses.

III. Considerations for Your Municipality and Conclusions

Although not unheard of and perhaps necessary in some instances, state laws eroding how local governments can regulate land use and development is something your municipality should pay close attention to. Your municipality may want to contact its legislators to offer feedback and thoughts on the proposed legislation above and to offer potential thoughts on alternative solutions to the housing problem. One thing to consider is how state mandates may be inappropriately "one size fits all" and not appropriate in every community. They also inhibit local governments serving as "laboratories of democracy" developing innovative solutions on their own.

On a more practical level, municipalities should think about their zoning ordinances / other laws and what may be helpful reforms to help address these issues. Some ideas, if applicable, could include:

1. Reviewing minimum lot sizes, setbacks, lot coverage requirements, and other items that may be dissuading housing development.
2. Potentially removing special land use review for certain land uses like duplexes or multi-family in appropriate land use districts.
3. Consider authorizing accessory dwelling units in appropriate areas.
4. Taking a comprehensive look at the boundaries of a municipality and determining where denser housing options may be appropriate. Then creating potentially new zoning districts to accomplish providing spaces for such land uses.
5. Setting up frameworks to provide Housing TIFs to encourage development.
6. Working with state stakeholders to consider alternative legislative ideas that would not blanket erode local control, but instead provide tools municipalities could use to identify local housing needs and local solutions (e.g., providing a means for land use studies and goals-based master planning).

In conclusion, housing is an opportunity for Michigan municipalities to address in a manner best suited for their constituents. The housing problems are complex and affected by many variables— not just local zoning. However, local zoning reforms may be something to consider. Do not hesitate to contact our firm for any input on current zoning and housing regulations.

Fahey Schultz Burzych Rhodes PLC, Your Township Attorneys, is a Michigan law firm specializing in the representation of Michigan townships. Our lawyers have more than 150 years of experience in township law and have represented more than 150 townships across the state of Michigan. This publication is intended for our clients and friends. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

CONTACT

4151 Okemos Road
Okemos, MI 48864

PHONE: 517.381.0100
FAX: 517.381.5051

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February 24, 2026

Honorable Joey Andrews
Michigan State Representative
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative/Senator,
On behalf of the City of the Village of Douglas, we are writing to express strong opposition to House Bills 5529–5532 and the anticipated companion legislation that would significantly preempt local zoning authority across the State of Michigan.

While we recognize and share concerns regarding housing availability and affordability, these bills would undermine the ability of locally elected officials to responsibly plan for growth in a manner that reflects the infrastructure capacity, environmental conditions, and community character of our individual municipalities.

Zoning is one of the most direct tools available to local governments to manage the relationship between housing, infrastructure, transportation networks, public safety services, environmental protections, and economic development. Statewide mandates that establish uniform requirements for lot sizes, setbacks, accessory dwelling units, parking standards, and dwelling configurations remove the flexibility needed to ensure that development is aligned with a community's actual service capacity — including water, sewer, stormwater systems, emergency response, and roadway networks.

In communities such as Douglas, which continue to invest heavily in infrastructure improvements and coordinated regional planning efforts, the imposition of one-size-fits-all zoning standards risks creating development patterns that outpace or conflict with local capital planning and long-term land use goals. This disconnect ultimately places additional financial burdens on local taxpayers who must absorb the costs associated with infrastructure expansion or system strain.

Equally concerning is the proposed limitation on site plan review timelines and the restriction on additional information requests during project review. Local governments must retain the ability to ensure that proposed developments meet safety, environmental, and compatibility standards before approvals are granted.

Local decision-making is foundational to accountable governance. Residents rely on their local elected officials to thoughtfully consider development proposals through public processes that allow for meaningful participation and dialogue. Preempting this authority reduces transparency, limits public engagement, and shifts decision-making away from those most directly impacted.

Housing challenges are complex and deserve collaborative solutions developed in partnership with local governments — not mandates that constrain responsible planning efforts already underway at the community level.

We respectfully urge you to oppose this legislation.

Sincerely,

Cathy North
Mayor

Matt Balmer
Councilmember
Douglas Planning Commission, Chair

Cc: Douglas City Council
Lisa Nocerini, City Manager
Sean Homyen, Planning & Zoning Administrator