

America needs fewer regulations and even less politics

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Over the past few weeks I have been discussing Obama's release of the Housing Development Toolkit this past September. The stated purpose of this document is to create more affordable housing. In truth, this document does more than hint at the federal government's role in city planning and the way it will affect our cities.

The strategies to meet the goals of this document are:

- "Establishing by-right development.
- "Taxing vacant land or donate it to non-profit developers.
- "Streamlining or shortening permitting processes and timelines.
- "Eliminate off-street parking requirements.
- "Allowing accessory dwelling units.
- "Establishing density bonuses.
- "Enacting high-density and multifamily zoning.
- "Employing inclusionary zoning.
- "Establishing development tax or value capture incentives.
- "Using property tax abatements."

At face value, this document appears to be a set of guidelines, but a new Executive Order entitled Establishing a Community Solutions Council was issued on November 16. Though it does not specifically mention the Housing Development Toolkit, it does seem more than coincidental that it would be issued so soon after the Toolkit was issued. What had escaped my notice was that in 2011, an initiative entitled Strong Cities, Strong Communities was created by the Obama administration. Its stated purpose was to "support towns and cities as they develop comprehensive plans for their communities and invest in economic growth and job creation". An article announcing the new Executive Order mentioned that it was a follow up on the 2011 initiative, and it appears that at least in some part the Toolkit was as well.

Continuing from my discussion last week regarding the strategies of the Toolkit, let's look at the next one, "Streamlining or shortening permitting processes and timelines."

Anyone who has submitted for a building permit has likely been frustrated by the process. The frustration varies according to the size of the project, where you enter into the process, the bureaucracy you have to deal with, and the number of rules and regulations you have to deal with. In one city, a permit may be as easy as filling out a one-page form and paying a fee; in another, even a simple room remodel can take weeks to get an approval for.

In a general sense, the larger the city and the closer it is to the East or West coasts, the harder it is to get a permit, but that is not an absolute. You may recall the case of Rocky Mountain Christian Church in Boulder, Colorado, that took years of litigation and nearly went to the Supreme Court.

Suffice it to say that it adds great uncertainty to the permitting process when anyone – whether a developer, builder, corporation or individual – wants to build. It can be an enormously expensive gamble to prepare all of the documentation that a city might require, only to find that the city wants costly revisions made or that the permit has been denied.

Such was the case with Rocky Mountain Christian Church. Boulder County required more and more documentation until the church finally realized that the only way they would get their permit was to sue the County, which they did, and they won.

There is a great deal of pressure brought to bear on cities by the federal government and urban planners to create urban environments that follow their way of thinking. Typically, these include very dense development, reduction or even elimination of parking requirements, and emphasis on mass transit, especially light rail. There is great de-emphasis on single-family homes, churches, and other projects that don't fit the pattern for dense development.

The problem is that most of the demand for this kind of development comes not from the market, but from the federal government and urban planners. Most real demand is for projects that they demonize as “sprawl”, which is actually what we have known for generations as the American Dream.

“Streamlining or shortening permitting processes and timelines” is simply a way of saying to permit seekers, if you do it our way, we will make things easy for you. This instituted path of least resistance is coercive and it discriminates against the very market forces that could give our economy the real recovery we need.

Let's hope our next president will include this latest executive order in his list of those to delete, and that he will lead us through a market driven approach instead. We need fewer regulations, not more. We need more innovation and response to market conditions, not more regulations whose only real purpose is to achieve a political agenda.



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