

# LAND USE INITIATIVE

## QUARTERLY REPORT

### January - March 2021



The Land Use Initiative analyzes, upon request of a state and/or local association, proposed legislative and regulatory land-use and real estate transactional measures that impact the transfer of property and/or the interests of REALTORS®. Measures include comprehensive plans, amendments, legislation, ordinances or regulations. A database of completed analysis searchable by issue for advocacy research purposes.

SUMMARY OF REQUESTS	How Associations Use the LUI Analysis
<p><b>1st Quarter</b></p> <ul style="list-style-type: none"> <li>• LUI Requests: 11</li> <li>• Denied: 5</li> <li>• State Measures: 1</li> <li>• County Measures: 3</li> <li>• City Measures: 7</li> <li>• Requests for Good Cause Evictions/Tenant Protections: 4</li> </ul>	<p>We plan to take the top line issues pointed out to engage the city and have a further dialogue. If we can use the memo to steer the outcome in a more favorable direction, it would be a win.</p> <p>The memo was used as the basis for talking points and written communications, and its content informed discussions with the Mayor. It will also be used to inform discussions with two city councilors.</p> <p>Information was used to help our Legislative Committee and BOD take action on the issue, which is new to our area. We also were able to draft a letter highlighting concerns from the property owner perspective to the Mayor and City Council members. We were invited to submit additional comments during a hearing.</p>

### TYPE OF ISSUES REVIEWED

For 2020, the hot issue was Short-term Rental Ordinances. While STRs are still a concern across communities, the new issue we are seeing is Tenant Protection measures. Three Tenant Protection measures, and a Good Cause Eviction measure, were submitted for review in the first quarter of 2021. These measures include Pay-to-Stay Ordinances which would give residential renters facing eviction for nonpayment of rent the right to stay in their home by paying the landlord all past due rent plus reasonable late fees and which may be vulnerable to claims that it conflicts with the State Eviction Law and therefore may exceed the City's home rule authority.

It also appears several jurisdictions are reviewing their comprehensive or land use plans and REALTOR® Associations are looking for how certain elements will impact real estate in their communities as well as the potential impact of the measures on private property rights. And as affordable housing challenges grow across the United States, both in urban and rural

communities, ADU's may present one way to address these challenges. An ADU measure is under review as it proposes limitations on rental fees and that the proposed property tax exemption would not fully offset the lost rental revenue resulting from the proposed cap on rental fees. Keeping with the affordable housing issues, a zoning measure, which imposes minimum lot size requirements for cluster subdivisions, which is becoming more popular across jurisdictions, was reviewed. Another challenge in communities is vacant properties and a foreclosure registry measure, with concerns that the measure would make it easier for the City to adopt additional property registration requirements in the future, has been submitted for review.

To see the analysis of these measures and to review all analyses from 1999, visit the [LUI Database](#) (Login Required).

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