About State Policy Network

State Policy Network is a national nonprofit organization pursuing a vision of an America where personal freedom, innovation, opportunity, and a more peaceful society help all Americans flourish. State Policy Network was founded to support the growth of a collaborative and entrepreneurial state think tank network, which includes 64 independent state think tank affiliates and over 90 associate partners. SPN works side-by-side with these leaders to catalyze thriving, durable freedom movements in every state, anchored with high performing independent think tanks. We do this by:

- Incubating think tanks and accelerating their development through strategic planning, training, and coaching;
- Connecting talented state leaders so they can learn, challenge, and grow together, with the aim of cultivating state solutions that collectively yield national impact; and,
- Defending the 50-state think tank Network by disseminating best practices, supplying critical resources when members are attacked, and fighting assaults on free speech and donor privacy.

About the SPN Local Government Working Group

State Policy Network hosts several Policy Working Groups so that state think tanks can encourage and challenge each other, exchange best practices, and refine ideas and strategies that will lead to an America where personal freedom, innovation, opportunity, and a peaceful society help all Americans flourish.

SPN's Policy Working Groups connect independent state and national think tank leaders who come together to accomplish shared policy objectives. These leaders collaborate to develop specific policy solutions that can solve the problems facing our communities and can be tailored to each state's unique needs.

SPN's Local Government Working Group connects state and national think tank leaders to pursue initiatives that increase individual liberty in cities and municipalities across the country.

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Cities are always rising or falling in America. Most cities will eventually struggle with problems of unaffordability or, at the opposite extreme, decline. Land use regulation, as it is practiced across most of the United States, makes both problems worse.

In cities where prices seem destined to rise forever—San Jose or Charleston, Boston or Boise—the lack of housing creates a burden for renters and new buyers. Rather than supporting upward mobility, these conditions force people to make unpleasant tradeoffs: between a good job and a good commute, for example.

American cities with less regulation show that those ugly tradeoffs are often unnecessary pain inflicted by strict zoning.

In most of Texas, for example, high-quality houses and apartments in good locations are reasonably priced despite a decades-long population boom. By vigorously defending their tradition of private property rights against creeping regulation, Texas cities have remained the most welcoming boomtowns of the 21st century.

At the other end of the scale are cities where jobs and population seem to fall every year. Zoning locks old uses in place, preventing desperately needed new investments.

Reform can enable those new investments. For instance, Buffalo, New York scrapped its parking regulations in favor of market-based parking. The change has allowed investors to repurpose old buildings more cheaply and has contributed to a healthier downtown. Buffalo is not alone. Hundreds of cities across the United States, from Thomasville, Georgia, to Fargo, North Dakota, have eliminated parking minimums in key areas.

Americans thrive when they live in safe, affordable, and healthy neighborhoods that they are proud to call home. We can build these types of communities by removing the obstacles that arise from zoning.
Urban planning: The practice of planning and regulating land use in developed areas. It includes planning for infrastructure and other public services along with privately owned land.

**By right:** When the process to build something allowed under current zoning is simple and doesn’t involve discretionary review.

**Upzoning:** Reforming land use regulations to allow for increased density of buildings. Upzoning includes, for example, allowing single family homeowners to build accessory dwelling units. It also includes allowing buildings to be closer together or taller.

**Accessory dwelling unit:** A housing unit that sits on the lot of a primary building, such as a single-family home. It may be a backyard cottage, a garage or basement apartment, or included within the structure of the single-family home.

**Variance:** City planning authorities may give developers or landowners a variance that allows them to build something not allowed under current zoning. Local policy differs on how frequently variances are issued and the development rights that they give property owners through variances.
What is Zoning?

In urban planning, zoning rules set aside specific areas where housing, offices, retail, and industrial buildings can be built—and restrict the size, look, and placement of each building. These zoning rules can have a profound impact on the economic health and cultural vibrancy of a city.

Some may argue that zoning is a tool to minimize nuisances, such as noise, and prevent overuse of infrastructure like roads, parking, and sewers. Despite these well-meaning intentions, the real-world application of zoning rules often ends up benefiting a small subset of the community and pricing out low-income households and individuals.

For example, strict zoning regulations in booming places like Silicon Valley not only raised costs for current residents, but also created a drag on the national economy as workers are shut out from the regions where the best jobs are.

On its face, zoning may seem like a set of simple administrative regulations to organize cities, but in reality, misuse of these regulations negatively affects everyday life across America’s towns and cities.

The Solution: Empower Local Property Owners

The path to building affordable, thriving neighborhoods lies in giving property owners more freedom to build on their own land. Allowing property owners to put their land to higher-value use benefits renters, homebuyers, and employers. The answer lies with local people and stronger markets, not more regulation. The reforms presented in this toolkit reflect that proposal.

A note about state vs. local authority: While land use regulations are primarily local, state legislatures set the rules localities must follow. States should put limits on how strict local rules can be, especially when regulations infringe on reasonable and safe land uses or result in high housing costs.

How to Use This Resource

This toolkit for state and local zoning reform provides a menu of more than 50 reform options, ranging from small regulatory adjustments to broad institutional reforms. The toolkit outlines six strategies to accomplish zoning reform:

1. Building on your city’s strengths.
2. Streamlining building processes.
3. Allowing housing for all income levels.
4. Reducing or removing restrictions unrelated to health and safety.
5. Replacing restrictions with community-based solutions.
6. Replacing rigid frameworks with flexible ones.

Each reform idea is designed to equip people to put their property to its highest and best use, which often results in lower-cost housing and healthier neighborhoods. Most of these reforms could be implemented either at the local or...
state level. For example, an individual city could remove its minimum parking requirements, or a legislature could ban such requirements statewide.

Throughout the toolkit are “Snapshots”—examples of countries, states, counties, or cities that have implemented successful zoning reforms. Additionally, at the end of each strategy are “Starting Points,” or questions to think about as you consider zoning reform in your community.

How Your Neighborhoods Will Benefit

In many cases, implementing these reforms will improve housing affordability. Additionally, deregulating land use will create new investment and employment opportunities in cities of all sizes and foster economic growth and flexibility.

Visit SPN.org/LocalGovernment for more information and resources.
Local and state policymakers can take small steps toward reform within the existing regulatory framework and still make a real difference. Successful first steps can also win over skeptical stakeholders.

1. **Legalize legacy buildings.** Where many old structures do not conform to current zoning, rezone so that existing buildings are compliant.

2. **Allow consistent building lines.** In developed areas, allow infill buildings to be at least as close to the street as existing buildings.

3. **Expand permissionless zoning.** Zoning allows “conditional” uses that require special application and permission. Shift commonly granted conditional uses to “by right” status to reduce bureaucratic burden.

4. **Reduce parking requirements.** Most cities require that new buildings provide a certain number of off-street parking spaces, a rule that increases costs and environmental disruption. Such requirements are implicit subsidies for parking at the expense of other uses of land. Lessen these requirements for new buildings.

### Snapshot: Buffalo, NY

- In Buffalo, New York, 28 percent of downtown land was used for parking, but the spaces were only 63 percent full on a typical weekday. In 2017, the city repealed its rigid parking minimums entirely, keeping a flexible requirement for parking in large, new buildings. This market-oriented approach to parking let each business evaluate its specific needs. Without the implicit subsidy, consumers pay a little more for parking, but a little less for everything else.
5. **Allow residences in commercial districts.** Allow office parks and malls to build housing by right. Allow vacant Main Street storefronts to convert to residential use.

6. **Allow corner stores.** In dense residential neighborhoods, allow corner units to switch to retail, restaurant, or small office use.

7. **Allow skinny streets.** Subdivision regulations often require excessively wide streets—raising construction and maintenance costs, increasing runoff, and causing car accidents. Shrink the required width and allow builders to choose based on context and traffic.

8. **Legalize new main streets.** Amend subdivision regulations so that traditional main streets can be incorporated into new developments.

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**Starting Point:**

- Walk around your community and observe the houses, stores, offices, streets, and public places. What are the best and worst aspects of those spaces? Now crack open your city’s zoning code and check whether zoning prevents people from building more of the best aspects or requires things that detract from the city. What reforms listed above might bring your zoning code in line with what makes your city great?
Complexity, delay, and uncertainty in the building process raise costs and keep small players out of the development game. Process improvements will keep housing costs down, empower individual homeowners, and expand competition. These suggestions are appropriate for local implementation and, in most cases, state encouragement or mandate.

1. **Reduce political approvals.** If a project complies with existing zoning, it should require no more than a planning department approval and the necessary building permits to proceed, not a vote or approval from elected officials.

2. **Broaden public engagement.** In many places, public meetings are an important part of the development approval process. Residents tend to show up to meetings when they oppose new development in their neighborhood, but renters, who generally benefit from housing construction, tend not to be represented. Research shows that a disproportionate number of community meeting participants are homeowners and are older and wealthier than their neighbors. The right time to gather input from community members is at the high-level comprehensive planning stage, not at the individual project level. When public meetings are needed, they should be held at various times of day to be accessible to diverse community members.

3. **Accommodate pop-up businesses.** “Pop-up” businesses use trucks, carts, or short leases instead of making a traditional, 10-year lease commitment. These business models should be exempt from onerous code compliance, numerous permits, or extensive annual-renewal processes.

4. **Upzone in anticipation of demand.** Cities should use their comprehensive planning process to create population growth projections. In response to these estimates, they should upzone rather than requiring each new development to go through an extensive approval process.

### Snapshot: Riverside, CA

- To gather input from a range of residents, Riverside, California, used online surveys, and planners sought input from residents out in public places, as well as receiving it at public meetings. With broader input, city officials are better able to identify areas of city-wide concern, including a rapid decline in housing affordability.
5. **Publish pre-approved plans.** Simple projects, such as new single-family homes or accessory dwelling units, should not require an architect. Pre-approve several plans for common projects and then permit expedited review for projects using these plans.

6. **Prevent historic designation abuse.** Historic preservation is sometimes abused to block new development. Prohibit “ambush” actions that try to impose historical designations after an owner has already initiated redevelopment. Such actions may be motivated by dislike for the new structure rather than appreciation of the old one.

7. **Outsource building permit application review.** To keep the permitting process from slowing down new housing, outsource plumbing, electrical, mechanical, and structural code review as needed. Houston has outsourced building permit review to maintain quick turnaround when demand peaks.

8. **Set up one-stop, parallel-process permitting.** Allow applicants to submit all documents for all relevant permits in a single location, and for all relevant city departments to perform their reviews at the same time, just as Houston has done.

9. **Eliminate design review.** Do not require proposed projects to go through any subjective review of aesthetics or design choices.

10. **Eliminate shadow studies.** Shadows are not a nuisance and should not be grounds for rejecting a building. Remove shadow-study requirements for all projects that otherwise comply with zoning.

11. **Ban anonymous complaints.** Residents who wish to report a zoning violation should be required to provide their name and address to code enforcement officials in order to enable follow-up and to reduce potential for enforcement being driven by personal problems between neighbors.

12. **Make red tape so thin it’s pink.** “Pink zoning” simplifies or drops certain regulations in distressed areas where attracting investment is difficult.

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**Starting Point:**

- What’s the permitting process like in your community? Ask developers and contractors about their experiences with your community’s or state’s permitting processes. How many permits are needed to build a house on a vacant lot?
Cities can be places of aspiration and upward mobility, but to provide opportunity for all residents, cities must begin by making space for those who can least afford it. Basement apartments and single-room occupancy apartments offer space to those looking for their first job. Even in suburbs without visible poverty, multigenerational and group living arrangements can expand residential opportunities.

1. **Waive some building code requirements for temporary homeless shelters.** Tragically, some US cities have large and growing unsheltered homeless populations. Any housing for these residents is better than the status quo, and individuals or nonprofits who want to help should be allowed to provide shelter for the homeless, including shelter without electricity or plumbing. Cities should not ban sleeping in cars or RVs, particularly when their own policies stand in the way of new low-cost housing. Policymakers should pursue services to improve living standards for their homeless residents, including public restrooms and showers.

2. **Allow accessory apartments.** Give homeowners the right to build an accessory dwelling unit (ADU) in their backyard, basement, garage, or as an addition. Decrease ADU parking requirements and impact fees if those prevent construction.

3. **End bans on extra kitchens.** Permit houses to add additional kitchens in order to adapt to the occupants’ evolving needs.

4. **Legalize the Golden Girls.** Remove restrictions on the number of occupants or number of non-related persons allowed in a housing unit.

5. **Allow manufactured and modular homes.** Zone for manufactured home parks in areas where low-income residents can walk to jobs. Additionally, allow manufactured and modular homes that meet the building standards applied to site-built housing.
6. **Allow smaller housing.** Strike minimum unit size requirements so apartments and houses can be as small as builders, buyers, and renters want.

7. **Allow subdivision of existing structures.** Historically, one of the most important sources of low-cost housing was single-family homes that were turned into boardinghouses or subdivided into apartments. Remove restrictions on dividing housing.

8. **Allow single-room occupancy buildings.** Permit housing with shared bathroom facilities and/or shared kitchens or no kitchens. This type of housing has long served low-income residents, especially near dense employment districts, but is banned in many places.

**Starting Point:**
- Talk to relatives or neighbors who have struggled to afford housing at some point in their lives. What living arrangements worked for them at the time? Were those arrangements legal? Would homes like that be legal in your community today?
Reduce or Remove Restrictions Unrelated to Health and Safety

In Houston in the 1990s, rising demand for urban living led to a surge in variances that allowed lots smaller than the city’s 5,000 square foot minimum, mainly in low-income neighborhoods. In 1998, the city codified the change, allowing lots as small as 1,400 square feet. Neighborhoods were allowed to opt out of the change, and existing private covenants remained in effect. After 1998, the urban residential boom continued and shifted toward middle-class neighborhoods where demand was stronger. Traditionally a sprawling city, Houston now has much more diversity in neighborhood styles.

1. **Allow small lots.** Minimum lot sizes are the most universal feature of zoning codes. However, they have no clear health or safety justification. In many cases, minimum lot sizes force buyers to purchase more land than they want, which drastically raises the cost of housing. Additionally, large lots require more infrastructure per house. Thus, cities should reduce or eliminate minimum lot sizes.

Land use and building regulation is reasonable when it protects health and safety and provides for orderly connections between private land and public infrastructure. When the intent or principal effect of a regulation is to increase prices, impose a lifestyle or aesthetic vision, or exclude certain types of people, it is a good candidate for repeal. Both cities and states can take leadership in curtailing these restrictions.

**Snapshot: Houston, TX**

- In Houston in the 1990s, rising demand for urban living led to a surge in variances that allowed lots smaller than the city’s 5,000 square foot minimum, mainly in low-income neighborhoods. In 1998, the city codified the change, allowing lots as small as 1,400 square feet. Neighborhoods were allowed to opt out of the change, and existing private covenants remained in effect. After 1998, the urban residential boom continued and shifted toward middle-class neighborhoods where demand was stronger. Traditionally a sprawling city, Houston now has much more diversity in neighborhood styles.
2. **Allow more house on the same land.** Reduce or remove setback requirements so that owners can use more of their lots. Relax lot-coverage maximums and “floor-area ratio” limits.

3. **Ban aesthetic mandates.** A growing trend in zoning is to mandate the use of high-priced building materials and require specific design styles. This is transparent “snob zoning,” aimed to keep prices of new homes high. It’s also bad art; zoning boards aren’t great architects.

4. **Allow taller buildings.** Increase or remove limits on height. Where fire department capabilities limit height, allow buildings to exceed normal height limits if they provide for their own fire response.

5. **End single-family-only zoning.** Allow duplexes, triplexes, or fourplexes in places currently zoned only for single-family houses. This policy was enacted city-wide in Minneapolis and statewide in Oregon in 2018 and 2019.

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**Snapshot: Arkansas and Texas**

- In 2019, Arkansas and Texas passed laws eliminating city and county ordinances that restricted standard building materials. Some exemptions were allowed, such as for established historic districts.

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**Starting Point:**

- Make a list of the health and safety risks that your zoning and building codes should address. Then identify which aspects of the zoning code are unrelated to that. Of the reforms listed above, which one would be the most meaningful change in your neighborhood?
One reason for regulation is to solve collective action problems, but as Nobel laureate Elinor Ostrom showed, some of these problems can be solved by coordination and self-enforcement. Where a community can find its own solutions, the relevant regulation should be eased.

1. **Allow new life for old buildings.** Some buildings lose their purpose over time—such as some malls, warehouses, or even some homes—and can sit empty for years, becoming hazards and public liabilities along the way. Rezone such sites to allow any safe, low-pollution use, and thereby return them to productive occupancy as soon as possible.

2. **Allow neighbors to waive boundary rules.** Zoning codes regulate how close a homeowner can build to their lot line. On the side and rear of a property, these “setbacks” are intended to protect the neighboring property from encroachment. If the neighbor doesn’t mind, the city shouldn’t mind either.

3. **Upzone for citizens, not just developers.** In many places, cities only upzone to allow higher-value land use only when asked to do so by a developer with a specific plan for large-scale investment. Even if there is no corruption involved, this process puts a lucrative market out of reach of most landowners who may not have the time or money to pursue an uncertain approval process. In order to allow citizens to benefit more from regulatory relief, zoning boards should make rezoning and variance requests simple and not conditional on immediate investment.

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**Snapshot: New Zealand**

- In New Zealand, the Resource Legislation Amendment Act 2017 codified relaxing boundary rules, requiring authorities to permit ‘infringements’ with written permission from the infringed owners. The New Zealand legislation does not require that the waiver is mutual, although a private covenant could accomplish that.
4. **Allow neighbors to upzone their own blocks.** Allow residents to upzone their own city block, trading off restrictions on density to pursue a shared goal. This would help steer development toward those who welcome and benefit from it. In London, where this idea originated, implementation would allow low-density blocks to imitate the iconic ‘mansion flats’ of London’s prestigious Chelsea neighborhood.

5. **Defer to private associations.** Local associations, such as Business Improvement Districts and homeowners associations, routinely address the same collective action problems that regulations intend to solve. Cities should create a process through which a private association can request waivers from regulations where they have found another solution.

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**Starting Point:**

Communities thrive when they are given leeway to solve their own problems. Take a look at your community—are community-based solutions encouraged, or are most problems addressed through regulation? How will your city benefit from the reform options listed above?
Zoning puts the natural evolution of communities into a straitjacket. But for all its shortcomings, zoning rules remain popular with residents who fear that change may be for the worse. The solutions below would use gradual mechanisms for allowing rules to adjust based on local conditions. These could be implemented at the city level or statewide.

1. **Price street parking.** Land is not free, but cities routinely allow long-term parking on streets and public lots for little or no payment. When parking becomes congested, cities should increase prices of residential permits or meters to target a 10 to 20 percent vacancy rate.

2. **Allow next-step density.** Replace uniform density or height limits with dynamic ones that allow every street to become incrementally denser or higher than it already is. This allows gradual, citywide growth and prevents rapid change in any single location.

3. **Adopt outcome-based zoning.** Outcome-based or “performance” zoning replaces limits on land use with limits on outcomes, such as noise, pollution, and energy use. Thus, different activities can mix, but within limits on how they impact the shared environment. An outcome-based zoning form and building code have been proposed for Sidewalk Labs’ development in Toronto.

4. **Let high vacancy rates trigger rezoning.** High vacancy rates for particular building uses (e.g. commercial office space) are a signal that rebalancing is needed. Adopt a trigger that automatically expands the allowable uses when a use-specific vacancy rate sufficiently exceeds the vacancy rates in other uses.

5. **Give neighbors a financial stake in new housing.** Use Tax Increment Local Transfers or Development Dividends to give nearby homeowners or renters a small financial benefit from new development.
6. **Relax urban growth boundaries.** Urban growth boundaries are strict limits on property use on the immediate outskirts of cities. Replacing inflexible limits with flexible ones, such as a requirement that outward growth be fiscally sustainable for the city, would be an improvement.

7. **Adopt price-responsive zoning.** Use market signals to periodically adjust zoning maps, adding density by default when land price or the land value per home rises above specific levels.

8. **Improve tax and utility charges.** In theory, property taxes and utility fees pay for the services that each property uses. However, some types of development are far more expensive to city infrastructure budgets. Water bills, for example, should charge for feet of pipe required, as well as number of gallons used.

**Starting Point:**
- Compare the price of housing in your area to the cost of construction. Is the price of old houses more than the cost of constructing new houses (typically $300,000 or less)? If so, your housing supply has not kept pace with demand—probably because of rigid regulation.
State policymakers can support their communities by pursuing rules that limit the extent to which local governments may restrict property owners’ rights to build housing. Protecting individual rights from lower levels of government is an important role for states in our system of federalism. Most of the regulatory changes in previous sections can be made at the local level by an individual city or by preempting local ordinances statewide. The recommendations in this section, however, are only appropriate for states.

1. **Require clarity in any design requirement.** If states allow local governments to enact architectural design standards, these standards should be objective and specific (e.g. require “brick cladding,” not “historically-appropriate building materials”).

2. **Require compensation for regulatory changes that hurt property owners.** Cities often unfairly prevent property owners from using, renovating, renting, selling, or building on their own land. States should follow Arizona’s lead and pass the Property Ownership Fairness Act, requiring cities to pay for these “regulatory takings” if a change in land use regulations decreases a property’s value. The Act allows government to ban property uses that threaten public health or safety, but it bars officials from sticking property owners with the bill when land-use restrictions go beyond what’s necessary to protect the public. Requiring officials to weigh costs and benefits discourages excessive regulation and abuse.

3. **Use international and national standard building codes.** States and cities have expanded their building codes to

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**Snapshot: Maricopa County, AZ**

Maricopa County put a stop to all building projects near Luke Air Force Base, which diminished the value of property by as much as 95 percent and barred owners from mounting solar panels, undertaking urgent repairs, and building new homes. Faced with claims from 200 property owners totaling nearly $20 million, county officials rescinded the ordinance.
cover energy requirements far beyond accepted safety standards. These energy standards drive up costs and reduce new housing construction.

4. **Update building codes to cover all construction methods.**
   Modular, 3D-printed, and prefabricated housing suffer from zoning and building codes that assume site-built construction. Statewide modular and 3D-printed building codes, certification of factories and prototypes, standard procedures for moving modules and material, and acceptance of out-of-state permits will all ease the development of these housing forms.

5. **Reject transit investments without appropriate zoning.**
   New transit investments are typically funded with federal or state tax dollars, but local zoning often blocks the level of density that would support transit. Higher levels of government should require high-density zoning as a precondition for transit investments.

6. **Pass a Permit Freedom Act for building permits.** Require clear standards for whether a permit will be granted, a timely response from local government, and the option for independent judicial review.

7. **Impose zoning budgets for new housing.** Require localities to zone for a pre-determined amount of new housing construction. Cities determine where, but not whether, new housing will be allowed.

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**Starting Point:**

- Discuss with Yes in My Backyard (YIMBY) activists, builders, and city officials what makes it difficult or expensive to build housing in your state. Is the state imposing additional burdens on top of the local restrictions?
Reformers should remember that neither decline nor booms are permanent. In 1971, two Realtors put up a billboard asking, “Will the last person leaving SEATTLE—Turn out the lights.” A generation later, Seattle is synonymous with the wired (in both senses) 21st century economy. To remain innovative and competitive, Seattle and its suburbs need to reduce their regulatory restrictions and bring housing costs back down. Whatever the state of your city’s economy, releasing land from the zoning straitjacket will allow reinvestment and reinvention to the benefit of current and future residents.

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Work With a Local Government Expert

To determine which zoning reforms are most beneficial for your state and municipalities, contact a member of SPN’s Local Government Working Group members or the think tank in your home state.

To connect with the Local Government Working Group, see the contact information on the following page.

To find and connect with the think tank in your state, visit SPN’s think tank directory at SPN.org/Directory, or visit SPN.org/LocalGovernment.
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