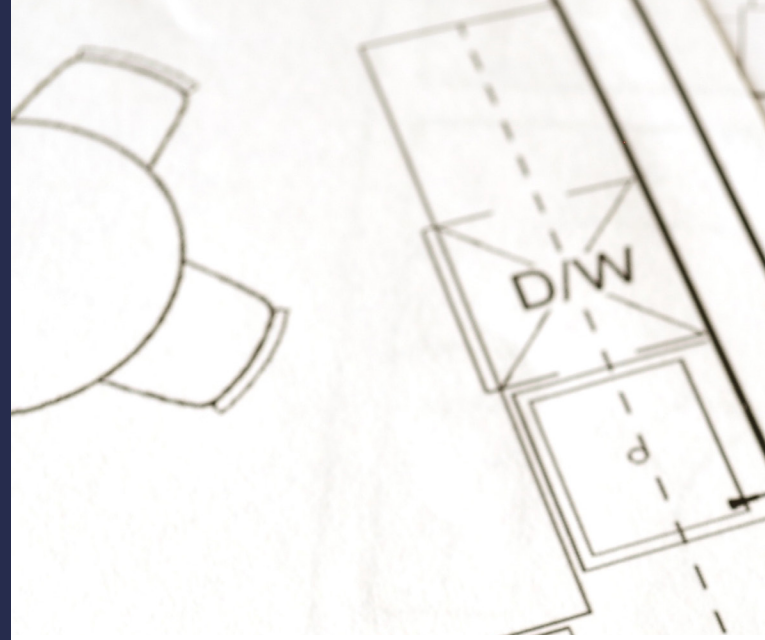




## ■ AFFORDABILITY ROADBLOCKS

# Square Footage Minimums

*Housing Affordability Institute's Affordability Roadblocks series highlights housing policy issues adversely impacting housing affordability and access.*



## SQUARE FOOTAGE MINIMUMS

Square footage minimums are zoning policies that establish the minimum allowable size of a structure. As the single-family, twin home, and townhome equivalent to Floor Area Ratios, square footage minimums are used to require larger homes in a community.

Square footage minimums are often imposed at the local level under a municipality's zoning controls. Health, safety, and welfare, zoning's catch-all power, are the reason these policies are imposed. Larger square footage minimums create an affordability roadblock impacting the creation of modest starter homes.

According to the United States Census Bureau, home sizes are increasing. The median new home size in 1973 was 1,525 square feet, compared to 2,299 square feet in 2022.

Of all homes built nationwide in 1973, 56% were smaller than 1,600 square feet. By 2003, that figure dropped to 22%. This decline was most pronounced for homes less than 1,200 square feet, dropping from 25% in 1978 to 5% in 2003. Using the current categories tracked by the United States Census Bureau, in 2002, 12.98% of all new homes were 1,400 square feet or less. In 2022, the figure was 7.05%.

While research is needed as to why home sizes are increasing, in communities where these minimums exist, a variance is required to build a smaller home.

<sup>1</sup>United States Census Bureau. "Characteristics of New Housing." 1973-2022

## ON SQUARE FOOTAGE MINIMUMS

As early as the 1950s, planners indicated there were concerns over the motives behind placing a minimum size requirement. In an advisory bulletin in 1952, the American Society of Planning Officials (today known as the American Planning Association) opened with a series of rhetorical questions highlighting the implication of mandating larger homes:

*"The body of law with respect to such provisions is also growing, as each case adds new precedents and new arguments. To what extent are such requirements based upon a reasonable exercise of the police power? To what extent are they related to the goals of health, safety and welfare? Or to what extent has the motivation for such regulations come from the desire of wealthier groups to exclude less wealthy groups from their district or their community? Is the aim economic segregation? Where does the proper exercise of police power for the good of the community end?"*

American Society of Planning Officials. "Minimum Lot and Building size." April 1952.

The Connecticut Supreme Court explicitly questioned the exclusionary purpose of the square footage minimums when it decided the policies have no actual tie to the health, safety, and welfare of a community or its residents:

*"When a minimum floor requirement has no rational relation to public health and has not been shown to conserve the value of buildings, the conclusion that the requirements are a form of economic discrimination, even if unintended, causes grave concern."*

*Builders Service Corporation, Inc., Et Al. v. Planning And Zoning Commission of East Hampton, 208 Conn. 267, 1988*





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## SQUARE FOOTAGE MINIMUMS AND HOUSING AFFORDABILITY

As a minimum construction standard, square footage minimums set the smallest allowed size of a home in a given community. From an affordability perspective, this increases the minimum cost of new housing in a community.

Generally, the spaces being added by homebuilders to meet the minimum are minimal in features, which lowers the construction costs. Adding a bedroom or home office or increasing the sizes of bedrooms, dining, and living spaces are economical ways of achieving the minimum as they exclude the higher-cost rooms such as bathrooms or kitchens.

### APPROXIMATELY \$100 PER SQUARE FOOT

Cost Estimate For Increasing Square Footage.

### \$40,000 PER UNIT

1,800 Square Feet vs. 1,400 Square Feet

Depending on height limitations, foundation footprint requirements, impervious surface allowances, home design, and setback requirements, mandating a larger home may also increase the minimum lot size.

## ADDRESSING SQUARE FOOTAGE MINIMUM

Increasing home size through square footage minimums is an example of how local policies make new starter homes more difficult to build.

Cities may choose to abolish these standards outright, as Bloomington, Minn. did in 2023 or adopt an extremely low minimum square footage requirement. State legislatures can also intervene and abolish square footage minimums or provide a statewide framework for low square foot minimums.

Another method to address square footage minimums is through legal challenges. In 1988, Builders Service Corporation, Inc. and Homebuilders Association of Connecticut, Inc. sued the East Hampton Planning Zoning Commission, successfully removing the city's 1,300-square-foot minimum as the policy exceeded the legislature's intent for zoning police powers. In its majority opinion, the Connecticut Supreme Court stated square footage minimums are not "rationally related to the legitimate objectives of zoning, including the promotion of health, safety, and general welfare."

