

## INFRASTRUCTURE AT RISK

# THE HIDDEN COSTS OF STATE ZONING PREEMPTION

### BACKGROUND

While the intent of the proposed zoning preemption bills (House Bills 5529–5531 & 5581–5585) is to increase housing opportunities, these bills will **shift the cost burden to local families and communities** for potentially massive infrastructure upgrades with no defined endpoint.

By disconnecting the historic alignment of land use and infrastructure planning, the bills also jeopardize local governments' ability to **protect public health, safety, and welfare**.

## INFRASTRUCTURE CONSEQUENCES

### REAL-WORLD FAILURES AND ESCALATING COSTS

*Increased density without increased infrastructure capacity will lead to:*

- Added financial obligation: emergency response, cleanup, recovery and capital improvements.
- More frequent flooding of homes, businesses, and transportation corridors, as runoff outpaces the capacity of existing stormwater infrastructure.
- Reduced sanitary sewer capacity, leading to more basement backup and higher risk of Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs).
- Faster drawdown of limited sewer allocations and downstream interceptor capacity, driving costly buy-ins, restrictions, or connection delays.
- Higher risk of pump station failures stressing power reliability and emergency response.
- Less reliable drinking water service in older systems, including fire flow and storage concerns.
- Increased traffic on local roads not designed for higher volumes, leading to congestion, safety, and higher roadway maintenance costs.
- Reduced setbacks leave insufficient space for public and private utility corridors, limiting access for repairs and replacements.
- Greater financial uncertainty for all utilities, weakening rate stability and affordability.

## CASE STUDIES

### **In One Michigan Community...**

*If 5% of the existing residential land area is developed with proposed statewide zoning requirements, the new construction would absorb their entire sanitary sewer allocation.*

### **In Another Michigan Community...**

*Doubling density on the township's existing undeveloped residential land area would necessitate over \$100 million in water and sewer upgrades.*

## LEGAL CONSEQUENCES

### **PERMIT VIOLATIONS > LONG-TERM LEGAL AND COST EXPOSURE**

*How does increased housing density with inadequate infrastructure create legal liabilities?*

- Higher densities increase sewage flows, stormwater runoff, and drinking water demand.
- Infrastructure systems are not sized for the proposed housing density increases, leading to risk of state permit noncompliance.
- Noncompliance triggers state enforcement and legal action, forcing communities into years of costly infrastructure upgrades and higher utility rates.
- Past CSO/SSO investments that currently meet state and federal standards can be undermined, forcing new upgrades to maintain compliance.

## THE HUMAN TOLL

### **PUBLIC HEALTH, FINANCIAL, AND EMOTIONAL IMPACTS**

*Risks and costs to Michiganders and their communities include:*

- Flooding and sewage backups that destroy property and disrupt housing stability - often repeatedly - without adequate insurance coverage.
- Sewer backups increase public health risks by exposing residents to E. coli and other contaminants that can cause serious illness, particularly for children and seniors.
- Constrained street access that increases fire risk as slower response and limited apparatus access can lead to larger fires, greater property loss, and higher threat to life safety.
- Increased risk of vehicle crashes on roads unsuited for the new amount of traffic, creating hazards for pedestrians and cyclists, and slowing emergency vehicle access.

---

## COMMUNITIES ARE LEFT HOLDING THE BURDEN

Local governments are legally required to protect residents - so the costs become unavoidable and long-term