

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