



Vote Yes on HF 4231 & SF 4316: Give cities back the power to phase out pollution

Amortization is a crucial tool that cities could use to phase out polluting uses from vulnerable neighborhoods. Courts have long held amortization to be a constitutional exercise of a city's zoning authority. Yet, under the current Minnesota Statutes, a city can only amortize adult-only businesses or criminal nuisances. **HF 4231 & SF 4316** add an exception so cities can phase out chronic pollution from areas where updated zoning laws prohibit the use.

What is the problem that needs to be fixed?

Pollution is concentrated in communities that are primarily Black, Indigenous, People of Color, and low income. The same outdated zoning decisions that segregated our cities also unfairly concentrated high-polluting industries. Decades later, residents are suffering significant, disproportionate health effects. Though cities may revise zoning codes to keep polluting industrial uses away from vulnerable communities, cities' hands are tied when it comes to existing polluters. Even if a city zones out harmful uses from sensitive neighborhoods, existing operations can continue operating in their current location indefinitely. This defeats the purpose of rezoning to address public health.

What is the proposed amortization bill?

Currently, Minn. Stat. § 462.357, subd. 1c, bans amortization. There are a few exceptions, including an exception that allows cities to amortize "adults-only bookstores, adults-only theaters, or similar adults-only businesses." The proposed amendment would give cities the same power to phase out activities that harm public health. It would not require any city to do so.

How would a city use amortization?

Before amortization could be applied, the use would have to be nonconforming to a city's current zoning code. If the use is nonconforming, the city could choose to allow the use to continue. However, if the city determines the use has a significant impact on public health, it could decide to amortize the use.

To implement amortization, the city would have to enact an ordinance. The ordinance would have to ensure that due process is provided to the landowner before the use is amortized.

Under this bill, property owners are protected because (1) cities need to show the public good outweighs the private property loss, (2) cities must provide a reasonable amount of time to transition the land use so property owners do not lose their investment, and (3) property owners keep their land.

Cities should have the power to phase out polluting uses from vulnerable neighborhoods. This amendment returns this power to cities so that they can effectively address polluters through zoning ordinances on a constrained, case-by-case basis.