YIMBY LAW



Building Local Support for Overturning Euclid v. Ambler

Currently, zoning is widely seen as a legitimate exercise of police power. In a divided political world, this is one of the most agreed-upon political concepts, maybe the one with the most consensus.

Because of how entrenched and culturally normal it is to accept that a local government can ban apartments in residential zones, a successful federal legal strategy against zoning must start outside the legal courtroom, long before lawsuits are actually filed, in the numerous courts of public opinion.

As YIMBYism enters its second decade, we're thinking big. Now that we've grown the political support for housing across the country, it's time to target the constitutional argument behind zoning.

It may seem daunting, but there is a path.

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One Hundred Years After Euclid

In 1926, the Supreme Court decided *Village of Euclid v. Ambler Realty Co.* At the time, zoning – the idea that the government could regulate how land owners might use their private property – was a relatively new concept, but the court in *Euclid* formalized it, ruling that zoning was a legitimate use of police power and thus authorizing states to pass zoning laws to promote general welfare.

Since then, much has changed, but the fundamental constitutional principle remains the same: Governments still generally have the right to prohibit apartment buildings in areas reserved for single-family homes. That principle is founded in *Euclid's* discriminatory reasoning, based explicitly on segregation, outdated science, and classism:

- "[T]he coming of one apartment house is followed by others, **interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun** which otherwise would fall upon the smaller homes, and bringing ... the disturbing noises incident to **increased traffic** and business, and the **occupation... of larger portions of the streets, thus detracting from their safety and depriving children** of the privilege of quiet and open spaces for play... -- until, finally, the **residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed.**
- "[T]he apartment house is a **mere parasite**, constructed in order to **take advantage** of the open spaces and attractive surroundings **created by the residential character** of the district."

These arguments bore no metrics, facts, or any evidence to actually support the good that zoning is meant to achieve. Instead, the Supreme Court simply accepted that mixed density housing harmed public welfare.

Opening the Debate

The YIMBY movement has already significantly shited the public conversation about zoning, challenging the long-held assumption that local governments can and should use zoning to exclude apartments – and the poor people and people of color assumed to live in them– from single-family neighborhoods.

First, we have stripped low-density zoning of its halo. When we started, being "pro-community" and "anti-density" were synonyms. People presumed that helping their neighborhood meant joining the Saturday morning trash pick up and opposing new apartment buildings. We've broken that association. Reasonable people can now disagree about whether high density housing will be good for the neighborhood.

Second, we have brought objectivity to zoning. When we began, local governments could officially and legitimately disapprove proposed housing for being "out of character" with the neighborhood, a particularly common criticism in single-family or coastal areas. Now, local governments increasingly have to publish objective zoning standards and can only disapprove housing that fails to meet them.

These two steps go to the very heart of *Euclid v. Ambler.* Winning in court often follows winning in the court of public opinion, so reducing public support for those two ideas brings us closer to convincing the Supreme Court to overturn a decision that was wrong a hundred years ago and is wrong today.

Getting Beyond Euclid

A century after *Euclid*, YIMBY Action and YIMBY Law – with your support – are better positioned than ever to end the segregation of residential zoning.

YIMBY Action mobilizes over 59,000 activists in 80+ chapters in 28 states, allowing us to build and grow constituent pressure at scale. Using grassroots power, we advocate for new housing, pro-housing laws, and pro-housing candidates. In addition, YIMBY Law educates public officials on their legal obligations and the benefits of new housing.

Currently, our volunteers make public policy arguments for zoning to be less restrictive and that housing will create inclusive, sustainable communities. In the near future, our chapters will also be supplied with constitutional arguments that existing low-density zoning laws are not a legitimate exercise of police power. In other words, taking direct aim at *Euclid*.

Our strategy: attacking the legitimacy of zoning as a police power at city council meetings and planning commissions. By empowering our members with these arguments, we expect in 2026 to reach more than 1,600 planning commission and city council hearings in 338 cities across 28 states.

By submitting our case against *Euclid* into the public record as public comment, we are exposing them to city council members and planning commissioners. We also expect that decision-makers will use these arguments from their daises, normalizing and further socializing the case against *Euclid.* We also anticipate seeing these arguments in the local press.

How do we know this will work? We've done this before. This strategy is how we moved the narrative to support high-density housing and objective zoning laws. We can do the same with opposing the legitimacy of zoning as a police power.

The Next Stages

Most housing proposals that need zoning changes and enjoy our chapter support will be approved. This is because developers rarely take the risk of allowing their project to get to a public hearing if they aren't reasonably certain of passage.

However, in the course of supporting housing proposals, our chapters will participate in hearings where the project *is* denied. In those cases, we, along with our pro-housing allies, will have the opportunity to consider whether the time and facts are good enough to challenge the rejection in the courts. As part of this decision, we will evaluate how well our narrative change strategy has delivered results, and whether the opportunity to challenge zoning as police power is ripe.

Overturning the Supreme Court's bad precedent will take time and effort. It will also take narrative change – change that will occur at local meetings across the country. Once significant progress has been made in these venues, the possibilities for better zoning laws, and more housing, will increase significantly.