Family Starter Homes & Neighborhood Order Ordinance

Legalizes fee-simple small-lot detached houses and family-sized apartments while putting swift, victim-safe conduct enforcement in place first.

WHAT IT DOES

Enacts a 12-article local code allowing fee-simple starter homes, backyard units, home childcare, and home businesses by right, anchored by chronic-nuisance rules that take effect first.

PREEMPTION STATUS

High city authority. Check state housing floors (TX SB 15; WA HB 1110) plus federal FHA victim exemptions.

WHO CAN ADOPT IT

Any city council with zoning and code-enforcement authority. Each article stands alone; Article 12 (Neighborhood Conduct) always activates before zoning changes.

30-SECOND COUNCIL PITCH

Young families should not need an $800,000 suburb just to get a yard and a safe block. This draft pairs fee-simple starter homes with rapid conduct enforcement so ordinary neighborhoods stay orderly.

1. WHY ORDINARY FAMILIES NEED THIS REFORM

In 1982, roughly 40% of new single-family houses built in the United States were 1,400 square feet or smaller (Freddie Mac / U.S. Census Bureau). By the 2020s, entry-level starter homes fell into single digits while median new house sizes climbed past 2,200 square feet. Across all 50 states, 79% of adults ages 18 to 54 say a detached single-family home is ideal for raising children, and neighborhood safety ranks above every other factor when parents pick a block (Institute for Family Studies, March 2025).

When cities stop enforcing baseline order on modest-income streets, parents lose the ability to keep chronic drug houses or park encampments off their block. They respond by bidding up expensive exclusionary suburbs behind a financial wall of money. That delays marriage, shrinks family size, and turns down-payment grants into windfalls for existing sellers in supply-locked markets (Hilber and Turner, 2014). Replacing the wall of money requires two moves together: unlock fee-simple starter homes with yards, and enforce conduct rules first.

2. JURISDICTION & PREEMPTION BOUNDARIES

CITY UNILATERAL

Small-lot fee-simple subdivisions (1,400 to 3,000 sq ft on public sewer), cottage courts, 3+ bedroom multifamily height bonuses, square-foot-proportional impact fees, 30-day zoning shot clocks, post-Grants Pass public camping bans, and objective chronic-nuisance abatement.

STATE ENABLING / CHECK

Check existing state floors before drafting: TX SB 15 (3,000 sq ft tracts >=5 acres), MA Ch. 40Y voluntary starter-home grants, CA SB 234 family childcare, UT 10-1-203 / FL 559.955 home businesses, and state notice/protest statutes (Acuna v. Austin). Private HOA covenants stay intact unless state law voids them.

FEDERAL FLOOR

Grants Pass v. Johnson (2024) confirms neutral public-camping bans do not violate the 8th Amendment. Federal law (34 U.S.C. 12495; Briggs v. Borough of Norristown) bars counting 911 calls or crime victimization against residents. Sheetz v. El Dorado (2024) requires empirical nexus studies for impact fees.

3. PRE-RESOLVED LOCAL PARAMETER PRESETS

Bracketed Parameter	Small Town (<15k)	Mid-Size (15k-100k)	Metro (>100k)
`[Min Starter Lot Size]`	3,000 sq ft	1,800 sq ft	1,400 sq ft (Houston Ch. 42)
`[Starter Fee-Waiver Cap]`	1,850 sq ft (3+ BR)	1,750 sq ft (3+ BR)	1,600 sq ft (3+ BR)
`[Zoning Shot Clock]`	30 days (10-day check)	30 days (10-day check)	45 days (10-day check)
`[Nuisance Threshold]`	3 events in 90 days	3 events in 90 days	3 events in 60 days
`[Abatement Plan Window]`	14 calendar days	14 calendar days	10 calendar days
`[Repeat Fine Escalation]`	$250 doubling to $1,000	$500 doubling to $2,000	$500 doubling to $2,500

4. OPERATIVE ORDINANCE SUMMARY (SEVERABILITY INCLUDED)

Article 1. Neighborhood Conduct & Public-Space Order (Takes Effect First) CITY UNILATERAL

Section 1.1 Activation sequence. This article takes effect before, or on the same day as, any zoning liberalization under Articles 2 through 5. No neighborhood gives up a zoning filter before gaining a working conduct rule.

Article 2. Fee-Simple Small-Lot Starter Homes & Cottage Courts CHECK STATE FLOORS

Section 2.1 Small-lot fee-simple homes. In every residential zone with public water and sewer, minimum lot size is `[1,800]` square feet (or `[1,400]` square feet with shared rear drive) and minimum lot width is `[16]` feet. Builders may plat fee-simple detached starter cottages, narrow-lot townhomes, or cottage courts around a shared green by right.

Article 3. 3-to-4 Bedroom Family Incentives & Square-Foot Impact Fees SHEETZ NEXUS CHECK

Section 3.1 Proportional impact fees. Municipal utility, park, and road impact fees scale strictly by conditioned square footage based on a published nexus study, never as flat per-dwelling charges that tax a 1,350-square-foot starter house at the same dollar figure as a 4,500-square-foot estate.

Article 4. Zero-Fee Home Businesses, Minor Enterprises & Home Childcare CITY UNILATERAL

Section 4.1 No-impact home businesses. Any resident may operate a home business by right with `[$0]` municipal license fee, up to `[10]` client visits per day by appointment and `[2]` non-resident workers on site, subject only to standard residential rules on noise, odor, hazards, signs, and heavy trucks over `[26,000]` pounds.

Article 5. 30-Day Zoning Shot Clock, Household Freedom & Severability CITY UNILATERAL

Section 5.1 Objective zoning clock. Staff verify completeness within `[10]` business days and decide by-right zoning and plat applications within `[30]` calendar days using clear, measurable standards. Silence grants zoning approval; building, fire, and life-safety reviews are never waived.

5. FISCAL & STAFFING CAPACITY NOTE

Startup administrative cost is low: updating the zoning map and complaint-tracking workflow takes roughly 40 to 80 staff hours and fits inside existing code-enforcement software ($0 to $8,000/yr for ticket tracking in small towns). Abatement liens and escalating repeat fines recover municipal cleanup costs. Waiving impact fees on compact 3-bedroom starter homes is revenue-positive over 10 years because small-lot fee-simple homes add recurring taxable valuation on existing sewered streets with minimal new linear pipe.

6. FORWARD / ADAPT THIS BRIEF

Email Subject: 2-page brief: Starter homes with yards + stronger neighborhood order for [City]

AI Code Adaptation: Paste `https://familyflourishing.org/ordinance/md/starter-homes-and-order.md` into Claude, Gemini, or ChatGPT and ask it to map brackets to your municipal code and state preemption rules.

7. PRIMARY-SOURCE STATUTORY & EMPIRICAL CITATIONS

- **Wendell Cox & Lyman Stone (March 2025):** Homes for Young Families: A Pro-Family Housing Agenda, Institute for Family Studies (survey of ~9,000 adults).
- **Freddie Mac / U.S. Census Bureau:** Housing Supply: A Growing Deficit (entry-level homes <=1,400 sq ft fell from ~40% in 1982 to single digits).
- **Hilber & Turner (2014); Dettling & Kearney (2014):** Review of Economics and Statistics 96(4) (demand subsidy capitalization); Journal of Public Economics 110 (house prices and births).
- **Houston Ch. 42 Sec. 42-184; Austin HOME Phase 2 (2024); TX SB 15 (2025); MA Ch. 40Y:** Enacted fee-simple small-lot and starter-home codes; Emily Hamilton, HUD Cityscape 26(3) (2024).
- **City of Grants Pass v. Johnson, 603 U.S. 520 (2024); Florida HB 1365 (Fla. Stat. 125.0231):** Constitutional authority for neutral public-camping ordinances.