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POLICY SPOTLIGHT

Rezoning Protest Petitions Are Ripe for Reform

States are rethinking protest petition laws that limit new housing

SALIM FURTH AND KELCIE MCKINLEY | OCTOBER 2025

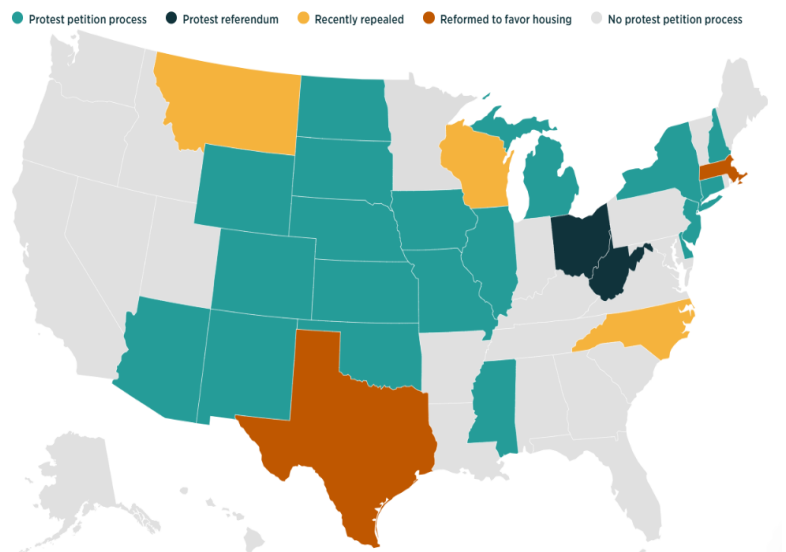
As the US faces high housing costs, cities have been loosening zoning rules to allow greater housing supply in areas that have long been limited by strict zoning. However, local rezonings sometimes encounter a roadblock: protest petitions.¹

The Protest Petition Process and Liberty

Currently, 21 states have protest petition laws. When a rezoning is proposed in these states, property owners near the proposed rezoning site may sign a petition protesting the change. If they do, the local government cannot proceed without a supermajority vote. This gives too much power to a very small number of neighbors.

To protect liberty, government policies ought to err on the side of less regulation. Protest petitions introduce the opposite bias, favoring restriction. States can replace their protest petition laws with protections against strict new zoning.

FIGURE 1. Protest petition laws by state



¹ See Salim Furth and Kelcie McKinley, “Rezoning Protest Petitions Are Ripe for Reform” (Mercatus Policy Brief, Mercatus Center at George Mason University, August 2025). Scan the QR code below for the full analysis, including sources.



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Protest Petition Reform Options

States may consider five reform options.

1. **Repeal:** States can entirely repeal the protest petition process, as Montana, Wisconsin, and North Carolina did recently.
2. **Liberalize upzoning:** States can tilt the playing field in favor of property rights by repealing the protest petition process only for upzoning, as in Massachusetts.
3. **Raise threshold, broaden neighborhood:** States can increase the number of neighbors needed to file a protest petition, either by raising the raw percentage required or by expanding the pool. Oklahoma is a good model.
4. **Exempt residential and comprehensive rezonings:** States can exempt comprehensive rezonings and residential upzoning from petition statutes, as Texas did.
5. **Count people as well as land:** Typically, protest petitions count land, not people. States can follow Arizona by counting people as well.