



2018 State Legislative Candidate Questionnaire

The Missoula Organization of REALTORS® advocates for REALTORS® and consumers. Our members would like to know your thoughts on priority REALTOR® issues. We thank you for being specific in your responses.

MOR has endorsed candidates in past elections and may do so in these elections. In order to be considered for an endorsement, candidates must return a completed questionnaire to MOR by the deadline.

Please return the questionnaire by no later than 8:00 AM Monday, March 26 to Sam Sill at ssill@missoularealestate.com.

BACKGROUND

Name: **Marilyn Marler**

Office You Are Seeking: Representative for **House District 90**

Mailing Address: 1750 South 8th Street West

City & Zip Code: Missoula, MT 59801

Phone: 406-544-7189

Email: marilynjmarler@gmail.com

CAMPAIGN ORGANIZATION

Treasurer's Name, Address and Phone Number:

Miranda Ming, Marilyn Marler for HD 90

1750 S. 8th Street West, Missoula MT 59801

(Miranda's address is 2119 Briggs St, Missoula MT 59803 but that is not the campaign address)

Will you accept PAC contributions? Yes

ISSUES

Home prices in Missoula County have increased rapidly since the end of the economic downturn and incomes haven't kept up. The median home sales price for 2017 was \$268,250, a price unaffordable for many Missoula families. These rapidly increasing prices are due primarily to a shortage of housing, particularly in more attainable price ranges. As a state legislator, you will evaluate policies that will impact housing and economic development in Missoula County.

- 1) State law broadly outlines the process by which local governments must review subdivisions of land. Subdivision is the primary vehicle for creating lots to be developed into homes for sale. Subdivision review policies attempt to balance communities' housing needs with protecting the environment, agriculture, wildlife habitat, public safety, and other interests. **Does state law provide a framework for a balanced,**

efficient, and predictable review process at the local level, or are reforms needed? If reforms are needed, please specify.

My service on the Missoula City Council for 12 years, including 5 years during which Missoula underwent rapid growth and, as a result there were many subdivisions, has taught me a lot about this topic. The current review process is very good at soliciting and incorporating feedback from citizens, neighbors, City offices including Engineering, Parks and Recreation, Fire Department and others to comment on and influence how the proposal is (or is not) making a positive contribution to the community.

Although the process allows for participation, there are some areas that lack predictability and need reform (see below for two examples). Changes to the process should be informed by input from local governments (i.e. MT League of Cities and Towns) because local governments have experience balancing these issues, and more direct contact with local residents.

Issue 1. Impacts to agriculture. State law says that subdivisions must mitigate for impacts to agriculture, however there is no guidance on what that means. Missoula City Council (and the County Commissioners) struggled with this on several occasions on the west side of Missoula. We had a few proposed subdivisions in Target Range where all parties wanted to help preserve fertile agriculture soils, but City Council and the existing neighbors were at odds about how to do it. In the end the subdivision was never built because of a combination of frustration and controversy on the part of the landowner.

There are a number of creative solutions that could be developed (specifying minimum acreage to be left undeveloped, guidelines for density bonuses for putting land into conservation easements, for example) but it is not an easy problem to solve.

Issue 2. Timeliness of review. We heard repeatedly from developers that the city review process took too much time, or an unpredictable amount of time. At the same time, we heard repeatedly from the public that the review process seems rushed and capricious. Unfortunately, this paradox is inherent to a process that must allow for public participation while respecting private property rights and our growing need for housing. I am not sure how to resolve the conundrum. However, the City of Missoula took steps on its own to optimize the review process (with a departmental reorganization), but I am not sure if state law can be reformed to address this problem. Maybe state law could encourage expedited review for projects that pro-actively address pre-determined local community priorities (like in-fill or conservation for example) but those community priorities will vary across the state.

My experience in municipal government will inform my ability to work on this important topic. I have reviewed many subdivisions and participated in my public hearings, so I have experienced the frustrations and conflicts that arise when new development conflicts with a neighborhoods values. I am enthusiastic about collaborating with different groups to solve these problems because we need more housing. In Missoula

(and likely in other cities and towns), we have an actual housing crisis, and we need to work together to keep costs down and be flexible.

- 2) Regulatory reform may be one strategy for promoting housing affordability through state law. **What non-regulatory strategies should the legislature pursue? If strategies require funding, where should it come from?**

I am not sure what *non-regulatory* strategies the legislature should pursue; since they are the legislative branch they are responsible for regulations. I think incentives are good when possible, but I am not sure how the state could identify what incentives could be offered, and for what amenities or concessions, at the local level. Perhaps state law could outline which parts of subdivision requirements could be used by local governments as incentives.

Some things that developers have identified as burdens to affordability include requirements for:

- setbacks
- minimum lot sizes
- sidewalks
- park dedication
- common/landscaped areas in multi-family subdivision
- parking

I don't think that state law should be the place where these things are reduced or removed; I think the power to promote or provide incentives these should rest with local government where the local elected officials hear directly from constituents.

City council recently (late 2017) reviewed a subdivision of single family homes on medium sized lots in a part of town that would have easily supported smaller lots and a diversity of housing options. However, the developer did not want to incite controversy with the existing neighbors and was not interested in building affordable/attainable housing. I am not sure what we could have offered to encourage him to bring a different proposal that better fit our community needs; but it would have had to happen much earlier in the project development phase. I am open to ideas about how to do this. (Projects that happen in Urban Renewal Districts often include some negotiations and incentives, which ties into my support for URDs – see question 3 below).

I admire and support the intent of previous legislatures in creating the Town House Subdivision Exemption; however, this had some unintended consequences when very large parcels (5 acres) were essentially subdivided with minimal public review. This a complicated topic where people have different values and goals; there is not going to be one easy solution.

- 3) The upcoming legislature may consider changes to state law governing tax increment financing (TIF) and urban renewal districts. TIF is used within the City of Missoula's

urban renewal districts to combat blight and promote economic development. However, critics of TIF say that these urban renewal districts can be in place for many years, and TIF diverts property tax revenue away from schools and county governments. Supporters respond that TIF grows the property tax base and creates jobs, and that once the urban renewal districts sunset, the taxing jurisdictions have significantly more revenue than they would have otherwise had. **Does state law governing TIF and urban renewal districts need to be reformed? If so, how?**

No, the state law governing TIF and URDs does not need to be reformed. In my experience, the projects that happen with TIF financing in URDs involve a good deal of negotiation and problem solving with input from the Missoula Redevelopment Agency. These public-private partnerships, and investment of public funds in improving “blighted” areas (it is an unfortunate legal term). Here are two examples:

1. Because of TIF, we saw significant redevelopment of the abandoned Kmart on Brooks into the new South Crossing. Public funds helped pay for removal of the old building and parking lot, which helped make the project feasible. Demolition of the old site was cost-prohibitive. Without public investment, the developers may have chosen greenfield development out of town, which is contrary to our local values of open space conservation, or they may not have built here at all. Without help from TIF, the site would likely have stayed a sea of asphalt with a vacant building.
2. TIF financing has been used to pay for sidewalks and for parks in areas of town that lack these important elements of community infrastructure. These are public safety and health issues that do rise to the level of needing special attention. I think the short-term diversion of a small amount of funds from other jurisdictions is warranted.

URDs are one way that communities are able to solve local problems incentives instead of regulations, as discussed in the previous question. Local governments need flexibility and authority to choose local investment strategies that fit their local needs.