

118TH CONGRESS
1ST SESSION

S. 3216

To amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Mr. SCHATZ (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build More Housing
5 Near Transit Act of 2023”.

6 **SEC. 2. AFFORDABLE HOUSING INCENTIVES IN CAPITAL IN-**
7 **VESTMENT GRANTS.**

8 Section 5309 of title 49, United States Code, is
9 amended—

1 (1) in subsection (a)—

2 (A) by redesignating paragraph (6) as
3 paragraph (7); and

4 (B) by inserting after paragraph (5) the
5 following:

6 “(6) PRO-HOUSING POLICY.—The term ‘pro-
7 housing policy’—

8 “(A) means any State or local action that
9 will remove regulatory barriers to the construc-
10 tion or preservation of housing units, including
11 affordable housing units; and

12 “(B) shall include any State or local action
13 that—

14 “(i) reduces or eliminates parking
15 minimums;

16 “(ii) establishes a by-right approval
17 process for multi-family housing under
18 which land use development approval is
19 limited to determining that the develop-
20 ment meets objective zoning and design
21 standards that—

22 “(I) involve no subjective judg-
23 ment by a public official;

24 “(II) are uniformly verifiable by
25 reference to an external and uniform

1 benchmark or criterion available to
2 both the land use developer and the
3 public official prior to submission; and

4 “(III) include only such stand-
5 ards as are published and adopted by
6 ordinance or resolution by a jurisdic-
7 tion before submission of a develop-
8 ment application;

9 “(iii) reduces or eliminates minimum
10 lot sizes;

11 “(iv) commits substantial publicly-held
12 real property to the development or preser-
13 vation of housing that includes a substan-
14 tial number of dwelling units affordable to
15 low-income households; or

16 “(v) eliminates or raises residential
17 property height limits or increases the
18 number of dwelling units permitted to be
19 constructed under a by-right approval
20 process; and

21 “(vi) carries out other policies as de-
22 termined by the Secretary, in consultation
23 with the Secretary of Housing and Urban
24 Development.”;

1 (2) in subsection (g)(2), by adding at the end
2 the following:

3 “(D) ELIGIBILITY FOR ADJUSTMENT OF
4 RATING FOR PROJECT JUSTIFICATION CRITERIA
5 FOR PRO-HOUSING POLICIES.—In evaluating
6 and rating a project as a whole for project jus-
7 tification under subparagraph (A), the Sec-
8 retary may increase 1 point on the 5-point scale
9 (high, medium-high, medium, medium-low, or
10 low) the rating of a project if the applicant sub-
11 mits documented evidence of pro-housing poli-
12 cies for areas located within walking distance
13 of, and accessible to, transit facilities along the
14 project route.

15 “(E) CONSULTATION.—In awarding the in-
16 creased rating described in subparagraph (D),
17 the Secretary shall consult with the Secretary
18 of Housing and Urban Development to develop
19 the methodology to evaluate, as feasible, the ex-
20 tent to which the pro-housing policies docu-
21 mented by the applicant will result, through
22 new production and preservation, in an amount
23 of housing units, including housing units af-
24 fordable below the area median income, that is

1 appropriate to expected housing demand in the
2 project area over the life of the project.”; and
3 (3) in subsection (o)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (B), by striking
6 “and” at the end;

7 (ii) in subparagraph (C), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(D) information concerning projects for
13 which the applicant submitted pro-housing poli-
14 cies under subsection (g)(2)(D) and received an
15 adjustment of rating for project justification,
16 including the pro-housing policies submitted
17 and the amount of housing units expected
18 through new production and preservation, in-
19 cluding affordable housing, as a result of the
20 expected results of the policies, as measured
21 under subsection (g)(2)(E).”.

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