

117TH CONGRESS  
1ST SESSION

# S. 3237

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

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

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## 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 2021”.

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 (g)—

2 (A) in paragraph (2)(B)—

3 (i) in clause (i) by striking “; and”  
4 and inserting a semicolon;

5 (ii) in clause (ii) by striking the pe-  
6 riod and inserting “; and”; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(iii) allow a weighting of up to five  
10 percentage points greater to the criteria re-  
11 lating to economic development under sub-  
12 section (d)(2)(A)(iii) or (e)(2)(A)(iv), as  
13 applicable, and up to five percentage points  
14 lesser to the lowest scoring criteria under  
15 either such subsection, if the applicant  
16 demonstrates substantial effort to preserve  
17 or encourage affordable housing near the  
18 project by—

19 “(I) conducting a housing feasi-  
20 bility assessment;

21 “(II) providing documentation of  
22 policies that allow for the approval of  
23 multi-family housing, single room oc-  
24 cupancy units, and accessory dwelling

1 units without a discretionary review  
2 process;

3 “(III) providing local capital  
4 sources for transit-oriented develop-  
5 ment; or

6 “(IV) other methods to preserve  
7 or encourage affordable housing near  
8 the project, as determined appropriate  
9 by the Secretary.”; and

10 (B) by adding at the end the following:

11 “(9) DEFINITION.—In this subsection, the term  
12 ‘housing feasibility assessment’ means an analysis of  
13 the physical, legal, and financial viability of devel-  
14 oping additional housing along a project corridor, in-  
15 cluding affordable housing.”; and

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

18 “(9) INCLUSION OF CERTAIN COSTS.—In deter-  
19 mining net project costs for purposes of determining  
20 the Government share of the cost of a project under  
21 this section, a project sponsor may—

22 “(A) include costs related to the planning  
23 or development of affordable housing located  
24 within one-half of a mile of a new defined sta-  
25 tion funded by amounts made available under

1 section 103 of the Housing and Community De-  
2 velopment Act of 1974 (42 U.S.C. 5303) or sec-  
3 tion 201 of the Public Works and Economic  
4 Development Act of 1965 (42 U.S.C. 3141);  
5 and

6 “(B) count the costs described in subpara-  
7 graph (A) toward the remainder of the net cap-  
8 ital project costs under paragraph (4).”.

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