

119TH CONGRESS
1ST SESSION

S. _____

To direct the Secretary of Housing and Urban Development, acting through the Assistant Secretary for Policy Development and Research, to publish guidelines and best practices for State zoning and local zoning frameworks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BLUNT ROCHESTER (for herself, Mr. CRAPO, Mr. FETTERMAN, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Secretary of Housing and Urban Development, acting through the Assistant Secretary for Policy Development and Research, to publish guidelines and best practices for State zoning and local zoning frameworks, 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 “Housing Supply
5 Frameworks Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) As of 2022 in the United States, there was
2 an estimated housing shortage of 3,850,000 homes.
3 This housing supply shortage has resulted in a
4 record number of cost-burdened households across
5 regions and spanning the large and small cities,
6 towns, and coastal and rural communities of the
7 United States.

8 (2) Several factors contribute to the under-
9 supply of housing in the United States, particularly
10 workforce housing, including rising costs of con-
11 struction, a shortage of labor, supply chain disrup-
12 tions, and a lack of reliable funding sources.

13 (3) Regulatory barriers at the State and local
14 levels, such as zoning and land use regulations, also
15 inhibit the creation of new housing to meet local and
16 regional housing needs.

17 (4) State and local governments are proactively
18 exploring solutions for reforming regulatory barriers,
19 but additional resources, data, and models can help
20 adequately address these challenges.

21 (5) While land use regulation is the responsi-
22 bility of State and local governments, there is Fed-
23 eral support for necessary reforms, and there is an
24 opportunity for the Federal Government to provide
25 support and assistance to State and local govern-

1 ments that wish to undertake necessary reforms in
2 a manner that fits their communities' needs.

3 (6) Therefore, zoning ordinances or systems of
4 land use regulation that have the intent or effect of
5 restricting housing opportunities based on economic
6 status or income without interests that are substan-
7 tial, legitimate, nondiscriminatory and that outweigh
8 the regional need for housing are contrary to the re-
9 gional and national interest.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) AFFORDABLE HOUSING.—The term “afford-
13 able housing” means housing for which the monthly
14 payment is not more than 30 percent of the monthly
15 income of the household.

16 (2) ASSISTANT SECRETARY.—The term “Assist-
17 ant Secretary” means the Assistant Secretary for
18 Policy Development and Research of the Depart-
19 ment of Housing and Urban Development.

20 (3) LOCAL ZONING FRAMEWORK.—The term
21 “local zoning framework” means the local zoning
22 codes and other ordinances, procedures, and policies
23 governing zoning and land-use at the local level.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Housing and Urban Development.

1 (5) STATE ZONING FRAMEWORK.—The term
2 “State zoning framework” means the State legisla-
3 tion or State agency and department procedures, or
4 such legislation or procedures in an insular area of
5 the United States, enabling local planning and zon-
6 ing authorities and establishing and guiding related
7 policies and programs.

8 **SEC. 4. GUIDELINES ON STATE AND LOCAL ZONING FRAME-**
9 **WORKS.**

10 (a) ESTABLISHMENT.—Not later than 3 years after
11 the date of enactment of this section, the Assistant Sec-
12 retary shall publish documents outlining guidelines and
13 best practices to support production of adequate housing
14 to meet the needs of communities and provide housing op-
15 portunities for individuals at every income level across
16 communities with respect to—

17 (1) State zoning frameworks; and

18 (2) local zoning frameworks.

19 (b) CONSULTATION; PUBLIC COMMENT.—During the
20 2 year period beginning on the date of enactment of this
21 Act, in developing the guidelines and best practices re-
22 quired under subsection (a), the Assistant Secretary
23 shall—

24 (1) publish draft guidelines in the Federal Reg-
25 ister for public comment; and

1 (2) establish a task force for the purpose of
2 providing consultation to draft guidelines published
3 under paragraph (1), the members of which shall in-
4 clude—

5 (A) planners and architects;

6 (B) advocates with experience in affordable
7 housing, community development efforts, and
8 fair housing;

9 (C) housing developers, including afford-
10 able and market-rate housing developers, manu-
11 factured housing developers, and other business
12 interests;

13 (D) community engagement experts and
14 community members impacted by zoning deci-
15 sions;

16 (E) public housing authorities and transit
17 authorities;

18 (F) members of local zoning and planning
19 boards and local and regional transportation
20 planning organizations;

21 (G) State officials responsible for housing
22 or land use, including members of State zoning
23 boards of appeals;

24 (H) academic researchers; and

25 (I) home builders.

1 (c) CONTENTS.—The guidelines and best practices
2 required under subsection (a) shall—

3 (1) with respect to State zoning frameworks,
4 outline potential models for updated State enabling
5 legislation or State agency and department proce-
6 dures;

7 (2) include recommendations regarding—

8 (A) the reduction or elimination of parking
9 minimums;

10 (B) the increase in maximum floor area
11 ratio requirements and maximum building
12 heights and the reduction in minimum lot sizes
13 and set-back requirements;

14 (C) the elimination of restrictions against
15 accessory dwelling units;

16 (D) increasing by-right uses, including du-
17 plex, triplex, or quadplex buildings, across cities
18 or metropolitan areas;

19 (E) mechanisms, including proximity to
20 transit, to determine the appropriate scope for
21 rezoning and ensure development that does not
22 disproportionately burden residents of economi-
23 cally distressed areas;

1 (F) provisions regarding review of by-right
2 development proposals to streamline review and
3 reduce uncertainty, including—

4 (i) nondiscretionary, ministerial re-
5 view; and

6 (ii) entitlement and design review
7 processes;

8 (G) the reduction of obstacles to a range
9 of housing types at all levels of affordability, in-
10 cluding manufactured and modular housing;

11 (H) State model zoning regulations for di-
12 recting local reforms, including mechanisms to
13 encourage adoption;

14 (I) provisions to encourage transit-oriented
15 development, including increased permissible
16 units per structure and reduced minimum lot
17 sizes near existing or planned public transit sta-
18 tions;

19 (J) potential reforms to the public engage-
20 ment process, including—

21 (i) meaningful access for persons with
22 limited English proficiency and effective
23 communication improvements for persons
24 with disabilities;

1 (ii) leveraging of virtual meeting tech-
2 nologies; and

3 (iii) proactive outreach in commu-
4 nities;

5 (K) reforms to protest petition statutes;

6 (L) the standardization, reduction, or
7 elimination of impact fees;

8 (M) cost effective and appropriate building
9 codes;

10 (N) models for community benefit agree-
11 ments;

12 (O) mechanisms to preserve affordability,
13 limit disruption of low-income communities, and
14 prevent displacement of existing residents;

15 (P) with respect to State zoning frame-
16 works—

17 (i) State model codes for directing
18 local reforms, including mechanisms to en-
19 courage adoption;

20 (ii) a model for a State zoning appeals
21 process, which would—

22 (I) create a process for devel-
23 opers or builders requesting a vari-
24 ance, conditional use, special permit,
25 zoning district change, similar discre-

tionary permit, or otherwise petitioning a local zoning or planning board for a project including a State-defined amount of affordable housing to appeal a rejection to a State body or regional body empowered by the State;

(II) establish qualifications for communities to be exempted from the appeals process based on their available stock of affordable housing; and

(III) establish a State zoning appeals board to consider appeals to a discretionary permit rejection and objectively evaluate petitions based on the potential for environmental damage and infrastructural capacity; and

(iii) best practices on the disposition of land owned by State governments for affordable housing development;

(Q) with respect to local zoning frameworks—

(i) the simplification and standardization of existing zoning codes;

(ii) maximum review timelines;

1 (iii) best practices for the disposition
2 of land owned by local governments for af-
3 fordable housing development; and

4 (iv) differentiations between best prac-
5 tices for rural, suburban, and urban com-
6 munities, and communities with different
7 levels of density or population distribution;
8 and

9 (R) other land use measures that promote
10 access to new housing opportunities identified
11 by the Secretary; and

12 (3) consider—

13 (A) consistency with respect to fair hous-
14 ing and civil rights requirements;

15 (B) the effects of adopting any rec-
16 ommendation on eligibility for Federal discre-
17 tionary grants provided by the Department of
18 Housing and Urban Development, the Depart-
19 ment of Transportation, and the Department of
20 Agriculture, and tax credits for the purpose of
21 housing or community development;

22 (C) coordination between infrastructure in-
23 vestments and housing planning;

24 (D) local housing needs, including ways to
25 set and measure housing goals and targets;

1 (E) a range of affordability for rental
2 units, with a prioritization of units attainable to
3 extremely low-income, low-income, and mod-
4 erate-income residents;

5 (F) a range of affordability for homeown-
6 ership units attainable to low-income and mod-
7 erate-income residents;

8 (G) accountability measures;

9 (H) the long-term cost to residents and
10 businesses if more housing is not constructed;

11 (I) barriers to individuals seeking to access
12 affordable housing in growing communities and
13 communities with economic opportunity;

14 (J) with respect to State zoning frame-
15 works—

16 (i) distinctions between States pro-
17 viding constitutional or statutory home
18 rule authority to municipalities and States
19 operating under the Dillon Rule, as articu-
20 lated in *Hunter v. Pittsburgh*, 207 U.S.
21 161 (1907);

22 (ii) statewide mechanisms to preserve
23 existing affordability over the long term,
24 including support for land banks and com-
25 munity land trusts; and

- 1 (iii) guidance to States on collecting
2 and maintaining proactive data on the cur-
3 rent rental housing market and rental reg-
4 istries;
- 5 (K) public comments described in sub-
6 section (b)(1); and
- 7 (L) other considerations, as identified by
8 the Secretary.

9 **SEC. 5. REPORTING.**

10 Not later than 5 years after the date on which the
11 Assistant Secretary publishes the guidelines and best prac-
12 tices for State and local zoning frameworks, the Assistant
13 Secretary shall submit to Congress a report describing—

14 (1) the States that have adopted recommenda-
15 tions from the guidelines and best practices, pursu-
16 ant to section 4 of this Act;

17 (2) a summary of the localities that have adopt-
18 ed recommendations from the guidelines and best
19 practices, pursuant to Section 4 of this Act;

20 (3) a list of States that adopted a State zoning
21 framework;

22 (4) a summary of the modifications that each
23 State has made in their State zoning framework;

1 (5) a general summary of the types of updates
2 localities have made to their local zoning framework;
3 and

4 (6) of the States that have adopted a State zon-
5 ing framework or recommendations from the guide-
6 lines and best practices, the effect of such adoptions
7 on the number of building permits issued.

8 **SEC. 6. ABOLISHMENT OF REGULATORY BARRIERS CLEAR-**
9 **INGHOUSE.**

10 (a) IN GENERAL.—The Regulatory Barriers Clear-
11 inghouse established pursuant to section 1205 of the
12 Housing and Community Development Act of 1992 (42
13 U.S.C. 12705d) is abolished.

14 (b) REPEAL.—Section 1205 of the Housing and
15 Community Development Act of 1992 (42 U.S.C. 12705d)
16 is repealed.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-
19 retary to carry out this Act \$3,000,000 for each of fiscal
20 years 2026 through 2030.