

118TH CONGRESS
2D SESSION

H. R. 10351

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 HOUSE OF REPRESENTATIVES

DECEMBER 11, 2024

Mr. FLOOD (for himself and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Financial Services

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 and
5 Innovation Frameworks Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) As of 2021 in the United States, there was
2 an estimated housing shortage of 3,890,000 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) FRAMEWORK-RELATED TERMS.—

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

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

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

11 **SEC. 4. GUIDELINES ON STATE AND LOCAL ZONING FRAME-**
 12 **WORKS.**

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

20 (1) State zoning frameworks; and

21 (2) local zoning frameworks.

22 (b) CONSULTATION; PUBLIC COMMENT.—During the
 23 one-year period beginning on the date of enactment of this
 24 section, in developing the guidelines and best practices re-

1 quired under the previous subsection, the Assistant Sec-
2 retary shall—

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

5 (2) establish a task force for the purpose of
6 providing consultation to draft guidelines published
7 under the previous clause, the members of which
8 shall include—

9 (A) planners and architects;

10 (B) advocates with experience in affordable
11 housing, community development efforts, and
12 fair housing;

13 (C) housing developers, including afford-
14 able and market-rate housing developers, manu-
15 factured housing developers, and other business
16 interests;

17 (D) community engagement experts and
18 community members impacted by zoning deci-
19 sions;

20 (E) public housing authorities and transit
21 authorities;

22 (F) members of local zoning and planning
23 boards and local and regional transportation
24 planning organizations;

1 (G) State officials responsible for housing
2 or land use, including members of State zoning
3 boards of appeals;

4 (H) academic researchers; and

5 (I) home builders.

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

8 (1) with respect to State zoning frameworks,
9 outline potential models for updated State enabling
10 legislation or State agency and department proce-
11 dures;

12 (2) include recommendations regarding—

13 (A) the reduction or elimination of parking
14 minimums;

15 (B) the increase in maximum floor area
16 ratio requirements and maximum building
17 heights and the reduction in minimum lot sizes
18 and set-back requirements;

19 (C) the elimination of restrictions against
20 accessory dwelling units;

21 (D) increasing by-right uses, including du-
22 plex, triplex, or quadplex buildings, across cities
23 or metropolitan areas, including mechanisms,
24 such as proximity to transit, to determine the
25 jurisdictional level for rezoning and ensures de-

1 development that does not disproportionately bur-
2 den residents of economically distressed areas;

3 (E) provisions regarding review of by-right
4 development proposals to streamline review and
5 reduce uncertainty, including—

6 (i) nondiscretionary, ministerial re-
7 view; and

8 (ii) entitlement and design review
9 processes;

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

13 (G) State model zoning regulations for di-
14 recting local reforms, including mechanisms to
15 encourage adoption;

16 (H) provisions to encourage transit-ori-
17 ented development, including increased permis-
18 sible units per structure and reduced minimum
19 lot sizes near existing or planned public transit
20 stations;

21 (I) potential reforms to the public engage-
22 ment process, including—

23 (i) meaningful access for persons with
24 limited English proficiency and effective

1 communication improvements for persons
2 with disabilities;

3 (ii) leveraging of virtual meeting tech-
4 nologies; and

5 (iii) proactive outreach in commu-
6 nities;

7 (J) reforms to protest petition statutes;

8 (K) the standardization, reduction, or
9 elimination of impact fees;

10 (L) cost effective and appropriate building
11 codes;

12 (M) models for community benefit agree-
13 ments;

14 (N) mechanisms to preserve affordability,
15 limit disruption of low-income communities, and
16 prevent displacement of existing residents;

17 (O) with respect to State zoning frame-
18 works, a model for a State zoning appeals proc-
19 ess, which would—

20 (i) create a process for developers or
21 builders requesting a variance, conditional
22 use, or zoning district change or otherwise
23 petitioning a local zoning or planning
24 board for a project including a State-de-
25 fined amount of affordable housing to ap-

1 peal a rejection to a State body or regional
2 body empowered by the State;

3 (ii) establish qualifications for com-
4 munities to be exempted from the appeals
5 process based on their available stock of
6 affordable housing; and

7 (iii) establish a State zoning appeals
8 board to consider appeals to a variance re-
9 jection and objectively evaluate petitions
10 based on the potential for environmental
11 damage and infrastructural capacity;

12 (P) with respect to State zoning frame-
13 works, best practices on the disposition of land
14 owned by State governments for affordable
15 housing development;

16 (Q) with respect to local zoning frame-
17 works—

18 (i) the simplification and standardiza-
19 tion of existing zoning codes;

20 (ii) maximum review timelines; and

21 (iii) best practices for the disposition
22 of land owned by local governments; and

23 (R) other land use measures that promote
24 access to new housing opportunities identified
25 by the Secretary; and

1 (3) consider—

2 (A) local housing needs, including ways to
3 set and measure housing goals and targets;

4 (B) a range of affordability for rental
5 units, with a prioritization of units attainable to
6 extremely low-income, low-income, and mod-
7 erate-income residents;

8 (C) a range of affordability for homeown-
9 ership units attainable to low-income and mod-
10 erate-income residents;

11 (D) with respect to State zoning frame-
12 works, distinctions between States providing
13 constitutional or statutory home rule authority
14 to municipalities and States operating under
15 the Dillon rule, as articulated in *Hunter v.*
16 *Pittsburgh* (207 U.S. 161 (1907));

17 (E) accountability measures;

18 (F) the long-term cost to residents and
19 businesses if more housing is not constructed;

20 (G) barriers to individuals seeking to ac-
21 cess affordable housing in growing communities
22 and communities with economic opportunity;

23 (H) consistency with respect to fair hous-
24 ing and civil rights requirements;

1 (I) coordination between infrastructure in-
2 vestments and housing planning;

3 (J) with respect to State zoning frame-
4 works, statewide mechanisms to preserve exist-
5 ing affordability over the long term, including
6 support for land banks and community land
7 trusts;

8 (K) with respect to State zoning frame-
9 works, guidance to States on collecting and
10 maintaining proactive data on the current rent-
11 al housing market and rental registries;

12 (L) public comments described in sub-
13 section (b)(1); and

14 (M) other considerations as identified by
15 the Secretary.

16 **SEC. 5. REPORTING.**

17 Not later than 2 years after the date on which the
18 Assistant Secretary publishes the guidelines and best prac-
19 tices for State and local zoning frameworks, the Assistant
20 Secretary shall submit to Congress a report describing—

21 (1) the States that have adopted a version of
22 the guidelines and best practices, including those
23 that developed and adopted a State zoning frame-
24 work;

1 (2) the localities that have adopted a version of
2 the guidelines;

3 (3) a summary of the modifications that each
4 State has made in their State zoning framework;
5 and

6 (4) a general summary of the types of updates
7 localities have made to their local zoning framework.

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 of Housing and Urban Development \$5,000,000 for
20 each of fiscal years 2025 through 2029.

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