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

IN THE HOUSE OF REPRESENTATIVES

Mr. Peters introduced the following bill; which was referred to the Committee on ____________________________

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”.

(Original Signature of Member)
SEC. 2. AFFORDABLE HOUSING INCENTIVES IN CAPITAL INVESTMENT GRANTS.

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

(1) in subsection (a)—

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

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

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

“(A) means any State or local action that will remove regulatory barriers to the construction or preservation of housing units, including affordable housing units; and

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

“(i) reduces or eliminates parking minimums;

“(ii) establishes a by-right approval process for multi-family housing under which land use development approval is limited to determining that the development meets objective zoning and design standards that—
“(I) involve no subjective judgment by a public official; and

“(II) are uniformly verifiable by reference to an external and uniform benchmark or criterion available to both the land use developer and the public official prior to submission; and

“(III) include only such standards as are published and adopted by ordinance or resolution by a jurisdiction before submission of a development application;

“(iii) reduces or eliminates minimum lot sizes;

“(iv) commits substantial publicly-held real property to the development or preservation of housing that includes a substantial number of dwelling units affordable to low-income households; or

“(v) eliminates or raises residential property height limits or increases the number of dwelling units permitted to be constructed under a by-right approval process; and
“(vi) carries out other policies as determined by the Secretary, in consultation with the Secretary of Housing and Urban Development.”;

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

“(D) ELIGIBILITY FOR ADJUSTMENT OF RATING FOR PROJECT JUSTIFICATION CRITERIA FOR PRO-HOUSING POLICIES.—In evaluating and rating a project as a whole for project justification under subparagraph (A), the Secretary may increase 1 point on the 5-point scale (high, medium-high, medium, medium-low, or low) the rating of a project if the applicant submits documented evidence of pro-housing policies for areas located within walking distance of, and accessible to, transit facilities along the project route.

“(E) CONSULTATION.—In awarding the increased rating described in subparagraph (D), the Secretary shall consult with the Secretary of Housing and Urban Development to develop the methodology to evaluate, as feasible, the extent to which the pro-housing policies documented by the applicant will result, through
new production and preservation, in an amount
of housing units, including housing units af-
fordable below the area median income, that is
appropriate to expected housing demand in the
project area over the life of the project.”; and
(3) in subsection (o)—
(A) in paragraph (1)—
(i) in subparagraph (B), by striking
“and” at the end;
(ii) in subparagraph (C), by striking
the period at the end and inserting “;
and”; and
(iii) by adding at the end the fol-
lowing:
“(D) information concerning projects for
which the applicant submitted pro-housing poli-
cies under subsection (g)(2)(D) and received an
adjustment of rating for project justification,
including the pro-housing policies submitted
and the amount of housing units expected
through new production and preservation, in-
cluding affordable housing, as a result of the
expected results of the policies, as measured
under subsection (g)(2)(E).”.