

118TH CONGRESS
1ST SESSION

H. R. 6199

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

NOVEMBER 2, 2023

Mr. PETERS (for himself, Mrs. RODGERS of Washington, Ms. STRICKLAND, Mr. KILMER, Mr. BERA, Mr. BLUMENAUER, Ms. DEAN of Pennsylvania, Mr. ROBERT GARCIA of California, Mr. JACKSON of North Carolina, Mr. KRISHNAMOORTHY, Ms. SCHRIER, and Mr. TRONE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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”.

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

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

5 (1) in subsection (a)—

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

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

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

12 “(A) means any State or local action that
13 will remove regulatory barriers to the construc-
14 tion or preservation of housing units, including
15 affordable housing units; and

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

18 “(i) reduces or eliminates parking
19 minimums;

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

1 “(I) involve no subjective judgment by a public official;

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

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

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

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

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
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1 “(vi) carries out other policies as de-
2 termined by the Secretary, in consultation
3 with the Secretary of Housing and Urban
4 Development.”;

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

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

19 “(E) CONSULTATION.—In awarding the in-
20 creased rating described in subparagraph (D),
21 the Secretary shall consult with the Secretary
22 of Housing and Urban Development to develop
23 the methodology to evaluate, as feasible, the ex-
24 tent to which the pro-housing policies docu-
25 mented by the applicant will result, through

1 new production and preservation, in an amount
2 of housing units, including housing units af-
3 fordable below the area median income, that is
4 appropriate to expected housing demand in the
5 project area over the life of the project.”; and
6 (3) in subsection (o)—

7 (A) in paragraph (1)—

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

10 (ii) in subparagraph (C), by striking
11 the period at the end and inserting “;
12 and”; and

13 (iii) by adding at the end the fol-
14 lowing:

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

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