



21st Century ROAD to Housing Act

Title I, Section 107: *Housing Supply Frameworks*

[Link to Section 107 Text](#)

SUMMARY

Section 207 requires HUD to publish “guidelines on state and local zoning frameworks” within three years of enactment. There will be an opportunity for public comment within the first two years of enactment, which will include a task force with state official representatives (and others). The intent of this requirement is to help states and local governments identify pro-housing zoning and land use policies. HUD must submit a report to Congress within five years of enactment detailing the impact of these housing supply frameworks.

IMPLEMENTATION TIMELINE AND RESPONSIBILITIES

Subsection (b): Guidelines on State and Local Zoning Frameworks –

(1) In General – Not later than 3 years after the date of enactment of this Act, the Assistant Secretary shall publish documents outlining guidelines and best practices to support production of adequate housing to meet the needs of communities and provide housing opportunities for individuals at every income level across communities with respect to –

- (A) State zoning frameworks; and
- (B) Local zoning frameworks.

(2) Consultation; Public Comment – During the 2-year period beginning on the date of enactment of this Act, in developing the guidelines and best practices required under paragraph (1), the Assistant Secretary shall –

- (A) publish draft guidelines and best practices in the Federal Register for public comment; and
- (B) establish a task force for the purpose of providing consultation to draft the guidelines and best practices published under subparagraph (A), the members of which shall include –
 - (i) urban planners and architects;
 - (ii) housing developers, including affordable and market-rate housing developers, manufactured housing developers, cooperative housing developers, and other business interests;
 - (iii) community engagement experts and community members impacted by zoning decisions;
 - (iv) public housing agencies and transit authorities;
 - (v) members of local zoning and planning boards and local and regional transportation planning organizations;
 - (vi) State officials responsible for housing or land use, including members of State zoning boards of appeals;

- (vii) academic researchers; and
- (viii) home builders.

(3) Contents – The guidelines and best practices required under paragraph (1) shall –

(A) with respect to State zoning frameworks, outline potential models for updated State enabling legislation or State agency and department procedures;

(B) include recommendations regarding –

- (i) the reduction or elimination of parking minimums;
- (ii) the increase in maximum floor area ratio requirements and maximum building heights and the reduction in minimum lot sizes and set-back requirements;
- (iii) the elimination of restrictions against accessory dwelling units;
- (iv) increasing by-right uses, including duplex, triplex, or quadplex buildings, across cities or metropolitan areas;
- (v) mechanisms, including proximity to transit, to determine the appropriate scope for rezoning and ensure development that does not disproportionately burden residents of economically distressed areas;
- (vi) provisions regarding review of by- right development proposals to streamline review and reduce uncertainty, including—
 - (I) nondiscretionary, ministerial review; and
 - (II) entitlement and design review processes;
- (vii) the reduction of obstacles, regulatory or otherwise, to a range of housing types at all levels of affordability, including manufactured and modular housing;
- (viii) State model zoning regulations for directing local reforms, including mechanisms to encourage adoption;
- (ix) provisions to encourage transit- oriented development, including increased permissible units per structure and reduced minimum lot sizes near existing or planned public transit stations;
- (x) potential reforms to strengthen the public engagement process;
- (xi) reforms to protest petition statutes;
- (xii) the standardization, reduction, or elimination of impact fees;
- (xiii) cost-effective and appropriate building codes;
- (xiv) models for community benefit agreements;
- (xv) mechanisms to preserve affordability, limit disruption of low-income communities, and prevent displacement of existing residents;
- (xvi) with respect to State zoning frameworks –
 - (I) State model codes for directing local reforms, including mechanisms to encourage adoption;
 - (II) a model for a State zoning appeals process, which would—
 - (aa) create a process for developers or builders requesting a variance, conditional use, special permit, zoning district change, similar discretionary 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; and
 - (bb) establish qualifications for communities to be exempted from the appeals process based on their available stock of affordable housing; and
 - (III) streamlining of State environmental review policies;
- (xvii) with respect to local zoning frameworks –
 - (I) the simplification and standardization of existing zoning codes;
 - (II) maximum review timelines;
 - (III) best practices for the disposition of land owned by local governments for affordable housing development;
 - (IV) differentiations between best practices for rural, suburban, and urban communities, and communities with different levels of density or population distribution; and
 - (V) streamlining of local environmental review policies; and
- (xviii) other land use measures that promote access to new housing opportunities identified by the Secretary; and
- (C) consider –
 - (i) the effects of adopting any recommendation on eligibility for Federal discretionary grants and tax credits for the purpose of housing or community development;
 - (ii) coordination between infrastructure investments and housing planning;
 - (iii) local housing needs, including ways to set and measure housing goals and targets;
 - (iv) a range of affordability for rental units, with a prioritization of units attainable to extremely low-, low-, and moderate- income residents;
 - (v) a range of affordability for homeownership;
 - (vi) accountability measures;
 - (vii) the long-term cost to residents and businesses if more housing is not constructed;
 - (viii) barriers to individuals seeking to access affordable housing in growing communities and communities with economic opportunity;
 - (ix) with respect to State zoning frameworks –
 - (I) distinctions between States providing constitutional or statutory home rule authority to municipalities and States operating under the Dillon Rule, as articulated in *Hunter v. Pittsburgh*, 207 U.S. 161 (1907); and
 - (II) Statewide mechanisms to preserve existing affordability over the long term, including support for land banks and community land trusts;
 - (x) public comments elicited under paragraph (2)(A); and
 - (xi) other considerations, as identified by the Assistant Secretary.

Subsection (d): Reporting

Not later than 5 years after the date on which the Assistant Secretary publishes the final guidelines and best practices for State and local zoning frameworks under this section, the Assistant Secretary shall submit to Congress a report describing –

- (1) the States that have adopted recommendations from the guidelines and best practices, pursuant to subsection (b);
- (2) a summary of the localities that have adopted recommendations from the guidelines and best practices, pursuant to subsection (b);
- (3) a list of States that adopted a State zoning framework;
- (4) a summary of the modifications that each State has made in their State zoning framework;
- (5) a general summary of the types of updates localities have made to their local zoning framework;
- (6) with respect to the States that have adopted a State zoning framework or recommendations from the guidelines and best practices, the effect of such adoptions; and
- (7) a summary of any recommendations that were routinely not adopted by States or by localities.

GENERAL PROVISIONS

Subsection (a): Definitions

- (1) Affordable Housing – means housing for which the monthly payment is not more than 30 percent of the monthly income of the household.
- (2) Assistant Secretary – means the Assistant Secretary for Policy Development and Research of the Department of Housing and Urban Development.
- (3) Local Zoning Framework – means the local zoning codes and other ordinances, procedures, and policies governing zoning and land-use at the local level.
- (4) Secretary – means the Secretary of Housing and Urban Development.
- (5) State Zoning Framework – means the State legislation or State agency department procedures, or such legislation or procedures in an insular area of the United States, enabling local planning and zoning authorities and establishing and guiding related policies and programs.

Subsection (c): Abolishment of the Regulatory Barriers Clearinghouse

- (1) In General – The Regulatory Barriers Clearinghouse established pursuant to section 1205 of the Housing and Community Development Act of 1992 ([42 U.S.C. 12705d](#)) is abolished.
- (2) Repeal – Section 1205 of the Housing and Community Development Act of 1992 ([42 U.S.C. 12705d](#)) is repealed.

Subsection (e): Rule of Construction

Nothing in this section may be construed to permit the Department of Housing and Urban Development to take an adverse action against or fail to provide otherwise offered actions or

services for any State or locality if the State or locality declines to adopt a guideline or best practice under subsection (b).