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SENATE BILL NO. 1331

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact §§ 15.2-2223 and 15.2-2304 of the Code of Virginia, relating to affordable housing; local zoning ordinance authority; comprehensive plan.

Patrons—McClellan and Hashmi; Delegate: Kory

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2223 and 15.2-2304 of the Code of Virginia are amended and reenacted as follows: § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the

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59 transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department
 60 shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in
 61 accordance with subsection F of § 33.2-214.

62 6. If the adopted transportation plan designates corridors planned to be served by mass transit, as
 63 defined in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority
 64 distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property
 65 tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as
 66 described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of
 67 utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

68 7. Each locality's amendments or updates to its transportation plan as required by subdivisions 2
 69 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

70 C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall
 71 show the locality's long-range recommendations for the general development of the territory covered by
 72 the plan. It may include, but need not be limited to:

73 1. The designation of areas for various types of public and private development and use, such as
 74 different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral
 75 resources; conservation; active and passive recreation; public service; flood plain and drainage; and other
 76 areas;

77 2. The designation of a system of community service facilities such as parks, sports playing fields,
 78 forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living
 79 facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

80 3. The designation of historical areas and areas for urban renewal or other treatment;

81 4. The designation of areas for the implementation of reasonable measures to provide for the
 82 continued availability, quality, and sustainability of groundwater and surface water;

83 5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district
 84 maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

85 6. The location of existing or proposed recycling centers;

86 7. The location of military bases, military installations, and military airports and their adjacent safety
 87 areas; and

88 8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

89 D. The comprehensive plan shall include the designation of areas and implementation of measures
 90 for the construction, rehabilitation, and maintenance of affordable housing, which is sufficient to meet
 91 the current and future needs of residents of all levels of income in the locality while considering the
 92 current and future needs of the planning district within which the locality is situated. *The comprehensive
 93 plan shall not, intentionally or unintentionally, limit choices and opportunities for affordable housing
 94 geographically based on income and shall include methods to address the sustainability of affordable
 95 housing, including property maintenance requirements and avoidance of demolition by neglect.*

96 *Such plan shall show the connections, if any, between the location of affordable housing and:*

97 1. *Economic development efforts that bring new jobs to a community;*

98 2. *The location of mobility resources that are appropriate for and affordable to the residents of
 99 areas occupied by, designed for, or zoned for affordable housing units and that provide access to
 100 multiple jobs, shopping, services, and educational opportunities;*

101 3. *The availability of accredited, high-quality, affordable education resources and facilities to serve
 102 the needs of local residents; and*

103 4. *The location of parks, indoor and outdoor recreation, and libraries within walking distance of
 104 such affordable housing.*

105 E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is
 106 sufficient to meet the current and future needs of residents and businesses in the locality. To this end,
 107 local planning commissions may consult with and receive technical assistance from the Center for
 108 Innovative Technology, among other resources.

109 **§ 15.2-2304. Affordable dwelling unit ordinances in certain localities.**

110 In furtherance of the purpose of providing affordable shelter for all residents of the Commonwealth,
 111 the governing body of any county where the urban county executive form of government or the county
 112 manager plan of government is in effect, the Counties of Albemarle and Loudoun, and the Cities of
 113 Alexandria, Charlottesville, and Fairfax locality in the Commonwealth may by amendment to the zoning
 114 ordinances of such locality provide for an affordable housing dwelling unit program. The program shall
 115 address housing needs, promote a full range of housing choices, *help ensure that the housing needs for
 116 older residents to live independently are accommodated,* and encourage the construction and continued
 117 existence of moderately priced housing by providing for optional increases in density in order to reduce
 118 land costs for such moderately priced housing. *In addition to optional increases in density, the program
 119 may also include any combination of the following implementation measures and tools:*

120 1. *Lot size reductions, dimensional and form modifications, or floor area ratio increases for the*

- 121 production of affordable housing units, or any combination thereof;
- 122 2. Contribution to a local housing trust fund in lieu of construction of affordable housing units;
- 123 3. Accessory housing unit allowances;
- 124 4. Required set-asides for affordable housing units in market-rate development, provided that
- 125 required set-asides for market housing units in affordable tax-credit development are also provided, up
- 126 to a maximum ratio, so as to prevent concentrations of areas with affordable housing or areas with no
- 127 affordable housing;
- 128 5. Housing inspection programs designed to ensure the quality and safety of affordable housing
- 129 constructed in accordance with the locality's comprehensive plan;
- 130 6. Design control, including prohibiting the use of specific building materials, even if such materials
- 131 are permitted under the Uniform Statewide Building Code, on affordable housing, constructed in
- 132 accordance with the locality's comprehensive plan;
- 133 7. Allowance of duplexes, triplexes, and quadruplexes in areas with primarily single-family detached
- 134 homes for the purpose of providing affordable housing and creating mixed-income homeownership
- 135 options;
- 136 8. Allowance of conversion of office, light industrial, and commercial space to multifamily use;
- 137 9. Encouragement of transit-oriented development;
- 138 10. Provision of financial incentives or removal of financial disincentives to promote development of
- 139 new affordable housing where such development would not otherwise occur under existing conditions;
- 140 and
- 141 11. Other policies, measures, or tools that are materially similar to those listed in this section and
- 142 that have a positive impact on the production and maintenance of affordable housing units.
- 143 Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this
- 144 section shall not be subject to an additional requirement outside of such program to contribute to a
- 145 county or city housing fund.
- 146 Any local ordinance of any other locality providing optional increases in density for provision of low
- 147 and moderate income housing adopted before December 31, 1988, shall continue in full force and effect.
- 148 Localities adopting such ordinances on or after July 1, 2023, shall, in developing and adopting such
- 149 housing programs, create an advisory committee and actively seek input from citizens, developers of
- 150 residential and mixed-use property, real estate professionals, historic preservation professionals,
- 151 redevelopment and housing professionals and advocates, planners, urban design professionals, and
- 152 finance professionals.