

By: McClendon

H.B. No. 3251

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a municipality or county to use
3 inclusionary zoning to promote the development of affordable
4 housing.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 250, Local Government Code, is amended
7 by adding Section 250.003 to read as follows:

8 Sec. 250.003. INCLUSIONARY ZONING. (a) In this section:

9 (1) "Affordable dwelling unit" means a dwelling unit
10 that is appropriately priced for:

11 (A) sale to individuals and families of low
12 income, as defined by Section 2306.004, Government Code; or

13 (B) rent to individuals and families of very low
14 income, as defined by Section 2306.004, Government Code.

15 (2) "Inclusionary zoning" means a zoning regulation, a
16 condition of development, or any other requirement that:

17 (A) is imposed by an ordinance, an order, or a
18 regulation or is imposed in connection with any special permit,
19 special exception, or subdivision plan; and

20 (B) promotes the development of affordable
21 dwelling units.

22 (b) A municipality or county may use inclusionary zoning to
23 increase the availability of affordable dwelling units in the
24 jurisdiction. A municipality or county may include in its

1 inclusionary zoning a requirement that, under circumstances
2 determined by the municipality or county, a developer must
3 construct one or more affordable dwelling units in the
4 jurisdiction. A municipality or county using inclusionary zoning
5 with respect to a particular affordable dwelling unit shall require
6 the unit to remain affordable for at least 10 years, but not longer
7 than 50 years, after the developer first makes the unit available
8 for rent or sale to individuals and families of low and very low
9 income, as applicable, as a result of the inclusionary zoning.

10 (c) To implement inclusionary zoning, a municipality or
11 county may agree with a developer to restrict rent or sale prices
12 for properties designated as affordable dwelling units.

13 (d) A municipality or county using inclusionary zoning may
14 allow a developer to construct a total number of affordable
15 dwelling units that would create density levels in excess of the
16 levels allowed by applicable density limits.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2003.