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SENATE BILL NO. 233

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend the Code of Virginia by adding in Title 36 a chapter numbered 13, consisting of sections numbered 36-176 and 36-177, relating to Faith in Housing for the Commonwealth Act.

Patron—Hashmi

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 36 a chapter numbered 13, consisting of sections numbered 36-176 and 36-177, as follows:

CHAPTER 13.

FAITH IN HOUSING FOR THE COMMONWEALTH ACT.

§ 36-176. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Faith land" means real estate (i) owned on or before January 1, 2024, or owned for a period of not less than five years, by a religious organization and (ii) for which the religious organization initially retains a majority ownership interest.

"Housing development" means the same as that term is defined in § 36-141.

"Locality" means the same as that term is defined in § 15.2-102.

"Persons of low income" means the same as that term is defined in § 36-3.

"Persons of moderate income" means the same as that term is defined in § 36-3.

"Religious organization" means a church, church diocese, religious congregation, religious association, or religious society.

§ 36-177. Housing development; religious institutions.

A. Notwithstanding any inconsistent provision of a locality's general plan, specific plan, zoning ordinance, or regulation, upon the request of a religious organization, a housing development may be constructed if:

1. The housing development is located on faith land;

2. All of the housing development's total units, exclusive of a manager's unit or units, are for persons of low income, except that up to 20 percent of the total units in the development may be for persons of moderate income, and five percent of the units may be for staff of the religious organization that owns the land; and

3. The housing development remains dedicated for persons of low income at the levels described in subdivision 2 for at least 99 years.

B. A housing development constructed pursuant to this chapter shall be managed by a nonprofit property manager with experience managing affordable housing that has entered into an agreement for such purpose with the religious organization.

C. A housing development constructed pursuant to this chapter may include ground-floor facilities, such as child care centers, operated by community-based organizations for the provision of recreational, social, or educational services for use by the residents of the development and members of the local community in which the development is located and any preexisting religious institutional use, if such use is limited to the preexisting total square footage of the improvements on the property.

D. If the locality's zoning does not permit residential uses, the housing development shall be allowed a density of 40 units per acre and a height of one story or 15 feet above the maximum height otherwise applicable to the parcel. If the locality allows for greater residential density or building heights on that parcel, or an adjoining parcel, the greater density or building height shall apply.