

25102124D

SENATE BILL NO. 1351

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend and reenact § 15.2-2201 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.9, relating to affordable housing; religious organizations and other tax-exempt properties.

Patron—Srinivasan

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2201 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.9 as follows:

§ 15.2-2201. Definitions.

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

"501(c)3 tax-exempt nonprofit organization" means any organization exempt from taxation pursuant to § 501(c)3 of the Internal Revenue Code of 1954 and whose real property taxes are exempt pursuant to § 58.1-3609.

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and

1/28/25 10:33

59 information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and
60 15.2-2264, and other applicable statutes.

61 "Preliminary subdivision plat" means the proposed schematic representation of development or
62 subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes
63 will be achieved.

64 "*Religious organization*" means the same as that term is described in § 58.1-3617.

65 "Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage,
66 preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306
67 and other applicable statutes.

68 "Site plan" means the proposal for a development or a subdivision including all covenants, grants or
69 easements and other conditions relating to use, location and bulk of buildings, density of development,
70 common open space, public facilities and such other information as required by the subdivision ordinance to
71 which the proposed development or subdivision is subject.

72 "Special exception" means a special use that is a use not permitted in a particular district except by a
73 special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

74 "Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

75 "Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the
76 division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of
77 transfer of ownership or building development, or, if a new street is involved in such division, any division of
78 a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the
79 process of subdividing or to the land subdivided and solely for the purpose of recordation of any single
80 division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance
81 with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall
82 preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line
83 agreement with one another so long as such agreement is only used to resolve a bona fide property line
84 dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted
85 line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such
86 agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater
87 street frontage, or interfere with a recorded easement, and such agreement shall not result in any
88 nonconformity with local ordinances and health department regulations. Notice shall be provided to the
89 zoning administrator of the locality in which the parcels are located for review. For any property affected by
90 this definition, any division of land subject to a partition suit by virtue of order or decree by a court of
91 competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the
92 minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel
93 resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by
94 more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality
95 in which the property is located.

96 "Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions
97 regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a
98 building or structure when the strict application of the ordinance would unreasonably restrict the utilization of
99 the property, and such need for a variance would not be shared generally by other properties, and provided
100 such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which
101 change shall be accomplished by a rezoning or by a conditional zoning.

102 "Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides
103 access to the water and is used for water-dependent commercial, industrial, or governmental activities,
104 including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and
105 services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

106 "Working waterfront development area" means an area containing one or more working waterfronts
107 having economic, cultural, or historic public value of such significance as to warrant development and
108 reparation.

109 "Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such
110 areas and districts being generally referred to as "zones," by legislative action and the prescribing and
111 application in each area and district of regulations concerning building and structure designs, building and
112 structure placement and uses to which land, buildings and structures within such designated areas and
113 districts may be put.

114 **§ 15.2-2288.9. Affordable housing; religious organizations and other tax-exempt properties.**

115 A. No local ordinance shall require a special exception, special use permit, conditional use permit, or
116 additional fee to be obtained for the development and construction of affordable housing on real property
117 owned by a religious organization or 501(c)3 tax-exempt nonprofit organization that is connected to a public
118 sewage system. The project shall meet the following conditions:

119 1. The housing development is built on real property that was owned on or before July 1, 2023, by a

120 *religious organization or 501(c)3 tax-exempt nonprofit organization for no less than five years.*
121 *2. At least 60 percent of the housing development's total units are for affordable housing.*
122 *3. The housing development remains affordable for at least 50 years.*
123 *4. The housing development follows nondiscrimination rules as defined by the Virginia Fair Housing Law*
124 *(§ 36-96.1 et seq.).*
125 *B. A housing development constructed pursuant to this section may include publicly available*
126 *ground-floor facilities, including religious worship space and child day centers as defined in § 22.1-289.02.*
127 *C. A housing development constructed pursuant to this section shall allow, at a minimum, (i) three full*
128 *stories, 45 feet, or the height of the tallest existing building within a quarter mile, whichever is greater, and*
129 *(ii) at least four units per lot and 20 units per acre, or the most intensive existing residential unit density*
130 *within a quarter mile, whichever is greater, with no floor-area ratio, unit size, lot size, or other dimensional*
131 *constraints imposed. No more than one parking space per unit shall be required.*

INTRODUCED

SB1351