

# 2026 SESSION

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1 **HOUSE BILL NO. 922**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 15.2-735.1 of the Code of Virginia, relating to county manager plan of*  
5 *government; affordable dwelling unit ordinance.*

6 Patron—Lopez

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 15.2-735.1 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 15.2-735.1. Affordable dwelling unit ordinance; permitting certain densities in the comprehensive**  
11 **plan.**

12 A. In a county that provides in its comprehensive plan for the physical development within the county,  
13 adopted pursuant to § 15.2-2223, for densities of development ranging between a floor area ratio (FAR) of  
14 1.0 FAR and 10.0 FAR, or greater, the governing body may adopt as part of its zoning ordinance  
15 requirements for the provision of (i) on-site or off-site "Affordable Dwelling Units," as defined herein, or (ii)  
16 a cash contribution to the county's affordable housing fund, in lieu of such units, in such amounts  
17 *commensurate to the value of on-site Affordable Dwelling Units* as set out herein, as a condition of the  
18 governing body's approval of a special exception application for residential, commercial, or mixed-use  
19 projects with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre.  
20 Residential, commercial, or mixed-use projects with a density less than 1.0 FAR, or an equivalent density  
21 based on units per acre, shall be exempt from the requirements of this section and the county's zoning  
22 ordinance adopted pursuant to this section. The county's zoning ordinance requirements shall provide as  
23 follows:

24 1. Upon approval of a special exception application approving a residential, commercial, or mixed-use  
25 project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the  
26 applicant shall provide on-site Affordable Dwelling Units as part of the project the total gross square footage  
27 of which units shall be 5% of the amount of the gross floor area of the project that exceeds 1.0 FAR or an  
28 equivalent density based on units per acre. For purposes of this section, "applicant" shall mean the person or  
29 entity submitting a special exception application for approval of a residential, commercial or mixed-use  
30 project in the county and shall include the successors or assigns of the applicant.

31 2. As an alternative, upon approval of a special exception application approving a residential, commercial,  
32 or mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units  
33 per acre, the applicant may elect to provide any one of the following:

34 a. Affordable Dwelling Units shall be provided off-site at a location within one-half mile of any Metrorail  
35 Station for projects within a Metro Station Area as defined in the county's comprehensive plan, or within one-  
36 half mile of the residential, commercial, or mixed-use project for projects not within a Metro Station Area, as  
37 provided in the county's zoning ordinance, the total gross square footage of which units shall be 7.5% of the  
38 amount of the gross floor area of the project that is over 1.0 FAR or an equivalent density based on units per  
39 acre, or

40 b. Affordable Dwelling Units shall be provided off-site at any other locations in the county other than  
41 those provided in the county's zoning ordinance in accordance with subdivision a, the total gross square  
42 footage of which units shall be 10% of the amount of the gross floor area of the project that is over 1.0 FAR,  
43 or an equivalent density based on units per acre, or

44 c. A cash contribution to the county's affordable housing fund, *which shall be indexed to the Consumer*  
45 *Price Index for Housing in the Washington-Arlington-Alexandria Metropolitan Statistical Area (MSA) as*  
46 *published by the Bureau of Labor Statistics and shall be adjusted annually based upon the January changes*  
47 *to such index for that year. A cash contribution shall be calculated as follows for each of the below-described*  
48 *density tiers:*

49 (1) ~~One and one-half dollars~~ *No less than \$1.50* per square foot of gross floor area for the first tier of  
50 density between zero and 1.0 FAR, or an equivalent density based on units per acre.

51 (2) ~~Four dollars~~ *No less than \$4* per square foot of gross floor area for the tier of density in residential  
52 projects between 1.0 FAR and 3.0 FAR, or an equivalent density based on units per acre, and ~~\$4~~ *No less than*  
53 *\$4* per square foot of gross floor area for the tier of density in commercial projects above 1.0 FAR.

54 (3) ~~Eight dollars~~ *No less than \$8* per square foot of gross floor area for the tier of density in residential  
55 projects above 3.0 FAR, or an equivalent density based on units per acre.

56 (4) For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of

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59 commercial and residential gross floor area to each tier.

60 The cash contribution shall be indexed to the Consumer Price Index for Housing in the Washington-  
61 Baltimore MSA as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the  
62 January changes to such index for that year. The county may amend the cash contribution amounts in the  
63 zoning ordinance.

64 3. The applicant shall provide the county manager or his designee, prior to the issuance of the first  
65 certificate of occupancy for the residential, commercial, or mixed-use project, a written plan of how the  
66 applicant proposes to address the provision of Affordable Dwelling Units or cash contribution as provided in  
67 this section and the provisions of the zoning ordinance adopted pursuant to this section. The county manager  
68 or his designee shall approve or disapprove the applicant's plan in writing within 30 days of receipt of the  
69 written proposal from the applicant. If the county manager or his designee disapproves of the applicant's plan,  
70 specific reasons for such disapproval shall be provided.

71 4. An applicant may submit a written plan to be considered by the governing body or its designee to  
72 address the provision of Affordable Dwelling Units or cash contribution as provided in this section and the  
73 provisions of the zoning ordinance adopted pursuant to this section that deviate from the requirements of this  
74 section and the ordinance. Any such deviations may be approved in accordance with the procedures  
75 established in the county's zoning ordinance, which procedures shall include a provision for an appeal to the  
76 governing body of any administrative decision relative to the written plan submitted by the applicant.

77 5. The ordinance adopted by the county pursuant to this section may provide that, in the discretion of the  
78 governing body and with the agreement of the applicant, at the time of consideration of the special exception  
79 application, the above requirements may be totally or partially substituted for other compelling public  
80 priorities established in plans, studies, policies, or other documents of the county.

81 6. Applications for a special exception approval of a residential, commercial, or mixed-use project that  
82 results in the demolition and rebuilding of an existing project shall be subject to the requirements of this  
83 section and the zoning ordinance adopted pursuant to this section at the time of redevelopment; however,  
84 only density that is replaced or rebuilt and any increased density shall be subject to the requirements. This  
85 section and the county's zoning ordinance adopted pursuant to this section shall not apply to rehabilitation or  
86 renovation of existing residential, commercial, or mixed-use projects, *provided that there is no change in use.*  
87 *Applications for a special exception approval for a change of use of an existing building from commercial to*  
88 *residential may be subject to an affordable housing requirement.*

89 7. For purposes of this section "Affordable Dwelling Unit" means units committed for a 30-year term as  
90 affordable to households with incomes at 60% of the area median income.

91 B. This section shall apply to an application for a special exception approval for a residential, commercial,  
92 or mixed-use project with a density provided for by the County's comprehensive plan designation for the  
93 property that is the subject matter of the application. This section shall further apply to such an application  
94 that requires rezoning of the property that is the subject matter of the application to permit a use provided for  
95 by the county's comprehensive plan designation for the subject property.

96 C. The ordinance adopted by the county pursuant to this section may provide that an application for  
97 approval of a special exception for a residential, commercial, or mixed-use project that requests an increase in  
98 density that exceeds the density provided for by the county's comprehensive plan designation for the property  
99 that is the subject matter of the application shall be subject to an affordable housing requirement in addition  
100 to the requirements of this section and the zoning ordinance adopted pursuant to this section.

101 D. The ordinance adopted by the county pursuant to this section or other provisions of law may provide  
102 that an application that requests to amend the county's comprehensive plan designation for the subject  
103 property to a higher density designation may be subject to an affordable housing requirement in addition to  
104 the requirements of this section and the zoning ordinance adopted pursuant to this section.

105 E. The ordinance adopted by the county pursuant to this section may provide that applications for a  
106 special exception approval for residential, commercial, or mixed-use projects that result in the elimination of  
107 existing units affordable to households with incomes equal to or below 80% of the area median income  
108 address replacement of the eliminated units as a condition of the governing body's approval of the special  
109 exception application.

110 F. With the exception of the authority under § 15.2-2304, this section establishes the legislative authority  
111 for the county to obtain Affordable Dwelling Units in exchange for the approval of a special exception  
112 application for a residential, commercial, or mixed-use project in the county, and a special exception may not  
113 be used in combination with any other provision of law in Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 to  
114 obtain Affordable Dwelling Units from an applicant. Nothing in this section shall be construed to repeal the  
115 county's authority under any other provision of law.