

2018 Regular Session

SENATE BILL NO. 462

BY SENATOR MARTINY

PLANNING/ZONING. Provides relative to the Louisiana Inclusionary Zoning and Workforce Affordable Housing Act. (gov sig)

1 AN ACT

2 To amend and reenact the heading of Part VIII of Chapter 14 of Title 33 of the Louisiana  
3 Revised Statutes of 1950, R.S. 33:5001, 5002(A) and (B)(2), and 5003, relative to  
4 inclusionary zoning for affordable housing; to provide for findings and purpose; to  
5 authorize and permit any municipality or parish with land use or zoning ordinances  
6 or regulations to adopt ordinances for voluntary economic incentive policies for  
7 affordable housing; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Part VIII of Chapter 14 of Title 33 of the Louisiana  
10 Revised Statutes of 1950, R.S. 33:5001, 5002(A) and (B)(2), and 5003 are hereby amended  
11 and reenacted to read as follows:

12 PART VIII. LOUISIANA ~~INCLUSIONARY ZONING~~ **VOLUNTARY**  
13 **ECONOMIC INCENTIVE POLICIES** AND WORKFORCE  
14 AFFORDABLE HOUSING ACT

15 §5001. Short title

16 This Part shall be known and may be cited as the "Louisiana ~~Inclusionary~~  
17 **Zoning Voluntary Economic Incentive Policies** and Workforce Affordable Housing

1 Act".

2 §5002. Findings and purpose

3 A. The legislature finds that:

4 (1) In many municipalities and parishes, there is a serious shortage of decent,  
5 safe, and sanitary residential housing available at prices or rents that are affordable  
6 to low and moderate income families.

7 (2) The affordable housing shortage constitutes a danger to the health, safety,  
8 and welfare of all residents of the state and is a barrier to sound growth and  
9 sustainable economic development for the state's municipalities and parishes.

10 (3) These conditions ~~have been~~ **were** exacerbated by the damage to the  
11 state's housing stock caused by Hurricane Rita and Hurricane Katrina **and have**  
12 **remained persistent since.**

13 (4) The state will undergo an unprecedented residential construction boom  
14 over the next decade to restore housing for hurricane victims and new residents to  
15 the state in both damaged parishes and receiving parishes.

16 (5) While pre-hurricane concentrated poverty contributed to social isolation  
17 and its concurrent ills, mixed income communities have proven to hold better social  
18 outcomes for all residents, including better education, workforce, and health  
19 outcomes.

20 (6) Hundreds of jurisdictions and a dozen states have adopted **economic**  
21 **incentive** planning and implementation policies to deliver economically integrated  
22 housing development through ~~inclusionary zoning~~ **voluntary economic incentive**  
23 **policies** to ensure all sectors of housing need are securely met.

24 (7) ~~Inclusionary zoning~~ **Economic incentive policies**, which ~~requires all~~  
25 **induce** residential developments of a certain scale to include the development of  
26 affordable housing along with market rate housing, has proven a highly effective  
27 strategy to build on the expertise of private developers, while compensating them for  
28 their contributions.

29 **(8) It is in the state of Louisiana's best interest to incentivize housing**

1 **affordability for Louisiana residents by circumscribing regulatory burdens**  
2 **imposed on the housing industry by municipalities, parishes, or any other**  
3 **political subdivision of the state of Louisiana.**

4 B.(1) \* \* \*

5 (2) In the exercise of the police power of the state to protect the public health  
6 and welfare and pursuant to the authority of the legislature to establish uniform  
7 procedures for land use and zoning by law, this Part is enacted to provide authority  
8 for and to permit municipalities and parishes to use ~~inclusionary zoning~~ **voluntary**  
9 **economic incentive policies** to promote the development of affordable housing for  
10 low and moderate income families, **to the extent that such policies do not regulate**  
11 **the sales or lease price for a residential housing unit or lot, or otherwise cause**  
12 **a restraint on the alienation of real property.**

13 §5003. ~~Inclusionary zoning~~ **Voluntary economic incentive policies**

14 Any municipality or parish in the state that adopts land use or zoning  
15 ordinances, resolutions, or regulations may adopt ordinances to provide for  
16 ~~inclusionary zoning~~ **voluntary economic incentive policies** to increase the  
17 availability of affordable dwelling units within the jurisdiction of the respective  
18 municipality or parish.

19 Section 2. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature  
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23 effective on the day following such approval.

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The original instrument was prepared by Michael Bell. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Michelle D. Ridge.

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Present law states legislative findings relative to the need for and the benefits of inclusionary zoning to provide for affordable housing.

Present law allows municipalities and parishes to use inclusionary zoning strategies to

promote the development of affordable housing for low and moderate income families.

Present law authorizes any municipality or parish that adopts land use or zoning ordinances, resolutions, or regulations to adopt ordinances to provide for inclusionary zoning to increase the availability of affordable dwelling units.

Proposed law provides that a municipality or parish that adopts land use or zoning ordinances, resolutions, or regulations may adopt ordinances to provide for voluntary economic incentive policies to increase the availability of affordable dwelling units within the jurisdiction of the respective municipality or parish.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:5001, 5002(A) and (B)(2), and 5003)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.
2. Changes the term "inclusionary zoning" to "voluntary economic incentive policies" in other provisions.