

2017 Regular Session

SENATE BILL NO. 162

BY SENATOR APPEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT

2 To amend and reenact Part VIII of Chapter 14 of Title 33 of the Louisiana Revised Statutes
3 of 1950, comprised of R.S. 33:5001 though 5002, relative to workforce housing; to
4 encourage incentive based housing policy; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Part VIII of Chapter 14 of Title 33 of the Louisiana Revised Statutes of
7 1950, comprised of R.S. 33:5001 through 5002, is hereby amended and reenacted to read as
8 follows:

9 PART VIII. LOUISIANA ~~INCLUSIONARY ZONING~~ **INCENTIVES**

10 AND WORKFORCE AFFORDABLE HOUSING ACT

11 §5001. Short title

12 This Part shall be known and may be cited as the "Louisiana ~~Inclusionary~~
13 **Zoning Incentives** and Workforce Affordable Housing Act".

14 §5002. Findings and purpose

15 A. The legislature finds that:

16 (1) In many municipalities and parishes, there is a serious shortage of decent,
17 safe, and sanitary residential housing available at prices or rents that are affordable

1 to low and moderate income families.

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

5 (3) These conditions have been exacerbated by the damage to the state's
6 housing stock caused by Hurricane Rita and Hurricane Katrina.

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

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

14 (6) Hundreds of jurisdictions and a dozen states have adopted planning and
15 implementation policies to deliver economically integrated housing development
16 through ~~inclusionary zoning~~ **incentives** to ensure all sectors of housing need are
17 securely met.

18 (7) ~~Inclusionary zoning~~ **Incentives**, which ~~requires all~~ **induce** residential
19 developments of a certain scale to include the development of affordable housing
20 along with market rate housing, has proven a highly effective strategy to build on the
21 expertise of private developers, while compensating them for their contributions.

22 B.(1) The legislature recognizes the following provisions of the Constitution
23 of Louisiana:

24 (a) Article VI, Section 17 of the Constitution of Louisiana provides that,
25 subject to uniform procedures established by law, a local governmental subdivision
26 may adopt regulations for land use and zoning.

27 (b) Article I, Section 4 provides that the right to property is subject to
28 reasonable statutory restrictions and the reasonable exercise of the police power.

29 (c) Article VI, Section 9 provides that the police power of the state shall

1 never be abridged.

2 (2) In the exercise of the police power of the state to protect the public health
 3 and welfare and pursuant to the authority of the legislature to establish uniform
 4 procedures for land use and zoning by law, this Part is enacted to provide authority
 5 for and to permit municipalities and parishes to use ~~inclusionary zoning~~ **incentives**
 6 to promote the development of affordable housing for low and moderate income
 7 families, **to the extent that such policies do not have the effect of establishing the**
 8 **sales or lease price for a residential housing unit or lot or otherwise abridge or**
 9 **cause one to waive constitutionally protected rights to immovable property or**
 10 **otherwise cause a restraint on the alienation of immovable property.**

11 ~~§5003. Inclusionary zoning~~

12 ~~Any municipality or parish in the state that adopts land use or zoning~~
 13 ~~ordinances, resolutions, or regulations may adopt ordinances to provide for~~
 14 ~~inclusionary zoning to increase the availability of affordable dwelling units within~~
 15 ~~the jurisdiction of the respective municipality or parish.~~

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

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Cheryl M. Serrett.

DIGEST

SB 162 Reengrossed 2017 Regular Session Appel

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

Proposed law changes certain wording from inclusionary zoning to incentives.

Proposed law provides that any incentives policies created by local government to promote the development of affordable housing shall not have the following effects: (a) establishing the sales or lease price of residential housing units or lots, (b) abridge or cause one to waive constitutionally protected rights to immovable property, or (c) cause a restraint on the alienation of immovable property.

Proposed law removes the authority for municipalities and parishes to adopt ordinances providing for inclusionary zoning within their jurisdictions to address workforce affordable housing needs.

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

(Amends R.S. 33:5001-5002; repeals R.S. 33:5003)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds provisions that limit the incentive policies created by local government to promote the development of affordable housing.
2. Adds provisions that remove the authority for local governments to adopt ordinances providing for inclusionary zoning within their jurisdiction.
3. Adds technical amendments.

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical amendments.