

SENATE BILL NO. 462

BY SENATOR MARTINY

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART VIII. LOUISIANA ~~INCLUSIONARY ZONING~~ **VOLUNTARY ECONOMIC INCENTIVE POLICIES** AND WORKFORCE

AFFORDABLE HOUSING ACT

§5001. Short title

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

§5002. Findings and purpose

A. The legislature finds that:

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

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

(3) These conditions ~~have been~~ **were** exacerbated by the damage to the

1 state's housing stock caused by Hurricane Rita and Hurricane Katrina **and have**
 2 **remained persistent since.**

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

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

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

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

19 **(8) It is in the state of Louisiana's best interest to incentivize housing**
 20 **affordability for Louisiana residents by circumscribing regulatory burdens**
 21 **imposed on the housing industry by municipalities, parishes, or any other**
 22 **political subdivision of the state of Louisiana.**

23 B.(1) * * *

24 (2) In the exercise of the police power of the state to protect the public health
 25 and welfare and pursuant to the authority of the legislature to establish uniform
 26 procedures for land use and zoning by law, this Part is enacted to provide authority
 27 for and to permit municipalities and parishes to use ~~inclusionary zoning~~ **voluntary**
 28 **economic incentive policies** to promote the development of affordable housing for
 29 low and moderate income families, **to the extent that such policies do not cause**
 30 **a restraint on the alienation of real property.**

1 §5003. ~~Inclusionary zoning~~ **Voluntary economic incentive policies**

2 Any municipality or parish in the state that adopts land use or zoning
 3 ordinances, resolutions, or regulations may adopt ordinances to provide for
 4 ~~inclusionary zoning~~ **voluntary economic incentive policies** to increase the
 5 availability of affordable dwelling units within the jurisdiction of the respective
 6 municipality or parish.

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Please be advised that I have vetoed Senate Bill 462 of the 2018 Regular Session. This bill eliminates the ability of local governments to pursue certain affordable housing programs known as inclusionary zoning. Inclusionary zoning policies have been utilized by local governments across the country to boost affordable housing and other social outcomes. As drafted, this bill may jeopardize federal funding available to local governments for affordable housing programs.

Currently, no municipality or political subdivision in Louisiana has pursued the strategies the bill seeks to restrict. Therefore, if inclusionary zoning is an important tool for our cities and parishes, I encourage them to authorize and implement policies in this upcoming year. If local governments in Louisiana do not actively pursue these policies over the course of the next year, I will conclude that it is not their will to utilize these strategies and I will be inclined to sign a similar piece of legislation in the 2019 Regular Session."