

117TH CONGRESS
1ST SESSION

S. _____

To amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build More Housing
5 Near Transit Act of 2021”.

6 **SEC. 2. AFFORDABLE HOUSING INCENTIVES IN CAPITAL IN-**
7 **VESTMENT GRANTS.**

8 Section 5309 of title 49, United States Code, is
9 amended—

10 (1) in subsection (g)—

1 (A) in paragraph (2)(B)—

2 (i) in clause (i) by striking “; and”

3 and inserting a semicolon;

4 (ii) in clause (ii) by striking the pe-
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iii) allow a weighting of up to five
9 percentage points greater to the criteria re-
10 lating to economic development under sub-
11 section (d)(2)(A)(iii) or (e)(2)(A)(iv), as
12 applicable, and up to five percentage points
13 lesser to the lowest scoring criteria under
14 either such subsection, if the applicant
15 demonstrates substantial effort to preserve
16 or encourage affordable housing near the
17 project by—

18 “(I) conducting a housing feasi-
19 bility assessment;

20 “(II) providing documentation of
21 policies that allow for the approval of
22 multi-family housing, single room oc-
23 cupancy units, and accessory dwelling
24 units without a discretionary review
25 process;

1 “(III) providing local capital
2 sources for transit-oriented develop-
3 ment; or

4 “(IV) other methods to preserve
5 or encourage affordable housing near
6 the project, as determined appropriate
7 by the Secretary.”; and

8 (B) by adding at the end the following:

9 “(9) DEFINITION.—In this subsection, the term
10 ‘housing feasibility assessment’ means an analysis of
11 the physical, legal, and financial viability of devel-
12 oping additional housing along a project corridor, in-
13 cluding affordable housing.”; and

14 (2) in subsection (1), by adding at the end the
15 following:

16 “(9) INCLUSION OF CERTAIN COSTS.—In deter-
17 mining net project costs for purposes of determining
18 the Government share of the cost of a project under
19 this section, a project sponsor may—

20 “(A) include costs related to the planning
21 or development of affordable housing located
22 within one-half of a mile of a new defined sta-
23 tion funded by amounts made available under
24 section 103 of the Housing and Community De-
25 velopment Act of 1974 (42 U.S.C. 5303) or sec-

1 tion 201 of the Public Works and Economic
2 Development Act of 1965 (42 U.S.C. 3141);
3 and

4 “(B) count the costs described in subpara-
5 graph (A) toward the remainder of the net cap-
6 ital project costs under paragraph (4).”.