

FAITH IN HOUSING

HB 1279 / SB 388

EFFECTIVE JANUARY 1, 2027

SUNSETS JANUARY 1, 2031

HB 1279/SB 388 streamlines the development process for religious groups and certain 501(c)(3) nonprofits to build affordable housing by allowing “by-right” approval.

What does the law require?

Localities must adopt a zoning ordinance that allows **mixed-use or residential projects** to be **permitted by right**, regardless of the **use, height, or density otherwise permitted** under the local zoning ordinance.

By-right approval means localities **cannot require**, as a condition of approval, a **special exception, special use permit, conditional use permit, or any other discretionary approval** for the mixed-use or residential project.

Who qualifies?

- I. Tax-exempt religious organizations
- II. Certain tax-exempt 501(c)(3) nonprofit organizations

Project Requirements:

- Ownership: Qualifying entity must own the property for 5 years before applying.
- Affordability: At least 60% of units must remain affordable for 30 years.
 - Rental: ≤80% AMI
 - For-sale: ≤120% AMI
- Public Access: Housing must be open to all and follow nondiscrimination laws.
- Infrastructure: Must have or be planned for public water/sewer and meet existing regulations.
- Taxation: Property remains subject to local real estate taxes.



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Localities must allow, at a minimum:

- **Height:** 45 feet or the tallest building within 500 feet, *whichever is greater*.
 - Historic district height limits take precedence in districts established by Jan. 1, 2026.
- **Density:** 20 units per acre or the highest existing residential density within 500 feet, *whichever is greater*.
 - Higher minimum densities may apply in revitalization, transit, small-area, or sector plan areas.
- **Setbacks:** 10 feet or the smallest existing setback within 500 feet, *whichever is less*.
- **Housing Types:** Detached, attached, and multifamily housing, including mixed-use developments.
- **Residential Use:** At least **70% of gross floor area must be residential**. Up to 30% may be public-access ground-floor nonresidential uses, such as worship space, child care, health clinics, or coffee shops.

Localities cannot impose additional requirements for:

- Floor-area ratio, minimum home size, or minimum lot size
- Parking:
 - Residential - **no more than one space per unit**, or the lesser by-right requirement.
 - Nonresidential - **no more than one space per 300 sq. ft.**, or the lesser by-right requirement.

The law does not apply to:

- Housing developments with **existing permits** before Jan. 1, 2027
- Rezoning, special exception, or special-use applications **permitted before July 1, 2026**
- Property **zoned for or adjacent to industrial use**
- Property within designated military air installation/landing field compatibility zones

Questions?

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