**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3862**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.H. Neal and Howard

Document Path: l:\council\bills\dka\3689dw09.docx

Introduced in the House on April 1, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Inclusionary Zoning Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/1/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

4/1/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

**VERSIONS OF THIS BILL**

[4/1/2009](file:///p:\pprever\2009-10\3862_20090401.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 7, TITLE 6 SO AS TO ENACT THE “SOUTH CAROLINA INCLUSIONARY ZONING ACT” TO PROVIDE THAT COUNTIES AND MUNICIPALITIES ARE EMPOWERED TO USE INCLUSIONARY ZONING STRATEGIES TO EXPAND THE AVAILABILITY OF AFFORDABLE HOUSING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) The General Assembly finds:

(1) In many counties and municipalities, there is a serious shortage of decent, safe, and affordable residential housing available to low and moderate‑income families.

(2) The affordable housing shortage constitutes a danger to the health, safety, and welfare of residents of the State, and is a barrier to sound growth and sustainable economic development for South Carolina counties and municipalities.

(B) The purpose of this act is to provide authority for counties and municipalities to use inclusionary zoning strategies to promote the development of affordable housing for low and moderate‑income families.

SECTION 2. Chapter 7, Title 6 of the 1976 Code is amended by adding:

“Article 15

Inclusionary Zoning

Section 6‑7‑1510. This article may be cited as the ‘South Carolina Inclusionary Zoning Act’.

Section 6‑7‑1520. (A) For purposes of this article:

(1) ‘Affordable dwelling unit’ means a dwelling unit which is appropriately priced for:

(a) sale to any person or family whose income does not exceed eighty percent of the median family income for the local area, with adjustments for family size, according to the latest figures available from the United States Department of Housing and Urban Development; or

(b) rent to any person or family whose income does not exceed sixty percent of the median family income for the local area, with adjustments for family size, according to the latest figures available from the United States Department of Housing and Urban Development.

(2) ‘Inclusionary zoning’ means a zoning regulation, requirement, or condition of development, imposed by ordinance or regulation, or pursuant to any special permit, special exception, or subdivision plan, that promotes the development of affordable dwelling units.

(B)(1) A county or municipality is authorized to use inclusionary zoning to increase the availability of affordable dwelling units within the jurisdiction.

(2) Using inclusionary zoning, if a county or municipality requires a developer to construct one or more affordable dwelling units, the county or municipality may grant the developer permission to construct a total number of units in excess of the number allowed by applicable density limits.

(3) To implement inclusionary zoning, a county or municipality may enter into agreements with developers to restrict rent or sale prices for properties designated as affordable housing units.

(4) To qualify for inclusionary zoning, an affordable dwelling unit must remain affordable for at least ten years, but no more than fifty years, after development.”

SECTION 3. This act takes effect upon approval by the Governor.

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