Model Legislation

Affordable Housing Construction Stimulation Act

Summary

In order to increase the construction of low-income housing, this act allows certain requirements a developer must meet under a municipal housing or building code to be waived, provided it would not seriously effect the health and safety of the occupants and would result in at least 1% cost savings.

Model Legislation

(Title, enacting clause, etc.)

Section 1. In order to facilitate the construction of more affordable sales and rental housing, the Department of (insert appropriate department) shall be empowered to waive specific requirements a developer must meet under a municipal housing or building code, if the Department determines, after a review of the construction plans and municipal code requirements, that waiving the requirements would not seriously affect the health and safety of the occupants and that a cost savings of at least one percent would result.

Section 2. In order to implement the authority granted under this Act, the Department of (insert appropriate department) shall promulgate rules and regulations that shall:

(A) establish a procedure under which developers of affordable sales and rental housing may apply to the Department for a waiver as provided under this Act;

(B) establish fees to be paid by the applicant to be used toward the administration of this program;

(C) establish procedures for to be used by the Department in review-ing municipal building and housing code requirements as they relate to a specific plan in order to make a decision with respect to waiving the municipal requirements as provided by this Act.

Section 3. Where a waiver of any municipal building or housing code is granted under this Act, the cost savings per housing unit reflected by the waiver shall be guaranteed under separate contract between the builder and the municipality in which the project is being constructed, and this shall also be a condition for the granting of the building permit where applicable.

Section 4. {Repealer clause.}

Section 5. {Severability clause.}

Section 6. {Effective date.}

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This anti-regulatory bill allows waivers of housing and building codes for developers constructing low-income or affordable housing. It could pave the way for eliminating housing and building codes in all areas, in favor of a regulation-free marketplace.