

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 426

Short Title: Inclusionary Zoning/Affordable Housing. (Public)

Sponsors: Senators Mayfield, Salvador, and Murdock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A LOCAL GOVERNMENT TO ENACT ORDINANCES FOR
3 INCLUSIONARY ZONING AND AN IN-LIEU FEE REQUIREMENT FOR
4 DEVELOPMENT TO SUPPLEMENT THE AVAILABILITY OF AFFORDABLE
5 HOUSING.

6 The General Assembly of North Carolina enacts:

7 SECTION 1.(a) G.S. 160D-702 reads as rewritten:

8 "§ 160D-702. Grant of power.

9 (a) A local government may adopt zoning regulations. Except as provided in subsections
10 (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of
11 stories, and size of buildings and other structures; the percentage of lots that may be occupied;
12 the size of yards, courts, and other open spaces; the density of population; the location and use
13 of buildings, structures, and land. A local government may regulate development, including
14 floating homes, over estuarine waters and over lands covered by navigable waters owned by the
15 State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable
16 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.
17 To supplement the availability of affordable housing, the regulation may also provide for
18 inclusionary zoning and may include an in-lieu fee requirement for development. Where
19 appropriate, a zoning regulation may include requirements that street and utility rights-of-way be
20 dedicated to the public, that provision be made of recreational space and facilities, and that
21 performance guarantees be provided, all to the same extent and with the same limitations as
22 provided for in G.S. 160D-804 and G.S. 160D-804.1.

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24 SECTION 1.(b) G.S. 160D-102 reads as rewritten:

25 "§ 160D-102. Definitions.

26 Unless otherwise specifically provided, or unless otherwise clearly required by the context,
27 the words and phrases defined in this section shall have the following meanings indicated when
28 used in this Chapter:

29 ...

30 (17a) Inclusionary zoning. – A requirement that a given share of new construction
31 is to be affordable by persons and families with low and moderate income
32 levels.

33"

34 SECTION 2. This act is effective when it becomes law.

