



# INCENTIVE ZONING

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## HOUSING CRISIS

Following the 2008 recession, new construction came to a halt.

DFW region, and Dallas in particular, continued to grow during the recession.

When construction resumed following the recession, there was a backlog in the need for additional housing units.

Residential construction, while expanding at a rapid rate has still not caught up with demand.

Need for 20,000 affordable housing units.

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# MANDATORY INCLUSIONARY ZONING

Zoning ordinance that requires a given share of new housing units in a project to be affordable to people with low or moderate incomes.

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# MANDATORY INCLUSIONARY ZONING

## **Texas Local Government Code § 214.902:**

- The governing body of a municipality may, by ordinance, establish rent control if:
  - The governing body finds that a housing emergency exists due to a disaster as defined in Section 418.004, Government Code; and
  - The governor approves the ordinance.
- The governing body shall continue or discontinue rent control in the same manner as the governor continues or discontinues a state of disaster under Section 418.014, Government Code.

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# MANDATORY INCLUSIONARY ZONING

## **Texas Government Code § 418.004(1):**

- “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, or other public calamity requiring emergency action, or energy emergency.

# MANDATORY INCLUSIONARY ZONING

## **Texas Government Code § 418.014:**

- The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of a disaster is imminent.
- Except as provided in Subsection (c), the state of disaster continues until the governor:
  - Finds that:
    - The threat or danger has passed; or
    - The disaster has been dealt with to the extent that the emergency conditions no longer exist; and
  - Terminates the state of disaster by executive order.
- A state of disaster may not continue for more than 30 days unless renewed by the governor. The legislature may by law terminate a state of disaster at any time.

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24<sup>th</sup> Annual Land Use Conference session  
"Incentive Zoning and Affordable Housing"