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:** of the property by the qualifying entity for five (5) years prior to the development application
- **Affordability:** At least 60% of the project's total housing units must be affordable for a minimum of 30 years
  - Rental – at 80% or less AMI
  - For-Sale – up to 120% AMI
- **Public Access:** The housing must be open to everyone and follow nondiscrimination rules
- **Infrastructure:** Project must be served by or within an area connected to or planned for public water/sewer and follow existing regulations
- **Taxation:** Project will be subject to local real property taxation



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Localities must allow, at a minimum:

- **Height: 45 feet**, or **height of the tallest building within 500 feet**, whichever is greater, excluding any building granted any additional height above what is permitted by right via a special exception approval
  - *Except for Historic Districts*: If property located within a designated historic district established as of January 1, 2026, the height allowed in the historic district takes precedence.
- **Density: 20 units per acre**, or the **most intensive existing residential unit density within 500 feet** of the proposed project, *whichever is greater*;
  - *Exception* – locality may establish higher minimum residential densities for properties within a revitalization area, transit area, or area located within a small area plan or sector plan
- **Setbacks: 10 feet** or the **smallest setback allowed for any existing property within 500 feet**, *whichever is less*;
- **Variety of housing types:** Mixed-use and residential developments, including detached, attached, and multifamily housing units
- **Residential use: Residential use of at least 70% of the gross floor area**, and the remaining uses, not to exceed 30% of the gross floor area, may include public accessible ground-floor nonresidential facilities
  - *Permitted nonresidential uses* include – religious worship space, child day centers as defined in § 22.1-289.02, health clinics, coffee shops, or other uses ancillary to the religious organization or 501(c)(3) nonprofit organization

Localities cannot impose additional requirements re:

- Floor-area ratio, minimum size, or minimum lot size
- Parking:
  - *Residential* – limited to **no more than one space per residential unit**, or the fewest parking spaces required for the by-right residential parking standard under the local zoning ordinance, *whichever is less*
  - *Nonresidential* – limited to **no more than one space per 300 sq. ft.**, or the fewest parking spaces required for the by-right residential parking standard under the local zoning ordinance, *whichever is less*

What does the law not apply to

- **Existing permits** for housing developments **prior to January 1, 2027**
- Applications for a rezoning, special exception, or special use **permitted prior to July 1, 2026**
- Property **zoned for or adjacent to land zoned for industrial use**
- Property located within the Air Installation Compatible Use Zones footprint in any locality in which a United States military air installation or an auxiliary landing field used in connection with flight operations arising from a master jet base is located.

Questions? **Contact:** Hello@YIMBYLaw.org

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