

107TH CONGRESS  
1ST SESSION

# H. R. 1433

To authorize the Secretary of Housing and Urban Development to make grants to assist States, tribal governments, and Native Hawaiian organizations in their efforts to develop or update land use planning legislation in order to promote more environmentally compatible and effective urban development, improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. BLUMENAUER (for himself, Mr. ABERCROMBIE, Mr. FARR of California, Mr. GILCHREST, Mr. GILLMOR, Mr. HOEFFEL, Mr. ISAKSON, Mrs. JONES of Ohio, Mr. PALLONE, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Housing and Urban Development to make grants to assist States, tribal governments, and Native Hawaiian organizations in their efforts to develop or update land use planning legislation in order to promote more environmentally compatible and effective urban development, improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Community Character  
5 Act of 2001”.

6 **SEC. 2. FINDINGS.**

7        The Congress finds the following:

8            (1) Inadequate land use planning at the State  
9            level contributes to increased public and private cap-  
10            ital costs for infrastructure development, loss of  
11            community character, and environmental degrada-  
12            tion.

13            (2) Although land use planning is rightfully  
14            within the jurisdiction of State and local govern-  
15            ments, comprehensive land use planning and urban  
16            development should be supported by the Federal  
17            Government and State governments.

18            (3) States should provide a proper climate and  
19            context for planning through legislation in order for  
20            appropriate comprehensive land use planning and  
21            urban development to occur.

22            (4) Many States have outdated land use plan-  
23            ning legislation, and many States are undertaking  
24            efforts to update and reform the legislation.

1           (5) Efforts to coordinate State and regional in-  
2           vestments with local plans require additional plan-  
3           ning at the State level.

4           (6) Housing is a critical component of sustain-  
5           able urban development, and land use planning  
6           should provide for a range of housing options to  
7           offer choice in location, type, and affordability to all  
8           members of the community.

9           (7) The Federal Government and State govern-  
10          ments should support the efforts of tribal govern-  
11          ments and Native Hawaiian organizations to imple-  
12          ment land use planning and community development  
13          to improve housing and socioeconomic conditions for  
14          Indian tribes and Native Hawaiians.

15 **SEC. 3. HOUSING AND URBAN DEVELOPMENT GRANTS TO**  
16 **STATES TO DEVELOP OR UPDATE LAND USE**  
17 **PLANNING LEGISLATION.**

18          (a) GRANT PROGRAM AUTHORIZED.—The Secretary  
19 of Housing and Urban Development shall establish a pro-  
20 gram to provide grants to States for the purpose of assist-  
21 ing in—

22           (1) as a first priority, the development or revi-  
23           sion of land use planning legislation in those States  
24           that have inadequate or outmoded land use planning  
25           legislation;

1           (2) the creation or revision of State comprehen-  
2           sive land use plans or plan elements in those States  
3           that have previously updated land use planning leg-  
4           islation; and

5           (3) the development or revision of comprehen-  
6           sive land use plans or plan elements for multi-State  
7           regions.

8           (b) ELIGIBILITY.—To be eligible to receive a grant  
9           under subsection (a), a State planning director shall sub-  
10          mit to the Secretary an application, in such form as the  
11          Secretary may require, that demonstrates to the Secretary  
12          that the basic goals of the State regarding land use plan-  
13          ning legislation are consistent with all of the following  
14          guidelines:

15               (1) CITIZEN REPRESENTATION.—Citizens are  
16               notified and citizen representation is required in the  
17               developing, adopting, and updating of land use  
18               plans.

19               (2) MULTIJURISDICTIONAL COOPERATION.—In  
20               order to effectively manage the impacts of urban de-  
21               velopment and to provide for resource sustainability,  
22               land use plans are created based on multi-jurisdic-  
23               tional governmental cooperation, when practicable,  
24               particularly in the case of land use plans based on  
25               watershed boundaries.

1           (3) IMPLEMENTATION ELEMENTS.—Land use  
2 plans contain an implementation element that—

3           (A) includes a timetable for action and a  
4 definition of the respective roles and respon-  
5 sibilities of agencies, local governments, and  
6 citizens of the State;

7           (B) is consistent with State capital budget  
8 objectives; and

9           (C) provides the framework for decisions  
10 relating to the siting of future infrastructure  
11 development, including development of utilities  
12 and utility distribution systems.

13          (4) COMPREHENSIVE PLANNING.—There is  
14 comprehensive planning to encourage land use plans  
15 that—

16           (A) promote sustainable economic develop-  
17 ment and social equity;

18           (B) enhance community character;

19           (C) coordinate transportation, housing,  
20 education, and other infrastructure develop-  
21 ment;

22           (D) conserve historic resources, scenic re-  
23 sources, and the environment;

24           (E) sustainably manage natural resources;  
25 and

1 (F) provide for a range of housing options,  
2 including provisions that promote and accom-  
3 modate housing affordability.

4 (5) UPDATING.—Land use plans are routinely  
5 updated.

6 (6) STANDARDS.—Land use plans reflect an ap-  
7 proach that is consistent with established profes-  
8 sional planning standards.

9 (c) USE OF GRANT FUNDS.—Grant funds received  
10 by a State under subsection (a) shall be used to obtain  
11 technical assistance in—

12 (1) drafting land use planning legislation;

13 (2) research and development for land use plan-  
14 ning programs and requirements relating to the de-  
15 velopment of State guide plans;

16 (3) conducting workshops, educating and con-  
17 sulting policy makers, and involving citizens in the  
18 planning process; and

19 (4) integrating State and regional concerns and  
20 land use plans with Federal land use plans.

21 (d) AMOUNT OF GRANT.—The amount of a grant  
22 under subsection (a) shall not exceed \$1,000,000.

23 (e) COST-SHARING.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), the Federal share of a project funded

1 with a grant under subsection (a) shall not exceed  
2 90 percent.

3 (2) INCREASED FEDERAL SHARE.—The Sec-  
4 retary may increase the Federal share in the case of  
5 a grant to a tribal government or Native Hawaiian  
6 organization if the Secretary finds that the tribal  
7 government or Native Hawaiian organization does  
8 not have sufficient funds to contribute to the  
9 project.

10 (f) COORDINATION.—The Secretary shall encourage  
11 Federal land management agencies to coordinate land use  
12 planning for Federal land with the State planning director  
13 responsible for the drafting and updating of State guide  
14 plans or guidance documents regulating land use and in-  
15 frastructure development on a statewide basis.

16 (g) AUDITS.—

17 (1) IN GENERAL.—The Inspector General of  
18 the Department of Housing and Urban Development  
19 shall conduct an audit of a portion of the grants  
20 provided under this section to ensure that all funds  
21 provided under the grants are used for the purposes  
22 specified in this section.

23 (2) USE OF AUDIT RESULTS.—The results of  
24 audits conducted under paragraph (1) and any rec-  
25 ommendations made in connection with the audits

1 shall be taken into consideration in awarding any fu-  
2 ture grant under this section to a State.

3 (h) DEFINITIONS.—In this section:

4 (1) LAND USE PLANNING LEGISLATION.—The  
5 term “land use planning legislation” means a stat-  
6 ute, regulation, executive order or other action taken  
7 by a State to guide, regulate, and assist in the plan-  
8 ning, regulation, and management of land, natural  
9 resources, development practices, and other activities  
10 related to the pattern and scope of future land use.

11 (2) SECRETARY.—The term “Secretary” means  
12 the Secretary of Housing and Urban Development.

13 (3) STATE.—The term “State” means any of  
14 the following:

15 (A) One of the several States, the District  
16 of Columbia, the Commonwealth of Puerto  
17 Rico, the Virgin Islands, Guam, American  
18 Samoa, or the Commonwealth of the Northern  
19 Mariana Islands.

20 (B) A tribal government.

21 (C) A Native Hawaiian organization, as  
22 defined in section 8(a)(15) of the Small Busi-  
23 ness Act (15 U.S.C. 637(a)(15)).

24 (4) STATE PLANNING DIRECTOR.—The term  
25 “State planning director” means the State official

1 designated by statute or by the chief executive offi-  
2 cer of the State whose principal responsibility is the  
3 drafting and updating of State guide plans or guid-  
4 ance documents that regulate land use and urban  
5 development on a statewide basis.

6 (5) TRIBAL GOVERNMENT.—The term “tribal  
7 government” means the tribal government of an In-  
8 dian tribe, as defined in section 4 of the Indian Self-  
9 Determination and Education Assistance Act (25  
10 U.S.C. 450b).

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$50,000,000 for each of the fiscal years 2002 through  
14 2006.

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