

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 914
Apr 10, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30371-MQ-96

Short Title: Higher Ed./Religious Inst. Affordable Housing. (Public)

Sponsors: Representative Dew.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ALLOW BY RIGHT DEVELOPMENT IN CERTAIN MUNICIPALITIES OF
LAND OWNED BY AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION OR
A RELIGIOUS INSTITUTION FOR THE PURPOSES OF CREATING AFFORDABLE
HOUSING.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 9 of Chapter 160D of the General Statutes is amended
by adding a new section to read:

"§ 160D-917. Higher education and religious institutions residential use.

(a) Notwithstanding any provision of this Chapter to the contrary, a municipality (i) with a population of greater than 50,000 as of the most recent decennial census and (ii) that is designated in whole or in part as an urban area by the United States Census Bureau shall allow by right, and no amendment to zoning regulations or conditional use permit shall be required, residential development to the same extent and density as allowed in any areas and districts zoned for residential use in the jurisdiction all land meeting the following criteria:

- (1) The development is located on land owned on or before January 1, 2026, by an independent institution of higher education or a religious institution.
- (2) The development is not located in an area designated as a local historic district (i) pursuant to Part 4 of Article 9 of this Chapter or (ii) on the National Register of Historic Places.
- (3) The development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to light industrial use. For purposes of this subdivision, a site is "dedicated to light industrial use" if all of the following criteria are met:
 - a. The square footage is currently being put to a light industrial use.
 - b. The most recently permitted use of the square footage is a light industrial use.
 - c. The latest version of the municipality's comprehensive plan, adopted before January 1, 2023, designates the property for light industrial use.
- (4) The housing units on the development site are not located within 1,200 feet of a site that is currently a heavy industrial use or where the most recent permitted use was a heavy industrial use.
- (5) At least eighty percent (80%) of the units must be reserved for low-income residents, with the exception of no more than five percent (5%) of the units reserved for a manager or staff of the independent institution of higher education or religious institution. For the purposes of this subdivision,



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1 "low-income residents" are those residents with a family income that is eighty
2 percent (80%) or less of median family income.

3 (6) The development complies with all other development standards and building
4 codes not in conflict with this section.

5 (b) A development project that is eligible for approval as a use by right pursuant to this
6 section may include the following ancillary uses; provided that the uses are limited to the ground
7 floor of the development:

8 (1) In an area zoned for single-family residential use, ancillary uses shall be
9 limited to child care centers and facilities operated by community-based
10 organizations for the provision of recreational, social, or educational services
11 for use by the residents of the development and members of the local
12 community where the development is located.

13 (2) In all other zones, the development may include commercial uses that are
14 permitted without the requirement of a conditional use permit or planned unit
15 development permit.

16 (c) A development project that is eligible for approval as a use by right pursuant to this
17 section includes any use that was previously existing and legally permitted by the local
18 government with jurisdiction, if all of the following criteria are met:

19 (1) The total square footage of nonresidential space on the site does not exceed
20 the amount previously existing or permitted in a conditional use permit.

21 (2) The total parking requirement for nonresidential space on the site does not
22 exceed the lesser of the amount existing or of the amount required by a
23 conditional use permit.

24 (3) The new uses follow the same conditions as contained in the previous
25 conditional use permit.

26 (d) If the development project is located in an area not zoned for residential use, the
27 development project shall be allowed a density of 40 units per acre and a height of one story
28 above the maximum height otherwise applicable to the parcel. If the municipality allows greater
29 density or building height on any adjoining parcel, the greater density or building height shall
30 apply to the development project.

31 (e) The proposed development shall provide off-street parking of up to one space per
32 unit, unless another law or ordinance provides for a lower standard of parking, in which case the
33 lower standard shall apply; however, no parking requirement shall be imposed if the parcel is
34 located within 1/2 mile of a transit stop or is within a transit-oriented development district or
35 similar designation.

36 (f) For the purposes of this section, an "independent higher education institution" has the
37 same meaning as an "eligible private postsecondary institution" in G.S. 116-280(3) and a
38 "religious institution" has the same meaning as G.S. 131F-2(17)."

39 **SECTION 2.** This act becomes effective October 1, 2025.