

119TH CONGRESS
1ST SESSION

H. R. 5601

To preempt State and local laws that prevent the construction of affordable housing on faith lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2025

Mr. PETERS (for himself and Mr. EDWARDS) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To preempt State and local laws that prevent the construction of affordable housing on faith lands, 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 “Faith in Housing Act
5 of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) An underproduction in housing units rel-
9 ative to demand has led to a housing shortage of
10 millions of homes in the United States.

1 (2) Lack of housing supply and rising rent
2 costs exacerbate inequality and reduce opportunity
3 for many people in the United States.

4 (3) People in the United States who are unable
5 to afford rising housing costs can fall into homeless-
6 ness, causing both personal tragedy and challenges
7 to public and charitable social services.

8 (4) Houses of worship from every major faith
9 tradition are involved in charitable activities to sup-
10 port low-income people in the United States facing
11 housing insecurity.

12 (5) The efforts of houses of worship to shelter
13 homeless people in the United States, provide afford-
14 able or supportive housing, and serve the poor are
15 obstructed by land use regulation that prohibits or
16 curtails the ability of the house of worship to meet
17 this mission.

18 (6) The ability of houses of worship to serve
19 their mission would be enhanced by allowing them
20 the discretion to provide for the construction of af-
21 fordable homes and homeless shelters.

22 (7) The construction of housing is a form of
23 interstate commerce that affects the economy and
24 social welfare of the United States. State and local
25 land use regulation has national and interstate ef-

1 fects on the housing shortage, level of housing inse-
2 curity and homelessness, and need for social serv-
3 ices.

4 **SEC. 3. PREEMPTION OF STATE AND LOCAL LAWS PRE-**
5 **VENTING AFFORDABLE HOUSING CONSTRUC-**
6 **TION ON FAITH LANDS.**

7 (a) DEFINITIONS.—In this section:

8 (1) AFFORDABLE HOUSING.—The term “afford-
9 able housing” means—

10 (A) housing that complies with—

11 (i) State or local building codes at the
12 site of construction;

13 (ii) The International Residential
14 Code or International Building Code of the
15 International Code Council, as applicable
16 to the type of structure; or

17 (iii) The Manufactured Home Con-
18 struction and Safety Standards and other
19 regulations applicable to manufactured
20 homes adopted under the Manufactured
21 Housing Construction and Safety Stand-
22 ards Act (42 U.S.C. 5401 et seq.);

23 (B) housing that is deed-restricted to be
24 affordable as rental units or for homeownership

1 to residents at a range of percentages of area
2 median income, provided that—

3 (i) the average cost among all housing
4 units is affordable to low-income families
5 as determined under section 3(b)(2) of the
6 United States Housing Act of 1937 (42
7 U.S.C. 1437a(b)(2)); and

8 (ii) all units are affordable at or below
9 140 percent of the area median income;

10 (C) housing that will remain affordable,
11 according to binding commitments, for 30 years
12 from construction or substantial rehabilitation,
13 without regard to the term of the mortgage or
14 to transfer of ownership;

15 (D) housing that may include preexisting
16 or limited non-residential uses, including—

17 (i) ground-floor facilities, such as
18 childcare centers, operated by nonprofit
19 community-based organizations for the
20 provision of educational, recreational, or
21 social services for use by the residents of
22 the affordable housing and residents of the
23 local community in which the housing is lo-
24 cated; and

1 (ii) any preexisting religious institu-
2 tional use, if such use is limited to the pre-
3 existing total square footage;

4 (E) housing that may set aside not more
5 than 5 percent of units for employees of the
6 house of worship, or not more than one unit if
7 the total number of units is at least five units,
8 and shall otherwise comply with the Fair Hous-
9 ing Act (42 U.S.C. 3601 et seq.) without regard
10 to 42 U.S.C. 3607; and

11 (F) for affordable rental housing, housing
12 that is managed by a nonprofit property man-
13 ager with experience managing affordable hous-
14 ing, that has entered into an agreement for
15 such purpose with the house of worship.

16 (2) FAITH LAND.—The term “faith land”
17 means real estate—

18 (A) owned on or before January 1, 2023,
19 by a house of worship; or

20 (B) owned for a period of not less than 5
21 years by a house of worship.

22 (3) HOUSE OF WORSHIP.—The term “house of
23 worship” means a church or a convention or associa-
24 tion of churches as described in section
25 170(b)(1)(A)(i) of the Internal Revenue Code of

1 1986 and exempt from tax under section 501(a) of
2 such Code.

3 (4) SITE-SPECIFIC HAZARD.—The term “site-
4 specific hazard” means a flood, landslide, wildfire, or
5 similar severe disaster hazard, on the site of con-
6 struction.

7 (b) PROTECTION OF LAND USE FOR AFFORDABLE
8 HOUSING.—

9 (1) AUTHORITY TO USE FAITH LAND FOR AF-
10 FORDABLE HOUSING.—The owner of faith land
11 shall, upon notifying in writing any applicable State
12 or local zoning authority of its election to invoke the
13 terms of this Act, have sole discretion to construct
14 or substantially rehabilitate affordable housing on
15 such land, if such affordable housing—

16 (A) is in or affects interstate or foreign
17 commerce; or

18 (B) is constructed using Federal assist-
19 ance.

20 (2) RELATION TO STATE LAW.—

21 (A) IN GENERAL.—Any law, regulation, or
22 other requirement of a State or political sub-
23 division of a State that is inconsistent with this
24 section is preempted by the requirements under
25 paragraph (1), but only to the extent of such

1 inconsistency. Any provision of such law, regu-
2 lation, or other requirement that is narrowly
3 tailored to prevent site-specific hazards, and ap-
4 plies on equal terms to housing constructed
5 under paragraph (1) and to all other residential
6 construction in the jurisdiction, is not pre-
7 empted.

8 (B) INSPECTION.—A State or political sub-
9 division of a State shall have the right to rea-
10 sonably inspect affordable housing described in
11 paragraph (1) to confirm that the housing con-
12 forms to the requirements described in sub-
13 section (a)(1).

14 (3) CAUSE OF ACTION.—A person may assert a
15 violation of this section as a claim or defense in a
16 judicial proceeding and obtain injunctive or declara-
17 tory relief.

18 (4) ATTORNEYS' FEES.—Section 722(b) of the
19 Revised Statutes (42 U.S.C. 1988(b)) is amended—
20 (1) by inserting “Faith in Housing Act of 2025”,
21 after “Religious Land Use and Institutionalized Per-
22 sons Act of 2000.”

23 (5) APPLICABILITY.—This Act shall not apply
24 to the construction or substantial rehabilitation of
25 affordable housing on faith land unless the owner

1 submits written notice of its intention to invoke the
2 terms of this Act in accordance with paragraph
3 (b)(1) of this section.

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