

Action #16.1 State policy/administrative changes to promote the use of publicly-owned sites for housing

1.1	Key Element of CASA Compact	# 16. Public and surplus land for affordable housing (including enforcement of state surplus land laws)
1.2	Brief Description <i>1-3 sentence summary of action or policy</i>	<p>There are nearly 700 acres of developable publicly-owned land near transit in the region which could yield between 30,000 and 50,000 new homes. There is also more public land beyond the proximity of transit, but information on such public land is not compiled in any single location and thus, is hard to analyze.</p> <p>Since there is great potential, multiple challenges to achieving a significant scale of development on public land need to be addressed:</p> <ul style="list-style-type: none"> • There is lack of agreement about use of public land • Land may not be zoned adequately for development today • The State Surplus Land Act requires agencies to offer land for affordable housing, but many agencies do not understand or comply with the law • Many agencies lack the technical resources to implement sophisticated land development deals • Not all public land is equally competitive for low income housing tax credits and other affordable housing subsidy <p>We propose the following changes to State law and guidelines to increase the use of public land for affordable housing.</p> <ol style="list-style-type: none"> 1. <u>Modifying the Housing Element:</u> all cities and counties in California are required to prepare a housing element to identify and zone enough housing sites to accommodate their full anticipated housing need over an eight-year period. An analysis of publicly owned sites and their current uses is not required under the housing element. Most jurisdictions do not have an inventory of all public land within their boundaries, and thus land cannot be deployed strategically. To address this the State could: <ol style="list-style-type: none"> A) Require and resource jurisdictions to prepare a <u>full inventory of publicly-owned sites</u> within their boundaries, including current uses, and report this to their Councils of Governments (COGs). B) Allow <u>residential uses on developable public land</u>, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (e.g. not parkland). If a jurisdiction prohibits housing on a site, require them to submit a rationale for its exemption, based on strict State-sanctioned standards. C) Incentivize development of publicly-owned sites with affordable housing by <u>providing jurisdictions with a 1.5x RHNA site credit</u> for identifying publicly-owned sites for deed-restricted affordable homes 2. <u>(Sticks) Support bills to enforce the use of publicly-owned sites for affordable housing:</u> Support a revitalized AB 2065 (Ting) that closes various loopholes with the State Surplus Land Act including making clarifications on the definition of “surplus” and clarifying noticing and negotiations provisions of the law. 3. <u>(Carrots) Support various regulatory changes to increase the overall supply of public land that could be developed as affordable housing:</u>

		<p>A) Establish streamlining for residential development on public land if it meets a high inclusionary threshold (to be debated) and follow SB35 labor provisions</p> <p>B) Make public land more competitive for affordable housing funds to incentivize rezoning: Modifications to LIHTC, AHSC, other program requirements. Build in incentives to programs that encourage housing development on public lands.</p> <p>C) Review State's spatial guidelines for public facilities (i.e. schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services (e.g. New York allows for vertical mixed use with ground floor public uses)</p>
1.3	Supports these CASA goals: <i>(check all that apply)</i>	<input type="checkbox"/> Protection <input type="checkbox"/> Preservation <input checked="" type="checkbox"/> Production
1.4	Desired Effect <i>What problem would this solve?</i> <i>Who would benefit?</i> <i>If applicable, identify any specific populations who will especially benefit.</i>	<p>Significantly increase the supply of publicly-owned land that is made available for affordable and mixed income development in the Bay Area</p>
1.5	Key Questions and Points of Concern <i>What key questions or issues need to be resolved?</i> <i>What are the major sticking points and areas of negotiation?</i>	<ul style="list-style-type: none"> • <i>Issue:</i> Need to set a standardized format for collecting data on publicly-owned sites that could be implemented across the state • <i>Sticking point:</i> Public agencies may have other envisioned uses beyond housing for their sites, that should be legitimately allowed. • <i>Sticking point/Negotiation:</i> Streamlining: local control of zoning, and debate on proper affordable housing threshold to qualify • <i>Sticking point:</i> fairness in making some sites more competitive for housing funds
1.6	Resources Needed <i>What costs will be incurred and by whom? Note any funding sources that are readily available, if known.</i>	<ul style="list-style-type: none"> • Legislative lobbying and costs of policy development/implementation • Costs to local governments or state of requiring public land inventory
1.7	Scale of Impact <i>(as measured by Plan Bay Area goal alignment)</i>	<p>Produce: up to 50,000 units near transit, magnitude beyond transit is unknown at this time.</p>



1.8	Potential Vehicles for Implementation <i>Check all that apply</i>	<input checked="" type="checkbox"/> State Legislation This would require making amendments to Housing Element and streamlining laws.
1.9	Time Frame <i>Time needed for action to be approved and implemented.</i>	<input checked="" type="checkbox"/> Short-Term (0-2 years)
1.10	Feasibility <i>Select one and describe your rationale for why this level of feasibility is anticipated.</i>	Medium Rationale: These changes represent common sense reforms to housing laws and regulations to significantly expand the available supply of publicly-owned sites for the development of affordable homes while still meeting other public-serving purposes.