



East Bay Housing Organizations



March 22, 2021

The Honorable Phil Ting
State Capitol, Rm. 6026
Sacramento, CA 95814

RE: AB 1271 (Ting) Sponsorship letter – EBHO, NPH, PILP

Dear Assemblymember Ting,

The sponsoring organizations of AB 1271, East Bay Housing Organizations (EBHO), Non-Profit Housing Association of Northern California (NPH), and the Public Interest Law Project (PILP) strongly support AB 1271, which will clarify and strengthen provisions in the Surplus Land Act (SLA) to promote the use of public land for affordable housing. EBHO, NPH, were the original sponsoring organizations of AB 1486, which strengthened the Surplus Land Act and PILP provided considerable technical assistance during that process and is a recognized leader in the field.

Across California, public agencies control significant amounts of unused land that have remained dormant for decades, but are strategically located next to transit, schools, and job opportunities. California's surplus land laws already require such land to be prioritized for purposes of affordable housing, but some lack of clarity within the law prevents surplus land from being used more effectively.

Enacted in 1968, the Surplus Land Act requires all local agencies to prioritize affordable housing, as well as parks and open space, when disposing of surplus land. Before local agencies may dispose of surplus land, they are required to give notice to local public entities and organizations involved in affordable housing development. If a preferred entity expresses interest, the parties must enter into good faith negotiations to determine a sales price or lease terms. While changes to the SLA made by AB 1486 helped clarify the Act, local agencies have attempted to circumvent this statute. These conflicts have delayed the sale of surplus sites and stunted affordable housing development.

This bill will give local agencies much needed clarification to critical provisions of the act by:

- Clarify "dispose of" to allow for utility/conservation easements and to exclude varying shorter-term leases.
- Removing reference to Health and Safety code 50074 in defining "housing sponsor" so that entities that have notified California Department of Housing and Community Development (HCD), as the administering department, of their



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interest in acquiring surplus land are included on the entire list of interested parties is the list of "housing sponsors" that must be notified of the availability of surplus land.

- Establishing procedures applicable to disposal of large, multiple parcel sites, such as the redevelopment of military bases, allowing compliance with the SLA if at least 25% of the housing is affordable to lower income households and the parcels are offered for competitive bid.
- Clarifying that the initial affordable housing sponsor that is unable to reach an agreement on terms of disposition with an agency would have the first right of refusal on the same terms of negotiations subsequently reached with another entity.
- Clarifying that HCD is required to publish all copies of notices of availability.

AB 1271 Surplus land can provide opportunities to create new affordable housing and will ensure those opportunities are fully realized. For these reasons, we are excited to co-sponsor AB 1271 and encourages the Legislature to pass this important bill.

Sincerely,

Amie Fishman
 Executive Director
 Non-Profit Housing Association
 of Northern California (NPH)

Gloria Bruce
 Executive Director
 East Bay Housing
 Organizations (EBHO)

Michael Rawson
 Director
 Public Interest Law Project
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