117th Congress
2d Session
S.

To amend the Federal Land Policy and Management Act of 1976 to authorize the sale of certain Federal land to States and units of local government to address housing shortages, and for other purposes.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

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Be it enacted by the Senate and House of Representa-
atives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Open Under-
utilized Space to Ensure Shelter Act of 2022” or the “HOUSES Act of 2022”.

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5 utilized Space to Ensure Shelter Act of 2022” or the
6 “HOUSES Act of 2022”.
SEC. 2. SALES OF FEDERAL LAND TO ADDRESS HOUSING SHORTAGES.

Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) is amended by adding at the end the following:

“(h) Sales of public lands to address housing shortages.—

“(1) Definitions.—In this subsection:

“(A) Allowable community amenity.—

The term ‘allowable community amenity’ means a community assembly facility, firefighting facility, grocery store, health clinic, hospital (including associated lodging), library, place of worship, police facility, recreational facility, primary school, or secondary school.

“(B) Communications infrastructure.—The term ‘communications infrastructure’ means the infrastructure or equipment necessary in the provision of—

“(i) cable service;

“(ii) broadband internet access service;

“(iii) video service;

“(iv) voice service; or

“(v) wireless service.
“(C) Federally protected land.—The term ‘federally protected land’ means—

“(i) a National Monument;

“(ii) a National Recreation Area;

“(iii) a component of the National Wilderness Preservation System;

“(iv) a component of the National Wild and Scenic Rivers System;

“(v) a component of the National Trails System;

“(vi) a National Conservation Area;

“(vii) a unit of the National Wildlife Refuge System;

“(viii) a unit of the National Fish Hatchery System;

“(ix) a National Park;

“(x) a National Preserve;

“(xi) a National Seashore or National Lakeshore;

“(xii) a National Historic Site;

“(xiii) a National Memorial;

“(xiv) a National Battlefield, National Battlefield Park, National Battlefield Site, or National Military Park; and

“(xv) a National Historic Park.
“(D) GREEN SPACE.—

“(i) IN GENERAL.—The term ‘green space’ means land that is—

“(I) partly or completely covered with grass, trees, shrubs, or other vegetation; and

“(II) accessible to the public at no cost.

“(ii) INCLUSIONS.—The term ‘green space’ includes parks and community gardens.

“(iii) EXCLUSION.—The term ‘green space’ does not include an area used for a commercial use.

“(E) INDUSTRIAL AREA.—The term ‘industrial area’ means—

“(i) an area occupied by land uses or facilities, the primary operation of which involves manufacturing, assembling, processing, extracting, or otherwise treating raw materials, semifinished products, or finished products for distribution to wholesale or retail markets; or

“(ii) a tract of public lands conveyed under this subsection on which there is lo-
cated a utility that serves utility customers that do not reside on the tract.

“(F) Open space.—

“(i) In general.—The term ‘open space’ means any open piece of land that—

“(I) is accessible to the public at no cost; and

“(II)(aa) provides recreational areas for residents; or

“(bb) helps to enhance the beauty or environmental quality of an eligible project described in paragraph (2)(C).

“(ii) Inclusions.—The term ‘open space’ includes—

“(I) schoolyards;

“(II) playgrounds;

“(III) public seating areas; and

“(IV) public plazas.

“(iii) Exclusion.—The term ‘open space’ does not include an area used for a commercial use.

“(G) Residential development.—

“(i) In general.—The term ‘residential development’ means 1 or more build-
ings, structures, or portions of a building or structure that are designed for human habitation and used as a primary residence.

“(ii) INCLUSIONS.—The term ‘residential development’ includes standard residential amenities (including driveways and parking structures) that are related to an eligible project described in paragraph (2)(C).

“(H) TRANSIT HUB.—The term ‘transit hub’ means a rail, light rail, rapid transit, or commuter rail station, ferry terminal, or bus transfer station.

“(I) UTILITY.—The term ‘utility’ means a common commodity or service (including water, sewage, or electricity) that is provided to the public by a public or private entity for safe and sanitary living accommodations, including associated water storage infrastructure.

“(2) NOMINATION BY STATE OR UNIT OF LOCAL GOVERNMENT.—

“(A) IN GENERAL.—A State or unit of local government may nominate for consideration for conveyance by the Secretary under
subsection (a)(3) to the State or unit of local
government 1 or more tracts of public lands
within the boundary of the State or unit of local
government for the purpose of carrying out an
eligible project described in subparagraph (C)
to provide housing in the State or unit of local
government—

“(i) in accordance with a nomination
process established by the Secretary in reg-
ulations proposed not later than 180 days
after the date of enactment of this sub-
section and finalized not later than 1 year
after the date of enactment of this sub-
section; and

“(ii) subject to subparagraph (B).

“(B) NOMINATION REQUIREMENTS.—To
be eligible for consideration by the Secretary, a
nomination submitted by a State or unit of
local government under subparagraph (A)—

“(i) shall not include federally pro-
tected land; and

“(ii) shall include—

“(I) a map provided by the State
or unit of local government of the 1 or
more tracts of public lands nominated; and

“(II) a proposal that describes the manner in which the 1 or more tracts of public lands nominated would be used for an eligible project described in subparagraph (C) to provide housing in the State or unit of local government.

“(C) ELIGIBLE PROJECTS.—An eligible project to provide housing referred to in subparagraphs (A) and (B)(ii)(II) is a project—

“(i) for which not less than 85 percent of the land for the project shall be used for residential development, open space, green space, or allowable community amenities;

“(ii) that provides that the density of the land for the project dedicated to residential development under clause (i) shall be not less dense than 4 residences per acre;

“(iii) that provides that no tract of land dedicated to residential development
under clause (i) on which a single residence is located may exceed \( \frac{1}{2} \) acre;

“(iv) for which not more than 15 percent of the land for the project may be used for a commercial use project, subject to the conditions that——

“(I) a mixed-use residential development property shall not be considered to be a commercial use project for purposes of this clause if at least 50 percent of the total floor space of the property is residential; and

“(II) not more than \( \frac{1}{3} \) of the land identified under this clause may be used for a commercial use project to develop an industrial area;

“(v) that provides that the development of roads, communications infrastructure, transit hubs, and utilities and the distribution of utilities to serve the residences to be developed on the land for the project shall not——

“(I) be inhibited; or
“(II) contribute to the apportionment of residential or commercial developments; and
“(vi) that provides that—
“(I) a utility facility on the land may generate enough power, collect enough sewage, treat enough water, or provide other commodities or services sufficient to meet the needs of the residences developed on the land; and
“(II) if a utility facility on the land is built to have excess capacity that is intended to be sold to users or residences not on the tract of land, the facility shall be—
“(aa) classified as an industrial area; and
“(bb) subject to the limitation under clause (iv)(II).
“(D) Modification of Proposal.—A proposal for an eligible project under subparagraph (B)(ii)(II) may be subsequently modified if, after modification, the eligible project would still comply with the requirements of subparagraph (C), as determined by the Secretary.
“(3) REQUIREMENTS FOR REVIEW.—In reviewing under subsection (a)(3) whether to approve or disapprove the conveyance to the State or unit of local government of a tract of public lands nominated under paragraph (2), the Secretary—

“(A) shall prioritize the use of the tract to address housing shortages over any other potential use of the tract (other than protecting prior existing rights);

“(B) shall not take into account whether the housing shortage could be addressed prudently or feasibly on land other than the nominated tract; and

“(C) shall—

“(i) in the case of a tract of public lands that is designated as eligible for disposal under any other applicable law, consider the conveyance of the tract of public lands to be approved for conveyance under this subsection; and

“(ii) in the case of a conveyance of a tract of not more than 640 acres of public lands that is not described in clause (i)—

“(I) complete the review process and issue a determination with re-
spect to the approval or disapproval of the conveyance of the tract—

“(aa) by not later than 1 year after the date on which the tract was nominated under paragraph (2); and

“(bb) that includes, in the case of disapproval, an explanation of any reasons for the disapproval; or

“(II) if the Secretary fails to complete the review process and issue a determination by the deadline established under subclause (I)(aa), consider the conveyance approved.

“(4) SALE PRICE.—Notwithstanding subsections (d), (f), and (g) and subject to paragraphs (5) and (6), the Secretary shall offer for sale to the nominating State or unit of local government the tract of public lands approved for conveyance under paragraph (3)(C) in exchange for an amount equal to the quotient obtained by dividing—

“(A) the amount equal to the product obtained by multiplying—
“(i) the amount of the estimated fair market value of the tract, as determined by the Secretary; and
“(ii) the amount of the payment that would otherwise be made to the unit of local government for the tract for the prior fiscal year under chapter 69 of title 31, United States Code; by
“(B) the estimated amount of tax revenue that would have been due to the State or unit of local government for the prior fiscal year if the tract had been sold for the amount determined under subparagraph (A)(i).
“(5) APPROVAL OF GOVERNOR REQUIRED.—
The Secretary may not offer to convey to a unit of local government a tract of public lands approved for conveyance by the Secretary until the date on which the Secretary receives from the Governor of the State in which the tract is located written notice specifying that the Governor of the State approves of the conveyance to the unit of local government.
“(6) COMPLIANCE WITH PROPOSAL.—
“(A) IN GENERAL.—The Secretary may not convey to a State or unit of local government a tract of public lands approved for con-
veyance under this subsection until the date on which the Secretary confirms that the State or unit of local government has in effect any ordinances, statutes, or regulations, as applicable, that are necessary to ensure compliance by the State or unit of local government with the applicable proposal submitted under paragraph (2)(B)(ii)(II).

“(B) Prohibition of certain funding.—

“(i) In general.—Notwithstanding any other provision of law, if, during the 15-year period beginning on the date of the conveyance to a State or unit of local government of a tract of public lands approved for conveyance under this subsection, the Secretary determines that the State or unit of local government is not in compliance with the applicable proposal submitted under paragraph (2)(B)(ii)(II) or a modified proposal under paragraph (2)(D), as applicable, the State or unit of local government shall not be considered to be eligible to receive funds from any of the programs described in clause (ii) until the
date on which the Secretary certifies that
the State or unit of local government is in
compliance with the applicable proposal or
modified proposal.

“(ii) DESCRIPTION OF PROGRAMS.—
The programs referred to in clause (i) are
the following:

“(I) Any program carried out by
the Economic Development Adminis-
tration.

“(II) The community develop-
ment block grant program under title
I of the Housing and Community De-
velopment Act of 1974 (42 U.S.C.
5301 et seq.).

“(III) The community services
block grant program carried out
under the Community Services Block
Grant Act (42 U.S.C. 9901 et seq.).

“(7) DISPOSITION OF PROCEEDS.—

“(A) IN GENERAL.—Subject to subpara-
graph (B), the gross proceeds of a sale of a
tract of public lands under this subsection shall
be—

“(i) deposited in the Treasury; and
“(ii) available to the Secretary, subject to appropriations, for—

“(I) capital improvements in units of the National Park System;

“(II) the development and implementation of comprehensive, cost-effective, and multijurisdictional hazardous fuels reduction and wildfire prevention plans to be carried out;

“(III) the development of public water infrastructure on Federal land; and

“(IV) the restoration or preservation of a critical habitat.

“(B) APPLICABILITY OF STATE ENABLING ACTS.—If there is a provision of an applicable State enabling Act that would otherwise apply to the disposition of the gross proceeds of a sale of a tract of public lands under this subsection, before applying the requirements of subparagraph (A) to the disposition of the gross proceeds of the sale, the provision of the applicable State enabling Act shall apply.”.