

Congress of the United States

Washington, DC 20515

March 31, 2023

The Honorable Tom Cole
Chair
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Brian Schatz
Chair
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
Committee on Appropriations
U.S. Senate
Washington, D.C. 20510

The Honorable Mike Quigley
Ranking Member
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Cindy Hyde-Smith
Ranking Member
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
Committee on Appropriations
U.S. Senate
Washington, D.C. 20510

Dear Chair Cole, Chair Schatz, Ranking Member Quigley, and Ranking Member Hyde-Smith:

We write to request the inclusion of report language in your subcommittees' Fiscal Year 2024 THUD Appropriations bill directing the Federal Highway Administration (FHWA) to prioritize the disposal of underused public land for affordable housing and transit-oriented development (TOD).

The United States faces a severe shortage of affordable housing for Americans at the lowest income levels.¹ Across the country, even Americans with significant means struggle to find appropriate housing for their families. The Federal Reserve recently reported that home inventory dropped to less than 410,000 in 2022 as the median sale price rose to \$408,100, up from \$327,100 in 2019.² As of 2022, the United States would need another 3.8 million homes to adequately meet current housing needs – double the need in 2012.³ The affordable housing crisis is one of the greatest challenges we face nationwide, and we must meet it with decisive and creative policy solutions across the federal government.

¹ National Low Income Housing Coalition, "National Shortage of Affordable Rental Housing," <https://nlihc.org/gap>, last accessed March 25, 2023.

² Katherine Schaeffer, "Key facts about housing affordability in the U.S.," Pew Research Center, <https://www.pewresearch.org/fact-tank/2022/03/23/key-facts-about-housing-affordability-in-the-u-s/>, last accessed March 25, 2023.

³ Mike Kingsella and Leah MacArthur, "2022 Housing Underproduction in the U.S.," Up for Growth, <https://upforgrowth.org/apply-the-vision/housing-underproduction/>, 2022.

It is incumbent on every federal agency to use its resources and authorities to help our communities address this challenge head on. One way to do that is through the repurposing of underutilized land acquired with public funding. We are aware of land owned by government entities in different parts of the country that were originally acquired with grant funding from FHWA as well as the Federal Transit Administration (FTA) for various types of transportation projects, including parking lots. Now, however, much of that land sits underutilized because the original reason for the acquisition no longer exists. In just one example, in Daly City, CA, a parcel adjacent to the Colma Bay Area Rapid Transit (BART) station was acquired with FHWA funds and developed into a park and ride lot nearly 30 years ago. However, due to changes in the BART line and ridership, the lot now sits less than 10% full on an average weekday. While the lot no longer fulfills its original purpose, the authority used to acquire it is tied to specific requirements that FHWA must waive in order to move forward with affordable housing development. The lot is just one of countless examples nationwide of public property being underutilized despite the clear public benefit to increasing the supply of quality, affordable housing and connecting our communities to jobs, services, and opportunities.

Recently, FTA proposed a rule following the passage of the FY22 National Defense Authorization Act (NDAA) that would authorize the transfer of property acquired with FTA funds, but no longer needed for the original purpose, to a local governmental, non-profit organization, or other third-party entity for use in TOD and affordable housing projects. By contrast, FHWA has not taken the initiative under its existing authority to allow projects to move forward on underutilized parcels acquired with its funding.

We encourage FHWA to do everything it can to help communities across the country address our nation's housing supply crisis and, ultimately, lower the cost of living for Americans. To that end, we respectfully request the inclusion of the following report language or similar to go along with your FY24 THUD Appropriations bill:

***Federal Highway Administration.**—The Committee directs the FHWA to ensure that all land previously acquired with agency funds, including parking lots, is being prioritized for public benefit, and to report to the House and Senate Committees on Appropriations on any land that could be used to develop affordable housing and/or transit oriented development.*

This directive does not change any authorizing statute or mandate that land acquired with FHWA funds be turned over to any other entity. Rather, it makes clear that Congress intends for FHWA to play an active role in identifying and disposing of property when there is a public benefit to do so, particularly when such land could be used for housing. Given the crisis we face, it is vital that we ensure all relevant agencies are focused on this common goal.

Thank you for your consideration of this request.

Sincerely,



Kevin Mullin
Member of Congress



Danny K. Davis
Member of Congress



Jan Schakowsky
Member of Congress



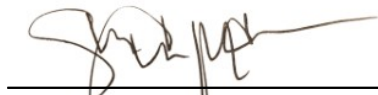
Jamaal Bowman, Ed.D.
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Robert Garcia
Member of Congress



Sheila Cherfilus-McCormick
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Barbara Lee
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André Carson

André Carson
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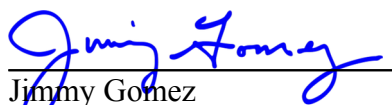
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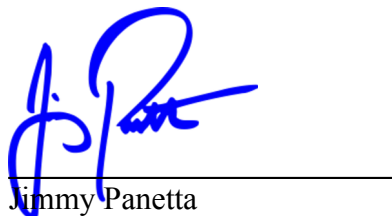
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Ilhan Omar
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Marie Gluesenkamp Perez
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Terri A. Sewell
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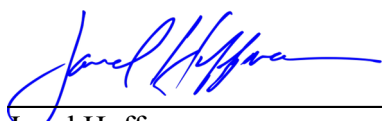
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