

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville In Support Of Assembly Bill 1271 (Ting)

WHEREAS, 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, and

WHEREAS California's surplus land laws already require such land to be prioritized for purposes of affordable housing, but a narrow scope and lack of clarity within the law prevents surplus land from being used more effectively, and

WHEREAS, 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, and

WHEREAS, if a preferred entity expresses interest, the parties must enter into good faith negotiations to determine a sales price or lease terms, and

WHEREAS, while changes to the SLA helped clarify the surplus land act, local agencies have attempted to circumvent this statute and these conflicts have delayed the sale of surplus sites and stunted affordable housing development, and

WHEREAS, the nuances of the SLA are abundant and this bill will give local agencies much needed clarification to critical provisions of the act by:

- Defining “dispose of” to allow for utility/conservation easements, varying lease timelines, and existing 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 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.
- Clarifying individual parcels would not be subject to SLA *provided that* there is at least 25% minimum affording housing to lower income households and must be 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; now, therefore, be it

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RESOLVED, that AB 1271 can provide opportunities to create new affordable housing and will ensure those opportunities are fully realized and, be it

RESOLVED, by the City Council of the City of Emeryville that it expresses its support for Assembly Bill 1271 (Ting), and the California legislature to pass and Governor Gavin Newsom to sign into law Assembly Bill 1271 and, be it, further

RESOLVED, by the City Council of the City of Emeryville that copies of this Resolution will be sent to the Office of California Assembly Member Ting, along with a copy of the letter referenced below and be it further

RESOLVED, the Mayor of Emeryville shall submit a letter of support for Assembly Bill 1271 to the Office of Assembly Member Ting.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 4, 2021, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

Andrea Visveshwara

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INTERIM CITY ATTORNEY