



Public Land for Affordable Housing

Local governments can facilitate the development of affordable housing by making public land available for eligible projects. Parcels may be surplus or underutilized public properties, as well as vacant, abandoned, and tax-delinquent private properties acquired through purchase or tax foreclosure. Land banking programs can strategically acquire and preserve multiple properties for affordable housing development.

WHAT ISSUES DOES PUBLIC LAND FOR AFFORDABLE HOUSING ADDRESS?

Affordable land for development

The high cost of land poses a significant barrier to producing affordable housing. Providing land at a discounted rate or for free can help incentivize affordable developments in locations that are otherwise difficult to purchase.

Surplus property

Local governments, transit agencies and special districts may own property that is no longer useful for its original purpose or is ideally situated for shared public and private uses (e.g., transit-oriented development on construction staging or transit station sites). The agency may sell surplus property, prioritizing the development of affordable housing. Some agencies have assembled properties to co-locate transit facilities, civic buildings or other purposes, and to attract mixed-use housing and commercial development to support neighborhood revitalization.

TOOL PROFILE

Objectives

[Housing in Centers and Near Transit](#)

[Housing Options in Expensive Markets](#)

[Missing Middle Density](#)

Type of Tool

Other Financial Tools

Project Type

Multifamily

Ownership

Rental

Affordability Level

**Most effective for units
<80% AMI**

Meeting local objectives on affordable housing

Leveraging public land for affordable housing allows local jurisdictions to contribute to the development of affordable housing without using other funding sources. Providing this resource has the potential to significantly increase the number of affordable units in a jurisdiction.

WHEN IS MAKING PUBLIC LAND AVAILABLE FOR AFFORDABLE HOUSING MOST APPLICABLE?

Making public land available for affordable housing is most appropriate when land is strategically matched to community needs. Developing an inventory of available surplus property and understanding where affordable housing is currently needed can help to accurately match land.

This tool is appropriate for all communities to use. It will have the most impact in areas where high land prices make it difficult for affordable housing to be developed. Neighborhoods where housing prices are changing rapidly, areas with high risk of displacing existing residents of affordable housing units, and areas that are receiving large investments, such as high-capacity transit, could especially benefit from using this tool.

Co-locating affordable housing with public facilities like schools or libraries can achieve maximum efficiency of land in high-cost areas, provide users for public facilities, and contribute to the creation of walkable multi-use neighborhoods.

WHAT DO I NEED TO KNOW ABOUT IMPLEMENTING PUBLIC LAND FOR AFFORDABLE HOUSING?

Role of cities and/or agencies

Cities or agencies can help assemble adjacent vacant or underutilized properties from private owners to sell as a package for larger developments. Fragmented individual properties may be collected to sell to individuals, but developers are generally interested in larger properties. This program is commonly called “land banking.” Larger parcels can be segmented to create lots that would result in denser urban development. By collecting the land under one owner, the city or agency can resolve confusing ownership issues and remove land encumbrances that add legal costs for the developer or deter redevelopment.

State legislation

The Municipal Research and Services Center of Washington (MRSC) notes that the state constitution generally restricts cities and counties from giving property to private individuals or from offering it for less than fair market value (Article VIII,7). However, [RCW 39.33.015](#) permits cities, towns, and other political subdivisions to transfer, lease, or dispose of property at low or no cost for affordable housing and related facilities for low-income and very low-income households, as defined under [RCW 43.63A.510](#), consistent with local regulations and comprehensive plans.



[RCW 81.112.350](#) requires [Sound Transit](#) to offer its surplus properties—those acquired for building and operating the transit system but no longer needed for transit uses—as development opportunities for affordable housing or other developments benefiting the public. The agency offers a minimum of 80% of its surplus property that is suitable for development as housing for either transfer at no cost, sale, or long-term lease first to qualified entities that agree to develop affordable housing on the property, consistent with local land use and zoning laws. If a qualified entity accepts the property through the offer, at least 80% of the housing units constructed must be affordable to those earning 80% of the area median income for the county in which the property is located.

Local inventory of surplus public lands

Understanding where underutilized public land is located is necessary for this tool to address neighborhood needs. The [Home & Hope Mapping Tool](#) provides information on underutilized public and tax-exempt sites in King County. Making this information accessible to potential affordable housing developers and others could help ignite the process of developing affordable housing on public land.

MODEL POLICIES, REGULATIONS, AND OTHER INFORMATION

Local Resources

Enterprise, King County: [Home & Hope Site Mapping Tool](#) (2020)

Sound Transit: [Transit oriented development](#) (2020)

National Resources

National Housing Conference and Urban Land Institute: [Public Land for Affordable Housing in the Washington DC Region](#) (2015)

Housing Matters: [How Using Public Land Can Help Address Housing Shortages](#) (2019)

