
HOUSES Act FAQs

How would a state or unit of local government go about acquiring a parcel to address housing shortages under this proposal?

The HOUSES Act of 2023 allows a state or unit of local government to nominate 1 or more tracts of land within its boundaries to potentially be used to address housing shortages. The nomination would be required to include a map of the land being nominated and describe the manner in which the land would be used to provide housing in the state or unit of local government. The Secretary would then consider the nomination, determine whether the nominated land met the criteria for an allowable parcel, certify that the proposed use meets the minimum requirements of the Act, then complete the review by formally approving or disapproving of the proposal.

What types of land could be nominated under this proposal?

Lands eligible to be nominated under this proposal are those that are owned by the United States and managed by the Secretary of the Interior, or what we generally refer to as “public lands.” These are the garden variety BLM lands you may see dusty and covered in sage brush along the side of a Utah highway. Excluded from these eligible lands are those that have special designations from the Department of Interior or from Congress. This includes lands designated as national monuments, wilderness areas, national recreation areas, areas of critical environmental concern, or similar designations.

How do we ensure that this isn't a giveaway to developers or businesses?

Utah is dealing with unique housing affordability and housing availability challenges. Part of addressing both of these issues requires increasing the supply of homes and associated open space/essential amenities. This proposal would require that 85% of land acquired must be used for residential purposes at a density not less than 4 homes per acre. The remaining 15 percent would be eligible for use by commercial businesses to fulfil other needs of potential communities.

What prevents housing from being developed in remote and scenic areas?

The bill requires a minimum residential density of not less than 4 homes per acre. This density requirement creates a guardrail against housing development in remote and scenic areas. By requiring a minimum residential density, only lands that are directly adjacent to existing sewer infrastructure could be developed. Large lot sizes (between 1 and 5 acres minimum in most states) are required to install septic systems, which would not fall under the minimum density required by the bill.

Public land serves important public purposes. How will this proposal ensure those other uses are considered and protected?

Inherent in the process laid out in this bill are multiple reviews and approvals that would be necessary to ensure that the projects developed under this legislation would provide for the best use of the land. First off, tracts of land could only be nominated by a government entity on the state or local level. Furthermore, they would only be able to nominate land within their boundaries. These governments are

For more information concerning this bill, please contact Sam Crofts (sam_crofts@lee.senate.gov) in Senator Lee's office.

very close to the constituents they serve and are accountable to them. Secondly, only certain types of land could be acquired for these projects; projects could not occupy any land with a special designation. Also, the BLM would be required to conduct a study to ensure that the land does not serve as critical habitat for any endangered species. Lastly, the governor of the state would also have to sign off on the acquisition of a tract of land.

What types of housing could be supported on land approved to address housing shortages?

This proposal is written in such a way that many communities would be able to address housing shortages in a variety of ways. If there are housing programs that the land could serve as host for, the legislation would accommodate such a use. If, another community is in need of a specific type of housing (single family, small apartments, or other types of residences), this legislation would provide some flexibility to accommodate many of these desired uses. The only restriction placed on acquired land is that the density must be at least one home per quarter acre on average, with no individual lot greater than a half-acre. The surface area of 85% of the tract would be required to be used for residential development, open space, or essential amenities. Up to 15% could be used for non-industrial business.

Will these nominations take years to complete like other projects on federal land?

Nomination processes under this legislation for tracts of land which are 640 acres or less would be required to be completed within one year.

How can the law ensure these lands continue to be used after sale for their original purpose?

In order to ensure that the land would remain in use for its intended purpose, the legislation calls for a 15-year reversionary clause to be established which would give the secretary oversight in the land's development and continued use. If a property was not used for the intended purpose, after notice, hearing, and opportunity to correct any issues, the Secretary could repossess the land.

Land is expensive. Many communities dealing with housing shortages are small and have limited budgets. How will they be able to access benefits from this legislation?

This legislation makes land available to state or local governments at a PILT-ratioed price, that is, a price which is relative to the value of the land for which Payments In Lieu of Taxes are made. This would make the land available at prices well below market value and leave budgetary room for communities to address housing shortages as they see fit.

What would happen to the proceeds from the sale of the tracts of land?

Proceeds from the sale of land would serve a variety of public land purposes in the relevant state. Proceeds could be used for capital improvements in national parks, hazardous fuels reduction to prevent forest fire, the development of public water infrastructure on federal land, or the restoration or preservation of a critical habitat.