



County of San Mateo

Inter-Departmental Correspondence

Department: GOVERNING BOARD

File #: 23-696

Board Meeting Date: 9/12/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors (Acting as the Governing Board of the Housing Authority of the County of San Mateo)

From: Raymond Hodges, Executive Director, Housing Authority of the County of San Mateo

Subject: Resolution Finding the Real Property Located at 45 Midway Drive, Daly City to be Exempt Surplus Lands to be Disposed of Pursuant to Government Code Section 54220

RECOMMENDATION:

Acting as the Governing Board of the Housing Authority of the County of San Mateo, conduct a public hearing:

- A) Open public hearing
- B) Close public hearing
- C) Adopt a resolution:
 1. Declaring certain Housing Authority of the County of San Mateo-owned real property known as Midway Village Phase 2, located at 45 Midway Drive, Daly City, California, as exempt surplus land; and
 2. Directing the Executive Director of the Housing Authority of the County of San Mateo to follow the procedures set forth in the Surplus Land Act, California Government Code Section 54220, et seq.

BACKGROUND:

The Housing Authority of the County of San Mateo ("HACSM") owns in fee simple certain parcels of real property located at Midway Village Phase 2, Daly City, California (APNs 005-330-020, 005-330-200, 005-330-030, 005-330-210, 005-330-040), which comprises approximately 1.79 acres ("Property"). The long-term development plan for the Property is for a new construction, mixed-use affordable multi-family residential and commercial project, with an affordable housing component in which all units are restricted as affordable.

The Surplus Land Act is a statute that local agencies must follow when disposing of surplus land. The

Surplus Land Act requires local agencies across California to follow certain public notification and wait periods prior to disposing of publicly-owned land determined to be surplus or not necessary for local agency operations. One purpose of the Surplus Land Act is to give potential housing developers priority access to surplus land for development of new housing. The Surplus Land Act also allows local agencies to declare land exempt from the Surplus Land Act disposition requirements when certain criteria are met.

On October 9, 2019, Governor Newsom signed Assembly Bill 1486 ("AB 1486"), which significantly amended the Surplus Land Act, California Government Code Section 54220, et seq., and became effective on January 1, 2020 (as amended, "SLA") and among material changes to the SLA, AB 1486 expanded the definition of "local agency" to include a housing authority.

DISCUSSION:

Under the SLA, HACSM may take formal action in a regular public meeting to declare land as "surplus land" or "exempt surplus land." Since the Property is intended to be used for 100 percent affordable housing development, the Property qualifies as "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(F), which applies to surplus land put out to open, competitive bid by a local agency, provided all entities identified in subdivision (a) of Section 54222 were invited to participate in the competitive bid process, for an affordable housing development that meets the specific requirements of subdivision (i) of Section 54221(f)(1)(F). The list of entities in subdivision (a) of Section 54222 was first released by the California Department of Housing and Community Development (HCD) on December 31, 2019, and HACSM released a competitive bid invitation on June 29, 2017, prior to HCD's release of the list of entities to be notified in a competitive bid process and reasonable efforts were made to notify all known entities/interested persons to HACSM's competitive bid process prior to the existence of HCD's expression-of-interest list, pursuant to the SLA Guidelines (2021) Section 103(b)(3)(F)(iii).

FISCAL IMPACT:

There is no fiscal impact associated with this resolution.