There's been a lot of legislative action advancing housing production through reforms to land-use and environmental regulations at the state level, including California. Now, the federal government is every so gingerly stepping into the area. The ROAD Act passed unanimously through the relevant Senate committee last month. In this blog post I'll provide a brief assessment of what the Act does with respect to land-use and environmental law.

The ROAD Act's provisions with respect to land-use and environmental law generally seem helpful, but also not that aggressive. Section 203 would provide for the development of federal guidelines that local and state governments could draw on for land-use regulatory reforms to advance housing. The provision calls for research on all of the important issues – but I would suggest that any guidelines for land-use reforms should also consider how to design those reforms to allow state and local governments (if they wish) to protect important natural or environmental resources while still advancing housing production. As I have noted in commentary on some of California's recent reform efforts, making good choices here can be important in ensuring that advancing housing production does not mean we are sacrificing important environmental values as well.

Other provisions of the ROAD Act would give additional funding for community development block grants to jurisdictions that have higher population growth rates (Section 206) and additional mass transit funds to jurisdictions that have changed zoning laws to advance more housing (Section 211). I'm a little skeptical that Section 206 will create much incentives for jurisdictions to change their behavior – jurisdictions that don't want to grow much probably don't care much about the grants to begin with, but perhaps you can argue the faster growing communities need more funding.

And some provisions would streamline environmental review for actions by the Department of Housing and Urban Development (HUD). Section 207 allows HUD funding recipients to do their own environmental reviews under NEPA – expanding existing provisions of law. And Section 208 creates new exceptions from NEPA for HUD projects that provide infill housing and development – the relevant definition of infill is a helpful one that seems likely to avoid abuse (limited to parcels of five acres or less that are previously disturbed and surrounded by development), and the exceptions also only apply to development projects that likely have minimal impacts in any case.

So this is overall a fine bill, though one that doesn't promise seismic change (for

better or for worse), at least in the context of land-use regulation.