

**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
FACT SHEET
SECTION 211, THE BUILD MORE HOUSING NEAR TRANSIT ACT,
OF S. _____, THE “ROAD TO HOUSING ACT OF 2025”
*July 29, 2025***

On July 29, 2025, the Senate Committee on Banking, Housing, and Urban Affairs reported [S. _____, the “Renewing Opportunity in the American Dream to Housing Act of 2025” \(ROAD to Housing Act of 2025\)](#). The bill proposes several policies to expand housing supply, improve housing affordability and access, and improve oversight of Federal housing programs.

Section 211 of the ROAD to Housing Act of 2025 includes [S. 2363, the “Build More Housing Near Transit Act of 2025”](#), introduced by Senator Brian Schatz (D-HI) and Senator Jim Banks (R-IN). Section 211 amends the ratings process for New Start, Core Capacity, and Small Start projects seeking funding through the Federal Transit Administration’s (FTA) Capital Investment Grants (CIG) program. Specifically, the bill provides a positive adjustment to the CIG project justification rating if the project sponsor submits documented evidence of pro-housing policies.

The American Public Transportation Association (APTA) strongly supports the Build More Housing Near Transit Act, and greatly appreciates Banking Committee Chairman Tim Scott (R-SC) and Ranking Member Elizabeth Warren (D-MA) including section 211 in the ROAD to Housing Act.

Summary

Section 211 of the ROAD To Housing Act of 2025 amends the project justification rating for public transit agencies that are seeking New Start, Core Capacity, or Small Start project funding through the CIG program.¹ Specifically, the bill allows for a one-point positive adjustment on the five-point rating scale (i.e., high, medium-high, medium, medium-low, or low) if the project sponsor submits documented evidence of pro-housing policies for areas located within walking distance of, and accessible to, transit facilities along the project route.

Section 211 defines pro-housing policies as any state or local action that removes regulatory barriers to the construction or preservation of housing units, including affordable housing units. These policies include state or local actions that:

- reduce or eliminate parking minimums;
- establish a by-right approval process for multi-family housing under which land use development approval is limited to determining that the development meets objective zoning and design standards;

¹ 49 U.S.C. § 5309.

- reduce or eliminate minimum lot sizes;
- commit substantial publicly held real property to the development or preservation of housing that includes a substantial number of dwelling units affordable to low-income households;
- eliminate or raise residential property height limits or increase the number of dwelling units permitted to be constructed under a by-right approval process; and
- carry out other policies as determined by the Secretary of Transportation, in consultation with the Secretary of Housing and Urban Development.

The section also requires the Secretary of Transportation to consult with the Secretary of Housing and Urban Development to develop the methodology to evaluate the extent to which the pro-housing policies documented by the applicant will result in an amount of housing units (including affordable housing units) that is appropriate to expected housing demand in the project area over the life of the project.² Last, section 211 requires the Secretary of Transportation to include information concerning projects that received pro-housing policy adjustments in its CIG Annual Report on Funding Recommendations to Congress.

Background

Every project seeking funding through the CIG program must be rated for its project justification and local financial commitment, as required by statute. The project justification rating is 50 percent of the project rating, and the local financial commitment rating is 50 percent. The project justification rating is based on six criteria: mobility improvements, environmental benefits, congestion relief, cost-effectiveness, economic development, and land use.³ FTA gives each criterion equal weight in its analysis of project justification.⁴ FTA currently considers whether public transit agencies or regional partners are providing incentives for transit-oriented development, including housing, when determining project ratings.⁵

Senator Brian Schatz (D-HI) introduced the “Build More Housing Near Transit Act” as a standalone bipartisan bill in the 118th ([S. 3216](#)) and 119th Congress (S. 2363).⁶ The bill allows projects applying for New Start and Core Capacity project funding through the CIG program access to the proposed rating adjustment. On April 7, 2024, the APTA Legislative Steering Committee unanimously approved endorsing the S. 3216. APTA re-endorsed the bill in the 119th Congress.

² Such units may include both new production and preservation of units, including affordable housing.

³ 49 U.S.C. §§ 5309 (d)(2)(A)(iii) and (e)(2)(A)(iv).

⁴ See FTA, [CIG Policy Guidance](#) (December 2024), at 44.

⁵ *Id.* at 32-34, and U.S. Department of Transportation, [Policy Statement on TOD](#), at 3.

⁶ Representative Scott Peters (D-CA) introduced a House companion to the bipartisan bill, [H.R. 6199](#) in the 118th Congress and [H.R. 4576](#) in the 119th Congress.