

Affirmatively Furthering Fair Housing



California Department of Housing and Community Development

What is Affirmatively Furthering Fair Housing?

Assembly Bill 686 (2018) defines Affirmatively Furthering Fair Housing as, “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.

“The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.”

(Gov. Code, § 8899.50, subd. (a)(1).)



What is Affirmatively Furthering Fair Housing?

Specifically, these meaningful actions must aim to accomplish the following:

- » Address significant disparities in housing needs and in access to opportunity;
- » Replace segregated living patterns with truly integrated and balanced living patterns;
- » Transform racially and ethnically concentrated areas of poverty into areas of opportunity;
- » Foster & maintain compliance with civil rights and fair housing laws.

Background

- » **Prior to the 1960s, discriminatory land use policies, biased mortgage practices, etc. restricted people of color from accessing opportunity & fair housing choice.**
- » **Congress passed the Fair Housing Act of 1968 (FHA) to address longstanding discriminatory issues.**
 - Prohibited discrimination based on race, color, religion, and national origin.
 - Act later amended to include discrimination based on sex (1974) and disability and familial status (1988).
 - The FHA also advanced the need for AFFH.

The Need for AFFH

- » **Despite prohibitions against housing discrimination, forces driving residential segregation persist today.**
- » **Racially explicit practices replaced by more subtle methods.**
 - These include single family & exclusionary zoning policies and placing affordable housing in low-resource neighborhoods.
 - Practices such as these continue to reinforce spatial segregation of low-income and communities of color in California.

Assembly Bill 686 (2018)

- » **Establishes an independent state mandate for all CA public agencies to adhere to AFFH, regardless of future federal actions**
 - Mandates state, local public agencies to facilitate deliberate action to explicitly address & combat disparities resulting from past patterns of segregation to foster inclusive communities.
 - **All public agencies must administer programs and activities relating to housing and community development, broadly defined, in a manner that AFFH and take no action inconsistent with AFFH.**
 - Creates new requirements for housing elements due to be revised on or after January 1st, 2021.

New Housing Element Requirements to AFFH

Components of New HE Requirements for AFFH

1. Assessment of Fair Housing (AFH)
2. Site Inventory

1. Assessment of Fair Housing (AFH)

» Each of the 5 analysis areas below must have an assessment:



» Must also have a summary of fair housing issues

1. Assessment of Fair Housing (AFH) Continued

» Assessment of Fair Housing Enforcement and Outreach Capacity

- Ability to disseminate information related to fair housing and provide outreach and education
- Ability to address compliance with fair housing laws, including a discussion of any findings, lawsuits, enforcement actions, settlements, or judgements
- At an appropriate geographic level



Fair Housing
Enforcement & Outreach

1. Assessment of Fair Housing (AFH) Continued

» Assessment of Segregation and Integration Patterns and Trends

- Race
- Ethnicity
- Familial Status
- Persons with disabilities
- Income



Segregation &
Integration

1. Assessment of Fair Housing (AFH) Continued

» Assessment of Disparities in Access to Opportunity

- Indices & Individual Variables
 - Education
 - Transportation
 - Economic Development & Access to Jobs
 - A Healthy Environment
 - Any other additional relevant factors



Disparities in Access to Opportunity

1. Assessment of Fair Housing (AFH) Continued

» Assessment of Disproportionate Housing Needs, Including Displacement

- Cost Burden & Severe Cost Burden
- Overcrowding
- Substandard Housing
- Homelessness
- Displacement
 - Investment-driven
 - Disinvestment-driven
 - Disaster-driven



Disproportionate
Housing Needs, Including
Displacement

1. Assessment of Fair Housing (AFH) Continued

» Assessment of Racially/Ethnically Concentrated Areas of Poverty (R/ECAP)

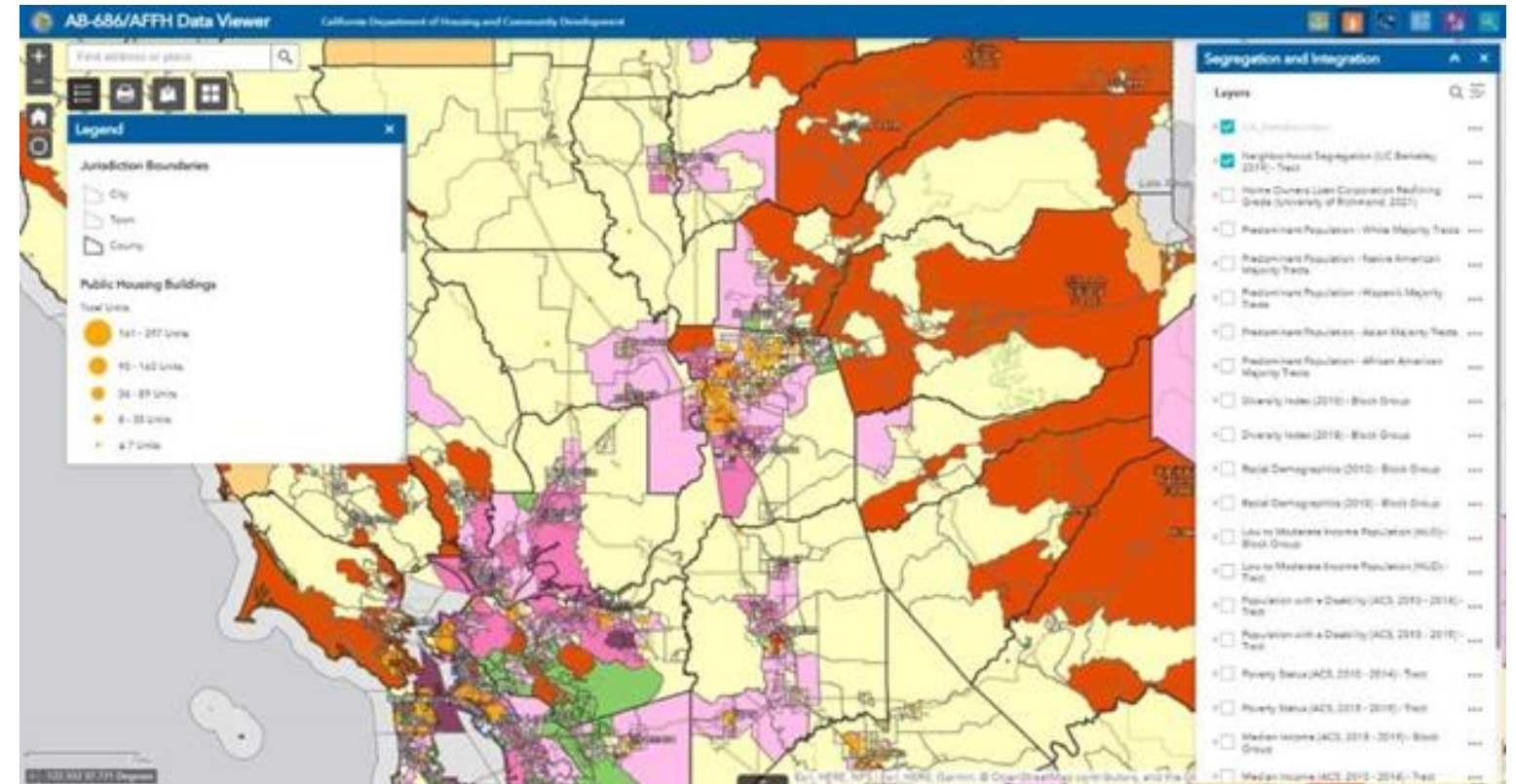
- Racially/Ethnically Concentrated Areas of Poverty (R/ECAP)
- Racially Concentrated Areas of Affluence (RCAA)
- Data Considerations
 - TCAC/HCD opportunity maps high segregation & poverty layer
 - HUD R/ECAP data
 - HCD RCAA layer coming soon



Racially/Ethnically
Concentrated Areas of
Poverty

AFFH Data Viewer

- » Interactive Maps
- » 60+ Data layers
- » How-to Guide
- » Recommended vs. Additional Data Layers
- » Print/Export Functions
- » Feedback survey/email



2. Site Inventory

AB 686 requires a jurisdiction to identify sites throughout the community in a manner that is consistent with its duty to AFFH

- » The jurisdiction's Assessment of Fair Housing (e.g. segregation & integration, R/ECAP, etc.) should inform the identification of sites in a manner that AFFH.
- » The site identification requirement must assess whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns. Do they transform racially and ethnically concentrated areas of poverty into areas of opportunity?
- » Analysis should not be limited to the identification of sites for lower income households but should incorporate jurisdiction's projected housing development at all income levels. It should assess the extent to which it either further entrenches or ameliorates existing patterns of segregation and/or exclusion of protected class members.

Thank you!

Please send questions to :

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