

What You Need to Know About California's New Fair Housing Laws: *AB 686 And Housing Elements*

January 31, 2020

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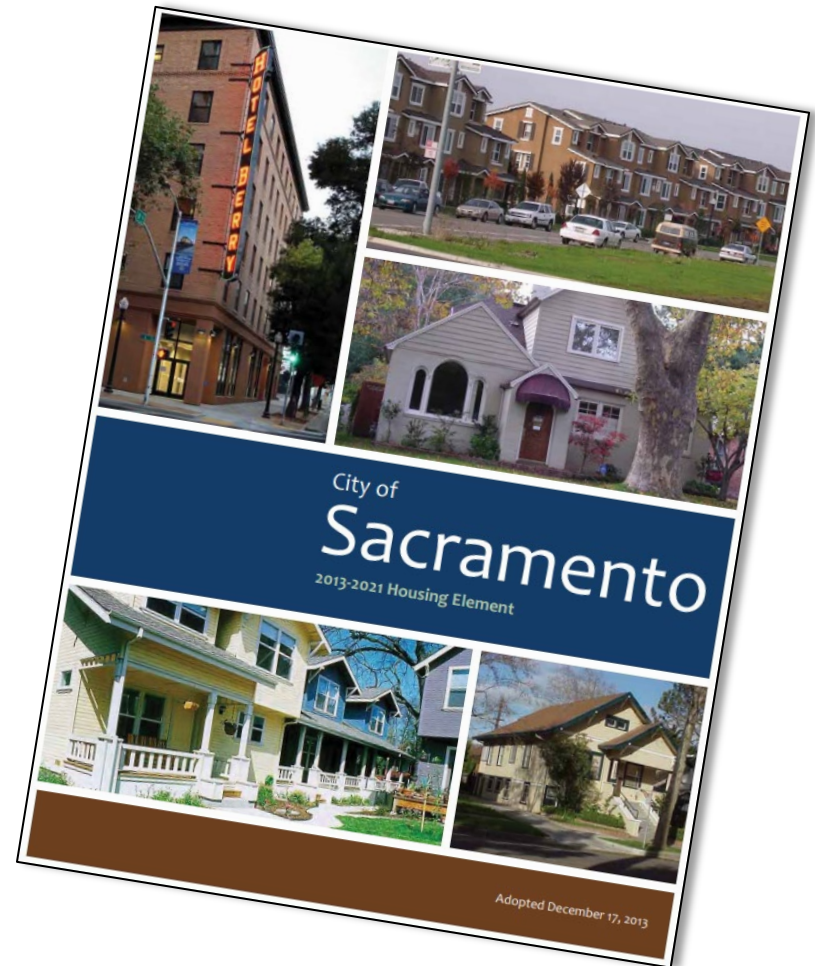
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THE KEY HOUSING ELEMENT CONCEPT

2

- Cities and counties must show adequate land zoned for housing to accommodate Regional Housing Need Allocation (RHNA)



WHAT IS RHNA?

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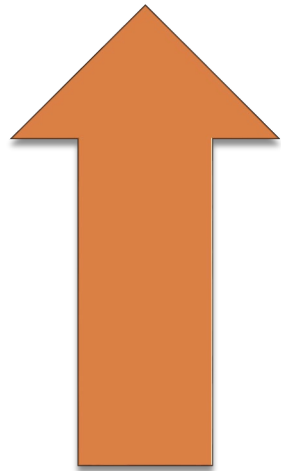
- **Regional Housing Needs Assessment (RHNA)**
 - The number of units needed to meet anticipated household growth, at various income levels
 - Each city and county receives a “RHNA allocation”

Model City

Lower Income (Very Low and Low)	Moderate Income	Above Moderate Income	TOTAL RHNA
400 units	200 units	400 units	1,000 units

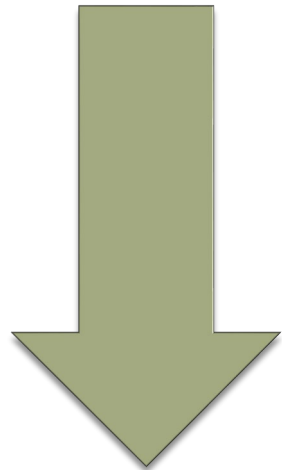
REZONING OBLIGATION

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R-30

- If not enough sites available to accommodate RHNA, Housing Element must identify specific sites for upzoning



R-6

AB 686 & HOUSING ELEMENTS

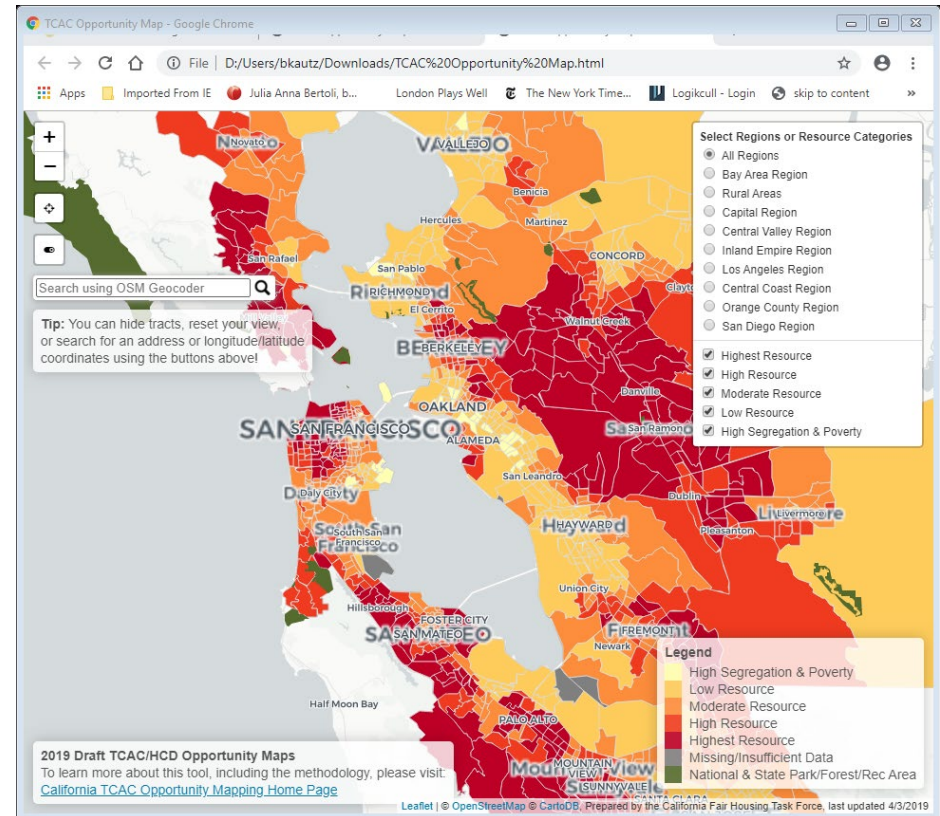
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- Housing Elements must affirmatively further fair housing. Must:
- Designate sites for affordable housing in areas of opportunity
- Replace segregated living patterns
- Transform racially & ethnically concentrated areas of poverty.

AFFH OBLIGATION

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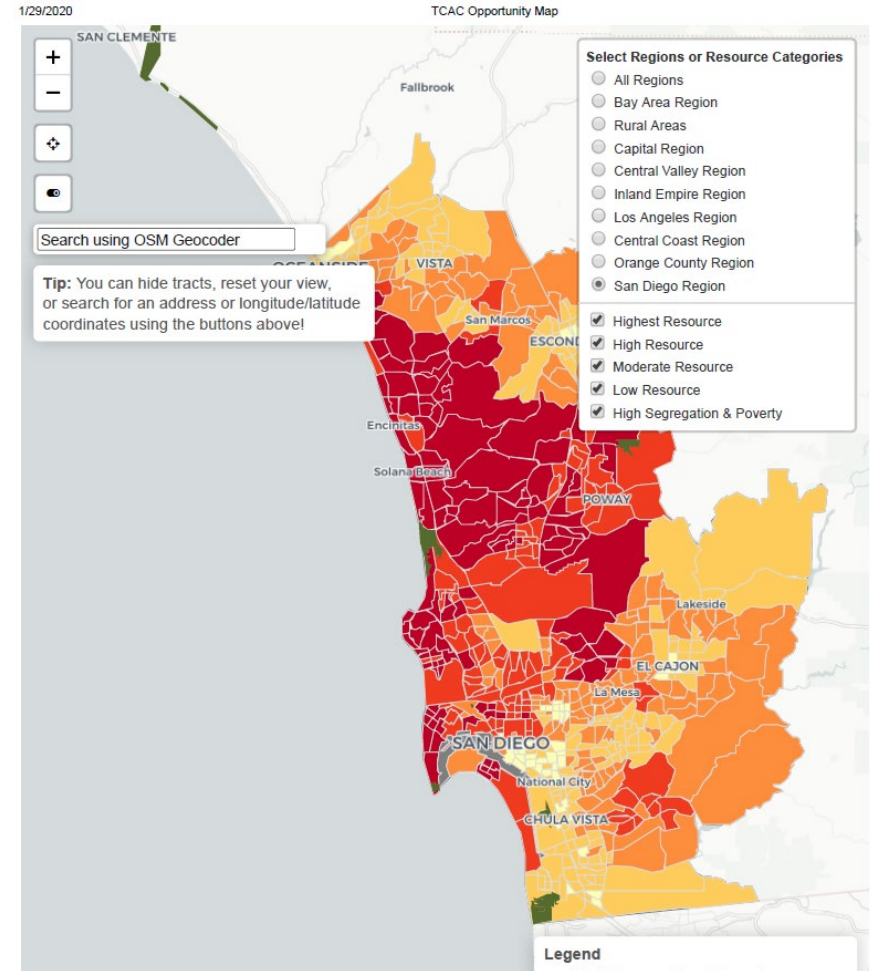
- RHNA distribution and each local housing element must affirmatively further fair housing
- Encourage affordable housing in areas of opportunity
- Decrease segregation



THE REGIONAL AFFH OBLIGATION

7

- Must also:
 - ▣ Reduce GHG and VMT
 - ▣ Provide access to jobs
- SANDAG results:
 - ▣ City by jobs and transit
 - ▣ Within City: AFFH
 - ▣ San Diego: 63%
 - ▣ Lower income areas with more units



LOCAL SITES REQUIREMENTS

8

- “If More Than 50% Non-Vacant:
 - ▣ Existing Use Presumed to Impede Development
- Detailed Review of Each Non-Vacant Site
 - ▣ Extent to which existing uses are an impediment
 - ▣ Development trends
 - ▣ Regulatory incentives
 - ▣ *Prior experience converting to higher density residential*
 - ▣ *Market demand*
 - ▣ *Leases and existing contracts for current use*

LOCAL SITES REQUIREMENTS

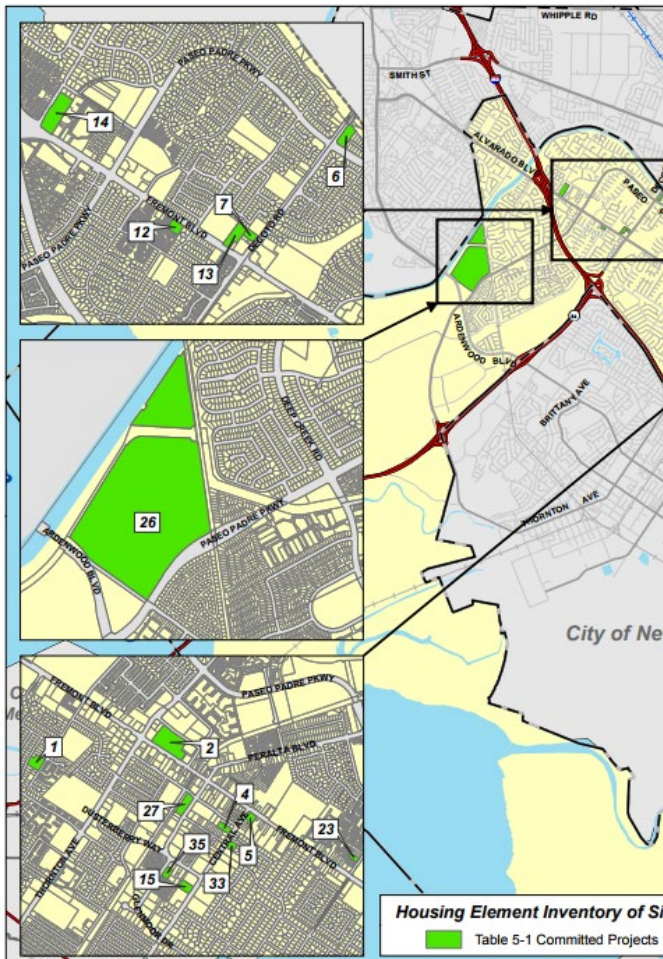
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- Presumed *inappropriate* for lower income households IF:
 - ▣ Less than 1/2 Acre
 - ▣ Greater than 10 Acres



LOCAL SITES REQUIREMENTS

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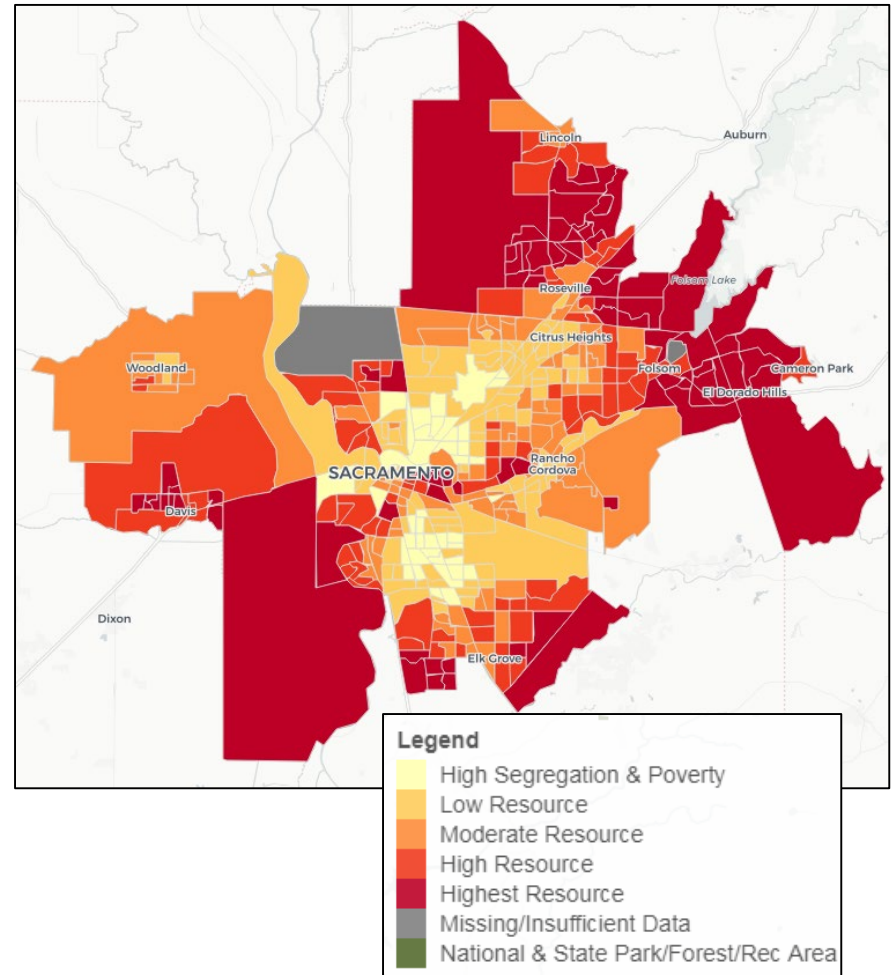


- “Realistic & demonstrated potential”
 - ▣ Access to water, sewer, & dry utilities
 - ▣ Density of similar projects with similar affordability on similar sites

THE LOCAL AFFH OBLIGATION

11

- Vacant sites may be too large or isolated or contain hazards
- Single-family sites in desirable neighborhoods are too small
- Poor neighborhoods may benefit from more housing



BEYOND SITES: A BALANCED APPROACH

12

- Place-Based Strategies
 - ▣ Invest in neighborhoods with high concentrations of poverty while preventing displacement
 - ▣ Maintain and preserve existing affordable housing

- Mobility-Based Strategies
 - ▣ Develop affordable housing in areas experiencing gentrification
 - ▣ **Develop affordable housing in areas of opportunity**

OTHER LOCAL STRATEGIES

13

- Inclusionary Policies
 - ▣ 'Palmer Fix'
 - ▣ Require on-site or in the same neighborhood

- By Right Proposals – 'over the counter' approvals if the housing meets certain criteria

MORE LOCAL STRATEGIES

14

- Preference Policies
 - ▣ Displacee preferences
 - ▣ Local live/work preferences
 - ▣ Neighborhood preferences

- Preference policies need to be evaluated to ensure that there is not a disparate impact

HELPFUL STATE LAWS

15

- Preventing gentrification:
 - ▣ Rent control and just cause eviction
 - ▣ Replacement housing requirements in SB 330

- Mobility
 - ▣ No Section 8 discrimination