

Affirmatively Furthering Fair Housing Legal Requirements

Housing and Policy Development Division – HCD
Fair Housing Unit





Overview

- State Requirement to Affirmatively Further Fair Housing
- Immediate Impact on Housing Elements
- Long-term Impacts on Housing Elements



Affirmatively Furthering Fair Housing Defined

- 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.



Affirmatively Furthering Fair Housing Defined

- Meaningful actions, taken together:
 - **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**, and
 - Foster and maintain **compliance with civil rights and fair housing laws**.



Immediate Impact - State Mandate to AFFH

- A public agency shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and
- Take no action that is materially inconsistent with its obligation to affirmatively further fair housing.



Immediate Impact - Housing Element

- Must Include a Program in All Housing Element Revisions that Affirmatively Furthers Fair Housing
 - The program(s) must constitute meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity
 - This applies to Housing Elements adopted on or after January 1, 2019



2021 Housing Element Requirements

- Complete Assessment of Fair Housing
- Sites Inventory with AFFH Lens



Housing Element - Mini Assessment of Fair Housing

- Summary of fair housing issues, an assessment of fair housing enforcement and outreach capacity
- An analysis of data, integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty (R/ECAPs), disparities in access to opportunity, and disproportionate housing needs including displacement risk
- Identify fair housing priorities and goals, giving highest priority to those that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance



Housing Element - Mini Assessment of Fair Housing

- Identify metrics and milestones for determining what fair housing results will be achieved
- Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement
- Housing elements due January 1, 2021



Housing Element - Sites Analysis

- A city's or county's inventory of land suitable for residential development shall be used to identify sites throughout the community, consistent with the AFH, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels.



AB 686 Requirement Timeline

- January 1, 2019
 - State Mandate to AFFH
 - Housing Element Program to AFFH
- January 1, 2021
 - Include Assessment of Fair Housing in Housing Elements
 - Site Inventory with AFFH Lens



Technical Assistance

- AB 686 Summary Memos –
 - Draft out for review
 - Released February 2020
- Technical Guidance Memo and inclusion into the building blocks
 - April 2020