

California Department of Housing and Community Development

Final 2020 Analysis of Impediments to Fair Housing Choice

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California Department of Housing and Community Development Final 2020 Analysis of Impediments to Fair Housing Choice

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Executive Summary

Home is where communities are formed, with far-reaching impacts on our lives and futures. Home provides us with a sense of belonging, safety, and access to economic and social opportunities. When housing choice and access are limited because of someone's protected characteristic, such as race, sexual orientation, or disability status, there are far-reaching impacts on access to job opportunity, quality education, and to one's mental and physical health.

The California Department of Housing and Community Development (HCD) produced this Final 2020 Analysis of Impediments to Fair Housing Choice (Final 2020 AI) in conformance with the Affirmatively Furthering Fair Housing (AFFH) Final Rule (2015),¹ as required for all U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) funding recipients.

This document serves as the basis for HCD's fair housing planning work to expand housing choice and access to opportunity for all Californians, regardless of membership in a protected class. In preparing this report, HCD conducted extensive community outreach across the state with individuals and families, as well as with advocates, stakeholders, and groups representing persons in protected classes. HCD surveyed Californians on their housing needs and priorities in English, Spanish, Chinese, Vietnamese, Tagalog, and Korean languages. HCD held five public meetings in December 2019, across the state to gather local feedback on specific housing impediments and trends and conducted 10 topic-specific webinars. The Draft AI went out for a 45-day public comment period, beginning in April 2020. During the public comment period HCD held six regionally focused online meetings. This community input, along with significant data and research, informed this Final 2020 AI. The Final 2020 AI details impediments to fair housing choice and potential action steps to address those impediments over the next five years. The Final 2020 AI informs HCD's efforts to affirmatively further fair housing, to promote inclusive communities, further housing choice, and address community disparities through HCD's programs, policies, and operations. Some of these actions are within HCD's control, others will require on-going collaborative work with partners.

The Final 2020 AI describes the current fair housing environment in California, and then identifies impediments to fair housing choice and action steps to address those impediments. Chapter 2 outlines the extensive community engagement process that shaped the Final 2020 AI. The subsequent chapters assess fair housing in California through several lenses: a statewide overview of demographics and housing considerations (Chapter 3 and a regional analysis in Chapter 8), reviewing statewide regulations and laws (Chapter 4), discussing and describing actions that have been taken previously to affirmatively further fair housing (Chapter 7), segregation and integration (Chapter 5), the HCD/TCAC Opportunity Maps and efforts to increase access to opportunity (Chapter 6), performing an assisted housing portfolio analysis

¹ Affirmatively Furthering Fair Housing (AFFH) Final Rule, 80 FR 42271 (2015)

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(Chapter 9) and a lending analysis (Chapter 10), an overview of fair housing complaints and cases (Chapter 11), and disaster recovery programs and the use of federal funds (Chapter 12).

Together, the chapters lay the framework for the identification of statewide impediments to fair housing choice, identified in Chapter 13, and the report concludes with recommendations in Chapter 14.

The following provides chapter-by-chapter summaries and key takeaways from the Final 2020 AI.

Chapter 1 – Executive Summary and Introduction

Chapter 1 provides a brief introduction of federal fair housing definitions, state-specific fair housing definitions, the process behind the drafting of the AI, and an overview of how this assessment fits into the State of California's wider vision for affirmatively furthering fair housing statewide. HCD produced this Final 2020 AI in conformance with the HUD requirements as stated in the *Fair Housing Planning Guide* as required by HUD. However, the AI also serves as the guiding document for HCD's fair housing efforts to expand housing choice, reduce segregation, and increase access to opportunity for all Californians, especially for those in protected classes. HCD worked to ensure that the full body of our goals and responsibilities are included. However, this document may not cover the full scope of HCD's ongoing fair housing work. While federal law provides significant guidance, HCD is also obligated to meet the mandates of California fair housing law, including AB 686. This important law reinforces California's commitment to fair and equal housing by requiring public agencies to administer their programs in a manner that affirmatively furthers fair housing and creates AFFH obligations for local government plans for housing. Advancing state fair housing goals will require HCD to continue to create opportunities for robust stakeholder participation, as established through the AI process.

Chapter 2 – Community Participation Process

Chapter 2 provides an overview of the community engagement and outreach efforts conducted in conjunction with this assessment. The chapter summarizes feedback from key stakeholder consultations, a series of fair housing webinars, public meetings, and the Community Needs Assessment Survey conducted as part of the AI process.

Key Takeaways:

- In total, over 1,000 individual stakeholders directly influenced the drafting of this assessment through the community engagement process.
- The Community Needs Assessment Survey, conducted from November 7, 2019, through January 15, 2020, and available online in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese, received 828 responses.
- Stakeholder engagement in this assessment included proportionally distributed participation from stakeholders from each of California's eight identified regions.

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Chapter 3 – Statewide Overview of Demographics, Economic, and Development Conditions

Chapter 3 presents background information and data to understand current conditions and trends impacting fair housing choice in the State of California. The chapter provides statewide demographic, economic, and housing profiles to review current and historical trends. The chapter also takes a closer look at housing conditions by income, race, ethnicity, and disability status.

Key Takeaways:

- California has an inadequate and vulnerable supply of affordable homes, disproportionately impacting persons in protected classes. Despite steady increases since the 2009 financial crisis, California’s rate of housing construction still falls below historic production. Between 1950 and 1990 California permitted an average of more than 200,000 homes annually, compared to just over 113,000 in 2018.
- California’s extremely limited affordable housing supply faces additional challenges as subsidy contracts or regulatory agreements expire and affordable units are converted to market rate.
- The rising cost of housing and the availability of affordable units remain key factors for constituents.
- Over 2 million households earning 30 percent or less of the Area Median Income (AMI) pay a third or more of their income toward housing in California; rising rents, low housing production, and stagnant wages only intensify these existing financial challenges, particularly for low- and extremely low-income families.
- Based upon the analysis of fair housing complaint data, race is the second most common basis cited for fair housing discrimination complaints, behind disability. As the racial and ethnic diversity of California’s population of residents continues to grow, it will be important to ensure that racial and ethnic disparities and inequity in housing are the focus in addressing fair housing choice.
- California has over 4 million Californians with disabilities, many of whom face extreme challenges finding housing that is affordable, accessible, and located near transit and supportive services.
- Nearly 75 percent of the state’s housing stock was built prior to 1990 and the enactment of the Americans with Disabilities Act (ADA), the earliest federal mandate on accessible development. This means that the majority of California’s housing stock is likely inaccessible for people with disabilities.
- Lower-income households are more likely to include members with disabilities than higher-income households. Extremely low-income households are more than twice as likely to include an individual with a disability than households earning above moderate-income.

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Chapter 4 – Review of State and Federal Level Laws, Regulations, and Programs

Chapter 4 presents an overview of federal and state laws, programs, policies, and plans which impact fair housing objectives in the State of California. The chapter provides an overview of state and federal legislative updates since the publication of HCD's 2012 AI. The chapter also summarizes the impact of other statewide policy efforts, such as building codes addressing accessibility, access to transportation, and social services, to further the state's fair housing goals and ensure adequate housing choice and access for protected classes in California.

Key Takeaways:

- Federal and state policies work closely in conjunction to ensure that state and federal fair housing protections are effective statewide.
- California's broad fair housing protections provided under state fair housing and civil rights laws, and supported by the state's planning and zoning laws, are key to addressing the needs of Californians who are members of protected classes.
- Fair housing education and enforcement play an important role in ensuring meaningful protection of California residents.
- Fair housing enforcement and limited resources to enforce existing laws remain a critical challenge in ensuring fair housing protections.

Chapter 5 – Segregation and Integration

Chapter 5 reviews data on current and historical segregation and integration patterns related to race, ethnicity, and poverty status in the State of California. The chapter relies on HUD-provided metrics on Racially and Ethnically Concentrated Areas of Poverty (RECAPs) to understand changes in segregation levels since 2012. The chapter also examines housing conditions for populations with Limited English Proficiency (LEP) and for communities from various national origins to understand potential segregation and integration patterns from those perspectives. Finally, the chapter explores the specific conditions and needs of rural communities to gauge the responsiveness of programs and services that are provided and integrated within those communities.

Key Takeaways:

- Recent demographic changes have increased concentrations of poverty in already concentrated areas of race, ethnicity, and poverty across the state.
- Historical patterns of segregation and exclusion continue to influence housing and development patterns statewide.
- California's rural communities face unique challenges, requiring a tailored approach to access to housing and community development.
- High levels of residential segregation are present in many communities, leading to conditions that exacerbate inequalities. Residential segregation leads to consequences, including increased concentrations of poverty and unequal access to jobs, education, and other services.

Chapter 6 – Access to Opportunity

Chapter 6 reviews and assesses access to opportunity in California, as defined by HUD and state access to opportunity metrics. The chapter presents levels of access to opportunity based on school proficiency, labor market engagement, proximity to jobs, quality and cost of transit and transportation, and overall environmental health using the data provided by HUD. The chapter also presents recent statewide efforts to measure and assess opportunity in California. Lastly, the chapter examines key data points that conceptualize access to opportunity in the context of housing quality, exposure to environmental hazards such as lead-based paint, broadband access, and displacement due to development patterns or evictions.

Key Takeaways:

- Households living below the Federal Poverty Level are less likely than the state population as a whole to live near high performing elementary schools.
- Housing policy has untapped potential to prevent further segregation and concentration of poverty, as well as improve long term economic mobility and health outcomes, especially for children.
- Patterns of displacement and concentration of poverty suggest that as low-income residents are being displaced from urban neighborhoods, increased concentrations of poverty are arising in traditionally suburban and rural areas.
- Stakeholders noted the connection between rising housing costs and evictions, displacement, and the homeless crisis that is occurring most dramatically in cities with the highest housing costs.

Chapter 7 – Review of Prior and Current Actions Taken to Affirmatively Further Fair Housing

Chapter 7 presents the previously identified impediments from the 2012 AI. The chapter also summarizes key actions taken to address the previously identified impediments and other key updates relevant to the work of HCD since 2012.

Key Takeaways:

- The impediments identified in 2012 continue to affect fair housing choice and access in the state. Stakeholders identified housing affordability, affordable housing supply, fair housing awareness and enforcement, local community pushback, land development standards, displacement and tenant protections, and inadequate access to greater community development opportunities as 2012 impediments that remain relevant for the 2020 AI.
- Since 2012, the State of California, through HCD and other agencies, has developed a comprehensive set of actions to continue to address the identified impediments.
- Actions taken since 2012 continue to change and adapt to meet the needs of protected classes and improve programming and services.

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Chapter 8 – Regional Analysis

Chapter 8 provides a closer look at regional demographic and housing trends influencing fair housing choice and access at the local level. For example, the chapter describes Regional Housing Need Allocations, housing security, segregation patterns, and poverty rates based on the different regions of California. The regions include: Greater Los Angeles, San Francisco Bay Area, Sacramento, Northern California, San Diego, San Joaquin Valley, Central Coast, and Eastern Central California.

Key Takeaways:

- Every region is significantly behind on permits for its very low- and low-income housing production. For example, less than 2 percent of housing built in the Sacramento Region has been affordable to low- and very low-income households. In the San Joaquin Valley Region it is only 3 percent.
- Only 35 percent of Mono County’s residents are permanent. While tourism is an economic driver in the region, the amount of seasonally vacant homes puts pressure on the local market.
- Nearly half (48 percent) of the state's population of people living in RECAPs reside in the Greater Los Angeles Region, and there is a need to increase efforts to address the lasting legacy of segregation and exclusion impacting this region and the state as a whole.
- The San Joaquin Valley Region is one of the world's most productive agricultural areas, and many communities are growing due to the high housing costs in the San Francisco Bay Area and Greater Los Angeles Regions. Stakeholders expressed concern over land use and development patterns, including the intersection between industrial or agricultural facilities near affordable housing.
- The San Francisco Bay Area Region experienced an ongoing mismatch between population growth and housing production. Stakeholders expressed concern regarding the unmet needs of people experiencing homelessness in the region and displacement patterns that disproportionately impact low-income households and communities of color.

Chapter 9 – Federal Assisted Housing Program and Portfolio Analysis

Chapter 9 provides an analysis of the performance of HCD's federal programs portfolio. The chapter examines allocations, disbursements, and households or individuals assisted through the various programs. Whenever possible, the chapter compares the demographic profile of households or individuals served by the programs to the demographic profile of the targeted areas. Lastly, the chapter also attempts to review any potential programmatic roadblocks that may impact the access or delivery of the programs or services.

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Key Takeaways:

- Current federal programs are actively attempting to meet the needs of targeted areas in the delivery and funding of housing and services.
- It is too early to gauge whether recent state guideline changes are having any impact on the delivery of housing programs or services, such as for the Community Development Block Grant (CDBG) Program and other state programs.
- New programs, such as Community Development Block Grant-Disaster Recovery (CDBG-DR) and Housing for a Healthy California, provide new funding and programmatic tools to serve low-income households and protected classes.

Chapter 10 – Lending Analysis

Chapter 10 examines home lending patterns for borrowers in California to reveal any potential barriers in accessing fair lending and fair housing options in the state. To understand lending patterns, the chapter reviews loan originations, loan denials, and loan denial reasons based on race, ethnicity, income, and gender at the state and regional level.

Key Takeaways:

- As lending institutions shift away from government-backed loan products towards more conventional loans, low-income households and members of protected classes may face additional hurdles in securing capital for a home loan.
- Lack of access to home lending is not correlated to race or ethnicity, though gender and income may play a large role in home loan approval rates.
- Debt-to-income ratio and credit history are key factors in loan denials for all homebuyers in the State of California. Stakeholders noted that disparities in income, debt-to-income ratios, and credit history related to race and ethnicity may result in discriminatory effects to certain groups.

Chapter 11 – Fair Housing Trends and Complaints

Chapter 11 provides a close look at fair housing resources, activities, and complaints in the State of California. The chapter uses data provided by HUD's Office of Fair Housing and Equal Opportunity (FHEO) and DFEH to analyze fair housing trends and emerging fair housing issues. As part of a comprehensive analysis of fair housing in the State of California, the chapter also examines other potential barriers, such as evictions and limited tenant protections, that may also influence fair housing trends and complaints in California.

Key Takeaways:

- Feedback from stakeholders indicates an ongoing need for additional assistance and resources to educate, investigate, and enforce fair housing

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complaints is key to ensuring that the state's fair housing and civil rights protections are accessible and effective for protected classes of Californians.

- From 2015 to 2019, the greatest number of fair housing complaints, as reported by DFEH and FHEO, were attributed to discrimination based upon disability, followed by discrimination based upon race, and then by discrimination based upon familial status.
- Further, with the highest number of alleged fair housing violations reported in California's major urban areas of Los Angeles, Sacramento, and San Francisco, ensuring that increased education, investigation, and enforcement activities are deployed to these communities will be important.

Chapter 12 – Disaster Recovery

Chapter 12 examines the growing link between hazard risk, disaster vulnerability, and fair housing. The chapter presents data from recent disaster relief plans and efforts to capture the need to look more closely at climate vulnerability as a potential barrier to fair housing access and choice in California.

Key Takeaways:

- Since the last Analysis of Impediments to Fair Housing Choice in 2012, California has experienced several record-breaking disasters, and the majority of the state has experienced at least one declared disaster, including drought, wildfires, flooding, mudflows, and debris flows.
- Destruction of community assets such as housing, infrastructure, and businesses impact all community members by limiting housing choice and access to economic opportunities; however, the impacts on vulnerable populations, including protected classes, can be catastrophic, especially for persons living in poverty or persons with a disability.
- As the State of California receives resources for recovery and mitigation efforts, the state has the opportunity to develop and administer programs and investments that benefit all members of a community, including vulnerable populations and protected classes.

The COVID-19 pandemic exacerbated existing needs and inequalities. The pandemic resulted in a substantial increase in demand for assistance through public services. Increased demand has left many service providers understaffed and under-resourced. There is a significant need to prevent homelessness and provide additional protections to keep people housed.

Chapter 13 – 2020 Impediments to Fair Housing Choice

Using the data and analysis presented throughout this assessment, Chapter 13 presents the current list of impediments to fair housing choice faced by residents of California. The chapter also presents recommendations and actions the State of California will undertake in the next five years to address and reduce the impact of the identified impediments on protected classes.

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Key Takeaways:

- Most themes, trends, and barriers identified in the 2012 AI continue to pose a threat to fair housing access for protected classes in California.
- Newly identified impediments related to homelessness and disabilities provide the State of California with an updated mandate to help residents affected by those issues.
- Recent years have provided many new tools to address fair housing choice, but actions are needed to ensure awareness and implementation of those new tools.

The AI process allows HCD to identify factors limiting housing choice and propose actions to mitigate impediments through proposed actions. To develop impediments for the Final 2020 AI, HCD evaluated the continuing relevance of the 2012 impediments, and considered the trends and observations seen through the chapters in this document, as well as new input received during consultations across the state. Stakeholder and community input collected during the development of the Final 2020 AI reaffirmed that many of the challenges and impediments identified in 2012 remain. HCD does not consider those past impediments to be resolved. However, based on new insights and input from stakeholders, some of the 2012 impediments have been revised to reflect current conditions across the state. To that end, HCD has identified 10 impediments to fair housing choice that it will strive to address during the next five years. The 2020 impediments, listed in summary form below, are expanded upon in Chapter 13. The AI identifies impediments to fair housing choice and actionable steps that can be taken to effect meaningful change for mitigating barriers to fair housing choice.

State of California 2020 Impediments to Fair Housing Choice:

- 1. Supply and Production of Affordable Homes:** Inadequate supply and production of affordable homes available to low-income households and persons in protected classes.
- 2. Housing Preservation:** Vulnerable supply of affordable housing stock threatens housing options for lower-income and protected households.
- 3. Housing Instability and Homelessness:** Unequal access to supportive services, shelter, and affordable housing opportunities increases risk for persons experiencing homelessness, especially protected classes. The Coronavirus pandemic has exacerbated existing inequalities and vulnerabilities.
- 4. Fair Housing Education and Enforcement:** Limited community awareness of fair housing protections and enforcement resources.

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- 5. Tenant Protections and Anti-Displacement:** Lack of uniform enforcement and adequate anti-displacement protections have left protected classes, such as communities of color, more vulnerable to displacement.
- 6. Disparities in Housing Quality and Infrastructure:** Low-income households, rural communities, and persons in protected classes, are disproportionately experiencing severe housing problems, a lack of adequate housing options, and disparities in infrastructure.
- 7. Climate and Environmental Vulnerabilities:** Low-income households and protected classes are often disproportionately impacted by climate change, environmental injustice, or unsustainable land use and development practices.
- 8. Historic and Lasting Impact of Segregation:** Despite the repeal of explicitly racist and discriminatory housing laws, there remains a lasting legacy of segregation and resources disparities. Housing choice is often limited for persons of protected classes, including communities of color, to segregated concentrated areas of poverty.
- 9. Local Resistance and Exclusionary Land Use Policies Constrain Access to Opportunity:** Denying, preventing, or rendering infeasible multifamily housing development, alternative housing strategies, and affordable housing limits access for low-income households, protected classes, and persons experiencing homelessness.
- 10. Insufficient Accessible Housing Stock:** Lack of adequate accessible housing options, specifically for persons with mobility and sensory disabilities, limits housing choice for low-income households and people with disabilities.

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Chapter 1: Introduction

State and local governments that receive funding from HUD have a duty to affirmatively further fair housing, as established under the federal Fair Housing Act of 1968. In recent years, there have been a number of changes related to affirmatively furthering fair housing requirements. In 2015, HUD adopted the AFFH Final Rule requiring recipients of HUD CPD funding to complete an Assessment of Fair Housing (AFH) using a HUD created tool. In 2018, HUD published a notice in the Federal Register announcing withdrawal of the Assessment Tool for Local Governments previously required for development of AFHs under the AFFH Final Rule.² The 2018 Federal Register Notice instead requires HUD CPD grantees to utilize the HUD *Fair Housing Planning Guide, Volume One*, published in 1996, to develop an Analysis of Impediments to Fair Housing Choice (AI). This document serves as the State of California’s Final 2020 AI, complies with HUD requirements as stated in the *Fair Housing Planning Guide*,³ and outlines how the State of California will affirmatively further fair housing from 2020 through 2024.

The State of California is complying with its fair housing planning obligations through the completion of this Analysis of Impediments to Fair Housing Choice (AI). The development of this document meets and exceeds AI requirements; it provides a thorough analysis of available data, a rigorous review of statewide policies and practices, incorporates extensive community outreach and participation, and it offers a robust analysis of impediments to fair housing choice in California. In 2018, HUD published a “Frequently Asked Questions” (FAQ) document entitled “Federal Register Notice: Extension of Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants” affirming the requirements to affirmatively further fair housing.⁴ The FAQ outlined the following process to ensure that local jurisdictions comply with their obligation to affirmatively further fair housing by: (1) conducting an Analysis of Impediments to Fair Housing Choice within their jurisdiction; (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis; (3) maintaining records reflecting the analysis and actions; and (4) certifying compliance, as was the process required prior to publishing of the 2015 AFFH Final Rule. This document is guided by the process in the 2018 FAQ.

In January 2020, as the State of California’s AI process was already underway, HUD released a newly proposed AFFH rule that would make additional changes to the metrics and evaluation process required for compliance with the obligation to affirmatively further fair housing. Due to the timing of the proposed rule, however, this AI document continues to follow the newest available (2018) guidance provided by HUD.

² U.S. Department of Housing and Urban Development. Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments. Available at: <https://files.hudexchange.info/resources/documents/FR-Notice-AFFH-Withdrawal-of-Local-Government-Assessment-Tool.pdf>

³ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Fair Housing Guide. Retrieved from: <https://www.hud.gov/sites/documents/FHPG.PDF>

⁴ U.S. Department of Housing and Urban Development, Frequently Asked Questions (FAQs), “Federal Register Notice: Extension of Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants” Retrieved from: <https://www.hudexchange.info/faqs/3339/how-do-i-locate-the-faqs-related-to-the-january-2018-federal-register/>

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HCD will use the AI to guide our efforts to address fair housing. HCD will be engaged in monitoring the actions included in the AI and will also be the lead on implementing action steps identified in Chapter 13. HCD's strong implementation and oversight are key to successfully realizing the goals in the AI. However, to ensure successful implementation, many state, regional, and local agencies must be meaningfully engaged and empowered to ensure that California affirmatively furthers fair housing. Affirmatively furthering fair housing means taking meaningful actions that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.⁵ The information below provides background information on the terms and concepts explored in the later chapters.

1. Federal Definition of Impediments to Fair Housing Choice

HUD's Fair Housing Planning Guide⁶ defines impediments to fair housing choice as:

- Actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status or national origin, which restrict housing choices or the availability of housing choices.
- Actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

Impediments to fair housing choice must include three components:

- Be an identified matter that directly or indirectly (has the effect of) creating a barrier to fair housing choice.
- Have a disproportionate effect on a protected class.
- Be caused by an action, omission or decision.

State of California Fair Housing Protections

In addition to the protected classes that fall under federal law (race, color, religion, sex, disability, familial status or national origin), the State of California also includes the following protected classes:⁷

- Age
- Race, color (including hair texture and style)
- Ancestry, national origin
- Religion
- Disability, including mental and/or physical

⁵ Affirmatively Furthering Fair Housing (AFFH) Final Rule, 80 FR 42271 (2015)

⁶ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Fair Housing Guide. Available at: <https://www.hud.gov/sites/documents/FHFG.PDF>

⁷ California Department of Fair Employment and Housing, "Know Your Top Fair Housing Rights", 2020. https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/01/HousingRightsBooklet_English.pdf

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- Sex, gender
- Sexual orientation
- Gender identity, gender expression
- Genetic information (such as likelihood of gene mutation or chronic disorder)
- Marital status
- National origin
- Familial status (households with children under age 18, pregnant, or pursuing legal custody of children under 18)
- Source of income, including Section 8 Housing Choice Vouchers and other forms of rental assistance
- Immigration status
- Primary language
- Citizenship
- Military/Veteran status
- Arbitrary discrimination

Analysis of Impediments to Fair Housing Choice

The State of California's Final 2020 AI meets the minimum requirements as outlined in HUD's Fair Housing Planning Guide⁸, and incorporates elements of analysis based on the 2018 AFFH guidance.⁹ The 2020 impediments, outlined in Chapter 13, represent potential barriers or symptoms of barriers to housing choice that are linked to a particular action, omission, or decision based on one or more protected classes (federal or state). In order to affirmatively further fair housing, the State of California has identified specific actions to address impediments and track progress over the next five years.

⁸ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Fair Housing Guide. Retrieved from: <https://www.hud.gov/sites/documents/FHPG.PDF>

⁹ U.S Department of Housing and Urban Development. Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments. Available at: <https://files.hudexchange.info/resources/documents/FR-Notice-AFFH-Withdrawal-of-Local-Government-Assessment-Tool.pdf>

Chapter 2. Community Participation Process

In developing the State of California's Final 2020 AI, the California Department of Housing and Community Development (HCD) conducted stakeholder engagement and community participation in accordance with its Citizen Participation Plan (CPP). HCD's approach to community engagement and public participation in the AI process includes convening a soundboard of key stakeholders, facilitation of two rounds of public meetings held in locations across the state, publication of an online community needs assessment survey, hosting of webinars focused on key fair housing topics, and consultations with individual stakeholders. Notice of public meetings were published in newspapers of general circulation, planning libraries, posted to HCD's public website, and shared by the soundboard and community stakeholders. In response to the novel Coronavirus, COVID-19, HCD changed the planned second round of in-person public meetings to online-only webinars and extended the public comment period on the Draft 2020 AI.

In order to advertise the public meetings, webinars, and community needs assessment survey, emails were distributed to HCD's listserv and published to HCD's social media. The AI materials are posted to HCD's website and can be found at the following web address: <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml#aifh>. All meeting materials for HCD's public meetings were made available in English and Spanish, and the community needs assessment survey was made available in five languages.

This chapter provides a description of each of these activities, how they were advertised to the public, the date and time they took place, and how many persons were engaged in each.

1. Key Fair Housing Stakeholder Consultations

Throughout the AI process, HCD worked with a soundboard of fair housing stakeholders with expertise on fair housing issues, law, policy, and actions. Participating organizations included:

- National Housing Law Project (NHLP)
- Western Center on Law & Poverty (WCLP)
- Public Interest Law Project (PILP)
- Public Advocates
- California Rural Legal Assistance Inc. (CRLA)
- Disability Rights California (DRC)
- Public Counsel
- The Poverty and Race Research Action Council (PRRAC)
- Leadership Counsel

The soundboard members represent expertise in issues related to fair housing, poverty and public benefits, public policy, affordable housing and housing advocacy, the needs

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of rural communities, homelessness, the needs of persons with disabilities, and disability rights. Because of this substantial and relevant expertise, HCD requested additional guidance from members of this soundboard to help shape the AI and its process. Input from the soundboard was used as a part of the broader AI outreach and in no way replaced critical public outreach and community engagement.

The input of soundboard members has helped shape and greatly improve the Final 2020 AI and its process, but this should not be viewed as approval of the document by the participating organizations.

In addition to conducting meetings with this soundboard as described below, HCD provided the soundboard members with draft materials including the community needs assessment survey, public meeting materials, and a draft list of the identified impediments to fair housing. Meeting agendas included the following topics:

- **October 14, 2019:** HCD discussed the role of the advisory stakeholder group, provided an overview of the AI requirements, and discussed impediments identified in HCD's 2012 AI. Soundboard members provided feedback on the draft community needs assessment survey questions, the AI outline planning document, sources of data relevant to the AI, and HCD's public engagement strategy.
- **November 20, 2019:** HCD presented a draft of the public meeting presentation materials, including the results of initial data analysis, and it discussed potential approaches for additional public outreach to non-English speaking populations to increase survey and public meeting participation.
- **February 10, 2020:** HCD reviewed the draft impediments to fair housing identified in the AI process and discussed potential actions to address these impediments.
- **May 15 and May 19, 2020:** HCD received feedback on the Draft 2020 AI. Soundboard members discussed priorities for the action steps and impediments.

Stakeholder Consultations

Stakeholder consultations are a key aspect of HCD's community outreach and engagement efforts conducted in the AI process. Stakeholder consultations were completed through one-on-one phone interviews with a variety of stakeholders throughout the state, as well as through a series of public topic-specific webinars on multiple key fair housing issues. Because the State of California is both geographically and demographically large, 10 topic-specific webinars were offered as a way to engage stakeholders and members of the general public who could not otherwise be interviewed individually. Through the webinars, a broad group of stakeholders and some members of the general public were able to participate in the AI process and to provide HCD with their feedback on specific fair housing issues relative to their expertise and experience.

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a. Consultations

HCD used HUD's 2015 AFFH Final Rule to guide its stakeholder consultations, with a focus on developing an inclusive strategy that increases access to opportunity for traditionally marginalized communities.¹⁰ HCD identified and selected stakeholders for consultation based upon HUD guidance; at least one stakeholder was selected for consultation from each AFFH stakeholder group as outlined in HUD's guidance. As a statewide AI process, HCD consulted with stakeholders throughout the state, and spoke with stakeholders in each of the eight regions of California, with a particular focus on non-entitlement and rural areas.

HCD consulted a total of 42 stakeholders in December 2019 and January 2020. Consultations included the following groups:

- Advocacy Groups
- Banks and Other Financial Institutions
- Educational Institutions
- Fair Housing Organizations
- Housing Providers
- Chief Executives
- Other Governmental Organizations

A list of all stakeholders who participated in one-on-one consultations is included in the Appendix.

i. Key Findings

The feedback received varied across the stakeholder groups, highlighting a range of housing issues and concerns from different perspectives, and informed by different areas of expertise and experience. These housing issues and concerns are discussed throughout this document where relevant to the AI. The fair housing issues that were highlighted and shared in common across individual stakeholder consultations included the following:

- **Lack of Adequate Housing Development:** Feedback highlighted a diverse range of factors contributing to a lack of adequate housing development across the state, including the rising cost of land, cost of labor and materials, increased regulatory standards, permitting delays and fees, land use and zoning restrictions, and community resistance to housing development.
- **Lack of Affordable Housing:** Stakeholders noted rising housing costs and a lack of affordability for renters generally, and very low-income households particularly, as well as concern about rising rates of eviction, displacement, and homelessness.
- **Displacement:** The disproportionate impact of displacement on low-income and marginalized communities leading to segregation, increased commute times, and a lack of access to opportunity for these populations were highlighted by stakeholders.

¹⁰ Policy Link Affirmatively Furthering Fair Housing Rule, Assessment of Fair Housing | Potential Roles for Stakeholders in the AFH Process. Available at: https://www.policylink.org/sites/default/files/AFH_Roles_Matrix%20.pdf

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- **Rising Homelessness:** Many stakeholders discussed at length California's rising rate of homelessness driven by lack of housing supply, rapidly rising housing costs, and the effects of increasingly stringent rental requirements driven by high housing demand. Inadequate resources to address the immediate needs of persons currently experiencing homelessness and to promote permanent supportive housing options, as well as inadequate resources to prevent homelessness, were identified as barriers to housing by stakeholders.
- **Increased Housing Needs for Special Populations:** The need for additional housing resources for special populations, such as persons experiencing homelessness, seniors, persons with disabilities, people identifying as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQIA+), immigrant communities, veterans, low- and very low-income households, and historically marginalized communities who are disproportionately impacted by the lack of affordable housing and rising housing costs.

b. Fair Housing Webinars

To expand participation from each of California's regions, HCD hosted a series of webinars to provide additional opportunities for participation on specific fair housing issues. HCD advertised these meetings to its email list, social media, and through all public meetings and consultations. The following provides an overview of the 10 topic-specific webinar consultations:

- **Environmental:** The environmental stakeholders webinar took place December 20, 2019, at 10:00 a.m. and was attended by 15 people. The purpose of this webinar was to discuss the intersection between fair housing choice and environmental issues, including disaster recovery, environmental justice issues, and sustainable and resilient housing development. Participants discussed the community impacts of climate change and disaster events and the impact on housing in California. Environmental stresses disproportionately impact housing security for low-income households and farmworkers. Other themes raised included the environmental impact of locating housing near industrial uses and issues with disproportionate access to water in rural areas.
- **Seniors/Aging:** The webinar focused on seniors and issues related to aging was held on December 20, 2019, at 3:00 p.m. and was attended by 13 people. The purpose of this webinar was to discuss the unique housing needs for residents over the age of 55. Stakeholders identified the growing need for affordable senior housing as the senior population rapidly increases. Stakeholders discussed the need to build housing where seniors can age in place and have access to home care services.
- **Fair Housing Complaints:** The webinar focused on fair housing complaints was held on December 30, 2020, at 1:00 p.m. and was attended by five people. The purpose of this webinar was to discuss the fair housing complaint process, including state and federal trends in fair housing complaints.

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Stakeholders expressed a desire to see data on how housing discrimination is impacting the transgender community and expressed a need for fair housing education for protected classes regarding their fair housing rights. In addition, participants expressed concern about the perceived decrease in volume of fair housing complaints. Staff from DFEH reported that both complaints and investigations continue to increase.

- **Private Sector:** The webinar focused on fair housing in the private sector was held December 30, 2019, at 3:00 p.m. and was attended by nine people. The purpose of this webinar was to discuss the intersection of private housing development, housing demand, and fair housing choice. Stakeholder feedback revealed a concern about fair market rent calculations underrepresenting true housing costs, explaining that landlords will not rent to voucher holders if these calculations undercut true pricing. Stakeholders in this webinar also discussed labor shortages affecting construction and new development.
- **Homelessness:** The webinar focused on persons experiencing homelessness took place on January 2, 2020, at 10:00 a.m. and was attended by 33 people. The purpose of this webinar was to discuss the intersection between fair housing choice and homelessness, supportive housing, and public access to social services. Stakeholders expressed a need for innovative solutions to address the state's homelessness crisis. Issues discussed included a need for supportive services for people transitioning into housing in order to maintain safe and stable housing. Stakeholders identified pet policies, high security deposits, and strict credit rental requirements as barriers to housing for people experiencing homelessness.
- **Immigration:** The webinar focused on immigration and housing took place on January 3, 2020, at 10:00 a.m. and was attended by 15 people. The purpose of this webinar was to discuss the challenges faced by recent immigrants and undocumented immigrants in relation to fair housing choice. Participants identified the need for increasing legal aid services and funding to provide assistance related to the unique housing needs of immigrant communities. Stakeholders also expressed concern about immigrants fearing retaliation should they advocate for or exercise their housing rights.
- **Housing Policy:** The webinar focused on housing policy took place on January 3, 2020, at 1:00 p.m. and was attended by 25 people. The purpose of this webinar was to discuss the impact of federal and state housing policies on fair housing choice. Stakeholders discussed housing supply and barriers to fair housing choice, including the impact of the 2017 and 2018 disasters on housing supply.
- **Rural Communities:** The webinar focused on rural communities took place on January 3, 2020, at 3:00 p.m. and was attended by 26 people.

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- Stakeholders discussed access to opportunity for rural areas, including adequate housing, jobs, access to transit, education, and clean water through the lens of fair housing for rural communities. Participants also discussed barriers to rural housing development, including zoning and opposition to converting agricultural land to residential uses. Stakeholders expressed concern about access to affordable housing for low-income households and access to transportation options in rural areas.
- **Persons with Disabilities:** The webinar focused on the needs of persons with disabilities took place on January 6, 2020, at 1:00 p.m. and was attended by 29 people. The purpose of this webinar was to discuss the housing needs for persons with disabilities as it relates to fair housing choice. Stakeholders expressed concern about the lack of accessible housing and affordable housing generally available in the housing market, as well as housing that is specifically accessible to people with physical disabilities. Despite the passage of new state laws protecting against Housing Choice Voucher (HCV) source of income discrimination, stakeholders identified access to and use of HCVs as an ongoing challenge for persons with disabilities, including availability of appropriate units meeting the needs of those with disabilities. Stakeholders identified the need to collect data on the rate of disability among voucher holders, rates of voucher loss, analysis of incomes, and analysis of other unmet needs. Stakeholders also identified the need for increased education on and enforcement of reasonable accommodation, reasonable modification, and physical accessibility requirements in emergency shelters and temporary housing sites. Finally, stakeholders identified the need for units with accessible features for people with disabilities.
 - **Local Government:** The webinar focused on local governments took place January 7, 2020, at 2:00 p.m. and was attended by 45 people. The purpose of this webinar was to discuss the impacts of local zoning laws, development patterns, and local policies on fair housing choice. Stakeholders and local governments discussed development issues related to regulatory requirements, permitting delays, development fees, and infrastructure costs in rural areas. Affordability was raised as an issue impacting all income levels, including for those with very low incomes as well as those with moderate incomes. Stakeholders and local governments identified issues related to loss of housing stock due to recent natural disasters across the state and a concern about siting of new housing in high-risk areas that are also high in opportunity. Renter issues were raised, as well as feedback that there is a shortage of HCVs for those who qualify, a need for additional funding for affordable housing development, and a disproportionate impact of cost burden on lower-income households and other vulnerable populations.

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i. Key Findings

Stakeholder feedback varied across the topic-specific webinars and revealed fair housing issues and concerns unique to each stakeholder group. The most prominent fair housing issues that were expressed across each of the topic-specific webinars were the following:

- **Lack of Adequate Development:** Stakeholders emphasized the need for adequate housing development and highlighted the impact of existing challenges to new development, including: community resistance to multifamily and infill development, restrictive land use and zoning requirements, limitations on high-density development, high costs associated with permitting delays and fees, the high burden of regulatory requirements, resistance to conversion of agricultural and open space land to residential use, and the impact of labor shortages in the construction industry.
- **Lack of Affordable Housing:** Stakeholders raised strong concerns regarding the negative impacts of housing costs which continue to rise, stagnant wages, and a lack of opportunity and access to resources for lower-income, minorities, vulnerable populations, and other marginalized populations.
Increased Housing Needs for Special Populations: The need for additional housing resources for special populations, such as persons experiencing homelessness, seniors, persons with disabilities, people identifying as LGBTQIA+, immigrant communities, veterans, low- and very low-income households, and historically marginalized communities who are disproportionately impacted by the lack of affordable housing and rising housing costs.
- **Fair Housing Education and Enforcement:** Stakeholders highlighted the need for additional fair housing education for protected categories and the public and emphasized the need for increased accountability in the enforcement of existing fair housing laws, as well as recently passed housing legislation.

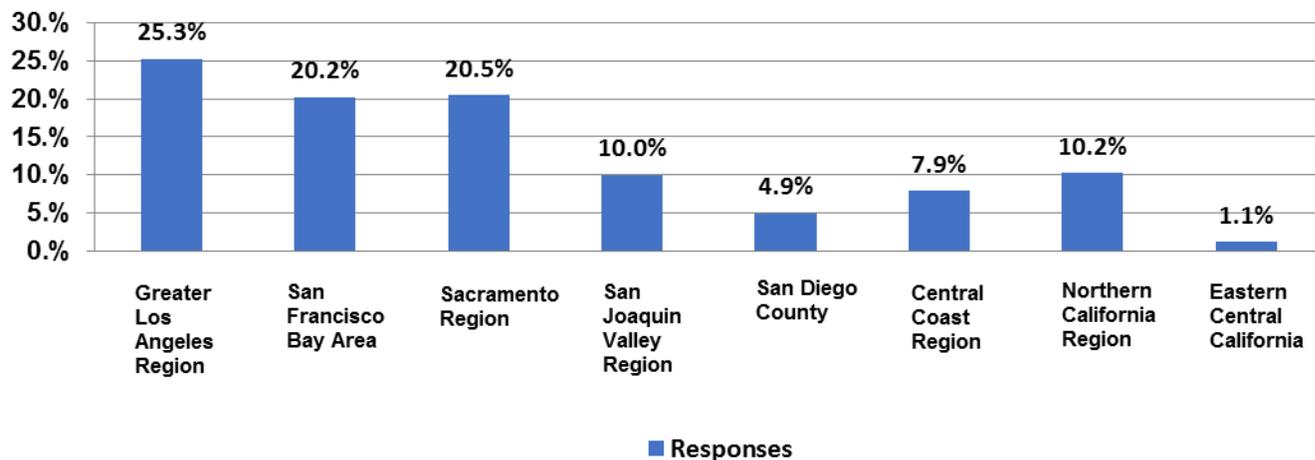
Community Needs Assessment Survey

To inform the 2020 AI, HCD launched a web-based online fair housing community needs assessment survey to assess issues and barriers related to fair housing choice in the State of California. The survey was made publicly available online from November 7, 2019, through January 15, 2020. The survey was available in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese. The full surveys are included in the Appendix. HCD publicized the survey through the HCD email listserv, published notice on the HCD website and on social media, announced it during public meetings, and provided information to stakeholders through all individual consultations. Printed surveys were made available upon request.

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During the survey period, HCD received 828 survey responses. Respondents from all eight regions of the State of California responded to the survey with the highest number of responses from the more populated Greater Los Angeles, San Francisco Bay Area, and Sacramento Regions. The lowest response rates came from lesser populated regions such as Eastern Central California. Figure 1 illustrates the distribution of responses received from each of the eight California regions.

Figure 1: Geographic Distribution of the Survey



Source: 2020 Community Needs Assessment Survey

The California zip codes that received the highest rates of response to the survey were located in Watsonville and Sacramento, followed closely by Fort Bragg, Auburn, and Oakland. Figure 2 shows the zip codes with the highest survey response rates.

Figure 2: Zip Codes with Highest Response Rate

Zip Code	Responses	Area
95076	10	Watsonville, CA
95817	10	Sacramento, CA
95437	9	Fort Bragg, CA
95818	9	Sacramento, CA
95603	8	Auburn, CA
94609	7	Oakland, CA

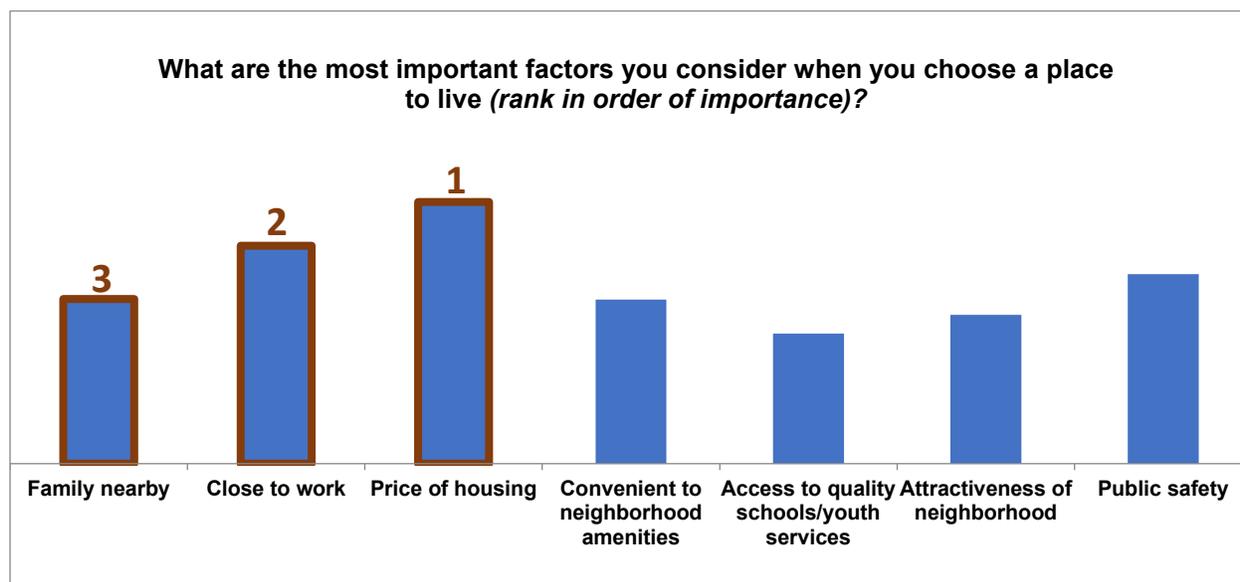
Source: 2020 Community Needs Assessment Survey

a. Key Findings

According to respondents, the important factors when choosing housing are price, proximity to work, and proximity to family. The least important factor respondents reported considering when choosing housing is access to quality schools and youth services. Figure 3 illustrates the distribution of survey responses across factors. This data is consistent with feedback received from stakeholder consultations and public meetings conducted in the AI process.

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Figure 3: Ranked Factors for Housing Choice



Source: 2020 Community Needs Assessment Survey

People who felt their housing choice factor was not represented by this list had the option to include their own “other” response. The top three “other” important factors for housing choice were: access to opportunity, public transportation, and proximity to public facilities.

Figure 4 shows a word cloud visual representation of the “other” responses to this question. The words represented in the largest font were the most commonly used, the words in smaller fonts were less common across respondents.

Figure 4: Housing Choice Factor Word Cloud



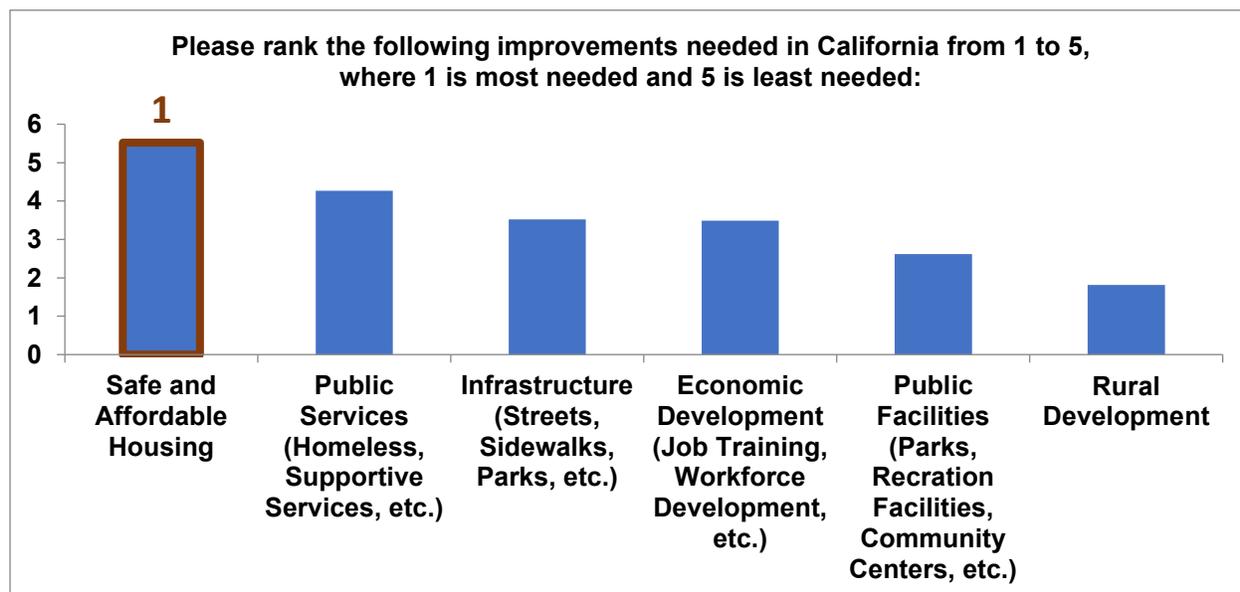
Source: 2020 Community Needs Assessment Survey

When asked to rank improvements needed in California, survey respondents answered that the number one improvement needed in California is access to safe and affordable housing. The next highest rated need was for public services (such as homeless

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supportive services), followed by infrastructure (such as streets, sidewalks, parks, water and sewer), and economic development (such as job training and workforce development). Figure 5 shows the distribution of survey responses when respondents were asked to rank the most important improvements needed by the state.

Figure 5: Ranked Improvement Needs for California



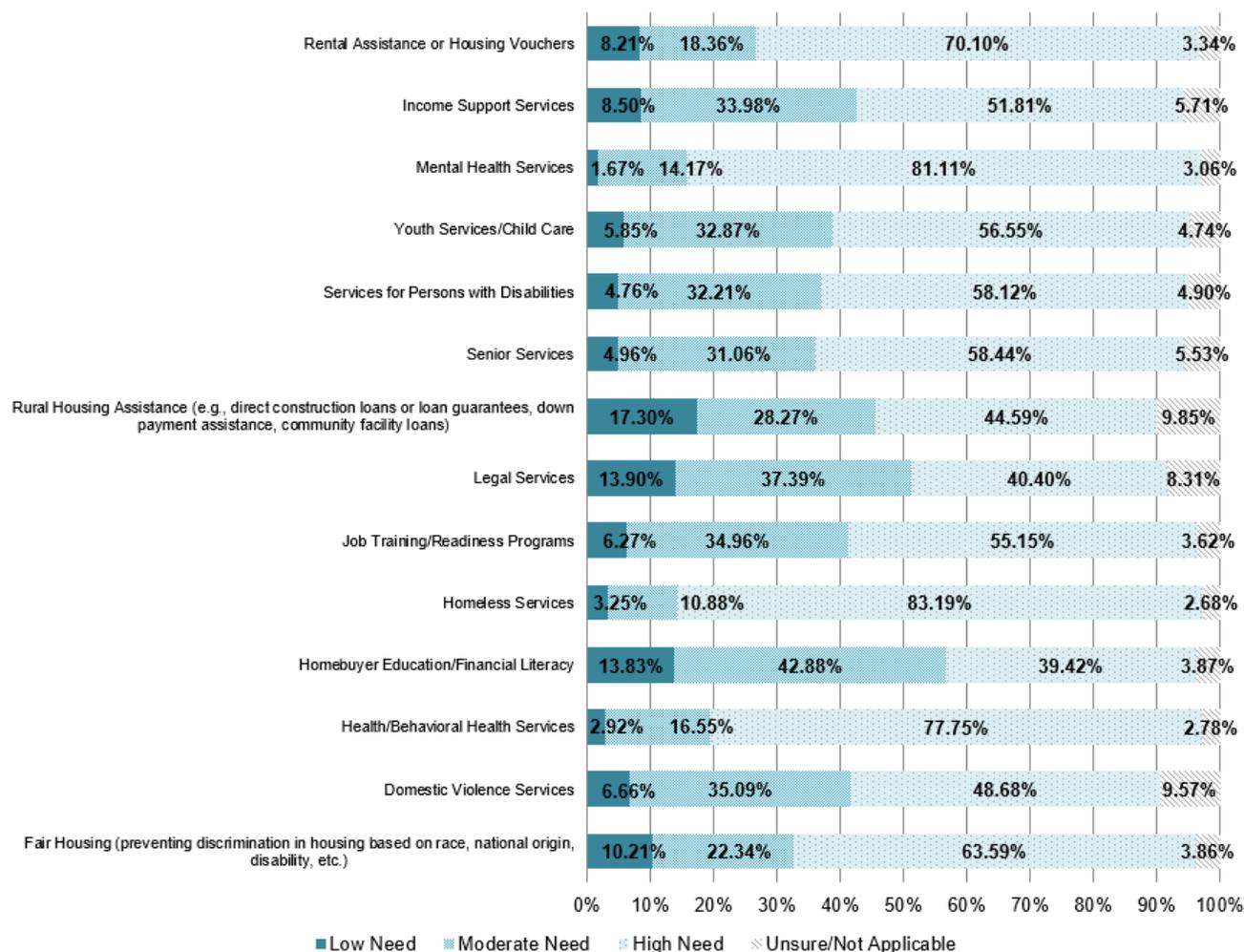
Source: 2020 Community Needs Assessment Survey

When asked about the relative need for various services in California, survey respondents answered that homeless services, mental health services, and health and behavioral health services are the most needed public services, followed closely by rental assistance and services aimed at prevention of fair housing discrimination. Figure 6 illustrates the distribution of survey responses on public service needs. This data is consistent with feedback received from stakeholder consultations and public meetings conducted in the AI process.

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Figure 6: Public Service Need Priorities

How much are these public services needed in California?



Source: 2020 Community Needs Assessment Survey

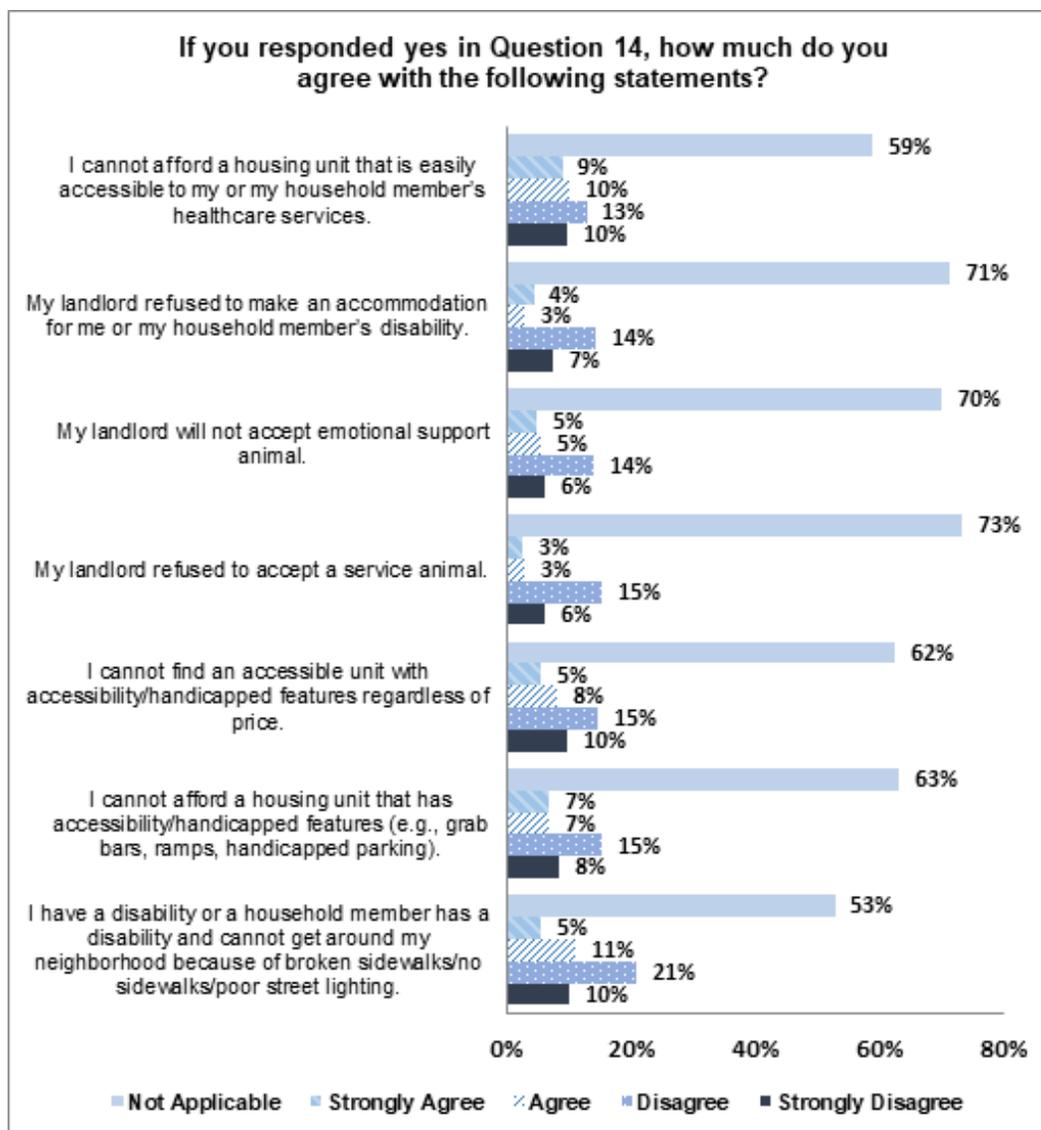
Fifty-three percent of people who responded to the survey stated that they were happy with their current living situation. Of the respondents that reported they were not happy with their living situation, half felt their housing was too expensive, 20 percent felt that they lived too far from their work, 11 percent felt that their housing was too small, and 10 percent responded that they were homeless. When asked why respondents had not moved from their current housing, the majority of respondents answered that they did not want to move; however, 40 percent felt they could not afford to move, 20 percent could not move away from their job, and 19 percent responded that they could not find better housing than their current housing situation.

Over one-quarter of the survey respondents identified as having someone with a disability as a member of their household. Figure 7 summarizes the survey results related to reasonable accommodations and accessibility for people with disabilities.

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Compared to stakeholder and public meeting feedback, the majority of survey respondents did not feel like the statements were applicable to their household.

Figure 7: Persons with Disability Statements

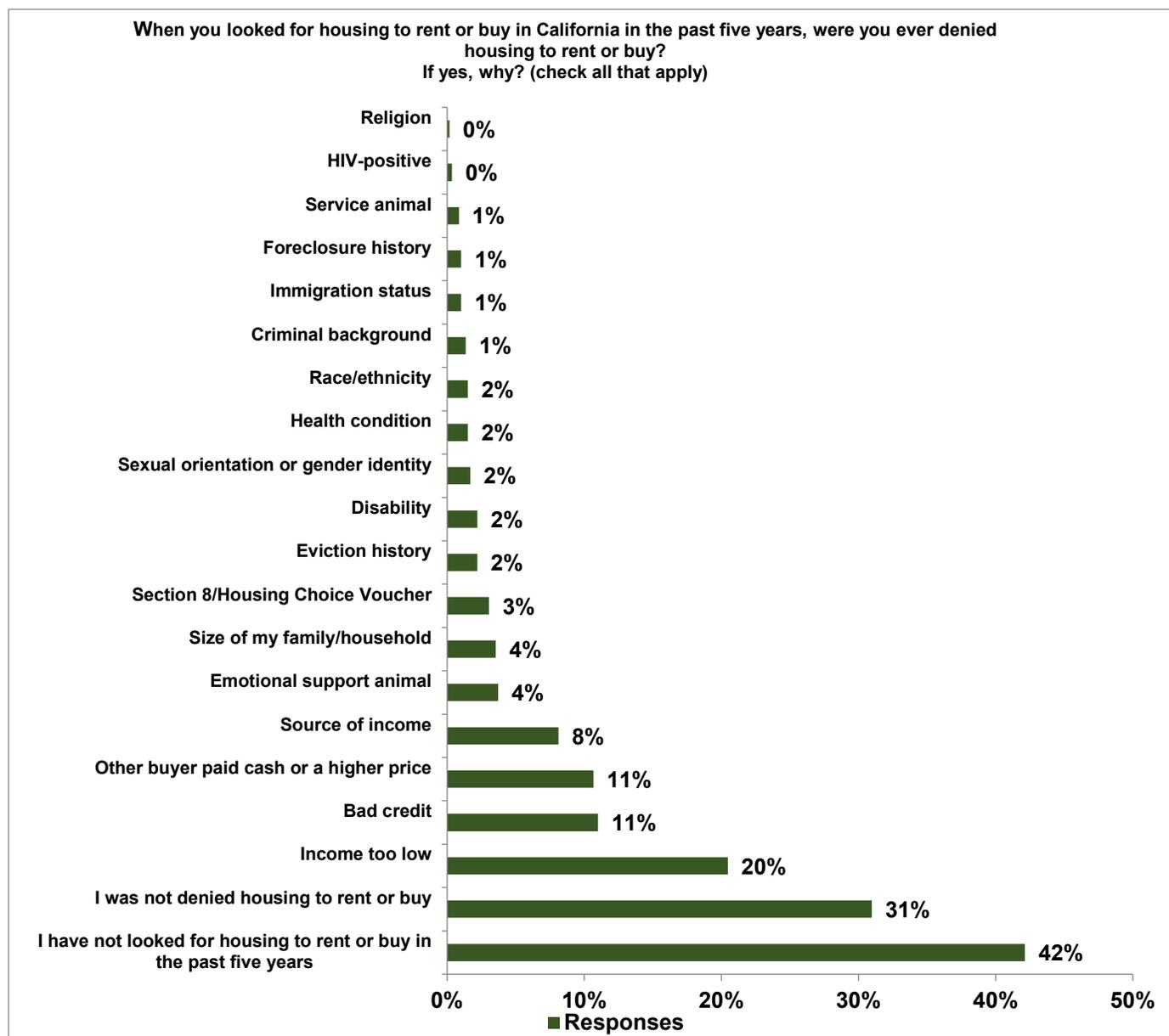


Source: 2020 Community Needs Assessment Survey

When asked whether respondents had been denied housing when looking to rent or buy in the past five years and for what reason, a majority of respondents answered that they had not looked for housing to rent or buy in the last five years. Of the respondents who had been denied housing in the past five years, the most common reasons cited for denial were low-income and bad credit, which corresponds with stakeholder and public feedback received throughout the AI community outreach process. Figure 8 below shows the distribution of responses to this question.

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Figure 8: Housing Denial Reasons



Source: 2020 Community Needs Assessment Survey

When asked about discrimination in housing, the top reason given by respondents for their experience of feeling discriminated against in housing was based upon their source of income, followed by discriminatory landlord practices, and discrimination based on gender identity and familial status. Figure 9 illustrates the most common responses respondents gave when asked about fair housing discriminatory practices. The larger the font representing the word, the more common its use was in responses to this question.

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Figure 9: Reasons Housing Denial Word Cloud

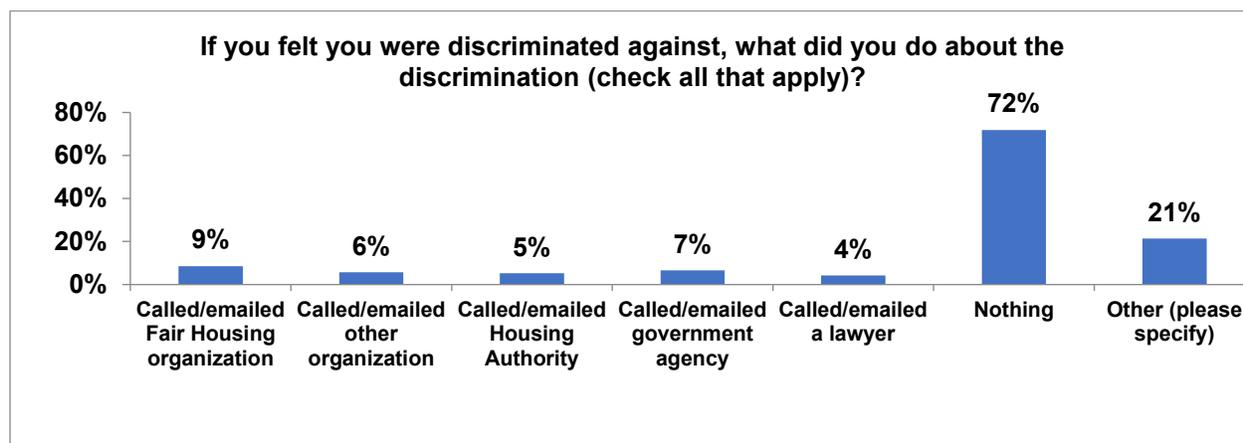
Question: *If you felt discriminated against, please describe the situation.*



Source: 2020 Community Needs Assessment Survey

The majority of survey respondents who experienced housing discrimination responded that they did not file a complaint or take any additional actions. Figure 10 shows the distribution of survey responses when asked about the actions taken when people felt they had experienced housing discrimination.

Figure 10: Responses to Discriminatory Actions



Source: 2020 Community Needs Assessment Survey

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Key Survey Findings

The following are key takeaways from the responses to HCD's 2020 Fair Housing Assessment Survey:

- The survey received an adequate geographic distribution of survey responses across the eight regions of California from both homeowners and renters.
- When respondents consider moving, housing cost, location of employment and opportunity, and proximity to family networks are the top barriers to their ability to move to new or different housing situations.
- Safe and affordable housing, as well as supportive services, are key public services respondents said they need.
- Improvement to the cost of housing in California, as well as increased availability of affordable housing and rental assistance, are key improvements needed according to survey respondents.
- Households which include persons with disabilities may be facing individual challenges that are not fully captured by currently available data and survey responses.
- Fair housing education and enforcement through the complaint process are areas of opportunity to help ensure that those experiencing discrimination know when and how to seek help.
- Though the survey sample size is too small to draw conclusions, responses to the survey offered in languages other than English mirror the key findings derived from the English language surveys.

Public Meetings

Throughout the AI process, HCD has strived to provide several platforms for the public to give input on the process and on fair housing concerns and issues impacting California residents. Public input opportunities during development of the Draft AI included a webinar to kickoff the statewide AI, a community needs assessment survey, 10 topic specific webinars, and five in-person public meetings. Round two public meetings included a kickoff statewide webinar and five, regionally focused webinars (held online in response to the novel Coronavirus and public health concerns).

Round One Public Kickoff Webinar

HCD hosted a kickoff webinar for its AI on November 15, 2019, at 3:00 p.m. The presentation included an overview of the AI requirements and timeline, opportunities for public input, a review of prior fair housing impediments, and a discussion of data collected to date. The kickoff webinar had 83 attendees; a full list of attendees is available in the Appendix.

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Round One Public Meetings

HCD advertised and held five meetings open to the public throughout the State of California in December 2019. The purpose of the public meetings was to inform the community about the AI process and to gather information about regional and local fair housing needs. Each meeting included an overview presentation regarding fair housing and the AI process, statewide and regional trends, and an opportunity for public comment.

A total of 61 persons, including local organizations, stakeholders, interested parties, and members of the general public attended the round one public meetings. HCD followed the requirements for public engagement specified in Volume One of HUD's Fair Housing Planning Guide, which recommends that citizen participation and consultation procedures for the AI process follow the procedures for communicating with the public on Fair Housing Planning (FHP) identified in subpart B of the Consolidated Plan regulation at 24 Code of Federal Regulations part 91.100 Consultation, Local Governments (24 CFR § 91.100). HCD advertised all public meetings in five languages, issuing press releases to newspapers outlined in HCD's CPP, and sent out email invitations to its listserv and social media. HCD also sent targeted emails to community leaders, stakeholders, and advocates who are active in fair housing issues and concerns, requesting they share the events and survey through their networks. Materials used to advertise the public meetings included information regarding where persons with special needs, who required reasonable accommodation, or who needed translation services, could request assistance prior to the meeting.

Round One Public Meetings:

- **Sacramento, CA**
 - Date: Tuesday, December 10, 2019, from 6:00 p.m. to 8:00 p.m.
 - Location: 2020 El Camino Avenue, Room 402, Sacramento CA 95833
 - Attendees: 20
- **San Francisco, CA**
 - Date: Wednesday, December 11, 2019, from 5:30 p.m. to 7:30 p.m.
 - Location: San Francisco Public Library, 100 Larkin Street, San Francisco, CA 94102
 - Attendees: 8
- **Oroville, CA**
 - Date: Thursday, December 12, 2019, from 6:00 p.m. to 8:00 p.m.
 - Location: County Board of Supervisors Chambers, 25 County Center Drive, Suite 205, Oroville, CA 95965
 - Attendees: 8
- **Fresno, CA**
 - Date: Monday, December 16, 2019, from 5:30 to 7:30 p.m.
 - Location: Fresno County Central Library, 2420 Mariposa Street, Sarah McCardle Room, Fresno, CA 93721
 - Attendees: 9

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- **Los Angeles, CA**

- Date: Wednesday, December 18, 2019, from 6:00 p.m. to 9:00 p.m.
- Location: Griffith Park Visitors Center, 4730 Crystal Springs Drive, Los Angeles, CA 90027
- Attendees: 16

- a. **Key Findings**

The most prominent fair housing issues expressed by stakeholders throughout the public meeting and stakeholder consultation process were:

- The lack of affordable housing is driven by inadequate housing supply or housing supply that does not align with the needs of low-income Californians.
- Increasing rates of displacement, eviction, and homelessness are due to housing costs that continue to rise out of alignment with income and job growth.
- There is a need for expanded tenant protections and housing assistance resources for California residents.
- Local policies that hinder development and housing density increases need to be addressed to ensure that multifamily housing development is not blocked in communities where it is needed, and which offer access to opportunity.
- People with the lowest incomes, who have physical and/or mental health disabilities, minorities, and other marginalized populations are disproportionately impacted by housing and fair housing issues.

Community Needs Assessment Survey feedback varied across the state, highlighting the existence of locally specific housing issues. Stakeholder attendees at the public meeting held in Sacramento emphasized the impact of rising housing costs on fair housing issues, driven in part by higher income households migrating from the San Francisco Bay Area and other high cost areas of California into the Sacramento Valley. Stakeholders at the San Francisco public meeting expressed concern about historically marginalized populations and lower-income households being displaced from the San Francisco Bay Area to areas with fewer public and social services and less access to opportunity. The discussion at the Oroville public meeting centered around the housing impacts of the 2018 Camp Fire, which exacerbated already stressed housing conditions in the region. Access to water was a key theme highlighted at the Fresno public meeting, and the issues facing a growing number of persons experiencing homelessness dominated feedback received from stakeholders at the Los Angeles public meeting.

Round Two Public Webinars

In order to solicit input on the Draft AI, HCD planned on conducting a statewide webinar and six public meetings throughout the state to get public comment and feedback. In response to COVID-19, HCD modified the round two public meetings into six regional public webinars.

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HCD took great strides to ensure stakeholders and the public were aware of these necessary changes by reissuing public notices in three Daily Journal publications, through its listserv, social media, HCD's website and with assistance from the soundboard. Public notices in the newspapers were provided in both English and Spanish and the information on HCD's website was provided in English and five additional foreign languages. Additional efforts were made to ensure webinar accessibility for persons with disabilities and persons with limited English proficiency by offering transcription and translation of the webinars upon request, as well as consideration of any other reasonable accommodation requests.

The statewide webinar and six regional webinars were held on the following dates and times:

- **Statewide Webinar** – April 6, 2020, 1:30 p.m. to 3:00 p.m.
- **Northern California Webinar**– April 6, 2020, from 6:00 to 8:00pm
- **San Francisco Bay Area Webinar** – April 7, 2020, from 6:00 to 8:00pm
- **Sacramento and Eastern Central California/Sierras Webinar** – April 8, 2020, from 2:30 to 4:30pm
- **Central Coast and San Joaquin Valley Webinar** – April 9, 2020, from 6:00 to 8:00pm
- **San Diego Webinar** – April 13, 2020, from 6:00 to 8:00pm
- **Greater Los Angeles Webinar** – April 14, 2020, from 5:00 to 7:00pm

Public Comment Draft

In accordance with HUD requirements and guidance from HUD's *Fair Housing Planning Guide, Volume One*, the State of California's Draft AI was planned for a 30-day public comment period.¹¹ However, in response to COVID-19 and the change of round two in-person public meetings to webinars, HCD extended the public comment period by 15 days.

The Draft 2020 AI was open for a **45-day public comment period** to allow the public more time to review and comment. The document was available for public review and comment from **Monday, April 6, 2020, through Thursday, May 21, 2020, at 5:00 p.m. Pacific Standard Time (PST)**.

HCD accepted comments from one of the following means:

1. Electronic mail: AIFairHousing@hcd.ca.gov
2. Mailed to HCD's address: Attn: 2020 Analysis of Impediments, HCD, Housing Policy Division, 2020 West El Camino, Sacramento, CA 95833

¹¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. Fair Housing Planning Guide. Volume I. Available at: <https://www.hud.gov/sites/documents/FHPG.PDF>

Chapter 3: Statewide Overview of Demographics, Economic, and Development Conditions

The Final 2020 AI includes a comprehensive statewide review of demographics, economic data, housing and development conditions, and the characteristics of vulnerable populations. This level of analysis is critical in understanding current trends and existing capacity to address housing challenges at localized county or household levels. The demographic and physical attributes outlined in this section are coupled with region-specific challenges defined by the counties within that region and based on jurisdictions across the State of California.

The following provides a statewide breakdown of California’s demographic characteristics to determine which factors may influence housing choice and needs in the future. This section includes data on concentrations of race, ethnicity, poverty, and highlights population groups with special needs.

Organization, Definitions, and Data Sources

The primary data sources for this chapter are the U.S Census Bureau’s five-year American Community Surveys (ACS) from 2006-2010 and 2013-2017, and the California Department of Finance Demographic Research Unit.

a. Population

The population of California grew by nearly 1 percent annually between 2010 and 2017, increasing by 2.3 million residents. Similar population growth is projected to continue from 2017 to 2023, which is expected to result in continued strain on the housing stock by adding an additional 2.4 million residents.

Figure 11: Population Change Over Time, California, 2017 - 2023

Geography	2010	2017	2023	2010 - 2017 Compound Annual Growth Rate	2017 - 2023 Projected Compound Annual Growth Rate
State of California	36,637,290	38,982,847	41,431,252	0.9%	1.0%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year Estimates and State of California Department of Finance, 2019 State Population by Sex and Age Group (1-year increments).

b. Age

In 2010 the median age in the State of California was 35 years old; by 2017 it had slightly increased to 36. The share of 65 to 84-year-olds also grew by 1.9 percent, from 9.6 percent in 2010 to 11.4 percent in 2017. Meanwhile, the percentage of residents under 19 years old experienced a slight decrease during this time period, from 28.5

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percent to 26.1 percent. According to population projections by the California Department of Finance, 17 percent of the population will be 65 and older by 2023, up from 13.2 percent in 2017.¹² These changes in age distribution help to highlight the shifting housing needs across the state and the importance of access to adequate housing for all residents.

Figure 12: Population Growth by Age Group, California, 2010 - 2017

Age Group	2010 Estimate	2010 Percent of Population	2017 Estimate	2017 Percent of Population
Total Population	36,637,290	100.0%	38,982,847	100.0%
Under 19 Years	10,440,856	28.5%	10,172,305	26.1%
20 to 24 Years	2,698,489	7.4%	2,859,724	7.3%
25 to 44 Years	10,525,049	28.7%	11,002,942	28.2%
45 to 64 Years	8,912,300	24.3%	9,799,428	25.1%
65 to 84 Years	3,502,537	9.6%	4,456,337	11.4%
85 Years and Older	558,059	1.5%	692,111	1.8%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year Estimates

c. Sex

In 2017, 49.7 percent of California’s residents were male and 50.3 percent female, resulting in a ratio of 98.7 males per 100 females. Under the Fair Housing Act of 1968 (FHA), sex is listed as a protected class regarding fair housing issues. Understanding the ratio of males to females helps to identify potential barriers to housing choice based on sex at the state, regional, and local levels.

Figure 13: Population by Sex, California, 2010-2017

Population by Sex	2010 Estimate	2010 Percent	2017 Estimate	2017 Percent
Total Population	36,637,290	100.0%	38,982,847	100.0%
Male	18,223,157	49.7%	19,366,579	49.7%
Female	18,414,133	50.3%	19,616,268	50.3%
Ratio (males per 100 females)	99.0	-	98.7	-

Source: U.S. Census Bureau, 2006-2010 & 2013-2017 American Community Survey 5-Year Estimates

d. Religion

The FHA prohibits discrimination in housing based on religion. It is illegal to discriminate based on religious affiliation when making loans to buy, build or repair a dwelling; selling, brokering or appraising residential real estate; or selling or renting a dwelling. Understanding the religious composition of adults in California helps to provide context and highlight any potential disproportional actions or barriers to fair housing based on religious affiliation.

¹² State of California Department of Finance. 2019. State Population by Sex and Age Group (1-year increments). Available at <http://www.dof.ca.gov/Forecasting/Demographics/Projections/>

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Based on the 2014 U.S. Religious Landscape Study, 63 percent of California’s adult population identifies as Christian, with 28 percent of the Christian population identifying as Roman Catholic. Residents of non-Christian faith account for 9 percent of the total population, while 27 percent report as unaffiliated, which includes atheists and agnostics.¹³ Such variety in the religious composition of the state helps to underscore the need to conduct educational programs and outreach to landlords and community members who may perpetrate or experience discrimination based on religious status when attempting to access housing in the state.

Figure 14: Religious Composition of Adults in California

Religion	Percent
Christian Faiths	64%
Evangelical Protestant	20%
Mainline Protestant	10%
Historically Black Protestant	2%
Catholic	28%
Mormon	1%
Orthodox Christian	1%
Jehovah's Witness	1%
Other Christian	1%
Non-Christian Faiths	10%
Jewish	2%
Muslim	1%
Buddhist	2%
Hindu	2%
Other World Religions	1%
Other Faiths	2%
Unaffiliated	27%
Atheist	4%
Agnostic	5%
Nothing in Particular	18%
Don't Know	1%

Source: 2014 U.S. Religious Landscape Study. Note: The 2014 U.S. Religious Landscape Study is based on telephone interviews with more than 35,000 Americans from all 50 states. Percent is based on California's population.

e. National Origin

The FHA protects race, ethnicity, and/or national origin status and those with limited English proficiency, therefore it is illegal to discriminate on such basis when renting, selling, or insuring homes. California has a diverse population of people from all over the world. It is a critical priority for the state to ensure that individuals can access housing regardless of their national origin.

¹³ Pew Research Center Religion & Public Life. 2014. U.S. Religious Landscape Study. Available at <https://www.pewforum.org/religious-landscape-study/> Note: The 2014 U.S. Religious Landscape Study is based on telephone interviews with more than 35,000 Americans from all 50 states. Percent is based on California's population.

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According to data provided by HUD’s Affirmatively Furthering Fair Housing Mapping Tool, the largest proportion of California’s foreign-born residents originate from Mexico. This is true in both entitlement areas (which receive HUD funding) and non-entitlement areas (which do not receive funding directly from HUD). Persons born in Mexico comprise approximately 12 percent, or 3.9 million, of the population in entitlement areas and 12 percent of the population of non-entitlement areas, approximately 334,000 persons. Residents born in the Philippines are the second most numerous foreign-born populations, with 791,229 and 22,922 individuals residing in entitlement and non-entitlement areas, respectively.

Although proportionately small, other groups of foreign-born persons in entitlement areas range from approximately 500,000 to 200,000 persons, with significantly smaller numbers living in non-entitlement areas. From a programmatic standpoint, ensuring that outreach and support for fair housing access, opportunities, and anti-discriminatory awareness efforts meet the needs of foreign-born persons is critical in California. Based on feedback received from stakeholders, refugees and other newly arrived immigrants continue to face additional social and cultural hurdles in accessing housing. For example, newly arrived residents may fear speaking out about fair housing issues due to a fear of retaliation.

Figure 15: National Origin, California¹⁴

State Entitlement Areas			State Non-Entitlement Areas		
Country of Origin	Number	Percent	Country of Origin	Number	Percent
Mexico	3,932,110	12.2%	Mexico	334,143	12.1%
Philippines	791,229	2.4%	Philippines	22,922	0.8%
China excluding Hong Kong & Taiwan	489,319	1.5%	China excluding Hong Kong & Taiwan	5,745	0.2%
Vietnam	485,116	1.5%	Vietnam	4,830	0.2%
El Salvador	412,027	1.3%	El Salvador	8,517	0.3%
India	357,817	1.1%	India	9,512	0.3%
Korea	329,978	1.0%	Korea	4,215	0.2%
Guatemala	262,162	0.8%	Guatemala	3,482	0.1%
Iran	196,177	0.6%	Iran	2,871	0.1%
Taiwan	165,742	0.5%	Taiwan	2,275	0.1%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 1-1, Version AFFHT004, released 2017

f. Race and Ethnicity

The ACS provides data for race in seven different categories (White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races) and ethnicity (of any race) in two categories (Hispanic or Latino Origin and Not Hispanic or Latino Origin). The U.S.

¹⁴ All percentages represent a share of the total population. Data is from the 2010 Decennial Census

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Census Bureau considers race and ethnicity to be two separate and distinct concepts. It defines race as a person's self-identification with one or more social groups, while ethnicity determines whether a person identifies as Hispanic or Latino.

In California, 36.7 percent of state residents claim Hispanic or Latino ethnicity, and this population grew 12.3 percent between 2010 and 2017. The percent of Asian residents increased at an even higher rate between 2010 and 2017, growing by 15.9 percent. On the other hand, the American Indian and Alaska Native population decreased by 10.2 percent from 2010 to 2017.

Figure 16: Race and Ethnicity, California, 2010-2017

Race and Ethnicity	2010 Estimate	2010 Percent	2017 Estimate	2017 Percent	2010-2017 Percent Change
Total Population	36,637,290	100.0%	38,982,847	100.0%	6.4%
Non-Hispanic or Latino	23,181,133	63.3%	23,876,987	61.2%	3.0%
White	15,107,042	41.2%	14,777,594	37.9%	-2.2%
Black or African American	2,163,955	5.9%	2,161,459	5.5%	-0.1%
American Indian and Alaska Native	153,430	0.4%	137,813	0.4%	-10.2%
Asian	4,683,828	12.8%	5,427,928	13.9%	15.9%
Native Hawaiian and Other Pacific Islander	131,505	0.4%	138,283	0.4%	5.2%
Some other race	109,184	0.3%	93,746	0.2%	-14.1%
Two or more races	832,189	2.3%	1,140,164	2.9%	37.0%
Hispanic or Latino (of any race)	13,456,157	36.7%	15,105,860	38.8%	12.3%

Source: U.S. Census Bureau, 2006-2010 & 2013-2017 American Community Survey 5-Year Estimates

g. Household Composition

The AI examines all households, including family households. The Census defines family as a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.¹⁵ Overall, family households are more likely to include a minor and be subject to familial status protections under the FHA. In 2017, approximately 35.2 percent of all California households included a minor, which was slightly lower than the share in 2010. This shows a decrease in birth rate occurring nationally and is reflected in the state's housing characteristics where fewer households are couples married with children. The average non-family household size was 1.39, whereas the average family household size was 3.54. The figure below displays the state's 2010 and 2017 household composition.

¹⁵ U.S. Census Bureau. Subject Definitions. Available at <https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html#family>

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Figure 17: Household Composition, California, 2010 - 2017

Household Composition	2010	2017
Total Households	12,392,852	12,888,128
Average Household Size	2.89	2.96
Average Family Size	3.48	3.54
Average Non-Family Household Size	1.35	1.39
Percent of Households with a minor	37.80%	35.20%

Source: U.S. Census Bureau, 2006-2010 & 2013-2017 American Community Survey 5-Year Estimates

The total household count for California is upward of 16 million. Of these, 12.4 million have multiple inhabitants, ranging from two-person households to seven or more. Such a large range of household and family sizes throughout the state can create challenges to housing availability and choice as large households struggle to choose from appropriately sized affordable rental or for sale housing stock. Figure 18 shows the state's household types and sizes for both 2010 and 2017.

Figure 18: Household Type and Size, California, 2010-2017

Household Size	2010 Family	2010 Non-Family	2010 Total Households	2017 Family	2017 Non-Family	2017 Total Households
Total Households	12,392,852	3,897,530	16,290,382	12,888,128	4,025,605	16,913,733
1-Person Household	-	3,022,366	3,022,366	-	3,075,683	3,075,683
2-Person Household	3,011,139	691,094	3,702,233	3,158,808	731,454	3,890,262
3-Person Household	1,893,982	115,075	2,009,057	2,014,789	132,175	2,146,964
4-Person Household	1,848,873	46,480	1,895,353	1,906,036	55,900	1,961,936
5-Person Household	975,573	14,060	989,633	1,001,670	18,758	1,020,428
6-Person Household	431,006	4,405	435,411	442,909	6,579	449,488
7-or-more person Household	334,749	4,050	338,799	338,311	5,056	343,367

Source: U.S. Census Bureau, 2013-2017 American Community Survey, 5 Year Estimates

h. Disability Status

There are more than four million Californians with disabilities, who make up 10.6 percent of the total state population that are not living in institutional settings. Californians over the age of 65 are more likely to have a disability compared to other age groups. For non-seniors, ambulatory and cognitive disabilities are the most common forms of disability, with 4.4 percent and 6.6 percent, respectively, in 2017. As defined by the Census, ambulatory disabilities occur when an individual has serious difficulty walking or climbing stairs, while cognitive disabilities are when an individual has a physical, mental, or emotional problem, including difficulty remembering,

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concentrating, or making decisions.¹⁶ Persons with disabilities face challenges finding housing that is affordable, accessible, and located near transit and supportive services. Public meeting participants expressed concern over the lack of adequate affordable housing options and services for special populations. Additionally, stakeholders noted that market pressures are impacting existing affordable housing options, causing displacement among persons with a disability and seniors. HUD has historically encouraged the adoption and enforcement of state and local fair housing laws and the reduction of separation by disability status in order to affirmatively further fair housing choice.

The analysis in this section is limited by the Census Bureau's functional limitation framework for disability classifications.

- Hearing difficulty, deaf, or having serious difficulty hearing.
- Vision difficulty, blind, or having serious difficulty seeing, even when wearing glasses.
- Cognitive difficulty because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions.
- Ambulatory difficulty, having serious difficulty walking or climbing stairs.
- Self-care difficulty, having difficulty bathing or dressing.
- Independent living difficulty because of a physical, mental, or emotional problem, having difficulty doing errands alone, such as visiting a doctor's office or shopping.

Respondents who report any one of the six disability types are considered to have a disability. Disabilities can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. A condition can also impede a person from being able to go outside the home alone or to work at a job or business.

Many individuals with ambulatory, self-care, or independent living difficulties are able to live independently with appropriate supports in place. These supports include caregivers or In-Home Supportive Services (IHSS). Many seniors, for example, are able to continue living independently as they age and avoid institutionalization by making physical modifications to their homes or obtaining supportive services. The need for more services and housing options to accommodate the accessibility of persons with a variety of disability types will continue to increase with the aging population in the state.

¹⁶ U.S. Census Bureau, Disability Glossary available at: https://www.census.gov/topics/health/disability/about/glossary.html#par_textimage_952582087

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Figure 19: Disability Type by Age Group, California, 2017¹⁷

	Total	With a Disability	Percent with a Disability
Total Civilian Noninstitutionalized Population	38,488,069	4,088,523	10.6%
Population under 65	33,435,145	2,290,791	6.9%
With a hearing difficulty	-	421,057	1.3%
With a vision difficulty	-	444,491	1.3%
With a cognitive difficulty	-	1,052,566	3.1%
With an ambulatory difficulty	-	970,673	2.9%
With a self-care difficulty	-	444,661	1.3%
With an independent living difficulty	-	741,553	2.2%
Population 65 and older	5,052,924	1,797,732	35.6%
With a hearing difficulty	-	720,949	14.3%
With a vision difficulty	-	334,058	6.6%
With a cognitive difficulty	-	507,993	10.1%
With an ambulatory difficulty	-	1,163,077	23.0%
With a self-care difficulty	-	498,410	9.9%
With an independent living difficulty	-	870,169	17.2%

Source: U.S. Census Bureau, 2013-2017 American Community Survey, 5-Year Estimates

Persons with disabilities are a protected class under the FHA, so housing discrimination against them is illegal; however, existing policies, practices, or procedures may still adversely affect the availability of housing to disabled persons. Stakeholders identified a general lack of compliant and accessible units, coupled with inadequate zoning laws, market forces, and community pushback against the construction or preservation of existing accessible units, creating additional barriers.

The figure below breaks down disability by type. Ambulatory disabilities are most prevalent, and are present in roughly 5.8 percent of the population, (nearly 2 million people), followed by those with independent living difficulties, which affect 4.3 percent of the state’s population (almost 1.5 million people). These numbers are likely to rise, and, particularly as California’s population ages, it is important to proactively address these unique—and growing—set of housing challenges.¹⁸

¹⁷ Total population with a disability includes institutionalized and non-institutionalized populations. Independent Living only includes those age 18 to 64 years.

¹⁸ U.S. Department of Housing and Urban Development Office of Policy Development and Research: Assessing the Accessibility of America’s Housing Stock for Physically Disabled Persons. Retrieved from: https://www.huduser.gov/portal/pdredge/pdr_edge_research_101315.html

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Figure 20: Disability by Type, California, 2017

Disability Type	Number of Persons	Percent of Total Population
Hearing difficulty	1,040,068	3.0%
Vision difficulty	694,164	2.0%
Cognitive difficulty	1,436,830	4.2%
Ambulatory difficulty	1,995,988	5.8%
Self-care difficulty	881,624	2.5%
Independent living difficulty	1,482,236	4.3%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 13, Version AFFHT004, released 2017.¹⁹

The figure below examines the number of persons with disabilities aggregated by age group and by their location in entitlement/non-entitlement areas. People between the ages 18 and 64 in non-entitlement areas have the highest percentage of individuals with disabilities in California. As such, persons with disabilities in rural areas may face additional challenges in finding housing that is affordable, accessible, and near supportive services, such as transit and hospitals, which tend to be less prevalent and accessible in more rural areas of the state.

Figure 21: Disability by Age Group (Entitlement/Non-entitlement Areas), California

	California Entitlement Areas	California Entitlement Areas ²⁰	California Non-Entitlement Areas	California Non-Entitlement Areas ²¹
Age of People with Disabilities	Number of Persons	Percent of Total Population	Number of Persons	Percent of Total Population
Age 5-17 with Disabilities	240,908	0.8%	25,549	1.0%
Age 18-64 with Disabilities	1,677,368	5.3%	200,961	7.5%
Age 65+ with Disabilities	1,442,507	4.5%	157,008	5.9%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 14, Version AFFHT004, released 2017

The U.S. Census Bureau classifies people not living in housing units as living in group quarters. Group quarters may be either institutional or non-institutional settings. Institutional group quarters include things such as correctional facilities, nursing homes, or mental hospitals. See the figure below, nearly 35 percent of Californians living in group quarters have a disability. Non-institutional settings include accommodations such as college or university housing. Persons with disabilities often face specific accessibility related housing needs and challenges due to the physical condition or availability of accessible housing units.

¹⁹ U.S. Department of Housing and Urban Development Exchange, Retrieved from:

www.hudexchange.info/resource/4848/affh-data-documentation

²⁰ Entitlement Area – a metropolitan city or an urban county receiving a grant to carry out community development and housing activities directed toward revitalizing communities and neighborhoods.

²¹ Non entitlement units of government are those that are not metropolitan cities or part of an urban county.

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Figure 22: Californians Living in Group Quarters and Institutional Settings, 2018

	Total Population	Percent with a Disability
Living in group quarters	819,479	34.5%
Living in institutional group quarters	613,170	-
Adult correctional facilities	225,388	24.6%
Nursing facilities/skilled nursing facilities	112,180	95.7%
Living in non-institutional group quarters	-	-
College/ University Housing	206,209	4.5%

Source: U.S. Census Bureau, 2014-2018. American Community Survey, 5 Year Estimates

Figure 23: Disability Characteristics for Low- and Moderate-Income Households

Number of Households	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80% HAMFI	Total
Total Households	2,075,765	1,692,510	2,137,780	6,901,335	12,807,390
Household member has a hearing or vision impairment	279,695	223,355	251,245	605,345	1,359,640
<i>Percent of income group</i>	13.5%	13.2%	11.8%	8.8%	10.6%
Household member has an ambulatory limitation	433,025	302,945	318,925	660,020	1,714,915
<i>Percent of income group</i>	20.9%	17.9%	14.9%	9.6%	13.4%
Household member has a cognitive limitation	302,690	204,405	215,440	442,215	1,164,750
<i>Percent of income group</i>	14.6%	12.1%	10.1%	6.4%	9.1%
Household member has a self-care or independent living limitation	372,395	250,590	263,120	533,970	1,420,075
<i>Percent of income group</i>	17.9%	14.8%	12.3%	7.7%	11.1%

Source: 2013-2017 HUD CHAS

Lower-income households are more likely to include members with disabilities than higher-income households. Extremely low-income households are more than twice as likely to include an individual with a disability than households earning above moderate income. This is due in part to the challenges individuals with disabilities face in finding work.

Individuals with severe intellectual and developmental disabilities often rely on Supplemental Security Income (SSI) as their only source of income, and these payments place households below the 30 percent AMI level across California. In 2016, the average HUD Fair Market Rent for a studio apartment across California, \$1,040, exceeded the total monthly payment of an individual receiving SSI, \$889. In non-metropolitan counties, the average FMR for a studio apartment would consume 74 percent of the monthly SSI payment, and 84 percent for a one-bedroom apartment. Individuals with disabilities who rely on SSI as their only source of income face extreme challenges finding affordable housing in California.

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Individuals with less severe disabilities who are able to work, or those who have other forms of financial support, also face problems in securing adequate and affordable housing. Disability Rights California, an advocacy and legal services organization, has identified the following common housing needs and reasonable accommodations among individuals with disabilities:

Figure 23 indicates significant need within the income eligible population (households earning below 80 percent AMI), for units with accessibility features. Specifically, 12.8 percent of income eligible households include someone with a hearing or visual impairment. Additionally, 17.9 percent of income eligible households include someone with an ambulatory limitation. Given the challenges that low and moderate-income households of all types face in maintaining adequate housing, it is not unreasonable to assume that almost all low and moderate-income households with members with a disability are in need of housing assistance, at the very least to find an affordable unit that meets their needs.

Economic Data

Based on federal data from the U.S. Department of Commerce, California's economy is the largest in the country.²² California's diverse economy is reflected in the differences in income, poverty, and employment status in the state. Understanding the wide spectrum of economic trends, variables, and discrepancies will help to unearth potential barriers in housing access and shed light on the wide variety of housing needs and demands throughout the state.

a. Income

In 2017, California's median household income was \$67,169, up from \$60,833 in 2010, and almost \$10,000 higher than the 2017 national median of \$57,652. The figure below displays income distribution estimates from 2010 and 2017 by household type. In general, the percentage of each income group is similar across households and families. Families tend to account for a larger proportion of households in higher income brackets. Stakeholders noted the mismatch between the rise in wages and the rise in housing costs. As housing prices have increased dramatically, wages have not been able to keep up for a significant portion of the population.

²² U.S. Department of Commerce, Bureau of Economic Analysis. Gross Domestic Product by State. Available at: <https://www.bea.gov/data/gdp/gdp-state>

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Figure 24: Income by Household Type, California, 2010 – 2017

Household Income	2010 Households	2010 % of Households at Income Group	2010 Families	2010 % of Families at Income Group	2017 Households	2017 % of Households at Income Group	2017 Families	2017 % of Families at Income Group
Less than \$10,000	658,672	5.3%	329,646	3.9%	694,945	5.4%	344,440	3.9%
\$10,000 to \$14,999	631,056	5.1%	259,632	3.1%	604,666	4.7%	252,550	2.8%
\$15,000 to \$24,999	1,173,282	9.5%	698,102	8.2%	1,105,197	8.6%	640,647	7.2%
\$25,000 to \$34,999	1,133,156	9.1%	721,699	8.5%	1,063,551	8.3%	679,527	7.7%
\$35,000 to \$49,999	1,568,638	12.7%	1,039,938	12.2%	1,465,836	11.4%	986,060	11.1%
\$50,000 to \$74,999	2,183,946	17.6%	1,510,291	17.8%	2,095,531	16.3%	1,433,406	16.2%
\$75,000 to \$99,999	1,586,032	12.8%	1,162,671	13.7%	1,568,843	12.2%	1,549,132	12.8%
\$100,000 to \$149,999	1,861,933	15.0%	1,459,066	17.2%	2,025,327	15.7%	1,549,132	17.5%
\$150,000 to \$199,999	790,965	6.4%	645,076	7.6%	1,008,388	7.8%	811,783	9.2%
\$200,000 or more	805,172	6.5%	669,201	7.9%	1,255,844	9.7%	1,033,586	11.7%
Total Households	12,392,852	-	8,495,322	-	12,888,128	-	8,862,523	-

Source: U.S Census Bureau 2006-2010 & 2013-2017 American Community Survey, 5-Year Estimates

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b. Area Median Family Income

The State of California’s Median Family Income is calculated by HUD for each jurisdiction within the state in order to determine Fair Market Rents (FMRs) for each metropolitan area, parts of some metropolitan areas, and each nonmetropolitan county.²³ HUD also calculates income limits to determine eligibility for HUD program participants in assisted housing programs, including public housing, Section 8 project-based housing, Section 8 Housing Choice Voucher (HCV), Section 202 Housing for the Elderly, and Section 811 Housing for Persons with Disabilities Programs.

As seen in Figure 25, in 2017 California’s median household income for family households was \$70,850, 5.5 percent higher than the median income of all households, which consists of all related and unrelated people who occupy a housing unit, whether or not they are related. Such discrepancy is likely due to fewer non-family households at or near the highest income brackets.

Figure 25: Median Income by Household and Family Size, California, 2010 - 2017

Family Size	2010	2017
	Median Income (dollars)	Median Income (dollars)
All Households	\$60,883	\$67,169
All Families	\$69,322	\$70,850
2 Member Families	\$64,283	\$63,046
3 Member Families	\$70,108	\$72,601
4 Member Families	\$79,799	\$86,363
5 Member Families	\$67,756	\$79,267
6 Member Families	\$66,124	\$74,838
7+ Member Families	\$72,230	\$76,955

Source: U.S Census Bureau 2013-2017 & 2006-2010 American Community Survey, 5-Year Estimates

Household Area Family Income provides context and insight as to why some families experience cost burdens in the state. Over 2 million households earning 30 percent or less of the Area Median Income (AMI) pay a third or more of their income toward housing. Rising rents, low housing supply, and stagnant wages only intensify these existing financial challenges, particularly for low and extremely low-income families. The large number of cost burdened families shows a significant level of housing related financial stress in California.

²³ Note: Metropolitan area is defined as an area with at least one urbanized area of 50,000 or more population, plus adjacent territory that has high social and economic integration with the core as measured by commuting ties.

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Figure 26: Households at Area Median Family Income Grouping, California, 2010-2016²⁴

Income by Cost Burden (Owners and Renters)	Total Households Cost burden > 30%	Percent Households Cost burden > 30%	Total Households Cost burden > 50%	Percent Households Cost burden > 50%	Total
Household Income <= 30% HAMFI	1,640,420	79.0%	1,381,780	66.6%	2,075,765
Household Income >30% to <=50% HAMFI	1,267,715	74.9%	655,810	38.7%	1,692,510
Household Income >50% to <=80% HAMFI	1,139,460	53.3%	333,555	15.6%	2,137,780
Household Income >80% to <=100% HAMFI	451,330	36.4%	85,575	6.9%	1,241,510
Household Income >100% HAMFI	748,115	13.2%	89,980	1.6%	5,659,825
Total	5,247,040	41.0%	2,546,700	19.9%	12,807,390

Source: U.S. Department of Housing and Urban Development, 2016 Comprehensive Housing Affordability Strategy (CHAS) Data

c. Employment

California's unemployment rate decreased from 9.0 percent in 2010 to 7.7 percent in 2017, though this rate is still higher than the national unemployment rate of 6.6 percent. Assessing the relationship between employment status and housing helps to highlight areas where there may be inadequate access to employment opportunities, transportation, infrastructure, and public and social services to support increased housing opportunities for lower-income households.

In 2017, California had a labor force of approximately 30.1 million people with a participation rate of 63.5 percent. Overall, the labor force increased 8.7 percent from 2010 to 2017, but labor force participation decreased slightly, largely due to fewer residents over 16 years who were actively participating in the employment market. Stakeholders also noted that as people move towards more affordable housing options, which tend to be suburban or rural in nature, there is a disconnect between housing and employment centers, reducing access to opportunity.

Following COVID-19 shelter in place orders, unemployment increased from 3.9 percent in February 2020 to 15.5 percent in April 2020, higher than the 12 percent rate seen during the great recession. Employers lost an unprecedented total of 2,344,700 nonfarm jobs for the month of April. The number of unemployed Californians rose to almost 2.9 million over just two months, surpassing the previous 2.2 million peak during the recession that took more than two years to reach.²⁵

²⁴ Note: HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs.

²⁵ California Employment Development Department. Available at: <https://edd.ca.gov/newsroom/unemployment-may-2020.htm> and <https://edd.ca.gov/newsroom/unemployment-april-2020.htm>

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The May budget revision states increased claims of 4.4 million from mid-March to May 9, a projected 2020 unemployment rate of 18 percent.²⁶ Lower-wage workers have disproportionately incurred the impact of job losses. COVID-19 has amplified the wage disparity that existed before the pandemic—a fact that is particularly concerning as state median income did not return to the pre-Great Recession level until 2018.

Figure 27: Employment Status, California, 2010 – 2017

Employment Status – Over 16 Years of Age	2010	2017
Labor Force	28,445,585	30,910,058
Labor Force Participation Rate	64.7%	63.5%
Unemployment Rate	9.0%	7.7%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year Estimates

d. Low-to-Moderate Income Households and Individuals

HUD defines Low-to-Moderate Income (LMI) households as those where family income is 80 percent or less of AMI.²⁷ Households bringing in between 50 and 80 percent of the AMI are considered moderate-income, while those making less than 50 percent of the AMI are considered low-income. As part of HUD’s national objectives, which are the statutory goals established for the CDBG Program, HUD requires that funded activities must either principally benefit LMI persons, aid in the prevention or elimination of blight, or meet an urgent community need. As such, statewide activities receiving financial support from federally funded programs are designed to benefit LMI individuals and communities.²⁸

Geographic considerations for LMI areas also include the entitlement and non-entitlement defined jurisdictions. Entitlement jurisdictions are metropolitan cities designated by HUD with populations of 50,000 or more.²⁹ Non-entitlement jurisdictions are cities with populations under 50,000 people and counties with populations under 200,000 in unincorporated areas or regions that are not governed by a local municipal corporation and that do not participate in HUD’s CDBG, HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with HIV/AIDS (HOPWA), and Emergency Solutions Grant (ESG) entitlement programs. Non-entitlement jurisdictions generally receive HUD federal funds from the California Department of Housing and Community Development (HCD), whereas entitlement jurisdictions receive funding directly from HUD.

Figure 28 below shows the location of LMI census block groups throughout California. LMI Census Block Groups are areas that are primarily residential where at least 51

²⁶ California’s 2020-21 May Revision to the Governor’s Budget. Available at: <http://www.ebudget.ca.gov/budget/2020-21MR/#/BudgetSummary>

²⁷ Data.Gov. HUD Low- and Moderate-Income Areas. Available at: <https://catalog.data.gov/dataset/hud-low-and-moderate-income-areas>

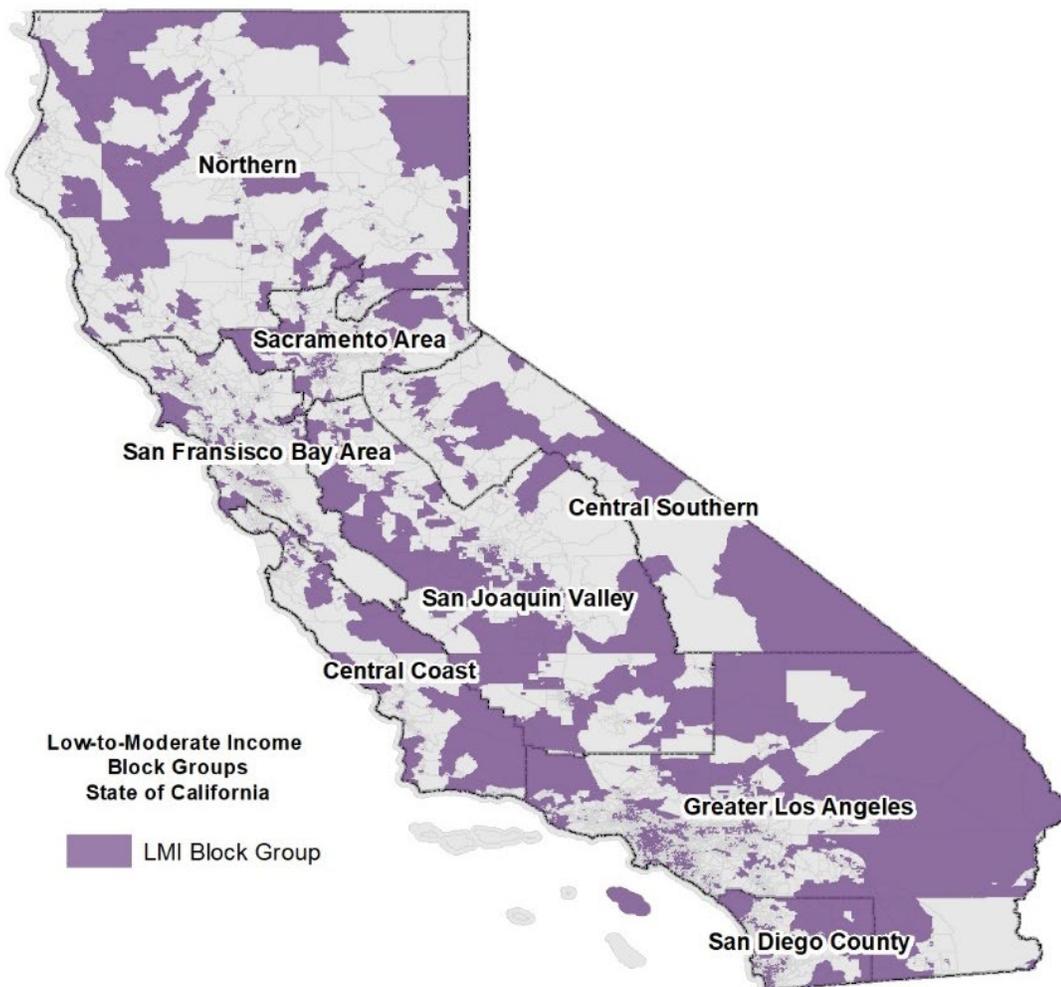
²⁸ HUD Exchange. CDBG National Objectives Eligible Activities: Available at: <https://www.hudexchange.info/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Chapter-3.pdf>

²⁹ HUD Exchange. State CDBG Program Eligibility Requirements. Available at: <https://www.hudexchange.info/programs/cdbg-state/state-cdbg-program-eligibility-requirements/>

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percent of the residents are low-to-moderate income (LMI). Overall, 45.2 percent of California's Census Block Groups are considered Low- to Moderate-Income. Stakeholders of all types noted the extensive need for affordable housing, especially for LMI residents.

Figure 28: Low-to-Moderate Income Block Groups, California



Source: U.S. Department of Housing and Urban Development, ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data

e. Poverty

The U.S. Census Bureau determines poverty status by comparing an individual's total family income with the poverty threshold appropriate for that person's family size and income.³⁰ In 2017, the federal poverty threshold for a family of four was \$25,283; a single householder under the age of 65 was \$12,752; and a single householder aged 65 or older was \$11,756. Figure 29 shows the poverty rate by age, race/ethnicity, disability, and family status. As of 2017, 21.2 percent of children under the age of 18 in California

³⁰ U.S. Census Bureau. How the Census Bureau Measures Poverty. Available at: <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>

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were living in poverty (1,944,310 in total). Poverty levels were especially high among populations of color, as 23.2 percent of the Black or African American population were living below the poverty line (502,610 total people), followed closely by the American Indian and Alaska Native population, with a poverty rate of 21.9 percent (62,078 persons).

Figure 29: Poverty Status for Population for Whom Poverty Status Can Be Determined

Poverty Status	2012 Total (population for whom poverty status is determined)	2012 Below Poverty Level	2012 Poverty Rate	2017 Total (population for whom poverty status is determined)	2017 Below Poverty Level	2017 Poverty Rate
State of California	36,575,460	5,590,100	15.3%	38,242,946	5,773,408	15.1%
Poverty by Age	-	-	-	-	-	-
Children under 5 Years	N/A	N/A	N/A	2,454,620	527,995	21.5%
Children Under 18 Years	9,139,932	1,944,310	21.3%	8,978,705	1,865,225	20.8%
65 Years and Older	4,204,606	399,343	9.5%	5,052,887	517,358	10.2%
Poverty by Race/Ethnicity	-	-	-	-	-	-
White alone	23,197,780	3,088,193	13.3%	23,197,780	3,183,011	13.7%
Black or African American alone	2,146,655	486,106	22.6%	2,165,637	502,610	23.2%
American Indian and Alaska Native alone	281,461	65,739	23.4%	283,596	62,078	21.9%
Asian alone	4,851,859	553,851	11.4%	5,424,139	607,792	11.2%
Native Hawaiian and other Pacific Islander alone	140,989	20,645	14.6%	148,186	21,470	14.5%
Some other race alone	4,816,701	1,155,359	23.9%	5,235,273	1,141,471	21.8%
Two or more races	1,507,291	220,207	14.6%	1,788,335	254,976	14.3%
Hispanic or Latino Origin (of any race)	13,772,548	3,023,847	21.9%	14,847,071	3,052,999	20.6%

*Source: U.S. Census Bureau, 2008-2012 & 2013-2017 American Community Survey, 5-Year Estimates
Note: N/A data exists due to a lack of data.*

Approximately 18.8 percent of the population of persons with a disability were living below the poverty line in 2017, a decrease from 22.1 percent in 2012. While the percentage of those living below the poverty line decreased over time, the number of persons with a disability increased by 327,970 during the same period. While the number of children with a disability living below the poverty level declined from 2012 to 2017, the number of persons over 65 increased.

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Looking beyond the poverty status figures above, California’s adjusted poverty rate is the highest in the country according to the American Community Survey Supplemental Poverty Measure. The state is 5 percentage points higher than the national average of 13.2 percent in 2018.³¹ The supplemental measure accounts for the cost of living in each state, namely food, clothing, housing and utilities.

Figure 30: Poverty Status for Population for Persons with a Disability

Poverty Status by Age	2012 Total	2012 Below Poverty Level	2012 Poverty Rate	2017 Total	2017 Below Poverty Level	2017 Poverty Rate
Population Under 18 Years with a Disability	274,879	88,620	32.2%	288,299	64,766	22.5%
Population 65 Years and Over with a Disability	1,647,862	229,649	13.9%	1,874,864	253,189	13.5%
Total Population with a Disability	3,807,010	841,826	22.1%	4,134,980	776,484	18.8%

Source: U.S. Census Bureau, American Community Survey, 1-Year Estimates, 2012 & 2017

Housing Profile

The following section provides an overview of selected housing trends for the State of California. The analysis examines an array of statewide data points, including the type of housing available, the rate at which new housing units are constructed, housing affordability, and foreclosure rates to provide insight into housing access and potential fair housing barriers.

a. Housing Stock

A review of California’s housing stock provides an overview of housing development patterns and trends. Building trends in California parallel those of the rest of the country, with construction accelerating post-1950 and maintaining a steady rate until 2009, when it slowed down at the height of the housing recession. Overall, 32.1 percent of California’s housing was constructed between 1970 and 1990, but about 42.4 percent of the housing stock was built prior to 1970, making a great proportion of California’s housing stock 50 years old or older. In total, nearly 75 percent of the state’s housing stock was built prior to 1990. The ADA, the earliest federal mandate on accessible development, came into place in the early 1990’s. This means that three-quarters of California’s housing stock is likely inaccessible for people with disabilities because it was built prior to 1990 and the enactment of the ADA. The lack of housing production is a major concern across stakeholders. The rate of construction is impacted by rising land costs, increased regulatory standards, permitting delays, land use and zoning restrictions, and community resistance. Additionally, the lack of incentives and funding to build affordable housing are limitations to the development of additional affordable units.

³¹ACS, The Supplemental Poverty Measure: 2018. Available at: <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-268.pdf>

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The rate of residential construction in California was steadily above national averages between 1940 and 1990, which indicates a strong housing construction market throughout that 50-year period, which allowed for the accommodation of an increasing number of households. However, based on ACS data, since 2010, California’s rate of housing construction has dropped drastically, from an average of 1.9 million new units a decade between 1950 and 2009 to just 287,025 between 2010 and 2017. Only 2.1 percent of total housing units in California have been constructed since 2010, which is below the national trend of 3.2 percent. The 1.1 percent difference translates to a roughly 150,000-unit shortfall had California matched the growth rate of the country.

Figure 31: Year Housing Structure was Built, California, 2017

Year Built	California Structures	California Percent of Total	United States Structures	United States Percent of Total
Built 2014 or later	83,366	0.6%	1,190,169	0.9%
Built 2010 to 2013	203,659	1.5%	3,112,243	2.3%
Built 2000 to 2009	1,615,173	11.5%	19,663,902	14.5%
Built 1990 to 1999	1,527,242	10.9%	18,945,953	14.0%
Built 1980 to 1989	2,137,731	15.3%	18,399,296	13.6%
Built 1970 to 1979	2,496,506	17.8%	20,920,173	15.5%
Built 1960 to 1969	1,876,273	13.4%	14,577,264	10.8%
Built 1950 to 1959	1,906,691	13.6%	14,229,384	10.5%
Built 1940 to 1949	852,988	6.1%	6,903,420	5.1%
Built 1939 or earlier	1,296,670	9.3%	17,451,760	12.9%
Total:	13,996,299	-	135,393,564	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

b. Lead-Based Paint

According to the Environmental Protection Agency (EPA), throughout the United States homes built before 1960 may potentially be at a higher risk for lead paint exposure.³² About 29 percent of California’s homes are in this category. Additionally, an aging housing stock is more likely to need repair and additional accommodations for aging populations and people with disabilities.

c. Housing Type

In 2017, almost two-thirds of California’s housing stock consisted of one-unit detached housing, with 58.1 percent of the total, and multifamily housing of 20 or more units, with 11.8 percent. These proportions remained largely consistent since 2010, with one-unit detached housing remaining steady, and multifamily housing of 20 or more units showing growth of just 0.7 percent. Over the same time period, the proportion of multifamily housing ranging from two to 19 units fell 0.3 percent to 19.3 percent. Non-

³² United States Environmental Protection Agency. Family Exposures to Lead. Available at: <https://www.epa.gov/lead/protect-your-family-exposures-lead>

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traditional homes, such as mobilehomes, boats, RVs, and vans comprised 3.8 percent of housing units in 2017, a slight decline from 4 percent in 2010.³³

Figure 32: Units in Structure, California, 2010-2017

State of California Units in Structure	2010 Estimate	2010 Percent	2017 Estimate	2017 Percent
1-unit, detached	7,877,273	58.1%	8,131,716	58.1%
1-unit, attached	957,348	7.1%	978,110	7.0%
2 units	347,146	2.6%	343,548	2.5%
3 or 4 units	758,256	5.6%	775,541	5.5%
5 to 9 units	831,619	6.1%	857,711	6.1%
10 to 19 units	718,891	5.3%	728,840	5.2%
20 or more units	1,511,046	11.1%	1,647,167	11.8%
Mobilehome	533,975	3.9%	518,818	3.7%
Boat, RV, van, etc.	17,070	0.1%	14,848	0.1%
Total housing units	13,552,624	-	13,996,299	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

The greater availability of a wider range of housing would enable jurisdictions to better house and accommodate a broader spectrum of residents with varying levels of need. For example, there are several benefits associated with mobile and manufactured homes:

- Mobilehomes are the largest source of unsubsidized affordable housing in the U.S., providing shelter for one in ten households living below the poverty line.
- In the 100 largest metro areas, mobilehome residents on average spend 40.5 percent less on housing costs than those living in non-mobilehomes in the same metro areas.
- Stakeholders expressed concern that most mobilehomes are not accessible to people with mobility and/or sensory disabilities.
- Manufactured homes can be built faster and cheaper than traditional homes.³⁴

With a growing gap between the supply and demand of low-cost housing, creative solutions were supported by stakeholders to address the affordable housing shortage. However, over the past decade, municipalities with large populations or persons experiencing homelessness in California and throughout the country have passed ordinances limiting where people can live in vehicles such as RVs, according to the National Law Center on Homelessness and Poverty, potentially creating barriers to their viability as possible housing options³⁵. It's also important to note that while mobilehomes may be an affordable option, they are not always stable housing. Most mobilehome owners rent a space in a park and are subject to eviction. If they are

³³ U.S. Census Bureau, 2006-2010 American Community Survey, 5-Year estimates

³⁴ Bennet, Sydney. June 2018. Apartment List | Rentonomics. [Are Manufactured Homes a Solution to the Housing Affordability Crisis](https://www.apartmentlist.com/rentonomics/mobile-homes-affordability-crisis/). Available at: <https://www.apartmentlist.com/rentonomics/mobile-homes-affordability-crisis/>

³⁵ National Law Center on Homelessness & Poverty. 2014. "No Safe Place: The Criminalization of Homelessness in U.S. Cities,". Available at: https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf

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unable to move their mobilehomes they may lose that home. The closure of an entire mobilehome park can have serious consequences for an entire community.

d. Housing Vacancy

As highlighted in Figure 33, in 2017 approximately 1.1 million, or 8 percent, of California’s total 14 million housing units were vacant, down slightly from 8.6 percent in 2010.³⁶ Data on the status of these units indicates that 20 percent of vacant units were available for rent, 7.5 percent were for sale, 9.9 percent were rented or sold but unoccupied, and a third were reserved for seasonal, recreational, or occasional use. A large proportion, 28 percent of the vacant housing stock, were considered “other vacant” units; which include foreclosed units, units in need of repair that aren’t in the process of being repaired, units caught in legal disputes, and abandoned units. “Other vacant” units are often an indicator of community disinvestment and blight.

California has a significant proportion of housing units that are vacant. These include units available for rent and “other vacant” properties, and together they comprise 528,371 housing units that could potentially be occupied by California residents. In conversations regarding vacancy, stakeholders were concerned with the perception that landlords and property owners are intentionally keeping properties vacant, increasing housing prices and artificially limiting market supply. A review of the barriers that are preventing these properties from joining the housing market would create a better understanding of how these issues can be remedied in order to expand housing availability for California residents.

Figure 33: Vacancy Status, California, 2017

Vacancy Status	Estimate	Percent
Total Vacant Units:	1,108,171	100%
For rent	220,686	19.9%
Rented, not occupied	58,366	5.3%
For sale only	83,339	7.5%
Sold, not occupied	51,264	4.6%
For seasonal, recreational, or occasional use	383,658	34.6%
For migrant workers	3,173	0.3%
Other vacant	307,685	27.8%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

e. Building Permits

The number of residential building permits per year is another indicator of the state’s housing market health. An analysis of residential building permit data provides an understanding of the number and types of housing units being built in a community. The figure below highlights the overall decline in residential construction projects in California between 2006 and 2009, and a slow, but steady, increase in the following

³⁶ U.S. Census Bureau, 2006-2010 & 2013-2017 American Community Survey 5-Year Estimates

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years. Twenty-nine percent fewer new units were approved for construction in 2018 (113,502 permits) than 2006 (160,502 permits), with a sharp decrease in new units in 2009 during the financial crisis, when just 35,069 permits were approved statewide. Since then, there has been a steady increase in new housing production. However, even with permits reaching a post crisis high of 113,502 in 2018, the number of annual new permits still lags behind the pre-2008 rate. While some might see 2006 as artificially high production resulting from the housing bubble, it is actually still far below the annual production that California used to see annually. There have always been peaks and valleys, but from 1954-1990 California averaged more than 200,000 new home permits annually.³⁷ As noted in previous sections, stakeholders reported that the permitting process can be onerous due to delays and the cost of permits in the state.

Figure 34: Total Permits, California and United States, May 2006-2018

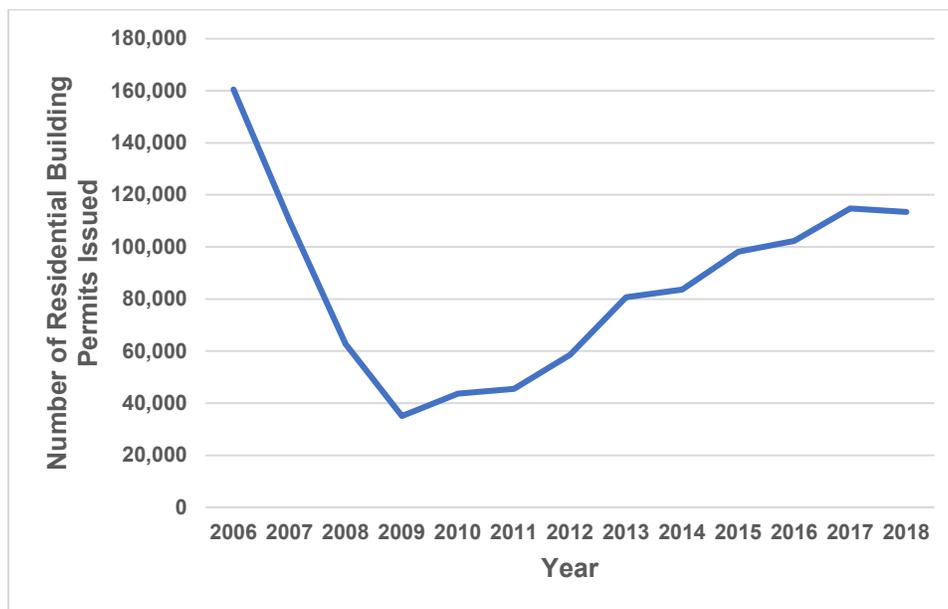
Year	California	United States
2006	160,502	1,838,903
2007	110,073	1,398,415
2008	62,681	905,359
2009	35,069	582,963
2010	43,716	604,610
2011	45,471	624,061
2012	58,549	829,658
2013	80,742	990,822
2014	83,657	1,052,124
2015	98,188	1,182,582
2016	102,350	1,206,642
2017	114,780	1,281,977
2018	113,502	1,328,827

Source: United States Census Bureau, Building Permits Survey, 2006-2018

³⁷ Construction Industry Research Board/California Homebuilding Foundation Reports 2005, 2013, 2015, 2018; 2015-2025

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Figure 35: Total Number of Residential Building Permits Issued, California, May 2006-2018



Source: United States Census Bureau, Building Permits Survey, 2006-2018

Note: Annual Building Permits data are released on the 1st workday of May for the previous year

f. Residential Building Permit Type

The figure provided below provides an overview by year for residential construction trends for single-family, two-to-four unit, and five or more-unit structures. All follow the same overall construction trend in which permits dipped to a low point in 2009 and have since steadily recovered.

In general, single-family unit construction remains the most common type of housing permit, averaging 53.7 percent from 2006 to 2018. During the same time period, two-to-four-unit structures averaged just 3.6 percent of permits, while those with five or more-units averaged 42.7 percent of the total.

Over the 12-year period from 2006 to 2018, the share of single-family unit permits decreased by 15.3 points and, correspondingly, new construction of five or more-unit structures increased by 15.2 points; there were 3,750 more five or more-unit permits in 2018 than in 2006. Multifamily structures with two-to-four units held steady with 4 percent of construction permits during that timeframe.

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Figure 36: Residential Building Permit by Type, California, 2006-2018

-	-	Single Family	Single Family	2-to-4 Units	2-to-4 Units	5 or more Units	5 or more Units
Year	Total Units	Number	Percent	Number	Percent	Number	Percent
2006	160,502	107,714	67.1%	6,507	4.1%	46,281	28.8%
2007	110,073	68,266	62.0%	5,002	4.5%	36,805	33.4%
2008	62,681	32,432	51.7%	2,607	4.2%	27,642	44.1%
2009	35,069	25,525	72.8%	1,391	4.0%	8,153	23.2%
2010	43,716	25,693	58.8%	1,717	3.9%	16,306	37.3%
2011	45,471	21,705	47.7%	1,426	3.1%	22,340	49.1%
2012	58,549	27,736	47.4%	2,125	3.6%	28,688	49.0%
2013	80,742	37,034	45.9%	2,441	3.0%	41,267	51.1%
2014	83,657	39,222	46.9%	2,238	2.7%	42,197	50.4%
2015	98,188	45,644	46.5%	2,808	2.9%	49,736	50.7%
2016	102,350	50,311	49.2%	3,189	3.1%	48,850	47.7%
2017	114,780	57,132	49.8%	4,306	3.8%	53,342	46.5%
2018	113,502	58,831	51.8%	4,640	4.1%	50,031	44.1%

Source: United States Census Bureau, Building Permits Survey, 2006-2018

Note: Annual Building Permits data are released on the 1st workday of May for the previous year

Multifamily properties have become increasingly important to housing markets. This increase can be partially attributed to the nation's growing share of renters. Between 2010 and 2017, the number of California's renter households increased by 3 percent.³⁸ However, many housing advocates and stakeholders feel the development of multifamily housing is being stunted due to local land use laws and community opposition.

g. Monthly Housing Costs – Renter and Owner Households

The U.S. Census Bureau defines monthly housing costs as monthly rent or mortgage payments (including additional housing related fees such as homeowner insurance premiums) combined with utilities including water, sewer, and electric.³⁹ Figure 37 describes the statewide monthly housing costs for occupied housing units, including owner-occupied and renter households.

According to 2013-2017 ACS 5-Year estimates data, 21.6 percent of all occupied housing units pay the median housing cost in California, which is between \$1,000 and \$1,499 per month. However, a significant proportion (12.2 percent) pay more than double the median housing cost. For example, 19 percent of owner-occupied housing units have monthly housing costs of \$3,000 or more.

The high cost of housing in the state is a major challenge to residents, especially renters and low-income households. Stakeholders noted the connection between rising

³⁸ U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Surveys 5-Year estimates.

³⁹ U.S. Census Bureau. November 2004. Housing Cost and Housing Quality Fact Sheet. Available at: <https://www.census.gov/housing/hsgcostfactsheet.html>

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housing costs and evictions, displacement, and the homeless crisis that is occurring most dramatically in major cities with the highest housing costs.

It is worth noting that the estimates of median housing costs presented below provide only a rough understanding of what costs may be for owners and renters at the local level. Market conditions at the local level may vary based on wage and salary levels in the area, local and investor demand, and the seasonal availability of adequate housing units.

Figure 37: Monthly Housing Costs, California, 2017 – Renter and Owner Occupied

Monthly Housing Costs	Occupied housing units	Percent occupied housing units	Owner-occupied housing units	Percent owner-occupied housing units	Renter-occupied housing units	Percent renter-occupied housing units
Less than \$300	475,684	3.7%	342,211	4.9%	133,473	2.3%
\$300 to \$499	763,033	5.9%	590,615	8.4%	172,418	2.9%
\$500 to \$799	1,281,978	9.9%	755,830	10.8%	526,148	9.0%
\$800 to \$999	1,079,551	8.4%	395,888	5.6%	683,663	11.7%
\$1,000 to \$1,499	2,788,378	21.6%	979,805	13.9%	1,808,573	30.8%
\$1,500 to \$1,999	2,250,742	17.5%	1,041,075	14.8%	1,209,667	20.6%
\$2,000 to \$2,499	1,523,336	11.8%	905,492	12.9%	617,844	10.5%
\$2,500 to \$2,999	967,263	7.5%	685,455	9.8%	281,808	4.8%
\$3,000 or more	1,572,515	12.2%	1,327,944	18.9%	244,571	4.2%
No cash rent	185,648	1.4%	-	-	185,648	3.2%
Median (dollars)	1,493	1,493	1,712	1,712	1,358	1,358
Occupied housing units	12,888,128	-	7,024,315	-	5,863,813	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

h. Monthly Housing Costs as a Percentage of Household Income – Renter and Owner Households

Cost burden is defined as gross housing costs that range from 30 to 50 percent of gross household income; severe cost burden is defined as gross housing costs that exceed 50 percent of gross household income. For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, gross housing costs consist of monthly rent and selected electricity and natural gas energy charges. Again, cost burden is a major concern for stakeholders who participated in engagement efforts. Both owners and renters are spending far more of their income on housing costs, leaving households with less to spend on other essentials. The loss of affordable housing throughout the state has put additional pressure on very low- and low-income households, increasing displacement and homelessness throughout the state.

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Throughout California, 42 percent of households are cost burdened. For all categories of occupied units, households with lower incomes tend to have higher rates of cost burden than households earning higher incomes. Cost burden is also more prevalent in lower-income renter households than owner-occupied households.

As the following figure shows, 89 percent of households earning less than \$20,000 a year are cost burdened. Renters are more likely to be cost burdened within their income bracket until incomes reach over \$75,000. The higher percentage of cost burden shifts to owner occupied households at that level. Approximately 90 percent of renters that fall into the minimum wage income bracket of \$20,000 to \$34,999 are cost burdened.

Figure 38: Monthly Housing Costs as a Percentage of Household Income in the past 12 months, California, 2017

Monthly Housing Costs by Household Income	Occupied housing units	Percent occupied housing units	Owner-occupied housing units	Percent owner-occupied housing units	Renter-occupied housing units	Percent renter-occupied housing units
Less than \$20,000	1,602,182	12.4%	485,649	6.9%	1,116,533	19.0%
30 percent or more of income on housing costs	1,426,127	89.0%	395,360	81.4%	1,030,767	92.3%
\$20,000 to \$34,999	1,599,378	12.4%	622,468	8.9%	976,910	16.7%
30 percent or more of income on housing costs	1,256,231	78.5%	379,396	61.0%	876,835	89.8%
\$35,000 to \$49,999	1,441,809	11.2%	649,133	9.2%	792,676	13.5%
30 percent or more of income on housing costs	909,125	63.1%	344,410	53.1%	564,715	71.2%
\$50,000 to \$74,999	2,068,555	16.1%	1,083,016	15.4%	985,539	16.8%
30 percent or more of income on housing costs	923,714	44.7%	480,300	44.3%	443,414	45.0%
\$75,000 or more	5,820,380	45.2%	4,127,182	58.8%	1,693,198	28.9%
30 percent or more of income on housing costs	880,585	15.1%	680,757	16.5%	199,828	11.8%
Total Occupied Units	12,888,128	-	7,024,315	-	5,863,813	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

i. Median Home Value

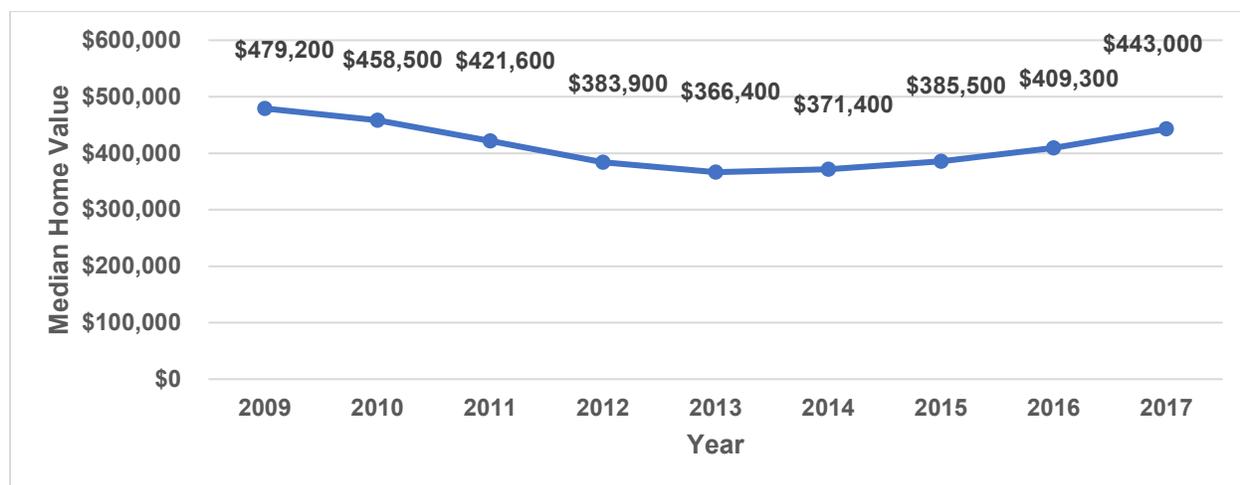
The median home value in California was \$443,000 in 2017 according to the U.S. Census Bureau. Overall, home values have decreased since 2009, from \$479,200 to \$443,000, a \$36,200 (7.6 percent) decrease. When adjusting for inflation, the 2009 median home value would be \$582,301, while the 2017 median home value becomes

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\$468,050, creating an even greater disparity, highlighting the level of decline in home values during the time period.⁴⁰

California's median home value declined during the housing crisis, reaching a low of \$366,400 in 2013. It is important to note that median home values have steadily increased since then, rising by \$76,600 (21 percent) between 2013 and 2017.

Figure 39: Median Home Value California, 2010-2017



Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

j. Foreclosures

This section provides a snapshot of foreclosure polices and trends in the State of California, which will help to underscore the potential barriers to housing access that foreclosures may present. For example, a high concentration of foreclosures in low-income areas of the state may place low-income and other borrowers protected by the FHA at a disadvantage in resolving mortgage delinquencies. Stakeholders identified predatory lending practices present in communities of color as a concern.

When persons borrow money to purchase a home or take out a home equity loan (essentially borrowing money against the equity of their property after the home is purchased), the lender usually has a lien against the home to secure repayment. When a buyer fails to make the payments due on the loan (defaults on the loan) the lender can foreclose, which means that they can force a sale of the home to pay for the outstanding loan.⁴¹

Based on data published by RealtyTrac, which provides listings of foreclosures, in July 2019 the number of properties that received a foreclosure filing in California was 8

⁴⁰ U.S. Bureau of Labor Statistics Consumer Price Index Inflation Calculator: Available at: <https://data.bls.gov/cgi-bin/cpicalc.pl>

⁴¹ California Courts-The Judicial Branch of California. Available at: <https://www.courts.ca.gov/1048.htm>

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percent higher than the previous month, but 20 percent lower than the same time last year.⁴²

In California, lenders can foreclose on deeds of trust or mortgages using a nonjudicial foreclosure process (outside of court) or a judicial foreclosure process (through the courts). The nonjudicial foreclosure process is used most commonly in California.

- **Nonjudicial foreclosure** is the most common type of foreclosure in California. It is used when there is a power-of-sale clause in the deed of trust that secures the mortgage loan by giving the trustee the authority to sell the home to pay off the loan balance at the request of the lender if the borrower defaults (fails to make payments).
- **Judicial foreclosure** involves filing a lawsuit to get a court order to sell the home (foreclose). It is used when there is no power-of-sale clause in the mortgage or deed of trust. Generally, after the court's order for the sale of a home, it will be auctioned off to the highest bidder.

Judicial foreclosures are rare in California. A judicial foreclosure allows the lender to get a deficiency judgment against the borrower. However, the homeowner has the "right of redemption," which allows him or her to buy the home back from the successful bidder at the auction for one year after the sale. The process is longer and costlier than a nonjudicial foreclosure.

i. Rights of Tenants During a Foreclosure

If there are tenants in the house that was foreclosed on, the new owner must honor the existing lease. However, when the tenants have a month-to-month lease or the owner/landlord also lives in the home that is being foreclosed on, the new owner can evict the tenants or former owner/landlord. In these cases, the new owner may either offer existing tenants a new lease or rental agreement or begin eviction proceedings. If the new owner chooses to evict the existing tenants (other than the former owner), the new owner must give the tenants at least a 90-day notice before starting eviction proceedings. If a tenant is not named in the complaint for the eviction, he or she may be able to challenge the eviction at any time during the case or even after the judgment for eviction is made. Some cities with more restrictive eviction or rent control protections prohibit new owners from using foreclosure as a reason for evicting tenants.

k. Evictions

Evictions can be the basis of a fair housing violation if they are discriminatory in nature. In addition to overt discrimination, widespread evictions can signal a lack of affordable housing, high cost burdens that leave tenants susceptible to economic shocks, high market demand, or a lack of protection for renters. According to feedback from stakeholders, high eviction rates can lead to displacement and have lasting impacts on

⁴² RealtyTrac, California Real Estate Statistics & Foreclosure Trends Summary. Available at: <https://www.realtytrac.com/statsandtrends/ca/?address=California%2C%20CA%20&parsed=1&ct=california&stc=ca&lat=37.2551002502441&lon=-119.617523193359>

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a household's ability to secure housing in the future, as evictions are public record for seven years. In California, a landlord may be able to evict a tenant if the tenant⁴³:

- Fails to pay the rent on time
- Breaks the lease or rental agreement and will not fix the problem
- Damages the property, bringing down the value (commits "waste")
- Becomes a nuisance by disturbing other tenants and neighbors
- Uses the property to do something illegal

According to *California Evictions Are Fast and Frequent*, a report by Tenants Together, a statewide organization for renters' rights in California, California law allows landlords to evict tenants without providing a reason for eviction once they give 30 to 60 days' notice for month-to-month leases. The report posited that as a result, tenants live in fear of eviction in retaliation for repair requests or it has a chilling effect on organizing against rent hikes and displacement.⁴⁴

For this report, Tenants Together obtained and analyzed eviction data from the state's Judicial Council, which aggregates data from county courthouses across the state. The latest verified data available was from 2014 to 2016. The main findings from this analysis are as follows:

- Landlords filed an average of 166,337 unlawful detainer cases annually in California, with a total of 499,010 households facing eviction in a three-year period. Unlawful detainers are court proceedings that take place when a tenant is asked to vacate a property.
- An estimated 1.5 million Californians faced court evictions from 2014-2016.
- Evictions in California happen quickly. According to the Judicial Council, 60 percent of eviction cases are resolved within 30 days of filing and 75 percent are resolved within 45 days, while other civil cases take months or years to resolve.

As stated in the report, one reason so many of these evictions are resolved quickly is the high number of "default judgments" against the tenant. Through a "Clerk Default Judgment," if the tenant has failed to respond within five calendar days to their eviction lawsuit or has not filled out the forms correctly, then the eviction is resolved through a default judgment. There is limited to no help for tenants in responding to evictions in this short timeframe. Legal Aid organizations have strict eligibility criteria and are overwhelmed with the number of cases, and many tenants do not qualify for assistance from Legal Aid. Self-help centers in the court system do not provide legal representation or legal advice, often lack multi-lingual capacity, and will simply direct tenants to the appropriate form. Courts themselves are often a great distance from a resident's home, and over 50 court closures statewide in the past several years have made courts even less accessible. Every step of the eviction process is a challenge.

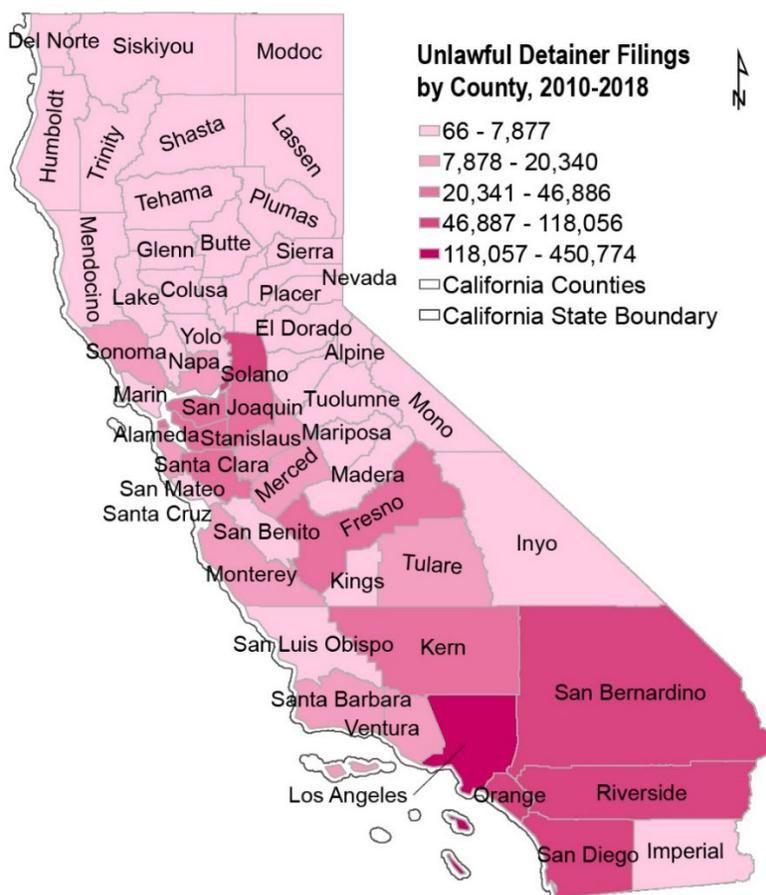
⁴³ California Courts -The Judicial Branch of California. Available at: <https://www.courts.ca.gov/selfhelp-eviction.htm>

⁴⁴ Inglis, Aimee and Preston, Dean. May 2018. [California Evictions Are Fast And Frequent](https://actionnetwork.org/user_files/user_files/000/023/632/original/CA_Evictions_are_Fast_and_Frequent.pdf). Tenants Together. Available at: https://actionnetwork.org/user_files/user_files/000/023/632/original/CA_Evictions_are_Fast_and_Frequent.pdf

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The figure below illustrates the unlawful detainer filings (lawsuits seeking to evict a tenant) by county in the State of California from 2010-2018, based on figures released by the Judicial Council of California. Many tenants vacate during the notice period, prior to a filing. This is especially common for tenants served with an Ellis Act eviction, owner move-in, or other no-cause notice. Unlawful detainer filings do not provide a full picture of eviction or displacement trends. The highest rates of unlawful detainer filings take place in central and southern California, which help to illustrate the research and outreach conducted by the Anti-Eviction Mapping Project.⁴⁵

Figure 40: California Statewide Unlawful Detainer Filings, 2010-2018



Source: Judicial Council of California, 2010-2018

With growing housing costs, lack of affordable housing supply, and expedited eviction notices, finding a new place to live after being evicted can be extremely difficult. Families who are evicted can be pushed into homelessness or unstable shelter for months or years following eviction. Additionally, according to stakeholders, an eviction record can act as a barrier to securing rental housing down the line.

⁴⁵ Anti-Eviction Mapping Project, accessed: <https://www.antievictionmap.com/>

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I. Naturally Occurring Affordable Housing

Naturally occurring affordable housing (NOAH) refers to privately owned and operated rental homes that are affordable to low- and moderate-income households without public subsidy. NOAH's market rate affordability derives mainly from its age, as most units were built 40 to 50 years ago and may lack some modern amenities. It is a no-frills, functional type of housing that is safe, secure, and inhabitable.⁴⁶ Stakeholders expressed concern over a dwindling supply of NOAH units throughout the state.

Nationwide, over one-third of housing units are considered to be NOAH units. However, with growing demand for rental housing, investors are beginning to upgrade these units into market-rate housing, which will result in the displacement of many current residents, who will likely face challenges finding another affordable unit. Stakeholders expressed concern about the private acquisition of mobile home parks and rent increases that displace residents, particularly senior parks where most residents live on fixed incomes.

Preserving NOAH properties within California remains a high priority at the local and statewide levels to ensure that residents are not displaced with limited options. Based on the 2016 report published by CoStar and the Urban Land Institute, metro areas in California, such as Los Angeles, San Francisco, and San Diego, were among the jurisdictions with the largest proportions of potential NOAH units.⁴⁷

Reviewing the number of homes listed as “Moderately Inadequate” in the state may be a way to get an estimate of potential NOAH units. Based on definitions provided by HUD and documented in the latest American Housing Survey, units are classified as “Moderately Inadequate” if one of the following three conditions is present:

- 1) There have been more than two breakdowns of the toilet in the last three months that lasted longer than six hours.
- 2) The main heating equipment is unvented room heaters burning kerosene, gas, or oil.
- 3) The unit meets one of the following four conditions (i.e., lacking complete kitchen facilities):
 - a) Unit does not have a kitchen sink
 - b) Unit does not have a working refrigerator
 - c) Unit has no working cooking equipment
 - d) Unit does not have exclusive use of kitchen

In 2017, the State of California had 466,000 housing units considered to be “Moderately Inadequate” as defined by HUD. Out of those units, the data in the below figure shows that 44 percent, or 206,000 units, had a monthly housing cost below 30 percent of the household income.

⁴⁶ Bennett, Candice. October 2016. *Naturally Occurring Affordable Housing* (NOAH). Good Shepherd Housing. Retrieved from <https://goodhousing.org/2016/10/26/naturally-occurring-affordable-housing-noah/>

⁴⁷CoStar. October 2016. Naturally Occurring Affordable Housing. Available at: http://americas.uli.org/wp-content/uploads/sites/2/ULI-Documents/ULI_NAAHL_Presentation.pdf

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Figure 41: American Housing Survey Housing Quality, All Occupied Units, California, 2017

Housing Quality – Occupied Units	Total	Owner	Renter
Severely Inadequate ⁴⁸	193.7	79.9	113.8
Plumbing	49.0	4.9	44.2
Heating	91.9	45.8	46.1
Electric	34.8	24.1	10.8
Wiring	S	S	S
Upkeep	20.9	5.8	15.1
Moderately Inadequate ⁴⁹	466.0	120.9	345.1
Upkeep	196.4	75.3	121.1
Other	274.9	46.4	228.5
Adequate Housing Units	12,520.0	7,010.0	5,507.0

Source: 2017 American Housing Survey

*Estimates and Margins of Error in thousands of housing unit.

**This item reflects categorizations of housing quality defined by HUD.

***Figures may not add to total because more than one category may apply to a unit.

S represents estimates that did not meet publication standards or withheld to avoid disclosure.

In addition to identifying potential NOAH units in the market, another key metric is understanding how many NOAH units have potentially been lost due to market conditions. The table below uses ACS Public Use Microdata Sample 5-Year Estimates from 2010 and 2017 for households earning less than 30 percent of the Area's Median Income, which, based on ACS figures, was \$21,541 for California in 2017. The table assesses the potential change in the number of units available to households in that income bracket. As the table below highlights, the largest percent net loss of units available to 30 percent AMI or below households was in boats, RVs, vans, etc., at 19 percent, and in 3-4 and 10-19 apartment units with a 9 percent loss, respectively. However, some gains were documented in 50 or more-unit apartments with a 7 percent net increase. Though not an entire picture of market conditions, this snapshot highlights the need to identify potential NOAH units and to continue to protect existing NOAH units for low-income residents, particularly those most likely to be disproportionately impacted by market changes.

⁴⁸ This table captures the Department of Housing and Urban Development's definition of housing quality.

⁴⁹ Moderately inadequate housing – more than one category can apply to a single unit, so total count may differ.

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Figure 42: Change in All Housing Units for 30% or less AMI Households, California, 2010 and 2017

Year	Mobilehome or Trailer	One-family house detached	One-family house attached	2 Unit	3-4 Unit	5-9 Unit	10-19 Unit	20-49 Unit	50 or More Units	Boat, RV, van, etc.
2017	199,551	1,319,730	190,876	106,456	231,279	259,496	218,986	217,508	342,155	5,658
2010	213,984	1,329,785	197,743	114,590	255,151	276,331	240,919	233,626	320,701	6,986
Net Change	-7%	-1%	-3%	-7%	-9%	-6%	-9%	-7%	7%	-19%

Source: ACS 5-Year Estimates - Public Use Microdata Sample (2010 and 2017)

m. Preservation of Subsidized Affordable Housing Units

As rising housing costs in California continue to stretch the state's housing safety net for low-income households and protected classes, subsidized affordable housing preservation is critical. For example, the California Housing Partnership Corporation (CHPC) estimates that nearly 32,000 of the existing federally subsidized affordable apartments in California are at risk of conversion to market rate in the next five to ten years.⁵⁰

Based on the CHPC's 2020 Affordable Homes at Risk report, of those at risk units, about 28 percent, or 9,000 units, are at a very high risk of converting to market-rate by 2021.⁵¹ The figures below use data from the CHPC's 2020 report to present the subsidized rental units in danger of converting to market-rate by program type and level of risk. Very High Risk denotes that affordability restrictions end in less than one year; High Risk denotes that affordability restrictions end in one to five years; finally, Moderate Risk denotes that affordability restrictions end in five to ten years. As the figures highlight, there are 21,016 HUD and 8,072 housing units at risk of becoming unaffordable to households in the next five to ten years. The units at risk include HUD project-based rental assistance contracts and loans or low-income housing tax credits set to expire within the next ten years.

Figure 43: Affordable Rental Homes at Risk by Program Type in California, 2020

Risk of Affordable Home Loss	HUD	LIHTC	CalHFA	USDA
Moderate Risk	4,603	5,528	126	347
High Risk	10,574	1,171	292	116
Very High Risk	5,839	1,373	156	1,696
Total	21,016	8,072	574	2,159

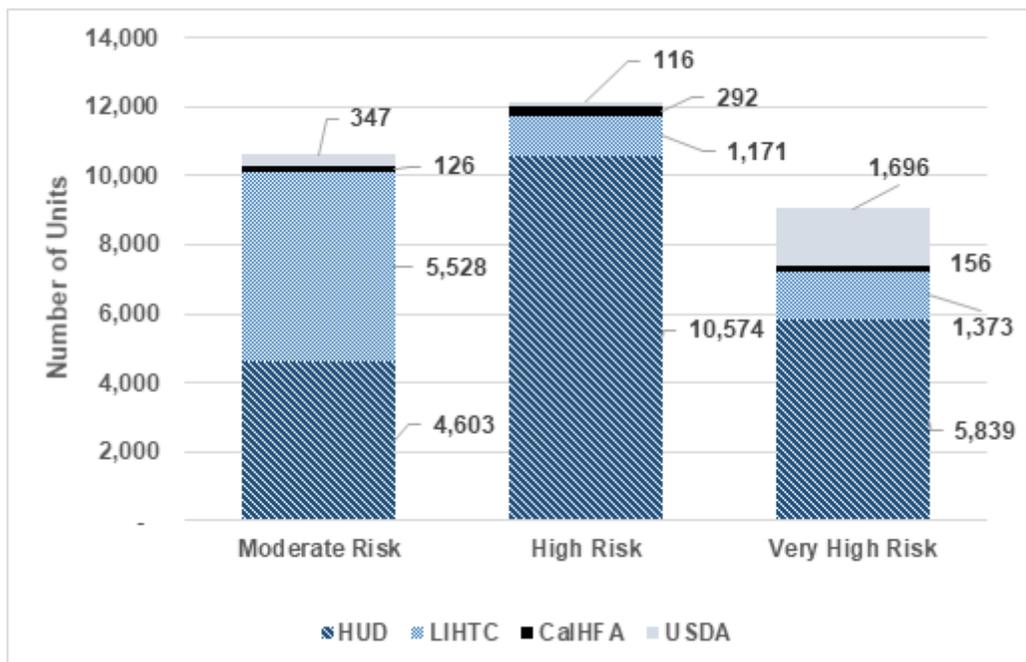
Source: California Housing Partnership, Affordable Homes at Risk, 2020

⁵⁰ California Housing Partnership, <https://chpc.net/policy-research/preservation/>

⁵¹ California Housing Partnership, Affordable Homes at Risk, 2020 https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/02/2020-Affordable-Homes-at-Risk_CHPC-Final.pdf

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Figure 44: Affordable Rental Homes at Risk, Program Type, California, 2020



Source: California Housing Partnership, Affordable Homes at Risk, 2020

As the CHPC's report also points out, between 1997 and 2019, California lost 15,004 subsidized affordable rental units. Given the rise in rents and increases in housing costs for low-income households across California, the potential loss of an additional 30,000 subsidized affordable housing units continues to threaten the safety net for these households, further straining the affordable housing market in its ability to provide safe and secure housing free from discrimination across the state.

n. Mobilehome Parks

In California, there are 5,251 active Mobilehome/RV Parks throughout the state, with a total of 363,931 mobilehome spaces.⁵² About a third of California's mobilehomes reside in manufactured communities.⁵³ Overall, based on estimates from the 2013-2017 ACS 5-Year Public Use Microdata Sample, the vacancy rate for mobilehomes or trailers is 14.4 percent,⁵⁴ compared to a statewide 8.1 percent housing unit vacancy in 2017 estimated by the California Department of Finance.⁵⁵

⁵² California Department of Housing and Community Development, Codes and Standards Automated System (CASAS). Available at: <https://www.hcd.ca.gov/casas/cmipMp/list>

⁵³ Dhesi, Soham. 2019. [Protection Mobilehomes as Affordable Housing](https://www.uclalawreview.org/protecting-mobile-homes-as-affordable-housing/). UCLA Law Review. Available at: <https://www.uclalawreview.org/protecting-mobile-homes-as-affordable-housing/>

⁵⁴ ACS 5-Year Estimates - Public Use Microdata Sample (2017), <https://data.census.gov/mdat/?#/?search?ds=ACSPUMS5Y2017&cv=BLD&rv=ucgid,VACS&wt=WGTP&q=0400000US06>

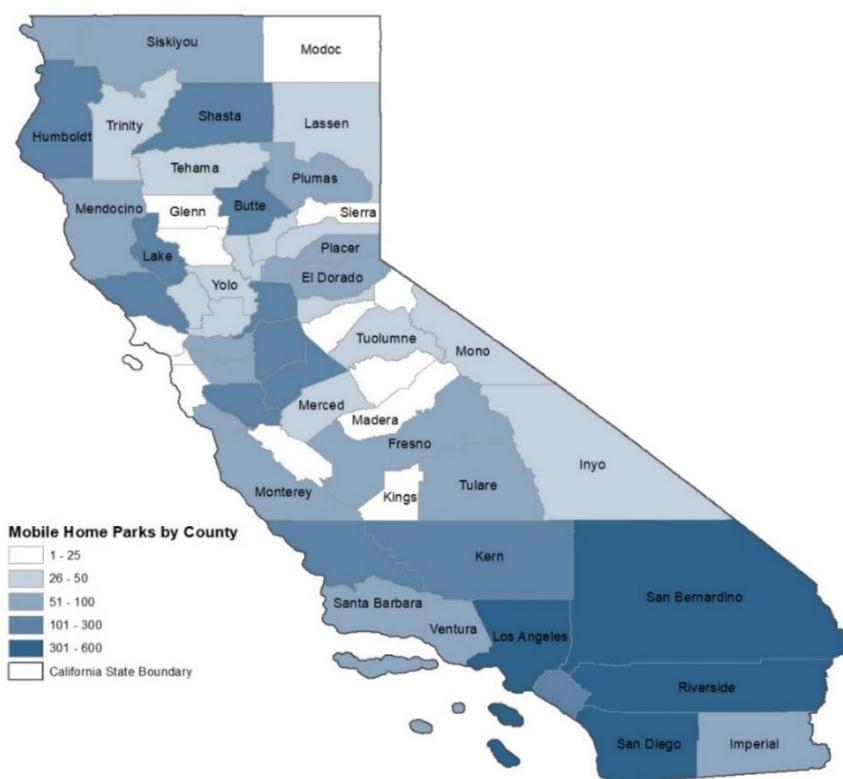
⁵⁵ State of California, Department of Finance, Population and Housing Estimates for Cities, Counties, and the State, 2011-2019 with 2010 Census Benchmark .Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>

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Mobilehome residents may be at risk of housing instability if landowners choose to increase rents, in which case homeowners, especially low-income residents, may face great difficulty relocating their mobilehome due to financial challenges. Stakeholders indicated that the displacement of residents from mobilehome parks greatly impacts seniors, persons with disabilities, and farmworkers who rely on mobilehomes as an affordable housing option, especially in rural counties. Besides the threat of increased rents, the number of mobilehome lots is also diminishing. According to statewide data, in the last decade, 4,792 mobilehome lots in the state have been lost and over 400 mobilehome parks have closed over the last 20 years.⁵⁶

The figure below shows the location of mobilehome parks by county throughout the State of California. The average park size is 86 lots; 80 for Mobilehome Parks and 88 for RV Parks.⁵⁷ The largest Mobilehome Park is Casa de Amigos, which holds 909 lots, located in Sunnyvale, California.

Figure 45: Number of Mobilehome Parks by County



Source: California Department of Housing and Community Development, 2019

⁵⁶ Kramon, Kaitie. March 2015. California's affordable mobilehome parks vanishing. Peninsula | press, A project of Stanford Journalism. Available at: <http://peninsulapress.com/2015/03/11/mobile-home-parks-california/>

⁵⁷ Mobilehome Park Home Owners Allegiance, 2019 California Mobilehome Parks Statistics. Available at: <https://mhphoa.com/ca/mhp/statistics>

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Special Needs Populations Data

HUD provides a broad range of populations that are defined as special needs populations, including persons with disabilities, persons with HIV/AIDS, elderly persons, persons with alcohol and/ or drug addictions, victims of domestic violence, persons experiencing homelessness, public housing residents, and other special circumstances in the context of the local jurisdiction. These households and residents, because of their special characteristics and needs, often have greater difficulty finding decent, affordable and accessible housing in high opportunity areas across the state.⁵⁸

Special needs populations are included in the following section in order to provide a fuller understanding of the State of California's special needs populations. Estimates of the proportions and numbers of special needs residents in the state are discussed below.

a. Persons Experiencing Homelessness

Homelessness is a pervasive national problem that affects the health and economic opportunities of individuals and families, and one that hits California especially hard. The impact of homelessness on communities is reflected by feedback received throughout the process. Stakeholders conveyed that homelessness is a crisis throughout the state, not just in urban communities. There is a strong interest in ensuring that persons experiencing homelessness can access a wide variety of services and housing options, including traditional shelters, low barrier shelters, and long-term supportive housing. Stakeholders reported issues with persons using service animals or emotional support animals facing obstacles in accessing shelter services. Additionally, there are concerns that people with pets face additional barriers to both services and shelter. Finally, stakeholders raised serious concerns about access to assistance for the LGBTQIA+ community, and specifically the transgender community. Many supportive service providers are segregated by sex, which is not amenable to non-binary persons.

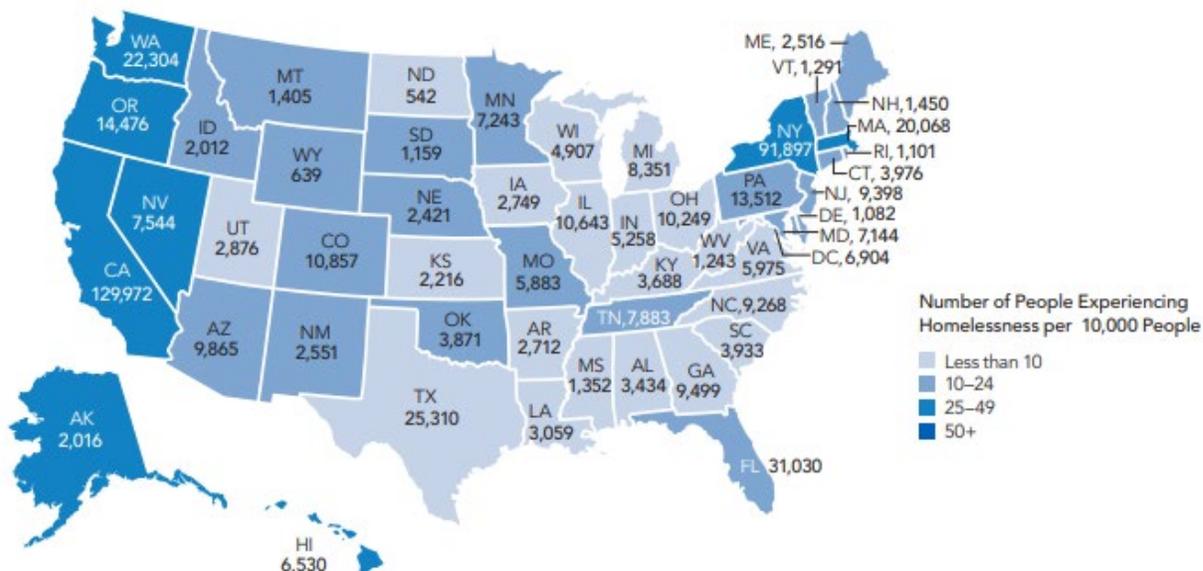
Based on the Point-in-Time Count (PIT Count), on a single night in January 2018, 129,972 Californians experienced homelessness, representing 24 percent of all homeless individuals nationwide.⁵⁹ Of this total, 6,702 were family households, 10,836 were Veterans, 12,396 were unaccompanied young adults (aged 18-24), and 34,332 were individuals experiencing chronic homelessness. Approximately 38 percent of all Californians experiencing homelessness (49,955 total) were in Los Angeles County.

⁵⁸ Housing and homeless F. Cornell Law School. Legal Information Institute. Available at: <https://www.law.cornell.edu/cfr/text/24/91.205>.

⁵⁹ U.S. Department of Housing and Urban Development, Office of Community Planning and Development. December 2018 Annual Homeless Assessment Report (AHAR) to Congress. Available at: <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>

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Figure 46: Estimates of People Experiencing Homelessness - 2018



Source: [2018 Annual Homeless Assessment Report to Congress](#)

i. Defining Homelessness

For the purposes of this analysis, there are several acceptable definitions of homelessness. Several federal agencies have created varying definitions of homelessness depending on their mission and current programming.

The HEARTH Act, passed in May 2009, amended the McKinney-Vento Homeless Assistance Act and included a revised definition of “homeless” that applied to HUD’s homeless assistance programs. On December 5, 2011, HUD published the Final Rule Defining Homeless (76 FR 75994).⁶⁰ This rule amended the definition of HUD’s existing homeless programs—the Shelter Plus Care Program (24 CFR 582), the Supportive Housing Program (24 CFR 583), and the Emergency Solutions Grants Program (24 CFR Part 576)—and incorporated the revised homeless definition into the Consolidated Plan regulation (24 CFR Part 91). Subsequently, HUD adopted the same definition in its Continuum of Care Program (24 CFR 578). California has also adopted this homeless definition for the California Emergency Solutions Housing Program and Homeless Emergency Aid Program.

⁶⁰ Office of the Federal Register. December 2011. Federal Register Volume 76, Issue 233-Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless”. Available at: <https://www.govinfo.gov/app/details/FR-2011-12-05/2011-30942>

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Since 2011, HUD defines the term “homeless” in four different categories. These are:⁶¹

- An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - Has a primary nighttime residence that is a public or private place not meant for human habitation
 - Is living in a publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs), or
 - Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution
- An individual or family who will imminently lose their primary nighttime residence, provided that:
 - Residence will be lost within 14 days of the date of application for homeless assistance
 - No subsequent residence has been identified, and
 - The individual or family lacks the resources or support networks needed to obtain other permanent housing
- An unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - Are defined as homeless under the other listed federal statutes
 - Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application
 - Have experienced persistent instability as measured by two moves or more during the preceding 60 days, and
 - Can be expected to continue in such status for an extended period of time due to special needs or barriers
- Any individual or family who:
 - Is fleeing, or is attempting to flee, domestic violence
 - Has no other residence, and
 - Lacks the resources or support networks to obtain other permanent housing

The definition for “chronically homeless” changed in 2016 and now refers to a homeless individual with a disability who lives either in a place not meant for human habitation, a safe haven, an emergency shelter, or in an institutional care facility if the individual has been living in the facility for fewer than 90 days and had been living in one of the

⁶¹ Office of the Federal Register. December 2011. Federal Register Volume 76, Issue 233-Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless”. Available at: <https://www.govinfo.gov/app/details/FR-2011-12-05/2011-30942>

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aforementioned locations immediately before entering the institutional care facility. In order to meet the “chronically homeless” definition, the individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months.⁶²

ii. Continuum of Care (CoC) Program

The HUD Continuum of Care (CoC) Program works to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and state and local governments, to quickly rehouse homeless individuals and families, while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.⁶³

California has 44 CoCs throughout the state.⁶⁴ As part of their program application process, CoCs are required to provide an unduplicated PIT Count of persons experiencing homelessness according to HUD standards. This count is standard across local jurisdictions throughout the country and is used as the primary data source for analysis. As stakeholders pointed out, PIT Counts do not capture the entire picture of homelessness in the United States. It does not account for those who are sheltered, but do not have stable housing. The figure below shows the 2018 PIT Count of sheltered and unsheltered persons experiencing homelessness. The largest proportion of homeless households were adults without children, 78 percent of whom were unsheltered.

Figure 47: Summary by Household Type Reported, 2018

Households Experiencing Homelessness	Emergency Shelter	Transitional Housing & Safe Haven	Unsheltered	Total Homeless Households
Households without children ⁶⁵	15,963	6,846	78,580	101,389
Households with at least one adult and one child ⁶⁶	3,464	1,908	1,330	6,702
Households with only children ⁶⁷	147	39	1,117	1,303
Total Homeless Households	19,574	8,793	81,027	109,394

Source: HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

Figure 48 shows that on a given night in January 2018, there were 129,972 homeless individuals in California. This figure represents 24 percent of all homeless individuals

⁶² HUD 2015 Chronically Homeless Individuals in the United States

<https://www.hudexchange.info/onecpd/assets/File/2015-AHAR-Part-2-Section-6.pdf>

⁶³ HUD Exchange Resources and assistance to support HUD’s community partners. Continuum of Care (CoC) Program. Retrieved from <https://www.hudexchange.info/programs/coc/>

⁶⁴ U.S. Department of Housing and Urban Development California CoC Grantees.

⁶⁵ This category includes single adults, groups of adults, and adult couples with no children.

⁶⁶ Households with at least one adult and one child

⁶⁷ This category includes persons under age 18, including children in one-child households, adolescent parents and their children, adolescent siblings, or other household configurations composed only of children.

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nationwide, a number that far exceeds homelessness rates in any other state (New York, with the second largest share, has only 17 percent). More than half (56.1 percent) of the state’s combined sheltered and unsheltered homeless population at that time were White, however this is larger than their share of the total population (37.9 percent).⁶⁸

29.1 percent of the homeless population at this Point-in-Time was Black or African American, which is a significantly larger share than within the population of the state as a whole (5.5 percent).⁶⁹ Of the 129,972 persons experiencing homelessness from the 2018 PIT Count, 31.9 percent were Hispanic or Latino, which is fairly representative of the population as a whole (38.8 percent).⁷⁰ Understanding the demographics of persons experiencing homelessness helps to target programs, funding, and services to these populations to adequately provide much needed services.

Figure 48: Demographic Summary by Race and Ethnicity, 2018

Race and Ethnicity	Emergency Shelter	Transitional Housing	Unsheltered	Total	Percent of Total
Black or African American	9,269	4,032	24,469	37,770	29.1%
White	15,200	7,459	50,297	72,956	56.1%
Asian	505	271	1,562	2,338	1.8%
American Indian or Alaska Native	869	309	4,213	5,391	4.1%
Native Hawaiian or Other Pacific Islander	359	286	907	1,552	1.2%
Multiple Races	1,273	597	8,095	9,965	7.7%
Hispanic or Latino	9,164	4,763	27,520	41,447	31.9%
Non-Hispanic/Non-Latino	18,311	8,191	62,023	88,525	68.1%
Total	27,475	12,954	89,543	129,972	-

Source: HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

Based on the demographic summary by gender presented in the figure below, as of 2018 the homeless population of the State of California was predominantly male, particularly the unsheltered population. According to the 2018 HUD Continuum of Care Homeless Populations and Subpopulations Report for the State of California, approximately 74 percent of males experiencing homelessness are unsheltered, compared with approximately 59 percent of females.⁷¹

Moreover, the total transgender population rose from 797 in 2017 to 1,252 in 2018. The change was particularly notable in the unsheltered transgender population, which rose from 576 in 2017 to 1,037 in 2018. Fifty percent of all transgender people experiencing homelessness nationwide in 2018 were counted in California.⁷² People identifying as

⁶⁸ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

⁶⁹ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

⁷⁰ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

⁷¹ HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations. Retrieved from:

https://files.hudexchange.info/reports/published/CoC_PopSub_State_CA_2018.pdf

⁷² Janosko, Jackie. National Alliance to End Homelessness, Demographic Data Project: Gender Minorities. Retrieved from: <https://endhomelessness.org/demographic-data-project-gender-minorities>

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non-binary (those not identifying as male, female or transgender) made up 0.2 percent of the homeless population nationwide in the 2018 PIT Count; however, California had the largest number of people who did not identify as male, female or transgender (419) counted that year.⁷³

Transgender and non-binary individuals represent 1.3 percent of the total persons experiencing homelessness, but only 0.35 percent of California’s adult non-institutionalized population.⁷⁴ It should be noted that the population of transgender and non-binary individuals is likely to be undercounted in both the population of those experiencing homelessness and the general population data. However, given the data resources available, it is very likely that homelessness is disproportionately affecting transgender and non-binary individuals. Such demographic composition highlights the continued need to target funding and programming to address the needs of persons experiencing homelessness and the growing link between the LGBTQIA+ community, homelessness, and fair housing concerns.

Figure 49: Persons Experiencing Homelessness by Gender Identity, 2018

Persons Experiencing Homelessness	Emergency Shelter	Transitional Housing	Unsheltered	Total
Female	11,918	5,681	24,892	42,491
Male	15,444	7,135	62,231	85,810
Transgender	87	128	1,037	1,252
Non-Binary (Formerly Gender Non-Conforming)	26	10	383	419

Source: HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

In the 2018 PIT Count, the state had 34,332 persons experiencing chronic homelessness. This includes 28,682 unsheltered persons, meaning that 84 percent of persons experiencing chronic homelessness in 2018 were unsheltered.

Figure 50: Summary of Chronically Homeless Households by Household Type Reported, 2018

Chronically Homeless Person	Emergency Shelter	Transitional Housing	Unsheltered	Total
Total	5,549	101	28,682	34,332

Source: HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

The figure below shows other categories for persons experiencing homelessness during the 2018 PIT Count. A significant proportion of persons reported as homeless were severely mentally ill or had chronic substance abuse issues. High numbers of domestic violence victims and unaccompanied youth were also represented in the homeless

⁷³ Janosko, Jackie. National Alliance to End Homelessness, Demographic Data Project: Gender Minorities. Retrieved from: <https://endhomelessness.org/demographic-data-project-gender-minorities>

⁷⁴ The Williams Institute, UCLA School of Law. 2017. Survey Provides Insight into Demographics and Health of California’s Transgender Adults. Retrieved from: <https://williamsinstitute.law.ucla.edu/williams-in-the-news/chis-trans-adults-ca/>

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populations. Veterans make up the largest population of those in transitional housing, whereas persons with HIV/AIDS make up the smallest population of those in emergency shelter and transitional housing (though a significantly larger proportion of unaccompanied youth and domestic violence victims were unsheltered, as opposed to those with HIV/AIDS). Understanding the underlying causes of homelessness can better help target programs, funding, and services to vulnerable populations.

Figure 51: Summary of all other Populations Reported, 2018

Population Group	Emergency Shelter	Transitional Housing	Unsheltered	Total
Severely Mentally Ill	5,440	1,738	24,990	32,168
Chronic Substance Abuse	3,245	1,550	17,680	22,475
Veterans	1,486	2,136	7,214	10,836
HIV/AIDS	503	303	1,474	2,280
Victims of Domestic Violence	1,583	796	10,339	12,718
Unaccompanied Youth	1,084	1,392	9,920	12,396
Parenting Youth	570	389	123	1,082
Children of Parenting Youth	631	464	120	1,215

Source: HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

iii. California Department of Social Services

Housing and Homelessness programs are developed and overseen by the Housing and Homelessness Branch of the Family Engagement and Empowerment Division of the California Department of Social Services (CDSS). The following is a summary of key programs that are overseen by the branch.

- **CalWORKS Homeless Assistance Program**

The CDSS executes the CalWORKs Homeless Assistance Program to help families meet the cost of securing permanent housing. CalWORKs Homeless Assistance provides temporary homeless assistance, which helps families pay the costs of temporary shelter, and permanent homeless assistance, which helps families secure housing or prevent eviction to CalWORKs families. Homeless CalWORKs families may receive either one or both types of assistance. As of January 1, 2017, homeless assistance is available to families once every 12 months (with exceptions); previously, this program was a benefit that could only be used once-in-a-lifetime.⁷⁵

Temporary Homeless Assistance

As of January 1, 2019, Temporary Homeless Assistance provides a payment of \$85 per day for a family of four or fewer individuals, and an additional \$15 for each additional family member, not to exceed \$145 per day. Temporary Homeless Assistance is provided for up to 16 consecutive calendar days, though families must provide proof that they are actively searching for permanent housing. Following the 16-day period, the

⁷⁵ California Department of Social Services Family Engagement and Empowerment Division. March 2019. Annual Summary. Available at: <https://www.cdss.ca.gov/Portals/9/DSSDB/CalWORKsAnnualSummaryMarch2019.pdf?ver=2019-03-22-123821-433>

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temporary shelter benefit is considered exhausted even if the household did not receive all 16 days.

Permanent Homeless Assistance

Permanent Homeless Assistance (HA) helps families obtain housing by providing security deposit costs, including required payment of the last month's rent, or helps families maintain housing by providing up to two months of rent arrearages. A permanent HA payment may not exceed two times the total rent amount and the monthly rent cannot exceed 80 percent of the total monthly household income.

Exceptions

Eligible families may receive a second homeless assistance payment within a 12-month period if they meet the criteria for an exception, which includes cases of domestic violence, medically verified physical or mental illness (excluding substance abuse), or a fire or other natural catastrophe beyond the family's control that has made the former residence uninhabitable. Cases granted an exception are limited to one payment in a 12-month period of either temporary or permanent homeless assistance, or both. As seen in the figure below, the CalWORKs homeless assistance program received 69,174 temporary and permanent assistance applications in Fiscal Year (FY) 2017-2018 with a 92.3 percent approval rate, providing housing assistance to 63,890 families.

Figure 52: CalWORKs Homeless Assistance Application Approvals, FY 2017-2018

Type of Homeless Assistance	Requests Received	Number of Families Approved
Temporary	61,187	57,614
Permanent	7,987	6,276
Total	69,174	63,890

Source: Department of Social Services CA 237 HA-CalWORKs Homeless Assistance Program Monthly Statistical Report

- **CalWORKs Housing Support Program**

The CalWORKs Housing Support Program (HSP) was created in 2014 by Senate Bill (SB) 855 to assist homeless CalWORKs recipients with securing permanent housing and reaching self-sufficiency by quickly obtaining permanent housing and provides wrap-around supports to families to foster housing retention.⁷⁶ Funding for this program has increased from the initial \$20.8 million in FY 2014-2015 to \$70.8 million in FY 2018-2019. County participation in this program has also more than doubled, with 49 counties participating in FY 2017-2018, compared to just 20 in FY 2014-2015. HSP plans differ by county in eligibility requirements, duration, and services offered, and counties are given flexibility to design programs based on community need. HSP's services include:

Financial Assistance

- Rental assistance
- Security deposits

⁷⁶ Wrap Around Services is the term given to the practice of providing, or making available, all the various services a person might need. The terms "wrap-around services" and "continuum of care" are often used interchangeably. <https://thehomelessguy.wordpress.com/2014/05/16/homeless-terms-to-know-wrap-around-services/>

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- Utility payments
- Moving costs
- Motel and hotel vouchers

Housing Stabilization & Relocation

- Landlord recruitment
- Case management
- Housing outreach and placement
- Legal services
- Credit repair

The figure below shows the numbers of HSP requests/referrals received, families approved, and families that obtained permanent housing for FY 2014-2018. In total, 47,544 families have requested HSP, though not all requests were eligible, and only about 60 percent of families were approved. Some of these families self-resolve, find assistance via other programs, do not meet prioritization criteria, or in some cases, the county lacked the financial capacity or housing stock to approve all referrals they receive. There are also significantly more families approved than are actually housed, which is the result of a number of factors, including insufficient housing stock, the family cannot be located, or they have already found housing through other means.⁷⁷

Figure 53: Application Approvals and Families Housed FY 2014-2015 through FY 2017-2018

Year	Requests/Referrals Received	Families Approved	Families Housed
FY 2014-2015	9,386	5,545	2,031
FY 2015-2016	10,490	6,543	2,649
FY 2016-2017	14,229	8,630	3,752
FY 2017-2018	13,439	8,635	3,790
Total	47,544	29,353	12,222

Source: CalWORKs Annual Summary, March 2019

b. Elderly Population

Based on the 2013 – 2017 ACS, 13.2 percent of Californians, a total of or more than 5 million people, were over the age of 65. In 2010, this figure was 11.1 percent.⁷⁸ With a growing elderly population, there is an increasing need to provide housing and services to accommodate them, especially people with disabilities, living in poverty, or considered “frail elderly.” The California Department of Aging defines “frail elderly” as those individuals 65 years of age or over who are dependent on others for activities of daily living, often living in institutional care, not independently mobile, and who may require regular prescribed drug therapy.

⁷⁷ California Department of Social Services Family Engagement and Empowerment Division. March 2019. CalWORKs Annual Summary. Available at:

<https://www.cdss.ca.gov/Portals/9/DSSDB/CalWORKsAnnualSummaryMarch2019.pdf?ver=2019-03-22-123821-433>

⁷⁸ U.S. Census Bureau, 2013-2017 American Community Survey, 5-Year estimates

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Figure 54 shows that 36.5 percent of California’s population over 65 have some type of disability, 23 percent have mobility constraints, and 17.2 percent need assistance to live alone. These data points further support the fact that supportive housing is needed to accommodate this population cohort.

Figure 54: Elderly Population by Disability, California, 2017

Elderly Population by Type of Disability	Total Civilian Non-Institutionalized Population	Percent of Population 65 and Over with a Disability
With a Disability	1,797,732	36.5%
With a Hearing Difficulty	720,949	14.3%
With a Vision Difficulty	334,058	6.6%
With a Cognitive Difficulty	507,993	10.1%
With an Ambulatory Difficulty	1,163,077	23.0%
With a Self-Care Difficulty	498,410	9.9%
With an Independent Living Difficulty	870,169	17.2%
Total Population 65 Years and Over	5,052,924	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

In addition to supportive housing, elderly persons also need other options for affordable housing, as they are often on fixed incomes and cannot afford rising rents. In 2017, 517,358 individuals age 65 and over had an income in the previous 12 months that was below the poverty level, which is 1.3 percent of California’s population, and almost 9 percent of the state’s population living under the determined poverty status.

Figure 55: Poverty Status by Age, California, 2017

Income Category by Age	Total Population	Percentage
Income in the past 12 months below poverty level	5,773,408	100.0%
Children under 16 Years	1,665,396	28.8%
16 to 64 Years	3,590,654	62.2%
65 and over	517,358	9.0%
Total Population for whom poverty status is determined	38,242,946	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

c. Persons Living with HIV/AIDS

Persons living with HIV/AIDS are protected under the FHA, which makes it unlawful to discriminate on the basis of a person’s disability, as well as by California’s Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act. According to the California Department of Public Health (CDPH), Office of AIDS (OA), over 136,000 persons are living with diagnosed HIV in California.⁷⁹ The Black or African American population has the highest rate of persons living with diagnosed HIV at 1,028.6, compared to 340.3 for the White population in California, according to the 2018

⁷⁹ California Department of Public Health, Center for Infectious Diseases, Office of AIDS. 2018. California HIV Surveillance Report — 2018. Retrieved from: https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/California_HIV_Surveillance_Report2018.pdf

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California HIV Surveillance Report. The disproportionate impact on the African American community is extreme and indicates a need for supportive services and housing for those living with diagnosed HIV.

In California, the HOPWA Program, funded by HUD, is administered through the California Department of Public Health (CDPH) and funds housing assistance and supportive services designed to reduce or prevent homelessness for persons living with HIV (PLWHIV). HOPWA's overarching goal is to increase the availability of decent, safe, and affordable housing for low-income PLWHIV. Services are carried out through local health departments, housing authorities, and community-based organizations in mid-size and rural counties. In FY 2015-2016, California HOPWA providers served approximately 3,880 clients.⁸⁰

Services provided through HOPWA include:

- Short-term emergency rent
- Mortgage and utility assistance to prevent homelessness
- Housing information
- Tenant-based or project-based rental assistance
- Other supportive services

d. Survivors of Domestic and Sexual Violence and Other Forms of Abuse

The 2013 Violence Against Women Act (2013 VAWA), and subsequent guidance issued by HUD, established new housing protections for individuals participating in HUD-funded housing programs who are survivors of domestic violence, dating violence, sexual assault, and/or stalking. VAWA 2013 guidance applies to other federal programs as well, such as USDA and Low-Income Housing Tax Credit developments. Stakeholders noted that survivors also live in private, unsubsidized housing. In response, HCD and other statewide agencies have sought to ensure 2013 VAWA requirements are met. For example, the Los Angeles Homeless Services Authority (LAHSA) Commission has approved "Housing Protections Under the Violence Against Women Act (VAWA) in the Los Angeles Continuum of Care (CoC)." This policy provides protections against discrimination, a requirement to notify participants of occupancy rights, a requirement to develop emergency transfer plans, and establishes provisions for lease bifurcation. Based on the HUD 2018 CoC homeless population count, there were a total of 12,718 sheltered and unsheltered homeless victims of domestic violence in California. Stakeholders noted that the IRS/Department of Treasury has not yet issued VAWA guidance, making state-level implementation of VAWA protections even more important.

⁸⁰ California Department of Public Health Office of AIDS. Retrieved from https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_care_hopwa.aspx

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e. Tenants in Public Supported or Assisted Housing

Public or supported housing includes conventional public housing, Project-based Section 8, Housing Choice Voucher (HCV), and other types of multifamily housing. In 2016, the State of California had a total of 13,680,081 publicly supported housing units.⁸¹ The figure below illustrates the type and number of public housing units in California in entitlement and non-entitlement areas.

As seen in the figure below, the overwhelming majority of public housing, 91 percent, is located in entitlement or metropolitan areas, while just 9 percent of public housing units are in non-entitlement areas. Participants in public meetings noted that public housing and HCV units are primarily located in areas of low opportunity, including low access to transportation, aging housing stock, and a lack of accessible units. The vast majority of publicly assisted housing units are available through the HCV program in both metropolitan and rural areas, followed by Project-based Section 8.

Figure 56: Publicly Supported Housing Units by Program Category (Entitlement/Non-entitlement Areas), California

Publicly Supporting Housing	California Entitlement Areas		California Non-Entitlement Areas		Total	
	Number	Percent	Number	Percent	Number	Percent
Public Housing	29,681	0.2%	2,655	0.2%	32,336	0.24%
Project-Based Section 8	95,815	0.8%	5,496	0.4%	101,695	0.74%
Other Multifamily	15,146	0.1%	690	0.1%	15,863	0.12%
HCV Program	389,680	3.1%	14,985	1.2%	330,397	2.42%
Total housing units	12,461,793	-	1,216,522	-	13,680,081	-

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 5-2, Version AFFHT0004, released 2017

Hispanic populations are most likely to live in conventional public housing, comprising almost half of public housing residents (47.6 percent). Black or African American populations are least likely to live in Project-based Section 8 and other types of multifamily housing, which include properties funded through the supportive housing for the elderly and persons with disabilities programs, and other forms of rental assistance; however, they are most likely to source housing through the HCV program. White and Asian or Pacific Islander residents are least likely to live in conventional public housing. The figure below shows the race and ethnicity of households in publicly supported housing units.

⁸¹ Affirmatively Furthering Fair Housing Mapping Tool - Table 5, Version AFFHT0004, released 2017

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Figure 57: Publicly Supported Households by Race/Ethnicity, California

	White	White	Black or African American	Black or African American	Hispanic or Latino	Hispanic or Latino	Asian or Pacific Islander	Asian or Pacific Islander
Public Housing Program	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Public Housing	4,258	14.1%	8,749	29.0%	14,382	47.6%	2,652	8.8%
Project-Based Section 8	29,559	30.7%	15,163	15.8%	25,214	26.2%	25,074	26.1%
Other Multifamily	5,796	39.4%	1,421	9.7%	3,069	20.9%	4,332	29.5%
HCV Program	84,696	28.2%	98,674	32.8%	79,759	26.5%	35,750	11.9%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 6, Version AFFHT0004, released 2017

The figures below break down the demographics of public housing beneficiaries and the HCV program by race/ethnicity and describe the population composition of the census tracts where public housing developments are located. This analysis helps to determine if one race/ethnicity is disproportionately represented within publicly supported housing compared to the surrounding population.

Compared to the average census tract population around California’s public housing developments, the number of Hispanic or Latino residents living within public housing is commensurate with the surrounding population. Hispanic or Latino populations comprise 47.6 percent of public housing residents and 64.6 percent of surrounding tracts. White residents, however, are underrepresented in public housing, as just 14.1 percent of assisted households were White, while White residents comprised 44.7 percent of the surrounding census tracts. All other races and ethnicities, including Asian/Pacific Islander and Native American, were proportionately represented in both publicly assisted households and the surrounding census tract demographics.

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Figure 58: Demographics of Assisted Households Public Housing, California

	Demographics of Assisted Households in California	Demographics of Assisted Households in California	Average Census Tract Composition where Public Housing Developments are Located	Average Census Tract Composition where Public Housing Developments are Located	Average Census Tract Composition where Public Housing Developments are Located	Average Census Tract Composition where Public Housing Developments are Located	Average Census Tract Composition where Public Housing Developments are Located	Average Census Tract Composition where Public Housing Developments are Located
Assisted Households by Race/Ethnicity	Count	Percent	% White Non-Hispanic	% Black Non-Hispanic	% Hispanic	% Asian/Pacific Islander Non-Hispanic	% Native American Non-Hispanic	% Non-White
White, Non-Hispanic	4,258	14.1%	44.7%	9.3%	30.4%	11.1%	0.8%	55.3%
Black, Non-Hispanic	8,749	29.0%	19.6%	25.5%	38.0%	12.5%	0.4%	80.4%
Hispanic	14,382	47.6%	15.8%	9.5%	64.6%	7.7%	0.4%	84.2%
Asian/Pacific Islander, Non-Hispanic	2,652	8.8%	23.3%	15.4%	28.7%	28.3%	0.3%	76.7%
Native American Non-Hispanic	N/A	N/A	41.5%	13.4%	28.5%	10.2%	1.5%	58.5%
Total	N/A	-	21.8%	14.7%	48.7%	11.4%	0.4%	78.3%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 8, Version AFFHT0004, released 2017

As previously stated, the HCV program provides the most assistance with affordable housing. HCV recipients are most likely to be Black or African American, who hold one-third of all HCVs, and least likely to be Asian/Pacific Islander, who hold just over 10 percent.

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Figure 59: Demographics by Housing Choice Vouchers, California

	Demographics of Assisted Households in California	Demographics of Assisted Households in California	Average Census Tract Composition where HCV Households are Located	Average Census Tract Composition where HCV Households are Located	Average Census Tract Composition where HCV Households are Located	Average Census Tract Composition where HCV Households are Located	Average Census Tract Composition where HCV Households are Located	Average Census Tract Composition where HCV Households are Located
Assisted Households by Race and Ethnicity	Count	Percent	% White, Non-Hispanic	% Black, Non-Hispanic	% Hispanic	% Asian/Pacific Islander Non-Hispanic	% Native American Non-Hispanic	% Non-White
White Non-Hispanic	84,696	28.2%	46.7%	5.3%	33.3%	10.6%	0.6%	53.3%
Black, Non-Hispanic	98,674	32.8%	19.7%	21.6%	45.0%	9.9%	0.3%	80.3%
Hispanic	35,750	11.9%	22.3%	6.7%	36.2%	31.3%	0.3%	77.7%
Asia/Pacific Islander Non-Hispanic	79,759	26.5%	24.0%	6.3%	57.2%	9.7%	0.4%	76.0%
Native American Non-Hispanic	N/A	N/A	43.7%	6.6%	35.2%	9.8%	1.1%	56.3%
Total	N/A	-	29.0%	11.0%	43.7%	12.6%	0.4%	71.0%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 8, Version AFFHT0004, released 2017

f. Indigenous Tribal Communities

A California Indian Tribe is defined as a federally recognized California Indian Tribe or a non-federally recognized California Native American Tribe that is on the California Tribal Consultation List maintained by the Native American Heritage Commission (NAHC).

According to the 2017 ACS 5-year estimates, California has the largest Native American population in the nation. Approximately 292,000 Californians identified solely as “American Indian”, which is 11 percent of the national total. California currently has 109 federally recognized tribes⁸², almost one-fifth (19.4 percent) of all tribes nationwide (562 in total). These tribes, which are associated with nearly 100 small reservations and rancherias, are spread out across the state in urban, suburban, and rural jurisdictions.⁸³

Poverty disproportionately affects tribal populations. According to California’s Statewide Housing Assessment (SHA), the rate of tribal poverty is more than twice the rate for California as a whole, and one-third of tribal residents live below the federal poverty rate.⁸⁴ The high incidence of poverty leaves tribal populations with fewer resources to pay for housing and other necessities.

⁸² California Courts-The Judicial Branch of California. Available at: <https://www.courts.ca.gov/3066.htm>

⁸³ California Department of Housing and Community Development. February 2018. *California’s Housing Future: Challenges and Opportunities, Final Statewide Housing Assessment 2025*. Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf

⁸⁴ California Department of Housing and Community Development. February 2018. *California’s Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025*. Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf

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Moreover, as described in the California Coalition for Rural Housing and Rural Community Assistance Corporation's 2019 California Tribal Housing Needs and Opportunities: A Vision Forward Report, within the next 10 years, tribes will need to increase the number of units to reconcile existing unmet housing needs, as well as accommodate expectations for new population growth and household formation, especially among new families and growing families.⁸⁵ For example, 25 tribes reported that they will need a total of 2,334 new units in the coming decade, 1,213 homes for purchase (about 50 units per tribe) and 1,121 homes for rent (about 45 units per tribe).

The California Tribal Housing Needs and Opportunities report addresses the need for new homes, rehabilitation of existing homes, and ongoing investment in infrastructure to support housing.⁸⁶ Affordable housing development is not currently meeting the need in tribal communities due to high demand and a lack of funding. The lack of new affordable housing is amplified by the existing housing stock that is in need of repair and needed investment in water and wastewater systems. Additionally, there have been barriers to accessing statewide affordable housing and community development funds due to the complexities of developing affordable housing on tribal land. Many reservations and rancherias are located in low resource areas, which are less favorable for competitive affordable housing projects. Additionally, many funders and developers are not experienced in the complexities associated with real estate development on tribal land.

g. Colonias

Colonias are unincorporated, federally designated communities within 150 miles of the California-Mexico border that typically don't have access to basic utilities such as running water, electricity, sewage or even basic infrastructure, such as paved roads and designed drainage. These severely under-resourced communities are usually located close to larger urban environments but outside city limits, therefore avoiding zoning requirements or building codes that city centers typically enforce; thus, costs are lowered for obtaining ownership. Being close to those urban areas further allows access to job markets. As a result, immigrant and low-income families often see Colonia communities as a way to participate in homeownership and associated economic opportunity.

California has 15 designated Colonias.⁸⁷ In Imperial County, where nine of the fifteen Colonias are located, it was estimated in 2015 that 21 percent of the county's population resided in unincorporated areas of the county, which included the Colonias.⁸⁸ Although the Colonias in California differ in terms of their political jurisdiction, size, and

⁸⁵ California Coalition for Rural Housing Rural Community Assistance Corporation. August 2019. California Tribal Housing Needs and Opportunities: Available at:

https://docs.wixstatic.com/ugd/8d7a46_e7569ba74f5648ba9bc8d73931ebd85d.pdf

⁸⁶ Available at: [https://aeae507d-e90c-449b-9332-](https://aeae507d-e90c-449b-9332-a6e33d13c0ca.filesusr.com/ugd/8d7a46_e7569ba74f5648ba9bc8d73931ebd85d.pdf)

[a6e33d13c0ca.filesusr.com/ugd/8d7a46_e7569ba74f5648ba9bc8d73931ebd85d.pdf](https://aeae507d-e90c-449b-9332-a6e33d13c0ca.filesusr.com/ugd/8d7a46_e7569ba74f5648ba9bc8d73931ebd85d.pdf)

⁸⁷ Housing Assistance Council. No Date. Border Colonias. Available at:

http://www.ruralhome.org/storage/documents/ts2010/ts-report/ts10_border_colonias.pdf

⁸⁸ Imperial County 2020 Strategic Plan. December 2015. Available at:

<https://www.co.imperial.ca.us/otherpdfs/2020Plan.pdf>

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population, most housing in those areas is in need of rehabilitation and improvements to their insufficient or aging infrastructure, according to a 2006 study of Colonias in Imperial County.⁸⁹ While it is important to note that residents of Colonias participate by choice, it is impossible to escape that fact that the lack of infrastructure and support greatly impact Hispanic populations. Those families often make the choice to live in a Colonia because other avenues for affordable housing are lacking.⁹⁰

h. Veterans

As highlighted by the California Department of Veterans Affairs, figures from the National Center for Veterans Analysis and Statistics point out that California has one of the largest veteran populations in the nation with a total estimated population of 1,789,862.⁹¹ To address the housing and community development requirements of such a population, the California Department of Veterans Affairs, or CalVet, has led statewide efforts to ensure that veterans and their families have housing options that fulfill their needs. Some of the efforts of CalVet include:

- Home Loans designed to meet the needs of veterans in California.
- Veterans Homes - Veterans Homes in California range in size from 60 residents on 20+ acre campuses to over 1,000 residents on a 500-acre campus. Each home offers a unique environment, levels of care, and a range of social activities.
- Residential Enriched Neighborhood (REN) Communities⁹² – provides permanent housing for low-income families coupled with supportive services. Applicants must qualify for a CalVet Loan, and complete 500 hours of sweat equity.
- Veterans Housing and Homelessness Prevention Program⁹³ - provides funding for developing housing for homeless or extremely low-income veterans and their families.

i. Farmworkers

Agriculture is one of California's largest industries, employing several thousand people on a seasonal and permanent basis. The California Department of Housing and Community Development notes that farmworkers and day laborers are an essential component of California's agriculture industry. Farmers and farmworkers are the keystone of the larger food sector, which includes the industries that provide farmers with fertilizer and equipment; farms to produce crops and livestock; and the industries that process, transport, and distribute food to consumers.

⁸⁹ Monkkonen Paavo and Mukhija Vinit. No Date. Federal Colonias Policy in California: Too Broad and Too Narrow. University of California Berkeley Available at:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.545.5494&rep=rep1&type=pdf>

⁹⁰ El Paso Regional Convening Summary. June 2016. Southwest Border Colonias: Housing and Sustainable Development In the 21st Century. Retrieved from <https://www.huduser.gov/portal/sites/default/files/pdf/EI%20Paso-Regional-Convening-Summary.pdf>

⁹¹ California Department of Veterans Affairs, Veteran Services/Benefits, <https://www.calvet.ca.gov/veteran-services-benefits>

⁹² California Department of Veteran Affairs, Retrieved from: <https://www.calvet.ca.gov/CalVetREN>

⁹³ California Department of Veterans Affairs, Retrieved from: <https://www.calvet.ca.gov/VHHP>

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Despite their instrumental role, farmworkers are generally considered to have special housing needs due to their limited income and unstable employment. In addition, farmworker households tend to have high rates of poverty, live disproportionately in housing that is in the poorest condition, have extremely high rates of overcrowding, and have low homeownership rates.⁹⁴ Stakeholders also noted that many farmworkers were disproportionately impacted in recent wildfires due to lack of access to recovery resources due to language barriers or lack of formal documentation, as the majority of farmworkers in the country are foreign born, primarily from Mexico.⁹⁵

Estimating the size of the agricultural labor force is problematic, as farmworkers are historically undercounted by the Census and other data sources. One of the reasons for this is that farm labor is not consistently defined across government and tracking agencies. Therefore, there may be higher numbers of seasonal workers than are documented.

According to the United States Department of Agriculture, National Agricultural Statistics Service, in 2017, there were 57,961 permanent and seasonal farmworkers working on 41,251 farms in California. The majority of farms employ more than 10 employees, accounting for 82 percent of the farmworker population. Of the 70,521 farm operations in California, small farm operators account for 34 percent of California farms, but employ 92 percent of all farm workers.

Figure 60: Permanent and Seasonal Farm Workers, 2017

Farm Employees	Number of Farmworkers	Number of Farms
Farm Operations with less than 10 Employees	-	-
Permanent	14,958	24,044
Seasonal (e.g., less than 150 days)	43,003	17,207
Total	57,961	41,251
Farm Operations with 10 or more Employees	-	-
Permanent	146,791	3,481
Seasonal (e.g., less than 150 days)	146,715	3,298
Total	293,506	6,779

Source: USDA 2017 Census of Farmworkers, USDA

HCD has provided a sample analysis as part of its housing element guidance, “Building Blocks,” to help in organizing critical information pertaining to permanent and seasonal farmworker populations.⁹⁶ This report noted that farmworkers are generally considered to have special housing needs because of their limited income and unstable nature of

⁹⁴ California Department of Housing and Community Development. Retrieved from <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml>

⁹⁵ California Research Bureau. 2013. Farmworkers in California: A Brief Introduction. California State Library. Available at

<https://latinocaucus.legislature.ca.gov/sites/latinocaucus.legislature.ca.gov/files/CRB%20Report%20on%20Farmworkers%20in%20CA%20S-13-017.pdf>

⁹⁶ California Department of Housing and Community Development. Available at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml>

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their employment (i.e., having to move throughout the year from one harvest to the next). Statewide surveys provide some insight into the demographic characteristics and housing needs of farmworkers. Among the major findings are:

- **Limited Income:** Farmworkers typically fall within extremely low-income groups. According to the Rural Community Assistance Corporation, three-fourths of California's farmworkers earned less than \$10,000 a year in 2010. Only one out of seven earned more than \$12,500 annually.
- **Overcrowding:** Because of their very low incomes, farmworkers have limited housing choices and are often forced to overcrowd to afford rents. No local surveys have been taken of farmworker housing, but a statewide survey indicates that overcrowding is prevalent and a significant housing problem that exists among farmworkers.
- **Substandard Housing Conditions:** Many farmworkers occupy substandard housing, including informal shacks, illegal garage units, and other structures generally unsuitable for occupancy.

Farmworkers are essential workers. Farmworkers have continued to work and provide access to fresh food through the COVID-19 outbreak. While many Californians were able to shelter in place and/or work from home, farmworkers returned to the fields and then their families, many of whom live in overcrowded conditions. Given the importance of agriculture and its labor force, the provision of adequate farmworker housing is a critical issue for California, as many of these workers are believed to be living in poor housing conditions and face the problems of limited incomes and/or overcrowding.⁹⁷

i. Existing Resources for Farmworkers

As stated in the sample analysis provided as part of the housing element guidance referenced above, many farm operators have shifted away from hiring their own workers, and instead use farm labor contractors to provide needed agricultural labor, particularly for migrant or seasonal labor. The supply of farmworker housing remains inadequate, largely because local growers only offer limited housing facilities and supportive services to employees. The analysis also noted that based on previous discussions with local stakeholders, the number of units provided by privately held companies has declined in recent years.

The Joe Serna, Jr. Farmworker Housing Grant Program was created to provide grants to local public entities and nonprofit corporations, including stock cooperatives, for construction or rehabilitation of housing for agricultural employees and their families.

j. Distribution of Housing Developments by Program

As presented in the data provided by HUD in the figure below, in 2017 the State of California had a total of 500,549 federally supported housing units, 95.8 percent of

⁹⁷ California Department of Housing and Community Development, Sample Analysis, Special Needs Farmworkers. Available at: <https://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers/docs/Screen10farmworkers.pdf>

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which are located in entitlement (metro) areas, while just 4.2 percent are in non-entitlement (rural) areas.

Overall, the majority of supported housing units in California are located in non-RECAP areas—areas that are not racially and ethnically concentrated with poverty. According to HUD’s AFFH Assessment tool, RECAP areas hold 14 percent of California’s federally supported housing programs. HUD defines federally-supported housing programs as: Public Housing, Project-based Section 8, Housing Choice Voucher programs, and Other HUD Multifamily programs.⁹⁸

Within non-entitlement areas alone, which are areas that received federal funds administered by the State of California, about 4.3 percent, or 903 units, are located in RECAP areas, while 20,124, or about 95.7 percent, are located in non-RECAP areas. While the data shows that non-RECAP areas hold more of these federally supported housing units, this calculation does not include state programs or other federally funded units.

The figure below illustrates the total number of occupied supported housing units within each housing program. As seen in the figure below, the Housing Choice Voucher Program (HCV) supports the most households, assisting 67.4 percent of all supported households, while Other HUD Multifamily supports the least, assisting 2.8 percent of supported households. Other HUD Multifamily includes properties funded through the Supportive Housing for the Elderly and Persons with Disabilities programs, among other rental assistance programs.

⁹⁸ The “Other Multifamily” category includes properties funded through the Section 202 Supportive Housing for the Elderly Program and the Section 811 Supportive Housing for Persons with Disabilities Program. [Department of Housing and Urban Development, Affirmatively Further Fair Housing Data and Mapping Tool Data Documentation, March 5, 2019. pg. 9 \[files.hudexchange.info\]](#)

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Understanding the share of supported housing within metro and nonmetro areas helps to assess if the location of public housing acts as a barrier to fair housing choice.

Figure 61: RECAP and Non-RECAP Demographics by Publicly Supported Housing Program Category

RECAP Demographics	Total Number of Units (Entitlement Areas)	Percent of Total Units (Entitlement Areas)	Total Number of Units (Non-Entitlement Areas)	Percent of Total Units (Non-Entitlement Areas)
Public Housing	27,730	5.50%	2,580	0.50%
RECAP tracts	10,696	2.10%	462	0.10%
Non-RECAP	17,034	3.40%	2,118	0.40%
Project-Based Section 8	90,952	18.20%	5,075	1.00%
RECAP tracts	16,338	3.30%	152	0.00%
Non-RECAP	74,614	14.90%	4,923	1.00%
Other HUD Multifamily	13,897	2.80%	561	0.10%
RECAP tracts	1,989	0.40%	N/A	N/A
Non-RECAP	11,908	2.40%	561	0.10%
HCV Program	346,943	69.30%	12,811	2.60%
RECAP tracts	34,756	6.90%	289	0.10%
Non-RECAP	312,187	62.40%	12,522	2.50%
Total	479,522	95.80%	21,027	4.20%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 7-1, Version AFFHT0004, Released 2017

Chapter 4: Review of Federal and State Level Laws, Regulations, and Programs

A primary goal of the Final 2020 Analysis of Impediments to Fair Housing Choice (Final 2020 AI) is to identify ways that government can expand housing choice and affirmatively further fair housing. A key component of this is an assessment of the impact of public sector interventions that seek to further fair housing and have a positive impact on community development. The following analysis provides a summary of applicable federal and state laws, policies, and programs that may impact fair housing and housing choice in California.

California has always had broader fair housing protections than those available under federal law. The State of California has gone beyond federal fair housing regulations to provide broader protections in its programming, policy, and practices for protected classes across the state. The volume of recent statewide legislative and programmatic efforts to expand fair housing protections, redesign program guidelines, and enforce existing safeguards for protected classes underscore the level of effort undertaken by the State of California and its agencies to further fair housing goals and improve access to adequate housing free of discrimination.

Federal and State Laws

Both federal and state fair housing laws establish protected classes from discriminatory housing practices in the sale, rental, and financing of dwellings, as well as create an oversight structure to adjudicate instances of potential fair housing discrimination within the jurisdiction. The federal Fair Housing Act of 1968 (FHA) as amended by the Fair Housing Amendments Act of 1988 (FHAA) prohibits discrimination based upon seven protected classes: race, color, religion, sex, familial status, national origin, and disability.⁹⁹ Under California's Fair Employment and Housing Act (FEHA) the additional classes of gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, military or veteran status, and genetic information, are protected from housing discrimination. Citizenship, immigration status, age, medical condition and arbitrary discrimination are protected under the Unruh Act.¹⁰⁰ Many of the categories protected under both state and federal law have more expansive protections in California. For example, race includes traits associated with race, including hairstyles. State protections include protections for people who are perceived as being in a protected category or are associated with a person in a protected category. Fair housing laws at the federal and state levels are designed to increase and ensure access to housing and community resources, particularly for persons of protected classes. This section provides an overview of applicable laws that impact fair housing and housing choice in California.

⁹⁹ Fair Housing Act, 42 U.S.C. § 3601 *et seq.* as amended by the Fair Housing Amendments Act of 1988

¹⁰⁰ [Fair Employment and Housing Act, Title 2 Government Code section 12900 *et seq.*](#)

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A. Federal Laws Related to Fair Housing

The following federal laws, regulations, and executive orders provide the backbone for fair housing protections at the federal level. This section provides a brief summary of these federal elements, their potential implication for fair housing protections, and, whenever possible, recent updates or efforts conducted at the federal or statewide level to expand or refine the legislation.

a. General Fair Housing Protections

i. *Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d-1)*

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

ii. *Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and as amended in 1988 (42 U.S.C. sections 3601 - 3619)*

Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental, and financing of dwellings and other housing-related transactions because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all executive departments and agencies administer their housing and urban development programs in a manner that furthers fair housing.

iii. *Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. section 5309)*

Section 109 of Title I of the Housing and Community Development Act of 1974 prohibits discrimination on the basis of race, color, national origin, sex, or religion in programs and activities receiving financial assistance from HUD's CDBG Program. Sections 104(b) and 106(d)(5) of Title I of the Housing and Community Development Act of 1974 specifically require CDBG Program grantees to certify that they will affirmatively further fair housing. This requirement was also included in Section 105(b)(13) of the National Affordable Housing Act of 1990.

b. Protections for Persons with Disability

i. *Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. section 794)*

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

ii. *Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794(d))*

Section 508 of the Rehabilitation Act of 1973 requires federal agencies to ensure that the electronic and information technology they develop, procure, or use allows individuals with disabilities to have ready access to and use of the information and data that is comparable to that of individuals without disabilities.

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iii. ***Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. sections 12131 – 12165)***

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals.

iv. ***Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. sections 12181 – 12189)***

Title III of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination based on disability in the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodations owned, leased, or operated by private entities, including places such as homeless shelters. The Department of Justice enforces Title III of the ADA, but certain HUD recipients and private entities operating housing and community development programs are also covered by Title III of the ADA.

v. ***Architectural Barriers Act of 1968 (42 U.S.C. section 4151 et seq.)***

The Architectural Barriers Act of 1968 requires buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 to be accessible to and useable by persons with a disability.

c. Age and Sex Protections

i. ***Age Discrimination Act of 1975 (42 U.S.C. sections 6101 – 6107)***

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

ii. ***Title IX of the Education Amendments Act of 1972 (20 U.S.C. sections 1681 – 1683 and 1685 - 1688)***

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any education programs and activities that receive federal financial assistance. HUD enforces Title IX when it relates to housing affiliated with an educational institution.

iii. ***Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (24 C.F.R. section 5.106)***

24 C.F.R. Section 5.106 requires recipients of funding from HUD's Office of Community Planning and Development, as well as owners, operators, and managers of shelters, and other facilities and providers of services funded by any CPD program, to grant equal access to such facilities and services in accordance with an individual's gender identity, and in a manner that affords equal access to the individual's family.

iv. ***Violence Against Women Act (VAWA) (42 U.S.C. section 14043e–11)***

The Violence Against Women Act (VAWA) provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD's

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housing programs. VAWA also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

In recent years, efforts by advocates, legislators, social justice partners, and everyday Californians have been successful in prioritizing VAWA programs and funding sources with a focus on the unmet needs of survivors.

d. Credit and Lending Protections

i. *Equal Credit Opportunity Act of 1974 (15 U.S.C. sections 1691-1691(f))*

The Equal Credit Opportunity Act of 1974 (ECOA) prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance or the exercise of any right under the Consumer Credit Protection Act. The law provides protections when you deal with any organizations or people who regularly extend credit, including banks, small loan and finance companies, retail and department stores, credit card companies, and credit unions. Everyone who participates in the decision to grant credit or in setting the terms of that credit, including real estate brokers who arrange financing, must comply with the ECOA.

ii. *Community Reinvestment Act (CRA) of 1977 (12 U.S.C. section 2901)*

The Community Reinvestment Act encourages financial institutions to serve the needs of all communities in which they are chartered to do business, including low- and moderate-income (LMI) communities. The CRA requires each federal bank regulator, including the Federal Reserve, to evaluate the extent to which banks address the credit needs of LMI neighborhoods in their geographic markets.¹⁰¹ In January 2020, the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) proposed a new rule regarding CRA qualified lending, investment, and services.

iii. *Home Mortgage Disclosure Act (HMDA) of 1975 (12 U.S.C. section 2801)*

The Home Mortgage Disclosure Act requires banks, savings and loan associations, and other financial institutions to publicly report detailed data on their home lending activity. Under HMDA, lenders are required to publicly disclose the number of loan applications by census tract, income, race, and gender of the borrower, the type of loan, and the number and dollar amount of loans made. Starting in 1993, independent mortgage companies were also required to report HMDA data. HMDA creates a significant and publicly available tool by which mortgage lending activity in communities can be assessed. HMDA data can be analyzed to determine bank performance and borrower choices.

¹⁰¹ "Community Reinvestment Act of 1977," Federal Reserve History, https://www.federalreservehistory.org/essays/community_reinvestment_act

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e. Executive Orders

i. Executive Order 11063: Equal Opportunity in Housing (1962)

Issued on November 20, 1962, Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

ii. Executive Order 12892: Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing (1994)

Issued on January 17, 1994, Executive Order 12892 requires federal agencies to affirmatively further fair housing in their programs and activities, and it provides that the Secretary of HUD will be responsible for coordinating the effort.

iii. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)

Issued on February 11, 1994, Executive Order 12898 requires that each federal agency conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that does not exclude or otherwise subject persons to discrimination based on race, color, or national origin.

iv. Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (2000)

Issued on August 11, 2000, Executive Order 13166 requires each federal agency to take steps to ensure that eligible persons with Limited English Proficiency are provided meaningful access to all federally assisted and federally conducted programs and activities.

v. Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities (2001)

Issued on June 18, 2001, Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

B. State Laws Related to Fair Housing

In addition to the federal laws outlined in the previous section, the State of California is actively committed to promoting fair housing choice in an affirmative manner through a variety of statewide laws as outlined below.

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a. Protected Classes Under California State Law

- i. *Fair Employment and Housing Act (FEHA) (Statute at Government Code section 12955 et seq.) Regulations at 2 Cal. Code of Regulations (C.C.R.) section 12000 et seq.)*

The California Fair Employment and Housing Act (FEHA) prohibits discrimination in housing based upon the following characteristics or protected classes:

- Race, color (including hair texture and style)
- Ancestry, national origin
- Religion
- Disability, including mental and/or physical
- Sex, gender
- Sexual orientation
- Gender identity, gender expression
- Genetic information (such as likelihood of gene mutation or chronic disorder)
- Marital status
- National Origin
- Familial status (households with children under age 18, pregnant, or pursuing legal custody of children under 18)
- Source of income, including Section 8 Housing Choice Vouchers and other forms of rental assistance
- Military/Veteran status

FEHA covers the sale or rental of most housing accommodations and dwellings, including homes, condominiums, apartments, mobilehome parks, community associations, planned developments, housing cooperatives, single room occupancy hotel rooms, bunkhouses, dormitories, sober living homes, transitional housing, emergency shelters, group homes, shelters, structures housing farmworkers, floating homes, and recreational vehicles used as a home or residence. Housing accommodation owners, managing agents, real estate brokers, mortgage lenders, public housing authorities, homeowners' associations, and state and local governments are also subject to the law. Advertising, financial assistance and lending, real estate transactions, and government involvement with housing opportunities, including land use decisions, are also covered.

FEHA (Government Code section 12955(l)) specifically prohibits both intentional discrimination and actions that cause a discriminatory effect through public or private land use practices, decisions, and authorizations. Government Code section 12955.8 prohibits actions or failures to act, including through land use policies and practices, that have a disproportionate impact on persons protected by fair housing laws unless necessary to achieve an important purpose sufficiently compelling to override the discriminatory effect, and there are no less restrictive means to achieve the purpose. A

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discriminatory effect is shown if an act or failure to act has the effect, regardless of intent, of unlawfully discriminating on the basis of membership in a protected class.

Proof of an intentional violation includes, but is not limited to, an act or failure to act that demonstrates an intent to discriminate in any manner against a protected class in violation of the statute. A person intends to discriminate if one's membership in a protected class is a motivating factor in committing a discriminatory housing practice, even though other factors may have also motivated the practice. An intent to discriminate may be established by direct or circumstantial evidence.

FEHA also expressly prohibits the existence of restrictive covenants that make housing unavailable based on categories protected under state or federal fair housing laws. County recorders, title insurance companies, escrow companies, real estate brokers, real estate agents or associations that provide declarations, governing documents, or deeds, are required to place a cover page over the document, or a stamp on the first page of the document, specifically indicating that any restrictive covenant contained in the document which violates state and federal fair housing laws is void.

According to the California Department of Fair Employment and Housing (DFEH), effective January 1, 2006, any person holding an ownership interest of record in a property that he or she believes is subject to an illegal restrictive covenant may record a document titled *Restrictive Covenant Modification* with the county recorder. The modification request must include a complete copy of the original document containing the unlawfully restrictive language with the restrictive language stricken. Following approval by the county counsel, the county recorder must record the modification document (Title II Government Code section 12956.2, subdivisions (a) and (b)).

For common interest developments or associations, Civil Code section 1352.5, requires the board of directors, without the approval of the owners, to delete any unlawful restrictive covenant and restate the declaration or governing document without the restrictive covenant but with no other change to the document. A board of directors of a common interest development or association is not required to obtain approval from the county recorder prior to removal of restrictive covenant language.

In addition to FEHA, there are a number of other California laws impacting fair housing (in some places FEHA does incorporate some provisions of the Unruh Civil Rights Act (California Civil Code sections 51 - 52)). Other laws include the Ralph Civil Rights Act (California Civil Code section 51.7) and the Tom Bane Civil Rights Act of 1976 (California Civil Code section 52.1) as follows:

- The Unruh Civil Rights Act ([Civil Code section 51](#)) provides protection from discrimination by all business establishments in California, including housing and accommodations, because of age, sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. While the Unruh Civil Rights Act specifically lists the foregoing as protected classes, the California Supreme Court has repeatedly held that protections under the Unruh Act are not necessarily restricted to these specifically enumerated characteristics. The Unruh

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Act therefore covers all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics, as does FEHA, since it incorporates the Unruh Civil Rights Act protections.

- The Ralph Civil Rights Act of 1976 ([Civil Code section 51.7](#)) forbids acts of violence or intimidation by threat of violence, including in housing, because of a person's sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation, political affiliation, position in a labor dispute, or are perceived to hold one of these protected characteristics. California law forbids verbal or written threats, physical assault or attempted assault, graffiti, and vandalism or property damage (Civil Code section 51.7).
- The Tom Bane Civil Rights Act ([Civil Code section 52.1](#)) provides another layer of protection for fair housing choice by protecting all people in California from interference by threat, intimidation, coercion, or attempts to interfere by threat, intimidation, or coercion with an individual's exercise or enjoyment of their constitutional or statutory rights, including fair housing rights.

ii. ***Discrimination in State-Funded Programs (Government Code sections 11135 - 11139.7; Regulations at 2 C.C.R. section 11140 et seq.)***

Government Code sections 11135 - 11139.7 provide protection from discrimination based on sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation in any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Specifically, whenever a state agency that administers a program or activity has reasonable cause to believe a contractor, grantee, or local agency has violated the provisions of Section 11135 or has adopted any regulation to implement such section, the head of the state agency shall notify the contractor, grantee, or local agency of such violation and shall submit a complaint detailing the alleged violations to the DFEH for investigation and determination. If it is determined that a contractor, grantee, or local agency has violated the provisions of this article, the state agency that administers the program or activity involved shall take action to curtail state funding in whole or in part to such contractor, grantee, or local agency. In addition, individuals have a private right of action to either file a complaint with DFEH or sue directly in state court without going through an administrative action. Government Code sections 11135, 11139; S.B. 1442 (Liu, Chapter 870, Statutes of 2016, transferring authority to enforce to DFEH).

iii. ***Housing Discrimination (Government Code section 65008)***

Government Code section 65008 prohibits discrimination against affordable housing developments, affordable housing developers, and potential residents by local governments when carrying out their planning and zoning powers. Specifically, 65008 prohibits local governments from enacting or enforcing ordinances that prohibit or discriminate against housing or emergency shelter because of any of the following:

- The method of financing;

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- The age or occupation of the owner or intended occupants;
- The intended occupants' membership in a protected class, i.e., sex, gender, gender identity, gender expression, sexual orientation, race, color, religion, ancestry, national origin, familial status, marital status, disability, genetic information, source of income, veteran or military status, age, medical condition, citizenship, primary language, immigration status;
- The housing is intended to be occupied by low-, moderate-, or middle-income households; or,
- The development consists of a multifamily residential project that is consistent with both the jurisdiction's zoning ordinance and general plan.

Significantly, 65008 prohibits local governments from imposing different requirements on affordable developments than those imposed on non-assisted projects.

iv. *Immigrant Tenant Protection Act of 2018 (California Civil Code section 1940.3)*

The Immigrant Tenant Protection Act of 2018 prohibits landlords from inquiring about or requiring any statement, representation, or certification from any tenant, prospective tenant, occupant, or prospective occupant regarding their immigration or citizenship status. It also prohibits landlords from disclosing to any person or entity information regarding immigration or citizenship status for the purpose of harassing or intimidating a protected tenant, prospective tenant, occupant, or prospective occupant. The statute also subjects attorneys to State Bar disciplinary hearings for reporting suspected immigration status or threatening to report suspected immigration status of a witness or party to a civil or administrative action, or family member thereof, in retaliation for exercising their housing rights. This discourages express or implied threats to report a tenant or their family member's immigration status made by landlord attorneys in legal proceedings, including eviction cases. In addition, the law forbids public entities, including local jurisdictions, from compelling landlords by ordinance, regulation, policy, or administrative action to make inquiries about, compile, disclose, report, or provide any information regarding a person's citizenship or immigration status. It also forbids public entities from compelling landlords to prohibit offering, or continuing to offer, accommodations for rent or lease to persons based on their citizenship or immigration status.

Additional protections for immigrants are found at California Civil Code sections 1940.2(a), 1940.3(b), 1940.35, or 1942.5(c) or (e), or Code of Civil Procedure 1161.4(a). Under some circumstances, such as retaliation or harassment, violations of these statutes can also constitute a violation of FEHA. 2 C.C.R. 12005(b)(1)(B).

b. Affirmatively Furthering Fair Housing

i. *Affirmatively Furthering Fair Housing (Government Code section 8899.50)*

The passage of Assembly Bill (AB) 686 in 2018 strengthened California's commitment to fair housing and access to opportunity by mandating that all public agencies must affirmatively further fair housing through their housing and community development programs. Under Title II Government Code section 8899.50(a)(1), which codified AB 686, "affirmatively furthering fair housing" means taking meaningful actions, in addition

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to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. Public agencies are required to take meaningful actions to affirmatively further fair housing; however, they are not required to take, nor are they prohibited from taking, any particular action so long as it is not materially inconsistent with the obligation to AFFH and it aligns with HUD's [2015 AFFH Final Rule](#). HUD has since suspended the rule at the federal level, however, Gov. Code section 8899.50 maintains this obligation for entities in California, "[s]ubsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section."¹⁰²

c. California State Housing Element Law

i. California Housing Element Law (Government Code section 65580 - 65589.8)

Title VII Government Code section 65580 through 65589.3 mandates that local governments address their communities' existing and projected housing needs, including the needs of lower-income households, by requiring all cities and counties to adopt a housing element within their general plan to guide residential development policies, land use patterns, and housing policy related to public investments. Housing elements must identify all relevant land use controls, discuss impacts on the cost and supply of housing, and evaluate the impacts of standards, including development standards. The analysis must determine whether land use controls constrain the development of multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. Such analysis may reveal that certain policies have a disproportionate or negative impact on the development of particular housing types (e.g., multifamily) or on housing developed for low- or moderate-income households. The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints, and the local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element.

With the passage of AB 686 in 2018, all housing elements must now include a program that promotes and affirmatively furthers fair housing opportunities community-wide for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, and any other characteristic protected by state and

¹⁰² Office of the Secretary, Housing and Urban Development; Affirmatively Furthering Fair Housing Final Rule, 80 Fed. Reg. 42272 to 42371 (July 16, 2015) (codified at 24 C.F.R. Pt. 5, § 5.150 et seq.); see also Gov. Code, § 8899.50(c).

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federal fair housing and planning laws. Additionally, all housing elements adopted on or after January 1, 2021, must now contain an Assessment of Fair Housing (AFH) consistent with the core elements of analysis required by the federal AFFH Final Rule of July 16, 2015. The purpose of the AFH requirement is to help jurisdictions undertake fair housing planning in ways that lead to meaningful actions that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. Under the amended state Housing Element Law, site inventories must identify land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment to meet the locality's housing need for designated income levels, and an analysis of the relationship of zoning and public facilities and services to these sites.¹⁰³

ii. ***No-Net-Loss Law (Government Code section 65863)***

Title VII of Government Code section 65863(a) requires that local governments have sites available and identified in housing elements to accommodate their share of unmet regional housing needs at all times. The code specifies that “at no time” shall the jurisdiction allow development which causes the land inventory to become insufficient to meet the jurisdiction's unmet lower- and moderate-income housing needs. The law also prohibits changes to sites identified in the housing element, such as reductions to residential density, unless the jurisdiction can establish that there will be no net loss of residential unit capacity.¹⁰⁴ If the approval of a development project results in the development of fewer units by income category than identified in the housing element, and remaining sites are inadequate to accommodate the unmet need, jurisdictions must make additional adequate sites available to accommodate this need.¹⁰⁵

d. California State Laws Impacting Housing Development

i. ***Housing Accountability Act (HAA) (Government Code section 65589.5)***

The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require high fees and exactions be paid by producers of housing. Among the consequences of those actions are discrimination against low-income and minority households. The Housing Accountability Act is intended to limit the reasons that local agencies can deny, reduce the density of, or render infeasible housing development projects, including emergency shelters and housing development projects serving very low, low-, or moderate-income households.

ii. ***Housing Crisis Act of 2019, Senate Bill 330 (2019) (Government Code section 66300 et seq.)***

The Housing Crisis Act of 2019 is intended to accelerate housing production in California by streamlining permitting and approval processes, cutting the time it takes to obtain building permits, ensuring no net loss in zoning capacity, barring local

¹⁰³ Title VII Government Code § 65583(a)(3)

¹⁰⁴ Title VII Government Code § 65863(a)

¹⁰⁵ Title VII Government Code § 65863(c)(2)

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governments from reducing the number of homes that can be built, and limiting fees after projects are approved.

iii. ***Streamlined Ministerial Approval Process, Senate Bill 35 (2017) (Government Code sections 65400 and 65582.1)***

In 2017, California passed SB 35, creating a streamlined approval process for housing developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed-use zoning. Participating developments must provide at least 10 percent of units for lower-income families. All projects over 10 units must use prevailing wage, and larger projects must provide skilled and trained labor.

iv. ***Density Bonus Law (Government Code Section 65915 et seq.)***

The Density Bonus Law at Government Code Section 65915 et seq. requires local governments to adopt an ordinance providing for bonuses allowing increased project density above the base residential density and/or other regulatory or financial incentives to developers for the development of housing units that are affordable to qualifying low and moderate-income households, and to grant such a density bonus when applicant requests one. Increased density bonuses and the other incentives offered by the law are intended to help make the development of affordable housing more economically feasible for housing developers. Developers may also be eligible for concessions or incentives, waivers, or reductions, such as: 1) Relaxation of site development standards and modification of zoning codes or architectural design requirements; 2) Mixed used zoning that will reduce the cost of the housing; or 3) Other regulatory incentives that result in cost reductions to provide for affordable housing.

v. ***Housing Density Bonuses, Assembly Bill 2501 (2016) (Government Code section 65915)***

In 2016, the passage of AB 2501 clarified that incentives under the Density Bonus Law at Title VII Government Code section 65915 are required for housing providers who include the requisite amount of affordable housing units in a project, and provided for faster processing of density bonus applications. It also limited cities' and counties' ability to impose additional requirements on developers that may be intended to block development.

vi. ***Density Bonuses for Affordable Housing, Assembly Bill 1763 (2019) (Government Code section 65915)***

In 2019, AB 1763 was passed amending the Density Bonus Law at Title VII Government Code section 65915 to provide enhanced density bonuses to housing developments that are 100 percent affordable to encourage development for lower-income households.

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vii. ***Least Cost Zoning Law (Government Code section 65913.1)***

Title VII Government Code section 65913.1 requires local governments to zone sufficient land for residential use with appropriate standards, in relation to zoning for nonresidential uses and growth projections, to meet the housing needs of all income groups as identified in the jurisdiction's housing element of the general plan. Appropriate standards are defined to mean density and development requirements that contribute significantly to the economic feasibility of producing housing at the lowest possible cost given existing circumstances.

viii. ***Zoning Regulations, Assembly Bill 1505 (2017) (Government Code sections 65850 through 65850.01)***

With the passage of AB 1505 in 2017, jurisdictions were authorized to require that a certain amount of low-income housing, on-site or off-site, is included as a condition of the development of residential rental units. The law also authorizes HCD, if the city or county meets certain conditions, to review an ordinance that requires as a condition of residential rental unit development that more than 15 percent of the total number of units be affordable to households at 80 percent or less of the area median income within 10 years of its adoption or amendment. The law authorizes HCD to request and require that a jurisdiction provide evidence that the ordinance does not unduly constrain the production of housing by submitting an economic feasibility study.

ix. ***Supportive Housing Streamlining Act, Assembly Bill 2162 (2018) (Government Code section 65583)***

The act amended Government Code section 65583 to require that supportive and transitional housing be a use by-right in zones where multifamily and mixed uses are permitted, including non-residential zones, if the proposed housing development meets specified criteria. It also requires local governments approve, within specified periods, a supportive housing development that complies with these requirements. The law prohibits the local government from imposing minimum parking requirements for units occupied by supportive housing residents if the development is located within one-half mile of a public transit stop.

x. ***Surplus Public Land, Assembly Bill 1255 (2019) (Government Code section 54230)***

Passed in 2019, AB 1255 recognized that state and local agencies own thousands of parcels of land throughout the state, some of which exceed those agencies' foreseeable needs. Title V Government Code section 54230 requires cities and counties to report to the state an inventory of its surplus lands in urbanized areas, and it requires the state to include this information in a digitized statewide inventory of surplus land sites.

xi. ***Surplus Land Act, Assembly Bill 1486 (2019) (Government Code section 54220 et seq.)***

In 2019, AB 1486 expanded the Surplus Land Act requirements for local agencies, requiring local governments to include specified information relating to surplus lands in

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their housing elements and annual progress reports, and it requires HCD to establish a database of surplus lands. The law aims to connect developers who are interested in building more affordable homes to surplus local public land that is both available and suitable for housing development.

- xii. ***Residential Development, Senate Bill 6 (2019) (Government Code section 11011.8 and Government Code section 65583.3)***

Passed in 2019, SB 6 requires the state to create a publicly available and searchable inventory of local sites suitable and available for residential development, along with state surplus lands, available via a link on the website of the Department of General Services.

- xiii. ***Housing Data Collection and Reporting, Assembly Bill 1483 (2019) (Government Code section 65940.1)***

AB 1483 (2019), requires local jurisdictions to publicly share information about zoning ordinances, development standards, current schedule of fees, exactions, and affordability requirements applicable to a proposed housing development project on its internet site. They must also include all zoning ordinances and development standards, specified annual fee reports or annual financial reports, and an archive of impact fee nexus studies, cost of service studies, or equivalent. The law also requires HCD to develop and update a 10-year housing data strategy.

- xiv. ***Housing Program Eligible Entities, Assembly Bill 1010 (2019) (Health and Safety Code section 50650.8)***

AB 1010, passed in 2019, expanded definitions included in the California Health and Safety Code to allow duly constituted governing bodies of a Native American reservation or rancheria to become eligible entities able to participate in affordable housing programs such as CalHOME.

- xv. ***California Environmental Quality Act Exemption for Supportive and Transitional Housing, Senate Bill 450 (2019) (Public Resources Code section 21080.50)***

With the passage of SB 450 in 2019, projects related to the conversion of motels, hotels, residential hotels, or hostels to supportive or transitional housing are exempt from the California Environmental Quality Act until January 1, 2025, in order to lessen the hurdles for conversion projects.

- xvi. ***Properties Eligible for a Welfare Exemption, Assembly Bill 1743 (2019) (Government Code section 53340)***

In 2019, AB 1743 expanded the properties that are exempt from community facility district taxes to include properties that qualify for the property tax welfare exemption. The law also limits the ability of local agencies to reject housing development projects on the basis that their qualification for the exemption constitutes an adverse impact upon the public health or safety.

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- xvii. *Property Tax and Community Land Trust, Senate Bill 196 (2019) (Revenue and Taxation Code section 75.11)*

The Legislature, recognizing that community land trusts (CLTs) and limited equity housing cooperatives provide affordable housing options to low- and moderate-income households, passed SB 196 in 2019. SB 196 enacted a new welfare exemption from property tax for property owned by a CLT and made other changes regarding property tax assessments of property subject to contracts with CLT's (Revenue and Taxation Code section 75.11).

- xviii. *Affordable Housing Special Beneficiary District, Assembly Bill 2031 (2016) (Health and Safety Code section 34191.30 et seq.)*

Passage of AB 2031 in 2016 added Part 1.87 to the Health and Safety Code providing jurisdictions with a key tool for financing affordable housing development through the issuance of affordable housing bonds to be repaid from distributions of its property tax or "boomerang funds" received as a result of the dissolution of redevelopment agencies.

e. California State Laws on Accessory Dwelling Units (ADUs)

- i. *Accessory Dwelling Units (Government Code sections 65852.1 through 65852.2)*

California's Planning and Zoning Law at Government Code sections 65000 et seq. authorizes a local agency to provide by ordinance the creation of accessory dwelling units (ADUs) in single-family and multifamily residential zones. The law requires jurisdictions to provide expedited approval of an application for a building permit to create, when specified conditions are met, one ADU per single-family lot if the unit is contained within the existing space. The law also places limits on parking and set back requirements. Accessory dwelling or second units can be a useful strategy for housing elderly persons and persons with disabilities.

- ii. *Land Use, Accessory Dwelling Units, Assembly Bill 68 (2019) (Government Code sections 65852.2 and 65852.22)*

In 2019, AB 68 made changes to facilitate the development of more ADUs, including reducing barriers to ADU approval and construction, which will increase production of these low-cost, energy-efficient units and add to California's affordable housing supply.

- iii. *Accessory Dwelling Units, Assembly Bill 881 (2019) (Government Code section 65852.2)*

AB 881 (2019), removed impediments to ADU construction by restricting local jurisdictions' permitting criteria, clarifying that ADU's must receive streamlined approval if constructed in existing garages, and eliminating local agencies' ability to require owner-occupancy for five years.

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iv. *Accessory Dwelling Units Sale or Separate Conveyance, Assembly Bill 587 (2019) (Government Code section 65852.26)*

Passed in 2019, AB 587 added Government Code section 65856.26 providing an exemption for qualified nonprofit organizations, including affordable housing organizations, to sell deed-restricted land to be conveyed separately from the primary residence to qualified low-income homeowners. The law includes the requirement of affordability restrictions on the sale and conveyance of the property to ensure the property will be preserved for low-income housing for 45 years.

v. *Accessory Dwelling Units, Senate Bill 13 (2019) (Government Code section 65852.2 and Health and Safety Code section 17980.12)*

In 2019, SB 13 amended Government Code section 65852.2, creating a tiered fee structure which charges ADUs based on their size and location and addresses other barriers by lowering the application approval timeframe, creating an avenue to get unpermitted ADUs up to code, and enhancing an enforcement mechanism under Health and Safety Code section 17980.12 allowing the state to ensure that localities are following ADU statute.

vi. *Accessory Dwelling Units and Common Interest Developments, Assembly Bill 670 (2019) (Civil Code section 4751)*

AB 670, passed in 2019, added Civil Code section 4751 relating to common interest development. The law allows for the construction of affordable ADUs and junior accessory dwelling units that are owner-occupied and that are used for rentals of terms longer than 30 days. The law also prohibits homeowners' associations from preventing the development of such ADUs.

vii. *Accessory Dwelling Unit Incentives, Assembly Bill 671 (2019) (Government Code section 65583 and Health and Safety Code section 50504.5)*

In 2019, California passed AB 671 amending Housing Element Law at Government Code section 65583 and adding Health and Safety Code section 50504.5. The law requires local governments to develop housing plans that incentivize and promote the creation of affordable ADU rentals and requires the state to develop a list of state grants and financial incentives for affordable ADUs.

f. California State Funding Laws

i. *Building Homes and Jobs Act, Senate Bill 2 (2017)*

The Building Homes and Jobs Act imposes a fee on the recording of real estate documents in order to increase funding for affordable housing. The revenues from the fee are deposited in the Building Homes and Jobs Fund. The act provides that first-year proceeds are split evenly between local planning grants and the California Department of Housing and Community Development (HCD) programs addressing homelessness. Thereafter, 70 percent of the proceeds will be allocated to local governments; 15 percent will be allocated to HCD; 10 percent to assist the development of farmworker housing; and 5 percent to administer a program to incentivize the permitting of

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affordable housing, while another 15 percent will be allocated to the California Housing Finance Agency (CalHFA) to assist mixed-income multifamily developments.

- ii. ***Housing Sustainability Districts Program, Assembly Bill 73 (2017) (Government Code section 66200 et seq.)***

The Housing Sustainability Districts Program provides state financial incentives to cities and counties that create a zoning overlay district with streamlined zoning. Development projects must use a prevailing wage and include a minimum amount of affordable housing.

- iii. ***Workforce Housing Opportunity Zone (Government Code Section 65620)***

Government Code section 65620 authorizes the state to provide planning funds to a city or county to adopt a specific housing development plan that minimizes project-level environmental review. The law requires at least 50 percent of total housing units within that plan to be affordable to persons or families at or below moderate-income, with at least 10 percent of total units affordable for lower-income households. In addition, development projects must use a prevailing wage.

- iv. ***Housing Trust for the National Mortgage Special Deposit Fund, Senate Bill 113 (2019)***

Signed into law in 2019, SB 113 created a trust to manage funds from the National Mortgage Special Deposit Fund in order to provide sustainable, ongoing legal assistance to California renters and homeowners in housing-related matters through local nonprofit organizations. The bill also appropriates funds to study the most effective way to establish and manage a trust to accelerate housing production and assist in creating needs assessments (California Health and Safety Code section 50515.02).

g. California State Laws Tailored to Subpopulations

- i. ***Veterans and Affordable Housing Bond Act of 2018, Senate Bill 3 (2017) (Health and Safety Code section 54000)***

The Veterans and Affordable Housing Bond Act of 2018 authorized the issuance of bonds to be used to finance various existing housing programs, provide infill infrastructure financing, create affordable housing matching grant programs, and to provide additional funding for programs for farm, home, and mobilehome purchase assistance for veterans.

- ii. ***Farmworker Housing, Assembly Bill 571 (2017) (Health and Safety Code section 50710 et seq.)***

AB 571 (2017), amended Farmworker Housing and Office of Migrant Services Programs under California's Health and Safety Code making modifications to the state's farmworker housing tax credit and California's Revenue and Taxation Code in order to increase its use. It authorized HCD to advance funds to operators of migrant housing centers at the beginning of each season and extends their occupancy to 275 days.

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iii. **Homeless Youth Act of 2018, Senate Bill 918 (2018) (Welfare and Institutions Code section 8259)**

In 2018, the Homeless Youth Act of 2018 passed, requiring the Homeless Coordinating and Financing Council (HCFC) to assume additional responsibilities, including collecting data on youth homelessness and setting specific, measurable goals. The Homeless Youth Act of 2018 requires the HCFC to collect data on youth homelessness, develop outcome metrics, prevent homelessness among youth involved with the child welfare or juvenile justice systems, and collaborate with stakeholders to inform policy, practices, and programs.

iv. **Hiring of Real Property, Assembly Bill 2219 (2018) (Civil Code Section 1947.3)**

AB 2219, passed in 2018, requires a landlord or a landlord's agent to allow a tenant to pay rent through a third party. The Civil Code section 1947.3 as amended ensures that third-party payments, which may come from a variety of sources including social service agencies or programs, family members, caretakers, or payees, are accepted by landlords. Such protections help ensure that tenants who may have a disability, be low-income, and/or are struggling to pay rent are able to meet their tenancy responsibilities and to maintain housing.

v. **Tenant Protection Act of 2019, Assembly Bill 1482 (2019) (Civil Code section 1946.2)**

On January 1, 2020, the Tenant Protection Act of 2019 took effect, providing California tenants with just cause protections statewide. Pursuant to California Civil Code section 1946.2, once a tenant has continuously and lawfully occupied residential real property which is subject to the Tenant Protection Act of 2019 for 12 months, the owner may not terminate their tenancy without just cause, which is required to be stated in the landlord's written notice to terminate tenancy. In addition to just cause protections, passage of the Tenant Protection Act of 2019 established statewide limitations on gross rental rate increases (Civil Code section 1947.12(k)(1)). The rental rate increase limitations do not apply to housing subject to a local rent control ordinance that restricts annual rental rate increases to an amount less than that provided for by the Tenant Protection Act of 2019. Housing that has been issued a certificate of occupancy within the last 15 years is exempt from both the "just cause" requirement and the rent cap. Protections under the Act are enforced through the California Court System.

vi. **The Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code Sections 5115 and 5116)**

Pursuant to the Lanterman Act, persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and subsequent laws, as well as the Constitution and laws of the State of California. Under the Lanterman Act, an otherwise qualified person by reason of having a developmental disability shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives public funds. The Lanterman Act states that persons with development disabilities have

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the right to treatment and habilitation services and supports in the least restrictive environment.

Welfare & Institutions Code section 5115, provides that it is the policy of the state in the Lanterman-Petris-Short (LPS) Act and the Lanterman DDS Act that persons with mental health disorders or physical disability are entitled to live in normal residential surroundings and should not be excluded because of their disabilities. This critically important 1970 commitment to community integration and de-institutionalization has a second paragraph providing that there is a statewide policy that the use of property for the care of six or fewer persons with mental health disorders or other disabilities is a residential use of property for zoning. (Note however that housing with more than six people may also be a residential use under both the state and federal fair housing laws.)

Welfare & Institutions Code section 5116 implements the principle in section 5115 by providing that a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer persons with mental health disorders or other disabilities or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if the homes provide care on a 24-hour-a-day basis. These homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Local agencies must allow these licensed residential care facilities in any area zoned for residential use. The use of a property for the care of six or fewer persons with mental health disorders or other disabilities is a residential use of the property for the purposes of zoning, and such homes may not be required to obtain conditional use permits or variances that are not required of other family dwellings.

Stakeholders noted that licensing laws may, in some instances, impede fair housing choice and access. For example:

Health & Safety Code section 1267.9: The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of intermediate care facilities/developmentally disabled habilitative, intermediate care facilities/developmentally disabled-nursing, congregate living health facilities, or pediatric day health and respite care facilities, as defined in Section 1760.2, which impair the integrity of residential neighborhoods.

SB 2 (2007) (Chapter 633, Statutes 2007): Among other things, SB 2 (Chapter 633, Statutes 2007) amended state law to require transitional housing and supportive housing to be considered as residential uses and only subject to the same restrictions that apply to similar housing types in the same zone. See Government Code Section 65583(a)(5). To be treated as a residential use, the transitional housing must meet the definition of "transitional housing" contained in Health and Safety Code Section 50675.2 and supportive housing must meet the definition of "supportive housing" contained in Health and Safety Code Section 50675.14.

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vii. ***Developmental Services, Senate Bill 81 (2019) (Welfare and Institutions Code section 4519.4)***

In 2019, SB 2019 amended the California Welfare and Institutions Code to add, among other things, a requirement that the Department of Developmental Services (DDS) consult with specified stakeholders, including representatives of the Developmental Services Task Force (DSTF) and the Department of Rehabilitation (DR), to discuss system reforms to better serve consumers with developmental disabilities; to perform various duties, such as evaluating compliance with federal rules relating to specified services; and to report on the progress of these efforts.

viii. ***The Housing Opportunities Act, Senate Bill 329 (2019) (Government Code sections 12927 and 12955)***

Passage of The Housing Opportunities Act in 2019 broadened the definition of “Source of Income” based discrimination to include protections for verifiable income paid directly to a tenant, to a representative of a tenant, or to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies.

ix. ***Code Civ. Proc § 1161.3 –***

Prohibits landlords from evicting a tenant based on acts of domestic violence, stalking, sexual assault, human trafficking, or elder/dependent adult abuse committed against that tenant or member of the tenant’s household.

x. ***Civ. Code § 1946.7 –***

Allows survivors to terminate their leases early, with 14 days’ notice.

xi. ***Civ. Code §§ 1941.5, 1941.6 –***

Gives survivor tenants the ability to obtain lock changes for their safety.

xii. ***AB 2413, The Right to a Safe Home Act (Civ. Code § 1946.8, Gov. Code § 53165, Code Civ. Proc. § 1161.3***

Strengthened housing protections for victims of abuse, victims of crime, or persons in an emergency who need police or emergency assistance from penalties such as eviction. Prohibits local governments from assessing penalties against tenants or landlords for calls for police or emergency assistance.

h. California State Laws on Infrastructure

i. ***Priority Allocation of Water and Sewer Service (Government Code section 65589.7)***

To improve the effectiveness of the law in facilitating housing development for lower-income households, Government Code Section 65589.7 requires local governments to submit a copy of the housing element to water and sewer providers and requires these providers to establish procedures to grant priority service to housing for lower-income households. Specifically, water and sewer providers should establish procedures to:

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- Grant priority to a proposed development that includes housing affordable to lower-income households.
- Prohibit water and sewer providers from denying/conditioning the approval or reducing the amount of services for an application for development that includes housing affordable to lower-income households, unless specific written findings are made.
- Require Urban Water Management Plans include projected water use needed for lower-income single-family and multifamily households.
 - i. *Failure to Provide Infrastructure FEHA 2 CCR (Government Code section 12161)*

Public and private practices that result in denial or failure to provide infrastructure and services in a discriminatory manner are considered a potential violation.

- ii. *Identify Disadvantaged Communities (Government Code section 65302.10)*

This includes the requirement that cities and counties identify certain disadvantaged unincorporated communities within their jurisdiction and/or growth path, analyze water, wastewater, storm water drainage, and structural fire protection infrastructure and service deficiencies and needs in those communities, and identify funding mechanisms to address those needs.

- iii. *Housing Element (Government Code section 65583, 65583.2)*

Requires housing element sites inventory to meet the lower-income RHNA be served by or have planned availability and accessibility of water, dry utilities, etc.

i. California State Laws Regarding Regional Housing Issues

- i. *Streamlining Housing Development, Assembly Bill 1485 (2019) ([Government Code section 65913.4](#))*

AB 1485 adds moderate-income as a choice in the Bay Area to satisfy affordability requirements. It also adds clarifications to several sections including expiration of permits and the calculation of square footage in order to streamline the permitting and approval process.

- ii. *San Gabriel Valley Regional Housing Trust, Senate Bill 751 (2019) ([Government Code section 6539.6](#))*

SB 751 (2019), created the San Gabriel Valley Regional Housing Trust to address the homelessness crisis in the region and finance affordable housing projects for homeless and low-income populations.

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j. California Department of Fair Employment and Housing (DFEH) Regulations

i. DFEH Housing Regulations (2 California Code of Regulations section 12005 et seq.)

Effective January 1, 2020, the California Department of Fair Employment and Housing (DFEH) enacted regulations to protect against housing discrimination. These regulations, 2 CCR Section 12005 et seq, implement the FEHA statute, making it easier for housing providers, owners, tenants, state and local governments, and financing and real estate entities to understand their rights and obligations.

DFEH's statute and fair housing regulations generally provide broader protections than are available under federal law, they cover a much broader list of protected classes. The regulations address direct and vicarious liability for discriminatory housing practices, how to establish liability based on a practice's discriminatory effect, burdens of proof, legally sufficient justifications to allegations of discriminatory effect, retaliation and harassment, discriminatory effect in financial practices and real estate practices, land use discrimination, reasonable accommodations for people with disabilities, and the use of criminal history in rental housing applications.

More specifically, the new FEHA regulations address discriminatory effect, also known as disparate impact, which addresses neutral policies or practices that disproportionately affect persons in protected classes or has the effect of perpetuating segregation. The regulations establish a burden-shifting test to show that the challenged practice has a discriminatory effect, then the burden shifts to the respondent to show a legally sufficient justification for the practice and that there is no less discriminatory alternative available.

The regulations also include clarified protections on practices constituting harassment, including quid quo pro and hostile environment harassment, and practices constituting retaliation. The regulations implement the prohibition of discrimination in land use practices and housing programs, including specific practices related to land use. The regulations provide clarity on the reasonable accommodation process and requirements for assistance animals. Lastly, the regulations address the use of criminal history information in housing transaction, including prohibited uses of criminal history information and specific practices relating to criminal history information. These regulations are powerful new tools in California that regulate best practices for housing providers and state and local government to promote housing.

Plans, Programs, and Policies

Fair housing laws at the federal and state levels determine protections or policies for protected classes in California. Local planning, zoning, and housing development laws and programs have a significant impact on protected classes and housing choice. The following section summarizes relevant plans, programs, and policies that directly help to

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promote fair housing goals in California.

a. State-Mandated Plans

i. 2015-2025 Statewide Housing Assessment

In February 2018, HCD drafted an assessment entitled “California’s Housing Future: Challenges and Opportunities.” This report describes California’s housing challenges, identifies a Housing Action Plan (HAP), and sets both immediate strategies and long-term recommendations to continue progress into the future.¹⁰⁶

The Statewide Housing Assessment (SHA) describes significant housing challenges that impact all residents but shows that they have a greater impact on lower-income households, people experiencing homelessness, and vulnerable households in particular. Additionally, these challenges impact access to opportunity for communities throughout the state. The SHA summarizes these into five key challenges regarding housing affordability:

1. Housing supply does not keep pace with demand, and the existing system of land use planning and regulation creates barriers to development.
2. The highest housing growth is expected in communities with environmental and socioeconomic disparities.
3. Unstable funding for affordable home development is hindering California’s ability to meet the state’s housing demand, particularly for lower-income households.
4. People experiencing homelessness and other vulnerable populations face additional barriers to obtaining housing.
5. High housing costs have far-reaching policy impacts on the quality of life in California, including public health, transportation, education, the environment, and the economy.

To address California’s housing challenges, the SHA recommends a HAP that contains five key housing principles, strategies, and recommendations to be put in motion in the near term. They are:

1. *Streamline Housing Construction* — Reduce local barriers to limit delays and duplicative reviews, maximize the impact of all public investments, and temper rents through housing supply increases.
2. *Lower Per-Unit Costs* — Reduce permit and construction policies that drive up unit costs.
3. *Production Incentives* — Those jurisdictions that meet or exceed housing goals, including affordable housing goals, should be rewarded with funding and other benefits. Those jurisdictions that are not meeting housing goals should be encouraged to do so by tying housing planning and permitting to other infrastructure-related investments, such as parks or transportation funding.

¹⁰⁶ California Department of Housing and Community Development, February 2018. Available at: [California’s Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025. Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf](https://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf)

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4. *Accountability and Enforcement* — Strengthen compliance with existing laws, such as state Housing Element Law and the Housing Accountability Act.
5. *Dedicated Housing Funding* — Establish sources of funding for affordable housing and related investments. Any source of funding should be connected to these other reforms.

The SHA also identifies three broad categories of long-term recommendations to address rising housing costs.

1. Reform land use policies to advance affordability, sustainability, and equity.
2. Address housing and access needs for vulnerable populations through greater inter-agency coordination, program design, and evaluation.
3. Invest in affordable home development and rehabilitation, rental and homeownership assistance, and community development.

These strategies and recommendations are intended to guide state and local policymaking to support the state's goals, alleviate its housing challenges, and increase housing access for California residents.

b. Federally Mandated Plans

i. State of California Analysis of Impediments

Every five years, HCD conducts an Analysis of Impediments to Fair Housing Choice (AI) as a condition of receiving federal funds from HUD.¹⁰⁷ The AI identifies barriers to fair housing and develops and implements strategies and actions to overcome these impediments. Through the analyses and conclusions included in the 2012 AI, HCD developed a list of impediments and recommendations to help resolve the identified impediments as appropriate. These impediments are further explored in Chapter 7, *Review of Prior and Current Actions Taken to Affirmatively Further Fair Housing*, of this document.¹⁰⁸

ii. State of California Consolidated Plan

The State of California is currently updating its Consolidated Plan (ConPlan) to help establish the state's federal funding priorities and strategies to address housing and community development needs over the next five years.^{109 110}

iii. State of California Annual Action Plan

The Annual Action Plan (AP) is the annual planning document that implements the state's ConPlan by identifying resources for the year and identifies what goals will be prioritized and targeted for completion that year. The AP uses feedback from stakeholders to develop strategies to address housing and community development

¹⁰⁷ Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act) and The Fair Housing Amendment Act of 1988 (FHAA)

¹⁰⁸ California Department of Housing and Community Development. September 2012. [Analysis of Impediments to Fair Housing Choice](https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml). <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml>

¹⁰⁹ HCD, Plans and Reports, <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml>

¹¹⁰ 24 CFR 91 et seq.

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needs using federal funds from HUD.^{111 112}

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act identified additional funding for the ESG program, the CDBG program, and the HOPWA program to support preparation for, and response to, the community impacts of the COVID-19 pandemic. HCD's distribution plan for the additional funding includes multiple phases: an initial phase that would allow for quick access to funding necessary to address the immediate crisis resulting from the rising pandemic, as well as later phases that would support post-pandemic community recovery. In April, the 2019-2020 AP and ConPlan were amended to incorporate additional funding from the initial phase of HUD's CARES Act distribution plan, and to describe the Methods of Distribution for the CARES Act funding in the CDBG, ESG, and HOPWA programs.

c. Federal Programs

While the plans outlined in the previous section help to assess community conditions, and forecast needs and resource allocation, program policies and implementation have a greater impact on fostering fair housing choice. The following provides an overview of federal programs managed by HCD that fund housing and community development activities.

i. *Community Development Block Grant (CDBG) Program*

The CDBG Program makes funds available in four categories: Community Development, Economic Development, Community Services and Housing Activities, and Disaster Recovery Initiatives. CDBG grants can be used broadly, but the primary objectives of the program are to develop viable communities by providing decent affordable housing and a suitable living environment, and to expand economic opportunities, principally for the benefit of low- and moderate-income persons.

HCD has traditionally set aside 5 percent for eligible Colonia communities, however, the specific amounts will be identified in the NOFA. Federal law requires that not more than 15 percent of CDBG funding be provided for public service activities each year. State allocations include a 1.25 percent allocation for non federally recognized Native American communities and 30 percent to be allocated for economic development activities. If the demand for these allocations in a given NOFA cycle is not sufficient, then the balance of funds will revert to the general pool of funds. Moreover, state statute requires that at least 51 percent of all available funds be allocated for applications to fund housing and housing-related activities (housing-related activities include public improvements and public improvements in support of the construction of new housing activities).¹¹³

¹¹¹ HCD, Annual Action Plans, <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml#aap>

¹¹² 24 CFR 91 et seq.

¹¹³ HCD, Community Development Block Grant. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg.shtml>

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In July 2017, prompted by the passage of California SB 106, HCD began efforts to redesign the CDBG program. SB 106 requires HCD to assess its current CDBG program regulations and operations in the state through an open and transparent process with internal and external stakeholders. The aim of the redesign effort was to improve CDBG's low expenditure rate, reduce excessively high unspent program income balances, and streamline program processes to reduce the administrative burden for grantees and HCD staff to account for budgetary constraints. In October 2019, HCD published new guidelines for the program to address the feedback provided by internal and external stakeholders.¹¹⁴

ii. *Community Development Block Grant – Disaster Recovery (CDBG-DR) Program*

HUD provides flexible grants to help cities, counties, and states recover from declared disasters, especially in low-income areas, subject to availability of supplemental appropriations. In response to Presidentially declared disasters, Congress may appropriate additional funding for the Community Development Block Grant (CDBG) Program as Disaster Recovery grants to rebuild the affected areas and provide crucial seed money to start the recovery process. Since CDBG Disaster Recovery (CDBG-DR) assistance may fund a broad range of recovery activities, HUD funding may be able to help communities and neighborhoods that otherwise might not recover due to limited resources. Since 2017, HUD has allocated \$164 million in CDBG-DR funds to support the State of California's unmet recovery needs.¹¹⁵

iii. *Emergency Solutions Grant (ESG) Program: Create and Maintain Affordable Housing*

ESG is a federal CPD program grant designed to help improve the quality of existing emergency shelters for the homeless, to make additional shelters available, to meet the costs of operating shelters, to provide essential social services to homeless individuals, and to help prevent homelessness. ESG also provides short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs.

It is worth noting that homeless prevention is not eligible as a stand-alone activity but may be proposed in conjunction with transitional housing or in conjunction with preventing the homelessness of a previously assisted individual or family experiencing instability after emergency assistance has ended. ESG funds can provide housing relocation and stabilization services, and short- or medium-term rental assistance for up to 24 months to individuals or families "at risk of homelessness," (as defined in 24 CFR Part 576.2), but only to the extent of helping the individuals or families regain housing stability.

¹¹⁴ HCD, Community Development Block Grant Final Guidelines, 2019. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/docs/Final-CDBG-Program-Guidelines-2019.pdf>

¹¹⁵ HCD, Community Development Block Grant-Disaster Recovery. Available at: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr.shtml>

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Lastly, ESG funds may be used for Homeless Management Information System (HMIS) activities associated with contributing data derived from ESG funded programs. As defined in state regulations, HMIS includes the use of a comparable database as permitted by HUD.¹¹⁶

iv. *HOME Investment Partnership (HOME) Program*

The HOME Program assists cities, counties, and nonprofit Community Housing Development Organizations (CHDOs) to create and retain affordable housing for lower-income renters or owners. HOME funds are available as loans for housing rehabilitation, new construction, or acquisition and rehabilitation of single- and multifamily projects, and as grants for Tenant-Based Rental Assistance (TBRA). At least 50 percent of the amount is awarded to rural applicants and 15 percent is set aside for CHDOs. The intent of the HOME Program is to:

- Increase the supply of decent, affordable housing to low- and very low-income households
- Expand the capacity of nonprofit housing providers
- Strengthen the ability of state and local governments to provide housing
- Leverage private sector participation

HOME funds may also be used to assist existing owner-occupants with the repair, rehabilitation, or reconstruction of their homes, and to provide financial assistance for rent and security deposits. Under certain conditions, utility deposits may be provided to tenants.¹¹⁷

v. *Housing for a Healthy California (HHC) Program (linked to the National Housing Trust Fund (NHTF) Program)*

The National Housing Trust Fund (NHTF) Program is a permanent federal funding program with dedicated source(s) of funding not subject to the annual appropriations. The funds can be used to increase and preserve the supply of affordable housing, with an emphasis on rental housing for extremely low-income households making 30 percent of the area median income or less. In the context of Assembly Bill 74 (2017), NHTF must temporarily submit three years (2018-2021) of federal NHTF allocations to the HHC Program. HCD must allocate these funds competitively to developers for operating reserve grants and capital loans.

With such funds, the HHC program creates supportive housing for individuals who are recipients of or eligible for health care provided through the California Department of Health Care Services (DHCS), Medi-Cal Program. The goal of the HHC program is to reduce the financial burden on local and state resources due to the overutilization of emergency departments, inpatient care, nursing home stays, and use of corrections systems and law enforcement resources as the point of health care provision for people

¹¹⁶ HCD, Emergency Solutions Grant Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/esg.shtml>

¹¹⁷ HCD, HOME Investment Partnership (HOME) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/home.shtml>

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who are chronically homeless or homeless and a high-cost health user.¹¹⁸

vi. *Housing Opportunities for Persons with AIDS (HOPWA)*

HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs. These include, but are not limited to, the acquisition, rehabilitation, or new construction of housing units; costs for facility operations; rental assistance; and short-term payments to prevent homelessness. An essential component in providing housing assistance for these targeted special needs populations is the coordination and delivery of support services. Consequently, HOPWA funds also may be used for services including (but not limited to) assessment and case management, substance abuse treatment, mental health treatment, nutritional services, job training and placement assistance, and assistance with daily living. The program is managed by the California Department of Public Health with direct services provided locally by funded health departments, housing authorities, and community-based organizations in 40 mid-size and rural counties.¹¹⁹

vii. *Section 811 Rental Assistance*

The California Housing Finance Agency (CalHFA), Department of Health Care Services (DHCS), HCD, Department of Developmental Services (DDS) and California Tax Credit Allocation Committee (TCAC) have developed California's Section 811 Project Rental Assistance Demonstration Program. The program provides the state, in coordination with HUD and local stakeholders, the opportunity to provide rental assistance to Medicaid beneficiaries with disabilities, ages 18-61, who have resided in a long-term health care facility for at least 90 days and desire to return to community living or are at risk of institutionalization.¹²⁰

d. State Programs

This section summarizes and analyzes the state-level programs managed by HCD, including not only the goals of such programs, but also the policies and metrics behind them to determine what effect, if any, the programs are having in helping or hindering fair housing goals for persons in protected classes under the Fair Housing Act of 1968 (FHA)¹²¹ and California's Fair Employment and Housing Act (FEHA).¹²²

Overall, these programs offer a wide variety of policies intended to increase investment in areas of highly concentrated poverty; address the needs of disadvantaged communities; and increase housing and other opportunities for populations with special

¹¹⁸ HCD, Housing for a Healthy California Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/hhc.shtml>

¹¹⁹ California Department of Public Health, HOPWA. Available at: https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_care_hopwa.aspx

¹²⁰ CalVet, Veterans Housing and Homeless Prevention (VHHP) Program. Available at: <https://www.calhfa.ca.gov/multifamily/section811/index.htm>

¹²¹ Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act) and The Fair Housing Amendment Act of 1988 (FHAA), codified at 42 U.S.C. §§ 3601-19

¹²² California Government Code, §§ 12900-12996

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needs, people experiencing homelessness, those with low- and extremely low-incomes, and others protected by state and federal fair housing laws.

i. *Veterans Housing and Homeless Prevention (VHHP) Program*

The Veterans Housing and Homeless Prevention (VHHP) Program finances the development of affordable rental and transitional housing for veterans, with an emphasis on providing housing for veterans who are homeless and extremely low-income. VHHP is administered by HCD, in collaboration with the California Department of Veterans Affairs (CalVet) and the California Housing Finance Agency (CalHFA).¹²³ Projects eligible for funding under VHHP must:

- Involve the acquisition and/or construction or rehabilitation of an affordable rental housing development or transitional housing, or the conversion of an existing structure into one of these housing types.
- Restrict occupancy for at least 45 percent of VHHP-assisted units to extremely low-income veterans, with rents not exceeding 30 percent of Area Median Income (AMI) calculated in accordance with California Tax Credit Allocation Committee (TCAC) regulations and procedures.
- Restrict occupancy to the greater of 25 percent of total units in the project or 10 units to veterans, under either VHHP or another public agency program. If a project is determined to be rural as defined in Health and Safety Code Section 50199.21, then at least five units must be restricted.

Occupancy of VHHP-assisted project units is primarily restricted to:

- Households including one or more veterans with maximum incomes of 60 percent AMI at the time of move-in.
- Veterans who are homeless, homeless with a disability, or chronically homeless consistent with federal regulations implementing the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, for units designated as supportive housing or transitional housing.

Projects may only restrict occupancy to veterans who separated from military service under certain conditions (e.g., other than dishonorable conditions), or who qualify for VA health care when required by a public agency funding source. In any case, a minimum of 10 percent of VHHP supportive housing assisted units shall be prioritized for occupancy by veterans who are ineligible for VA health care and/or the U.S. Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH) Program. Occupancy restrictions based on conditions of separation from military service are subject to HCD approval.

¹²³ HCD, Veterans Housing and Homeless Prevention (VHHP) Program. Available at: <https://www.calvet.ca.gov/VHHP>

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ii. *California Emergency Solutions and Housing (CESH) Program*

The California Emergency Solutions and Housing (CESH) Program provides funds for a variety of activities to assist persons experiencing or at risk of homelessness as authorized by Senate Bill (SB) 850 (Chapter 48, Statutes of 2018). HCD administers the CESH Program with funding received from the Building Homes and Jobs Act Trust Fund (SB 2, Chapter 364, Statutes of 2017). HCD grants CESH program funds in the form of five-year grants to eligible applicants.¹²⁴

In addition, some administrative entities may use CESH funds to develop or update a Coordinated Entry System (CES), HMIS, or Homelessness Plan. Applicants eligible for CESH funds are Administrative Entities (AEs) — local governments, nonprofit organizations, or unified funding agencies — designated by the Continuum of Care (CoC) to administer CESH funds in their service area.

HCD allocates its funding to the state's CoC service areas using a formula method set forth under Health and Safety Code Section 50490.2(a) which allocates funding based on the following factors:

- The 2017 Point-In-Time Count
- The number of extremely low-income households in rental housing that pay more than 50 percent of household income on rent
- The percentage of households below the federal poverty line

An AE or subrecipient must provide all eligible activities in a manner consistent with the Housing First practices described in the California Code of Regulations, Title 25, Section 8409, subdivision (b)(1)-(6). An AE that is allocated funding under the CESH program for a program or project that is an eligible activity shall utilize a CES that meets the requirements of 24 CFR part 576.400(d) or 24 CFR part 578.7(a)(8) and related HUD requirements.

iii. *Senate Bill 2 (2017) Planning Grants Program*

The principal goal of the SB 2 Planning Grants Program is to make funding available to all local governments in California for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. This grant program is meant to facilitate planning activities that will foster an adequate supply of homes affordable to Californians at all income levels. It is designed to help local governments meet the challenges of preparing and adopting land use plans and integrating strategies to promote housing development. The program does not use a competitive process to award funds. All localities that meet the eligibility requirements will be funded as provided by the guidelines.¹²⁵

¹²⁴ HCD, California Emergency Solutions and Housing (CESH) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/cesh.shtml>

¹²⁵ HCD, SB 2 Planning Grants Program, <https://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>

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Funded activities are intended to achieve the following program objectives:

- Accelerate housing production
- Streamline the approval of housing development affordable to owner and renter households at all income levels
- Facilitate housing affordability for all income groups
- Promote development consistent with the State Planning Priorities (Government Code section 65041.1)
- Ensure geographic equity in the distribution and expenditure of allocated funds

Eligible activities must demonstrate a nexus to accelerating housing production and may include: updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities' strategies, or local coastal plans; updates to zoning ordinances; environmental analyses that eliminate the need for project-specific review; and local process improvements that improve and expedite local planning.

Eligible applicants for the SB 2 Planning Grants Program must meet threshold criteria including:

- *Housing Element Compliance.* Applicants must have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to California Government Code Section 65585.
- *Annual Progress Report (APR) on the Housing Element.* Applicants must submit APRs to HCD as required by Government Code Section 65400 for the current or prior year by the date established through the notice of funding availability process.
- *Nexus to Accelerating Housing Production.* Applicants must propose and document plans or processes that accelerate housing production, demonstrating a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability.
- *State Planning and Other Planning Priorities.* Applicants must demonstrate that the locality is consistent with state planning or other planning priorities; consistency may be demonstrated through activities that were completed within the last five years.

iv. *Permanent Local Housing Allocation (PLHA) Planning Grants*

Permanent Local Housing Allocation (PLHA) Planning Grant funds are to be available for eligible housing-related projects and programs to assist in addressing the unmet housing needs of local communities. The purpose of PLHA is to provide a permanent source of funding to all local governments in California to help cities and counties implement plans to increase the affordable housing stock. Funding will help cities and counties:

- Increase the supply of housing for households at or below 60 percent AMI

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- Increase assistance to affordable owner-occupied workforce housing
- Assist persons experiencing or at risk of homelessness
- Facilitate housing affordability, particularly for lower- and moderate-income households
- Promote projects and programs to meet the local government’s unmet share of the regional housing needs allocation
- Ensure geographic equity in the distribution of the funds ¹²⁶

State statute requires HCD to allocate PLHA funding to eligible local governments through non-competitive and competitive components as represented in the figure below.

Figure 62: PLHA Program Subcomponents

Permanent Local Housing Allocation Subcomponent	Estimated Funding Amount	Estimated % of PLHA Funds
Non-Competitive Allocation for Entitlement Local Governments	\$ 138,100,279	83%
Non-Competitive Allocation for Non-Entitlement Local Governments	\$ 16,625,000	10%
Competitive Allocation for Grants to Non-Entitlement Local Governments	\$ 11,524,721	7%

Source: California Department of Housing and Community Development, Framing Paper for Public Comment: Permanent Local Housing Allocation Senate Bill 2 (Chapter 364, Statutes of 2017) Local Government Allocation Funds, January 2019

Local governments must use allocations for one or more of the following 10 eligible uses:

1. The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low-, and moderate-income households, including necessary operating subsidies.
2. Affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas.
3. Matching portions of funds placed into local or regional housing trust funds.
4. Matching portions of funds available through the low- and moderate-income Housing Asset Fund pursuant to subdivision (d) of Section 34176 of the Health and Safety Code.
5. Capitalized reserves for services connected to the creation of new permanent supportive housing, including, but not limited to, developments funded through the VHHP Bond Act of 2014.

¹²⁶ HCD, Permanent Local Housing Allocation (PLHA) Planning Grants. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml>

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6. Assisting persons who are experiencing or at-risk of homelessness, including providing rapid rehousing, rental assistance, navigation centers, emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing. This activity may include using PLHA funds for continued assistance to households assisted with CESH Program funds.
7. Accessibility modifications.
8. Efforts to acquire and rehabilitate foreclosed or vacant homes.
9. Homeownership opportunities, including, but not limited to, down payment assistance.
10. Fiscal incentives or matching funds to local agencies that approve new housing for extremely low, very low, low-, and moderate-income households.

v. *Joe Serna, Jr. Farmworker Housing Grant (SERNA) Program*

Through deferred-payment loans for multifamily housing and grants for single-family new construction or owner-occupied rehabilitation programs, the Joe Serna, Jr. Farmworker Housing Grant (SERNA) Program finances the new construction, rehabilitation, and acquisition of owner-occupied and rental units for agricultural workers, with a priority for lower-income households. Eligible activities are those which incur costs in the development of homeowner or rental housing for agricultural workers, including land acquisition, site development, construction, rehabilitation, design services, operating and replacement reserves, repayment of predevelopment loans, provision of access for the elderly or persons with a disability, relocation, homeowner counseling, and other reasonable and necessary costs.¹²⁷

Eligible applicants for funding include:

- Local government agencies, nonprofit corporations, cooperative housing corporations, limited partnerships where all the general partners are nonprofit mutual or public benefit corporations, and federally recognized Indian tribes.
- For Multifamily/Rental projects, eligible beneficiaries are households who derive, or prior to retirement or disability derived, 50 percent or more of the combined household income from agricultural employment.
- For Single Family/Homeowner projects, eligible beneficiaries are households with at least one person who derives, or prior to retirement or disability derived, a substantial portion of his or her income from agricultural employment.¹²⁸

Key project site criteria for the selection of projects includes the following:

- The location is in or reasonably near a residential area with access to schools, shopping, medical services, social services, and employment.

¹²⁷ California Code of Regulations section 7200 et seq.

¹²⁸ HCD, Joe Serna, Jr. Farmworker Housing Grant (SERNA) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/fwhg.shtml>

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- The location does not unnecessarily confine assisted units to an area in which there exists a high concentration of low-income households.
- The location of the housing development is not found to be inconsistent with the housing element or housing assistance plan of the public jurisdiction in which the housing development is to be located.
- The characteristics of the site, including its topography and distance to public utilities, do not result in unreasonable development or rehabilitation costs.

vi. *No Place Like Home (NPLH) Program*

The No Place Like Home (NPLH) Program provides funding and tools that allow HCD to address affordability issues associated with creating housing units that are specifically set aside for persons with serious mental illness who are chronically homeless, homeless, or at-risk of being chronically homeless and who have a household income not exceeding 30 percent AMI at time of move-in. Under the program, HCD may make loans to reduce the initial cost of acquisition and/or construction or rehabilitation of housing and may set funds aside to subsidize extremely low rent levels over time.¹²⁹

- **NPLH Noncompetitive Allocation** - HCD may distribute an amount not to exceed \$200 million on an Over-the-Counter basis, awarded to all counties proportionate to the number of persons experiencing homelessness within each county, with a minimum of \$500,000 to each. Counties may opt to use up to 10 percent of their Noncompetitive Allocation funds to provide shared housing. Projects utilizing funds from a county's Noncompetitive Allocation shall prioritize persons with mental health supportive service needs who are homeless or at-risk of chronic homelessness.
- **NPLH Competitive Allocation** - HCD may distribute an amount not to exceed \$1.8 billion for the competitive program, and through an alternative process directly to counties with at least 5 percent of the state's homeless population (according to the sheltered and unsheltered Homeless Point-in-Time Count in 2015 or thereafter) that demonstrate the capacity to directly administer program funds. For competitive allocations, counties will be grouped together by population size; the competitive allocation will be determined first using a formula that provides each group with a proportionate share of funds as shown in the figure below.

¹²⁹ HCD, No Place Like Home (NPLH) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/nplh.shtml>

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Figure 63: Funding Availability Formula for Competitive Allocations

	Factor	Factor Weight
Proportion of Persons Experiencing Homelessness	The proportionate share of persons experiencing homelessness among the counties within each group based on the most recent PIT Count of both sheltered and unsheltered persons experiencing homelessness as published by HUD, and as compared to the state's total homeless population.	70%
Rent Burden of Extremely Low-income Renters	The proportionate share of extremely low-income renter households that are paying more than 50 percent of their income for rent using HUD's Comprehensive Housing Affordability Strategy dataset.	30%
Small County Allocations	Notwithstanding the calculation described above, small county allocations are 8 percent of the funds made available in the competitive allocation or the proportionate share of need attributable to small counties according to the above formula factors, whichever is greater.	8%

Source: No Place Like Home Program (NPLH) Program Guidelines, July 17, 2017

Uses of Noncompetitive and Competitive NPLH Allocations

Both noncompetitive and competitive allocations of NPLH funds may be used to:

- **Finance Capital Costs.** Finance capital costs of assisted units in rental housing developments, including, but not limited to, costs associated with the acquisition, design, construction, rehabilitation, or preservation of assisted units consistent with the eligible costs set forth under 25 California Code of Regulations Section 7304(b).
- **Capitalize Operating Subsidy Reserves.** NPLH funds may be used to capitalize operating subsidy reserves for assisted units pursuant to the requirements of Section 209. For loans underwritten by HCD, NPLH funds may also be used to capitalize on the operating reserve required under 25 California Code of Regulations Section 8308.
- **Rehabilitation of Existing Affordable Housing Projects.** Projects proposed for rehabilitation will be underwritten based on the number of NPLH tenants the project will house upon completion of the rehabilitation. These can be vacant units or units currently occupied with tenants qualifying under Section 206.

Tenants for NPLH assisted units shall be selected through the use of a Coordinated Entry System (CES) or other similar system for those at-risk of chronic homelessness in accordance with 25 California Code of Regulations Section 8305 and in compliance with Housing First requirements set forth in Welfare and Institutions Code Division 8 Chapter 6.5 Section 8255. Tenant selection criteria for assisted units shall include priority status under the local CES; however, if the existing CES cannot refer persons at-risk of chronic homelessness, the alternate system used must prioritize those with the greatest needs among those at-risk.

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In accordance with Housing First principles, tenants are to be accepted regardless of sobriety, participation in services or treatment, history of incarceration, credit, or history of eviction in accordance with practices permitted under Welfare and Institutions Code Section 8255 and other federal or state project funding sources.

vii. *CalHome Program*

The purpose of the CalHome Program is to help enable low- and very low-income households to become or remain homeowners by making grants to local public agencies and nonprofit developers for the following activities:

- Assisting individual first-time homebuyers through deferred-payment loans for down payment assistance
- Home rehabilitation, including for manufactured homes not on permanent foundations
- Acquisition and rehabilitation
- Homebuyer counseling
- Self-help mortgage assistance
- Technical assistance for self-help homeownership ¹³⁰

Figure 64: CalHome Eligible Households

Low- or Very Low-income Households that meet one of the below

1	2	3	4
First-time homebuyers	Existing owner-occupants of property in need of rehabilitation	Homeowner participants in a shared housing local program	First-time homebuyers in a self-help construction project

- AND -

<p>Occupy, or intend to occupy, the property as their principal residence and shall not lease or rent the property (except in the case of a homeowner provider assisted through a CalHome shared housing program in renting a room in their home to a seeker).</p>
--

Source: California Code of Regulations sections 7715 -7756

viii. *Local Housing Trust Fund (LHTF) Program*

The Local Housing Trust Fund (LHTF) Program helps finance local housing trust funds dedicated to the creation or preservation of affordable housing. The program provides dollar-for-dollar matching grants to local housing trust funds that are funded on an ongoing basis from private contributions or public sources that are not otherwise restricted in use for housing programs. Cities and counties with adopted housing elements that HCD has determined comply with Housing Element Law and charitable nonprofit organizations are eligible to apply for LHTF funds. ¹³¹

¹³⁰ HCD, CalHome Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-no-funding/calhome.shtml>

¹³¹ HCD, Local Housing Trust Fund (LHTF) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>

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Eligible activities include loans for the construction of rental housing projects with units restricted for at least 55 years to households earning less than 60 percent of AMI, and for down payment assistance to qualified first-time homebuyers. LHTF funds can be used to provide loans for payment of predevelopment expenses, acquisition, construction, or rehabilitation of eligible projects.

At least 30 percent of the total amount of program and matching funds shall be expended on eligible projects that are affordable to, and restricted for, extremely low-income households. No more than 20 percent of the total amount of the program and matching funds shall be expended on eligible projects affordable to, and restricted for, moderate-income persons and families. The remaining funds shall be used for projects that are affordable to, and restricted for, lower-income households.¹³² As of September 2019, however, there was no current funding being offered for the LHTF program.

ix. *Infill Infrastructure Grant (IIG) Program*

The Infill Infrastructure Grant (IIG) Program's primary objective is to promote infill housing development by providing grants to cover gap funding needs for infrastructure improvements necessary for residential or mixed-use infill development projects. Under the program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed-use infill development projects or areas. Both infill projects and areas must have either been previously developed or be largely surrounded by development. Specific eligible improvements include development or rehabilitation of parks or open space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks, and streetscape improvements.¹³³

The program funds two types of applications: 1) Qualifying Infill Areas (QIAs) which meet infrastructure needs for multiple future housing developments within a larger area; and 2) Qualifying Infill Projects (QIPs) which meet infrastructure needs associated with a single housing development project. Eligible applicants are:

- A city, county, or city and county that has jurisdiction over a QIA.
- A nonprofit or for-profit developer of a QIP applying jointly with a city, county, or city and county that has jurisdiction over a QIP.

Program eligibility requires that not less than 15 percent of the total residential units to be developed in the QIA or QIP are affordable units. In addition to project readiness, IIG project scoring criteria takes into account the following factors:

- Affordability
- Density
- Access to Transit
- Proximity to Amenities

¹³² California Code of Regulations section 7153

¹³³ HCD, Infill Infrastructure Grant Program. Available at: <http://www.hcd.ca.gov/grants-funding/active-funding/iigp/docs/IIG-Round-6-Draft-Guidelines.pdf>

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- Consistency with Regional Plans

x. *Transit-Oriented Development (TOD) Program*

The Transit-Oriented Development (TOD) Program, administered by HCD, provides local assistance to cities, counties, cities and counties, transit agencies, and developers for the purpose of developing or facilitating the creation of higher-density uses within close proximity to transit stations that will increase public transit ridership.¹³⁴

To the extent that funds are available, HCD will make grants to eligible applicants for the provision of infrastructure necessary for the development of higher density uses within close proximity to a transit station, or to facilitate connections between that development and the station. HCD will also, as funding is available, make loans for the development or construction of housing development projects within close proximity to a transit station.

To be eligible for a loan, at least 15 percent of the units in the proposed housing development shall be made available at an affordable rent or at an affordable housing cost to persons of very low or low-income for at least 55 years. Developments assisted by this program may include a mixed-use development consisting of residential and nonresidential uses but must be located within one-quarter mile of a transit station.¹³⁵ In ranking applications for TOD assistance, HCD considers the extent to which the project or development will increase public transit ridership and minimize automobile trips, among other factors. HCD also grants bonus points to projects or developments that are in an area designated by the appropriate council of governments for infill development as part of a regional plan.¹³⁶

In May 2019, HCD released a memorandum amending guidelines for the program, creating an alternative method of calculating developer fees and to make a conforming change to priority cash flow payments for projects utilizing 4 percent low-income tax credits. The amended guidelines apply to projects that have received a TOD award but have not yet converted to permanent financing.¹³⁷

xi. *Affordable Housing and Sustainable Communities (AHSC) Program*

The Affordable Housing and Sustainable Communities (AHSC) Program invests in projects that reduce greenhouse gas (GHG) emissions by supporting more compact, infill focused development patterns; encourage active transportation and transit usage; and protect agricultural land from sprawl development. The purpose of the AHSC

¹³⁴ HCD, Transit-Oriented Development (TOD) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/tod.shtml>

¹³⁵ California Health and Safety Code § 53562

¹³⁶ California Health and Safety Code § 53563

¹³⁷ California Department of Housing and Community Development, Division of Financial Assistance. May 2019. Revisions to the Transit Oriented Development (Rounds 1-3) and Veterans Housing and Homelessness Prevention Rounds (1-4) Guidelines Relating to Developer Fee and Cash Flow for Projects Utilizing 4% Low-Income Housing Tax Credits. Available at: [http://www.hcd.ca.gov/grants-funding/active-funding/vhhp/docs/Notice-of-Amendment-to-TOD-\(Rounds-1-3\)-and-VHHP-Guidelines-\(Rounds-1-4\).pdf](http://www.hcd.ca.gov/grants-funding/active-funding/vhhp/docs/Notice-of-Amendment-to-TOD-(Rounds-1-3)-and-VHHP-Guidelines-(Rounds-1-4).pdf)

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program is to reduce GHG emissions and to support related public policy objectives including, but not limited to:

- Improving conditions in disadvantaged communities
- Supporting or improving public health and other co-benefits
- Improving connectivity and accessibility to jobs, housing, and services
- Increasing options for mobility
- Preserving and developing affordable housing for lower-income households¹³⁸

The AHSC Program provides grants and/or loans to projects that achieve GHG reductions and benefit disadvantaged and low-income communities, including low-income households, through increasing the accessibility of affordable housing, employment centers, and key destinations via low-carbon transportation options.

xii. *Supportive Housing Multifamily Housing (SHMHP) Program*

The purpose of the Supportive Housing Multifamily Housing Program (SHMHP) Program is to provide low interest deferred payment loans to developers of permanently affordable rental housing that contain supportive housing units.¹³⁹

SHMHP funds are for permanent financing and may be used for new construction, the rehabilitation of multifamily rental housing development, or the conversion of a nonresidential structure to a multifamily rental housing development. Eligible use of funds may include, but is not limited to: real property acquisition; refinancing to retain affordable rents; necessary on-site and off-site improvements; reasonable fees and consulting costs; capitalized reserves; facilities for childcare; after-school care; and social service facilities integrally linked to the restricted supportive housing units.

Eligible projects must have a minimum of five supportive housing units or a minimum of 40 percent of total units that are supportive housing units, whichever is greater, and are required to have associated supportive services for the intended target population living in the restricted units, pursuant to California Health and Safety Code section 50675.14.

Project scoring criteria set by HCD for SHMHP emphasizes serving households at the lowest income levels, families, and special needs or “at-risk” populations. The project scoring criteria also incentivizes development of projects which address a local community’s most serious identified local housing needs.

xiii. *Mobilehome Park Rehabilitation & Resident Ownership Program (MPRROP)*

The purpose of the Mobilehome Park Rehabilitation & Resident Ownership Program (MPRROP) is to finance the preservation of affordable mobilehome parks by conversion to ownership or control by resident organizations, nonprofit housing sponsors, or local

¹³⁸ HCD, Affordable Housing and Sustainable Communities (AHSC) Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/ahsc.shtml>

¹³⁹ HCD, Supportive Housing Multifamily Housing Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/shmhp.shtml>

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public entities.¹⁴⁰ The program works to protect low-income mobilehome park residents from both physical and economic displacement.

Activities eligible under MPRROP include: purchase (conversion) of a mobilehome park by a resident organization, nonprofit entity, or local public agency; rehabilitation or relocation of a purchased park; purchase of a share or space in a converted park by a low-income resident; or to pay for the cost to repair low-income residents' mobilehomes. Mobilehome park resident organizations, nonprofit entities, and local public agencies are eligible to apply. Low-income residents of converted parks may apply for individual loans to the entity that has purchased the mobilehome park.

xiv. *Multifamily Housing Program (MHP)*

Through deferred payment loans, the Multifamily Housing Program (MHP) assists with the new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households. MHP funds are available to eligible applicants including local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Native American reservations and rancherias, and limited partnerships in which an eligible applicant or an affiliate of an applicant is a general partner.¹⁴¹

New construction, rehabilitation, or acquisition and rehabilitation of permanent or transitional rental housing, and the conversion of nonresidential structures to rental housing are eligible activities under MHP.¹⁴²

Costs eligible under MHP may include:

- The cost of childcare, after-school care, and social service facilities integrally linked to the assisted housing units
- Real property acquisition
- Refinancing to retain affordable rents
- Necessary on-site and off-site improvements
- Reasonable fees and consulting costs
- Capitalized reserves

Supportive housing projects are subject to additional MHP requirements to ensure adequate prior experience in the operation, management, and provision of services in housing projects serving persons experiencing homelessness. Supportive housing projects must also adhere to tenant screening and selection practices that are inclusive and promote acceptance of applicants regardless of sobriety or use of substances, completion of treatment, participation in services, poor credit, lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness." Such projects are intended to apply a "Housing First" approach which does

¹⁴⁰ HCD, Mobilehome Park Rehabilitation & Resident Ownership Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/mprprop.shtml>

¹⁴¹ HCD, Multifamily Housing Program. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/mhp.shtml>

¹⁴² California Department of Housing and Community Development Multifamily Housing Program Final Guidelines. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/mhp.shtml>

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not require tenant participation in services or program compliance as a condition of permanent housing tenancy. Special needs and supportive housing projects must also demonstrate the integration of persons with disabilities, including through physically integrating assisted units restricted to persons with a disability with other units in the project to the maximum extent feasible.

xv. *Transformative Climate Communities (TCC) Program*

The Transformative Climate Communities (TCC) Program, established by AB 2722 (2016), is funded by the state's Cap-and-Trade Program and administered by the Strategic Growth Council (SGC) and HCD and in partnership with the California Department of Conservation (DOC).¹⁴³ The program competitively funds community-led development and infrastructure projects that achieve major environmental, health, and economic benefits in California's most disadvantaged communities.¹⁴⁴

The TCC Program focuses investment in communities most overburdened by environmental, socioeconomic, and health inequities. In addition to reducing greenhouse gas (GHG) emissions in disadvantaged communities, AB 2722 includes the following goals: 1) maximizing a community's climate, public health, environmental, workforce, and economic benefits; 2) avoiding plans and projects that would cause economic displacement of low-income or disadvantaged residents and businesses; 3) comprehensive community engagement; and 4) supporting innovative community and climate transformation in disadvantaged communities.¹⁴⁵

Projects must reduce greenhouse gas emissions significantly over time, leverage additional funding sources, and provide additional health, environmental, and economic benefits.

TCC project examples include, but are not limited to:

- Affordable and sustainable housing developments
- Transit stations and facilities
- Bicycle and car share programs
- Residential weatherization and solar projects
- Water-energy efficiency installations
- Urban greening projects
- Bicycle and pedestrian facilities
- Low-carbon transit vehicles and clean vehicle rebates
- Health and well-being projects

¹⁴³ California Assembly Bill 2722 (2016)

¹⁴⁴ California Strategic Growth Council, Transformative Climate Communities Program <http://sgc.ca.gov/programs/tcc/>

¹⁴⁵ California Strategic Growth Council. July 2018. Transformative Climate Communities Program. Final Guidelines. Available at: http://sgc.ca.gov/programs/tcc/docs/20180815-TCC_Final_GUIDELINES_07-31-2018.pdf

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To be eligible for TCC funds, a diverse range of community, business, and local government stakeholders must form a “Collaborative Stakeholder Structure” to develop a shared vision of transformation for their community. Collaborative stakeholders may include:

- Community-based organizations
- Local governments
- Nonprofit organizations
- Philanthropic organizations and foundations
- Faith-based organizations
- Coalitions or associations of nonprofits
- Community development finance institutions
- Community development corporations
- Joint powers authorities
- Tribal governments

xvi. *California Housing Finance Agency (CalHFA) Programs*

The California Housing Finance Agency (CalHFA), which is California’s self-supporting affordable housing lending agency, offers a wide range of lending and housing financing assistance programs to low- and moderate-income residents. The following is an outline of some of the core programs that CalHFA administers for the State of California.¹⁴⁶

- **CalHFA Federal Housing Administration (FHA) Loan Program**

The CalHFA FHA Program is a Federal Housing Administration (FHA)-insured loan featuring a CalHFA 30-year fixed interest rate first mortgage.

- **CalPLUS FHA Loan Program**

The CalPLUS FHA program is an FHA-insured first mortgage with a slightly higher 30-year fixed interest rate than the standard FHA program and is combined with the CalHFA Zero Interest Program (ZIP) for closing costs.

- **CalHFA Veterans Administration (VA) Loan Program**

The CalHFA VA program is a Veterans Administration-insured loan featuring a CalHFA fixed interest rate first mortgage. This loan is a 30-year fixed interest rate first mortgage.

- **CalHFA United States Department of Agriculture (USDA) Program**

The CalHFA USDA Program is a USDA-guaranteed first mortgage loan program, which can be combined with CalHFA’s MyHome Assistance Program (MyHome). This loan is a 30-year fixed interest rate first mortgage.

¹⁴⁶ California Housing Finance Agency, Loan Programs, <https://www.calhfa.ca.gov/homebuyer/programs/index.htm>

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- **CalHFA Conventional Loan Program**

The CalHFA Conventional Loan Program is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalHFA Conventional is fixed throughout the 30-year term.

- **CalPLUS Conventional Loan Program**

The CalPLUS Conventional Loan Program is a conventional first mortgage with a slightly higher 30-year fixed interest rate than the standard conventional program and is combined with the CalHFA Zero Interest Program (ZIP) for closing costs.

- **MyHome Assistance Program**

The MyHome Program offers a deferred-payment loan of an amount up to various amounts depending on the type of loan (e.g., FHA, Conventional, USDA, VA) to assist with down payment and/or closing costs, with a cap of \$10,000. The \$10,000 cap does not apply to school employees and fire department employees, or those purchasing new construction homes, manufactured homes, or homes including Accessory Dwelling Units.

Building Codes Related to Accessibility

Building codes are reviewed to determine if such policies or actions have a disproportionate or negative impact on the approval of certain housing types, such as multifamily housing or group homes, or in the general construction or preservation of publicly assisted housing or private-market homes. State, local and federal *building* codes (applicable to construction and alteration of housing), and *housing* codes (applicable to use, occupancy and maintenance of existing housing) may present both constraints and opportunities to create and preserve affordable, accessible, and safe housing. Building codes ensure safe, healthy, and accessible construction. Active enforcement of housing codes ensures that buildings are maintained in a safe and habitable condition and prevent unhealthy living conditions and deterioration of buildings that leads to loss of affordable housing (see discussion on Naturally Occurring Affordable Housing and housing quality in Chapter 3.) Development and enforcement of both building and housing codes is critical to ensure California has a safe, affordable, and accessible housing stock. Accessibility and adaptability is critical to enable people with disabilities to live safely and independently in the housing of their choice. The following sections provide a summary of applicable building code regulations in the State of California.

a. California Building Standards Code and Accessibility

In California, proposals for building standards related to housing accessibility are developed pursuant to state law and by two state agencies: HCD and the Division of the State Architect (DSA). These building standards are reviewed, approved, and adopted

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by the California Building Standards Commission (BSC) and include public comment periods. Development of housing occupancy codes is primarily done by HCD and is located in Chapter 11A of the California Building Code. Enforcement of codes for accessibility and safety is done by both local governments and HCD, depending on the nature of the housing. Specific accessibility requirements (as applicable) are required by federal law under the ADA and Section 504 of the Rehabilitation Act (Section 504) and the California Fair Employment and Housing Act (FEHA), and implemented by the state and other public entities.

Therefore, it is necessary to review the California Building Standards Code (CBC), Title 24 of the California Code of Regulations¹⁴⁷ and related standards, as well as how those codes are implemented and enforced across the state.

The statutory framework for California building standards is generally established by the Building Standards Law,¹⁴⁸ which sets out the process for code adoption, including public participation, and the powers of the BSC -- the body with the responsibility for administration of the building standards adoption process and performs the final approval and adoption of most building standards. Standards for manufactured homes and employee housing are established separately, as are safe occupancy standards for existing housing, both of which are addressed below.

In California, state law authorizes HCD and DSA to develop proposals for building standards related to housing. The BSC reviews proposals and adopts final codes. HCD develops building standards applicable to housing. Some very limited local modifications to state building codes are permitted (see Section (i) Local Amendments to Building Standards, below).

Specific statutory guidance regarding accessibility provisions in building standards comes from the Fair Employment and Housing Act (FEHA), Government Code 12955.1(c). FEHA provides that discrimination includes a failure to design and construct a covered multifamily dwelling in a manner that allows access to, and use by, disabled persons through the provision of certain minimum features.¹⁴⁹

FEHA divides up responsibility for developing accessibility standards between HCD and DSA. First, it specifically provides that DSA is responsible for developing accessibility standards in “*public housing*”, which includes all housing that receives state, local or federal funding, is developed by, for or on behalf of a government agency, or is developed as part of a public entity’s housing programs.¹⁵⁰ These provisions are found in CBC Chapter 11B. This includes all housing funded by state agencies or pursuant to state programs, including housing developed by HCD, CalHFA, or under state bond programs or the state and federal Low-Income Housing Tax Credit Programs, as well as

¹⁴⁷ Last revised July 1, 2019, with an effective date of January 1, 2020, revisions pending for consideration in July 2020.

¹⁴⁸ Health and Safety Code Division 13, Part 2.5 (Building Standards) at sections 18901 *et seq.*

¹⁴⁹ Gov. Code §§ 12955.1(a) and 12955.11.

¹⁵⁰ Government Code 12955.1(c).

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traditional public housing owned and operated by Public Housing Authorities under California law.^{151, 152}

HCD is responsible for developing accessibility provisions for *private* market housing (Chapter 11A), Government Code section 12955.1(c). HCD's statutory obligations include adoption of California Green Building Standards, adoption of the most recent editions of national codes and developing necessary amendments to general building including accessibility standards for hotels, motels, lodging houses, private homes and apartments and accessory buildings. Other state codes (fire codes, hospitals, etc.) are developed by other state agencies. Final approval and adoption of all building standards is assigned by statute to the BSC.¹⁵³

More detail about each of the federal accessible housing standards are set out in several sets of federal statutes and regulations, as described here:

Title II of the ADA applies to all programs and operations of public entities such as state and local governments and agencies, including HCD, CalHFA, and the Treasurer's housing programs, and their agents, contractors, grantees, recipients, and subrecipients.¹⁵⁴ The ADA requires compliance with accessible development standards as set out in the 2010 ADA Standards for Accessible Design (2010 ADAS), which include specified percentages in multifamily housing developments for fully accessible mobility and hearing/vision units. In general, CBC Chapter 11B incorporates the 2010 ADAS as a floor.¹⁵⁵

Section 504 of the Rehabilitation Act (Section 504) imposes similar specific architectural and occupancy requirements on housing programs operated by an agency that receives federal funding to ensure covered housing is accessible to persons with disabilities.¹⁵⁶ HUD's Section 504 regulations mandate specific architectural and occupancy requirements to ensure covered housing is accessible to persons with disabilities.¹⁵⁷ One difference between Section 504 and the ADA is that HUD has established slightly different accessibility code standards under Section 504, requiring compliance with the Uniform Federal Accessibility Standards (UFAS). 24 C.F.R. section 8.32.¹⁵⁸

¹⁵¹ Changes to the definition of "public housing" have been proposed by HCD and DSA, making the scope of the definition clearer, and are currently pending in front of the Building Standards Commission for consideration in July 2020.

¹⁵² See also statutes regulating Access to Buildings by Physically Handicapped People, Government Code section 4450 et seq., which further describe DSA's role in developing accessibility requirements, and requires that accessibility standards for "public housing" meet the minimum federal accessibility standards of the ADA (as adopted by the U.S. Dept. of Justice), the Uniform Federal Accessibility Standards (UFAS), and the federal Architectural Barriers Act. Government Code § 4459(a).

¹⁵³ Health & Safety Code sections 18949.1 (DSA) and 18949.5 (HCD).

¹⁵⁴ 42 U.S.C. sections 12131 et seq.

¹⁵⁵ The 2010 ADAS is available at <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>.

¹⁵⁶ 29 U.S.C. section 794(a)

¹⁵⁷ 24 C.F.R. Part A, including section 8.22(a) and (b) and 24 C.F.R. section 8.27

¹⁵⁸ UFAS standards are available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

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In 2014, HUD issued a memo clarifying that a combination of the 2010 ADAS and UFAS would also comply with Section 504 accessible development mandates. It uses 2010 ADAS standards as a base with the addition of some HUD requirements. This is often referred to as the HUD Alternative Standards or the HUD Deeming Memo.¹⁵⁹ The Section 504 standards, and HUD's alternative standards, are not yet incorporated into Chapter 11B of the California Building Codes.

The Federal Fair Housing Act establishes a set of accessible development standards that apply to all multi-family housing, including both market rate and public housing.¹⁶⁰ These requirements generally require a lower level of accessibility than the ADA and Section 504, focusing on making units adaptable to people with disabilities, but they apply more broadly to private market housing. Fair Housing Act standards are generally incorporated in California Building Code Chapter 11A.¹⁶¹

Government Code Section 11135 is California's equivalent to Section 504, although slightly broader in some places, prohibiting discrimination by state agencies and recipients of state funding. It incorporates the definitions of discrimination contained in the ADA and its implementing regulations such that a violation of the ADA is also a violation of Section 11135.¹⁶²

In addition to the primary building codes, HCD is also authorized by law to develop and adopt building standards for specific housing occupancies such as employee housing facilities for use by five or more employees (including farmworker housing) and factory-built housing. HCD is also responsible for adopting the State Housing Law regulations found in California Code of Regulations Title 25, relating to use, occupancy, and maintenance of buildings used for human habitation. These regulations provide the minimum health and safety standards for the use and occupancy of, rather than the construction of, residential housing. These standards used by local enforcement agencies help ensure safe housing and form a critical part of all code enforcement efforts for existing housing. Code enforcement responsibilities, including the respective roles of state and local governments, are also set out by statute. The statute provides for relocation benefits to tenants displaced by code enforcement activities.¹⁶³ Some local governments have stronger relocation provisions and federal and state relocation laws provide benefits under specified circumstances.

¹⁵⁹ Deeming memo available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

¹⁶⁰ 42 U.S.C. sections 3604(f)(2)(A) and 3604(f)(3)(B).

¹⁶¹ See 24 C.F.R. sections 100.200 et seq.; Final Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9,472 (Mar. 6, 1991); Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines ("Questions and Answers"), 59 Fed. Reg. 33,362 (June 28, 1994); and Fair Housing Act Design Manual ("Design Manual") available at <https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>.

¹⁶² Government Code section 11135(b).

¹⁶³ Health and Safety Code section 17975 et seq.

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HCD is also responsible for development of a universal design model ordinance, for voluntary adoption by local government, applicable to new market rate residential construction and alterations, and of a checklist that can be used to develop local ordinances.¹⁶⁴ Health and Safety Code section 17959.6 also requires developers of for-sale housing built after 2004 to provide to potential purchasers a list of universal accessible design features and sets out provisions for including those features in the home to be constructed, at the expense of the buyer. These universal design features, while not necessarily providing the same standard of accessibility as Chapter 11A, expand voluntary options for increased accessibility in private housing. Also, HCD is responsible in 2020 for investigating specified changes to building standards in the California Residential Code that promote aging-in-place design, and for developing those proposals for consideration by the BSC.¹⁶⁵ HCD is also tasked with working with other agencies and independent living centers to develop and provide consumer advice regarding home modification for seniors with disabilities.¹⁶⁶ In addition, California Civil Code section 51.2 sets out standards, including accessibility standards, that are required for housing to be considered Senior Housing under FEHA.

Policy Considerations

Stakeholders reported confusion amongst design professionals and developers regarding obligations for accessible housing. In addition, many local government agencies that have jurisdiction for enforcing the California Building Code take the position that they are not granted the authority to enforce federal standards. This has resulted in a significant problem at the local level, where code enforcement departments are unaware of the funding sources in buildings (which are developed by other departments of the locality) or whether California Building Code Chapter 11A or 11B or other federal standards should be applied. To the extent that state building codes are consistent with or provide more protections than all applicable federal standards, that would ameliorate some of these barriers. Another barrier is lack of training for architects, code enforcers, and other design professionals on appropriate federal and state housing code accessibility requirements. This topic is now covered in DSA training of Certified Access Specialists (CASPs).

Maintaining Safe and Accessible Housing

Ensuring statewide compliance of the housing code requirements for maintenance of accessible housing, and preventing slum conditions, loss of housing, and tenant displacement, is an important goal. HCD's mission statement under the State Housing Law Program is: "To carry out the State Housing Law by adopting building standards and administrative regulations that assure safe and durable housing while safeguarding affordability." HCD has further identified as part of its purpose protecting "the health, safety and general welfare of the public and occupants of residential buildings

¹⁶⁴ <https://www.hcd.ca.gov/building-standards/state-housing-law/universal-design.shtml>; Health & Safety Code sections 17959 and 17959.6.

¹⁶⁵ Health and Safety Code section 17922.15.

¹⁶⁶ Welfare and Institutions Code section 9105.1.

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statewide.”¹⁶⁷ Therefore, HCD has a significant role in ensuring local government compliance with their building code and housing code obligations. Code enforcement plays an important role in protecting tenants while improving and expanding safe housing stock. Poor living conditions tend to have a disparately adverse effect on people in protected classes.

i. *Local Amendments to Building Standards*

California’s state laws authorize local governments to enact ordinances making building standards amendments to Title 24 for all occupancies. Amendments must be filed with either the BSC, HCD or other state agencies, as required.¹⁶⁸

In order for local governments to make amendments under the Building Standards Law:

- The governing body must express findings that amendments to the building standards, including green building standards and adoption of appendices contained in Title 24, are necessary because of local climatic, geological, or topographical conditions.
- The local government amendments must provide a more restrictive building standard, including green building standards, than that contained in Title 24.

In 2016, 18 counties filed amendments to the building standards to meet a variety of local needs. Those counties include:

1. Alpine County
2. Butte County
3. Contra Costa County
4. Fresno County
5. Kern County
6. Marin County
7. Nevada County
8. Riverside County
9. Sacramento County
10. San Diego County
11. San Francisco County
12. San Luis Obispo County
13. San Mateo County
14. Santa Clara County
15. Santa Cruz County
16. Sonoma County
17. Stanislaus County
18. Ventura County

¹⁶⁷ <https://www.hcd.ca.gov/building-standards/state-housing-law/index.shtml>.

¹⁶⁸ California Department of General Services, Local Amendments to Building Standards-Ordinances. Retrieved from: <https://www.dgs.ca.gov/BSC/Codes/Local-Jurisdictions-Code-Ordinances>

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State Insurance and Banking Laws

Access to insurance is critical for the ability to own and maintain a home or protect the contents of a leased unit. State-level banking laws and policies also play a critical role in protecting or deterring access to home loans and wealth-building opportunities for communities in California. The sections below examine such laws and policies in the context of furthering fair housing goals in California.

a. California Department of Insurance

The California Department of Insurance (CDI), created in 1868 as part of a national system of state-based insurance regulation, is the largest consumer protection agency in California. CDI's functions include overseeing insurer solvency, licensing agents and brokers, conducting market conduct reviews, resolving consumer complaints, and investigating and prosecuting insurance fraud.

The work of CDI is guided by the California Insurance Code (sections 10140-10145), which explicitly prohibits discriminatory pricing and underwriting practices based solely on a person's race, color, religion, sex, gender, gender identity, gender expression, national origin, ancestry, genetic characteristics, marital status, or sexual orientation.¹⁶⁹ Stakeholders noted that CDI's protected characteristics do not explicitly include disability or familial status. Those protections are covered under FHA and FEHA.

In addition to protecting residents from potential discriminatory industry practices, a critical role of CDI is ensuring adequate access to insurance markets and claims for residents and homeowners, particularly for times of disaster. As noted by CDI's Annual Report, in 2018 California was inundated with a record number of disasters, which required CDI to step in to assist residents impacted by the events. For example, in response to the devastating wildfires of 2018, the CDI sent several notices to insurers to help protect thousands of wildfire survivors statewide. The first action was a notice requesting insurers expedite claims handling procedures for wildfire damage claims, including being flexible with deadlines and documentation requirements, which would result in more timely payments to policyholders. The second action was a formal notice to ensure all claims adjusters assigned to wildfire claims were properly trained on the California Unfair Practices Act, Fair Claims Settlement Practice Regulations, and all other laws, especially those triggered after a declared emergency.¹⁷⁰

Since 2012, CDI and the State of California have continued to assess how insurance policies may impact housing and protected classes. In 2019, SB 824 went into effect, which allows the CDI to obtain fire risk information on residential properties. It also prohibits an insurer from canceling or refusing to renew a policy based solely on the fact

¹⁶⁹ California Insurance Code § 10140 et seq.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10140.&lawCode=INS

¹⁷⁰ California Department of Insurance. 2018 Annual Report of the Commissioner. Available at:

<http://www.insurance.ca.gov/0400-news/0200-studies-reports/0700-commissioner-report/upload/Annual-Report-Final.pdf>

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that the insured structure is located within or adjacent to the fire perimeter when a state of emergency has been declared. This new law also requires the insurer to provide an illustration showing the impact on the policy values and necessary premium payments before and after the increase.

In addition to such new protections, CDI also continues to help enforce all other provisions and protections governing affordable housing and furthering fair housing goals, thus ensuring, for example, that residents can continue to join together in multi-state joint self-insurance risk pools to help guarantee that affordable housing remains available to low-income Californians.¹⁷¹

b. California Department of Business Oversight

The Department of Business Oversight (DBO) provides protection to consumers and services to businesses engaged in financial transactions. DBO regulates a variety of financial services, products, and professionals and oversees the operations of state-licensed financial institutions, including banks, credit unions, money transmitters, issuers of payment instruments and travelers' checks, and premium finance companies. Additionally, DBO licenses and regulates a variety of financial businesses, including securities brokers and dealers, investment advisers, deferred deposits (commonly known as payday loans) and certain fiduciaries and lenders. DBO regulates the offer and sale of securities, franchises and off-exchange commodities.¹⁷²

c. California State Banking Statues

In 2019, California's Public Banking Act was approved to pave the way for cities and counties in the state to create public banks that could take deposits and allow local agencies access to low-interest loans for funding infrastructure and affordable housing. The law requires public banks to be run by independent boards and to be operated by professional bankers.¹⁷³

Despite such changes, barriers to accessing financial services may continue to persist for many residents of California. For example, as described by the California Reinvestment Coalition (CRC), despite having a strong desire to build family and community wealth, immigrants in California face unique barriers to financial security and economic opportunity that require additional policy interventions.¹⁷⁴

¹⁷¹ AB 2327, Affordable Housing: Risk Retention Pool. Available at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200920100AB2327

¹⁷² California Building Standards Commission. August 2019. Guide to Title 24. Retrieved from

<https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/Guidebooks---Title-24>

¹⁷³ Assembly Bill 857, Public Banks. Available at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB857

¹⁷⁴ California Reinvestment Coalition. 2019. Here to Stay: Promoting Financial Security and Economic Opportunity for Immigrants in California. Available at: <http://calreinvest.org/wp-content/uploads/2019/02/Here-to-Stay-Report-Final.pdf>

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Taxation

While policies related to the construction, financing, and insuring of homes in California play a vital role in advancing or inhibiting fair housing goals in the state, policies related to taxation of the property may also play an important role in housing costs overall. This section examines tax policies and regulations that may directly affect fair housing access in the state.

a. Property Taxes

In the State of California, counties are responsible for assessing and collecting property taxes. The assessed value of a property determines its amount of tax. At a minimum, for the first full fiscal year after the purchase, most homeowners pay a property tax equal to one percent of the sales price. Afterwards, the property value may be adjusted by a county assessor each year to account for inflation, but any annual adjustment cannot exceed two percent. In some communities in California, additional taxes may be levied due to local bonds that have been voter approved. These additional assessments typically fund school districts, transportation needs, water supplies, sanitary districts, and regional parks.¹⁷⁵ However, state law allows a welfare property tax exemption for affordable housing units where tenants enter at 60 percent area median income or below.

At the state level, the California State Board of Equalization (BOE) ensures compliance with property tax laws, regulations, and assessment issues by county assessors. To perform their oversight functions, the BOE conducts periodic compliance audits of the 58 county assessors' programs and develops property tax assessment policies and informational materials to guide county assessors and local assessment appeals boards.¹⁷⁶

Though property taxes may be one barrier for maintaining adequate housing, the mechanisms established by the State of California provide some measure of checks and balances to prevent potential fair housing barriers.

b. Federal and State Low-Income Housing Tax Credit

The California Tax Credit Allocation Committee (TCAC) administers two low-income housing tax credit programs, a federal tax credit and a state tax credit. Both programs encourage private investment in affordable rental housing for households meeting certain income requirements. The program enables housing developers to raise equity through the sale of tax benefits to tax credit investors. The state tax credit is only

¹⁷⁵ University of California Office of Loan Programs. Property taxes in California. Available at: <https://www.ucop.edu/loan-programs/resources/consumer-information/property-taxes-in-california.html>

¹⁷⁶ California State Board of Equalization. Property Tax. Available at: <http://www.boe.ca.gov/proptaxes/proptax.htm>

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available to a housing project concurrently receiving an allocation of federal tax credits unless the project is a development of permanent housing for farmworkers.¹⁷⁷

The two types of tax credits are generally referred to as 9 (nine) percent and 4 (four) percent credits. Each number refers to the approximate percentage that is multiplied against a project's requested "qualified basis" to determine the amount of annual federal credits TCAC will award the project.

The number of 9 percent federal credits are limited and calculated at \$2.70 per person (falling to \$2.35 per person in 2022), making California's annual credit limit for 2018 \$106.7 million. Project owners can take the annual credit each year for 10 years, so TCAC can effectively award \$1.067 billion in 9 percent tax credits. Because they are so desirable and in limited supply, TCAC awards 9 percent tax credits through a competitive process twice per year.

Four percent tax credits are derived from a project's use of tax-exempt bond authority allocated by the California Debt Limit Allocation Committee (CDLAC) and are limited by the bond cap available to California. In 2017, CTCAC awarded \$124.9 million in annual 4 percent tax credits, which equates to \$1.249 billion in total credits over 10 years. TCAC typically awards 4 percent tax credits non-competitively (i.e., Over-the-Counter) to all projects that meet the threshold criteria. However, in recent funding rounds California has reached the ceiling on its available private activity bonds, which has resulted in new emergency regulations awarding 4 percent tax credits competitively.¹⁷⁸

Statewide Planning of Public Transportation and Infrastructure

In addition to policies and laws directly tied to housing, transportation and infrastructure development also have a significant impact on housing choice and availability for communities across California. When households rely on public transportation, for example, transit access and reliability can heavily impact where the household chooses to live, the costs associated with the location, and potential access to employment opportunities. In California, Caltrans Division of Transportation Planning is tasked with presenting a long-term vision for California's transportation systems and implementing statewide transportation policy through partnerships with state, regional, and local agencies.¹⁷⁹ The following sections take a closer look at recent efforts led by the division.

¹⁷⁷ California Business Incentives Gateway. State low-income housing tax credit. Available at: <https://cbig.ca.gov/Government-Partners/California-Tax-Credit-Allocation-Committee-TCAC/Incentives/State-low-income-housing-tax-credit>.

¹⁷⁸ California Tax Credit Allocation Committee, Program Overview. Available at: <https://www.treasurer.ca.gov/ctcac/program.pdf>. Updates on the funding round changes available here: <https://www.treasurer.ca.gov/cdlac/competitive-message.pdf>.

¹⁷⁹ Caltrans. Transportation Planning. Available at: <https://dot.ca.gov/programs/transportation-planning>

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a. California Transportation Plan

The 2016 California Transportation Plan (CTP) 2040, is the state's long-range transportation plan that establishes an aspirational vision, articulating strategic goals, policies, and recommendations to improve multimodal mobility and accessibility while reducing greenhouse gas emissions.

A key focus of the 2016 CTP is addressing the transportation needs of vulnerable communities in California. As stated in the plan, “limited access to transportation can affect health, particularly among vulnerable populations, such as the poor, the elderly, children, and persons with a disability, and various ethnic communities. A safe and accessible transportation system allows members of vulnerable populations to more easily travel to supermarkets for fresher foods, to integrate daily walking as a form of exercise to meet physical activity needs, and to better access health care facilities, education, jobs, recreation, and other needs.”¹⁸⁰

To address identified needs and promote more equitable access to transportation (and increase social equity overall), CTP established an ongoing goal to foster livable and healthy communities and promote social equity through the following strategies:

- Expand collaboration and community engagement in multimodal transportation planning and decision-making.
- Integrate multimodal transportation land use development.
- Integrate health and social equity in transportation planning and decision making.

These strategies work to realize California’s overarching goal of improving mobility and accessibility, while also promoting wider community development, such as greater access to housing opportunities.

CTP 2040 is in the process of being updated. CTP 2050 is set to be published in 2020.

b. Caltrans Local Development Intergovernmental Review

The Local Development-Intergovernmental Review (LD-IGR) is a mandated ongoing statewide effort focused primarily on avoiding, eliminating, or reducing to insignificance the potential adverse impacts of local development on the transportation system. This program is directed to use ‘best practice’ analysis methodologies that focus on improving the person-capacity of California’s multi-modal transportation system, efficiently moving goods and services, and accurately describing transportation tradeoffs with other community values, which include a sound business economy with housing near employment, a healthy ‘climate change sensitive’ environment, and equally safe access for both motorized and non-vehicular transportation users.¹⁸¹

¹⁸⁰ Cal Trans., June 2016. [California Transportation Plan 2040. Available at: https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/finalctp2040-report-webready.pdf](https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/finalctp2040-report-webready.pdf)

¹⁸¹ Caltrans Local Intergovernmental Review. Retrieved from: <https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/local-development-intergovernmental-review>

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c. Sustainable Communities and Climate Protection Act of 2008, Senate Bill 375 (2008)

SB 375 (Chapter 728, Statutes of 2008), the Sustainable Communities and Climate Protection Act of 2008, supports the state's climate action goals to reduce GHG emissions through coordinated transportation and land use planning.¹⁸² SB 375 directs the California Air Resources Board (CARB) to set regional targets for reducing greenhouse gas emissions from passenger vehicles. The law establishes a "bottom-up" approach to ensure that cities and counties are involved in the development of regional plans to achieve those targets.¹⁸³

One of the key components of SB 375 is the coordination of the regional housing needs allocation process with the regional transportation process, allowing regions to meet environmental goals, while also assessing the housing and land use needs of local communities.

Access to Infrastructure

As with transportation, adequate levels of infrastructure investment also play a significant role in expanding or limiting housing choice and access for residents of California. Although all communities have a need for adequate infrastructure, stakeholders strongly conveyed that the infrastructure disparities in rural communities are particularly acute. Many rural communities are lacking the infrastructure needed, such as sewer and water needed to support the development of additional housing. Stakeholders called out the infrastructure disparities as a historical and systemic issue associated with racial and national origin segregation. Additionally, a lack of water across the state has increased pressures on existing infrastructure, including local drinking water supplies. The following section explores critical infrastructure elements that directly impact housing in the state, including water, sewer, and development fees. The availability and cost associated with these elements may not only impact the construction of new housing, but also the ability of residents to obtain adequate housing in the region at all.

As described by the California Housing Partnership's Affordable Water Initiative, rising water costs can lead to deferred maintenance and may compromise the health, safety and long-term affordability of rental homes for low-income Californians. Ensuring multifamily affordable housing properties and low-income renters have equal access to water conservation assistance will combat the threat of rising water costs by creating new pathways to success for disadvantaged communities.

a. California Water Resources Control Board

In California, the State Water Resources Control Board (Water Board) oversees the allocation of the state's water resources to various entities and for diverse uses, from

¹⁸² California Air Resources Board Sustainable Communities. Retrieved from: <https://www3.arb.ca.gov/cc/sb375/sb375old.htm>

¹⁸³ Institute for Local Government. The Basics of SB 375. Retrieved from: <https://www.ca-ilg.org/post/basics-sb-375>

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agricultural irrigation to hydro-electrical power generation to municipal water supplies. As such, the Water Board regulates stormwater discharges from construction, industrial, and municipal activities; discharges from irrigated agriculture; dredge and fill activities; the alteration of any federal water body under the 401-certification program; and several other activities with practices that could degrade water quality.¹⁸⁴

Though much of the financial assistance, in the form of loans or grants, provided through the Water Board is geared towards municipalities, the Water Board has also authorized \$5 million to assist individual households and small water systems to address drought-related drinking water emergencies.¹⁸⁵

i. *Water Quality, Supply, and Infrastructure Improvement Act of 2014, Proposition 1 (2014)*

In 2014, voters in California approved the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1), which authorizes \$7.55 billion in general obligation bonds to fund ecosystems and watershed protection and restoration, water supply infrastructure projects, including surface and groundwater storage, and drinking water protection. Since then, the Water Board has disbursed \$438 million to 382 projects focusing on drinking water, groundwater, stormwater, and water recycling, as well as funding small community wastewater programs.¹⁸⁶

b. **Housing Elements and Services, Senate Bill 1087 (2005)**

Local governments are responsible for immediately distributing a copy of the housing element to area water and sewer providers upon completion of an amended or adopted version, as established in Chapter 727 Statutes of 2004 (SB 1087). In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. Chapter 727 was enacted to improve the effectiveness of the law in facilitating housing development for lower-income families and workers. To effectively implement the law, local governments are strongly encouraged to consult with water and sewer providers during the development and update of the housing element, rather than wait to contact them until after the housing element was adopted. This will help facilitate effective coordination between local planning and water and sewer service functions to ensure adequate water and sewer capacity is available to accommodate housing needs, especially housing for lower-income households.¹⁸⁷

¹⁸⁴ California State Water Resources Control Board. [About The Water Board](https://www.waterboards.ca.gov/about_us/). Available at: https://www.waterboards.ca.gov/about_us/

¹⁸⁵ California State Water Resources Control Board. Division of Financial Assistance. Financial Assistance Funding – Grants and Loans. Available at: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/

¹⁸⁶ California State Water Resources Control Board. Proposition 1 Projects. Available at: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/proposition1/

¹⁸⁷ California Department of Housing and Community Development. Priority for Water and Sewer. Available at: <https://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>

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c. Sewer

As with water management, sewage management is a critical component of ensuring adequate access to housing options in California. Statewide laws, such as the previously discussed Chapter 727, Statutes of 2004 (SB 1087), encourage local public and/or private water and sewer providers to adopt written policies and procedures that grant priority for service hook-ups to developments that help meet the community's share of the regional need for lower-income housing. In addition, the law prohibits water and sewer providers from denying, conditioning the approval, or reducing the amount of service for an application for development that includes housing affordable to lower-income households.¹⁸⁸

d. Development Fees

In addition to costs related to infrastructure needs, such as water and sewer, development fees, also known as impact or service fees, are collected by cities to pay for services and infrastructure needed to build and support new housing. As described in a 2019 study by the Turner Center for Housing Innovation, University of California, Berkeley, as state-imposed policies restricting local taxes, such as Proposition 13, expand in California, many municipalities are left with limited means of raising revenue for infrastructure. As a result, many California jurisdictions are increasingly relying on these development fees to finance necessary projects, such as parks, transportation infrastructure, transit, and other needs. Over time, the reliance on such fee programs may limit growth by impeding or disincentivizing new residential development, facilitate exclusion, and increase housing costs across the state. Moreover, areas already experiencing a deficit in development and investment will continue to lag behind in infrastructure improvements as their ability to tap into potential development fees become even more limited.¹⁸⁹

Social Services

Housing is more than the physical structure occupied by residents. More often than not, supporting the social well-being of residents is as critical as ensuring adequate access to the structure. After the need for affordable housing, many stakeholders highlighted the need for expanded mental healthcare and other wrap around services to support low-income and vulnerable populations.¹⁹⁰ With such understanding in mind, the State of California provides a wide range of programs that help ensure the well-being of communities across the state. State agencies, such as the California Department of Health and Human Services, offer a variety of services to residents to ensure their well-being and bridge the growing gaps between their medical and social needs. Meanwhile, other state agencies have established programs to offer housing-related services and assistance to support targeted populations, such as veterans or persons with

¹⁸⁸ California Department of Housing and Community Development. Priority for Water and Sewer. Available at: <https://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>

¹⁸⁹ Raetz, Hayley. August 2019. Residential Impact Fees in California. University of California Berkeley Turner Center. Retrieved from: http://turnercenter.berkeley.edu/uploads/Residential_Impact_Fees_in_California_August_2019.pdf

¹⁹⁰ California Community Needs Assessment Survey, 2019.

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disabilities. In addition to such programs, other social services in the state have sought to alleviate some of the costs related to accessing adequate housing, such as utilities or weatherization. The following sections provide a summary of some of the programs provided by various agencies.

a. California Health and Human Services Agency – Medi-Cal

Medi-Cal is California's Medicaid health care program. This program pays for a variety of medical services for children and adults with limited income and resources. Medi-Cal is supported by federal and state taxes and is itself made of many separate programs designed to assist Californians in various family and medical situations.¹⁹¹

b. Disaster Case Management Program

The Disaster Case Management Program connects survivors of fires and other disasters with trained case managers to help them find assistance with food, clothing, health care, employment and other human service needs.¹⁹²

c. California Department of Food and Agriculture (Rural Development) – Rural Development Community Facilities Program

Community Facilities Programs offer direct loans, loan guarantees, and grants to develop or improve essential public services and facilities in rural communities across the country in an effort to make them more likely to attract businesses and other employment opportunities for residents.¹⁹³

d. California Department of Veterans Affairs (CalVet)

i. CalVet Veterans Homes of California

The California Department of Veterans Affairs (CalVet) Veterans Homes of California offer long-term care to elderly California veterans or those with a disability and, under certain circumstances, to their spouses and domestic partners.¹⁹⁴

ii. Stand Downs

Stand Down events are typically one- to three-day events organized by community-based veteran's services organizations, nonprofit organizations, and state and federal Veterans Affairs programs. These events provide vital resources and services, such as: food, shelter, clothing, health screenings, benefits counseling, as well as referrals to partners who can provide help in other areas such as housing, employment, and substance abuse treatment. In addition, access to Homeless Courts where veterans are able to resolve minor violations and warrants are also available. These critical services

¹⁹¹ California Health and Human Services Agency, Medi-Cal. Available at: <https://www.dhcs.ca.gov/services/medi-cal>

¹⁹² U.S. Department of Health and Human Services, Disaster Case Management Program. Available at: <http://www.phe.gov/Preparedness/planning/abc/Documents/disaster-case-management.pdf>

¹⁹³ California Department of Education, Rural Development Community Facilities Program. Available at: <https://www.cde.ca.gov/ls/nu/sn/mbusdacnp022012.asp>

¹⁹⁴ California Department of Veterans Affairs, Housing. Available at: <https://www.calvet.ca.gov/veteran-services-benefits/housing>

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are often the catalyst that enable veterans experiencing homelessness to reenter mainstream society.¹⁹⁵

iii. Veterans Housing and Homelessness Prevention (VHHP)

In June of 2014 voters approved Proposition 41, which provides \$600 million to fund the Veterans Housing and Homelessness Prevention (VHHP) Program. The VHHP allocates funds for the development of new affordable housing for veterans and their families. The VHHP requires an emphasis on developing housing for veterans who are homeless or have extremely low-income.¹⁹⁶

e. California Public Utilities Commission

i. California Alternate Rates for Energy (CARE)

Provides a 30-35 percent discount on electric bills and a 20 percent discount on gas bills for residents of low-income communities.¹⁹⁷

ii. Discounts, Payment Plans, and Assistance Paying Your Bill

Offers discounts and payment assistance programs for struggling customers.¹⁹⁸

iii. Medical Baseline

A program where extra allowances of energy are billed at the lowest rate for customers who rely on medical-related equipment.¹⁹⁹

iv. Energy Efficiency Programs

Energy efficiency programs are administered by the Department of Community Services and Development (CSD) under CHHS. The programs include Federal Low-income Home Energy Assistance, Energy Crisis Intervention, Low-Income Weatherization programs (LIHEAP)²⁰⁰, and the Low-Income Weatherization Program (LIWP)²⁰¹. These programs are funded by federal grants to provide weatherization services and financial assistance to help low-income customers pay their energy bills.²⁰²

Other programs include the Family Electric Rate Assistance (FERA) program, which helps families by billing electricity usage at a lower rate, and the Energy Savings

¹⁹⁵ U.S. Department of Veterans Affairs, <https://www.va.gov/HOMELESS/events.asp>

¹⁹⁶ HCD, Veterans Housing and Homelessness Prevention, <https://www.hcd.ca.gov/grants-funding/active-funding/vhhp.shtml>

¹⁹⁷ California Public Utilities Commission, California Alternate Rates for Energy, <https://www.cpuc.ca.gov/General.aspx?id=976>

¹⁹⁸ California Public Utilities Commission, Assistance Paying Your Bills, <https://www.cpuc.ca.gov/assistanceplans/>

¹⁹⁹ California Public Utilities Commission, Medical Baseline, <https://www.cpuc.ca.gov/General.aspx?id=12196>

²⁰⁰ California Department of Community Services & Development, Low Income Home Energy Assistance Program, <https://www.csd.ca.gov/Pages/LIHEAPProgram.aspx>

²⁰¹ California Department of Community Services & Development, Low-Income Weatherization Program, <https://www.csd.ca.gov/Pages/Low-Income-Weatherization-Program.aspx>

²⁰² California, Low-Income Weatherization Program, <https://camultifamilyenergyefficiency.org/>

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Assistance Program (ESAP), which provides no-cost weatherization services. ²⁰³

v. CalWORKs Housing Support Program (HSP)

The CalWORKs Housing Support Program (HSP) assists homeless CalWORKs families in obtaining permanent housing and can provide temporary shelter, help with moving costs, short to medium term rental subsidies and wraparound case management. ²⁰⁴

vi. CalWORKs Homeless Assistance (HA)

The CalWORKs Homeless Assistance (HA) Program serves eligible or apparently eligible CalWORKs recipients, who are homeless or at risk of homelessness. CalWORKs HA can provide payments for temporary shelter for up to 16 consecutive calendar days, as well as payments to secure or maintain housing, including a security deposit and last month's rent, or up to two months of rent arrearages.

vii. Bringing Families Home Program (BFH)

The Bringing Families Home (BFH) program serves homeless families involved with the child welfare system and offers housing support in order for families to successfully reunify.

viii. Housing and Disability Advocacy Program (HDAP)

The Housing and Disability Advocacy Program (HDAP) assists homeless individuals with a disability in applying for disability benefit programs and support services. The HDAP requires that participating counties offer outreach, case management, benefits advocacy, and housing support to all program participants.

ix. Home Safe Program

The Home Safe Program supports the safety and housing stability of individuals involved in Adult Protective Services (APS) who are experiencing, or at imminent risk of experiencing, homelessness due to elder or dependent adult abuse, neglect, self-neglect, or financial exploitation, by providing housing-related assistance using evidence-based practices.

x. Other Programs: Foster Family Home and Small Family Home Insurance Fund

This fund administered by the Department of Social Services focuses on licensed foster family homes and small family homes and pays the claims that foster children, their parents, or their guardians incurred from an accident that resulted in bodily injury or personal injury neither expected nor intended by the foster parent. ²⁰⁵

²⁰³ California Public Utilities Commission, Family Electric Rate Assistance, <https://www.cpuc.ca.gov/fera/>

²⁰⁴ California Department of Community Services & Development, CalWORKs Housing Support Program <https://www.cdss.ca.gov/inforesources/cdss-programs/housing-programs/calworks-housing-support-program>

²⁰⁵ Department of Social Services, Foster Family Home and Small Family Home Insurance Fund. Available at: <https://www.cdss.ca.gov/inforesources/foster-care/fsh-fund-information>

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Summary of Community Engagement Regarding State Laws and Programs

Outreach and engagement activities throughout the 2020 Analysis of Impediments to Fair Housing Choice (2020 AI) process provided the opportunity for stakeholders and members of the community to provide feedback on barriers they perceive to be impediments to housing choice, and to share potential solutions to these problems. The main themes from the issues raised through community engagement included the impact of local zoning laws and development regulations on housing development.

Stakeholders provided comments to HCD via email regarding local zoning laws that block multifamily housing on a large scale, including that local zoning and general plan designations often limit the type of housing that can be produced. These laws are viewed by stakeholders as veiled attempts to restrict persons of color and lower-income households from living in wealthier communities with greater opportunity. Comment card submissions spoke about the need to reevaluate jurisdictional policies for housing, zoning, and permitting processes to ensure that they are easily understood by the public.

Persons who attended public meetings discussed ways in which development practices and costs impact housing supply. Attendees also indicated that despite many new state laws intended to make multifamily and affordable homes easier to approve and build, they still felt that local jurisdictions and community members held power to limit the type(s) of housing that will be constructed. Stakeholders who were interviewed individually explained that they felt local exclusionary zoning practices had intensified in recent years, and that they wanted their communities to develop more inclusive and higher-density housing developments.

Stakeholders noted that local policies were not uniform from city to city, noting that while some local policies limit affordable housing development, others are proactively encouraging it. They also noted that in recent years increasingly strict local parking and camping ordinances and enforcement practices have been passed as a response to persons living in their cars and RVs, making life more difficult for persons experiencing homelessness and criminalizing many of their daily activities.

Conclusion

As the overview of the State of California's policies, laws, plans, and programs presented in this section highlights, the State of California has in many respects gone above and beyond federal fair housing requirements to promote housing choice and access to opportunity. For example, as of 2020, California has expanded its protected classes under state fair housing laws and regulations to include categories such as military or veteran status, immigration status, and expanded source of income protections to voucher holders -- going far beyond the current federal fair housing requirements. In other cases, the state has augmented its approach to discriminatory effects, also known as disparate impact, to address neutral policies or practices that disproportionately affect persons in protected classes, or that implicitly influence ongoing patterns of segregation. The state has also introduced laws that formalize the

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prohibition of discrimination, including discriminatory effect, in land use practices, policies, zoning, and in housing and community development programs. Such laws provide local jurisdictions with clarity regarding land use practices and help the State of California to carve a path forward to address potential fair housing barriers and impediments related to the state's overall cost and supply of housing.

Taken together, these state policies, laws, plans, and programs provide a powerful arsenal for the State of California to regulate best practices and to promote fair housing choice through its many departments and agencies. At this moment in time, there is a large body of law working to ensure that affordable housing and affirmatively furthering fair housing goals are met in California, but implementation of those laws requires education on rights and responsibilities to all involved stakeholders: governments, developers, advocates, and community members. Though additional proactive legislative and programmatic changes will likely further improve the state's arsenal to address impediments to fair housing choice and access to opportunity, ongoing efforts also need to focus on enforcing the rules and regulations already in place. Providing state departments and agencies with sufficient resources to monitor and evaluate the overall performance of these policies, programs, and plans will be key in furthering state and federal fair housing objectives.

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Chapter 5. Segregation & Integration

For many communities across California, high levels of residential segregation related to race, ethnicity, and poverty status often lead to conditions that exacerbate inequalities among different population groups. Residential segregation leads to consequences including increased concentrations of poverty and unequal access to jobs, education, and other services.²⁰⁶

In the United States, federal housing policies and discriminatory mortgage lending practices prior to the Fair Housing Act of 1968 not only encouraged segregation, but often mandated restrictions based on race in specific neighborhoods.²⁰⁷ The Fair Housing Act of 1968 outlawed such discriminatory housing practices but did not address the existing and ongoing root causes of segregation and inequality in American communities. Stakeholders expressed concern that current land use and zoning practices reinforce existing segregation patterns by limiting multifamily and affordable housing developments, especially in affluent predominately White communities. Although segregation and the impacts of living in a segregated community continue, the State of California is attempting to address these patterns through recent legislation that seeks to address barriers to affordable housing development and housing choice. A summary of California's housing laws can be found in Chapter 4 of this document. The State of California also administers a wide variety of federal housing programs to improve access to financing, develop affordable housing units, and expand opportunities for housing choice. A summary of these programs can be found in Chapter 9.

In addition to the policies and programs administered by California state agencies, local housing authorities also work to address segregation. Over the years, federal housing policies and programs, such as Housing Choice Voucher (HCV) and HOPE VI programs, have been implemented in an effort to alleviate the effects of residential segregation and reduce concentrations of poverty. Housing Choice Vouchers addresses these problems by providing a subsidy to private landlords to bridge the affordability gap for low-income households in market rate units to encourage mixed-income communities. HOPE VI was developed as an attempt to replace large housing projects with a mixed-use development model. Despite these efforts, the repercussions of the discriminatory policies and practices continue to have a significant impact on the

²⁰⁶ Massey, Douglas S. 2001. *America Becoming: Racial Trends and Their Consequences: Volume I*. Chapter 13. Residential Segregation and Neighborhood Conditions in U.S. Metropolitan Areas. The National Academies Press. Available at: <https://www.nap.edu/read/9599/chapter/14>

²⁰⁷ Office of the Assistance Secretary of Fair Housing and Equal Opportunity, HUD. 2013. Implementation of the Fair Housing Act's Discriminatory Effects Standard. Available at: <https://www.federalregister.gov/documents/2013/02/15/2013-03375/implementation-of-the-fair-housing-acts-discriminatory-effects-standard>

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residential patterns of California today.²⁰⁸ Stakeholders noted that inclusionary housing requirements can contribute to racial and economic integration.

Racially/Ethnically Concentrated Areas of Poverty

HUD defines Racially and Ethnically Concentrated Areas of Poverty (RECAP) as areas that have a non-White population of 50 percent or more with 40 percent or more of the population in poverty, or a poverty rate that is greater than three times the average poverty rate in the area.²⁰⁹ As of 2017, the State of California had 391 RECAP areas, which represents a notable 40 percent increase from the 278 RECAP areas documented in 2010. Between 2000, when the state had 182 RECAP areas, and 2017, California has seen a 115 percent increase in RECAP areas. The table below highlights the number of newly designed RECAP areas as 2017 by county. Based on the data provided by HUD, Los Angeles County had 43 census tracts newly designed as RECAP areas, while Fresno County had 13 new areas.

Figure 65: New RECAPs, California, 2017

County	New RECAPs
Los Angeles	43
Fresno	13
Sacramento	10
San Bernardino	10
Riverside	9
Kern	5
Monterey	5
Tulare	5
Alameda	4
San Francisco	4
Santa Clara	4
Orange	3
San Diego	3
San Joaquin	3
Imperial	2
Merced	2
Stanislaus	2
Yolo	2
Contra Costa	1
Kings	1
Solano	1
Sutter	1

Source: U.S. Department of Housing and Urban Development, ArcGIS Open Data, 2017

Note: New RECAP areas represent census tracts not designated as a RECAP in 1990, 2000, or 2010, as such the total number of new RECAPs may not reflect the total number of RECAPs gained between 2010 and 2017 as 2010 RECAP areas ceased to be classified as a RECAP in 2017.

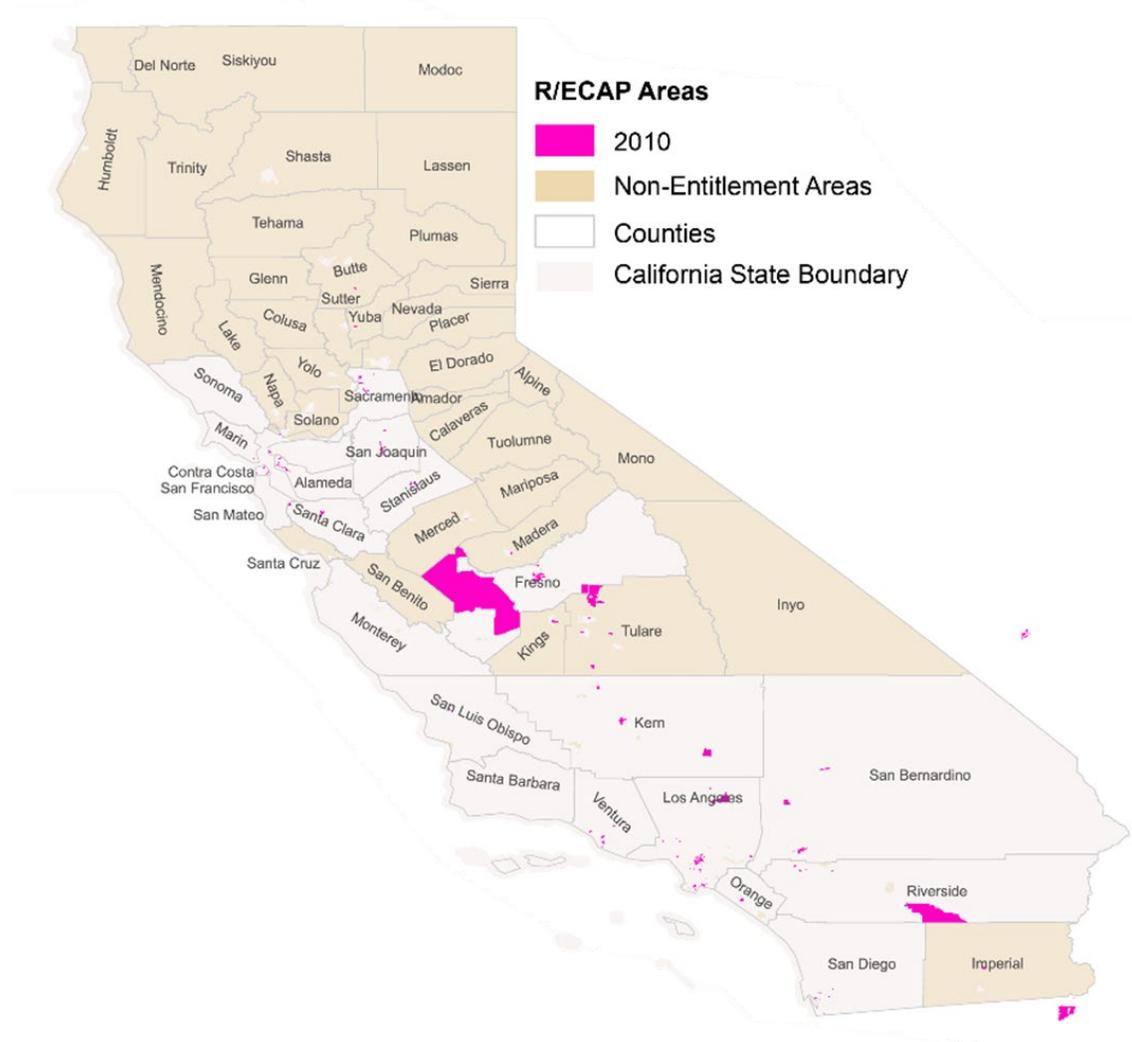
²⁰⁸ Urban Displacement Project. Redlining and Gentrification. UC Berkeley. Available at: <https://www.urbandisplacement.org/redlining>

²⁰⁹ Data World R/ECAP definition. Retrieved from: <https://data.world/hud/recap>

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For California as a whole, this increase represents greater instances of poverty and less access to opportunity for certain residents. The figure below shows the shift in locations of 2010 and 2017 RECAP areas statewide. While many shifts in RECAP areas happened in entitlement areas, non-entitlement areas also experienced significant changes in the number of RECAP areas during the time period. For example, Tulare County experienced a 100 percent increase in the number of RECAP areas between 2010 and 2017, doubling from six areas in 2010 to 12 in 2017. Similar dynamics occur in other non-entitlement counties in close proximity to urban centers in the state, such as Yolo County and Kings County.

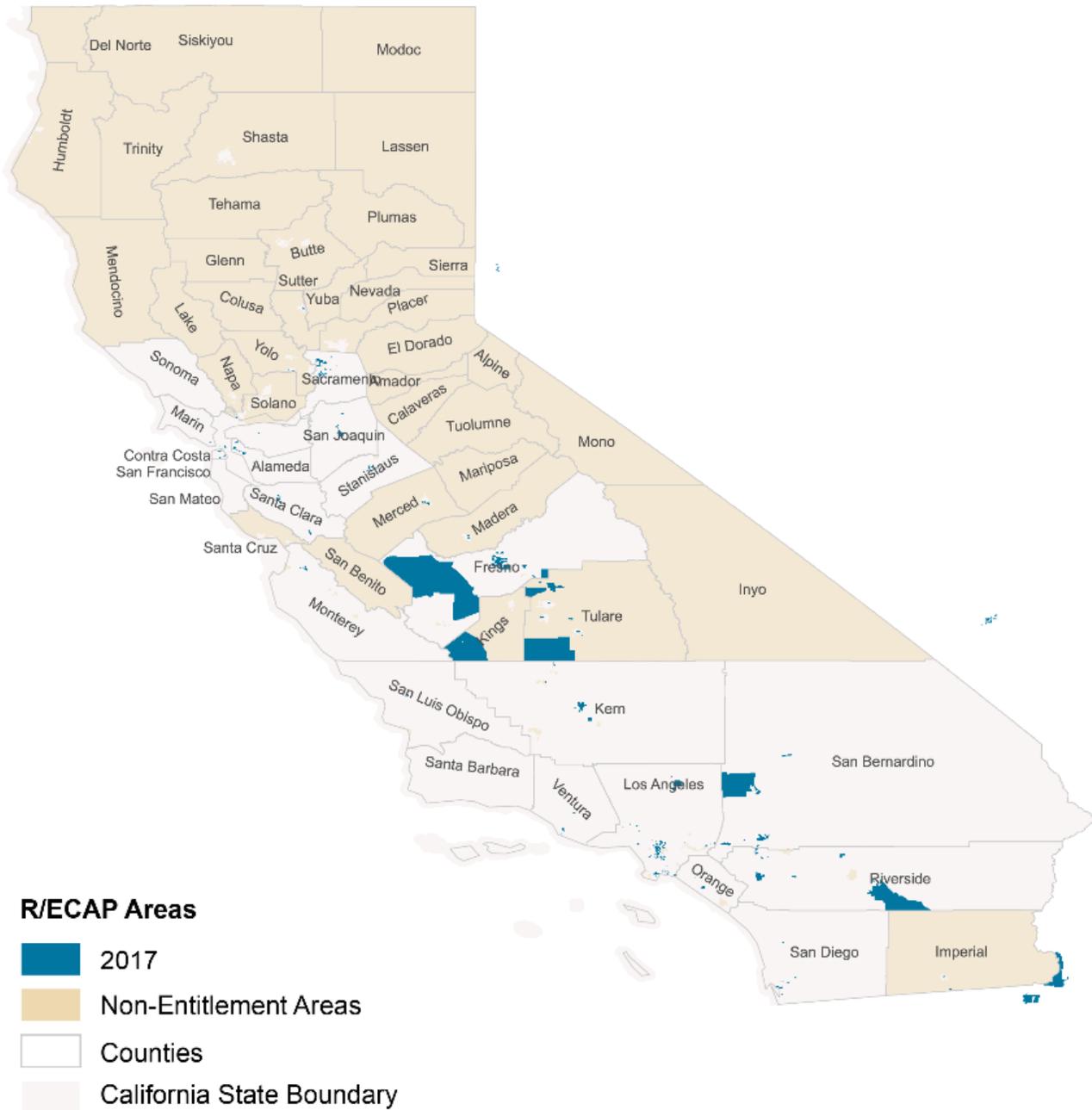
Figure 66: RECAP Areas, California, 2010



Source: U.S. Department of Housing and Urban Development, ArcGIS Open Data, 2017

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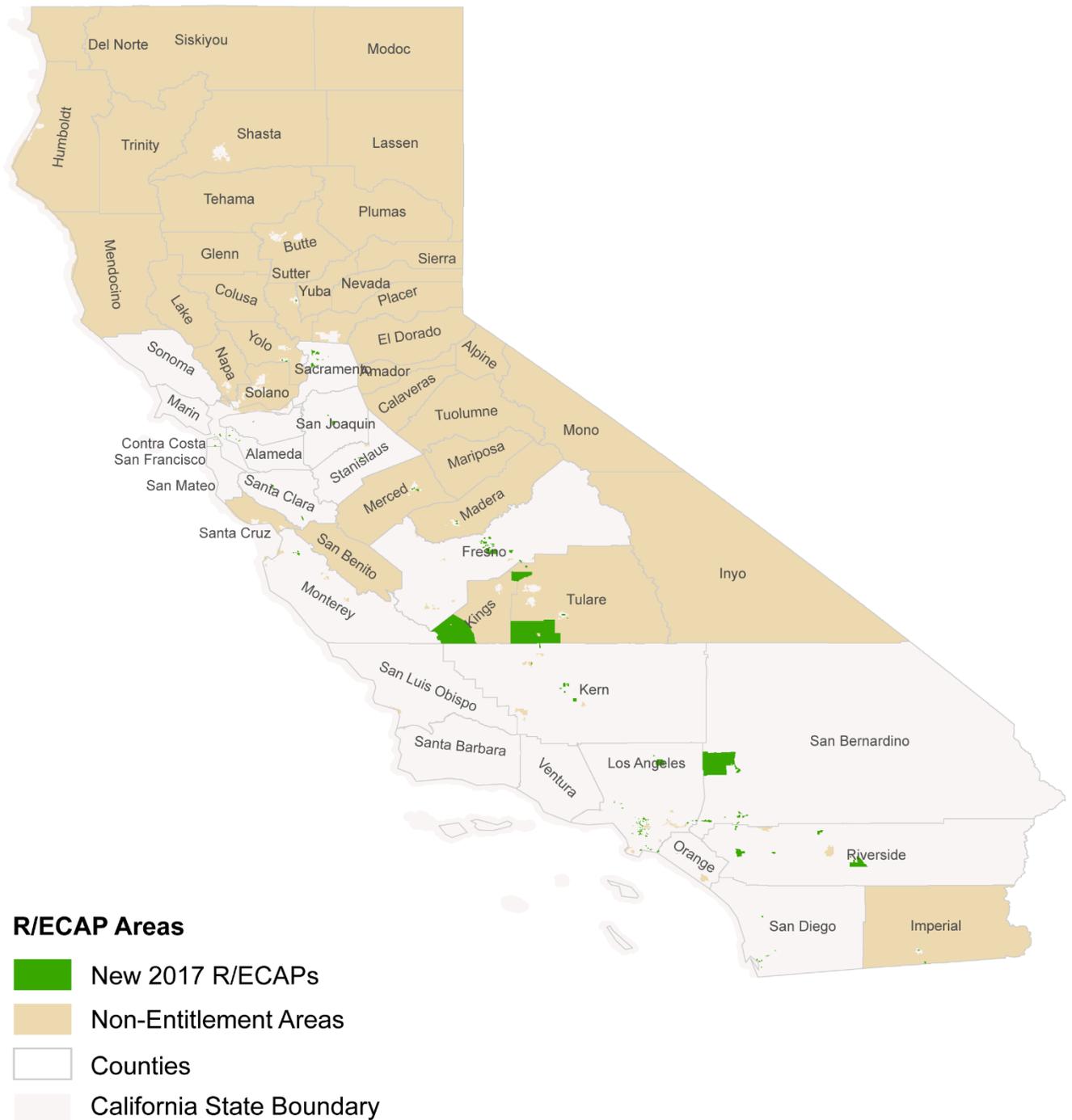
Figure 67: RECAP Areas, California, 2017



Source: U.S. Department of Housing and Urban Development, ArcGIS Open Data, 2017

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Figure 68: RECAP New Areas, California, 2010 – 2017



Source: U.S. Department of Housing and Urban Development, ArcGIS Open Data, 2017

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a. RECAP Demographics

California’s entitlement and non-entitlement areas combined have a total of 1.7 million people living in RECAP areas. As the figure below highlights, the state’s RECAP areas are largely comprised of Hispanic residents, who represent 65 percent of the combined population. In non-entitlement areas, Hispanic residents make up 90 percent of the RECAP population.

White non-Hispanic and Black non-Hispanic residents make up approximately 12 percent and 11 percent of the total RECAP population statewide, respectively. Overall, entitlement areas experience higher concentrations of non-Hispanic White, Black, and Asian or Pacific Islander populations than in non-entitlement areas. For example, the proportion of White, non-Hispanic populations in entitlement areas is nearly double that of White, non-Hispanic populations in non-entitlement areas. Meanwhile, there are fewer Black, non-Hispanic residents in non-entitlement areas, amounting to just 577 individuals, a sharp contrast from entitlement areas where they comprised 11.7 percent of the RECAP population, or 190,781 persons.

Other communities, such as non-Hispanic Asian or Pacific Islander populations, make up approximately 10 percent of the total population in RECAP areas statewide. However, in non-entitlement areas alone, such proportion drops to 1.6 percent. Lastly, more than half, or about 60 percent, of families that live in California’s RECAP areas have children, which points to the continued need to prioritize access to adequate housing that meets the financial and spatial needs of family households.

Figure 69: RECAP Demographics (Entitlement/Non-Entitlement Areas), California²¹⁰

RECAP Race/Ethnicity	Entitlement Areas Estimate	Entitlement Areas Percent	Non-Entitlement Areas Estimate	Non-Entitlement Areas Percent	Total Estimate	Total Percent
Total Population in RECAPs	1,625,374	-	81,010	-	1,706,384	-
White, Non-Hispanic	197,647	12.2%	5,607	6.9%	203,254	11.9%
Black, Non-Hispanic	190,781	11.7%	577	0.7%	191,358	11.2%
Hispanic	1,035,157	63.7%	72,920	90.0%	1,108,077	64.9%
Asian or Pacific Islander, Non-Hispanic	164,041	10.1%	1,296	1.6%	165,337	9.7%
Native American, Non-Hispanic	6,398	0.4%	184	0.2%	6,582	0.4%
Other, Non-Hispanic	3,479	0.2%	77	0.1%	3,556	0.2%
RECAP Family Type	-	-	-	-	-	-
Total Families in RECAPs	310,934	-	16,868	-	327,802	-
Families with children	187,334	60.3%	10,639	63.1%	197,973	60.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004, 2017.

²¹⁰ There are rounding errors in the estimates provided by HUD. Counts in the figure above may vary from the total of the demographic groups provided in the table.

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Segregation Levels

One of the primary goals of the Fair Housing Act is to promote racial and ethnic integration of communities. Identifying segregation trends is the first step to addressing the problems that limit fair housing choice. In general, segregation physically isolates groups and limits social interactions, which in the long term may increase the marginalization of vulnerable communities. This degree of separation creates challenges to unity and equal opportunity, especially when policies are created to purposefully be exclusionary.²¹¹

For example, high segregation levels often lead to disproportionate access to opportunity and exacerbate educational achievement gaps in marginalized communities. Research has shown close links between residential and school segregation, resulting in children that are often isolated from opportunity across multiple environments during the crucial developmental period when neighborhood and school resources critically impact their physical and mental well-being and future quality of life.²¹² For example, the University of California in Los Angeles's 2014 study found that California had the highest level of segregation for Latino students in the nation, resulting in inadequate access to opportunities for Latino students across the state.²¹³

HUD's Affirmatively Furthering Fair Housing Data and Mapping Tool contains a dissimilarity index that provides a way to measure segregation.²¹⁴ The dissimilarity index represents the extent to which the distribution of any two groups (frequently racial or ethnic groups, though it may also be for any two groups) differs across census tracts or block groups. Index values range from 0 to 100, with a value of zero representing perfect integration between the groups in question and a value of 100 representing perfect segregation. In general, a number less than 40 represents a low level of segregation, between 40 to 54 represents a moderate level of segregation, and greater than 55 represents a high level of segregation.²¹⁵ The figures in the table below provide a breakdown of racial and ethnic dissimilarity indices by entitlement and non-entitlement areas. The data is bolded in the figures below whenever the dissimilarity index reaches a high level of segregation.

²¹¹ Acevedo-Garcia, Dolores and McArdle, Nancy. 2017. A Shared Future, Fostering Communities of Inclusion in an Era of Inequality: Consequences of Segregation for Children's Opportunity and Wellbeing. Joint Center for Housing Studies of Harvard University. Retrieved from:

http://www.jchs.harvard.edu/sites/default/files/a_shared_future_consequences_of_segregation_for_children.pdf

²¹² Acevedo-Garcia, Dolores and McArdle, Nancy. 2017. A Shared Future, Fostering Communities of Inclusion in an Era of Inequality: Consequences of Segregation for Children's Opportunity and Wellbeing. Center for Joint Studies, Harvard University. Retrieved from:

http://www.jchs.harvard.edu/sites/default/files/a_shared_future_consequences_of_segregation_for_children.pdf

²¹³ The Civil Rights Project May 2014. California the Most Segregated State for Latino Students. UCLA. Retrieved from: <https://www.civilrightsproject.ucla.edu/news/press-releases/2014-press-releases/ucla-report-finds-california-the-most-segregated-state-for-latino-students>

²¹⁴ Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation, [https://files.hudexchange.info/resources/documents/AFFH-T-Data-Documentation-\(AFFHT0004a\)-March-2018.pdf](https://files.hudexchange.info/resources/documents/AFFH-T-Data-Documentation-(AFFHT0004a)-March-2018.pdf)

²¹⁵ AFFH Data Documentation Draft. June 2013. HUD User. Available at: https://www.huduser.gov/portal/publications/pdf/FR-5173-P-01_AFFH_data_documentation.pdf

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In California, based on the figures provided in the latest dissimilarity index, segregation levels between non-White and White populations is moderate in both entitlement and non-entitlement areas, with numbers ranging from 40 to 54. However, segregation levels in non-entitlement areas are slightly higher with a value of 54.1, compared to 50.1 in entitlement areas. Examining overall segregation trends, there has been an increase in segregation between non-White and White populations between 1990 and the present in both entitlement and non-entitlement areas, though there was a brief dip between 2000 and 2010. By 2017, segregation levels had risen again to 50.1.

Between 1990 and 2017, California’s segregation levels have consistently been most severe between the state’s Black and White populations, a trend that holds in both entitlement and non-entitlement areas. In 2010, there was a brief moment when the dissimilarity index between Hispanic and White residents was briefly higher, but it has since reverted back. Overall, segregation levels between Black and White populations decreased in entitlement areas, from 63.8 in 1990 to 61.0 in 2017. During the same time, however, segregation patterns for those populations increased in rural areas, from 61.6 to 64.3.

The dissimilarity indices also show high segregation levels between Hispanic and White populations in both metropolitan and rural areas. Overall segregation levels increased slightly between 1990 and 2017 and remain slightly lower in entitlement areas. In 2017, for example, the dissimilarity index between Hispanic and White populations in entitlement areas was 55.5; in non-entitlement areas it was 58.5.

While segregation levels measured through the dissimilarity index show that Asian or Pacific Islander and White residents are the least segregated when compared to other racial and ethnic groups, levels are still increasing, going from 47.2 in 1990 to 51.5 in 2017 in metropolitan areas and 51.9 and 52.3 in rural areas.

Figure 70: Racial/Ethnic Dissimilarity Trends (Entitlement Areas)

Racial/Ethnic Dissimilarity Index	1990	2000	2010	2017
Non-White/White	48.6	49.2	47.3	50.1
Black/White	63.8	60.2	56.6	61.0
Hispanic/White	53.2	55.8	54.1	55.5
Asian or Pacific Islander/White	47.2	48.4	47.3	51.5

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 3-2, Version AFFHT0004, 2017

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Figure 71: Racial/Ethnic Dissimilarity Trends (Non-Entitlement Areas)

Racial/Ethnic Dissimilarity Index	1990	2000	2010	2017
Non-White/White	48.4	49.8	49.9	54.1
Black/White	61.6	60.4	55.6	64.3
Hispanic/White	55.5	57.0	56.9	58.5
Asian or Pacific Islander/White	51.9	46.7	45.8	52.3

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 3-2, Version AFFHT0004, 2017

High segregation levels often lead to disproportionate access to opportunity and exacerbate educational achievement gaps in marginalized communities. Research has shown close links between residential and school segregation, resulting in children that are often isolated from opportunity across multiple environments during the crucial developmental period when neighborhood and school resources critically impact their physical and mental well-being and future quality of life.²¹⁶ For example, the University of California in Los Angeles’s 2014 study found that California had the highest level of segregation for Latino students in the nation, resulting in inadequate access to opportunities for Latino students across the state.²¹⁷

Limited English Proficiency (LEP)

HUD defines Limited English Proficiency as persons with a limited ability to read, write, speak, or understand English. People with LEP are not explicitly protected under the Fair Housing Act, but HUD uses LEP populations to help measure levels of discrimination.²¹⁸ However, at the state level, California prohibits housing discrimination based on primary language or immigration status.²¹⁹ In 2018, over 6.6 million households in California were considered LEP. Figure 72 below shows the top languages spoken in the state by persons with limited English proficiency. Spanish is the most common language, with 64 percent of LEP individuals speaking Spanish. The top 5 languages spoken by LEP persons are: Spanish, Chinese (including Mandarin and Cantonese), Vietnamese, Tagalog (including Filipino), and Korean. LEP persons that speak one of those top five languages constitute 86.5 percent of the state’s LEP needs.

²¹⁶ Acevedo-Garcia, Dolores and McArdle, Nancy. 2017. A Shared Future, Fostering Communities of Inclusion in an Era of Inequality: Consequences of Segregation for Children’s Opportunity and Wellbeing. Center for Joint Studies, Harvard University. Retrieved from: http://www.jchs.harvard.edu/sites/default/files/a_shared_future_consequences_of_segregation_for_children.pdf

²¹⁷ The Civil Rights Project May 2014. California the Most Segregated State for Latino Students. UCLA. Retrieved from: <https://www.civilrightsproject.ucla.edu/news/press-releases/2014-press-releases/ucla-report-finds-california-the-most-segregated-state-for-latino-students>

²¹⁸ U.S. Department of Housing and Urban Development Office of General Counsel Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency. Available at: <https://archives.hud.gov/news/2016/pr16-135-lepmemo091516.pdf>

²¹⁹ California Legislative Information, Unruh Civil Rights Act https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=51

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Figure 72: Language Spoken by Persons with Limited English Proficiency, California, 2018

Language Spoken at Home, Persons that Speak English Less than "Very Well"	Number
Spanish	4,253,679
Chinese (incl. Mandarin, Cantonese)	676,740
Vietnamese	326,548
Tagalog (incl. Filipino)	263,686
Korean	206,113
Armenian	87,915
Persian (incl. Farsi, Dari)	81,088
Arabic	68,292
Russian	67,565
Japanese	63,098
Punjabi	60,794
Thai, Lao, or other Tai-Kadai languages	43,037
Ilocano, Samoan, Hawaiian, or other Austronesian languages	41,959
Khmer	36,149
Hindi	36,086
Hmong	31,493
Other languages of Asia	28,323
Amharic, Somali, or other Afro-Asiatic languages	26,587
Portuguese	23,735
Other Indo-European languages	18,416
French (incl. Cajun)	17,393
Urdu	14,714
Nepali, Marathi, or other Indic languages	14,620
Other and unspecified languages	13,751
Ukrainian or other Slavic languages	13,734
Gujarati	13,267
Telugu	11,995
Italian	11,125
German	10,973
Tamil	9,016
Bengali	8,506
Hebrew	6,224
Yoruba, Twi, Igbo, or other languages of Western Africa	5,568
Malayalam, Kannada, or other Dravidian languages	5,507
Serbo-Croatian	5,457
Polish	4,506
Greek	4,119
Swahili or other languages of Central, Eastern, and Southern Africa	3,696
Yiddish, Pennsylvania Dutch or other West Germanic languages	3,197
Haitian	1,362
Other Native languages of North America	793
Navajo	202
Total	6,621,028

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates, Table B16001

Note: This data includes all households in California. The data are not specific to low-income or income eligible households.

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As housing programs are developed and implemented throughout California, outreach and support to the 6.6 million LEP households statewide is critical to ensure fair access to housing and services. Often individuals or households with limited English proficiency may feel marginalized and isolated within their communities and are in some cases targeted by unscrupulous landlords hoping to take advantage of the language and cultural gaps.

National Origin

Assessing the foreign-born population within RECAP areas helps to guide and target outreach and increase fair housing access for these populations by creating a pathway to address any potential discriminatory practices or existing gaps in programs targeting these populations. The figure below highlights the 10 most common places of birth of the foreign-born population in California, as well as the number and percentage of the population that is foreign-born.

About 1.7 million people live in California's RECAP areas and, of this population, the largest percentage of foreign-born persons originate from Mexico. Persons born in Mexico represent 23.5 percent of the total RECAP population and represent the greatest share of the foreign-born population in both rural (36.4 percent) and metropolitan areas (22.7 percent).

El Salvadorians are the next highest foreign-born population, but make up only 2.5 percent of the population in entitlement areas and 0.4 percent in non-entitlement areas. In general, entitlement areas, which are mostly in metropolitan regions, had significantly higher concentrations of foreign born residents, as compared to rural, or non-entitlement, areas.

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Figure 73: RECAP National Origin

Country of Origin (Entitlement Areas)	Estimate (Entitlement Areas)	Percent (Entitlement Areas)	Country of Origin (Non-Entitlement Areas)	Estimate (Non-Entitlement Areas)	Percent (Non-Entitlement Areas)	Total Estimate	Total Percent
Mexico	365,918	22.7%	Mexico	34,791	36.4%	400,709	23.5%
El Salvador	40,378	2.5%	El Salvador	404	0.4%	40,782	2.4%
Guatemala	27,870	1.7%	Guatemala	122	0.1%	27,992	1.6%
China Excluding Hong Kong & Taiwan	21,553	1.3%	China excluding Hong Kong & Taiwan	250	0.3%	21,803	1.3%
Vietnam	19,078	1.2%	Vietnam	192	0.2%	19,270	1.1%
Philippines	13,284	0.8%	Philippines	372	0.4%	13,656	0.8%
Laos	9,511	0.6%	Laos	406	0.4%	9,917	0.6%
Korea	8,192	0.5%	Korea	194	0.2%	8,386	0.5%
Honduras	7,725	0.5%	Honduras	58	0.1%	7,783	0.5%
Cambodia	6,429	0.4%	Cambodia	0	0.0%	6,429	0.4%
Total Population in RECAPs	1,610,740	-		95,644	-	1,706,384	-

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4, Version AFFHT0004, 2017

Foreign-born residents in entitlement and non-entitlement RECAP areas amount to more than a half-million people (556,727). These populations face the compounded impacts of cultural integration, social assimilation, the lack of a support network, limited financial resources, and the risk of exploitation from landlords based on perceptions of immigration status; thus, there is a significant need to provide services and support to ensure access to fair housing choice.

Rural Development

In addition to segregation and integration patterns between groups of residents or communities of California, spatial and geographic components, such as rural and urban development patterns, may also reveal unique challenges faced by Californians. For example, in the context of California, suburbs around large cities have expanded to become a larger proportion of an urban area’s population and land area, thus increasingly encroaching on the traditional domain of rural communities.²²⁰ From 2010 to 2017, California experienced substantial urban growth with a 6 percent growth rate, which further strained the limited rural housing supply as housing demand increased in those areas and housing costs began to rise.²²¹ HCD’s Housing Assessment projects that approximately 1.8 million new housing units are needed statewide in both rural and

²²⁰ Ratcliffe, Michael, et. al. December 2016. Defining Rural at the U.S Census Bureau. United States Census Bureau. Available at: https://www2.census.gov/geo/pdfs/reference/ua/Defining_Rural.pdf

²²¹U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year Estimates

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urban areas to meet projected population and household growth from 2015 to 2025. This averages to 180,000 new homes annually.²²²

a. Rural California

The State of California uses several definitions of “rural”, largely dictated by how the term is described in both federal and state programs. The definition of rural is also guided by how physical and social notions of “rural” are measured. HUD defines rural in three ways:

1. A place having fewer than 2,500 inhabitants.
2. A county or parish with an urban population of 20,000 inhabitants or less.
3. Any place with a population not in excess of 20,000 inhabitants and not located in a Metropolitan Statistical Area.

The figure below displays several definitions of what is considered rural in California as well as how the definitions are used throughout various government programs and agencies. Access to potable water is a major issue that was discussed by rural stakeholders in the public outreach and engagement process. The lack of established or functioning wells is a barrier to new development and investments to access water are too costly for many lower-income populations. While challenges may be similar throughout the state, rural areas throughout California have different needs. Understanding these challenges through data collection can be especially challenging due to a range in definitions of rural and the lack of a clear rural definition. The federal Office of Management and Budget (OMB), the U.S. Bureau of Labor Statistics, and the U.S. Department of Agriculture (USDA) all designate rural areas differently, depending on the mission of their organization. Metrics and groups used to make the definition include population clusters, agricultural land-use practices, economies, or commute sheds.

Areas may or may not actually be defined as “rural” depending on what criteria is used, and the same area may have multiple and sometimes conflicting definitions. This can make it difficult to invest in rural areas because communities may be eligible as “rural” under one program, but not another. For example, OMB uses its metrics for purely statistical purposes, while usage under the USDA varies with geography or population size. State housing programs’ definitions of rural are found in the figure below.

²²² California Department of Housing and Community Development. February 2018. California’s Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025. Available at: http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf

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Figure 74: Rural Definitions Within Housing Programs

Program	Definition
Community Development Block Grant	Non-entitlement jurisdictions (cities with populations under 50,000 and counties with populations under 200,000 in unincorporated areas that do not participate in HUD CDBG entitlement program); non federally recognized Native American communities; Colonia as defined by the National Affordable Housing Act of 1990. ²²³
HOME Investment Partnerships Program	“Rural area” is defined using Section 50199.21 of the Health and Safety Code. ²²⁴
Emergency Solutions Grants	“ESG Non-entitlement” means a unit of general-purpose local government that does not receive ESG funding directly from HUD and is not participating as an ESG entitlement. “ESG entitlement” means a unit of general-purpose local government that meets one of the following: (1) is a Metropolitan City or Urban County as defined under 42 USC 5302 that receives an allocation of ESG funds directly from HUD; (2) is in a non-entitlement area that has entered into an agreement with an Urban County to participate in that locality's ESG program, or (3) is a Metropolitan City or Urban County that have entered into a joint agreement with one another to receive and administer a combined direct allocation of ESG funds from HUD. ²²⁵

Sources: California Department of Housing and Community Development, California Tax Credit Allocation Committee, California Code of Regulations

The tables below show the percentage of population living in rural areas by county in the state of California in 2010. Counties with less than 50 percent of the population living in rural areas are classified as mostly urban; those with 50 to 99.9 percent in rural areas are classified as mostly rural; counties with a 100 percent rural population are classified as completely rural. As described above, the definitions of rural communities change between various state and federal funding programs. Defining rural communities by a population percentage quantifies community needs and is one method state and federal programs utilize to determine eligibility for funding opportunities.

²²³ California Department of Housing and Community Development. Community Development Block Grant (CDBG) – Community Development (CD). Available at <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/cdbg-cd.shtml>

²²⁴ California Tax Credit Allocation Committee, Methodology for Determining Rural Status of Project Site for 2018 Applications <https://www.treasurer.ca.gov/ctcac/2018/methodology.pdf>

²²⁵ California Code of Regulations, Definitions, [https://govt.westlaw.com/calregs/Document/I7E16E73306AE402882C9A51F0396B8FD?viewType=FullText&originati onContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I7E16E73306AE402882C9A51F0396B8FD?viewType=FullText&originati onContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

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Figure 75: Rural Population by County, Completely Rural, 2010

2015 Geography Name	2010 Census Total Population	2010 Census Urban Population	2010 Census Rural Population	Percent Rural
Alpine	1,175	0	1,175	100%
Mariposa	18,251	0	18,251	100%
Trinity	13,786	0	13,786	100%

Source: U.S. Census Bureau 2010 American Community Survey 1- Year estimates. 5- Year estimates are referenced when available.

As the table below shows, as of 2010, eight counties in California were considered mostly rural by the Census.

Figure 76: Rural Population by County, Mostly Rural, 2010

2015 Geography Name	2010 Census Total Population	2010 Census Urban Population	2010 Census Rural Population	2010 Census
Amador	38,091	15,075	23,016	60.4%
Calaveras	45,578	11,208	34,370	75.4%
Lassen	34,895	10,285	24,610	70.5%
Modoc	9,686	2,910	6,776	70.0%
Plumas	20,007	5,197	14,810	74.0%
Sierra	3,240	9	3,231	99.7%
Siskiyou	44,900	15,344	29,556	65.8%
Tehama	63,463	30,787	32,676	51.5%

Source: U.S. Census Bureau 2010 American Community Survey 1- Year estimates. 5- Year estimates are referenced when available.

The figure below shows the 48 urban counties in California as dictated by the 2010 Census. It is worth noting that the data below is referenced from the ACS 1-year estimates and ACS 5-year estimates whenever available for the county. As a largely urban state, it is key that as growth extends from those urban areas into the more rural counties it carries with it adequate access to housing and the additional infrastructure needed to support the needs of the rural population.

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Figure 77: County Rurality Level, Mostly Urban, 2010

2015 Geography Name	2010 Census Total Population	2010 Census Urban Population	2010 Census Rural Population	Percent Rural
Alameda	1,510,271	1,504,402	5,869	38.9%
Butte	220,000	178,416	41,584	18.9%
Colusa	21,419	14,624	6,795	31.7%
Contra Costa	1,049,025	1,040,709	8,316	0.8%
Del Norte	28,610	18,976	9,634	33.7%
El Dorado	181,058	118,231	62,827	34.7%
Fresno	930,450	829,913	100,537	10.8%
Glenn	28,122	16,628	11,494	40.9%
Humboldt	134,623	94,561	40,062	29.8%
Imperial	174,528	144,129	30,399	17.4%
Inyo	18,546	9,935	8,611	46.4%
Kern	839,631	753,938	85,693	10.2%
Kings	152,982	136,381	16,601	10.9%
Lake	64,665	43,257	21,408	33.1%
Los Angeles	9,818,605	9,759,181	59,424	0.6%
Madera	150,865	101,193	49,672	32.9%
Marin	252,409	235,952	16,457	6.5%
Mendocino	87,841	48,110	39,731	45.2%
Merced	255,793	219,283	36,510	14.3%
Mono	14,202	7,693	6,509	45.8%
Monterey	415,057	374,315	40,742	9.8%
Napa	136,484	118,194	18,290	13.4%
Nevada	98,764	57,150	41,614	42.1%
Orange	3,010,232	3,005,917	4,315	0.1%
Placer	348,432	300,393	48,039	13.8%
Riverside	2,189,641	2,088,429	101,212	4.6%
Sacramento	1,418,788	1,389,531	29,257	2.1%
San Benito	55,269	42,002	13,267	24.0%
San Bernardino	2,035,210	1,938,853	96,357	4.7%
San Diego	3,095,313	2,993,259	102,054	3.3%
San Francisco	805,235	805,235	0	0.0%
San Joaquin	685,306	627,241	58,065	8.5%
San Luis Obispo	269,637	224,887	44,750	16.6%
San Mateo	718,451	704,865	13,586	1.9%
Santa Barbara	423,895	402,626	21,269	5.0%
Santa Clara	1,781,642	1,762,335	19,307	1.1%
Santa Cruz	262,382	230,793	31,589	12.0%
Shasta	177,223	125,321	51,902	29.3%
Solano	413,344	397,974	15,370	3.7%
Sonoma	483,878	424,102	59,776	12.4%
Stanislaus	514,453	473,396	41,057	8.0%
Sutter	94,737	80,718	14,019	14.8%
Tulare	442,179	373,730	68,449	15.5%
Tuolumne	55,365	28,255	27,110	49.0%
Ventura	823,318	797,593	25,725	3.1%
Yolo	200,849	186,931	13,918	6.9%
Yuba	72,155	53,234	18,921	26.2%

Source: U.S. Census Bureau 2010 American Community Survey 1-Year estimates. 5-Year estimates are referenced when available.

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b. Rural Specific Needs

California's Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025, highlights some of the challenges faced by rural communities, which includes lack of data, an aging population with higher percentages of people with disabilities, lack of adequate farmworker housing, and increasing vulnerability to climate change stress, including wildfires caused by severe drought.²²⁶

The lack of adequate small area data directly impacts the ability to accurately measure key indicators, such as racial residential segregation in rural areas, which leads to difficulty in demonstrating or measuring the impact of established state program requirements. The lack of access to services in rural areas disproportionately impacts the aging/elderly and people with disabilities. As these populations grow, there is a pressing need to strengthen existing services and programs into rural areas to match the needs of an increasing elderly population with limited mobility. In addition, California's economy is built on agriculture, and lack of housing for farmworkers, predominantly found in rural areas, is a persistent challenge. Farmworker housing that is safe, sanitary, and affordable remains a challenge for the state's farmworker population.²²⁷ The following section provides additional detail on the challenges faced in California's rural communities.

i. Lack of Small Area Data

HCD's previous AI revealed a lack of literature describing the incidence or characteristics of racial residential segregation in rural areas. This is largely the result of lack of data, particularly, but not limited to, the absence of Census income by race. This has directly affected the process of determining over/under-representation in the affected Census tracts by race and income level, which has made it more difficult to implement CDBG and HOME activities. There are also limitations contained in the U.S. Census and ACS datasets for these smaller, rural jurisdictions relative to that of larger, urban jurisdictions, making it more difficult to do a full analysis of minority concentration by race for these communities, as was reported in HCD's 2012 AI.

ii. Elderly Population and Disability

HCD's Statewide Housing Assessment 2025 highlights that California's elderly population is growing rapidly as the baby boomer generation ages. There is a pressing need to strengthen services for the aging population, particularly for those living with disabilities, the poor or nearly poor, minorities, those living in rural areas, and the frail elderly. Figure 20, found in Chapter 3, highlights the elderly population living with a disability in non-entitlement and entitlement communities.

²²⁶ California Department of Housing and Community Development. February 2018. *California's Housing Future: Challenges and Opportunities Final Statewide Housing Assessment 2025*. Available at: http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf.

²²⁷ Ag Innovation Network, Shelter + Mobility Recommendations for California's Specialty Crop Ag Workforce, 2014. <http://mail.cirsinc.org/publications/current-publications?start=20>

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iii. *Farmworker Housing Accessibility and Affordability*

Improving access and affordability of housing for farmworkers and their families is a high priority for rural areas of the state. The shortage of affordable housing and high land value and construction costs are barriers to building low cost housing, particularly when paired with restrictive local requirements. In addition, a lack of infrastructure in farmworker communities hinders development of supply. These communities also need better transportation access, closer to housing, in these rural areas. Lastly, uneven code enforcement and the prohibitive cost to rehabilitate housing can sometimes lead to displacement.²²⁸

iv. *Wildfire Vulnerability*

Rural counties in California have high physical and social vulnerabilities to wildfires. A lack of physical and organizational infrastructure in rural communities has the potential to negatively impact evacuation efforts, response times, and recovery efforts. Disasters exacerbate existing shortages of safe and accessible affordable housing and have a greater impact on vulnerable populations such as the aging population, persons living in poverty, and persons with a disability. Increased costs after a disaster, for example, can make housing completely unattainable for those who were already struggling to find affordable housing before the disaster event. Additionally, rural communities with a large agricultural base are home to farmworkers, who may be recent immigrants or migrants. These communities face additional challenges accessing aid and adequate housing after a disaster due to language barriers and uncertainty around program eligibility.²²⁹

c. Rural Conditions

The varying definitions of rural throughout California, as well as the dynamic conditions of these communities, present an opportunity to further identify ongoing housing needs and conditions. In rural areas, for example, high transportation costs often negate what are generally more affordable housing prices. The combined burden of housing and transportation costs can leave residents in rural communities with a cost-of-living comparable to their urban and suburban counterparts. Stakeholders expressed concern over the lack of alternative transportation options to assist residents that do not own a personal vehicle. Stakeholders sought additional private and public transportation options.

²²⁸Ag Innovation Network, Shelter+Mobility Recommendations for California's Specialty Crop Ag Workforce, 2014. <http://mail.cirsinc.org/publications/current-publications?start=20>

²²⁹ Jacobs, Ilene J., and Christina Davila. Rural Disasters: Preparedness, Response, Recovery. Rural Voices. November 2019 Edition. Volume 23. No.1. Housing Assistance Council. <http://www.ruralhome.org/storage/documents/rural-voices/rv-fall-2019.pdf#page=8>

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Below is a list of additional challenges faced by rural communities from HCD's Statewide Housing Assessment 2025.²³⁰

- Like urban and suburban communities, rural communities also struggle with crumbling infrastructure systems and costs associated with installing new ones. Existing systems in rural areas may lack the capacity to accommodate new water and sewer connections. Some rural areas may also rely on septic systems for sewer, which constrains new development. These communities often lack access to potable water, sewer systems, stormwater drainage, and utilities.
- Rural communities are further away from employment opportunities and services, thus longer vehicle trips are often required. Rural counties generally have the highest total housing and transportation cost burden relative to urban and suburban areas.
- Rural job and housing markets are slower to recover after economic stress, although this does not just affect moderate or low-income families. Many rural areas also have large lot, high-income, ranchette-styled settlements located on the fringe of urban areas or embedded in non-metropolitan areas.

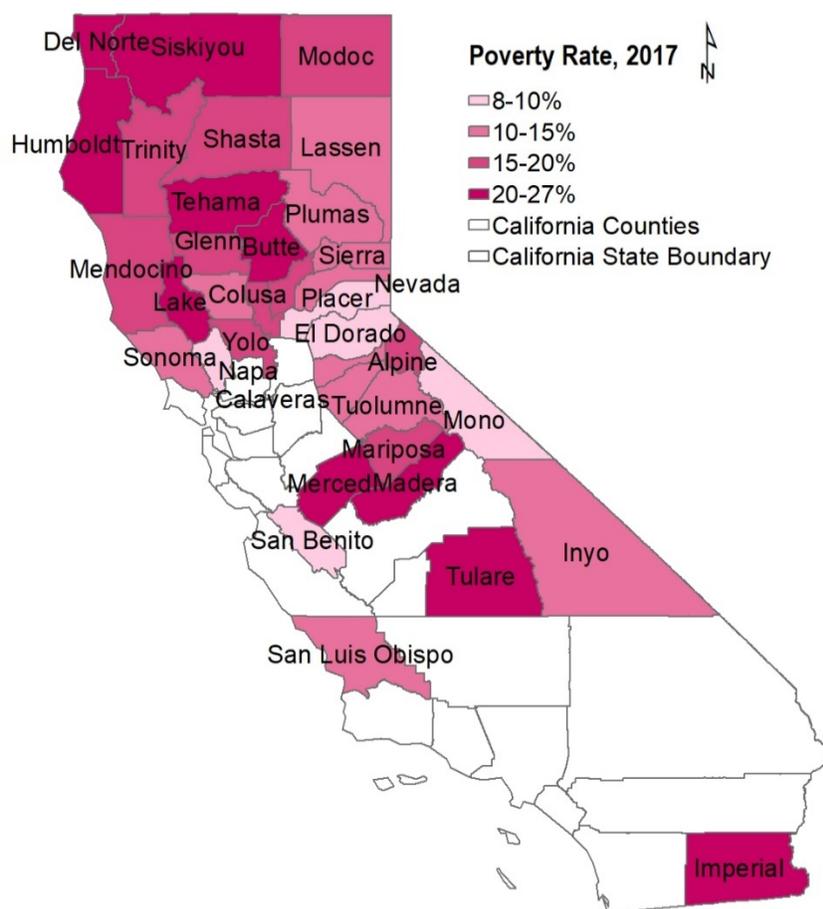
In addition to those challenges, persistent poverty in rural communities continues to be a challenge for housing choice and social mobility. For example, based on ACS 2013-2017 data, while poverty for the State of California was 15.1 percent, rural counties, as defined by the Rural County Representatives of California (RCRC), had a median poverty rate of 17.4 percent.²³¹ As the figure below highlights, in counties such as Tulare, Merced, Humboldt, Del Norte, Lake, Tehama, Madera, Siskiyou, Imperial, and Butte, the poverty rate exceeded 20 percent.

²³⁰ California Department of Housing and Community Development. 2012 Analysis of Impediments to Fair Housing Choice. Available at: http://www.hcd.ca.gov/policy-research/plans-reports/docs/state_of_ca_analysis_of_impediments_full%20report0912.pdf

²³¹ Rural County Representatives of California <https://www.rcrcnet.org/counties>

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Figure 78: Poverty Rate, Rural Counties, California, 2017



Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

In fact, as the figure below underscores, as of 2017, 10 out the 13 counties with poverty rates over 20 percent were mostly rural. Though the remaining counties are considered more urban in nature, those counties also contain a large number of rural communities, thus highlighting the distinct disparities in poverty rates between rural communities in California and the rest of the state.

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Figure 79: Poverty Rate Over 20 Percent, California, 2017

County	Poverty Rate	Rural
Tulare	27.1	Mostly Rural
Fresno	25.4	Mostly Urban
Imperial	23.8	Mostly Rural
Merced	23.3	Mostly Rural
Del Norte	23.2	Mostly Rural
Lake	22.8	Mostly Rural
Kern	22.6	Mostly Urban
Madera	22.1	Mostly Rural
Kings	20.9	Mostly Urban
Tehama	20.9	Mostly Rural
Humboldt	20.8	Mostly Rural
Siskiyou	20.7	Mostly Rural
Butte	20.5	Mostly Rural

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

From a demographic standpoint, though rural counties are as diverse as the rest of California, some key characteristics of rural counties may solicit more tailored interventions. For example, as the table below highlights, all rural counties have White populations over 55 percent and Black or African American populations typically below 10 percent, which are consistent with statewide demographic trends; however, in some cases, rural counties have a significantly higher share of American Indian and Alaska Native and Hispanic communities. For example, in the case of Alpine County, the American Indian and Alaska Native is 21.9 percent, which is significantly higher than the statewide average of 1.6 percent. Meanwhile, the counties of Colusa, San Benito, Tulare, Madera, Imperial, and Merced all have a Hispanic or Latino population over 50 percent, which is significantly higher than the 39 percent observed statewide. Combined with higher rates of poverty, such demographic profile of rural counties in California highlights the continued need to refine existing and future programs to effectively further the fair housing access and choice for all protected classes, low-income households, and immigrant families in rural areas of the state.

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Figure 80: Race and Ethnicity, Rural Counties, California, 2017

County	Total Population	White	Black/African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Two or more races	Hispanic or Latino (of any race)
Name	Estimate	Percent of Total Population	Percent of Total Population	Percent of Total Population	Percent of Total Population	Percent of Total Population	Percent of Total Population	Percent of Total Population	Percent of Total Population
Sierra	2,885	96.9	0.1	1.0	0.0	0.0	0.0	1.9	10.1
Nevada	98,838	92.1	0.6	0.9	1.1	0.1	1.8	3.3	9.2
Calaveras	45,057	91.8	0.6	1.1	1.2	0.5	1.0	3.9	11.5
Modoc	9,017	91.4	0.7	4.1	1.2	0.1	0.3	2.2	14.6
Plumas	18,724	89.6	0.9	2.1	0.8	0.3	2.0	4.3	8.5
Mariposa	17,658	89.0	1.2	2.6	1.0	0.3	1.7	4.1	10.6
Colusa	21,479	88.3	0.9	1.1	1.5	0.1	5.4	2.6	58.4
El Dorado	185,015	87.5	1.0	0.7	4.3	0.2	2.7	3.7	12.6
Tuolumne	53,899	87.5	1.8	1.7	1.1	0.3	3.0	4.5	11.8
Amador	37,306	87.0	2.1	0.8	1.6	0.2	3.7	4.6	13.2
Shasta	178,919	86.9	1.1	2.5	3.0	0.1	2.1	4.4	9.6
Trinity	13,037	86.6	0.8	4.3	1.2	0.9	3.2	3.0	7.2
Tehama	63,247	86.0	0.6	2.4	1.4	0.0	5.5	4.0	24.2
San Luis Obispo	280,119	85.9	1.9	0.7	3.7	0.1	4.2	3.5	22.2
Mono	14,058	85.3	0.5	2.7	2.0	0.0	6.7	2.9	27.1
Siskiyou	43,530	85.1	1.6	3.5	1.6	0.4	1.6	6.3	12.0
Glenn	27,935	83.0	0.8	1.9	2.6	0.4	9.1	2.1	40.8
Mendocino	87,497	82.7	0.7	4.2	1.7	0.2	5.3	5.1	24.5
Placer	374,985	82.7	1.5	0.5	6.9	0.2	3.1	4.9	13.6
Butte	225,207	82.2	1.5	1.2	4.5	0.2	4.3	6.1	15.7
San Benito	58,671	82.0	0.8	0.7	2.8	0.2	8.8	4.6	58.9
Lassen	31,470	81.4	8.7	3.1	1.5	0.7	2.7	1.9	18.5
Humboldt	135,490	80.7	1.2	5.2	2.9	0.3	3.9	5.8	11.1
Inyo	18,195	80.7	1.0	11.5	1.5	0.2	2.2	2.9	21.4
Tulare	458,809	78.9	1.6	1.3	3.5	0.1	11.5	3.1	63.6
Lake	64,095	77.8	2.3	3.4	1.5	0.1	12.4	2.5	19.4
Del Norte	27,442	76.8	1.8	7.9	2.8	0.1	3.3	7.3	19.2
Madera	154,440	76.7	3.2	1.7	2.1	0.1	13.0	3.2	56.9
Sonoma	500,943	75.3	1.6	1.1	3.9	0.3	12.4	5.3	26.4
Yuba	74,644	73.1	3.3	1.4	6.5	0.4	7.1	8.2	27.4
Napa	141,005	72.6	2.1	0.9	7.9	0.2	12.5	3.8	33.7
Sutter	95,583	70.3	2.1	0.9	15.2	0.6	4.4	6.5	30.2
Alpine	1,203	68.7	1.5	21.9	0.7	0.7	0.0	6.7	9.7
Yolo	212,605	67.2	2.5	0.6	13.7	0.4	9.3	6.2	31.4
Imperial	179,957	65.1	2.7	1.1	1.4	0.1	24.9	4.6	83.4
Merced	267,390	57.5	3.2	0.7	7.6	0.2	26.4	4.5	58.2

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

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d. Rural Eligibility

Currently, the Community Development Block Grants Program (CDBG), Home Investment Partnership Program (HOME), and Emergency Services Grant Program (ESG) define jurisdictions as non-entitlement or entitlement based on population size. For these programs, entitlement jurisdictions receive funds directly, while HCD serves the non-entitlement areas of the state, which also often classify as rural counties.

Affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Stakeholders throughout the 2020 AI outreach process noted the significant capacity challenges, as well as infrastructure and resource disparities experienced by rural communities.

While HCD's current HOME and CDBG programs primarily operate in rural communities, some rural communities have difficulty meeting HUD eligibility standards for under-represented populations solely based on demographic metrics. Further analysis is needed to determine if there may be an improved method for targeting community development and housing funding in a manner that would more greatly affirmatively further fair housing, particularly in a rural context. This targeting may also need to vary by program use, as well. For example, there may be some rural areas that offer relatively high opportunity within their region; while having less jobs than an urban community, it may be the job center for that region and be an appropriate place to target an increase of affordable housing options. Another rural community may be a concentrated area of poverty with significant infrastructure disparities, and be an appropriate place to target additional preservation, community development, infrastructure, and economic development investment.

Chapter 6. Access to Opportunity

Where a person lives greatly impacts their life outcomes. Housing and neighborhood choice are cornerstones of measuring fair housing and resident stability. A person's educational attainment, economic mobility, health and well-being, to name a few, are directly impacted by exposure to poverty, neighborhood condition, and access to key opportunities. This chapter examines the availability of quality schools, affordable transportation, jobs that pay a living wage, and a healthy physical environment through a fair housing lens. Other factors such as housing quality, potential exposure to lead based paint, broadband access, and displacement levels will provide even further insight.

This analysis begins with an overview of the HUD opportunity indices developed as part of the Affirmatively Furthering Fair Housing guidance and is followed by a summary of the HCD and California Tax Credit Allocation Committee (TCAC) Opportunity Maps. The HCD/TCAC Opportunity Maps were created by the California Fair Housing Task Force and commissioned by HCD and TCAC to assist public entities in California with affirmatively furthering fair housing. The HCD/TCAC Opportunity Maps evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long-term life outcomes.

Both tools provide data that show access to opportunities on a neighborhood level that has then been aggregated and/or mapped at the state level in order to provide a snapshot of barriers to opportunity throughout California. Each of the indicators used in these tools intersect and provide insight on the ability to achieve upward mobility, secure stable and safe housing, and maintain good health outcomes within a community.

While the indicators for these tools differ, both focus on examining patterns of segregation, poverty, educational opportunities, access to economic opportunity, and environmental conditions throughout the state to identify where there are resource disparities and access deficits.

HUD-Defined Opportunity Factors

In order to help inform communities about segregation and disparities in access to opportunity in their jurisdiction or region, HUD developed a series of opportunity indices.²³² Each of these indices is measured in HUD's Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) and is listed below, as defined in HUD's AFFH-T Data Documentation:²³³ Scores for each range from 0 to 100.

²³² HUD, Office of Policy Development & Research, September 2017. Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation.

²³³ Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFG-T) Data Documentation, released November 2017. Page 14

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- **Low Poverty Index** – The Low Poverty Index captures poverty in a given neighborhood. The higher the score, the less exposure to poverty an individual has in a neighborhood.
- **School Proficiency Index** - The School Proficiency Index uses school-level data for 4th-grade student performance on state exams to illustrate which neighborhoods contain high-performing elementary schools and which have lower-performing elementary schools. The higher the index score, the higher the quality of a school system is within a neighborhood.
- **Labor Market Engagement Index** - The Labor Market Engagement Index uses level of employment, labor force participation, and educational attainment within a census tract to provide a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. The higher the index score, the higher the labor force participation and human capital in a neighborhood.
- **Jobs Proximity Index** – The Jobs Proximity Index measures the accessibility of a residential neighborhood in relation to all job locations within the region or the core-based statistical area (CSBA). Greater weight is given to larger employment centers. The higher the index score, the better access to employment opportunities for the neighborhood.
- **Transit Index** – The Transit Index is based on estimates of transit trips taken by a hypothetical 3-person single-parent family with income at 50 percent of the median income for renters for the region (i.e., the CBSA). The higher the index score, the more likely residents in that neighborhood utilize public transit.
- **Low Transportation Cost Index** – The Low Transportation Cost Index is based on estimates of transportation costs for a hypothetical 3-person single-parent family with income at 50 percent of the median income for renters for the region (i.e., CBSA). The higher the index score, the lower the cost of transportation in that neighborhood.
- **Environmental Health Index** – The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the score, the better the environmental quality of a neighborhood (as defined by a census block-group).

Low Poverty Index

As stated above, the Low Poverty Index captures poverty in a given neighborhood. The higher the score, the less exposure to poverty an individual has in a neighborhood. The Low Poverty Index scores in the figure below indicate that Black, Non-Hispanic, Hispanic, Native American, and Non-Hispanic populations have scores below the statewide average score of 48.3 and are therefore more likely to be exposed to poverty in their neighborhoods than White, Non-Hispanic (referred to as White moving forward) and Asian or Pacific Islander, Non-Hispanic (referred to as Asian or Pacific Islander moving forward) populations, which have scores above the total population average. In

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the figures below, Total Population Average is the statewide average for California overall that are experiencing poverty.

Figure 81: Low Poverty Index by Race/Ethnicity for the Total Population, California 2017

CA Total Population	Low Poverty Index Score
Total Population Average	48.3
White, Non-Hispanic	60.6
Asian or Pacific Islander, Non-Hispanic	59.2
Native American, Non-Hispanic	43.5
Black, Non-Hispanic	40.5
Hispanic	37.8

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004, 2017

Residents living below the Federal Poverty Level are also more likely to be exposed to poverty in their communities, with a greater burden on Black, Non-Hispanic (referred to as Black moving forward), Hispanic, and Native American, Non-Hispanic (referred to as Native American moving forward) populations, all of which fall below the Low Poverty Index total population average score of 35.3. What these results indicate is that not only are households living in poverty experiencing the negative effects of their personal situation, they are more likely to be exposed to neighborhoods with greater levels of poverty and those neighborhood level effects, and this is particularly true for Black and Hispanic households living below the Federal Poverty Level.

Figure 82: Low Poverty Index by Race/Ethnicity for Population Below the Federal Poverty Level, California 2017

CA Population below Federal Poverty Level	Low Poverty Index Score
Total Population below FPL Average	35.3
White, Non-Hispanic	47.5
Asian or Pacific Islander, Non-Hispanic	44.9
Native American, Non-Hispanic	31.9
Black, Non-Hispanic	27.0
Hispanic	25.4

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004, 2017

School Proficiency

In addition to measuring exposure to poverty, access to quality educational opportunities is also a vital part of the assessment of housing choice and overall community well-being. The School Proficiency Index uses school-level data for 4th grade student performance on state exams to illustrate which neighborhoods contain high-performing elementary schools and which have lower-performing elementary schools. The higher the index score from 0-100, the higher the quality of a school system is within a neighborhood. Per the 2017 School Proficiency Index, Hispanic and Black households had the lowest School Proficiency scores in the state at 37.4 and 37.6 respectively, well below the overall population score of 46.7. Black, Hispanic, and

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Native American residents are less likely to live near high performing elementary schools in comparison to the state overall. White, and Asian or Pacific Islander residents were more likely to live close to high performing schools in comparison to the state overall.

Figure 83: School Proficiency Index by Race/Ethnicity, California 2017

CA Total Population	School Proficiency Index Score
Total Population Average	46.7
White, Non-Hispanic	58.4
Asian or Pacific Islander, Non-Hispanic	58.6
Native American, Non-Hispanic	41.3
Black, Non-Hispanic	37.6
Hispanic	37.4

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004

Households living below the Federal Poverty Level are less likely than the state population as a whole to live near high performing elementary schools; with a score of 38.9 for those below the Federal Poverty Level compared to a score of 46.7 for the state population overall. Once again, even when only looking at the population below the Federal Poverty Level, Hispanic, Native American, and Black residents fare worse on the index than the White and Asian or Pacific Islander population in the state, meaning they have less access to quality schools.

Figure 84: School Proficiency Index by Race/Ethnicity and Poverty for Population Below the Federal Poverty Level, California, 2017

CA Population below Federal Poverty Level	School Proficiency Index Score
Total Population below FPL Average	38.9
Asian or Pacific Islander, Non-Hispanic	50.2
White, Non-Hispanic	49.7
Native American, Non-Hispanic	33.6
Hispanic	31.1
Black, Non-Hispanic	29.8

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004

Labor Market Engagement

Metrics related to poverty and education are often interlinked with economic factors, such as employment and income. To provide additional context to employment and industry trends in a jurisdiction, HUD’s Labor Market Engagement Index describes the relative intensity of labor market engagement and human capital in an area. As a reminder, the Labor Market Engagement Index uses level of employment, labor force participation, and educational attainment within a census tract to provide a summary

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description of the relative intensity of labor market engagement and human capital in a neighborhood. The higher the index score from 0-100, the higher the labor force participation and human capital in a neighborhood.

As with previous indices, Hispanic populations, at a score of 33.8, Black populations, at a score of 35.9, and Native American populations, at a score of 35.7, have the lowest labor market engagement scores. Conversely, Asian or Pacific Islander populations participate in the labor market at the highest rates, with an index score of 57.8, closely followed by White populations with an index score of 56.5.

Figure 85: Labor Market Index by Race/Ethnicity, California 2017

CA Total Population	Labor Market Engagement Index Score
Total Population Average	40.8
Asian or Pacific Islander, Non-Hispanic	57.8
White, Non-Hispanic	56.5
Native American, Non-Hispanic	35.7
Black, Non-Hispanic	35.9
Hispanic	33.8

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004

Not surprisingly, the population living below the Federal Poverty Level has lower levels of labor market engagement than the population as a whole. While the total population Labor Market Engagement Index score is 40.8, it is 35.0 for the total population below the Federal Poverty Level. Similar to recurring patterns in the general population, Hispanic, Black, and Native American residents are engaged at a lower level than the population average, with index scores of 26.2, 27.1, and 28.8 respectively.

Figure 86: Labor Market Engagement Index by Race/Ethnicity for Population Below the Federal Poverty Level, California, 2017

CA Population Below Federal Poverty Level	Labor Market Engagement Index Score
Total Population below FPL Average	35.0
Asian or Pacific Islander, Non-Hispanic	47.1
White, Non-Hispanic	45.9
Native American, Non-Hispanic	28.8
Black, Non-Hispanic	27.1
Hispanic	26.2

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004

Jobs Proximity Index

Understanding overall proximity to job opportunities supplements the examination of labor market engagement and helps to contextualize potential gaps due to the general lack of access to employment. As previously stated, the Jobs Proximity Index measures

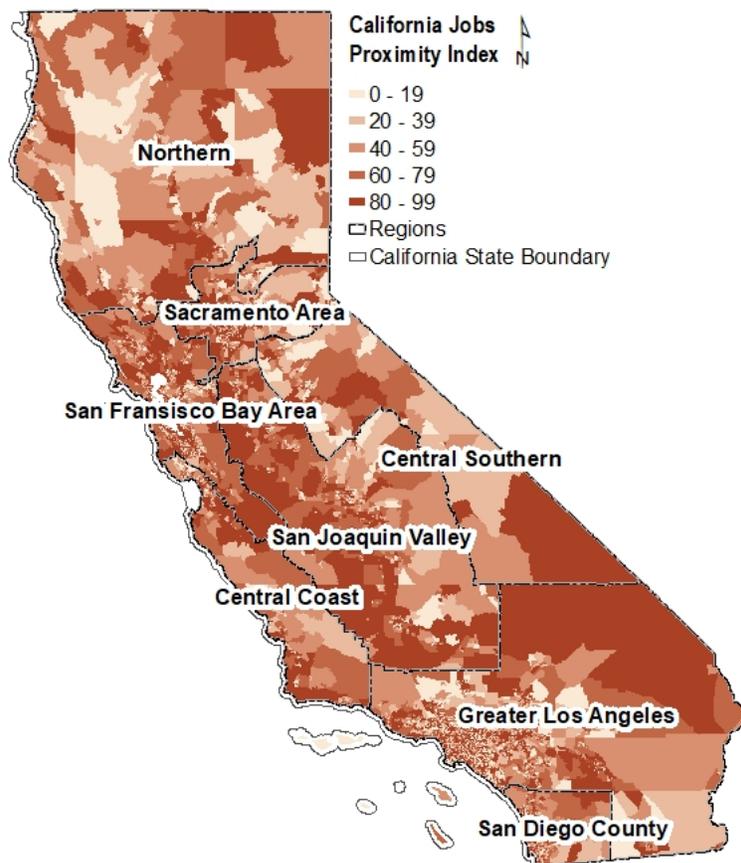
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the accessibility of a residential neighborhood in relation to all job locations within the region or the core-based statistical area (CBSA). Greater weight is given to larger employment centers. The higher the index score from 0-100, the better access to employment opportunities for the neighborhood.

As the map below highlights, the range of the Jobs Proximity Index varies significantly by county and region. For example, regions and counties near major metropolitan areas of the state, such as San Francisco and Los Angeles, have higher index scores given the large amount of economic activity occurring in those areas, while more rural regions and counties, such as those in Northern and Central Southern California, have lower scores.

The mismatch between housing and access to jobs was a common theme in stakeholder feedback. As urban areas become cost prohibitive, residents relocate to more suburban and rural communities, in which housing and job centers are typically separated and require transportation to reach, and wages are typically lower. The wide range in index scores highlights the clear challenge in providing a one-size solution to bridge the gap between housing and job locations in the state. Some areas rich in low-wage and entry level jobs may lack affordable housing opportunities, while some areas with relatively greater affordable housing opportunities may need economic development and increases in transit connectivity.

Figure 87: Jobs Proximity Index, California



Source: HUD Office of Policy Development and Research and services.arcgis.com, 2017

Overall, access to adequate employment opportunities not only affects the socioeconomic wellbeing of families but often affects their location and mobility options.²³⁴ Therefore, understanding the linkage between housing and employment becomes a critical element in assessing access to fair housing choice and overall access to opportunity, particularly in California. *Housing and Employment Insecurity Among the Working Poor* found that promoting housing stability may also promote greater employment stability, thus underscoring the symbiotic relationship between employment and housing choice.²³⁵

Transit and Transportation

Access to transit and transportation provides individuals and families with the ability to more fully participate in other areas of opportunity, including education and the

²³⁴ Hu, Lingqian; Wang, Liming. September 2017. Housing Matters, an Urban Institute Initiative. "Does Access to Jobs Affect Housing Location Choices of Low-Income Households?" Available at: <https://howhousingmatters.org/articles/access-jobs-affect-housing-location-choices-low-income-households/>

²³⁵ Desmond, Matthew; Gershenson, Carl. January 2016. Oxford Academic, Social Problems, Volume 63, Issue 1: "Housing and Employment Insecurity Among the Working Poor." Available at: <https://doi.org/10.1093/socpro/spv025>

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economy. Those with limited access to transportation may face challenges towards economic advancement and fewer opportunities for basic services, which can be exacerbated by conditions in high-poverty neighborhoods. HUD provides data on transit participation and the cost of transportation to demonstrate access through the Transit Index and Low Transportation Cost Index.

Taken together, the two indexes provide a snapshot of transit and transportation usage for populations aggregated by race and ethnicity as well as poverty level. HUD’s Transit Index estimates the likelihood that residents in a neighborhood will use public transit, with a higher score, from 0-100, indicating a higher likelihood of transit use. The Low Transportation Cost Index is based on estimates of transportation costs for a 3-person single-parent family with income at 50 percent of the median income for renters for the region. The higher the score from 0-100, the lower the cost of transportation in that area.

As shown in the figure below, the Asian or Pacific Islander population is the most likely to use public transit and also benefits from a lower cost for transportation with a Transit Index score of 74.3 and Low Transportation Cost Index score of 73.8. Native American residents with a Transit Index level of 52.4 use public transit the least, and with a Low Transportation Cost Index of 46.3, they likely also have the highest transportation costs.

Figure 88: Transit and Low Transportation Cost Indices by Race/Ethnicity, California 2017

CA Total Population	Transit Index Score	Low Transportation Cost Index Score
Total Population Average	65.7	62.4
Asian or Pacific Islander, Non-Hispanic	74.3	73.8
Black, Non-Hispanic	72.2	68.2
Hispanic	67.3	64.3
White, Non-Hispanic	62.4	59.6
Native American, Non-Hispanic	52.4	46.3

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004

Residents living below the Federal Poverty Level in California use transit at slightly higher rates than the general population and have transportation costs that are usually, though not always, slightly lower, as demonstrated in *Figure 88* and *Figure 89*.

In this cohort, the Asian or Pacific Islander population once again has the highest Transit Index score at 75.9. However, their Low Transportation Cost Index is actually lower, at 65.3, which means costs are higher. The Hispanic population has a slight increase in the Transit Index score, but their Low Transportation Cost Index score jumps from 64.3 to 75.7, showing a significant decrease in cost.

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Figure 89: Transit and Low Transportation Cost Indices by Race/Ethnicity for Population Below the Federal Poverty Level, California 2017

CA Population below Federal Poverty Level	Transit Index Score	Low Transportation Cost Index Score
Total Population below FPL Average	67.7	64.5
Asian or Pacific Islander, Non-Hispanic	75.9	65.3
Black, Non-Hispanic	74.4	70.7
Hispanic	68.8	75.7
White, Non-Hispanic	62.7	59.5
Native American, Non-Hispanic	56.8	51.5

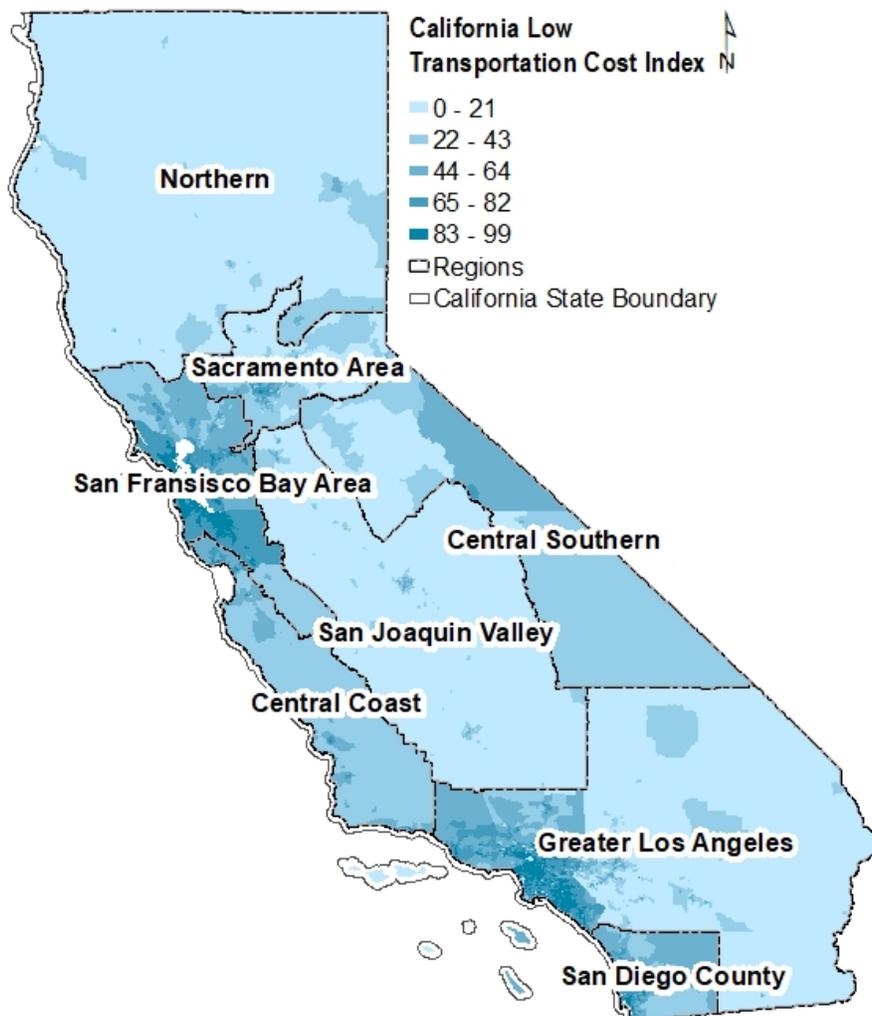
Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004, 2017

Note: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

As the figure below demonstrates, transportation costs in the state are often determined by a region’s proximity to a major metropolitan area as well as overall access to public transit. For example, densely populated urban areas such as San Francisco and San Diego have lower transportation costs across the board, while more rural Northern California and San Joaquin Valley have higher transportation costs. In other cases, such as in Sacramento and Greater Los Angeles, the mixture of urban and suburban counties results in a regional dichotomy where some sections of the region have lower costs, but adjacent areas have higher costs. A deeper analysis of these dynamics is explored in the regional analysis in Chapter 8.

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Figure 90: Low Transportation Cost Index, California



Source: HUD Office of Policy Development and Research and services.arcgis.com, 2017

Environmental Health

The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index score from 0-100, the less exposure to toxins harmful to human health and, therefore, the better the environmental quality of a neighborhood (as defined by census block group).

Based on the Environmental Health Index, Native American communities have the highest environmental quality index scores, meaning they experience the least amount of contact with environmental pollutants or hazardous facilities. Conversely, Black residents live in communities with the lowest environmental quality index scores, and therefore experience the highest levels of exposure.

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Figure 91: Environmental Health Index by Race/Ethnicity 2017

CA Total Population	Environmental Health Index Score
Total Population Average	34.6
Native American, Non-Hispanic	46.8
White, Non-Hispanic	41.7
Asian or Pacific Islander, Non-Hispanic	29.2
Hispanic	28.8
Black, Non-Hispanic	26.4

Source: *Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004, 2017*

In general, the environmental quality index scores remain consistent even among communities below the federal poverty line in California. For example, as the figure below highlights, Native American communities living below the federal poverty line retain the lowest environmental health index scores, meaning they experience the least amount of exposure to environmental hazards. Conversely, Asian and Black residents living below the federal poverty line had the highest levels of exposure to environmental hazards. Lastly, Hispanic residents living below the federal poverty line had lower index scores than the overall Hispanic population of California, thus highlighting the ongoing challenges of meeting the environmental needs of communities across the state and addressing ongoing exposure to pollutants and environmental hazards.

Overall, the data also reflects stakeholder feedback, noting concerns over low-income communities and communities of color being unequally impacted by local pollution, in-home environmental toxins, and climate change. Additionally, as development moves into rural areas, housing development may occur close to existing agriculture and industry, increasing exposing residents to harmful toxins. These challenges occur in both rural and urban settings, from proximity to highways or industrial agriculture.

Figure 92: Environmental Health Index by Race/Ethnicity for Population Below the Federal Poverty Level, California 2017

CA Population below Federal Poverty Level	Environmental Health Index Score
Total Population below FPL Average	
Native American, Non-Hispanic	41.1
White, Non-Hispanic	38.5
Hispanic	25.8
Black, Non-Hispanic	22.8
Asian or Pacific Islander, Non-Hispanic	22.6

Source: *Affirmatively Furthering Fair Housing Mapping Tool – Table 12-1, Version AFFHT0004, 2017*

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HCD/TCAC Opportunity Maps

Starting in 2016 HCD and the California Tax Credit Allocation Committee (TCAC) identified the need for a California mapping tool to assist in policy decision making and meeting the state's goals and obligations to affirmatively further fair housing. They recognized housing policy, program guidelines and regulations have untapped potential to both prevent further segregation and concentration of poverty, as well as encourage access to opportunity: Both by exploring land use and funding policies to increase affordable housing opportunities in higher-resourced neighborhoods that have often been exclusionary (explicitly or in effect of costs and zoning policies); and by bringing additional resources to traditionally under-resourced neighborhoods.

Housing rehabilitation and preservation, community and economic development, transportation, infrastructure, and other community investments can begin to address some of the disparities that families experience in lower-resourced neighborhoods. Often the resource disparities are linked with the lasting impact of racial segregation and redlining that prevented low-interest capital from flowing to communities.

HCD and TCAC convened a group of independent organizations, academic institutions, and research centers with the purpose of developing a mapping methodology to identify higher and lower resources communities within California. This team of researchers became known as the California Fair Housing Taskforce (Taskforce), and they worked closely with HCD and TCAC, as well as sought public input on the mapping tool to develop the current methodology. The HCD/TCAC Opportunity Maps were first adopted in late 2017 for use in the 2018 program year, then revised and readopted in late 2018 for use in the 2019 program year. The 2019 HCD/TCAC Opportunity Maps are the most recently adopted maps available, and the 2020 HCD/TCAC Opportunity Maps are available in draft and awaiting adoption. The Taskforce will continue to update the maps annually and seek public input before adoption of the maps.

The Taskforce was tasked with evaluating existing opportunity mapping efforts, along with other indicators, to identify which geographic areas of California, according to research, offer low-income households the best chance at economic advancement, high educational attainment, and good physical and mental health; as well as indicators linked to negative outcomes. The HCD/TCAC Opportunity Maps evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long-term life outcomes. The versions used in this analysis are the 2019 HCD/TCAC Opportunity Maps.²³⁶

This section examines those indicators to provide greater insight into key economic, educational, and environmental opportunities, and also to supplement the information revealed through HUD's various other indices (discussed in the previous sections).

²³⁶ Much of the description of the 2019 HCD/TCAC Mapping methodology was drafted by the California Housing Task Force and is excerpted from the more detailed 2019 HCD/TCAC Mapping Methodology available at <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-mapping-methodology.pdf>.

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a. Methodology

The HCD/TCAC Opportunity Maps demonstrate which areas in California have the greatest and least amount of public and private resources for childhood development and economic mobility. *Figure 94* lists the 11 indicators grouped into three areas (economic, environment, and education) and one filter (poverty and racial segregation).

The 2019 HCD/TCAC Opportunity Maps calculate data at a census tract level, however, the 2020 HCD/TCAC Opportunity Maps, which are currently under review, use block group level data in rural areas to address the large scale of census tracts and improve accuracy of the maps in rural areas.

The HCD/TCAC Opportunity Maps analyze trends at a regional level. This state's regions are not uniform in their access to resources, but all regions of the state have relatively higher and lower resource areas, and the policy goals of increasing access to higher-resource communities through investment and land use strategies, as well as increasing resources to lower-resource communities, require regional solutions. This allows policy solutions that increase access to the most relatively resource-rich areas within each region, rather than the most resource-rich areas statewide, which might only be concentrated in one region.

To determine the regional boundaries of the maps, the HCD/TCAC Opportunity Maps mostly mirror the geographic apportionments designated within TCAC's 2018 regulations but bundled some of the geographic apportionments to create more representative regions. In many funding and policy programs, rural areas are held out distinctly from their surrounding regions. That practice is also followed in the HCD/TCAC Opportunity Maps and, to capture the diverse array of rural communities, all rural areas that meet an expansive definition combining TCAC and USDA's definitions of rural are considered rural.

Following is a list of the Opportunity Map regions with the respective geographic apportionment(s) captured in that region:

Figure 93: HCD/TCAC Opportunity Mapping Regions

Opportunity Mapping Region	QAP Geographic Apportionment
Los Angeles Region	City of Los Angeles; Balance of Los Angeles County
San Francisco Region	North and East Bay Region; South and West Bay Region; San Francisco County
Central Valley Region	Central Valley Region
San Diego County	San Diego County
Capital Region	Capital Region
Inland Empire Region	Inland Empire Region
Orange County	Orange County
Central Coast Region	Central Coast Region

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Rural Areas	Non-metropolitan counties, plus Butte, Shasta, Sutter, and Yuba Counties, as well as tracts that are eligible for Section 515
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Source: 2019 HCD/TCAC Opportunity Maps Mapping Methodology

Figure 94: HCD/TCAC Opportunity Map Indicators

Domain	Indicator	Measure
Economic	Poverty	Percent of population with income above 200% of the federal poverty line
-	Adult Education	Percent of adults with a bachelor's degree or above
-	Employment	Percent of adults aged 20-59 who are employed in the civilian labor force or in the armed forces
-	Job Proximity	Number of jobs filled by workers with less than a BA that fall within a given radius (determined by the typical commute distance of low wage workers in each region) of each census tract population-weighted centroid
-	Median Home Value	Value of owner-occupied units
Environment	CalEnviro Screen 3.0 Indicators	CalEnviroScreen 3.0 Pollution indicators (Exposures and Environmental Effect indicators) and processed values
Education	Math Proficiency	Percentage of 4th graders who meet or exceed math proficiency standards
-	Reading Proficiency	Percentage of 4th graders who meet or exceed literacy standards
-	High School Graduation Rates	Percentage of high school that graduated on time
-	Student Poverty Rate	Percent of students not receiving free or reduced-price lunch
Filter	Poverty and Racial Segregation	<p>Poverty: Tracts with at least 30% of the population falling under the federal poverty line</p> <p>Racial Segregation: Tracts with a racial Location Quotient of higher than 1.25 for non-Hispanic Blacks, Hispanics, non-Hispanic Asians, or all people of color in comparison to the county</p>

Source: 2019 HCD/TCAC Opportunity Maps Mapping Methodology

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b. Calculating Index Scores and Categorizing Resource Levels

All indicators used in the HCD/TCAC Opportunity Maps had to meet three initial criteria:

- Evidence from peer-reviewed research that the indicator is linked to improved life outcomes for low-income families, particularly children
- Reliable data
- Publicly available data

The HCD/TCAC Opportunity Maps take into account the indicator data for each census tract to determine a score for each indicator, with each indicator's score averaged together and receiving an equal weighting within a domain to create a domain score. The three-domain scores are then averaged together to create an index score. The HCD/TCAC Opportunity Maps calculate regionally derived index scores for all tracts in all eight California regions, and these are divided into five resource categories:

- Highest Resource: Tracts with top 20 percent index score of the region
- High Resource: Tracts with next top 20 percent index score of the region
- Moderate Resource and Low Resource: Evenly divided by index score of remaining tracts for the region after High Segregation and Poverty tracts are filtered. The top scoring half of the remaining tracts for the region are Moderate Resource and the bottom half of the remaining tracts are Low Resource.
- High Segregation and Poverty: Absolute metric/filter. Similar to HUD's Racially and Ethnically Concentrated Areas of Poverty indicator discussed in Chapter 5, tracts with at least 30 percent of population in poverty and high concentration of non-White households in comparison to the county.

To improve the accuracy of the mapping, tracts with low population, high margins of error, or tracts where 75 percent of the population are prisoners were excluded from categorization.

c. Description of Indicators

The rationale, metrics, and description of each indicator used in the HCD/TCAC Opportunity Maps are described below.²³⁷

Economic Domain

a. Poverty Indicator

Living in high-poverty neighborhoods increases exposure to localized risks—such as violent crime, low-quality and underfunded schools, and pollution—that have been shown to contribute to toxic stress, poor physical and mental health, low educational attainment, and impaired cognitive development in children. On the other hand, living in

²³⁷ Office of the State Treasurer. 2019 HCD/TCAC Opportunity Area Maps. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity.asp>

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low poverty neighborhoods has been shown to generate significant benefits, such as higher educational attainment and long-term earnings increases for low-income children, as well as improved mental and physical health for both children and adults.^{238 239} This indicator is measured as the percent of a census tract's residents who live above 200 percent of the federal poverty line, with the greater the percent of residents above 200 percent of the federal poverty line, the greater the score.

b. Adult Education Indicator

Higher rates of post-secondary attainment are predictive of higher wages and improved work opportunities for adults, meaning that families are less likely to be economically insecure.²⁴⁰ Research has indicated that children living in neighborhoods with a higher average socioeconomic status (SES) are more likely to graduate from high school. Additionally, starting at age three, children living in higher SES neighborhoods, and/or with a greater percentage of managerial or professional residents, begin to perform better on IQ tests than their peers who live in lower SES neighborhoods.²⁴¹ Additional research has shown that an increasing supply of college graduates is associated with higher earnings for other labor force participants. These findings are especially noteworthy because they show that these “spillover” effects are even more pronounced for less-skilled workers; a more highly educated labor force leads to higher wage gains for high school dropouts and high school graduates than those with college degrees.²⁴² This indicator is measured by calculating the percent of adults 25 years and older who have earned at least a bachelor's degree, with the greater the percentage, the greater the score.

c. Employment Indicator

The employment rate was calculated as the percent of individuals 20-59 who are employed in either the civilian labor force or the armed forces, with the greater the percent, the greater the score.

d. Proximity to Jobs Indicator

This measures the availability of jobs filled by individuals without a bachelor's degree that fall within the typical commute radius of each tract, with the more jobs of that type available within the radius, the higher the score.

²³⁸For a summary of this research, see “Evidence Shows that Neighborhoods Affect Children's Well-Being and Long-Term Success” in Sard, B., & Rice, D. (2016). Realizing the Housing Voucher Program's potential to enable families to move to better neighborhoods. *Washington, DC: Center on Budget and Policy Priorities.*

²³⁹Chetty, R., Hendren, N., & Katz, L.F. (2015). The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment. *Cambridge, MA: Harvard University and National Bureau of Economic Research.* http://www.equality-of-opportunity.org/assets/documents/mto_paper.pdf

²⁴⁰ See Bureau of Labor Statistics (2016), “Unemployment Rates and Educational Attainment.” Accessed at https://www.bls.gov/emp/ep_chart_001.htm

²⁴¹ For a full review of the literature on how living in neighborhoods with high socio-economic statuses and/or high adult education rates, see Leventhal, T., & Brooks-Gunn, J. (2000). The neighborhoods they live in: The effects of neighborhood residence on child and adolescent outcomes. *Psychological Bulletin*, 126(2), 309–337. <https://doi.org/10.1037//0033-2909.126.2.309>

²⁴² Moretti, E. (2004). Estimating the social return to higher education: evidence from longitudinal and repeated cross-sectional data. *Journal of Econometrics*, 121(1), 175–212. <https://doi.org/10.1016/j.jeconom.2003.10.015>

e. Median Home Value Indicator

Simply measures median home values in the area, which research has shown to be correlated with other neighborhood characteristics, such as school quality, public resources, crime rates, and environmental quality.^{243 244 245 246 247 248}

f. Environmental Quality Domain

The environmental quality domain relies on the indicators that are used in CalEnviroScreen 3.0²⁴⁹ under the “exposures” and “environmental effect” subcomponents of the “pollution burden” domain:

1. Ozone Concentrations
2. PM 2.5 Concentrations
3. Diesel PM Emissions
4. Drinking-Water Contaminants
5. Pesticide Use
6. Toxic Releases from Facilities
7. Traffic Density
8. Cleanup Sites
9. Groundwater Threats
10. Hazardous Waste Generators and Facilities
11. Impaired Water Bodies
12. Solid Waste Sites and Facilities

The indicators were selected for CalEnviroScreen 3.0 based on scientific literature that confirms their detrimental effects on human, and especially child, health; the completeness, accuracy, and currency of the data; and the widespread concerns present about each indicator in California. For the HCD/TCAC Opportunity Maps, the greater the amount of pollution associated with the tract, the lower the ultimate score.

g. Education Domain

The purpose of the education domain is to measure access to educational opportunities and their quality.

The education domain includes the following indicators:

²⁴³Nguyen-Hoang, P., & Yinger, J. (2011). The capitalization of school quality into house values: A review. *Journal of Housing Economics*, 20(1), 30–48. <https://doi.org/10.1016/j.jhe.2011.02.001>

²⁴⁴Bogart, W. & Cromwell, B. (2000). How Much is a Neighborhood School Worth? *Journal of Urban Economics* 47, 280-305.

²⁴⁵Gibbons, S. (2004). The costs of urban property crime. *The Economic Journal*, 114(499).

²⁴⁶Smith, V. K., & Huang, J.-C. (1995). Can Markets Value Air Quality? A Meta-Analysis of Hedonic Property Value Models. *Journal of Political Economy*, 103(1), 209–227. <https://doi.org/10.1086/261981>

²⁴⁷Bolitzer, B., & Netusil, N. (2000). The impact of open spaces on property values in Portland, Oregon. *Journal of Environmental Management*, 59(3), 185–193. <https://doi.org/10.1006/jema.2000.0351>

²⁴⁸Gibbons, S. (2003). Paying for Good Neighbours: Estimating the Value of an Implied Educated Community. *Urban Studies*, 40(4), 809–833. <https://doi.org/10.1080/0042098032000065317>

²⁴⁹ CalEnviroScreen 3.0 is a statewide risk assessment tool that measures the cumulative impacts of multiple sources of pollution and environmental justice indicators. For more information on CalEnviroScreen 3.0, see the California Office of Environmental Health Hazard Assessment website.

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i. Math and Reading Proficiency Indicators

Elementary school test scores from 3rd and 4th grade are considered in the literature to be good proxies for the level of resources and opportunity during early childhood, both in local schools and more broadly in communities.²⁵⁰ Studies have shown that test scores can be understood as an output of students' neighborhood conditions, in addition to students' individual abilities, family backgrounds and the quality of the schools they attend.^{251 252} Further, test scores and other measures of school quality are highly correlated with upward mobility for low-income children.²⁵³

"Proficiency" is defined as the percent of students that are performing at grade-level in the 4th grade in each school. Math and reading proficiency scores are calculated as the enrollment weighted average proficiency level of students at the three closest schools, within the same county, to each census tract's centroid. The HCD/TCAC Opportunity Maps utilize the average value from three schools. The higher the average of students performing at grade-level, the higher the score.

ii. High School Graduation Rate Indicator

Students who do not graduate from high school face a variety of challenges later in life, including an increased risk of going to prison and lower wages than their classmates who graduate.^{254 255} The high school graduation rate indicator is measured using California Department of Education data on the percent of students who graduate in four years, with the greater the percentage, the greater the score.

iii. Student Poverty Indicator

Studies have consistently shown that attending low-poverty and economically integrated schools boosts educational achievement for low-income students, when compared to attending higher poverty schools.²⁵⁶ One recent study concluded that the disparity in school poverty rates that Black and White children experience is the primary mechanism through which racial segregation in schools translates to Black-White

²⁵⁰ See, for example: Reardon, Sean F. 2017. Educational Opportunity in Early and Middle Childhood: Variation by Place and Age. Stanford Center for Education Policy Analysis. Working Paper No. 17-12.

²⁵¹ Burdick-Will, J., Ludwig, J., Raudenbush, S. W., Sampson, R. J., Sanbonmatsu, L., & Sharkey, P. (2011). "Converging evidence for neighborhood effects on children's test scores: An experimental, quasi-experimental, and observational comparison." In G.J. Duncan & R.J. Murnane (Eds.) *Whither Opportunity: Rising Inequality, Schools, and Children's Life Chances* (255- 276). New York: Russell Sage Foundation.

²⁵² Schwartz, H. (2012). "Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland," in Khahlenberg, R.D. (ed.), *The Future of School Integration*. New York City: The Century Foundation).

²⁵³ Chetty, R. & Hendren, N. (2017). The Impacts of Neighborhoods on Intergenerational Mobility II: County-Level Estimates. *Stanford University, Harvard University, and National Bureau of Economic Research*.http://www.equality-ofopportunity.org/assets/documents/movers_paper2.pdf

²⁵⁴ Martin, E. J., Tobin, T. J., & Sugai, G. M. (2003). Current Information on Dropout Prevention: Ideas From Practitioners and the Literature. *Preventing School Failure: Alternative Education for Children and Youth*, 47(1), 10–17. <https://doi.org/10.1080/10459880309604423>

²⁵⁵ Campbell, L. (2004). As Strong as the Weakest Link: Urban High School Dropout. *High School Journal*, 87(2), 16–24.

²⁵⁶ Ayscue, J., Frankenberg, E., & Siegel-Hawley, G. (2017). Research Brief: The Complementary Benefits of Racial and Socioeconomic Diversity in Schools. *The National Coalition on School Diversity: Brief No. 10*. <http://schooldiversity.org/pdf/DiversityResearchBriefNo10.pdf>

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academic achievement gaps.²⁵⁷ However, *racial* integration in schools provides benefits to low-income students and students of color that both overlap and complement the benefits of *economic* integration in the classroom—including higher levels of educational attainment, reductions in prejudice and negative attitudes across racial groups, and long-term improvements in earnings, health, and rates of incarceration—all while producing no detrimental effects for White children.²⁵⁸

The HCD/TCAC Opportunity Maps use the average percentage of student poverty from the three closest schools to the centroid of each census tract, with the greater the percentage in poverty, the lower the score.

iv. High Segregation and Poverty Filter

A large body of “neighborhood effects” research has consistently shown that living in these neighborhoods has independent, harmful effects—controlling for family background, income, and housing affordability—on children’s educational attainment and long-term economic prospects, as well as on the mental and physical health of both children and adults.²⁵⁹ Further, some negative effects of racial segregation hold even when controlling for neighborhood poverty rates and family income.²⁶⁰

Research has found that the impact of neighborhood poverty rates in producing negative outcomes for individuals—including crime, school leaving, and duration of poverty spells—begin to appear after a neighborhood exceeds about 20 percent poverty, whereupon the externality effects grow rapidly until the neighborhood reaches approximately 40 percent poverty. Similarly, analysis found that a neighborhood poverty rate below 15 percent has no effect on opportunity indicators.²⁶¹

In line with this research, the HCD/TCAC Opportunity Maps identify census tracts where at least 30 percent of the population is living below the federal poverty line as concentrations of poverty. To identify census tracts with segregation, a location quotient is used to determine each census tract’s non-White population relative the county’s non-White population. When a census tract receives a location quotient of 1.25 or greater, which means that the census tract’s non-White population is at least 25 percent higher than the surrounding county’s non-White population, it is identified as being segregated.

²⁵⁷ Reardon, S. F. (2016). School Segregation and Racial Academic Achievement Gaps. *The Russell Sage Foundation Journal of the Social Sciences*, 2(5), 34-57

²⁵⁸ Ayscue, J., Frankenberg, E., & Siegel-Hawley, G. (2017). Research Brief: The Complementary Benefits of Racial and Socioeconomic Diversity in Schools. *The National Coalition on School Diversity: Brief No. 10*. <http://schooldiversity.org/pdf/DiversityResearchBriefNo10.pdf>

²⁵⁹ See, for example: Sard, B. & Rice, D. (2016); Chetty, R. & Hendren, N. (2017); Chetty, R., Hendren, N., & Katz, L.F. (2015).

²⁶⁰ Kershaw, K. et al. (2017). Association of Changes in Neighborhood-Level Racial Residential Segregation With Changes in Blood Pressure Among Black Adults: The CARDIA Study. *JAMA Internal Medicine*, 177(7), 996–1002. <https://doi.org/10.1001/jamainternmed.2017.1226>

²⁶¹ George C. Galster. (2010). *The Mechanism(s) of Neighborhood Effects: Theory, Evidence, and Policy Implications*. Presentation at the ESRC Seminar, St. Andrews University, Scotland, UK, 4–5 February 2010. http://archive.clas.wayne.edu/Multimedia/DUSP/files/G.Galster/St_AndrewsSeminar-Mechanisms_of_neigh_effects-Galster_2-23-10.pdf

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Census tracts that have both a poverty rate of over 30 percent and are designated as being racially segregated are filtered into the “High Segregation and Poverty” category. As this is an absolute and not relative measure, by reducing poverty or segregation in the census tract below these thresholds, the tract would then move out of this filter category. With sufficient policy progress there could be a California with no High Segregation and Poverty census tracts.

However, since 2000 the problem has been getting worse, not better. The total population living in neighborhoods of extreme poverty declined in the 1990s, following government action designed to affirmatively counteract intentionally segregationist public policy.²⁶² Following national trends, however, concentrated poverty has risen dramatically in California since 2000.²⁶³

Regional Analysis Using 2019 HCD/TCAC Opportunity Maps

In an April 2019 analysis, comparing the TCAC Portfolio with the 2019 HCD/TCAC Opportunity Maps, the California Housing Task Force found that 42 percent of new construction, large family, 9 percent LIHTC units placed in service from 2000 to 2016 were located in highly segregated and poverty concentrated tracts (captured by the filter), which comprise approximately 12 percent of tracts statewide. By contrast, only 6 percent of units were located in the highest resource neighborhoods, which comprise approximately 20 percent of tracts statewide.

In other words, for every affordable home for low-income families the 9 percent LIHTC program created in the highest resource neighborhoods, it created eight in racially segregated and poverty concentrated neighborhoods.

To address this imbalance, TCAC currently provides incentives to new construction large family projects in Highest and High Resource census tracts in its Qualified Allocation Plan (QAP) for the 9 percent Low Income Housing Tax Credit Program, and HCD does the same for the Multifamily Housing Program (MHP).²⁶⁴

The following section provides maps for the eight regions in the study area for the AI. These maps provide the final category, representing the total index score by Census Tract. For further information about the regions outlined below, see Chapter 8.

Region 1: Greater Los Angeles Region

The Final 2020 AI defines the Greater Los Angeles Region as the following counties: Imperial, Orange, San Bernardino, Los Angeles, Riverside, and Ventura.

²⁶² Berube, A., & Katz, B. (2005). Katrina's window: Confronting poverty across America. *Brookings Institution*.

²⁶³ California Housing Partnership Corporation (CHPC) tabulation of data provided in Kneebone, E. and Holmes, N. (2016). U.S. concentrated poverty in the wake of the Great Recession. *Brookings*.

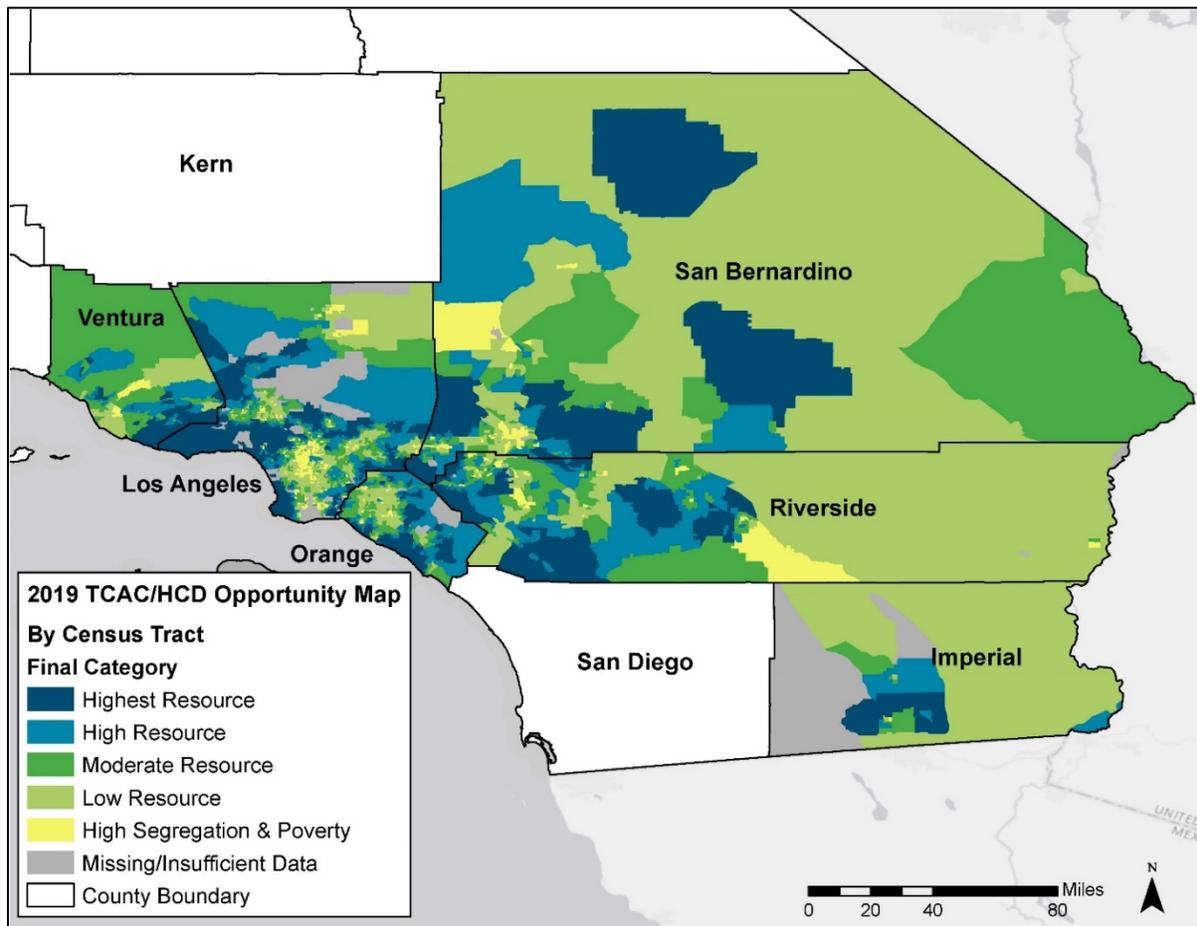
<https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/>

²⁶⁴ Analysis by the California Fair Housing Task Force of the TCAC Portfolio using the 2019 HCD/TCAC Opportunity Maps. April 2019.

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The following analysis combines data from the Orange County, Los Angeles, Inland Empire, Central Coast and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the AI Los Angeles Region. The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 95: 2019 TCAC Opportunity Map Category by Census Tract – Los Angeles Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 96: 2019 TCAC Resource Category by Land Area – Los Angeles Region

Greater Los Angeles Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest and High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Imperial	270	246	11%	2,818	62%	2	0%	4,560
Los Angeles	775	1,137	40%	651	14%	121	3%	4,813
Orange	193	301	51%	114	12%	8	1%	962
Riverside	861	789	22%	4,518	61%	335	5%	7,410
San Bernardino	2,782	1,864	23%	11,287	56%	332	2%	20,317
Ventura	171	238	18%	203	9%	29	1%	2,235

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:

<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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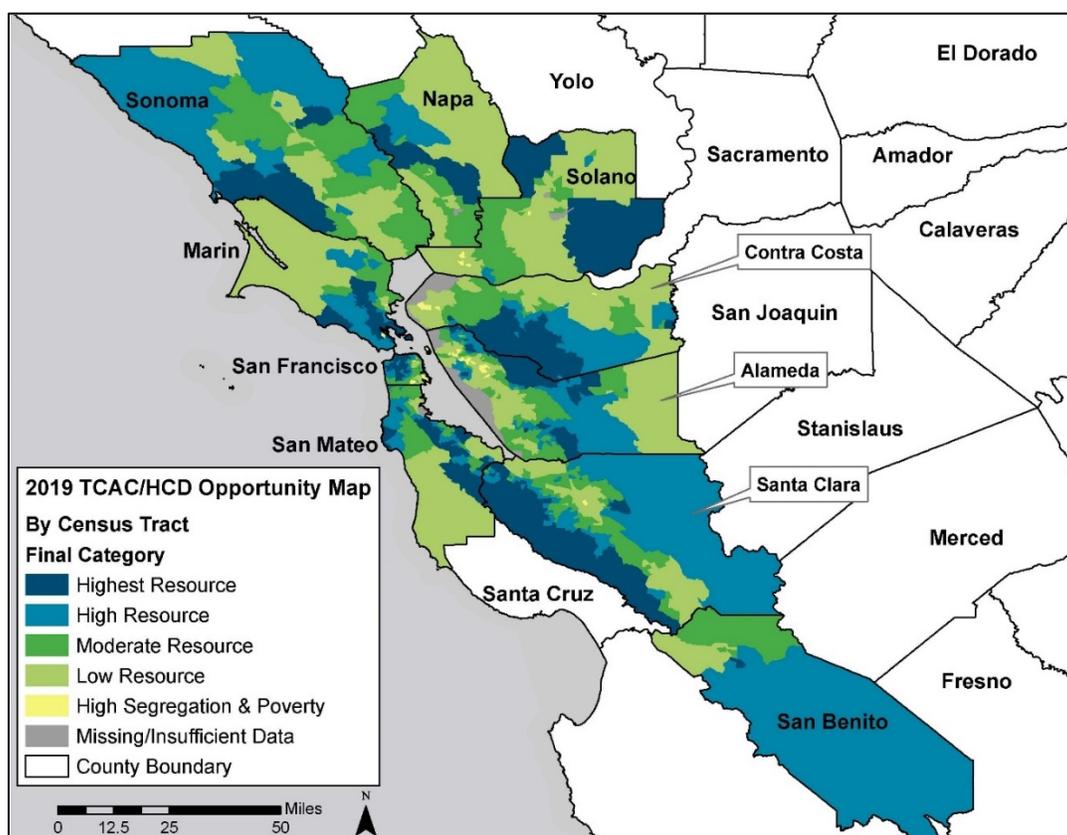
Region 2: San Francisco Bay Area Region

The Final 2020 AI defines the San Francisco Bay Area Region as the following counties: Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

The following analysis combines data from the San Francisco, East Bay, Northern, South and West Bay, Northern Region and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the AI San Francisco Bay Area Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 97: 2019 TCAC Opportunity Map Category by Census Tract – San Francisco Bay Area Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 98: 2019 TCAC Resource Category by Land Area – San Francisco Bay Area Region

San Francisco Bay Area Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Alameda	106	190	36%	320	39%	7	1%	823
Contra Costa	165	172	42%	308	38%	4	0%	806
Marin	77	88	20%	349	42%	1	0%	830
Napa	104	73	22%	452	57%	-	0%	790
San Benito	3	1,161	83%	76	5%		0%	1,398
San Francisco	23	12	15%	5	2%	52	22%	232
San Mateo	88	54	19%	265	36%	-	0%	743
Santa Clara	315	688	77%	160	12%	1	0%	1,309
Solano	323	9	37%	431	47%	3	0%	908
Sonoma	182	715	51%	313	18%	-	0%	1,770

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:

<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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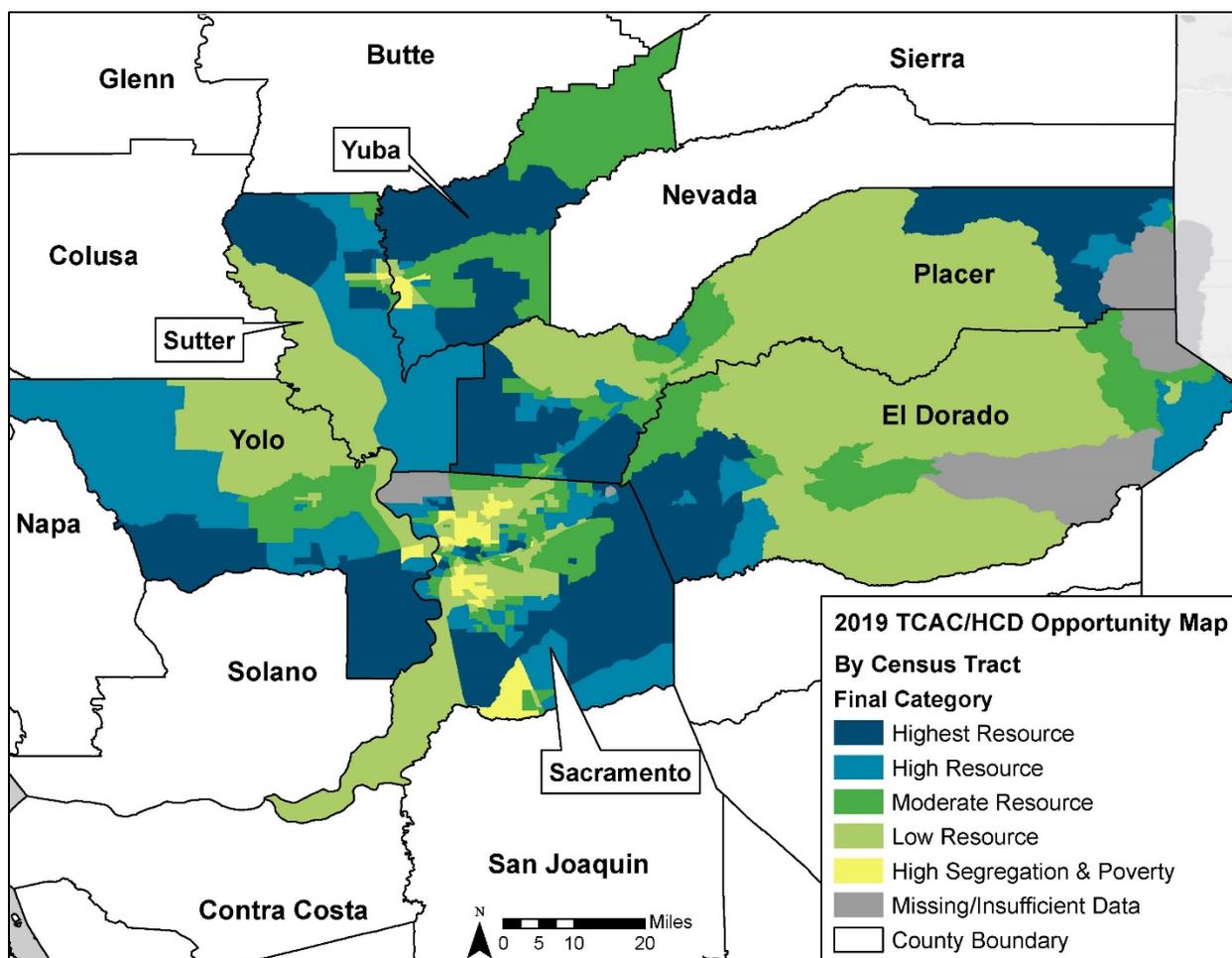
Region 3: Sacramento Region

The Final 2020 AI defines the Sacramento Region as the following counties: El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba.

The following analysis uses data from the Capital Region from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the AI Sacramento Region Bay Area Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 99: 2019 TCAC Opportunity Map Category by Census Tract – Sacramento Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 100: 2019 TCAC Resource Category by Land Area – Sacramento Region

Sacramento Region Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
El Dorado	167	137	17%	997	56%	-	0%	1,788
Placer	410	79	32%	833	55%	-	0%	1,503
Sacramento	310	181	49%	276	28%	67	7%	996
Sutter	135	259	65%	197	32%	2	0%	609
Yolo	266	392	64%	253	25%	4	0%	1,025
Yuba	262	41	47%	6	1%	9	1%	644

*Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>*

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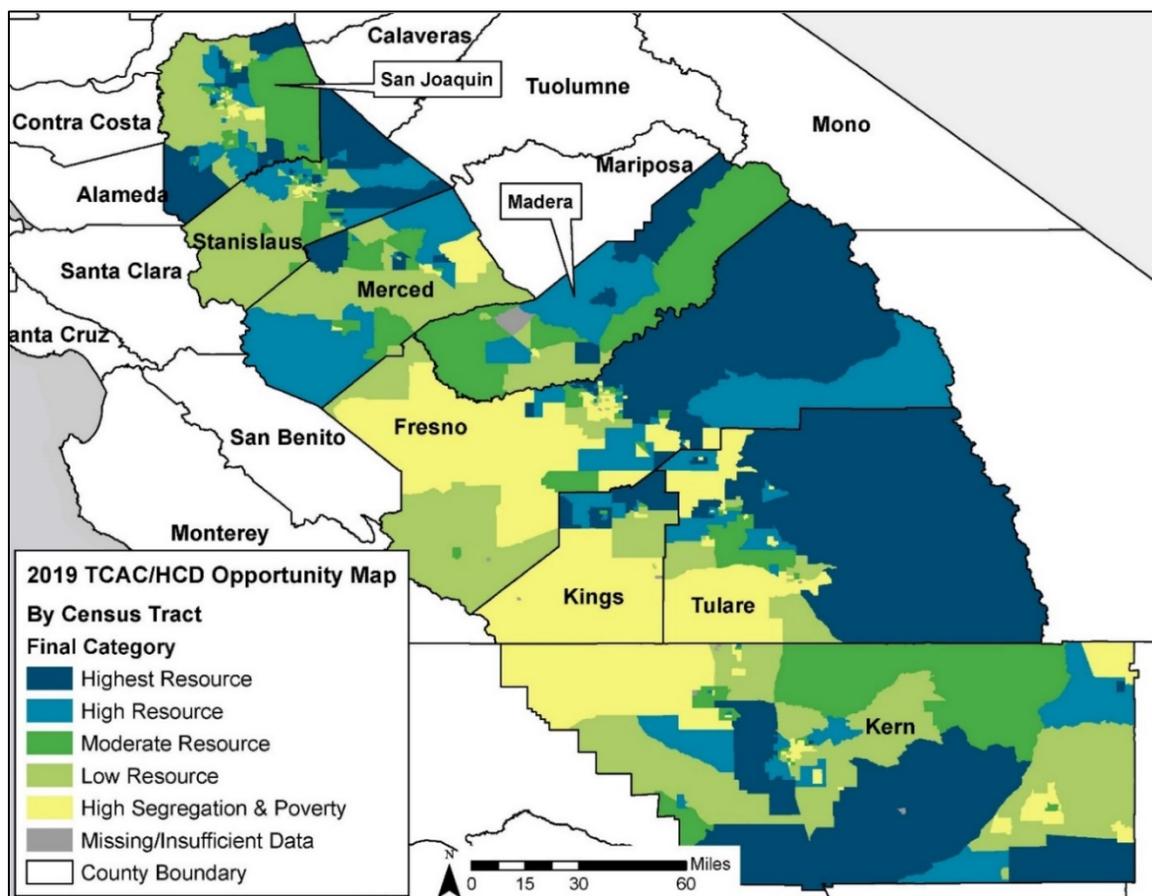
Region 4: San Joaquin Valley Region

The Final 2020 AI defines the San Joaquin Valley Region as the following counties: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

The following analysis combines data from the Central Valley Region and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the AI San Joaquin Valley Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 101: 2019 TCAC Opportunity Map Category by Census Tract – San Joaquin Valley Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 102: 2019 TCAC Resource Category by Land Area – San Joaquin Valley Region

San Joaquin Valley Region Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Fresno	2,195	1,044	54%	1,075	18%	1,604	27%	6,040
Kern	2,419	781	39%	2,292	28%	1,246	15%	8,234
Kings	161	80	17%	163	12%	990	71%	1,401
Madera	311	474	36%	212	10%	4	0%	2,161
Merced	97	816	46%	727	37%	113	6%	1,986
San Joaquin	340	175	36%	475	33%	35	2%	1,430
Stanislaus	404	252	43%	741	49%	13	1%	1,518
Tulare	3,425	211	75%	275	6%	798	16%	4,868

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

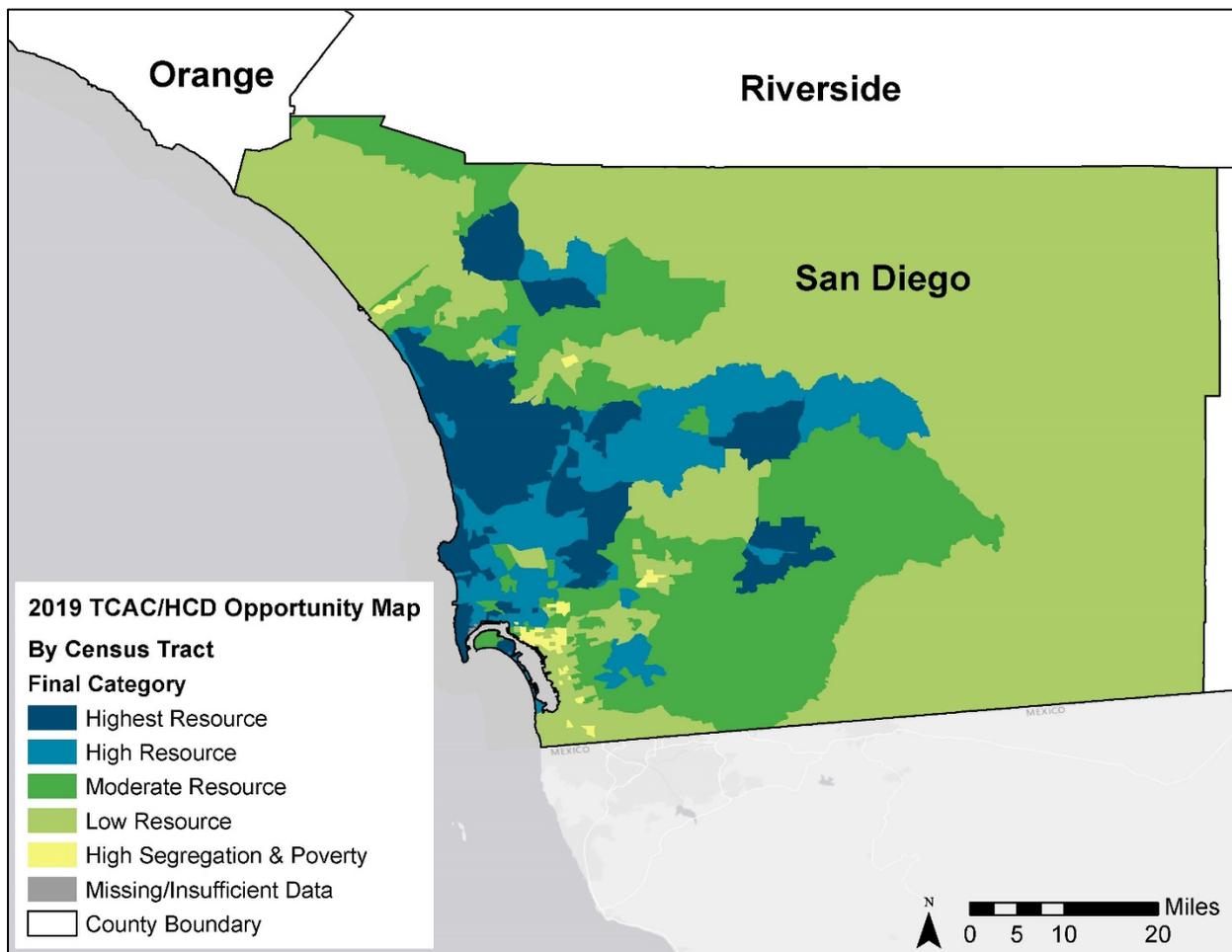
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Region 5: San Diego County

The following analysis combines data from the San Diego County and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within San Diego County.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 103: 2019 TCAC Opportunity Map Category by Census Tract – San Diego County



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 104: 2019 TCAC Resource Category by Land Area – San Diego County

San Diego County	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
San Diego	380	368	16%	2,710	59%	17	0%	4,607

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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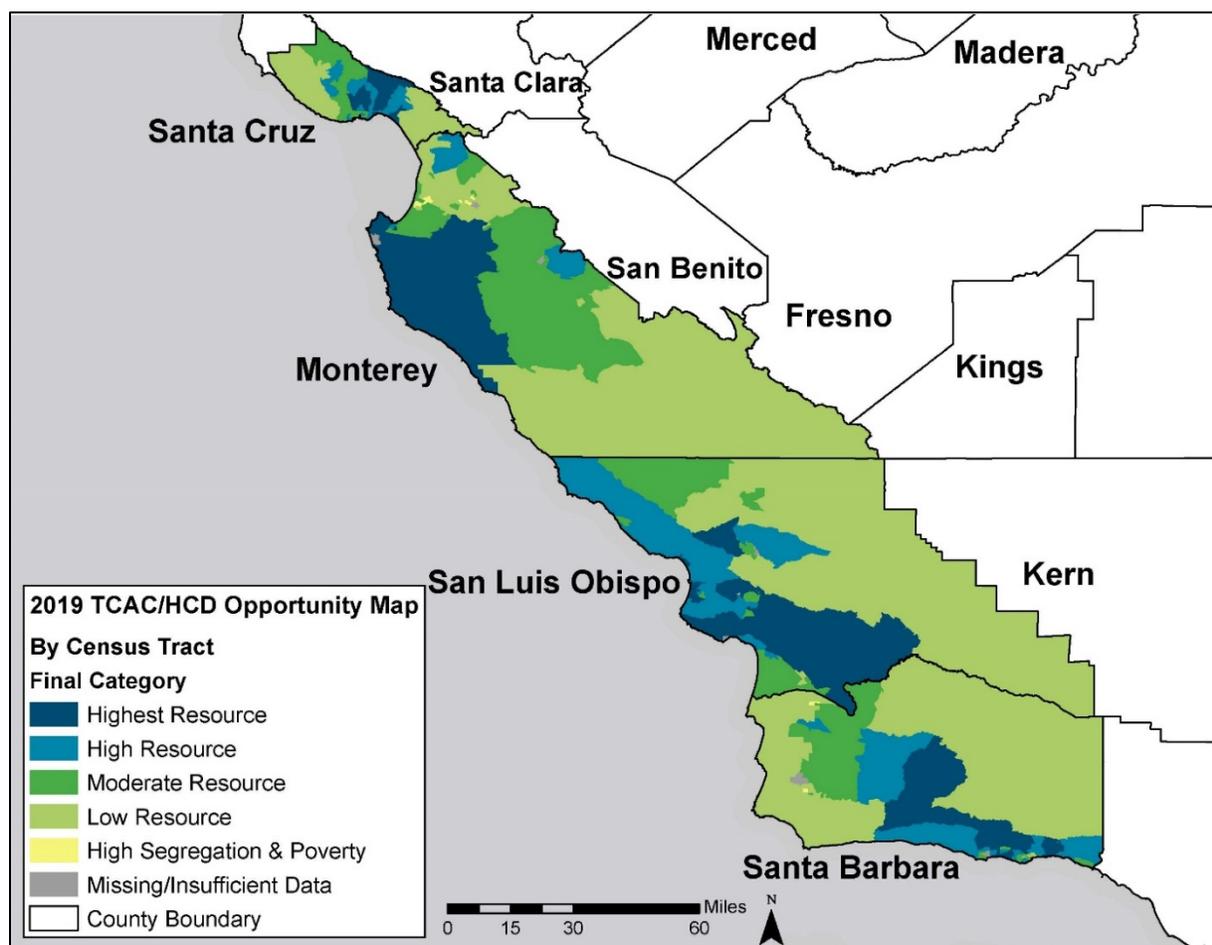
Region 6: Central Coast Region

The Final 2020 AI defines the Central Coast Region as the following counties: Monterey, San Luis Obispo, Santa Barbara, and Santa Cruz.

The following analysis combines data from the Central Coast and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the AI Central Coast Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of the population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 105: 2019 TCAC Opportunity Map Category by Census Tract – Central Coast Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 106: 2019 TCAC Resource Category by Land Area – Central Coast Region

Central Coast Region Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Monterey	604	94	18%	1,866	49%	6	0%	3,794
San Luis Obispo	633	499	31%	1,907	52%		0%	3,647
Santa Barbara	314	336	17%	1,645	43%	3	0%	3,833
Santa Cruz	65	66	22%	233	38%	-	0%	610

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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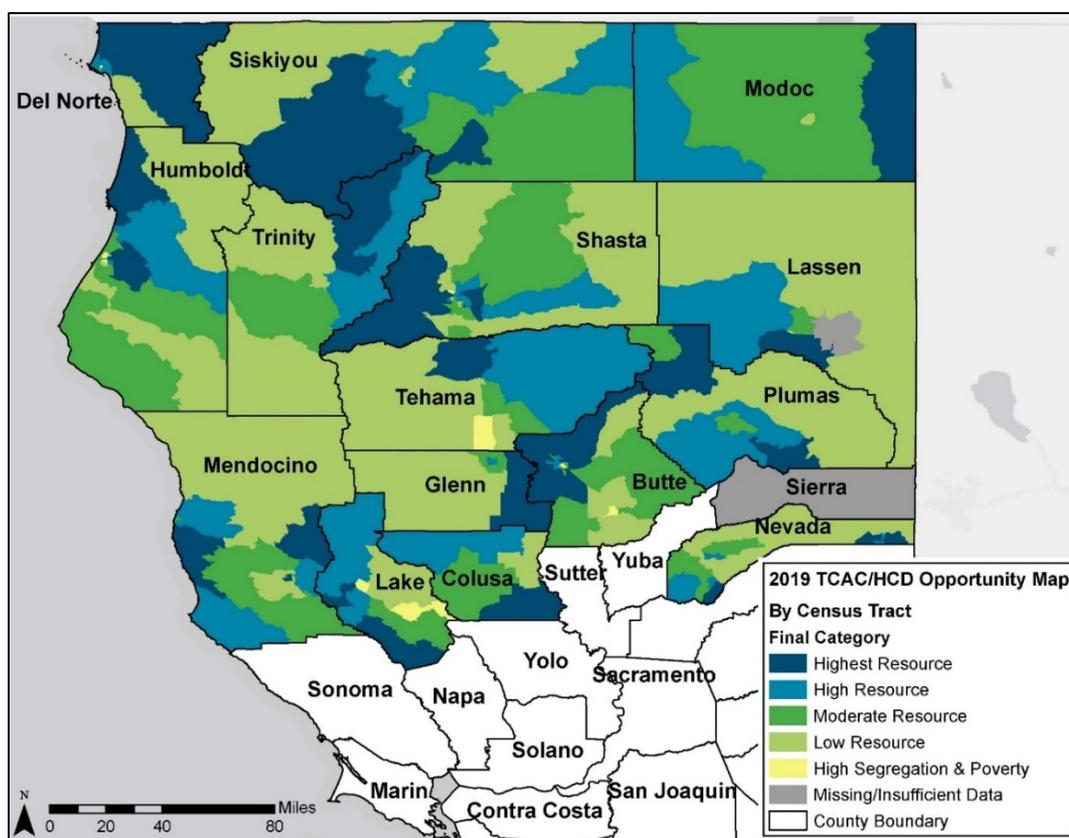
Region 7: Northern California Region

The Final 2020 AI defines the Northern California Region as the following counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.

The following analysis combines data from the Northern and Rural Areas from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the Northern California Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow color indicates Census Tracts with at least 30 percent of population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 107: 2019 TCAC Opportunity Map Category by Census Tract – Northern California Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and

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Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 108: 2019 TCAC Resource Category by Land Area – Northern California Region

Northern California Region Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Butte	495	11	30%	421	25%	11	1%	1,677
Colusa	219	418	55%	151	13%	-	0%	1,157
Del Norte	855	40	73%	156	13%	1	0%	1,230
Glenn	269	6	21%	999	75%	-	0%	1,327
Humboldt	392	525	23%	1,492	37%	4	0%	4,052
Lake	235	544	59%	281	21%	75	6%	1,330
Lassen	151	829	21%	3,536	75%	1	0%	4,719
Mendocino	380	589	25%	1,929	50%	-	0%	3,880
Modoc	691	956	39%	11	0%	-	0%	4,203
Nevada	72	101	18%	634	65%	-	0%	974
Plumas	473	586	41%	1,369	52%	-	0%	2,613
Shasta	699	318	26%	1,799	47%	2	0%	3,847
Sierra	-	-	0%	-	0%	-	0%	962
Siskiyou	1,612	1,181	44%	1,987	31%	-	0%	6,348
Tehama	211	1,164	46%	1,363	46%	66	2%	2,962
Trinity	449	575	32%	1,582	49%	-	0%	3,207

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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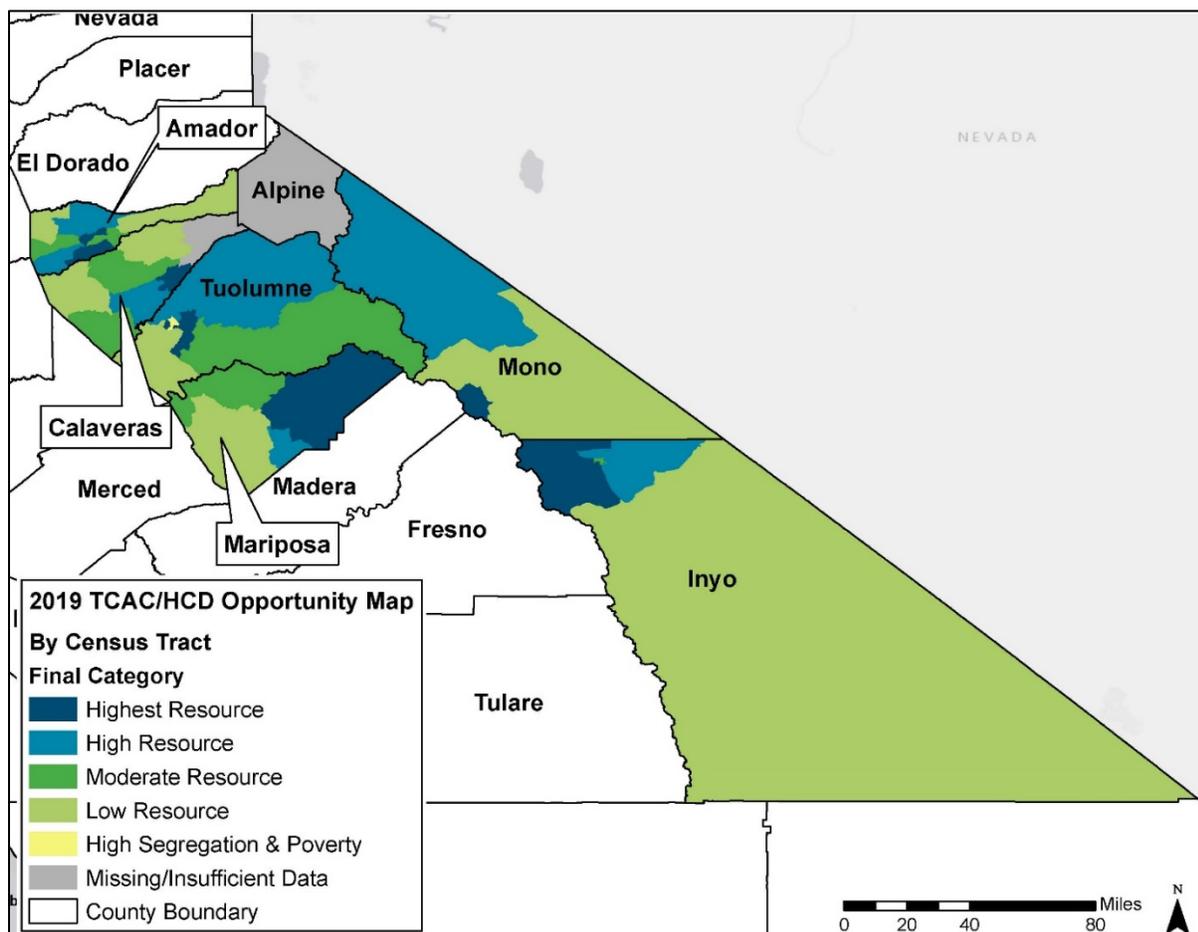
Region 8: Eastern Central Region

The Final 2020 AI defines the Eastern Central Region as the following counties: Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne.

The following analysis uses the Rural Area data from the 2019 HCD/TCAC Opportunity Maps. The figure below shows the 2019 HCD/TCAC Opportunity Map total resource category by census tract for each county within the Northern California Region.

The darkest blue indicates Census Tracts with the top 20 percent index score of the region, designated as Highest Resource. The yellow indicates Census Tracts with at least 30 percent of population in poverty and high concentration of non-White households in comparison to the county, designated as High Segregation and Poverty.

Figure 109: 2019 TCAC Opportunity Map Category by Census Tract – Eastern Central Region



Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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To further understand the score for the region, the figure below outlines the Highest and High Resource categories, as well as the Low Resource and High Segregation and Poverty categories of the HCD/TCAC Opportunity Maps by square miles within each county of the region.

Figure 110: 2019 TCAC Resource Category by Land Area – Eastern Central Region

Eastern Central Region Counties	Square Miles of Highest Resource Tracts	Square Miles High Resource Tracts	Percent of County that is Highest & High Resource	Square Miles of Low Resource Tracts	Percent of County that is Low Resource	Square Miles of High Segregation & Poverty Tracts	Percent of County that is Low Resource or High Segregation	Total Square Miles
Alpine	-	-	0%	-	0%	-	0%	744
Amador	60	186	41%	280	46%	-	0%	607
Calaveras	43	123	16%	385	37%	-	0%	1,039
Inyo	417	317	7%	9,544	93%	-	0%	10,282
Mariposa	601	80	46%	493	34%	-	0%	1,467
Mono	67	1,455	48%	1,618	52%	-	0%	3,139
Tuolumne	55	931	43%	283	12%	7	0%	2,279

Source: 2019 HCD/TCAC Opportunity Maps Summary Table. Available at:
<https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-map-statewide-summary-table.xlsx>

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Other Opportunity Indicators

In addition to a general assessment of access to opportunities available through the above tools, an examination of the quality of available housing and the explicit connection between race, income, and housing stability can be undertaken by using the latest available data provided by HUD, which provides deeper insights into the intersection between access to opportunity and fair housing.

There are four unique housing problems, as described by HUD, explored in the data. They are: 1) incomplete kitchen facilities, meaning a kitchen without a sink with a faucet, a stove or range, or a refrigerator; 2) incomplete plumbing facilities, meaning a dwelling without hot or cold running water, a flush toilet, or a bathtub/shower; 3) more than one person per room (overcrowding); and 4) a cost burden greater than 30 percent of a household's income.

Throughout California, nearly half of all household's experience one of these four housing problems. Hispanic households have the highest rate of housing problems, with 62 percent experiencing one or more. Black households have a similar rate of housing problems at 57.4 percent. Only 40.3 percent of White households experience one of these housing problems however, a 21.6 point decrease from the levels found in Hispanic households.

Figure 111: Demographics of Households with Disproportionate Housing Needs, California 2017

Race/Ethnicity	Households Experiencing Any of 4 Housing Problems	Total Households	Percent Households Experiencing Any of 4 Housing Problems
Hispanic	2,141,705	3,459,620	61.9%
Black, Non-Hispanic	455,380	793,305	57.4%
Other, Non-Hispanic	133,115	268,095	49.7%
Native American, Non-Hispanic	25,405	53,915	47.1%
Asian or Pacific Islander, Non-Hispanic	740,085	1,584,855	46.7%
White, Non-Hispanic	2,570,550	6,382,680	40.3%
Total	6,066,230	12,542,460	48.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 9-Version AFFHT0004, released 2017

The data provided by HUD also provides levels of severity of the housing problems previously identified. For example, as defined by HUD, severe housing problems not only include an incomplete kitchen facility or incomplete plumbing, but also overcrowding of more than 1.5 people per room (as opposed to 1 person per room as described in the previous table); and housing cost burden greater than 50 percent of a household's monthly income, as opposed to the 30 percent threshold used in the previous table.

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As shown in the figure below, in terms of severe levels of housing problems, Hispanic households experienced the highest levels of severe housing problems at 41.6 percent, compared to only 20.4 percent of White households. Moreover, more than one-third of African American or Black households experience a severe housing problem, as do more than one-quarter of the populations of all other racial and ethnic groups, thus highlighting not only possible disproportionate levels of housing problems for protected classes, but also severity.

Figure 112: Demographics of Households with Disproportionate Severe Housing Needs, California 2017

Housing Problems by Race and Ethnicity	Households Experiencing Any of 4 Severe Housing Problems	Total Households	Percent Households Experiencing Any of 4 Severe Housing Problems
Hispanic	1,438,380	3,459,620	41.6%
Black, Non-Hispanic	270,715	793,305	34.1%
Other, Non-Hispanic	76,790	268,095	28.6%
Asian or Pacific Islander, Non-Hispanic	430,555	1,584,855	27.2%
Native American, Non-Hispanic	14,540	53,915	27.0%
White, Non-Hispanic	1,304,230	6,382,680	20.4%
Total	3,535,210	12,542,460	28.2%

Source: Affirmatively Furthering Fair Housing Mapping Tool - Table 9-Version AFFHT0004, released 2017

To get a complete picture, in addition to housing problems based on race or ethnicity, the proportion of housing problems based on tenure also needs to be examined. This reveals that renters in California are experiencing a higher level of housing problems than homeowners. In California, 3.4 million renter households experienced at least one of the four housing problems in 2017, compared to only 2.4 million owner households. Moreover, renter households with income levels between 30 and 50 percent of the Area Median Income (AMI) have the highest rate of housing problems, with 929,820 households, or 27 percent, reporting at least one housing problem.

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Figure 113: Income by Housing Problems (Renters Only), California 2017

Income by Housing Problems (Renters only)	Household with at least one of four Housing Problems	Percent of Households with at least one of four Housing Problems	Household has none of four Housing Problems	Cost Burden not available – no other Housing Problems	Total Households
Household Income <= 30% HAMFI*	1,264,290	83%	143,145	112,970	1,520,405
Household Income >30% to <=50% HAMFI	929,820	88%	123,630	0	1,053,450
Household Income >50% to <=80% HAMFI	751,745	66%	379,015	0	1,130,760
Household Income >80% to <=100% HAMFI	231,970	42%	326,800	0	558,770
Household Income >100% HAMFI	239,590	15%	1,375,405	0	1,614,995
Total	3,417,415	58%	2,347,995	112,970	5,878,380

Note: *HAMFI – HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs.

Source: HUD Office of Policy Development and Research, Consolidated Planning/ CHAS Data, 2012-2016

While owner households in California do not face housing problems at the same rate as renter households, they still remain a critical issue, particularly for low-income households. For example, as the figure below highlights, 55 percent of homeowners earning between 50 and 80 percent of the AMI, a total of 560,900 households, face one or more of the housing problems outlined by HUD.

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Figure 114: Income by Housing Problems (Owners Only)

Income by Housing Problems (Owners only)	Household has at least one of four housing problems	Percent of households with at least one of four housing problems	Household has none of four housing problems	Cost Burden not available – no other housing problems	Total Households
Household Income <= 30% HAMFI	414,045	75%	86,030	55,285	555,360
Household Income >30% to <=50% HAMFI	411,390	64%	227,665	0	639,060
Household Income >50% to <=80% HAMFI	560,900	56%	446,120	0	1,007,020
Household Income >80% to <=100% HAMFI	313,710	46%	369,035	0	682,745
Household Income >100% HAMFI	720,505	18%	3,324,320	0	4,044,825
Total	2,420,550	35%	4,453,175	55,285	6,929,005

Source: HUD Office of Policy Development and Research, Consolidated Planning/ CHAS Data, 2012-2016

The distribution of housing problems based on income level and tenure reveals gaps in fair housing access in California and the potential need to address these issues through targeted statewide efforts. Without such interventions, these housing problems will continue to impact the social and economic wellbeing of families and communities. To understand how different areas of the state experience housing problems, the figures below present a county-level analysis of households with HUD defined housing problems by renter-occupied and owner-occupied households.

Owner households tend to have housing problems at the highest rates in areas near major urban hubs. In the Greater Los Angeles region, for example, a high number of home-owners face housing problems in Los Angeles, San Bernardino, and Riverside counties. Homeowners in rural counties, such as Mono and Alpine, are still not immune to housing problems, as homeowners there faced rates ranging from 36 to 40 percent as recently as 2016. California's aging housing stock and lack of preservation or replacement housing are likely factors in the high levels of housing problems. Access to capital for improvements or repairs is limited for low-income households and communities of color, according to stakeholder feedback.

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Figure 115: Share of Owner Households With At Least One Housing Problem, California



Source: Comprehensive Housing Affordability Strategy, U.S. Department of Housing and Urban Development, 2012-2016

Renter households across the state are experiencing severe levels of housing problems. While housing problems are not particularly surprising in many urban areas given their volatile real estate markets and exponential economic growth, more rural counties such as Trinity, Lake, Monterey, and Fresno are also experiencing housing problems at high levels.

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Figure 116: Share of Renter Households With At Least One Housing Problem, California



Source: Comprehensive Housing Affordability Strategy, U.S. Department of Housing and Urban Development, 2012-2016

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Lead-Based Paint

Lead paint is an environmental hazard that can cause negative health effects, including learning disabilities and behavioral problems in children. As outlined in Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, often referred to as Title X, houses built before 1960 have a strong likelihood of containing lead-based paint. The lead from this paint, including the resulting lead-contaminated dust, is one of the most common causes of lead poisoning.²⁶⁵ Recognizing this severe health threat, HUD issued a Lead-Safe Housing Rule that focuses on housing that is either federally owned or receiving federal assistance.

According to the Centers for Disease Control and Prevention, even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. Furthermore, the effects of lead exposure cannot be corrected.²⁶⁶ Protecting children, in particular, from any exposure to lead is important to lifelong good health.

To this end, California has established an array of legislative actions aimed at preventing childhood lead poisoning. This legislation has established the Childhood Lead Poisoning Prevention Branch (CLPPB), a children's environmental health program offering multilayered solutions to this complex problem. The figures below, based on 2018 data provided by CLPPB and measured per 1,000 children under six screened, show the number of children per county under the age of six per 1,000 screened with blood lead levels above 4.5 micrograms per deciliter, which is just under the 5.0 micrograms per deciliter the Centers for Disease Control and Prevention has used since 2012 to identify children with dangerously high blood lead levels. Based on the figures, the counties of Humboldt, Mendocino, Nevada, and El Dorado had some of the highest numbers per 1,000 of children under six screened with blood lead levels above 4.5 micrograms per deciliter. The prominence of such rural areas showcases the continued need to tackle housing quality in California and, in particular, lead paint as an environmental hazard for many rural households.

²⁶⁵ HUD Lead-Based Guidelines. Available at: <https://www.hud.gov/sites/documents/LBPH-03.PDF>

²⁶⁶ Centers for Disease Control and Prevention, 2019. Blood Lead Levels in Children. Retrieved from: https://www.cdc.gov/nceh/lead/prevention/blood-lead-levels.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fnceh%2Flead%2Faccclpp%2Fblood_lead_levels.htm

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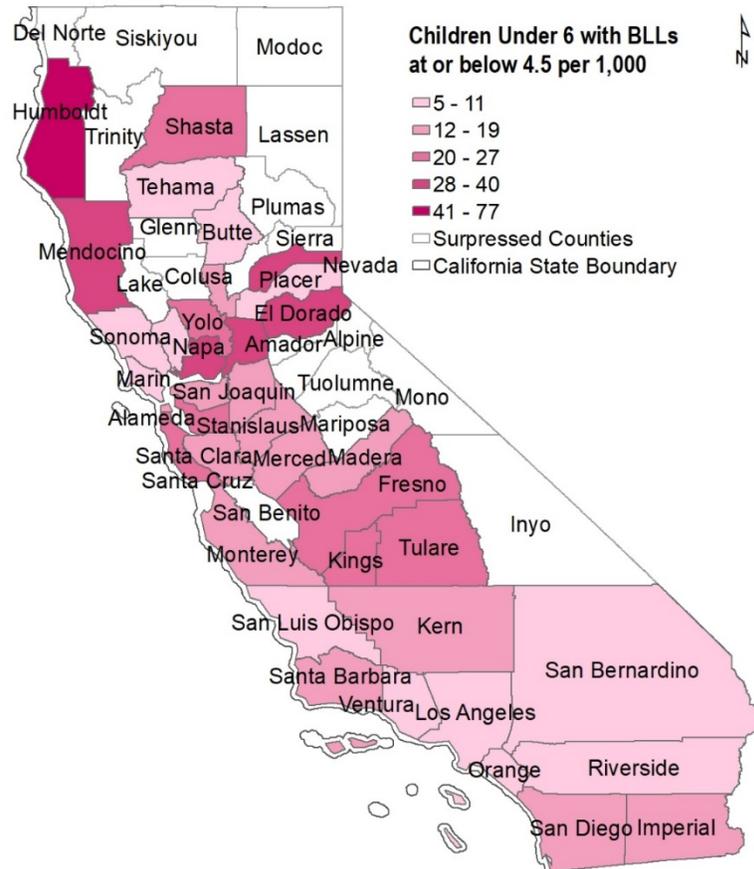
Figure 117: Top 10 Counties with Children Under 6 with Blood Lead-Levels above 4.5 micrograms per deciliter, Per 1,000 Tested, California, 2017

County	BLL ≥ 4.5	BLL ≥ 4.5 Per 1000	Total number of children under 6 screened	Number of Children Per 1,000
Humboldt	140	140,000	1,826	77
Mendocino	40	40,000	1,007	40
Nevada	11	11,000	281	39
El Dorado	21	21,000	542	39
Sacramento	561	561,000	15,051	37
Solano	136	136,000	4,606	30
Yolo	62	62,000	2,283	27
Kings	61	61,000	2,255	27
Fresno	386	386,000	15,607	25
Alameda	362	362,000	16,307	22

*Source: California Department of Public Health. Data from RASSCLE surveillance database archive of 4/3/2019.
Note: Data was suppressed for local health jurisdictions that did not meet the California Health and Human Service Agency's Data De-Identification Guidelines for public release. Suppressed jurisdictions include Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, Sierra, Siskiyou, Trinity, Tuolumne and Yuba.*

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Figure 118: Children Under 6 with Blood Lead Levels above 4.5 micrograms per deciliter, by County, Per 1,000, California, 2017



Source: California Department of Public Health. Data from RASSCLE surveillance database archive of 4/3/2019.
 Note: Data was suppressed for local health jurisdictions that did not meet the California Health and Human Service Agency's Data De-Identification Guidelines for public release. Suppressed jurisdictions include Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, Sierra, Siskiyou, Trinity, Tuolumne and Yuba.

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Broadband Access

Access to the internet is essential for job access, information and services, and educational opportunities. Access to residential broadband has the potential to minimize the digital divide, the gap between households who do and do not have access to technology. Broadband access can increase the quality of life, economic opportunity, and social interaction for communities. Recognizing this, since 2016 HUD has expanded access in low-income communities by funding and providing, where feasible, broadband infrastructure. Although HUD plans to issue regulations that will formalize its process for narrowing the digital divide, current CDBG funds can be used for broadband infrastructure installation and service delivery.

While residential broadband internet is accessible across California, there are still discrepancies in the number of providers available in certain urban and rural areas, which can have an impact on the overall cost and quality of such services for residents. For example, though most demographic groups have seen a significant increase in home broadband subscriptions, gaps persist for low-income, less educated, rural, African American or Black, and Hispanic households. As of 2017, broadband subscriptions for those groups ranged from 54 percent to 67percent, 10 points below the average of 74 percent for all households.²⁶⁷

The pandemic exacerbated existing inequalities, including the digital divide. To maintain social distancing, schools and universities moved to online learning platforms. The transition left behind households without access to technology or internet service. Students without access to technology may be unable to participate in classes or complete schoolwork. Broadband access was also reduced due to the COVID-19 shelter in place orders. As the number of unemployed Californians rose to almost 2.9 million over just two months, many impacted low-income households, struggling to get by before the pandemic, could not maintain internet access. Over half of all Americans reported that internet access has been essential during the pandemic.²⁶⁸ Internet access is essential for educational and telework opportunities and the digital divide is most prevalent in low-income households.²⁶⁹

In an effort to expand broadband service to all California residents, the California Public Utilities Commission (CPUC) established the California Advanced Services Fund (CASF) in order to provide matching funding for the deployment of broadband infrastructure to qualified applicants in unserved and underserved areas.²⁷⁰ The funding is used first for projects that are in areas currently without broadband access or with

²⁶⁷ Goss, Justin, et al. March 2019. California's Digital Divide. Public Policy Institute of California. Retrieved from: <https://www.ppic.org/publication/californias-digital-divide/>

²⁶⁸ Vogels et al. April 30, 2020. 53% of Americans Say Internet Has Been Essential During the COVID-19 Outbreak Retrieved from: <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/#fn-25577-1>

²⁶⁹ California Employment Development Department. Available at: <https://edd.ca.gov/newsroom/unemployment-may-2020.htm> and <https://edd.ca.gov/newsroom/unemployment-april-2020.htm>

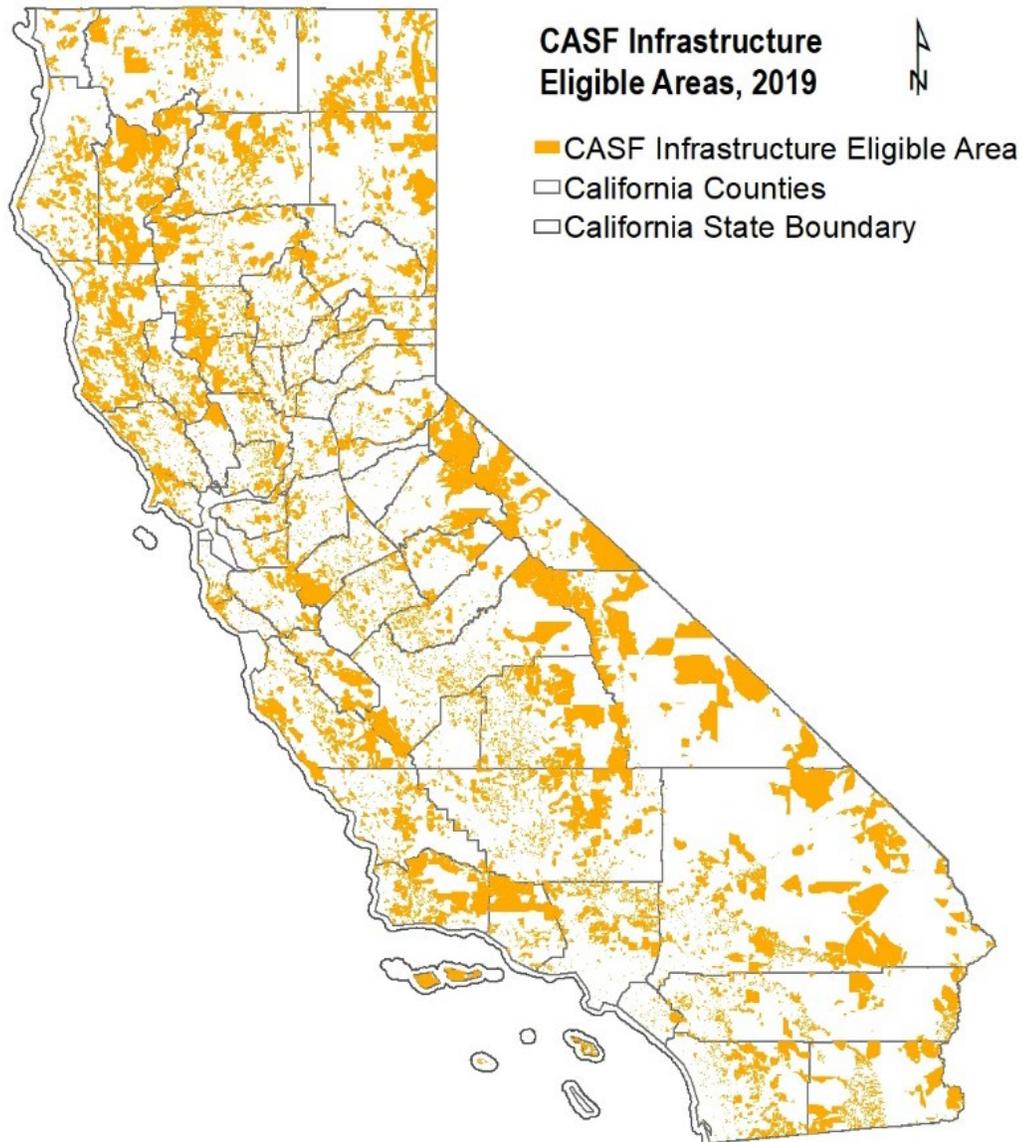
²⁷⁰ California Public Utilities Commission (CPUC). California Advanced Services Fund Background and History. Retrieved from: <https://www.cpuc.ca.gov/General.aspx?id=6442457932>

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access only to dial-up service or satellite; if funds are still available, the remainder will be used to supplement facilities in underserved areas. The figure below illustrates CASF Infrastructure Grant eligible sites throughout the state, showing that widespread need remains.

Stakeholders noted that, in response to COVID-19, most schools across the state have switched to remote classrooms. Broadband internet access is essential for students to access online learning environments.

Figure 119: CASF Infrastructure Eligible Areas, California 2019



Source: California Interactive Broadband Map, December 2019

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There are still many underserved areas throughout California that are eligible for broadband infrastructure grants but do not yet have broadband service. These areas tend to be sparsely populated and have a geology or topography that makes installing traditional broadband infrastructure challenging. As noted by the Public Policy Institute of California, these challenges lead to high broadband infrastructure development costs which are not financially attractive to private investors.

Displacement

Displacement has a negative impact on housing choice by not only eliminating housing options for residents, but also by excluding current residents from any additional opportunities that may arise due to increased investment and development in their communities. Displacement creates additional burdens for people with disabilities, given the limited alternative accessible housing stock if someone is displaced. The rise of high paying industries, such as technology, medicine, and finance, has had an impact on communities throughout California. As these industries have expanded in regions across the state, most notably in the San Francisco Bay Area, an influx of wealthy residents has put pressure on local housing markets, particularly in historically affordable neighborhoods. This wave of wealth across the state has led to both the perception of and actual displacement of lower-income neighborhood residents. This is primarily due to the rapid increase in jobs, expansion of employment hubs, and other economic factors that contribute to increased rents and home values within low-income or working-class communities that existing residents are not economically equipped to weather.

Patterns of displacement and concentration of poverty suggest that as low-income residents are being displaced from urban neighborhoods, increased concentrations of poverty are arising in traditionally suburban and rural areas. Gentrification and displacement particularly impact Black communities located in the urban core. The University of Minnesota Law School's Institute of Metropolitan Opportunity's 2019 atlas reveals such shifts are occurring not only at the metro level but also at a regional level.²⁷¹

Using the atlas, the figure below examines census tracts using changes within low-income and non-low-income populations between 2000 and 2016. In this example, low-income individuals are defined as those below 200 percent of the Federal Poverty Level. A closer look reveals two types of changes occurring in California: economically expanding neighborhoods experiencing the displacement of low-income households; and economically declining neighborhoods experiencing low-income household concentration. For example, a high number of census tracts in Fresno and Los Angeles are experiencing net decreases in low-income persons, a possible sign of displacement, while Sacramento is experiencing noticeable increases along its periphery in low-income persons, which may point to higher concentrations of low-income communities. Meanwhile, non-metro areas, particularly those immediately adjacent to metro areas,

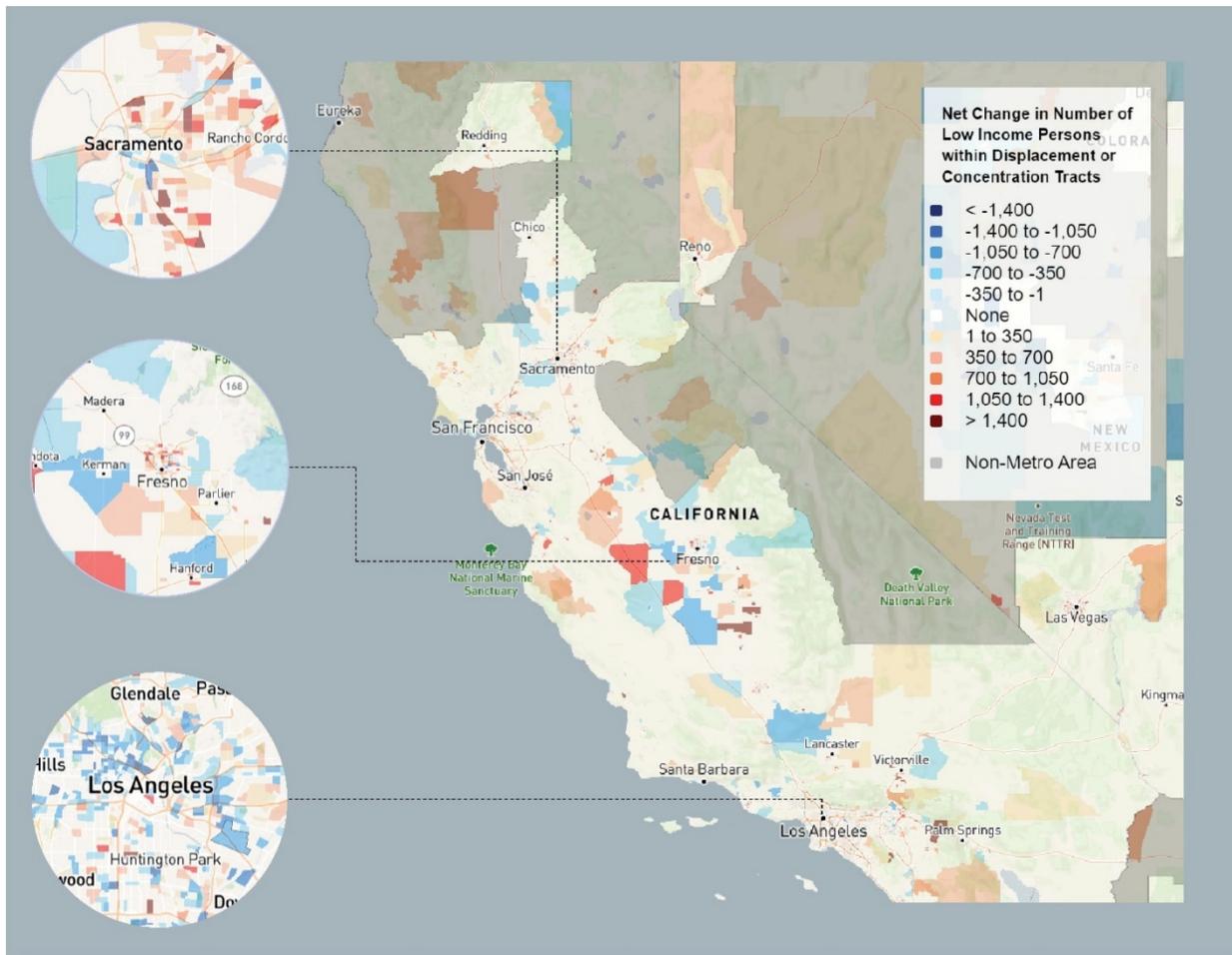
²⁷¹ University of Minnesota Law School's Institute of Metropolitan Opportunity. 2019. Gentrification and Decline Map. Retrieved from: <https://www.law.umn.edu/gentrification-and-decline-about-web-map-data>

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are often experiencing both phenomena simultaneously as metro area market forces encroach into the area.

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Figure 120: Low-Income Displacement and Concentration, 2000 to 2016



Source: *Gentrification and Decline Map*, University of Minnesota Law School's Institute of Metropolitan Opportunity, 2019

Chapter 7: Review of Prior and Current Actions Taken to Affirmatively Further Fair Housing

This section reviews the impediments to fair housing choice identified in the California Department of Housing and Community Development’s (HCD) 2012 Analysis of Impediments to Fair Housing Choice (2012 AI) and the actions taken since to address the identified impediments. In 2011, HCD contracted with the University of California, Los Angeles (UCLA), Luskin School of Public Affairs to assist in the update of the state’s 2012 AI. The 2012 report examined and assessed demographic and policy trends to develop relevant recommendations. The analysis sought feedback from the public, the private sector, and other interested stakeholders to flag potential impediments and effectively address the 10 identified impediments to fair housing choice, which are presented in this section.

Previous Impediments to Fair Housing Choice

The impediments to fair housing choice identified in the 2012 AI are listed below. The impediments provide a snapshot of the barriers faced in 2012 by residents, including inadequate affordable housing supply, displacement, greater access to opportunity, and others.

Figure 121: 2012 Identified Impediments to Fair Housing

Impediment	Description
Impediment 1	Inadequate supply of affordable housing available to lower-income and minority households.
Impediment 2	Community resistance to the development of multifamily rental housing and housing for lower-income or minority households.
Impediment 3	Shortage of subsidies and strategies to promote affordable, accessible housing for low, very low, and extremely low-income households, including protected classes.
Impediment 4	Communities lack enough awareness of potential fair housing impediments and ways to address those impediments.
Impediment 5	Limited coordination on fair housing issues among state fair housing enforcement agencies.
Impediment 6	Local development standards and their implementation e.g., zoning, building or design standards, may constrain the development of housing opportunities for minority and low-income households.
Impediment 7	Low-income households may be at risk of displacement in areas subject to strong new development pressure or activity.
Impediment 8	Inadequate access for minority households to housing outside of areas of minority concentration.
Impediment 9	State CDBG and HOME Programs underserve minorities in some instances.
Impediment 10	Inadequate access to employment opportunities, transportation, public and social services infrastructure to support increased housing opportunities for lower-income, minority, and disabled households.

Source: State of California Department of Housing and Community Development (HCD) 2012 Analysis of Impediments to Fair Housing Choice

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In response to the 10 impediments listed above, HCD identified a series of recommendations and proactive actions the State of California could take in the following years. The recommendations and actions outlined were meant to serve as the foundation for fair housing planning, thus providing essential information to staff, policymakers, housing providers, lenders, and fair housing advocates on strategic and programmatic fair housing goals for the state. A review of these recommendations and actions is provided in the following section of the analysis.

Actions Taken by State Agencies

Since 2012, the State of California has used the recommendations provided in the 2012 AI to guide a variety of strategic actions to combat the identified impediments. The following section summarizes these actions based on the information listed in the state's 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER).²⁷²

Impediment 1: Inadequate supply of affordable housing available to lower-income and minority households.

1.1 Recommendation: *Promote increased housing supply for all income levels.*

HCD promotes the adequate supply of affordable housing through Housing Element Law. Since 1969 California has required that all local governments adequately plan to meet the housing needs of everyone in the community. This requirement acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements, which HCD reviews. HCD has greatly expanded its technical assistance, accountability, and enforcement capacity to support greater housing supply outcomes.

1.2 Recommendation: *Make funds available to benefit low- and moderate-income households for construction, rehabilitation, preservation, and rental and mortgage subsidies.*

HCD supported this recommendation through the ongoing administration of existing state and federal programs. As of 2019, HCD's programs have created various rental and homeownership opportunities for Californians including veterans, seniors, families, people with disabilities, farmworkers, and individuals and families who are experiencing homelessness.²⁷³ During the fiscal year 2018-19, HCD issued 12 notices of funding availability (NOFAs) that awarded 276 grants and loans totaling more than \$1.2 billion to city and county government agencies, affordable home developers, homelessness

²⁷² California Department of Housing and Community Development FY 2018-19 CAPER. AI Implementation Status as of September 2019. Retrieved from: <http://www.hcd.ca.gov/policy-research/plans-reports/docs/Attachment-A-Analysis-of-Impediments-Implementation-Status-2018-19.pdf>

²⁷³ California Department of Housing and Community Development. Grant Programs Information. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/index.shtml>

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service providers, and small businesses.²⁷⁴ For the 2018-19 fiscal years federal funds made up just 11 percent of HCD's NOFA awards, the remaining funds of over \$1 billion dollars were provided through state bonds, propositions, and state funding.

1.3 Recommendation: *Provide technical assistance and enhance available resources for local governments and individuals on state planning laws promoting the zoning and citing for a variety of housing types, including multifamily housing, emergency shelters, residential care facilities, accessible housing, as well as land use related impediments to fair housing.*

HCD, in coordination with the California Department of Fair Employment and Housing (DFEH), continues to provide technical assistance and resources to local governments and individuals on fair housing impediments related to local zoning practices. These ongoing efforts have led to technical assistance provided directly to jurisdictions regarding anti-discrimination issues under Assembly Bill (AB) 72. The enhanced legislation grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes failure to implement program actions included in the housing element.

In 2017, with the passage of the Building Homes and Jobs Act, HCD, in coordination with the Governor's Office of Planning and Research, was able to launch a \$123 million planning grant program to assist local governments in meeting their housing goals. This was paired with statewide technical assistance to support jurisdictions with implementation.²⁷⁵ This program will grow and expand as a result of the 2019-20 Budget Act, which allocated \$250 million for all regions, cities, and counties to accelerate housing production and meet their housing goals through the Local and Regional Early Action Planning grant programs.²⁷⁶

In addition, HCD's website continues to include information to assist jurisdictions in updating local housing elements through its Building Blocks webpage. To further assist jurisdictions, in 2018 HCD launched the Housing Element Open Data Project, which provides information about local government permitting activity and other housing data.²⁷⁷

²⁷⁴ California Department of Housing and Community Development. 2018-2019 Annual Report. Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/HCD_2018-19_Annual-Report-FINAL_web.pdf

²⁷⁵ California Department of Housing and Community Development. SB 2 Planning Grants. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>

²⁷⁶ California Department of Housing and Community Development. Local Early Action Planning Grants. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>; Regional Early Action Planning Grants. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/reap.shtml>

²⁷⁷ California Department of Housing and Community Development. Housing Element Open Data Project. Available at: <http://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=29fd695819064f38afee6c9880c30ae3>

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Impediment 2: Community resistance to the development of multifamily rental housing and housing for lower-income or minority households.

2.1 Recommendation: *Collect and disseminate information on resources to combat NIMBYism (Not in My Backyard).*

HCD continues to acknowledge the role that local opposition can play a role in delaying or halting the production of housing. HCD uses its authority to monitor for potentially discriminatory practices that may inhibit the development of housing for protected classes and persons and families of very low, low, moderate, and middle incomes. HCD continues to review, research, and process complaints through accountability and enforcement efforts under AB 72. HCD's website includes a variety of community acceptance resources to address NIMBYism²⁷⁸ and a means to make a complaint regarding HCD's enforcement authority under AB 72.²⁷⁹

2.2 Recommendation: *Continue to review local jurisdictions' housing elements for compliance with state Housing Element Law, including an analysis of governmental constraints to the development of housing for the disabled and other special needs groups, and provide technical assistance in developing effective programs to remove or mitigate identified constraints.*

HCD continues to review local jurisdictions' housing elements for compliance with state law and statutory requirements including, but not limited to, SB 520, SB 812, and SB 2. The state dedicates significant staffing resources to review all housing elements. All 539 jurisdictions in California are required to include a housing element within their general plans. Housing elements are required to be updated periodically (either every five to eight years) and must be reviewed by HCD to determine compliance or noncompliance with state Housing Element Law ([Article 10.6 of the Government Code](#)).²⁸⁰ As of the end of fiscal year 2018-19, HCD had reviewed and found compliant fifth-cycle housing elements for 502 of the 539 jurisdictions that are required to submit (93.1 percent compliance).²⁸¹

Impediment 3: Shortage of subsidies and strategies to promote affordable, accessible housing for low, very low, and extremely low-income households, including protected classes.

3.1 Recommendation: *Support efforts to establish a statewide permanent source of revenue for affordable housing development and preservation.*

²⁷⁸ California Department of Housing and Community Development. Community Acceptance Resource. Available at: <https://www.hcd.ca.gov/community-development/community-acceptance/index.shtml>

²⁷⁹ California Department of Housing and Community Development. Accountability and Enforcement. Available at: <https://www.hcd.ca.gov/community-development/accountability-enforcement.shtml>

²⁸⁰ Government Code Article 10.6. Housing Elements: Available at: https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6.

²⁸¹ California Department of Housing and Community Development. 2018-2019 Annual Report. Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/HCD_2018-19_Annual-Report-FINAL_web.pdf

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This recommendation was fully achieved with the passage of SB 2 in 2017, which levies a \$75 fee on certain real estate recording documents to provide funding for the Permanent Local Housing Allocation (PLHA) Program, which seeks to address housing shortage and high housing costs.

3.2 Recommendation: Promote housing opportunities for persons with disabilities and special needs populations.

Since 2012, HCD has developed and enhanced a variety of programs to promote housing opportunities for persons with disabilities and special needs populations. These include, though are not limited to, the following:

- ***The Veterans Housing and Homelessness Prevention Program (VHHP)***, which funds the acquisition, construction, rehabilitation, and preservation of affordable multifamily housing for veterans and their families to allow veterans to access and maintain housing stability.
- ***Housing for Healthy California (HHC)*** was created with the passage of Assembly Bill (AB) 74 (2017) which directed HCD to utilize the 2018-2021 federal National Housing Trust Fund (NHTF) allocation for HHC. HHC created supportive housing for individuals who are recipients of, or eligible for, health care provided through the Department of Health Care Services (DHCS) Medi-Cal Program. The majority of these individuals are persons experiencing homelessness.
- ***The Section 811 Project Rental Assistance Program (PRA)***, in collaboration with the DHCS, California Department of Developmental Services (DDS), CalHFA, and the California Tax Collection Allocation Committee (TCAC), provides project-based rental assistance to affordable housing programs that serve persons ages 18-61 exiting Medi-Cal funded long-term care facilities, such as nursing homes, as well as persons at risk of returning to these settings due to loss of housing.

3.3 Recommendation: Monitor and support efforts to develop local funding resources to replace the loss of redevelopment funds.

Building and supporting local capacity is an ongoing goal for HCD. Recent legislation, such as SB 2 and SB 3, has aided such efforts by providing additional local funding resources. A full summary of available funding is described in the programs section of this report and on the active programs page of HCD's website.²⁸²

Impediment 4: Communities lack sufficient awareness of potential fair housing impediments and ways to address those impediments.

4.1 Recommendation: Provide technical assistance and materials to assess fair housing implications of local ordinances, zoning requirements, building codes, and development standards, and recommend actions to mitigate impediments to fair housing.

²⁸² California Department of Housing and Community Development. Active Programs. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/index.shtml>

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There is ongoing collaboration between HCD and DFEH staff to provide technical assistance to jurisdictions and stakeholders regarding the fair housing implications of local ordinances, zoning requirements, building codes, and development standards. Staff are able to provide technical assistance and recommend actions to mitigate potential barriers to fair housing choice.

4.2 Recommendation: *Through the housing element review process, monitor fair housing program implementation at the local level.*

HCD monitors fair housing planning and implementation through the housing element review process at the local level. With the recent passage of AB 686, starting in 2019, housing elements submitted to HCD will be required have a program that Affirmatively Furthers Fair Housing within the jurisdiction, as well as starting in 2021 include an Assessment of Fair Housing (AFH) within their housing element, along with other AFFH requirements. Staff is working to prepare tools and technical assistance for jurisdictions on how to AFFH and meet the new requirements within their housing element.²⁸³

4.3 Recommendation: *Develop a page on HCD's website dedicated to fair housing and Anti-NIMBY resources both for use by local governments and the general public.*

Many of these resources are available throughout HCD's website but with the addition of new resources planned to support AB 686 implementation HCD will revisit how best to organize fair housing resources.

4.4 Recommendation: *Publish on the HCD website (described in 4.3 recommendation above) a fair housing complaint contact for every county, including contacts for DFEH and HUD.*

This information is not currently available, but HCD will revisit adding this information as it adds additional fair housing resources to its website.

4.5 Recommendation: *Provide training to jurisdictions on AI-related topics, including, but not limited to: Overall AI implementation responsibilities; fair housing laws; assistance to persons of Limited English Proficiency; and NIMBY issues.*

Following the 2012 AI, in collaboration with DFEH, HCD staff provided trainings and technical assistance to stakeholders and local jurisdictions on fair housing issues, including fair housing laws, compliance issues, and equal access to housing programs.²⁸⁴ Given the many updates in recent years HCD plans to continue and expand these efforts with DFEH.

4.6 Recommendation: *Gather info on fair housing trainings provided at the local level. Develop incentives for training of staff, local elected officials, board members of private organizations, and members of the general public.*

HCD collects information on fair housing trainings on an ongoing basis. HCD is looking at various ways, including through its AB 686 responsibilities, to encourage fair housing training of staff, local elected officials, government officials, board members of private organizations, members of the general public, housing developers, and non profits.

²⁸³ California Assembly Bill 686, Santiago (2018). Available at:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686

²⁸⁴ California Department of Housing and Community Development. Fair Housing Trainings. Available at: <https://www.hcd.ca.gov/policy-research/plans-reports/fair-housing-trainings.shtml>

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4.7 Recommendation: *Make Limited English Proficiency (LEP) resources and referrals available on the HCD website to facilitate the expansion of local resources and notifications in multiple languages.*

HCD recognizes the obligation and importance of providing equal access to HCD information and services to all members of the public, including those with Limited-English Proficiency. HCD has bilingual resources available to assist non-English speaking persons in accessing HCD information and services, in compliance with the Dymally-Alatorre Bilingual Services Act ([Government Code section 7290-7299.8](#)) and [Federal Executive Order 13166](#). When seeking state services, California consumers have the right to ask for someone to help them in their native language at no cost. To ensure HCD services are readily available to all members of the public, employees may not: deny HCD services or information to non-English customers; provide a different service or information to non-English customers that is provided to English speaking customers; provide information in a different manner to non-English customers from those provided to English speakers. HCD offers translation services upon request and proactively publishes most public meeting notices in English and Spanish languages. HCD's website also includes Spanish translations of many documents at <http://www.hcd.ca.gov/bilingual/>. The website has also includes translation referral service information. For the most recent AI outreach efforts, the Community Needs Assessment Survey and multiple public notices were been made available in the five most popular foreign languages spoken by Californians with LEP.

Impediment 5: Limited coordination on fair housing Issues among state fair housing enforcement agencies.

5.1 Recommendation: *Increase training on fair housing issues for HCD program and policy staff, strengthen general knowledge for all staff on fair housing issues, and expand expertise for designated fair housing specialists.*

Since the 2012 AI HCD has greatly expanded training on fair housing issues. HCD contracted with UC Davis to train dozens of staff members through a multi-month fair housing education program. In 2018, HCD added a fair housing unit to its housing policy development division.

5.2 Recommendation: *To increase cooperation among state fair housing enforcement agencies, convene a bi-annual meeting of state fair housing enforcement agencies to discuss opportunities for increased cooperation and coordination.*

HCD and DFEH meet regularly collaborate and coordinate on fair housing enforcement issues.

Impediment 6: Local development standards and their implementation, e.g., zoning, building or design standards, may constrain development of housing opportunities for minority and low-income households.

6.1 Recommendation: *Convene an AI working group to discuss progress on AI Recommendations and solicit feedback for future AI updates.*

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For the 2020 AI process HCD convened a soundboard of stakeholders with fair housing expertise. The soundboard reviewed the 2012 AI impediments and recommendations and provided feedback to prioritize topics for analysis and assist in identifying the most important recommendations moving forward.

6.2 Recommendation: *Encourage city and county planning departments to implement land use policies which encourage fair housing, as well as the construction of housing affordable to lower-income families and workers through the administration of state Housing Element Law.*

HCD is currently reviewing sixth cycle housing element updates. This review includes land-use policies and programs to support fair housing and housing affordable to lower-income households. Staff provide technical assistance on the impact of local land use decisions to jurisdictions.

Impediment 7: Low-income households may be at risk of displacement in areas subject to strong new development pressure or activity.

7.1 Recommendation: *Provide technical assistance for anti-displacement strategies and efforts to increase or preserve affordability in existing neighborhoods, particularly neighborhoods at risk of gentrification.*

HCD continues to provide ongoing technical assistance for anti-displacement strategies through the review of housing element submittals, program administration, and associated technical assistance. Though challenges remain, HCD continues to explore ways to effectively understand and tackle the nexus of displacement and fair housing issues.

Impediment 8: Inadequate access for minority households to housing outside of areas of minority concentration.

8.1 Recommendation: *Encourage more single-family housing acquisition with CDBG Program funds through the use of incentives such as application rating points.*

Beginning in 2017, the CDBG Program incentivized NOFA applicants with state objective points that implemented disaster resiliency long-term planning or fair housing outreach.

8.2 Recommendation: *Assign application rating points to increase competitiveness to HOME Investment Partnership Program (HOME) projects not located in areas of minority concentration.*

HCD's HOME Program currently gives application rating points to new construction and rehabilitation projects that are sited outside of areas of minority concentration, but as noted in this document HCD hopes to continue to refine and improve the manner in which its programs affirmatively further fair housing.

8.3 Recommendation: *Track siting of HOME activities relative to minority concentration (Jurisdiction siting practices over time).*

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HCD tracks and monitor HOME activities in areas of minority concentration. Minority concentration data for projects completed are presented on HCD's webpage in the CAPER report annually.

8.4 Recommendation: Consider strategies to increase applications from inactive jurisdictions including, but not limited to, individual meetings to discuss what particular barriers to participation exist for the locality.

In 2019, HCD convened a CDBG redesign working group. The working group considered strategies to increase applications from inactive jurisdictions. Such strategies will be incorporated into future outreach efforts to develop better communication and coordination with local jurisdictions.

8.5 Recommendation: Coordinate with Public Housing Authorities (PHAs) within the state CDBG Program eligible jurisdictions on best practices related to utilization rates, increasing property portfolio outside areas of concentration, etc. Survey participating PHAs for best practices on 1) the extent to which finding landlords willing to accept Section 8 vouchers (Housing Choice Vouchers) outside of areas of minority concentration is a problem; and 2) how PHAs are marketing available vouchers to understand populations who may be least likely to apply.

Effective January 2020, SB 329, prohibits landlords from discriminating against tenants solely based on receipt of a Housing Choice Voucher. HCD anticipates this expanded source of income protection will provide additional choice and housing options to families utilizing vouchers. HCD emphasizes outreach to PHAs for local jurisdictions on their housing elements.

Impediment 9: Minorities are being underserved by the State CDBG and HOME Programs in some instances.

9.1 Recommendation: Require affirmative marketing analysis for CDBG housing, public services, and microenterprise activities in order to outreach to those currently least likely to apply.

As of the 2019-2020 CDBG NOFA application cycle, HCD is requesting marketing and operations plans for housing and public service programs that show how applicants will affirmatively market their programs. HCD is also offering bonus points in NOFA applications for programs that show rental housing protection (with regard to code enforcement specifically). The NOFA also requires applicants have proof of performance in at least one public action to address fair housing needs in the community within the last 24 months.

9.2 Recommendation: Encourage more infrastructure projects in areas of greatest need.

As of the 2019-20 CDBG application cycle, the definition of "in support of housing" has been expanded to include all residential infrastructure projects, including existing housing. The definition also includes public facilities necessary to maintain housing, such as fire trucks and stations, water and sewer facilities that serve primarily residential areas, and homeless shelters that provide transitional housing.

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9.3 Recommendation: *Develop affirmative marketing procedures for HOME activities that do not yet have them (i.e., first-time homebuyer, owner-occupied rehabilitation, and tenant-based rental assistance programs) to facilitate outreach to those currently least likely to apply. Continue implementing affirmative marketing procedures for project activities with existing plans.*

Over the years, HCD has implemented new affirmative marketing procedures for HOME first-time homebuyer, owner-occupied rehabilitation, and tenant-based rental assistance activities. HCD continues to undertake affirmative marketing for project activities. For more information on these efforts, please review the affirmative marketing materials under “Management Memos.”²⁸⁵

9.4 Recommendation: *Revise the application scoring method so communities are scored based on jurisdictional-wide poverty rate, rather than poverty rates for a target area.*

The CDBG Program has implemented this recommendation and jurisdiction poverty rates, instead of rates for a target area, are still used to determine application scoring.

Impediment 10: Inadequate access to employment opportunities, transportation, public and social services infrastructure to support increased housing opportunities for lower-income, minority, and disabled households.

10.1 Recommendation: *Provide training on HUD Section 3 requirements and require funded jurisdictions to submit Section 3 implementation plans.*

In 2013, HCD completed its training on HUD Section 3 requirements. Additional resources are available on HCD’s website, which provides sample Section 3 implementation documents.

10.2 Recommendation: *Establish a working group to study model county analysis and develop criteria, incorporate relevant information into ongoing education and technical assistance to local governments, and consider incorporation in rating and ranking in federal programs and future AI updates as appropriate.*

The development of the HCD/TCAC Opportunity Maps discussed in this report has allowed for more insight into the range of resources in California by census tract, as well as helped identify segregated concentrated areas of poverty.

10.3 Recommendation: *Convene a working group of local jurisdictions and developers in rural areas to address improving the siting of housing and access to jobs, transportation, and social services.*

Though the official working group has not been convened, HCD has coordinated with rural and fair housing advocacy organizations to address ways to improve the siting of

²⁸⁵ California Department of Housing and Community Development. HOME Investment Partnerships Program (HOME). Management Memos. Available at: <https://www.hcd.ca.gov/grants-funding/active-funding/home.shtml#memos>

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housing and access to jobs, transportation, and social services in rural areas. In addition, HCD has undertaken several complementary efforts to inform future efforts.

These efforts include the following:

- Statewide Housing Assessment update
- Development and Update of the HCD/TCAC Opportunity Maps
- CDBG Redesign Working Group

Summary of Actions

Overall, since the publication of the state's 2012 AI, the State of California and HCD have taken significant strides to combat the fair housing barriers identified in the analysis. Though an array of challenges remains, such as staffing, resources, and legislative hurdles, the actions taken by the State of California since 2012 have affirmatively furthered fair housing for protected classes and all residents of the state. Key actions, such as the adoption of SB 2, SB 3, and AB 686, and the implementation of technical assistance and support programs, underscore the efforts made to further fair housing goals at the state level. Overall, HCD has made notable progress in addressing the impediments identified in 2012 and in addressing potential new housing barriers faced by Californians.

Stakeholder Feedback Summary

Through the stakeholder engagement process, stakeholders expressed that they overall felt that the previously identified impediments were still valid but that the state had taken actions to address these impediments.

According to stakeholders, there continues to be an inadequate supply of affordable housing, particularly for lower-income households and protected classes. However, increased spending on affordable housing at the state and local level was touted as an improvement from 2012.

Community resistance to the development of multifamily rental housing and housing that serves lower-income and minority households and persons with disabilities continues to be an issue in the eyes of stakeholders. Although efforts are being made to incentivize density, transit-oriented development, and affordable housing development across the state, many stakeholders still feel that wealthy communities oppose and hinder the development of multifamily and affordable housing.

Stakeholders felt progress was being made to identify resources and strategies to increase the development of affordable and accessible housing for lower-income housing and protected classes. For example, targeted funding was identified for veteran housing and homelessness, permanent supportive housing, and grants for transitional housing for homeless youth with an LGBTQIA+ focus. However, the housing need continues to dramatically outweigh available resources, including construction and operating capital, developer and organizational capacity, and access to an adequate

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workforce to support development.

Stakeholders noted that there was a need for additional educational resources to inform people of fair housing issues, expand support for added density, including multifamily housing, and combat NIMBYism in growing communities.

Although there continues to be room for improvement, stakeholders generally felt that departments were coming together more intentionally to address issues of fair housing and community development across the state.

Stakeholders overwhelmingly pointed to local development standards as a key impediment to the development of new housing units and, more specifically, affordable housing units. The combination of local zoning and land use laws and the permitting process were commonly cited as barriers to development.

Displacement continues to be a concern amongst stakeholders on a number of levels. The lack of new housing is adding to market pressures in many communities across the state. As the demand for housing increases, many residents in high demand areas are being displaced. Many stakeholders noted the movement from urban centers such as San Francisco and Los Angeles to more suburban and rural communities with fewer services and less access to jobs. Additionally, natural disasters continue to destroy housing, displacing residents and exacerbating already tight housing markets.

Stakeholders also emphasized the need for efforts to invest in Racially and Ethnically Concentrated Areas of Poverty (RECAP) by providing infrastructure improvements, adequate transit services, improving access to quality education and jobs, and by providing opportunities for residents to move to higher opportunity areas.

In addition to past impediments, stakeholders identified other challenges in addressing fair housing and community development issues. One consistent point of feedback was the need for better data across geographies, populations, and housing market indicators. For example, data on rural communities is lacking and inconsistent across sources. Stakeholders would like additional data on the needs of immigrant households or the LGBTQIA+ community to better understand housing needs. Additionally, current data on evictions is incomplete and would benefit from a more robust dataset across jurisdictions.

The need to address climate change was another common theme across stakeholders. Some were concerned with the unintended consequences of resilience and mitigation investments, including gentrification and displacement. Others noted that protected classes in some communities are more likely to live in vulnerable locations and/or may feel a greater impact as temperatures rise and disasters and weather events become more common.

Chapter 8: Regional Analysis

This chapter provides a regional snapshot of key demographic, housing, segregation, and opportunity indicators. The analysis includes eight regions throughout the state, which are consistent with the previous Analysis of Impediments to Fair Housing Choice conducted in 2012 (2012 AI), to provide a more nuanced look at geographic areas throughout the state. There is no one accepted way to divide California's regions, and various policy issue areas divide the state differently. For this analysis we divide the state into eight regions to allow us to examine housing trends and production, access to resources, segregation and concentrations of poverty, on a regional scale. The map below shows a map of the eight regions we have defined. The regional trends found in this chapter were calculated by aggregating county level data to the regional scale.

Figure 122: Map of California Regions



Source: ESRI, U.S. Census Bureau

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Below is a list of counties included in each of the eight regions used in this analysis.

Region 1 – Greater Los Angeles Region

Imperial	San Bernardino	Riverside
Orange	Los Angeles	Ventura

Region 2 – San Francisco Bay Area

Alameda	Santa Clara	Solano
Contra Costa	San Benito	Sonoma
Marin	San Francisco	
Napa	San Mateo	

Region 3 – Sacramento

El Dorado	Sacramento	Yolo
Placer	Sutter	Yuba

Region 4 – San Joaquin Valley

Fresno	Kings	Merced
Kern	Madera	San Joaquin
Stanislaus	Tulare	

Region 5 – San Diego County

San Diego

Region 6 – Central Coast

Monterey	Santa Barbara
San Luis Obispo	Santa Cruz

Region 7 - Northern California Region

Butte	Lassen	Sierra
Colusa	Mendocino	Siskiyou
Del Norte	Modoc	Tehama
Glenn	Nevada	Trinity
Humboldt	Plumas	
Lake	Shasta	

Region 8 - Eastern Central California Region

Alpine	Inyo	Tuolumne
Amador	Mariposa	
Calaveras	Mono	

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Region 1: The Greater Los Angeles Region

a. Regional Overview

The Greater Los Angeles Region, made up of Los Angeles, Ventura, Orange, Riverside, San Bernardino and Imperial counties, is at a major community development crossroad. As an epicenter of commerce and employment, the City of Los Angeles is experiencing the effects of its success as housing affordability and adequate housing supply become less attainable and more low-income residents face the prospect of being pushed out into the peripheries. Home to the second largest city in the United States, the region's most vulnerable residents face challenges related to a lack of resources and access to support services. The region features some of the highest levels of racial and ethnic diversity, but also the highest levels of residential segregation in the state.²⁸⁶

With a lack of adequate housing and the likelihood of discriminatory practices as a source of residential segregation, greater social and economic opportunity are increasingly out of reach for many communities in the region, particularly for communities of color, persons with disabilities, large families with children, and other households with less economic or physical mobility. Though strong actions have been taken to tackle some of these issues, more should be done to curb current woes and ensure that challenges, such as the rise in the population of people experiencing homelessness, or implicit or explicit discriminatory actions based on source of income or gender identity, do not continue to grow or limit housing choice. As projected in the 2016 Regional Transportation Plan/Sustainable Communities Strategy developed by the Southern California Association of Governments (SCAG), displacement is expected to continue in the region due to continually rising housing prices.²⁸⁷ More will need to be done to address such ongoing concerns and their impact on fair housing choice and access to opportunity.

b. Population Trends and Housing Availability

As the City of Los Angeles is the most populous city in the United States, population growth in the Greater Los Angeles Region continues, increasing the demand for housing in the region. Historically, the Greater Los Angeles Region experienced a 23 percent population increase between 1990 and 2010 with an average growth rate of 170,834 people annually.

²⁸⁶ Los Angeles Housing and Community Investment Department, the Housing Authority of the City of Los Angeles, Enterprise Community Partners, and the Lawyers' Committee for Civil Rights Under Law (2018). City of Los Angeles & The Housing Authority of the City of Los Angeles Assessment of Fair Housing Plan 2018-2023. Retrieved from: <https://hcidla.lacity.org/assessment-fair-housing>

²⁸⁷ Southern California Association of Governments, April 2016. The 2016 -2040 Regional Transportation Plan/Sustainable Communities Strategy. Retrieved from: <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>

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Figure 123: Regional Population Change 1990 to 2010 – Greater Los Angeles Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
Greater Los Angeles Area Region	14,634,845	16,516,414	18,051,534	13%	9%	23%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S. Census Bureau Decennial Census 1990, 2000, 2010

Recent population growth in the region is slightly less than statewide trends, with an increase of 5 percent between 2010 and 2017, compared to 6 percent for the state shown in the figure below. Continued population growth signals the need for continued housing production and housing preservation in the region.

Figure 123: Regional Population Change 2010 to 2017 – Greater Los Angeles Region

Geography	2010	2017	Percent Change
Greater Los Angeles Region	17,815,664	18,765,551	5%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

The Greater Los Angeles Region has more renter occupied households than the state as a whole. Renter households account for 48 percent of households, compared to 45 percent within the state. The region is home to 48 percent of the state’s renter households and 45 percent of the state’s owner households.

Figure 124: Housing Tenure in the Greater Los Angeles Region

	Greater Los Angeles Region	Percent of Region	State	Percent of State
Owner	3,129,217	52%	7,024,315	55%
Renter	2,841,567	48%	5,863,813	45%
Total	5,970,784	-	12,888,128	-

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

The median home value for the Greater Los Angeles Region is \$400,150, as demonstrated in the figure below, which is approximately 10 percent less than the state. This figure only tells part of the story for the region. There is a sizable gap between the highest and the lowest median housing values in the region. The median housing value in Orange County is \$620,500, while Imperial County’s median housing value is \$167,700.²⁸⁸ A median gross rent of \$1,287 in the Greater Los Angeles Region is slightly less than the state, shown in the figure below. Again, there is a gap between counties within the region. Median gross rent in Imperial County is \$805, compared to

²⁸⁸ Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

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more than twice that in Orange County (\$1,693).²⁸⁹ Housing costs are a major issue for those living in the higher priced counties in the region, such as Orange County, Ventura County, and Los Angeles County, that have median home values at half a million dollars and above.²⁹⁰

Figure 125: Housing Cost in the Greater Los Angeles Region 2017

Estimate	Greater Los Angeles Region	State
Median Home Value	\$400,150	\$443,000
Median Gross Rent	\$1,287	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

²⁸⁹ Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

²⁹⁰ Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

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The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

Figure 126: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

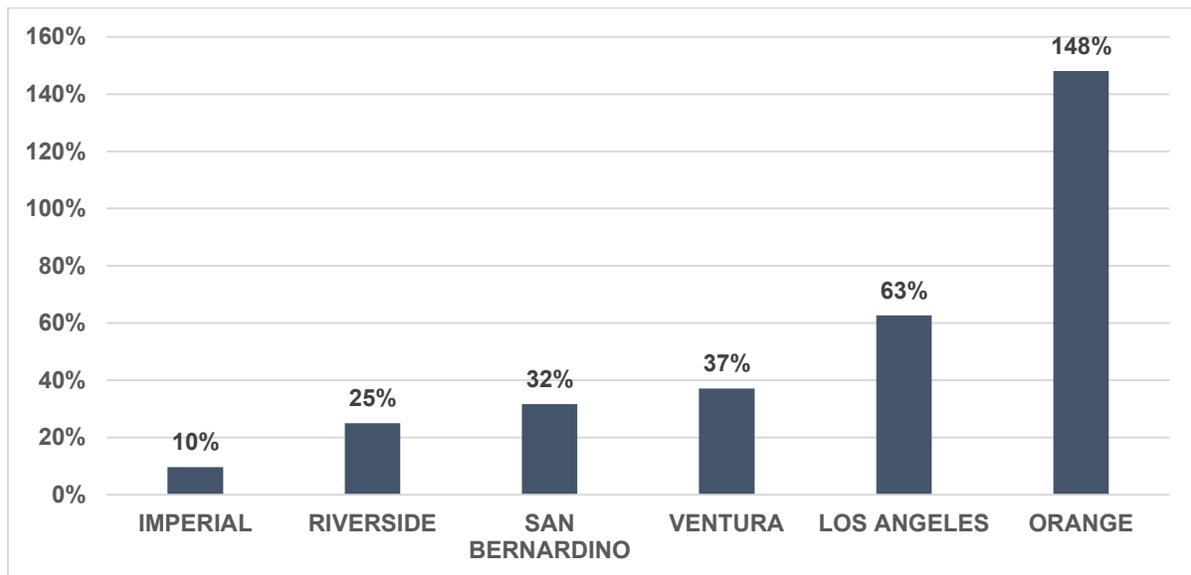
Greater Los Angeles	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
IMPERIAL	262	4,194	189	2,553	910	2,546	7,258	240	1,601	16,551
LOS ANGELES	6,769	45,672	4,057	27,469	2,686	30,043	76,697	99,214	112,726	179,881
ORANGE	2,073	8,734	1,411	6,246	14,883	6,971	16,015	37,857	56,224	37,966
RIVERSIDE	929	24,117	339	16,319	4,135	18,459	42,479	19,971	25,374	101,374
SAN BERNARDINO	538	13,399	1,133	9,265	3,673	10,490	24,053	12,775	18,119	57,207
VENTURA	577	4,516	1,051	3,095	1,581	3,544	8,003	3,894	7,103	19,158
REGIONAL TOTAL	11,148	100,632	8,180	64,947	27,868	72,053	174,505	173,951	221,147	412,137

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions, 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, much of the region is well below meeting its housing need target, with Imperial County farthest from meeting the target at 10 percent. Orange County, however, exceeded its housing need target, achieving 148 percent of the RHNA target. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets.

Figure 127: Percent of Permits to RHNA Target in 2013 to 2018 by County – Greater Los Angeles Region



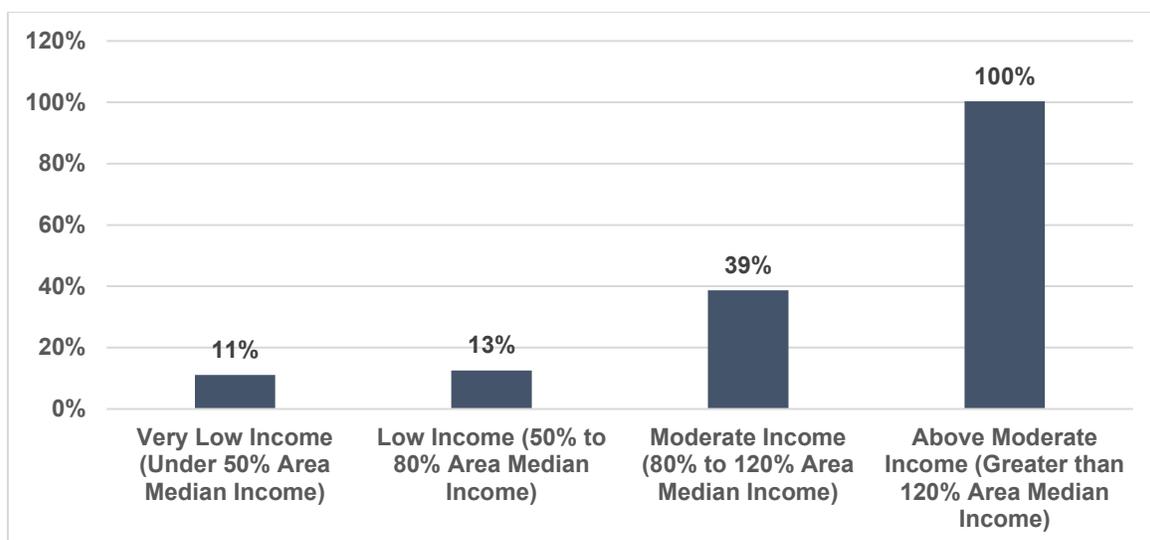
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions, 2013 to 2018 data.

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Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate income levels. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 11 percent and 13 percent of the RHNA targets for very low-income housing and low-income housing respectively have been achieved in the region from 2013 to 2018. During the same period 39 percent of the RHNA target for moderate income housing was met, while the target for above moderate income housing was fully met. Thus, overall the region is not building adequate housing units at all income levels, but particularly for homes affordable to very low-income and low-income households.

Figure 128: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level – Greater Los Angeles Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions, 2013 to 2018 data.

e. Housing Cost Burden and Housing Problems

To further understand housing challenges faced by Greater Los Angeles Region residents, this section examines two measures of the housing market: 1) cost burden, and 2) housing problems. HUD defines housing problems as including one or more of the following:

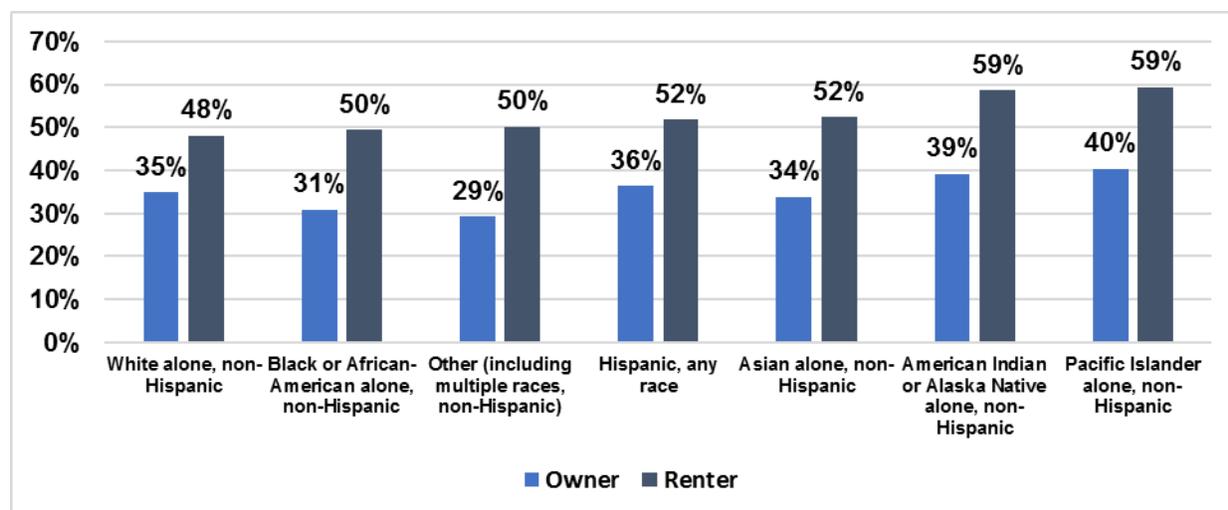
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

While both renters and owners experience cost burden, renters are more severely impacted. In the Greater Los Angeles Region housing cost burden is experienced disproportionately across racial and ethnic communities; non-Hispanic Pacific Islanders

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and American Indian and Alaskan Natives are most burdened at 59 percent for renters. Non-Hispanic White households are the least burdened by housing cost at 48 percent for renters as shown in the figure below. Stakeholders expressed concern about extreme cost burden for the region, which is supported by the data in the figure below. Renters experience cost burden at higher rates than homeowners; 48 percent of White renters in the Greater Los Angeles Region are cost burdened, compared to 50 percent of Black or African American renters, 52 percent of Hispanic renters, and 59 percent of American Indian and Pacific Islander renter households. Renter households experiencing high cost burden are less resilient to unforeseen financial obligations, making them more vulnerable to homelessness and evictions.

Figure 129: Percent of Households Experiencing Cost Burden by Race – Greater Los Angeles Region



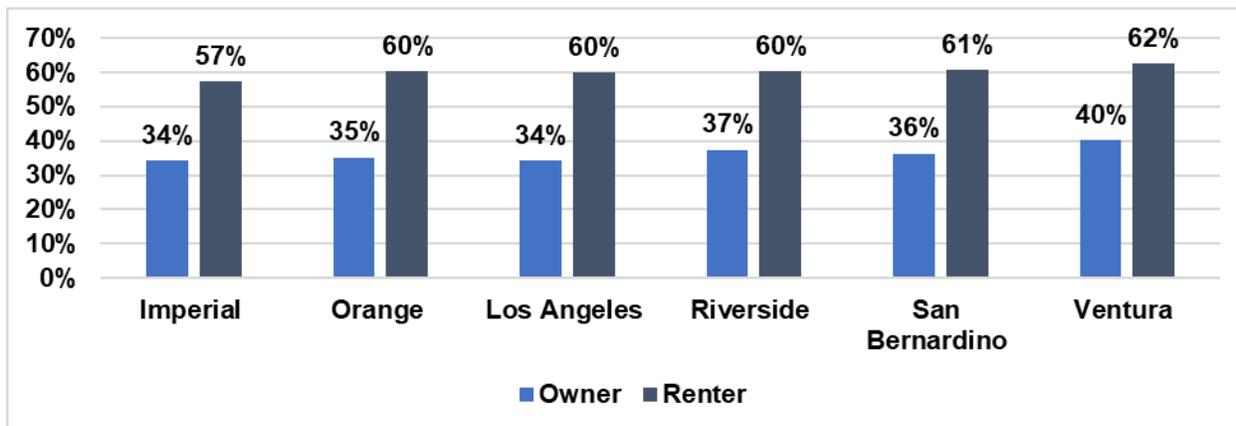
Source: U.S. Department of Housing and Urban Development CHAS data 2016

Rising housing costs and housing scarcity corresponds with increased housing problems such as overcrowding and poor living conditions (unfinished kitchen or bathroom facilities). Housing problems are experienced consistently across the region with renters more severely impacted than owners. Approximately 60 percent of renters across all counties are experiencing housing problems, as shown in the figure below. Approximately one-third of owners also experience housing problems across the counties. Ventura County has the highest percentage of renters and owners experiencing housing problems and the highest housing costs in the region.²⁹¹ Feedback from the public meeting in this region supports this data. Meeting participants discussed the need for maintenance and repair on many properties, including improvements to address indoor air quality for children.

²⁹¹ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

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Figure 130: Percent of Households Experiencing Housing Problems by County – Greater Los Angeles Region



Source: U.S. Department of Housing and Urban Development CHAS Data 2016

f. Housing Security

Evictions caused by financial insecurity are associated with displacement and homelessness due to the difficulty in securing new housing with limited financial means and an imperfect renting record. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction and many evictions occur informally, the data presented represents the best estimate given the available data.²⁹² The lack of eviction data across jurisdictions is a good example of the need for additional community development data sources to inform policy and program decisions.

According to data from the Eviction Lab, on average California has 113 evictions per day, with a total of 41,178 evictions in 2016 as shown in the figure below. The Greater Los Angeles Region has the highest eviction rate within the state, averaging 18 evictions per day as demonstrated in the figure below. Participants at the regional public meeting indicated that rising rental costs are displacing renters, which may be driven by evictions.

Figure 131: 2016 Eviction Estimates in the Greater Los Angeles Region²⁹³

Geography	Average Evictions Per Day	Evictions	Eviction Filings
Greater Los Angeles Region	18	6,430	6,815
State of California	113	41,178	47,079

Source: Eviction Lab data, 2016

²⁹² Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

²⁹³ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

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As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>.

The Greater Los Angeles Region is the most populous in California, and for Fiscal Year (FY) 2017 and 2018 it had the largest number of eviction filings reported across the eight regions. The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the Greater Los Angeles Region reported 83,518 filings, 57 percent of eviction filings in the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
 - **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
 - **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.²⁹⁴
- **Other types of dispositions** – These include dismissals and transfers to other courts.

²⁹⁴ Code Civ. Proc., § 585

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Figure 132: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – Greater Los Angeles Region

Greater Los Angeles Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Imperial	388	378	147	11	1	127
Los Angeles*	47,966	-	-	-	-	-
Orange	10,385	9,839	3,377	584	274	3,756
Riverside	10,458	9,690	3,811	111	208	2,942
San Bernardino	12,141	12,184	4,351	1,347	174	2,975
Ventura	2,180	2,149	708	143	73	715
Regional Total	83,518	34,240	12,394	2,196	730	10,515

Source: Judicial Council of California, 2019

*Courts could not report the majority of the disposition categories due to limitations in their case management system reports.

g. Homelessness

Rising housing costs can also lead to increased homelessness. California is home to a significant proportion of the U.S. population experiencing homelessness, with many people experiencing homelessness living in the Greater Los Angeles Region.²⁹⁵ The PIT Count provides a snapshot of the number of people experiencing homelessness on one night. While imperfect, the annual count assists federal, state, and local governments to understand who is experiencing homelessness in a region. As demonstrated in the figure below, half of the population experiencing homelessness in California lives in the Greater Los Angeles Region.

Figure 133: 2018 Point-In-Time Count – Greater Los Angeles Region²⁹⁶

Geography	Homeless Population Estimate	Percent of State Total
Greater Los Angeles Region	64,955	50%
State of California	129,972	-

Source: 2018 Point-In-Time Data

Stakeholders identified homelessness as high priority issue for the region, noting the disparate impact of homelessness on African American and Transgender individuals. Data on persons experiencing homelessness confirms that African Americans are disproportionately impacted by homelessness. While African Americans make up only

²⁹⁵ Aggregated Overall Homeless, 2018 from Los Angeles City & County Continuum of Care (CoC), Santa Ana, Anaheim/Orange County CoC, Long Beach CoC, Pasadena CoC, Riverside City & County CoC, San Bernardino City & County CoC, Oxnard, San Buenaventura/Ventura County Co, Glendale CoC, Imperial County CoC.

²⁹⁶ Aggregated Overall Homeless, 2018 from Los Angeles City & County CoC, Santa Ana, Anaheim/Orange County CoC, Long Beach CoC, Pasadena CoC, Riverside City & County CoC, San Bernardino City & County CoC, Oxnard, San Buenaventura/Ventura County Co, Glendale CoC, Imperial County CoC.

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13 percent of the region's population, they are 43 percent of the population experiencing homelessness.²⁹⁷ Feedback received from the regional public meeting also included discussion of the need to support transgender community members through supportive services that are sensitive to the needs of the community.

Stakeholders shared concerns regarding laws criminalizing camping, law enforcement and sanitation sweeps of homeless encampments, seizure and destruction of property, and towing of vehicles used for shelter by people experiencing homelessness. While many of these suits challenge the City of Los Angeles' policies in particular, suits against the City of Pomona (in eastern Los Angeles County), and several suits against cities in Orange County sparking from evictions from a riverbed encampment, demonstrate that criminalization of homelessness may be a regional problem. The 2019 Ninth Circuit ruling in *Martin v. Boise* affirmed that it is unconstitutional for cities to impose criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.²⁹⁸

h. Segregation and Poverty

This section examines federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). Nearly half the population of people living in a RECAP within California (48 percent) reside in the Greater Los Angeles Region. Hispanic residents and families with children are both over-represented within RECAP areas in the region. The Hispanic population is 47 percent of the Greater Los Angeles Region's overall population, yet 72 percent of those live in RECAPS.²⁹⁹

Figure 134: RECAP Demographics – Greater Los Angeles Region

	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
Greater Los Angeles Area Region	815,958	8.5%	12.3%	72.0%	6.7%	0.3%	0.2%	61.8%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

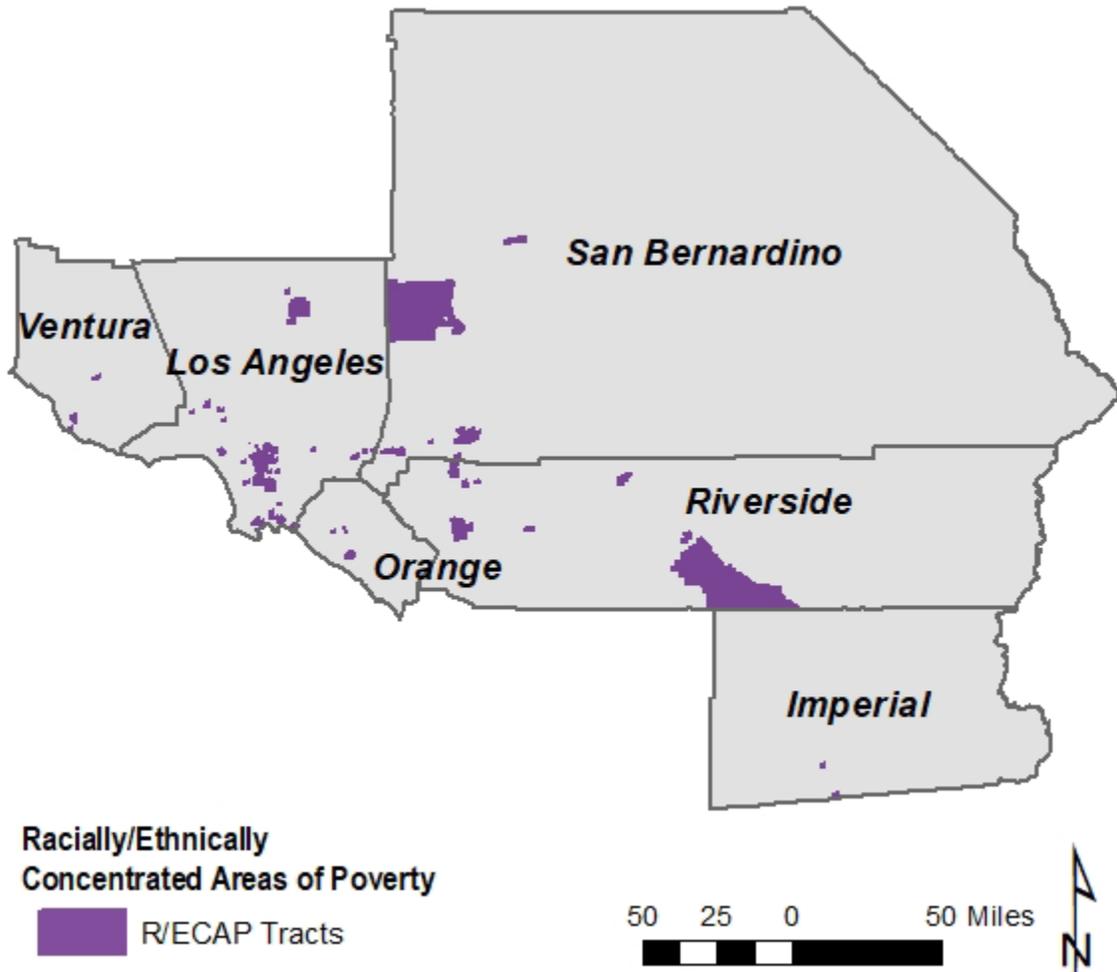
²⁹⁷ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

²⁹⁸ *Martin v. Boise*: 920 F.3d 584 (9th Cir. 2019)

²⁹⁹ U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year Estimates

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Figure 135: RECAP Map – Greater Los Angeles Region



Source: HUD RECAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010.

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Region 2: The San Francisco Bay Area

a. Regional Overview

The San Francisco Bay Area Region is made up of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Benito, San Francisco, San Mateo, Solano, and Sonoma counties. As identified in conversations with stakeholders and the ongoing research of organizations such as the National Housing Law Project, the region struggles to provide and maintain safe, decent, and accessible housing for many low-income families and protected classes.³⁰⁰ As with other major urban hubs of California, housing affordability and a general lack of adequate housing supply have worsened the direct and indirect effects of an ongoing housing crisis on low- and extremely low-income families and protected classes, such as persons with disabilities and communities without the economic or social means to weather the sharp rise of housing costs.³⁰¹ These effects are evident in the growing concern expressed by stakeholders and advocates on the unmet needs of people experiencing homelessness in the region and displacement patterns that appear to disproportionately impact low-income households and communities of color.

b. Population Trends and Housing Availability

A key part in the rise of housing costs in the region is the ongoing mismatch between population growth and housing production. The region grew 19 percent between 1990 and 2010, 6 percentage points less than the state as a whole.

Figure 136: Regional Population Change 1990 to 2010 – San Francisco Bay Area Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
San Francisco Bay Area Region	6,051,967	6,837,290	7,206,008	13%	5%	19%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

However, between 2010 and 2017 the population of the region increased 9 percent, higher than the 6 percent growth recorded during the same time for the rest of the state, as demonstrated in the figure below.

³⁰⁰ National Housing Law Project. “Affirmatively Furthering Fair Housing”. Available at: <https://www.nhlp.org/initiatives/fair-housing-housing-for-people-with-disabilities/affirmatively-furthering-fair-housing/>

³⁰¹ Public Advocates, “Fair Housing”. Available at: <https://www.publicadvocates.org/our-work-2/housing/fair-housing/>

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Figure 137: Regional Population Change.2010 to 2017 – San Francisco Bay Area Region

Geography	2010	2017	Percent Change
San Francisco Bay Region	7,056,917	7,688,646	9%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

At the household scale, the region has a slightly lower amount of renter occupied households (44 percent) compared to the state (45 percent) and more homeowners at 56 percent, as shown in figure below, compared to 55 percent statewide.

Figure 138: Housing Tenure in the San Francisco Bay Area Region

San Francisco Bay Area Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	2,718,426	-	12,888,128	-
Owner	1,518,286	56%	7,024,315	55%
Renter	1,200,140	44%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

The San Francisco Bay Area Region's median home value of \$604,800 is significantly higher than the statewide average of \$443,000. The region's median home value is over 36 percent higher than the state median home value. Median gross rent in the region is more than \$200 greater than the statewide average at \$1,574 and \$1,358, respectively.

Figure 139: Housing Cost in the San Francisco Bay Area Region 2017

Estimates	San Francisco Bay Area Region	Statewide
Median Home Value	\$604,800	\$443,000
Median Gross Rent	\$1,574	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

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RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region. Note, in this analysis San Benito County is included in the Bay Area, however, for housing element and RHNA purposes San Benito County is represented by San Benito Council of Government, which began their housing element cycle one year after the rest of the Bay Area (represented by the Association of Bay Area Government), so their progress is not directly comparable to the other counties.

Figure 140: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

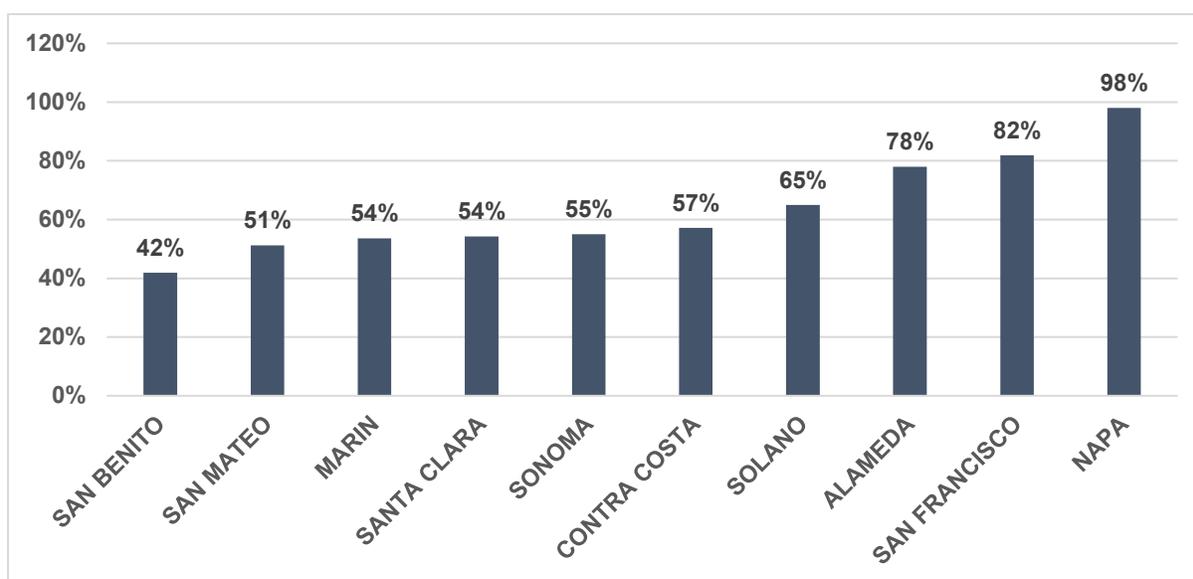
San Francisco Bay Area	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
ALAMEDA	1,915	9,912	1,272	6,604	914	7,924	30,223	19,596	34,324	44,036
CONTRA COSTA	488	5,264	890	3,086	1,183	3,496	9,229	8,784	11,790	20,630
MARIN	131	618	248	367	129	423	723	890	1,231	2,298
NAPA	142	370	74	199	220	243	1,016	670	1,452	1,482
SAN BENITO	-	520	-	315	107	430	812	929	919	2,194
SAN FRANCISCO	1,859	6,234	2,258	4,639	1,283	5,460	18,232	12,536	23,632	28,869
SAN MATEO	619	4,595	683	2,507	449	2,830	6,662	6,486	8,413	16,418
SANTA CLARA	1,555	16,158	1,216	9,542	2,416	10,636	26,761	22,500	31,948	58,836
SOLANO	54	1,711	212	902	1,132	1,053	3,138	3,311	4,536	6,977
SONOMA	385	1,818	492	1,094	489	1,355	3,281	4,177	4,647	8,444
REGIONAL TOTAL	7,148	47,200	7,345	29,255	8,322	33,850	100,077	79,879	122,892	190,184

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, the entire region is below meeting its housing need target; Napa County is the closest to reaching the target at 98 percent and San Benito County is farthest from meeting the target at 42 percent. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets.

Figure 141: Percent of Permits to RHNA Target from 2013 to 2018 by County – San Francisco Bay Area Region



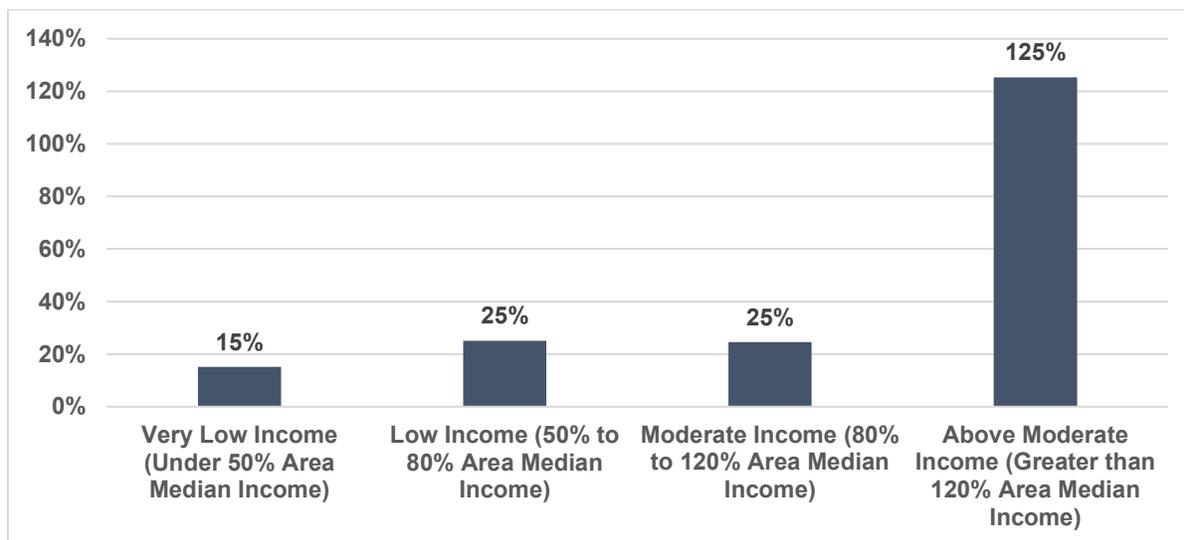
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate income levels. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 15 percent of the RHNA target for very low-income housing, 25 percent of the target for low-income housing, and 25 percent of the target for moderate income housing have been permitted in the region from 2013 to 2018; while permitting for above moderate income housing has exceeded the target at 125 percent. Overall, the region is not building adequate housing units affordable to very low-income, low-income, moderate income households.

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Figure 142: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level – San Francisco Bay Area Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

e. Housing Cost Burden and Housing Problems

To further understand housing challenges faced by San Francisco Bay Area Region residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³⁰²

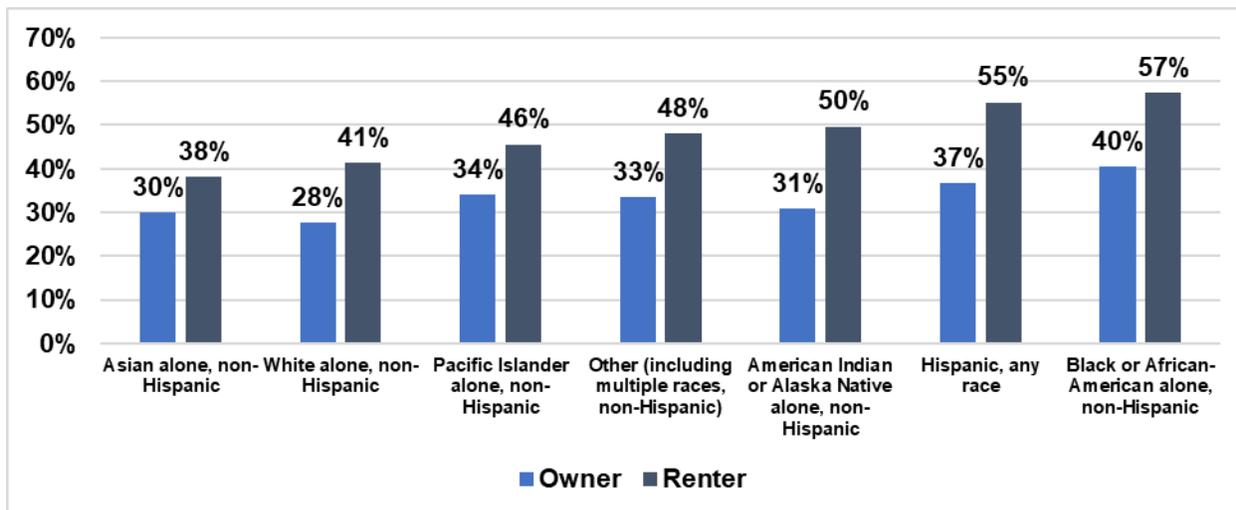
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

The high rates of housing burden in the region are partially fueled by the lack of housing production and, more specifically, the lack of affordable housing production. The following analysis supports stakeholder feedback that low-income communities of color in the region are bearing the brunt of rising housing costs. As seen in the figure below, African American and Hispanic renters are the most severely burdened by housing costs, with 57 and 55 percent respectively paying a third or more of household income into housing. Cost burden amongst owners is less severe, however African American and Hispanic owners experience cost burden at a higher rate than other races and ethnicities in the region.

³⁰² HUD Office of Policy Development and Research. CHAS Data. Available at: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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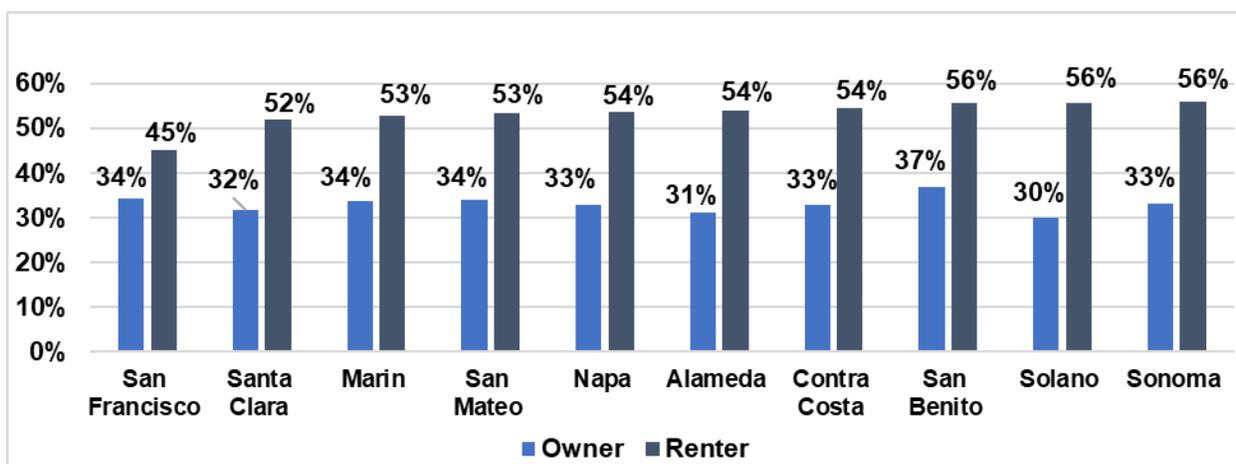
Figure 143: Percent of Households Experiencing Cost Burden by Race – San Francisco Bay Area Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

Over half of all renters experienced a housing problem in 9 out of the 10 counties of the region as demonstrated in the following figure. Though homeowners fare somewhat better than renters, a third of those households experienced a housing problem in the region, highlighting the effects of the ongoing housing crisis in the San Francisco Bay Area Region.

Figure 144: Percent of Households Experiencing Housing Problems by County – San Francisco Bay Area Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

f. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, homelessness and displacement are also impacts of the housing crisis. This

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section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³⁰³

Based on the local work of organizations such as the Anti-Eviction Mapping Project, a growing movement is raising fair housing concerns related to evictions and displacement patterns in the region. As shown in the figure below, such added attention is justifiable given the figures published by the Eviction Lab showing that as of 2016, the San Francisco Bay Area Region was experiencing at least two evictions per day. More likely than not, such figures are only the tip of the iceberg with more families in the region experiencing development pressures and the likelihood of displacement. For more information on Eviction Lab’s methodology, visit: <https://evictionlab.org/methods/>

Figure 145: 2016 Eviction Estimates in the San Francisco Bay Area Region³⁰⁴

Geography	Average Evictions Per Day	Evictions	Eviction Filings
San Francisco Bay Area Region	2	665	930
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>.

The San Francisco Bay Area Region is the second most populous in California, and for Fiscal Year (FY) 2017 and 2018, it had the second largest number of eviction filings reported across the eight regions. The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the San Francisco Bay Area Region reported 18,422 filings, 12 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.

³⁰³ Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³⁰⁴ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

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- **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
- **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
- **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³⁰⁵
- **Other types of dispositions** – These include dismissals and transfers to other courts.

Figure 146: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – San Francisco Bay Area Region

San Francisco Bay Area Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Alameda	4,275	4,476	1,271	62	-	2,654
Contra Costa	3,209	3,448	1,241	121	45	1,244
Marin*	349	417	-	-	-	229
Napa	211	209	78	8	-	81
San Benito	89	262	27	2	1	219
San Francisco*	3,144	2,596	-	-	-	732
San Mateo*	1,204	1,055	-	-	-	406
Santa Clara	2,806	2,010	863	156	-	652
Solano	2,002	1,711	2	50	1	603
Sonoma	1,133	1,208	385	182	7	482
Regional Total	18,422	17,392	3,867	581	54	7,302

Source: Judicial Council of California, 2019

**Courts could not report the majority of the disposition categories due to limitations in their case management system reports.*

g. Homelessness

The San Francisco Bay Area Region has the second highest population of persons experiencing homelessness, behind the Greater Los Angeles Region. In April 2019, the Bay Area was third in the nation behind New York City and Los Angeles according to the PIT Count. The annual PIT Count provides a snapshot of the number of people experiencing homelessness on one night. While imperfect, the annual count assists federal, state, and local governments to understand who is experiencing homelessness in a region. In 2017, the San Francisco Bay Area region sheltered a smaller proportion

³⁰⁵ Code Civ. Proc., § 585

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of its homeless population (33 percent) than other metropolitan areas in the U.S. besides Los Angeles (25 percent).³⁰⁶ The 2018 Point-In-Time Count estimated that over 28,000 persons experiencing homelessness, or 22 percent of the state’s homeless population, live in the region as shown in the figure below.

Figure 147: 2018 Point-In-Time Count – San Francisco Bay Area Region³⁰⁷

Estimate	Estimate	Percent
San Francisco Bay Area Region	28,621	22%
State of California	129,972	-

Source: 2018 Point-In-Time Data

As housing demand continues to increase within the region and with population growing at a faster rate than the state, the region is struggling to meet local needs. Housing costs have increased dramatically, leading to displacement and homelessness for some residents. Stakeholders conveyed the need for creative solutions and increased services to help stabilize the growing number of people experiencing homelessness, including seniors, persons with disabilities, and the LGBTQIA+ community.

h. Segregation and Poverty

This section examines federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). An analysis of the RECAP provides greater insights into the disproportionate impacts of segregation patterns in the region. The figure below shows that Hispanic and Asian or Pacific Islander, Non-Hispanic communities are most represented in the Region’s RECAPs areas. Asian and Pacific Islander population makes up 25.8 percent of San Francisco Bay Area Region’s RECAP population, a far higher percentage than the state overall (10 percent of all RECAPs).

³⁰⁶ Bay Area Council Economic Institute, Bay Area Homelessness—A Regional View of a Regional Crisis, April 2019. Available at: <http://www.bayareaeconomy.org/files/pdf/BayAreaHomelessnessReport.pdf>

³⁰⁷ Aggregated Overall Homeless, 2018 from San Jose/Santa Clara City & County CoC, San Francisco CoC, Oakland, Berkeley/Alameda County CoC, Santa Rosa, Petaluma/Sonoma County CoC, Richmond/Contra Costa County CoC, Marin County CoC, Daly/San Mateo County CoC, Napa City & County CoC, Vallejo/Solano County CoC.

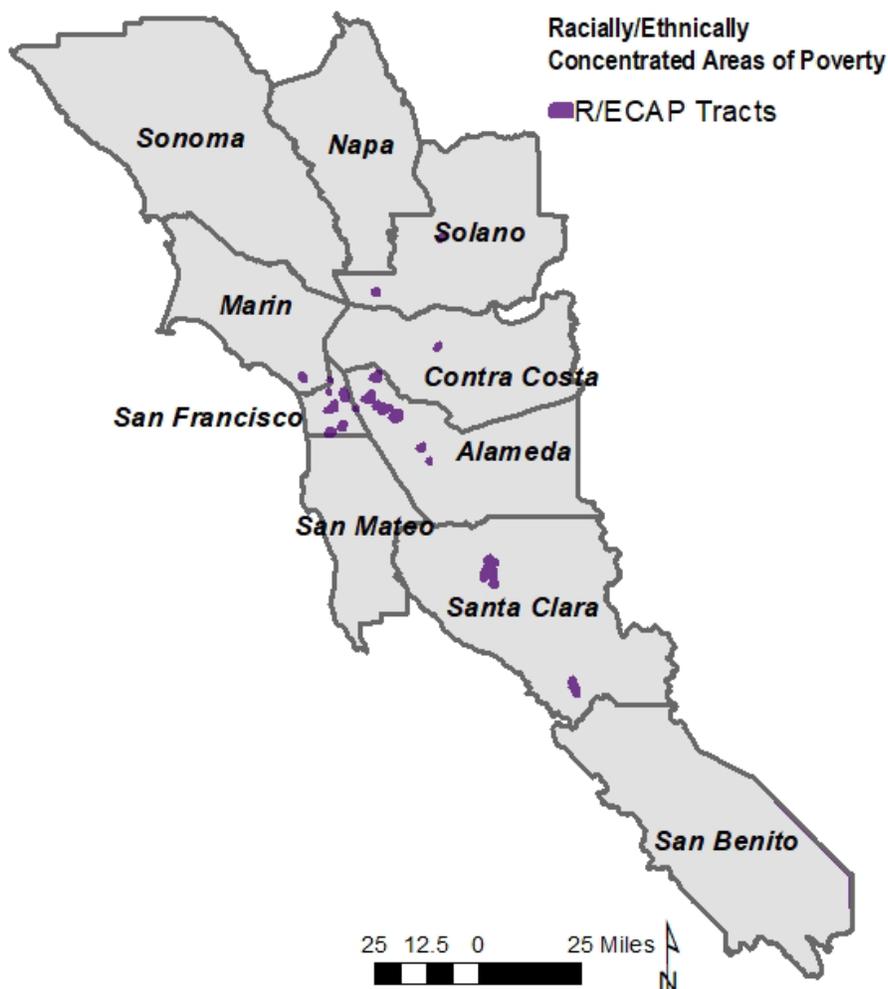
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Figure 148: RECAP Demographics – San Francisco Bay Area Region

RECAP Areas	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
San Francisco Bay Area Region	207,042	17.5%	17.3%	35.8%	25.8%	0.4%	0.3%	52.0%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

Figure 149: RECAP Map- San Francisco Bay Area Region



Source: HUD RECAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010

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Region 3: The Sacramento Region

a. Regional Overview

The Sacramento Region is made up of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties, as defined by the Sacramento Area Council of Government (SACOG) boundaries. The region is projected to add 620,000 residents over the next 20 years. As the population increases, the region's rural areas will continue to contribute significantly to the economy and quality of life.³⁰⁸ With the mix of rural communities and urban job centers, the region faces fair housing challenges including rising rents and home values, access to amenities for both rural and urban areas, and how to grow equitably with more people moving to the region.

b. Population Trends and Housing Availability

According to the Decennial Census from 1990 to 2000, the Sacramento Region grew by 21 percent, outpacing the state's growth rate of 14 percent. The Great Recession in 2008 severely impacted the state's economic and housing market, and the Sacramento Region is no exception. While the regional population increased by 20 percent between 2000 and 2010, double the state's 10 percent growth, the Great Recession devastated the region's housing market, spiking foreclosure rates, a near standstill for single family and multifamily home construction, and major economic impacts due to losses in the real estate industry. The Sacramento Region is still feeling the impacts of the Great Recession, which are covered in sections below.³⁰⁹

According to the American Community Survey (ACS) 5-Year estimates, from 2010 to 2017, both the state (6 percent) and the Sacramento Region's (7 percent) populations have grown as demonstrated in the figure below. While the region's population growth mirrors the state's growth overall, urban areas within the Sacramento Region are experiencing increasing growth pressures. These pressures are leading to increasing home values and rents, which creates displacement pressure for low-income and protected classes within the region. The Greater Sacramento Economic Council notes an 11 percent increase in people moving from the San Francisco Bay Area to the Sacramento Region between 2017 and 2018.³¹⁰ The movement of people from higher-cost areas of the state to the comparatively more affordable Sacramento Region puts upward pressure on the region's housing market. During the public meetings and consultations conducted for the AI, stakeholders and participants noted this as a challenge for the region.

³⁰⁸ Sacramento Area Council of Governments. November 2019. "2020 Metropolitan Transportation Plan Sustainable Communities Strategy. Available at: https://www.sacog.org/sites/main/files/file-attachments/2020_mtp-scs_final_draft_for_web.pdf?1578074075, pg 43.

³⁰⁹ Sacramento Area Council of Governments. Affirmatively Furthering Fair Housing Survey Summary. Retrieved from: https://www.sacog.org/sites/main/files/file-attachments/affirmatively_furthering_fair_housing_survey_summary.pdf?1572370455

³¹⁰ Ho, Vivian. July 2019. "How an Exodus of Bay Area Refugees is Shaking up Sacramento". Available at: <https://www.theguardian.com/cities/2019/jul/02/sacramento-california-bay-area-gentrification-rent>

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Figure 150: Regional Population Change 1990 to 2010 – Sacramento Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
Sacramento Region	1,604,012	1,936,095	2,316,019	21%	20%	44%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

Figure 151: Regional Population Change.2010 to 2017 – Sacramento Region

Geography	2010	2017	Percent Change
Sacramento Region	2,271,672	2,438,232	7%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

Covering a diverse geography of the Sacramento Valley and Foothills, the Sacramento Region features a mix of owner-occupied and renter-occupied housing. According to 2017 ACS estimates, 59 percent of households in the Sacramento Region (498,249) are owner-occupied, while 41 percent of the region are renter-occupied (339,174). The Sacramento Region has a higher percentage of homeowners and fewer renters than the state overall. While there are different challenges for rural and urban renters and homeowners, public meeting participants identified affordability, availability, and access to amenities as challenges for residents within the Sacramento Region overall.

Figure 152: Housing Tenure in the Sacramento Region

Sacramento Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	837,423	-	12,888,128	-
Owner	498,249	59%	7,024,315	55%
Renter	339,174	41%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

Meeting participants identified home purchase prices and rental housing costs as a major concern for the Sacramento Region. While ACS data does not reflect current market conditions, the data is consistent and comparable across the state. Using 2017 ACS estimates, the median home value in the Sacramento Region is \$370,800 and the median gross rent is \$1,122. The median home value in the region is \$72,200, less than the state overall, while rents are comparable to the state overall. Using the median values distorts the true cost of homeownership and renting in the region, but the next section explores the connection between housing costs and household income.

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Figure 153: Housing Cost in the Sacramento Region - 2017

Estimates	Sacramento Region	Statewide
Median Home Value	\$370,800	\$443,000
Median Gross Rent	\$1,122	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

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The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

Figure 154: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

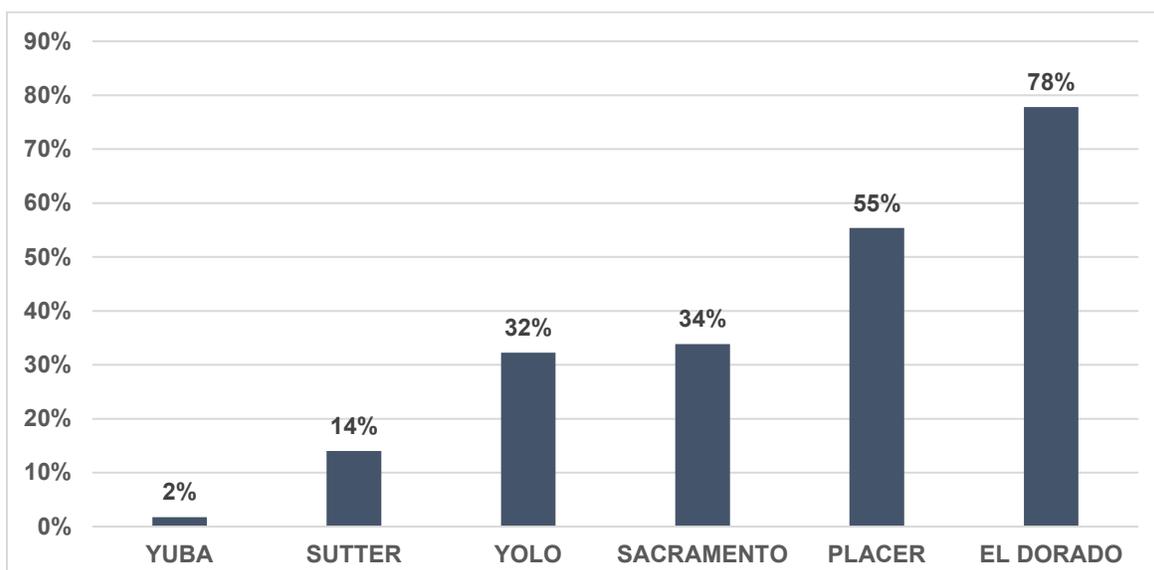
Sacramento	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
EL DORADO	59	1,218	253	855	109	955	2,108	3,575	3,996	5,136
PLACER	130	5,749	119	4,030	3,498	4,023	7,823	8,230	11,977	21,625
SACRAMENTO	477	13,166	650	9,231	6,145	10,858	25,131	12,503	19,775	58,386
SUTTER	51	813	49	569	157	643	1,438	229	486	3,463
YOLO	404	2,457	174	1,724	1,142	2,068	4,880	1,872	3,592	11,129
YUBA	-	1,157	-	811	1	973	2,290	90	91	5,231
REGIONAL TOTAL	1,121	24,560	1,245	17,220	11,052	19,520	43,670	26,499	39,917	104,970

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, the entire region is well below meeting its housing need target; El Dorado County is the closest to reaching the target at 78 percent and Yuba County is farthest from meeting the target at 2 percent. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets.

Figure 155: Percent of Permits to RHNA Target from 2013 to 2018 by County – Sacramento Region



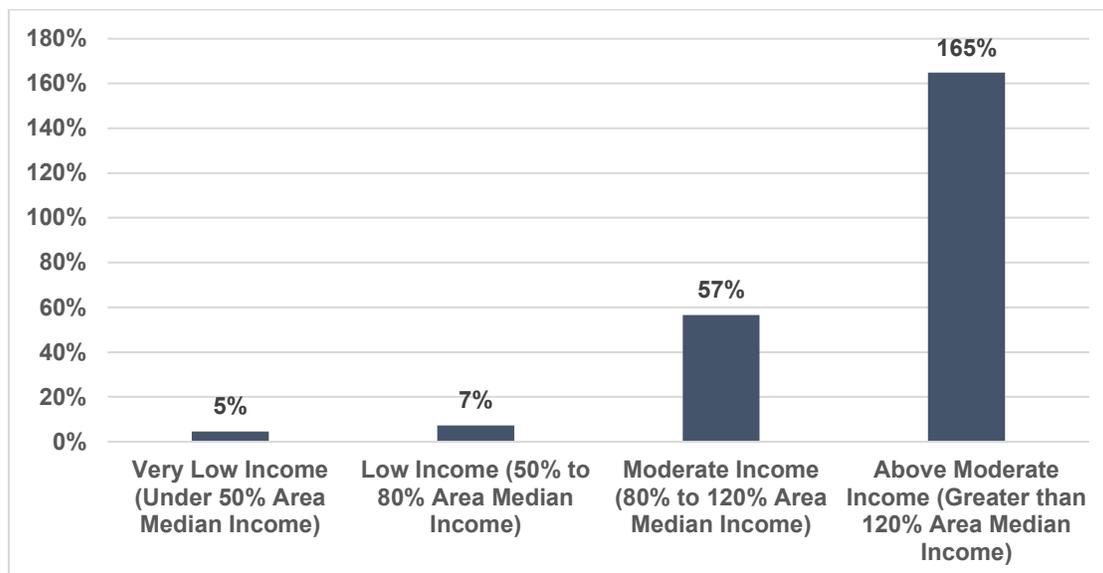
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate-income levels. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 5 percent of the RHNA target for very low-income housing, 7 percent of the target for low-income housing have been achieved in the region from 2013 to 2018. During the same period 57 percent of the RHNA target for moderate income housing was met, while the target for above moderate-income housing was far exceeded at 165 percent. Overall, the region is not building adequate housing units affordable to very low-income, low-income, and moderate income households.

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Figure 156: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level – Sacramento Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

e. Housing Cost Burden and Housing Problems

To further understand housing challenges faced by Sacramento Region residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³¹¹

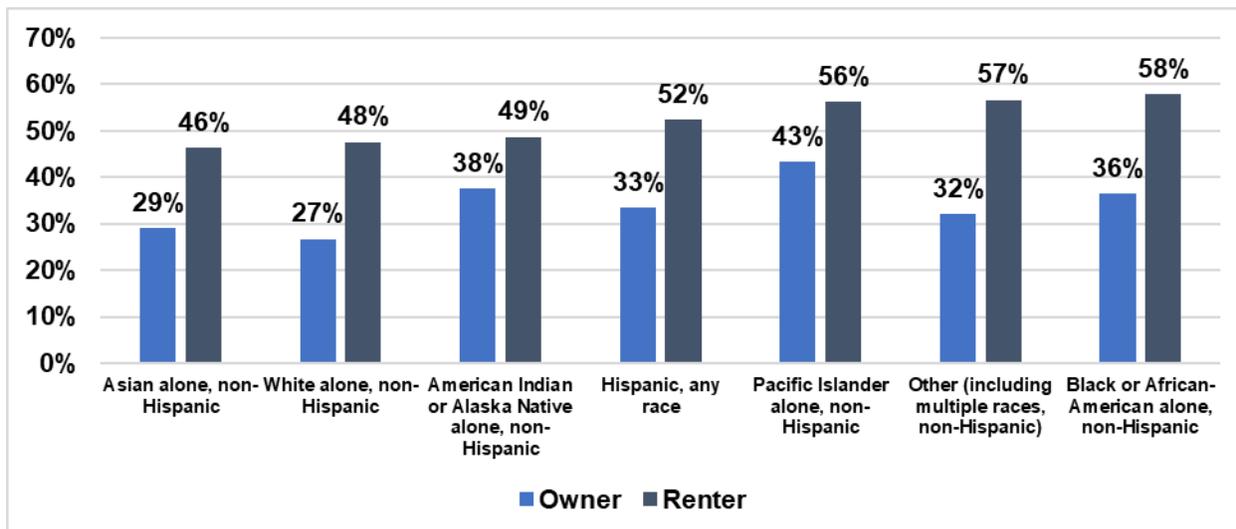
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

Sacramento Region renters are more likely than homeowners to pay over 30 percent of their income on housing costs. Cost burden in the region disproportionately impacts renters of color, with 58 percent of Black or African American, 57 percent of households that identified as another race, and 56 percent of Asian and Pacific Islanders paying over 30 percent of their income on housing costs in 2016. While homeowners in the region experience cost burden at a lower rate than renters, homeowners of color still experience cost burden at higher rates than White or Asian homeowners. 43 percent of Pacific Islander, 38 percent of American Indian, and 36 percent of Black or African American owner-occupied households in the Sacramento Region are cost burdened.

³¹¹ HUD Office of Policy Development and Research. CHAS Data. Available at: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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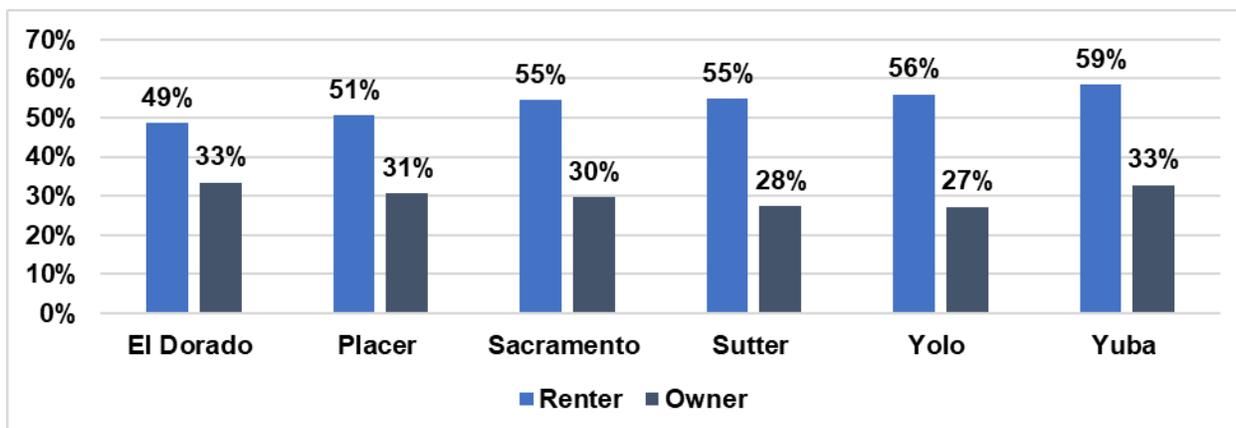
Figure 157: Percent of Households Experiencing Cost Burden by Race – Sacramento Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

HUD defined housing problems highlight poor housing conditions, overcrowding, and the percentage of household income spent on housing costs. The figure below provides an overview of housing problems by county within the Sacramento Region. Renters across the region are more likely to face housing problems than owners. Fifty-nine percent of Yuba County renters experience one or more HUD defined housing problems, but half or more renters across the region are experiencing housing problems. Homeowners in the Sacramento Region are less likely to experience housing problems than renters. Thirty-three percent of Yuba and El Dorado County homeowners are experiencing housing problems, while 27 percent of Yolo County homeowners have one or more housing problem. Stakeholders and public meeting participants noted that availability of quality, affordable renter-occupied housing is a need for the region.

Figure 158: Percent of Households Experiencing Housing Problems by County – Sacramento Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

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f. Housing Security

Sacramento Region renters are more likely to be cost burdened, and more likely to have one or more HUD-defined housing problem. Stakeholders and public meeting participants noted that displacement and lack of preservation is a rising concern in the Sacramento area, and evictions are one indicator of renter instability. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³¹² Compared to the state overall, the Sacramento Region faces fewer average evictions per day, and made up 4 percent of statewide evictions according to Eviction Lab in 2016.

*Figure 159: 2016 Eviction Estimates in the Sacramento Region*³¹³

Geography	Average Evictions Per Day	Evictions	Eviction Filings
Sacramento Region	4	1,562	1,810
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>.

The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the Sacramento Region reported 10,210 filings, 7 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.

³¹² Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³¹³ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

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- **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
- **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³¹⁴
- **Other types of dispositions** – These include dismissals and transfers to other courts.

Figure 160: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – Sacramento Region

Sacramento Region Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
El Dorado	497	219	14	7	2	117
Placer*	686	-	-	-	-	-
Sacramento*	7,822	8,330	-	-	-	3,731
Sutter	331	302	125	16	1	55
Yolo	544	491	188	13	23	206
Yuba	330	414	122	77	18	152
Regional Total	10,210	9,756	449	113	44	4,261

Source: Judicial Council of California, 2019

*Courts could not report the majority of the disposition categories due to limitations in their case management system reports.

g. Homelessness

The number of persons and families experiencing homelessness in the State of California is central to the state addressing fair housing concerns. The Sacramento Region is no exception. Stakeholders and public meeting attendees identified persons experiencing homelessness and their need for housing and services as a main impediment to fair housing. The 2020-2021 State Budget includes more than \$1 billion in funding to fight homelessness, including integrated physical and behavior health, temporary housing, and other solutions, and the state is treating homelessness as an emergency. During the 2019 PIT Count, 5,570 people were counted living in shelters and on the street in Sacramento County alone.³¹⁵ While 2019 data is not available for all areas of the state, in 2018, the PIT Count for the Sacramento Region overall counted 5,479 persons experiencing homelessness, 4 percent of the statewide total.

³¹⁴ Code Civ. Proc., § 585

³¹⁵ Smith, Doug. Los Angeles Times, Homelessness jumps 19% in Sacramento County – or by some calculations 52%, June 26, 2019. Available at: <https://www.latimes.com/local/lanow/la-me-ln-sacramento-county-homeless-count-increase-methodology-20190626-story.html>

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*Figure 161: 2018 Point-In-Time Count – Sacramento Region*³¹⁶

Geography	Estimate	Percent
Sacramento Region	5,479	4%
State of California	129,972	-

Source: 2018 Point-In-Time Data

h. Segregation and Poverty

Fair housing challenges extend beyond the home. This section examines federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). The number of RECAPs in California increased from 278 in 2010 to 391 in 2017. The Sacramento Region includes 23 RECAP areas. The following figure provides a breakdown of the racial and ethnic demographics of RECAP areas statewide and RECAPs located in the Sacramento Region. Sacramento RECAPs include higher populations of Asian or Pacific Islander and White populations, and significantly fewer Hispanic residents than the state overall.

Figure 162: RECAP Demographics – Sacramento Region

RECAP Areas	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
Sacramento Region	99,585	26.9%	13.3%	35.1%	19.8%	0.6%	0.2%	55.7%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

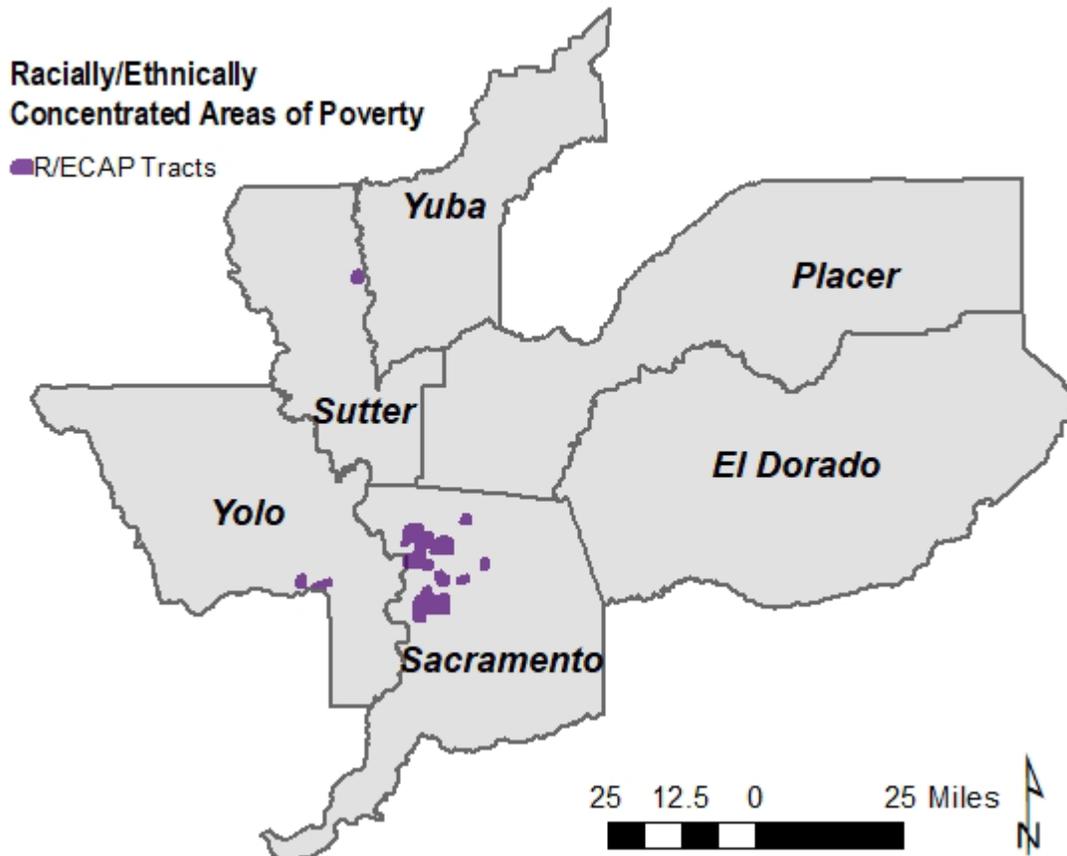
Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

³¹⁶ Aggregated 2018 Overall Homelessness from Sacramento City & County CoC, Davis, Woodland/Yolo County CoC, Yuba City & County/Sutter County CoC, El Dorado County CoC.

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The map below provides an overview of the location of RECAPs in the Sacramento Region. Areas of concentrated poverty and segregation are concentrated in northern Sacramento County.

Figure 163: RECAP Map – Sacramento Region



Source: HUD R/CAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010.

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Region 4: The San Joaquin Valley Region

a. Regional Overview

The San Joaquin Valley Region is made up of eight counties: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. Communities in this region vary greatly throughout. Although a great deal of the region is rural, many communities are growing due to the high cost of housing in the San Francisco Bay Area Region and the Greater Los Angeles Region. As these communities become unattainable for people, residents are moving to more affordable communities. Stockton provides an example of the dynamics between the region and San Francisco and Silicon Valley. Suburban housing was developed in the 2000's to meet the demand of middle-class families that worked in the Bay Area. Post the Great Recession, the housing and job market suffered, leading to one of the highest foreclosure rates in the country.³¹⁷ Currently, Stockton is facing a dramatic increase in the cost of rent. From 2018 to 2019, rents increased 25 percent.³¹⁸

The region one of the world's most productive agricultural regions in the country. In 2017, the region produced \$32 billion in agriculture.³¹⁹ Major crops include grapes, almonds, walnuts, livestock, poultry, and other fruits and vegetables. Agriculture is the primary economic driver in the region and also uses a great deal of resources, including water. Local water supplies are limited in the region, causing many farmers to either import water from northern regions or over pump groundwater at a faster rate than it can be replenished.³²⁰ In the San Joaquin Valley, the groundwater usage exceeds the rate of recharge for the aquifer. The results have been an increased need for energy to pump water, ecological damage, a reduction in water reserve, and severe subsidence.³²¹ Drinking water has also been impacted and over 100 rural communities have contaminated tap water.³²²

In addition to the water issues in the region, the San Joaquin Valley has some of the nation's worst air quality and high rates of childhood asthma.³²³ Stakeholders expressed concern over land use and development patterns, including the intersection

³¹⁷ Conlin, Michelle, and Jim Christie. 2012. Stockton: The town the housing boom broke. Reuters. Available at: <https://www.reuters.com/article/us-usa-economy-stockton/stockton-the-town-the-housing-boom-broke-idUSBRE82I0EJ20120319>

³¹⁸ Wulff, Rachel. 2019. CBS SF BayArea. "Bay Area Supercommuters Drive Stockton Rent Increases to 2nd-Highest in Nation". Available at: <https://sanfrancisco.cbslocal.com/2019/09/28/bay-area-supercommuters-drive-stockton-rent-increase/>

³¹⁹ San Joaquin Council of Governments. 2020. Available at: <https://www.sjco.org/245/Agriculture>

³²⁰ Public Policy Institute of California. 2019. Water and the Future of the San Joaquin Valley. Available at: <https://www.ppic.org/wp-content/uploads/water-and-the-future-of-the-san-joaquin-valley-overview.pdf>

³²¹ Public Policy Institute of California. 2019. Water and the Future of the San Joaquin Valley. Available at: <https://www.ppic.org/wp-content/uploads/water-and-the-future-of-the-san-joaquin-valley-overview.pdf>

³²² Public Policy Institute of California. 2019. Water and the Future of the San Joaquin Valley. <https://www.ppic.org/wp-content/uploads/water-and-the-future-of-the-san-joaquin-valley-overview.pdf>

³²³ United States Environmental Protection Agency. 2010. San Joaquín Valley. <https://www.epa.gov/sanjoaquinvalley>

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between industrial or agricultural facilities near affordable housing. In particular, the close proximity of affordable housing to more intensive industrial and agricultural uses.

b. Population Trends and Housing Availability

The San Joaquin Valley Region grew at a rapid rate from 1990 to 2010. California's population increased 20 percent during that period. In comparison, the San Joaquin Valley Region grew 45 percent, adding over 1.2 million people in 20 years. According to stakeholders, the large population growth can be attributed to residents leaving more expensive housing markets, like the San Francisco Bay Area Region, to find more affordable options. Although housing continues to be more affordable than many areas of the state, increased population has put pressure on the local market.

Figure 164: Regional Population Change.2010 to 2017 – San Joaquin Valley Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
San Joaquin Valley Region	2,742,408	3,302,932	3,971,659	20%	20%	45%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

Population growth slowed to 7 percent from 2010 to 2017, in line with the state growth rate of 6 percent.

Figure 165: Regional Population Change Over Time. 2010 – 2017 - San Joaquin Valley Region

Geography	2010	2017	Percent Change
San Joaquin Valley Region	3,886,781	4,141,019	7%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

The San Joaquin Valley Region includes urban, suburban, and rural housing types with large agricultural communities. According to 2017 American Community Survey (ACS) data, 549,332 of 998,168 units are owner occupied. In comparison to California as a whole, the region is the same as the state with 55 percent owner occupied households and 45 percent renter households.

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Figure 166: Housing Tenure in the San Joaquin Valley Region

San Joaquin Valley Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	998,168	-	12,888,128	-
Owner	549,332	55%	7,024,315	55%
Renter	448,836	45%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

Median home values in the San Joaquin Valley Region are the lowest in the state, less than half the statewide median home value. The median gross rent (\$934) is also significantly less than the statewide median of \$1,358 and lower than most regions in the state. Within the region, housing costs are the highest in San Joaquin County, where Stockton is located. According to 2017 ACS data, the median home value is \$281,100 and median gross rent is \$1,100.³²⁴

Figure 167: Housing Cost in the San Joaquin Valley Region 2017

Estimate	San Joaquin Valley Region	Statewide
Median Home Value	\$208,300	\$443,000
Median Gross Rent	\$934	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

³²⁴ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates.

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The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

Figure 168: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

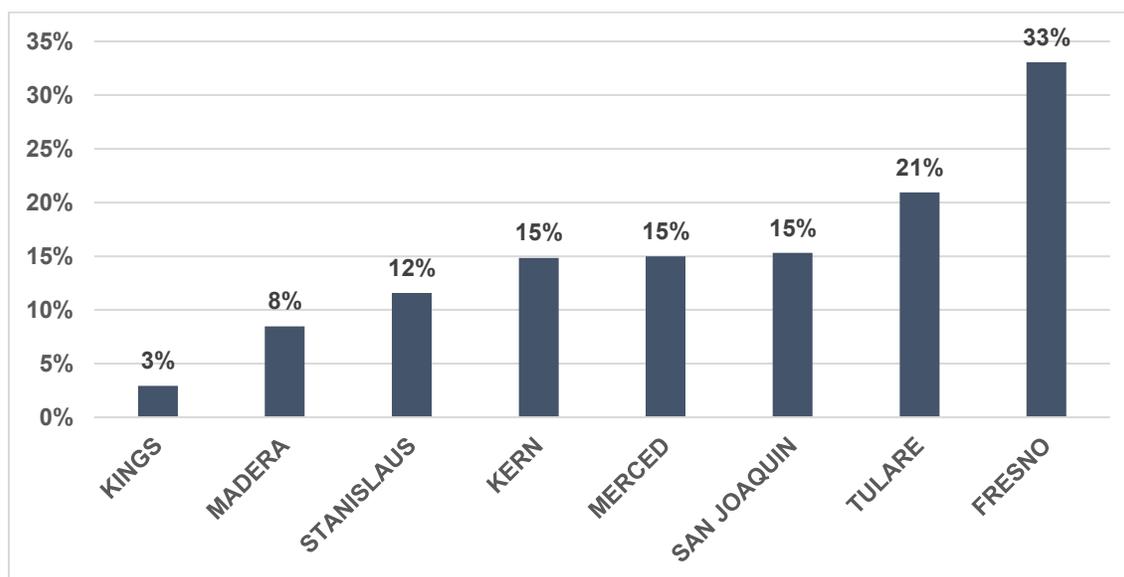
San Joaquin Valley	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
FRESNO	753	10,535	465	6,470	3,716	6,635	8,781	17,830	13,715	41,470
KERN	291	16,851	257	10,554	4,755	11,234	4,747	29,034	10,050	67,673
KINGS	-	2,320	57	1,735	23	1,830	218	4,335	298	10,220
MADERA	23	2,890	350	2,230	201	2,310	518	5,465	1,092	12,895
MERCED	41	3,850	38	2,740	246	2,535	2,050	6,725	2,375	15,850
SAN JOAQUIN	231	9,485	296	6,500	470	7,065	5,180	17,310	6,177	40,360
STANISLAUS	35	5,225	234	3,350	870	3,670	1,332	9,085	2,471	21,330
TULARE	441	6,215	836	4,655	1,057	4,575	3,305	11,465	5,639	26,910
REGIONAL TOTAL	1,815	57,371	2,533	38,234	11,338	39,854	26,131	101,249	41,817	236,708

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, the entire region is well below meeting its housing need target; Fresno County is the closest to reaching the target at 33 percent and Kings County is farthest from meeting the target at 3 percent. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets.

Figure 169: Percent of Permits to RHNA Target in 2013 to 2018 by County – San Joaquin Valley Region



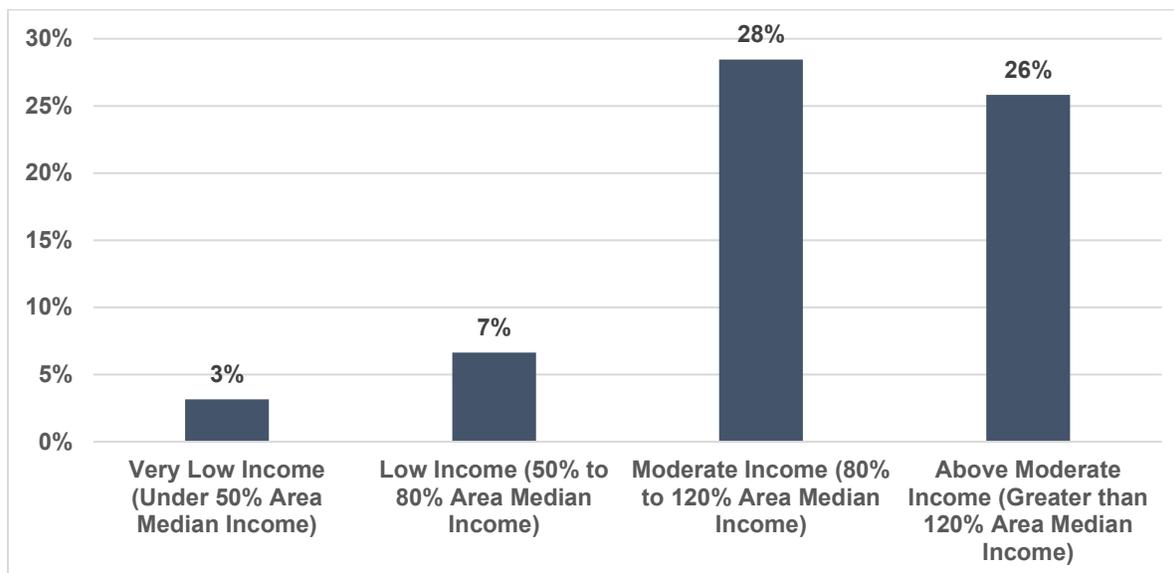
Source: 5th Cycle Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Building permits for the same time period show a shortfall between housing permits and the RHNA target at all four income levels. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 3 percent of the RHNA target for very low- and 7 percent of the RHNA target for low-income housing has been achieved in the region from 2013 to 2018. Only 28 percent of the RHNA target for moderate income housing and 26 percent of the target for above moderate income housing was achieved during that same period. Thus, overall the region is not building adequate housing units at all income levels, but particularly for homes affordable to very low-income and low-income households.

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Figure 170: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level - San Joaquin Valley Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Housing Cost Burden and Housing Problems

To further understand housing challenges faced by San Joaquin Valley Region residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³²⁵

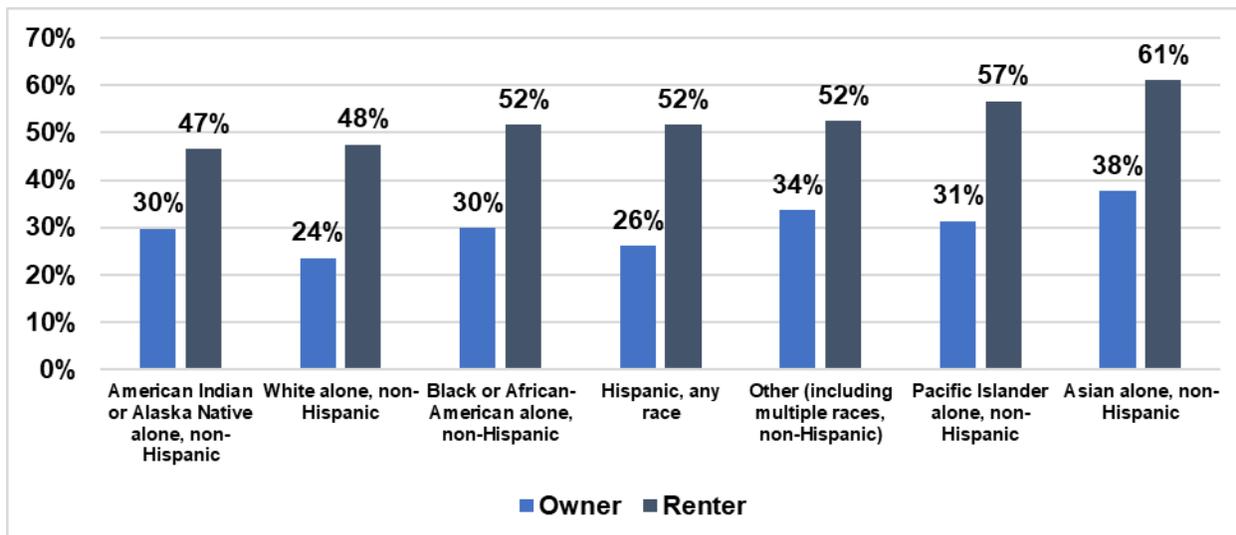
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

Renters in the San Joaquin Valley Region are more likely to experience cost burden overall. The highest rates of cost burden are experienced by Asian, non-Hispanic and Pacific Islander, non-Hispanic renters at 61 percent and 57 percent respectively. Cost burden is also highest for Asian homeowners at 38 percent.

³²⁵ HUD Office of Policy Development and Research. CHAS Data: Available at: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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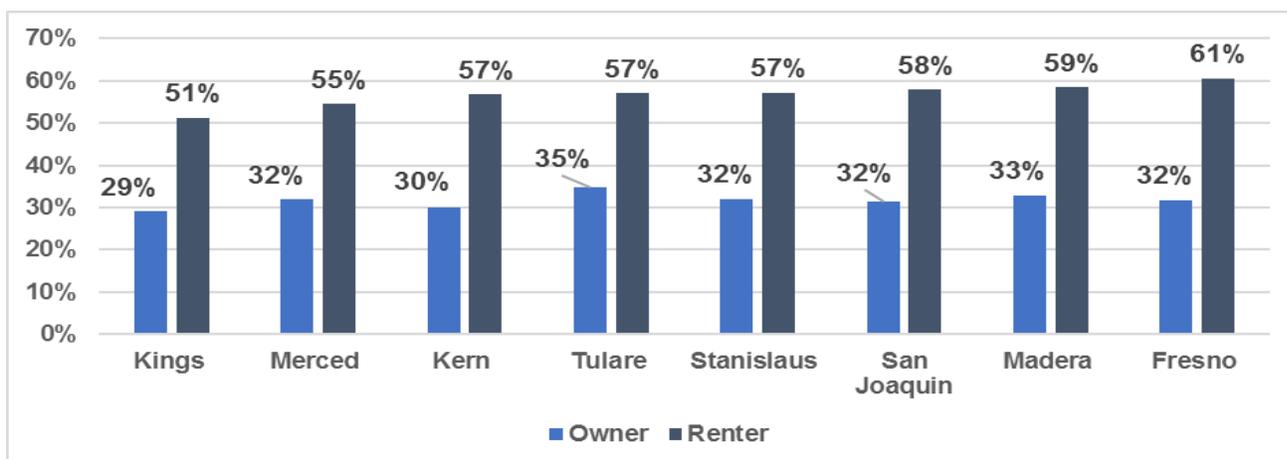
Figure 171: Percent of Households Experiencing Cost Burden by Race - San Joaquin Valley Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

HUD defined housing problems highlight poor housing conditions, overcrowding, and the percentage of household income spent on housing costs. The percentage of households experiencing housing problems is consistent across most counties in the region. Renters are twice as likely to experience housing problems in most counties throughout the region. Kings County has the lowest percentage of renters experiencing housing problems (51 percent) in comparison to the other counties (55 to 61 percent), while the percentage of owners ranged from 29 to 35 percent across counties.

Figure 172: Percent of Households Experiencing Housing Problems by County - San Joaquin Valley Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

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e. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, more malign responses to the housing crisis are also manifested in the form of homelessness and displacement. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³²⁶

According to data provided by Eviction Lab, 12 evictions take place every day in the San Joaquin Valley Region. This figure is the second highest in the state, with the Greater Los Angeles Area Region experiencing 18 evictions per day. As noted in the introduction, Stockton had one of the highest eviction rates in the country during and after the recession.

Figure 173: 2016 Eviction Estimates in the San Joaquin Valley Region³²⁷

Geography	Average Evictions Per Day	Evictions	Eviction Filings
San Joaquin Valley Region	12	4,356	4,441
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit:

<https://www.courts.ca.gov/27798.htm>

The San Joaquin Valley Region is predominantly a rural area except for the cities of Fresno, Stockton, and Modesto. However, during the Fiscal Year (FY) 2017 and 2018, it had the third largest number of eviction filings, falling behind the Los Angeles and San Francisco regions. The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the San Joaquin Valley Region reported 17,995 filings, 12 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.

³²⁶ Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³²⁷ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

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- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
 - **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
 - **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³²⁸
- **Other types of dispositions** – These include dismissals and transfers to other courts.

Figure 174: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – San Joaquin Valley Region

San Joaquin Valley Region Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Fresno	4,197	3,878	2,102	116	142	844
Kern	4,492	4,588	2,294	55	3	1,398
Kings	508	487	236	18	-	94
Madera	416	381	161	27	13	114
Merced	1,029	823	493	183	7	83
San Joaquin	3,563	2,695	1,356	10	4	513
Stanislaus	2,062	2,123	1,087	435	16	336
Tulare	1,728	1,330	710	43	2	312
Regional Total	17,995	16,305	8,439	887	187	3,694

Source: Judicial Council of California, 2019

f. Homelessness

The homelessness crisis across the State of California is also impacting residents in the San Joaquin Valley Region. In San Joaquin County, the number of unsheltered persons experiencing homelessness increased from 567 to 1,558 from 2017 to 2019 due to

³²⁸ Code Civ. Proc., § 585

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increased housing costs that slow rising wages can't cover.³²⁹ The following provides a snapshot of the region from the 2018 PIT Count, the last data set that was available for all regions. Over 8,000 people were identified in the 2018 PIT Count within the San Joaquin Valley region, accounting for 6 percent of the state's homeless population.

*Figure 175: 2018 Point-In-Time Count – San Joaquin Valley Region*³³⁰

Geography	Estimate	Percent
San Joaquin Valley Region	8,065	6%
State of California	129,972	-

Source: 2018 Point-In-Time Data

g. Segregation and Poverty

This section examines HUD's federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). In comparison with the state, the San Joaquin Valley Region has a higher percentage of Hispanic residents that reside in RECAPs. An analysis of residents by race and ethnicity indicates that Hispanic residents make up nearly 65 percent of the RECAP population across the state and approximately 72 percent in the region. RECAP residents in the San Joaquin Valley Region are less likely to be Black, non-Hispanic or Asian or Pacific Islander than across the state.

Figure 176: RECAP Demographics - San Joaquin Valley Region

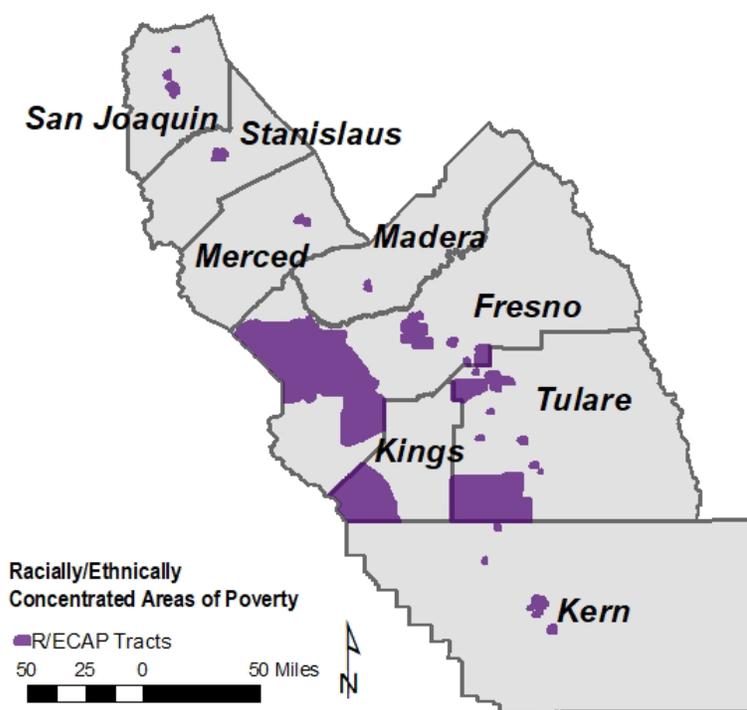
RECAP Areas	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
San Joaquin Valley Region	491,074	12.4%	7.0%	71.8%	6.7%	0.6%	0.1%	62.2%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

³²⁹ Degennaro, Olivia. 2019. Study: San Joaquin County's Homeless Population Nearly Tripled in Past Two Years. Stockton, CA: Fox 40. Available at: <https://fox40.com/2019/05/29/study-san-joaquin-countys-homeless-population-nearly-tripled-in-past-two-years/>

³³⁰ Aggregated Overall Homeless, 2018 from Turlock, Modesto/Stanslaus County CoC, Stockton/San Joaquin County CoC, Visalia/Kings, Tulare Counties CoC, Fresno City & County/Madera County CoC, Merced City & County CoC, Bakersfield/Kern County CoC.

Figure 176: RECAP Map- San Joaquin Valley



Source: HUD RECAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010.

Region 5: San Diego County

a. Regional Overview

Unlike other regions, San Diego County is considered its own region for this analysis. According to the 2019 California Housing Partnership for California (CHPC) report, the San Diego County's Housing Emergency Update, the county needs more than 136,000 more affordable rental homes to meet the current existing housing needs.³³¹ Overall the data shows that the region is performing slightly worse than statewide trends on some indicators such as housing costs, and the proportion of households experiencing housing cost burden or housing problems. However, the region is performing better in other indicators such as segregation, concentrated poverty and access to opportunity. The data for this region is consistent with stakeholder and community feedback received about statewide trends in lack of housing supply, rising housing costs, and insufficient development of new housing.

b. Population Trends and Housing Availability

San Diego County is a growing region with a growing housing need. Recent population growth for the region has grown 9 percent between 2010 and 2017, shown in the figure

³³¹ California Housing Partnership Corporation for California (2019). San Diego County's Housing Emergency Update. Retrieved from <https://www.housingsandiego.org/reports/>

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below. This is higher than population growth for the state for the same time period, which is 6 percent. The county grew 25 percent from 1990 to 2010, mirroring the state as a whole. The amount of population growth experienced by the region reflects the amount of new housing needed over a similar time period.

Figure 177: Regional Population Change 1990 to 2010 – San Diego County

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
San Diego Region	2,476,890	2,813,949	3,095,313	14%	10%	25%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S. Census Bureau Decennial Census 1990, 2000, 2010

Figure 178: Regional Population Change 2010 to 2017 – San Diego County

Geography	2010	2017	Percent Change
San Diego Region	3,022,468	3,283,665	9%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

San Diego County has the same composition of owners and renters as the state. Owner occupied households are 55 percent of the 1.1 million households in the region as demonstrated in the figure below. Owners also make up 55 percent of households throughout the state. Renters account for 45 percent of households in the region and statewide.

Figure 179: Housing Tenure in San Diego County

San Diego Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	1,111,739		12,888,128	
Owner	589,144	55%	7,024,315	55%
Renter	522,595	45%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

The median home value and median gross rent of the region, shown in the figure below, are higher than the statewide averages by 8 percent and 7 percent respectively. San Diego County's median home value is the third highest behind the San Francisco Bay Area Region and the Central Coast Region. Median gross rent is slightly behind the San Francisco Bay Area Region and on par with the Central Coast Region.

Figure 180: Housing Cost in San Diego County

Estimates	San Diego County	Statewide
Median Home Value	\$484,900	\$443,000
Median Gross Rent	\$1,467	\$1,358

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Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for all of San Diego County.

Figure 181: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

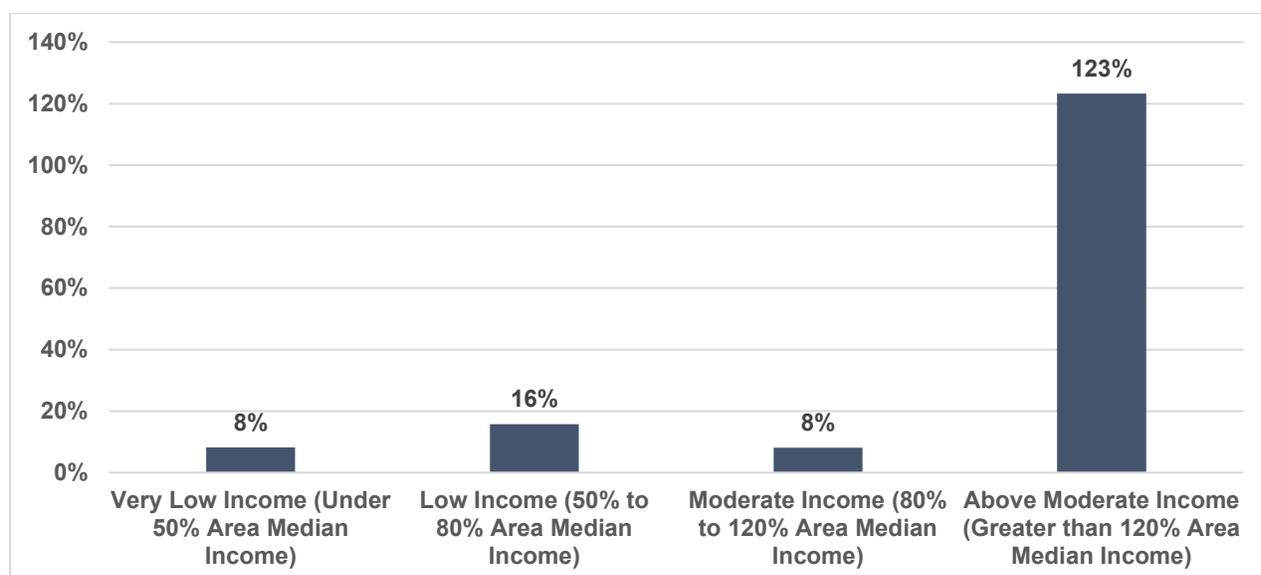
San Diego	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
SAN DIEGO	2,987	36,450	4,372	27,700	2,490	30,610	67,220	54,523	64,372	161,980

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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San Diego County has under produced new housing at very low-, low-, and moderate income levels when compared to housing need, though it has exceeded the RHNA target for above moderate income housing.³³² Only 8 percent of the RHNA target for very low-income housing, 16 percent of the RHNA target for low-income housing, and 8 percent of the RHNA target for moderate income housing has been achieved in the region from 2013 to 2018. Overall the region is not building adequate housing units affordable to very low-income, low-income, and moderate income households. Stakeholder consultations indicated that the cost of housing construction in coastal areas is a significant barrier to housing development, which may be a contributing factor to the under production of new housing in this region.

Figure 182: Percent of Permits to RHNA Target in 2013 to 2018 by County – San Diego County



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

e. Housing Cost Burden and Housing Problems

To further understand housing challenges faced by San Diego County residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³³³

- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

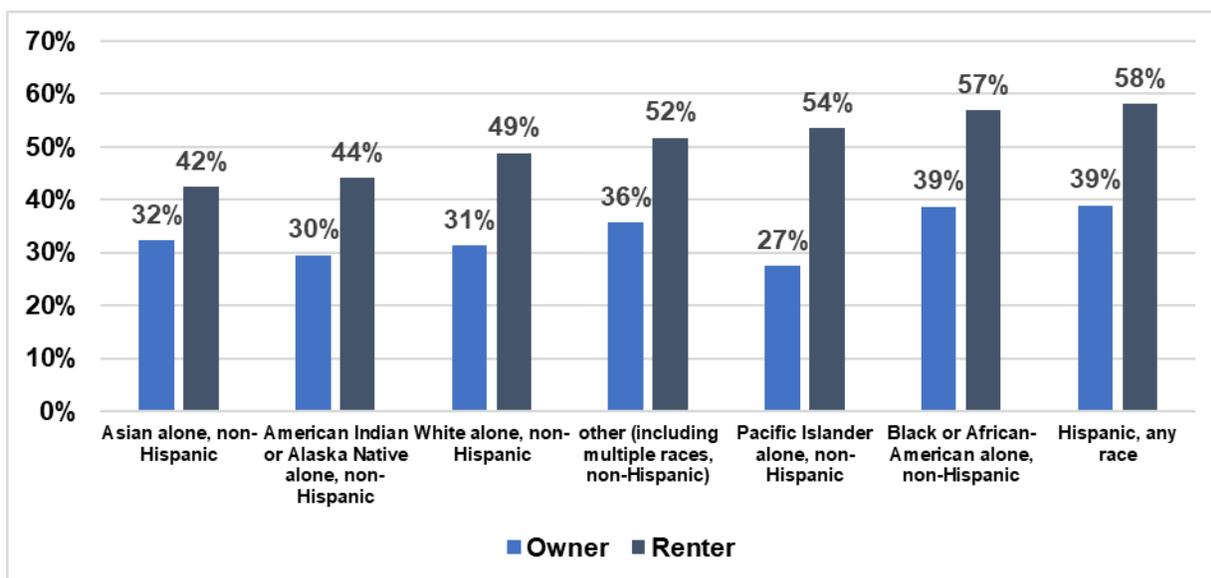
³³² 5th Cycle Regional Housing Needs Allocation Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

³³³ HUD Office of Policy Development and Research. CHAS: Background. Retrieved from: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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An analysis of cost burden by race reveals that Hispanic and African American, non-Hispanic (African American) households experience greater levels of cost burden than other races and ethnicities in the region. Overall, renters are more likely to experience cost burden than owners in the region. Again, Hispanic and African American households experience greater levels of cost burden among owner households. As the figure below demonstrates, 39 percent of Hispanic owner households are cost burdened and 58 percent of Hispanic renter households are cost burdened. The same patterns hold true for African American households at 39 percent and 57 percent for owner and renter households, respectively. Households experiencing high cost burden have less housing security and are more vulnerable to displacement, evictions, and homelessness.

Figure 183: Percent of Households Experiencing Cost Burden by Race – San Diego County

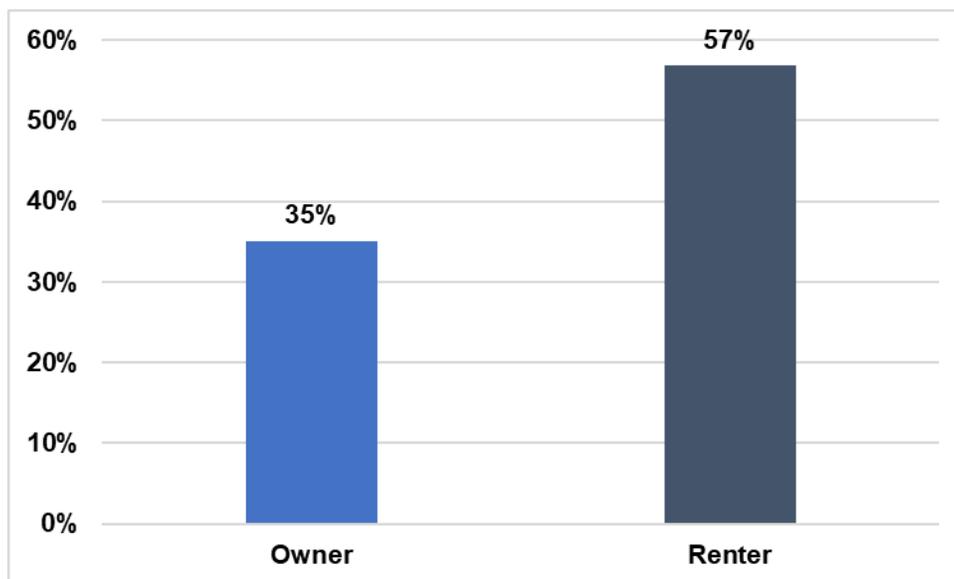


Source: U.S. Department of Housing and Urban Development CHAS data 2016

Stakeholder and community feedback indicated that housing conditions and overcrowding are affecting households across the state. Housing problems are experienced more profoundly by renters at 57 percent compared to 35 percent of homeowners experiencing housing problems in this region, as shown in the figure below. This is higher than statewide trends at 52 percent of renters and 32 percent of owners experiencing housing problems.

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Figure 184: Percent of Households Experiencing Housing Problems in San Diego County



Source: U.S. Department of Housing and Urban Development CHAS data 2016

f. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, more malign responses to the housing crisis are also manifested in the form of homelessness and displacement. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³³⁴

On average, California has 113 evictions per day with a total of 41,178 evicted annually.³³⁵ San Diego County has the third highest eviction rate when compared to the other regions within the state with an average of 10 per day, as shown in the figure below.

Figure 185: 2016 Eviction Estimates in San Diego County

Geography	Average Evictions Per Day	Evictions	Eviction Filings
San Diego County	10	3,579	4,957
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below

³³⁴ Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³³⁵ Eviction Lab. 2016. Retrieved from: <https://evictionlab.org/map/#/2016?geography=states&type=er>

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presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>

The following provides additional information about the terminology used in the figure below about unlawful detainer filings and dispositions in San Diego County, informed by definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 San Diego County reported 10,162 filings, 7 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
 - **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
 - **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³³⁶
- **Other types of dispositions** – These include dismissals and transfers to other courts.

Figure 186: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – San Diego County

San Diego County	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
San Diego*	10,162	13,535	-	-	-	6,296

Source: Judicial Council of California, 2019

*Courts could not report the majority of the disposition categories due to limitations in their case management system reports.

g. Homelessness

The lack of affordable housing in San Diego County continues to fuel the high rates of people experiencing homelessness. For the purposes of this analysis, 2018 PIT Count data was used to ensure consistency, as some regions had not released 2019 data.

³³⁶ Code Civ. Proc., § 585

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San Diego County did release 2019 figures showing 8,102 persons experiencing homelessness, a 6 percent decline from 2018 counts used in this analysis.³³⁷ Of the persons counted, 10 percent are veterans and 36 percent reported having a physical disability. In comparison to other regions, San Diego County accounts for 7 percent of the state’s homeless population behind the Greater Los Angeles Region and the San Francisco Bay Area Region.

Figure 187: 2018 Point-In-Time Count – San Diego County

Geography	Estimate	Percent
San Diego County	8,576	7%
State of California	129,972	-

Source: 2018 Point-In-Time Data

Eviction data and data on persons experiencing homelessness has many limitations. Data on evictions does not capture evictions that occur informally and outside of the court process, and annual PIT Counts capture only a one-night snapshot and may undercount those who are experiencing homelessness. Feedback from stakeholder and community outreach indicates that evictions and homelessness, in addition to displacement, are critical fair housing issues throughout the state.

h. Segregation and Poverty

This section examines HUD’s federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). Concentrations of race and poverty are important indicators for fair housing choice. San Diego County RECAP areas are predominantly Hispanic at 65.5 percent and families with children at 60.2 percent, as shown in the figure below.

Figure 188: RECAP Demographics – San Diego County

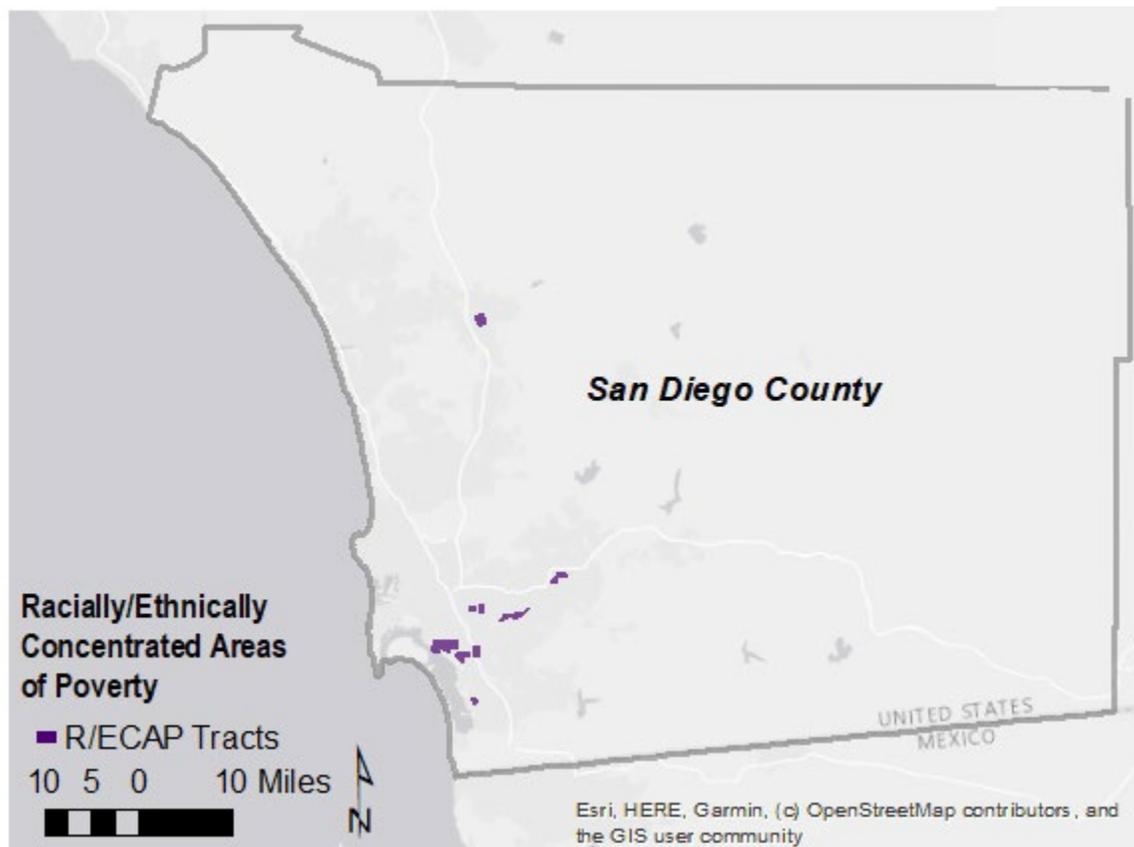
RECAP Areas	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
San Diego County	71,411	13.8%	11.5%	65.5%	6.8%	0.3%	0.2%	60.2%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

Identified RECAP tracts are shown below indicating that these census tracts have concentrations of poverty or are segregated. The map shows that San Diego County has a few RECAP areas concentrated in the southeastern part of the county.

³³⁷ San Diego Regional Task Force on the Homeless. 2019. 2019 Point-In-Time Count (We All Count) Results. San Diego, CA. Retrieved from: https://www.sandiego.gov/sites/default/files/statement_rtfh_pitc.pdf

Figure 189: RECAP Map – San Diego County



Source: HUD R/CAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010.

Region 6: The Central Coast Region

a. Regional Overview

The Central Coast Region is made up of four counties: Santa Barbara, Monterey, San Luis Obispo, and Santa Cruz. Monterey County and Santa Cruz County are members of the Association of Monterey Bay Area Governments (AMBAG). Both San Luis Obispo County and Santa Barbara County have county Council of Governments (COG) to coordinate regional planning efforts. These counties span the Central Coast of the state and are a combination of urban and rural development. Agriculture plays a role in the local economy and local land use dynamics, including vineyards and orchards. The cost of housing, access to water, and an aging population poses challenges for the region.³³⁸ Housing affordability is a major issue throughout Santa Barbara County,

³³⁸ San Luis Obispo Council of Governments. 2014 Regional Transportation Plan/Sustainable Communities Strategy. Available at: <https://www.slocog.org/programs/regional-planning/2014-rtpscs>

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which disproportionately impacts a large farmworker population that has trouble accessing safe and affordable housing.³³⁹

b. Population Trends and Housing Availability

The population of the Central Coast Region has grown at a slower rate than the state. Regional population growth was on pace with the state from 1990 to 2000 at 12 percent and 14 percent respectively. Growth rates declined to 5 percent in the following decade, below the statewide 10 percent population increase.

Figure 190: Regional Population Change 1990 to 2010 – Central Coast Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
Central Coast Region	1,165,978	1,303,463	1,370,971	12%	5%	18%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

Population growth has stayed steady at 6 percent growth from 2010 to 2017. During this period, the statewide population trends decreased, falling to 6 percent. According to the 2017 American Community Survey (ACS), the Central Coast Region is home to approximately 1.4 million people.

Figure 191: Regional Population Change.2010 to 2017 – Central Coast Region

Geography	2010 Estimate	2017 Estimate	Percent Change
Central Coast Region	1,345,964	1,429,546	6%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

The Central Coast Region includes both urban and rural housing types from the coast to inland agricultural communities. According to 2017 ACS data, 259,225 of 470,534 units are owner occupied. In comparison to California as a whole, the region is the same as the state with 55 percent owner occupied households and 45 percent renter households.

³³⁹ Santa Barbara County Association of Governments. August 2017. Fast Forward 2040, SBCAG Regional Transportation Plan and Sustainable Communities Strategy. Available at: http://www.sbcaq.org/uploads/2/4/5/4/24540302/ff2040_final.pdf

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Figure 192: Housing Tenure in the Central Coast Region

Central Coast Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	470,534	-	12,888,128	-
Owner	259,225	55%	7,024,315	55%
Renter	211,309	45%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

Home values in the Central Coast Region are some of the highest in the state, second to the San Francisco Bay Area Region. The median home value in the region is \$504,600, 14 percent higher than statewide figures. The median gross rent (\$1,417) corresponds more closely with the statewide median of \$1,358 and is also higher than most regions in the state. Housing costs are high across each county, and especially in Santa Cruz County. According to 2017 ACS data, the median home value is \$659,900 and the median gross rent is \$1,552.³⁴⁰

Figure 193: Housing Cost in the Central Coast Region 2017

Estimate	Central Coast Region	Statewide
Median Home Value	\$504,600	\$443,000
Median Gross Rent	\$1,417	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

³⁴⁰ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates.

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Figure 194: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

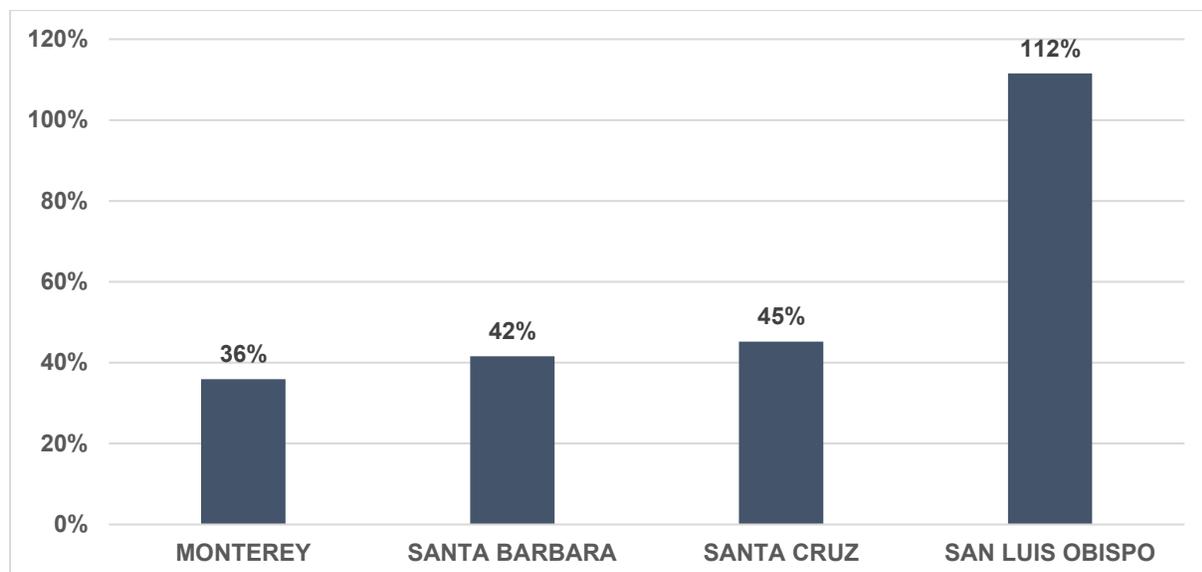
Central Coast	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
MONTEREY	396	1,780	94	1,162	190	1,348	3,096	1,976	2,656	7,386
SAN LUIS OBISPO	477	1,020	272	641	551	720	1,710	3,263	4,563	4,091
SANTA BARBARA	306	2,626	416	1,810	1,063	2,049	4,545	2,802	4,587	11,030
SANTA CRUZ	76	734	136	480	423	555	1,275	741	1,376	3,044
REGIONAL TOTAL	1,255	6,160	918	4,093	2,227	4,672	10,626	8,782	13,182	25,551

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, much of the region is well below meeting its housing need target; however, San Luis Obispo exceeded the target at 112 percent, while Monterey County is farthest from meeting the target at 36 percent. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets.

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Figure 195: Percent of Permits to RHNA Target in 2013 to 2018 by County – Central Coast Region 2017



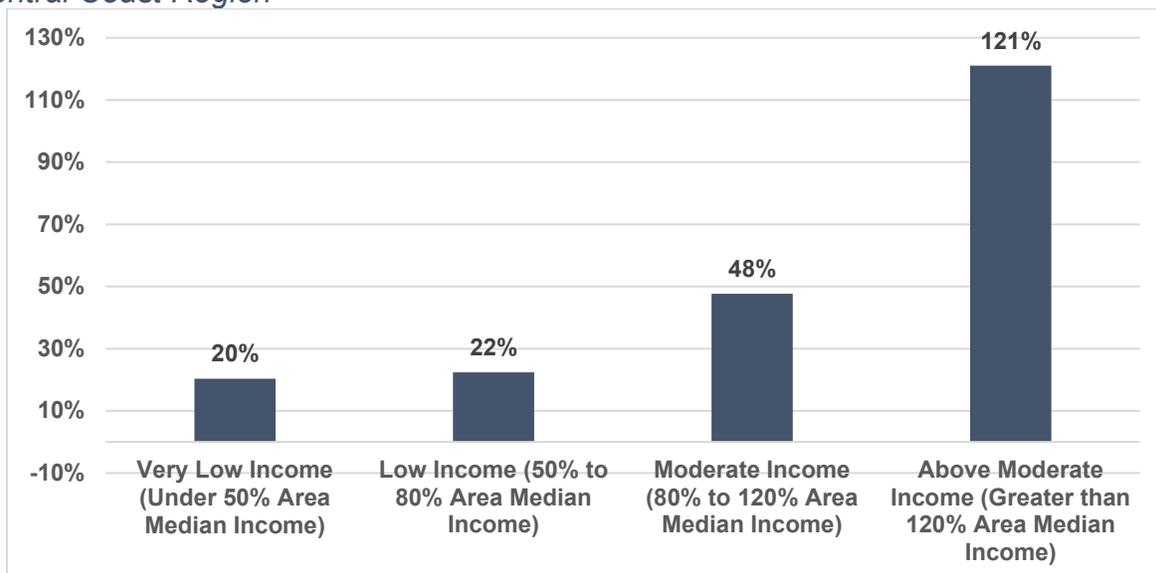
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate income levels, while the target for above moderate income housing was exceeded. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 20 percent of the RHNA target for very low-income housing, 22 percent of the target for low-income housing, and 48 percent of the target for moderate income housing have been achieved in the region from 2013 to 2018. However, the target for above moderate income housing was exceeded at 121 percent during the same period. Overall the region is not building adequate housing units affordable to very low-income, low-income, and moderate income households.

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Figure 196: Percent of Housing Goal Achieved in 2013 to 2018 by Income Level – Central Coast Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

e. Housing Cost Burden and Housing Problems

To further understand housing challenges faced by Central Coast Region residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³⁴¹

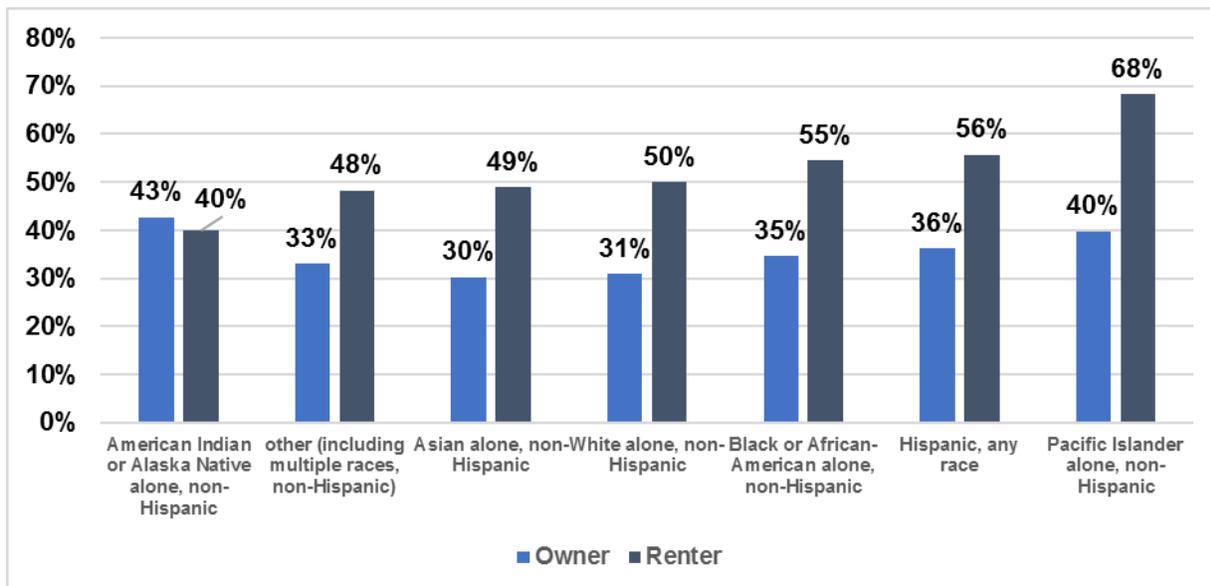
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

Renters in the Central Coast Region are more likely to experience cost burden overall. Asian, non-Hispanic renters are the only racial demographic in which owners face a greater housing burden in the region. The contrast between the ability for owners and renters to afford housing is drastic for the majority of races. 50 percent of White, non-Hispanic renters are experiencing cost burden in comparison to 31 percent of White, non-Hispanic homeowners. A high percentage of American Indian or Alaska Native alone, non-Hispanic owner and renter households have high percentages of cost burden, 40 percent and 68 percent respectively.

³⁴¹ HUD Office of Policy Development. CHAS Data. Available at: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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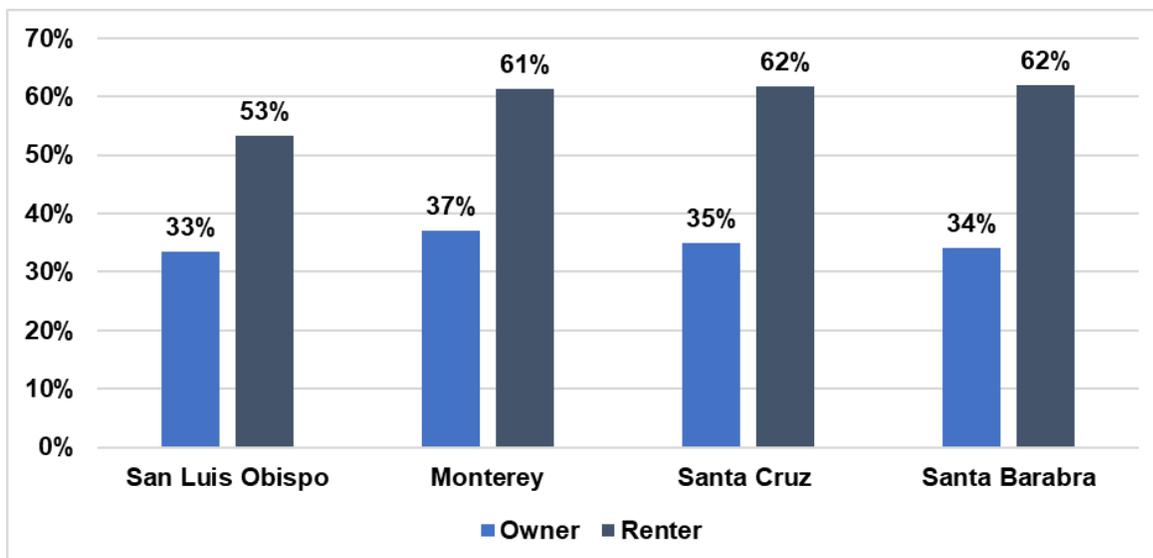
Figure 197: Percent of Households Experiencing Cost Burden by Race - Central Coast Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

HUD-defined housing problems highlight poor housing conditions, overcrowding, and the percentage of household income spent on housing costs. The percentage of households experiencing housing problems is consistent across most counties in the region. San Luis Obispo County has a lower percentage of renters experiencing housing problems (53 percent) in comparison to the other counties (61 to 62 percent).

Figure 198: Percent of Households Experiencing Housing Problems by County - Central Coast Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

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f. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, more malign responses to the housing crisis are also manifested in the form of homelessness and displacement. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³⁴²

According to data provided by Eviction Lab, less than one eviction takes place every day in the Central Coast Region. This figure is one of the lowest rates for the regions throughout the state. The Greater Los Angeles Area Region and the San Joaquin Valley Region have the highest rates at 18 and 12 evictions per day, respectively.

*Figure 199: 2016 Eviction Estimates in the Central Coast Region*³⁴³

Geography	Average Evictions Per Day	Evictions	Eviction Filings
Central Coast Region	1	277	279
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand eviction trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>

The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the Central Coast Region reported 2,776 filings, 2 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.

³⁴² Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³⁴³ The *Eviction Lab* created a centralized repository of U.S. *eviction* records by acquiring *data* from states and counties and purchasing records from two independent *data* acquisition companies. Not all records are collectible, allowing tenants to block public access to prior *eviction* court records

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- **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
- **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³⁴⁴
- **Other types of dispositions** – These include dismissals and transfers to other courts.

Figure 200: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – Central Coast Region

Central Coast Region Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Monterey	876	668	338	53	-	178
San Luis Obispo	502	487	191	23	2	155
Santa Barbara	986	673	240	56	1	259
Santa Cruz	412	417	148	10	16	165
Regional Total	2,776	2,245	917	142	19	757

Source: Judicial Council of California, 2019

**Courts could not report the majority of the disposition categories due to limitations in their case management system reports.*

g. Homelessness

The Central Coastal Region has one of the highest numbers of persons experiencing homelessness in the state, behind the Greater Los Angeles Region and the San Francisco Bay Area Region. Over 13,375 people were identified in the 2018 PIT Count. The region’s population represents approximately 4 percent of the state’s population, yet 10 percent of the state’s population experiencing homelessness are in the Central Coast Region. The high cost of housing in the region is directly correlated with the number of persons experiencing homelessness in the region according to stakeholder feedback. Housing costs in the Central Coast Region are the most expensive in the state except for the San Francisco Bay Area Region.

It should be noted that the data below is aggregated data from regional Continuum of Care (CoC) counts and includes figures from San Benito County, which is not in the Central Coast Region and may slightly increase the number of persons experiencing homelessness.

³⁴⁴ Code Civ. Proc., § 585

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Figure 201: 2018 Point-In-Time Count – Central Coast Region ³⁴⁵

Geography	Estimate	Percent
Central Coastal Region	13,375	10%
State of California	129,972	-

Source: 2018 Point-In-Time Data

h. Segregation and Poverty

This section examines HUD’s federally defined Racially and Ethnically Concentrated Areas of Poverty (RECAPs). In comparison to the state, the Central Coast Region has a significantly higher percentage of Hispanic residents that reside in RECAPs. An analysis of residents by race and ethnicity indicates that Hispanic residents make up nearly 65 percent of the RECAP population across the state. In the Central Coast Region 91 percent of those living in a RECAP are Hispanic. Families with children also make up a large percentage of residents in RECAPs. In the Central Coast Region, families with children account for over 71 percent of households.

Figure 202: RECAP Demographics - Central Coast Region

RECAP Areas	Total Population	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian or Pacific Islander, Non-Hispanic	Native American Non-Hispanic	Other, Non-Hispanic	Families with children
Central Coast Region	21,314	5.1%	1.9%	91.0%	1.0%	0.3%	0.2%	71.9%
State of California	1,706,384	11.9%	11.2%	64.9%	9.7%	0.4%	0.2%	60.4%

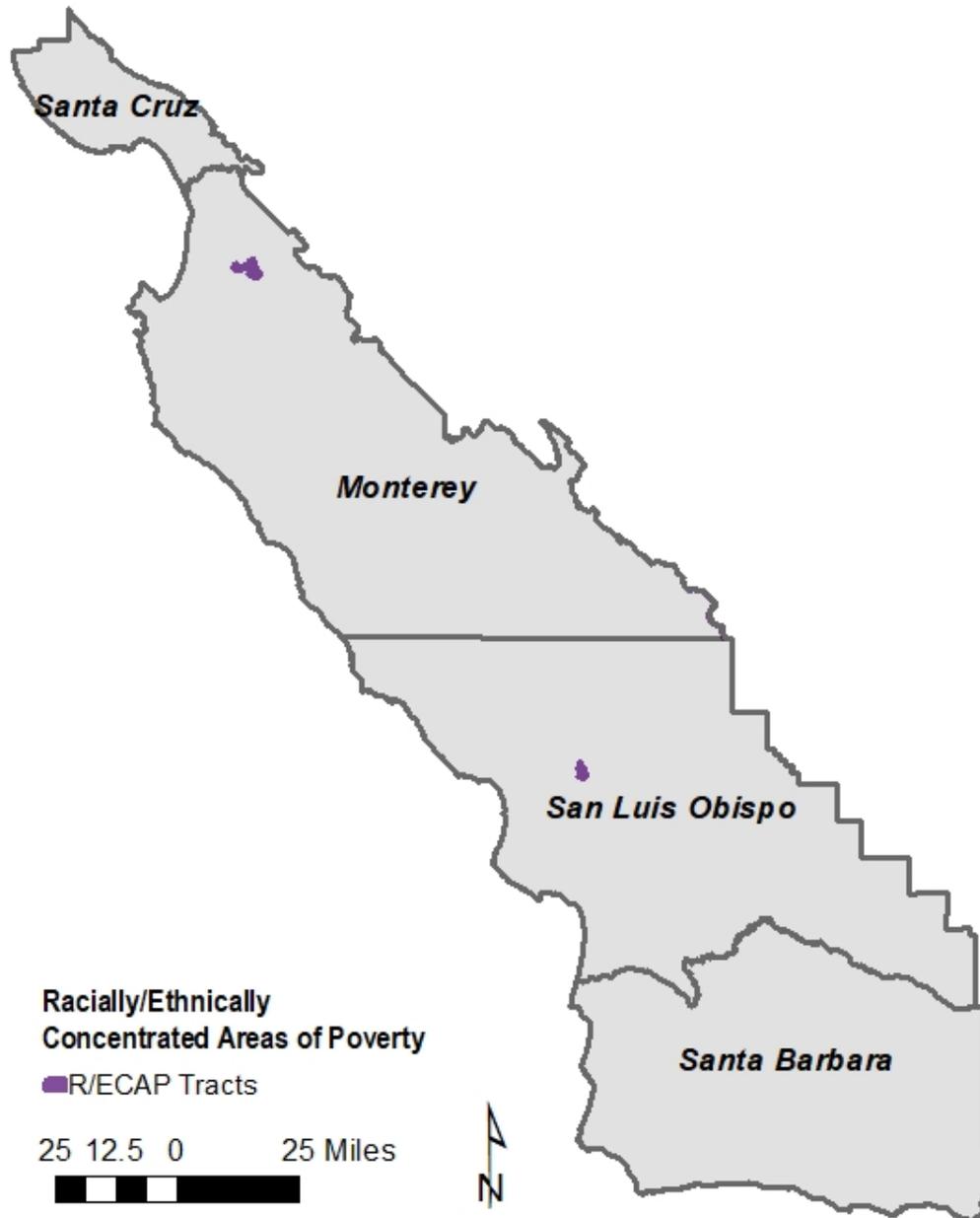
Source: Affirmatively Furthering Fair Housing Mapping Tool – Table 4-2, Version AFFHT0004

³⁴⁵ Aggregated Overall Homeless, 2018 from Salinas/Monterey, San Benito Counties CoC, Watsonville/Santa Cruz City & County CoC, Santa Maria/Santa Barbara County CoC, San Luis Obispo County CoC.

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The map below provides an overview of the location of RECAPs in the Central Coast Region. Areas of Concentrated poverty or segregation are found in Monterey and San Luis Obispo County.

Figure 203: RECAP Map – Central Coast



Source: HUD R/CAP Data, Date of Coverage: 11/2017 based on American Community Survey (ACS), 2009-2013; Decennial Census (2010); Brown Longitudinal Tract Database (LTDB) based on decennial census data, 1990, 2000 & 2010.

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Region 7: Northern California Region

a. Regional Overview

The Northern California Region is made up of 16 counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity. This region covers an immense geography with diverse housing needs that extends from the Oregon border along the Pacific Coast to the Shasta Cascades and over to the Sierra Nevada's. The Northern California Region is a predominantly rural area of the state, facing fair housing challenges around access to opportunity, supply of safe and affordable housing stock, and over the last few years, the site of some of the largest natural disasters in California history. The cycle of drought and flooding has impacted the whole state, leading to tree mortality and some of the most devastating fires in California history in 2017 and 2018.³⁴⁶ The discussion at a public meeting in Butte County demonstrated that community recovery is slow, and residents are struggling to meet basic housing and infrastructure needs.

b. Population Trends and Housing Availability

While the Northern California Region makes up a large part of the state, in 2017, the total population of the Northern California Region comprised of less than 3 percent of the total state population. The region's growth from 1990 to 2017 has fluctuated, with 11 percent growth between 1990 to 2000, and 7 percent growth from 2000 to 2010.

Figure 204: Regional Population Change 1990 to 2010 – Northern California Region

Geography	1990 Estimate	2000 Estimate	2010 Estimate	1990-2000 Percent Change	2000-2010 Percent Change	1990-2010 Percent Change
Northern California Region	888,945	983,386	1,051,244	11%	7%	18%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

From 2010 to 2017, using 5-year estimates, the region grew in population by 1 percent, while the state overall grew 6 percent.

Figure 205: Regional Population Change 2010 to 2017 – Northern California Region

Geography	2010	2017	Percent Change
Northern California Region	1,081,489	1,090,979	1%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

³⁴⁶ Bizjak, Tony. 2019. 18 million trees just died in California, continuing worries of major wildfires yet to come. Sacramento, California: The Sacramento Bee. Available at <https://www.sacbee.com/news/california/fires/article226092055.html>

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c. Housing Profile

As a predominantly rural region, the Northern California Region features higher rates of homeownership, and more affordable rental and homeownership options, than the rest of the state. According to 2017 American Community Survey (ACS) estimates, 63 percent of households in the region are homeowners, and 37 percent are renters. The percentage of homeowners is well above the state overall (55 percent).

Figure 206: Housing Tenure in the Northern California Region

Northern California Region	Estimate	Percent of Region	State Estimate	Percent of State
Total	408,946		12,888,128	
Owner	257,260	63%	7,024,315	55%
Renter	151,686	37%	5,863,813	45%

Source: U.S. Census Bureau, 013-2017 American Community Survey 5-Year estimates

Home values and rents are also well below the statewide median values, with owner-occupied home values at nearly half of the state overall, and median gross rents under \$1,000 per month. Although population growth has not occurred at the same rapid pace as other regions in the state, stakeholders commented that access to safe and affordable housing was a challenge for many residents. Additionally, while rents and home values are lower in the region than the state overall, wages are generally lower than in urban regions across the state. For example, median income in Butte County is \$46,516 in comparison to \$61,015 in Los Angeles County.³⁴⁷

Figure 207: Housing Cost in the Northern California Region - 2017

Estimate	Northern California Region	Statewide
Median Home Value	\$219,100	\$443,000
Median Gross Rent	\$905	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

³⁴⁷ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates.

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- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

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The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

Figure 208: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

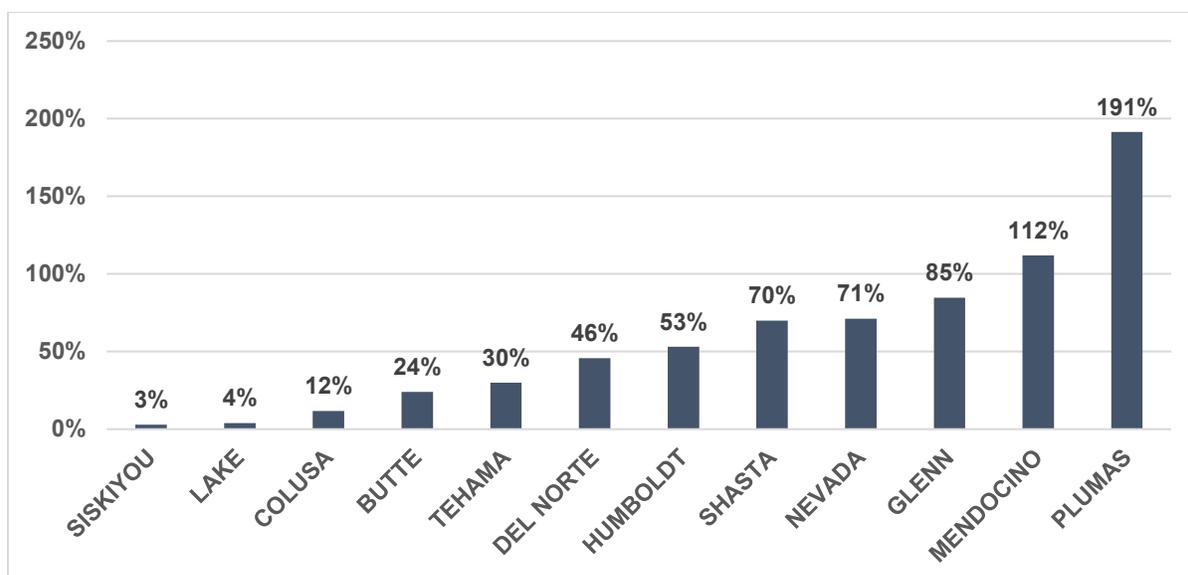
Northern California	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
BUTTE	51	2,495	131	1,720	438	1,710	1854	4395	2,474	10,320
COLUSA	8	255	5	205	71	210	52	490	136	1,160
DEL NORTE	22	80	22	50	22	40	76	140	142	310
GLENN	59	60	84	40	45	50	32	110	220	260
HUMBOLDT	114	500	116	320	512	350	351	890	1,093	2,060
LAKE	11	510	19	320	25	370	26	870	81	2,070
LASSEN	-	18	-	9	-	13	0	30	-	70
MENDOCINO	68	60	14	40	93	40	105	110	280	250
MODOC	-	3	-	3	-	2	0	7	-	15
NEVADA	68	423	197	303	212	344	832	769	1,309	1,839
PLUMAS	-	15	-	10	34	15	100	30	134	70
SHASTA	83	540	213	340	407	380	836	940	1,539	2,200
SIERRA	-	2	-	2	-	1	0	1	-	6
SISKIYOU	-	133	1	84	8	90	6	223	15	530
TEHAMA	16	225	116	160	102	185	65	425	299	995
TRINITY	-	2	-	2	-	2	0	4	-	10
REGIONAL TOTAL	500	5,321	918	3,608	1,969	3,802	4,335	9,434	7,722	22,165

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data shows, counties in the Northern California Region have significant variation in progress toward their housing goals, with Siskiyou County only achieving 3 percent of its goal, while Mendocino County has achieved 112 percent and Plumas has achieved 191 percent of their respective housing goals so far this cycle. Lassen County, Modoc County, Sierra County, and Trinity County did not meet any of their goal and are not included in the following figure. Note, the percent to goal in the figure below represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level goals.

Figure 209: Percent of Permits to RHNA Target in 2013 to 2018 by County – Northern California Region



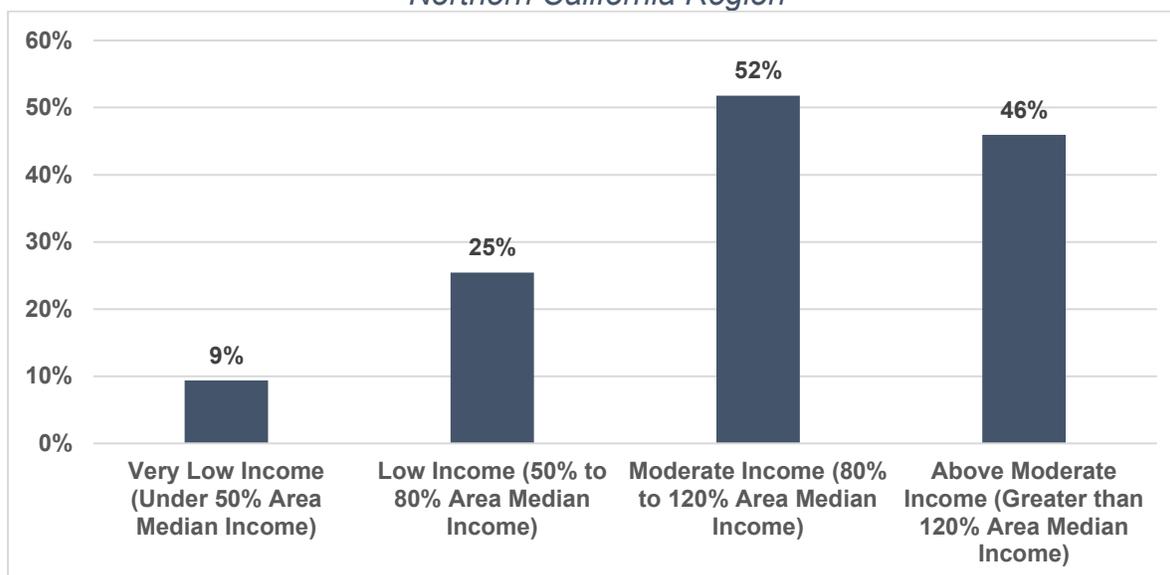
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate income levels, while permits at the above moderate income level far exceeded the target. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 9 percent and 25 percent of the RHNA targets for very low- and low-income housing respectively have been achieved in the region from 2013 to 2018. During the same period 52 percent of the RHNA target for moderate income housing was met, while the target for above moderate income housing was 46 percent. Thus, overall the region is not building adequate housing units affordable to very low-income, low-income, and moderate income households.

Figure 210: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level – Northern California Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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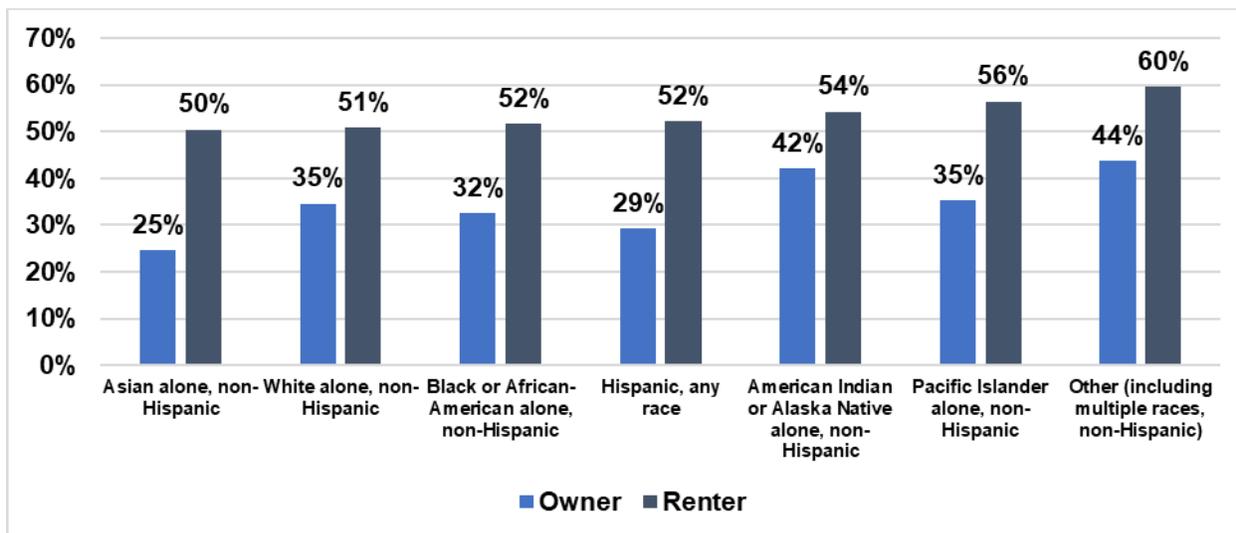
e. Housing Cost Burden and Housing Problems

Home values and rents only cover one aspect of housing challenges faced by residents in the Northern California Region. This section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines housing problems as including one or more of the following:³⁴⁸

- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened, paying over one-third of household income on housing costs.

Renters in the Northern California Region are more likely than homeowners to spend more than one-third of their income on housing costs. Across all races and ethnicities, half of Northern California Region renters are cost burdened, but Pacific Islanders (56 percent) and renters who identify with Other Races (60 percent) experience the highest percentage of cost burden. The variation among homeowners is wider, with Asian alone households experiencing the lowest percentage of cost burden (25 percent) to homeowners who identify as Other Races (44 percent) with the highest percentage of cost burden. The data for the figure below is from 2016, which does not cover the devastation of the 2017 and 2018 wildfires which displaced thousands of residents. Cost burden does not capture the changes caused by the natural disasters, but the loss of homes, jobs, and lives deeply impacted Northern California, and the region's recovery is ongoing.

Figure 211: Percent of Households Experiencing Cost Burden by Race - Northern California Region



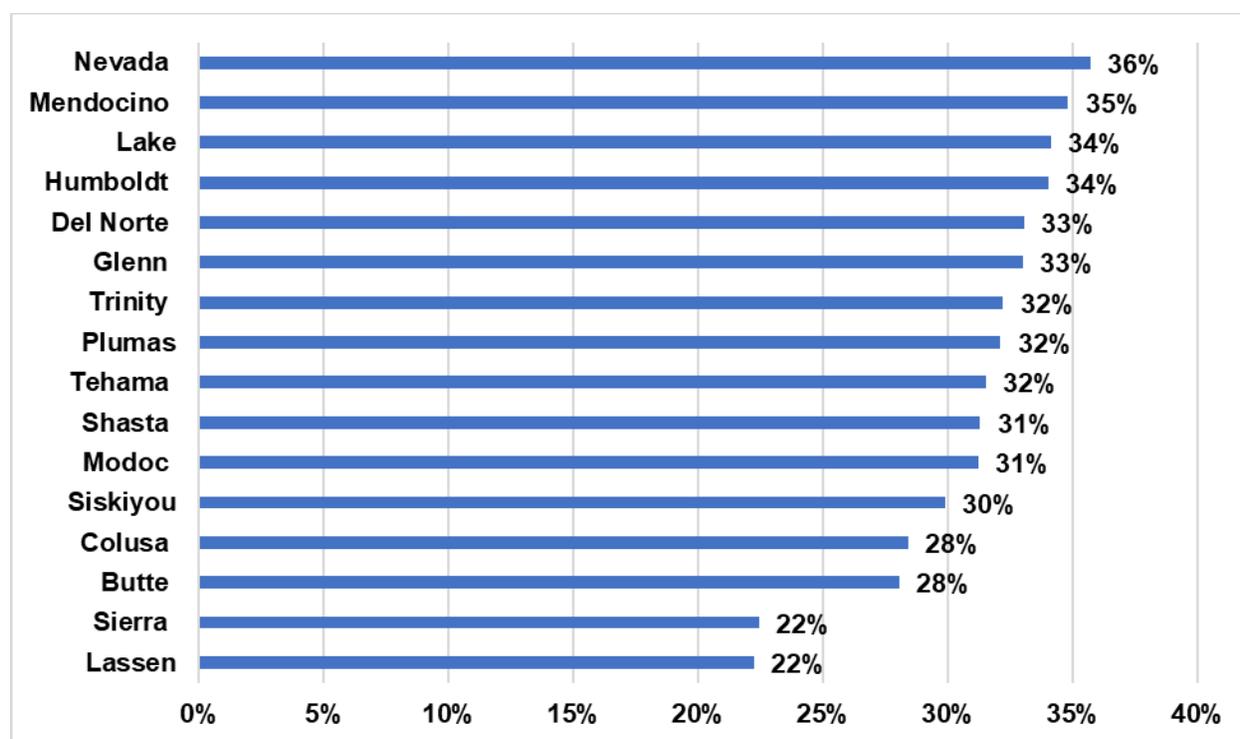
Source: U.S. Department of Housing and Urban Development CHAS data 2016

³⁴⁸ HUD Office of Policy Development and Research. CHAS Data. Available at: https://www.huduser.gov/portal/datasets/cp/CHAS/bq_chas.html

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HUD’s measure of housing problems, considering at least one of the following factors: poor housing conditions, overcrowding, and cost burden, is a measure of housing quality. The figure below highlights housing problems by county for owner-occupied households in the Northern California Region. Ranging from the lowest percentage of owner-occupied housing problems in Lassen and Sierra County (22 percent) to the highest in Nevada County (36 percent), there is significant variation across the diverse geography. However, variation across the region is not grouped by geography, with the high instances of cost burdened homeowners at 36 percent in Nevada County (Sierra Nevada), 35 percent in Mendocino County (North Coast), and 34 percent in Lake and Humboldt Counties.

Figure 212: Percent of Owners Experiencing Housing Problems by County - Northern California Region

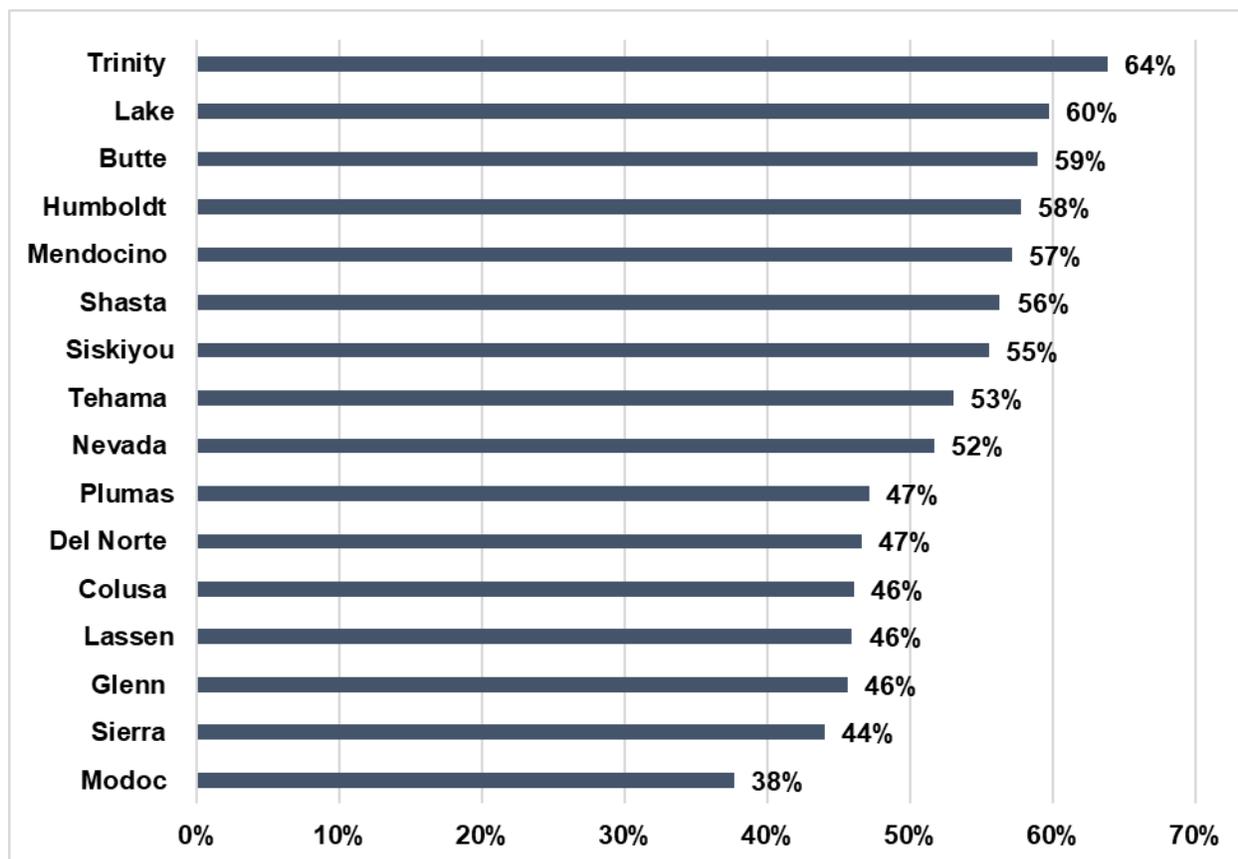


Source: U.S. Department of Housing and Urban Development CHAS data 2016

Renters in the Northern California Region are far more likely than homeowners to experience one or more HUD defined housing problem. Across the region, more than 50 percent of renters in 9 of 16 counties are experiencing one or more housing problems, demonstrating the lack of safe and/or affordable housing in the region. Renters in Modoc County have the lowest percentage of housing problems (38 percent), while 64 percent of Trinity County renters experience housing problems.

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Figure 213: Percent of Renters Experiencing Housing Problems by County - Northern California Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

f. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, more malign responses to the housing crisis are also manifested in the form of homelessness and displacement. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³⁴⁹

According to The Eviction Lab, in 2016 the Northern California Region had 123 evictions and 135 eviction filings. It is unlikely that this data includes all evictions experienced by renters in Northern California. Data collection on evictions varies across the state, and rural areas are often undercounted and underreported by national data sets. Despite the lack of complete data on evictions for the Northern California Region, stakeholders and

³⁴⁹ Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

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public meeting participants noted that challenge with finding affordable and stable rental housing.

Figure 214: 2016 Eviction Estimates in the Northern California Region ³⁵⁰

Geography	Average Evictions Per Day	Evictions	Eviction Filings
Northern California Region	Less than 1 reported per day	123	135
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand how evictions are handled by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a court process related to evicting a person from where they live. The following information examines regional data related to the number of filings and if the eviction filing was resolved. For more information on the eviction process, visit:

<https://www.courts.ca.gov/27798.htm>

The Northern California Region covers a large expanse of the northern part of the state. A majority of the region is rural, and many evictions are not recorded. The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the Northern California Region reported 3,936 filings, 3 percent of the state overall.
- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
 - **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
 - **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³⁵¹
- **Other types of dispositions** – These include dismissals and transfers to other courts.

³⁵⁰ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

³⁵¹ Code Civ. Proc., § 585

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Figure 215: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – Northern California Region

Northern California Region Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Butte	874	769	305	127	-	252
Colusa	39	38	19	7	-	6
Del Norte	133	172	-	-	-	49
Glenn	83	68	-	-	-	9
Humboldt	538	459	166	2	4	180
Lake	442	495	148	17	1	223
Lassen	89	112	45	4	-	39
Mendocino*	287	376	-	-	-	111
Modoc	20	23	8	1	-	4
Nevada*	207	193	-	-	-	86
Plumas	60	38	12	2	-	8
Shasta	711	668	285	4	1	194
Sierra*	7	4	-	-	-	1
Siskiyou	173	160	70	9	-	33
Tehama	238	170	56	13	2	27
Trinity	35	31	14	1	-	6
Regional Total	3,936	3,776	1,128	187	8	1,228

Source: Judicial Council of California, 2019

*Courts could not report the majority of the disposition categories due to limitations in their case management system reports.

g. Homelessness

The annual PIT Count provides a snapshot of the number of people experiencing homelessness on one night. The data is collected at the Continuum of Care (CoC) level, which often includes multijurisdictional boundaries; the Northern California Region includes several CoCs. In 2018, the PIT Count included 5,815 people experiencing homelessness. However, with the expansive geography covered in the Northern California Region, and the added difficulty measuring homelessness in rural areas, this

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number is likely to underestimate the ongoing crisis across the State of California. Homelessness in rural areas include sleeping in the woods, campgrounds, and other areas not intended for habitation, doubling up is also more common, and these living situations are more difficult to count in the PIT Counts.

*Figure 216: 2018 Point-In-Time Count – Northern California Region*³⁵²

Geography	Estimate	Percent
Northern California Region	5,815	4%
State of California	129,972	-

Source: 2018 Point-In-Time Data

High housing prices, poverty, and insufficient income are leading causes of homelessness, but rural areas experience unique challenges in providing shelter to its residents experiencing homelessness. Rural areas generally have fewer services, and there are fewer affordable housing options in rural areas.³⁵³ In addition to rising rents and housing costs, natural disasters across Northern California have increased the number of people experiencing homelessness. From disasters in Sonoma County and Lake County in 2017 and prior events, to the 2018 Camp Fire in Butte County, to a tight housing market before the disasters, homeless service providers are struggling to assist people in the region experiencing homelessness.³⁵⁴ Participants in a public meeting in Butte County conveyed that homelessness has increased since the fires, and housing costs, due to limited supply, have led to displacement from the region. These disasters are disproportionately impacting the most vulnerable. Participants noted that there are not units available for Housing Choice Vouchers (HCV), survivors of domestic violence, or residents with a felony record.

h. Segregation and Poverty

HUD's Racially and Ethnically Concentrated Areas of Poverty (RECAPs) demonstrates the cross section of poverty and segregation within a community. Although these areas are common across California, the Northern California Region did not contain any RECAP areas in the current available data. While the region does not have RECAP areas, access to services, quality jobs, and availability of affordable housing all impact quality of life for rural Californians.

³⁵² Aggregated Overall Homeless, 2018 from County CoC, Roseville, Rocklin/Placer, Nevada Counties CoC, Redding/Shasta, Siskiyou, Lassen, Plumas, Del Norte, Modoc, Sierra Counties CoC, Chico, Paradise/Butte County CoC, Humboldt County CoC, Colusa, Glenn, Trinity Counties CoC, Tehama County CoC, Lake County CoC.

³⁵³ National Alliance to End Homelessness. January 2010. "Rural Homelessness". Retrieved from:

<https://endhomelessness.org/resource/rural-homelessness/>

³⁵⁴ Scharaga, Ashiah. August 2019. Newsreview.com. "Dedicated to recovery: Homeless service providers talk housing challenges, solutions post Camp Fire. Retrieved from: <https://www.newsreview.com/chico/dedicated-to-recovery/content?oid=28619035>

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Region 8: Eastern Central California Region

a. Regional Overview

The Eastern Central California Region is made up of seven counties: Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne. The Tuolumne County Transportation Council (TCTC) is the regional transportation planning agency and local Council of Government (COG) in the region. However, the TCTC only serves Tuolumne County and the City of Sonora.

The region is primarily rural with small towns and a vibrant tourism industry centered around local natural resources, including Yosemite National Park. Tourism plays a large role in the local economy and housing market. Vacation homes make up a substantial portion of housing units in the region. For example, only 35 percent of Mono County’s residents are permanent and vacant seasonal units (26.3 percent) and are slightly below the percentage of renter occupied units (31.4 percent) in the county.³⁵⁵ While tourism is an economic driver in the region, the amount of seasonally vacant homes puts pressure on the local market.

b. Population Trends and Housing Availability

Population growth in the region exceeded the statewide growth rate from 1990 to 2000, followed by slower growth from 2000 to 2010. Regional population growth was 16 percent in comparison to 14 percent across the state from 1990 to 2000. Regional growth rates slowed to 7 percent in the following decade, below the statewide 10 percent population increase.

Figure 217: Regional Population Change 1990 to 2010 – Eastern Central California Region

	1990	2000	2010	1990-2000	2000-2010	1990-2010
Geography	Estimate	Estimate	Estimate	Percent Change	Percent Change	Percent Change
Eastern Central California Region	154,167	179,303	191,208	16%	7%	24%
State of California	29,760,021	33,871,648	37,253,956	14%	10%	25%

Source: U.S Census Bureau Decennial Census 1990, 2000, 2010

The population in the Eastern Central California Region declined by 3 percent from 2010 to 2017. During this period, the statewide population growth slowed to 6 percent. According to the 2017 American Community Survey (ACS) the Eastern Central California Region is home to less than 200,000 people.

³⁵⁵ Mono County Community Development Department. November 2019. "Mono County Housing Element. 2019-2027". Available at: https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29821/2019-2027_housing_element_final.pdf

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Figure 218: Regional Population Change.2010 to 2017 – Eastern Central California Region

Geography	2010	2017	Percent Change
Eastern Central California Region	192,200	187,376	-3%
State of California	36,637,290	38,982,847	6%

Source: U.S. Census Bureau, 2006-2010 and 2013-2017 American Community Survey 5-Year estimates

c. Housing Profile

The Eastern Central California Region is primarily rural in nature. According to 2017 ACS data, 223,602 of 372,108 units are owner occupied. In comparison to California as a whole, the region has a higher percentage of owners (60 percent) than the state (55 percent). High ownership rates align with the relatively affordable housing costs and rural development in the region.

Figure 219: Housing Tenure in Eastern Central California Region

Eastern Central California Region	Region Estimate	Percent of Region	State Estimate	Percent of State
Total	372,108	-	12,888,128	-
Owner	223,602	60%	7,024,315	55%
Renter	148,506	40%	5,863,813	45%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

Home values in the Region are 38 percent lower than statewide figures. The median gross rent (\$1,018) is 25 percent less than the statewide median of \$1,358. While housing costs are far lower than state averages in the region, the cost of transportation is approximately 30 percent of the regional income as defined by the Center for Neighborhood Technology's Housing and Transportation Affordability Index, adding a major expense for many households.³⁵⁶

Figure 220: Housing Cost in Eastern Central California Region - 2017

Geography	Eastern Central California Region	Statewide
Median Home Value	\$273,450	\$443,000
Median Gross Rent	\$1,018	\$1,358

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimate

d. Regional Housing Need Allocation

The California Department of Housing and Community Development (HCD) determines the Regional Housing Need Allocation (RHNA) for each region in the state for each planning period or housing element cycle; the regional Council of Government (COG) then allocates the regional housing need goal to each of its jurisdictions. The RHNA is a

³⁵⁶ Center for Neighborhood Technology. Housing and Transportation (H+T®) Affordability Index. Retrieved from: <https://htaindex.cnt.org/>

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planning requirement and a building goal; a jurisdiction must zone sufficient land to address the RHNA in their housing element, and HCD monitors actual permit progress toward the RHNA target annually through Housing Element Annual Progress Reports. In rural areas of the state that do not have a COG, HCD assigns the RHNA at the jurisdiction level as well.

RHNA targets are broken down by four income levels based on Area Median Income (AMI). The four income levels are:

- Very Low-Income: 0 – 50 percent of AMI
 - (Inclusive of Extremely Low-Income: 0-30 percent of AMI)
- Low-Income: 50 – 80 percent of AMI
- Moderate-Income: 80 – 120 percent of AMI
- Above Moderate-Income: 120 percent or greater of AMI

The following table shows building permits that have occurred so far for the fifth cycle (2013-2018) compared to the RHNA target by income for each county in the region.

Figure 221: Regional Housing Needs Allocation Compared to Total Building Permits by County, 2013 to 2018

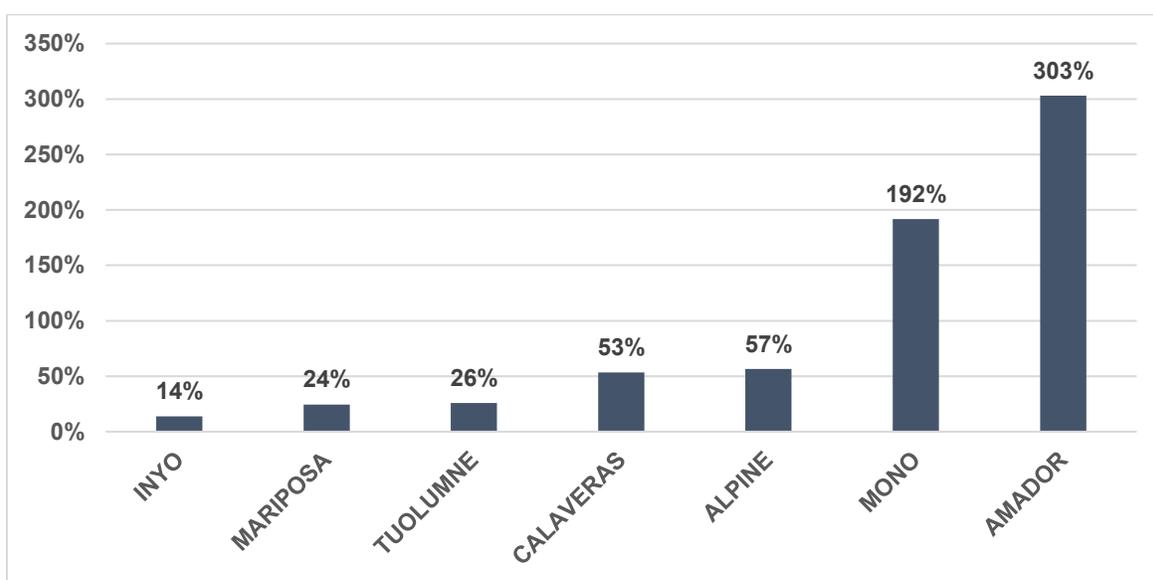
Eastern Central	Very Low Income Building Permits	Very Low Income RHNA	Low Income Building Permits	Low Income RHNA	Moderate Income Building Permits	Moderate Income RHNA	Above Moderate Income Building Permits	Above Moderate Income RHNA	Total Building Permits	Total RHNA
ALPINE	-	7	3	6	4	6	11	10	17	30
AMADOR	1	21	6	17	149	19	43	147	303	100
CALAVERAS	101	280	91	200	219	220	540	251	662	1,240
INYO	-	50	1	35	8	40	100	22	31	225
MARIPOSA	-	265	-	130	126	180	420	117	243	995
MONO			22		55	23	50	153	230	120
TUOLUMNE	-	125	16	90	8	100	235	118	142	550
REGIONAL TOTAL	102	748	139	478	569	588	1,399	818	1,628	3,260

Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

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The figure below shows the total building permits (2013 to 2018) as a percentage of the total RHNA target achieved by each county within the region. As the data underscores, much of the region is well below meeting its housing need target with the exception of Mono and Amador Counties. Note, the percent to goal represents all four income levels combined and therefore may not be an accurate representation of where a county is in regard to its specific income level RHNA targets. For example, while Amador County has far exceeded its total RHNA target by 203 homes, that comes from permits for moderate income homes, while the county is still behind on meeting its very low-income, low-income, and above moderate income RHNA targets.

Figure 222: Percent of Permits to RHNA Target in 2013 to 2018 by County – Eastern Central California Region



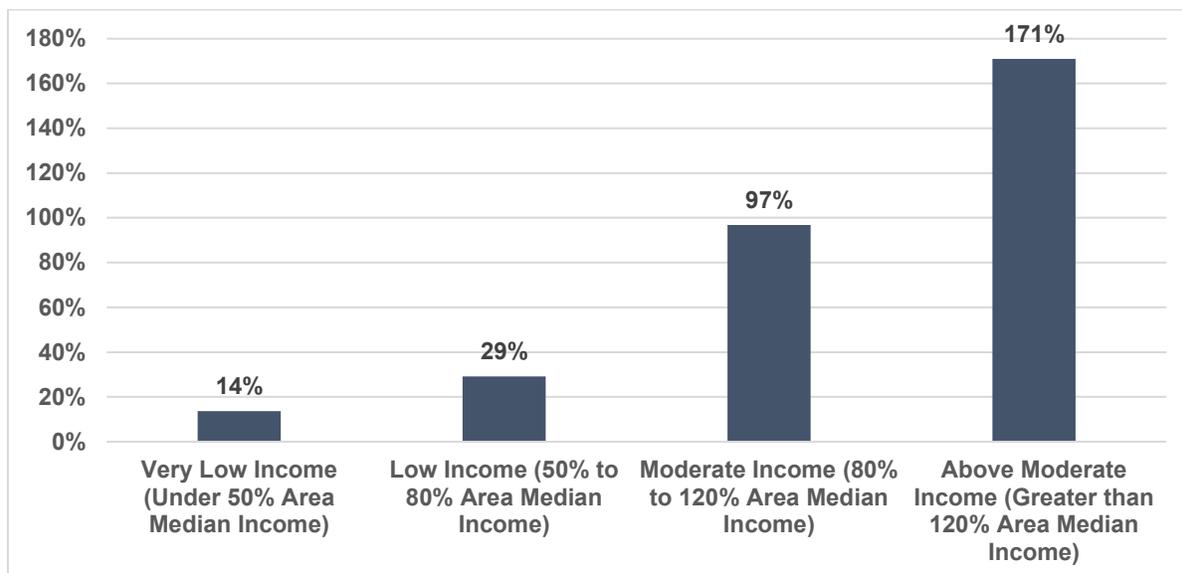
Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Building permits for the same time period show a shortfall between housing permits and the RHNA target at the very low-, low-, and moderate income levels. Comparing the number of units permitted at each income level with the RHNA target at each income level shows the percent of the housing goal achieved so far for this cycle.

Only 14 percent and 29 percent of the RHNA targets for very low- and low-income housing respectively have been achieved in the region from 2013 to 2018, while 97 percent of the target for moderate income housing has been achieved. The target for above moderate income housing has been exceeded at 171 percent. Overall the region is not building adequate housing units affordable to very low-income, low-income, and moderate income households.

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Figure 223: Percent of Permits to RHNA Target in 2013 to 2018 by Income Level – Eastern Central California Region



Source: 5th Cycle RHNA Community Development - Division of Housing Policy Development, Annual Progress Report Permit Summary - Assigned RHNA, The Regional Housing Needs Allocation listed in Annual Progress Reports is self-reported by jurisdictions 2013 to 2018 data.

Housing Cost Burden and Housing Problems

To further understand housing challenges faced by Central Coast Region residents, this section examines two measures of the housing market: 1) cost burden and 2) housing problems. HUD defines cost burden as spending more than one-third of household income on housing costs, and housing problems are defined as including one or more of the following:³⁵⁷

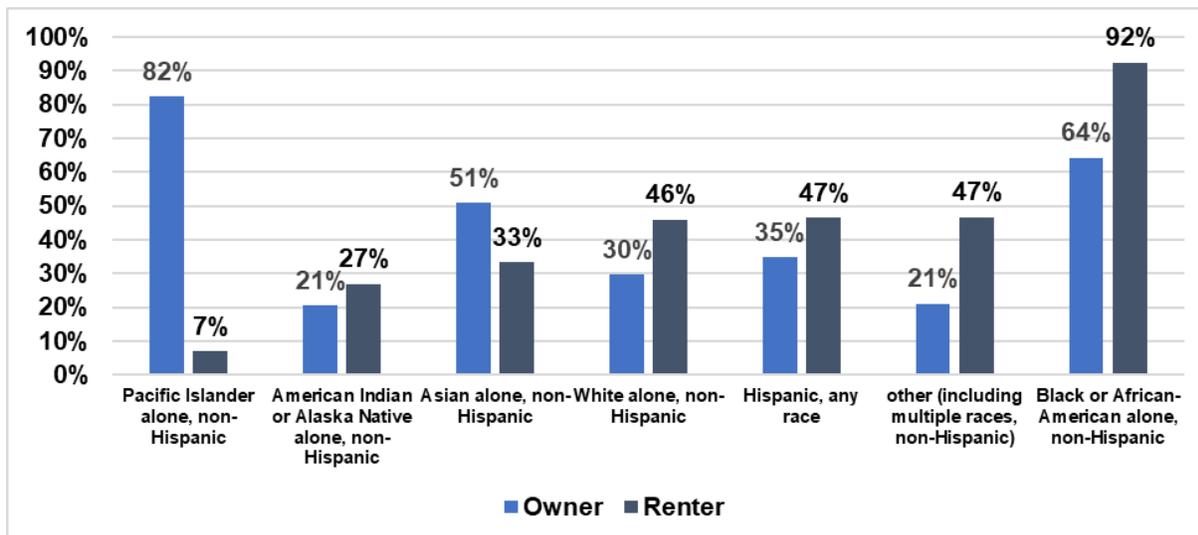
- Incomplete kitchen or plumbing facilities.
- More than 1.5 people per room.
- Household is cost burdened – paying over one-third of household income on housing costs.

Overall, a higher percentage of renters are experiencing cost burden in the region. However, there are two notable exceptions when the data is examined through the lens of race and ethnicity. A large proportion of Pacific Islander, non-Hispanic, 82 percent, and Asian, non-Hispanic, 51 percent owner households are experiencing cost burden. Black or African American, non-Hispanic renters experience the highest percentage of cost burden by race. Over 90 percent of Black renters are experiencing cost burden in the region.

³⁵⁷ HUD Office of Policy and Research. CHAS Data. Retrieved from: https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

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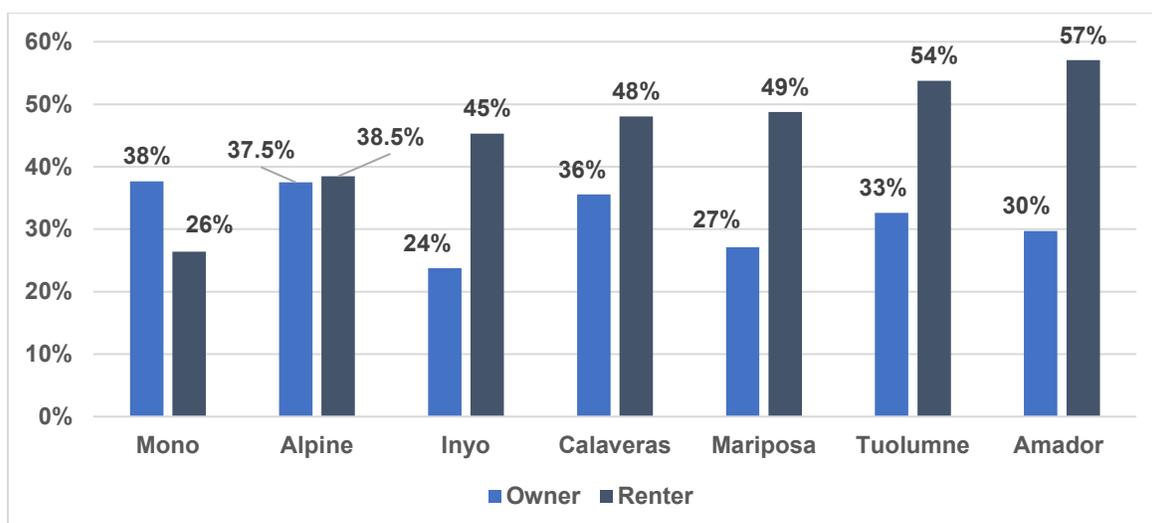
Figure 224: Percent of Households Experiencing Cost Burden by Race – Eastern Central California Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

HUD defined housing problems highlight poor housing conditions, overcrowding, and the percentage of household income spent on housing costs. Renters are more likely to experience housing problems throughout the region, with the exception of Alpine and Mono Counties. Alpine County has a higher percentage of owners (38 percent) experiencing problems than renters (26 percent). Thirty-eight percent of renters and owners are experiencing problems in Mono County. For the remainder of the counties, over 45 percent of renters are experiencing housing problems with Amador renters experiencing the most at 57 percent.

Figure 225: Percent of Households Experiencing Housing Problems by County – Eastern Central California Region



Source: U.S. Department of Housing and Urban Development CHAS data 2016

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e. Housing Security

Though rising housing costs and housing problems are the most common symptoms of the mismatch in the region between housing supply, housing needs, and development patterns, more malign responses to the housing crisis are also manifested in the form of homelessness and displacement. This section includes two sources for data on evictions in California, but because not all eviction filings result in an eviction, and many evictions occur informally, the data presented represents the best estimate given the available data.³⁵⁸

According to data provided by Eviction Lab, less than one eviction was reported per day in the Eastern Central California Region. This figure is the lowest rate for the regions throughout the state. While Eviction Lab data is a reliable source in California, it uses a limited dataset that does not capture all of the evictions taking place across the state or in the region and highlights the need for additional data sources to inform policy and program decisions.

*Figure 226: 2016 Eviction Estimates in Eastern Central California Region*³⁵⁹

Geography	Average Evictions Per Day	Evictions	Eviction Filings
Eastern Central California Region	Less than one reported	18	18
State of California	113	41,178	47,079

Source: 2016 Eviction Lab Data

As part of the AI, HCD submitted a Public Access to Judicial Administrative Records request to further understand evictions trends by county across the state. The data below presents unlawful detainer filings and actions. Unlawful detainer is a term that refers to a legal process related to evicting a person from where they live. The following information examines regional data related to the number of filings and the resolution of the unlawful detainer action. For more information on the eviction process, visit: <https://www.courts.ca.gov/27798.htm>

The Eastern Central Region is primarily a rural area, but it also experiences pressures related to tourism. Many evictions are not recorded, and rural counties are not an exception. The following provides additional information about the terminology used in the figure below, informed by the definitions provided by the Judicial Council of California:

- **Filings** – Not all evictions are recorded, but for FY 2017-2018 the Eastern Central Region only reported 535 filings, less than 1 percent of the state overall.

³⁵⁸ Nkosi, Janine, Amber R. Crowell, Patience Milrod, Veronica Garibay, and Ashley Werner. 2019. Evicted in Fresno: Facts for Housing Advocates. Report prepared on behalf of Faith in the Valley. Available at: <https://faithinthevalley.org/evicted-fresno/>

³⁵⁹ The Eviction Lab created a centralized repository of U.S. eviction records by acquiring data from states and counties and purchasing records from two independent data acquisition companies. Not all records are collectible, allowing tenants to block public access to prior eviction court records.

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- **Dispositions** – Eviction filings that led to a decision. Not all courts report all disposition categories due to different case management systems.
- **Default Judgements** – Default judgements, either before or after trial, are decisions that are made by a failure of either party in a lawsuit. For example, if a renter is unable to appear before the court.
 - **Before Trial – Clerk Default Judgement:** Entry of judgment before trial by the clerk when a defendant/respondent fails to respond to the complaint, or the answer is stricken.
 - **Before Trial – Default Judgement by Court:** Entry of judgment before trial following a prove-up (default) hearing or default by affidavit.
 - **After Trial – Default Judgement by Court:** Entry of judgment after jury trial following a court order for default judgment when the defendant/respondent fails to appear for the trial, or the answer is stricken.³⁶⁰
- **Other types of dispositions** – These include dismissals and transfers to other courts.

³⁶⁰ Code Civ. Proc., § 585

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Figure 227: Reported Eviction/Unlawful Detainer Filings and Dispositions, Fiscal Year 2017 to 2018 – Eastern Central Region

Eastern Central Region Counties	Filings	Dispositions	Before Trial - Clerk Default Judgment	Before Trial - Default Judgment by Court	After Trial - Default Judgment by Court	Other types of dispositions (e.g., dismissals, transfers)
Alpine	6	2	-	-	-	2
Amador	111	86	-	-	-	29
Calaveras	130	110	40	6	1	33
Inyo	27	28	13	1	-	8
Mariposa	45	44	13	-	1	21
Mono*	14	28	-	-	-	10
Tuolumne	202	220	82	1	1	103
Regional Total	535	518	148	8	3	206

Source: Judicial Council of California, 2019

*Courts could not report the majority of the disposition categories due to limitations in their case management system reports.

f. Homelessness

The Eastern Central California Region has the lowest number of persons experiencing homelessness across regions and the lowest total population of the regions in this report. In the 2018 PIT Count, 555 people were identified, which represents less than 1 percent of the state’s population experiencing homelessness. The 2019 data was not available for all jurisdictions; however, the 2019 PIT Count figures show a significant increase in homelessness in the region, from 555 persons experiencing homelessness in 2018 to 1,059 persons in 2019.³⁶¹

Figure 228: 2018 Point-In-Time Count – Eastern Central California Region³⁶²

Geography	Estimate	Percent
Eastern Central California Region	555	0.4%
State of California	129,972	-

Source: 2018 Point-In-Time Data

³⁶¹ HUD 2019 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations, CA-530 and CA-526, 2019. Available at: https://www.hudexchange.info/programs/coc/coc-homeless-populations-and-subpopulations-reports/?filter_Year=2019&filter_Scope=CoC&filter_State=CA&filter_CoC=CA-530&program=CoC&group=PopSub .

³⁶² Aggregated Overall Homeless, 2018 from Alpine, Inyo, Mono Counties CoC.

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g. Segregation and Poverty

HUD's Racially and Ethnically Concentrated Areas of Poverty (RECAPs) demonstrates the cross section of poverty and segregation within a community. Although these areas are common across California, the Eastern Central Region did not contain any RECAP areas in the current available data.

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Chapter 9: Assisted Housing Program and Portfolio Analysis

This chapter uses data from HUD and the California Department of Housing and Community Department (HCD) programs to review the demographics of eligible program participants and compare them to those of the population served, which will help to determine if the programs are effective and eligible persons are receiving adequate assistance. As such, the analysis relies on the accomplishments and progress toward programmatic goals as reported in the latest Consolidated Annual Performance and Evaluation Report (CAPER) for the State of California and disbursements reported by HUD for the jurisdiction. Whenever possible, such goals are compared to the state's latest Annual Action Plan (AP), which forecasts the federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan (ConPlan).

Lastly, the analysis also examines market areas where protected classes have limited options in the private market and highlights, whenever possible, areas where HCD's programs could provide additional housing choice. It is important to note that the provision of programs may be limited by HUD or state-specific regulations and program eligibility criteria.³⁶³

For the Fiscal Year 2018-2019, the State of California received about \$120 million from HUD for its Community Planning and Development (CPD) housing programs, which consist of the Community Development Block Grant Program (CDBG), the Emergency Solutions Grants Program (ESG), the HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and the National Housing Trust Fund Program (NHTF). Stakeholders commented that although these funds provide assistance to communities across the state, funding is not enough to meet the need for affordable housing and community development activities. Additionally, the structure and requirements of some of the programs do not always facilitate large-scale multifamily developments, and most developments require multiple funding sources, which adds complexity and regulatory burden to a project. A breakdown of each program's allocation is provided in the figure below. Each program, its participants, and eligible activities are discussed in later sections.

³⁶³ HUD Office of Fair Housing and Equal Opportunity. Housing Discrimination under the Fair Housing Act: FHA prohibits discrimination on the basis of its seven protected classes: race, color, religion, national origin, sex, disability, and familial status. Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview#_Who_Is_Protected?

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Figure 229: HCD HUD Housing Program HUD Resources Made Available, 2018-2019

Program	Amount
CDBG	\$29,600,000
HOME	\$43,000,000
ESG	\$11,000,000
HOPWA	\$4,273,483
NHTF	\$32,376,691
Total	\$120,250,174

Source: California Department of Housing and Community Development FY 2018-19 CAPER

Community Development Block Grant Program

In California, CDBG funds are provided as grants to non-entitlement communities, which are under the purview of HCD. Non-entitlement communities are cities with populations under 50,000 and counties with populations under 200,000 in unincorporated areas that do not participate in the HUD CDBG entitlement program, or the urban county entitlements; non federally recognized Native American communities; and Colonias as defined by Section 916 of the National Affordable Housing Act of 1990. Grants can vary based on annual allocations and activity limits. HUD has a policy of maximum feasible deference in the state administered CDBG programs which allows states to establish program policies and procedures for the CDBG program within the parameters of the federal regulations found at 24 CFR 570.480 et. Seq.

As per federal statute (42 U.S. C. 5301 et. seq.) activities funded by CDBG must meet one of three national objectives:

- Benefit low-and-moderate-income persons
- Aid in the prevention or elimination of slums and blight, or
- Meet an urgent need

According to the State of California's Fiscal Year 2018-19 Consolidated Annual Performance and Evaluation Report (CAPER), the CDBG program has supported the state in achieving the following community development goals:

- Expanding Homeownership and Improving Existing Housing
- Increasing Economic Development Opportunities
- Increasing Supply of Affordable Rental Housing
- Maintaining or Increasing Access to Public Facilities and Infrastructure

The CAPER also identified the top three CDBG activity priorities based on the recent volume of applications, awards, and drawdowns of CDBG funds. These are: public infrastructure (for potable water projects), public services (for job training), and homeownership. The 2018-19 report also provides data to show that approximately \$3 million was expended on housing for CDBG expenditures. These funds were coupled with HOME program funds (see below) to expand homeownership and improve existing owner-occupied housing by developing 329 units of owner-occupied housing,

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supporting the rehabilitation of 3,142 owner-occupied homes, and providing 785 households with financial assistance to help them become homeowners.

In July 2017, Senate Bill 106 (SB 106) was passed in California, which requires that HCD assess its current state CDBG program regulations and operations through an open and transparent process that includes both internal and external stakeholders.³⁶⁴ The goals of the program redesign are to improve CDBG's low expenditure rate, reduce excessively high unspent program income balances, and streamline program processes to reduce the administrative burden for grantees and HCD staff to account for budgetary constraints. Moreover, in October 2019, HCD published new guidelines for the program to address feedback provided by internal and external stakeholders.³⁶⁵

For 2018-2019, HCD received \$29,600,000 in CDBG funding for community or economic development programs and projects. A description of these community and economic development programs, separated by category, is shown in the following figure.

Figure 230: HCD Community Development Programs

Community Development

Program	Description
Housing	Includes single and multifamily rehabilitation, rental housing acquisition or homeownership assistance, and activities that support new housing construction. CDBG funds are not eligible for housing new construction. Moreover, based on 2019 guidelines, at least 51 percent of all CDBG funding available, less HCD administrative funds, shall be made available for activities providing housing for low- and moderate-income individuals and families. ³⁶⁶
Public Improvements	Includes water and wastewater systems, and rural utilities such as gas and electric services.
Community Facilities	Includes daycare centers, domestic violence shelters, food banks, community centers, medical and dental facilities, and fire stations.
Public Services	Includes staff and operating costs associated with the community facilities.
Planning and Technical Assistance (PTA)	Includes studies and plans for housing, public works, and community facilities that meet CDBG national objectives and provide principal benefit to low-income persons.
Native American	Includes housing and housing-related activities, as well as water and sewerage.
Colonia	Includes housing, including single and multifamily rehabilitation, rental housing acquisition or homeownership assistance, and activities that support new housing construction.

Source: California Department of Housing and Community Development, Community Development Block Grant Program

Economic Development

³⁶⁴ California Department of Housing and Community Development. Community Development Block Grant (CDBG) Program Redesign. Available at: <http://www.hcd.ca.gov/grants-funding/active-funding/cdbg/cdbg-program-redesign.shtml>

³⁶⁵ HCD, Community Development Block Grant Final Guidelines, 2019 <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/docs/Final-CDBG-Program-Guidelines-2019.pdf>

³⁶⁶ HCD, Community Development Block Grant Final Guidelines, 2019 <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/docs/Final-CDBG-Program-Guidelines-2019.pdf>

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Program	Description
Enterprise Fund	Grants for loans to businesses for working capital, land acquisition, equipment purchase, inventory purchase, debt restructuring, and other direct assistance. Grants to support businesses by providing water and sewer services, access roads, and other public facilities. Micro-enterprise funds may provide credit, general support (e.g., childcare, transportation), or technical assistance for persons developing micro-enterprises.
Planning and Technical Assistance (PTA)	Studies and plans for economic development activities that meet CDBG national objectives and provide principal benefit to low-income persons.
Over-the-Counter	Grants for the creation or retention of jobs for low-income workers. May include loans or loan guarantees to businesses for construction, on-site improvements, equipment purchase, working capital, and site acquisition. May also include loans for business start-ups, grants for publicly owned infrastructure, and loans or grants for small business incubators.

Source: California Department of Housing and Community Development, Community Development Block Grant Program

In the following analyses, programs are analyzed by matching applicable demographic data to income eligibility. The household income data is derived from HUD’s tabulated Area Median Family Income (HAMFI) and HCD’s 2019 calculations, while demographic data is compared to the 2013-2017 American Community Survey (ACS) demographic profile of non-entitlement areas served by the federal programs managed or administered by the State of California. Finally, household income data will be categorized using HUD’s Comprehensive Housing Affordability Strategy (CHAS) dataset.

The income categories used by CHAS are as follows:

- Extremely Low-Income (ELI): At or below 30 percent HAMFI
- Very Low-Income (VLI): Greater than 30 percent but less than or equal to 50 percent HAMFI
- Low-Income (LI): Greater than 50 percent but less than or equal to 80 percent HAMFI
- Moderate Income (MI): Greater than 80 percent but less than or equal to 100 percent HAMFI
- Greater than 100 percent HAMFI

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As of 2019, the HUD and HCD designated California statewide income limits for Extremely Low-Income (ELI) have been set at the following levels:³⁶⁷

Figure 231: Statewide Extremely Low-Income Limits, California, 2019

Median Family Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$82,200	\$17,250	\$19,750	\$22,200	\$24,650	\$26,650	\$28,600	\$30,600	\$32,550

Source: HUD, FY 2019 Income Limits Summary. Note: HCD, pursuant to federal and state law, adjusts median income levels for all counties so they are not less than the non-metropolitan county median income established by HUD (\$64,800 for 2019). In 2019, the metropolitan county and statewide median income was established as \$82,800.

For Very Low-Income households, the 2019 income limits were set at as follows:

Figure 232: Statewide Very Low-Income Limits, California, 2019

Median Family Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$82,200	\$28,750	\$32,900	\$37,000	\$41,100	\$44,400	\$47,700	\$50,950	\$54,250

Source: HUD, FY 2019 Income Limits Summary. Note: HCD, pursuant to federal and state law, adjusts median income levels for all counties so they are not less than the non-metropolitan county median income established by HUD (\$64,800 for 2019). In 2019, the metropolitan county and statewide median income was established as \$82,800.

Finally, the income limits for Low-Income households are shown in the figure below:

Figure 233: Statewide Low-Income Limits, California, 2019

Median Family Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$82,200	\$46,050	\$52,600	\$59,200	\$67,750	\$71,000	\$76,300	\$81,550	\$86,800

Source: HUD, FY 2019 Income Limits Summary. Note: HCD, pursuant to federal and state law, adjusts median income levels for all counties so they are not less than the non-metropolitan county median income established by HUD (\$64,800 for 2019). In 2019, the metropolitan county and statewide median income was established as \$82,800.

a. Program Resources

Housing

About \$63 million in CDBG funds were made available in the State of California in 2017-2018.³⁶⁸ According to HUD's Office of Planning and Community Development, \$7 million of that total was disbursed for direct housing activities, as defined by HUD,

³⁶⁷ HCD, State Income Limits for 2019, <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/Income-Limits-2019.pdf>

³⁶⁸ HUD Office of Community Planning and Development, Integrated Disbursement and Information System Expenditure Report, Use of CDBG Funds by California. Retrieved from: https://files.hudexchange.info/reports/published/CDBG_Expend_Granttee_AAAA-CA_CA_2017.pdf

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though many of the other activities support housing development, such as infrastructure improvements that fall into the public facilities and improvements activities category below. More than half of overall CDBG funds go to support housing when the infrastructure activities are included.

Within these housing activities, single and multifamily unit residential rehabilitation activities received the greatest proportion of funding with a total approximating \$3.8 million, followed by direct homeownership assistance, which received over \$1.5 million. As reported in the 2018-2019 CAPER, housing continued to be one of CDBG’s highest expenditures, which is consistent with CDBG’s funding priorities and federal policy goals. A breakdown of each housing activity and its expenditure, as defined by HUD, is provided in the figure below. It is worth noting that the funded activities, as coded and categorized by HUD, do not reflect the updates to the CDBG program guidelines implemented in California in 2019.³⁶⁹

Figure 234: Use of CDBG Funds on Housing by California, 2017-2018

Activity	Disbursement	Percent of Total Funding Allocation
Rehab; Single-Unit Residential	\$2,510,655	5.0%
Direct Homeownership Assistance	\$1,541,931	3.10%
Rehab; Multi-Unit Residential	\$1,280,682	2.60%
Homeownership Assistance	\$709,388	1.40%
Code Enforcement	\$697,855	1.40%
Rehabilitation Administration	\$307,553	0.60%
Total	\$7,048,064	14.02%

Source: HUD Office of Community Development, Integrated Disbursement and Information System, Expenditure Report, 2017-2018. Report available at: https://files.hudexchange.info/reports/published/CDBG_Expnd_Grant_AAAA-CA_CA_2017.pdf

Public Facilities and Improvements

Based on figures published by HUD, between July 2017 and June 2018 more than half of the state’s total CDBG disbursement (61 percent) was spent on direct public facilities and improvements, amounting to approximately \$30.7 million. A large percentage of these funds are allocated to water and sewer improvements, which has been identified as a major community development need by stakeholders during the community engagement portions of this AI assessment process. These infrastructure improvements help support affordable and multifamily housing development. The following figure describes these activities as a percentage of the total CDBG allocation.

³⁶⁹ HCD, Community Development Block Grant Final Guidelines, 2019 <https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/docs/Final-CDBG-Program-Guidelines-2019.pdf>

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Figure 235: Use of CDBG Funds on Public Facilities and Improvements by California, 2017-2018

Activity	Disbursement	Percent of Total Funding Allocation
Water/Sewer Improvements	\$14,005,134	27.85%
Street Improvements	\$4,820,402	9.59%
Fire Station/Equipment	\$2,703,214	5.38%
Other Public Improvements Not Listed in 03A-03S	\$2,525,195	5.02%
Flood Drainage Improvements	\$1,831,871	3.64%
Senior Centers	\$1,728,376	3.44%
Parks, Recreational Facilities	\$1,370,886	2.73%
Sidewalks	\$1,245,992	2.48%
Health Facilities	\$188,440	0.37%
Child Care Centers	\$129,789	0.26%
Homeless Facilities (not operating costs)	\$72,669	0.14%
Non-Residential Historic Preservation	\$60,000	0.12%
Total	\$30,681,968	61.02%

Source: HUD Office of Community Development, Integrated Disbursement and Information System, Expenditure Report, 2017-2018.

Public Services

Additionally, during the 2017-2018 Fiscal Year, 10.3 percent, or approximately \$5.2 million, was spent on Public Services activities, which included operating costs of homeless/AIDS patients programs, fair housing activities, and other housing related activities. These activities are described in the figure below as a percentage of the total CDBG allocation.

Figure 236: Use of CDBG Funds on Public Services by California, 2017-2018

Activity	Disbursements	Percent of Total Funding Allocation
Operating Costs of Homeless/AIDS Patients Programs	907,390	1.80%
Youth Services	902,326	1.79%
Food Banks	765,542	1.52%
Other Public Services Not Listed	638,517	1.27%
Senior Services	469,257	0.93%
Child Care Services	382,805	0.76%
Abused and Neglected Children	232,558	0.46%
Employment Training	215,373	0.43%
Services for victims of domestic violence, dating violence, sexual assault or stalking	203,551	0.40%
Subsistence Payment	172,034	0.34%
Neighborhood Cleanups	129,198	0.26%
Fair Housing Activities (if CDBG, then subject to 15% cap)	59,787	0.12%
Security Deposits	44,861	0.09%
Health Services	34,567	0.07%
Total	5,157,766	10.26%

Source: HUD Office of Community Development, Integrated Disbursement and Information System, Expenditure Report, 2017-2018

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Acquisition and Community Development

Between July 2017 and June 2018 HCD provided about \$2.3 million of California’s total CDBG disbursement (4.6 percent of the total allocation) to activities related to acquisition and community development. Community development activities include micro-enterprise, direct financial assistance for for-profit businesses, and infrastructure development. California’s 2019 CDBG regulations established that 30 percent of funds must be set aside for economic development. However, if the full 30 percent is not requested, funds may be spent on other activities. The following figure describes these activities as a percentage of the total CDBG allocation for the reporting period.

Figure 7: CDBG Funds Used for Acquisition and Community Development, 2017-2018

Activity	Disbursement	Percent of Total Funding Allocation
Micro-Enterprise Assistance	\$1,218,114	2.42%
Acquisition of Real Property	\$570,000	1.13%
Direct Financial Assistance to For-Profits	\$493,031	0.98%
Infrastructure Development	\$26,749	0.05%
Total	\$2,307,894	4.58%

Source: HUD Office of Community Development, Integrated Disbursement and Information System, Expenditure Report, 2017-2018.

Race & Ethnicity

Examining the racial and ethnic characteristics of the housing program applicants and beneficiaries in non-entitlement areas helps to reveal whether certain populations are being disproportionately awarded housing assistance or, conversely, left out of housing opportunities. The sections below use the 2018-2019 CAPER to describe the demographics of program beneficiaries as the latest available source for such data. Over 57 percent of families assisted by the CDBG program are non-Hispanic. Of the 281 families served by the program during 2018-2019, 162 reported being non-Hispanic. Overall, as the table below highlights, the composition of families assisted followed the demographics of non-entitlement communities, though with a few exceptions. For example, Hispanic families in the program represented a higher proportion of families assisted than the Hispanic population in non-entitlement areas. In other cases, Asian populations were not represented in the cohort of families assisted, despite being about 3 percent of the average population in non-entitlement areas.

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Figure 237: Racial and Ethnic Composition of Families Assisted by CDBG Program

Race	CDBG Program	Percent within Program	Percent of Non-Entitlement Population
White	266	94.7%	81.5%
Black or African American	7	2.5%	1.7%
Asian	0	0.0%	2.9%
American Indian or American Native	8	2.8%	3.2%
Native Hawaiian or Other Pacific Islander	0	0.0%	0.3%
Race - Total	281	100%	-
Hispanic	119	42.3%	25.8%
Non-Hispanic	162	57.7%	74.2%
Ethnicity - Total	281	100%	100%

Source: California Department of Housing and Community Development FY 2018-19 CAPER; 2013-2017 American Census Survey five-year estimates. Note: The total population includes the categories "Other" and "Two or More Races," which were not captured in the CDBG data.

HOME Program

The Home Investment Partnerships Program (HOME) assists cities and counties to create and retain affordable housing by providing grants and low-interest loans to developers (including Native American entities) and state-certified Community Housing Development Organizations (CHDOs) operating in state-eligible jurisdictions. Since 1992, the State of California has received a total of \$1.2 billion to distribute via the HOME program, including approximately \$43 million for 2018-2019.³⁷⁰ HOME loan funds are eligible for activities including housing rehabilitation; new construction; acquisition and rehabilitation for both single-family and multifamily projects; and as predevelopment loans to CHDOs. At least 50 percent of funds are awarded to rural applicants and all eligible activities benefit lower-income renters or owners.

Based on the state's Fiscal Year 2018-19 CAPER, the HOME program has supported the State of California's efforts to achieve the following fair and affordable housing goals:

- Expanding Homeownership and Improving Existing Housing
- Increasing Supply of Affordable Rental Housing
- Providing Homeless Assistance and Prevention Services

The disbursement of the resources to meet those goals is provided in the table below. It is worth noting that as reflected in HCD's 2017-18 CAPER, HCD's HOME program made available \$31,670,254, but only expended \$20,090,968 during the funding year.³⁷¹ HCD continues to review eligibility requirements and to work with local developers and CHDOs to effectively leverage available funds to meet the needs of low-income residents and protected classes.

³⁷⁰ HOME Investment Partnerships (HOME) Program, Program Progress Dashboard. Retrieved from https://files.hudexchange.info/reports/published/HOME_Dash_PJ_AAAA-CA_CA_20190630.pdf

³⁷¹ California Department of Housing and Community Development FY 2017-18 CAPER https://www.hcd.ca.gov/policy-research/plans-reports/docs/Consolidated_Annual_Performance_Evaluation_Report_FY_2017_18.pdf

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Figure 238: HOME Awarded Funding Activities, 2018-2019

Activity	Funding Award
Rental Units Construction	\$13,364,312
Direct Financial Assistance to Homebuyers	\$7,673,935
Rental Units Rehabilitation	\$1,947,890
Homeowner Housing Rehabilitated	\$1,163,873
Homeowner Housing Added	\$1,084,842
Tenant-based rental assistance/Rapid Rehousing	\$486,158
Total	\$25,721,010

Source: California Department of Housing and Community Development FY 2018-19 CAPER

d. Race and Ethnicity

It is important to analyze the race and ethnicity characteristics of residents within a HOME jurisdiction and compare them to those of the total number of HOME program applicants, beneficiaries, and rejected and wait-listed heads of household. The figure below uses information from the 2018-2019 CAPER to highlight the composition of program beneficiaries.

According to the report, non-Hispanic families received the majority of assistance from the HOME program. In 2017, 67.9 percent of HOME investments assisted non-Hispanic families. Based on feedback provided through the community engagement process of this analysis, stakeholders expressed concern over the allocation of funds to non-White communities and a perception that the HOME program underserves these communities. As the table below highlights, however, such proportions generally closely coincided with the demographic profile of the non-entitlement population. In some cases, the Hispanic and Black or African American population was overrepresented in the program's composition, based on their population percentages in non-entitlement areas.

Figure 239: Racial and Ethnic Composition of Families Assisted by HOME Program

Race	HOME Program	Percent	Percent of Non-Entitlement Population
White	227	81.1%	81.5%
Black or African American	31	11.1%	1.7%
Asian	12	4.3%	2.9%
American Indian or American Native	8	2.9%	3.2%
Native Hawaiian or Other Pacific Islander	2	0.7%	0.3%
Race - Total	280	100%	
Hispanic	90	32.1%	25.8%
Not Hispanic	190	67.9%	74.2%
Ethnicity - Total	280	100%	100%

Source: California Department of Housing and Community Development FY 2018-19 CAPER; 2013-2017 American Census Survey five-year estimates. Note: The total population includes the categories "Other" and "Two or More Races," which were not captured in the HOME data.

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In addition, examining the racial and ethnic composition of households served by the HOME program overall, the 2018-2019 CAPER also does the same for individual elements of the HOME program. As Figure 241 shows, White households received the most assistance overall, as they account for 46.8 percent of rental projects, 35.9 percent of homebuying projects, and 60.5 percent of rehabilitation projects. Combined with Hispanic households (who account for a greater percentage of homebuyer projects, but fewer of the other two categories), the two demographic groups collectively account for 87.5 percent of rental projects, 91.1 percent of homebuyer projects, 92.9 percent of homeowner rehabilitation projects. By comparison, Black or African American families occupied 6.2 percent of rental projects, 2.4 percent of homebuying projects, and 3.9 percent of homeowner rehabilitation projects, thus closely matching the average population proportions of non-entitlement areas.

Figure 240: Racial and Ethnic Composition of Families Assisted by HOME Program, as of June 2019

Race/Ethnicity	Rental Assistance	Homebuyer Assistance	Homeowner Rehabilitation Assistance
White	46.8%	35.9%	60.5%
Black or African American	6.2%	2.4%	3.9%
Asian	1.1%	2.3%	0.9%
Asian/Pacific Islander	1.0%	2.2%	0.5%
American Indian or American Native	0.9%	0.8%	0.6%
Hawaiian or Other Pacific Islander	1.0%	0.3%	0.3%
Hispanic	40.7%	55.2%	32.4%
Other	2.7%	0.9%	0.9%

Source: HOME Program, Program Progress Dashboard-Production detail Racial/Ethnic Breakout, June 2019

Program Resources

HCD received \$43 million in HOME program funds during the 2018-2019 fiscal year. According to the Program Progress Dashboard, HCD has historically used HOME program funds to support Homebuyer Assistance (with an average of 45 percent of units), Rental Assistance (42 percent), and Homeowner Rehabilitation (13 percent).³⁷² Comparatively, for the 2018-2019 fiscal year, HCD's HOME program funding varied slightly, with Homebuyer Assistance accounting for 46 percent of units; Rental Assistance, 38 percent; and Homeowner Rehabilitation, 16 percent.³⁷³

Figure 241: Number of Persons Served by Income - HOME Program

Income Category	Persons Served
Extremely Low-income	82
Low-income	86
Moderate-income	112
Total	281

Source: California Department of Housing and Community Development FY 2018-19 CAPER

³⁷² HUD Exchange, HOME Dashboard Reports, State of California June 30, 2019. Retrieved from: https://files.hudexchange.info/reports/published/HOME_Dash_PJ_AAAA-CA_CA_20190630.pdf

³⁷³ California Department of Housing and Community Development FY 2018-19 CAPER, 2018

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Assisted Households

A careful examination of the households assisted by the HOME program helps to determine the household composition of who is benefitting from the program and whether they are representative of non-entitlement areas and the eligible population. The figures below illustrate the income range, family size, and household types of persons assisted by the state’s HOME program based on data from HUD’s quarterly HOME Dashboard. It is worth noting that the quarterly data is calibrated to reflect allocations and disbursements by HOME participating jurisdictions through the most recently completed federal fiscal year.

Though the snapshot is limited to the first quarter of 2019, as the figure below highlights, low and very-low-income persons benefit most from rental assistance, while homebuyer assistance funding in California is mostly allocated to moderate-income persons. This distribution correlates to the need of low-income homebuyers who struggle to qualify to purchase a home. Furthermore, the distribution is proportionately similar to previous quarters in 2018.³⁷⁴

Figure 242: Income Range for HOME Program, April 1– June 30, 2019

Median Income	Rental	Homeowner	Homebuyer
81-100% AMI	2.0%	30.0%	60.0%
51-80% AMI	16.0%	15.0%	20.0%
31-50% AMI	46.0%	35.0%	18.0%
< 30% AMI	36.0%	20.0%	2.0%

Source: HOME Program, Performance SNAPSHOT, June 2019

During the same time period, the family size for participants in the HOME program was well distributed, however, smaller households, ranging between one and four-persons, tended to benefit more from HOME funds compared to larger households of five persons or more.

Figure 243: Household Size by HOME Program, April 1 – June 30, 2019

Household Size	Rental	Homeowner	Homebuyer
1 Person	33.7%	10.8%	38.4%
2 Persons	19.7%	15.1%	29.2%
3 Persons	15.9%	20.3%	11.4%
4 Persons	15.8%	23.7%	8.1%
5 Persons	9.0%	15.8%	6.6%
6 Persons	4.3%	8.2%	4.0%
7 Persons	1.2%	3.7%	1.1%
8 or more Persons	0.3%	2.5%	1.3%

Source: HOME Program, Performance SNAPSHOT, June 2019

³⁷⁴ HUD, HOME Dashboard Reports, <https://www.hudexchange.info/programs/home/home-dashboard-reports/>

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As the 2013-2017 ACS data shown in the table below highlights, such distribution is not far off from the proportion of household sizes in the State of California, with 2-person households accounting for 34 percent of owner-occupied households and 26 percent of renter-occupied households statewide.

Figure 244: Household Size, Tenure Type, California, 2017

Household Size	Owner-Occupied	Percent	Renter-Occupied	Percent
1-person	1,394,794	20%	1,680,889	29%
2-persons	2,355,117	34%	1,535,145	26%
3-persons	1,188,153	17%	958,811	16%
4-persons	1,127,041	16%	834,895	14%
5-persons	542,461	8%	477,967	8%
6-persons	233,219	3%	216,269	4%
7-or-more persons	183,530	3%	159,837	3%
Total	7,024,315	100%	5,863,813	100%

Source: ACS 2013-2017, California

Based on the data provided through the HOME Dashboard and Performance SNAPSHOT, HOME program rental assistance is evenly distributed among related/two parent (i.e., married or cohabitating with children), related/single parent (single parent with children), and elderly household types (64 years and above), each with about 25 percent of the distribution respectively.³⁷⁵ Meanwhile, elderly households, with about 50 percent of assistance, are the largest beneficiaries of homeowner assistance, followed by related/ two parent households, who receive about 20 percent. Related two-parent and single-parent households, with almost 80 percent of the assistance provided during the time period, get the most benefit from HOME program homebuyer assistance activities. Overall, these proportions were consistent with previous quarterly reports in 2018 and 2019.

Figure 245: Household Type by HOME Program, April 1– June 30, 2019

Family Type	Rental	Homebuyer	Homeowner
Single/Non-Elderly	15.5%	11.0%	13.6%
Elderly	27.5%	3.6%	49.4%
Related/Single Parent	26.2%	20.5%	11.9%
Related/Two Parent	26.1%	57.5%	19.8%
Other	4.6%	4.6%	4.1%

Source: HOME Program, Performance SNAPSHOT, June 2019

While these figures represent only a snapshot of program beneficiaries, a distribution that more adequately reflects the population of California would more effectively help residents in need access and receive assistance, whether for renting, homeowner rehabilitation, or homebuying.

HOME program assistance's goal is to ensure that housing remains accessible to low-income households and protected classes regardless of family size, income range, or

³⁷⁵ Freeman, Lance. Columbia University Graduate School of Architecture, Planning and Preservation, "Housing Composition and Housing Assistance: Examining the Link. Retrieved from: <https://www.huduser.gov/periodicals/cityscape/vol8num2/ch3.pdf>

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program operator. For example, based on 2012-2016 CHAS provided by HUD, renter-occupied households earning less than 80 percent of the HAMFI in California are largely small family and other family types, which coincides with the proportion of assistance provided through the HOME program administered by HCD. Meanwhile, the family type composition of owner-occupied households is more evenly distributed in California, with small families making up 31 percent and elderly, non family households making up about 25 percent.

As is the case with renter-occupied households, the distribution of HOME funding attempts to closely meet the needs of those families by household type and family size. Though continued monitoring is needed to ensure that all program operators are proactively meeting such community needs and maintaining adequate levels of access at the individual level, current statewide efforts through the HOME program are furthering fair housing goals and protecting access to housing for protected classes within the confines and goals of the program.

Figure 246: Family Type, 80% HAMFI or Less, California, 2012-2016

Family Type	Owner-Occupied	Renter-Occupied
Elderly	19.9%	5.7%
Elderly, non family	24.9%	13.1%
Large Family (5 or more persons)	12.8%	14.1%
Small Family (2 persons, neither person 62 years or over, or 3 or 4 persons)	31.0%	40.7%
Other (non elderly, non family)	11.4%	26.4%
Total	100%	100%

Source: HUD CHAS 2012-2016, California

Housing Opportunities for Persons with AIDS

While HCD administers the federal interface and planning function for the state's Housing Opportunities for Persons with AIDS program (HOPWA), the California Department of Public Health (CDPH) manages the program operations and funding. The HOPWA program funds housing assistance and supportive services designed to reduce or prevent homelessness and seeks to increase the availability of decent, safe, and affordable housing for low-income persons living with HIV (PLWH).

HOPWA had \$4,273,483 in resources available for FY 2018-2019, of which 86 percent, or \$3,680,032, was expended. 42 percent of HOPWA clients were at or below 30 percent of the AMI and at risk of homelessness if they were not already homeless. To be eligible for HOPWA services, individuals must be HIV positive, low-income (as defined by HUD), and homeless or at risk of becoming homeless. The HOPWA program assists the State of California in achieving its fair and affordable housing goals, including providing homeless assistance and prevention services and other special needs.

At the local level, HOPWA services are provided by funded health departments, housing authorities, and community-based organizations in 40 mid-size and rural counties in

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non-entitlement areas. HOPWA providers served approximately 3,880 clients during the fiscal year 2015-16. The availability of services differs from county to county. Services include:

- Short-term emergency rent
- Mortgage and utility assistance to prevent homelessness
- Housing information
- Tenant-based or project-based rental assistance
- Other supportive services

e. Race and Ethnicity

HOPWA race and ethnicity data is collected based on five single race categories and five multi-race categories. Though data collected based on those ten categories is not easily rolled into typical Census-derived categories, Figure 248 aggregates the data to provide a clear understanding of the individuals the HOPWA program currently serves in comparison to the households who are eligible. In addition to the 980 individuals reported below, there are an additional 101 beneficiaries served, for a total of 1,081.

According to the 2018 California HIV Surveillance Report, the rate of HIV infection for Black or African American residents is disproportionately higher than other races or ethnicities (1,028 per 100,000 population). Examining the households assisted by the HOPWA program, 810 White Households received assistance from the program, making up 82.7 percent of the funding, while 146 Black or African American Households received assistance, making up only 14.9 percent of the funding. In 2018, Hispanic persons living with diagnosed HIV infection have a rate of 323.1 per 100,000 population. While Hispanic households only make up 25.8 percent of non-entitlement population, 49 percent of HOPWA funds served Hispanic Households.

Figure 247: Racial and Ethnic Composition of Households Assisted by HOPWA Program

Race	HOPWA Program	Percent	Percent of Non-Entitlement Population
White	810	82.7%	81.5%
Black or African American	146	14.9%	1.7%
Asian	2	0.2%	2.9%
American Indian or American Native	19	1.9%	3.2%
Native Hawaiian or Other Pacific Islander	3	0.3%	0.3%
Race - Total	980	100%	-
Hispanic	480	49.0%	25.8%
Not Hispanic	500	51.0%	74.2%
Ethnicity - Total	980	100%	100%

Source: California Department of Housing and Community Development FY 2018-19 CAPER; 2013-2017 American Community Survey five-year estimates. Note: The total population includes the categories "Other" and "Two or More Races," which were not captured in the HOPWA data.

As reported in the 2018 California HIV Surveillance Report published annually by the California Department of Public Health (CDPH), the annual number and rate of new HIV

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diagnoses declined in California between 2014 and 2018.³⁷⁶ The number of new diagnoses declined from 5,249 in 2014 to 4,747 in 2018, while the rate of new diagnoses per 100,000 population declined from 13.5 to 11.9 during the same period. Moreover, 47.9 percent of the new diagnoses in 2018 were to Hispanic or Latino residents, 25 percent to White residents, and 18 percent to Black or African American residents. Such figures closely track the performance of the HOPWA program managed by CDPH for Hispanic and Black or African American Households.

The one-year goals for the number of households provided housing through the use of HOPWA funds are further described in the figure below. During FY 2018-19, short-term rent, mortgage, and utility assistance were made available to 636 persons living with HIV or AIDS that reside within the 40-county service area; 82 persons were provided transitional short-term housing, and 40 persons received tenant-based rental assistance. As reported by CDPH in 2018, from 2014 to 2018, the number of persons in California living with diagnosed HIV infection increased from approximately 126,372 to over 136,000. As those numbers continue to increase, the need for housing assistance for persons diagnosed with HIV/AIDS will continue to be a key priority for the State of California and its outreach to HOPWA recipients.

Figure 248: HOPWA Number of Households Served

Number of Households Served Through:	One-Year Goal	Actual
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	920	636
Tenant-based rental assistance	45	40
Units provided in permanent housing facilities developed, leased, or operated with HOPWA funds	0	0
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	96	82
Total	1,061	758

Source: California Department of Housing and Community Development FY 2018-19 CAPER

Emergency Solutions Grant

Based on the State of California’s 2018-2019 Annual Action Plan, the Emergency Solutions Grant (ESG) Program made available \$13,037,906 and expended \$12,925,874 during the program year of 2017-2018. Overall, the ESG program assisted 14,254 persons experiencing homelessness with emergency shelter programs that provide short-term shelter and supportive services. ESG Rapid Rehousing funds assisted 2,319 households and funds for ESG Street Outreach activities assisted 5,290 persons.³⁷⁷

The ESG program, as administered by HCD, is distributed by formula to two separate allocations, Continuum of Care (CoC) and Balance of State (BoS). The CoC allocations target cities or counties that receive ESG funds directly from HUD. BoS funds are allocated to Service Areas (SA) that do not contain a city or county that receives ESG

³⁷⁶ California Department Public Health, California HIV Surveillance Report, published 2018. Available at: https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/California_HIV_Surveillance_Report2018.pdf

³⁷⁷ State of California 2018-2019 Annual Action Plan, Available at: <https://www.hcd.ca.gov/policy-research/plans-reports/docs/Draft-2019-20-Annual-Action-Plan.pdf>

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funds directly from HUD. In addition, the formula considers the homeless PIT Count, poverty rates, and extremely low-income household renter cost burden data. All of ESG’s federal funds go to address homelessness and may be used for Emergency Shelter (ES), Homeless Prevention (HP), Street Outreach (SO), Rapid Rehousing (RRH), and the Homeless Management Information System (HMIS).

f. Race and Ethnicity

Based on figures published as part of the 2018-2019 CAPER, the table below provides the racial and ethnic composition of individuals served by the ESG program between July 1, 2018, and June 30, 2019. The table also presents a comparison to the demographic profile of the State of California.³⁷⁸

The data below is limited to ESG funding administered by HCD. The data also examines households, not individuals. Compared to the percentage of population statewide, White households received a majority of ESG program funds, serving 25,130 households statewide and 69.3 percent of program funds overall. Black or African American households make up 24.1 percent of HCD administered ESG funding, with 8,725 households served. In the 2018 PIT Count for the State of California, Black or African American’s made up 29.1 percent of persons experiencing homelessness statewide. Furthermore, Hispanic Households make up 29.5 percent of households served by the ESG program, but according to the 2018 CoC POT count, 31.9 percent of the State’s homeless population is Hispanic. Given the allocation formula of the ESG program, such discrepancies are due in some part to the distribution of the funding pools, but also as a direct result of the changing demographics of the homeless population, PIT Counts, poverty rates, cost burden, and other local factors that seek to provide housing assistance and supportive services to communities with unmet needs during situations of emergency.

Figure 249: Racial and Ethnic Composition of Households Assisted by ESG Program

Race	ESG Program	Percent of Program	Percent of Statewide Population
White	25,130	69.3%	60.60%
Black or African American	8,725	24.1%	5.80%
Asian	515	1.4%	14.10%
American Indian or American Native	1,498	4.1%	0.7%
Native Hawaiian or Other Pacific Islander	374	1.0%	0.4%
Race Total	36,242	-	-
Ethnicity	-	-	-
Hispanic	10,940	29.5%	38.8%
Not Hispanic	26,154	70.5%	61.2%
Ethnicity - Total	37,094	-	-

Source: California Department of Housing and Community Development FY 2018-19 CAPER; 2013-2017 American Community Survey five-year estimates. Note: The total population includes the categories “Some Other Race” and “Other,” which were not captured in the ESG data.

³⁷⁸ California Department of Housing and Community Development, SAGE ESG Data, Available at: <https://www.hcd.ca.gov/policy-research/plans-reports/docs/Attachment-D-CAPER-ESG-SAGE-2018-19.xlsx>

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National Housing Trust Fund

The National Housing Trust Fund (NHTF) is the most recent federal program administered in California by HCD. As part of NHTF, in 2017, the State of California passed Assembly Bill 74 (AB 74) to develop the Housing for a Healthy California (HHC) program, which is designed to provide funding for operating reserve grants and capitol loans primarily for housing with supportive services. The HHC program creates supportive housing for individuals who are recipients of or eligible for health care provided through the California Department of Health Care Services (DHCS), Medi-Cal program. The goal of the HHC program is to reduce the financial burden on local and state resources due to the overutilization of emergency departments, inpatient care, nursing home stays and use of corrections systems and law enforcement resources as the point of health care provision for people who are chronically homeless or homeless and a high-cost health user. Per AB 74, the HHC program is only using federal NHTF funds from 2018-2021, at which point HHC will revert back to the federal and state NHTF regulatory and funding guidelines.

The NHTF program is funded with a set-aside from new mortgage purchases in order to provide funding for new construction of permanent housing, or housing without a designated length of stay, for extremely low-income households. In practical terms, the NHTF provides a deferred payment or forgivable loan, with an affordability agreement of 55 or 50 years depending on the project. Pursuant to CFR 24 Section 93.302(d), the federal affordability period is 30 years and commences upon project completion; however, state regulations impose the affordability periods previously noted. This means, in order for projects to be eligible for funding, recipients must comply with affordability periods of 55 years for cities, counties, developers, and community housing development organizations (CHDO); and 50 years for projects located on Native American lands. These affordability periods are required and do not result in any additional points for eligible applications.

For Fiscal Year 2018-19, HCD provided \$30 million in NHTF funds to increase the supply of affordable, low-income rental housing. HCD received 29 applications and seven eligible projects were funded, amounting to 188 total assisted units.³⁷⁹ NHTF requires that units are affordable for 30 years, and the households served must be at or below the greater of either 30 percent Area Median Income (AMI) or the Federal Poverty Level.

Given the program's recent development, it is too early to fully analyze its impact in the context of California. In theory, the program should help further fair housing goals and create greater access to housing and economic opportunities to low-income households and protected classes. In practice, however, it remains to be seen how the program will be received and whether the retooling and refining of program objectives will be needed

³⁷⁹ California Department of Housing and Community Development, Annual Report for Fiscal Year 2018-2019, National Housing Trust Fund (NHTF). Available at: https://www.hcd.ca.gov/policy-research/plans-reports/docs/HCD_2018-19_Annual-Report-FINAL_web.pdf

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to fully leverage its impact on California's low-income communities and protected classes in the long term.

Community Development Block Grant Disaster Recovery

In addition to the other housing federal programs outlined in this section, HCD currently also administers three types of disaster recovery funding allocated by HUD, which directly impact housing needs and access for residents of California. Given the early stages of these programs, as of March 2020, demographic data at the household or individual level on the delivery and impact of ongoing disaster recovery efforts is limited. However, for more information about the programs and the increased vulnerability caused by climate volatility on protected classes, please refer to Chapter 12 of this assessment.

- **Community Development Block Grant National Disaster Resilience (CDBG-NDR)** HCD administers \$70 million in CDBG-NDR funding to develop the Community and Watershed Resilience Program (CWRP) to restore and mitigate from the 2013 Rim Fire in Tuolumne County. HCD was awarded CDBG-NDR funding in 2017 and the expenditure deadline is 2022. The grant must meet low and moderate-income targets as well as NDR Outcome Values, which are listed in the Quarterly Performance Reports found here: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/ndrc.shtml>. The CWRP is divided into three pillars:
 - **Forest and Watershed Health Program (FWHP):** HCD provides \$28,604,459 in funding to the Sierra Nevada Conservancy (SNC), California Conservation Corps (CCC), the California Department of Forestry and Fire Protection (CAL FIRE), and the United States Forest Service for five activities, including: (1) noxious weed abatement, (2) biomass removal and fuel reduction, (3) rangeland improvements and reconstruction, (4) development of fuel breaks, and (5) reforestation. As of quarter four of 2019, HCD has drawn down \$4,113,516.19 for the FWHP pillar.
 - **Community Resilience Center(s):** HCD provides \$19,755,000 in funding to Tuolumne County to develop Community Resilience Centers (CRCs) in Tuolumne City and Groveland. The CRCs will increase community cohesion and resilience by providing public facilities for year-round services and a central gathering point for emergencies. As of quarter four of 2019, HCD has drawn down \$383,417.00 for the CRC pillar.
 - **Biomass Utilization Facility (BUF):** HCD provides \$22,000,000 in funding to SNC to develop a revolving loan fund for biomass businesses in Tuolumne County that foster economic development or create public facilities. These funds will benefit low- and moderate-income individuals and/or create low- and moderate-income jobs. As of quarter four of 2019, HCD has drawn down \$383,417.00 for the BUF pillar.

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- **2017 CDBG Disaster Recovery (CDBG-DR)** HUD appropriated \$212,374,000 in CDBG-DR funds to the State of California to address impacts from disasters that occurred in 2017. Of the total, \$124,155,000 is intended to address unmet recovery needs and \$88,219,000 is to be used for preparedness and mitigation needs. The Unmet Recovery Needs Action Plan was approved by HUD in March 2019, and HCD executed the grant agreement for \$124 million in August 2019. At the time of this publication, the public comment draft of the CDBG Mitigation (CDBG-MIT) Action Plan was posted for public comment and will be submitted to HUD by April 6, 2020, for review and approval.

The 2017 disaster recovery dollars are designated to address unmet recovery needs and mitigation of future disasters in the DR-4344 and DR-4353 impacted counties. These counties include: Lake, Los Angeles, Mendocino, Napa, Nevada, Orange, San Diego, Santa Barbara, Sonoma, Yuba, and Ventura. In addition, HUD designated Sonoma and Ventura Counties, as well as the following five zip codes, as the most impacted and distressed areas:

- 95470 (Mendocino County)
- 95901 (Predominantly Yuba County)
- 94558 (Predominantly Napa County)
- 95422 (Predominantly the City of Clearlake in Lake County)
- 93108 (City of Montecito, located in Santa Barbara County)

The Unmet Recovery Needs CDBG-DR programs are slated to launch in 2020. The following provides an overview of the Unmet Recovery Needs and Mitigation program funding.

- Unmet Recovery Needs (\$124 million)
 - **Owner Occupied Housing Rehabilitation and Reconstruction Program** (\$47.63 million): Funding for rehabilitation and reconstruction of owner-occupied single-family homes damaged or destroyed by the 2017 disasters.
 - **Multifamily Housing Program** (\$66.7 million): Provides funding to construct apartments and mixed-use development for LMI renters (under 80 percent Area Median Income). Preference will be given to renter households displaced due to the disasters.
 - **FEMA-Public Assistance Match Infrastructure Program** (\$3.5 million): Provide match funding to local governments to address infrastructure recovery needs, including utility and water control infrastructure.

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- **2018 CDBG Disaster Recovery (CDBG-DR)** HUD allocated over \$1 billion through CDBG-DR to assist communities impacted by wildfires and high winds in 2018 under eligible FEMA disasters 4407 and 4382. HUD published the Federal Register Notice outlining the requirements of these funds on January 27, 2020.³⁸⁰ The Action Plan is currently under development. For more information, visit: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-dr-2018/index.shtml>

Conclusion

Since the last Analysis of Impediments to Fair Housing Choice (2012 AI) conducted in 2012, the State of California has embarked in a redesign and retooling of its federally funded programs to better serve the needs of local communities. Though regulatory requirements may limit the types of activities eligible for funding in some cases, the State of California is directly responding within its own program portfolio to the needs of the non-entitlement communities it directly serves. Though more can be done to fine tune the delivery and monitoring of these programs, the overall mission of the state and its agencies is to do everything possible within their portfolio to further fair housing goals and to protect fair access to housing and opportunity for all residents.

Based on the analysis provided in this section, the households served by the various federal programs administered or managed by HCD closely resemble the demographic composition of the targeted areas served. Though challenges may remain on a case-by-case basis, a continued refinement of these programs and activities in the next five years should result in greater access to fair housing opportunities for protected classes in California. For example, understanding the impact that the increase of persons living with diagnosed HIV infection may have on the HOPWA program's goals is critical to meeting the housing needs of this population. Moreover, as a diminishing supply of affordable rental units and increasing levels of housing cost burden continue to affect households, the state's CDBG and HOME programs may also need additional policy and eligibility adjustments to better meet the needs of these residents. Lastly, as disaster recovery becomes a more integral part of planning for and maintaining adequate housing access for low-income households and protected classes, the role and impact of such programs is also likely to expand.

For these reasons, it will be critical to be nimble in making program changes in response to current policy needs and evidence-based best practices. This may require exploring opportunities to move toward guideline authority rather than pursuing regulation updates for these programs in order to make those changes more quickly.

³⁸⁰ 85 FR 4681. Available here: <https://www.govinfo.gov/content/pkg/FR-2020-01-27/pdf/2020-01204.pdf>

Chapter 10: Lending Analysis

Homeownership remains a crucial path for wealth building and housing stability within California and for thousands of households across the country.³⁸¹ Historic lending practices and policies systematically excluded members of protected classes from homeownership, therefore excluding these households from the economic gains and opportunities associated with owning a home. The following analysis identifies current patterns that provide insight into homeownership access for protected classes, which includes race, color, disability, familial status, national origin, religion, and sex under the federal Fair Housing Act (FHA)³⁸² and additionally gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, veteran or military status, and genetic information under California's Fair Employment and Housing Act (FEHA),³⁸³ and highlights ongoing barriers to fair housing choice.

This chapter examines home lending patterns using the latest available data from the Home Mortgage Disclosure Act (HMDA) for the State of California from 2007 to 2018, with a focus on the 2018 dataset. More specifically, the chapter examines potential lending disparities by describing denial rates and primary reasons for denial such as debt-to-income ratio, down payment, or credit history for protected classes in the state. While HMDA data is a widely used and a reputable data source, there are limitations. Since 1975, HMDA has required certain financial institutions including banks, savings associations, credit unions, and other lenders to maintain, report, and publicly disclose loan-level information about mortgages. Datapoints include loan type, loan purpose, and illuminating patterns focused on race, ethnicity, and gender, however, HMDA data does not provide data on other individual traits such as national origin, religion, familial status, or disability status. Additionally, certain variables in the HMDA dataset combine applicant and co-applicant information, while others focus solely on home purchases and do not include refinancing or other home lending activity. HMDA data requirements were previously expanded to allow for a deeper understanding of affordable housing trends, demographic loan distributions, and predatory lending practices. Stakeholders reported that since that expansion, Congress and the Consumer Financial Protection Bureau have acted to exempt many lenders from these new requirements and raised concerns about the reliability of future HMDA data reporting.

As a statewide assessment, this analysis only includes analysis of home lending patterns on statewide trends and patterns, it does not address the regional differences across the state. In addition, data limitations from the HMDA dataset, such as size or location thresholds for reporting financial institutions, may disproportionately limit the information gathered from smaller lenders operating in rural communities and therefore may not paint the full picture of discrepancies experienced by rural borrowers.³⁸⁴

³⁸¹ Joint Center for Housing Studies of Harvard University, 2019. Available at: <https://www.jchs.harvard.edu/research-areas/homeownership>

³⁸² Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) as amended by the Fair Housing Amendments Act of 1988

³⁸³ [California Fair Employment and Housing Act \(FEHA\), Government Code section 12955](#)

³⁸⁴ Housing Assistance Council. October 2010. "Improving HMDA: A Need to Better Understand Rural Mortgage Markets" Available at: <http://www.ruralhome.org/storage/documents/noteshmdasm.pdf>

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Loan Origination, Type, and Purpose

Mortgage origination levels in California have fluctuated dramatically from 2007 to 2018. During this period, there were four years (2007, 2012, 2013, and 2016) with over one million originations, while 2008 saw a low of only 672,822. Private and public factors, such as the slow recovery of the market and the post Great Recession tightening of lending standards that occurred after 2009, may be contributing to these ebbs and flows. The result for many borrowers and financial institutions is uncertainty in the home lending market and home buying in the region.

Figure 250: All Originated Mortgages, California 2007 - 2018

Year	All Originated Mortgages	Percent Change from Previous Year
2018	845,477	-3.7%
2017	877,753	-25.1%
2016	1,172,541	18.0%
2015	993,335	32.4%
2014	750,422	-35.0%
2013	1,153,965	-17.1%
2012	1,391,720	51.8%
2011	917,070	-6.5%
2010	980,348	0.8%
2009	972,974	44.6%
2008	672,822	-45.5%
2007	1,233,502	N/A

Source: Home Mortgage Disclosure Act Data, 2018

In 2018, the vast majority, 82 percent, of loans in California were conventional loans, i.e., a private loan that is not backed by a governmental entity.³⁸⁵ This was seven percentage points higher than the national figure of 75 percent, indicating the strength of the local private lending market. The same year, only 11.8 percent of the state's home loans were Federal Housing Administration (FHA) loans, below the national figure of 15 percent. FHA loans are mortgages issued by lenders approved and insured by the FHA. They have lower down payment requirements and include other underwriting criteria that make them more accessible to borrowers with limited assets or lower credit scores.³⁸⁶ Other loans, such as Veterans Administration (VA) and United States Department of Agriculture (USDA) loans, are tailored for particular borrowers (in these cases veterans and rural residents respectively) that help to address potential lending gaps for particular subsets of borrowers.

A market that relies heavily on conventional loans, such as California during 2018, is likely a reflection of the overall health and strength of the mortgage and real estate market of the state. However, over the long-term, a shift away from government-backed

³⁸⁵ Consumer Financial Protection Bureau. Conventional Loans. Retrieved from:

<https://www.consumerfinance.gov/owning-a-home/loan-options/conventional-loans/>

³⁸⁶ U.S. Department of Housing and Urban Development "Let FHA Loans Help You". Available at:

<https://www.hud.gov/buying/loans>

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mortgages may also signal a narrowing of options for borrowers from protected classes that have been historically left out of the private mortgage market and may now be simply be unwilling or unable to participate in homeownership opportunities altogether.

Figure 251: Loan Type, California, 2018

Loan Type	Number of Records	Percent of Total Number of Records	Dollar Amount (\$)
Conventional	1,394,573	82.0%	\$586,396,215,000
FHA	201,057	11.8%	\$64,786,765,000
VA	100,536	5.9%	\$40,154,800,000
USDA	3,569	0.2%	\$746,995,000

Source: Home Mortgage Disclosure Act Data, 2018

While a substantial percentage of loans are used to secure the purchase of a home, cash-out or other refinancing products are also driving the lending market. As shown in the figure below, 39 percent of mortgage originations in California were for home purchases in 2018, while 42 percent were for refinancing or cash-out purposes during the same period. At \$486,849, the average home purchase loan was just slightly larger than the \$472,629 average refinancing product. The large refinancing market may demonstrate a preference from lending institutions towards capitalizing on existing assets, rather than to take a risk on new loans and unproven assets. This provides current property owners with an opportunity to take advantage of dropping interest rates and rising local home values to refinance or cash out, but, conversely, may inhibit the purchase of new homes. Ultimately, households that were able to enter the market either prior to the Great Recession or post-recovery will continue to reap the benefits of their investments, while households that lost their home during the Great Recession or remain unable to enter the market will continue to experience a widening gap in homeownership opportunities and wealth-building potential.

Figure 252: Loan Purpose, California 2018

Loan Purpose	Number of Records	Percent of total	Dollar Amount (\$)
Home Purchase	668,474	39.3%	325,445,960,000
Home Improvement	151,683	8.9%	25,566,645,000
Refinancing	297,430	17.5%	140,574,010,000
Cash Out Refinancing	420,738	24.8%	165,453,570,000
Other Purpose	136,336	8.0%	27,942,420,000
Not Applicable	25,074	1.5%	7,102,170,000

Source: Home Mortgage Disclosure Act Data, 2018

A closer look at home purchase loan figures shows a clear similarity to the market as a whole. In 2018, conventional loans were the primary loan type used in just over 77 percent of all home purchases; FHA loans accounted for almost 16 percent; while VA and USDA loans totaled about 7 percent. A dependency on conventional loans that are not backed by a government entity reflects a robust private market that may be difficult to

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enter for protected classes, particularly those communities already facing financial and economic hurdles that make it difficult to secure private sources of capital or lending.

Figure 253: Loan Type, Home Purchases, California 2018

Loan Type	Number of Records	Percent of Total	Dollar Amount (\$)
Conventional	515,511	77.1%	270,668,715,000
FHA	106,137	15.9%	35,635,845,000
VA	43,486	6.5%	18,438,370,000
USDA	3,340	0.5%	703,030,000

Source: Home Mortgage Disclosure Act Data, 2018

Barriers to entry to the private home lending market for some populations are reflected in the demographics of home lending activity in the state. According to HMDA data, which relies on self-reporting, 64 percent of all loans, a majority, were given to White, non-Hispanic borrowers, though the same demographic was only 37.9 percent of the population. While Black or African Americans, non-Hispanic made up 5.5 percent of the state's population, they were 6.2 percent of loan borrowers and co-borrowers. The level of lending activity among Asians was significantly above their percentage of the population (22.3 percent compared to 13.9 percent), however, for American Indian or Alaska Native and Native Hawaiian or Other Pacific Islander borrowers, the level of lending activity slightly surpassed their overall proportion of the state's population.

Figure 254: Lending Activity, Derived Race of Borrower, California 2018

Race, Non-Hispanic	Percent of CA Population (Non-Hispanic)	Number of Records	Percent of Total Loans
American Indian or Alaska Native	0.4%	4,399	0.5%
Asian	13.9%	211,888	22.3%
Black or African American	5.5%	59,122	6.2%
Native Hawaiian or Other Pacific Islander	0.4%	6,632	0.7%
White	37.9%	607,995	64.0%
Two or more races	2.9%	2,463	0.3%
Joint	-	33,657	3.5%
Free Form Text Only*	-	152	0.02%
Race Not Available	-	23,539	2.5%

Source: Home Mortgage Disclosure Act Data, 2018, U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates. *Note: The Free Form Text Only field denotes an instance in which the borrower provided a category not listed by the financial institution and instructed in the filing procedures for HMDA

https://files.consumerfinance.gov/f/documents/cfpb_reportable-hmda-data_regulatory-and-reporting-overview-reference-chart-2019.pdf

It should be noted that given the voluntary nature of HMDA data, about 2.5 percent of all lending activity did not have a race reported for the borrower or co-borrower. Moreover, since the derived variable provided by HMDA combines borrower and co-borrower characteristics, there were nearly 3 percent of loans reported as joint borrowers where the borrower and co-borrower represented a combination of White and non-White races

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that could not be classified under one of the other race categories.³⁸⁷ Finally, it is worth noting that the previous figure is missing the percentage of Hispanics or Latinos in California, which is explored in the figure below.

As with Black borrowers, Hispanic or Latino borrowers are also underrepresented in California’s home lending activity. As the figure below highlights, while Hispanic or Latinos are almost 39 percent of the total population of the state, Hispanic or Latino borrowers represented only 24 percent of all lending activity.

Figure 255: Lending Activity, Derived Ethnicity of Borrower, California 2018

Ethnicity	Percent of CA Population	Number of Records	Percent of Total Loans
Hispanic or Latino	38.8%	300,481	24.0%
Not Hispanic or Latino	61.2%	949,847	76.0%
Total	100.0%	1,250,328	100.0%

Source: Home Mortgage Disclosure Act Data, 2018, U.S Census Bureau, 2013-2017 American Community Survey 5-Year estimates

Given the market share and underwriting criteria for conventional loans (which often include higher credit scores, larger down payments, and smaller debt-to-income ratios), households of color may not be able to access these products, resulting in a lower rate of lending activity.³⁸⁸ Moreover, a 2019 study by the University of California at Berkeley found that a recent shift towards online mortgage applications and algorithms has led to higher interest rates for certain borrowers. Black or African American and Hispanic or Latino borrowers, for example, pay 5.6 to 8.6 basis points higher interest on loans than White and Asian borrowers do.³⁸⁹ However, the study also found that a shift towards online lending may actually help alleviate some forms of discrimination, and the ability to comparison shop has given underserved homebuyers more options to secure a mortgage. Algorithm bias was a concern in conversations with stakeholders. More specifically, stakeholders worried that online loan applications may foster a modern version of redlining if algorithms replicate systemic inequities experienced by different racial and ethnic groups.

In addition to racial and ethnic inequity, there is also a pronounced gender gap in lending activity. While females make up 50.3 percent of California’s population, female borrowers represented only 39.2 percent of all lending activity in 2018. Meanwhile, male borrowers, who were only 49.7 percent of the population, represented 60.8 percent of all lending activity. Though an array of socioeconomic factors, such as pay disparity, may help explain these discrepancies, a clear gender gap remains.

³⁸⁷ Consumer Finance Protection Bureau, Derived Fields Categorization, retrieved from:

<https://github.com/cfpb/hmda-platform/wiki/Derived-Fields-Categorization>

³⁸⁸ Bialik, Kristen and Desilver, Drew. Pew Research Center. January 2017. Blacks and Hispanics Face Extra Challenges in Getting Home Loans. Available at: <https://www.pewresearch.org/fact-tank/2017/01/10/blacks-and-hispanics-face-extra-challenges-in-getting-home-loans/>

³⁸⁹ Bartlett, Robert, et. al. University of California, Berkeley. November 2019. “Consumer-Lending Discrimination in the FinTech Era”. Available at: http://faculty.haas.berkeley.edu/morse/research/papers/discrim.pdf?_ga=2.249524615.1252735005.1572537784-1463675270.1568822603

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Figure 256: Lending Activity, Derived Sex, California 2018

Gender	Number of Records	Percent of Loans	Percent of State Population
Male	491,621	60.8%	49.7%
Female	316,803	39.2%	50.3%
Total	808,424	100.0%	100.0%

Source: Home Mortgage Disclosure Act Data, 2018, U.S Census Bureau, 2013-2017 American Community Survey 5-Year estimates

a. Loan Denials

A closer look at denial rates per loan type, loan purpose, and borrower demographics supplements the examination of application numbers to help reveal potential disparities in the home lending market.

Not surprisingly, conventional loans, by far the most common loan product in the state, also make up the largest proportion of denials, with 86 percent of the total, as well as the highest aggregate dollar amount of loans denied, which topped \$80 billion in 2018. Roughly, 19 percent of all conventional loans are denied, while government-backed FHA and VA loans have denial rates of approximately 13.6 percent and 14 percent, respectively. This 5 percent gap in denial rates between conventional loans and FHA and VA loan types may indicate that conventional loan products are not meeting the needs of borrowers.

Figure 257: Loan Application Denials, Loan Type, California 2018

Loan Type	Number of Applications Denied	Percent of Denials within Group	Percent of All Denials	Dollar Amount (\$)
Conventional	262,917	18.9%	86.3%	80,192,415,000
FHA	27,382	13.6%	9.0%	8,654,460,000
VA	14,027	14.0%	4.6%	5,369,295,000
USDA	358	10.0%	0.1%	85,930,000

Source: Home Mortgage Disclosure Act Data, 2018

Although a large percentage of the lending market in California consists of refinancing and cash-out refinancing loans, denial rates have been consistently higher for these loan types as compared to home purchase loans. As the figure below highlights, refinancing and cash-out refinancing loans had denial rates of 19.9 percent and 18 percent respectively, while home purchase loans had a denial rate of less than 8 percent. Home improvement loans, however, had a significantly higher denial rate, as nearly 40 percent were denied in 2018. Other purpose loans, which include all loans used for transactions other than home purchases, home improvements, refinancing, or cash-out refinancing, had the highest denial rate of 42 percent. Notably, despite the fact that cash-out refinancing loans are generally considered riskier loans than home improvement loans, the denial rate for cash-out refinancing loans was half of their rate, which points to a potential preference from lenders for loans that more easily tap into

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existing increases in home values, rather than improvements in a property that may make the collateral increase in value.³⁹⁰

Figure 258: Loan Application Denials, Loan Purpose, California 2018

Loan Purpose	Number of Applications Denied	Percent of Denials within Group	Percent of Total Denials	Dollar Amount (\$)
Home Purchase	52,171	7.8%	17.1%	23,947,315,000
Home Improvement	60,108	39.6%	19.7%	8,532,010,000
Refinancing	59,077	19.9%	19.4%	23,668,335,000
Cash Out Refinancing	75,908	18.0%	24.9%	29,046,390,000
Other Purpose	57,025	41.8%	18.7%	9,031,095,000
Not Applicable	395	1.6%	0.1%	76,955,000

Source: Home Mortgage Disclosure Act Data, 2018

At the borrower level, HMDA data from 2018 reveals that gender alone may have little impact on denial rates. The figure below uses a derived variable that combines the gender characteristics of primary borrowers and co-borrowers, demonstrating female and male borrowers had similar denial rates of around 22 percent within their respective demographic groups. Individually, male borrowers, who also represent the higher volume of loans in the state, made up the highest percentage of all denials in 2018 with 35 percent. The data shows a distinct gap in application rates for men and women, there is not an appreciable gap in denial rates between men and women.

Figure 259: Total Denials by Sex, California 2018

Derived Sex	Number of Applications Denied	Percent of Denials within Group	Percent of All Denials	Dollar Amount (\$)
Female	68,275	21.6%	22.4%	16,600,685,000
Joint	101,861	16.4%	33.4%	33,657,655,000
Male	106,705	21.7%	35.0%	31,665,735,000
Sex Not Available	27,845	10.3%	9.2%	12,378,385,000
Total	304,686	N/A	100%	94,302,460,000

Source: Home Mortgage Disclosure Act Data, 2018

Across all races and ethnicities, Non-White borrowers had higher denial rates than White borrowers for all lending activity in the state, including home purchase, home improvement, refinancing, and other purpose loans. American Indian or Alaska Native borrowers had denial rates of 31.1 percent in 2018, while Black or African American and Hispanic or Latino borrowers were denied at rates of 24.4 percent and 23.1 percent respectively. Asian borrowers, with a denial rate of 20.2 percent, were closest to parity with White borrowers, who had a denial rate of 18 percent. Overall, the proportion of denials matched the breakdown of the loan volume by the different demographic

³⁹⁰ Federal Deposit Insurance Corporation, Risk Management Manual of Examination Policies. Section 3.2 Loans. Available at: <https://www.fdic.gov/regulations/safety/manual/section3-2.pdf>

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groups. In 2018, 53.5 percent of applicants were White and also had the highest percentage of all denials in 2018.

Figure 260: Total Denials by Derived Race and Ethnicity, California 2018

Race	Number of Applications Denied	Percent for Group	Percent of All Denials	Dollar Amount (\$)
American Indian or Alaska Native	3,494	31.1%	1.2%	653,070,000
Asian	45,752	20.2%	15.0%	15,698,380,000
Black or African American	15,673	24.4%	5.1%	4,214,515,000
Native Hawaiian or Other Pacific Islander	3,405	33.5%	1.1%	685,865,000
White	163,056	18.0%	53.5%	47,855,790,000
Two or more minority races	1,089	31.3%	0.4%	243,875,000
Joint	7,213	15.8%	2.4%	2,332,865,000
Free Form Text Only	394	53.0%	0.1%	51,520,000
Race Not Available	64,608	15.0%	21.2%	22,566,220,000
Total	304,684	-	100%	94,302,100,000
Ethnicity	-	-	-	-
Hispanic or Latino	69,373	23.1%	22.8%	13,989,615,000

Source: Home Mortgage Disclosure Act Data, 2018

b. Loan Denial Reasons for Home Purchases

In addition to general denial rates based on the loan type, loan purpose, and borrower characteristics, an analysis of the primary reasons for application denials helps reveal potential barriers that may keep some borrowers from adequately accessing homeownership opportunities in California. This analysis looks at the reasons for denial through the lens of gender and race to highlight potential barriers to fair housing choice. However, the majority of data points fall into the “not applicable” category, demonstrating a shortcoming in the data.

In 2018, the reasons for loan denial were quite similar across gender. The primary reason given for a loan denial for both men and women, at 3.4 percent and 4 percent respectively, was the debt-to-income ratio. According to the Consumer Financial Protection Bureau (CFPB), this ratio is one way lenders measure borrowers’ ability to manage the monthly mortgage payments to pay off a loan. In most cases, a debt-to-income ratio of 43 percent is the highest ratio a borrower can have and still get a Qualified Mortgage, which is a type of home loan that has met certain requirements to protect borrowers from “risky” loan features and provides certain legal protections for the lender once they have determined a borrower’s ability to repay the loan.³⁹¹ Credit

³⁹¹ Consumer Finance Protection Bureau. November 2019. “What is a debt-to-income ratio? Why is the 43% debt-to-income ratio important?”. Available at: <https://www.consumerfinance.gov/ask-cfpb/what-is-a-debt-to-income-ratio-why-is-the-43-debt-to-income-ratio-important-en-1791/>

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history also appears to be a factor for both men and women borrowers with a slightly higher percentage of women being denied than men.

Figure 261: Primary Reason for Denial by Derived Sex, Home Purchases, California 2018

Reason for Denial	Number of Male Applicants	Percent of Denials (Male)	Number of Female Applicants	Percent of Denials (Female)	Total	Percent of Total
Debt-to-income ratio	6,548	3.40%	4,089	3.60%	10,637	3.50%
Employment history	352	0.20%	200	0.20%	552	0.20%
Credit history	2,751	1.40%	2,014	1.80%	4,765	1.60%
Collateral	2,592	1.40%	1,430	1.30%	4,022	1.20%
Insufficient cash (down payment, closing costs)	923	0.50%	469	0.40%	1,392	0.50%
Unverifiable information	1,756	0.90%	917	0.80%	2,673	0.90%
Credit application incomplete	2,378	1.20%	1,257	1.10%	3,635	1.20%
Mortgage insurance denied	18	0.00%	5	0.00%	23	0.00%
Other	1,639	0.90%	914	0.80%	2,553	0.80%
Not applicable*	172,458	90.10%	103,067	90.10%	275,525	90.10%
Total	191,415	100%	114,362	100.0%	305,777	100%

*Source: Home Mortgage Disclosure Act Data, 2018. *Note: A financial institution may file a reason for denial as “not applicable” if the action taken on the application is not a denial. For example, a financial institution may report a denial as “not applicable” if the loan is originated or purchased by the financial institution, or the application or preapproval request was approved but not accepted, or the application was withdrawn before a credit decision was made, or the file was closed for incompleteness. For partially exempt transactions, under federal regulation § 1003.3(d), an insured depository institution or insured credit union is not required to report the principal reason or reasons it denied an application.³⁹²*

In 2018, the primary reason for denials of home purchases for borrowers based on race and ethnicity was debt-to-income ratio across all demographic groups. This included approximately 5 percent of all denials for American Indian or Native Alaskan and Native Hawaiian or Other Pacific Islander borrowers; 4 percent of Black and Hispanic borrowers; and 3 percent of Asian and White borrowers. This reflects similar trends with lending by gender, with credit history the second most cited reason for home purchases denials across the demographic spectrum, accounting for 1.5 percent of all denials. American Indian or Native Alaskan borrowers were hit hardest, with credit history cited as the reason for 3.2 percent of their denials, while Asian borrowers fared the best, with credit history only being the major factor in 1 percent of loans. Notably, down payment assistance (or insufficient cash as it is reported in the HMDA data) did not play a critical role in denial rates for most demographic groups in California.

³⁹² [12 CFR Part 1003 \(Regulation C\)](#)

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Figure 262: Primary Reason for Denial by Derived Race and Ethnicity, Home Purchases, California 2018

Reason for Denial	American Indian or Native Alaskan, Non-Hispanic Count	American Indian or Native Alaskan, Non-Hispanic %	Asian, Non-Hispanic Count	Asian, Non-Hispanic %	Black or African American, Non-Hispanic Count	Black or African American, Non-Hispanic %	Native Hawaiian or Other Pacific Islander, Non-Hispanic Count	Native Hawaiian or Other Pacific Islander, Non-Hispanic %	White, Non-Hispanic Count	White, Non-Hispanic %	Hispanic or Latino of Any Race Count	Hispanic or Latino of Any Race %	Total Count	Total %
Debt-to-income Ratio	160	5.0	3,453	3.3	829	4.0	119	4.9	9,716	2.8	4,389	3.7	18,666	3.1
Employment History	3	0.1	181	0.2	46	0.2	3	0.1	602	0.2	267	0.2	1,102	0.2
Credit History	100	3.2	1,005	1.0	539	2.6	61	2.5	4,712	1.3	2,529	2.1	8,946	1.5
Collateral	41	1.3	1,248	1.2	286	1.4	23	0.9	4,105	1.2	1,493	1.2	7,196	1.2
Insufficient Cash (down payment, closing costs)	12	0.4	541	0.5	101	0.5	14	0.6	1,431	0.4	526	0.4	2,625	0.4
Unverifiable Information	30	0.9	1,014	1.0	187	0.9	20	0.8	2,622	0.7	1,138	1.0	5,011	0.8
Credit Application Incomplete	39	1.2	1,516	1.4	254	1.2	34	1.4	3,404	1.0	1,147	1.0	6,394	1.1
Mortgage Insurance Denied	-	0.0	6	0.0	3	0.0	-	0.0	26	0.0	16	0.0	51	0.0
Other	31	1.0	916	0.9	199	0.9	28	1.1	2,609	0.7	1,102	0.9	4,885	0.8
Not applicable	2,754	86.9	95,170	90.6	18,506	88.3	2,138	87.6	321,564	91.7	107,017	89.5	547,149	90.9
Total	3,170	100	105,050	100	20,950	100	2,440	100	350,791	100	119,624	100	602,025	100

Source: Home Mortgage Disclosure Act Data, 2018

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c. Loan Denial Based on Race, Ethnicity, and Income

Examining denial rates by race, ethnicity and income helps to underscore the financial and economic shortcomings that may contribute to a lack of homeownership opportunities for protected racial and ethnic classes in California. The following section uses derived variables provided by HMDA that combine borrower and co-borrower information for home purchase loans in 2018. Income data is measured through the Federal Financial Institutions Examination Council-calculated Median Family Income (MFI), which estimates median family incomes for metropolitan statistical areas, metropolitan divisions, and nonmetropolitan portions of each state, including California. Together, these statistics help us better understand the current situation.

When examined by race, denial rates for an applicant at 30 percent and below of the MFI ranged from 24.1 percent to 41.4 percent. As the figure below highlights, American Indian or Alaskan Native borrowers making 30 percent and below of the MFI had the highest denial rate at 41.4 percent, while Asian borrowers had the lowest rate at 24.1 percent. Black or African American borrowers and Hispanic or Latino borrowers had similar denial rates at 38.1 percent and 37.2 percent, respectively, while White borrowers were denied at a rate of 29.2 percent.

Figure 263: Home Purchase Loan Denials by Derived Race, 30 Percent and Below FFIEC Median Family Income, California 2018

Race/Ethnicity	Income Bracket (Percent of FFIEC Median Family Income)	Total Loan Applications	Number of Loans Denied	Percent of Loans Denied
American Indian or Alaskan Native	30% and Below	99	41	41.4%
Asian	30% and Below	3,580	861	24.1%
Black or African American	30% and Below	496	189	38.1%
Native Hawaiian or Other Pacific Islander	30% and Below	41	10	24.4%
White	30% and Below	5,856	1,708	29.2%
Hispanic or Latino	30% and Below	2,175	809	37.2%

Source: Home Mortgage Disclosure Act Data, 2018

Raising the income bracket to an MFI of 31 percent to 50 percent shows a sizable drop in denial rates for all demographic groups. In this bracket, Black or African Americans had the highest denial rate at 14 percent; followed by Native Hawaiian or Other Pacific Islander borrowers at 12.6 percent; American Indian or Alaskan Native at 12.4 percent; Hispanic or Latino borrowers at 12.1 percent; Asians at 10.7 percent; and White borrowers, who now showed the lowest denial rate at 10.6 percent.

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Figure 264: Home Purchase Loan Denials by Race, 31 to 50 Percent FFIEC Median Family Income, California 2018

Race	Income Bracket (Percent of FFIEC Median Family Income)	Total Loan Applications	Number of Loans Denied	Percent of Loans Denied
American Indian or Alaskan Native	31%-50%	153	19	12.4%
Asian	31%-50%	3,535	380	10.7%
Black or African American	31%-50%	1,585	222	14.0%
Native Hawaiian or Other Pacific Islander	31%-50%	111	14	12.6%
White	31%-50%	11,427	1,208	10.6%
Hispanic or Latino	31%-50%	6,963	846	12.1%

Source: Home Mortgage Disclosure Act Data, 2018

At income levels of 51 percent to 100 percent of MFI, denial rates decreased for White, Black or African American, Hispanic or Latino, and Asian borrowers, but increased for American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander borrowers. White borrowers continued to have the lowest denial rate in this income bracket at 9 percent, while Native Hawaiian or Other Pacific Islanders had the highest, at 15 percent.

Figure 265: Home Purchase Loan Denials by Race, 51 to 100 Percent FFIEC Median Family Income, California 2018

Race	Income Bracket (Percent of FFIEC Median Family Income)	Total Loan Applications	Number of Loans Denied	Percent of Loans Denied
American Indian or Alaskan Native	51%-100%	1,378	194	14.1%
Asian	51%-100%	31,029	3,182	10.3%
Black or African American	51%-100%	8,985	1,005	11.2%
Native Hawaiian or Other Pacific Islander	51%-100%	943	141	15.0%
White	51%-100%	124,735	11,234	9.0%
Hispanic or Latino	51%-100%	59,087	6,460	10.9%

Source: Home Mortgage Disclosure Act Data, 2018

At income levels between 101 percent and 200 percent of MFI, denial rates hovered between 9 percent and 11 percent for most demographic groups, with the exception of White borrowers who had a denial rate of under 8 percent. At these income levels, the discrepancies between income brackets was also largely dissipate. For example, White borrowers at 101-150 percent MFI had almost identical denial rates as White borrowers in the 151-200 percent MFI range.

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Figure 266: Home Purchase Loan Denials by Race, 101 to 200 Percent FFIEC Median Family Income, California 2018

Race	Income Bracket (Percent of FFIEC Median Family Income)	Total Loan Applications	Number of Loans Denied	Percent of Loans Denied
American Indian or Alaskan Native	101%-150%	993	115	11.6%
Asian	101%-150%	36,951	3,339	9.0%
Black or African American	101%-150%	6,189	659	10.6%
Native Hawaiian or Other Pacific Islander	101%-150%	942	108	11.5%
White	101%-150%	124,725	9,482	7.6%
Hispanic or Latino	101%-150%	34,413	3,233	9.4%
American Indian or Alaskan Native	151%-200%	330	33	10.0%
Asian	151%-200%	36,951	3,339	9.0%
Black or African American	151%-200%	2,243	240	10.7%
Native Hawaiian or Other Pacific Islander	151%-200%	257	22	8.6%
White	151%-200%	51,495	3,992	7.8%
Hispanic or Latino	151%-200%	9,720	866	8.9%

Source: Home Mortgage Disclosure Act Data, 2018

At the highest income levels, 201 percent and above MFI, differences among demographic groups reappeared. As the figure below highlights, the denial rate for American Indian or Alaskan Native borrowers jumped from 10 percent at 151 percent to 200 percent MFI up to 20.6 percent at 201-300 percent MFI, while denial rates for White borrowers only rose from 7.8 percent to 8.8 percent between the same brackets. Though the nature of the loans at these income levels may have contributed to denial rates (for example, they may have been for luxury purchases such as investment properties or vacation homes) the differences based on demographics alone are worth noting.

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Figure 267: Home Purchase Loan Denials by Race, 201 Percent and above FFIEC Median Family Income, California 2018

Race	Income Bracket (Percent of FFIEC Median Family Income)	Total Loan Applications	Number of Loans Denied	Percent of Loans Denied
American Indian or Alaskan Native	201%-300%	63	13	20.6%
Asian	201%-300%	4,701	476	10.1%
Black or African American	201%-300%	429	47	11.0%
Native Hawaiian or Other Pacific Islander	201%-300%	54	6	11.1%
White	201%-300%	16,262	1,431	8.8%
Hispanic or Latino	201%-300%	1,893	182	9.6%
American Indian or Alaskan Native	Above 300%	3	0	0.0%
Asian	Above 300%	229	26	11.4%
Black or African American	Above 300%	29	5	17.2%
Native Hawaiian or Other Pacific Islander	Above 300%	1	0	0.0%
White	Above 300%	1,502	162	10.8%
Hispanic or Latino	Above 300%	53	8	15.1%

Source: Home Mortgage Disclosure Act Data, 2018

d. Regional Analysis

The following analysis examines denial rates for home purchase loans by race and ethnicity at a regional level to identify potential patterns of discrimination. Overall, denial rates appear to be generally consistent across regions, with a few notable exceptions. At 16.1 percent, American Indian or Alaskan Native borrowers had a higher denial rate in the San Francisco Bay Area Region than in other regions, where they ranged from 11.5 percent to 13.6 percent. Hispanic or Latino borrowers experienced similar regional discrepancies, from a low of an 8.3 percent denial rate in the San Joaquin Valley Region, up to 15.7 percent in the Eastern Central Region. Denial rates for Asian borrowers ranged from 7.2 percent in San Diego County to 10.6 percent and 10.8 percent in Eastern Central California and Northern California Regions, respectively. Black or African American borrowers had a zero percent denial rate in Eastern Central California, where there are few Black or African American borrowers, but a 13 percent denial rate in the Northern California Region where their demographic share is larger. White borrowers, with the lowest average denial rate, were largely consistent across regions, from a low of 7 percent in the San Joaquin Valley to a high of 9.5 percent in the Central Coast Region. Generally, this analysis shows some diversity in mortgage markets within California by region.

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Figure 268: Home Purchase Loan Denials by Derived Race and Ethnicity, California Regions 2018

Derived Race/Ethnicity	Greater Los Angeles	San Francisco	Sacramento	San Joaquin Valley	San Diego	Central Coast	Northern	Eastern Central
American Indian or Alaskan Native	13.6%	16.1%	12.5%	12.3%	11.5%	13.0%	13.4%	12.5%
Asian	10.0%	9.2%	9.1%	9.1%	7.2%	10.2%	10.8%	10.6%
Black or African American	11.8%	11.4%	11.7%	10.7%	9.9%	9.9%	12.6%	0.0%
Native Hawaiian or Other Pacific Islander	14.1%	14.9%	11.6%	10.8%	9.1%	17.0%	7.5%	11.1%
White	9.1%	8.1%	7.8%	7.0%	8.3%	9.5%	7.6%	8.2%
Hispanic or Latino	10.9%	12.6%	11.0%	8.3%	11.1%	13.0%	11.3%	15.7%

Source: Home Mortgage Disclosure Act Data, 2018

Chapter 11: Fair Housing Trends and Complaints

Complaints filed under state and federal fair housing laws are useful tools in determining the types of discrimination households in California most commonly face, and which areas or communities are most affected. This chapter provides an overview of fair housing resources within the state, and it compiles data from the California Department of Fair Employment and Housing, the state agency charged with enforcing the state's fair housing laws, and HUD, including its Office of Fair Housing and Equal Opportunity.

Fair Housing Resources

The State of California's Fair Housing enforcement entities represent a combination of local, regional, state, and federal organizations and agencies that provide educational services and investigate and prosecute fair housing claims. Feedback from stakeholders indicates an ongoing need for additional assistance and resources to educate, investigate, and enforce fair housing complaints. Approximately 64 percent of respondents to the Community Needs Assessment Survey conducted for this analysis ranked fair housing as a high need for the State of California. Additionally, respondents highlighted the need to expand fair housing outreach and education efforts to ensure residents understand their protections and know how and where to submit a fair housing complaint. Stakeholders also expressed the need for greater coordination among fair housing agencies and organizations and the need to expand fair housing outreach on issues related to tenants' rights, landlord compliance with fair housing laws, and rental housing discrimination based on source of income, such as Housing Choice Vouchers (HCV).

g. California Department of Fair Employment and Housing (DFEH)

The California Department of Fair Employment and Housing (DFEH), in partnership with HCD, which enforces fair housing as it relates to Assembly Bill 686 (2018), is responsible for enforcing California's state fair housing laws. The department handles fair housing complaints, provides resources to the community, and cooperates with HUD if the matter falls into HUD's jurisdiction.³⁹³

U.S. Department of Housing and Urban Development – Office of Fair Housing and Equal Opportunity (FHEO)

HUD's Office of Fair Housing and Equal Opportunity (FHEO) works to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities.³⁹⁴ FHEO investigates fair housing complaints, conducts compliance reviews, ensures civil rights in HUD programs, and manages fair housing grants.

³⁹³ California Department of Fair Employment and Housing. State Law prohibits discrimination in housing. Retrieved from: <https://www.dfeh.ca.gov/housing-2/>

³⁹⁴ HUD Office of Fair Housing and Equal Opportunity. About FHEO. Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo

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Fair Housing Initiatives Program Organizations (FHIP)

The organizations in the following table are funded by HUD’s Fair Housing Initiatives Program (FHIP). FHIP supports organizations in assisting people who believe they have been victims of housing discrimination by funding preliminary investigations of the claims.³⁹⁵ There are 15 organizations across the state, including local organizations, regional organizations, and statewide organizations, that provide fair housing assistance through FHIP.

Figure 269: Fair Housing Initiatives Program Contacts

Name	Service Area	Address	Phone	Website
Greater Bakersfield Legal Assistance, Inc.	Kern County, CA	615 California Ave. Bakersfield, CA 93304	661-325-5943	http://www.gbla.org/
Fair Housing Council of Central California	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba	333 W. Shaw Ave. Ste. 14 Fresno, CA 93704	559-244-2950	http://www.fhc-cc.org/index.html
Mental Health Advocacy Services, Inc.	Los Angeles area	3255 Wilshire Blvd. Ste. 902 Los Angeles, CA 90010	213-389-2077	http://mhas-la.org/
Southern California Housing Rights Center	The City of Los Angeles, Los Angeles County, Antelope Valley, & Ventura County	3255 Wilshire Blvd. 1150 Los Angeles, CA 90010	213-387-8400	http://www.hrc-la.org/default.asp?id=6
Housing and Economic Rights Advocates	State of California	1814 Franklin St. Ste. 1040 Oakland, CA 94612	510-271-8443	http://www.heraca.org/
Bay Area Legal Aid	San Rafael, Napa, Richmond, Oakland, San Francisco, Redwood City, & San Jose	1735 Telegraph Ave. Oakland, CA 94612	510-663-4755	https://baylegal.org/

³⁹⁵ HUD Office of Fair Housing and Equal Opportunity. Fair Housing Initiatives Program. Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHIP

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Name	Service Area	Address	Phone	Website
California Rural Legal Assistance, Inc.	Riverside, San Joaquin, Stanislaus, Tulare, Kern, Madera, Fresno, Kings, Imperial, Sacramento, San Benito, Colusa, Sutter, Yuba, Merced, Monterey, San Diego, Ventura, San Luis Obispo, Santa Barbara, Santa Cruz, and Napa	2210 K St. Ste. 201 Sacramento, CA 95816	916-446-7904	https://www.crlaf.org/
Fair Housing Napa Valley (FHNV)	Napa County	1804 Soscol Ave. Ste. 203 Napa, CA 94559	707-224-9720	http://www.napafairhousing.org/
Inland Fair Housing & Mediation Board	San Bernardino & Imperial counties	1500 S. Haven Ave. # 100 Ontario, CA 91761	909-984-2254	http://ifhmb.com/
Fair Housing Council of Riverside County, Inc.	Riverside County, CA	3933 Mission Inn Ave. Riverside, CA 92501	951-682-6581	http://fairhousing.net/
Orange County Fair Housing Council, Inc.	Orange County, CA	1516 Brookhollow Dr. Ste. A Santa Ana, CA 92705	714-569-0823	http://www.fairhousingoc.org/
Legal Aid Society of San Diego, Inc.	San Diego County	110 Euclid Ave. San Diego, CA 92114	619-262-0896	https://www.lasdd.org/
Law Foundation of Silicon Valley	Greater Silicon Valley area	152 N. 3rd St. # 3 San Jose, CA 95112	408-293-4790	http://www.lawfoundation.org/
Fair Housing Advocates of Northern California	Marin, Sonoma, and Solano Counties	1314 Lincoln Ave. Ste. A San Rafael, CA 94901	415-457-5025	http://www.fairhousingnorcal.org/
Project Sentinel, Inc.	San Mateo, Santa Clara, Stanislaus, & Monterey County including Fremont and Merced and parts of Sacramento County	39155 Liberty St. Ste. D440 Fremont, CA 94538	510-574-2270	http://housing.org/

Source: U.S. Department of Housing and Urban Development

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Fair Housing Assistance Program Organization (FHAP)

HUD's Fair Housing Assistance Program (FHAP) funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act.³⁹⁶ DFEH is the FHAP agency in California.

Figure 270: FHAP Agency in California

Name	Service Area	Address	Phone	Website
California Department of Fair Employment and Housing	California	2218 Kausen Dr. Ste. 100 Elk Grove, CA 95758	916-478-7251	https://www.dfeh.ca.gov/

Source: U.S. Department of Housing and Urban Development

Data Description

The information and data presented in this chapter is drawn from Fiscal Years 2015 to 2019, which contain the latest available fair housing complaint data filed with DFEH and HUD. This section identifies and analyzes the following:

- The absolute number of complaints filed with DFEH and HUD in California.
- Complaint closures and variations in the outcome of cases between the two agencies.
- Complaint rates, to evaluate if specific geographic areas have higher rates of complaints.

Though the chapter provides an overview of fair housing complaint trends, the information provided is limited to the data collected and provided by state and federal entities as of the publication date of this document. There are also a number of additional factors that limit the analysis of fair housing complaint data:

- The fair housing complaint process relies mainly on self-reporting, so the data represents only complaints that are filed. Incidents of discrimination not reported are not included. Many individuals may not even know or suspect that they are being discriminated against. Therefore, these datasets do not represent all acts of housing discrimination.
- Larger, more densely populated urban areas are more likely than sparsely populated rural areas to have a higher number of complaints. Urban areas are also more likely to have fair housing advocacy organizations. There are, however, still fair housing complaints made in rural areas, many of which are specific to challenges those communities face.
- Given the time frame of this analysis, a longitudinal approach that extends beyond the 2015-2019 Fiscal Years is not possible. While complaints may have been filed or closed in years prior to those considered in this analysis or during the drafting of the document, these cannot be included here.

³⁹⁶ HUD Office of Fair Housing and Equal Opportunity. Fair Housing Assistance Program (FHAP). Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP

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- Due to privacy concerns, the location of complaints used for this analysis corresponds with that of the respondent rather than the individual filing the claim, which may not be the same location where the discrimination occurred.

HUD's Complaint and Investigation Process

Complaints provided to FHEO must be filed within one year of the date of the last alleged instance of discrimination under the Fair Housing Act (FHA). Upon receipt of a complaint, FHEO will either investigate it or refer the complaint to another agency to investigate.³⁹⁷ Throughout the investigation, FHEO assists the parties to reach an agreement. If the complaint cannot be resolved voluntarily, FHEO may issue findings from the investigation. If laws are shown to have been violated, HUD or the Department of Justice (DOJ) may take legal action to enforce the law.

Once the FHEO investigation is complete, the agency will issue a determination as to whether or not reasonable cause exists to believe discrimination has occurred.³⁹⁸ If so, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination. All complainants and respondents have twenty-days after receiving the notice of the charge to decide whether to have the case tried before a federal district court judge. If no one responds to the notice, the case will be heard by a HUD administrative law judge.

If at the conclusion of the hearing the administrative law judge concludes a violation of the FHA occurred, the following relief may follow:

- Compensation for actual damages, including out-of-pocket expenses and emotional distress damage.
- Permanent injunctive relief, such as an order not to discriminate.
- Appropriate equitable relief, such as making housing available.
- Payment of reasonable attorney's fees if a private attorney was hired.
- Payment of a civil penalty to vindicate the public interest.

Complaints Filed with HUD

HUD collects Fair Housing Act complaints on an annual basis. The Fair Housing Act prohibits discrimination in housing transactions based on federally recognized protected classes (race, color, religion, national origin, sex, familial status, and disability). Cases may be conciliated or settled during the investigation process, or there may be reasons why a case needs to be administratively closed, otherwise the investigation will determine whether there was reason to believe discrimination occurred. If there is, the case will go through a legal adjudication process to be resolved.

³⁹⁷ HUD Office of Fair Housing and Equal Opportunity. Overview of FHEO's Complaint and Investigation Process. Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process#_Overview_of_FHEO's

³⁹⁸ HUD Office of Fair Housing and Equal Opportunity. Learn about the FHEO Complaint and Investigation Process. Available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process#_What_Happens_After

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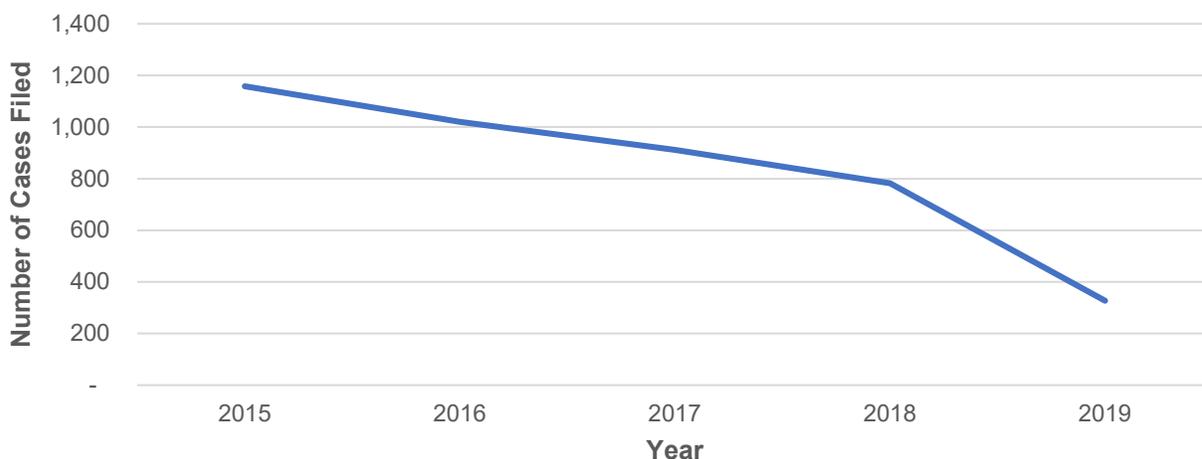
The figures below show the 4,198 fair housing complaints filed in California between January 1, 2015 and November 14, 2019. During this period, fair housing complaints went from 1,158 in 2015 to 327 as of November 2019. Complaints were reported at the highest levels in 2015 and 2016, with 1,158 and 1,020 respectively. Though many factors have contributed to changes since 2015, results from the Community Needs Assessment Survey conducted for this analysis and stakeholder consultations show that residents believe people are simply choosing not to report complaints due to a limited understanding of fair housing protections and a lack of resources to support fair housing claims at the local level.

Figure 271: Fair Housing Complaints, California, 2015-2019

Year	Number of Cases Filed
2015	1,158
2016	1,020
2017	911
2018	782
2019	327
Total	4,198

Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019

Figure 272: Fair Housing Complaints, California, 2015-2019



Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019.

Complaints filed with HUD are classified by race, color, religion, national origin, sex, familial status, and disability, the federally protected classes. The figures below show the basis for fair housing complaints received by FHEO for the State of California between January 1, 2015 and November 14, 2019. During this period, the greatest number of fair housing complaints were attributed to discrimination based upon disability, 2,256 complaints, followed by discrimination based upon race, 791

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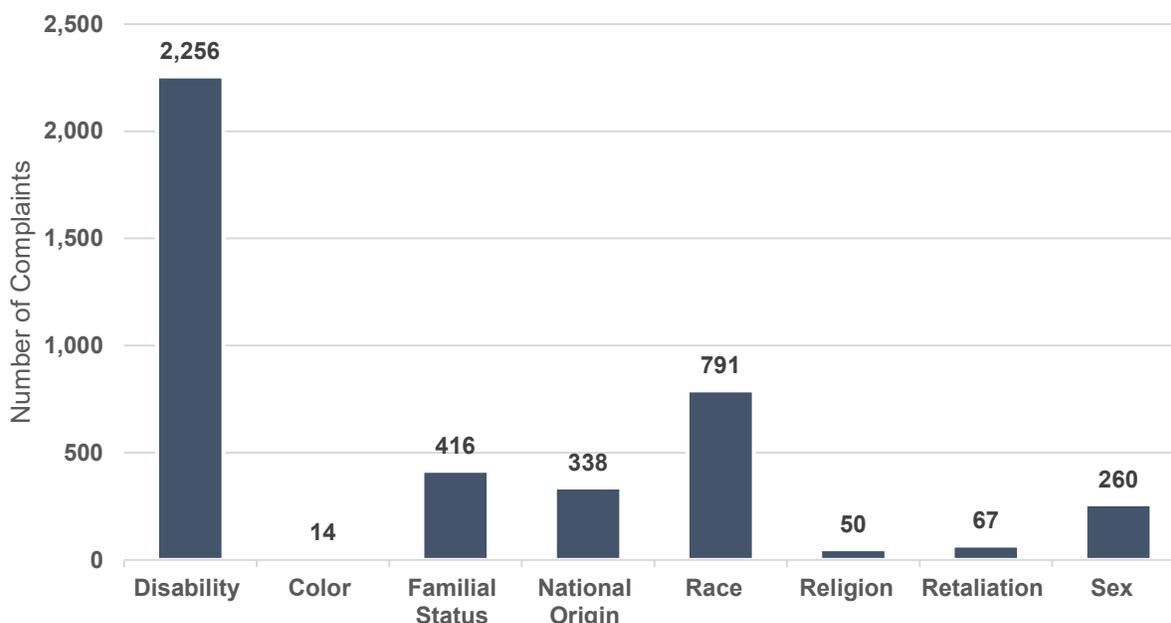
complaints, and then by discrimination based upon familial status, 416 complaints. In addition, discrimination based upon national origin and sex also comprised a significant portion of the fair housing complaints received by FHEO for the State of California. The figures below also show the proportion of cases that cited multiple reasons for complaint along with a primary basis. Approximately 54 percent of all complaints received cited discrimination based on disability as their primary basis of complaint and/or one or more additional justification for fair housing complaints.

Figure 273: Basis of Fair Housing Complaints in California Received by FHEO, 2015 - 2019

Basis of Complaint ³⁹⁹	Number of Cases
Disability	2,256
Color	14
Familial Status	416
National Origin	338
Race	791
Religion	50
Retaliation	67
Sex	260
Total	4,192

Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019.

Figure 274: Basis of Fair Housing Complaints in California Received by FHEO, 2015 – 2019



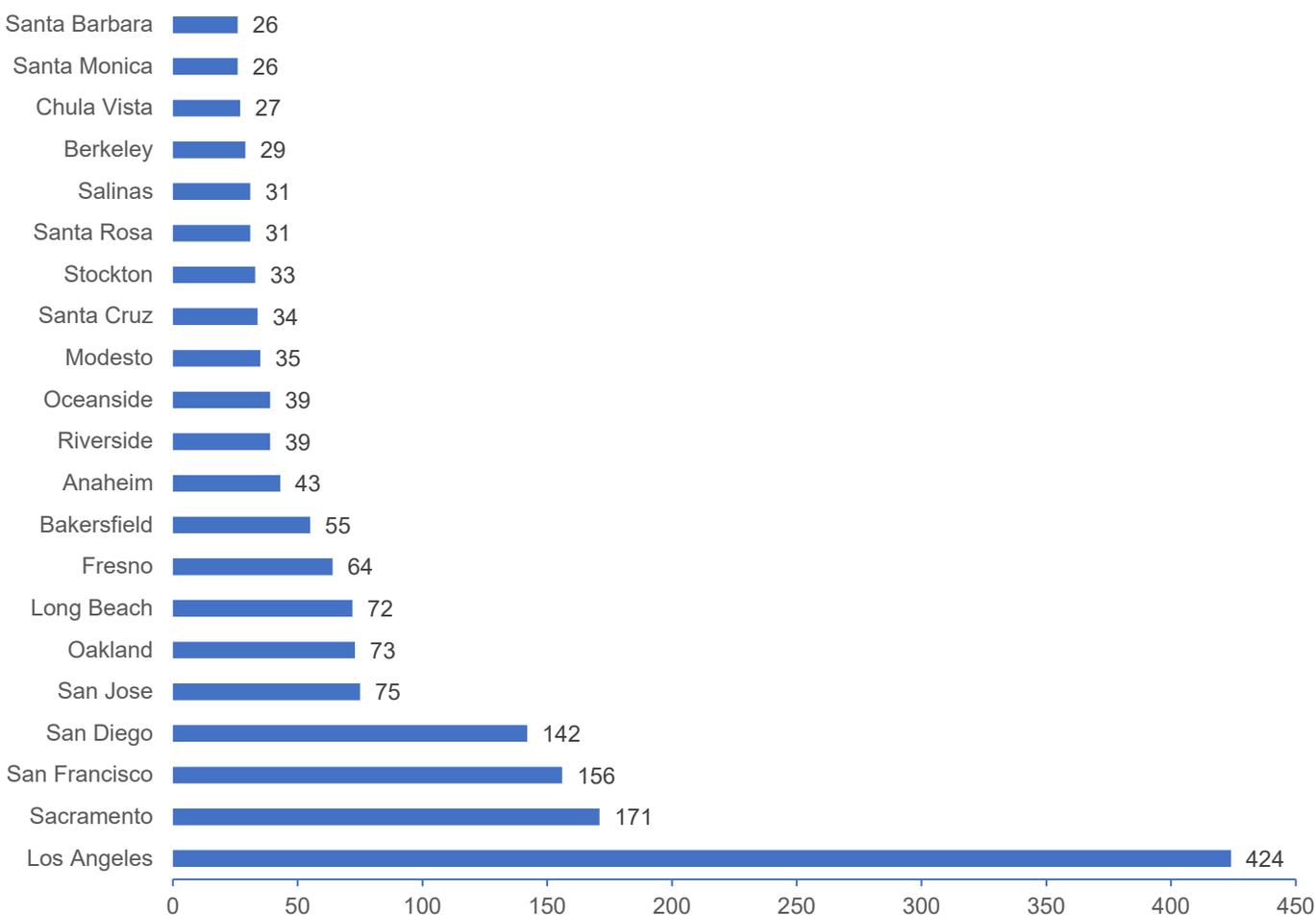
³⁹⁹ Combined totals for complaints listing each basis here as the 1st basis in the list.

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Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019

In addition to the basis for reporting, the figures below represent the jurisdictions where the highest number of alleged fair housing violations were reported to have occurred. At the city level, the major urban areas of Los Angeles, Sacramento, and San Francisco had the highest number of alleged fair housing violations. Figures for Los Angeles are significantly higher than other communities, which is likely due to the large population. Los Angeles is home to over 3.9 million people in comparison to Sacramento's population of 489,650.⁴⁰⁰ Though the number of reported cases were not as significant, the presence of HUD non-entitlement areas in the top 25 cities, such as Fresno and Riverside, highlight the continued need for the State of California to monitor fair housing issues across the state and to continue its fair housing education efforts in rural and non-entitlement areas.

Figure 275: Top 25 California Cities with Fair Housing Complaints Received by FHEO, 2015 – 2019



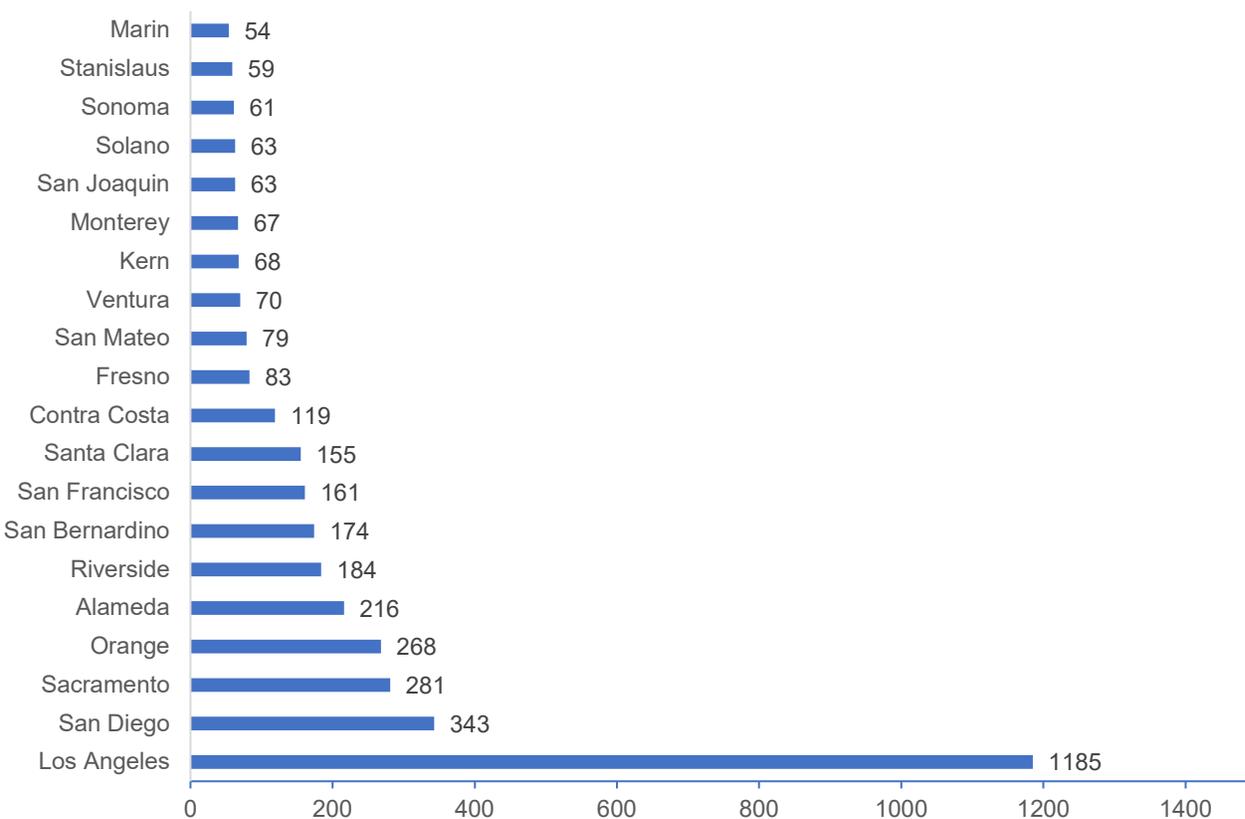
⁴⁰⁰ U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates

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Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019

At the county level, Los Angeles, San Diego, and Sacramento had the highest number of potential violations received between 2015 and 2019. Again, the greater number of complaints in Los Angeles County is likely tied to the large population of the county.

Figure 276: Top 25 California Counties with Fair Housing Complaints Received by FHEO, 2015 – 2019



Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019

Of the complaints received from 2015 to 2019, a majority of the cases, 55.4 percent, were closed due to a “no cause determination,” followed by successful conciliation/settlement, 27.6 percent, and “complaint withdrawn by complainant after resolution”, 7.9 percent, as shown in the figure below.

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Figure 277: Case Closure Reason for Fair Housing Complaints in California Received by FHEO, 2015 to 2019

Case Closure Reason	Number
Closed because trial has begun	3
Complainant failed to cooperate	112
Complaint withdrawn by the complainant after resolution	329
Complaint withdrawn by complainant without resolution	164
Conciliation unsuccessful - hearing requested (gathered)	1
Conciliation unsuccessful - no hearing requested (gathered)	1
Conciliation/settlement successful	1,157
Dismissed for lack of jurisdiction	56
Election made to go to court	2
FHAP judicial consent order	2
FHAP judicial dismissal	1
No cause determination	2,319
Unable to identify respondent	1
Unable to locate complainant	28
Unable to locate respondent	11
Untimely Filed	2
Total	4,189

Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019

Meanwhile, the top categories for case disposition as shown in the figure below include: no cause (55.2 percent), case conciliation/settlement (25.6 percent), administrative case closure (8.9 percent), and case withdrawn after resolution (8 percent).

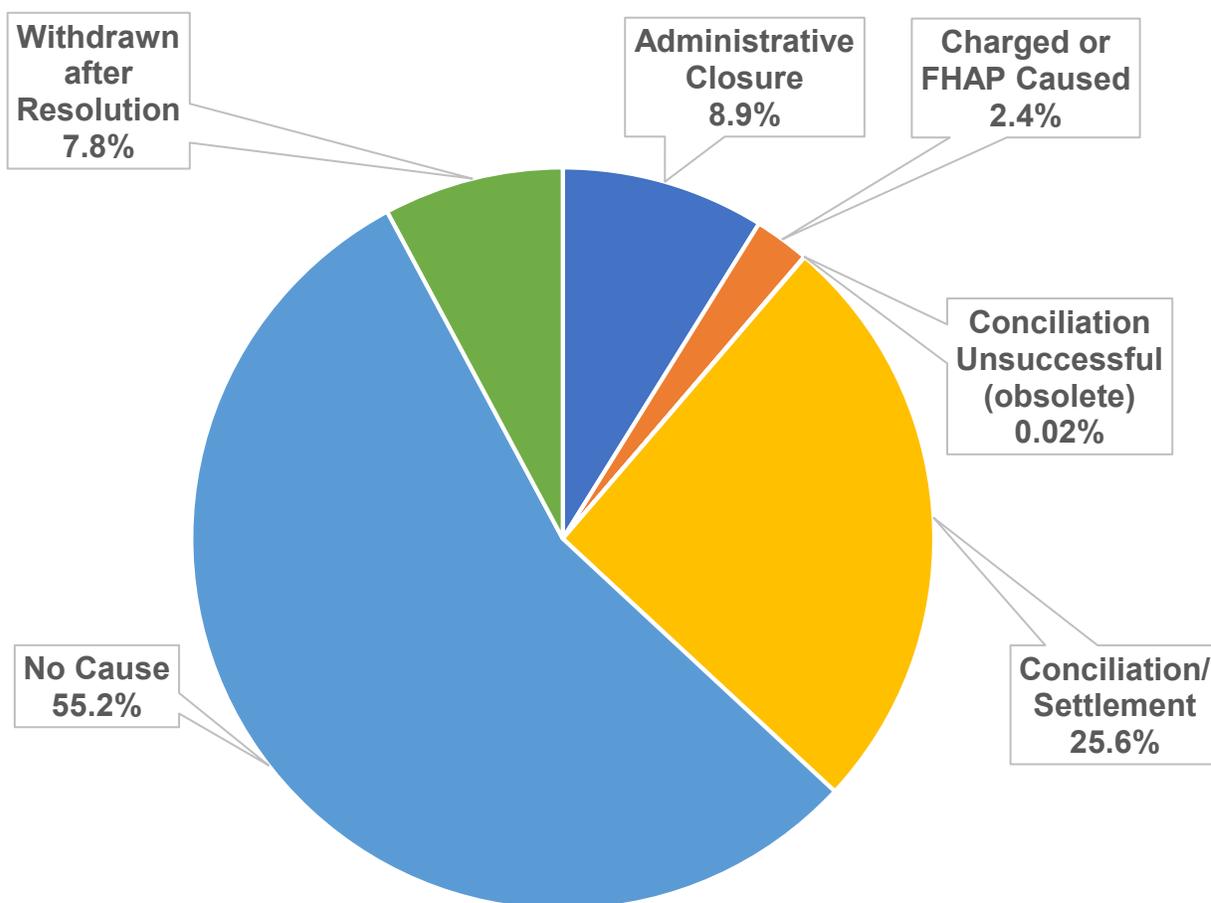
Figure 278:Disposition of Fair Housing Complaints in California Received by FHEO, 2015 - 2019

Disposition Category	Number
Administrative Closure	372
Charged or FHAP Caused	101
Conciliation Unsuccessful (obsolete)	1
Conciliation/ Settlement	1076
No Cause	2319
Withdrawn after Resolution	329
Total	4198

Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019.

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Figure 279: Disposition of Fair Housing Complaints in California Received by FHEO, 2015 – 2019



Source: HUD FHEO documentation of fair housing complaints in the State of California for the period of January 1, 2015 to November 14, 2019.

Findings Issued by FHEO

FHEO periodically conducts compliance reviews of recipients of HUD funding under the federal FHA, Section 504 of the Rehabilitation Act of 1963, which enforces equal opportunity to receive benefits and services for persons with disabilities, and Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Between 2015 and 2019, FHEO issued letters of findings and/or entered into Voluntary Compliance Agreements for 19 California jurisdictions and Public Housing Authorities (PHAs) administering HUD-funded programs. Through the review process, FHEO identified approximately 215 findings of non-compliance with the federal FHA, Analysis of Impediments to Fair Housing Choice (AI) requirements, Section 504 of the Rehabilitation Act of 1963, Title VI of the Civil Rights Act of 1964, Section 109 of the

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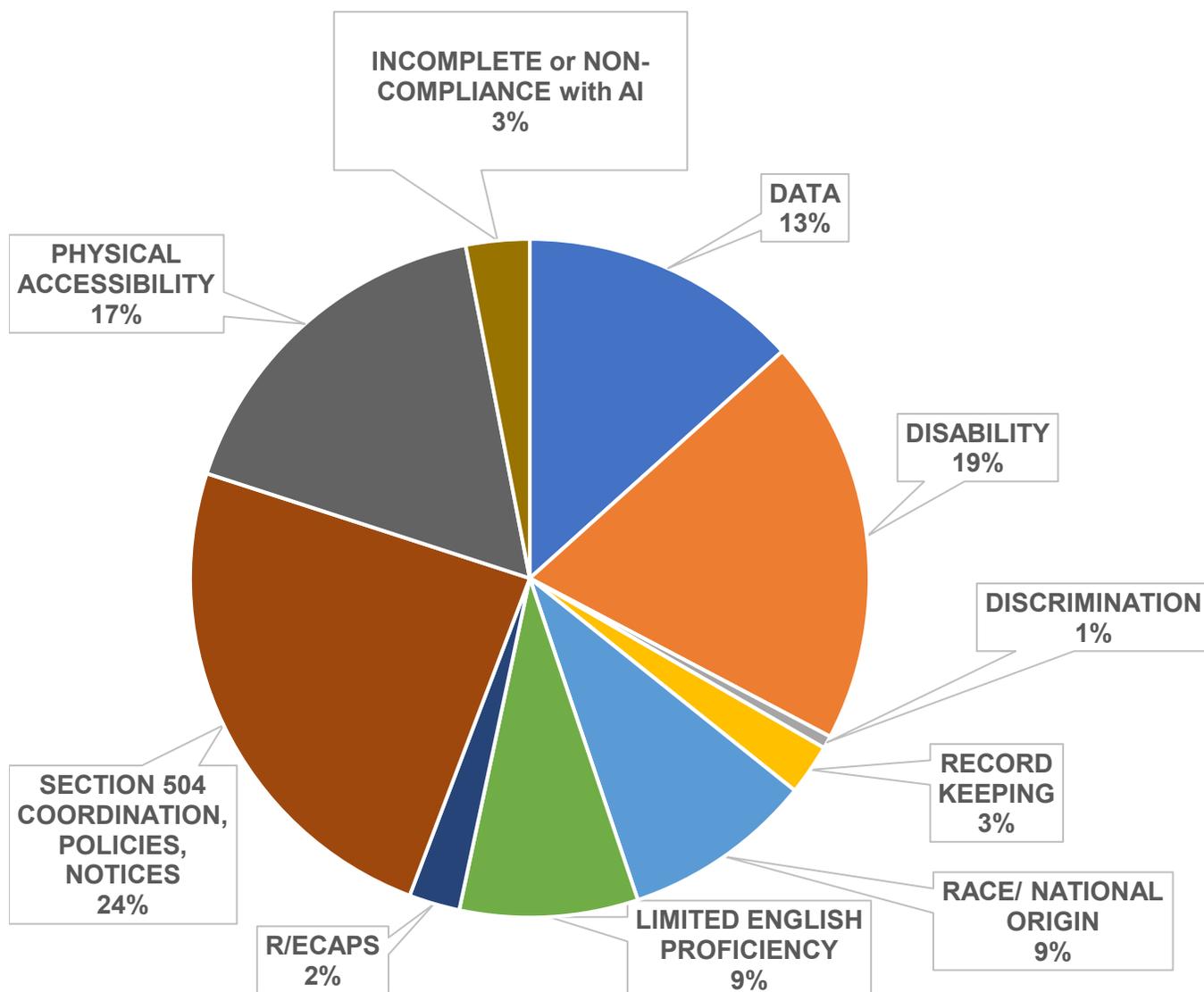
Housing and Community Development Act of 1974, which prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex within the Community Development Block Grant (CDBG) programs or activities, and their implementing regulations.

Non-compliance with Section 504 requirements was the most frequently cited finding followed by non-compliance related to Title VI of the Civil Rights Act of 1964 and non-compliance with requirements of the federal FHA, including the duty to affirmatively further fair housing. Of the general themes reflected by FHEO's findings and corrective actions, the most frequently present themes include:

1. Non-Compliance with Section 504 coordination requirements, policies, and notices;
2. Non-Compliance related to disability;
3. Non-Compliance with physical accessibility and related requirements;
4. Non-Compliance with data collection and analysis requirements; and
5. Non-Compliance related to race or national origin.

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Figure 280: Themes Identified in FHEO Findings, 2015 to 2019



Source: HUD FHEO documentation of noncompliance and Voluntary Compliance Agreements in the State of California from 2015 to 2019.

Across the 19 jurisdictions and Housing Authorities that were issued letters of findings and/or entered into Voluntary Compliance Agreements between 2015 and 2019, approximately 643 corrective actions were requested by FHEO.

Voluntary Compliance Agreements were entered into by each of the following jurisdictions or PHA's during the period of 2015 to 2019: City of Bakersfield, City of Chico, City of Los Angeles, Housing Authority of the City of Eureka, City of Fairfield, City of Hemet, City of Henderson, City of La Habra, City of Lompoc, City of Modesto, City of Paramount, County of San Bernardino, Sonoma County Housing Authority,

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Housing Authority of Vacaville, Regional Housing Authority of Sutter and Nevada Counties, Housing Authority of the County of Humboldt, County of Marin, and the Housing Authority of San Francisco.

Complaints filed with California

The California Department of Fair Employment and Housing (DFEH) is the agency charged with enforcing California's civil rights and fair housing laws. Based on the latest report published by DFEH, in 2017, the agency received a total of 24,779 complaints of discrimination based on employment, housing, disability, right-to-sue, and other reasons. In 2017 there were 969 housing complaints filed, down slightly from the 1,006 housing-specific complaints filed in 2016. Other complaints listed in the figure include those related to the Ralph Civil Rights Act (RCRA), the Unruh Civil Rights Act, and Disabled Persons Act, which protects people in California from discrimination based on disability.

Figure 281: Complaints Filed by Law in 2017

Basis of Complaint	Number of Complaints
Employment	4,346
Housing	969
Ralph Civil Right Act	83
Unruh Civil Rights Act	736
Disabled Persons Act (CC54)	20
State Contract Nondiscrimination Requirement	0
Recipients of State Funding (11135)	6
Human Trafficking	0
Right-to-Sue	12,872
Total	19,032

Source: California DFEH Annual Report, 2017

The DFEH 2017 Annual Report shows that 37 percent of housing-related complaints, 545 in total, were filed under physical or mental disability claims, making disability the most common basis for a complaint. This is consistent with federal trends. Research indicates that persons with disabilities are more likely to request different treatment in order to have equal access to housing, making them more likely to know when they are being discriminated against. Complaints based on racial discrimination comprised 12 percent of cases, while familial status were 9 percent. In the 2016 DFEH report, the highest number of fair housing complaints were also related to disability, with 545, followed by familial status, and retaliation.⁴⁰¹

The figure below shows the breakdown of housing complaints filed with DFEH in 2017 by basis, with a total of 1,468 claims filed—although there were only 969 housing specific complaints. This is because fair housing complaints often allege discrimination

⁴⁰¹ CA Department of Fair Employment and Housing 2016 Annual Report. June 2017. Available at: <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2016/09/Department-of-Fair-Employment-and-Housing-2016-Annual-Report.pdf>

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on more than one basis. The figure below shows the bases for fair housing complaints filed with DFEH in 2017, including complaints based on disability, sex, race, retaliation, and other categories protected under state fair housing law.

Figure 282: Housing Complaints Filed by Basis in 2017

Basis of Complaint	Number of Complaints	Percent of Total
Age	122	8.3%
Ancestry	2	0.1%
Association with a member of a protected class	10	0.7%
Color	37	2.5%
Disability	545	37.1%
Engagement in Protected Activity	16	1.1%
Familial Status	136	9.3%
Genetic Information	1	0.1%
Marital Status	25	1.7%
National Origin	81	5.5%
Race	171	11.6%
Religion	25	1.7%
Sex – Gender	86	5.9%
Sex - Gender Identity	5	0.3%
Sex - Pregnancy	2	0.1%
Sexual Harassment	43	2.9%
Sexual Orientation	30	2.0%
Source of Income	31	2.1%
Other	100	6.8%
Total	1,468	100.0%

Source: California DFEH Annual Report, 2017. Note: Total number of reasons exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. The total number of Housing Complaints filed = 969.

Of the cases received by DFEH in 2017, demographic information was available for almost 400 cases. The breakdown of such information reveals that White households comprised 33.2 percent of complaints with demographic information available, followed by Black or African American households, with 30.7 percent. The figure below provides a breakdown of complaints by race for 2017.

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Figure 283: Demographic Information for Complaints by Race in 2017

Race	Complaints	Percent of Total
American Indian or Alaska Native	16	4.1%
Asian	25	6.4%
Black or African American	120	30.7%
Hispanic or Latino	64	16.4%
Native Hawaiian or Other Pacific Islander	2	0.5%
White	130	33.2%
Other	34	8.7%
Not Identified	N/A	N/A
Total	391	

Source: California DFEH Annual Report, 2017

In addition to race, the figure below displays a breakdown of the national origin reported for complaints with demographic information in 2017. For example, persons identifying as American (U.S.) made the most complaints with 199, or 20.5 percent, while persons with Mexican origin, the group with the second highest margin, filed 30 complaints (3.1 percent).

Figure 284: Housing Complaints by Top 10 National Origin in 2017

National Origin	Complaints	Percent of Total
American (U.S)	199	61%
Mexican	30	9%
Other	25	15%
English	17	5%
Other European	9	3%
Other Hispanic/Latino	7	2%
Filipino	6	2%
Chinese	5	2%
Asian Indian	3	1%
German	3	1%

Source: California DFEH Annual Report, 2017.

Overall, this demographic information helps to show that protected classes, such as African Americans and those with non-American national origins, are overrepresented in the cases filed with DFEH. This underscores the need for continued fair housing outreach, fair housing testing, and trainings to communities across California, ensuring the fair housing rights of residents are protected under federal and state law.

Additional data reflecting complaints received by DFEH between 2015 and 2019 follows a similar trend as that described in 2017, with complaints based upon disability as the

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primary basis of complaint comprising the majority, 51 percent, followed by race, color, or ancestry, 16 percent, and familial status, 10 percent.

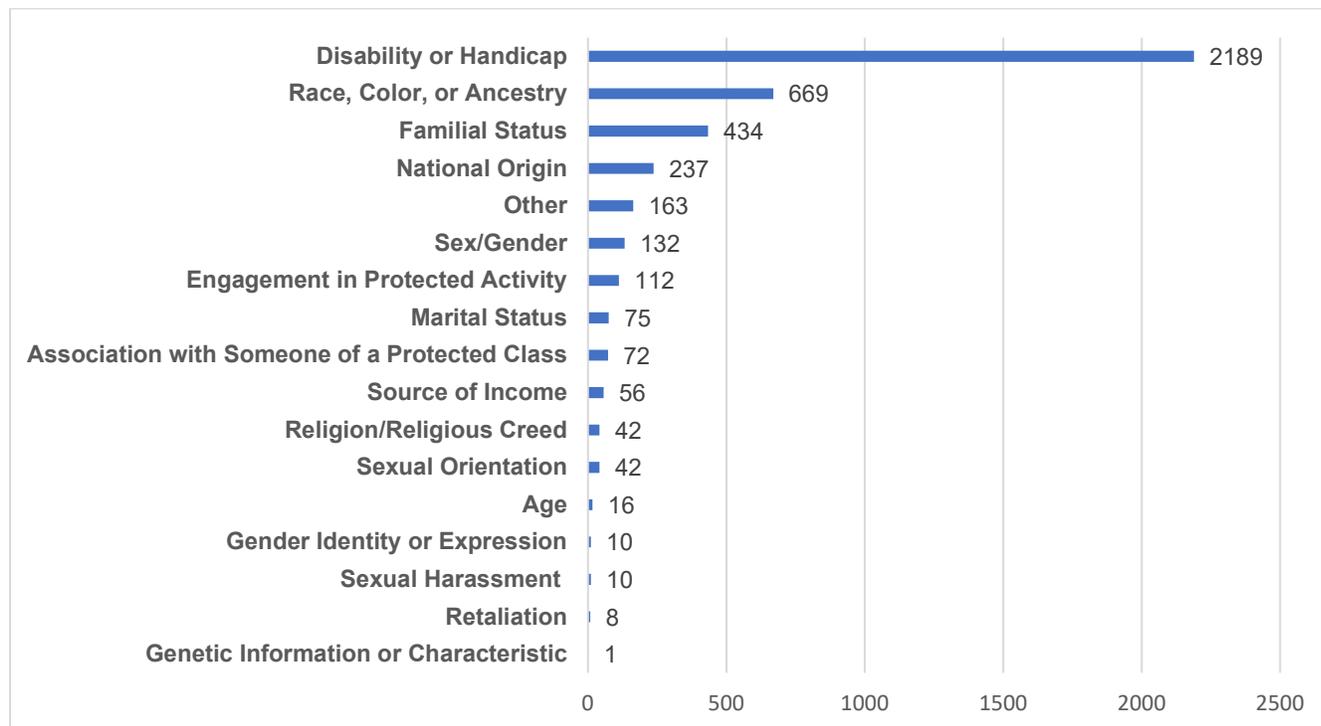
Figure 285: Basis of Fair Housing Complaints Received by DFEH, 2015 - 2019

Primary Basis of Complaint	Number
Disability or Handicap	2,189
Association with Someone of a Protected Class	72
Engagement in Protected Activity	112
Reported or Resisted any Form of Discrimination or Harassment or Participated as a Witness to a Complaint	8
Sexual Harassment	10
Sexual Orientation	42
Familial Status	434
Marital Status	75
Race, Color, or Ancestry	669
National Origin	237
Religion/Religious Creed	42
Age	16
Sex/Gender	132
Gender Identity or Expression	10
Genetic Information or Characteristic	1
Source of Income	56
Other	163
Total	4,268

Source: California DFEH documentation of Fair Housing Complaints, 2015 to 2019.

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Figure 286: Basis of Fair Housing Complaints Received by DFEH, 2015 – 2019

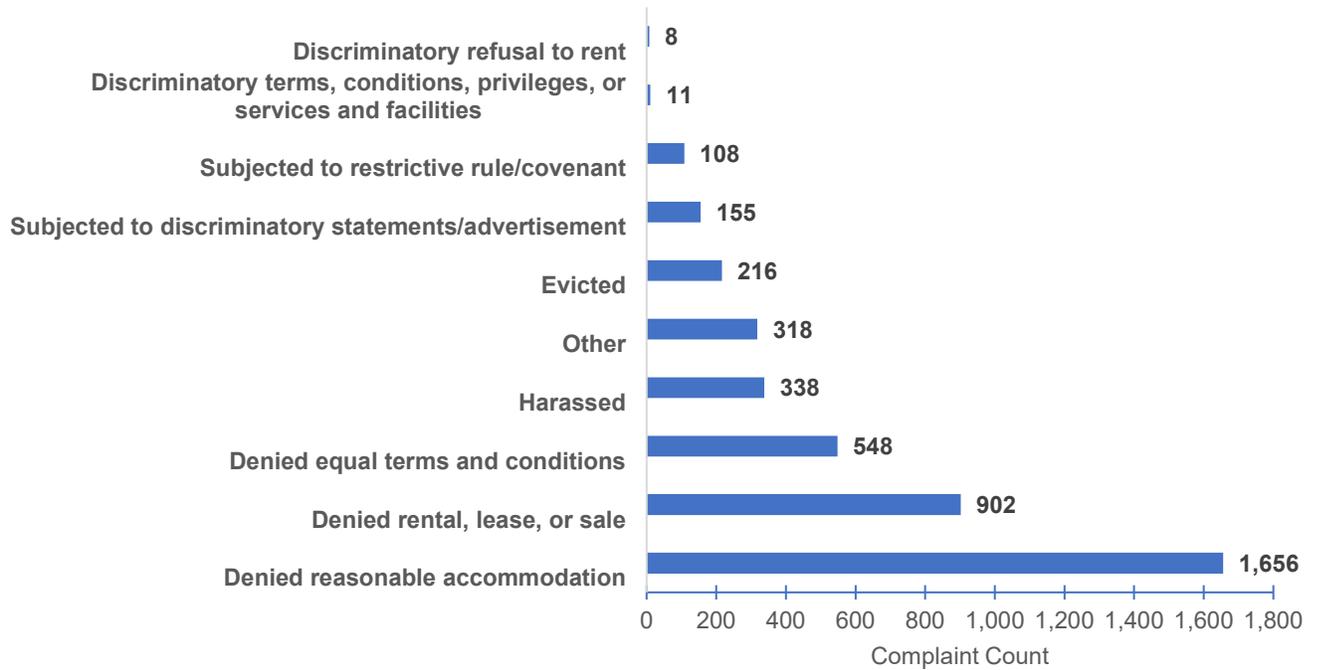


Source: California DFEH documentation of Fair Housing Complaints, 2015 to 2019.

Of the harms alleged in complaints received by DFEH between 2015 and 2019, denial of reasonable accommodations was the most frequently identified harm, with 1,656 complaints; followed by denial of rental, sale, or lease, with 902; and denial of equal terms or conditions, with 548, as shown in the figure below. Reasonable accommodations are a nuanced and complicated area of law, as reflected in the complaint data. Other frequent harms include refusal to rent, harassment, eviction, discriminatory statements or advertisements, restrictive rules or covenants, and discriminatory terms, conditions, privileges, or services and facilities.

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Figure 287: Top 10 Most Frequent Primary Harms in Complaints Received by DFEH, 2015 – 2019

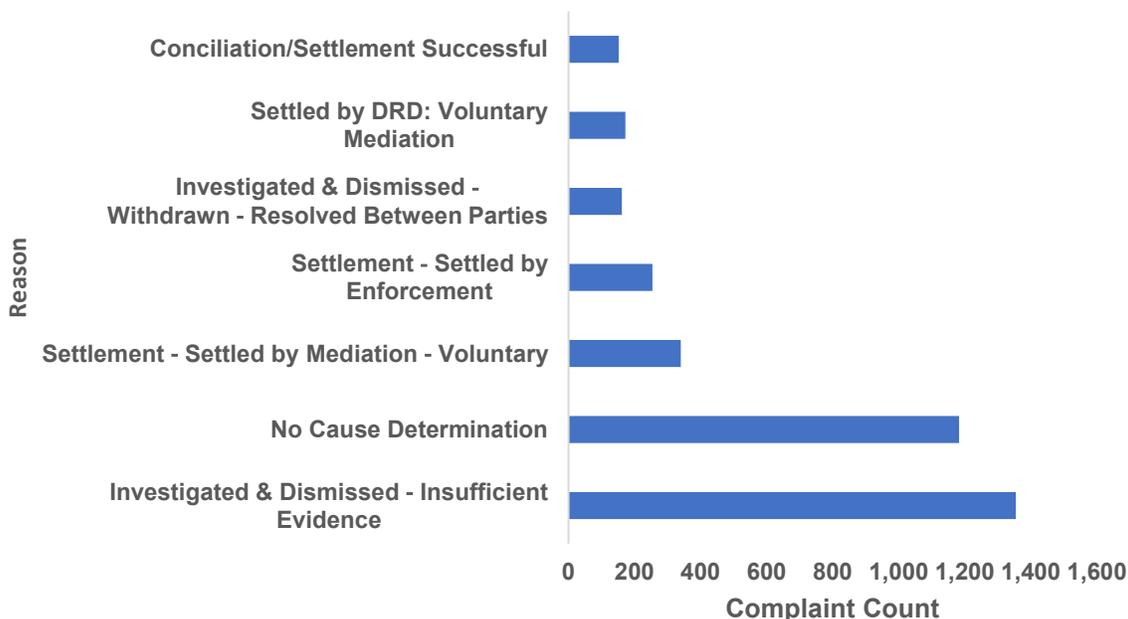


Source: California DFEH documentation of Fair Housing Complaints, 2015 to 2019.

Of complaints received by DFEH between 2015 and 2019, the top reasons for case closure were dismissal for insufficient evidence, 1354 cases; no cause determination, 1182 cases; and settled by voluntary mediation, 340 cases. Additional reasons for case closure are represented in the figure below.

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Figure 288: Top Case Closure Reasons for Complaints Received by DFEH, 2015 to 2019



Source: California DFEH documentation of Fair Housing Complaints, 2015 to 2019.

Fair Housing Complaints and Trends

The California Fair Employment and Housing Act (FEHA) prohibits discrimination and harassment on the basis of race, color (including hair texture and style), ancestry, national origin, religion, disability (including mental and/or physical), sex (including pregnancy, childbirth, or related medical conditions), gender, sexual orientation, gender identity, gender expression, genetic information, marital status, national origin, familial status (households with children under age 18, pregnant, or pursuing legal custody of children under 18), source of income (including Section 8 Housing Choice Vouchers and other forms of rental assistance), and military/veteran status, or because another person perceives the tenant or applicant to have one or more of these characteristics. To help understand fair housing complaints at a more granular level, the figure below provides a breakdown of the California cities with the highest number of housing complaints between 2015 and 2019. In most cases, the number of housing complaints corresponds with the relative total population of the city though certain cities, such as Fresno and Riverside, have a higher number of complaints than expected. A few more rural cities, such as Modesto and Stockton, are also among the 25 cities with the greatest number of fair housing complaints, though their population is significantly lower than places like Santa Ana and Anaheim. Such differences point to the multiple and complex barriers to fair housing residents can face in the state throughout rural and urban settings.

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Figure 289: Top 25 Cities of Residence with the Highest Number of Fair Housing Complaints Received by DFEH, 2015 - 2019

City	Count of Complaints
Los Angeles	443
Sacramento	177
San Diego	158
San Francisco	140
Long Beach	72
San Jose	71
Oakland	64
Fresno	56
Irvine	54
Santa Clara	53
Riverside	50
Bakersfield	45
Berkeley	38
Anaheim	35
Modesto	34
Stockton	33
Santa Cruz	32
South San Francisco	31
Santa Monica	31
Santa Ana	31
Hayward	30
Santa Barbara	30
Oceanside	28
San Rafael	27
Santa Rosa	25

Source: California DFEH documentation of Fair Housing Complaints, 2015 to 2019.

The analysis above provides insight into the severity of fair housing issues faced by major cities within the state. Rural data is harder to come by, which limits the ability to perform a meaningful analysis. In addition to the lack of data, stakeholders noted that access to legal assistance regarding fair housing is a particular challenge for rural residents. Persons living in rural areas are limited in making fair housing complaints because there are not enforcement entities in their community.

Of the 391 complaints received by DFEH in 2017, White households comprised 33.2 percent of complaints, followed by Black or African American households, with 30.7 percent. The figure below provides a breakdown of complaints by race for 2017.

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Figure 290: Demographic Information, Complaints, Race, 2017

Race	Complaints	Percent of Total
American Indian or Alaska Native	16	4.1%
Asian	25	6.4%
Black or African American	120	30.7%
Hispanic or Latino	64	16.4%
Native Hawaiian or Other Pacific Islander	2	0.5%
White	130	33.2%
Other	34	8.7%
Not Identified	N/A	N/A
Total	391	

Source: California DFEH Annual Report, 2017

a. Filed with Local Jurisdictions

Through the Fair Housing Assistance Program (FHAP), HUD funds state and local agencies that administer fair housing laws which HUD has determined to be substantially equivalent to the Fair Housing Act (FHA). To reach this determination, these state and local agencies must demonstrate that they are administering a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the FHA. Once the agency is certified, HUD will refer complaints of housing discrimination that it receives to the state or local agency for investigation.

Within the State of California, the California Department of Fair Employment and Housing (DFEH) is the only agency determined to be eligible for participation in the FHAP program. There are no other local agencies participating in the FHAP in California's local jurisdictions.

b. Additional State Laws and Protections

This section provides an overview of other state laws that intersect with fair housing issues. The prohibitive nature of these laws can create potential barriers to the creation and maintenance of fair housing. The barriers are often related to restrictions on rent control or the power landlords have to evict tenants.

i. Ellis Act

The Ellis Act affords landlords the right to evict tenants to "go out of business," i.e., no longer use a property for residential rental units.⁴⁰² The landlord may evict all renters from a building if they chose to stop renting or leasing units. If the property is reinstated

⁴⁰² California Legislative Information. Government Code. Chapter 12.75: Residential Property 7060-7060.7. Retrieved from: http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=12.75.

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as a rental property within a five-year period, the landlord must re-rent units at the original rate. The Ellis Act is generally used by property owners to convert rental units into condominiums or single-family homes.⁴⁰³

ii. *Costa Hawkins Act*

The Costa Hawkins Act exempts single-family dwellings, condominiums, and new construction from rent control ordinances. It prohibits local government from implementing “vacancy control” in most scenarios. Vacancy control denies or limits an owner’s ability to increase an apartment’s rent to new tenants even if prior tenants voluntarily vacate the dwelling or were evicted based on a “just cause” (such as failure to pay rent). The effect of the Costa Hawkins Act gives landlords the right to rent the vacancy at any price, most likely at market price.⁴⁰⁴

Both the Costa Hawkins Act and the Ellis Act are often cited by stakeholders as having fair housing issues and being disruptive to people’s lives. As previously described, in the case of the Costa Hawkins Act, cities are not allowed to pass vacancy control when tenants leave or are forced out of rent-controlled units, allowing landlords to rent at a higher rent, which often prices out tenants, further cost-burdening families. Additionally, the Costa Hawkins Act exempts units built after February 1, 1995, from vacancy controls. This has the potential to disproportionately impact persons with disabilities in need of accessible units, which are more likely to be built in recent years.⁴⁰⁵ Accessible housing units were primarily built after the passage of the ADA in 1990. Individuals needing mobility and sensory accessible housing have extremely limited options when seeking a rent-controlled unit. There is currently a lawsuit pending on this issue, and the outcome may impact state housing programs and state fair housing concerns.

The local impact of these acts are tied to statewide eviction trends. In the case of the Ellis Act, evictions are associated with periods of increasing home sale prices, a trend that is particularly notable in San Francisco.⁴⁰⁶ Under the Ellis Act, local governments retain the autonomy to impose various requirements on landlords which may include providing tenant relocation assistance, giving specific notice periods, and maintaining deed restrictions on the future use of the property. Although protections are in place, these policies rely on landlords and property owners to comply. Enforcement and an assessment on the impacts on fair housing choice should be continued to ensure protected classes are safeguarded.

⁴⁰³ Law Offices of Stimmel, Stimmel & Roeser. Ellis Act: State Law Restricting Change in Use of Rental Property. <https://www.stimmel-law.com/en/articles/ellis-act-state-law-restricting-change-use-rental-property>

⁴⁰⁴ Rosen, K. T. 2018. The Case for Preserving Costa-Hawkins - The Potential Impacts of Rent Control on Single Family Homes. UC Berkeley: Fisher Center for Real Estate and Urban Economics. Available at: <https://escholarship.org/uc/item/8wt9p088>

⁴⁰⁵ Brey, Jared. 2019. Oaklanders With Disabilities Left Out of Rent Control Protections, Lawsuit Says: Next City. Available at: <https://nextcity.org/daily/entry/oaklanders-with-disabilities-left-out-of-rent-control-protections>

⁴⁰⁶ City and County of San Francisco. 2013. Analysis of Tenant Displacement in San Francisco. Available at: <https://sfbos.org/sites/default/files/FileCenter/Documents/47040-BLA%20Displacement%20103013.pdf>

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iii. *The Ralph Civil Rights Act*⁴⁰⁷

The Ralph Civil Rights Act forbids acts of violence or threats of violence because of a person's actual or perceived sex/gender, including pregnancy, childbirth, and related medical conditions, gender identity and gender expression, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute (California Civil Code section 51.7).

v. *The Unruh Civil Rights Act*⁴⁰⁸

The Unruh Civil Rights Act (Civil Code sections 51 through 52) provides protection from discrimination by all business establishments in California, including housing and public accommodations. California Civil Code section 51(b) describes the protections found under the

Unruh Civil Rights Act: All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

The Unruh Civil Rights Act specifically prevents discrimination in housing and public accommodations based on age, sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. While the Unruh Civil Rights Act specifically outlines such protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. The Unruh Act therefore covers all arbitrary and intentional discrimination by a business establishment based on personal characteristics.

Statewide Just-Cause Eviction

Eviction discrimination is largely overlooked in examining fair housing and discrimination. The impacts of eviction are both immediate and long term, in some cases leading to homelessness and difficulty securing adequate and stable housing due to eviction history.⁴⁰⁹ This section examines state legislation focused on capping annual rental increases, which has the potential to decrease evictions based on ability to pay rent.⁴¹⁰ A comprehensive look at these factors helps to determine if evictions and

⁴⁰⁷ California Department of Fair Employment and Housing. 2017. Hate Violence and Civil Rights. Available at: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_RalphPoster_ENG.pdf

⁴⁰⁸ California Department of Fair Employment and Housing. 2019. Unruh Civil Rights Act. Available at: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_UnruhFactSheet.pdf

⁴⁰⁹ Desmond, Matthew, et al. 2016. *Discrimination in Evictions: Empirical Evidence and Legal Challenges*. *Harvard Civil Rights-Civil Liberties Law Review*. Available at: https://scholar.harvard.edu/files/mdesmond/files/greenberg_et_al_.pdf

⁴¹⁰ California Legislative Information, Bill Information, AB-1482 Tenant Protection Act of 2109: tenancy: rent caps. Available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482

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rental increases are occurring in specific geographies and disproportionately impacting certain populations of California renters.

Under a “just cause” eviction (also known as “good cause”) process, for example, a housing provider is permitted to evict a resident only for reasons as explicitly stated under the law. Reasons currently allowed under “just cause” eviction laws generally include:

- Nonpayment of rent.
- Lease violation that remains uncorrected after the notice is given by the owner.
- Engaging in criminal activity on the property.
- Nuisance or causing substantial damage to the property.
- Interfering with the safety or enjoyment of the owner or other residents.
- Because the owner seeks to demolish, substantially rehabilitate, or remove the unit from the rental market.⁴¹¹

On January 1, 2020, the Tenant Protection Act of 2019 took effect, providing California tenants occupying non-exempt residential real properties with just cause protections and caps on gross rental rate increases statewide. Pursuant to California Civil Code section 1946.2, once a tenant has continuously and lawfully occupied a residential property which is subject to the Tenant Protection Act of 2019 for 12 months, the owner may not terminate their tenancy without just cause, which is required to be stated in the landlord’s written notice to terminate tenancy. Under the Tenant Protection Act of 2019, just cause reasons for termination where the tenant is at fault include:

- A default in rent payment
- A material breach of the lease (after being issued a written notice to correct the violation)
- Maintenance of a nuisance
- Waste
- Refusal to execute renewal or extension of a lease
- Criminal activity or criminal threat on the property
- Unauthorized subletting or assigning
- Refusal to allow the landlord lawful entry
- Use of premises for an unlawful purpose
- Failure to vacate the unit after termination of employment or license to occupy (if the unit is occupied by an employee)
- Failure to vacate the unit after tenant has provided a notice to terminate or vacate that was accepted by the landlord

Under the Tenant Protection Act of 2019, just cause reasons for termination where the tenant is not at fault include:

⁴¹¹ National Apartment Association, Eviction-Just Cause. Available at: <https://www.naahq.org/advocacy/policy-issues/eviction-just-cause>

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- The owner or an immediate family member intend to occupy the residential property;
- The residential real property is withdrawn from the rental market;
- The unit must be vacated to comply with a government agency, court order, or local ordinance; and
- The owner intends to demolish the residence or substantially remodel it and requires the premises to be vacated for more than 30 days.

Protections under the Tenant Protection Act of 2019 are enforced through the California Court System. California state law provides protection for tenants from both discrimination and retaliation from complaints. However, a landlord, in addition to the reasons stated above, can also evict the tenant if the tenant stays after the lease is up, or if the landlord cancels the rental agreement by giving proper notice (though these reasons may not be applicable in rent-controlled cities).

a. Evictions

As reported by Eviction Lab, a team of researchers at Princeton University who produced a nationwide database of evictions, 41,178 households in California were evicted in 2016, averaging 112.51 per day. This is a significant decrease from 2000, when there was a total of 103,602 evictions, or an average of 283 evictions a day.⁴¹² The number of statewide evictions per day between 2000 and 2016 is shown in the figure below.

Figure 291: Estimated Evictions per Day, California, 2000-2016

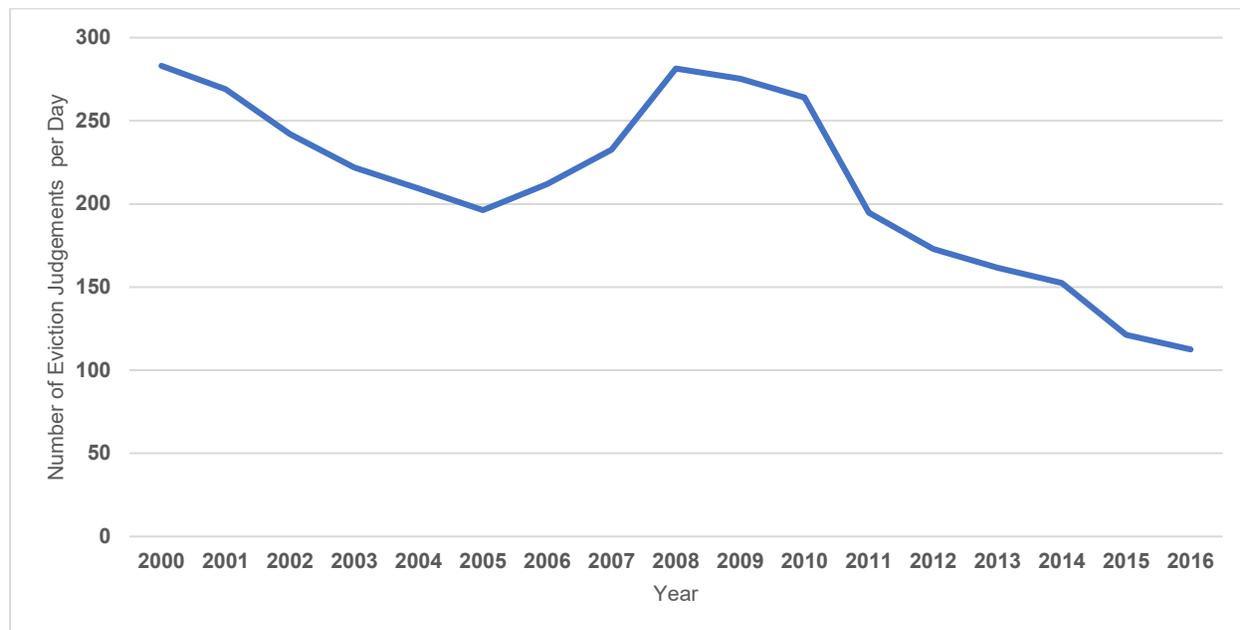
Year	Reported Evictions Per Day
2000	283
2001	269
2002	242
2003	222
2004	209
2005	196
2006	212
2007	233
2008	282
2009	275
2010	264
2011	195
2012	173
2013	162
2014	152
2015	121
2016	113

Source: *The Eviction Lab*, <https://evictionlab.org/>

⁴¹² Eviction Lab. Retrieved from: <https://evictionlab.org/>

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Figure 292: Evictions per Day, California, 2000-2016



Source: The Eviction Lab, <https://evictionlab.org/>

The data collected from the Eviction Lab helps to provide a snapshot of statewide eviction trends in California, and in comparison to other states. For example, data contained in the report shows that in 2016 California's eviction rate (which measures the number of evictions per 100 renter homes in an area) was 0.8 percent while Florida and Texas both had a rate of 2.5 percent.⁴¹³ By comparison, in 2010, California's eviction rate was 1.93 percent, as compared to roughly 3 percent for Florida and Texas. Though all three states show an overall decrease in evictions over the time period, changes implemented in California since 2010 seem to be having an additional effect in lowering rates. However, as noted in the Eviction Lab report, ratios tend to be lower overall than the actual number of evictions or filings due to the lack of available data and an underestimated filing rate. This may be attributable to the fact that many cases that end in eviction are sealed and therefore not available to the general public. In addition, privacy restrictions, the number of records able to be collected, and the general nature of evictions in the state can make it more difficult to collect accurate data in California, with the most accurate results usually found at the local level.⁴¹⁴

Although there have been extensive studies on discrimination in the rental market, measuring discrimination in evictions is challenging for several reasons. Landlords often cite a nondiscriminatory reason for evictions (e.g., nonpayment), but they also wield tremendous discretion over eviction decisions. This level of discretion can lead to decisions that are influenced by conscious or unconscious bias against persons in

⁴¹³ Ratio of the number of renter-occupied households in an area that received an eviction judgement in which renters were ordered to leave. Only counts a single address which received an eviction judgment per year.

⁴¹⁴ Eviction Lab. Retrieved from: <https://evictionlab.org/help-faq/#low-rate>

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protected classes and make it difficult to establish discrimination in eviction proceedings. Moreover, detecting discrimination in evictions poses a number of challenges that conventional methods of assessing housing discrimination are often ill-suited to address.⁴¹⁵ For example, rental discrimination can be tested by posing as prospective renters to reveal bias ahead of time; however, evictions can occur for many reasons, such as inability to pay that are not directly related to discrimination.

At the local level, projects such as the Anti-Eviction Mapping Project have been working to document evictions and the general displacement of residents in gentrifying landscapes. The work of the project has focused on the metropolitan areas of the San Francisco Bay Area and Los Angeles.⁴¹⁶ A volunteer-led effort, the project has produced digital maps, oral histories, films, murals, and community events to create a better understanding of the ramifications of evictions in a socioeconomic context. Though not conclusive, such local efforts to document and educate appear to be beginning to have some effect.

According to recent figures provided by the Public Access to Judicial Administrative Records (PAJAR) team at the Judicial Council of California, unlawful detainer filings, which are petitions filed by landlords with local courts to start the eviction process, have dropped slightly since 2015. For example, most of the top 15 counties with the highest number of unlawful detainer findings in 2017 have seen decreases of 9 to 15 percent between 2015 and 2017. Notably, the sole county that saw a net increase was San Francisco with 4 percent more filings between 2015 and 2017, including a slight 1 percent drop between 2016 and 2017. Though more needs to be done to understand how evictions disproportionately impact protected classes in the state, based on results from the Community Needs Assessment Survey conducted for this analysis and stakeholder consultations, evictions and displacement remain a critical threat to fair housing choice and access in California, particularly for communities vulnerable to economic or social changes.

⁴¹⁵ Desmond, Matthew, et al. 2016. Discrimination in Evictions: Empirical Evidence and Legal Challenges. *Harvard Civil Rights-Civil Liberties Law Review*. Available at: https://scholar.harvard.edu/files/mdesmond/files/greenberg_et_al._.pdf

⁴¹⁶ Anti-Eviction Mapping Project. Available at: <https://www.antievictionmap.com/about>

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Figure 293: Unlawful Detainer Filings by Top 15 Counties and Fiscal Year, California 2015-2018

County	Unlawful Detainer Filings FY2015-16	Unlawful Detainer Filings FY2016-17	Unlawful Detainer Filings FY2017-18	Percent Change between FY 2015 and FY 2017
Los Angeles	51,203	47,966	44,031	-14%
San Bernardino	13,023	12,141	11,350	-13%
Riverside	11,147	10,458	9,759	-12%
Orange	10,816	10,385	9,661	-11%
San Diego	10,656	10,162	9,230	-13%
Sacramento	8,380	7,822	7,163	-15%
Kern	4,703	4,492	4,486	-5%
Alameda	4,857	4,275	4,123	-15%
Fresno	4,492	4,197	3,815	-15%
San Joaquin	3,527	3,563	3,201	-9%
San Francisco	3,004	3,144	3,128	4%
Contra Costa	3,517	3,209	2,842	-19%
Santa Clara	3,133	2,806	2,800	-11%
Ventura	2,278	2,180	1,974	-13%
Solano	2,128	2,002	1,842	-13%

Source: Judicial Council of California, 2019

Municipalities such as Los Angeles have taken more direct steps to stem the effects of evictions in the area. In October 2019, the Los Angeles City Council approved an emergency moratorium on evictions to stop landlords from evicting tenants before new statewide rent cap rules take effect in the first quarter of 2020. The extent and level of intervention undertaken by the Los Angeles City Council highlights the gravity of the situation in the city and throughout California.

Despite such progress, evictions will remain a critical issue for the State of California, particularly as evictions become more prevalent in non-entitlement areas. As the figure below showcases, most of the counties experiencing the highest increases in unlawful detainer filings are in non-entitlement areas. Counties such as Calaveras and Yuba, for example, went from 122 and 361 unlawful detainer filings respectively in 2015 to 150 and 404 in 2017.

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Figure 294: Unlawful Detainer Filings Increases by Top 10 Counties and Fiscal Year, California 2015-2018

County	FY2015-16	FY2016-17	FY2017-18	Percent Change between FY2015-16 and FY2017-18
Modoc	13	20	28	115%
Glenn	48	83	73	52%
Colusa	41	39	61	49%
Sierra	7	7	10	43%
Mono	25	14	31	24%
Calaveras	122	130	150	23%
Yuba	361	330	404	12%
Lassen	100	89	112	12%
San Luis Obispo	455	502	500	10%
Imperial	359	388	394	10%

Source: Judicial Council of California, 2019

The long-lasting and cumulative ramifications of evictions remain unclear. More will need to be done to know how the recent large number of evictions affect local and regional socioeconomic patterns and access to opportunity for low-income households and protected classes moving and relocating to different areas of the state.

Annual Cap on Rent Increases

In addition to establishing just cause protections for tenants, passage of the Tenant Protection Act of 2019 also established statewide limitations on gross rental rate increases for residential real properties covered by the Tenant Protection Act of 2019, effective until January 2030 (Civil Code section 1947.12(k)(1)). Owners of residential real properties that are subject to the Tenant Protection Act of 2019 are prohibited from, over the course of any 12-month period, increasing the gross rental rate more than 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase, subject to specified conditions (Civil Code section 1947.12(a)(12)). The rental rate cap established by the Act does not apply to housing subject to a local rent control ordinance that restricts annual rental rate increases in an amount less than that provided for by the Tenant Protection Act of 2019.

Prior to passage of the Tenant Protection Act of 2019, the majority of California cities did not have rent control; please see the figure below which lists the California cities and counties that have passed their own local rent control laws. The passage of the Act was intended to provide much-needed relief to renters and help keep them in their homes amid a statewide housing crisis that has fueled a wave of homelessness.⁴¹⁷

Additionally, throughout the AI process, stakeholders noted that rent increases are one

⁴¹⁷ Chandler, Jenna, September 2019. "California Assembly passes statewide rent control bill-governor will sign". Curbed Los Angeles. Available at: <https://la.curbed.com/2019/9/10/20857225/california-rent-control-bill-1482-approved>

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of the biggest challenges for households, particularly lower-income households, and act to limit housing choice.

Figure 295: California Cities and Counties with Local Rent Control Laws as of 2019

Municipality	Ordinance
Alameda	Alameda, California Code of Ordinances §§ 6-58.70 - 6-58.135
Berkeley	Berkeley Municipal Code §§ 13.76.110 - 13.76.120 Berkeley Municipal Code §§ 13.76.110 - 13.76.120
Beverly Hills	Beverly Hills Municipal Code § 4-6-3
City of Commerce	City of Commerce Emergency Ordinance No. 689 and extending ordinance
East Palo Alto	East Palo Alto, California Code of Ordinances §§ 14.04.040, 14.04.090 - 100
Gardena	Gardena Municipal Code §§ 14.04.010 - 14.04.300
Hayward	City of Hayward Residential Rent Stabilization, Ordinance No. 16-19
Inglewood	City of Inglewood Interim Ordinances 19-07 and 19-09.
Los Angeles	Los Angeles Municipal Code §§ 151.00 - 155.09
Unincorporated Los Angeles County	County of Los Angeles Interim Rent Stabilization Ordinance
Los Gatos	Los Gatos Town Code §§ 14.80.010 - 14.80.315
Mountain View	Mountain View Code of Ordinances § 1707
Oakland	Oakland Municipal Code § 8.22.065 et seq.
Palm Springs	Palm Springs Municipal Code §§ 4.02.010 - 4.08.190
Richmond	Richmond Code of Ordinances §§ 11.100.010 - 11.100.130
San Francisco	San Francisco Administrative Code § 37.3
San Jose	San Jose Municipal Code §17.23.310
Santa Monica	Santa Monica City Charter Amendment §§ 1800 - 1821
Thousand Oaks	Thousand Oaks Rent Stabilization Ordinances Nos. 755-NS, 956-NS, 1284-NS
Vallejo	Proclamation of Emergency by the Director of Emergency Services of the City of Vallejo Concerning Rental Housing Price Gouging. Ratified by city council on 7/3/19.
West Hollywood	West Hollywood Municipal Code §§ 17.36.020 et seq

Source: Nolo.com <https://www.nolo.com/legal-encyclopedia/california-rent-control-law.html>

Summary of the State's Current Fair Housing Legal Status

This section provides an overview of cases highlighted by the California Department of Fair Employment and Housing (DFEH) in 2017. Cases listed in this section may have been resolved through settlement at different points in the DFEH complaint process. Some of the DFEH cases may also have been referred to and settled by the Dispute Resolution Division of DFEH. In total, there were 56 housing related cases referred to the legal division of DFEH in 2017. Out of those cases, 11 civil complaints related to housing were filed by the legal division, and the majority of those cases, seven, involved discrimination due to disability.

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i. *DFEH v. Riverside Mobilehome Park Owners*

Residents of a Riverside mobilehome park experienced discrimination and harassment by the property manager of the park who took pictures of children and called them “Mexican bastards.” The manager also issued a rule to the tenants stating that children would only be allowed to play in their own yards and not in the common areas of the park.

To settle the claim, the mobilehome park owners agreed to pay \$125,000 to the Riverside Fair Housing Council and to five Hispanic tenants who filed the complaint. The settlement also requires the mobilehome park management to attend fair housing training, revise all housing rules that discriminate against Hispanic tenants and residents with children, and to post DFEH’s housing discrimination rights notices in Spanish and English.

ii. *DFEH v. Airbnb Host*

An Airbnb guest communicated with an Airbnb host via the Airbnb mobile app regarding her reservation. Despite having sent text messages confirming the approval of additional guests, the host denied that she had agreed to the addition and canceled the reservation. In a series of communications using the Airbnb mobile app, the host stated, “I wouldn’t rent it to u if u were the last person on earth” and “One word says it all. Asian.”

After the guest complained to Airbnb, the company conducted an investigation and permanently banned the host from the online platform. The guest also filed a complaint with DFEH. After an investigation, DFEH reached an agreement with the former host which included a personal apology; an agreement for the host to attend training, take a college-level course in Asian American studies, and participate in a community education panel; to perform volunteer service at a civil rights organization; and to report rental data to DFEH for a period of four years. The host also agreed to pay monetary damages of \$5,000.

Earlier in 2017, DFEH reached an agreement with Airbnb in which the company agreed to allow the DFEH to conduct fair housing testing of certain California hosts, to advise all users with complaints of racial discrimination of their right to file a complaint with the DFEH, and to report to DFEH on rates of guest acceptances by hosts by race of the guest.

iii. *DFEH vs. Property Management Company*

In 2019, the DFEH reached a settlement on a \$16,000 familial status housing discrimination complaint against a property management company. The complaint was filed by a family of four who alleged that management did not allow them to rent an apartment in a building because the property manager did not consider children to be appropriate residents. The manager allegedly stated that the apartment

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home might be overcrowded with four people, that neighbors might have issues with noise because of kids, and that the building was for “business people.”

Fair Housing Discrimination Suits Filed by DOJ, and Resulting Consent Decrees

The following are the fair housing discrimination related suits filed by U.S. Department of Justice (DOJ) in California within the past five years, which will help assess fair housing trends.⁴¹⁸

i. *Calvillo, et al. v. Baywood Equities, L.P., et al.*

On May 16, 2019, the United States entered into a [settlement agreement](#) to resolve the HUD election referral, *Calvillo, et al. v. Baywood Equities, L.P., et al.* The parties to the agreement are the United States, complainants (a family residing at Baywood Apartments in Petaluma, California), and respondents (the owners and managers of Baywood Apartments).⁴¹⁹ The settlement agreement resolves allegations that the respondents discriminated against the complainants on the basis of disability when they denied the complainants’ request for a reasonable accommodation for an emotional support animal. The complainants further alleged that the respondents made intimidating statements and interfered with their right to request a reasonable accommodation. The settlement agreement requires respondents to pay \$32,500 to the complainants. The agreement also includes the implementation of a reasonable accommodation policy, training, and reporting requirements.

ii. *Southwest Key Programs, Inc. v. City of Escondido (S.D. Cal.)*

On March 23, 2017, the court issued an [order](#) denying the Defendant’s motion for summary judgment in *Southwest Key Programs, Inc. v. City of Escondido* (S.D. Cal.), finding that there were triable issues as to whether the group home at issue constitutes a dwelling under the Fair Housing Act.⁴²⁰ The United States had filed a [statement of interest](#) in this case on November 3, 2016, to address the question whether the protections of the Fair Housing Act extend to group homes for unaccompanied children that are in the care and custody of the United States Department of Health and Human Services. The plaintiff in the case was seeking to operate such a home in the City of Escondido and alleged that the city discriminated on the basis of race and national origin when it denied the request for a conditional use permit to operate the group home. The City of Escondido moved for summary judgment, arguing, among other things, that the FHA does not apply in this case. The United States’ statement of

⁴¹⁸ United States Department of Justice. Civil Rights Division. Housing Case Summaries. Available at: <https://www.justice.gov/crt/housing-cases-summary-page>

⁴¹⁹ United States Department of Justice. Civil Rights Division. Settlement Agreement - Calvillo, et al. V. Baywood Equities, L.P., et al. Available at: <https://www.justice.gov/crt/case-document/settlement-agreement-calvillo-et-al-v-baywood-equities-lp-et-al>

⁴²⁰ United States Department of Justice. Civil Rights Division. Settlement Agreement - Southwest Key programs, Inc. V. City of Escondido (S.D. CAL.) Order denying defendant’s motion for summary judgment. Available at: <https://www.justice.gov/crt/case-document/southwest-key-programs-inc-v-city-escondido-sd-cal-order-denying-defendants-motion>

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interest urged the court to find that the proposed group home is a “dwelling” covered by the Fair Housing Act and is neither a jail nor a detention facility.

iii. *United States v. Belshaw (C.D. Cal.)*⁴²¹

On April 11, 2018, the United States entered into a [settlement agreement](#) resolving *United States v. Belshaw* (C.D. Cal.). The [complaint](#), which was filed just one day earlier, alleged that a California landlord violated the Servicemembers Civil Relief Act (SCRA) when he refused to return pet and key deposits to a United States Air Force Lieutenant after he lawfully terminated his lease upon receipt of military orders requiring him to relocate to Texas prior to move-in. Under the settlement agreement, the landlord, Daniel Belshaw, must pay \$2,595 in damages to the servicemember; pay a civil penalty of \$1,595 to the United States; adopt lease language that complies with the SCRA; report to the United States on SCRA compliance; and refrain from engaging in future SCRA violations. The case was primarily handled by the United States Attorney’s Office.

iv. *United States v. California Auto Finance (C.D. Cal.)*

On July 20, 2015, the United States filed a [complaint](#)⁴²² and a court-enforceable [settlement agreement](#) in *United States v. Housing Authority of the County of Los Angeles, City of Lancaster, California, and City of Palmdale, California* (C.D. Cal.). The complaint alleged Fair Housing Act violations by the Housing Authority of the County of Los Angeles and the Cities of Lancaster and Palmdale for actions undertaken in the Antelope Valley region of Los Angeles County, in violation of 42 U.S.C. §§ 3604(a)-(b), 3617, and 3614(a). The complaint alleged that the defendants engaged in a pattern or practice of discrimination against African American participants in the federal Section 8 Housing Choice Voucher Program living in the Cities of Lancaster and Palmdale, CA. The settlement agreement provides for comprehensive reforms, a \$1.975 million victim fund, and a \$25,000 civil penalty.⁴²³

v. *United States v. Nelson (S.D. Cal.)*

On June 11, 2019, the United States filed a [complaint](#) in *United States v. Nelson* (S.D. Cal.), alleging a pattern or practice of sexual harassment in violation of the Fair Housing Act. The complaint alleges that Nelson, who owns and manages at least two four-unit rental properties in the San Diego, California area, engaged in a pattern or practice of sexual harassment of and retaliation against female tenants from at least 2005 to the present. Nelson’s alleged conduct includes, among other things, engaging

⁴²¹ United States Department of Justice. Civil Rights Division. Settlement Agreement - United States v. Belshaw (C.D. Cal.) Available at: <https://www.justice.gov/crt/case-document/settlement-agreement-united-states-v-belshaw-cd-cal>

⁴²² United States Department of Justice. United States v. Housing Authority of the County of Los Angeles, City of Lancaster, California, and City of Palmdale, California (C.D. Cal.). Available at: <https://www.justice.gov/sites/default/files/crt/legacy/2015/07/30/hacolacomp.pdf>

⁴²³ Proposed settlement Agreement in United States v. Housing Authority of the County of Los Angeles, City of Lancaster, California, and City of Palmdale, California (C.D. Cal.) <https://www.justice.gov/sites/default/files/crt/legacy/2015/07/22/hacolasettle.pdf>

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in unwelcome sexual touching, offering to reduce monthly rental payments in exchange for sex, making unwelcome sexual comments and advances, making intrusive and unannounced visits to female tenants' homes to further his sexual advances, and evicting or threatening to evict female tenants who objected or refused his sexual advances.⁴²⁴

vi. *United States v. San Diego Family Housing, LLC (S.D. Cal.)*

On November 1, 2016, the court entered a [consent order](#)⁴²⁵ in *United States v. San Diego Family Housing, LLC* (S.D. Cal.). The complaint, which was filed by the United States Attorney's Office on August 10, 2016, alleged that the owner and operator of dozens of on-base and off-base military housing communities throughout Southern California obtained default eviction judgments against active-duty servicemembers without filing proper affidavits of military service, as required by the Servicemembers Civil Relief Act (SCRA). The consent order requires the payment of \$140,000 in damages to four servicemembers (\$35,000 each) and a \$60,000 civil penalty, for a total of \$200,000. The consent order also requires the defendants to vacate the eviction judgments, forgive any deficiency balances, and ask the credit bureaus to remove the evictions from the servicemembers' credit reports. In the future, the defendants will have to check the Department of Defense Manpower Data Center (DMDC) database and file a proper affidavit of military service before seeking a default judgment against any tenant in an eviction action.⁴²⁶

vii. *United States v. Westminster Asset Corp. (C.D. Cal.)*

On November 6, 2014, the United States Attorney's Office filed a [complaint](#)⁴²⁷ in *United States v. Westminster Asset Corp.* (C.D. Cal.), a Fair Housing Act pattern or practice/election referral from HUD based on disability. The complaint alleged that the owner and managers of a 312-unit apartment building in Westminster, California refused to rent a unit to a HUD complainant because she used an electric mobility scooter. The Fair Housing Council of Orange County conducted testing in the case and also filed a complaint with HUD. After the filing of the lawsuit, the defendants provided copies of their non-discrimination and reasonable accommodations policies and tenant files and implemented Fair Housing training for employees. The parties filed a joint stipulation to dismiss the case with prejudice, stating that the dismissal had no bearing on the ability of the HUD complainants to pursue their claims in their separate lawsuit.

⁴²⁴ United States Department of Justice. Civil Rights Division. Complaint - United States V. Nelson (S.D. Cal.). Available at: <https://www.justice.gov/crt/case-document/complaint-united-states-v-nelson-sd-cal>

⁴²⁵ United States Department of Justice. Civil Rights Division. Consent Order United States V. San Diego Family Housing, LLC (S.D. Cal.). Available at: <https://www.justice.gov/crt/case-document/consent-order-united-states-v-san-diego-family-housing-llc-sd-cal>

⁴²⁶ United States Department of Justice. Civil Rights Division. Complaint - United States V. San Diego Family Housing, LLC (S.D. Cal.). Available at: <https://www.justice.gov/crt/case-document/complaint-united-states-v-san-diego-family-housing-llc-sd-cal>

⁴²⁷ United States Department of Justice. Civil Rights Division. Complaint - United States v. Westminster Asset Corp. (C.D. Cal.) Available at: <https://www.justice.gov/sites/default/files/crt/legacy/2014/11/13/westminstercomp.pdf>

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- viii. *Independent Living Center of Southern California, et al. v. City of Los Angeles, et al.*, (C.D. Cal. Complaint filed Jan. 13, 2012.) and *United States ex rel. Ling, et al. v. City of Los Angeles, et al.* (C.D. Cal.)

Over the past decade, the City of Los Angeles and the now-dissolved Community Redevelopment Agency of the City of Los Angeles (CRA/LA) faced several separate enforcement proceedings based on an alleged failure to ensure that their affordable housing programs complied with federal and state accessibility requirements. These cases are discussed together, two of the three cases have resulted in substantial settlements, the third is still pending.

In January 2012, three nonprofit organizations—Independent Living Center of Southern California, Fair Housing Council of San Fernando Valley, and Communities Actively Living Independent and Free—filed suit in the U.S. District Court for the Central District of California, alleging that the City of Los Angeles and the CRA/LA had failed to comply with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and California Government Code section 11135 (the state law prohibiting discrimination with state funds).⁴²⁸ Specifically, the *Independent Living Center* plaintiffs alleged that the City of Los Angeles and CRA/LA failed to ensure that a portion of the units complied with the heightened architectural accessibility requirements of Section 504 and the ADA (including 5 percent mobility accessible units and 2 percent hearing/vision accessible units), failed to ensure priority admission to those units for people who needed the accessible features, and failed to operate their overall housing programs in a fashion to make them accessible to people with disabilities.

The City of Los Angeles settled the litigation in August 2016; the subsequent judgment incorporating the settlement⁴²⁹ provides that the City of Los Angeles will ensure that at least 4,000 highly-accessible units will be modified or built within 10 years (secured by a commitment of at least \$200 million), that policy and other changes will be made to prioritize occupancy of accessible units for people needing the features, and that more than 800 City of Los Angeles-assisted apartment complexes (with more than 70,000 units) will be operated in compliance with federal and state disability rights laws. Finally, the City of Los Angeles agreed to pay damages of \$4.5 million to the plaintiff organizations, and reasonable attorneys' fees and costs.⁴³⁰

Plaintiffs settled their claims against CRA/LA on September 7, 2017, for a commitment to retrofit or otherwise ensure full accessibility of an additional 250 highly accessible units within three years and setting aside a minimum amount of \$8.75 million to accomplish that objective. The CRA/LA settlement also requires full compliance with accessibility legal requirements, and payment of \$1 million to each plaintiff nonprofit

⁴²⁸ *Independent Living Center of Southern California, et al. v. City of Los Angeles, et al.*, Case No. 2:12-cv-0051-SJO (C.D. Cal. Complaint filed Jan. 13, 2012).

⁴²⁹ ECF Nos. 608, 608-1, available at https://www.reلمانlaw.com/media/cases/374_Corrected%20Settlement%20Agreement%20with%20City%20of%20Los%20Angeles.pdf (last visited Mar. 27, 2020)

⁴³⁰ *Id.*

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organization, as well as reasonable attorneys' fees and costs.⁴³¹ A similar case is pending against the City of Chicago and has survived a motion to dismiss.⁴³²

On August 2, 2019, HUD announced that it entered into a Voluntary Compliance Agreement (VCA) with the City of Los Angeles, following an investigation and prolonged negotiations involving claims very similar to those in the *Independent Living Center* litigation outlined above.⁴³³ After issuing a warning letter in April 2019,⁴³⁴ HUD advised the City of Los Angeles in July 2019 that it would withhold \$80 million in block grant funds if the City of Los Angeles did not enter into a VCA.⁴³⁵ The VCA, in effect for 10 years, mandates compliance with accessibility architectural and policy provisions in the City of Los Angeles's housing programs. The City of Los Angeles commits to providing more than 4,000 accessible housing units for people with disabilities, with the majority coming through retrofitting of existing affordable housing developments across the City of Los Angeles that were not constructed or rehabilitated to meet federal accessibility standards. It also requires property owners to comply with various accessibility and fair housing policies, and City of Los Angeles reporting requirements. In addition, the City of Los Angeles and HUD will work together on an "Enhanced Accessibility Program" initiative for units serving the blind and deaf communities that will incorporate cutting-edge accessibility features into future affordable housing developments.⁴³⁶

Finally, the City of Los Angeles faces additional pending litigation under the federal False Claims Act (FCA), in which the DOJ alleges that the City of Los Angeles falsely certified to HUD that its affordable housing program complied with heightened federal accessibility standards. That case was originally filed under seal in February 2011 by Mei Ling, a resident of Los Angeles who uses a wheelchair, and the Fair Housing Council of San Fernando Valley, but was taken over by DOJ in July 2017.⁴³⁷ DOJ's complaint-in-intervention alleges that the City of Los Angeles received hundreds of

⁴³¹ ECF No. 596, available at https://www.relmanlaw.com/media/cases/373_596%20-%20Judgment%20Pursuant%20to%20Settlement%20Agreement%20between%20CRA%20and%20Plaintiffs_2_.pdf (last visited Mar. 27, 2020).

⁴³² *Access Living v. City of Chicago*, Case No. Case: 1:18-cv-03399 (N.D. Ill. Complaint filed May 13, 2018), available at <https://www.relmanlaw.com/cases-access-living> (last visited Mar. 27, 2020).

⁴³³ HUD and Los Angeles Reach Historic Settlement Resolving Disability Discrimination and Lack of Accessible Housing, August 2, 2019, available at https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_116 (last visited Mar. 27, 2020)

⁴³⁴ Supplemental Letter of Findings of Noncompliance, available at <https://www.hud.gov/sites/dfiles/FHEO/documents/CityofLASupplementalLOFAPRIL1FINALacc.pdf> (last visited Mar. 27, 2020).

⁴³⁵ "U.S. Officials Withhold \$80 Million from Los Angeles, Alleging Discrimination," Los Angeles Times, July 20, 2019, available at <https://www.latimes.com/california/story/2019-07-20/hud-housing-discrimination-disabled-20190720> (last visited Mar. 27, 2020).

⁴³⁶ Voluntary Compliance Agreement between HUD and City of Los Angeles, August 2, 2019, available at <https://www.hud.gov/sites/dfiles/Main/documents/HUD-City-of-Los-Angeles-VCA.pdf> (last visited Mar. 27, 2020).

⁴³⁷ *U.S. ex rel. Mei Ling, et al. v. City of Los Angeles, et al.*, Case No. 11-cv-974-PSG (C.D. Cal. Complaint in Intervention filed July 31, 2017). The CRA/LA was also named as a defendant, but chose to settle its claims with DOJ in January 2020. United States Department of Justice. Civil Rights Division. *Successor to L.A.'s Redevelopment Agency Reaches \$3.1 Million Settlement in Case Alleging Misuse of Federal Housing Funds*. Available at: <https://www.justice.gov/usao-cdca/pr/successor-la-s-redevelopment-agency-reaches-31-million-settlement-case-alleging-misuse>

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millions of dollars in HUD funding by falsely certifying compliance with federal accessibility standards. DOJ alleges the City of Los Angeles repeatedly certified its compliance with federal accessibility laws to obtain the federal funds, as part of its routine reports to HUD in regard to federal grants, without taking the required steps to ensure it complied. Remedies under the FCA include three times the actual damages and civil money penalties for each false claim or representation, an alleged potential liability in excess of \$2 billion.⁴³⁸

⁴³⁸ Copies of pleadings, settlements, and related documents can be found at: <https://www.disabilityrightsca.org/cases/independent-living-center-of-southern-california-et-al-v-the-city-of-los-angeles-et-al> [disabilityrightsca.org].

Chapter 12: Disaster Recovery

This chapter examines the intersection between disaster recovery, resilience, mitigation, and fair housing. Since the last Analysis of Impediments to Fair Housing Choice (2012 AI) conducted in 2012, California has experienced several record-breaking disasters and the majority of the state has experienced at least one declared disaster, including drought, wildfires, flooding, mudflows, and debris flows.⁴³⁹

In addition to the human lives lost, these events have destroyed housing, businesses, and infrastructure, causing many residents to be displaced and without access to adequate resources. The destruction of community assets impacts all community members by limiting housing choice and access to economic opportunities. The impacts on vulnerable populations, which include protected classes, can be catastrophic, especially for persons living in poverty or persons with a disability.

Disasters also exacerbate existing problems in a community, particularly as protected classes have fewer resources to rebound from them. With high housing costs across the state and limited options available, disasters further tighten an already stressed housing market. Due to lack of available housing, many disaster survivors, if financially able, move out of the area or state, while others are forced to live in temporary housing or lose their home. The 2018 Camp Fire in Butte County highlighted the danger for vulnerable populations, as 53 of the 86 people who died in the fire were over the age of 65.⁴⁴⁰ Federal disaster recovery programs must ensure they affirmatively further fair housing, and key issues such as accessible information and meeting locations, and language access for disaster recovery information are critical to equitable recovery as well.⁴⁴¹

The following chapter explores the primary hazards identified in the State of California's Hazard Mitigation Plan, federal and state resources available for disaster recovery, and recovery related fair housing issues.

Hazard Risk and Disaster Vulnerability

The State of California's 2018 Hazard Mitigation Plan (HMP) identifies floods, fire hazards, and earthquakes as the hazards that pose the greatest risk for California, though other types of disasters continue to pose a threat as well.⁴⁴² Each of these has the potential to cause widespread damage to property and infrastructure, resulting in the displacement of residents and businesses. Recent disasters have shown that

⁴³⁹ CAL Fire. 2018 Incident Archive. Available at: <https://www.fire.ca.gov/incidents/2018/>

⁴⁴⁰ Poor, elderly and too frail to escape: Paradise fire killed the most vulnerable residents. Los Angeles Times, February 10, 2019. Available at: <https://www.latimes.com/local/lanow/la-me-ln-camp-fire-seniors-mobile-home-deaths-20190209-story.html>

⁴⁴¹ Fixing America's Broken Disaster Housing Recovery System. National Low Income Housing Coalition. https://nlihc.org/sites/default/files/Fixing-Americas-Broken-Disaster-Housing-Recovery-System_P1.pdf

⁴⁴² California Governors Office of Emergency Services, 2018 Hazard Mitigation Plan. Available at: <https://www.caloes.ca.gov/cal-oes-divisions/hazard-mitigation/hazard-mitigation-planning/state-hazard-mitigation-plan>

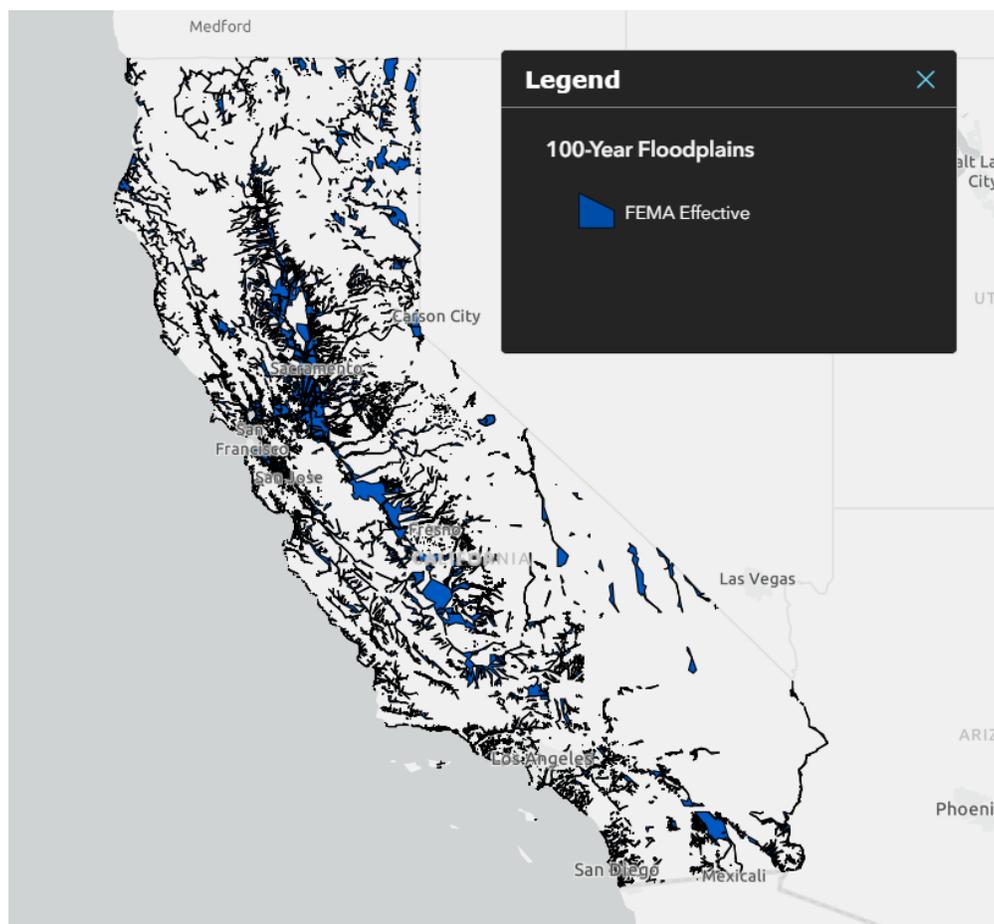
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California’s existing housing shortage leads to further displacement of residents, especially those with limited access to basic resources and steady employment.

a. Flood

Many communities throughout California are susceptible to the destruction of floods caused by sea level rise, infrastructure failure, and rain events, including those that take place after a fire; and this will only continue to be exacerbated by climate change. Although not a complete picture of flood risk throughout the state, the figure below shows the 100-year flood areas in California, which are areas the Federal Emergency Management Agency (FEMA) designates as having a 1 percent annual chance of flooding. Flood risk is most prominent in Central California, which is primarily rural and relies heavily on agriculture. In these areas, flooding can intensify the lack of infrastructure and shortages of quality affordable housing that many rural communities face.

*Figure 296: The Distribution of Flood Risk in California*⁴⁴³



Source: FEMA, ESRI

⁴⁴³ This layer is derived from the April 1, 2019 version [Flood Insurance Rate Map](https://www.arcgis.com/home/item.html?id=11955f1b47ec41a3af86650824e0c634)
<https://www.arcgis.com/home/item.html?id=11955f1b47ec41a3af86650824e0c634>

b. Wildfires

Wildfires are a regular occurrence in California and pose a serious risk to communities. This risk has increased since the 2013 drought, with severe weather leading to some of the state's most deadly and destructive fires in recent history. According to the California Department of Forestry and Fire Protection (CAL FIRE), the fire season in California and across the West is starting earlier and ending later each year, and communities across most of the state are at risk. The shortage of housing after a fire can magnify underlying fair housing issues in communities, such as discrimination, cost burden, and access to opportunity. The map below shows fire threat, with red representing extreme threat, and green and blue representing moderate and low threat respectively. The Los Angeles and San Diego region and Northern California have the highest concentrations of extreme threat.

Figure 297: Wildfire Threat Areas⁴⁴⁴



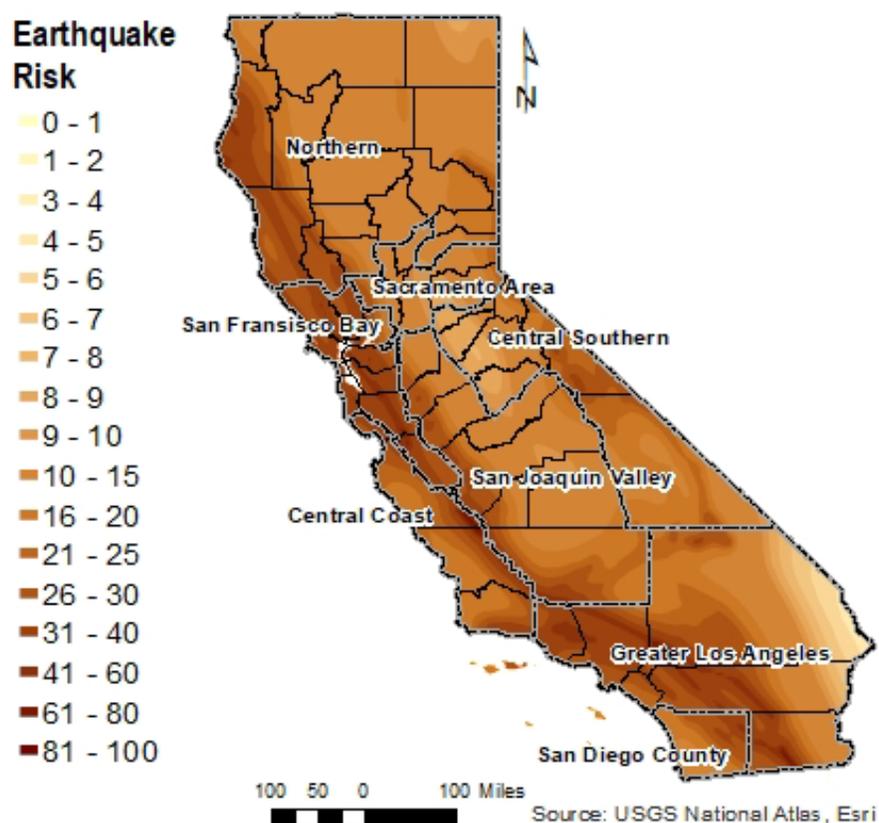
Source: California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, Fire Threat. 2019.

⁴⁴⁴ "Fire threat provides a measure of fuel conditions and fire potential in the ecosystem, representing the

c. Earthquakes

While less common than other disasters, earthquakes pose a significant threat to communities across the state, and particularly the population centers of San Francisco and Los Angeles. These areas are experiencing an affordable housing shortage, which would be magnified by a major disaster. Additionally, damage from an earthquake is widespread and can have a devastating impact on essential services, infrastructure, and housing, resulting in limited housing choice and reduced access to services. The figure below shows earthquake risk across the state on a scale of 1 to 100, with 1 representing the lowest risk and 100 representing the highest.

Figure 298: The Distribution of Seismic Risk Across California



Source: USGS National Atlas, ESRI, Updated: Sep 18, 2019

relative likelihood of “damaging” or difficult to control wildfire occurring for a given area. Fire Threat is not a risk assessment by itself, but can be used to assess the potential for impacts on various assets and values susceptible to fire. Impacts are more likely to occur and/or be of increased severity for the higher threat classes. Fire threat is a combination of two factors: 1) fire probability, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined to create 5 threat classes ranging from low to extreme. This version (fthrt14_2) is an update created from fthrt14_1 (created for the FRAP 2017 Forest and Rangeland Assessment). Fire Rotation data in fthrt14_1 was replaced with Annual Fire Probability data.” California Department of Forestry and Fire Protection. 2019. Available at [HTTPS://FRAP.FIRE.CA.GOV/MEDIA/10315/FIRETHREAT_19_ADA.PDF](https://FRAP.FIRE.CA.GOV/MEDIA/10315/FIRETHREAT_19_ADA.PDF)

d. Other Hazards

Other environmental hazards identified in the State of California's 2018 HMP include air pollution, drought and water shortages, extreme heat, and severe weather and storms. Climate change has the potential to affect the severity, frequency, and location of hazard events. California is pursuing climate change adaptation through a wide range of guidance and legislation.

e. Disaster Vulnerability

As the profile of key hazards demonstrates, communities across the state are vulnerable to flood, wildfire, and earthquakes. In addition to the physical vulnerabilities identified in the HMP, many communities and households face social vulnerabilities that are intensified during the short- and long-term recovery period after a disaster. Access to information, housing, and social services are disrupted during and after a disaster, placing individuals in danger and increasing the strain on local housing markets and service providers.

California is experiencing an affordable housing crisis, demonstrated by low vacancy rates and a mismatch between housing costs and income, making communities vulnerable to local shocks such as a natural disaster. For households that were struggling to find and/or maintain affordable housing before a major event, a lack of units in close proximity, combined with an increase in costs due to additional pressure on the housing market beyond baseline rising costs statewide, results in displacement of residents and an increase in homelessness.

For example, the Tubbs Fire impacted the City of Santa Rosa and Sonoma County in October 2017. The number of persons experiencing homelessness rose by 6 percent between 2017 and 2018, resulting in a total count of 2,996 persons experiencing homelessness in 2018. Of those counted, 36 percent of persons experiencing homelessness were living in shelters or transitional housing. The Sonoma County Community Development Commission found that many of the people experiencing homelessness were displaced from other parts of the county and had moved to the City of Santa Rosa. The County also found that the number of people experiencing homelessness for the first time increased from 24 percent in 2017 to 35 percent in 2018, directly corresponding to the timing of the Tubbs Fire.⁴⁴⁵

Similarly, the Camp Fire devastated Butte County and the Town of Paradise in November 2018, leading to the displacement of nearly 52,000 residents. Due to pre-disaster housing shortages, many displaced residents were unable to find permanent or temporary lodging within 75 miles of the impacted area. With limited housing available, the number of people in temporary shelter and number of persons experiencing homelessness in Butte County increased due to disaster-related displacement. The

⁴⁴⁵ Sonoma County 2018 Homeless Count Foreshadows Post-Fire Rise in Homelessness, Sonoma County Community Development Commission. Available here: <https://sonomacounty.ca.gov/CDC/Press-Releases/Sonoma-County-2018-Homeless-Count-Available/>

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2019 Point-in-Time Count identified 2,304 persons experiencing homelessness, including 891 unsheltered and 993 people in temporary FEMA shelters, a 16 percent increase from 2017.⁴⁴⁶

Additionally, residents that rely on social services or supportive housing tend to be extremely vulnerable after a disaster. Existing networks may be disrupted, and facilities may become uninhabitable, causing a lack of care for persons with disabilities or those in need of supportive services.

f. Disaster Impacts

Since 2012, California has experienced seven major fire or flood events with impacts over a billion dollars. These figures do not capture the full range of disasters, even so these alone led to 209 deaths and estimated damages of over \$56 billion, as demonstrated in the figure below. These events have impacted communities across the region and throughout the State of California.

⁴⁴⁶ Report of 2019 Point in Time Survey Sheltered and Unsheltered Conducted March 28, 2019. Butte Countywide Homelessness Continuum of Care, September 2019. Available here: http://www.buttehomelesscoc.com/uploads/1/1/7/5/117500423/coc_-_2019_pit_survey_report_07-17-19.pdf

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Figure 299: NOAA National Centers for Environmental Information (NCEI) Billion-Dollar Flood and Fire Events Since 2012⁴⁴⁷

Events	CPI- Adjusted Estimated Cost (in Billions) Confidence Interval	Deaths	Description
California and Alaska Wildfires, Summer-Fall 2019	\$4.5	3	California experienced a damaging wildfire season in 2019, largely resulting from the Kincade and Saddle Ridge wildfires. In addition, a key California electrical utility provider turned off power to millions of homes and businesses several times during days with forecasted high winds and extremely dry conditions. This step was designed to minimize wildfires, with some success, but it also caused billions of dollars in losses to those affected.
Western Wildfires, California Firestorm (Summer-Fall 2018)	\$24.5	106	The Camp Fire destroyed more than 18,500 buildings. The Mendocino Complex Fire - burning over 450,000 acres. Additionally, The Carr Fire in Northern California and the Woolsey Fire in Southern California. The total 2018 wildfire costs in California (with minor costs in other Western states) approach \$24.5 billion - in total, over 8.7 million acres burned across the U.S. during 2018. The last 2 years of U.S. wildfire damage has been unprecedented in damage, with losses of \$40.8 billion.
Western Wildfires, California Firestorm (Summer-Fall 2017)	\$18.70	54	Damaged or destroyed over 15,000 homes, businesses and other structures across California in October. The Tubbs, Atlas, Nuns and Redwood Valley wildfires causing 44 deaths. Extreme wildfire conditions in early December also burned hundreds of homes in Los Angeles. Numerous other wildfires across many Western and Northwestern states burn over 9.8 million acres. These wildfire conditions were enhanced by the preceding drought conditions in several states.
Western/Southeast Wildfires (Summer-Fall 2016)	\$2.60	21	Western and Southern states experienced an active wildfire season with over 5 million acres burned nationally. These wildfires destroyed nearly 2,500 structures and caused 14 fatalities. The drought conditions in many areas of the Southeast and California worsened the wildfire potential.
Western and Alaskan Wildfires (Summer-Fall 2015)	\$3.30	12	Wildfires burned over 10.1 million acres across the U.S. in 2015. The most costly wildfires occurred in California where over 2,500 structures were destroyed with the insured losses alone of \$1.1 billion. There was extensive burnt acreage across other Western states.
Western Wildfires (Summer-Fall 2012)	\$2.00	8	Wildfires burned over 9.2 million acres across the U.S. in 2012. The most damaging wildfires occurred in the Western states (CO, ID, WY, MT, CA, NV, OR, WA).

Source: NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2020)

⁴⁴⁷ Exceeds \$1 billion-dollar threshold after 2019 Consumer Price Index adjustment †Please note hyperlinked reports were compiled using preliminary data, and the statistics will not always match the latest figures presented here. The confidence interval (CI) probabilities (75%, 90% and 95%) represent the uncertainty associated with the disaster cost estimates. Monte Carlo simulations were used to produce upper and lower bounds at these confidence levels (Smith and Matthews, 2015).

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Federal Disaster Recovery Resources

The previous sections examine the risks posed to the State of California and damage caused by recent disasters. This section provides an overview of federal CDBG resources for disaster recovery. Congress appropriates CDBG-DR funding to HUD, but only presidentially declared disasters qualify for CDBG-DR funding. HUD determines CDBG-DR dollars primarily through Federal Emergency Management Agency (FEMA) data, including property damage and losses. Since 2013, many of California's disasters have impacted large areas, with smoke causing health problems across the state, but until 2017 the disasters did not meet the federal requirements to qualify for CDBG-DR funding. Since 2013, HCD has received three federal disaster recovery funding sources. In 2013, the State of California applied for and was awarded \$70 million in National Disaster Resilience Competition (CDBG-NDR) dollars to recover from the Rim Fire in Tuolumne County. Due to the impacts of the 2017 wildfires, debris flows, and mudflows, HCD received a total of \$250 million to address the \$2.5 billion of unmet recovery needs from FEMA DR-4344⁴⁴⁸ and DR-4353⁴⁴⁹, which devastated Sonoma and Ventura Counties, along with 10 other counties across the state. In 2018, California experienced the deadliest wildfire in state history, the Camp Fire. To assist with the recovery from DR-4407⁴⁵⁰ and DR-4382⁴⁵¹, Congress appropriated over \$1 billion in CDBG-DR dollars to address unmet needs.⁴⁵² The following provides an overview of the federal disaster recovery dollars administered by HCD.

a. National Disaster Resilience Competition⁴⁵³

HUD awarded the State of California \$70.4 million through the National Disaster Resilience Competition to provide additional funding for recovery projects that go beyond infrastructure needs and address social and economic conditions in order to improve the community's resilience. The Community and Watershed Resilience Program (CWRP) was funded to address the unmet recovery needs from the 2013 Rim Fire in Tuolumne County. The Program will support community protection and resilience from future fires, foster economic development, and provide long-term environmental and economic benefits by funding the following activities:

- Forest and Watershed Health
- Community Resilience Center
- Biomass Utilization Facility

⁴⁴⁸ Federal Emergency Management Agency. Available at: <https://www.fema.gov/disaster/4344>

⁴⁴⁹ Federal Emergency Management Agency. Available at: <https://www.fema.gov/disaster/4353>

⁴⁵⁰ Federal Emergency Management Agency. Available at: <https://www.fema.gov/disaster/4407>

⁴⁵¹ Federal Emergency Management Agency. Available at: <https://www.fema.gov/disaster/4382>

⁴⁵² HUD Continues Support for Fifteen States and Four U.S. Territories Recovering from Major Disasters. December 3, 2019. Available at: https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_173

⁴⁵³ Department of Housing and Community Development, National Disaster Resilience Program. Available at: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/ndrc.shtml>

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b. 2017 Wildfires, Mudflows, and Debris Flows (DR-4344 and DR-4353) ⁴⁵⁴

Congress allocated \$212 million to address unmet recovery needs and mitigation for communities impacted by the DR-4344 and DR-4353 disasters in April 2018. HUD split the \$212 million dollars between unmet recovery needs (\$124 million) and mitigation (\$88 million), each governed by separate Federal Register Notices. In December 2019, HUD allocated an additional \$38 million to address unmet infrastructure needs from the disasters. The Federal Register Notice for the \$38 million was released in January 2019.

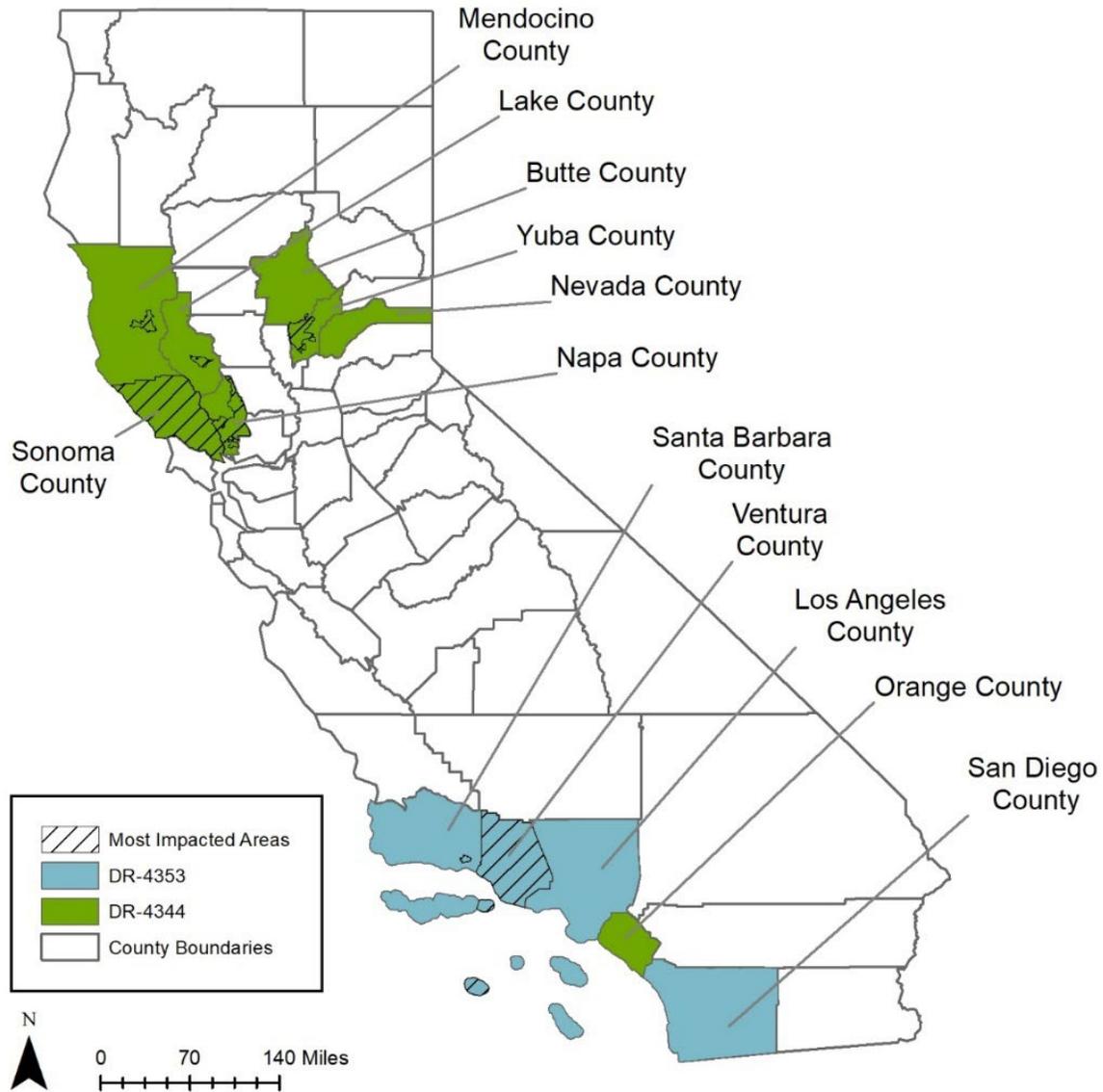
The following map shows the impacted areas, and the HUD designated Most Impacted and Distressed (MID) areas including Sonoma and Ventura Counties, and five zip codes:

- 93108 (Santa Barbara)
- 95422 (Lake County)
- 94558 (Napa County)
- 95470 (Mendocino County)
- 95901 (Yuba County)

⁴⁵⁴ U.S. Department of Housing and Urban Development, Office of Public Affairs. December 2019. Press Release: HUD continues support for fifteen states and four U.S. Territories recovering from major disasters. Available at: https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_173

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Figure 300: DR-4344 and DR-4353 Impacted Counties and Most Impacted and Distressed Areas



Source: Department of Housing and Urban Development, U.S. Census TIGER Files 2018

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c. 2017 Unmet Recovery Needs

HUD approved HCD’s Unmet Recovery Needs Action Plan in March 2019.⁴⁵⁵ The following chart provides a summary of the unmet recovery needs for housing, infrastructure, economic, and agricultural impacts. Seventy percent of the Unmet Recovery Needs must benefit Low- and Moderate-Income households (LMI), defined as 80 percent of Area Median Income and below (AMI). In addition, 80 percent of the funding must be spent in the Most Impacted and Distressed Areas, noted in the map above.

Figure 301: State of California DR-4344 and DR-4353 CDBG-DR Unmet Needs Summary

Category	Data Source	Total Impact	Resources Available	Unmet Need (Total Impact less Applied Resources)	% of Total
Housing	Alternative Methodology	\$2,283,300,000	\$582,290,191	\$1,701,009,809	67%
Infrastructure	FEMA PA	\$592,197,307	\$557,523,980	\$34,673,327	1%
Infrastructure	FEMA HMGP	\$1,118,748,393	\$648,572,968	\$470,175,423	18%
Economic	SBA – Commercial Loss	\$123,619,322	\$33,084,100	\$90,535,222	4%
Agriculture	Local	\$259,438,082	N/A	\$259,438,082	10%
Total	N/A	\$4,377,303,104	\$1,821,471,239	\$2,555,831,863	N/A

Source: State of California 2018 CDBG-DR Action Plan

The Unmet Recovery Needs Action Plan proposes the following programs to address the unmet recovery needs from the 2017 disasters⁴⁵⁶:

- **Owner Occupied Housing Rehabilitation and Reconstruction Program** (\$47.63 million): Funding for rehabilitation and reconstruction of owner-occupied single-family homes damaged or destroyed by the 2017 disasters.
- **Multifamily Housing Program** (\$66.7 million): Provides funding to construct apartments and mixed-use development for LMI renters. Preference will be given to renter households displaced due to the disasters.

⁴⁵⁵ California Department of Housing and Community Development, March 2019. Available here: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/docs/March-2019-HCD-CDBG-DR-ActionPlan-APPROVED.pdf>

⁴⁵⁶ California Department of Housing and Community Development. Available here: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/docs/2018-State-CDBG-Disaster-Recovery-Action-Plan-Summary.pdf>

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- **FEMA-Public Assistance Match Infrastructure Program** (\$3.5 million): Provide match funding to local governments to address infrastructure recovery needs, including utility and water control infrastructure.

d. Community Development Block Grant Mitigation (DR-4353 and DR-4344) ⁴⁵⁷

HUD released the Federal Register Notice for the \$88 million in CDBG Mitigation (CDBG-MIT) in August 2019. At the time of this publication, the CDBG-MIT is in draft form and posted for public comment. ⁴⁵⁸ CDBG-MIT funds are intended for preventative measures that reduce loss of life, damage to property, and lessen the impact of future disasters. Half of the total allocation must benefit LMI households earning 80 percent AMI or below, and 50 percent of funding must be spent in the MID areas identified in the map above. HCD must submit the CDBG-MIT Action Plan by April 6, 2020 to HUD for approval. For more information, visit: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-mit-2017/index.shtml>

e. 2018 Wildfires and High Winds (DR-4407 and DR-4382) ⁴⁵⁹

The 2018 wildfire season was the most deadly and destructive wildfire season on record in California. ⁴⁶⁰ Wildfires burned over 1.7 billion acres, including the Mendocino Complex fire, which alone burned more than 459,000 acres, making it the largest in California's history. The Camp Fire became the deadliest and most destructive fire on record, killing at least 85 people and destroying more than 18,000 structures. HUD has allocated over \$1 billion through CDBG-DR to assist communities impacted by wildfires and high winds in 2018 under eligible FEMA disasters 4407 and 4382. HUD published the Federal Register Notice outlining the requirements of these funds on January 27, 2020. ⁴⁶¹ For more information, visit: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-dr-2018/index.shtml>

Resilience Programs and Planning

The previous section described federal resources available to address the 2017 and 2018 disasters. This section provides an overview of key disaster recovery, climate resilience, and planning activities that mitigate disasters and address the impacts of climate change.

⁴⁵⁷ U.S. Department of Housing and Urban Development Office of Public Affairs. August 2019. Press Release: HUD releases program requirements for CDBG-Mitigation Program. Available at:

https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_129

⁴⁵⁸ California Department of Housing and Community Development. Available at: https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-mit-2017/docs/CDBG-MIT_PublicComment_18feb2020.pdf

⁴⁵⁹ U.S. Department of Housing and Urban Development Office of Public Affairs. May 2019. Press Release: HUD awards \$1.5 billion to support seven states in their recovery from 2018 disasters. Available at:

https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_061

⁴⁶⁰ CAL Fire 2018 Incident Archive. Available at: <https://www.fire.ca.gov/incidents/2018/>

⁴⁶¹ 85 FR 4681. Available here: <https://www.govinfo.gov/content/pkg/FR-2020-01-27/pdf/2020-01204.pdf>

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a. Key Statewide Planning Efforts

California has implemented multiple statewide planning efforts to respond to climate change and hazard risks. Efforts are being made to coordinate efforts across research, policy, and programs to promote a coordinated effort across the state. Many of the strategies to promote resilience, such as increased density, infrastructure investments, and efficient transportation networks are key indicators of opportunity and have the potential to further fair housing choice.

California's statewide planning efforts include the Integrated Climate Adaptation and Resiliency Program (ICARP), California General Plan Guidelines (GPG), Safeguarding Climate Action Team (SafeCAT), Executive Order B-30-1, Assembly Bill (AB) 2800, Adaptation Capability Advancement Toolkit. These statewide planning efforts are described below.

i. *Integrated Climate Adaptation and Resiliency Program*

The Integrated Climate Adaptation and Resiliency Program (ICARP) was established by Senate Bill 246 (SB 246) to develop a cohesive and coordinated response to the impacts of climate change across the state by establishing a State Adaptation Clearinghouse and a Technical Advisory Council (TAC). Through its activities, ICARP develops strategies to coordinate climate activities at state, regional and local levels, while advancing social equity.

ii. *California General Plan Guidelines*

The California Office of Planning and Research (OPR) is statutorily required by Government Code § 65040.2 to adopt and periodically revise the state GPG for the preparation and content of general plans for all cities and counties in California. A general plan is the local government's long-term blueprint for the community's vision of future growth, including land use, housing, circulation, and environmental justice. The GPG serves as the "how to" resource for drafting a general plan, including legislative changes, new guidance, policy recommendations, external links to resource documents, and additional resources.

iii. *Safeguarding Climate Action Team*

The Safeguarding California Climate Action Team (SafeCAT) was established to provide a venue for cross-sector collaboration and information sharing regarding the development of the Safeguarding California plan, Executive Order B-30-15 Technical Advisory Group (TAG) guidance implementation, and engagement with local and regional agencies. The SafeCAT, together with the ICARP and its associated TAC, provide a suite of agency bodies and resources to foster information sharing and engagement with local and regional governments working to address the impacts of climate change.

iv. *Executive Order B-30-1*

Executive Order B-30-15 directed state agencies to integrate climate change into all planning and investment, including accounting for current and future climate conditions

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in infrastructure investment. OPR was directed to convene a TAG which produced a guidance document called “Planning and Investing for a Resilient California: A Guidebook for State Agencies”. This document provides high-level guidance on what future conditions to plan for and how state agencies should approach planning differently in light of a changing climate.

v. Assembly Bill (AB) 2800

AB 2800 states that “state agencies shall take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure.” The “Climate-Safe Infrastructure Working Group” convened by the California Secretary for Natural Resources per AB 2800 released recommendations on infrastructure design and planning on September 5, 2018. The recommendations cover a wide array of issues in the funding and development of infrastructure, including prioritizing investments that reduce inequality, increase opportunity, and increase opportunities for workforce development.

Natural Disasters and Fair Housing

Natural disasters are a destructive and disruptive force throughout California, impacting people, housing, infrastructure, and the economy. Recent disasters have highlighted the challenges communities face when trying to replace housing in already tight housing markets. Many of the areas that were impacted by the 2017 and 2018 wildfires, mudflows, and debris flows were already experiencing challenging housing markets. The destruction these events caused has continued to put additional pressure on local housing markets in the impacted and surrounding areas. Stakeholders noted that housing markets in areas such as Sacramento and Chico were feeling the impacts of housing shortages in neighboring communities that had experienced recent wildfires. Rural areas were hit particularly hard after recent fires. In particular, farmworkers have faced challenges accessing resources and services to assist with recovery. Persons living in mobilehomes have also had a difficult time accessing assistance and affordable housing after the disaster. Many people who live in mobilehomes do not have title to the units, which is a barrier to receiving assistance and insurance. Additionally, the destruction of existing mobilehome parks has increased demand, leaving communities with a shortage of an affordable housing type. These disasters also had a significant impact on people with disabilities, who found it especially difficult to find accessible temporary and permanent housing after the destruction of their homes.

As the State of California receives resources for recovery and mitigation efforts, it has the opportunity to develop and administer programs and investments that benefit all members of a community, including vulnerable populations.

COVID-19 Impacts and Actions

The COVID-19 pandemic has exacerbated existing community needs and tests the capacity of our public services. Persons already experiencing homelessness are at

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increased risk of infection and death due to COVID-19. Congregate shelters are not an adequate housing solution in a pandemic, and persons experiencing homelessness need access to safe shelter to prevent infection and spread of the disease.

The ongoing shut-down of businesses has resulted in record unemployment, which severely impacts areas with a higher cost of living and areas already impacted by higher poverty rates. Lower-wage workers have disproportionately incurred the impact of job losses. COVID-19 has amplified the wage disparity that existed before the pandemic—a fact that is particularly concerning as state median income did not return to the pre-Great Recession level until 2018.

Many households have been unable to pay rent since the shut-down and shelter-in-place orders were issued in early March 2020. Governor Newsom issued an executive order, placing a moratorium on evictions until July 28, 2020. Even with these historic and unprecedented efforts, housing costs are still a major concern, particularly for lower-income households who are at risk of homelessness once the moratorium is lifted. As detailed in Chapter 3, Black households in California experience higher poverty rates and higher levels of housing cost burden than other races (see Figure 29). The pandemic amplified these conditions, in a June 2020 survey fewer than half of Black California survey respondents indicated high confidence that they would be able to make next month's rent.⁴⁶² Homelessness prevention must be a community priority to prevent an increase in homelessness as housing protections are lifted.

As a result of shortages in some areas, combined with loss of income for many households, there has been substantial increase in demand for assistance through public services, especially food banks, meal delivery services, and healthcare-related services. The rapid increase in demand has left many service providers under-staffed and under-resourced and has added substantial cost. The increased demand is expected to be sustained beyond the shut-down as households will take time to regain employment and economic stability.

Small businesses have been especially impacted as many do not have the working capital to weather months of mandated shut-down while maintaining payrolls and employment benefits. The need for business support is increasing as the shut-down continues.

Necessary efforts to contain the virus and to address its effects have increased costs for state and local governments across the country. Job losses and business closures are sharply reducing state and local government revenues. With the combined increased costs and decreased revenues, the California projected budget deficit is approximately

⁴⁶² Levin, Matt. June 19, 2020. Black Californians' housing crisis, by the numbers Retrieved from: https://calmatters.org/housing/2020/06/black-californians-housing-crisis-by-the-numbers/?fbclid=IwAR1IpDsu-ga7UW1bH7ssLoI0-qoprBbMIJ1w12DLB_pgDQttqa_jq3TeVYY

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\$54 billion for FY 2020-21. The State is forecasting this recession could last for several budget cycles.

a. Resources and Programs

The CARES Act authorized funding to support preparation for, and response to, the community impacts of the COVID -19 pandemic. HUD's distribution plan includes multiple phases: an initial phase that would allow for quick access to funding necessary to address the immediate crisis resulting from the rising pandemic, as well as later phases that would support post-pandemic community recovery.

For the first phase, \$43,990,603 in ESG-CV and \$578,909 in HOPWA-CV funds will provide homeless assistance and prevention services such as financial assistance, overnight shelter, rapid-rehousing, transitional housing and HIV/AIDS housing operations. \$19,331,744 in CDBG-CV funds will increase economic development opportunities and maintain or increase public services and facilities such as, creating and retaining jobs, assisting businesses, public services for COVID-19 response, and capacity.

In April, Gavin Newsom announced California secured FEMA approval to provide safe isolation capacity for tens of thousands of people experiencing homelessness in California in order to protect them and the state from COVID-19. Project Roomkey, has set an initial goal of securing up to 15,000 rooms, through leasing or acquisition of rooms, for this purpose and county partners are moving homeless individuals most vulnerable to COVID-19 off the street, out of shelters, and into isolation. Part of the plan also includes rooms reserved for people who need to quarantine or isolate themselves because of the Coronavirus and can't do so at home.

State and local governments will receive up to 75 percent cost-share reimbursement from FEMA for hotel and motel rooms, including wraparound supports such as meals, security, and custodial services. Essential behavioral health and health care services will also be provided by the local governments and community partners, as needed. Some counties have reported the challenge of quickly housing homeless with this program as they are finding insufficient numbers of service providers to run the hotels and provide services to help transition residents into permanent housing. The governor shared as of May 29, 2020; Project Roomkey acquired 16,679 rooms. This project may provide a sense of what the state's current capacity is to address homelessness and the need to build capacity of service providers that can assist with this work.

Chapter 13: Impediments to Fair Housing Choice

HCD produced the Final 2020 AI as required by HUD for all CPD funding recipients. This analysis serves as the foundation for HCD and the state's fair housing planning work, to expand housing choice and access to opportunity for all Californians, with a focus on members of protected classes. The Final 2020 AI details impediments to fair housing choice and action steps to address those impediments over the next five years.

To effectively combat housing discrimination and affirmatively further fair housing, HCD has identified a multi-pronged approach that includes recommendations and action steps to address the 10 impediments to fair housing choice identified through the 2020 AI process. The recommendations and action steps will inform HCD's efforts to affirmatively further fair housing; to promote inclusive communities, further housing choice, and address community disparities through HCD's programs, policies, and operations. HCD's AFFH efforts will also follow guidance from state fair housing law, including AB 686 (2018). Some of these actions are within HCD's authority, while others will require on-going, collaborative work with state and local entities.

****Note: Actions with an asterisk address more than one impediment to fair housing choice.***

1. Impediment #1: Supply and Production of Affordable Homes

Inadequate supply and production of affordable homes available to lower-income households and persons in protected classes.

Recommendations and Action Steps:

- Maintain and expand resources available for the production and preservation of rental housing for households earning less than 30 percent AMI. *
- Maintain and expand technical assistance on state laws and strategies that promote zoning for a variety of housing types, including multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units affordable to lower-income households.
- Develop and deliver technical assistance on recently enhanced statutory requirements related to planning and zoning for affordable homes, including broad sixth cycle housing element support and specific guidance on [AB 686](#), [SB 330](#), [SB 35](#), [AB 2162](#), [AB 1397](#), and [SB 166](#).
- Identify state surplus and excess local public land suitable for housing development, connect available land with affordable housing developers ([AB 1486](#) and [Executive Order N-06-19](#)).
- Explore potential to move to guideline authority on the Emergency Solutions Grant Program, the HOME Program and other HCD funding

programs to provide staff with flexibility to integrate evidence-based solutions and respond to evolving housing needs and policy priorities.

- Encourage housing supply strategies that implement state and local government requirements to Affirmatively Further Fair Housing under [AB 686](#).
- Encourage greater community engagement in local governments adoption of housing elements, particularly the identification of sites for the housing element. Increase technical assistance and depth of review related to housing element sites to confirm sites are affirmatively furthering fair housing and meet other legal mandates (under [AB 1397](#) and [AB 686](#)) for projected income levels.*

2. **Impediment #2: Housing Preservation**

Vulnerable supply of affordable homes threatens housing options for lower-income households and persons in protected classes.

Recommendations and Action Steps:

- Maintain and expand resources available for the production and preservation of subsidized rental housing for households earning less than 30 percent AMI. *
- Help to preserve Naturally Occurring Affordable Housing, such as mobilehome parks.
- Support the conversion of hotel/motel/other non-housing to affordable housing.
- Support Preservation Notice law ([AB 1521](#) and Government Code Sections [65863.10](#), [65863.11](#), and [65863.13](#)) by providing technical assistance to owners, residents, affected public entities, and qualified entities interested in preservation purchases. Continue notifying owners of non-compliant preservation notices and providing technical assistance to support preservation transactions.
- Convene a task force of state housing entities to review and align asset management and monitoring requirements to simplify reporting requirements and ensure sponsors are aware of and following preservation noticing requirements.
- Continue expanding the Affordable Housing Preservation Database with additional local and state data to identify affordable properties that are at risk and should be targeted for preservation.
- Evaluate opportunities within HCD's funding and planning programs to increase incentives for the preservation of at-risk affordable housing.

3. **Impediment #3: Housing Instability and Homelessness**

Unequal access to supportive services, shelter, and affordable housing opportunities increases housing instability and risk of homelessness for protected classes. The Coronavirus pandemic has exacerbated existing inequalities and vulnerabilities.

Recommendations and Action Steps:

- Continue statewide response to the novel Coronavirus, including protections from evictions, housing solutions for those experiencing homelessness, and prevention of further foreclosure and evictions as at-risk households navigate economic recovery, transitioning to permanent housing, and generally support post-pandemic community and economic recovery.
- Through Project Homekey, HCD will administer funds to preserve and acquire homes that can be used as permanent and affordable housing.
- Support efforts of the California Homeless Coordinating and Financing Council to develop a Homeless Data Integration System. This database will be utilized to make data-driven policy decisions aimed at preventing and ending homelessness.
- Provide technical assistance on [AB 2162](#), which requires supportive housing developments, that meet certain criteria, to be allowed by-right.
- Prevent cycles of homelessness from the beginning by encouraging creation of local emergency housing funds that support a variety of rental subsidies and assistance to households at risk of eviction or losing their home due to temporary financial shocks.
- Encourage local and regional governments to identify emergency shelter sites for unhoused persons, particularly during extreme weather conditions and other disaster and emergency situations.
- Amplify the California Department of Fair Employment and Housing's education efforts on new fair housing protections for persons experiencing homelessness, including acceptance of assistance animals and equal access for LGBTQIA+ persons.
- Encourage Continuums of Care and service providers to allow people with disabilities who decline to share detailed personal or medical information to still have access to local Coordinated Entry Systems.
- Explore various data strategy options to monitor evictions.

4. **Impediment #4: Fair Housing Education and Enforcement**

Limited community awareness of fair housing protections and enforcement resources.

Recommendations and Action Steps:

- Amplify the California Department of Fair Employment and Housing’s education efforts on their new fair housing regulations.
- In partnership with DFEH, provide HCD program and policy staff, and project sponsors, with fair housing training, including equity, implicit bias, tenant selection best practices, and accessibility requirements and best practices.
- Develop a working group across housing agencies to provide aligned tenant selection guidance to program users in light of DFEH’s new regulations and trainings on source of income, reasonable accommodations, harassment, retaliation, criminal background, use of masked eviction records, protections for survivors of domestic violence, language access issues, immigration status (including undocumented persons) and equitable tenant selection strategies to prevent disparate impact on protected classes.
- Explore developing a formal process for state housing entities to handle complaints related to fair housing laws and VAWA protections.
- Analyze the state’s affordable housing portfolio and protected class membership of persons living in affordable housing.
- Ensure that state housing programs provide meaningful access to persons with Limited English Proficiency. Review HCD’s language access plan, be more deliberate with making multilingual and accessible communications available.
- Encourage AFFH, implicit bias, and accessibility trainings for local building inspectors and code enforcement.
- Support the increase of fair housing testing to identify housing discrimination.
- Continue to collaborate with other state agencies on outreach efforts to homebuyers and homeowners to discuss fair lending issues.

Impediment #5: Tenant Protections and Anti-Displacement

Lack of uniform enforcement and adequate anti-displacement protections have left protected classes more vulnerable to displacement.

Recommendations and Action Steps:

- Support efforts to provide sustainable, ongoing legal assistance to California renters and homeowners facing eviction through local nonprofit organizations ([SB 113](#)).

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- Support the California Department of Real Estate's efforts to update the [Department of Consumer Affairs' Guide to Residential Tenants' and Landlords' Rights and Responsibilities](#).
- Support efforts to keep people housed by preventing foreclosures through California Housing Finance Agency's [Keep Your Home California program](#).
- Support education efforts on housing protections and resources for survivors of domestic and sexual violence, for example the [Violence Against Women Reauthorization Act of 2013](#) (VAWA), [HUD's final rule on the Implementation of VAWA in HUD programs](#), and [HUD guidance on nuisance and crime-free ordinances that may violate victims' rights under the Fair Housing Act](#).
- Promote the [California Victims' Compensation Fund](#) as a resource for survivors.
- Review programs to ensure compliance with state and federal relocation laws. Support other state housing entities in ensuring their programs do not contribute to displacement.
- Compare eviction protections provided by state and federal housing programs and assess if modifications to HCD's program protections are recommended.
- Review due process protections, including hearing and grievance procedures, for entities participating in state housing programs. Seek to provide due process protections before terminating services or tenancy.

Impediment #6: Disparities in Housing Quality and Infrastructure

Lower-income households, rural communities, and persons in protected classes, are disproportionately experiencing severe housing problems, a lack of adequate housing options, and disparities in infrastructure.

Recommendations and Action Steps:

- Develop partnerships with and provide technical assistance to other state department and community development entities responsible for non-housing community investments (schools, economic development, parks and gardens, public health programming, climate adaptation, etc.) and infrastructure (water, transit, public utilities, internet, etc.) on their Affirmatively Furthering Fair Housing obligations and need for investments in under resourced communities.*
- Promote place-based investments in areas that have experienced historical inequity and under investment, including rural communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment. *

- Explore potential expansion of eligible uses for the Mobilehome Park Rehabilitation and Resident Ownership Program to address code violations, accessibility, and habitability issues.
- Seek to conduct mobilehome park code enforcement to benefit residents, while complying with state laws.
- Any mobilehome code enforcement efforts need to include considerations of tenant safety, as well as potential displacement.
- Explore potential mobilehome relocation benefits and opportunities to safely and inexpensively upgrade and legalize illegal units.
- Analyze potential benefits of rental inspection programs and remediation funds as tools to facilitate habitability in the rental housing stock and prevent displacement.

Impediment #7: Climate and Environmental Vulnerabilities

Lower-income households and protected classes are often disproportionately impacted by climate change, environmental injustice, or unsustainable land use and development practices.

Recommendations and Action Steps:

- Develop partnerships with and provide technical assistance to other state department and community development entities responsible for non-housing community investments (schools, economic development, parks and gardens, public health programming, climate adaptation, etc.) and infrastructure (water, transit, public utilities, internet, etc.) on their Affirmatively Furthering Fair Housing obligations and need for investments in under resourced communities.*
- Promote affordable and accessible housing opportunities in communities with greater resources, functioning infrastructure, less pollution exposure, climate change mitigation policies, access to transit and active transportation mobility choices such as walking and biking, jobs, high-performing schools, open space, and other community needs linked to long term positive outcomes for residents.*
- Encourage cross sector collaborations on program guideline development and grant reviews. Incorporate housing, equity, and affirmatively furthering fair housing principles throughout transportation, climate, adaptation, energy, natural resource, and sustainability programs.
- Explore adding adoption or update of Environment Justice plans as an eligible use in planning grant programs.
- Explore cost and benefits of low interest loan programs to make housing more climate resilient.

Impediment #8: Historic and Lasting Impact of Segregation

Despite the repeal of explicitly racist and discriminatory housing laws, there remains a lasting legacy of segregation and resource disparities. Housing choice is often limited for persons of protected classes, including communities of color, to segregated concentrated areas of poverty.

Recommendations and Action Steps:

- Develop partnerships with and provide technical assistance to other state department and community development entities responsible for non-housing community investments (schools, economic development, parks and gardens, public health programming, climate adaptation, etc.) and infrastructure (water, transit, public utilities, internet, etc.) on their Affirmatively Furthering Fair Housing obligations and need for investments in under resourced communities.*
- Promote place-based investments in areas that have experienced historical inequity and under investment, including rural communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment. *
- Research and lift up best practices for community investment without displacement.
- Utilize AB 72 enforcement authority as a strategy to ensure compliance with state affordable housing laws.
- Recognize where jurisdictions act to perpetuate existing patterns of segregation, refer to DFEH.
- Utilize HCD's racial equity plan, developed in cooperation with the Government Alliance for Racial Equity (GARE), to fully integrate racial equity into all of HCD's practices, policies, and programs.

Impediment #9: Local Resistance and Exclusionary Land Use Policies Constrain Access to Opportunity

Denying, preventing, or rendering infeasible multifamily housing development, alternative housing strategies, and affordable housing limits access for lower-income households, protected classes, and persons experiencing homelessness.

Recommendations and Action Steps:

- Continue to analyze HCD's funding programs to assess, review, and seek opportunities to more affirmatively further fair housing. Partner with other agencies, such as California Housing Finance Agency, Tax Credit Allocation Committee, and California Debt Limit Allocation Committee to share lessons learned and support them in completing similar analysis.
- Promote affordable and accessible housing opportunities in communities with greater resources, functioning infrastructure, less pollution exposure,

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climate change mitigation policies, access to transit and active transportation mobility choices such as walking and biking, jobs, high-performing schools, open space, and other community needs linked to long term positive outcomes for residents.*

- Continue partnership with councils of government to improve Regional Housing Need Allocations (RHNA) under [AB 1771](#), which requires RHNA to further all five statutory objectives including: 1) increasing housing supply and a mix of housing types, tenure, and affordability in an equitable manner, 2) promoting infill development and socioeconomic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns, 3) promoting jobs-housing fit, 4) balancing disproportionate household income distributions, and 5) affirmatively further fair housing.
- Encourage greater community engagement in the housing element, particularly the identification of sites for the housing element. Increase technical assistance and depth of review related to housing element sites to confirm sites are affirmatively furthering fair housing and meet other legal mandates (under [AB 1397](#) and [AB 686](#)) for projected income levels.*
- Conduct statewide training on the requirements of AB 686.
- In partnership with DFEH and HUD, continue to provide guidance and, as necessary, accountability and enforcement, on the fair housing implications of local ordinances, zoning requirements, building codes, and development standards.
- Continue to enforce Housing Element Law, the Housing Accountability Act, Density Bonus Law, and other laws to discourage local land use policies and implementation from acting as barriers to housing opportunities for lower-income residents and protected classes.
- Explore the creation of an anonymous complaint mechanism for parties reporting potential housing law violations under [AB 72](#) in order to protect complainants from potential retaliation.
- Promote education and additional research on how restrictions on multifamily housing, such as limited multifamily zoning, and height and density limitations, impact inclusive communities.
- Explore opportunities to use small area Fair Market Rents or updated market studies to provide voucher holders access to higher rent areas and increase voucher utilization rates.

Impediment #10: Insufficient Accessible Housing Stock

Lack of adequate accessible housing options, compared to the need, limits housing choice for people with disabilities.

Recommendations and Action Steps:

- Revise HCD regulations and guidance for all programs to clarify the legally required accessibility requirements in HCD funded activities.
- Improve compliance with state and federal building codes related to the number of accessible units in HCD funded activities through monitoring and technical assistance.
- Partner with Public Housing Authorities and other subsidized housing providers to provide trainings on reasonable accommodations for people with disabilities.
- Evaluate HCD's programs to assist persons transitioning from institutional settings to community-based settings.
- Partner with DFEH to provide trainings to entities participating in state housing programs on reasonable accommodations and modifications.
- Further integrated housing options for persons with disabilities. Require accessible units to be distributed throughout projects and sites (to the maximum extent feasible) and available in a range of sizes and amenities.*
- Research and lift up strategies to increase the utilization of accessible units by individuals with disabilities who need the accessibility features of the units.
- Analyze programs and eligible expenses, seek to allow, where possible, accessibility modifications as an eligible expense.
- Evaluate and develop a plan to increase the percentage of mobility and sensory accessible units across state housing programs (from 2 percent and 5 percent to 4 percent and 10 percent) in new construction developments.

Chapter 14: Conclusion

HCD produced this Final 2020 AI in conformance with the HUD requirements as stated in the *Fair Housing Planning Guide* as required for all HUD Community Planning and Development CPD funding recipients. This document serves as the basis for HCD's fair housing planning work to expand housing choice and access to opportunity for all Californians, regardless of membership in a protected class. In preparing this report, HCD conducted extensive community outreach across the state, with individuals and families, as well as with advocates, stakeholders, and groups representing persons in protected classes. The resulting AI includes public engagement from HCD's survey of Californians on their housing needs and priorities, five public meetings across the state to gather local feedback on specific housing impediments and trends, and 10 topic-specific webinars. The Final AI was also informed by feedback gathered during the public comment period. During the public comment period HCD held six regionally focused online meetings. This community input, along with significant data and research, informed this Final 2020 AI. The Final 2020 AI details impediments to fair housing choice and potential action steps to address those impediments over the next five years.

HCD has identified a multi-pronged approach that includes recommendations and action steps to address the ten impediments to fair housing choice identified through the 2020 AI process. The recommendations and action steps will inform HCD's efforts to affirmatively further fair housing; to promote inclusive communities, further housing choice, and address community disparities through HCD's programs, policies, and operations. HCD's AFFH efforts will also follow guidance from state fair housing law, including AB 686 (2018). Some of these actions are within HCD's authority, while others will require on-going, collaborative work with state and local entities.

HCD staff would like to acknowledge the community members and advocates that have contributed to this document. Particularly, the fair housing and equity advocacy community that have offered their time and expertise in an effort to make California a more inclusive and equitable state. See Appendix C for a summary and response to public comments received.

Appendices

Appendix A: Consultation Summary

Appendix B: Community Needs Assessment Survey

Appendix C: Summary and Response to Public Comments Received

Appendix A – Consultation Summary

In developing the Final 2020 AI HCD conducted stakeholder engagement and community participation in accordance with its Citizen Participation Plan (CPP). HCD's approach to community engagement and public participation in the AI process included:

- Convening a soundboard of key community stakeholders
- Hosting of ten webinars focused on key fair housing topics
- Consultations with 42 individual stakeholders
- Facilitation of two rounds of public meetings:
 - Round 1:
 - Statewide webinar
 - Five regional in-person meetings
 - Round 2:
 - Statewide webinar
 - Six regional webinars
- Publication of an online community needs assessment survey with 828 responses.

Notice of public meetings were published in newspapers of general circulation, through HCD's email listserv and social media, posted to HCD's public website, and shared by the soundboard and community stakeholders. A brief description of each of these activities is provided below.

1. Soundboard Members

Throughout the 2020 AI process, HCD worked with a soundboard of fair housing stakeholders with expertise on fair housing issues, law, policy, and actions. The input of soundboard members helped shape and greatly improved the Final 2020 AI and its process, but this should not be viewed as approval of the document by the participating organizations.

- **October 14, 2019:** HCD discussed the role of the advisory stakeholder group, provided an overview of the Analysis of Impediments requirements, and discussed impediments identified in HCD's 2012 AI. Soundboard members provided feedback on the draft Community Needs Assessment Survey questions, the AI outline planning document, sources of data relevant to the AI, and HCD's public engagement strategy.
- **November 20, 2019:** HCD presented a draft of the public meeting presentation materials, including the results of the initial data analysis, and discussed potential approaches for additional public outreach to non-English speaking populations to increase survey and public meeting participation.

- **February 10, 2020:** HCD reviewed the draft impediments to fair housing identified in the AI process and discussed potential actions to address these impediments.
- **May 15 and May 19, 2020:** HCD received feedback on the Draft 2020 AI. Soundboard members discussed priorities for the action steps and impediments.

Name	Organization
Renee Williams	National Housing Law Project
Anya Lawler	Housing Advocate (formerly Western Center on Law & Poverty)
Navneet Grewal	Disability Rights California (formerly Western Center on Law & Poverty)
Madeline Howard	Western Center on Law & Poverty
Alexander "Sasha" Harnden	Western Center on Law & Poverty
Nisha Vyas	Western Center on Law & Poverty
Mike Rawson	Public Interest Law Project
Valerie Feldman	Public Interest Law Project
Sam Tepperman-Gelfant	Public Advocates
Shajuti Hossain	Public Advocates
Michelle Pariset	Public Advocates
Ilene Jacobs	California Rural Legal Assistance Inc.
Brian Augusta	Housing Advocate
Natasha Reyes	Disability Rights California
Dara Schur	Disability Rights California
Zeenat Hassan	Disability Rights California
Shashi Hanuman	Public Counsel
Phoebe Seaton	Leadership Counsel
Veronica Garibay	Leadership Counsel
Ashely Werner	Leadership Counsel
Cathy Creswell	Housing Advocate
Alicia Sebastian	California Coalition for Rural Housing
Megan Haberle	The Poverty & Race Research Action Council
Philip Tegeler	The Poverty & Race Research Action Council

2. Topic Specific Webinars

To expand participation from each of California's regions, HCD hosted a series of webinars to provide additional opportunities for participation on specific fair housing issues. HCD advertised these webinars to its email list, social media, and through all public meeting and consultations. The following is a list of attendees for each of the ten issue-specific webinars:

- **Environmental:** December 20, 2019 at 10:00 a.m.

First Name	Last Name
Robert	Flores
Grecia	Elenes
Vijaya	Jammalamadaka
Caroline	Moyer
Pamela	Fishtrom
Savannah	Gil
Bill	Mayben
Arthur	Wylene
Norma	Guzman
Kathleen	Diohep
Mariah	Thompson
Chantal	Griffin
Spring	Packard
Jonnie	Demmer
Mao	Lee

- **Seniors/Aging:** December 20, 2019 at 3:00 p.m.

First Name	Last Name
Julieann	Honeyman
Qualena	McClung
Caroline	Moyer
Elise	Rietz
Daniela	Galvan
Irene	Muro
Aelena	Stanfield
Allison	Dykens
Sasha	Wisotsky Kergan
Jonnie	Demmer
Theresa	Alvarez-Jarrin
Chantal	Griffin
Jamillah	Williams
Mao	Lee
Patty	Gacutan
Tigran	Yeremyan
Maribel	Alcantara

- **Fair Housing Complaints:** December 30, 2020 at 1:00 p.m.

First Name	Last Name
Parisa	Ijadi-Maghsoodi
Altaira	Hatton
Gary	Hanes
Annmarie	Rizza
Caroline	Moyer
Pamela	Fishtrom
Elise	Rietz
Daniela	Galvan
Irene	Muro
Aelena	Stanfield
Arthur	Wylene
Jonnie	Demmer
Robin	Huntley
Amy	Lopez
Jamillah	Williams
Suzanne	Hemphill
Saudy	Sanchez
Noel	Wiggins
Angel	Mcmurray
Eden	Luna
Kevin	Mahany
Samantha	Vethavanam
Patty	Gacutan

- **Private Sector:** December 30, 2019 at 3:00 p.m.

First Name	Last Name
Eli	Kaplan
Caroline	Moyer
Elise	Rietz
Irene	Muro
Aelena	Stanfield
Norma	Guzman
Daniella	Steppek
Sasha	Wisotsky Kergan
Suzanne	Hemphill
Noel	Wiggins
Ed	Rodriguez

- **Homelessness:** January 2, 2020 at 10:00 a.m.

First Name	Last Name
Robert	Ward
Walter	Booker
Altaira	Hatton
Leese	Johnson
Betty	Liu
Raymond	Gonzales
Maria	Cambron
Jack	Hill
Karen	Strolia
Jill	Albanese
Diane	Ledward
Caroline	Moyer
Pamela	Fishtrom
Diana	Trayer
Michelle	Barrera
Elise	Rietz
Jennifer	Harkey
Linda Jo	Stern
Reba	Stevens
Irene	Muro
Alana	Spector
Sean	Williams
Matty	Shirer
Zoe	Neil
Daniella	Stepek
Sasha	Wisotsky Kergan
Chantal	Griffin
Tracy	Rhine
Paz	Padilla
Karl	Lawson
Tiana	Smith
Eden	Luna
Samantha	Vethavanam
Gail	Work
Sandra	Warshaw
Josh	Hollingsworth
Tanya	Jackson

- **Immigration:** January 3, 2020 at 10:00 a.m.

First Name	Last Name
Grecia	Elenes
Jim	Peterson
Betty	Liu
Caroline	Moyer
Sasha	Wisotsky
Jessica	Quintana
Paulina	Moreno
Eden	Luna
Judith	Jimenez
Samantha	Vethavanam
Patty	Gacutan
Jonnie	Demmer
Marybrook	Cox
Jennifer	Hernandez
Marco	Sanchez
Ariston	Julian
Kuldeep	Birdi
Patty	Gacutan
Cassandra	Paz

- **Housing Policy:** January 3, 2020 at 1:00 p.m.

First Name	Last Name
Robert	Flores
Ashley	Spooner-Choi
Eli	Kaplan
Aurora Denita	Packard
Jim	Peterson
Diane	Ledward
Michelle	Nielsen
Caroline	Moyer
Pamela	Fishtrom
Michael	Cass
Ma'Ayn	Johnson
Jennifer	Harkey
Irene	Muro
Arthur	Wylene
Norma	Guzman
Rey	Javier

First Name	Last Name
Daniella	Stepek
Sasha	Wisotsky
Theresa	Alvarez-Jarrin
Paulette	Gage
Chantal	Griffin
Tracy	Rhine
PAZ	Padilla
Veronica	Beaty
Saudy	Sanchez
Angel	Mcmurray
Eden	Luna
Ed	Rodriguez
Richard	Valdez
Judith	Jimenez
Samantha	Vethavanam
Jennifer	Hernandez
Kuldeep	Birdi
Tiffany	Ho
Marianne	Lim
Debra	Yerike
Apollo	Rojas
Athena	Corinna
Jill	Albanese
Monica	Graves
Rana	Mohiuddin
Neela	Shukla
Shawn	Danino

- **Rural Communities:** January 3, 2020 at 3:00 p.m.

First Name	Last Name
Jennifer	Dart
Willa	Darley Chapin
Robert	Ward
Robert	Flores
Grecia	Elenes
Bernadette	Sava
Aurora	Packard
Michelle	Nielsen
Caroline	Moyer

First Name	Last Name
Pamela	Fishtrom
Lesli	Langslet
Arthur	Wylene
Allison	Dykens
Daniella	Stepek
Sasha	Wisotsky Kergan
Kathryn	Robinson
Jonnie	Demmer
Chantal	Griffin
Tracy	Rhine
Debbie	Arakel
Veronica	Beaty
Blanca	Escobedo
Judith	Jimenez
Gail	Work
JD	Trebec
Jennifer	Hernandez
Tiffany	Ho
Marianne	Lim
Lee	Kimball
Ben	Goger
Linda	Hedstrom
Monica	Graves
Neela	Shukla
Shawn	Danino
Jessica	Morsell-Haye
Colleen	Brock

- **Persons with Disabilities:** January 6, 2020 at 1:00 p.m.

First Name	Last Name
Angela	Piazza
Qualena	McClung
Richard	Gallo
Brianna	Reynoso
Ligia	Andrade Zúñiga
Altaira	Hatton
Armand	Mara
Engracia	Figueroa
Victoria	Fowles
Liza	Gold

First Name	Last Name
Caroline	Moyer
Elise	Rietz
Daniela	Galvan
Sheri	Burns
Allison	Dykens
Robin	Huntley
Jonnie	Demmer
Theresa	Alvarez-Jarrin
Vidal	Medina
Don	Taylor
Chantal	Griffin
Frances	Monasterio
Natasha	Reyes
Karl	Lawson
David	Garlasco
Ed	Rodriguez
Gail	Work
Amy	Russell
Monica	Gaitan
Victoria	Quintana Osborne
Kristin	Hughes
Noah	Hampton-Asmus
Linda	Hedstrom
Monica	Graves
Jana	Lu
Dara	Schur
Margie	Johnson
Fay	Rector
Antoinette	Price
Gail	Work
Ora	Hatheway
Jaime Yan	Faurot
Hector	Ramirez
Clariza	Arguelles
Alissa	Agritelly
Esmeralda	Martin
Rey	Javier
Ishter	Saiyady
Ricki	Hammett

- **Local Government:** January 7, 2020 at 2:00 p.m.

First Name	Last Name
Maria	Madera
Lucila	Vera
Jennifer	Gates
Sharon	Wolff
Michelle	Mitchell
John	Steitz
Meg	Healy
Rey	Javier
Valerie	Negrete
Matt	Glesne
Erin	Lapeyrolerie
Stephanie	Cadena
Larry	Burkhardt, CEcD, FM
Lois	Snell
Alejandra	Garcia
Leinani	Walter
Alex	Hack
Rana	Mohiuddin
Fred	Buzo
Natalie	McLaughlin
Chantal	Griffin
Kristin	Carter
Brandy	Wood
Corbin	Ingram
Vicky	Razo
Lonnie	Holmes
Rachael	Taylor
Richard	Shoemaker
Diana	Stantz
Carmen	Atkins
Anne	Vilagut
Debra	Watkins
Lonnie	Holmes
Suzette	Hilliard
Pat	Taylor
Gonzalo	Juarez
Jasmine	Bazley
Tontalya	Terceiro

First Name	Last Name
Lynn	Ortega
Terri	Smyth
Nina	Acosta
Beau	Campbell
Christie	Thomas
Trai	Her-Cole
Keith	Nagayama
Charles	Guiam
Elizabeth	Lou
Karen	Youel
Vanessa	Martinez
Margie	Perez
Andrew	Chang
Talin	Keshishian-Walker
Brian	Grant
Wendy	Wang
Erica	McWhorter
Ms.	Martin
Lindsey	Moss
Mary	Camp
Sara	Sutachan
Diane	Daniels
Diana	Perez-Domencich
Chris	Arthur
April	Svec
Cally	Hardy
Jess	Cortez

3. Stakeholder Consultations

Stakeholder consultations are a key aspect of HCD’s community outreach and engagement efforts conducted during the AI process. Stakeholder consultations were completed through one-on-one phone interviews. HCD identified and selected stakeholders based upon HUD guidance; at least one stakeholder was selected for consultation from each AFFH stakeholder group as outlined in HUD’s guidance.

As a statewide AI, HCD consulted with stakeholders in each of the eight regions of California, with a particular focus on non-entitlement and rural areas. HCD spoke with a total of 42 stakeholders during December 2019 and January 2020. Consultations included the following persons:

Contact	Outreach Status	Organization
Catherine A. Rodman, Director & Supervising Attorney	Contacted	Affordable Housing Advocates
Dan Dunmoyer, Senior Vice President	Contacted	CA Building Industry Association
Michael Gunning	Interviewed	CA Building Industry Association
Brian Augusta	Contacted	CA Rural Legal Assistance Foundation
Tony Bui	Contacted	California Apartment Association
Debra Carlton	Interviewed	California Apartment Association
Jennifer Svec	Interviewed	California Association of Realtors
Rob Weiner	Interviewed	California Coalition for Rural Housing
Paul Curtis, Le Ondra Clark, Sparky Harlan & Amanda, Al Rowlett	Interviewed	California Council of Community Behavioral Health Agencies
Russell Atterberry, Director	Contacted	California Department of Veterans Affairs
Marina Wiant	Contacted	California Housing Consortium
Francesc R Marti	Contacted	California Housing Finance Agency
Dan Rinzler	Interviewed	California Housing Partnership Corporation
Ilene Jacobs	Contacted	California Rural Legal Assistance
Jose Padilla	Interviewed	California Rural Legal Assistance
Bernadette Austin	Referred to other organizations	Center for Regional Change
Leah Simon-Weisberg	Interviewed	Centro Legal de la Raza
Larry Gross	Interviewed	Coalition for Economic Survival
Lisa Motoyama	Interviewed	Community Economics
Sharon Rapport	Interviewed	Corporation for Supportive Housing

Contact	Outreach Status	Organization
Branden Butler	Interviewed	Department of Fair Employment and Housing
Maxie Pulliam	Interviewed	Department of Veterans Affairs, Supportive Services for Veteran Families (SSVF) Program Office
Natasha Rayes	Interviewed	Disability Rights California
Dara Schur	Interviewed	Disability Rights California
Gloria Bruce	Contacted	East Bay Housing Organization
Justine Marcus	Interviewed	Enterprise Community Partners
John Moon	Interviewed	Federal Reserve Bank of San Francisco
Linda Nye	Interviewed	Golden State Manufactured Homeowners League
Stephen Menendian	Interviewed	Haas UC Berkeley
Maeve Brown	Interviewed	Housing and Economic Rights Advocates
David Zisser	Interviewed	Housing California
Veronica Garibay	Contacted	Leadership Counsel
Ashley Werner	Interviewed	Leadership Counsel
Sarah Ropelato	Contacted	Legal Services of Northern California
Sharon McDonald	Interviewed	National Alliance to End Homelessness
Renee Williams	Interviewed	National Housing Law Project
Pedro Galvao	Interviewed	Non-Profit Housing Association of Northern California
Chantal Griffith	Interviewed	Office of Health Equity
Jennifer Martinez	Interviewed	PICO-CA
Chione Flegal, Senior Director	Interviewed	PolicyLink
Lewis Brown	Interviewed	PolicyLink
Sam Tepperman-Gelfant	Participated in soundboard	Public Advocates
Shashi Hanuman	Contacted	Public Counsel
Craig Castellanet	Interviewed	Public Interest Law Project
Mike Rawson	Interviewed	Public Interest Law Project
Melissa Morris	Interviewed	Public Interest Law Project
Laura Nunn	Interviewed	San Diego Housing Federation
Martin Eakes	Interviewed	Self-Help Credit Union
Nicky Viola	Interviewed	Shelter Partnership
Alan Greenlee	Interviewed	Southern California Association of Non-Profit Housing
María Guadalupe Arreola	Interviewed	Tenants Together
De'Zhon Grace	Interviewed	The Greenlining Institute
Elizabeth Kneebone	Contacted	UC Berkeley Turner Center

Contact	Outreach Status	Organization
Carolina Reid	Contacted	UC Berkeley Turner Center
Anna Cash	Interviewed	Urban Displacement Project UC Berkeley
Roger Gardner	Contacted	USDA
Kurt Schake	Interviewed	Veterans Transition Center of Monterey County
Bradley Long	Contacted	Vets Resources
Anya Lawler	Participated in soundboard	Housing Advocate (Formerly Western Center on Law and Poverty)
Kevin Stein	Interviewed	California Reinvestment Coalition

4. Public Meetings and Webinars

HCD hosted public meetings to inform development of the Draft AI and a second round of public meetings to receive input and feedback on the Draft AI.

- Round 1 public meetings included a statewide kick off webinar, ten topic specific webinars described above, and five regional in person meetings.
- Round 2 public meetings included a statewide kick off webinar and six regional webinars.

Round 1 Analysis of Impediments Kick Off Webinar

HCD hosted a kick off webinar for its AI on November 15, 2019, at 3:00 p.m. The presentation included an overview of the 2020-2024 AI requirements and timeline, opportunities for public input, a review of prior fair housing impediments, and a discussion of data collected to date. The kick off webinar had 83 attendees.

First Name	Last Name
César	Castro
Gabriella	Navarro
Katelyn	McClure
E	Lee
Valerie	Sanchez
David	Coury
Andrew	Chang
Christine	Rodriguez
Jan	Stokley
Dinah	Lockhart
Richard	Parquet
Antoinette	Price
Kellie	Anderson
Elizabeth	Gaona
Essence	Stamps
Heather	Flickinger
Aurora	Hills
Leonel	Talavera
Michelle	Gibson
Jared	Nimer
Margie	Perez
Jennifer	Wong
Sharon	Edgar
Nija	Fountano
Elise	Semonian
Delia	Pedroza

First Name	Last Name
Amy	Lopez
Patricia	Barrett
Kelli	Oylear
Julia	Eagles
Victor	Virgen
David	Brletic
L'eon	Romanazzi
Cassie	Roach
Marianne	Mollring
Lety	Ibanez
Charles	Guiam
Rev Jim	Sheperd
Daniel	Courselle
Grecia	Elenes
Renee	Williams
Angela	Paz
Sandra	Williams
Eli	Kaplan
Emmanuel	Sanchez
Sharon	Cohen
Candace	Stowell
Christi	Hutson
Angela	Cisneros
Pat Davis	Davis
Tamee	Jenkins
Shelly	Ingram
Linda	Wheaton
Susan	Podesta
Nathan	Robbins
Molly	Kron
Damitri	Moore
Evelyn	Gonzalez
Yvette	Quiroga
Georgina	Alvarez
Sayed	Hashemi
Sandra	Ierma
Phyllis	Katz
Robert	Vasquez
Ellie	Clelland
Stella	Salakov-Cervantes

First Name	Last Name
Janelle	Egger
Shannon	Rains
Linda	Thao
Gant	Bowman
Robert	Pecora
Jennifer	Day
Cristina	Trujillo
Patricia	Fink
Dulce	Perez
Brandi	Campbell Wood
Bob	Pecora
Suzanne	Hemphill
Trina	Perez
Bob	Pecora

Round 1 In-Person Public Meetings

HCD advertised and held five public meetings open to the public throughout the State of California in December 2019. The purpose of the meetings was to inform the community about the AI process and to gather information about regional and local fair housing needs. Each meeting included an overview presentation of Fair Housing and the AI process, statewide and regional trends, and an opportunity for public comment.

- **Sacramento, CA**

- Date: Tuesday, December 10, 2019, from 6:00 p.m. to 8:00 p.m.
Location: 2020 El Camino Avenue, Room 402, Sacramento CA 95833

First Name	Last Name	Title	Organization
Isaac	Lassiterq	President	Cutting Edge
S.	Brathoal	RM	JSCO
Wonea	Bennett	Owner	Creative essence
Eric	Johnson	Marketing	CAL HFA
Veronica	Beaty	Policy Director	Sacramento Housing Alliance
Simone	Thomas	Housing Manger	Wind Youth Services
Rachel	Davidson	Director	Downtownstreets Team
Ryan	Reyes	Staff	Project Sentinel
Amy	Lopez	HCD Rep 2	HCD
Forrest	Gardens	Public	Citizen
Briana	Kresic	COO	Cutting Edge
Tracy	Rhine	Legal	RCRC
Anthony	Bennet	Consultant	RPTD
Sosan	Madanat	Lobbyist	Habitat for Humanity
Lindsey	Slama	HCD REP2	HCD
Spring	Packard		HCD
Johnathon	Davis	Legal Aid	State Senate
Chantal	Griffin	Health Specialist	CDPH
Dante	Wole		SAC ACT

- **San Francisco, CA**

Date: Wednesday, December 11, 2019, from 5:30 p.m. to 7:30 p.m.

Location: San Francisco Public Library, 100 Larkin Street, San Francisco, CA 94102

First Name	Last Name	Title	Organization
LaJuan	Ramsey	Assistant PM	Habitat for Humanity East Bay Silicon Valley
Renee	Williams	Staff Attorney	NHLP
Eli	Kaplan	Housing/Planning Research Assistant	ABAG/MTC
Rodney	Nickens	Policy Manager	NPH
Judi	Johnson	DSLHC Housing	Disability Success & Legal Center
Jason	Hercules	Planner	Urban Footprint

- **Oroville, CA**

Date: Thursday, December 12, 2019, from 6:00 p.m. to 8:00 p.m.

Location: County Board of Supervisors Chambers, 25 County Center Drive, Suite 205, Oroville, CA 95965

First Name	Last Name	Title	Organization
Jack	Griffin	Advocate	Catalyst
Robin	McCollum	Advocate	CHAT
Briana	Butterfield	P.M. Homeless/Housing	County Dess
Don	Taylor	Housing and Homeless Administration	County of Butte
Carolina	Cruz	Housing Program Manager	Catalyst DV Services
Alaina	Quevedo	Homeowner Services	Habitat
Wendy	Phillips	Director of Property Management	CHIP
Charles	Withuhn		

- **Fresno, CA**

Date: Monday, December 16, 2019, from 5:30 to 7:30 p.m.

Location: Fresno County Central Library, 2420 Mariposa Street, Sarah McCardle Room, Fresno, CA 93721

First Name	Last Name	Title	Organization
Ivanka	Saunders	Policy Coordinator	LCJA
Vidal	Medina	System Change Advocate	RICV
Jovana	Morales-Tilgren	Policy Advocate	LCJA
Sheng	Xiong	Policy Advocate	LCJA
Victoria	Santillon	Community Worker	CRLA
Ashley	Wrmer	Attorney	LCJA
Greg	Terzakis	SVP	CAA
Sabina	Gonzalez		

- **Los Angeles, CA**

Date: Wednesday, December 18, 2019, from 6:00 p.m. to 9:00 p.m.

Location: Griffith Park Visitors Center, 4730 Crystal Springs Drive, Los Angeles, CA 90027

First Name	Last Name	Title	Organization
Ricardo	Bavajas	Dr. of Media Outreach and Education	Housing Rights Center
Marva	Barnes		
Danielle	Sorgent	Property Manager	Eagle Rock Spring Mobile Home Community
Jazzmun	Crayton	Health and Policy	SSG/APATT/TAC
Brianna	Reynoso	Advocate	SCDD-CA
Eric	Gamoral		
Jose	Herrasti	Architect	Mutuo
Emma	Montilini	President and CEO	Pathways for Victims of DV
David	Donahue	President	MH Properties
Victoria	Torigian	Attorney	
Eden	Luna	Program Manager	Tac and LA LGBT Center
James	Wen	Member	Trans Adv Council
Natasha	Reyes	Staff Attorney	Disability Rights California
Nancy	Twum	Housing, Planning and Economic Analyst	HCIDLA
Karl	Lawson	Fair Housing Officer	City of Oxnard

Round 2 Public Webinars

HCD hosted six additional public webinars to solicit and receive comments on the draft State of California Analysis of Impediments to Fair Housing from April 6, 2020, to May 21, 2020. Notice of public meetings were published in newspapers of general circulation, HCD's email listserv, posted to HCD's public website, and shared by the soundboard and community stakeholders. In response to COVID-19, HCD will hold its second round of public meetings as webinars and is extending the public comment period on this draft from 30 days to 45 days. The following provides a breakdown of the meeting registrants for each webinar.

- **HCD 2020-2024 Fair Housing Statewide Kick Off Webinar**
 - Date: Monday, April 6, from 1:30 p.m. to 3:30 p.m.

First Name	Last Name
Alisa	Battiste
Amy	Bergstrand
Abigail	Daley
Adam	Paszkowski
Arlecia	Durade
Alex	Flores
Alex	Frost
Jason	Mason
Aisha	Novasky
Akil	Jackson
Alejandra	Martinez
Alexander	De La Campa
Alexis	Moore
Alina	Tishchenko
Andrea	Freeland
Angela	Paz
Angela	Paz
Angela	Torrens
Ashanae	Smith
Ashley	Spooner-Choi
Awbrey	Yost
April	Wooden
Babs	Deffenderfer
Betsy	Strauss
Brianna	Haywood
Nikki	Alexander
Robert	Van Cleef

First Name	Last Name
Bree	Erb
Bridgett	Hankerson
Brenda	J. Rodriguez
Carla	De Mesa
Christopher	Momoh
Christina	Arndt
Christina	Cieslewicz
Cyndee	Logan
Cesar	Lopez
Cynthia	Lynch
Carolyn	Patton
Chris	Saur
Cesar	Toledo
Christine	Viterelli
Cromwell	Williams
Daniel	Delmonte
Danny	Umana
Marisela	Davalos
David	Kim
Deborah	Reitz
David	Livermore
Darin	Lounds
Denise	Mcgranahan
Daniel	Schenkel
Erika	Aguilar
Ed	Campbell
Erica	Freeman
Eli	Kaplan
Elise	Stokes
Elizabeth	Mattiuzzi
Elizabeth	Madrigal
Eileen	Maronde
Patricia	Evans
Evelyn	Davis
Evelyn	Zuroske
Francis	Crowley
Gary	Hanes
Sulser	Gail
Halley	Crumb
Hallie	Kutak

First Name	Last Name
Heather	Carmody
Heather	Foley
Ilene	Jacobs
Wiley	Charles
Julio	Alvarado
Jessica	Candela
Jennifer	Dart
Jeannette	Aguilar
Jennifer	Hernandez
Jennifer	Carmody
Jessica	Wackenhut
Jennifer	Gates
Jolie	Gordon-Browar
Jennifer	Hargrove
Karrie	Walter
Jennifer	Kreitz
Joanna	Balsamo-Lilien
Jessica	Mellor
Joan	Britt
Joanne	Cordero
John	Modlin
Jodi	Samuels
Katherine	Young
Katie	Norris
Kelly	Luu
Kevin	Willard
Kimberly	Peterson
Kevin	Maevers
Katja	Nelson
Kathy	Phillips
Kwasi	Agyakwa
Kyle	Smith
Karen	Youel
Lorie	Adams
Luis	Leyva
Lupe	Alcantar
Lauren	Fuhry
Lauren	De Valencia
Lauren	Alexander
Lucina	Galarza

First Name	Last Name
Lydia	Goularte
Latricia	Harrison
Lety	Ibanez
Linda	Gallihier
Mary	Lonigro
Luis	Rodriguez
Lucia	Aguilar
Mackenzie	Thomas
Marisol	Aguilar
Martha	Arechiga
Matthew	Struhar
Melissa	Flores
Michael	Trujillo
Mike	Garabedian
Monica	Gaitan
Monique	Acosta
Patricia	Smith
Mariah	Thompson
Nick	Chen
Patricia	Mccay
Nicholad	Gonzales
Nija	Fountano
Nikki	Love
Noel	Wiggins
Natalia	Rossi
Pablo	Zatarain
Pattie	James
Payal	Bhagat
Peggy	Fowler
Paul	H
Priscilla	Renteria
Shipra	Bhatia
Israel	Calderon
Prizila	Vidal
Robbe	Montgomery
Ruth	Lorentz
Rebecca	Mayeaux
Robert	Sronce
Rosalina	Spencer
Richard	Tedford

First Name	Last Name
Ruth	Cueto
Ruth	Colbert
Ryan	O'Connell
Ray	Marroquin
Sarah	Jumper
Sandra	Mendoza
Jennifer	Savage
Sharon	Batton
Risalind	Sconiers
Scott	Donnell
Susan	Mccarthy
Siobhan	Dolan
Sharon	Edgar
Steve	Frisch
Sarah	Neuse
Sophia	Huckabay
Suzanne	Robertson
Stephanie	Smith
Susan	Parler
Suzanne	Hemphill
Sandra	Williams
Tat'Yana	Ivko
Ted	Ballmer
Tramecia	Garner
Timothy	Sales
Ugochi	Anaebere-Nicholson
Veronica	Allen
Vanesa	Donangtavanh
Vera	Calloway
Veronica	Beaty
Vena	Ford
Yvonne	Lopez
Willa	Darley Chapin
Linda	Wheaton
Yucheng	Hu
Zeenat	Hassan

- **HCD Fair Housing Public Webinar – Northern California**
 - Date: Monday, April 6, from 6:00 p.m. to 8:00 p.m.

First Name	Last Name
Sarah	Jumper
Paula	Daneluk
Debbie	Villasenor
Ray	Marroquin
Spring	Packard
Alfredo	Gutierrez
Keith	Musick
Ryan	O'Connell
Jennifer	Ragsdale
Jennifer	Fallon Carmody
Wendy	Taylor
Cathy	Taylor
Rachel	Hatch
Christy	Coleman
Jacklyn	Joanino
Jill	Albanese
Cristela	Nunez
Carolyn	Steffan
Elizabeth	Mattiuzzi
Leslie	Carmichael
Jessica	Johnson
Nicole	Holloway
Lorie	Adams
Robert	Van Cleef
Pattie	James
Ayla	Tucker

- **HCD Fair Housing Public Webinar – San Francisco Bay Area**

- Date: Monday April 7 from 6:00 p.m. to 8:00 p.m.

First Name	Last Name
Allie	Cannington
Sarah	Jumper
Mona	Al-Abadi
Marilyn	Flores
Adam	Marcus
Kaitlyn	Traynor
Michele	Morris
Diana	Castillo
Dov	Kadin
Thabata	Schaefer
Matthew	Oglander
Jennifer	Fallon Carmody
Lenelle	Suliguin
Sydney	Pickern
Hattie	Bluford
Ray	Marroquin
Angela	Paz
Barbara	Kautz
Sandra	Lee
Michelle	Gauffreau
Kat	Wortham
Kimia	Haddadanyazdi
Ashley	Boots
Elizabeth	Mattiuzzi
Tricia	Pontau
Carla	de Mesa
Edie	Nehls
jill	Albanese
Briana	Gonzalez
Sandra	Williams
Leila	Hakimizadeh
Jim and	Kautz
Pablo	Zatarain
Jamaica	Sowell
Alexander	De La Campa
Diana	Castillo
Leslie	Rodriguez
Elise	Semonian
Michael	Trujillo
Nicklas	Baker

First Name	Last Name
Ambar	Gonzalez
Erika	Aguilar
Angela	Paz
Kate	Traynor
Bob	Link
Brooke	Barnhart
Martha	O'Connell
Sarah	Price

- **HCD Fair Housing Public Webinar – Sacramento and Eastern Central California/Sierras**
 - Date: Wednesday, April 8, from 2:30 p.m. to 4:30 p.m.

First Name	Last Name
Chantal	Griffin
Eric	Johnson
Claudia	Manrique
Nancy	Luanava
Michael	Phillips
Kimberly	Peterson
Amy	Lopez
Daniel	Cervantes
Laine	Himmelmann
Cathy	Creswell
Leonor	Villalpando
Jessica	Wackenhut
Elizabeth	MattiuZZi
Robert	Van Cleef
Nicole	Robinson
Griffin	Chantal
Gregory	Cramer
Norma	Velarde
Jeannie	Lee
Heather	Duran
Paul	Ainger
Patricia	Smith
Kimberly	Peterson
Jennifer	Britt
Ianya	Young
Ianya	Young
Tat'Yana	Ivko
Krystal	Coles

First Name	Last Name
Joe	McNicholas
Minami	Hachiya
Rachael	Taylor
Roxann	Kuhnert
Cheyenne	Moore
Esmeralda	Martin
Brandie	Stowe
Charles	Gray
Jessica	Brandt
Tat'Yana	Ivko
Dr James	Grier
Sarah	Jumper
Helen	Campbell
Ilene	Jacobs
Christopher	Momoh
Mandalyn	Mendoza
Michael	Phillips
Valerie	Feldman
Patty	Hemphill
Akil	Jackson
Navneet	Bajwa
Tat'Yana	Ivko
Miranda	Taylor
Anthony	Tannehill
Chantal	Griffin

- **HCD Fair Housing Public Webinar – Central Coast and San Joaquin Valley**
 - Date: Thursday, April 9, from 6:00 p.m. to 8:00 p.m.

First Name	Last Name
Blanca	Escobedo
Alexander	De La Campa
Anastazia	Aziz
Ande	Flower
Cara	Vereschagin
Christopher	Momoh
Cindi	Alvidrez
Elizabeth	Mattiuzzi
Grecia	Elenes
Jovana	Morales Tilgren
Kelly	Gleason
Melisa	Vierra
Miranda	Taylor

First Name	Last Name
Nur	Kausar
Paul	Jackson
Paul	Hierling
Rachel	Cohen
Sadie	Weller
Sarah	Jumper
Sheng	Xiong
Valerie	Feldman
Heather	Duran

- **HCD Fair Housing Public Webinar – San Diego**
 - Date: Monday, April 13, from 6:00 p.m. to 8:00 p.m.

First Name	Last Name
Angela	Robinson-Spencer
Anthony	Tannehill
Bernadette	Winter-Villaluz
Carrie	Stemrich
Christine	Hall
Francis	Crowley
Heather	foley
Heather	Carmody
Hugh	Dunklee
Israel	Calderon
Jacqueline	Hernandez
James	Grier
Jason	Miller
Jennifer	Gates
Jose	Sanchez
Karen	Youel
Mary	Lonigro
Michael	McCabe
Molly	Kirkland
Monica	Ball
Prizila	Vidal
Robert	Prath
Rosalina	Spencer
Salvador	Roman
Sarah	Jumper
Veronica	Allen
Walt	Stringer

- **HCD Fair Housing Public Webinar – Greater Los Angeles**
 - Date: Tuesday, April 14, from 6:00 p.m. to 8:00 p.m.

First Name	Last Name
Annie	Pirmoradi
Lucia	Medina-Whittaker
Paulette	Moses
Brittany	Mcclain
Cromwell	Williams
Emma	Chavez
Cesar	Beltran
Audrey	Jang
Richard	Walker
Nathan	Cataline
Denise	Marin
Diana	Jimenez
Pamela	Crenshaw
Robert	Gamboa
Norma	Guerrero-Lewis
Pamela	Crenshaw
Alex	Hack
Angelica	Heredia
Carmen	Garcia
Nisha	Vyas
michael	Martinez
Debbie	Atilano
June	Cigar
Alice	Mouradian
Theodore	Patton
Ann	English
Carol	Phillips
Ilene	Garcia
jeannette	aguilar
Gloria	Gonzalez
Steve	Brown
Denise	McGranahan
Aiko	Tan
Nick	Sundback
Elizabeth	MattiuZZi
Martha	Arechiga
Yvonne	Lopez
Elizabeth	Weithers
Diana	Jimenez
Melissa	Rabinoff
Elsa	Rodriguez
Marco	Medina

First Name	Last Name
Cristela	Nunez
Flora	Harris
Carlos	Arceo
April	Rosser
Janessa	Larios
Mary	Monzon
Paul	Eastman
Ruth	Lorentz
Ivana	Harrington
Nancy	Twum
Fatimoh	Muhammed
Raquel	Salinas
Yvonne	Lopez
Tonya	Calhoon
Scott	Chang
Elizabeth	Hansburg
Monique	Davis
Sarah	Jumper
Jerard	Wright
Doris	Weis
Al	Leibovic
Dauida	Flenaugh
Kwasi	Agyakwa
Heather	foley
Ranell	Scoggins
Tracey	Maligalig
Lance	Moseley
Alex	Flores
Sambulo	Kunene
Lisa	Talmage
Angelique	Soliz
Vincent	Lopez
Christine	Leahey
Jennifer	Savage
Wei	Kang
Aisha	Novasky
Renee	Foster
Yvonne	Poitier-Russell
Lindsey	Bailey
Brandy	Segal
Lesly	Figueroa
Nancy	Twum
Emma	Portillo
Jackie	Cornejo

First Name	Last Name
Ted	Ballmer
Alina	Tishchenko
Lekeisha	Waters
Chanel	Jones
Cally	Hardy

5. Community Needs Assessment Survey

HCD launched an online community needs survey to assess issues and barriers related to fair housing choice in the State of California. The survey was made publicly available online from November 7, 2019, through January 15, 2020. The survey was available in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese.

HCD publicized the survey through the HCD email listserv, published the notice on the HCD website and on social media, announced it during public meetings, and provided information to stakeholders through individual consultations. Printed surveys were made available upon request. HCD received a total of 828 survey responses.

The following pages include an English language copy of the survey.

Appendix B - Community Needs Assessment

Note, this survey is included as reference material, it is not formatted for users to complete. The actual survey was accessible for persons with disabilities and available in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese languages.



California Department of Housing and Community Development

2020 West El Camino Avenue
Sacramento, California 95833

Community Needs Assessment

The California Department of Housing and Community Development (HCD) is in the process of developing an Analysis of Impediments to Fair Housing Choice and Consolidated Plan that will establish community goals and guide resource allocations. The Plans will cover the program years of 2020-2024. We invite you to assist HCD in establishing community needs and priorities.

We appreciate your time in taking this survey. Please note that all information included on this survey will be kept confidential. Confidentiality is protected by not including names on any of the forms. Moreover, no specific identifying information will be kept or shared with other agencies. We thank you for participation and valuable input. If you have additional questions regarding this survey, please contact:

AiFairHousing@hcd.ca.gov.

1. Do you live in the State of California?

- Yes No

2. In which region do you live?

- Greater Los Angeles (Imperial, Los Angeles, Orange, Riverside, San Bernardino, Ventura Counties)
 San Francisco Bay Area (Alameda, Contra Costa, Marin, Napa, Santa Clara, San Benito, San Francisco, San Mateo, Solano, Sonoma Counties)
 Sacramento (El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba Counties)
 San Joaquin Valley (Fresno, Kern, Kings, Madera, Merced, Stanislaus, San Joaquin, Tulare Counties)
 San Diego (San Diego County)
 Central Coast (Monterey, San Luis Obispo, Santa Barbara, Santa Cruz Counties)
 Northern California (Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity Counties)
 Central Southern California (Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne Counties)

3. Please identify the zip code for where you live: _____

4. Which city, town do you live in? Or near what place? _____

5. Please check all that apply:

- I work in California I regularly participate in California recreational, cultural, or leisure activities
 I have children in California Public Schools I go to other parts of California for work and stay there overnight

Community Needs Assessment

6. What are the **most important factors you consider** when you choose a place to live (rank in order of importance)

Rank	Factor
	Family near by
	Close to work
	Price of housing
	Convenient to neighborhood amenities
	Access to public transportation
	Access to quality schools/youth services
	Attractiveness of neighborhood
	Public safety

Community Needs Assessment

8. Please rank the following **improvements needed in California** from 1 to 5, where 1 is most needed and 5 is least needed:

Rank	Type
	Safe and Affordable Housing
	Public Services (Homeless, Supportive Services, etc.)
	Infrastructure (Streets, Sidewalks, Parks, etc.)
	Economic Development (Job Training, Workforce Development, etc.)
	Public Facilities (Parks, Recreation Facilities, Community Centers, etc.)
	Rural Development

9. **How much** are these **public services needed** in California?

Type	Low Need	Moderate Need	High Need	Unsure/Not Applicable
Fair Housing (preventing discrimination in housing based on race, national origin, disability, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Domestic Violence Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Health/Behavioral Health Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Homebuyer Education/Financial Literacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Homeless Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Job Training/Readiness Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rural Housing Assistance (e.g. direct construction loans or loan guarantees, down payment assistance, community facility loans)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Senior Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Services for Persons with Disabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Youth Services/Child Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Income Support Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rental Assistance or Housing Vouchers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Access to Housing

10. Are you satisfied with your current living situation? If not, please choose all the reasons that apply.

- | | |
|---|---|
| <input type="radio"/> I am happy with my current living situation | <input type="radio"/> No, poor access to good schools or other neighborhood amenities |
| <input type="radio"/> No, too far from work | <input type="radio"/> Poor air or water quality |
| <input type="radio"/> No, too expensive | <input type="radio"/> Little or no access to grocery stores that meet my needs |
| <input type="radio"/> No, too small | <input type="radio"/> Problems with my landlord |
| <input type="radio"/> No, too crowded | <input type="radio"/> Homeless/do not have permanent housing, live in RV or car, couch-surfing, etc. |
| <input type="radio"/> No, I don't feel safe in the neighborhood | <input type="radio"/> Inadequate public utilities and infrastructure (like clean drinking water, sewer, gas, and electricity) |
| <input type="radio"/> No, poor access to public transportation | <input type="radio"/> Other |
| <input type="radio"/> No, poor housing condition | |

No, Other (please specify):

11. Please rank the reasons you are not satisfied with your current living condition from 1 to 14, with 1 being the primary reason.

Rank	Reason
	Too far from work
	Too expensive
	Too small
	Too crowded
	I don't feel safe in the neighborhood
	Poor access to public transportation
	Poor housing condition
	Poor access to good schools or other neighborhood amenities
	Poor air or water quality
	Little or no access to grocery stores that meet my needs
	Problems with my landlord
	Homeless/do not have permanent housing, live in RV or car, couch-surfing, etc
	Inadequate public utilities and infrastructure (like clean drinking water, sewer, gas, and electricity)
	Other

Access to Housing

12. Would you like to move from your current home or apartment? If yes, what are the three main reasons you **have not moved yet**. (pick up to three)

- | | |
|--|--|
| <input type="radio"/> I do not want to move from my current home/apartment | <input type="radio"/> Job is here |
| <input type="radio"/> Need the accessibility features of my current housing unit | <input type="radio"/> I currently do not have a home or apartment |
| <input type="radio"/> I cannot afford housing with the accessibility features I need | <input type="radio"/> I want to stay near my child's school |
| <input type="radio"/> Cannot afford to move/cannot afford to live anywhere else | <input type="radio"/> My healthcare is here/my health makes it difficult to move |
| <input type="radio"/> Family members do not want to move | <input type="radio"/> Potential landlords have been denying my applications |
| <input type="radio"/> Other family issues | <input type="radio"/> I have heard that landlords are evicting a lot of tenants in other buildings/complexes |
| <input type="radio"/> Cannot find a better place to live | <input type="radio"/> Polluted air and/or water in other areas |
| <input type="radio"/> Rentals are full; cannot find a place to rent | <input type="radio"/> My city has rent control or a good cause eviction law, but most housing available is not covered by them |
| <input type="radio"/> Landlords do not take Section 8 | |

Other, (please specify):

13. What barriers, if any, keep you from moving to another part of California. (check all that apply)

- | | |
|--|--|
| <input type="radio"/> I do not want to live in another part of California. | <input type="radio"/> No accessibility/handicapped accessible housing elsewhere |
| <input type="radio"/> There are no barriers, if I wanted to move, I could | <input type="radio"/> My job is here |
| <input type="radio"/> Cannot afford to live anywhere else | <input type="radio"/> Fewer landlords take Section 8 in other areas |
| <input type="radio"/> Cannot afford moving expenses | <input type="radio"/> Fewer quality public schools available in other areas |
| <input type="radio"/> Access to public transit | <input type="radio"/> Fewer healthcare resources are available in other areas |
| <input type="radio"/> My race/ethnicity | <input type="radio"/> Potential landlords have been denying my applications in other areas |
| <input type="radio"/> My family status | <input type="radio"/> Hearing that landlords are evicting a lot in other areas |
| <input type="radio"/> Discrimination | <input type="radio"/> Polluted air and/or water in other areas |
| <input type="radio"/> Felony/criminal record | <input type="radio"/> I could not find work in a community I'd like to live in |

Other (please specify):

Access to Housing

14. Do you or someone in your household have a disability of any type? If yes, please move on to question 15, if no, please move on to question 16.

- No, nobody in my household has a disability of any type
 Yes, someone in my household has a disability

15. If you responded yes in Question 14, **how much do you agree** with the following statements?

	Strongly disagree	Disagree	Agree	Strongly Agree	Not Applicable
I have a disability or a household member has a disability and cannot get around my neighborhood because of broken sidewalks/no sidewalks/poor street lighting.	<input type="radio"/>				
I cannot afford a housing unit that has accessibility/handicapped features (e.g. grab bars, ramps, handicapped parking).	<input type="radio"/>				
I cannot find an accessible unit with accessibility/handicapped features regardless of price.	<input type="radio"/>				
My landlord refused to accept a service animal.	<input type="radio"/>				
My landlord will not accept emotional support animal	<input type="radio"/>				
My landlord refused to make an accommodation for me or my household member's disability.	<input type="radio"/>				
I cannot afford a housing unit that is easily accessible to my or my household member's healthcare services.	<input type="radio"/>				

16. When you looked for housing to rent or buy in California in the past five years, were you ever denied housing to rent or buy? If yes, why? (check all that apply)

- | | |
|---|--|
| <input type="radio"/> I have not looked for housing to rent or buy in the past five years | <input type="radio"/> Source of income |
| <input type="radio"/> I was not denied housing to rent or buy | <input type="radio"/> Race/ethnicity |
| <input type="radio"/> Other buyer paid cash or a higher price | <input type="radio"/> Foreclosure history |
| <input type="radio"/> Size of my family/household | <input type="radio"/> Service animal |
| <input type="radio"/> Bad credit | <input type="radio"/> Section 8/Housing Choice Voucher |
| <input type="radio"/> Income too low | <input type="radio"/> Eviction history |
| <input type="radio"/> Health condition | <input type="radio"/> Criminal background |
| <input type="radio"/> HIV-positive | <input type="radio"/> Religion |
| <input type="radio"/> Sexual orientation or gender identity | <input type="radio"/> Disability |
| <input type="radio"/> Immigration status | <input type="radio"/> Emotional support animal |

17. Please specify the neighborhood where you looked for housing, but were denied.

Access to Housing

18. Have you ever felt you were discriminated against when looking for housing in California?

- | | |
|---|---|
| <input type="radio"/> Yes, in the past year | <input type="radio"/> No (if no, continue to Question 23) |
| <input type="radio"/> Yes, 2 to 5 years ago | <input type="radio"/> Unsure |
| <input type="radio"/> Yes, more than 5 years ago or I don't remember when | |

19. If you felt discriminated against, please describe the situation.

20. If you felt you were discriminated against, what did you do about the discrimination? (check all that apply)

- | | |
|--|--|
| <input type="radio"/> Called/emailed Fair Housing organization | <input type="radio"/> Called/emailed government agency |
| <input type="radio"/> Called emailed other organization | <input type="radio"/> Called/emailed a lawyer |
| <input type="radio"/> Called/emailed Housing Authority | <input type="radio"/> Nothing |

Other (please specify):

21. Did you file a complaint after you were discriminated against? (check all that apply)

- | | |
|---|---|
| <input type="radio"/> Yes, to the State of California | <input type="radio"/> Yes, to the CA Department of Housing and Community Development. |
| <input type="radio"/> Yes, to the Department of Housing and Urban Development (HUD) | <input type="radio"/> No, I did not file a complaint |
| <input type="radio"/> Yes, I sued in state or federal court. | |

Yes, Other (please specify):

22. If you filed a complaint, please describe if the complaint was resolved, how long it took to be resolved, and if you were satisfied with the outcome.

Respondent Profile

As we are collecting input on this survey, we want to make sure that we are hearing from many different kinds of people who live in the State of California. To help us see if we are meeting that goal, please tell us about yourself (**all information gathered in this section will remain confidential and will not be shared with other agencies**):

23. What is your gender?

- Male Woman Non-Binary, Other

24. Do you consider yourself?

- Heterosexual or straight Bisexual
 Homosexual Prefer not to answer

25. Do you consider yourself to be transgender?

- Yes No

26. If you identify with a particular religion, please provide it here: _____

27. Please provide your race (check all that apply):

- White Middle-Eastern, Arab, or North African
 Black or African American East Asian, South Asian, Southeast Asian
 American Indian and Alaska Native Native Hawaiian and Other Pacific Islander
 Asian Other/Multi-race

28. Please provide your race ethnicity:

- Hispanic or Latino Not Hispanic or Latino

29. Please describe your household (check all that apply):

- Single person Household with children between 6-18 years of age
 Small household (2-4 people)
 Large household (more than 4 people) Household with at least one person between the ages of 55 years and 61
 Single parent Household with at least one-person age 62 or older
 Household with children under 6 years of age

30. Are you or your parents immigrants?

- Yes No

31. Please provide your employment status:

- Employed full-time Self-employed
 Employed part-time Retired
 Student Disabled, not able to work
 Not employed, looking for work Work in home (caregiver, homemaker)
 Not employed, not looking for work

Respondent Profile

32. In what category does your total household income fall? (include income from all sources)

- | | |
|---|--|
| <input type="radio"/> Less than \$10,000 | <input type="radio"/> \$50,000 - \$75,000 |
| <input type="radio"/> \$10,000 - \$25,000 | <input type="radio"/> \$75,000 - \$100,000 |
| <input type="radio"/> \$25,000 - \$35,000 | <input type="radio"/> More than \$100,000 |
| <input type="radio"/> \$35,000 – \$50,000 | |

33. Please provide your housing status (check all that apply):

- | | |
|--|---|
| <input type="radio"/> Rent | <input type="radio"/> Living in a car/RV |
| <input type="radio"/> Own home | <input type="radio"/> Receive a housing subsidy (e.g. Section 8 voucher) |
| <input type="radio"/> Living in a mobile home park | <input type="radio"/> Have difficulty making monthly housing expenses |
| <input type="radio"/> Homeless | <input type="radio"/> Have been late on rent or mortgage payments at least twice in past six months |
| <input type="radio"/> Living doubled up/with friends, family | <input type="radio"/> Couch-surfing |
| <input type="radio"/> Have another person/family living in my home | |

Contact Information

Thank you for completing the survey and assisting the State of California to plan future housing and community development programs!

Suzanne Hemphill

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No.	Topic	Public Comment	Commenter	Inc.	HCD Response
1	AB 686 - AFFH	Provide ongoing guidance on new requirements of AB 686; coordinate statewide training for jurisdictions and housing providers on HCD technical guidance memorandum re AB 686 compliance.	Soundboard	Yes	Added into the Final 2020 AI.
2	AB 686 - AFFH	Chapter 1 states the federal definition of impediments to fair housing choice; enumerates the protected classes under the State of California's fair housing laws; and states that this document identifies impediments as well as specific actions to address these impediments over a five-year period. The Draft states, HCD will use the AI to guide our efforts to address fair housing. HCD will be engaged in monitoring the actions included in the AI and will also be the lead on implementing action steps identified in Chapter 13. HCD's strong implementation and oversight are key to successfully realizing the goals in the AI. However, to ensure successful implementation, many state, regional, and local agencies must be meaningfully engaged and empowered to ensure that California affirmatively furthers fair housing. (Emphasis added.). The A.I. is intended to express a state-wide commitment to identify and address impediments to fair housing choice and affirmatively further fair housing in compliance with the FHA and with state law (AB 686). All state departments are therefore required to administer their programs and activities related to housing and community development in a manner that affirmatively furthers fair housing. To ensure that all state agencies are accountable to the goal of affirmatively furthering fair housing, consider creating a working group with representatives of each agency with clear benchmarks on achieving the goals stated in Chapters 13-14.	Soundboard	Yes	Through impediment #4, HCD commits to develop a working group across housing agencies to provide aligned tenant selection guidance to program users in light of DFEH's new regulations and trainings on source of income, reasonable accommodations, harassment, retaliation, criminal background, use of masked eviction records, protections for survivors of domestic violence, language access issues, and equitable tenant selection strategies to prevent disparate impact on protected classes.
3	AB 686 - AFFH	Develop partnerships with community groups/tenant-led organizations to receive input on AFFH duties and need for investment in under resourced communities.	Soundboard	Partial	HCD will continue to conduct extensive community outreach efforts in our fair housing work, with a focus on including the voices of community-based/tenant led organizations.
4	AB 686 - AFFH	Research and lift up best practices for community investment without displacement, like no net loss policies, strong right to return, and strong relocation requirements.	Soundboard	Yes	Thank you for your comment, agree.

5	AB 686 - AFFH	Incorporate a fair equity analysis into the review of significant rezoning proposals and specific plans and analyze the effects of the rezoning proposal and specific plans on the duty to affirmatively further fair housing.	Soundboard	Partial	HCD supports this, and will work to address through AB 686, Housing Element Law, and our current authority.
6	AB 686 - AFFH	Enforce local governments' duty to affirmatively further fair housing and not to perpetuate patterns of segregation by establishing and enforcing statewide requirements that local governments zone for multi-family residential housing and develop and implement strategies to ensure the development of housing affordable to lower-income residents in all high opportunity neighborhoods as well as new growth areas.	Soundboard	Yes	Implementing through Housing Element and Sites Inventory.
7	AB 686 - AFFH	To both address the historic and entrenched patterns of segregation and support fair housing education and enforcement, we need strong state leadership that coordinates state policy across state agencies. Although underutilized, in 1994 President Clinton established the President's Fair Housing Council to coordinate the work of federal agencies to affirmatively further fair housing. Develop and fund a state fair housing council that will be charged with reviewing the delivery of state programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. Members of the council would include HCD, the Department of Fair Employment and Housing, the California Tax Credit Allocation Committee, California Housing Finance Agency, California Business, Consumer Services and Housing Agency, California State Transportation Agency, California Department of Education, Office of Statewide Health Planning and Development, California Environmental Protection Agency, the California Attorney General's Office, and the California Department of Real Estate.	Soundboard	Partial	HCD recognizes the need to coordinate across state agencies and housing and community development entities. HCD plans to support these efforts through AB 686 actions. HCD currently lacks authority and funding to create such a council. HCD will develop a working group across housing agencies to provide aligned tenant selection guidance to program users in light of DFEH's new regulations and trainings on source of income, criminal background, use of masked eviction records, protections for survivors of domestic violence, and equitable tenant selection strategies to prevent disparate impact on protected classes.
8	AB 72 Enforcement	Provide information on HCD's website about how the public may file AB 72 complaints and create a publicly viewable complaint tracking system that shows the jurisdiction, nature of the complaint, date of submission, and status of the complaint within HCD.	Soundboard	Partial	Encourage transparency, where feasible, in HCD's accountability and enforcement work. Please note, some issues involve legal privilege.

9	Access to Lending/Wealth	Lack of access to home lending is not correlated to race or ethnicity, though gender and income may play a large role in home loan approval rates. Debt-to-income ratio and credit history are key factors in loan denials for all homebuyers in the State of California. This characterization leaves out the fact that disparities income, debt-to-income ratios and credit history are all closely tied to race and ethnicity, particularly for certain groups (African-Americans and Latinxs primarily), so it would be more accurate to say that while lack of access is not "directly correlated" with these characteristics, because of disparate impact of those determinative factors, certain groups do have less access.	Soundboard	Yes	Thank you for your comment. Clarification of this language has been added to the Final 2020 AI.
10	Access to Lending/Wealth	In the chapter itself, the discussion of HMDA data references recent changes to HMDA "that will allow for a deeper understanding of affordable housing trends, demographic loan distributions, and predatory lending practices." While it is true that HMDA data requirements were expanded in a useful way, since that change, both Congress and the CFPB have acted to exempt a huge number of lenders from these new requirements (and, in some cases, from the prior HMDA requirements), so there are serious concerns about the ongoing availability of reliable and useful data from all sectors of the market. Attachment C is a California Reinvestment Coalition letter about these issues that has details on this. The CFPB just raised loan number thresholds (i.e. exempted more lenders) in a final rule last month.	Soundboard	Yes	Thank you for your comment. HCD staff incorporated this updated information into the document.
11	Access to Lending/Wealth	The breakdown of types of loans into FHA/VA/USDA versus conventional/private does not address the fact that the latter category includes both safer (and often larger, including jumbo) types of mortgages with favorable terms and subprime mortgages that tend to have much worse terms (high interest rates, balloon payments, prepayment penalties etc.) that undermine long-term homeownership sustainability. It would be useful for the analysis to address particularly subprime lending since it is often the only type of home lending available in certain communities and does not necessarily promote wealth building and other benefits of homeownership.	Soundboard	No	Thank you for your comment. Due to current time constraints and limitations in staff resources resulting from COVID-19, HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.

12	Access to Lending/Wealth	Another issue the analysis does not address is the dramatic increase in purchases of single family homes, especially after foreclosures, by private equity and other corporate entities and non-owner-occupants, which has caused and continues to threaten displacement, particularly in communities of color. These purchases are often enabled and promoted by lenders who finance these predatory buyers.	Soundboard	No	Thank you for your comment. Due to current time constraints HCD will not be adding in additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.
13	Access to Lending/Wealth	With respect to COVID-19, access to credit is tightening right now and likely into the future as a result of disruptions in borrower income and mortgage payments. With tightening of access to credit, the impact is generally felt most in underserved communities and communities of color. It is very important, therefore, to focus on policies that keep access to safe credit (including refinancing into lower interest loans) available to these potential homeowners.	Soundboard	Yes	The Final 2020 AI was updated to reflect changes related to COVID-19 to the extent possible. HCD anticipates further engaging in this work.
14	Access to Lending/Wealth	Identify potential issues with redlining, predatory lending, and other illegal lending activities. Annually review first time-homebuyer programs and rental housing programs to ensure that increased and comprehensive services are being provided, and that education and outreach efforts are expanded and affirmatively marketed in low- and moderate-income and racially concentrated areas.	Soundboard	Partial	Continue to analyze HCD's funding programs to assess, review, and seek opportunities to more affirmatively further fair housing. Partner with other agencies, such as California Housing Finance Agency, Tax Credit Allocation Committee, and California Debt Limit Allocation Committee to share lessons learned and support them in completing similar analysis.

15	Accessibility & Building Codes	<p>Chapter 4, section 3 of the Draft AI correctly identifies one major cause of noncompliance in the California Building Code, namely the definition of “public housing.” This definition signals to housing developers which housing developments must follow the higher accessibility requirements of Chapter 11B of the Code, and therefore the ADA and Section 504. The Draft AI should describe HCD’s collaboration with the Division of the State Architect to propose amendments to the definition that would clarify the Code. This is an important effort and will represent a great achievement if adopted. HCD should acknowledge that in the Draft AI HCD’s own programs are also significantly out of compliance with these requirements, as are the programs of other California housing agencies. Despite its clear obligations as a public entity and a recipient of federal funds, it fails to require compliance by its subrecipients and contractors with these requirements in most of its housing programs, and fails to accurately monitor, report or enforce these obligations in any program. HCD is not even able to identify which units are purportedly accessible in any of its programs. HCD has acknowledged the need to address and correct these issues. The AI should acknowledge this issue and include Action Steps to correct these deficiencies by HCD with deadlines for doing so. This is also a place where HCD could work with other agencies who have the same deficiencies to assist them in correcting the issues, such as CalHFA, and those actions could be identified in Action Steps. We have made specific suggestions for these Action Steps in the redlined version of the Draft AI, Attachment A.</p>	Soundboard	Yes	<p>HCD will continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards. HCD seeks to remove housing barriers for persons with disabilities. HCD will work to revise contract language to clarify accessibility standards and obligations.</p>
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16	Accessibility & Building Codes	Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 Section 504 of the Rehabilitation Act imposes similar nondiscrimination and meaningful access requirements. HUD's Section 504 regulations mandate specific architectural and occupancy requirements to ensure covered housing is accessible to persons with disabilities. One difference between Section 504 and the ADA is that HUD has established slightly different accessibility code standards under Section 504, requiring compliance with the Uniform Federal Accessibility Standards (UFAS). In 2014, HUD issued a memo clarifying that a combination of the 2010 ADAS and UFAS would also comply with Section 504 accessible development mandates. Government Code Section 11135 is California's equivalent to Section 504, although slightly broader in some places. It incorporates the definitions of discrimination contained in the ADA and its implementing regulations such that a violation of the ADA is also a violation of § 11135.23 Chapter 11B of the California Building Code must comply with the accessible development requirements of the ADA as well as their respective implementing regulations.	Soundboard	Yes	Thank you for this comment, these edits were included.
17	Accessibility & Building Codes	Adopt statewide accessibility standards for new development, both subsidized and housing in the private sector, to ensure meaningful access to housing opportunities by persons with mobility and vision disabilities.	Soundboard	Partial	Continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards.
18	Accessibility & Building Codes	Through Housing Element oversight, require all cities and counties to comply with legally required accessibility requirements in publicly funded housing and housing programs, that must be followed by local governments and their subrecipients and contractors. Require all local governments to establish effective monitoring and tracking systems for accessible units and accessible policy implementation as part of their housing element programs.	Soundboard	Partial	Continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards.
19	Accessibility & Building Codes	Provide accessibility design training on all federal and state housing accessibility requirements for housing developers, architects, and contractors, as well as fair housing training for housing developers and property managers who participate in state housing programs.	Soundboard	Partial	Collaborate with the Division of the State Architect to clarify accessibility standards.

20	Accessibility & Building Codes	<p>The Draft AI’s discussion of housing needs for people with disabilities is largely focused on physical accessibility, yet fails to emphasize the extent to which inaccessibility contributes to segregation. The “Housing Profile” section notes that 74.5% of the state’s housing was built before 1990. This has major accessibility implications that should be highlighted. That statistic means that three-quarters of California’s housing is likely inaccessible to people with sensory or mobility disabilities because it was built before the enactment of the ADA, the earliest federal mandate on accessible development. In addition, people with disabilities are excluded from most rental-controlled units because the Costa-Hawkins Rental Housing Act prohibits the application of rent control restrictions on housing built after February 1995. California’s recently enacted Tenant Protection Act (AB 1482, Chiu) places limits on excessive rent increases, but it does not apply to rental units built in the last 15 years. Further, a majority of subsidized units are not in compliance with federal and state physical accessibility requirements, since those requirements have not previously been enforced by HCD or other state and local entities in California. Together, these facts mean that the small portion of housing stock that is physically accessible to people with sensory and mobility disabilities is prone to unaffordability. This leaves people with mobility and sensory disabilities with an extremely narrow range of housing options relative to the general public, contributing to homelessness, isolation, and segregation.</p>	Soundboard	Yes	<p>Accept. The disability status section of the Final 2020 AI was significantly revised to address discrimination, protections, and accessibility standards.</p>
21	Accessibility & Building Codes	<p>Because of Costa-Hawkins, much of the housing that is both affordable and purportedly accessible to people with disabilities is housing that is built specifically for people with disabilities in low-income households, such as HOPWA and Section 811. That can have the unintended effect of clustering people with disabilities (particularly those most served by many of HCD programs: the chronically homeless and people with mental health conditions) into a small number of housing projects, rather than providing them with the freedom to disperse into the community of their choice.</p>	Soundboard	Partial	<p>Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.</p>

22	Accessibility & Building Codes	While acknowledging the positive effects of AB 1482, the Draft fails to expressly acknowledge that the Costa-Hawkins Act prevents the expanding of local rent control to new construction after the local rent control was adopted, and it does not address that AB 1482 does not apply to units built in the last 15 years.	Soundboard	Yes	Thank you for this comment. The Final 2020 AI has been updated to reflect these issues.
23	Accessibility & Building Codes	Chapter 4 does not fully address legal protections or accessible development requirements for people with disabilities. The Draft AI describes various federal and state fair housing laws as well as accessibility provisions of the state Building Code. Yet this chapter fails to analyze the connection between the Building Code on the one hand, and state and federal statutes and regulations on the other. Any discussion of accessible housing development that does not clearly draw this connection is incomplete. Section 1.A (Federal Laws Related to Fair Housing) and section 1.B (State Laws Related to Fair Housing) do not describe critical protections for people with disabilities. And, section 3 (Building Codes Related to Accessibility) fails to address the impact of federal and state laws on accessible development. In the sections that follow, we outline key information about these laws and regulations missing from the Draft AI.	Soundboard	Yes	Thank you for this comment. This item was significantly revised.

24	Accessibility & Building Codes	In addition to the Federal Fair Housing Act's antidiscrimination provisions described in the Draft AI, the FHA includes obligations to provide reasonable accommodations and physical modifications. It also establishes a set of accessible development standards that apply to all multi-family housing, not just subsidized housing. These requirements generally require a lower level of accessibility than the ADA and Section 504, but they apply more broadly to private market housing. The California Fair Employment and Housing Act (FEHA) has many of the same protections of the FHA, through broader in some places. FEHA also has requirements regarding architectural accessibility in multi-family housing. Chapter 11A of the California Building Code must comply with the FHA's accessible development requirements. HCD is responsible for drafting Chapter 11A. The AI should describe the interaction of these laws with the Building Code and clearly explain HCD and DSA's roles in promulgating the laws through the Building Code. The AI should include Action Steps for HCD to review Chapter 11A to ensure that it, at a minimum, complies with the FHA, and to make revisions as necessary. (Chapter 11A in some places may provide greater protection than FHA, and those protections cannot be reduced by law).	Soundboard	Yes	Thank you for this comment. These edits were included.
25	Accessibility Issues	In compliance with federal law, require that: 1) accessible units in a particular program be distributed throughout projects and sites; and 2) be available in a sufficient range of sizes and amenities to give people with disabilities the same choice of living arrangements available to people without disabilities under the same program.	Soundboard	Yes	Agree, this action step is clarified under impediment #10. HCD will work to update in guidelines and agreements.
26	Accessibility Issues	Increase the number of access points through which people with disabilities can access scattered sites housing programs.	Soundboard	Partial	HCD will continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards. HCD seeks to remove housing barriers for persons with disabilities.
27	Accessibility Issues	For buildings with more than 10 units, set a cap of 25% units restricted to people with disabilities, if financially feasible.	Soundboard	No	HCD seeks to promote housing choice for all Californians, including those with disabilities. Advocates differ on integration standards and strategies to meet the varied housing needs of Californians with disabilities.

28	Accessibility Issues	Require at least 10% of total units in all state housing programs to be accessible to persons with mobility disabilities and at least 4% of total units to be accessible to persons with co-occurring disabilities. If adopted, provide technical guidance or assistance.	Soundboard	Partial	Thank you for this comment. Staff will evaluate the feasibility and potential collaboration of increasing the percentage of mobility and sensory accessible units across state housing programs.
29	Accessibility Issues	The category of “people with disabilities” is broad in scope and includes people with physical, mental, psychological, intellectual, developmental, and cognitive conditions that manifest in a variety of ways. Each of these groups face their own unique barriers to housing. The Draft AI discusses physical accessibility as a barrier to fair housing for people with disabilities; however, physical accessibility is only one type of barrier for people with sensory or mobility disabilities. The Draft AI fails to include any discussion of the housing needs of people with other types of disabilities. Particularly significant is the omission of housing needs for people with mental health disabilities, intellectual or developmental disabilities, and self-care disabilities. There are significant state infrastructures in place for each of these groups that are not even mentioned in the Draft AI The sections on people with disabilities need far more clarity, data, and analysis of the housing needs and barriers for people with different types of disabilities.	Soundboard	Partial	The document was revised to include definitions of the types of disabilities included in data from the Census Bureau. Due to time constraints, staff were unable to incorporate all of the data sought. The Final 2020 AI addresses discrimination based on disability status. Impediment #5 includes an action steps to provide training and technical assistance on reasonable accommodation and modification requests. Under impediment #4 staff commits to develop a working group across housing agencies to provide aligned guidance on issues including reasonable accommodation requests.
30	Accessibility Issues	Develop guidelines for state courts on providing reasonable modifications to court procedures for people with disabilities, particularly in eviction proceedings.	Soundboard	No	HCD supports these efforts, but lacks authority and resources to undertake this action.
31	Accessibility Issues	Develop “grants for ramps” programs for tenants and homeowners to address reasonable modifications.	Soundboard	Yes	HCD will explore eligible program costs that can be used for accessibility modifications.
32	Accessibility Issues	Maintain an active database of housing that is accessible to persons with disabilities.	Soundboard	Partial	Thank you for your comment. Staff agree that this is an important goal. HCD will add this to the list of potential work for the fair housing team in the future.
33	Accessibility Issues	Revise HCD regulations and guidance for all programs to clarify the legally required accessibility requirements in HCD funded activities that must be followed by HCD and its subrecipients and contractors.	Soundboard	Yes	Accept

34	Accessibility Issues	For housing programs that receive state funding, HCD should provide guidance on obligations to provide reasonable accommodation/modifications and effective communications to residents of those programs; HCD should monitor implementation of those guidelines and enforce them.	Soundboard	Yes	HCD will review and provide TA on responding to reasonable accommodation and modification requests.
35	Accessibility Issues	Maintain lists for housing opportunities for those with disabilities and ensure that the housing options are in the most integrated setting appropriate to the needs of a person with a disability and consistent with their informed choice, per Olmstead v. L.C.	Soundboard	Partial	HCD seeks to remove housing barriers for all Californians, including persons with disabilities.
36	Accessibility Issues	Finally, AB 1482, the Costa-Hawkins Act is an impediment to adequate housing for persons with mobility disabilities because it precludes application of rent control benefits to housing built after 1995 or earlier.	Soundboard	Partial	Staff revised the Final 2020 AI to address the issue presented by rent protections within the housing stock prior to 1995.
37	Accessibility Issues	Identify and fund programs that create pathways to stable housing for people exiting institutional settings (like jails, prisons, hospitals) and board-and-care facilities at risk of closure.	Soundboard	Yes	Evaluate HCD's program, assess possible fair housing issues and barriers to individuals exiting institutional settings.
38	Accessibility Issues	Provide trainings to private landlords, managers, and sublessors on their obligations to provide reasonable accommodations, modifications and effective communication to people with disabilities.	Soundboard	Yes	HCD will partner with DFEH to provide trainings to entities participating in state housing programs on reasonable accommodations and modifications.
39	Accessibility Issues	Provide training, support, and resources to housing providers on working with individuals with disabilities, including information on reasonable accommodations, reasonable modifications, effective communications, assistance animals, and accessibility.	Soundboard	Yes	HCD will partner with DFEH to provide trainings to entities participating in state housing programs on reasonable accommodations and modifications.

40	Affordable Supply/Producti on	<p>The Draft AI states that “although housing continues to be more affordable than many areas of the state, increased population has put pressure on the local market.” Affordable is a relative term and high poverty rates and low-incomes in the San Joaquin Valley mean that despite relatively lower housing costs compared to the coast, housing is not affordable for most of the people who live in the San Joaquin Valley. ACS data contained in housing elements for jurisdictions across the San Joaquin Valley show that in many jurisdictions, more than half of all residents are housing-cost burdened and about 70% of low-income renters are housing cost-burdened. In addition, CalEnviroScreen 3.0’s housing cost burden indicators indicates that some of the census tracts with the greatest cost burdens in the state are located in Fresno. We would ask that the language of this section be revised to reflect the reality that housing is not affordable to residents of the San Joaquin Valley and is increasingly less so as prices continue to increase while wages remain stagnant. This point is significant given the prevalence of the narrative both within the region and statewide that housing is affordable in inland California and the reliance on that narrative by local and statewide officials as a basis not to craft housing solutions tailored to the San Joaquin Valley’s needs or inland California.</p>	Soundboard	No	Thank you for your comment, no change. Staff believes this is a HUD compliant document.
41	Affordable Supply/Producti on	<p>Bullet 4 should include HCD enforcing the Surplus Lands Act as required by AB 1486. In general, these action steps should not be limited to state surplus public land. HCD should identify surplus lands owned by local jurisdictions (whether specifically identified by the jurisdiction or not) that are suitable for housing and facilitate the connection of affordable housing developers with local jurisdictions. At a minimum, HCD should maintain a database of surplus land owned by the state and local jurisdictions/public entities that affordable housing developers can monitor for potential development opportunities and/or maintain a notification network to inform affordable housing developers as surplus lands are identified (whether owned by the state or local jurisdiction/public entity).</p>	Soundboard	Yes	Thank you for your comment, many of these efforts are underway. Beginning, January 1, 2020, local agencies (cities, counties, and special districts) must send notices about available, surplus local public land to all of the following entities: HCD, any local public entity within the jurisdiction where the surplus local land is located, and developers who have notified HCD of their interest in developing affordable housing on surplus local land.

42	Affordable Supply/Production	In bullet 6, change “Encourage” to “Mandate.”	Soundboard	Partial	Thank you for your comment. HCD works to address supply and production issues through many different approaches. HCD recognizes that there are many different strategies to affirmatively further fair housing, per HUD's 2015 AFFH rule.
43	Affordable Supply/Production	In bullet 2, change “promote” to “mandate,” as zoning for the variety of the housing types illustrated are required by existing law. The state must also require affordable and accessible housing opportunities in communities with greater resources, functioning infrastructure, and less pollution exposure.	Soundboard	Partial	Thank you for your comment. HCD works to address supply and production issues through many different approaches. HCD recognizes that there are many different strategies to affirmatively further fair housing, per HUD's 2015 AFFH rule.
44	Annual Reporting	Furthermore, throughout all of these action steps, there needs to be continued monitoring, updating, and reporting on the data. It is insufficient to review and report on this data once every five to eight years. There needs to be yearly reporting on the trends of these matters to determine what efforts are accomplishing the goal to affirmatively further fair housing and what action plans need to be altered. Additionally, there needs to be statements interwoven into the impediments of the enforcement of the DFEH Regulations that interpret the Fair Employment and Housing Act, starting at California Code of Regulations section 12005. Further, as evidenced by recent resistance and lawsuits to block the state’s efforts to house vulnerable populations in motels and hotels during the COVID-19 pandemic, HCD should collect and disseminate information on resources to combat NIMBYism. Finally, where HCD proposes to collect and disseminate information, it should describe from where it will collect the information and where or how HCD will disseminate it.	Soundboard	Yes	The Final 2020 AI is part of HUD's 5-year Consolidated Planning Process. Per the ConPlan reporting requirements, HCD must provide updates to AI Impediments and Action Steps through the Consolidated Annual Performance Evaluation Reports (CAPER). HCD's CAPER is due to HUD September 30 of every year. The CAPER has a 14-day public comment period which usually occurs sometime in August.
45	Barriers to Reentry	Explore protections for persons who are justice-impacted, including adding them as a protected class to FEHA.	Soundboard	Partial	While HCD lacks the authority to add a protected class, the Department recognizes the barriers criminal history or justice impacted persons can face in accessing housing. HCD commits to address the use of criminal background screenings as an action step under impediment #4.

46	Barriers to Reentry	The State must remove barriers that impede housing access for those who are returning from jail or prison, and affirmatively identify supportive housing sources for people who are justice-impacted (i.e., persons returning from jail or prison) to reduce recidivism rates.	Soundboard	Yes	As part of the action steps to address impediment #4, HCD will develop a working group across housing agencies to provide aligned tenant selection guidance to program users on DFEH's new regulations and trainings on source of income, criminal background, use of masked eviction records, protections for survivors of domestic violence, and equitable tenant selection strategies to prevent disparate impact on protected classes.
47	Broadband Internet Access	The Draft AI notes that many underserved areas that are eligible for broadband infrastructure grants that do not yet have service are located in sparsely populated areas or areas with geology and topography that makes broadband installation challenging. In addition to such areas, however, many areas within and on the outskirts of urban centers, such as the City of Fresno, as well as in rural areas with flat topography, such as the West side of the San Joaquin Valley, lack broadband. The Draft AI does not identify the barriers to and opportunities the attainment of broadband in such areas. We recommend that the AI provide additional information on this topic to address these questions in order to inform the AI's impediments and action steps.	Soundboard	Partial	Broadband internet access is an important issue and addressed within the Final 2020 AI document. Thank you for this comment.
48	Broadband Internet Access	The AI correctly notes the essential nature of broadband service to Californians today, and the disparities in access to broadband that impacts low-income, rural, Black, and Latinx households. The current COVID-19 pandemic has highlighted and amplified the need for equitable broadband access in California, as thousands of children have been unable to participate in online learning for school while sheltering in place. Considering the COVID-19 pandemic and the closure of schools across the state of California, HCD should conduct a more in-depth analysis of broadband access, especially concerning student access for distance learning in K-12 education.	Soundboard	Partial	Broadband access is an important issue and addressed within the Final 2020 AI document. Staff revised the text to note the impact of COVID-19.
49	Code Enforcement	If AB 3352 passes and is chaptered, provide technical assistance to jurisdictions, and enforce the law. If not, establish a statewide requirement for a minimum level of proactive code enforcement by local jurisdictions, and utilize HCD authority to directly enforce codes if local enforcement is inadequate.	Soundboard	No	Thank you for your comment. HCD declines to comment on pending legislation.

50	Code Enforcement	Ensure that any expansion of the MPRROP to address code violations and habitability issues is not a windfall to mobile home parks that have historically profited off poorly maintained parks, but that the expansion is done to improve communities for mobile home residents and ensure that space rents remain affordable. Engage in creating general improvements to the MPRROP to make it more accessible and useful to residents interested in acquiring their mobile home park as a resident - or nonprofit-owned park, especially residents of mobile home parks in areas of higher concentration of poverty or segregation.	Soundboard	Partial	The document was updated to reflect the concern and request to balance the needs of Mobilehome park residents along with enforcement of state laws.
51	Collaboration & Partnerships	Increase capacity for DFEH to engage in fair housing investigation and enforcement, given the recent adoption of fair housing regulations, source of income protections, and the need to tackle systemic fair housing issues that involve disparate impact. DFEH must also increase capacity in areas such as land use and municipal law, for which DFEH currently has fewer enforcement resources and expertise. HCD should coordinate with DFEH to identify opportunities to collaborate on training, technical assistance, and enforcement opportunities regarding the new land use regulations. HCD and DFEH should also consult with non-governmental fair housing advocates and experts to identify the most effective uses of resources and training.	Soundboard	Yes	Thank you for your recommendation. HCD and DFEH work closely together, to increase communication, capacity and collaboration between our two departments. HCD and DFEH are continuing to expand this collaboration internally with fair housing trainings, TA and enforcement work. The action steps under impediment #4 include support the increase of fair housing testing to identify housing discrimination.
52	Collaboration & Partnerships	Partner with leading social scientists and academics to identify policies and behaviors that perpetuate patterns of racial and ethnic segregation and concentration of areas of poverty and provide training and technical assistance to local jurisdictions regarding ways to avoid perpetuating such practices and reversing those trends.	Soundboard	Partial	Thank you for your comment. HCD supports this type of research and works to address these issues through AB 686, Housing Element Law, and our current authority. Through AB 72 staff are working to recognize where entities act to perpetuate existing patterns of segregation, and refer these issues to DFEH.
53	COVID-19 Impacts	This section should include an acknowledgement that the COVID-19 Pandemic will substantially increase the impediments to fair housing as the staggering economy will lower incomes and reduce financing available from the public and private sectors.	Soundboard	Yes	Agree, and thank you for this comment. Information regarding COVID-19 and its short-term and possible long-term affect have been added to the Final 2020 AI. Specifically, staff identified an increased risk of housing instability and homelessness along with rising unemployment rates.

54	COVID-19 Impacts	The impediment section begins with: "This analysis serves as the basis for HCD and the state's fair housing planning work to expand housing choice and access to opportunity for all Californians, regardless of membership in a protected class." While true, the Impediments section should make clear that the analysis applies to all actions of the state and regional and local governments. All of the State's policies, plans and action must be consistent with the AI – including its response to COVID-19.	Soundboard	Partial	The Final 2020 AI will inform HCD's efforts to affirmatively further fair housing; to promote inclusive communities, further housing choice, and address community disparities through HCD's programs, policies, and operations. Some of these actions are within HCD's control, others will require on-going, collaborative work with partners.
55	COVID-19 Impacts	Millions of America's lowest-income renters were struggling to pay rent and make ends meet before the current coronavirus pandemic. Now, many are facing increased risks of evictions and homelessness due to job losses and reduced wages. Accordingly, HCD should include a recommendation and an action step to monitor and enforce state laws against jurisdictions who refuse to provide meaningful access to supportive services, which includes shelter and affordable housing opportunities to minimize the risk of homelessness. This includes identifying barriers to shelter access experienced by persons with disabilities and who identify as LGBTQIA+ as impediments to fair housing access, and specifically requiring jurisdictions to take steps to remove them. This is especially important considering the projected impact of the COVID-19 pandemic on low-income communities, including mass evictions and increases in the number of people experiencing homelessness.	Soundboard	Yes	Thank you for your comment. The document was significantly revised to include the immediate effects of COVID-19. Staff appreciate advocates feedback in this area.
56	COVID-19 Impacts	Establish a mechanism and funding to eliminate tenant debt accumulated due to inability to pay during the COVID-19 state of emergency.	Soundboard	Yes	Thank you for your comment. The document was significantly revised to include the immediate effects of COVID-19. Staff appreciate advocates feedback in this area.
57	COVID-19 Impacts	Amend Code of Civil Procedure § 1161 to prohibit the eviction of tenants who were unable to pay rent during the COVID-19 state of emergency.	Soundboard	Partial	Thank you for your recommendation. Amending law is outside HCD's current authority.
58	COVID-19 Impacts	Expand Project Roomkey and create adequate emergency housing plan to prevent unhoused persons being unnecessarily exposed to the elements during a public health emergency, such as COVID-19.	Soundboard	Partial	Through Project Roomkey, HCD will administer funds to preserve and acquire homes that can be used as permanent and affordable housing.

59	COVID-19 Impacts	Acknowledgement of and actions to address protection of tenants from eviction due to loss of income during the COVID-19 pandemic.	Soundboard	Yes	Continue statewide response to COVID-19, including protections from evictions, housing solutions for those experiencing homelessness, and prevention of further foreclosure and evictions as at-risk households navigate economic recovery.
60	COVID-19 Impacts	This section should incorporate the likely impact of the anticipated economic downturn on tax credit programs and the relationship to any identified impediments, including impediment 1 in Chapter 13. The AI could refer to the nature and extent of any impacts on the tax credit program from the Great Recession.	Soundboard	Partial	The AI has been updated to reflect information on COVID-19. Due to time constraints, staff were unable to fully address the potential impact on tax credit programs.
61	Data Analysis	In finalizing the AI, we recommend reviewing the document with an eye towards including cross-references to relevant discussion throughout the document. At times, discussion in one part of the Draft had important context or discussion located in another part of the Draft that was not referenced. We ask that, where appropriate, cross-references to other parts of the AI be added. This will assist readers who are only reading certain portions of the document.	Soundboard	Partial	Thank you for this comment. Staff believes this is a HUD compliant document and have added references where possible, with the given time constraints.
62	Data Analysis	HCD should provide a market-based analysis that examines this issue from all angles, including, but not limited to, race, socioeconomic status, immigration, as well as how the displacement has affected the efforts of low-income communities to remain and thrive in their cities. This section should further examine how issues such as stifling state laws (e.g., Costa-Hawkins, Ellis Act), and development approvals by local governments resistant to affirmatively further fair housing, as well as NIMBYism, have contributed to displacement of people in low-income communities out of California.	Soundboard	No	Thank you for your comment. Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.
63	Data Analysis	Ultimately, it is not sufficient to show that minorities are over-represented as recipients of housing assistance programs when compared to the population at large because the same minority populations are over-represented in the communities of the most need. In general, a more thoughtful comparison of the data would assist HCD in identifying impediments to fair housing and develop action plans to address those impediments.	Soundboard	No	Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.

64	Data Analysis	<p>Rather than compare the percentage of recipients belonging to a specific race or ethnicity with the corresponding percentage of the statewide or non-entitlement population, the AI should compare the data to the corresponding percentage of the race or ethnic makeup of the population the program intends to serve. For example, under the HOME program, 6.2% and 40.7% of the recipients who received rental assistance were Black or African American and Hispanic, respectively, where 46.8% were white. However, a review of 2017 data shows that in California, of individuals in households with housing cost burdens 6.7% were Black, 44.9% were Latinx, and only 31.6% were White.⁵¹ This seems to indicate that the HOME program underserved the communities that were most in need of rental assistance and racial and ethnic disparities in access to housing are promulgated by the HOME program, rather than alleviated.</p>	Soundboard	No	<p>Thank you for your comment. HCD was unable to add this additional analysis to the Final 2020 AI.</p>
65	Data Analysis	<p>It is also alarming that in its assisted housing program analysis, the AI only analyzes the racial and ethnic composition of assisted populations and for the most part provides no analysis about other key demographics, such as persons with disabilities or LGBTQIA+ populations. In particular, HCD should provide specific data about the legally required accessible units in its portfolio, or how it will obtain that data.</p>	Soundboard	Partial	<p>See action steps under impediment #10. HCD will further integrate housing options for persons with disabilities. Require accessible units to be distributed throughout projects and sites (to the maximum extent feasible) and available in a range of sizes and amenities.</p>

66	Data Analysis	<p>The Analysis of Impediments fails to analyze HCD's Assisted Housing Programs with an eye toward affirmatively furthering fair housing and rather focuses on meeting demographic quotas and general population thresholds. Throughout the draft AI, HCD seems to claim that racial and ethnic minorities are over-represented as recipients in Assisted Housing Programs. While this would leave one to believe that these results indicate an effort to affirmatively further fair housing, a close look at the data reveals the contrary. For example, the AI recognizes that Black or African-American populations disproportionately make up homeless populations (29.1% of the total homeless population, while only 5.5% of the population of the state as a whole) However, in the analysis of Emergency Solutions Grant (ESG) expenditures, federal funds designated to specifically address homelessness, only 24.1% of the populations served with ESG funds were Black or African American. Rather than compare this data to the percentage of the homeless population that is Black or African-American, the AI compares it with the percentage of statewide population who is Black or African-American (here identified as 5.8%). The AI then claims that the program "exceeds the needs of Black or African American" populations, when in reality the program fails to meet the needs of this population because the population makes up a larger percentage of the homeless population that these funds are designated to assist. This same disparity exists among other demographics (29.5% of the populations served by ESG funds were Hispanic, while 31.9% of the homeless population are Hispanic). Ultimately, by underserving Black or African American and Hispanic homeless populations, the administration of the ESG program is not effectively affirmatively furthering fair housing, but exacerbating the over-representation of minority populations in the homeless population.</p>	Soundboard	Partial	<p>HCD's Analysis of Impediments to Fair Housing provides an overview of local and regional trends, but does not fully capture the nuance necessary to fully cover the disparities experienced by Black or African American and Hispanic homeless populations across the state. HCD's analysis includes ESG funds for entitlement and non-entitlement areas, but it is committed to incorporating ways to Affirmatively Further Fair Housing throughout its federal programs.</p>
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67	Data Analysis	Similarly, when discussing HOPWA recipients, the AI states that there is a slightly higher representation of Black or African American households at 14.9% of the program recipients. However, a review of the data referenced within the report indicates that Black or African-American populations make up 17.1% of persons living with diagnosed HIV infection in California (reference provided in main document).	Soundboard	Partial	As a Statewide Analysis of Impediments to Fair Housing process, the HOPWA data included in the Final 2020 AI only covers data for 40 mid-size and rural counties in non-entitlement areas participating in the program administered by HCD. HCD is committed to incorporating methods to Affirmatively Further Fair Housing in all its federal programs, including the HOPWA program.
68	Data Analysis	Additionally, in its analysis of CDBG and HOME funds, it would be beneficial if HCD analyzed the data by the type of assistance received under each fund (e.g. more specific analysis of homeowner rehabilitation assistance under the HOME program or similar assistance under CDBG).	Soundboard	No	Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.
69	Data Analysis	Finally, the analysis of the Assisted Housing Programs should incorporate HCD's data and analysis concerning Access to Opportunity (Chapter 6). Doing so will help HCD determine whether assistance is being appropriately allocated to the communities most in need of the aid and that the funding is directed toward increasing access for low-income and historically segregated populations to high resource areas	Soundboard	Partial	While HCD was not able to add in this analysis in the Final 2020 AI in part due to time constraints, current COVID-19 impacting staff resources, and the recent reorganization of HCD's federal unit; HCD plans to do this analysis of both its federal and state programs within the next two-to-three years. By this time AB 686 guidance and best practices will be available and will help guide much of this analysis and subsequent programmatic changes.
70	Data Analysis	Monitor the geographic distribution of funding to determine whether the share allocated to rural and inland regions meets targets set forth in applicable laws and policies. Where targets do not exist, monitor whether these regions receive an equitable share of funding. In partnership with stakeholders, identify methods to ensure that application criteria, technical assistance provision, and other factors are modified as needed to ensure the equitable geographic distribution of funding.	Soundboard	Partial	HCD will analyze portfolio and program distribution throughout California. It should be noted that many state housing programs have specific, legislatively determined criteria.
71	Data Analysis	Similarly, the Draft AI does not break down data relating to various aspects of housing access identified in Chapter 3 by geographic region. We recommend that, wherever possible, the AI disaggregate the data geographically. This information will allow HCD to craft action steps that target scarce resources to the issues and areas where they are most needed and impactful.	Soundboard	Partial	Most of the state's housing agencies operate programs available at a statewide or regional level. The Final 2020 AI addresses statewide and regional housing trends, this may be supplemented with data from local AIs.

72	Data Analysis	Finally, the Draft A.I includes data on low- and moderate-income households, but not comparable data for extremely low- and very low-income. These are addressed together in a section as “poverty,” but it should be noted that these are distinct populations for the purposes of resources and access to housing programs.	Soundboard	Yes	Thank you for this comment. The Final 2020 AI includes an analysis of the available data, including poverty level and for extremely low-income households.
73	Data Analysis	The Draft AI provides critical data on household income, housing cost burden, lead-based paint in housing, foreclosures, evictions, and employment but does not break this data down by race, ethnicity, disability status, and/or other protected class characteristics. Disaggregating the data according to protected class characteristics is necessary for the AI to present a clear picture of the fair housing issues that disproportionately impact protected classes and correspondingly, allow for the accurate identification of impediments to fair housing and the action steps most appropriate to address those impediments.	Soundboard	Partial	Thank you for your comment. Staff sought to disaggregate data where feasible and possible. Staff conducted the Final 2020 AI in accordance with HUD's Fair Housing Planning Guide, Volume One.
74	Data Analysis	The AI Draft recognizes that during the 1990s, the “total population living in neighborhoods of extreme poverty declined” due to “government action designed to affirmatively counteract segregationist public policy,” but that since 2000, “concentrated poverty has risen dramatically in California.” Yet, there is no further discussion on what policies contributed to the decline in the 1990s and what has caused the reversal since 2000. A more in-depth discussion of these trends would be insightful to identifying impediments and appropriate action plans.	Soundboard	No	Thank you for this comment. HCD was unable to add this additional analysis to the Final 2020 AI.

75	Data Analysis	<p>This section should be renamed “Tenants in Publicly Supported or Assisted Housing” to clarify that this section does not just refer to tenants participating in the HUD Public Housing program. ▪ This section should include discussions about where Voucher holders can lease up and use their Vouchers, and how Voucher payment standards are oftentimes insufficient for Voucher holders to lease up in many communities, particularly communities with lower concentrations of poverty and segregation. ▪ An expanded discussion in-text of where affordable housing is located, both historically and in terms of newly sited units, and the demographics of those Census tracts would be really useful for the reader. The charts that are trying to convey this information are somewhat confusing and hard to follow. ▪ The discussion should mention what types of housing programs are included in the “Other Multifamily” housing category. ▪ LIHTC units should also be included in this discussion (assuming these are not included in the “Other Multifamily Housing” category).</p>	Soundboard	Partial	<p>The section title was revised. Staff conducted the Final 2020 AI in accordance with HUD's Fair Housing Planning Guide, and were unable to access all of the requested data.</p>
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76	Disability and Supportive Services	<p>The Draft AI contains no discussion or data about individuals with developmental disabilities (which includes cerebral palsy, intellectual disabilities, Down syndrome, autism and autism spectrum, epilepsy, and related conditions). There are over 330,000 individuals with these disabilities in California, a large percentage of whom are served by the Department of Developmental Services (DDS) through a network of 21 regional centers and other facilities, established by the state Lanterman Act. These individuals have significant housing needs, which vary based on their specific disabilities. Many need supportive housing, particularly affordable housing offered in conjunction with DDS-operated programs like Independent Living Services and Supported Living Services. The Draft AI contains no data or discussion of the housing needs of this population. In addition to the Census, HCD should be gathering relevant data about the demographics of people with developmental disabilities and their housing needs from DDS, and data from these other sources may also be helpful: regional centers, the Arc, the State Council on Developmental Disabilities (SCDD), federal agencies, and housing providers such as The Kelsey. It would be extremely helpful to discuss in more detail the various residential placements for individuals served by DDS (referred to as “consumers” by DDS) and how they impact segregation, community integration and housing needs. The number of individuals in each type of placement is available from DDS. Two recent reports are also helpful: The Arc’s, “There’s No Place Like Home” report and the Lanterman Housing Alliance, CSH, and State Council on Developmental Disabilities’ “Statewide Strategic Framework for Expanding Housing Opportunities for People with Intellectual and Developmental Disabilities.” In addition, every local government is required to analyze the needs of this population in their housing element, which is a ready source of information for HCD. The AI should also include Action Steps to specifically address the housing needs of people with developmental disabilities.</p>	Soundboard	Yes	<p>Staff utilized data from the US Census Bureau regarding disability status. Due to time constraints, staff were unable to include additional data.</p>
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77	Disability and Supportive Services	<p>The Americans with Disabilities Act, as Amended (ADA) (Title II), 42 U.S.C. §§ 12131 et seq. Title II of the ADA applies to all programs and operations of public entities such as HCD, and its agents, contractors, grantees, recipients, and subrecipients. Chapter 4 of the Draft AI describes the ADA’s prohibition of discrimination, but it should also include other critical components of the statute and its regulations. For example, the Draft AI should note that the ADA requires covered entities to consider and grant reasonable modifications, which encompass both changes in policies as well as physical modifications to buildings. Another critical component of the ADA is the integration mandate. The ADA requires meaningful access for people with disabilities to programs, services, and activities. It also requires provision of services in the most integrated setting, defined as “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.” 28 C.F.R. Part 35, Appendix A (2010). This is sometimes loosely referred to as an “Olmstead” obligation. Finally, the ADA requires compliance with accessible development standards 2010 ADA Standards for Accessible Design (2010 ADAS), which include specified percentages in multifamily housing developments for fully accessible mobility and hearing/vision units).</p>	Soundboard	Yes	Thank you for this comment. These edits were included.
78	Disability and Supportive Services	<p>Expand funding through the Mental Health Services Act (MHSA) (Prop 63 funds) to increase access to diverse and inclusive housing options for persons with disabilities.</p>	Soundboard	Partial	HCD seeks to remove housing barriers for persons with disabilities. At this time, HCD declines to suggest legislative changes.

79	Disability and Supportive Services	<p>The Draft AI notes that approximately 11% of the state’s non-institutionalized population has some type of a disability. But, it provides no data on the demographics and needs of the state’s institutionalized population with disabilities and, more importantly, how institutionalization is a major barrier to fair housing. The AI must include data on the numbers of individuals living in a variety of facilities and those individuals’ specific housing needs. These facilities include group homes, nursing homes, crisis housing, sober living facilities, and senior living facilities to name just a few. See also the discussions in this comment letter regarding Chapter 5 on segregation and integration for people with disabilities. Further, the limited information that is provided for people with “self-care difficulties” and “independent living difficulties” is unclear. The Draft AI does not explain what a “self-care difficulty” is and how it is different from an “independent living difficulty.” Also unclear is how each of these categories overlap with the other categories, which include sensory and mobility disabilities. The Draft AI also fails to note that many people with these “difficulties” are in fact able to live independently with the appropriate supports in place. These supports include caregivers or In-Home Supportive Services (IHSS). Many seniors, for example, are able to continue living independently as they age and avoid institutionalization by making physical modifications to their homes or obtaining supportive services. Justice in Aging and other groups focused on the rights of seniors are likely to have data on this population’s housing needs. The AI should also include Action Steps to specifically address the housing needs of people with these types of disabilities, including, for example, the use of “Grants for Ramps” funding and other programs to assist individuals who need to make accessibility modifications in their homes and apartments, particularly in order to age in place.</p>	Soundboard	Yes	<p>Accept. Staff significantly revised the disability status section of the Final 2020 AI. HCD added in data on persons living in institutional group quarters, as available through the US Census Bureau.</p>
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80	Disability and Supportive Services	<p>Another major barrier to integration is excessive and unnecessary institutionalization. The conditions of jails, prisons, and hospitals may be outside the scope of the AI, but their relationship to an individual's housing opportunities upon release should be noted and discussed.</p> <p>Institutionalization impacts people with disabilities in a number of ways, including: 1) the lack of adequate housing opportunities for people with intellectual/developmental disabilities (I/DD); 2) the hospitalization of individuals with mental health disabilities due to the lack of supportive housing and crisis housing in the community; and 3) the overrepresentation of people with mental health disabilities in jails and prisons.</p>	Soundboard	Yes	Staff significantly revised the disability status section of the Final 2020 AI and added in information regarding persons living in institutional settings.
81	Disability and Supportive Services	<p>A final key area where HCD can address discrimination against people with disabilities is in land use and zoning practices. As discussed above, the Olmstead obligation requires that public services be provided in the most integrated setting possible. In the housing context, this often takes the form of allowing different types of housing—including small shared housing, sober living facilities, and permanent supportive housing—to be embedded in a broader, cohesive community. These housing developments are usually focused on serving the needs of people with mental health or developmental disabilities. Developing these types of housing usually require applications to local government bodies and requests for variances or condition use permits. It is through those local zoning and land use processes where a particularly pernicious form of discrimination—NIMBYism—rears its head. Across the state, virtually any form of housing designed for people with disabilities or other special needs faces public opposition in the form of alarmist rhetoric on rising crime rates and plummeting property values. Fearful of voter backlash, local governments will often acquiesce to public bias. HCD could combat this invidious discrimination by aggressively enforcing state laws, including the Fair Employment and Housing Act and housing element laws, that facilitate housing development for populations with special needs. The housing element should also require</p>	Soundboard	Partial	Thank you for your comment. HCD will be providing clarity on the expectation for reasonable accommodations and modifications in coming AB 686 Technical Assistance. Additionally, HCD will be reviewing its programs and providing guidance to its grantees.

		that localities update their reasonable accommodation zoning ordinances.			
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82	Disability and Supportive Services	<p>A large barrier to stable and integrated housing for people with I/DD is the statewide shortage of affordable housing. As the state continues to transition away from housing people with I/DD in large developmental centers, not enough local, community-based options exist. CSH estimates that, of the “more than 33,000 [Department of Developmental Services] consumers in institutional and congregate residential settings, . . . approximately 11,000 adult consumers would benefit from supportive housing.” Approximately 75% of people with I/DD live with a caregiver or parent, unconnected to public services or supports. And, nearly one million households have a caregiver who is over the age of 60. These individuals are at risk of institutionalization—in restrictive shared housing, for example—when their parents become too old to care for them or when external housing pressures make the living arrangement unsustainable. For these reasons, supporting broader eviction prevention and housing stability measures provides a benefit to people with I/DD. HCD could further support community-based housing for people with I/DD by requiring local jurisdictions to adopt zoning and land use policies that benefit these households. HCD should also amend its scoring systems so housing that serves people with disabilities who are neither elderly nor chronically homeless can be competitive, and therefore provide supportive housing services to the I/DD population</p>	Soundboard	No	<p>Thank you for your comment. Due to current time constraints, HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future</p>
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83	Disability and Supportive Services	<p>People with mental health conditions face their own unique barriers to fair housing, including lack of access to permanent supportive housing and susceptibility to eviction for nuisance activity related to a disability. These and other barriers are not considered in the Draft AI. In fact, the demographic data on disability does not discuss mental health at all. This is an enormous oversight, given that nearly 20% of adults in the U.S. have experienced some sort of mental health condition. The AI's own 2020 Community Needs Survey indicates that mental health services ranks among the top three "most needed public services." The data in Chapter 3, Sec. 4(c) ("Special Needs Population Data: Persons with Disabilities") appears to come exclusively from the Census. If the Census does not fully capture data on mental health conditions, HCD should supplement it with data sources that do. At a minimum, it should be gathering data about the demographics of people with mental health disabilities and their housing needs from the Mental Health Services Division of the Department of Health Care Services or the Mental Health Services Oversight and Accountability Commission and exploring the various housing needs of and residential options available to the more than 2 million Californians with mental health disabilities. Data from the following would also be helpful: the California Behavioral Health Planning Council, federal government agencies serving these individuals, and county mental health departments. In addition, significant numbers of the chronically homeless have mental health disabilities, which may be a source of data as well. The AI should also discuss substance abuse disorders as a type of mental health issue, and how people with these disorders face their own unique barriers to fair housing. The AI should also include Action Steps to specifically address the housing needs of people with mental health disabilities.</p>	Soundboard	Partial	<p>Thank you for this comment. The Final 2020 AI commits HCD to form a working group across state housing agencies to address reasonable accommodations related to all disabilities, including mental health. The working group will also address criminal screening criteria which may be a barrier for persons experiencing mental illness.</p>
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84	Disability and Supportive Services	<p>Despite state and federal laws to the contrary, people with disabilities continue to face rampant discrimination in housing. This is reflected in the Draft AI's finding that the vast majority of discrimination complaints filed with the Department of Fair Employment and Housing (DFEH) and HUD continue to be on the basis of disability. Oftentimes, discrimination against people with disabilities manifests as a failure or refusal to provide a reasonable accommodation or modification. This problem unfortunately appears in a wide range of circumstances, but a key area where HCD can make an impact through the AI is in its monitoring of both shelter and housing programs that receive state funding. Many people with disabilities experiencing homelessness are unable to access congregate shelters because the shelter provider refuses to make reasonable accommodations or modifications. Many do not even have a policy in place for making those determinations. People with disabilities often report being unable to keep their service or support animal with them, being denied permission to step outside the shelter when the effects of congregate living trigger their mental health conditions, and being unable to remain with their caregiver. HCD could address this problem by requiring that shelters who receive state funding must develop and implement reasonable accommodation, modification, effective communication, and accessibility policies that comply with state and federal disability rights laws. In addition, HCD should require that funding recipients develop and implement an administrative process for individuals to appeal unfavorable decisions, like denials or terminations of services. That process should include the right to receive notices of action related to services. Similarly, state-funded housing programs most often lack clear reasonable accommodation/modification policies, and the requirement that they grant such accommodations is not enforced. HCD should include an action item to increase monitoring and enforcement of reasonable accommodations and other fair housing obligations in state-funded housing programs.</p>	Soundboard	Partial	<p>Through impediment #4, HCD commits to develop a working group across housing agencies to provide aligned tenant selection guidance to program users in light of DFEH's new regulations and trainings on source of income, reasonable accommodations, harassment, retaliation, criminal background, use of masked eviction records, protections for survivors of domestic violence, language access issues, and equitable tenant selection strategies to prevent disparate impact on protected classes.</p>
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85	Disability and Supportive Services	<p>Another serious concern is that the California Department of Corrections and Rehabilitation reports that over 30% of incarcerated persons receive treatment for a “serious mental disorder.” That does not include the unknown number of incarcerated persons who have a disability but do not receive treatment. The high rate of mental health conditions in the prison population reflects the lack of access to long-term, high quality psychiatric care that should be available to people with disabilities. Relying on the penal system or the state hospital system to provide mental health treatment results in the removal of people with disabilities from the larger community, perpetuating patterns of systemic segregation. For example, many people who have been incarcerated struggle to find housing after release because of housing providers’ widespread use of criminal background checks. These sorts of checks have a disparate impact on African Americans, who are overrepresented in California’s prison population. The Department of Fair Employment and Housing’s new housing regulations recognize that this screening is discriminatory; the AI should recognize the same. Similarly, people who have been institutionalized in any way for long periods of time typically lack a credit or rental history strong enough to pass a housing provider’s credit check, particularly in areas with competitive rental markets. This, too, results in a barrier to housing integration by limiting where people who have been institutionalized may live. Credit screenings for rental housing should be recognized as a barrier to fair housing.</p>	Soundboard	Yes	<p>HCD recognizes the barriers criminal history or justice impacted persons can face in accessing housing. HCD commits to address the use of criminal background screenings as an action step under impediment #4.</p>
86	Disability and Supportive Services	<p>Targeted outreach and provide tenant application assistance and support to people with disabilities, including individuals transitioning from institutional settings and individuals who are at risk of institutionalization.</p>	Soundboard	Yes	<p>HCD will evaluate programs to assist persons transitioning to community-based settings.</p>

87	Disability and Supportive Services	<p>The Draft AI does not discuss the myriad ways that people with disabilities experience housing segregation. As discussed above, the Olmstead obligation requires that people with disabilities be placed in the most integrated setting possible. The failure of state and local governments to implement this mandate fully is a major barrier to fair housing for people with disabilities. The Draft AI should consider the many ways in which people with disabilities experience segregation and discrimination in housing, including: exclusion from high opportunity neighborhoods, institutionalization resulting from lack of housing and supports, and segregation within buildings and housing programs. More importantly, HCD should include Action Steps that directly address the identified barriers to fair housing. This section contains some of our suggested Action Steps, and more are identified in the Attachment A to these comments.</p>	Soundboard	Partial	<p>HCD includes a number of action steps under impediment #10 to address housing choice and integrated living options for persons with disabilities.</p>
88	Disability and Supportive Services	<p>Require that all shelter providers, supportive housing providers and others who receive state funding develop a reasonable accommodation, modification, effective communication, assistance animal, and other accessibility policies that meet the requirements of state and federal disability rights laws.</p>	Soundboard	Partial	<p>Thank you for your comment. In collaboration with DFEH, HCD anticipates providing guidance and best practices regarding this issue.</p>
89	Disability and Supportive Services	<p>Another key area where HCD can address disability discrimination is eviction protocols for supportive housing providers. Supportive housing should comprise the supports and services necessary for people with disabilities, particularly mental health conditions, to maintain independent housing successfully and avoid institutionalization. Unfortunately, many supportive housing providers are quick to initiate eviction proceedings against tenants with disabilities for relatively minor offenses like excessive noise or clutter. This “nuisance” activity is often connected to a mental health disability. When tenants request cessation of the eviction proceedings as a reasonable accommodation, many housing providers respond by placing them on draconian behavioral stipulations as a condition of remaining housed. The refusal of some supportive housing providers to be truly supportive of their tenants increases the likelihood of eviction,</p>	Soundboard	Partial	<p>Thank you for your comment. HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.</p>

		homelessness, and institutionalization of people with mental health disabilities. HCD could directly address this impediment to fair housing by clarifying through its regulatory guidelines that recipients of any type of state funds may only evict for good cause, defined as only the most serious violations.			
90	Disability and Supportive Services	In its materials, outreach, trainings, etc., HCD should not limit the scope of fair housing issues experienced by those with disabilities, particularly those experiencing mental health disabilities, to only issues related to emotional support animals.	Soundboard	Partial	While federal law provides significant guidance for HCD's work, the Department is also obligated to meet the mandates of California fair housing law, including AB 686. This law reinforces California's commitment to fair and equal housing by requiring public agencies to administer their programs in a manner that affirmatively furthers fair housing and creates AFFH obligations for local government plans for housing. Staff updated the Final 2020 AI to include the broader range of accessibility issues and will continue to engage with this work moving forward.
91	Disability and Supportive Services	Using annual performance reports, track the removal of barriers and limits on housing options for people with disabilities, particularly people with co-occurring disabilities.	Soundboard	No	HCD seeks to remove housing barriers for all Californians, including persons with disabilities.
92	Disability and Supportive Services	Another concern is the rapid pace of closures of adult residential facilities—or board and care homes—because the state's reimbursement rate is not high enough to cover increasing rent and labor costs. Board-and-cares play an important role in maintaining community integration for people with mental health disabilities. They do this by housing people who are unable to live alone safely but who do not require institutionalization. As these facilities close, residents will have few adequate alternatives. Many advocates worry that a statewide closure of board-and-cares will result in higher rates of hospitalization and homelessness. The AI should address this crisis.	Soundboard	No	Thank you for your comment. Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.
93	Disadvantaged Communities	Provide oversight and ensure implementation of housing element policies and programs designed to support the extension of infrastructure and services to disadvantaged communities.	Soundboard	Yes	HCD supports this, and will work to address through AB 686, Housing Element Law, and our current authority.

94	Disadvantaged Communities	Create a state fund and technical assistance to support the refinement and implementation of plans adopted by cities and counties pursuant to Government Code § 65302.10 to address the needs of disadvantaged unincorporated communities, including to address needs, such as wastewater.	Soundboard	Partial	HCD supports this, and will work to address through AB 686, Housing Element Law, and our current authority.
95	Disadvantaged Communities	The Draft AI includes a brief discussion of conditions in Colonias, defined as unincorporated federally designated communities located within 150 miles of the California-Mexico border. While Colonias share many characteristics with disadvantaged unincorporated communities (“DUCs”) in California more broadly, the Draft AI does not but should specifically acknowledge the existence of hundreds of DUCs across California and particularly in the state’s agricultural interior, including the San Joaquin and Coachella Valleys. In these regions, DUCs are disproportionately inhabited by people of color, including Latinx and Black residents, as well as farmworkers and other populations with special housing needs. The Draft AI should describe the conditions within DUCs relevant to a fair housing analysis, including the prevalence of dilapidated and substandard housing conditions and the widespread lack of safe and affordable drinking water, wastewater, storm water drainage, sidewalks, street lights, recreational facilities, green space and parks, and other public and private amenities and services that are essential components of thriving, healthy communities. HCD can find information and guidance relating to DUCs in OPR’s 2018 General Plan Guidelines; California Unincorporated: Mapping Disadvantaged Unincorporated Communities, a report by PolicyLink, California Association of Local Agency Formation Commission’s website; the cities’ and counties’ general plan land use element amendments adopted pursuant to Government Code § 65302.10 and analyses adopted by county-level Local Agency Formation Commissions, the 2014 San Joaquin Valley Fair Housing and Equity Assessment, and “The Struggle for Water Justice in California’s San Joaquin Valley: A Focus on Disadvantaged Unincorporated Communities,” by the U.C.	Soundboard	Partial	Thank you for this comment. Staff were unable to include specific information on Disadvantaged Unincorporated Communities in the state due to time constraints. HCD will continue to strive to promote place-based community investments in disadvantaged communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment.

		Davis Center for Regional Change, among other sources of information.			
96	Displacement	The discussion of the San Francisco Bay Area rightfully focuses on the pressing issue of evictions and displacement. The discussion of the Bay Area should also include a discussion of what happens when families are priced out and displaced, and the alternative housing options that families who have been evicted rely upon, such as residing in RVs and cars. In turn, this should also prompt a discussion of the extent to which local laws passed (e.g., bans on oversized vehicle parking, overnight parking) disproportionately impact members of protected classes, such as communities of color and persons with disabilities. This section could also benefit from mentioning the long distances that many workers, particularly low-wage workers, have to drive in order to work in job centers such as Silicon Valley.	Soundboard	No	Thank you for your comment. Due to current time constraints, HCD was unable to add this additional analysis to the Final 2020 AI.
97	Displacement	Less than two pages are devoted to the issue of displacement. There are other sources of data available and other causes of displacement in addition to the gentrification-based kind addressed here. The University of California at Berkeley's Anti-displacement Project would be one source to examine for data. Other causes to address include redevelopment, demolition, and conversion to other uses such as condominium conversions. These causes for removal of affordable housing or increase in rents are the kinds of displacing activities that must be addressed under the Housing Element Law's program to conserve affordable housing. See Gov. Code § 65583(c).	Soundboard	No	Thank you for your comment. Due to current time constraints, HCD was unable to add this additional analysis to the AI.

98	Displacement	<p>In addition, high speed rail is a major public investment which is a significant driver of gentrification and displacement. The Draft AI notes that Fresno is among the locations in the state with a high number of census tracts experiencing net decreases in low-income persons. Fresno is also the focal point of construction of high speed rail infrastructure and a key contender for the high speed rail maintenance hub. The High Speed Rail Authority's 2018 Business Plan makes clear that a core purpose of the state's investment in HSR is to open up access to lower-cost housing in inland California to coastal workers which are increasingly priced out of housing. HSRA 2018 Business Plan. Such a strategy has a clear potential, which appears to be manifesting, to drive up housing prices, spur speculation, and result in displacement in high-poverty and comparatively low-cost areas of inland California, such as Fresno.</p>	Soundboard	No	<p>Thank you for your comment. This is an important issue that may be addressed in local jurisdiction's AI assessments. Due to current time constraints, HCD was unable to add this additional analysis to the Final 2020 AI.</p>
99	Displacement	<p>HCD should analyze economic factors of displacement and gentrification, i.e., how development of high-end luxury apartments are driving low-income communities out of their neighborhoods, and how speculation in the real estate market helped to contribute to the homelessness affordable housing crisis that plagues California. The displacement discussion should also tie back to the relationship between risk of displacement and membership in a protected class – such as race, national origin, and disability. One impediment to fully appreciating the scale of displacement with respect to protected classes is the lack of tracking of demographic data regarding evictions by California courts – such as by race, gender, and whether a household member experiences a disability.</p>	Soundboard	Partial	<p>Impediment #5 includes action steps to address displacement. The Final 2020 AI discusses data constraints related to tracking demographic data regarding evictions.</p>
100	Displacement	<p>The State must examine how actions such as approval of luxury housing development have contributed to the affordable housing crisis and fueled displacement and gentrification in low-income communities and take specific actions to eliminate or mitigate such harm.</p>	Soundboard	Partial	<p>Thank you for your comment. Impediment #5 includes action steps to address displacement.</p>

101	Displacement	Ensure state funding, including housing funding, is not allocated to projects that will result in direct displacement or indirect displacement through such as gentrification. For example, the State must take steps, such as by regulation and legislation, to ensure that tenants in naturally occurring affordable housing are not displaced due to significant rental increases when such a property is awarded Low-Income Housing Tax Credits.	Soundboard	Partial	HCD will review programs to ensure compliance with state and federal relocation laws. HCD will support other state housing entities in ensuring their programs do not contribute to displacement and increase access to opportunity.
102	Displacement	Enact a prohibition on, or tax owners of, taking residential dwellings off the market, with the exception of residential dwellings undergoing rehabilitation; amend the Ellis Act to the extent necessary to achieve this.	Soundboard	No	This type of prohibition is beyond HCD's current authority.
103	Displacement	The Draft AI should discuss the role of public investment as a driver of displacement and identify mechanisms that exist or that can be adopted to avoid and mitigate displacement impacts.	Soundboard	Partial	The AI discusses displacement and gentrification. Staff were unable to add this additional, specific analysis to the Final 2020 AI.
104	Displacement	The Draft AI's analysis of displacement points to the "expansion of jobs" and "other economic factors" as the underlying causes of displacement. The AI should also acknowledge and discuss the role of government investment (local, state, and federal) and policy in fueling displacement. For instance, while investments in historically neglected low-income neighborhoods is crucial, such investments can help drive gentrification and displacement, especially when investments are targeted towards the preferences and spending habits of more affluent populations which government entities explicitly or implicitly wish to incentivize to locate in a given area. Such practices are common as part of local government's revitalization strategies and often are not accompanied by the adoption of affordable housing preservation and tenant protection measures necessary to counter the impact.	Soundboard	Partial	The AI discusses displacement and gentrification. Staff were unable to add this additional, specific analysis to the Final 2020 AI.
105	Enforcement	Enforce statewide affordable housing laws (including, but not limited to, AB 686, AB 1771, AB 1397, SB 166, SB 1333, SB 167, SB 330) and diversify siting of housing options for low-income communities, unhoused persons and people with disabilities in affluent communities to ensure jurisdictions meet their duties to affirmatively furthering fair housing.	Soundboard	Yes	HCD will work to address through AB 686, Housing Element Law, in collaboration with DFEH, and through our current enforcement authority.

106	Enforcement	Require compliance with AB 1482 and require jurisdictions to maintain repository for repeat landlords who violate AB 1482.	Soundboard	Partial	HCD supports these efforts, and acknowledges that there is limited data regarding eviction trends. HCD will research this issue, exploring oversight and data collection on evictions, especially the impact on perpetuating segregation and reducing access to opportunity.
107	Enforcement	At subsection (c)(ii) describes the No-Net-Loss law. Consider adding that under AB 72, HCD has authority to determine whether the actions of a community are out of compliance with the No-Net-Loss law. If HCD finds the community has violated the law, it may revoke its approval of the housing element if it has approved the housing element, and it may refer the issue to the Attorney General. (See AB 72 (2017).)	Soundboard	Yes	Accepted.
108	Enforcement	Amend Gov. Code section 65008 to apply to any action taken by local government that prohibits affordable housing in addition to actions implementing ordinances.	Soundboard	No	Utilize AB 72 enforcement authority for anti-discrimination covered under Gov't Code 65008. This specific requested change is beyond HCD's authority.
109	Enforcement	Require jurisdictions to remove barriers that exist for low-income communities in obtaining assistance from code enforcement and other agencies in charge of enforcing the state's health and safety laws.	Soundboard	Partial	Thank you for your comment. The Final 2020 AI includes steps to language access concerns.
110	Enforcement	Require jurisdictions to remove barriers that prevent meaningful access for low-income communities and people in protected classes to obtain affordable housing.	Soundboard	Partial	Thank you for your comment. This type of analysis is performed through the housing element as well as local jurisdictions requirement to AFFH and conduct a mini assessment of fair housing.
111	Environmental Disparities	Educate local governments of their obligations to develop and adopt amendments to their general plans that address environmental justice pursuant to Government Code section 65302(h). Provide guidance to local governments regarding best practices to comply with section 65302(h), ensure consistency between the housing element assessment of fair housing and environmental justice objectives and policies, and the coordination of the development of the AFH and general plan EJ amendment.	Soundboard	Yes	HCD supports this, will work to address through AB 686.

112	Environmental Disparities	Establish statewide policy to require that cities and counties work collaboratively with local air districts to implement AB 617 in communities designated for its application, including by committing to changes to their land use practices, to achieve the emissions reduction goals set by the bill. Continue and enhance funding for AB 617 implementation to support emissions reductions in the state's most pollution burdened communities.	Soundboard	Partial	Final strategies will be determined by agencies and departments.
113	Environmental Disparities	Establish an advocate position or ombudsman for low-income and minority communities that works as a liaison between community members and the Department of Toxic Substance Control and other agencies with the mission of affirmatively furthering fair housing and ensures that the concerns of these communities are heard and that the agencies act in a manner to affirmatively further fair housing.	Soundboard	No	HCD supports these efforts. The fair housing unit is working to address AB 686 AFFH obligations in the sites inventory. Note, final strategies will be determined by agencies and departments.
114	Environmental Disparities	Expand access to toxic substance testing and monitoring available to low income residents.	Soundboard	Partial	HCD supports these efforts and looks forward to interagency implementation of the duty to AFFH.
115	Environmental Disparities	HCD should examine how the aging housing stock in California has contributed to this environmental hazard. Much of the state's housing stock is aged and tenants repeatedly complain to code enforcement offices about dilapidated housing structures, including issues with peeling paint, which is particularly acute for low-income families who have young children.	Soundboard	Partial	The Final 2020 AI was updated to address CA's aging housing stock. HCD was unable to add this additional analysis to the AI. HCD will add this to the list of potential work for the fair housing team in the future.
116	Environmental Disparities	Adopt statewide policy requiring cities and counties to meaningfully involve residents of pollution-burdened disadvantaged communities in the development of adequate buffers between disadvantaged communities and industrial, agricultural, utility, waste management, and other uses which are likely to materially contribute to disproportionate environmental burdens impacting those communities.	Soundboard	Partial	HCD supports this and will work to address through AB 686, Housing Element Law, and our current authority.
117	Environmental Disparities	Analyze the environmental impacts of locally undesirable land uses such as waste disposal facilities and polluting industries on people in low-income communities.	Soundboard	Partial	HCD supports these efforts. The fair housing unit is working to address AB 686 AFFH obligations in the sites inventory. Note, final strategies will be determined by agencies and departments.

118	Environmental Disparities	The California Air Resources Board Community Air Protection Program, enacted by AB 617 (C. Garcia, Ch. 136, Stats. 2017), which aims to reduce exposure to harmful air emissions in the most impacted communities through community air monitoring, the development and implementation of Community Emissions Reductions Plans developed with the input of community steering committees, and state funding to deploy cleaner technologies and other air emissions reduction measures in those communities.	Soundboard	No	Thank you for this comment. HCD was unable to add this additional analysis to the Final 2020 AI.
119	Environmental Disparities	Government Code §§ 65040.12 and 30107.2 define environmental justice for purposes of state law. and § 56668.	Soundboard	No	Thank you for this comment. HCD was unable to add this additional analysis to the Final 2020 AI.
120	Environmental Disparities	Government Code § 65302(h), which requires that cities and counties amend their general plans to address environmental justice, including by identifying objectives and policies that address the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.	Soundboard	No	Thank you for this comment. HCD was unable to add this additional analysis to the Final 2020 AI.
121	Environmental Disparities	Government Code § 56668 requires that local agency formation commissions consider environmental justice in their review of applications for the annexations and/or incorporation of territory.	Soundboard	No	Thank you for this comment. HCD was unable to add this additional analysis to the Final 2020 AI.
122	Environmental Disparities	The California Environmental Quality Act, which requires public agencies to study and mitigate the significant environmental impacts of projects requiring discretionary approval. CEQA provides that projects which would have substantial adverse effects on humans have a significant effect on the environment which must be mitigated wherever feasible and that cumulatively considerable impacts resulting from multiple projects must be studied and addressed. Further, CEQA's mandate that public agencies study and mitigate projects' significant environmental effects extends to projects' social and economic effects which may result in a significant impact on the environment be addressed, and social and economic effects resulting from a project's environmental impacts may result in environmental impacts being deemed significant. Finally, analysis under CEQA must consider a	Soundboard	No	The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. CEQA was established by the legislature and is a highly nuanced process. The Final 2020 AI does not address CEQA.

		project's impacts on housing and whether the project would divide a community or undermine neighborhood vitality by causing "urban decay". These and other aspects of CEQA directly relate to access to fair housing among protected classes and in disadvantaged communities and communities of color as new development occurs.			
123	Environmental Disparities	Government Code § 65302.10's requirement that cities and counties identify certain disadvantaged unincorporated communities within their jurisdiction and/or growth path, analyze water, wastewater, storm water drainage, and structural fire protection infrastructure and service deficiencies and needs in those communities, and identify funding mechanisms to address those needs.	Soundboard	Yes	Accepted.
124	Environmental Disparities	During public meetings and stakeholder interviews held for the Draft AI's development, participants identified local land use practices, including zoning, permitting, and code enforcement practices, that allow for the disproportionate location of polluting and hazardous land uses within low-income communities and communities of color as a principle contributor to environmental quality disparities. This includes the siting and operation of industrial facilities like warehouse distribution centers, slaughterhouses, chemical processing plants, which are often located in urban areas near freeways but may also be located in rural areas; oil production in urban, rural, and fringe areas; and agricultural land uses near homes and schools in rural areas which contribute to pesticide and dust exposure among residents, among other land uses. While this concern is noted in brief in the discussion of the San Joaquin Valley in Chapter 8, these land use and environmental quality patterns extend beyond the San Joaquin Valley to disadvantaged communities across the state: ▪ In addition, inadequate and absent public and private investment and regulations to ensure the alleviation of existing environmental burdens (e.g., access to potable drinking water, community sewer to avoid soil and groundwater contamination associated with septic tank usage, etc.) also perpetuates disparities in environmental quality that disproportionately impact Black, Latino, and API	Soundboard	No	Thank you for your comment. Due to current time constraints HCD, was unable to add this additional analysis to the Final 2020 AI.

		populations. ▪ These and other relevant causes of and contributors to environmental disparities should be acknowledged in the AI and taken into account in the finalization of impediments and action steps.			
5	Environmental Disparities	Chapter 6 includes a discussion of certain indicators of environmental quality based on race and provides data showing that Black individuals, followed by Latinx and Asian Pacific Islanders, live in communities with the poorest environmental quality and highest levels of exposure to environmental burdens. While the Draft AI's general identification of disparities in access to environmental quality within communities is important, the Draft includes almost no discussion of why these disparities exist and what the multiple ramifications of such disparities are for protected classes. HCD should provide more analysis about the impact of environmental hazards exposure of Asian and Black residents who live below the poverty line. For instance, the draft should analyze how environmental racism issues, such as the siting of oil wells and waste treatment centers and trash dumps in low-income communities, have contributed to poor health outcomes for persons in low-income communities. The draft should analyze how lack of meaningful access for working-class communities to decisional power making structures, such as city council and planning commission meetings, and the lack of adequate interpreters at those meetings, have allowed the issues of inequitable environmental impacts in low-income communities to persist.	Soundboard	No	Thank you for your comment. Due to current time constraints HCD, was unable to add this additional analysis to the Final 2020 AI.
126	Errors and Edits	The first paragraph on page 156 states "Many rural communities are lacking the infrastructure needed, such as sewer and water needed to support the development of additional housing." Consider acknowledging that the significant reason for the lack of infrastructure is historical and ongoing racial and national origin segregation.	Soundboard	Yes	Final 2020 AI was updated to reflect this comment.
127	Errors and Edits	Note that it appears that text is missing in this section at the top of page 155.	Soundboard	Yes	Accept.

128	Eviction	Continue to monitor and report on eviction data and coordinate with other state agencies and branches of government to improve the availability of eviction data and the amount and type of data collected regarding evictions.	Soundboard	Partial	Thank you for your comment. HCD will add this to the list of potential work for the fair housing team in the future.
129	Fair Housing Complaints	The AI's description of cases brought should be supplemented to include other significant cases. For example, the AI does not describe two ground-breaking private lawsuits challenging displacement in Los Angeles. See <i>Martinez v. Optimus Props. LLC</i> , No. 2:16-cv-08598-SVW MRW (C.D. Cal. 2018) (\$2.5 million settlement of lawsuit challenging displacement of Latinx families with children and people with disabilities plus extensive injunctive relief including set aside of units for Section 8 Housing Choice voucher holders); <i>Baltazar v. Winstar Prop, LLC</i> , No. 2:16-cv-4697-ODW-KS (2018) (\$1.1 million jury verdict for two Latinx tenants who were attempted to be displaced from a Los Angeles apartment complex). This chapter also omits DFEH housing noteworthy housing settlements. See <i>DFEH v. Pioneer Pines Mobile Home Park</i> (\$450,000 settlement of lawsuit involving Bakersfield woman who was sexually harassed at mobile home park where she both lived and worked); April 22, 2020 DFEH press release describing \$250,000 settlement of immigration status and national origin discrimination case against a Bay Area landlord. Similarly, the AI does not describe significant cases filed by the Department of Justice in California. See <i>United States v. City of Hesperia</i> , No. 5:19-cv-02298 (C.D. Cal. 2019) (alleging that city and sheriff's department enacted and enforced a rental ordinance with the intent to drive African American and Latinx renters out of their homes and out of Hesperia); <i>United States v. Hernandez</i> , No. 2:20-cv-00327 (C.D. Cal. 2020) (sexual harassment lawsuit alleging that the property manager of two apartment buildings sexually harassed tenants by creating a hostile environment and offering reduced rent in exchange for sex).	Soundboard	No	Thank you for your feedback. Due to time constraints and the current COVID-19 impacting resources, HCD will not be including this extensive analysis in the Final 2020 AI. HCD will consider this as future potential work for the fair housing unit.

130	Fair Housing Complaints	<p>The Fair Housing Planning Guide anticipates that jurisdictions will analyze the data related to fair housing complaints to determine trends and patterns, “identify reasons for any trends or patterns and, in the section of the analysis describing impediments, the extent to which new or revised fair housing actions may be needed because of these trends.” After considering the full set of data related to fair housing complaints including information regarding fair housing complaints received by fair housing organizations, fair housing audits and more complete information regarding lawsuits filed by DFEH, the Department of Justice and nonprofits and private attorneys, the AI should identify trends and patterns and analyze the reasons for the trends and patterns. The reasons for the trends and patterns could then serve as the basis for identifying fair housing actions needed to address those trends and patterns.</p>	Soundboard	No	<p>Thank you for your comment. Due to current time constraints and COVID-19 impacting staff resources, HCD will not be adding additional analysis of fair housing complaints, trends and patterns.</p>
131	Fair Housing Complaints	<p>We have several recommendations regarding Chapter 11: Fair Housing Trends and Complaints. First, the Analysis of Impediments should analyze complaints received by private fair housing organizations, fair housing audits and update the list of lawsuits initiated by DFEH, the Department of Justice and private and non-profit attorneys as part of its analysis of fair housing trends and complaints. Second, the AI should identify trends and patterns based on the complaints, settlements and audits and identify the reasons for the trends and patterns.</p>	Soundboard	No	<p>Thank you for your comment. Due to current time constraints and COVID-19 impacting staff resources, HCD will not be adding additional analysis of fair housing complaints, trends and patterns.</p>

132	Fair Housing Complaints	<p>The Fair Housing Planning Guide provides that “jurisdictions should have full knowledge of all of the activities that have recently been completed or are underway to affirmatively further fair housing.” Planning Guide at 2-18. The analysis should extend to “actions taken by housing industry members, private organizations and foundations, the public housing agency, neighborhood groups, regional organizations, and others to further fair housing objectives. See Planning Guide at 2-19. “Details of specific accomplishments, actual or anticipated, that have promoted or will promote fair housing should be included together with any problems related to these actions.” Planning Guide at 2-29. The Analysis of Impediments should include “the number and types of complaints that have been filed alleging housing discrimination, including complaints in . . . suit[s that have] been filed by the Department of Justice or private plaintiffs.” Although the AI lists organizations that have received funds through the Fair Housing Initiatives Program, the AI fails to describe or analyze complaints received by fair housing organizations in California. The primary purpose of fair housing organizations is “to help provide equal housing opportunities for people living within the targeted geographical area of the organization.” Teresa C. Hunter and Gary L. Fischer, Fair Housing Testing – Uncovering Discriminatory Practices, Creighton L. Rev. 1127,1131 (1995). Fair housing organizations typically engage in several different activities consistent with their mission including: “1) Educating the public regarding fair housing laws, 2) Counseling individuals who believe they may have been the subject of unlawful discrimination, 3) Receiving and investigating complaints regarding housing discrimination, and 4) Referring appropriate cases to conciliation, attorneys, or enforcement agencies for resolution.”</p>	Soundboard	No	<p>Thank you for your comment. Due to current time constraints and COVID-19 impacting staff resources, HCD will not be adding additional analysis of fair housing complaints, trends and patterns.</p>
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133	Fair Housing Complaints	<p>Fair housing organizations receive and investigate the largest number of fair housing complaints nationally and in California. National Fair Housing Alliance, <i>Defending Against Unprecedented Attacks on Fair Housing, 2019 Fair Housing Trends Report</i>, at 12 (2019) (“NFHA Trends Report”). In 2018, fair housing organizations received and investigated approximately 75 percent of all housing discrimination complaints filed in the United States. NFHA Trends Report at 13. In 2018, NFHA found that NFHA members received 6,314 complaints in HUD Region IX (which consists of California, Nevada and Arizona) compared with 301 complaints received by HUD and 758 received by Fair Housing Assistance Programs. NFHA Trends Report at 15. The AI thus omits and fails to analyze data from the organizations receiving the largest number of fair housing complaints in California each year.</p>	Soundboard	Partial	<p>Thank you for your comment. Impediment #4 includes an action step, to support the increase of fair housing testing to identify housing discrimination.</p>
134	Fair Housing Complaints	<p>The AI should consider and analyze the results of fair housing audits using matched paired testing. The Planning Guide directs jurisdictions to “[i]dentify impediments by first examining studies that relate to fair housing, access to housing, or other housing problems.” In 2017, Fair Housing Advocates of Northern California conducted an audit for race discrimination in Marin and Solano counties. In 64% of the tests conducted in Marin County African-American testers were treated differently and in 38% of the tests conducted in Solano County African-American testers were treated differently. Fair Housing Advocates of Northern California, <i>Race Discrimination in Rental Housing in Marin and Solano Counties (2017)</i>.</p>	Soundboard	Partial	<p>Thank you for your comment. Impediment #4 includes an action step to support the increase of fair housing testing to identify housing discrimination.</p>

135	Fair Housing Studies	<p>The Urban Institute has conducted three pilot studies on discrimination against families with children, gay and transgender persons and Section 8 Housing Choice Voucher holders. Los Angeles was one of the cities studied in each of the audits. For example, an Urban Institute study of discrimination against Section 8 Housing Choice Voucher holders found that 76% of landlords tested in Los Angeles refused to accept Housing Choice Vouchers and 82% of landlords in low-poverty areas refused to accept vouchers (reference provided in main letter). Mary Cunningham et al., Do Landlords Accept Housing Choice Vouchers – Finding from Los Angeles, California (2018). Audit testing conducted by the Urban Institute follows rigorous research-based testing standards and has been criticized as substantially underestimating the extent of discrimination. Fred Freiberg, Racial Discrimination in Housing: Underestimated and Overlooked (2013). Despite these limitations, fair housing audits should be considered in determining fair housing trends in California. The results from fair housing audits are exactly the type of study that HUD recommends jurisdictions should familiarize themselves with as a first step in planning an AI.</p>	Soundboard	Partial	<p>Thank you for the feedback and resources. The fair housing unit does its best, with the resources it has available, to keep up on current research, data and studies. We appreciate when work is shared with us that we may not be aware of.</p>
136	Fair Housing Testing	<p>Increase capacity for fair housing testing to identify housing discrimination.</p> <ul style="list-style-type: none"> ▪ The AI should include concrete actions to increase fair housing testing. We suggest developing and funding a fair housing testing program at DFEH similar to the United States Department of Justice’s fair housing testing program.⁵⁸ Since its inception in 1992, the Department of Justice’s Fair Housing Testing Program has developed evidence in 111 pattern or practice of discrimination cases. A testing program at DFEH is likely to be similarly effective in identifying and counteracting housing discrimination in California. ▪ The state could also consider providing direct funding for fair housing organizations to conduct testing. Other states such as New York have established a pilot program to provide grants to fair housing organizations to conduct testing (resource provided in main text). 	Soundboard	Partial	<p>Thank you for your comment. Impediment #4 includes an action step, support the increase of fair housing testing to identify housing discrimination.</p>

137	Fair Housing Training	Require DFEH training/certification on fair housing requirements with meaningful emphasis on the unique needs and risks of homelessness on the basis of protected class for entities receiving government funding through HCD or other agencies to provide housing.	Soundboard	Partial	Thank you for your recommendation. HCD will work in collaboration with DFEH on exploring areas of need and opportunity for such trainings and certification.
138	Fair Housing Training	Require housing providers, managers, sublessors to attend yearly fair housing training, including training on source of income discrimination (SB 329), and training on accessibility issues for people with disabilities.	Soundboard	No	Not at this time, we will explore in the future. In partnership with DFEH, HCD will provide program and policy staff, and project sponsors, with fair housing training, including equity, implicit bias, tenant selection best practices, and accessibility requirements and best practices. HCD will develop a working group across housing agencies to provide aligned tenant selection guidance to program users in light of DFEH's new regulations and trainings on source of income, criminal background, use of masked eviction records, and equitable tenant selection strategies to prevent disparate impact on protected classes.
139	Fair Housing Training	Require entities and properties receiving state funding to provide housing to undergo fair housing training/certification.	Soundboard	Partial	HCD has included increased technical assistance and training as action steps to address impediments.
140	Fair Housing Training	Require housing providers and those enforcing the housing laws attend yearly trainings in implicit bias, AFFH, and laws governing accessibility for people with disabilities.	Soundboard	Partial	Implicit bias trainings are included as an action step under impediment #4.
141	Fair Housing Working Group	Bullet 2 describes an action step to develop cross-agency working group related to fair housing considerations for tenant selection. This is a good idea. The working group should consist of all agencies not just housing agencies, and should also address issues related to civil rights enforcement consistent with DFEH's jurisdiction over Gov. Code § 11135, and given the new DFEH regulations. The working group should also include community stakeholders (e.g., tenants, tenant groups, housing advocates) so that agency staff have an on-the-ground understanding of how tenant selection policies play out in practice and impact members of protected classes. Public housing authorities must also be included in these discussions, as they have a	Soundboard	Yes	Accept. Thank you for your support and recommendation of potential working group participants. HCD will take your recommendations into consideration when moving forward with this action step.

		great deal of discretion in terms of setting admissions criteria for applicants.			
142	Farmworkers	The COVID-19 pandemic has shone a spotlight on the crucial need to address substandard, and overcrowded housing conditions that are widely experienced among farmworkers. Farmworkers cramped together in small quarters and often without access to safe and affordable drinking water are unable to observe shelter-in-place, social distancing and hygiene recommendations and requirements. The Draft AI should acknowledge how COVID-19 has both highlighted and exacerbated existing disparities impacting the fair housing landscape in California.	Soundboard	Yes	Thank you, the document has been updated to address the impact of COVID-19 on farmworkers.
143	Federal/State Laws and Regulations	This section describes CDI's role in consumer protection, including access to insurance markets and claims for residents and homeowners. The description notes the characteristics against which it is unlawful to discriminate in pricing and underwriting practices under the California Insurance Code. Considering explicitly noting that these characteristics do not include disability or familial status, which are covered under the FHA and FEHA, and any other characteristics not covered under FEHA or the Unruh Civil Rights Act.	Soundboard	Yes	This content has been updated.

144	Federal/State Laws and Regulations	Subsection (b) (“Affirmatively Furthering Fair Housing”) references the suspension of the HUD 2015 AFFH Rule. It is important to clarify that AB 686 provides that the state AFFH obligation for both HCD and local governments in Gov. Code § 8899.50 shall be interpreted consistently with HUD’s 2015 AFFH Rule and that “[s]ubsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section.” For subsection (c)(i) (“California State Housing Element Law”) (Draft, pg. 114), The Housing Element Law cite is inaccurate. It should be: 65580-65589.8. The Housing Element Law is generally considered to be the entire Article 10.6, and is cited that way in many cases and publications. The last sentence in the last paragraph briefly describes site inventory requirements, as amended. Consider describing the AB 1397 amendments to site inventory requirements in Housing Element law in greater detail, as the Draft AI refers to implementation of these requirements in the action steps described for Impediment 1 and Impediment 9, in Chapter 13.	Soundboard	Yes	Accept. Thank you for bringing this to our attention. This section has been updated in the final document.
145	Federal/State Laws and Regulations	The FEHA regulations identification of public and private practices that result in the denial or failure to provide infrastructure and services in a discriminatory manner as a potential violation of FEHA. 2 C.C.R. § 12161.	Soundboard	Yes	Accepted.
146	Federal/State Laws and Regulations	Subsection (a)(iv) describes the Immigrant Tenant Protection Act. The description should include that the statute also subjects attorneys to State Bar disciplinary hearings for reporting suspected immigration status or threatening to report suspected immigration status of a witness or party to a civil or administrative action, or family member thereof, in retaliation for exercising their housing rights. This discourages express or implied threats to report a tenant or their family member’s immigration status made by landlord attorneys in legal proceedings, including eviction cases. We also provide in the redline version additional statutory sections that provide protections for immigrant tenants.	Soundboard	Yes	Accepted.

147	Federal/State Laws and Regulations	<p>Subsection (a)(iii) (“Housing Discrimination”) describes Government Code section 65008, an important anti-discrimination statute intended to make it easier to operate emergency shelters and build affordable housing, including supportive housing for people experiencing homelessness, in light of local bias against these types of uses and developments and their intended occupants. The AI should make the description clearer by striking the existing language and replacing it as follows: Government Code section 65008 prohibits discrimination against affordable housing developments, affordable housing developers, and potential residents by local governments when carrying out their planning and zoning powers. Specifically, 65008 prohibits local governments from enacting or enforcing ordinances that prohibit or discriminate against housing or emergency shelter because of any of the following:▪ The method of financing,▪ The age or occupation of the owner or intended occupants,▪ The intended occupants’ membership in a protected class, i.e., sex, gender, gender identity, gender expression, sexual orientation, race, color, religion, ancestry, national origin, familial status, marital status, disability, genetic information, source of income, veteran or military status, age, medical condition, citizenship, primary language, immigration status,▪ The housing is intended to be occupied by low-, moderate-, or middle-income households, or▪ The development consists of a multifamily residential project that is consistent with both the jurisdiction’s zoning ordinance and general plan. Significantly, 65008 prohibits local governments from imposing different requirements on affordable developments than those imposed on non-assisted projects.</p>	Soundboard	Yes	Accepted.
148	Federal/State Laws and Regulations	<p>Housing Element law’s requirement, most recently supplemented by AB 1397 (Low, 2017), that sites included in housing element sites inventory to meet the lower-income RHNA be served by or have planned availability and accessibility of water, sewer, and dry utilities. Gov. Code §§ 65583, 65583.2.</p>	Soundboard	Yes	Accepted.

149	Federal/State Laws and Regulations	<p>For subsection (g) (“California State Laws Tailored to Subpopulations”), it is also important to recognize laws that offer protections to survivors of domestic and sexual violence, as well as other victims of abuse. These include the following:</p> <ul style="list-style-type: none"> ▪ Code Civ. Proc. § 1161.3 – Prohibits landlords from evicting a tenant based on acts of domestic violence, stalking, sexual assault, human trafficking, or elder/dependent adult abuse committed against that tenant or member of the tenant’s household. This protection, while important, includes problematic limitations such as not applying if the abuser lives with the tenant, or if the survivor has used the protection previously and “allows” the abuser to return to the property – wording which does not account for the complex, coercive dynamics of abusive relationships. ▪ Civ. Code § 1946.7 – Allows survivors to terminate their leases early, with 14 days’ notice ▪ Civ. Code §§ 1941.5, 1941.6 – Gives survivor tenants the ability to obtain lock changes for their safety. ▪ AB 2413, The Right to a Safe Home Act (Civ. Code § 1946.8, Gov. Code § 53165, Code Civ. Proc. § 1161.3) – Strengthened housing protections for victims of abuse, victims of crime, or persons in an emergency who need police or emergency assistance from penalties such as eviction. Prohibits local governments from assessing penalties against tenants or landlords for calls for police or emergency assistance. 	Soundboard	Yes	Accepted.
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150	Federal/State Laws and Regulations	Subsection (a)(i) (“Fair Employment and Housing Act (FEHA) (Government Code section 1955 et seq.”) provides a description of the California Fair Employment and Housing Act (FEHA), the Unruh Civil Rights Act, the Ralph Civil Rights Act, and the Bane Civil Rights Act. Because it describes distinct statutes, consider changing the heading of this subsection, e.g., “i. Fair Employment and Housing Act (FEHA) (Government Code section 1955 et seq.) and related anti-discrimination statutes.” This subsection enumerates the characteristics against which it is unlawful to discriminate under FEHA on page 111. The list includes “age” which is not directly enumerated in the statute, but is incorporated by reference to the Unruh Civil Rights Act at Government Code section 129559(d). Consider including the other characteristics against which it is unlawful to discriminate under the Unruh Act, specifically, medical condition, citizenship, primary language, immigration status. We note that this list is in several places in the document, and are inconsistent and incomplete.	Soundboard	Yes	Thank you for this comment, these edits were included.
151	Federal/State Laws and Regulations	The Draft rightfully recognizes HUD regulations that require HUD CPD funding recipients to provide access consistent with a person’s gender identity. However, the AI should also recognize that broader HUD Equal Access Rule, which ensures equal access to HUD programs (not just CPD programs) regardless of a person’s actual or perceived sexual orientation, gender identity, or marital status.	Soundboard	Yes	Under impediment #3, staff have an action step to amplify the California Department of Fair Employment and Housing’s education efforts on new fair housing protections for persons experiencing homelessness, including acceptance of assistance animals and equal access for LGBTQIA+ persons.
152	Federal/State Laws and Regulations	Although California state protections are addressed in more detail in Chapter 4, they should be identified up front so that the breadth of the state’s current laws affecting fair housing is clear. For example, this section should include mentions (even if limited to a footnote), the Unruh, Ralph, and Tom Bane Civil Rights Acts, as well as Gov. Code § 11135. This section should also mention FEHA’s prohibition of restrictive covenants (Gov. Code § 12956.2). Other statutes that are omitted include the state AFFH obligation in Gov. Code § 8899.50 and in Housing Element Law, and the Immigrant Tenant Protection Act (Civil Code § 1940.3). This discussion also leaves out Gov. Code § 65008, which provides fair housing protections central to furthering fair housing in California.	Soundboard	Yes	Accept, thank you for this comment. The Final 2020 AI has been updated to include all of those laws.

153	Federal/State Laws and Regulations	In addition to the protected classes of other fair housing laws, this section adds prohibitions of discrimination against subsidized housing, housing designated for low- and moderate-income households, shelters, and multifamily housing. These protections greatly enhance affirmative efforts to dismantle patterns of segregation and to foster inclusion. The discussion omits related laws that effectively mandate/incentivize inclusion of affordable housing in all communities such as the Housing Accountability Act and the Density Bonus Law. Consider identifying the Rutter Group's California Fair Housing and Public Accommodations as a general resource.	Soundboard	Yes	Thank you, these laws have been added to the document.
154	Foreclosure	In discussing foreclosures, it is important to discuss the impact of the foreclosure crisis on communities of color, and predatory lending practices directed at communities of color. The City of Oakland filed a fair housing lawsuit against Wells Fargo alleging discriminatory lending practices. The State Attorney General submitted an amicus brief in support of the City of Oakland.	Soundboard	Yes	Thank you, this information was added to the foreclosure section in the document.
155	Housing and Transportation	Work with CalTrans, other relevant state agencies, MPOs, local governments, and public stakeholders to develop regulations and practices to ensure that disadvantaged communities, including rural communities, receive a fair share of transportation funding to address the transit needs of those communities. In addition, work with these same entities to identify and implement strategies, incentives, and requirements to ensure that higher income communities with limited or no public transit service enhance such service in order to serve residents of affordable housing developments.	Soundboard	Partial	HCD supports this, will work to address through AB 686, Housing Element Law, and our current authority.
156	Housing Element	For Bullet 6 of the Draft: "Continue to enforce Housing Element Law and other laws..." Add express reference to enforcement of some of the other critical laws (e.g., the Housing Accountability Act and the Density Bonus Law) to discourage local land use policies and implementation from acting as barriers to housing opportunities for lower-income residents and protected classes.	Soundboard	Yes	This has been updated in the Final 2020 AI.

157	Housing Element	HCD should more aggressively monitor housing element compliance and take concrete actions against non-compliant jurisdictions, such as withholding transportation funding.	Soundboard	Partial	HCD will continue to enforce Housing Element Law and other laws to discourage local land use policies and implementation from acting as barriers to housing opportunities for lower-income residents and protected classes.
158	Housing Element	Analyze Housing Element sites relative to available demographic information to ensure that local governments do not use current zoning practices to perpetuate historical patterns of segregation. Add AB 72 enforcement as a strategy to ensure compliance with state affordable housing laws.	Soundboard	Yes	Added into the Final 2020 AI.
159	Housing Element	It will be crucial for HCD to do a much more in-depth review of housing element sites considering new state laws. This analysis should include a review of local demographic information and a comparison to the data HCD compiled as part of Chapter 6 (Access to Opportunity) to determine whether housing element sites continue to locate low-income housing in low-resource, high-poverty, or segregated areas. Additionally, it is important to determine whether each site is actually available and suitable for housing. As HCD experienced recently with its review of the Housing Element for Huntington Beach, jurisdictions may identify sites that are in fact not available or may not fully develop the analysis of the viability of a particular site.	Soundboard	Partial	This issue will be addressed in pending AB 686 (AFFH) guidance.
160	Housing Element	Through Housing Element oversight, require all cities and counties to adopt or update their land use reasonable accommodation policies and procedures to be fully compliant with 2020 DFEH FEHA regulations.	Soundboard	No	Thank you for your comment. HCD will consider this for the next housing element cycle.
161	Housing Element	HCD must enforce programs in housing elements to conserve affordable housing (Gov. Code § 65583(c)(4)).	Soundboard	Yes	HCD enforces Housing Element Law under AB 72 authority.
162	Housing Supply/Production	Significantly increase emergency rental assistance funding to prevent lower-income households from falling into homelessness and prioritizing extremely low- and very low-income households.	Soundboard	Yes	Action steps related to this are included under impediments #1 and #3.

163	Housing Supply/Production	For all funding programs, HCD should identify action steps that prioritize housing access and stability for populations with the greatest housing needs, including but not limited to extremely low- and very low- income residents, residents of color, farmworkers, large households, people with disabilities, undocumented residents, and transgender and nonbinary individuals. (Note that in previous sections of the Draft AI, the document acknowledges the particular unmet needs for housing for large households and also notes the disproportionate share of transgender individuals among the homelessness population.)	Soundboard	Partial	Impediment #1 recognizes the resources need to assist households earning less than 30 percent AMI.
164	Housing Supply/Production	At bullet 1 under “recommendations and action steps,” the Draft identifies the need to “[m]aintain and expand resources available for the production and preservation of rental housing for households earning less than 30 percent AMI.” To achieve this objective, the State and its agencies must ensure that affordable housing investments are leveraged so that they are available to extremely low-income and very low-income families. For example, institute and enforce a requirement that affordable housing developers obtain Project-Based Vouchers. State agencies may do this through their enforcement powers, regulatory powers, and through guidance.	Soundboard	Partial	Impediment #1 recognizes the resources need to assist households earning less than 30 percent AMI. Many programs rely on a mixed-income structure to ensure long-term viability of developments.
165	Housing Supply/Production	Explore the creation of a new statewide source of affordable housing.	Soundboard	No	HCD supports these efforts, yet currently lacks authority to directly undertake this action.
166	Housing Supply/Production	Add an action step to strengthen state laws, including the Surplus Lands Act, to tighten requirements that require local governments use their available surplus land for the development of permanently affordable housing, parks and green space, and recreation centers serving low-income communities wherever appropriate.	Soundboard	Partial	The action steps focus on accountability in and enforcement of existing state laws.
167	Housing Supply/Production	Using best practices from other states, adopt policies and programs that increase the supply of affordable housing, such as linkage fees, housing bonds, inclusionary housing, public land set-aside, community land trusts, transit-oriented development (with meaningful and sufficient set aside of affordable housing units), and allow for expedited	Soundboard	Yes	See the impediments and action steps.

		permitting and review for projects with housing to help address the lack of housing units in the state.			
168	Impediments	<p>Objectives and action steps should, at minimum, meet the standards as described in Component 2, Taking Actions to Eliminate Identified Impediments of the HUD Fair Housing Planning Guide.</p> <p>The jurisdiction should define a clear set of objectives with measurable results that it intends to achieve. The sole measure of success for FHP is the achievement of results. These objectives should be directly related to the conclusions and recommendations contained in the AI. For each objective, the jurisdiction should have a set of goals. These might be the completion of one or more discrete actions, or set of actions, which serve as milestones toward achieving each objective.</p> <p>Fair Housing Actions:</p> <ul style="list-style-type: none"> ▪ List fair housing action(s) to be completed for each objective. ▪ Determine the time period for completion. ▪ Identify resources from local, State, and Federal agencies or programs as well as from financial, nonprofit, and other organizations that have agreed to finance or otherwise support fair housing actions. ▪ Identify individuals, groups, and organizations to be involved in each action and define their responsibilities. Obtain written commitments from all involved, as a formal recognition of their agreement to participate in the effort in the manner indicated. HUD recommends that jurisdictions specify these commitments in the appropriate contracts that may arise in connection with the fair housing actions. ▪ Set priorities. Schedule actions for a time period which is consistent with the Consolidated Plan cycle. 	Soundboard	Partial	HCD appreciates this feedback. HCD relied on HUD's Fair Housing Planning Guide to create the Final 2020 AI. Staff believes this is a HUD compliant document and have added references where applicable.

169	Impediments	<p>We also note that in order for this document to maximize its utility in furthering the fair housing policy of the State as a whole, the AI would benefit from:</p> <p>1) further specificity within the action steps and recommendations,</p> <p>2) stronger language indicating where HCD has enforcement authority regarding state legal mandates, and</p> <p>3) use of a chart format, similar to that utilized in the 2012 AI (which listed recommendations, responsible programs, resources available/required, and timeframe). HUD's AFFH Rule Guidebook, specifically § 5.7 and its discussion of SMART (Specific, Measurable, Action-Oriented, Realistic, Timebound) goals provide a helpful framework to use when outlining actions and recommendations in response to the identified impediments. We did not include timeframes in our recommendations, as HCD is in the best position to understand its resources and capacity, but we are willing to provide further input in prioritizing and determining metrics and milestones for addressing the identified impediments.</p>	Soundboard	Partial	HCD appreciates this feedback and will work to include timebound goals in the future. Staff were unable to include this change in the Final 2020 AI due to staff constraints and changes in programs to respond to COVID-19.
170	Infrastructure	<p>Require local governments in their annual reports under Gov. Code 64500 to include information of infrastructure capacity and availability compared to the unmet need for lower-income housing (including water and sewer district capacity and other providers of infrastructure essential to residential development. In this regard, amend Gov. Code sections 65400 and 65589.7, to achieve this purpose.</p>	Soundboard	No	Thank you for your comment. HCD will add this to the list of potential work for the fair housing team in the future.
171	Language Access	<p>The Draft rightfully includes a reference to Title VI of the Civil Rights Act of 1964; however, the AI should also acknowledge that Title VI is an important source of protections for persons with limited English proficiency (LEP) accessing federally assisted or conducted programs, including federally assisted housing programs.</p>	Soundboard	Yes	Staff revised the draft to clarify protections for persons with LEP.
172	Language Access	<p>Provide state and local habitability resources in multiple languages, so that individuals and families have full opportunity to access code enforcement services.</p>	Soundboard	Partial	HCD will review its Citizen Participation Plan and other efforts to address language access to be more deliberate on making multilingual and accessible communications available.

173	Language Access	Ensure that agencies that receive federal assistance provide meaningful access to programs and activities to those who are limited English proficient.	Soundboard	Yes	HCD will ensure that state housing programs provide persons with Limited English Proficiency meaningful program access. HCD will provide notices in languages other than English and oral interpretation as needed.
174	Language Access	In addition to the barriers cited in this discussion, LEP tenants are not always informed of their rights in their primary language, and do not always receive translation or interpretation such that they understand their rights and obligations. This issue is particularly pronounced with respect to speakers of indigenous and less widely spoken languages.	Soundboard	Yes	HCD will ensure that state housing programs provide persons with Limited English Proficiency meaningful program access. HCD will provide notices in languages other than English and oral interpretation as needed.
175	Language Access	The statement that LEP populations are not protected by the FHA may cause confusion. While limited English proficiency is an explicit protected class under the Fair Housing Act, HUD has recognized (as outlined in the 2016 HUD guidance cited in this section) that housing discrimination on the basis of a person's limited English proficiency can violate the FHA's national origin discrimination prohibition. It is also important to note here that the Unruh Civil Rights Act protects persons from housing discrimination on the basis of primary language.	Soundboard	Yes	Thank you for these comments. Changes were made in the Final 2020 AI to reflect this additional information.
176	Language Access	Ensure that state housing programs are providing meaningful language access such as in providing notices in languages other than English, and providing access to oral interpretation as needed. Translate resources regarding fair housing protections into the various languages spoken by tenants in California.	Soundboard	Yes	HCD will ensure that state housing programs provide persons with Limited English Proficiency meaningful program access. HCD will provide notices in languages other than English and oral interpretation as needed.
177	Language Access	This discussion should include a listing of the most prevalent non-English languages spoken in the state, and by outlining the percentage of limited English proficient persons living in California (broken down by language). Having these figures is important for a number of housing related issues in the state (e.g., language access in the courts regarding evictions, language access in receiving housing authority and other housing related services).	Soundboard	Yes	Accept. Staff added additional data on persons with Limited English Proficiency, see figure 72.

178	Lending Analysis	Coordinate with local lenders to expand outreach efforts to first time homebuyers in minority neighborhoods.	Soundboard	Partial	Staff will continue to analyze HCD's funding programs to assess, review, and seek opportunities to more affirmatively further fair housing. HCD will partner with other agencies, such as California Housing Finance Agency, Tax Credit Allocation Committee, and California Debt Limit Allocation Committee to share lessons learned and support them in completing similar analysis.
179	MHP Guidelines	Beyond the lack of accessible housing for people with mobility and sensory disabilities, the lack of choice in housing is exacerbated by two critical aspects of HCD's Multifamily Housing Program (MHP) Guidelines. First, the current scoring system makes it impossible for a housing development serving a special needs population—like people with disabilities—that is not also elderly or homeless to obtain the points necessary for funding selection. Second, HCD's 2019 revision to the definition of "special needs housing" excludes people with physical disabilities unless they meet other criteria as well. Both of these issues, and others, were discussed in DRC's public comment letter on HCD's Draft 2020 Amendments to MHP Guidelines. HCD can address the harmful effects of the Guidelines through the AI by including an Action Step to adjust its housing programs' scoring systems to ensure that developments that serve people with disabilities who are not also seniors or chronically homeless can successfully compete for funding	Soundboard	Partial	Continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards.
180	MHP Guidelines	Revise Multifamily Housing Program Guidelines to allow housing developments for people with disabilities to compete successfully for funding, even if they do not also serve seniors or the chronically homeless.	Soundboard	No	HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.

181	Mobilehome Parks	<p>Affordable housing preservation must include action items specific to preserving affordability mobile home parks. This includes legislative and/or regulatory action to:</p> <ul style="list-style-type: none"> ▪ Limit mobile home park conversions where loss of mobile home park would materially contribute to a lack of affordable housing for lower-income households in the region, and require mobile home park owners to mitigate relocation costs for residents, including the cost of mobile home replacement in the event the mobile home cannot be relocated. ▪ Expand and enhance the accessibility of HCD's fee and tax waiver programs to provide financial assistance to low-income mobile home owners, including assistance to eliminate past due registration costs. ▪ Expand the availability of grants and low-interest loans for water, wastewater, storm water drainage, and other infrastructure and service improvements in and around mobile home parks in exchange for park owner commitments not to convert the park to another use. 	Soundboard	Partial	<p>Preserving Mobilehome Parks is an important aspect of providing access to affordable housing for many Californian's. The fee and tax waiver program has been extended through December 31, 2020.</p>
182	Monitoring	<p>Develop a program to monitor fair housing compliance in HCD funded properties.</p>	Soundboard	Partial	<p>Fair housing compliance is included in many different aspects of current monitoring efforts. Staff hopes to further discuss with advocates.</p>
183	Natural Disasters	<p>Addressing the needs of survivors of violence is a very important fair housing issue and we appreciate its inclusion. USDA also issued prior guidance regarding VAWA implementation and (b) the lack of implementation guidance from the IRS/Department of Treasury makes the state-level implementation of VAWA all the more important by TCAC. We would respectfully disagree with the impression that all VAWA 2013 requirements have been met. There are still gaps regarding the VAWA rights of tenants in LIHTC properties, such as when survivors need to assert VAWA protections (e.g., to obtain an emergency transfer to safe and affordable unit) and cannot resolve the need by working with the owner. There should be a dedicated person at TCAC who can respond to issues regarding VAWA compliance/work with owners to help facilitate emergency transfer requests for survivors.</p>	Soundboard	No	<p>Thank you for this comment. Staff were unable to include details about short-term rental companies in the AI, and acknowledge the importance of this issue. Staff conducted the Final 2020 AI in accordance with HUD's Fair Housing Planning Guide.</p>

184	NOAH	<p>The Draft AI discusses the loss of Naturally-Occurring Affordable Housing (“NOAH”) as a result of “market conditions,” which is not defined in the AI but which we presume means rising housing costs. In addition to market conditions, this section should also recognize deterioration and demolition of NOAHs as factors which lead to the reduction of NOAHs available to lower-income households and protected classes. Deterioration occurs both as a result of inadequate maintenance, as units descend into substandard and uninhabitable conditions as well as nearby development activity that undermines housing quality and longevity. For instance, the development of warehouse distribution centers in lower-income communities of color has resulted both in the demolition of NOAH, as it is acquired by prospective developers and eliminated to make room for new development, and the deterioration of NOAH, for instance, when heavy truck traffic generated by the warehouses along local roadways shared with homes results in significant vibration, noise, PM2.5 emissions, and dust impacts on homes 24-hours per day. These bases for the loss of NOAH should be noted and discussed in the Draft AI.</p>	Soundboard	Yes	<p>NOAHs are included in the Final 2020 AI document. Thank you for this comment.</p>
185	Persons Experiencing Homelessness	<p>HCD should require local jurisdictions without sufficient housing at all income levels to identify their efforts to create safe parking for people experiencing homelessness who use their vehicles for shelter in their housing elements, and enforce this requirement.</p>	Soundboard	No	<p>Thank you for this comment. HCD will add this to the list of potential work for the fair housing team in the future.</p>
186	Persons Experiencing Homelessness	<p>The State must prohibit criminalization or removal of unhoused persons camping outdoors unless first offered adequate housing suitable for the individual, including persons with disabilities or conditions that would render certain housing options, such as shelters, inappropriate. Criminalization of homelessness has been held to violate the Constitution and past and continued actions—arrest/citation per <i>Martin v. Boise</i> or forced removal except for imminent health and safety reasons without a meaningful opportunity for adequate housing—is prohibited. The State should condition funding on jurisdictions not having or eliminating sweeping, ticketing, fining, and towing</p>	Soundboard	No	<p>Thank you for this comment. HCD will review this feedback and consider for Housing Element enforcement and potential work for the fair housing team in the future.</p>

		ordinances that target persons experiencing homelessness, including those living in RVs and other vehicles.			
187	Persons Experiencing Homelessness	There is also a significant intersection between disability and homelessness that should be addressed here. There is also a significant intersection between disability and homelessness that should be addressed here. National data and anecdotal information indicates that there needs to be more regional data collection and analysis about transgender and nonbinary individuals experiencing homelessness. The National Center for Transgender Equality states “one in five transgender individuals have experienced homelessness at some point in their lives.” There may be other statistically significant information about the relationship between protected characteristics and experiencing homelessness that should be examined here or at least touched upon.	Soundboard	Partial	Thank you for your comment. Staff added in additional information where possible.
188	Persons Experiencing Homelessness	There is much more to say about the demographics of people experiencing homelessness in the region than is presented in the draft AI. For example, Black people make up 9% of the LA County population yet account for 40% of the homeless population. Consider reviewing and including information from the report released by Los Angeles Homeless Services Agency’s Ad Hoc Committee on Black People Experiencing Homelessness in December 2018.	Soundboard	Yes	Census bureau data was added to the LA section analysis of persons experiencing homelessness.
189	Persons Experiencing Homelessness	Create plan and ensure that unhoused persons are adequately assessed and treated fairly before mandating that they relocate to new housing location.	Soundboard	Partial	HCD supports these efforts and will provide technical assistance on this issue.
190	Persons Experiencing Homelessness	The State must recognize that shelters alone can be inappropriate for many individuals, including those with disabilities and those who are victims of trauma, and invest in a diversity of housing options for people experiencing homelessness.	Soundboard	Yes	Thank you for this comment. HCD seeks to promote a variety of housing options for all persons, including persons experiencing homelessness.
191	Preservation	The State should create a mechanism for nonprofits and Community Land Trusts to obtain REO and convert that housing to affordable housing; adopt statewide tenant right of first refusal for properties at risk of loss due to foreclosure or short sale.	Soundboard	No	Thank you for your comment. These recommended action steps are outside the authority of HCD.

192	Preservation	State agencies must provide information to owners and residents regarding resources available to owners and residents to preserve the affordability of a project or to preserve the affordability for the tenant. Provide technical assistance to owners and residents to access these resources.	Soundboard	Partial	Thank you for your comment. The Chapter 13 includes numerous actions and impediments related to affordable housing.
193	Preservation	The State must protect tenants in naturally occurring affordable housing (NOAH) by taking actions including: <ul style="list-style-type: none"> ▪ Eliminating/mitigating displacement due to significant rental increases if such a property is awarded Low-Income Housing Tax Credits. ▪ Improving code enforcement on NOAH in a manner that minimizes displacement and loss of housing, and require localities to address this issue in their housing elements. 	Soundboard	Partial	The Final 2020 AI informs HCD's efforts to affirmatively further fair housing. This includes promoting inclusive communities, furthering housing choice, and addressing community disparities. Some of these actions are within HCD's control, others will require on-going, collaborative work with partners, including TCAC.
194	Preservation	The action step at bullet 3 is to “convene a task force of state housing entities” regarding preservation noticing requirements. The task force must also include housing advocates to ensure that efforts to enforce preservation notice requirements result in meaningful, accessible notices to tenants.	Soundboard	Yes	Impediment #2 includes an action step to convene a task force of state housing entities to review and align asset management and monitoring requirements to simplify reporting requirements and ensure sponsors are aware of and following preservation noticing requirements.
195	Preservation	The action step at bullet 4 is to “continue expanding the Affordable Housing Preservation Database ... to identify affordable properties that are at risk and should be targeted for preservation.” The Database should also be expanded to include affordable units created under a density bonus or under local inclusionary housing requirements.	Soundboard	Yes	Impediment #2 includes an action step to expand the Affordable Housing Preservation Database with additional local and state data to identify affordable properties that are at risk and should be targeted for preservation.

196	Preservation	<p>The Impediment identifies the need to protect residents from displacement, but focuses most of its action steps on tenant rights and has little to no mention of preserving naturally occurring affordable housing. HCD itself and in conjunction with local jurisdictions can identify alternative methods to improve housing quality and neighborhood conditions for residents while at the same time preventing displacement of residents and ensuring continued affordability of the housing stock. HCD should evaluate how it can better use funding sources to make community upgrades, while preserving affordability. Mobile home parks are one source of naturally occurring affordable housing that the agency needs to evaluate how to preserve them as affordable, especially as trends continue where large corporations continue to acquire mobile home parks and increase rents displacing residents. This is particularly problematic for senior parks that experience drastic rent increases that cannot be sustained on their limited incomes.</p>	Soundboard	Yes	<p>Revised action steps to recognize the importance of NOAH and conversion of hotel/motel/other non-housing to affordable housing.</p>
197	Preservation	<p>In this section, it is important to reference the relationship between protected class membership and who is served by affordable housing units. Some of this information is included in a subsequent section on tenants in subsidized and assisted housing.</p> <ul style="list-style-type: none"> ▪ The characteristics of tenants living in LIHTC units must be collected and submitted to HUD under the Housing and Economic Recovery Act of 2008, so the State should have this information compiled and available. 	Soundboard	No	<p>Thank you for this comment and shared data source. Staff were unable to include in the Final 2020 AI. This will be addressed through an action step to specifically analyze trends of protected class membership in affordable housing units.</p>

198	Previous Actions	1.2 Recommendation - HCD should revise this recommendation and identify the specific programs that support its statement that “[a]s of 2019, HCD’s programs have created various rental and homeownership opportunities for Californians, including veterans, seniors, families, people with disabilities, farmworkers and families who are experiencing homelessness.” In addition to identifying the specific programs that support this statement, HCD should also inform the public of the additional impediments that existed in creating the housing identified in this section. HCD should also quantify the number of housing units it created to address Impediment 1, and where the housing was located, and what populations it served. HCD should provide its analysis regarding the impediments that remain regarding its work under this recommendation.	Soundboard	No	A prior impediment cannot be revised at this point in time. Thank you for your comment.
199	Previous Actions	8.1 Recommendation: HCD should state what it did to incentivize NOFA applicants through the CDBG Program and analyze the data from that period to determine whether the program incentives helped to achieve the goal to encourage more single-family housing acquisition with CDBG funds. Single-family home acquisition continues to be low among people of color. Including this information, will HCD in its analysis regarding whether the state has done enough to remove this as a barrier to fair housing choice	Soundboard	No	Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the AI.
200	Previous Actions	1.1 HCD should revise this section and describe what the deficiencies within plans and regulatory systems that have stifled development of diverse and affordable housing options in the state. This section should reference the state’s homelessness numbers and how local action in zoning and development approvals of luxury housing in many parts of the state have helped to fuel the housing crisis, and specifically provide an evaluation of the efforts of HCD to provide technical assistance, accountability, and enforcement capacity. To the extent that there are deficiencies in the assistance, accountability, and enforcement capacity, HCD should so state, and then parallel the impediment with the analysis of impediments provided for in Chapter 13 of the Draft.	Soundboard	No	Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.

201	Previous Actions	HCD should revise the Draft and state what information it has gathered on fair housing trainings and include a statement whether those training documents would meet muster under AB 686, and if not, specifically state what was lacking in the documents it has collected to evaluate impediment to evaluate Impediment 4.	Soundboard	No	HCD was unable to add this additional analysis to the AI. HCD will add this to the list of potential work for the fair housing team in the future.
202	Previous Actions	2.2 Recommendation - HCD should revise this section to include best practices from jurisdictions that presented legally compliant housing elements, and compare the best practices against those jurisdictions that did not submit legally compliant housing element to help jurisdictions understand their legal requirements under Housing Element law. HCD should describe the technical assistance available to jurisdictions to help them develop effective programs to remove or mitigate identified constraints and evaluate in the Draft the effectiveness and shortcomings (if any) of the technical assistance provided to remove Impediment 2.	Soundboard	Partial	HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.
203	Previous Actions	Regarding 4.7 Recommendation, HCD should evaluate the effectiveness of the HCD website to inform those who are LEP about fair housing trainings and whether HCD had trouble in disseminating the information to persons who are LEP. HCD should include information about the disparities that still exist to inform those who are LEP about their right to fair housing, the difficulty in disseminating the information, and what HCD specifically did to ameliorate issues about LEP access to fair housing information. HCD should also include information about whether other agencies were involved to inform the public of the existence of the information available for LEP persons, so that HCD may determine whether what it did in the last review of the AI has worked or needs to be refined.	Soundboard	Partial	HCD will ensure that state housing programs provide meaningful access to programs for persons with Limited English Proficiency. HCD will provide notices in languages other than English and oral interpretation as needed.
204	Previous Actions	Recommendation - It would be helpful to include an analysis of jobs-housing fit, specifically and analysis of low-wage jobs compared to affordable housing in a region. A large number of low-wage jobs with a lack of affordable housing would indicate that a need for affordable housing exists but barriers exist to the development of such	Soundboard	Partial	See figure 94. HCD and TCAC's Opportunity Map indicators address job proximity and commute distance of low wage workers in each region.

		housing, which likely relates to or causes impediments to fair housing choice.			
205	Previous Actions	Further, HCD should examine how the historical rejection of Section 8 voucher program contributed to the inability of minority households to access housing outside of minority concentration (See 8.5 Recommendation). HCD should also examine the impact of exclusionary policies, particularly for people who have had impact with the criminal justice system or who have lacked access to the subsidized housing program due to disability. HCD should include comparative analysis between exclusion of persons on the Voucher Program and impact of adoption of SB 329.	Soundboard	Partial	Source of income discrimination is addressed in the document. Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI.
206	Previous Actions	2.1 Recommendation - HCD should describe the types of discriminatory practices that have inhibited the development of housing for protected classes under FEHA and why those practices are illegal, but present a barrier to the duty to affirmatively further fair housing. Further, HCD should revise this section and include specific information about the resources on NIMBYism, and a summary of the outcomes resulting from the complaints under AB 72. In this regard, HCD should inform the public of the types of complaints made against local governments that warranted AB 72 enforcement, so that local governments see what actions violate the law.	Soundboard	Partial	Staff updated the document. HCD will add this to the list of potential work for the fair housing team in the future. Please note, AB 72 enforcement work is a new and developing process.

207	Previous Actions	<p>HCD should provide data analysis about its housing education program (See 5.1 Recommendation) and evaluate how and whether the program helped to address the issues raised by Impediment 5. Likewise, HCD should provide more information about its fair housing unit and its efforts to enforce fair housing law, including its rates of success and lessons learned in trying to enforce the fair housing law against reluctant jurisdictions (Id. at 5.1 Recommendation). HCD should describe what exactly is meant by the statement “HCD and DFEH regularly collaborate and coordinate on fair housing enforcement issues.” (See 5.2 Recommendation). Does this collaboration occur monthly? Quarterly? Is it an ad-hoc committee, or are there specific sections of HCD and DFEH who come together to meet? HCD should provide as much data as is available to provide so that the public may evaluate the effectiveness of the cross-collaborative effort. Additionally, HCD should inform the public about the fair housing enforcement issues it identified, whether it addressed the identified issues, to allow reviewers to determine if the enforcement strategies were successful.</p>	Soundboard	Partial	<p>Thank you for this comment. Staff added in additional details regarding HCD's fair housing work into the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.</p>
208	Previous Actions	<p>HCD should revise this section and identify the local development standards that have constrained development of housing opportunities for people who reside in minority and low-income communities. Including this information in the Draft will be helpful for those with fair housing expertise to evaluate the impact that these constraints have had on the duty to affirmatively fair housing as the state conducts its review of sixth cycle housing element updates.</p>	Soundboard	Partial	<p>Thank you for your comment. Staff were unable to add this additional analysis into the Final 2020 AI. This type of analysis is regularly conducted as a part of the housing element cycle.</p>
209	Previous Actions	<p>HCD should revise this section to include the specific anti-displacement strategies it employed in the last AI and inform whether these efforts have worked. This is important because people in low-income communities and people of color continue to experience displacement at far higher rates than their counterparts in affluent and less diverse communities, and it would help the reader of the Draft understand what HCD has done to provide feedback on what HCD should continue to do to eliminate barriers to homeownership.</p>	Soundboard	Partial	<p>Thank you for your comment. The document includes strategies to address displacement.</p>

210	Previous Actions	As a matter of general feedback regarding HCD's analysis of the past impediments to the duty to affirmatively further fair housing, HCD should provide information, supported by statistical and data analysis, to help the reader determine what HCD has done to remove the impediment and whether what HCD did was effective. This is especially critical where HCD identifies strategies, but fails to inform the reader about what those strategies are (see e.g., 8.4 Recommendation), to help determine if the strategy was effective.	Soundboard	Partial	Where possible, staff included data trends and analysis. HCD seeks to address the identified impediments and acknowledges that housing choice and access requires significant actions and efforts to address historic and long-lasting inequities in our state and communities.
211	Program Analysis	Community integration also means ensuring that people with disabilities are not segregated to any single housing project, that housing projects are not composed entirely of units restricted to people with disabilities, and ensuring that people with disabilities are not isolated in a particular section of any housing project. Federal law mandates requirements that accessible units be distributed throughout projects and sites and that they be available in a sufficient range of sizes and amenities so that a qualified individual with disabilities' choice of living arrangements is, as a whole, comparable to that of other persons eligible for housing assistance under the same program. HCD could help enforce these requirements by clarifying in its MHP Guidelines that accessible units in all MHP projects must adhere to federal distribution principles to ensure integration.	Soundboard	Partial	Continue efforts to collaborate with DSA and Codes division on clarifying statewide accessibility standards.

212	Rural Communities	<p>Chapter 5's captures many of the fair housing barriers impacting rural areas but fails to identify several key barriers or important aspects of those barriers. First, the Draft AI recognizes that residents of rural areas often pay more in transportation costs given long commute distances but does not and should note the lack of adequate alternative transportation options in these areas besides personal vehicles. With the high poverty rates in rural areas, many residents do not own their own car and rely on other means of transportation. Yet, many communities are grossly underserved by alternative public and private transportation options – whether bus service, vanpools, car share arrangements, or other services, if they are served at all. The lack of adequate transportation serving rural communities deepens the impact of the lack of essential public and private services and amenities, such as green space, parks, grocery stores, clean drinking water, and health clinics, that exists in many rural communities. The AI should identify and include actions to address the lack of and need for appropriate transportation options serving rural communities.</p>	Soundboard	Partial	<p>Thank you for your comment. HCD revised the draft to add language regarding the importance of alternative transportation options.</p>
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213	Segregation & Integration	<p>HCD should analyze how policy choices and an array of systemic forces—including persistent housing discrimination in California—have segregated many children, particularly Black and Brown children, in distressed, under resourced neighborhoods and high-poverty, low-quality schools. Higher-poverty neighborhoods tend to have lower-performing, higher-poverty schools. In 76 percent of neighborhoods with poverty rates over 20 percent, the local elementary schools, on average, rank in the bottom half of school performance; in 86 percent of such neighborhoods; in elementary schools, the average poverty rates over 50 percent. Accordingly, HCD should include an analysis of data examining the relationship between school-level poverty, which is distinct from students’ own circumstances and school performance. To this end, HCD should examine potential solutions to this issue, including, but not limited to, encouraging jurisdictions to build affordable housing development near high-quality schools. Further, HCD should update this section and include information that FEHA was recently amended to include Section 8 as a protected class under source of income discrimination, making it possible for local PHAs to potentially increase voucher use near high-quality schools. HCD should include an analysis of how coordination between school, housing, and transportation planning can help improve children’s access to high-quality neighborhoods and schools.</p>	Soundboard	Partial	<p>Thank you for this comment. HCD recognizes the importance of access to quality education. HCD and TCAC’s opportunity maps include education indicators.</p>
214	Segregation & Integration	<p>The Fair Housing Planning Guide provides that jurisdictions should not only describe the degree of segregation and restricted housing but also analyze “how segregation and restricted housing supply occurred.” U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Fair Housing Planning Guide (1996, “Planning Guide”). While the AI provides a substantial amount of information about the degree of segregation, Chapter 5 lacks any analysis of the reasons for the segregation. We recommend that the AI analyze trends in segregation and factors that have contributed to segregation, including both historical causes of segregation in California and the current reasons for segregation. The</p>	Soundboard	Partial	<p>Thank you for this comment. Staff believes this is a HUD compliant document and have added references where possible.</p>

		reasons for the trends and patterns in segregation could then help identify fair housing actions needed to address trends and patterns of segregation in California.			
215	Segregation & Integration	Increasing Segregation: The Draft AI indicates that the number of RECABS increased by 40% -- from 278 to 391 -- between 2010 and 2017. While this represents a startling jump, Chapter 5 does not provide any theories about or attempt to discuss why the number of RECABS has increased so significantly. Identifying and addressing patterns of segregation is a core purpose of the AI obligation and component of the duty to AFFH. The significant increase in RECABS over the seven-year period indicates that strategies previously adopted by the state to address segregation are not working effectively. One potential cause of the increase is the regressive impacts of sub-prime lending and foreclosure following the 2008 recession, wherein people of color disproportionately lost their homes and moved into racially isolated and poorer neighborhoods. Another potential contributor to ongoing and increasing segregation levels include exclusionary zoning and development patterns, wherein new luxury and higher-end housing development occurs on the outskirts of cities and as entirely new communities and that largely or entirely lacks higher density multi-family and affordable housing options. Such patterns continue across the state and represent thousands of new units of development each year. In order to fulfill its purpose, the AI should include information and data that helps explain the increase in RECABS, which has occurred in significant part in inland California, and ensure that the AI's impediments and action steps are tailored to address those causes.	Soundboard	Partial	Thank you for this comment. Staff believes this is a HUD compliant document and have added references where possible.
216	Shelters and Supportive Services	Require that all shelter providers, supportive housing providers and others who receive state funding have basic due process protections – such as a hearing and grievance procedure – before terminating services or tenancy.	Soundboard	No	Thank you for your comment. HCD will add this to the list of potential work for the fair housing team in the future.

217	Sites Inventory	Enhance state notice and public engagement requirements for the siting of land uses likely to result in pollution exposures and/or noxious impacts on sensitive uses in disadvantaged communities, including in the CEQA process, zone changes, and permit approvals. Require notice and public engagement to be conducted in commonly spoken languages in the communities in which such projects are located.	Soundboard	Partial	HCD supports this and will work to address through AB 686, Housing Element Law, and our current authority.
218	Supportive Housing	Develop local supported housing trusts to fund start-up costs (like initial land acquisition) for supportive housing providers.	Soundboard	No	Thank you for your comment. HCD is unable to commit to this action step at this time.
219	TCAC	This section would benefit from discussion of the role that the allocation of LIHTCs plays in fair housing, specifically as it relates to where tax credits are awarded, and where these credits have been awarded historically. This should include a cross reference to the discussion in Chapter 6 (Regional Analysis Using 2019 HCD/TCAC Opportunity Maps). Furthermore, this Chapter (including in the portion discussing planning processes) should acknowledge the potential for the Qualified Allocation Plan to be used as a means of affirmatively furthering fair housing.	Soundboard	Partial	Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI. HCD appreciates this comment and intends to build on the Department's opportunity mapping work and collaboration with TCAC.
220	TCAC	TCAC must also require tax credit properties to prominently display fair housing posters available from HUD and HCD.	Soundboard	No	Thank you for your comment. HCD will add this to the list of potential work for the fair housing team in the future.
221	TCAC	TCAC is required to engage in compliance monitoring of tax credit properties in California. This much include monitoring of compliance with tenant protections. TCAC should have a point of contact who is the designated liaison for tenants who have concerns or complaints related to the housing provider's compliance with fair housing laws and regulations and the Violence Against Women Act. TCAC must create a formal tenant complaint process for tenants residing in tax credit properties to enforce tenant protections, enforce those protections, and track fair housing and VAWA compliance complaints. TCAC must also require tax credit properties to prominently display fair housing posters available from HUD and HCD.	Soundboard	Partial	Will provide TA on this issue to state housing agencies. HCD does not have authority over the other state housing agencies.

222	TCAC	TCAC must create a formal tenant complaint process for tenants residing in tax credit properties to enforce tenant protections, and track fair housing and VAWA compliance complaints.	Soundboard	Partial	Through impediment #4, HCD commits to develop a working group across housing agencies to explore developing a formal process to handle complaints related to fair housing laws and VAWA. Please note, HCD does not have authority over other state housing agencies.
223	TCAC	TCAC should have a point of contact who is the designated liaison for tenants who have concerns or complaints related to the housing provider's compliance with fair housing laws and regulations and the Violence Against Women Act.	Soundboard	Partial	Thank you for the recommendation. HCD plans on continued and expanded collaboration with TCAC and other state housing partners on multiple fair housing issues and AB 686 implementation. HCD, however, does not have authority for some of this request.
224	Tenant Protections	Acknowledgement of and actions to address the fact that AB 1482's tenant protections do not extend to renters living in units built in the past 15 years.	Soundboard	Yes	Staff revised the Final 2020 AI to indicate that AB 1482 just cause and rent cap protections do not apply to housing issued a certificate of occupancy within the last 15 years.
225	Tenant Protections	Ensure that residents have access to counsel regardless of their immigration status.	Soundboard	Partial	HCD supports efforts to provide counsel to all Californians, yet currently lacks authority and funding to do so.
226	Tenant Protections	Program guidelines must require properties to prominently display information in multiple languages regarding ombudsman information, for tenants in subsidized housing to confidentially lodge housing complaints. The guidelines must also inform tenants about how to access their tenant case files.	Soundboard	Partial	Thank you for your comment, this will be addressed in the state housing entity working group. Additionally, HCD will ensure that state housing programs provide meaningful access to programs for persons with Limited English Proficiency and provide notices in languages other than English and oral interpretation as needed.
227	Tenant Protections	For state housing programs include a prohibition on eviction except for the most serious violations, not minor or unrepeated acts of nuisance or breach.	Soundboard	Partial	Thank you for your comment. HCD will add this to the list of potential work for the fair housing team in the future.
228	Tenant Protections	Convene stakeholders and facilitate a broad review of and identify recommendations to address California's landlord-tenant laws to identify statutory provisions and omissions which contribute to disparities in fair housing opportunities in California and that impair tenants' opportunity enforce their rights and fairly defend themselves in Court.	Soundboard	Partial	Explore resources needed and develop recommendations around an update to the Department of Consumer Affairs Guide to Residential Tenants and Landlords Rights and Responsibilities.

229	Tenant Protections	<p>Chapter 8 does not discuss the availability of local and regional tenant protections and affordable housing funding sources across the regions. The chapter could benefit from additional discussion of this matter, including attention to the general lack of tenant protections (e.g., rent control, proactive rental inspection ordinances, inclusionary zoning, etc.) and local sources of funding for affordable housing in many inland California communities compared to Coastal California. These matters bear on the fair housing landscape across the California and are important given the Draft AI's recognition of the significantly higher poverty rates and Latinx population in inland California compared to the state as a whole.</p>	Soundboard	No	<p>This document may not cover the full scope of HCD's ongoing fair housing work, nor the fair housing responsibilities of local jurisdictions.</p> <p>While federal law provides significant guidance for HCD's work, the Department is also obligated to meet the mandates of California fair housing law, including AB 686. This law reinforces California's commitment to fair and equal housing by requiring public agencies to administer their programs in a manner that affirmatively furthers fair housing and creates AFFH obligations for local government plans for housing. Advancing state fair housing goals will require HCD to continue to create opportunities for robust stakeholder participation, as established through the AI process.</p>
230	Tenant Protections	<p>In addition to demographics, this section should describe criminalization of homelessness in the region and the exclusionary tactics used by communities to drive people experiencing homelessness out of their borders, resulting in a "leaf blower effect." In recent years, there has been significant litigation in the region over laws criminalizing camping, law enforcement and sanitation sweeps of homeless encampments, seizure and destruction of property, and towing of vehicles used for shelter. While many of these suits challenge the City of Los Angeles' policies in particular, suits against the City of Pomona (eastern Los Angeles County) and the several suits against cities in Orange County sparking from evictions from a riverbed encampment, demonstrate that this is a regional problem. The 2019 Ninth Circuit ruling in <i>Martin v. Boise</i> affirmed that it is unconstitutional for cities to impose criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.</p>	Soundboard	Yes	<p>Thank you for your comment. HCD added this information into the regional analysis.</p>

231	Tenant Protections	<p>This section includes information about eviction filings in the Superior Courts that serve the region. The largest court system in the region, the Los Angeles Superior Court, notably had, by far, the most reported eviction findings, nearly 48,000 (Figure 132), yet does not provide information about dispositions including default judgments. As noted under Figure 132, LA Superior Court cites limitations in their case management system reports. The failure to capture this data is a significant hindrance in policy-making to address the eviction crisis in Los Angeles City and County, and is necessary for efforts to affirmatively further fair housing, including preservation of affordable housing and tenant protections from unlawful evictions.</p>	Soundboard	Partial	<p>HCD supports these efforts, and acknowledges that there is limited data regarding eviction trends. HCD will research this issue, exploring oversight and data collection on evictions, especially the impact on perpetuating segregation and reducing access to opportunity.</p>
232	Tenant Protections	<p>It should be noted here that in formal eviction proceedings, landlords are generally represented by attorneys while tenants are generally self-represented. The State of California's Sargent Shriver Civil Counsel Act, a pilot program that funds free legal services for low-income Californians including eviction defense in certain local jurisdictions has demonstrated that when tenants had attorneys they had better outcomes in their cases: Eviction cases were far more likely to end in settlement, and the vast majority of negotiated settlements reduced back-owed rent or helped protect tenants' credit by keeping eviction notices off the public record. Among Shriver program clients, 67% of cases settled, as compared to 34% of people who represented themselves. While all Shriver clients received eviction notices, only 6% were ultimately evicted from their homes. Availability of full scope defense services for low income tenants continue to be limited. There have been recent local efforts to expand these services in areas of the region, and commitments made by the City and County, though the pandemic and the resulting anticipated economic downturn may negatively impact these attempts.</p>	Soundboard	Partial	<p>Thank you for this comment.</p>

233	Tenant Protections	Provide technical assistance and materials to assess fair housing implications of denial of housing opportunities to those who are justice-impacted.	Soundboard	Yes	As part of the action steps to address impediment #4, HCD will develop a working group across housing agencies to provide aligned tenant selection guidance to program users on DFEH's new regulations and trainings on source of income, criminal background, use of masked eviction records, protections for survivors of domestic violence, and equitable tenant selection strategies to prevent disparate impact on protected classes.
234	Tenant Protections	This section should explicitly acknowledge and describe the impact of local opposition to housing for lower income individuals and families, particularly in high opportunity areas, including emergency shelter and affordable housing, including supportive housing. This reduces housing opportunity and raises costs of housing. For example, Los Angeles City (Venice, Koreatown, Chatsworth); Eastern Los Angeles County (Temple City). This NIMBYism also shows up in the stubborn refusal of local jurisdictions to meaningfully plan for housing for all income levels, requiring greater resources for HCD in monitoring and enforcing Housing Element and other planning and zoning laws.	Soundboard	Yes	Thank you for this comment.
235	Tenant Protections	Promote expansion of AB 1482 rent increase protections to accessible housing, including repealing or amending the Costa Hawkins Act (e.g., removing the exemption for rental units built after the 1995 and permitting cities with existing rent stabilization ordinances to extend those ordinances to units built after that ordinance was enacted).	Soundboard	Partial	HCD recognizes that protections available under AB 1482 and the Costa Hawkins Act exempt much of the newer housing development built in California under expanded accessibility laws. HCD appreciates this comment and respectfully declines to suggest legislative changes.
236	Tenant Protections	Explore pilot of Right to Counsel Program to ensure legal representation for tenants in landlord-tenant proceedings, including those involving application of California's rent cap and just cause eviction law, AB 1482. Such a pilot would focus on areas with low attorney/population ratios.	Soundboard	Partial	HCD supports efforts to expand representation to low-income Californians through the Judicial Council of California. No change made.
237	Tenant Protections	Create mechanism for nonprofits and Community Land Trusts to obtain REO and convert that housing to affordable housing; adopt statewide tenant right of first refusal for properties at risk of loss due to foreclosure, deed in lieu, or short sale.	Soundboard	No	Thank you for your comment. These recommended action steps are outside the authority of HCD.

238	Tenant Protections	Include actions that acknowledge that rental apartments removed from the market under the Ellis Act undermine fair housing and require mitigating measures such as application of the State Relocation Assistance Act benefits to tenants forced to move when landlords “Ellis-out” rental housing.	Soundboard	Yes	This is addressed in Chapter 11, Fair Housing Trends and Complaints. Staff made minor revisions.
239	Undocumented Residents	Chapter 3 lacks any recognition or discussion of the special housing needs of undocumented residents in California. In fact, immigration status is only referenced in the Draft AI in relation to the protections afforded under the Ralph Act and the Unruh Civil Rights Act and in a description of the topics covered in a webinar conducted on January 3, 2020. According to the Public Policy Institute of California, California is home to between 2.35 and 2.6 million and a quarter of the nation’s undocumented immigrants. Undocumented immigrants face a variety of unique and acute barriers to housing opportunity which should be acknowledged and discussed in Chapter 3 of the AI, addressed in the AI’s impediments and action steps, and throughout the AI as relevant. About half of undocumented immigrants in California have incomes below the poverty line, making them more likely to be housing cost-burdened and extremely housing-cost burdened and to live in unsafe housing conditions.	Soundboard	Yes	Thank you for this comment. Action steps for impediment #4 were revised to include immigration status (including undocumented persons).
240	Undocumented Residents	As noted by the AI, state fair housing laws prohibit discrimination on the basis of immigration status and undocumented immigrants in California are disproportionately comprised of people of color from Latin America, as well as Asia and speak primary languages other than English. Thus, housing discrimination experienced by undocumented residents directly implicates state and federal fair housing laws that prohibit discrimination on the basis of immigration status, race, ethnicity, national origin, and/or language as well as California’s duty to affirmatively further fair housing. The Draft AI must therefore acknowledge, discuss, and identify actions to address the fair housing barriers faced by undocumented immigrants.	Soundboard	Yes	Thank you for this comment, this is an important issue. HCD commits to address this issue within the action steps on impediment #4, including ensuring meaningful program access to persons with Limited English Proficiency.

241	Undocumented Residents	<p>Some of the particular housing barriers that undocumented residents face include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Ineligibility for certain types of federally subsidized affordable housing programs due to restrictions imposed by Section 214 of the Housing & Community Development Act of 1980 (absent a household member with qualifying immigration status, and even with a qualifying household member (known as a “mixed-status” family), the undocumented immigrant’s portion of the rent is not subsidized), additional anticipated changes to HUD regulations that would displace mixed-status immigrant families from Section 214-restricted housing entirely by requiring every household member to have eligible immigration status to access a number of HUD programs, and the current implementation of the Department of Homeland Security’s Public Charge rule, which can result in negative immigration consequences for immigrants accessing Section 8 Housing Choice Voucher Program, Project-Based Section 8 Rental Assistance (including Section 8 Moderate Rehabilitation), and Public Housing. ▪ Ineligibility for free legal assistance from legal aid providers that receive Legal Services Corporation funding. ▪ The application of additional fees and charges to undocumented tenants which are not imposed on other tenants. ▪ Explicit and implicit threats by landlords to report tenants to ICE or CBP for deportation in retaliation for tenants’ requests for repairs or as a means to secure the tenant’s informal eviction, even though such conduct by a landlord or the landlord’s agent is against state law. ▪ Inability to secure bank accounts and obtain credit on fair terms in order to qualify for rental housing and mortgage loans with competitive terms. 	Soundboard	Partial	<p>Thank you for this comment. This is an important issue. HCD commits to address this issue within the action steps on impediment #4.</p>
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242	VAWA	<p>In discussing the housing protections in the Violence Against Women Act (VAWA), it important to clarify that these protections do not just apply to HUD programs. The housing protections within VAWA also apply to housing programs administered by the U.S. Department of Agriculture, as well as the LIHTC program administered by the Internal Revenue Service (U.S. Department of Treasury). A list of the programs covered by VAWA housing protections is included in Attachment B for reference. Of particular importance to the AI is the inclusion of the LIHTC program within the discussion of housing programs covered by VAWA. This is because advocates working on behalf of survivors have experienced difficulty in successfully asserting VAWA protections on behalf of survivors who live in tax credit properties. As noted above, the IRS/Treasury Department has not promulgated regulations or guidance about the implementation of VAWA, an absence that has emphasized the need for proactive state-level compliance monitoring and enforcement of VAWA protections. For example, survivors would benefit from a dedicated point of contact at the TCAC who could be responsive to the needs and concerns of survivors seeking VAWA protections in tax credit properties, such as emergency transfers to allow survivors to relocate to a safe, affordable unit.</p>	Soundboard	Yes	<p>Thank you for this comment. This section was revised in response to feedback. Please note, VAWA implementation is also included as an item for the working group of state housing entities.</p>
243	VAWA	<p>Coordinate with local agencies, including those with jurisdiction over housing, building and safety, and health and sanitation, as well as law enforcement, legal aid offices, and community organizations to offer support services for the victims of hate crimes or other violent crimes including housing resources.</p>	Soundboard	Partial	<p>HCD recognizes the importance of VAWA protections for persons experiencing violence. Current VAWA notifications include a list of resources.</p>
244	VAWA	<p>The Legislature should make survivors of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse explicitly protected under the Fair Employment and Housing Act.</p>	Soundboard	No	<p>Thank you for your comment, this is an important idea, and a vulnerable population. This kind of statutory change is beyond HCD's authority.</p>
245	VAWA	<p>The State must enact additional protections for survivors of domestic violence, including recovery of security deposits. This will ensure that all survivors of domestic violence and other acts of abuse are not discriminated against in</p>	Soundboard	Partial	<p>Develop a working group across housing agencies to provide aligned guidance on protections for survivors of domestic violence.</p>

		admissions for reasons related to the abuse committed against them.			
246	VAWA	Addressing the needs of survivors of violence is a very important fair housing issue and we appreciate its inclusion. This section should be renamed as “Survivors of Domestic and Sexual Violence and Other Forms of Abuse” to be more inclusive of survivors of crimes such as human trafficking. Additionally, while VAWA is an important protection for persons living in and applying to HUD, U.S. Department of Agriculture (USDA), and LIHTC housing programs, limiting this discussion to VAWA omits the fact that survivors also live in private, unsubsidized housing. Regarding VAWA specifically, it is important to note that (a) USDA has also issued prior guidance regarding VAWA implementation and (b) the lack of implementation guidance from the IRS/Department of Treasury makes the state-level implementation of VAWA all the more important by TCAC. We would respectfully disagree with the impression that all VAWA 2013 requirements have been met. There are still gaps regarding the VAWA rights of tenants in LIHTC properties, such as when survivors need to assert VAWA protections (e.g., to obtain an emergency transfer to safe and affordable unit) and cannot resolve the need by working with the owner. There should be a dedicated person at TCAC who can respond to issues regarding VAWA compliance/work with owners to help facilitate emergency transfer requests for survivors.	Soundboard	Partial	Thank you for this comment and your continued work to serve survivors. The section title was revised and information from stakeholders was added into the section. VAWA implementation is also included as an item for the working group of state housing entities.
247	Zoning	Adopt a statewide inclusionary zoning policy which requires that all new development over a certain number of units include on-site or pay a fee to support development of housing affordable to lower-income residents, including very-low and extremely-low income residents.	Soundboard	No	HCD currently lacks authority and resources to undertake this action.
248	Zoning	The discussion of the Draft should mention that adoption of inclusionary housing requirements by local governments as authorized by Gov. Code §§ 65850 and 65850.01 can contribute substantially to racial and economic integration even in the most exclusive communities.	Soundboard	Yes	Updated this language in the document, thank you.

249	Zoning	The State must remove barriers that prevent the siting of shelters and supportive housing in higher-income area, including HCD's meaningful enforcement of housing element requirements to identify shelter and housing sites sufficient to meet projected need.	Soundboard	Yes	Through HCD's AB 72 enforcement authority, the Department monitors and enforces Housing Element Law.
250	General	What are the practical impacts of the report in terms of policy and funding?	SD Meeting	Yes	Thank you for your question. This is addressed in the executive summary.
251	General	Is there additional information about the findings pertinent to each unique district? What can we encourage citizens with in order to begin the process of overcoming these impediments? The amount of input & response seems so low for such a large population. What are you going to do to address this? Why is the public comment period so short for such a long document? I think 90 days would be mandatory for something like this. How can I go about requesting a change to the public comment periods required for state drafts? This seems like a short period of time to incorporate the draft comments thoughtfully to the final draft.	SD Meeting	Partial	The Final 2020 AI is a HUD required report and must meet the federal timelines and requirements for submission. HUD requires a 30-day public comment period. In response to COVID-19, HCD decided to extend the public comment period to 45-days.
252	Housing Supply/Production	Has there been any analysis about changing the percentage of market rate that qualifies as affordable housing? Could the current percentage be considered an impediment within certain jurisdictions?	SD Meeting	No	Many of the state's inclusionary housing requirements are implemented at the local level. The Final 2020 AI focuses on issues at the statewide level.
253	Survey	How did you get the word out about the surveys to different communities?	SD Meeting	Yes	The survey was made publicly available online from November 7, 2019, through January 15, 2020. The survey was available in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese. The full surveys are included in the Appendix. HCD publicized the survey through the HCD email listserv, published notice on the HCD website and on social media, announced it during public meetings, and provided information to stakeholders through all individual consultations. Printed surveys were made available upon request.

254	Affordable Supply/Production	How does California plan to address the income imbalance presently dominating our residential distributions? Will there be an increase in minimum wage to bring up the income of households who are paying over 30% AMI to rent so that this number can be a thing of the past? The income level increase has not matched the rent increases for the regions. Will there be a mandate to lower rent across the state or will California be the first to raise minimum wage to an amount that provides the ability to live a life that isn't paycheck to paycheck? Perhaps moving minimum wage to \$19.75 an hour, providing an opportunity that a full-time employee could make \$40k a year on minimum wage. This would be so progressive for California & maybe help pave the way for a more balanced income distribution across the state. Baby steps. We can do it	Sarah Jumper	Partial	The Final 2020 AI mentions identifies inadequate supply and production of affordable homes (impediment #1) as well as stagnant wages as contributors to rent burdened households.
255	Code Enforcement	Promote place-based community investments in rural communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment.*In Spring Valley, an historically underserved community, A very nice park & community center with exercise promoting activities on the edge of park's paved lap area with the playgrounds in the center was built which attracted san deigns from all around the neighboring communities, not just spring valley residents. I went there from Ocean Beach bc my kids liked that park best, they could play & feel freedom with other children & remain under my watchful eye while I jogged & used the various exercise stations around the track surrounding the playground areas.	Sarah Jumper	Yes	Thank you for you sharing your support and valued experience. HCD will continue to strive to promote place-based community investments in rural communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment.

256	COVID-19 Impacts	<p>The full impacts of COVID-19 are still materializing in the ongoing public health and economic crisis. While COVID-19 was not a significant issue when the Draft was developed or when the earlier public meetings were being held, we feel strongly that given the severe social and economic disruption that the pandemic has caused (and will continue to cause), COVID-19's immediate and long-term impacts must be acknowledged within the Final AI, particularly in the impediments and recommended action steps. Chapter 12 and its focus on disaster recovery would also be a natural place to include a preliminary COVID-19 discussion. Given the short timeframe HCD has to finalize the AI, we realize that the pandemic's impacts cannot be fully incorporated into all relevant aspects of the Draft. However, we do ask that HCD identify the COVID-19 pandemic—with the expected surge in evictions due to widespread job loss, and likely increased homelessness – as its own impediment to fair housing choice in the final AI. We ask that, as an action step, that HCD identify a means of working with other state agencies and stakeholders to devise both short- and long-term responses to the pandemic, and to ensure that any funds (both state and federal) that are designated to address the pandemic's impacts are distributed equitably. We also identify select sections that would benefit from additional analysis with respect to COVID-19's impact.</p>	Sarah Jumper	Yes	<p>Agree, and thank you for this comment. Information regarding COVID-19 and its short-term and possible long-term affect have been added to the AI. Specifically, staff identified an increased risk of housing instability and homelessness along with rising unemployment rates.</p>
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257	Data Analysis	<p>Let it be noted that while I, for one, believe that California is way too progressive a state for such archaic divisionism methods of thinking. As demographics are based on the shade of one's skin tone, I did overhear someone of reputable source state that the only reason why "White" (The colorless color) people are so underrepresented in the public housing / benefits sector is bc practices by the service providers public, state, federal, church, local, are all incentive-based to deny those who aren't perceived as "colored" (white IS a color! I know, I'm an art teacher!). or of historically underserved areas of the communities. Bc I trust the source of this hearsay, I believe it would be worth looking into. Perhaps this is why white people are so over represented in certain other demographics regarding citizens experiencing the homelessness & other awful situations people denied fair housing are faced. I am "white" & I lost my housing voucher, & was evicted, due to actions not taken by the Section 8 office of Alexandria, Virginia, to aid me in the quest to maintain housing.</p>	Sarah Jumper	No	The Final 2020 AI reflects all of the protected classes under state and federal law, including color.
258	Environmental Disparities	<p>Explore adding adoption or update of Environment Justice plans as an eligible use in planning grant programs. Explore cost and benefits of low interest loan programs to make housing more climate resilient.</p>	Sarah Jumper	Partial	Thank you for your recommendation. Impediment #7 includes an action step to explore adding adoption or update of Environment Justice plans as an eligible use in planning grant programs.
259	Errors and Edits	<p>The second sentence under chapter 13. "This analysis serves as the basis for HCD and the state's fair housing planning work to expand housing choice and access to opportunity for all Californians, regardless of membership in a protected class." Is this last part of the sentence really necessary? It makes it sound as if some Californians are different from others because of some kind of special membership based on their social or racial class.</p>	Sarah Jumper	No	Thank you. The Final 2020 AI focuses specifically on fair housing protections for persons identified under state and federal law. Staff respectfully declines to remove the term protected classes.

260	Errors and Edits	<p>There is nothing in this section to address the fact that the majority of low income or affordable housing is dirty, usually in need of repair or lacking many of the basic comforts and amenities that are normally included in typical construction of housing. Like, solar & energy efficient AC/water internet capabilities & connectivity things, like having a central unit to remotely control home functions, ceiling fans, hand rails, bath tubs, adequate water pressure, heating capabilities, particularly floor heaters in the bathrooms & nonskid floors for seniors and those with disabilities or handicaps.</p> <p>Mirrors, decent lighting inside & out, appliances & plumbing that work, comfortable laundry facilities that are reflective of the modern technologies & comforts available for the present times & super energy efficient. Gardening & planting of food trees & bushes is important tool to help prevent the food instability we are facing as a result of COVID19.</p>	Sarah Jumper	Yes	<p>The Final 2020 AI addresses substandard housing conditions and housing problems as determined by HUD as: 1) incomplete kitchen facilities, meaning a kitchen without a sink with a faucet, a stove or range, or a refrigerator; 2) incomplete plumbing facilities, meaning a dwelling without hot or cold running water, a flush toilet, or a bathtub/shower; 3) more than one person per room (overcrowding); and 4) a cost burden greater than 30 percent of a household's income.</p>
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261	General	<p>SUGGESTIONS TO INCLUDE: Transit and a Green New Deal By Ben Fried and Hayley Richardson To avoid the worst effects of a warming planet, Americans can't count on electric cars to clean up all of our transportation emissions. We also need better transit in our cities. Models consistently show that electrifying the motor vehicle fleet will be necessary but not sufficient to achieve targets like net zero emissions by 2050. Only if we shift some travel from cars to transit can we decarbonize the transportation sector rapidly enough to fend off a rise in global temperatures greater than 1.5C. The centrality of transit to effective climate policy aligns well with the goals of the Green New Deal, the ambitious framework to draw down American greenhouse gas emissions while advancing racial justice and economic fairness. Better transit will not only curb driving, it will reduce barriers to employment for low-income Americans and keep household transportation costs more manageable. The Green New Deal resolution introduced by Congresswoman Alexandria Ocasio-Cortez and Senator Ed Markey leaves the details of policymaking for a later date. But by invoking transit, however briefly, the resolution invites expansive thinking about how to reform federal transportation policy. Until now, transit has been relegated to the margins of federal policy while the lion's share of transportation resources go toward highways. The Green New Deal suggests a much different approach -- one that aims to put fast, reliable service within walking distance of as many homes and jobs as possible. Budgeting more for transit should be a given when the opportunity arises to craft detailed Green New Deal legislation. But that's only part of the solution. Today, when regions do muster significant funds to invest in transit, too many resources go toward low-ridership projects that don't serve major population and job clusters. Ridership has fallen nationwide for several years running, including in cities like Denver and Los Angeles that have spent billions on transit expansion. Without overhauling the current policy regime of wasteful road-widening and poor transit investment choices, increasing the federal transit budget won't get us very far. Here's what will. Deliver better transit service, not just more</p>	Sarah Jumper	Partial	<p>Thank you for your comment and insights. While HCD does not have any jurisdiction or authority of federal legislation, like the Green New Deal, HCD has transit oriented development programs that focus on maximizing the amount of residential, business and leisure space within walking distance of public transport. This promotes a symbiotic relationship between dense, compact urban form and public transport use while reducing greenhouse emissions.</p>
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transit infrastructure. As a general rule, the more service transit agencies provide, the more people ride transit. Canadian cities have much higher transit ridership than comparable American cities, for instance, in large part [google.com] because Canadian cities simply provide much more service per capita [google.com]. Federal transit policy, however, is oriented around building infrastructure, not providing service. Since 1998, Congress has only supplied operating assistance to the smallest transit agencies. There are good justifications for this policy -- federal support shouldn't substitute for operating funds the local agency would otherwise provide -- but it also leads to counterproductive outcomes. In the wake of the 2009 stimulus package, transit agencies all over the country received federal funding to buy new buses and rolling stock [google.com] at the same time the recession forced them to cut service [google.com]. So how should federal policy improve local transit service? To start with, any operating support from the feds should come in the form of matching funds that don't supplant local transit spending. Federal capital funds can also incentivize better transit policy at the local level. A transit agency that meets benchmarks for delivering frequent, all-day service, for instance, could be rewarded with additional capital grants from the feds. This could set in motion a virtuous circle of additional service, better maintenance, and higher ridership. Let local agencies improve transit without jumping through hoops. Better transit is inherently good for the environment. It makes no sense to drag basic transit upgrades through the expensive, time-consuming process of environmental review. Yet that's what federal policy imposes, even for projects as straightforward as adding a bus lane or a bus stop. The federal government already exempts certain types of projects from review, such as bike lanes. These exemptions should be expanded to include simple transit-priority projects -- and should override environmental review at the state level. Transportation agencies should also have more leeway to spend federal funds on pedestrian infrastructure. Most transit trips involve walking, and agencies shouldn't have to apply for sidewalk funds

		<p>from [google.com]an alphabet soup of tight-fisted federal programs [google.com]. If the feds gave state DOTs a free and easy hand to build highways for the past 60 years, they can finally do the same for local transportation agencies and sidewalks. Stop expanding highways The federal surface transportation program supplies states with piles of money for roads -- upwards of \$40 billion in 2018 alone -- and unchecked highway funding has sent America's carbon emissions soaring. Much of this funding should be redirected to cities and regional agencies, with an emphasis on transportation projects that explicitly reduce vehicle mileage, such as transit-priority lanes and bike and pedestrian infrastructure. Of the funding that state DOTs retain, tight restrictions should be placed on highway expansion. Wringing more capacity out of the highway system should rely on efficiency measures like tolling existing lanes or converting them to bus- or HOV-only operations. Build transit where people will ride it, not where it's easiest Tempted by easy right-of-way acquisition, American transit agencies often decide to add rail along freeway medians or old freight lines, extending far into unwalkable suburbs. These routes are not designed to succeed as high-volume travel options. Dallas's light rail network is the classic example: Despite covering great distances, it hasn't led to an increase in total transit commuting. Federal cost-effectiveness formulas exacerbate the problem by encouraging agencies to select routes because they minimize expense, not because they maximize ridership. Transit expansion projects are essential, but they must be built where large numbers of people can walk to stops. It's worth the additional expense to build transit people will ride. In a climate crisis, we can't afford to do otherwise.</p>			
262	General	<p>Explore opportunities to use small area Fair Market Rents or updated market studies to provide voucher holders access to higher rent areas and increase voucher utilization rates. Isn't it ironic how the COVID19 proved to be the catalyst to improve the rate of voucher utilizations across the state? I think COVID proved to be an opportunity in disguise for the quest to solve the homelessness issue.</p>	Sarah Jumper	Yes	<p>Thank you for your comment and insights. Impediment #9 includes an action step to utilize small area Fair Market rents.</p>

263	General	<p>Impediment #5, I have a suggestion on courts & past evictions. With the legalization of marijuana, is there anything being done to rectify the rental histories of Californians who were evicted & now have a drug-related eviction on their rental history due to marijuana before the legalization took place? Evictions are a huge impediment for many with good credit & income to rent. I was unable to transfer my voucher to California bc of the short staffing of my local section 8 office, and due to an unfortunate series of bad decisions & events directly related to negligence on the Housing Office of Alexandria, VA's staff I was unable to count on that housing when I moved to California. I've also had an eviction due to marijuana. Are there ways to ensure this will no longer prevent me from renting? Marijuana is legal now. Just a thought.</p>	Sarah Jumper	Yes	<p>Thank you for your question. This is addressed in the Final 2020 AI under California Department of Fair Employment and Housing Regulations. Effective January 1, 2020, the California Department of Fair Employment and Housing (DFEH) enacted regulations to protect against housing discrimination. These regulations, 2 CCR Section 12005 et seq, implement the FEHA statute, making it easier for housing providers, owners, tenants, state and local governments, and financing and real estate entities to understand their rights and obligations. The regulations include protections for the use of criminal history in rental housing applications.</p>
264	Infrastructure	<p>Why not make certain community standards a requirement across the state in regards to certain community "treasure investments" and infrastructures like water, transit, public utilities, parks, pedestrian activity promotion, community food gardens, and other aspects that will encourage & provide for setting a higher quality of life standard for all Californians. As well as community gardening as a requirement in all of the new residential complexes being constructed. Future sources of food would be a good investment. We need more food trees planted instead of simple vegetation</p>	Sarah Jumper	No	<p>This is an interesting idea. Please note, the Infill Infrastructure Grant Program (IIG) provides gap funding to address infrastructure improvements needed for residential or mix-use infill development projects. Specific eligible improvements include development or rehabilitation of parks or open space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks, and streetscape improvements.</p>

265	Inspections	<p>Analyze potential benefits of rental inspection programs and remediation funds as tools to facilitate habitability in the rental housing stock and prevent displacement.</p> <ul style="list-style-type: none"> ▪ SUGGESTION: Is there any way to incorporate new policies/education/laws that will pave the way for landlords to understand the requirements for habitability according to the laws before any kind of renting is done? And provide some kind of benefit to the rentals that need updating/modernizing/repairs (with alternative energy source incentives for those who wish to be green in their renting) in order to pave the way for California to be more energy efficient & safe for families. Could we implement some sort of a safety net for renters who are scared of inspections due to having an older rental or some sort of assistance offered by the state to begin & complete repairs/modernizations/updates with optimism & excitement at being able to rent a quality & safe home with no worries about what if this or that happens while I have renters. Maybe some sort of extra bonus wherein if there is an unexpected emergency repair that there are tax breaks or even some sort of grants to get landlords to stop being shady. I rented a place in city heights with a bed bug infestation & the property owner was so fearful of having to hire professionals to come in & get rid of the problem that it was a real issue for almost 3 weeks. The result that the first Regional Task Force on Homelessness (RTFH) meeting I attended I was covered in bed bug bites bc the chemicals the owner sprayed didn't work. Then the owner lied to the property manager that there weren't any bedbugs when earlier that day the exterminator showed me visible evidence of the bed bugs. The owner was so concerned of the inconvenience of hiring the proper pest removers to rid the apartment of pests that this went on for over a month. So much was this man's fear that his Maintenance Man for all of his rentals quit bc the owner was convinced that hiring professionals would be costly, lead to the discovery of more "costly problems" that will need to be addressed, and that it would displace tenants & he'd have to credit rent over the issue. Nobody likes to lose money. I believe that he is not the only rental property owner in California who's fear of 	Sarah Jumper	Yes	<p>Thank you for your suggestion, this is included as an action step under impediment #6. This topic is addressed in building codes related to accessibility. Building codes ensure safe and accessible construction. Active enforcement of housing codes ensures that buildings are maintained in a safe and habitable condition and prevent unhealthy living conditions and deterioration of buildings that leads to loss of affordable housing (see discussion on Naturally Occurring Affordable Housing and housing quality in Chapter 3.) Development and enforcement of both building and housing codes is critical to ensure California has a safe, affordable, and accessible housing stock.</p>
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		<p>inspections & “professional service providers” has caused extremely uncomfortable & probably unsafe conditions for Californians who are renting. I’ve lived in many places where the owners were afraid of plumbers bc they had mold in the walls or a leaky pump, etc. that they were convinced they could never afford the repairs or upgrades to make their property more habitable for the next or present tenants. I begin to show asthma symptoms if a dwelling has black mold & cannot stay. This is a problem in many Ocean Beach homes as they are much older & lack durability to withstand the rains.</p>			
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266	Persons Experiencing Homelessness	<p>“Chronically Homeless”. Why can’t we say something a little more compassionate, such as “Residentially-Challenged”? I also do not approve of the paragraph which states, " a homeless individual, bc an “individual experiencing (the) homelessness” is a little more accurate than calling someone “homeless”, which can be interpreted in a very negative & derogatory way, such as the term, “n***er”, or “w*t-***k”, or “red-neck”, etc. (I see a lot of discrimination in my City between those who have income, residential, or political differences). I suggest, yes, acknowledging, much as was in the beginning of the demographics section, historically that we used to classify people by such useless & insignificant ways such as their skin tone & where they were from, when really what is important is perhaps, # people per family/per room; the incomes; the ages, physical limitations. These demographics tell me more than what someone’s color of skin would. Other than those, I cannot think of another thing that I could be told to me that I’d find useful, especially by someone’s shade of skin tone, besides what I can expect dinner to smell like in the neighborhoods.</p>	Sarah Jumper	Yes	<p>Reviewed nomenclature in the document. Staff regularly engages with the advocacy community and these impacted communities to use the preferred terms. Where possible in the document, staff revised the terminology to use the term persons experiencing homelessness.</p>
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267	Persons Experiencing Homelessness	<p>COMMENT: In my community & town, the police & many various other outreach organizations spent their time rounding up & getting out of town as many unsheltered individuals they could, some went to jail, some straight up hid from everyone & split town, got a hotel, or stayed at a friend's house. I stayed with a friend & didn't volunteer to participate with the PITC after the city refused to acknowledge the disappearance of all the outside neighbors & how this would affect the upcoming count, Don't trust San Diego PITC #'s. I believe they are much higher. I also don't support that kind of shiesty behavior & blatant public/data manipulation. I believe the data, especially in the 92107 area(S) is severely underrepresented & that the state & cities within should be prepared for the event that the figures are much higher than what's presented. Another unrepresented population I think HEALNSD's Anthony White brought some lime light to is college students living out of their vehicles. Did you know that the College Grove Shopping Center with the Walmart & Target has over a dozen people living there in the parking lots? I have done many social experiments on public perceptions of those experiencing the homelessness & one included my discovering & being accepted & spent 2 weeks there! Security, Walmart, Target, & other store employees are all living out of their vehicles there. It's a very loving, caring, supportive, maybe a lil dysfunctional, kind of "community" living there. The experiences weren't ordinary, but those in it stayed positive, encouraging, and supportive to everyone there, while respecting & maintaining as much dignity as one could give the horrific & traumatic circumstances. The unnaturalness somehow united them instead of dividing them. People were saved by the Parking Lot Preacher (RentACop Security), who shined light for lost souls (my own included) to find their way & seek self-development instead of self-sabotage on a daily basis.</p>	Sarah Jumper	Yes	<p>Thank you for your comment. Staff used the Point-in-Time Count as one data source and sought local feedback. We recognize that data sources have inherent limitations, especially when seeking to understand persons experiencing homelessness.</p>
268	Persons Experiencing Homelessness	<p>SUGGESTION: Veterans who are homeless, homeless with a disability, or chronically homeless" I would say instead Veterans who are experiencing homelessness, disabled veterans experiencing homelessness, or residentially-challenged veterans.</p>	Sarah Jumper	Yes	<p>Thank you. Staff revised this terminology in the document.</p>

269	Rural Communities	Suggestion to promote place-based community investments in rural communities with infrastructure disparities, segregated concentrated areas of poverty, and communities of color that have experienced historic disinvestment. I would remove the words “communities of color” because this says nothing to me except that the California is promoting & supporting practices that continue to segregate & promote this archaic way of thinking into our society & communities.	Sarah Jumper	No	Staff respectfully declines this change. Staff regularly engages with advocates for impacted communities to use the preferred terms.
270	Code Enforcement	Is there a way to make sure that rentals are regularly inspected at least every 3-5 years & given an assessment of possible energy efficient upgrades or repairs (like driveway cracks) from the state with resources to grants or available programs that can help landlords be on top of their games as renters & then bonus incentives or tax breaks for the owners that take advantage of this assistance consistently? This could help decrease depreciation of homes & properties in the long run as well. And ensuring that sidewalks are kept up. I trip so much over uneven sidewalks. It sucks.	Public meeting	Partial	This issue came up during our outreach efforts. See impediment #6, analyze potential benefits of rental inspection programs and remediation funds as tools to facilitate habitability in the rental housing stock and prevent displacement.
271	Accessory Dwelling Units	Are the impediments listed in any order? Do the numbers correspond to how much they contribute to the severity of the impediment? Does the draft document speak specifically about Accessory Dwelling Units in any part?	Northern CA Meeting	Yes	Thank you for your question. The identified impediments are not in any particular order nor ranked by importance. ADU's are referenced in Chapter 4: Review of Federal and State Level Laws, Regulations, and Programs.
272	ConPlan	It is important for local responses to be included if they have unique situations in order to ensure their projects are outlined in the Con Plan and Action Plan of HCD and eligible for implementation with the funding for the next 5 years. The department basis their program project focus on this data.	Northern CA Meeting	Yes	Thank you for this feedback.
273	Environmental Disparities	Where do resource limitations fall in as impediments to creating housing? For example, water limitations like water moratoriums?	Northern CA Meeting	Yes	The Final 2020 AI includes a review of California state laws on infrastructure. FEHA specifically includes new and expanded protections around this issue.
274	General	Who is a "stakeholder" according to the state's definition?	Northern CA Meeting	Yes	Thank you for your question. The Final 2020 AI has a broad definition for stakeholders. A stakeholder can be a local jurisdiction (county, city, municipality), nonprofit or for-profit developer(s), advocates, housing consumers, nonprofit service provider and the general public.

275	Housing Element	It seems as though this study and data analysis and reporting would have been valuable to have completed prior to the deadlines for updating City, State and County Housing Elements. Will jurisdictions have the ability to update their Housing Elements based on this information?	Northern CA Meeting	Yes	The Final 2020 AI will be available for jurisdictions throughout California to review and use in their local planning processes.
276	Zoning	I am a project manager for a local nonprofit in Mendocino County. One of the largest impediments I see in our rural area is having to meet the inclusionary ordinance. Has there been any consideration to streamline these requirements on a State level, maybe by region or determination of rural, urban, etc.?	Northern CA Meeting	No	Inclusionary ordinances are largely a legislative process undertaken by elected officials at the local, regional, or statewide level. The housing element process requires jurisdictions to analyze potential government constraints to housing. If you believe this to be an impediment or constraint, we recommend you engage with your local Housing Element process.
277	Zoning	For impediment #9, do you provide guidance on what local cities/counties can do to remove zoning costs that make affordable housing more expensive to develop?	Northern CA Meeting	Yes	Through the housing element process jurisdictions must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. HCD's housing element review staff provide technical assistance on these constraints and assist local jurisdictions in methods to remove housing constraints.
278	Accessory Dwelling Units	How are these impediments affecting older buildings that are infeasible for ADA access?	LA Meeting	Yes	This is addressed in the analysis of California's housing stock. Nearly 75 percent of the state's housing stock was built prior to 1990 and the enactment of the Americans with Disabilities Act (ADA), the earliest federal mandate on accessible development. This means that the majority of California's housing stock is likely inaccessible for people with disabilities.
279	COVID-19 Impacts	Identifying unnecessary barriers to siting and renovating detox facilities, board and cares, nursing homes, and recuperative care. For example, we do not have a list or inventory of these facilities within our Council District for City of LA. We want this so badly to reach out and see how we can protect residents from COVID-19.	LA Meeting	Partial	Thank you for your comment, this is an important issue. See the action steps under impediment #3, "Provide technical assistance on AB 2162, which requires supportive housing developments, which meet certain criteria, to be allowed by-right."

280	General	Part of the issue in the LA area is the diffuse and fractured nature of regional govt. San Francisco is a City/County. People in LA have difficulty identifying which government agencies have what influence over housing production. For example, LAHSA (City/County) addresses homeless services. Cities zone. Superior Court system (state) handles unlawful detainers. RHNA is impossible for the public to understand. It lacks enforcement and rigor. People do not know what a COG is, or how to influence them. Given the urgency of this issue, we need to streamline this setup...mutual accountability...collaboration beyond "check the box."	LA Meeting	Partial	Thank you for this comment. HCD recognizes the importance of ways to streamline housing approvals and seeks to encourage this through by-right approval processes.
281	Housing and Transportation	I haven't read this yet; but is there an evaluation of distance to work by income? In southern California, people drive far because housing is too expensive, then it's all spent on gas.	LA Meeting	Partial	See figure 94, HCD and TCAC's Opportunity MAP indicators address job proximity and commute distance of low wage workers in each region.
282	Housing and Transportation	How does the proposed AI look at the Implementation of SB 743 VMT which will can have an unintended consequence of increasing costs for vulnerable communities for both housing and transportation.	LA Meeting	Yes	The Final 2020 AI reflects input from stakeholders who voiced concerns about marginalized communities facing displacement, increased commute times, and increased vehicle miles traveled. The action steps seek to increase housing production and choice across the state to reduce displacement and VMTs.
283	Housing Supply/Production	Any comments on CEQA blocking and prohibiting housing projects and production which goes to Impediments 8, 9 and 10?	LA Meeting	No	The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. CEQA was established by the Legislature and is a highly nuanced process. The AI does not address CEQA.

284	Housing Supply/Production	My question that I will ask when the time is appropriate is; How much of these impediments are related to the loss of CRA's? Cities and municipalities throughout the region lost billions of dollars in investment since the loss of CRA's in 2010 for building affordable and supportive housing projects which we are seeing the ripple effects that impedes production and preservation. Great thanks for the response, I believe that there should be an update or an ask to support or monitor SB 795 (Beall-Portantino) which is seeking to bring this back in some form and related Tax Increment Financing strategies that can be added to the mix.	LA Meeting	No	The Final 2020 AI I focuses on constraints to housing choice based on protected status. HCD works to promote safe, affordable homes and strong communities throughout California. Specific funding related to California's Redevelopment Agencies is beyond HCD's authority.
285	Housing Supply/Production	What discussions has HCD had to facilitate land trusts? How can we expand their ability to acquire land and access financial services? (Such as through legislative tools).	LA Meeting	Partial	Land trusts are discussed in terms of recent legislative actions under Senate Bill 196 (2019) (Revenue and Taxation Code section 75.11). SB 196 enacted a new welfare exemption from property tax for property owned by a Community Land Trust and made other changes regarding property tax assessments of property subject to contracts with Community Land Trusts. Community land trusts are included in alternative housing strategies to promote affordable housing.
286	Persons Experiencing Homelessness	Not a very professional question, but perpetually homeless overwhelming mental illness cases. What can you do to improve the number of mental ill homeless?	LA Meeting	Yes	Impediment #3 in the Final 2020 AI addresses housing instability and homelessness and the need for supportive services to assist persons experiencing homelessness.
287	Supportive Housing	Many programs have high turnover rates which lead to less help for case management of these issues. How can that be changed?	LA Meeting	Yes	Agree, the need for supportive services is mentioned throughout the Final 2020 AI. Safe and affordable housing, as well as supportive services, are key public services respondents said they need.
288	Disability and Supportive Services	HCD actively support this move to gather better data on the housing needs of people with intellectual/development disabilities; and that HCD work collaboratively with the Dept. of Developmental Disabilities to develop systems and data analytics to obtain this critical information, beyond the bare bones data that currently exists about the residential placements for people served by DDS.	Dara Schur	Partial	HCD seeks to remove housing barriers for persons with disabilities. Due to current time constraints and COVID-19 impacting staff resources, HCD was unable to add this additional analysis to the Final 2020 AI. HCD will add this to the list of potential work for the fair housing team in the future.

289	Housing Supply/Production	In the City of San Louis Obispo, agree on the impediments as listed. Want to propose for discussion that there is a lack of funding available to affirmatively further fair housing historically and currently. Local jurisdictions have a hard time accessing funding due to required staff time and compliance with the funding. The City is focused on the development of new 100 deed restricted affordable housing. The City has inclusionary zoning and its helpful for the city, the city does not have a lot of units at risk and are focused on production to meet the high 6th cycle RHNA target. For nonprofit housing developers, land is not the issue, getting a project to pencil, including CDBG money, affordable in lieu of fee dollars and getting creative with grant opportunities to provide gap financing is important. San Louis Obispo is not in a high poverty area and not competitive for federal or state funding.	Bay Area Meeting	Yes	Agree, impediment #1 includes action steps and strategies to maintain and expand resources available for the production and preservation of affordable housing.
290	Impediments	Agreement on the applicability of the impediments presented in San Francisco.	Bay Area Meeting	Yes	Thank you.
291	Accessory Dwelling Units	If California could adopt Accessory Dwelling Units at the same rate as cities like Portland (1%), we would be adding over a hundred thousand affordable housing units to the market each year. That would help Californians face many of the impediments to fair housing, especially impediment 9. That said, I regularly see cities across California with permit applications online that suggest size or use restrictions which are no longer enforceable. It often feels like each county and city is trying to build their own bespoke solution when they could be implementing a very similar solution across the state. I've made these observations as an entrepreneur trying to help property-owners build ADUs at my company How to ADU https://www.how-to-adu.com [how-to-adu.com]. Is there anything the HCD can do to work with local agencies to develop their ability to permit and encourage ADUs? In a perfect world, people wouldn't need my help navigating the planning and permitting process. I'd love for the state or HCD to put me out of business!	ADU Developer	Partial	ADUs are an innovative, affordable, effective option for adding much-needed housing in California. HCD is the state's leader on local ADU ordinances. Technical assistance is available on our website at: https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml . ADUs are mentioned throughout the Final 2020 AI document and in Chapter 4, under state laws related to fair housing.

292	Disability and Supportive Services	Establish effective monitoring and tracking systems for accessible units and accessible policy implementation. Ensure all funded developments pay for reasonable modifications as needed.	Soundboard	Partial	Thank you for your comment, HCD will include compliance efforts in the working group.
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