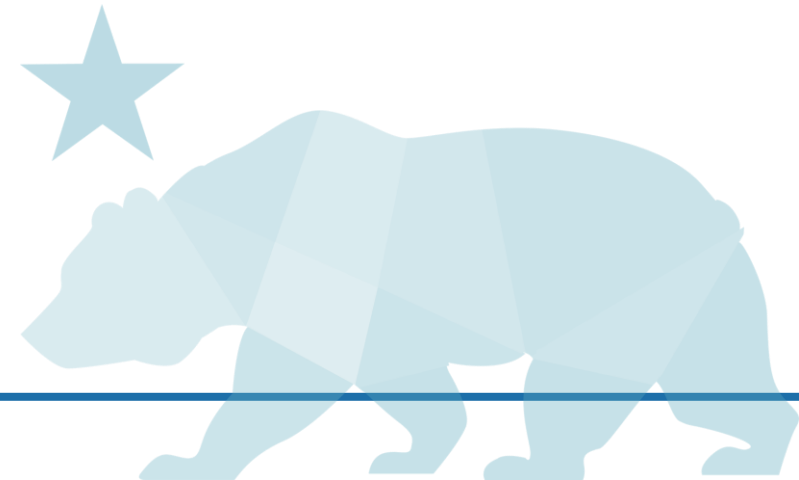




Understanding Fair Housing: A Public Guide

California's Duty to Affirmatively Further Fair Housing



Agenda

- Who We Are
- Introduction to Fair Housing
- Affirmatively Furthering Fair Housing (AFFH)
- Review of Previous Public Feedback Sessions
- The Months Ahead
- Your Feedback



The California Department of Housing and Community Development (HCD)

- Our mission is to promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians.
- HCD works to:
 - Increase the supply and preserving affordable housing
 - Ensure California plans for a range of housing needs and hold jurisdictions accountable to their commitments under state law
 - Create solutions to the housing crisis through policy and research
 - Protect health and safety through mobilehome regulations and building codes/standards



WHO WE ARE

HCD *(continued)*

- The state agency that oversees housing and community development programs and services across California.
- The designated administrator and grantee for the following federally funded affordable housing programs for non-entitlement areas of the state:



**Community
Development
Block Grant
(CDBG)**



**Emergency
Solutions Grant
(ESG)**



**Home Investment
Partnerships
(HOME)**



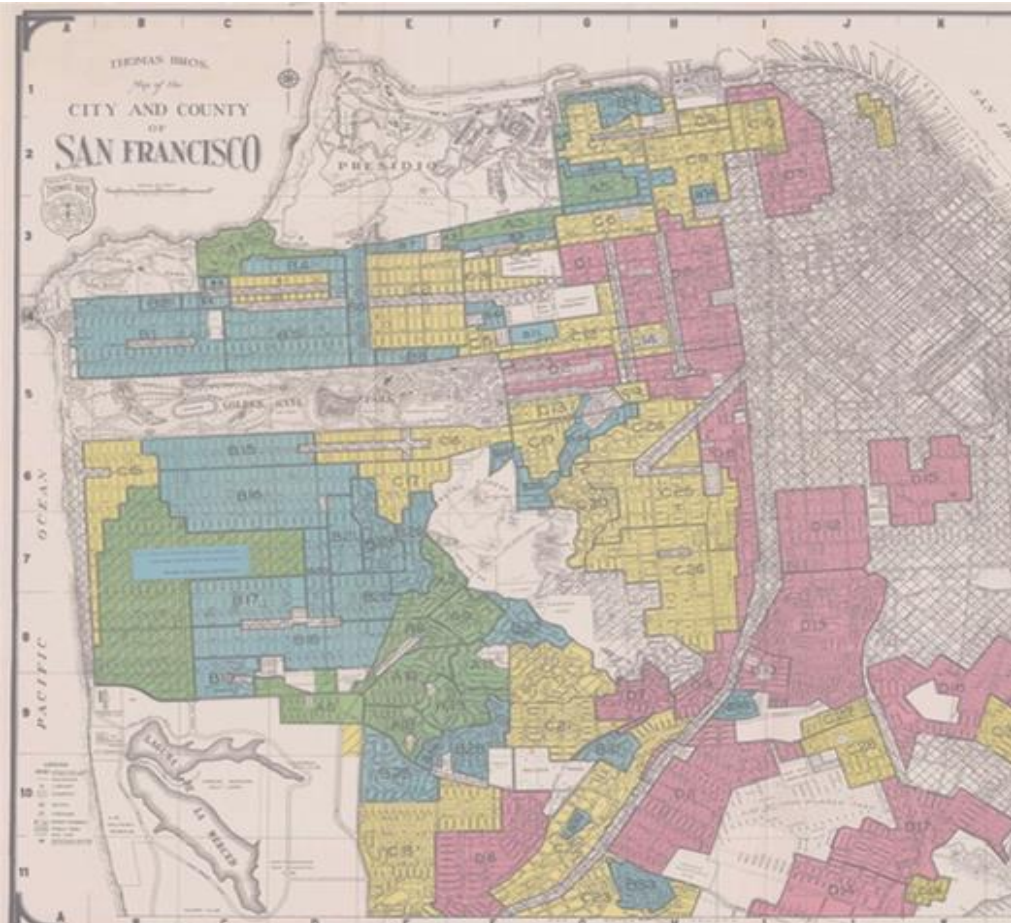
**Housing
Opportunities for
Persons with AIDS
(HOPWA)**



**National Housing
Trust Fund
(NHTF) / aka Housing
for a Healthy CA**



Government Policies and Racial Discrimination



Home Owners Loan Corporation (HOLC) Security Map of San Francisco, 1937

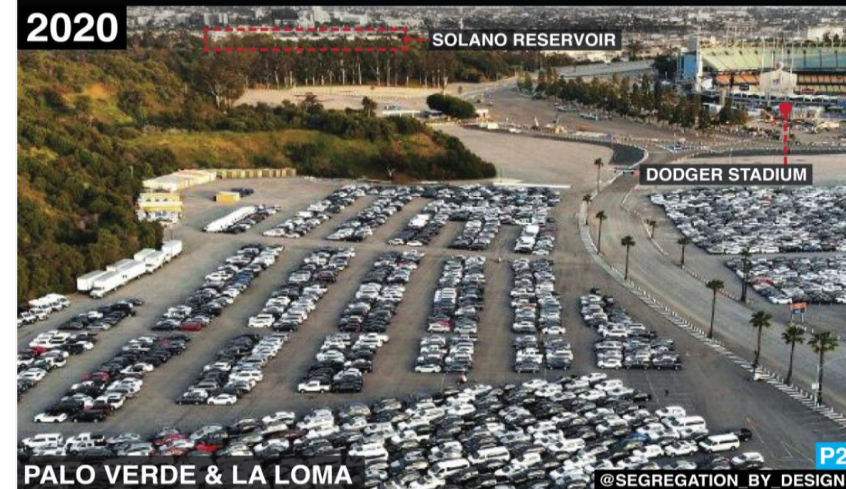
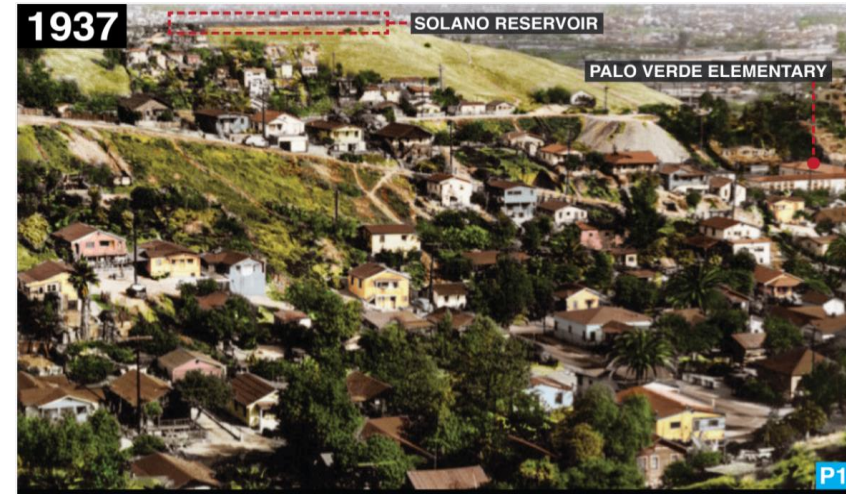
- In 1910, Baltimore, MD became the first of many local jurisdictions to prohibit African Americans from buying homes on majority white neighborhood blocks (Rothstein, 2017, p. 44)
- Beginning in the 1930s, the federal government approved bank loans to finance public housing construction, but only if the property was sold to white families. This process is called “redlining”.
- Freeway construction funded by the Federal Aid Highway Act of 1956 built 41,000 miles of interstate highways, but also displaced more than one million people. (California Reparations Report, Ch. 5)



Case Study: Los Angeles

- Residents of the Bishop, La Loma, and Palo Verde communities in Los Angeles – known today as the Chavez Ravine – were forcibly displaced from their communities between 1950 and 1961.
- Some sites in these communities were originally planned for affordable housing.
- The Federal Housing Act of 1949 provided local government funds to clear “slums” and redevelop blighted areas.
- Regrettably, low-income communities and communities of color were intentionally excluded from planning and development decisions.

Source: <https://www.segregationbydesign.com/los-angeles/dodger-stadium>



The Mexican-American community of Palo Verde, before-and-after the government forcibly evicted residents and demolished the neighborhood to make way for Dodger Stadium in 1959.



The Fair Housing Act of 1968



- The Fair Housing Act of 1968 was enacted during the civil rights movement.
- It prohibits discrimination concerning the sale, rental, or financing of housing based on protected personal characteristics.

The Duty to Affirmatively Furthering Fair Housing (AFFH)



Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that **overcome patterns of segregation and foster inclusive communities** free from barriers that restrict access to opportunity based on protected characteristics. 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.



The Duty to Affirmatively Furthering Fair Housing (AFFH) *(continued)*

- Building on the Fair Employment and Housing Act (FEHA) and HUD's AFFH Rule in 2015, AB 686 became law in 2018:
 - Requires all state and local public agencies to ensure their laws, programs and activities affirmatively further fair housing.
 - Created requirements that apply to all housing elements due for revision on or after January 1, 2021.



Protected Characteristics – Federal Fair Housing Act

1. Race

2. Color

3. Religion

4. National Origin

5. Sex

6. Disability (mental or physical)

7. Familial Status



Protections granted in 1968



Protection added in 1974



Protections added in 1988



Protected Characteristics – California Fair Employment and Housing Act (FEHA)

1. Race
2. Color
3. Religion
4. National Origin
5. Sex
6. Disability
(mental or physical)
7. Familial Status
8. Sexual orientation
9. Gender identity
10. Gender expression
11. Genetic information
12. Marital Status
13. Military or veteran status
14. Medical condition (like cancer diagnosis)
15. Ancestry
16. Source of income
17. Citizenship
18. Immigration status
19. Primary language
20. Age



Fair Housing Planning

Actions

- Examine barriers to fair housing
- Examine discriminatory housing patterns or practices
- Create a plan to address barriers and trends

Goals

- Improve neighborhood integration
- Reduce Racially and Ethnically Concentrated Areas of Poverty (RECAP)
- Increase availability of and access to high opportunity areas
- Address disproportionate housing needs



Analysis of Impediments to Fair Housing Choice (AI)/Equity Plan

- Process occurs every five years in connection with the development of the Consolidated Plan (Con Plan)
- Fair Housing Act requires an Analysis of Impediments to Fair Housing (AI) to receive annual HUD funding
- Requires engagement of stakeholders and the general public
- Must discuss and identify barriers to fair housing choice and issues impacting federal protected classes.



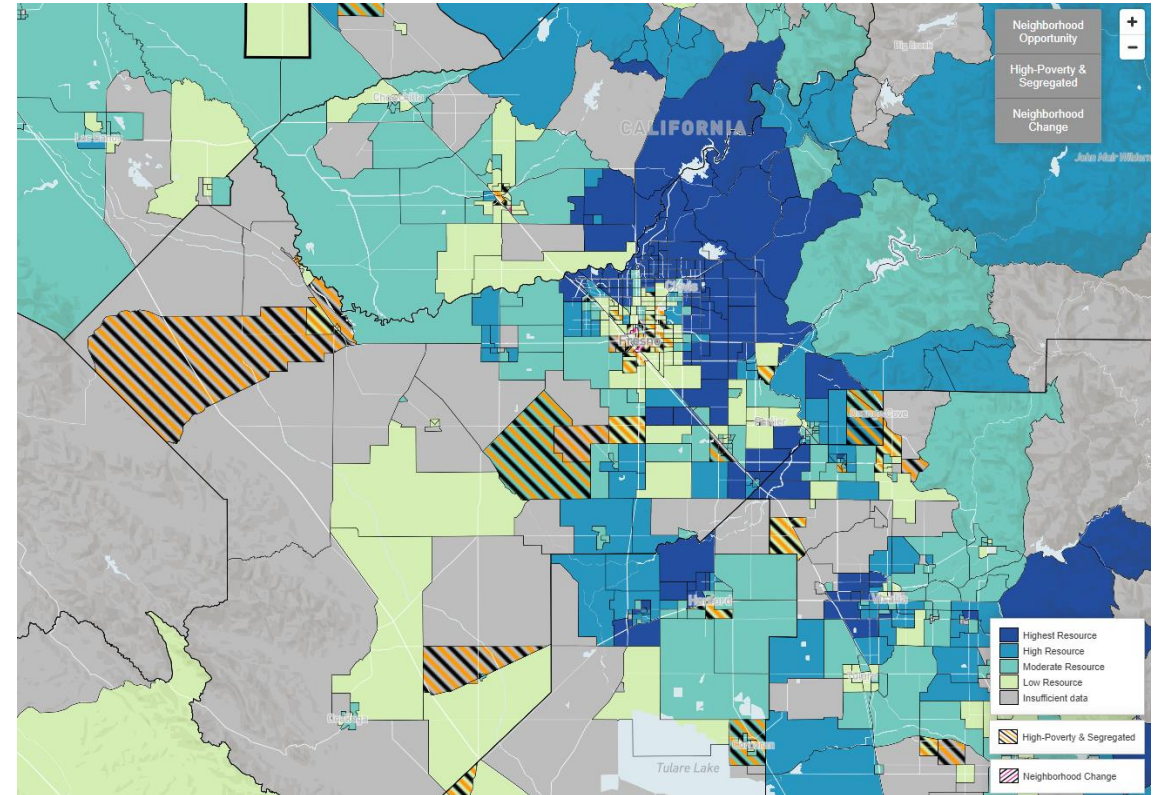
HCD's Role in Affirmatively Furthering Fair Housing

- Increase the supply and preservation of affordable places to live in California, and ensure housing access in all communities
- Foster inclusive communities of opportunity, including encouraging community and economic development to address legacies of inequitable investment of community resources
- Protect mobilehome and manufactured homeowners
- Guard health and safety through Building Standards and Codes
- Ensure California plans for a range of housing that meets varied needs of Californians near jobs and amenities
- Create effective solutions to the housing crisis through policy and research

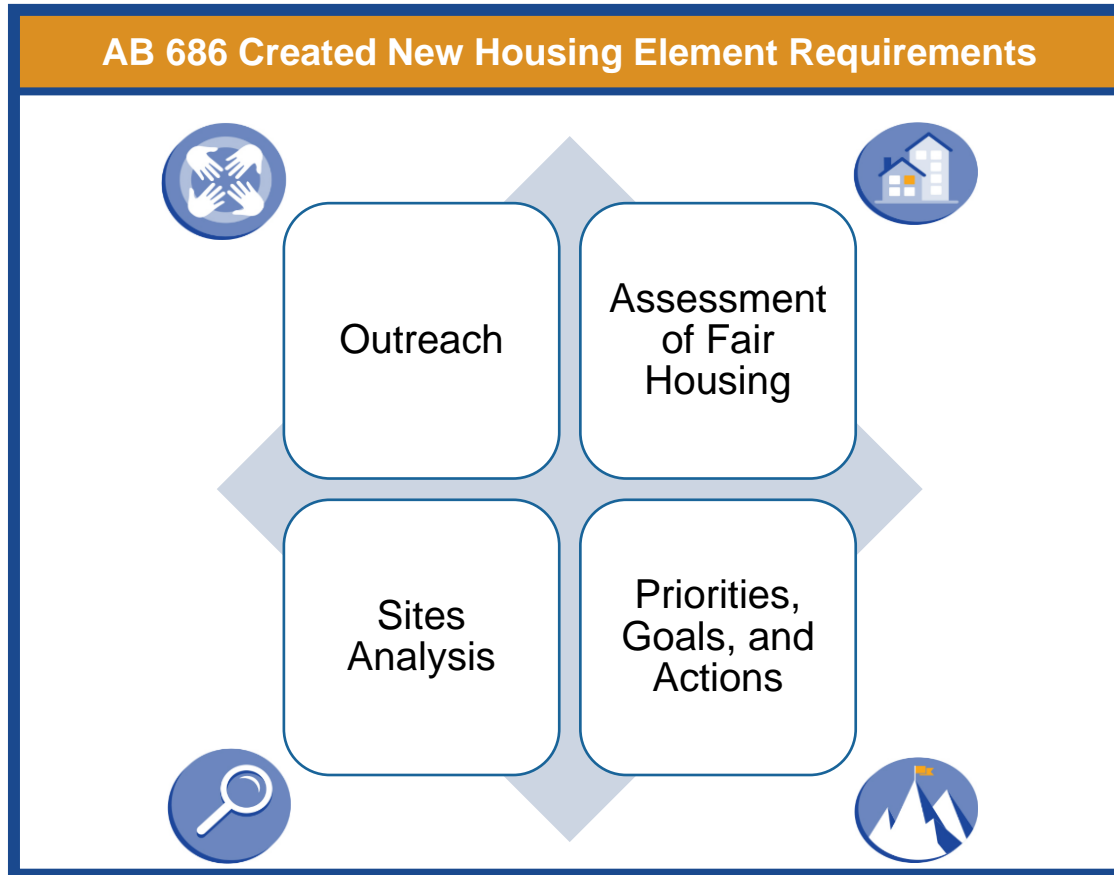


HCD's Efforts on Fair Housing and AFFH (AB 686)

- California's AB 686: Public agencies (including departments) have a duty to affirmatively further fair housing for its activities and programs relating to housing and community development.
- Fair housing incorporated into Housing Elements, HCD's Opportunity Framework, and Neighborhood Change Mapping



Fair Housing Implementation



- **FHA:**
 - Fair Housing Planning (AI Process)
 - Housing law enforcement via Fair Housing Assistance Program (FHAP) agencies. California's FHAP agency is the Civil Rights Department.
- **AB 686:**
 - Housing elements must contain goals, policies, and programs/actions to address the housing issues identified in the regional housing needs assessment (RHNA).
 - Housing Accountability and Enforcement

HCD Consolidated Annual Performance and Evaluation Report (CAPER)

HCD's Accomplishments

- Advanced several Fair Housing related lawsuits throughout the State.
 - La Cañada Flintridge, City of Anaheim, City of Elk Grove
- From 2020-2024, HCD awarded more than \$17 billion in grants & funding (state and federal dollars).
- Provided 338 letters of technical assistance through our Housing Accountability Unit.
- Adopted departmental protocols around preference policies in response to SB 649.
- Rolled out new preservation enforcement tools.
 - State Preservation Notice Law
 - Annual Owner Compliance Certification
- Incorporated updated accessibility language into many of our NOFAs and standard agreements.



CAPER *(continued)*

Efforts In Progress

- Eviction Monitoring Resources
 - In response to housing instability and homelessness, continue to dedicate efforts to creating a data tracking tool for evictions statewide.
- Fair Housing Education and Outreach
 - HCD continues to pursue amplification of fair housing education and enforcement resources, namely through partner agencies like the Department of Civil Rights in their Education and Outreach Unit.
- Mobilehome Residents
 - Continued efforts to address disparities in housing quality and infrastructure, particularly in lower-income households and rural communities that rely on mobile homes for housing. Some of these efforts are tied in with HCD's mobilehome park code enforcement efforts.
- Accessible Housing
 - Improved compliance with state and federal building codes for number of accessible units in HCD funded projects.
 - Increasing awareness of reasonable accommodations requirements through partnership trainings with CRD.



AI Public Outreach in 2024

- **Eight webinar** listening sessions focused on homelessness, tenant protections, and other topics
- **Five meetings** with a soundboard of fair housing advocates from across the state
- Community Needs Assessment Survey in **seven languages**, with **2,036 responses**



PREVIOUS AND UPCOMING SESSIONS

Previous Listening Sessions and Webinars

- **Homelessness**
- **Disability & Aging Population**
- **Persons who are Immigrants**
- **Indigenous, Tribal, and Native Peoples**
- **Tenant Protections**
- **Mobilehome Parks**
- **Urban Housing**
- **Rural Housing**

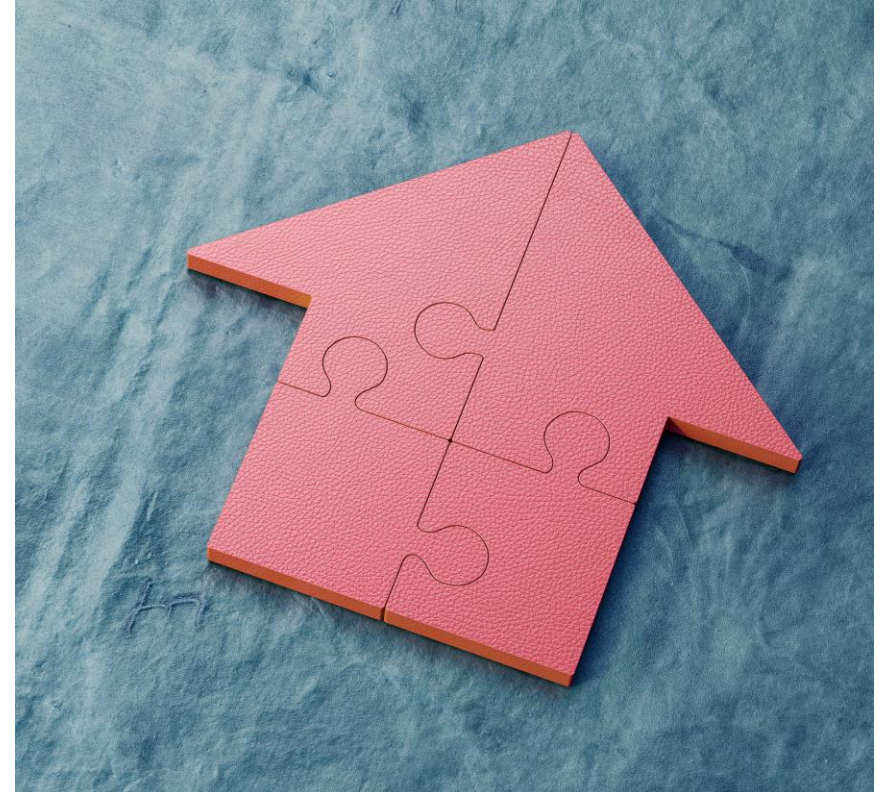
Feedback Sessions

- ✓ • **Visalia:** July 23, 2024,
 - 10:30-11:30 AM
- ✓ • **Sacramento (hybrid):** July 30, 2024
 - 10:30-11:30 AM
- ✓ • **Arcata:** August 2, 2024
 - 10:30-11:30 AM
- ✓ ○ Southern California - TBD



Need for Fair Housing Education

- 44.2% of housed Californians are renters.
- 65.3% of California's renters are people of color.
- HCD's 2022 Language Access Plan included translating all vital documents.
- More outreach and education regarding fair housing issues and tenants' rights.
 - Partnerships with other state agencies.
 - Educate landlords and housing providers.



Tenant's Rights

- Key Barriers to Accessing Housing for Tenants
 - Credit Score and History Requirements
 - Approximately 20% of the adult population effectively have no credit records. (Consumer Finance Protection Bureau, 2015)
- Awareness of Fair Housing Among Housing Providers
 - According to a survey by the Turner Center, only 52% of multifamily property owners correctly reported the presence of source of income protections, codified by SB 329 in 2019. (Turner Center, 2024)
- Grievance mechanisms
- Uniform tenant selection criteria



Need for More Affordable and Accessible Housing Stock



- Households earning <80% Area Median Income (AMI) are more likely to include members with disabilities compared to households earning >80% AMI.
- Max SSI: \$943/mo + Max SSP: ~\$240/mo = \$1,183
 - <Fair Market Value for a studio apartment in 25 of the 58 CA counties).
- Super NOFA and NHTF program minimums:
 - Rehab Project: 10% mobility-accessible, 4% sensory-accessible
 - New Construction: 15% mobility-accessible, 10% sensory-accessible.
- Stakeholders continue to be concerned over housing options for lower-income people with disabilities.

Need for More Affordable Homes Overall



**2.5 MILLION
HOMES
NEEDED**

Very Low Income
643,352

Low Income
384,910

Moderate Income
420,814

Above Moderate Income
1,051,177

- CA needs 2.5 million more homes and about 1 million more affordable homes.
- We heard continued concern over the need for more homes, expeditiously, especially serving those experiencing or at risk of homelessness, including Extremely Low Income and Acutely Low Income households.



Fair Housing Enforcement

- In 2022, 1,004 housing discrimination complaints were reported in California.
- CRD is charged with processing civil rights violations through the legal system, including fair housing claims.
- HCD's Housing Accountability Unit also supports fair housing enforcement by responding to stakeholder complaints about potential violations.
- Stakeholders conveyed interest in additional tools and resources for proactive enforcement.
- HCD may need more research and data to inform additional strategies to support current enforcement.

Government Code section 65585(j)

1. **Housing Element Law**
2. Housing Accountability Act
3. Density Bonus Law
4. No Net Loss Law
5. **Land Use Discrimination Law**
6. Housing Crisis Act of 2019 (SB 330)
7. Permit Streamlining Act
8. **Affirmatively Furthering Fair Housing**
9. Streamlined Ministerial Permit Processes (SB 35)
10. By Right Supportive Housing (AB 2162)
11. By Right Low Barrier Navigation Centers (AB 101)
12. Limitations on Development Standards (SB 478)
13. Parking requirements (AB 2097)
14. Affordable Housing and High Road Jobs Act of 2022 (AB 2011)
15. Five Hearings Rule
16. ADU & JADU Law
17. Duplexes and Lot Splits (SB 9)
18. Middle Class Housing Act of 2022 (SB 6)
19. Affordable Housing on Faith and Higher Education Lands Act of 2023 (SB 4)
20. Demolition of Housing Units

Other housing laws

1. Surplus Land Act
2. Affordable Housing Preservation Noticing Law
3. Rental Inclusionary Housing



Next Steps



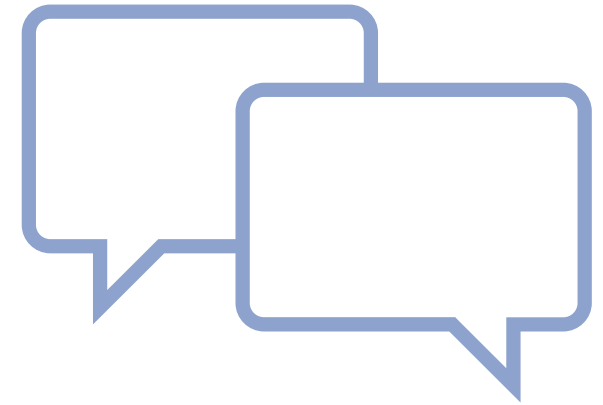
- Upon completion the AI/Equity Plan Draft is anticipated to be posted online sometime this Fall.
- HCD will accept public comment on the draft for 30 days (AIFairHousingReport@hcd.ca.gov).
- Public comments will be reviewed and incorporated into a Final AI/Equity Plan.

WE WANT TO HEAR FROM YOU

Feedback

Please provide your feedback regarding some of the key themes we discussed today.

- What resonates?
- What is missing that you'd like us to know?



CONCLUSION

Contact Information



Aleksandr Durnov | Credit: Getty Images/Stockphoto

- Any additional comments, please email: AlFairHousingReport@hcd.ca.gov
- If you have not done so, please sign up for Listserv on HCD's website: <https://www.hcd.ca.gov/contact-us/email-signup>

