

Opportunity Framework

California Department of Housing & Community Development
Division of Housing Policy Development





Origins: the Fair Housing Act of 1968

- The last major legislative victory of the civil rights movement, the Fair Housing Act amended the Civil Rights Act of 1964 (known as Title VIII).
- The bill languished in Congress for years. When MLK was assassinated, the bill was rushed through Congress, and was law a week later.
- *"It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States."*





Defining AFFH Five Decades Later

Almost 50 years after the Fair Housing Act became law, HUD finally issued a rule in 2015 (modified in 2020 under Trump but reinstated in 2021 under Biden) that provided a definition for AFFH. California's 2018 AFFH law, AB 686, uses the exact same definition:

"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.*



Persistent Ambivalence Around Addressing Segregation and its Negative Effects

Consequences of inaction: a recent study from the UC Berkeley Othering & Belonging Institute found that racial segregation has remained high and has even increased in many metropolitan areas in California since 1990

Segregation is “so widespread and so deeply embedded in the national psyche that many... have come to regard it as a natural condition.” – U.S. Senator Edward Brooke in testimony supporting the Fair Housing Act in 1968



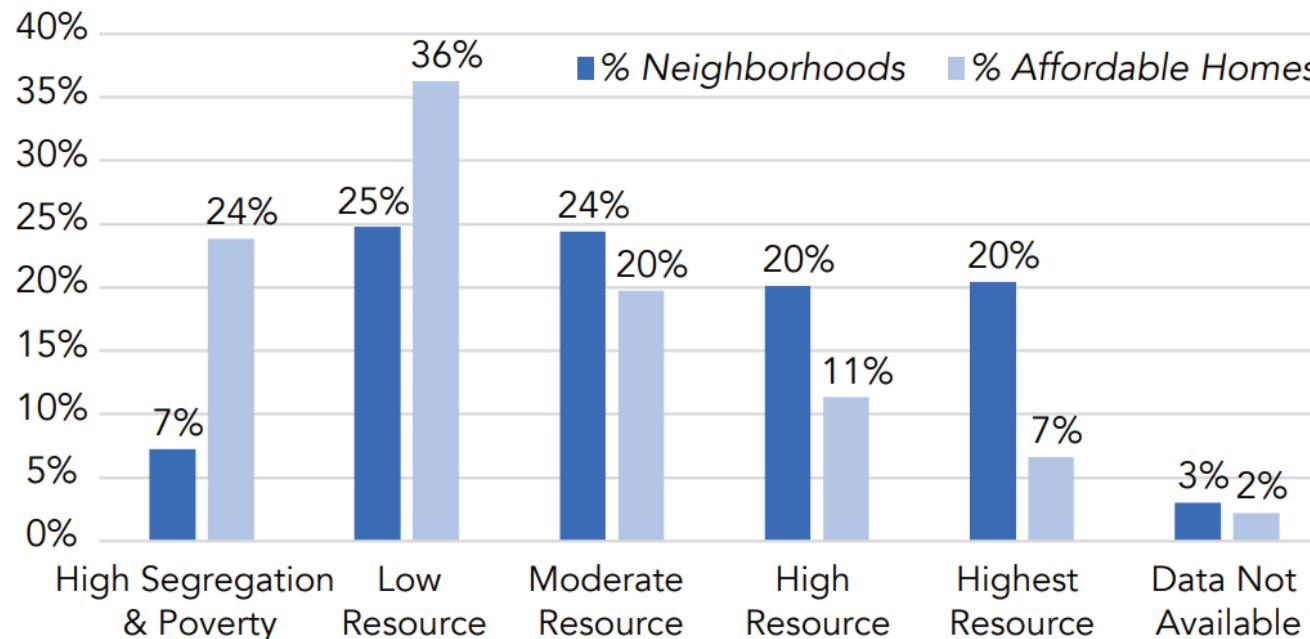
Tailwinds for Recent State Action Around AFFH

- New legal mandates to address residential segregation:
 - 2015 federal rule
 - 2018 California state law
 - 2015 *Texas DHCD v. Inclusive Communities Project* Supreme Court decision
- Mounting evidence on the harms of segregation, and new evidence on location preferences and why segregation persists
- Evidence showing that the portfolio of state-subsidized affordable housing was overly concentrated in segregated areas



Current Distribution of LIHTC Homes

LIHTC-Financed Affordable Homes in Family-Serving Developments by Level of Neighborhood Resources (Statewide)

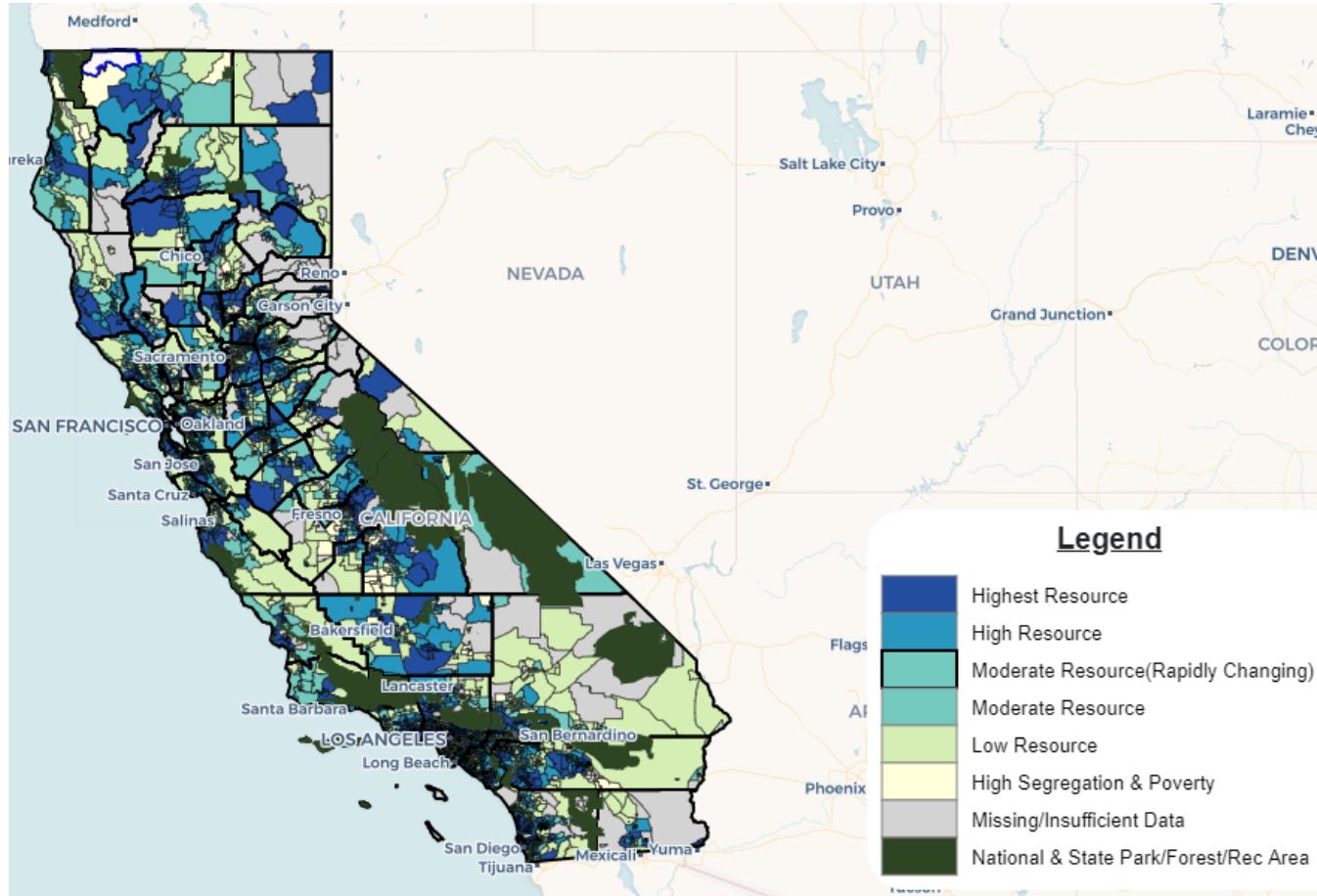


Sources: California Housing Partnership Preservation Database, July 2021; and 2021 TCAC/HCD Opportunity Map.

- LIHTC homes in family-serving developments are disproportionately sited in High Segregation & Poverty neighborhoods and underrepresented in Higher Resource areas
- Suggests state policy has not done enough to ensure low-income families have access to the resources they need to succeed



TCAC/HCD Opportunity Map



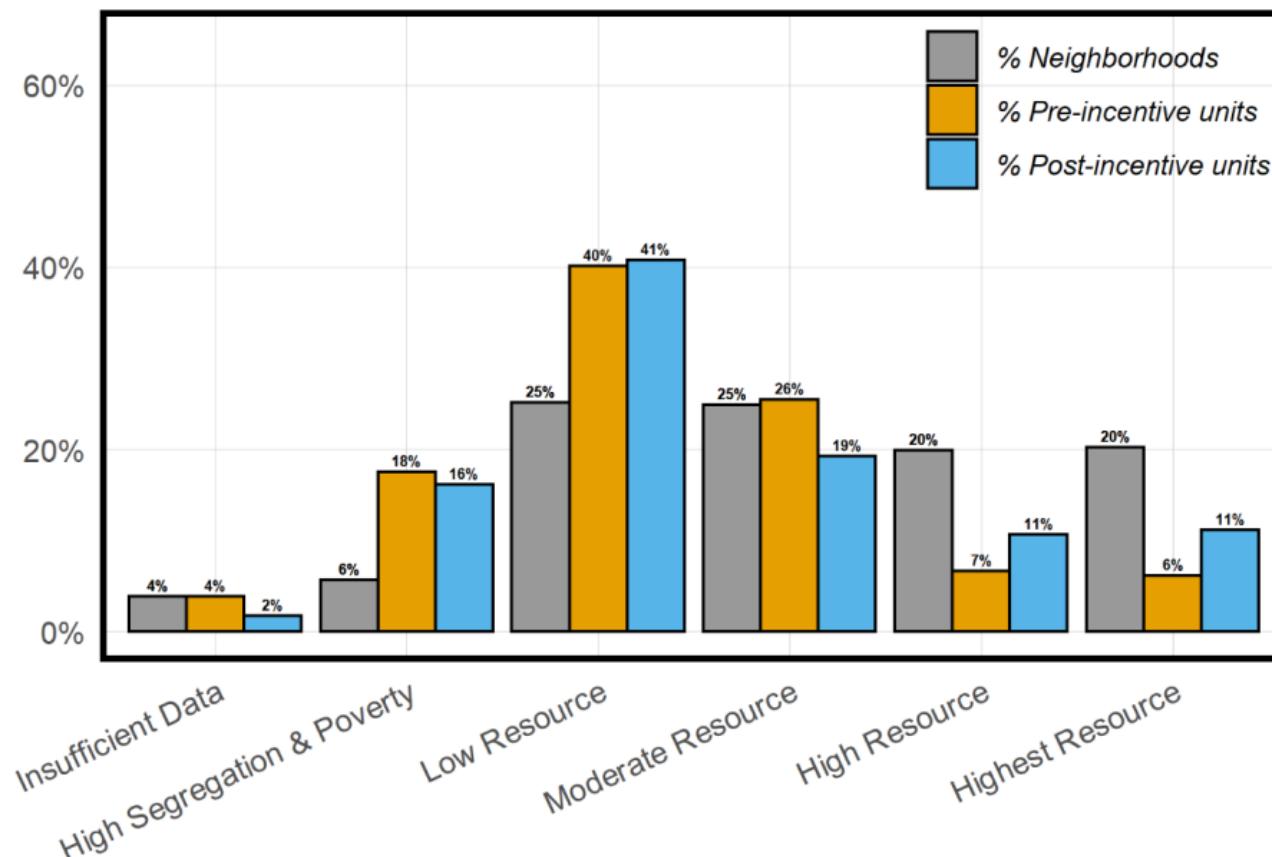
- Identify areas in the state with characteristics that have been shown by research to support positive outcomes for low-income families
- Based on education, economic, and environmental indicators



Impact on Funding Programs

9% LIHTC-Financed Affordable Units in Large-Family Developments by Level of Neighborhood Resources

Pre-incentive: 2015-2018; Post-incentive: 2019-2021

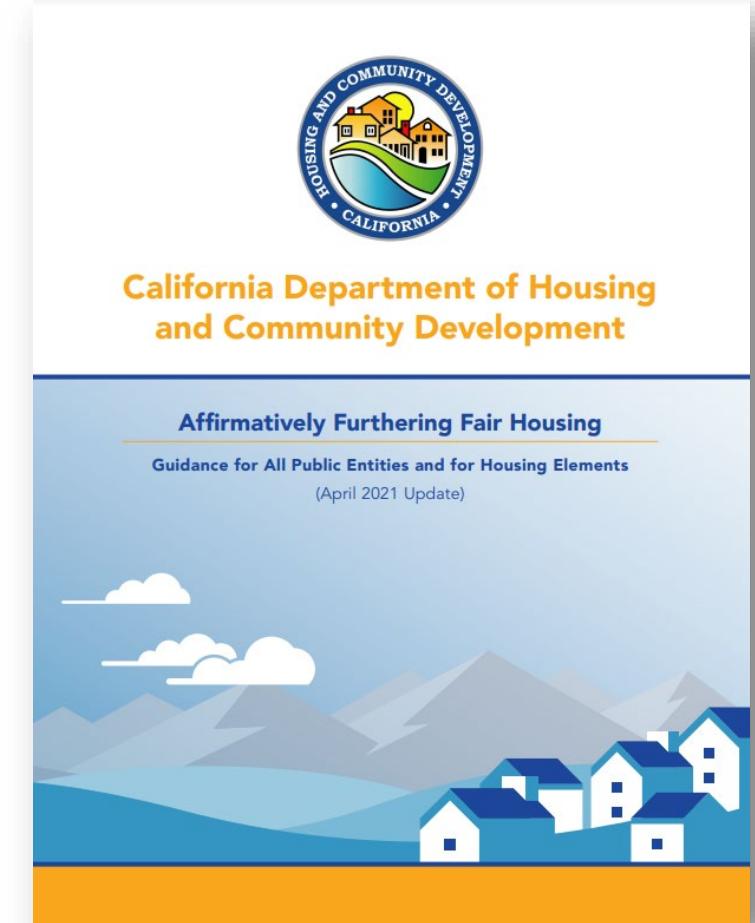


Sources: TCAC database, July 2022; and 2022 TCAC/HCD Opportunity Map.



Land Use & Planning

- AFFH Guidance Memo & AFFH Data Viewer
- RHNA Allocation Technical Assistance
- Prohousing Designation
- REAP 2.0



The image shows the cover of a document titled "Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update)". The cover features the California Department of Housing and Community Development logo at the top. Below the logo, the title is displayed in orange text. The background of the cover is a stylized landscape illustration with mountains, clouds, and houses.

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Defining AFFH

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Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together:

- Address significant disparities in housing needs and in access to opportunity,
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- Fostering and maintaining compliance with civil rights and fair housing laws.



Opportunity Framework Project

How can the state AFFH in different kinds of neighborhoods and various policy contexts?

- How can we AFFH in different neighborhoods?
 - What role do mobility strategies play?
 - What role do place-based strategies play?
- How can we AFFH across different policy contexts?
 - What can be done through the state's funding programs versus through land use policy?
- How can the state measure and evaluate its progress?



Areas of exploration

- How can we refine existing AFFH policies?
- What new AFFH programs or policies are needed?
- What new tools are needed support efforts to AFFH?



Project Activities

- Conduct a **Landscape Analysis** to outline current AFFH-related policies and programs in California
- Provide a number of opportunities for **stakeholders to provide feedback** on how the state should AFFH
- Review the **existing literature** on AFFH, community development, and other related topics



Stakeholder Engagement Opportunities

- Kick-off Webinar (today)
- Public Survey
 - Open through: July 7, 2023
- Focus groups
- Email Inbox: AFFHGuidance@hcd.ca.gov



Survey Topics

- What is one impactful step HCD could take to better further each aspect of the AFFH mandate?



Survey Topics

- How can HCD better support the revitalization of historically disinvested communities?



Survey Topics

- How can HCD better collaborate with other state agencies to AFFH?



Survey Topics

- What does a balanced approach to AFFH look like?



Survey Topics

- What tools are needed to better AFFH?



Survey Topics

- What metrics should the state use to track its progress towards affirmatively furthering fair housing?



Thank you!
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