

# Affirmatively Furthering Fair Housing (AFFH) Public Agencies Obligation

Joint Meeting April 2024



California Department of Housing and Community Development

# What is Affirmatively Furthering Fair Housing?

*Affirmatively Furthering Fair Housing is defined as 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 for communities of color, persons with disabilities, and other protected classes under California law.*

***“The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.”***

(Gov. Code, § 8899.50, subd. (a)(1).)



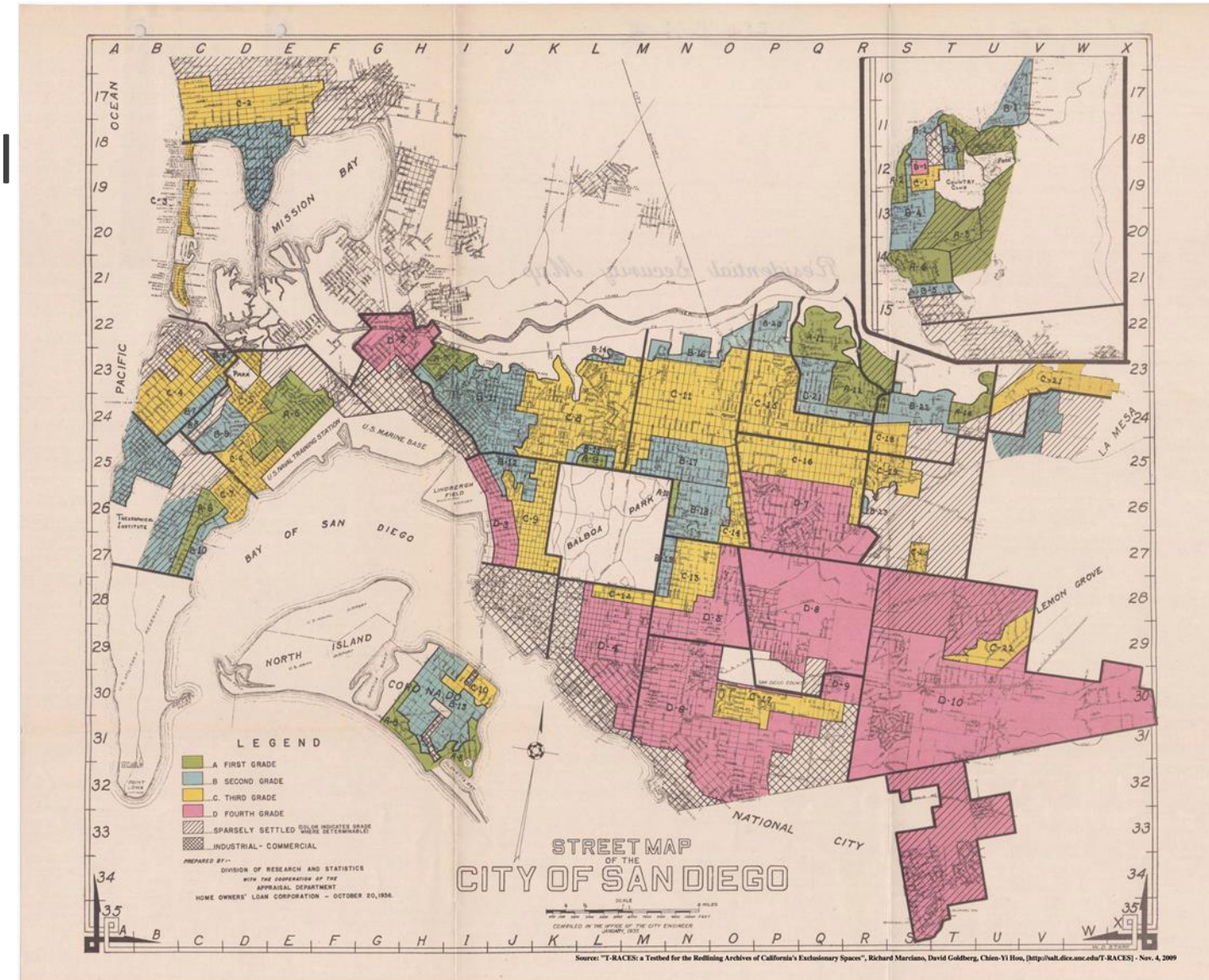
# What is Affirmatively Furthering Fair Housing?

**Specifically, these meaningful actions must aim to:**

- » Address significant disparities in housing needs and in access to opportunity;
- » Replace segregated living patterns with truly integrated and balanced living patterns;
- » Transform racially and ethnically concentrated areas of poverty into areas of opportunity;
- » Foster & maintain compliance with civil rights and fair housing laws.

# The Need for AFFH

- » Despite prohibitions against housing discrimination, forces driving residential segregation and disparate access to opportunity persist today.
- » Racially explicit practices replaced by more subtle methods (single-family & exclusionary zoning, siting decisions, etc.) that reinforce spatial segregation.



# CA Public Agencies Mandate



# AB 686

Expands and protects duty to affirmatively further fair housing (AFFH) in CA

1

All public agencies required to administer programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with this obligation.

2

## New Housing Element Requirements

*\*Applies to housing elements due to be revised on or after January 1, 2021*

# “Public agency” means all of the following:

- » (A) The state, including every state office, officer, department, division, bureau, board, and commission, including the California State University.
- » (B) A city, including a charter city, county, including a charter county, city and county, and a redevelopment successor agency.
- » (C) A public housing authority created pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code).
- » (D) A public housing agency, as defined in the United States Housing Act of 1937 (codified at 42 U.S.C. Sec. 1437 et seq.), as amended.
- » (E) Any other political subdivision of the state that is a grantee or subgrantee receiving [certain] funds provided by the United States Department of Housing and Urban Development...

# AFFH Considerations and Best Practices



# AFFH Issues – Areas of Analysis

» 5 Areas of Analysis to Identify Fair Housing Issues



Fair Housing  
Enforcement &  
Outreach Capacity

Segregation &  
Integration

Disparities in  
Access to  
Opportunity

Disproportionate  
Housing Needs/  
Displacement

Racially / Ethnically  
Concentrated  
Poverty

» Analyses generally include patterns & trends (regional & local scale), local data & knowledge, and other relevant factors like local land use history

# AFFH Issues – Goals & Actions

» **4 overarching AFFH action categories include:**

- Enhancing housing mobility strategies
- Facilitating development of new affordable housing in high resource areas
- Improving place-based strategies to encourage community investment and revitalization
- Protecting existing residents from displacement

» **A balanced and effective approach will consider and combine each of the following tools:**

- land use resources
- financial resources
- human resources

» **Important for actions to have concrete actions, clear & specific timelines and milestones, and quantifiable outcomes**

# HCD's Actions Under Public Agencies Mandate

Since AB 686 (2018) we have reframed and built upon prior AFFH work.

Some examples:

- » Opportunity Framework & TCAC/HCD Opportunity Maps
- » RHNA
- » Housing Elements
- » Funding programs
- » California Indian Assistance Program (CIAP)
- » Analysis of Impediments to Fair Housing Choice (AI)

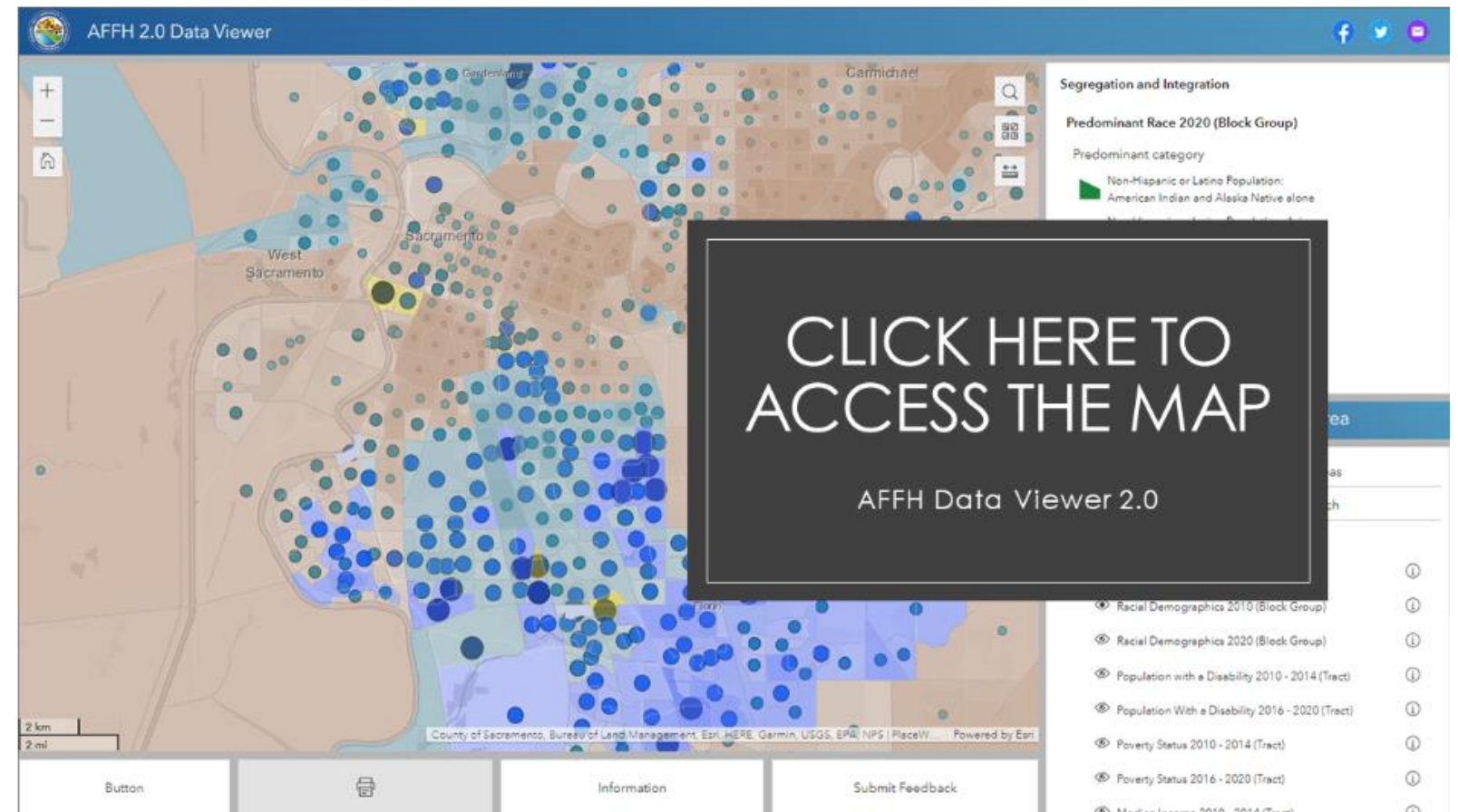
# Considerations for Transportation & Energy

## Public Entities

- » For programs you administer or funding you award, how can you ensure that you fulfill your duty to AFFH? Some ideas:
  - Be proactive – Determine what resources are needed to plan for and incorporate AFFH
  - Consider what the mandate to “take no action materially inconsistent with the obligation to AFFH” could mean for your department
  - Update program requirements and guidelines to ensure projects that AFFH are prioritized, and that funding recipients are AFFHing in their community engagement & outreach efforts
  - Consider AFFH areas of analysis (ex: disparities in access to opportunity) and the impacts of transportation policies on protected classes
  - Consider the 4 action areas (Ex: Improving place-based strategies to encourage community investment and revitalization)
  - Consider who is served by existing and planned transportation investments; how do investments (or absences of investments) provide or limit access to opportunity?
  - Some of this may already be occurring under existing equity initiatives!

# AFFH Data Viewer 2.0

- » Interactive Maps
- » 60+ Data layers
- » Recommended vs. Additional Data Layers
- » Print/Export Functions
- » <https://affh-data-and-mapping-resources-v-2-0-cahcd.hub.arcgis.com/>



# Thank you!

AFFH Inbox:

[AFFHGuidance@hcd.ca.gov](mailto:AFFHGuidance@hcd.ca.gov)

