



MEMORANDUM

DATE: May 19, 2021

TO: Housing Advisory Committee

FROM: Pierce Macdonald-Powell, Senior Planner

SUBJECT: STAFF REPORT – Introduction of Strategies to Affirmatively Further Fair Housing

AGENDA ITEM NUMBER 5

REPORT SUMMARY:

Informational Report from LWC providing an overview of State Law and guidance published by the California Department of Housing and Community Development (HCD) related to strategies to affirmatively further fair housing, a requirement of the next Housing Element Update, pursuant to AB 686.

BACKGROUND AND ANALYSIS:

AB 686 was signed into law in 2018. AB686 introduces the new state requirements, as follows,

“Existing law, the California Fair Employment and Housing Act, generally prohibits housing discrimination with respect to the personal characteristics of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information. Existing law also prohibits the discrimination through public or private land use practices, decisions, and authorizations because of one of those personal characteristics. Existing law establishes the Department of Fair Employment and Housing in the Business, Consumer Services, and Housing Agency, with the powers and duties to, among other things, receive, investigate, and conciliate complaints relating to housing discrimination. Existing law requires the Director of Fair Employment and Housing to investigate verified complaints that allege a violation of the act, subject to certain procedures and requirements, and requires the director, if attempts at mediation or other forms of dispute resolution do not eliminate a violation of the act, to file a civil action on behalf of the aggrieved person...”

AB 686 requires cities, like Piedmont, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is inconsistent with state law. AB 686 requires the goals and objectives of the next Housing Element in 2023 to include strategies to affirmatively further fair housing, and requires an assessment of fair housing within Piedmont.

California Housing and Community Development released guidance on strategies to affirmatively further fair housing in April 2021. HCD Guidance is provided on-line at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

On May 19, 2021, LWC will describe the new AB 686 requirements and what they have meant for cities that are currently updating their Housing Elements in other parts of California. Consideration of AB 686 is important for the preparation of new SB 2 grant housing programs, including new programs for ADUs and objective design and development standards in Zones C and D. AB 686 is one of many recent state laws requiring cities to look development or redevelopment of land for new homes and apartments differently, compared to years past.

CONFORMANCE WITH GENERAL PLAN:

Development of the new SB 2 grant housing programs is consistent with General Plan Housing Element goals, policies, and actions, including the following goals:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Goal 3: Affordable Housing Opportunities – Create additional housing opportunities for moderate, low, and very low income Piedmont residents.

CEQA:

This agenda item is exempt from the California Environmental Quality Act (CEQA) because this report is not a project as defined in section 15378 of the CEQA Guidelines, and also exempt pursuant to section 156061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of an impact on the environment.

CITY COUNCIL ACTION REQUIRED:

No City Council action is required.

ATTACHMENTS:

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|---|---------|---|
| A | Page 3 | LWC Slides – AB 686 and Plan to Affirmatively Further Fair Housing |
| B | Weblink | Full Text of AB 686 is available at: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686 |

Recent State Legislation: AB 686

FHA (1968): Remedy significant and long-standing inequities borne by protected classes, particularly Black and Hispanic people.

AB 686 (2018): State mandate that expands the duty of all CA public agencies to affirmatively further fair housing.

- **Requires public agencies to affirmatively further fair housing.**
 - Disparities in housing needs and access to opportunity
 - Replacing segregated living patterns
 - Transforming racially and ethnically concentrated areas of poverty into areas of opportunity
 - Fostering compliance with civil rights and fair housing laws
- **Requires Housing Elements to include:**
 - Assessment of fair housing practices
 - Analysis of relationship between available sites and areas of high or low resources
 - Concrete actions
- **Site section requirements:**
 - (same) Inventory and identify adequate sites appropriately zoned and available to accommodate its RHNA
 - (new) Must do so in a way that is consistent with its duty to affirmatively further fair housing