

# Making Fair Housing a Reality in California



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# **PUBLIC** **ADVOCATES** **MAKING RIGHTS REAL**

A nonprofit law firm and advocacy organization founded in 1971 that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and winning tangible legal victories advancing education, housing, transportation, & climate justice.



*Our housing justice team*

# Chicago Open Housing Movement



# April 4, 1968: Tragedy

## Dr. King Shot, Dies in Memphis; Curfew On, 4,000 Guards Called



Arrow indicates where Dr. King was standing when assassinated

### President Expresses U.S. Shock

#### Pleds for Calm; Many Join Him

By BRIAN SULLIVAN  
NEW YORK (AP) — From President Lyndon Johnson to a lady weeping in Detroit, the nation reacted in the assassination of Dr. Martin Luther King Jr. Thursday night with anguish, shock and pleas that his death would not trigger the violence he deplored.

"We have been saddened," President Johnson told the nation on radio and television. "I ask every citizen to reject the blind violence that has struck Dr. King, who lived by nonviolence."

The President said he was postponing his trip to Hawaii, for a Vietnam strategy conference, until Friday. He had been scheduled to leave about midnight Thursday.

**CRIES SHAME**  
Vice President Hubert H.



DR. MARTIN LUTHER KING

### Rifle Found, Hunt For Killer Pressed

By EARL CALDWELL

MEMPHIS—The Rev. Martin Luther King Jr., Nobel Peace Prize civil rights leader, was shot fatally here Thursday night while leaning over a second-floor railing outside his hotel room.

The 39-year-old Negro leader's death was reported by Frank Holloman, director of Memphis police and fire departments, after Dr. King had been taken to St. Joseph's Hospital.

"I and all the citizens of Memphis," Holloman said, "regret the murder of Dr. King and all resources at our and the state's command will be used

to apprehend the person or persons responsible.

Police issued a bulletin for a young, dark-haired white man who darted out of a drugstore across the street from King's hotel, dropped a semi-automatic Browning rifle on the sidewalk, and fled in a car.

Holloman said, "We have no definite lead we can report at this time regarding the assault."

King's body was taken to the Shelby County Morgue, and police said it would be up to Dr. Derry Fracisco, county medical examiner, to order further disposition.

Four thousand national guard troops were ordered into Memphis by Gov. Buford Ellington after Dr. King's death. A curfew was imposed on the city of 350,000 inhabitants, about 40 to

### An Editorial

"Free at last, free at last, Lord God Almighty, I am free at last!"

Yes, Dr. Martin Luther King Jr. is free. The lesson of his life is written large. Let every man of every race search his heart now, as the President asked, and face the enduring truth.

No white American can fail to find there a deep and terrible shame. This was a believing and gentle man who said

# April 11, 1968: The Fair Housing Act

HUD must administer its housing and urban development programs “in a manner affirmatively to further” the goals of the Fair Housing Act, including the goal to “provide, within constitutional limits, for fair housing throughout the United States.

Fair Housing Act of 1968

# June 30, 2015: AFFH Reinvigorated

“June 30, 2015,  
Washington, D.C. — Signing  
the Affirmatively Furthering  
Fair Housing Rule (AFFH),  
which will give local leaders  
the tools to ensure all  
Americans have access to  
safe, affordable housing in  
communities that are rich  
with opportunity.”

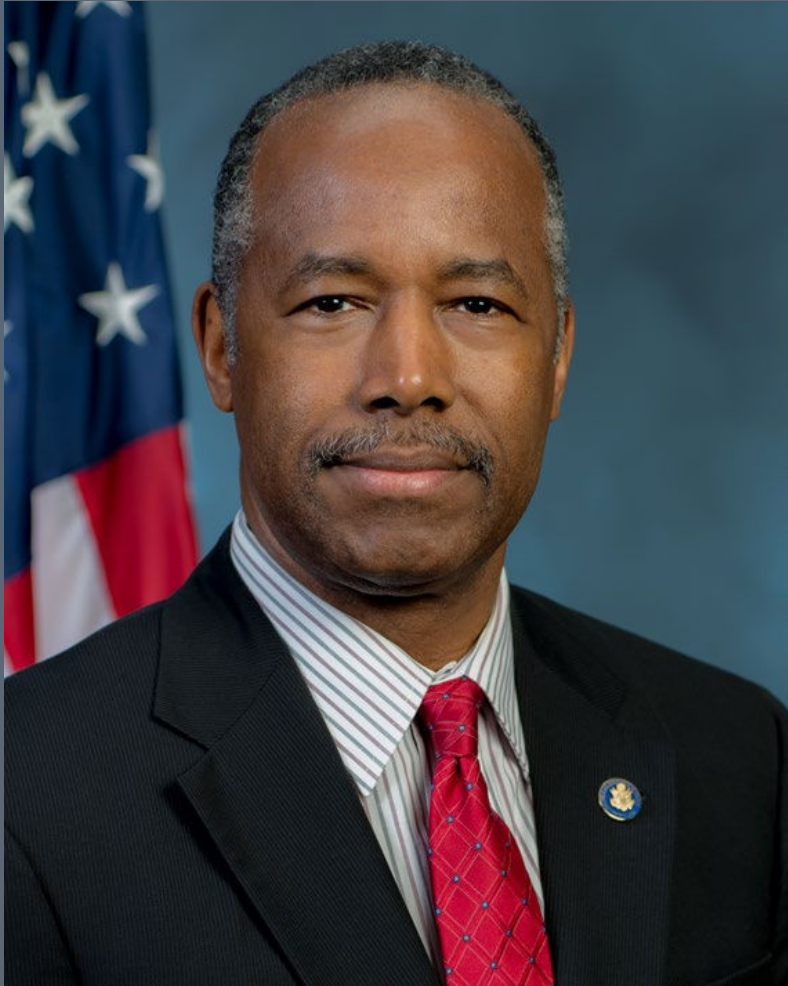
- Julián Castro



# Implementing AFFH in California



# 2016: AFFH Under Threat



Affirmatively Furthering Fair Housing is a “**social engineering scheme[]**” that is harmful like other “**failed socialist experiments.**”

*-Ben Carson, 7/23/15*



# January 2020: Full Fledged Attack

## Proposed Final Rule:

- Repeals the 2015 Rule and the pre-2015 requirements
- Enshrine in regulation that progressive housing policies are “inherent barriers” to fair and affordable housing
- Devise a jurisdictional scoring system that would disadvantage for funding and oversight cities that have a housing crisis.



Civil rights, fair housing, affordable housing advocates and organizing groups are mobilizing to push back

# September 30, 2018: AB686 Signed



Assembly Member  
Miguel Santiago

“On January 5, 2018, HUD published a notice in the Federal Register suspending most local governments' obligation to submit an Assessment, effectively postponing implementation of the AFFH Rule until 2025. HUD is currently soliciting public comment on propose changes to the rule.”

AB686 Assembly Floor Analysis

# AB686 Preserves 2015 AFFH Rule. . .

“Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section.”

Cal Gov. Code 8899.50(c)

# . . . and Expands on the Federal Rule

- Applies to ALL CITIES AND COUNTIES, not just those that receive HUD funding
- Applies to EACH STATE AGENCY independently
- Can be ENFORCED THROUGH A PRIVATE RIGHT OF ACTION, as well as through Department of Housing and Community Development oversight.
- Explicitly IDENTIFIES DISPLACEMENT AS A FAIR HOUSING ISSUE.
- Includes a REGIONAL OBLIGATION to study Fair Housing issues and advance Fair Housing through the Regional Housing Need Allocation.

# AB 686 Basic Requirements

## General AFFH Obligation

- “[A]dminister . . . programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing.”

## Housing Element Requirements

- Assessment of fair housing issues & contributing factors
- Program of actions to Affirmatively Further Fair Housing
- Inventory of sites must affirmatively furthers fair housing

# Don't wait. Get started today!

- Consider Fair Housing & AFFH – segregation, unequal housing opportunities, displacement, the needs of protected classes in ALL activities related to housing and community development
- Review location of sites identified in current Housing Element against TCAC opportunity maps
- Identify community-based organizations that represent, serve, and organize people in protected classes

**THANK YOU!**

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