

# What You Need to Know About California's New Fair Housing Laws: *AB 686 And Housing Elements*

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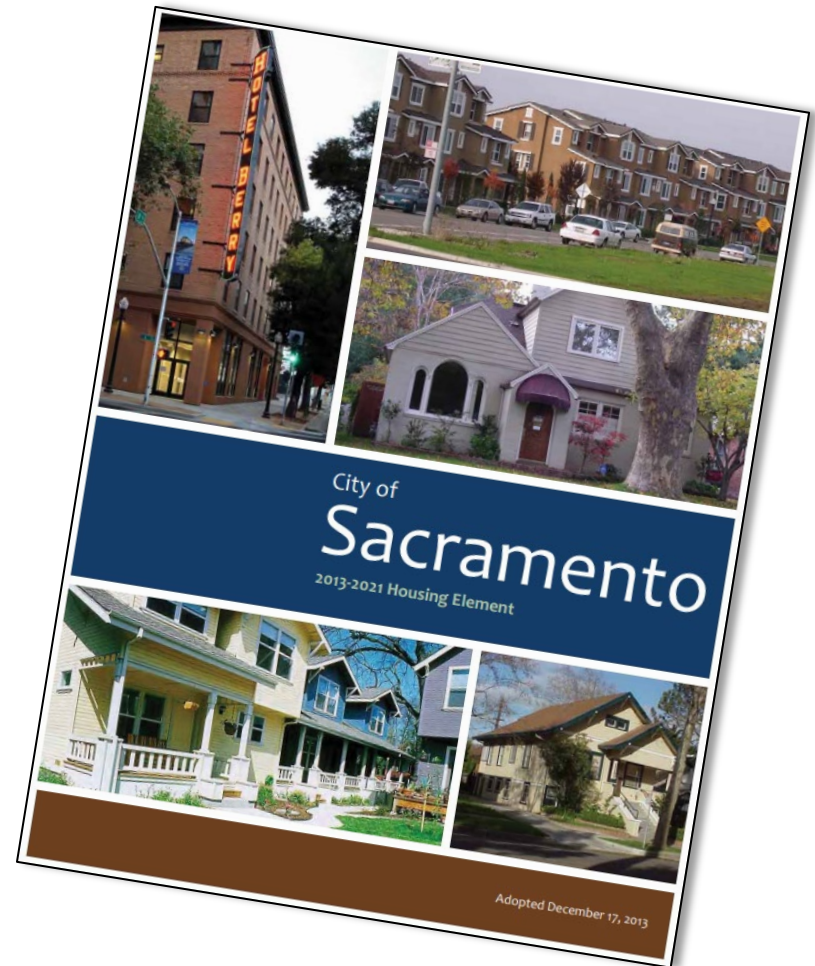
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# THE KEY HOUSING ELEMENT CONCEPT

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- Cities and counties must show adequate land zoned for housing to accommodate Regional Housing Need Allocation (RHNA)



# WHAT IS RHNA?

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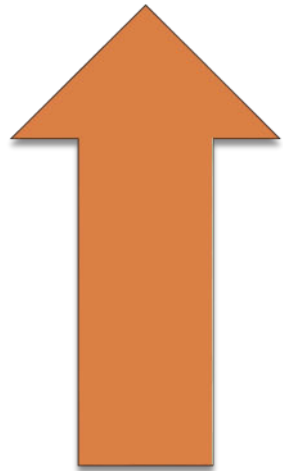
- **Regional Housing Needs Assessment (RHNA)**
  - The number of units needed to meet anticipated household growth, at various income levels
  - Each city and county receives a “RHNA allocation”

## Model City

Lower Income (Very Low and Low)	Moderate Income	Above Moderate Income	TOTAL RHNA
400 units	200 units	400 units	1,000 units

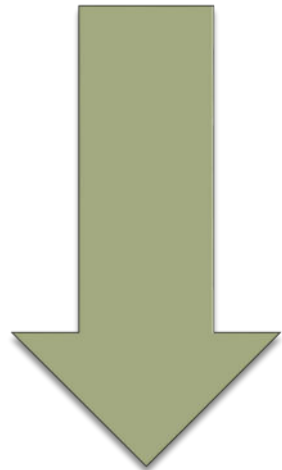
# REZONING OBLIGATION

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**R-30**

- If not enough sites available to accommodate RHNA, Housing Element must identify specific sites for upzoning



**R-6**

# AB 686 & HOUSING ELEMENTS

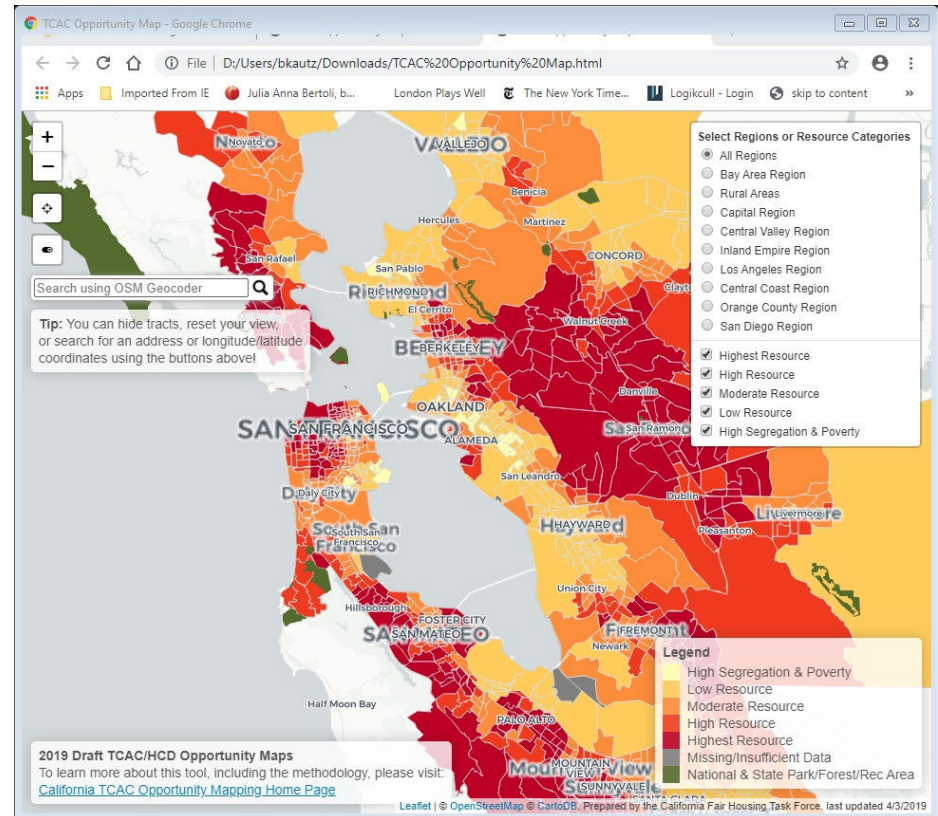
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- Housing Elements must affirmatively further fair housing. Must:
  - Designate sites for affordable housing in areas of opportunity
  - Replace segregated living patterns
  - Transform racially & ethnically concentrated areas of poverty.

# AFFH OBLIGATION

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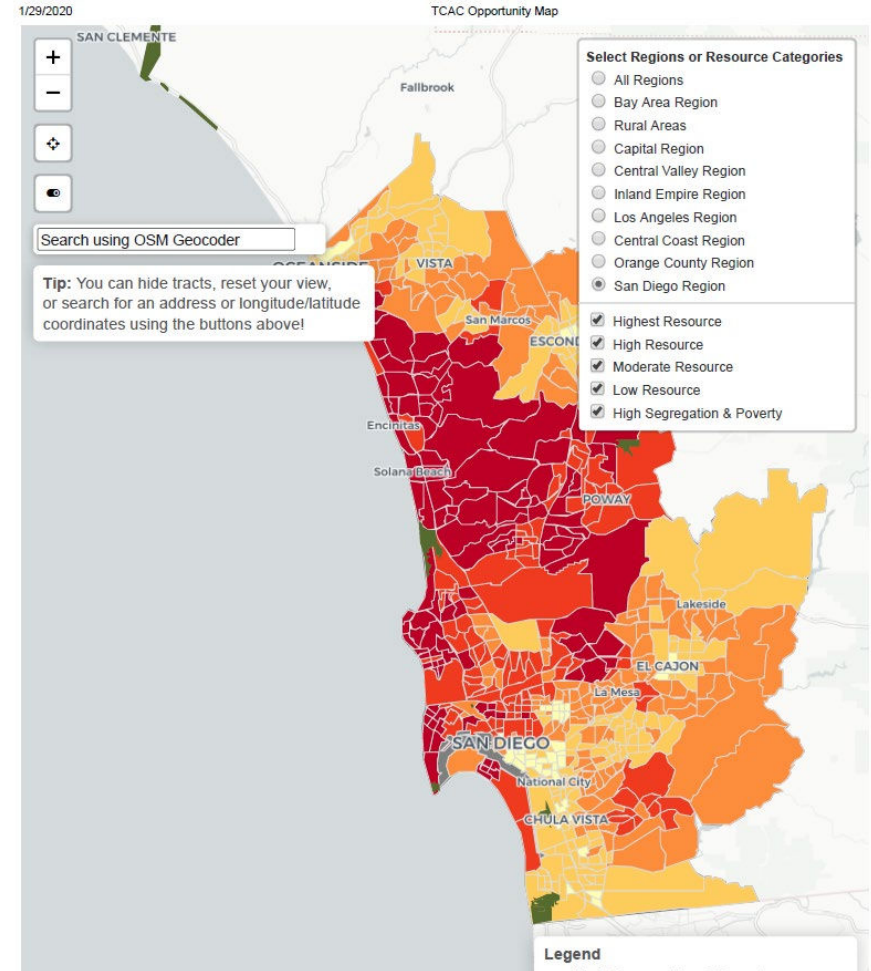
- RHNA distribution and each local housing element must affirmatively further fair housing
- Encourage affordable housing in areas of opportunity
- Decrease segregation



# THE REGIONAL AFFH OBLIGATION

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- Must also:
  - ▣ Reduce GHG and VMT
  - ▣ Provide access to jobs
- SANDAG results:
  - ▣ City by jobs and transit
  - ▣ Within City: AFFH
  - ▣ San Diego: 63%
  - ▣ Lower income areas with more units



# LOCAL SITES REQUIREMENTS

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- “If More Than 50% Non-Vacant:
  - ▣ Existing Use Presumed to Impede Development
- Detailed Review of Each Non-Vacant Site
  - ▣ Extent to which existing uses are an impediment
  - ▣ Development trends
  - ▣ Regulatory incentives
  - ▣ *Prior experience converting to higher density residential*
  - ▣ *Market demand*
  - ▣ *Leases and existing contracts for current use*



# LOCAL SITES REQUIREMENTS

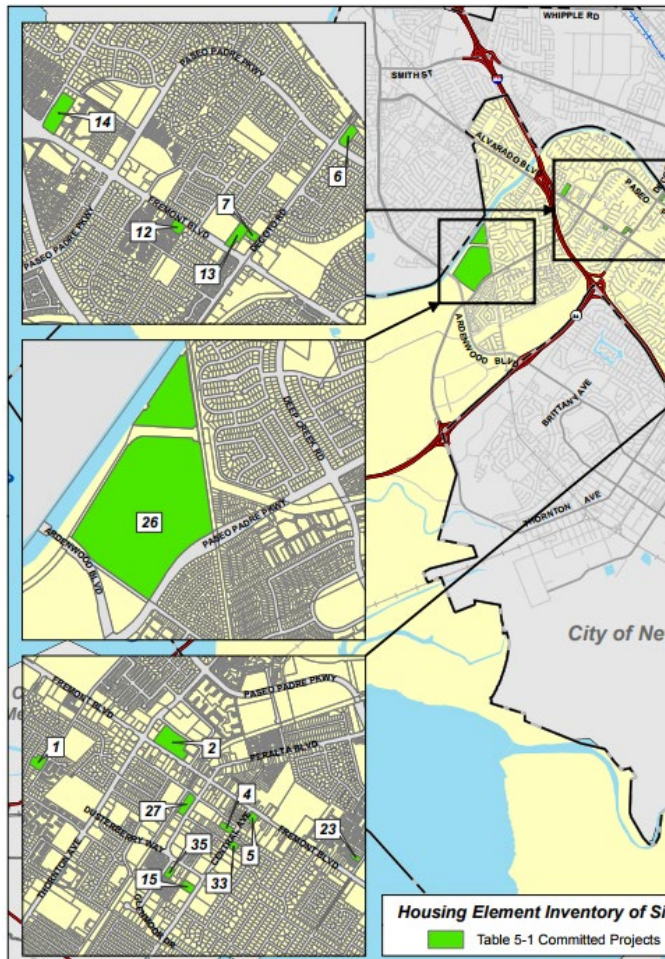
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- Presumed *inappropriate* for lower income households IF:
  - ▣ Less than 1/2 Acre
  - ▣ Greater than 10 Acres



# LOCAL SITES REQUIREMENTS

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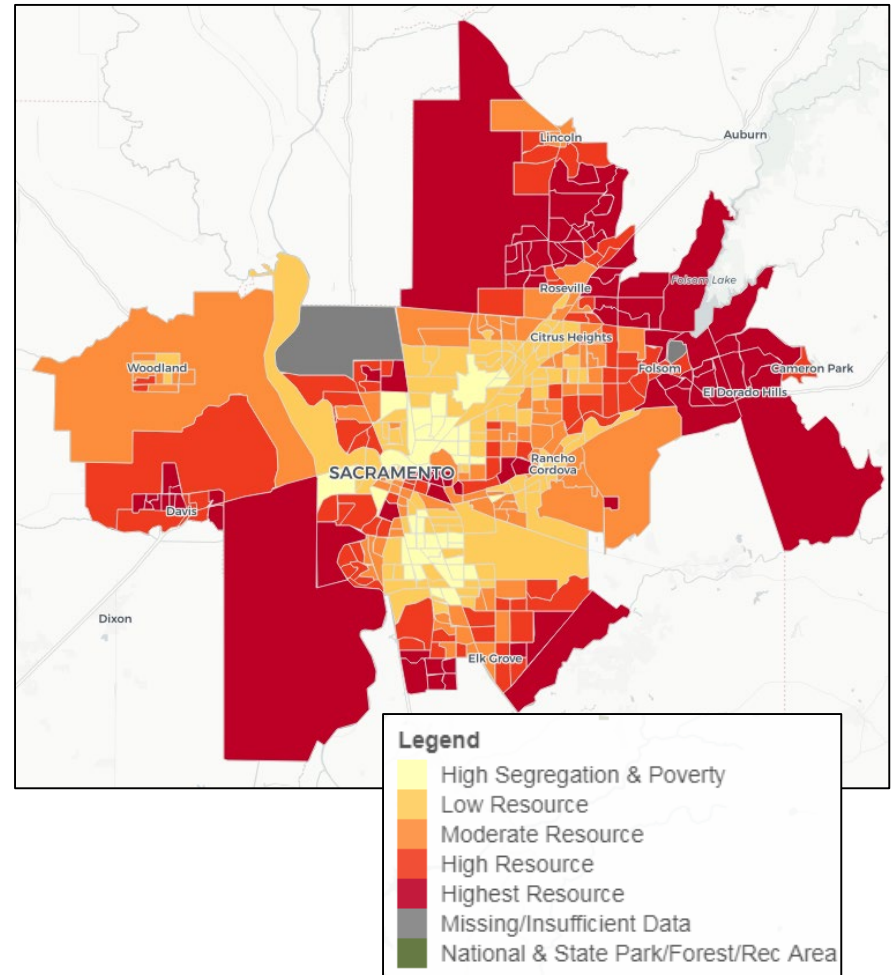


- “Realistic & demonstrated potential”
  - ▣ Access to water, sewer, & dry utilities
  - ▣ Density of similar projects with similar affordability on similar sites

# THE LOCAL AFFH OBLIGATION

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- ❑ Vacant sites may be too large or isolated or contain hazards
- ❑ Single-family sites in desirable neighborhoods are too small
- ❑ Poor neighborhoods may benefit from more housing



# BEYOND SITES: A BALANCED APPROACH

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- Place-Based Strategies
  - ▣ Invest in neighborhoods with high concentrations of poverty while preventing displacement
  - ▣ Maintain and preserve existing affordable housing
  
- Mobility-Based Strategies
  - ▣ Develop affordable housing in areas experiencing gentrification
  - ▣ **Develop affordable housing in areas of opportunity**

# OTHER LOCAL STRATEGIES

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- Inclusionary Policies
  - ▣ 'Palmer Fix'
  - ▣ Require on-site or in the same neighborhood
  
- By Right Proposals – 'over the counter' approvals if the housing meets certain criteria

# MORE LOCAL STRATEGIES

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- Preference Policies
  - ▣ Displacee preferences
  - ▣ Local live/work preferences
  - ▣ Neighborhood preferences
  
- Preference policies need to be evaluated to ensure that there is not a disparate impact

# HELPFUL STATE LAWS

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- Preventing gentrification:
  - ▣ Rent control and just cause eviction
  - ▣ Replacement housing requirements in SB 330
  
- Mobility
  - ▣ No Section 8 discrimination