



Affirmatively Furthering Fair Housing (AFFH) Policies And Programs Toolkit

Strategies for Local Jurisdictions to Achieve Housing Element Compliance and Advance Equity

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Introduction

This document serves as a toolkit, providing jurisdictions with resources to complete the crucial step of establishing goals, policies, and meaningful actions to Affirmatively Further Fair Housing (AFFH) in their Housing Element updates, as mandated by [Assembly Bill 686](#) (AB 686). This toolkit builds off the resources provided by the California Department of Housing and Community Development's (HCD) [AFFH Guidance memo](#), ABAG's AFFH policy guidance resources available on the [Regional Housing Technical Assistance website](#), and other tools.

This toolkit features 15 strategies that jurisdictions can consider to further fair housing. Within the context of this document, the term “strategy” refers to the policies, programs, and actions jurisdictions can include in their Housing Element updates and implement to achieve fair housing goals. Some strategies in this toolkit reflect a specific policy or program, such as inclusionary zoning, while other strategies represent broader policy efforts encompassing a variety of AFFH-related actions. The toolkit provides a description of each strategy, policy features and issues to consider when adopting a strategy, examples of Housing Element policies and programs to implement the strategy, and additional resources to assist with successful adoption and implementation. Local jurisdictions should note that the strategies featured here do not represent an exhaustive list, as there are numerous additional policies and programs that may be appropriate for local fair housing issues.¹ Instead, this toolkit provides detailed examples of impactful strategies that can assist jurisdictions as they expand their thinking on how to further fair housing in their communities and address the issues identified in their Assessment of Fair Housing.

AFFH Goals, Policies, and Actions in the Housing Element

AB 686 requires meaningful, frequent, and ongoing community participation and stakeholder engagement to affirmatively further fair housing through the Housing Element update. Accordingly, HCD expects local context and knowledge of fair housing issues to inform jurisdictions' strategies to affirmatively further fair housing. HCD's AFFH guidance memo outlines a process for performing extensive community outreach to incorporate local knowledge of fair housing issues, completing thorough data analysis in the Assessment of Fair Housing, and identifying primary contributing factors associated with fair housing issues. After completing these steps, jurisdictions should identify goals, policies, and actions that directly address the contributing factors identified through outreach and the Assessment of Fair Housing. The policies and programs selected for the Housing Element must be explicitly linked back to the contributing factors and the fair housing issues identified in the Assessment of Fair Housing, and the Housing Element must include specific actions and associated timeframes for policy and program implementation.

While this toolkit focuses on identifying goals, policies, and actions, all aspects of incorporating AFFH in the Housing Element are interdependent and cannot be done in isolation. To fulfill the intent of AB 686, jurisdictions should focus on furthering fair housing throughout the Housing Element rather than having AFFH as a separate component. AFFH should be central to the Housing Element's overarching goals and inform all objectives, policies, and actions in the Housing Element update.

¹ For examples of additional strategies, see the [list of AFFH actions](#) on pages 72-74 of HCD's AFFH guidance memo.

The narrative example in [Appendix A](#) illustrates how a jurisdiction can connect its fair housing analysis and identification of contributing factors to the policies and programs in the Housing Element. The [AFFH Policy Tips Memo](#) also includes key items jurisdictions should consider as they develop their goals, policies and actions, and the [Annotated Bibliography](#) offers additional AFFH policy resources.

How to Navigate this Document

Local jurisdictions can use this document to inform the policies and programs in their Housing Element updates and fulfill the statutory mandate to affirmatively further fair housing. This toolkit is not an exhaustive list of all AFFH actions a jurisdiction can implement, and the fair housing issues and contributing factors identified by local jurisdictions could require policies and programs not included in this document. However, this toolkit highlights key strategies identified by MTC/ABAG staff and fair housing stakeholders that are likely to be impactful in jurisdictions throughout the region.

Each of the 15 featured strategies contains a description of the strategy and how it can further fair housing, policy considerations for designing and implementing the strategy, examples of policies and programs related to the strategy that can be included in the Housing Element, and resources to aid jurisdictions in adopting these policies and programs. The [guiding questions](#) below can assist with prioritizing which policies or programs may best suit a locality given existing fair housing issues related to demographic, housing, and land use characteristics. The information provided here can serve as a starting point for tailoring Housing Elements to address particular fair housing circumstances in local communities. Additionally, the [table of contents](#) lists the individual strategies featured in this toolkit and can be used to help find the strategies most relevant to a jurisdiction.

In addition to using the guiding questions and table of contents to find relevant strategies in this toolkit, staff can consult [the table](#) in Appendix B titled Connecting the Dots: Contributing Factors, Goals, and the AFFH Strategies in This Toolkit. The table makes broader connections between the strategies in this toolkit and related contributing factors and goals within each fair housing issue area (see below for [more information on Fair Housing Issue Areas](#)). Importantly, the contributing factors, goals, and strategies included in this table are not meant to be prescriptive, and the language in the table lacks the specificity needed for inclusion in an Assessment of Fair Housing and Housing Element update. However, the information in the table serves as illustrative examples to help jurisdictions identify strategies from this toolkit aligned with the fair housing issues present in their communities. For more specific examples of the level of detail jurisdictions should include in the contributing factors, goals, policies, and actions in their Housing Element updates, see [Appendix A](#).

Guiding Questions

There are many ways jurisdictions can arrive at a set of goals, policies, and actions for the Housing Element. The following questions are meant to help jurisdictions prioritize strategies based upon existing conditions, community characteristics, feedback from members of protected classes, and the contributing factors and fair housing issues identified by the Assessment of Fair Housing.

1. Is your jurisdiction racially/ethnically homogeneous and affluent with high resource neighborhoods and few affordable housing opportunities? Do your jurisdiction's demographics look significantly different from the region?

- Consider strategies to increase housing opportunities for low-income residents and members of protected classes: [dedicate public land in high opportunity areas for affordable housing](#).

[adopt and strengthen inclusionary zoning policies, zoning and entitlement incentives for affordable housing in high opportunity areas](#), and [require affordable housing to be listed on regional housing application platform \(“Doorway”\)](#).

- Make sure opportunity-rich neighborhoods are accessible to residents with disabilities by implementing [disability justice policies](#).
- 2. Are Black, Indigenous, and People of Color (BIPOC) residents or other members of protected classes in your jurisdiction disproportionately housing cost-burdened or experiencing disproportionate housing needs (including displacement and homelessness)?**
- Consider tenant protection strategies ([just cause and rent stabilization policies](#) and [anti-harassment ordinances](#)), affordable housing preservation strategies ([preservation of subsidized and unsubsidized affordable housing](#), [tenant/community opportunity to purchase ordinances](#), and [support for community land trusts](#)), and strategies to increase affordable and accessible units ([disability justice policies](#) and [policies to reduce homelessness](#)).
- 3. Are the majority of your jurisdiction’s BIPOC residents or other members of protected classes concentrated in neighborhoods with few resources or places experiencing disinvestment and/or population loss?**
- Make sure your jurisdiction is producing affordable housing options in high resource neighborhoods through strategies such as [dedicating public land in high opportunity areas for affordable housing](#), [adopting and strengthening inclusionary zoning policies](#), and [zoning and entitlement incentives for affordable housing in high opportunity areas](#).
 - Ensure there is affirmative marketing when [listing affordable housing opportunities on the regional housing application platform \(“Doorway”\)](#).
 - Reinvest in disinvested neighborhoods by supporting [community land trusts](#), establishing [equitable investment policies](#), and expanding [community-led planning](#).
 - Increase understanding and enforcement of fair housing laws through [community-centered and culturally appropriate fair housing outreach](#) and investing in [fair housing testing](#).

Fair Housing Issue Areas

This toolkit features 15 strategies for affirmatively furthering fair housing in local jurisdictions. Within the context of this document, the term “strategy” refers to the policies, programs, and actions jurisdictions can include in their Housing Element updates and implement to achieve fair housing goals. Some strategies in this toolkit reflect a specific policy or program, such as inclusionary zoning, while other strategies represent broader policy efforts encompassing a variety of AFFH-related actions. The toolkit organizes these strategies according to the five components of the Assessment of Fair Housing. These five core fair housing issue areas are:

1. Segregation and Integration Patterns
2. Disparities in Access to Opportunity
3. Disproportionate Housing Needs and Displacement

4. Fair Housing Outreach and Enforcement
5. Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)²

AB 686 requires the Assessment of Fair Housing’s analysis to contain these components, and HCD organized their AFFH guidance memo accordingly, highlighting the importance of using these components to categorize the Housing Element’s AFFH analysis and policies. In this toolkit, the first two Assessment of Fair Housing components (segregation/integration patterns and disparities in access to opportunity) are combined as one fair housing issue area due to the direct relationship between these two issues and the commonalities in the policies to address them, as racial segregation impacts both where people live and what resources they can access.

Affordable Housing as a Fair Housing Strategy

The stability and wealth-building afforded by homeownership is unevenly distributed by race, with 63% of white Bay Area residents owning their homes as compared to 35% of Black residents and 37% of Hispanic or Latino/a/x/e residents.³ Similarly, BIPOC residents are more likely to experience poverty and financial instability due to federal and local housing policies that have historically excluded them from the same opportunities extended to white residents.⁴ These economic disparities leave BIPOC communities at higher risk for housing insecurity, displacement, and being unhoused.⁵ The lower rates of homeownership and lower incomes in BIPOC communities also result in these households being more likely to live in subsidized affordable housing.⁶ Increased housing instability and a greater need for subsidized affordable housing also applies to other protected classes. For example, people with disabilities experience higher rates of poverty, and there are higher rates of disability among people of color.⁷

Given these race-based disparities and their historical origins in discriminatory practices, increasing housing affordability can generally be viewed as a fair housing strategy. Adding affordable housing in areas where BIPOC residents currently live can improve housing stability and prevent displacement, while building affordable housing in more affluent communities with little racial diversity can promote integration and expand access to opportunity. Accordingly, several of the strategies in this toolkit focus on producing and preserving affordable housing – which is expected to contribute to fair housing outcomes in most parts of the Bay Area given the region’s shared history and demographic trends.

² Both HCD’s AFFH guidance and state statute ([California Government Code Section 65583\(c\)\(10\)\(A\)\(iii\)](#)) require a jurisdiction’s R/ECAP analysis and corresponding policies to also address racially concentrated areas of affluence (RCAAs). For strategies to address RCAAs, see the section of this toolkit focused on strategies related to [Segregation/Integration Patterns and Access to Opportunity](#), as the presence of RCAAs usually signifies the need for programs that expand housing options in those areas. Notably, not all RCAAs may be considered high opportunity areas according to the [TCAC/HCD Opportunity Map](#). However, jurisdictions should implement strategies that increase housing choices and create affordable housing in RCAAs regardless of whether those neighborhoods are designated as High/Highest Resource on the Opportunity Map.

³ U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I).

⁴ Moore, E., Montojo, N. and Mauri, N., 2019. [Roots, Race & Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area](#). Othering and Belonging Institute.

⁵ See [ABAG’s Housing Needs Data Packets](#) for data on race-based disparities in homeownership, overcrowding, housing cost burden, income, poverty, access to opportunity, mortgage application acceptance, and homelessness.

⁶ According to the [2020 California Tax Credit Allocation Committee Annual Report](#), tenants in Low-Income Housing Tax Credit (LIHTC) financed projects in California are 14% Black and 46% Hispanic or Latino/a/x/e, while the state as a whole is 7% Black and 39% Hispanic or Latino/a/x/e. In [HUD-subsidized housing in California](#), 27% of tenants are Black and 47% of tenants are Hispanic or Latino/a/x/e.

⁷ For more information, see [HCD’s housing policy resources on the housing needs of people with disabilities](#).

However, simply building or preserving affordable housing does not necessarily further fair housing in all cases. Local jurisdiction staff should use data and local knowledge gathered from their Assessment of Fair Housing to determine how building and preserving affordable housing can be used to promote fair housing outcomes in their community. For example, racially homogenous communities may need to take actions in addition to affordable housing development, such as providing financial incentives or security deposit assistance to promote property owners renting to Housing Choice Voucher holders, or requiring affirmative marketing of affordable housing to ensure that newly built affordable housing attracts diverse residents. Strategies focused on affordable housing will need to be tailored to the local conditions of each place to fully align with AFFH goals.

Strategies

Segregation/Integration Patterns and Disparities in Access to Opportunity

Historically, racial segregation stemmed from explicit discrimination against people of color, such as restrictive covenants, redlining, and discrimination in mortgage lending.⁸ While explicit racial discrimination is now illegal, segregation patterns are maintained by policies that appear race-neutral, such as land use decisions and the regulation of housing development, which can influence what kind of housing is built in a city or neighborhood⁹ and in turn impact demographics.¹⁰

While the Bay Area is one of the most prosperous and diverse regions in the world, the region's resources are not distributed evenly across geographies or protected classes like race. In 2019, approximately half of all white and Asian Bay Area residents lived in neighborhoods designated by the State as High Resource or Highest Resource. These High/Highest Resource neighborhoods are areas whose characteristics have been shown by research to support positive economic, educational, and health outcomes, especially for low-income families and their children.¹¹ Less than 20% of Black and Hispanic or Latino/a/x/e residents in the Bay Area live in these neighborhoods with the most access to opportunity.¹² While land use regulations can be used to perpetuate segregation and unequal access to opportunity, the policies and land use changes in the Housing Element update can instead aim to promote integration and an equitable distribution of resources regardless of race or other protected class membership.

⁸ Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of how our Government Segregated America*. New York: Liveright Publishing.

⁹ Lens, Michael and Paavo Monkkonen. 2016. "Do Strict Land Use Regulations Make Metropolitan Areas More Segregated by Income?," *Journal of the American Planning Association* 82(1): 6–21.


¹⁰ Trounstine, Jessica. 2018. *Segregation by Design: Local Politics and Inequality in American Cities*. New York: Cambridge University Press.

¹¹ For more information, see the [Opportunity Area Maps](#) developed by the California Tax Credit Allocation Committee and the California Department of Housing and Community Development.

¹² See AFFH-2 tab in ABAG's [Housing Needs Data Packets](#).

Strategy 1: Dedicate Public Land in High Opportunity Areas for Affordable Housing

One strategy for creating access to opportunity is increasing the supply of affordable housing in opportunity-rich areas – places with access to high-quality public schools, transit, parks, and grocery stores, among other resources. Dedicating public land in high opportunity neighborhoods for affordable housing increases the accessibility of these amenity-rich neighborhoods for low-income households, people of color, and other protected classes.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and using the production of affordable housing to further fair housing.

Jurisdictions with publicly owned land or vacant property in opportunity-rich areas have multiple options for making this land available for affordable housing. They can retain ownership of the land while providing a deeply discounted or minimal ground lease to nonprofit developers or community land trusts who agree to provide affordable housing. Alternatively, jurisdictions can sell public land in high opportunity areas at a reduced rate to affordable housing developers or community land trusts, donate the land to these housing providers, or otherwise incentivize the use of this land for affordable housing through zoning, fee waivers, and/or permit streamlining.

Importantly, California's Surplus Land Act already requires prioritization of surplus land for affordable housing when the jurisdiction disposes of it, but Housing Element strategies should go beyond the basic requirements of state law. For example, while the Surplus Land Act does not require the housing to be permanently affordable or for all units in a project to be affordable to low-income households, jurisdictions could impose these requirements for housing built on public land in high opportunity areas as an explicit fair housing strategy. To truly further fair housing, jurisdictions could also require deeper levels of affordability than the law mandates.

Policy Features and Issues to Consider

- **Inventory of publicly owned land suitable for affordable housing:** proactively create and maintain an inventory of land owned by public agencies in high opportunity areas and assess parcel suitability for affordable housing development. Local staff can collaborate with affordable housing developers and other knowledgeable partners to develop the affordable housing feasibility criteria.
- **Redevelopment of underutilized publicly owned land:** land owned by public agencies that is not declared “surplus” may still be suitable for redevelopment as affordable housing. Inventorying and assessing publicly owned parcels should also include underutilized parcels that may not qualify as “surplus” under state law.
- **Collaboration with other public agencies:** pursue partnerships and coordination with other public agencies (school districts, sewer and water districts, housing authorities, regional park districts, transit agencies, etc.) that own suitable parcels within the jurisdiction or that may be interested in joint development projects.
- **Acquisition of adjacent parcels or land “swap”:** publicly owned sites that cannot initially accommodate affordable housing development may be able to do so through acquisition of adjacent parcels or through a “swap” or transfer of land. Jurisdictions should coordinate with landowners of adjacent parcels (whether they are public agencies or private entities) to see if the

land can be acquired through purchase or by transferring other city-owned land in exchange for these parcels.

- **Community engagement:** include the local community in the process for prioritizing reuse of public land, especially members of protected classes and those who will be directly affected by the development.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an example of a relevant policy from the City of Los Angeles’s most recent Housing Element update:

- Create a dedicated funding source for affordable housing developers building on publicly owned land, with funding prioritized for sites in high opportunity neighborhoods.
- Quantify the residential dwelling unit potential of publicly owned properties and develop a program that requires future development projects to maximize the amount of affordable housing, especially housing for extremely low-income households. Prioritize sites that are in high resource areas, in high quality transit areas, and neighborhoods in the city with that are underserved in terms of affordable units.
- Fund land banking programs enabling the jurisdiction to assemble parcels for affordable housing development, particularly in high opportunity neighborhoods.
- The [City of Los Angeles 2021-2029 Housing Element](#) includes the following policy concerning public land and affordable housing:

Policy 1.2.10 “Prioritize the development of Affordable Housing on public land” and associated Program 15 “Public Land for Affordable Housing”: “Increase the utilization of public land for affordable housing with particular emphasis in high resource and gentrifying areas; Identify publicly owned housing opportunity sites and issue RFPs to develop the sites by 2023 and annually thereafter; Rezone PF (Public Facility) zoned land to allow affordable housing by-right by 2024; Maintain a citywide inventory of publicly owned sites; Revise the Asset Management Evaluation Framework to add AFFH criteria into the property review and evaluation process.”


Additional Resources

- MTC/ABAG’s [Public Lands Playbook](#) guides local governments and other public agencies through the process of inventorying, prioritizing, and reusing publicly owned land. The playbook focuses on reusing land for mixed-income and affordable housing, and it includes implementation resources that can be tailored for local use.
- Great Communities Collaborative, an initiative led by the San Francisco Foundation, published the [Public Land Resource Library](#). The library includes a collection of legislative fact sheets, checklists, and data tools to aid jurisdictions in their efforts to use public land for affordable housing.
- [Public Benefit from Publicly Owned Parcels: Effective Practices in Affordable Housing Development](#), a report by Enterprise Community Partners, outlines major challenges and opportunities associated with using public land as a tool to increase affordable housing supply. The report includes a series of effective case study models and outlines policy recommendations.

Strategy 2: Adopt and Strengthen Inclusionary Zoning Policies

Inclusionary zoning ordinances require private developers pursuing market-rate residential construction or rehab projects to contribute to a jurisdiction's affordable housing stock. The specifics of inclusionary zoning policies vary widely and generally must comport with the framework established by [Assembly Bill 1505 \(2017\)](#). Local inclusionary zoning ordinances can require developers to make a percentage of project units available at below-market-rate prices, but jurisdictions must also allow for alternative means for developers to comply with affordable housing requirements, such as paying in-lieu fees to support affordable housing development, building affordable units off-site, or dedicating land for the construction of affordable housing.¹³

Inclusionary zoning policies can further fair housing by enabling jurisdictions to leverage private dollars for affordable housing, bringing affordable units online faster and in greater numbers than relying exclusively on public funding streams.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability and using the production of affordable housing to further fair housing.

Policy Features and Issues to Consider

- **Affordability requirements:** include long-term or permanent affordability requirements that are deep enough to increase accessibility to protected classes and low-income households, not just moderate-income households.
- **Development feasibility:** calibrate the affordability requirements of inclusionary zoning ordinances to local housing market conditions. Requirements that make development financially infeasible prevent the construction of any housing and worsen existing housing shortages, while requirements that are too low will result in too few units of housing affordable to lower-income households. Notably, Assembly Bill 1505 enables HCD to review inclusionary zoning ordinances requiring more than 15% of units to be affordable.¹⁴
- **Homeownership:** inclusionary zoning requirements can also apply to for-sale projects, which can help address the racial homeownership gap. Various below-market-rate and shared-equity models for homeownership enable low-income buyers to capture equity when they resell while maintaining affordable sale prices for future low-income homebuyers.
- **Fees in-lieu of construction:** structure fees to lead to housing outcomes that would be equivalent to the developer building the required affordable units. For example, in-lieu fees paid to develop market-rate units in a high opportunity area should be committed to, and correspond to the cost of, building the equivalent number of affordable units in a high opportunity neighborhood.
- **Proximity and similarity to market-rate housing:** avoid exacerbating existing racial and income segregation patterns by requiring that inclusionary units (or independent affordable units built with a project's in-lieu fees) are located near a project's market-rate units. Additionally, inclusionary units should be a comparable size to market-rate units, be evenly distributed throughout the project, and have the same amenities as market-rate units. The unit mix of inclusionary units should also match

¹³ For more information about Assembly Bill 1505 (2017) and the state legal framework governing inclusionary zoning policies, see [this memorandum prepared by the Public Interest Law Project](#).

¹⁴ For more information, see [this memorandum prepared by HCD](#) providing guidance on Assembly Bill 1505 and local inclusionary zoning policies for rental housing.

the unit mix of the project (e.g., the proportion of inclusionary units that are two-bedroom units should match the proportion of market-rate units that are two-bedroom units).

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as a specific policy, program, and/or action related to adopting or amending an inclusionary zoning ordinance. Below is an example of a relevant program from the City of Los Angeles's most recent Housing Element update:

- [The City of Los Angeles 2021-2029 Housing Element](#) includes the following program to expand existing inclusionary zoning requirements in the coastal zone, a largely high opportunity area:

Program 80. Affordable Housing in the Coastal Zone (Mello Act Implementation): “Adopt amendments to the zoning code in 2021 to implement inclusionary and replacement housing requirements in the Coastal Zone (Mello Act Ordinance) that result in 250 very low income units, 100 low income units, and 75 moderate income units over the course of this Housing Element Cycle.”

Additional Resources

- The [inclusionary housing program database](#) launched by the California Coalition for Rural Housing gives users a visual snapshot of over 140 inclusionary programs, detailed program information, and the ability to filter programs by relevant jurisdictional and programmatic characteristics.
- Grounded Solutions Network offers multiple resources designed to support the development of effective inclusionary zoning policies and programs, including an [Inclusionary Housing Calculator](#), [Policy Design Guide](#) and a guide for [Advancing Racial Equity in Inclusionary Housing Programs](#).
- [This inclusionary zoning toolkit](#), created by the Bay Area Housing Element Advocacy Working Group, offers guidance for communities considering inclusionary zoning policies and Housing Impact Fees.


Strategy 3: Zoning and Entitlement Incentives for Affordable Housing in High Opportunity Areas

HCD's AFFH guidance calls on policymakers to "create land-use and funding policies to increase affordable housing in high-resource neighborhoods that have often been exclusionary." Research has shown that Bay Area cities with high levels of single-family zoning have greater resources in virtually every area: higher incomes, higher home values, and better-performing schools. This research also concluded that as the proportion of single-family zoning increases, so does a jurisdiction's white population, while the Black and Hispanic or Latino/a/x/e populations decrease.¹⁵

Zoning and land use policies have contributed to the segregation of racial groups and other protected classes, such as people with disabilities. These policies also influence the inequitable distribution of resources throughout the region, resulting in high opportunity neighborhoods that are often inaccessible to low-income households, BIPOC communities, people with disabilities, other members of protected classes. Moreover, new units of subsidized, affordable housing are nearly always constructed in denser multi-unit buildings, so the development of affordable housing is effectively blocked by single-family zoning and restrictive land use policies.

Changes to local land use law and other regulatory reforms can both enable and incentivize the construction of affordable housing in high opportunity neighborhoods. For example, jurisdictions can increase allowable heights and densities, streamline/expedite permits, waive fees, remove mixed-use requirements, and/or reduce parking requirements for affordable housing developments in high resource neighborhoods.¹⁶ As zoning decisions have financial value to developers but do not require direct city expenditure, these incentives can increase the cost-effectiveness of building affordable homes. While many affordable housing projects utilize State Density Bonus Law to increase financial feasibility, additional local exceptions to development standards for 100% affordable housing projects increases feasibility beyond what would be enabled by state law. By targeting these incentives specifically to affordable housing projects, jurisdictions can help ensure that affordable housing developers are able to build in high opportunity communities with expensive land values, where they may face steep competition from market-rate developers and investors. Such incentives could take many forms, with a common example being an affordable housing overlay zone, as noted below.

This strategy can affirmatively further fair housing by both changing the restrictive zoning and land use regulations that have contributed to racial residential segregation in the Bay Area as well as increasing the supply of affordable housing in areas with most access to opportunity.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and using the production of affordable housing to further fair housing.

¹⁵ Menendian, S., Gambhir, S., French, G., and Gales, A., 2020. [Single-Family Zoning in the San Francisco Bay Area: Characteristics of Exclusionary Communities](#). Othering and Belonging Institute.

¹⁶ These examples of reforms represent responses to governmental constraints to housing development. Additional examples of governmental constraints include requirements related to floor area ratio (FAR), open space, lot coverage, setbacks, garages, and story poles. Importantly, California Government Code Section 65583(a) requires the Housing Element to include an "analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels..." For information on the analysis of governmental development constraints needed for the Housing Element update, see [this webpage created by HCD](#).

Policy Features and Issues to Consider

- **Implement Affordable Housing Overlay Zones:** Affordable Housing Overlay Zones (AHOZs) provide a package of incentives to developers who include units in their projects that are affordable to low-income households. They are called “overlay” zones because they layer on top of established base zoning regulations, offering additional benefits to projects that increase the supply of affordable homes. AHOZ incentives may include increased density, relaxed height limits, reduced parking requirements, fast-tracked permitting, and exemptions from mixed-use requirements. AHOZs may also permit residential construction in zones otherwise restricted to commercial uses.
- **Maximize effectiveness of affordable housing development incentives:** the more valuable the developer incentives are for the construction of affordable housing, the more effective they will be in encouraging the production of homes for low-income households. Desirable incentives both motivate developers to use them and reduce development costs, allowing construction of more affordable homes. In high opportunity areas, the financial benefits need to be great enough to overcome the higher land costs. Typically, more effective incentives will have broad geographic applicability (including in lower-density or commercial zones), meaningful affordability qualifications, valuable financial benefits for affordable housing developers, and reliable exemptions from discretionary approvals.
- **Level of affordability:** similar to [inclusionary zoning policies](#), affordable housing created through overlay zones or other incentives should be built with deep levels of affordability that increase accessibility to protected classes and low-income households (for example, units affordable to households making less than 50% or 30% of Area Median Income).
- **Affirmative marketing for projects in racially/economically homogeneous jurisdictions:** jurisdictions composed predominantly of high resource neighborhoods and little racial/socioeconomic diversity may need to take additional steps to ensure that new affordable units truly further fair housing and increase access for protected classes. Beyond simply constructing new affordable housing, these jurisdictions can require affirmative marketing of affordable housing focused on members of protected classes living outside of the jurisdiction.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an example of relevant programs from the City of Los Angeles’s most recent Housing Element update:

- Zoning reforms, permit streamlining, fee waivers, incentives, and other approaches to increase housing choices (e.g., duplex, triplex, multifamily, accessory dwelling units, transitional and supportive housing, group homes) and affordability in high opportunity areas.
- Increasing the number of accessory dwelling units allowed per site in high opportunity areas and historically exclusionary neighborhoods.
- Adopt an ordinance to allow for by-right development of affordable housing on land owned by religious institutions and nonprofit organizations, with additional incentives for sites in high opportunity areas and historically exclusionary neighborhoods.
- Encouraging a mix of apartment unit sizes and larger units to accommodate families, particularly for affordable housing built in high opportunity areas.

- Help finance accessory dwelling unit construction for properties in high opportunity areas for which owners have committed to rent units as affordable housing for lower-income households.
- Require affirmative marketing of affordable housing receiving local funding or other development incentives, and annually monitor to verify that developers follow requirements for tenant selection.
- Create a menu of affordable housing concessions developers can select from during administrative review of the project. Offer financial and/or regulatory incentives, such as density bonuses and fee reductions or waivers, to reduce the costs and remove impediments to developing affordable housing, particularly in high opportunity areas.
- Monitor how long affordable housing production takes by establishing a housing data dashboard showing average, minimum, and maximum days to obtain any permits required for housing construction, including entitlements and building permits.
- Evaluate existing zoning and design policies, impact fees, and other regulations for their impact on housing construction cost through unnecessary delays or logistical roadblocks.
- Establish reduced processing time for both entitlement and plan checking for affordable housing projects.
- The [City Los Angeles 2021-2029 Housing Element](#) contains the following programs focused on promoting a more equitable distribution of affordable housing opportunities throughout the city, with a focus on incentivizing affordable housing in higher opportunity areas:

Summary of Programs 48 (Update Density Bonus and Other Affordable Housing Incentive Programs), 65 (Plan for Housing Growth and Place-Based Strategies in Community Plan Area), and 121 (RHNA Re-Zoning): “Create a tailored set of streamlining and development incentives to prioritize 100% affordable housing projects. Expand where mixed-income projects may be created, with a particular focus in Higher Opportunity Areas, by 2024. Introduce context specific reforms to zoning and land use practices to increase housing choices and affordability, particularly in Higher Opportunity Areas. Target more than half of rezoning efforts in Higher Opportunity Areas.”


Additional Resources

- [This report](#) from the City of Seattle’s Planning Commission explores strategies for expanding access to single-family home neighborhoods, which tend to have greater access to resources and be less accessible to lower-income households.¹⁷
- [This report](#) from the Poverty and Race Research Action Council provides case studies of six programs from cities across the country that increase housing supply for low-income households in high opportunity areas.
- [Menlo Park’s Affordable Housing Overlay](#) creates incentives for building units affordable to low-income households.

¹⁷ Menendian, S., Gambhir, S., French, G., and Gales, A., 2020. [Single-Family Zoning in the San Francisco Bay Area: Characteristics of Exclusionary Communities](#). Othering and Belonging Institute.

Strategy 4: Require Affordable Housing to be Listed on Regional Housing Application Platform (Doorway)

Currently, the process for residents to learn about, apply for, and access affordable housing in the Bay Area is complex and uncoordinated. Identifying which developments are accepting applications and submitting a separate application to each one can be a full-time job for low-income residents seeking affordable housing. However, San Francisco offers a much less burdensome process through its city-wide, centralized, and coordinated affordable housing search and application platform ([DAHLIA](#)). Several other Bay Area jurisdictions have begun to expand this platform to other parts of the region. Building on this progress, the Bay Area Housing Finance Authority (BAHFA) is developing a regional portal, called Doorway, and is actively seeking to partner with local governments. Doorway will provide affordable housing seekers with online information on housing opportunities throughout the nine county Bay Area, along with a simplified application that can be completed on a phone or computer in 10 minutes. Local jurisdictions can use regulatory agreements with developers to require that all affordable housing units receiving public funding and units produced by inclusionary zoning are listed on Doorway.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and how increasing access to affordable housing can further fair housing.

Reducing the burdens on affordable housing applicants through a centralized application portal can assist low-income households and members of protected classes with obtaining stable, affordable housing. Doorway also has the potential to reduce segregation and promote access to opportunity, as the California Housing Partnership recommends regional application systems and online housing search tools to ensure low-income households, Black households, Hispanic or Latino/a/x/e households, and others underrepresented in opportunity-rich neighborhoods have fair access to affordable housing in these areas.¹⁸ In addition, a centralized system also facilitates site visitor, application, and placement data collection to better understand who affordable housing is serving in each community, which can help policymakers assess whether affordable housing development is truly furthering fair housing.

Policy Features and Issues to Consider

- **Using Doorway for re-rental of existing units:** consider updating existing regulatory agreements to apply Doorway requirements to the re-rental of existing subsidized and inclusionary affordable housing units to capture the full stock of such units.
- **Targeted anti-displacement preference policies:** Doorway can facilitate the development and deployment of affordable housing preference policies that can target available housing resources to achieve various fair housing goals. For example, San Francisco's DAHLIA system is used to give those displaced by urban renewal or no-fault evictions priority in lotteries for affordable housing. A centralized affordable housing system can result in more effective preference policy implementation by ensuring consistent and correct use of preferences across housing developments.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as a specific policy, program, and/or action related to requiring affordable housing to be listed on Doorway, the regional housing

¹⁸ Rinzler, D. and Loya, J., 2021. [Addressing Segregation and Unequal Access to Opportunity in California with Affordable Housing Investments: A Path Forward for a Comprehensive Approach](#). California Housing Partnership.

application platform. Below is an example of relevant goals from the County of San Mateo's draft Housing Element update for 2023-2031:

- The [County of San Mateo's draft Housing Element](#) includes goals for ensuring that all restricted below-market-rate housing is listed on the regional housing portal as well as goals for using the portal to further fair housing through affirmative marketing of units to protected classes and underrepresented groups. This language is from a draft of the Housing Element that has not yet been approved by the County's Board of Supervisors or HCD.

HE Goal 5.1: "The County, potentially in collaboration with other jurisdictions, will make a complete inventory of the current countywide stock of all restricted below-market-rate (BMR) housing, including for-sale and rental units. The list will be updated as units are added to or removed from affordability restrictions, and all units will be monitored on a periodic basis to ensure that they are not being converted to market rates prior to the expiration of their affordability term...As BMRs become vacant, list units on the regional affordable housing listings portal, detailed in HE goal 45.5, with the ultimate goal of listing the complete inventory of BMRs through the regional affordable housing listings portal."

HE Goal 45.5: "Continue to support the development of a regional online affordable housing listings portal that provides residents that are seeking affordable housing with a user-friendly site where all available affordable housing opportunities are consolidated in one place...Continue to collaborate with the City of San Jose and other jurisdictions throughout the Bay Area, including the Bay Area Housing Finance Agency to fund and administer the site's build-out."

HE Goal 45.6: "Affirmatively market County supported affordable units, through the online affordable housing listings portal and elsewhere, to underrepresented groups such as people with disabilities, extremely low income households, Hispanic households, and American Indian or Alaskan Native households to the extent that this marketing does not violate Fair Housing requirements."

Additional Resources

- [This document](#) from the Bay Area Housing Finance Authority describes the Doorway housing portal and its intended impacts.
- [This case study](#) from the technology consultant who helped develop DAHLIA describes the origins of San Francisco's affordable housing application portal, lessons learned, and results.
- [San Francisco's DAHLIA portal](#) provides listings for all affordable rental and ownership housing opportunities in San Francisco. Affordable housing applicants can also use DAHLIA to create a profile to quickly apply to all listed housing opportunities.

Disproportionate Housing Needs (Including Displacement)

The Housing Element update must include an assessment of the disproportionate housing needs and displacement risk experienced by people with protected characteristics and households with low incomes. Disproportionate housing needs generally refer to significant disparities in the proportion of members of a protected class experiencing housing need compared to other groups. Housing needs include housing cost burden, overcrowding, homelessness, and substandard housing conditions.

An analysis of disproportionate housing needs and displacement risk is essential for understanding what policies and programs are needed to ensure that all residents have equal access to high-quality, stable housing. Across the region, BIPOC residents, other protected classes, and low-income households are disproportionately represented in a number of indicators of housing need.

For example, the majority of the Bay Area's Black residents are housing cost-burdened, with 52% of these households spending more than 30% of their income on housing costs. Similarly, 47% of Hispanic or Latino/a/x/e households in the region are housing cost-burdened, while only 33% of white households spend more than 30% of their income on housing costs.¹⁹ Barriers to accessing the stability of homeownership also increases the displacement risk for Black and brown Bay Area residents, as only 35% of Black residents and 37% of Hispanic or Latino/a/x/e residents in the region are homeowners.²⁰ Heightened vulnerability of these groups, combined with lower incomes, rising housing demand, and limited supply in the housing market have resulted in widespread inequality in housing outcomes.²¹

¹⁹ U.S. Department of Housing and Urban Development (HUD), *Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*.


²⁰ U.S. Census Bureau, *American Community Survey 5-Year Data (2015-2019), Table B25003(A-I)*.

²¹ For more information on disparities in housing needs, see [ABAG's Housing Needs Data Packets](#).

Strategy 5: Just Cause and Rent Stabilization Ordinances

Just Cause ordinances prohibit landlords from ending a tenancy or evicting a tenant without a specific reason. Often, eligible reasons (such as nonpayment of rent or failure to comply with a lease) are named in the ordinance, and all other non-named reasons are prohibited. Rent Stabilization ordinances are regulations that limit the rate at which property owners can increase rents over a period of time, typically by establishing an annual cap on rent increases (e.g., no more than 4%) or by tying rent increases to an indicator of inflation such as the Consumer Price Index.

In 2019, the California legislature passed [AB 1482](#) – a Tenant Protections Act employing both strategies. Though many landlords throughout the state are now subject to this law, jurisdictions can still reinforce and strengthen state tenant protections by further limiting the causes for evictions, further reducing the maximum allowable rent increases, or expanding the types of housing covered by these protections. [Plan Bay Area 2050](#)'s housing strategies, for example, call for further strengthening renter protections beyond state law by limiting annual rent increases to the rate of inflation (as opposed to the inflation + 5% rule in state law). Additionally, the protections offered by AB 1482 are set to expire after 2029 – within the current Housing Element cycle planning period – and jurisdictions could choose to further extend these protections or make them permanent.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes and housing stability.

Protected classes are more vulnerable to rent hikes and evictions, which contribute to patterns of displacement, housing insecurity, and tenant harassment – fair housing issues classified as disproportionate housing needs. Just Cause ordinances protect renters from unreasonable evictions, foreclosure-related evictions, or other arbitrary and discriminatory actions which lead to displacement. Rent Stabilization ordinances also protect renters against displacement from arbitrary or significant rent hikes.²² These ordinances contribute to affirmatively furthering fair housing, as they shield protected classes and other vulnerable populations from disproportionate housing burdens, arbitrary discrimination, loss of housing, and displacement. These policies are also crucial for enabling effective enforcement of other tenant protections such as habitability requirements, as tenants who request legally required repairs and services from landlords are more likely to face the threat of lease terminations or unsustainable rent increases if a jurisdiction lacks Just Cause and Rent Stabilization policies.

Policy Features and Issues to Consider

- **Racial disparities in housing tenure:** [ABAG's Housing Need Data Packets](#) indicate that BIPOC residents represent a disproportionate percentage of low-income households, renters, overcrowded households, and/or housing cost-burdened people in nearly every Bay Area jurisdiction. Accordingly, Just Cause and Rent Stabilization policies can be a critical fair housing tool in many communities across the region.
- **Outreach, education, and enforcement:** policies to protect low-income tenants from involuntary displacement can be strengthened by anticipating and proactively addressing potential gaps, such as monitoring and enforcement around “no-fault” evictions (such as owner move-in and Ellis Act evictions), requiring meaningful relocation assistance payments to tenants displaced by no-fault

²² Chapple, K. et. al. (2022). [Housing Market Interventions and Residential Mobility in the San Francisco Bay Area](#). Federal Reserve Bank of San Francisco.

evictions or habitability issues, and mandatory noticing and culturally competent outreach to tenants about their legal rights.

- **The relationship between housing type and fair housing impacts:** consider what types of housing are largely or disproportionately occupied by protected class tenants (e.g., mobile homes, small rental properties such as duplexes and triplexes, etc.) and include those types of units in local ordinances.
- **State law framework (Costa-Hawkins Act):** local rent stabilization ordinances must adhere to the framework established in state law by the Costa-Hawkins Rental Housing Act. This law establishes certain parameters for the policy features of local ordinances, such as prohibiting rent stabilization on single-family homes, preventing rent stabilization’s application to buildings constructed after 1995, and allowing landlords to reset rents to market rate after a tenant leaves their unit (known as “vacancy decontrol”). Local ordinances retain significant room for policy flexibility to respond to local circumstances but must meet Costa-Hawkins’s minimum requirements.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as specific policies, programs, and/or actions related to adopting or amending just cause or rent stabilization ordinances. Below is an example of a relevant policy from the County of Los Angeles’s most recent Housing Element update:

- The [County of Los Angeles 2021-2029 Housing Element](#) includes the following program for rent stabilization protections for tenants and mobile home park residents:


Program 45 Rent Stabilization and Mobile Home Rent Stabilization Ordinances: “The Department of Consumer and Business Affairs (DCBA) enforces the County’s Rent Stabilization and Mobile Home Rent Stabilization ordinances, which became effective in 2020... At the direction of the Board, these ordinances will be strengthened along with the County’s capacity to address gaps in tenant protections for non-rent-stabilized units, enforcement of anti-harassment provisions, relocation assistance, and other emerging issues, including opportunities to further support R/ECAP communities and other communities at risk of displacement.”

Additional Resources

- [This guidance](#) authored by the Bay Area Housing Element Advocacy Working Group discusses how local jurisdictions can advance tenant protections through the Housing Element process.
- Tenants Together has assembled a [rent control toolkit](#) and [interactive map and database](#) of tenant protections in California cities, including summaries for each city that include Just Cause, Rent Control, and Rent Board information.
- [Emeryville’s Just Cause Eviction Ordinance](#) and [Mountain View’s Community Stabilization and Fair Rent Act](#) are model ordinances. The Mountain View policy demonstrates the strength of a combined Rent Stabilization and Just Cause Ordinance.

Strategy 6: Anti-Harassment Ordinances

Despite California Civil Code 1940.2, which prohibits landlords from using threats or intimidation for the purpose of influencing tenants to vacate a unit, landlord harassment continues to be an issue of concern and driver of informal evictions in many communities across the Bay Area. As a result, multiple jurisdictions throughout the Bay Area and across California have adopted anti-harassment ordinances that go beyond state law to better ensure stability for vulnerable tenants.²³ Typically, these policies clarify what constitutes harassment by including specific definitions of harassment actions (e.g., threatening to call U.S. Immigration and Customs Enforcement on tenants, or misrepresenting the threat of eviction), and these laws establish penalties for landlords found to be in violation.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes and housing stability.

Informal evictions through tenant harassment are a persistent problem for low-income, BIPOC, undocumented, and limited English-speaking residents because these populations are especially vulnerable to landlord actions.²⁴ Anti-harassment ordinances can reduce such displacement pressures and further fair housing by clarifying what constitutes harassment and enabling affected tenants as well as jurisdictions to stop harassment of protected classes. Anti-harassment policies can also support habitability improvements by reducing the risk of retaliation against tenants who report habitability issues to landlords, thereby improving the quality of housing for lower-income people and members of protected classes.

Policy Features and Issues to Consider

- **Enforcement of ordinances:** funding, dedicated staff, and allowance for reasonable attorney's fees are features that can enhance the enforcement of anti-harassment laws. In Oakland, for example, the City Attorney's office has a [Neighborhood Law Corps](#) that is dedicated to enforcing neighborhood health and safety, including responding to tenant harassment complaints. In private civil enforcement actions, prevailing tenants are entitled to reasonable attorney's fees, which unlocks access to critical legal services for low-income tenants and other members of protected classes.
- **Complementary tenant protection policies:** anti-harassment laws, just cause eviction protections, and rent stabilization policies are all more effective when implemented jointly. Jurisdictions that do not already have local ordinances should consider developing these policies in concert.

 See [Strategy 5](#) for more information on Just Cause and Rent Stabilization Ordinances.

²³ [Mercury News article](#) from June 15, 2022, reporting on tenant harassment in Concord and the ordinance passed in response by the City Council. [East Bay Times article](#) from July 13, 2021, reporting on tenant harassment in Richmond and the ordinance passed in response by the City Council.

²⁴ Desmond, M. (2012) Eviction and the Reproduction of Urban Poverty. *AJS*: 118(1) 88-133; Desmond, M. C. Gershenson, and B. Kiviat (2016) Forced Relocation and Residential Instability among Urban Renters. *Social Service Review* 89 (2). Greenberg, D. C. Gershenson and M. Desmond (2016) Discrimination in Evictions: Empirical Evidence and Legal Challenges. *Harvard Civil Rights-Civil Liberties Law Review* 51: 115-158.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as a specific policy, program, and/or action related to adopting or amending an anti-harassment ordinance. Below is an example of a relevant policy from the City of Los Angeles's most recent Housing Element update:

- The [City of Los Angeles 2021-2029 Housing Element](#) includes programs to implement their recently passed ordinance:

Program 86. Tenant Anti-Harassment: “Beginning in 2021, prevent and deter harassment and constructive eviction of tenants through illegal actions by implementing the newly adopted Tenant Anti-Harassment Ordinance. Partner with community-based organizations to target outreach to areas with high displacement risk and in Low-Resource and High Segregation & Poverty areas.”


Additional Resources

- The anti-harassment ordinance adopted by [Los Angeles](#) in 2021 can serve as a resource for Bay Area jurisdictions seeking to adopt similar policies. Other jurisdictions with anti-harassment ordinances include Concord, Oakland, Berkeley, East Palo Alto, Richmond, Santa Monica, and San Francisco.
- The Alliance for Californians for Community Empowerment (ACCE) Institute developed [this model anti-harassment ordinance and AB 1482 supplements](#) to aid jurisdictions and advocates in the development of anti-harassment ordinances.

Strategy 7: Preserve Subsidized and Unsubsidized Affordable Units

Affordable housing preservation refers to actions that maintain the existing affordable housing stock and prevent displacement of current residents. These actions should focus on both subsidized affordable housing and on housing that is not currently deed restricted for low-income households. Preservation of subsidized affordable housing includes actions such as tracking the expiration of affordability covenants and applying new subsidies to extend the term of affordable rents. Research from the California Housing Partnership indicates that subsidized housing owned by for-profit entities is most at-risk of converting to market-rate, so local jurisdictions' subsidized housing preservation efforts could focus on supporting the transfer of properties owned by for-profit entities to mission-driven, nonprofit affordable housing organizations.²⁵

While preserving subsidized affordable housing is crucial for preventing displacement, most low-income households in the Bay Area are renting on the private market without any form of housing assistance. The private market properties offering rents that low-income people can afford without subsidy are known as unsubsidized or “naturally occurring” affordable housing. Without subsidy, low-income tenants are particularly vulnerable to rent increases, and in the Bay Area’s hot housing market these properties may be targeted by investors seeking to raise rents. In some communities, mobile home parks comprise a significant portion of unsubsidized affordable housing, and these neighborhoods are increasingly being acquired by speculative investors.²⁶ Preservation programs for unsubsidized affordable housing typically engage community organizations to help identify and monitor at-risk properties while also providing funding to support acquisition and conversion to permanent affordable housing.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and how the supply of affordable housing furthers fair housing.

Notably, unsubsidized affordable housing is more likely to be in historically disinvested communities, where rents and property values tend to be lower.²⁷ Disinvestment stems from the impacts of policy decisions, including the legacy of past redlining by the federal government that was based directly on the racial makeup of neighborhoods. Therefore, the preservation of unsubsidized affordable housing not only prevents the displacement of low-income residents and BIPOC communities, but the acquisition and rehabilitation of these properties by mission-driven affordable housing providers provides community development investment in neighborhoods likely to be historically disinvested.

Policy Features and Issues to Consider

- **Identification and tracking of at-risk subsidized units:** Housing Element law requires local jurisdictions to identify subsidized affordable housing at risk of converting to market-rate. Staff can find many of these properties using the [California Housing Partnership](#)'s database of subsidized properties. However, local jurisdictions should go beyond the Housing Element requirements and proactively work to ensure affordability is preserved. Actions jurisdictions can take include determining the ownership of at-risk properties, contacting property owners well in advance of the


²⁵ Mazzella, D. 2022. [Affordable Homes at Risk: How Many of California's Affordable Rental Homes Have Converted to Market Rate? How Many are Still at Risk?](#). California Housing Partnership.

²⁶ Arnold, C., Benincasa, R., and Childs, M. 2021. [How the government helps investors buy mobile home parks, raise rent and evict people](#). National Public Radio.

²⁷ King, S. 2017. [Thoughts on the Unnatural Occurrence of Cheap Housing](#). Shelterforce.

expiration of affordability requirements, coordinating with tenants and community organizations, and collaborating with mission-driven organizations interested in acquiring at-risk properties.

- **Identification and tracking of unsubsidized affordable housing:** unsubsidized affordable housing may require more effort to track. Sources local jurisdiction staff can use include real estate listings, community-based organizations, property residents, and property owners interested in preserving affordability. Staff can also increase outreach and partnerships with community-based organizations to identify properties where residents are at a high risk of displacement.
- **Dedicated funding for preservation of subsidized and unsubsidized affordable housing:** providing funding to support non-profit, mission-driven affordable housing providers and community land trusts with the acquisition/rehabilitation of at-risk affordable housing is necessary to preserve units and maintain permanent affordability.
- **Incentives for the owners of at-risk properties to sell to mission-driven non-profit organizations:** consider creating incentives, such as a refund of the jurisdiction's portion of the Real Property Transfer Tax, for property owners who sell to mission-driven affordable housing providers or community land trusts.
- **Relationship to Tenant (or Community) Opportunity to Purchase Act policies:** A Tenant (or Community) Opportunity to Purchase Act (TOPA/COPA) policy is an ordinance enabling tenants, mission-driven housing organizations, and community land trusts to purchase rental housing or mobile home parks when a property is voluntarily being sold by the owner. TOPA/COPA policies enable tenants and mission-driven housing providers to compete with investors for acquisitions, thus stabilizing low-income and BIPOC communities, converting unsubsidized units to permanent affordability, and potentially providing wealth building opportunities for residents facing barriers to homeownership.

 See [Strategy 10](#) for more information on TOPA/COPA policies and their relationship to affordable housing preservation.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an example of a relevant program from the City of Sacramento's most recent Housing Element update:

- Develop a proactive code enforcement program that targets occupied rental housing in areas with concentrated rehabilitation needs. The program should result in repairs, prevent displacement of tenants, and mitigate potential cost and relocation impacts on residents.
- Target acquisition and rehabilitation to vacant and blighted properties in neighborhoods of concentrated poverty to prevent the loss of potential affordable housing stock.
- Improve the regulatory pathway for legalizing unpermitted dwelling units to help protect tenants in those units and preserve the housing stock.
- For subsidized and unsubsidized affordable properties undergoing a change of ownership and/or rehabilitation, require right of return for existing residents and financial support with moving expenses.

- Provide rehabilitation funding or other financial incentives to private owners of rental housing who agree to maintain affordable rents over time.
- Offer down payment assistance and low-cost financing to low- or moderate-income residents to buy small multifamily properties (two to four units), requiring that the purchaser lives in one of the units and rents all other units out to low-income residents at an affordable rate.
- Work with property owners and nonprofit housing providers to preserve assisted multi-family units at risk of conversion to market rents and extend the affordability covenants in perpetuity whenever feasible.
- If a subsidized property is scheduled for conversion, contact qualified non-profit entities from the State's qualified entities list to inform them of the opportunity to acquire affordable units. Also inform them of financial assistance available through City, State, and federal programs.
- Generate a list of small older multi-family rental properties for potential acquisition/rehabilitation and deed restriction. Proactively monitor the list and reach out to owners to determine ways to preserve the units as affordable.
- In the event that a subsidized property is scheduled for conversion, coordinate with the property owner to ensure that proper noticing is circulated to tenants and that tenant education is provided regarding their options, such as other affordable housing developments and special HUD Section 8 vouchers for tenants displaced due to expiration of project-based Section 8 assistance.
- The [City of Sacramento 2021-2029 Housing Element](#) includes the following program to track at-risk subsidized housing, coordinate with current owners to maintain affordability, and fund the acquisition and preservation of at-risk subsidized properties:


Program H47. Preserve Existing Supply of Affordable Housing: "The Sacramento Housing and Redevelopment Agency (SHRA) shall track expiring subsidy contracts and regulatory agreements on regulated affordable housing. SHRA will prioritize multifamily lending such that preserving affordable housing at risk of converting to market rate comes first when funding is available... In addition, at least annually, SHRA will review the list of properties with expiring regulatory agreements and contact owners whose properties' restrictions will expire within the following 36 months. SHRA will coordinate with qualified entities upon initial noticing and pursue and support applications for funding. To maximize tenant protections, SHRA will offer coordination assistance – developer outreach for owners planning to sell and tenant education for owners planning to allow their restrictions to expire."

Additional Resources

- California Housing Partnership maintains a [Preservation Database](#) that can be used as a starting point to identify at-risk units. They also publish numerous reports and resources on preservation such as the [Affordable Homes at Risk report](#) and [Best Practices in Local Government Preservation Strategies](#).
- The Enterprise Community Partners report [Preserving Affordability, Preventing Displacement](#) provides information on unsubsidized affordable housing in the Bay Area and presents local case studies of efforts to preserve affordability in these properties.
- Mission-driven affordable housing organizations in San Francisco use the [Community Opportunity to Purchase Act \(COPA\)](#) and [Small Sites Program](#) to purchase unsubsidized affordable properties with 5-25 units and convert these properties to permanently affordable housing.

Strategy 8: Local Policies to Reduce Homelessness

Local investments that can reduce homelessness include interim housing needed to bring unsheltered people indoors, permanently affordable housing to provide long-term stability for formerly unhoused people, and homelessness prevention programs. Jurisdictions can dedicate funding for these efforts and enact land use changes to spur construction of interim and permanent supportive housing. Localities can also fund homelessness prevention programs such as rental assistance, free tenant legal services, and supportive services. Additionally, local jurisdictions should consider reforming laws used to penalize unhoused people for activities such as panhandling, resting, or camping in public places.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes and housing stability.

Importantly, housing instability and homelessness in the Bay Area exhibit stark racial disparities. For example, 22% of Black Bay Area residents experience poverty and 52% are housing cost-burdened, as compared to 5% of white residents in poverty and 33% of white households spending more than 30% of their income on housing.^{28,29} Consequently, Black households are often disproportionately impacted by homelessness. Across the nine-county region, Black residents account for 30% of the unhoused population, despite making up just 6% of the overall population.³⁰ Addressing homelessness through both prevention and affordable housing solutions will reduce the disproportionate housing insecurity experienced by Black residents and other communities of color.

Policy Features and Issues to Consider

- **Decriminalization of homelessness³¹:** supporting existing populations of unhoused residents may require reforming or ending laws used to cite, arrest, and jail people for activities such as panhandling, sitting, resting, sleeping, or camping in public places. Local jurisdictions can also consider shifting from police responses to using mental health professionals for non-violent issues. For example, the City of Oakland is launching a pilot program called Mobile Assistance Community Responders of Oakland (MACRO), which will respond to non-violent, non-emergency 911 calls with a compassionate care first response model.³²
- **Land use changes:** changing zoning can enable the construction of both interim and permanent housing for unhoused residents. Additionally, policymakers can establish by-right ministerial project approvals for housing that serves those experiencing homelessness.
- **Fund and partner with social service providers:** formerly unhoused individuals or families may need supportive services to remain housed and successfully thrive. Local jurisdictions can fund and partner with organizations that engage and support unhoused community members.
- **Expanding depth of affordability to mitigate homelessness:** contributing to the supply of deeply affordable housing for extremely low-income households can mitigate homelessness. Policymakers can prioritize funding for projects that serve extremely low-income households and/or provide

²⁸ U.S. Census Bureau, *American Community Survey 5-Year Data (2015-2019)*, Table B17001(A-I).

²⁹ U.S. Department of Housing and Urban Development (HUD), *Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*.

³⁰ U.S. Department of Housing and Urban Development (HUD), *Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)*; U.S. Census Bureau, *American Community Survey 5-Year Data (2015-2019)*, Table B01001(A-I).

³¹ See [information from the U.S. Department of Housing and Urban Development](#) for further guidance on the decriminalization of homelessness.

³² For more information about MACRO, see [the City of Oakland's website](#).

operating subsidies that are often required to adequately maintain units with deeply affordable rents.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an example of a program from the most recent Housing Element update from the County of Los Angeles:

- Landlord outreach to expand and incentivize participation in renting to Housing Choice Voucher holders, particularly in high opportunity areas.
- Provide security deposit assistance and help with moving costs for Housing Choice Voucher holders and other lower-income tenants.
- Provide emergency rental assistance for residents in greatest need as a strategy for preventing homelessness.
- Identify and adopt changes to the zoning code to facilitate by-right siting of a greater variety of shelter, transitional, and permanent supportive housing facilities throughout the jurisdiction.
- Identify citywide land use initiatives to facilitate shorter development timelines and reduce costs for the development of affordable housing projects for persons at-risk of homelessness.
- Determine feasibility of setting up sanctioned encampments to provide temporary shelter. Sanctioned encampments should be sited as close as feasibly possible to existing ad hoc encampments.
- Identify hotels/motels to convert to permanent supportive housing and pursue funding through Project Homekey or other state or federal resources. Identify new Project Homekey opportunities with a focus on converting nuisance motels to affordable housing in R/ECAP and other disadvantaged neighborhoods
- Eliminate crime-free housing ordinances that result in penalties to landlords and evictions of tenants.³³
- The [County of Los Angeles 2021-2029 Housing Element](#) includes the following program to prevent evictions and keep vulnerable tenants stably housed:

Program 46. Stay Housed L.A. County: “Stay Housed L.A. County is the County’s branded program for eviction prevention and defense services. The program delivers five types of services: public information and awareness; direct tenant outreach and education in vulnerable communities; free legal services to income eligible households; short-term rental assistance to income eligible households; and referrals to wraparound and supportive services to help maintain housing stability. The program is targeted to the County’s most vulnerable tenants in the unincorporated communities... Limited-scope and full-scope legal representation and short-term rental assistance are available to very low income households (50% AMI). A program evaluation by the University of Southern California underway in 2021 will provide insights on the success of the program to date at achieving desired outcomes, and on the future programmatic and funding needs of the program.”

³³ For more information on the fair housing impacts of crime-free housing ordinances, see [this Los Angeles Times article](#).

Additional Resources

- [All Home's Solutions Library](#) showcases policies, programs, and actions by Bay Area cities and counties to improve housing stability for residents and provide housing for residents experiencing homelessness.

Strategy 9: Disability Justice Policies

Disability justice fair housing policies are a suite of policies that seek to remove housing barriers disproportionately experienced by people with disabilities and to legalize housing types that may be beneficial for these residents, such as group homes or multi-unit buildings with accessible features. Though state law requires group homes for six or fewer residents to be permitted in all zones, restrictive zoning that prohibits larger group homes or multifamily buildings prevents the construction of residential facilities needed by some people with disabilities. To address these barriers, local jurisdictions can adopt policies such as allowing group homes of any size in all zones, enabling by-right zoning for supportive housing, and funding accessibility improvement programs for low-income homeowners.

Residents with disabilities are disproportionately low-income, which limits housing choices and has far-reaching implications for the ability of disabled people to access job opportunities, education, healthcare, and other necessary amenities.³⁴ Jurisdictions can advance fair housing goals by passing policies that open up housing choice and enable people with disabilities to seek housing in opportunity-rich neighborhoods.

Policy Features and Issues to Consider

- **Reasonable Accommodation Ordinance:** adopt or strengthen a written “Reasonable Accommodation” ordinance. These ordinances allow developers of housing for people with disabilities to request certain exemptions from zoning law.
- **Group home siting:** make land use and zoning changes to ensure group homes accessible to residents with disabilities can be easily developed, particularly in neighborhoods with access to jobs, transit, healthcare, and other essential services. For example, jurisdictions can allow group homes with more than six residents in single-family zones and permit ministerial approval of group home projects.
- **Incentivizing accessibility improvements for rent-stabilized housing:** the Costa-Hawkins Rental Housing Act prevents rent stabilization from applying to units constructed after February 1995 (or earlier in some jurisdictions), so most rent-stabilized units were built before the passage of the Americans with Disabilities Act in 1990 and may lack accessible features. Local jurisdictions can consider ways to incentivize owners of rent-stabilized housing to make accessibility improvements that would create more access to this housing for people with disabilities.
- **Implement inclusive design standards:** implement design standards beyond state and federal law to increase access to housing across all forms of disability. While landlords are required to approve reasonable accommodations requested by people with disabilities, often the burden of financing physical modifications of a unit falls upon the tenant, many of whom cannot afford these expensive renovations. Inclusive design can significantly reduce requests for reasonable modifications and lower overall costs of modifying units.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing

³⁴ California Department of Housing and Community Development. [“Disabled Persons.”](#)

Element, as well as examples of relevant policies from the City of Sacramento’s most recent Housing Element update:

- Accessibility modification programs that proactively enhance accessibility in the existing housing stock through incentives and funding.
- Accessibility programs focused on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.
- Develop a housing waiting list for persons with disabilities to target accessible units to those most in need. Coordinate with property owners with available accessible units (including accessory dwelling units).
- Finance long-term housing with supportive services designed to enable persons with developmental, intellectual, and physical disabilities to live as independently as possible in a permanent setting.
- The [City of Sacramento 2021-2029 Housing Element](#) includes the following policies to improve access to housing for those with disabilities:

Policy H-8.2 Reasonable Accommodation Ordinance: “The City shall ensure people with disabilities have equal opportunity to use and enjoy their housing by providing a process to request modification to a land use or zoning standard, regulation, policy, or procedure.”

Policy H-8.4 Financial Assistance for Accessible Affordable Housing: “The City shall prioritize financial assistance for affordable housing and permanent supportive housing projects that exceed the minimum accessibility provisions of State and Federal law.”


Policy H-8.6 Emergency Home Repairs and Accessibility Retrofits: “The City shall continue to provide low- and very low-income older adults and persons with disabilities with grants for emergency repairs and/or accessibility modifications to their homes and seek ways to expand this program with community-based organizations, providing affordable loans for larger repair and retrofit needs.”

Additional Resources

- The Kelsey, an organization promoting the development of inclusive affordable housing, produced a [guide on housing design standards for accessibility and inclusion](#).
- Disability Rights Pennsylvania published this brief on [Discriminatory Zoning and the Fair Housing Act](#), describing how jurisdictions can use zoning law to generate or constrict housing opportunity for residents with disabilities.
- Fair Housing Center of West Michigan released this [fact sheet on fair housing and disability](#), including definitions and tips for jurisdictions.

Strategy 10: Tenant (or Community) Opportunity to Purchase Act

A Tenant (or Community) Opportunity to Purchase Act (TOPA/COPA) policy is an ordinance enabling tenants, mission-driven housing organizations, and community land trusts to purchase rental housing or mobile home parks when a property is voluntarily being sold by the owner. Tenants receive a legal right to purchase the housing (right of first offer and/or right of first refusal) before the owner accepts an offer from another potential buyer. A TOPA/COPA policy can also allow tenants to assign their purchasing rights to a qualified organization, such as a community land trust that helps the residents form a limited equity cooperative or a mission-driven affordable housing provider that agrees to maintain the property as affordable rental housing. TOPA/COPA can give tenants and nonprofits sufficient time to compete to purchase a property but does not control the sales price, which is set by the market.

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and how the supply of affordable housing furthers fair housing.

TOPA/COPA policies aim to prevent displacement of low-income BIPOC communities, long-term renters, and other marginalized residents by preserving currently affordable housing and creating pathways for permanent affordability. A TOPA/COPA policy can also facilitate homeownership for tenants by creating limited equity housing cooperatives or other ownership models, enabling increased wealth-building opportunities for BIPOC communities who have historically been denied access to homeownership.

Policy Features and Issues to Consider

- **Timelines:** tenants and qualified organizations may take longer to secure necessary financing than investors ready to make all-cash offers. Advanced notification requirements give residents or qualified organizations time to identify partners and assemble a purchase offer.
- **Funding:** tenants, community land trusts, and mission-driven affordable housing providers typically need financial support to complete TOPA/COPA purchases. Local jurisdictions should examine how to structure this funding to enable permanent affordability for TOPA/COPA properties.
- **Incentives for property owners:** consider providing incentives for property owners who accept an initial offer from tenants during the TOPA/COPA process, such as a refund of the jurisdiction's portion of the Real Property Transfer Tax.
- **Relationship to community land trusts and preservation:** TOPA/COPA policies enable community land trusts to compete with investors for acquisitions, thus stabilizing low-income and BIPOC communities, converting unsubsidized units to permanent affordability, and potentially providing wealth building opportunities for residents facing barriers to homeownership.

 See [Strategy 13](#) for more information on community land trusts and their relationship to fair housing efforts.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as a specific policy, program, and/or action related to adopting a TOPA/COPA ordinance. Below is an example of a relevant program from the County of Los Angeles's most recent Housing Element update:

- The [County of Los Angeles 2021-2029 Housing Element](#) commits to adopting a TOPA ordinance by December 2023:

Program 16. Tenant Opportunity to Purchase Ordinance: “On August 10, 2021, the Board of Supervisors directed the Department of Consumer and Business Affairs (DCBA), in collaboration with the Los Angeles County Development Authority (LACDA), DRP, and County Counsel, to work with community-based, mission-driven entities, housing providers, real estate professionals, and other relevant stakeholders to review best practices and lessons learned to develop a report with recommendations for implementation of a TOPA policy in unincorporated Los Angeles County. The recommendations will include a framework for an ordinance, administrative and supportive policies, program process and design, community engagement plan, and identification of costs and funding sources for implementation. By December 2023, adopt a TOPA ordinance for the unincorporated areas. By October 2029, [the County will] support the purchase of at least five properties.”

Additional Resources

- PolicyLink’s [All-In Cities Policy Toolkit](#) includes a discussion of TOPA/COPA policies and highlights important considerations for policy implementation.
- The Bay Area Housing Element Working Group created a [toolkit focused on crafting TOPA/COPA policies for the Housing Element](#).
- The Partnership for the Bay’s Future published the [Opportunity to Purchase Act Campaign Playbook](#), which outlines the essential elements of TOPA/COPA policies and how communities can enact them. Pages 22 and 23 are particularly relevant for local jurisdiction staff and describe the key components of TOPA/COPA policies.
- The East Bay Community Law Center’s [campaign website to pass a TOPA policy](#) in Berkeley provides information on the goals of TOPA and [resources for understanding the policy](#).
- [Washington, D.C.’s Office of the Tenant Advocate](#) provides information on how the TOPA process works in D.C., which first passed a TOPA policy in 1980. [Research](#) concludes that this TOPA policy has preserved 1,400 units of affordable housing (as of 2013) and is a key anti-displacement tool.

Fair Housing Outreach and Capacity

Consistent enforcement of existing fair housing law and culturally appropriate community engagement are both critical strategies to drive fair housing outcomes. Local jurisdictions must adequately monitor and enforce compliance with fair housing laws, including engaging in fair housing testing, investigating complaints, obtaining remedies, and allocating sufficient funding to support these enforcement activities. Both housing providers and consumers should be familiar with the full range of protections afforded by fair housing law. Many instances of unlawful housing discrimination are the direct result of ignorance of the law rather than an intent to violate it, which could be prevented with effective outreach and education.

Education also supports enforcement. Homeowners, tenants, and home seekers can only report fair housing violations if they understand their rights under the law. Additionally, reported violations can only be addressed if adequate resources are available to assist and support victims of housing discrimination. In the case of both enforcement and education, local jurisdictions must be thoughtful about how best to serve and engage vulnerable populations to avoid reinforcing housing inequities.

Strategy 11: Community-Centered, Culturally Appropriate Fair Housing Outreach

Fair housing outreach describes efforts to educate consumers of housing about their rights – as tenants, buyers, and borrowers – under the federal Fair Housing Act (FHA), the state Fair Employment and Housing Act (FEHA), and other civil rights statutes, and to aid residents in identifying and reporting possible fair housing violations. Outreach activities also teach housing providers about their responsibilities under the FHA, FEHA, and similar civil rights laws. Outreach efforts can include media campaigns, door-to-door canvassing, brochures and other printed materials, public forums, and targeted community workshops. Community-centered, culturally appropriate outreach describes outreach efforts intended to be accessible to the communities most vulnerable to fair housing violations: BIPOC, undocumented and limited English proficiency (LEP) communities, extremely low-income populations, persons with disabilities, etc. These outreach efforts consider the language, geography, timing, type, and medium of outreach in order to make information accessible.

Many tenants, property owners/managers, home seekers, and lenders remain unaware of state and federal laws prohibiting housing discrimination or remain unaware of how these laws translate into everyday situations. Accessible and available outreach and education around fair housing laws can help residents to understand their rights and to identify instances of illegal discrimination. Well-designed, targeted, and culturally responsive outreach and education can further equip residents with the tools needed to file a complaint, seek legal advice or counsel, or to pursue other legal or administrative recourse. Finally, outreach and education can prevent property owners or other providers from violating fair housing laws either intentionally or unintentionally.

Policy Features and Issues to Consider

- **Language access:** provide information and assistance in multiple languages based on data about languages spoken in the community. Written materials should be professionally translated and use language that is easy to understand, and information should be accessible in other formats for non-reading or vision-impaired residents.
- **Enforcement of fair housing laws:** allocate resources to support the enforcement of fair housing rights when violations occur, such as free or low-cost legal services that are culturally competent and language-accessible.
- **Using trusted networks for outreach:** tailor outreach strategies to reach vulnerable tenants, homeowners, and housing providers based on how these particular communities access reliable information. Trusted community partners who can provide outreach may include faith-based institutions, schools, community-based organizations, and local newsletters or message boards.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an examples of a relevant program from the City of Sacramento's most recent Housing Element update:

- Ensure multi-lingual services for fair housing outreach and education, tenant counseling, foreclosure prevention, and tenant-landlord mediation.

- Expand education and outreach on fair housing laws and source of income discrimination to landlords, property owners with accessory dwelling units, and property owners seeking building permits for rental properties.
- Provide targeted fair housing outreach in neighborhoods with disproportionate housing needs and displacement risks to increase awareness of housing resources, fair housing workshops, and state and local tenant protection ordinances.
- Publicize fair housing events and programs prominently on city websites and at public locations. Expand methods of fair housing outreach and education, especially through social media and community-based organizations.
- Annually publicize outcomes of fair housing lawsuits and complaints to promote positive outcomes and resolutions.
- The [City of Sacramento 2021-2029 Housing Element](#) includes the following program to provide fair housing education services in a targeted and accessible manner:

Program H17. Fair Housing Education, Information, and Dispute Services: “The City, with partner organizations, shall continue to provide fair housing services to tenants and landlords. Services include: the Renter’s Help Line to direct referrals to legal counsel to prevent and rectify fair housing issues; fair housing trainings; and distribution of fair housing informational materials. The City shall look for opportunities to expand its outreach and public education strategies on available tenant protection services to reach vulnerable and at-risk households by offering information in other languages, targeted social media efforts, combining information with other assistance programs, engaging youth or distributing resources through schools, seeking opportunities for ongoing dispute resolution services, and partnering with community-based organizations.”

Additional Resources

- [Project Sentinel’s Fair Housing Center](#) offers written information for tenants and home seekers in six languages, information for landlords in three languages, multimedia educational materials, and comprehensive toolkits for members of the re-entry community, people with disabilities, and immigrants.
- [Disability Rights California](#) offers a fair housing fact sheet for disabled residents in 12 languages, including template request letters for reasonable accommodations.
- [Building the Beloved Community](#) is an interfaith New York City-area initiative to advance fair housing and inclusive communities through diverse faith-based networks and community engagement. Their fair housing toolkit is available in three languages.

Strategy 12: Increase the Frequency, Coverage, and Use of Fair Housing Testing

Fair Housing Testing is a method of assessing housing market discrimination for the purposes of both research and enforcement. Most commonly, testing programs are used to assess racial or ethnic discrimination, but these programs can also reveal discrimination on the basis of disability, sexuality, or other demographic identifiers. Testing programs dispatch individuals to pose as prospective renters or buyers. “Paired testing” is a method of more direct comparison, involving coordinated testing by similarly situated individuals who differ mainly in terms of the demographic indicator being tested. Fair Housing Testing programs can reveal multiple forms of differential treatment: cost of rent or purchase price; use of background checks (criminal or otherwise); required bureaucratic hurdles; and outright denial of housing.

Nationwide studies from the [Department of Justice](#) and the [Department of Housing and Urban Development](#) (HUD) demonstrate that Fair Housing Testing can be a valuable tool in identifying and assessing discriminatory housing market practices. As an information gathering tool, these assessments can help jurisdictions identify the most effective suite of response policies. Testing reports can be submitted to HUD as a complaint or can form the basis of legal suits.

Policy Features and Issues to Consider

- **Funding:** adequately fund testing to capture sufficient information that informs decisions about policymaking and resource allocation. Jurisdictions can partner with and fund fair housing organizations to administer testing programs in their cities.
- **Accountability:** develop a plan to analyze and act on fair housing testing data, utilizing the findings from testing to target or enhance outreach and enforcement strategies.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could be included in a Housing Element update as a specific policy, program, and/or action related to increasing fair housing testing. Below is an example of a relevant program from the County of Los Angeles’s most recent Housing Element update:

- The [County of Los Angeles 2021-2029 Housing Element](#) includes the following program concerning fair housing testing:

Program 47 Affirmatively Furthering Fair Housing Program: “The County contracts with service providers to provide and coordinate fair housing services for residents to promote justice and equality in housing. The service providers are required to conduct outreach and education activities, distribute literature, and publicize the availability of fair housing services through various media. The service providers also record and investigate inquiries and complaints from residents, and conduct testing and enforcement activities. As part of this program, the County will also explore adding protections from denial of housing based on eviction history, credit, rent or utility debt, or criminal history.”

Resources and Examples

- The [Housing Discrimination Today](#) issue of HUD’s Cityscape publication contains several articles about the use, impacts, and future direction of testing and fair housing enforcement.


Racially/Ethnically Concentrated Areas of Poverty

Across the nation and within the Bay Area, income and wealth vary greatly by race. People of color are more likely to experience poverty and financial instability as a result of federal and local policies that have historically excluded them from homeownership and other opportunities extended to white residents.³⁵ For example, while only 5% of white Bay Area residents live in poverty, the poverty rate in the Bay Area is 22% for Black residents and 9% for Hispanic or Latino/a/x/e residents.³⁶

Racially/ethnically concentrated areas of poverty (R/ECAPs) are neighborhoods where residents are largely people of color and also have lower incomes. The data recommendations for analyzing R/ECAPs from HCD's AFFH guidance focus on census tracts that meet the official federal government definition of R/ECAPs as well as areas labeled High Segregation and Poverty on the [TCAC/HCD Opportunity Map](#). However, these two geographies combined represent a very small portion of the Bay Area that does not fully capture how racial disparities in poverty and opportunity are spatially concentrated in many jurisdictions.

To truly further fair housing, jurisdictions may want to look beyond these narrow definitions of R/ECAPs and examine broader economic disparities in majority-BIPOC neighborhoods, such as historic patterns of disinvestment, concentrations of lower-income households, and a lack of access to resources. MTC/ABAG's [Equity Priority Communities \(EPC\) framework](#) is one source for examining economic disadvantages in communities of color. EPCs are census tracts that have a significant concentration of underserved populations, such as households with low incomes and people of color. EPCs represent just one tool for analyzing concentrations of racialized poverty, and local jurisdictions may need to use additional data sources and/or a more granular geographic analysis to effectively assess fair housing issues related to R/ECAPs.

Note on Racially Concentrated Areas of Affluence

 In contrast to R/ECAPs, racially concentrated areas of affluence (RCAAs) are neighborhoods where the population is disproportionately white and affluent. A jurisdiction that does not have any areas of racialized poverty may instead have areas with concentrated affluence where the population is predominantly white or from a particular racial group. State statute requires the Housing Element's Assessment of Fair Housing to analyze RCAAs in addition to R/ECAPs.³⁷ [HCD's AFFH Data Viewer](#) includes a [map layer showing racially concentrated areas of affluence](#) as well as the methodology used to calculate this metric. For strategies to address RCAAs, see the first section of this toolkit focused on [Segregation/Integration Patterns and Access to Opportunity](#), as the presence of RCAAs usually signifies the need for programs that expand housing options in those areas. Notably, jurisdictions should implement strategies that increase housing choices and create affordable housing in RCAAs regardless of whether those neighborhoods are designated as high opportunity areas on the [TCAC/HCD Opportunity Map](#).


³⁵ Moore, E., Montojo, N. and Mauri, N., 2019. [Roots, Race & Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area](#). *Othering and Belonging Institute*.

³⁶ U.S. Census Bureau, *American Community Survey 5-Year Data (2015-2019)*, Table B17001(A-I)

³⁷ See [California Government Code Section 65583\(c\)\(10\)\(A\)\(ii\)](#).

Strategy 13: Support for Community Land Trusts

Community Land Trusts (CLTs) are nonprofit organizations that acquire and steward land on behalf of community members. They contribute to affordable housing stock by maintaining land ownership to ensure the housing built on land they own remains affordable to future renters or buyers. The acquisition and rehabilitation of housing by CLTs can help preserve a range of housing types, stabilize housing costs, and expand housing choice for low-income households.³⁸

 See [the discussion of affordable housing as a fair housing strategy](#) earlier in this document for more information on the connections between protected classes, housing stability, and how the supply of affordable housing furthers fair housing.

Research has documented how BIPOC communities have been disparately impact by displacement pressures in regions across the country.³⁹ Research also indicates that community control of land through CLTs has high potential to prevent displacement in a variety of housing markets.⁴⁰ Support for CLTs not only serves as an anti-displacement measure but also represents a place-based community development strategy for disinvested neighborhoods and communities with racially concentrated poverty, as jurisdictions can provide funding for CLTs to acquire and rehabilitate vacant and distressed properties. Moreover, supporting CLTs has the potential to promote wealth building through shared equity homeownership.

Policy Features and Issues to Consider

- **Support for existing CLTs to acquire properties⁴¹:** consider setting aside funding to facilitate CLT acquisitions of abandoned or tax delinquent properties. Jurisdictions can also prioritize CLTs in their disposition strategies for excess public land. Additionally, jurisdictions can connect homeowners facing foreclosure with CLTs who can use funds from the [Foreclosure Intervention Housing Preservation Program](#) administered by HCD.
- **Support for expansion of CLTs:** jurisdictions without an active CLT presence can connect with existing CLTs in the Bay Area to assess the feasibility of expansion into the jurisdiction. Local jurisdictions could also support the development of new CLTs in their communities through seed funding and technical assistance.
- **Different options for funding community ownership of land and housing:** local jurisdictions can provide funding for CLTs that supports the formation of limited equity cooperatives or other owner-occupant models. This funding can enable CLTs to build resident capacity to operate and manage properties in which they themselves have an ownership stake.
- **Relationship to TOPA/COPA:** enacting a TOPA/COPA policy can assist CLTs with purchasing and stabilizing unsubsidized rental properties occupied by low-income tenants. CLTs could be assigned the right of first offer/first refusal as well as additional time to assemble the necessary financing to acquire these properties. See [Strategy 10](#) for more information on TOPA/COPA.

³⁸ Yelen, J. 2020. [Preserving Affordability, Preventing Displacement](#). Enterprise Community Partners.

³⁹ See pages 74-75 of [White Paper on Anti-Displacement Strategy Effectiveness](#) (Chapple and Loukaitou-Sideris, 2021) for a discussion of the cycles of disinvestment and reinvestment that have spurred displacement in communities of color.

⁴⁰ See Table 1. Literature Review Summary Table in [White Paper on Anti-Displacement Strategy Effectiveness](#) (Chapple and Loukaitou-Sideris, 2021)

⁴¹ A directory of existing land trusts is available from the [California Community Land Trust Network](#).

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an examples of relevant policies and programs from the City of Irvine's most recent Housing Element update:

- Partner with CLTs as a mechanism to develop affordable housing in higher-opportunity areas.
- Provide technical assistance to community groups in pursuing/establishing CLTs for facilitating community ownership of affordable housing, including identifying and pursuing eligible funding pools.
- Support community land trust acquisition of public land and tax foreclosed/receivership properties and prioritize CLTs in current acquisition and rehabilitation programs.
- The [City of Irvine 2021-2029 Housing Element](#) includes the following policies and programs to facilitate the acquisition of land by a local CLT, enable development of affordable housing on public land, and provide funding for CLT developments:

PP-F.2 Irvine Community Land Trust: “The City seeks to continue to strengthen its relationship with the Irvine Community Land Trust (ICLT) to collaborate and partner on efficiently and effectively maximizing affordable housing opportunities. To this end, the City will pursue the following: Coordinate with the ICLT to actively pursue land acquisition opportunities for a range of affordable housing options, including rental apartments, ownership housing, transitional housing, supportive housing, and single-room occupancy housing. Collaborate to determine feasibility of developing permanently affordable housing in partnership with the ICLT on publicly owned sites that may be designated as surplus property. Assist the ICLT and developers to access public funding and financing and through new construction to increase supply of permanently affordable rental units with supportive services that target seniors and persons with disabilities and extremely low-income households.”

Resources and Examples

- The [California Community Land Trust Network](#) (CACLTN) is a membership organization dedicated to strengthening collaboration between CLTs in California. Local jurisdictions can connect with CACLTN to identify existing CLTs in their communities or working nearby who can be supported through policies and programs. CACLTN also created this [toolkit focused on supporting CLTs through the Housing Element update](#).
- Local jurisdictions can work with [Grounded Solutions Network](#) to seed new CLTs in their communities or receive technical assistance on how best to support the work of existing CLTs.
- This [City-CLT Partnerships](#) report describes the mechanisms and methods that cities across the country have used to structure their investment in CLT startups, projects, and operations.

Strategy 14: Equitable Investment Policies

Jurisdictions can improve access to opportunity by bringing additional resources to traditionally under-resourced neighborhoods through comprehensive community development. Local jurisdictions can dedicate funds for historically disinvested neighborhoods that improve community assets such as schools, parks, and transportation infrastructure. In addition to investments in physical infrastructure and capital improvements, comprehensive community development can also include funding for services and systems, such as educational programs, childcare, healthcare, healthy food access, and job training. Jurisdictions can also adopt policies and plans to ensure the equitable distribution of investment dollars across the jurisdiction.

Importantly, the statutory definition of AFFH includes “transforming racially and ethnically concentrated areas of poverty into areas of opportunity.”⁴² As HCD’s AFFH guidance document notes, “Past and present discriminatory policies and practices, including long-term disinvestment, have resulted in neighborhoods with concentrated poverty and poor housing stock, limited access to opportunity, unsafe environmental conditions, underfunded schools, dilapidated infrastructure, and other disproportionately experienced problems.”⁴³ Accordingly, HCD’s AFFH guidance states that the obligation to affirmatively furthering fair housing is not limited to housing planning and funding, but local jurisdictions must also further fair housing through broader community development.

Policy Features and Issues to Consider

- **Cooperation across local agencies for broader community development investment:** housing and planning staff should collaborate with other local agencies that control investments for road maintenance, parks, bike and pedestrian infrastructure, schools, social programs, and other crucial services. These partnerships can enable Housing Element programs and policies to facilitate a wide range of community development investments in under-resourced neighborhoods.
- **Anti-displacement measures:** public investments may lead to increased land values and speculative market investments that displace vulnerable households. These investments should be paired with sufficient anti-displacement measures, such as affordable housing preservation and tenant protections. These protections can ensure that investments in historically disinvested neighborhoods and BIPOC communities truly further fair housing.
- **“First source” hiring policies/local hiring preferences:** consider policies that require hiring of local job seekers on locally funded construction projects. “First source” hiring can help ensure that public investments in neighborhoods directly benefit the residents of those neighborhoods.
- **Community benefits agreements:** facilitate a [community benefits agreement](#) (CBA) between community-based organizations representing residents’ interests and developers of large projects requiring a zoning change or other approval from a jurisdiction. More recently, jurisdictions have been pursuing city-wide CBAs so that these agreements are embedded into all large developments rather than operating project-by-project.⁴⁴

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional

⁴² Government Code Section 8899.50(a)(1).

⁴³ See page 6 of the [HCD AFFH guidance document](#).

⁴⁴ Moore, E. 2022. [Taking Equitable Development to the Next Level: Richmond Passes a City-wide Community Benefits Policy](#). Othering and Belonging Institute.

examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an examples of relevant policies from the City of Long Beach’s most recent Housing Element update:

- Dedicate funding for basic infrastructure improvements (e.g., sidewalks, water, streets, sewers, etc.) in historically disinvested communities.
- Targeted investment in areas of most need focused on improving community assets such as schools, recreational facilities and programs, social service programs, parks, streets, and active transportation infrastructure.
- Address negative environmental, neighborhood, housing, and health impacts in disadvantaged communities associated with siting and operation of land uses such as industrial, agricultural, waste storage, freeways, and energy production.
- Address negative impacts from climate change in disadvantaged communities through investments in adaptation measures such as urban forestry and flood prevention measures.
- Collaborate with school districts to promote equitable investment in schools serving lower-income communities and evaluate attendance boundaries to ensure high performing schools serve a diversity of students.
- Recruit residents from areas of concentrated poverty to serve on boards, committees, and task forces with decision-making authority for how public investments are prioritized and where investments are made.
- Implement community benefit zoning and/or other land value recapture strategies with a focus on preventing displacement in historically disinvested communities experiencing large development projects.
- The [City of Long Beach 2021-2029 Housing Element](#) provides examples of policies for a diverse range of geographically targeted public investments in historically marginalized neighborhoods:
 - HE Policy 5.4: “Prioritize public improvements (such as streets and drainage, sidewalks and alleys, green spaces and parks, street trees, and other public facilities, amenities and infrastructure) in neighborhoods with the greatest need, including neighborhoods with high concentrations of poverty and limited existing resources and amenities.”
 - HE Policy 5.7: “Encourage place-based strategies for neighborhood planning and improvements that incorporate biking, pedestrian, and public transit connections from lower-resource to higher-resource areas and providing shade coverage, such as tree canopy or awnings, at public transit, to enhance access to amenities throughout the city.”
 - HE Policy 6.3: “Prioritize neighborhood conditions improvements in low income communities of color through coordinated community development efforts.”

Additional Resources

- The [City of Berkeley’s First Source Hiring Program](#) promotes the hiring of Berkeley residents for publicly funded construction projects and non-construction jobs that are created after construction is complete, which maximizes the economic benefits of public investments for local residents.
- The [Facebook Campus Expansion Community Benefits Agreement](#) was reached between Facebook and a coalition of community groups in East Palo Alto in association with Facebook’s office expansion. In this agreement, Facebook made an almost \$20 million commitment to affordable housing in the area, among other financial commitments to community priorities.

Strategy 15: Community-Led Planning

The obligation to affirmatively further fair housing is not limited to the Housing Element, and local jurisdictions should incorporate community leadership in the development, implementation, and evaluation of all plans and programs. As a part of developing community plans or specific plans for neighborhoods, local jurisdictions can proactively reach out to develop open and mutual communication with individuals and organizations that represent lower-income households, people in protected classes, and households with special needs. These community-led planning processes should solicit input from and communicate with community members on a regular and ongoing basis, not just during formal public comment periods for these plans.

Outreach early in the development of local plans is foundational to affirmatively furthering fair housing. Historically, community engagement for planning processes has not always incorporated all segments of the community, with disproportionate representation from homeowners, older residents, white residents, and households with higher incomes. To further fair housing through local planning processes, jurisdictions should lift up and resource the needs of historically marginalized communities, including people with disabilities, households with limited English proficiency, immigrants, low-income residents, residents of subsidized housing, and people of color.

Policy Features and Issues to Consider

- **Expand access to community meetings:** meaningfully engage diverse segments of the community by addressing existing barriers to participation in public meetings. Approaches could include offering translation, providing free childcare, scheduling meetings at a variety of times (such as nights and weekends), and offering a variety of ways to participate (including both online and in-person options).
- **Collaboration with community-based organizations (CBOs):** collaborate with community stakeholders to develop effective outreach and engagement for local planning processes, which may include grants to organizations to support the inclusion of historically marginalized residents. See ABAG's [Best Practices for Equitable Engagement](#) primer for recommendations on how to work with CBOs, nonprofits, and community leaders to reduce barriers to participation for historically marginalized communities.
- **Community commissions for reviewing equity in planning and development:** consider establishing a resident commission, representative of diverse economic groups and protected classes, which would review proposed local plans and development programs to ensure they affirmatively further fair housing.

Implementing this AFFH Strategy as Housing Element Policies and Programs

This AFFH strategy could encompass a variety of policies, programs, and actions in the Housing Element, some of which are described in the policy features listed above. Below are additional examples of potential actions related to this strategy that local jurisdictions could include in the Housing Element, as well as an example of a relevant program from the City of Sacramento's most recent Housing Element update:

- Catalyze community leadership and collaborative decision-making processes for land use policies through capacity-building engagement in historically disinvested neighborhoods.
- Require affirmative recruitment in historically disinvested neighborhoods for local commissions and boards with decision-making authority over planning processes and land use decisions.

- Dedicate funding and staff time to support community groups in historically disinvested neighborhoods with services and technical support.
- Expand access to online resources for neighborhood groups in disadvantaged communities impacted by the digital divide.
- The [City of Sacramento 2021-2029 Housing Element](#) includes the following program that emphasizes meaningful resident involvement to ensure equitable investment and effective anti-displacement strategies in historically disinvested neighborhoods:

Program H9. Facilitate Appropriate Development through Specific Plan and Commercial Corridor Action Plans: “The City shall prepare specific plans and action plans in infill areas and along commercial corridors that have been historically underserved... and have been targeted for development that considers the needs and desires of the neighborhood in which it is located. The City shall work to conduct neighborhood-level planning with residents to develop customized engagement and investment strategies that ensure meaningful and equitable participation and anti-displacement solutions in areas targeted for inclusive economic and community development.”

Additional Resources

- ABAG’s Regional Housing Technical Assistance Program produced a primer on [Best Practices for Equitable Engagement](#), which is available to jurisdictions looking for guidance on outreach to and engagement with diverse segments of their communities.
- The [East Oakland Neighborhoods Initiative \(EONI\) Community Plan](#) is a coalition of community-based organizations in East Oakland, a racially diverse and historically disinvested area of the city. The coalition partnered with the City of Oakland’s Planning Department on a Transformative Climate Communities grant administered by the State of California’s Strategic Growth Council to develop and implement the EONI Community Plan.
- The [Mission Action Plan 2020 \(MAP2020\)](#) is a neighborhood plan co-created by the San Francisco Planning Department and community-based organizations in San Francisco’s Mission District, a historically working-class, Hispanic or Latino/a/x/e neighborhood. A core group of community-based organizations and longtime neighborhood activists engaged in the MAP2020 planning process in an effort to retain low- to moderate-income residents, community-serving businesses, artists, and nonprofits in order to strengthen and preserve the socioeconomic diversity of the Mission.

APPENDIX A.

Linking Goals, Policies, and Actions to the Assessment of Fair Housing

To succeed in affirmatively furthering fair housing, jurisdictions should incorporate fair housing throughout the Housing Element. Accordingly, the goals, policies, programs, and actions included in the Housing Element update must respond directly to the demographic patterns, housing burdens, and contributing factors to fair housing issues identified in the Assessment of Fair Housing. Below is an example of how the hypothetical jurisdiction of Bayville could use findings from its Assessment of Fair Housing to inform the commitments made in the Housing Element update.

Fair Housing Issues in Bayville

The Integration and Segregation Patterns section of Bayville's Assessment of Fair Housing reveals that Bayville's racial demographics differ sharply from the region. While the Bay Area was approximately 36% white in 2020, the census data for Bayville shows that the jurisdiction is 60% white. While communities of color are underrepresented in Bayville, the city has sizeable minorities of Asian/Pacific Islander and Hispanic or Latino/a/x/e residents, which each group comprising about 15% of the city. The data also indicates that Bayville has a larger proportion of affluent households than the region and a smaller proportion of lower-income households. A key finding from Bayville's Integration and Segregation Patterns analysis is that Bayville has one of the highest racial dissimilarity index values in the region between white and Hispanic or Latino/a/x/e residents.⁴⁵ In other words, one fair housing issue in Bayville is that white and Hispanic or Latino/a/x/e residents generally live in separate, segregated neighborhoods. While white residents live throughout much of Bayville, the vast majority of Hispanic or Latino/a/x/e residents live in one neighborhood, North Bayville. However, Bayville's racial dissimilarity index value for white residents and Asian/Pacific Islander residents is comparable to the regional average and relatively low, indicating that these racial groups typically live in the same neighborhoods.

The Disparities in Access to Opportunity section of Bayville's Assessment of Fair Housing notes that most of Bayville's neighborhoods are High and Highest Resource areas according to the [TCAC/HCD Opportunity Map](#), and these areas are predominantly white and Asian/Pacific Islander. Bayville's Hispanic or Latino/a/x/e residents are concentrated largely in the North Bayville neighborhood, which is a Low Resource neighborhood based on the TCAC/HCD Opportunity Map scores.

Bayville's Disproportionate Housing Needs analysis for the Assessment of Fair Housing reveals that apartment buildings and rental housing are concentrated in North Bayville, with many North Bayville residents vulnerable to displacement and experiencing housing cost burden and overcrowding. In contrast, the rest of Bayville is largely owner-occupied single-family homes, and residents in these neighborhoods have low levels of housing need. Consequently, housing needs in Bayville also vary across race, with Hispanic or

⁴⁵ For more information about the dissimilarity index and other analyses required for the Assessment of Fair Housing, see [HCD's AFFH guidance](#) and [ABAG's segregation reports](#).

Latino/a/x/e residents, who live mainly in North Bayville, experiencing disproportionately high housing needs and displacement risk compared to other racial groups in the city.

Notably, North Bayville is not a racially/ethnically concentrated area of poverty (R/ECAP) according to the federal government's definition, nor is this neighborhood identified as High Segregation & Poverty on the on the TCAC/HCD Opportunity Map. However, the R/ECAP section in Bayville's Assessment of Fair Housing notes that North Bayville is where lower-income residents are concentrated and few white residents live there, while much of the rest of Bayville is a racially concentrated area of affluence that is disproportionately white and wealthy.

Identifying Contributing Factors to Bayville's Fair Housing Issues

In the Identification and Prioritization of Contributing Factors component of the Housing Element's Assessment of Fair Housing, Bayville described how past decisions and current policies have led to the fair housing issues mentioned above. One contributing factor Bayville identified as a cause of issues related to segregation and integration is land use and zoning laws reflecting exclusionary zoning – the designation of neighborhoods as single-family zones with large minimum lot sizes. Most of Bayville is zoned this way, creating neighborhoods dominated by larger, expensive single-family homes inaccessible to lower-income residents and renters.⁴⁶ As a result, living in Bayville is not feasible for many in the region, which is reflected in the city's racial and income demographics that differ from the Bay Area as whole. Moreover, Bayville's lower-income residents and renters, who are disproportionately Hispanic or Latino/a/x/e, are concentrated in North Bayville, where less stringent zoning regulations have enabled modest homes on smaller lots as well as some apartment buildings.

Similarly, land use laws and the location of affordable housing are factors contributing to disparities in access to opportunity, as homes affordable to lower-income households are located primarily in the Low Resource neighborhood of North Bayville, while the high opportunity communities in the rest of the city are dominated largely by expensive single-family homes. Bayville's Assessment of Fair Housing notes that another contributing factor to issues related to both R/ECAPs and access to opportunity is a historic lack of public investment in the disproportionately lower-income and Hispanic or Latino/a/x/e neighborhood of North Bayville. North Bayville is cut off from the rest of the city by a freeway and lacks the amenities commonly found throughout the rest of Bayville, such as parks, libraries, and active transportation infrastructure.

One of the main factors identified as contributing to disproportionate housing needs in Bayville is a lack of renter protections. While most homes in Bayville are owner-occupied, the majority of Hispanic or Latino/a/x/e residents in Bayville are renters, and the lack of renter protections leaves these residents unable to advocate for habitability improvements and vulnerable to rent increases causing displacement.

⁴⁶ For more information on exclusionary zoning and its relationship to racial segregation, see this [blog post from the Biden-Harris Administration](#).

Aligning Bayville’s Housing Element with the Assessment of Fair Housing Findings

When completing its Housing Element update, Bayville uses the findings from its Assessment of Fair Housing to inform all aspects of its Housing Element, including the Goals, Objectives, Policies, and Actions section. Bayville identifies several overarching goals based on its Assessment of Fair Housing, community outreach, and other analysis required for the Housing Element update. One of Bayville’s goals directly reflecting the issues and contributing factors discussed in Bayville’s fair housing analysis is “Foster racially and socially inclusive neighborhoods through equitable distribution of investment and growth.”

Because Bayville’s Assessment of Fair Housing prioritized contributing factors related to the city’s restrictive land use regulations, the lack of tenant protections, and the historical lack of proportionate investment in lower-income North Bayville, the City sets the following objectives to implement the aforementioned goal:

- Create a sense of belonging for all communities of color within high opportunity neighborhoods through expanded housing choice.
- Eliminate community displacement within areas vulnerable to displacement.
- Connect people to their neighborhood and resources citywide with numerous, equitable, and healthy transportation and mobility options.

For all of the goals and objectives identified in the Housing Element, Bayville includes a matrix of actions it will take to implement the programs needed to achieve these goals and objectives during the Housing Element period. The matrix also includes information on the agency responsible for the program and action, the timelines for implementation, geographic targeting, and metrics for measuring success. The schedule of actions aligns with the prioritization of contributing factors, frontloading actions that address the highest priorities in the early part of the planning period and committing meaningful city resources to ensure implementation. Below is a sample of some of the information from Bayville’s matrix that corresponds to the goal and objectives noted above:

Objective	Program	Actions	Lead Agencies	Timeline	Geographic Targeting	2023-2031 Metrics
<p>Create a sense of belonging for all communities of color within high opportunity neighborhoods through expanded housing choice</p>	<p>Development Incentives to Mitigate Constraints to Affordable Housing Development (Medium Priority)</p>	<p>Adopt an enhanced density bonus with up to 100% bonuses for projects in high opportunity areas with at least 50% affordable units. Establish fee waivers, streamlined ministerial review processes, and reduced parking requirements for 100% affordable projects of any size.</p> <p>Annually monitor in Q4 and review development proposals to determine effectiveness of the new incentives. If entitlements have not been granted for at least 120 affordable units in high opportunity neighborhoods by 2027, provide additional concessions such as exceptions from setback requirements, height limits, and other design standards.</p>	<p>Planning Department</p>	<p>Develop a proposal for development incentives by 2023 and adopt by 2024.</p> <p>Annual monitoring starting in 2025.</p>	<p>Citywide, with additional incentives targeted to high opportunity neighborhoods in South, East, West, and Central Bayville.</p>	<p>Development incentives adopted by 2024.</p> <p>By 2027, approve entitlements for at least 2 projects with at least 50% affordable units in high opportunity neighborhoods, with a goal of producing at least 120 affordable units.</p>
<p>Create a sense of belonging for all communities of color within high opportunity neighborhoods through expanded housing choice.</p>	<p>Rezone Additional Affordable Housing Sites in High Resource Areas (High Priority)</p>	<p>Redesignate and rezone sites in high resource areas and lower-density neighborhoods to create more opportunities for affordable housing. Identify enough sites and zone for enough capacity to accommodate at least 60% of Bayville's lower-income RHNA in these neighborhoods.</p>	<p>Planning Department</p>	<p>Redesignate sites in conjunction with zoning updates to the Planning and Development Code in 2023-2024.</p>	<p>High opportunity and low-density neighborhoods in South, East, West, and Central Bayville.</p>	<p>Sites and capacity for at least 60% of Bayville's lower-income RHNA in high resource areas and lower-density neighborhoods.</p> <p>Rezoning complete by end of 2024.</p>

Objective	Program	Actions	Lead Agencies	Timeline	Geographic Targeting	2023-2031 Metrics
<p>Create a sense of belonging for all communities of color within high opportunity neighborhoods through expanded housing choice.</p>	<p>Housing Mobility to Improve Access to High Resource Areas (High Priority)</p>	<p>Conduct outreach to landlords (including properties with ADUs) in Bayville’s high opportunity neighborhoods to expand participation in voucher program and promote awareness of source of income discrimination protections. Generate a list of rental properties (including ADUs) in high opportunity neighborhoods interested in participating in voucher program and update list annually in Q4.</p> <p>Partner with the county’s Housing Authority to provide outreach to voucher holders in North Bayville and other low-income neighborhoods and communities of color throughout the county to provide housing search assistance and ensure awareness of housing options in Bayville’s high opportunity neighborhoods.</p> <p>Develop a pilot program to provide low-income residents and voucher holders with up to \$5,000 in financial assistance for application fees, security deposit, or other move-in costs, with up to \$2,500 in additional funding for those moving to high resource areas in Bayville.</p>	<p>Planning Department, County Housing Authority</p>	<p>Begin landlord outreach in 2023 and conduct on ongoing basis.</p> <p>Generate list of housing opportunities for voucher holders by 2024 and update annually.</p> <p>Begin partnership with Housing Authority for outreach and housing search assistance for low-income tenants and voucher holders in 2023 and conduct on ongoing basis.</p> <p>Secure funding for moving cost assistance pilot program by 2025.</p>	<p>Target voucher holders and low-income residents in North Bayville for assistance. Target mobility strategies to housing in high opportunity neighborhoods in South, East, West, and Central Bayville.</p>	<p>Conduct outreach to 50% of all rental properties in Bayville’s high opportunity neighborhoods by end of 2024 and contact all properties by end of 2025.</p> <p>List of units available to voucher holders should always have at least 10 units.</p> <p>Provide outreach and housing search assistance to at least 50 low-income tenants and voucher holders annually during planning period.</p> <p>Secure at least \$250,000 in initial funding for moving cost assistance pilot program by 2025 and renew as needed.</p> <p>Assist 15 low-income tenants and voucher holders annually with moving to Bayville’s high opportunity neighborhoods between 2025 and 2031.</p>

Objective	Program	Actions	Lead Agencies	Timeline	Geographic Targeting	2023-2031 Metrics
Eliminate community displacement within areas vulnerable to displacement.	Preservation of Unsubsidized Affordable Housing (Medium Priority)	<p>Generate a list of older multi-family rental properties for potential acquisition/rehabilitation and conversion to deed-restricted affordable housing.</p> <p>Proactively monitor the list and work with property owners and affordable housing providers to determine ways to preserve the units as affordable.</p> <p>Secure funding from CDFIs, BAHFA, CDBG, and/or City's general fund to assist affordable housing providers with acquisition, rehabilitation, and conversion to permanently affordable housing.</p>	Planning Department	<p>Generate list of properties by 2025 and update annually in Q4.</p> <p>Secure initial funding for acquisition/rehab by 2027. Seek additional funds annually thereafter.</p>	North Bayville	<p>At least 0.25 FTE dedicated to new preservation program by 2026.</p> <p>At least \$1 million in initial funding secured or leveraged by 2027 for acquisition/rehab of unsubsidized affordable housing.</p> <p>Preserve at least 4 properties over 8 years, with a goal of preserving at least 50 units for lower-income residents.</p>
Eliminate community displacement within areas vulnerable to displacement.	Tenant Protections (High Priority)	<p>Complete a community engagement process that prioritizes renters in North Bayville and leads to recommendations to City Council for ordinances related to just cause eviction, rent stabilization, and/or anti-harassment.</p> <p>Develop a funding plan to implement and enforce the new protections, with potential sources including but not limited to fees assessed on owners of protected units, CDBG funds, and the City's general fund.</p>	Planning Department, City Attorney	<p>Procure community engagement consultants by end of 2023.</p> <p>Present recommendations at City Council study session by mid-2024.</p> <p>Present draft ordinance(s) for Council adoption by mid-2025.</p> <p>Present funding plan to City Council by end of 2025.</p>	Citywide; with community engagement focus in North Bayville	<p>Community Advisory Panel with majority North Bayville residents established by early 2024.</p> <p>Ordinance(s) adopted by 2025.</p> <p>Funding plan for implementation of new ordinance(s) adopted by early 2026.</p> <p>Implementation revenue secured by end of 2026.</p>

Objective	Program	Actions	Lead Agencies	Timeline	Geographic Targeting	2023-2031 Metrics
<p>Connect people to neighborhood amenities and resources citywide with equitable and healthy transportation and mobility options.</p>	<p>Funding Neighborhood Resources and Leadership in North Bayville (High Priority)</p>	<p>Prioritize North Bayville in investments to improve walking and bike infrastructure, transit service, parks, streetscape, and neighborhood amenities.</p> <p>Support community groups in North Bayville with funding and technical assistance to catalyze neighborhood leadership.</p> <p>Meet regularly with neighborhood groups in North Bayville to discuss budget prioritization, planning, and implementation for infrastructure projects.</p> <p>Recruit North Bayville residents for seats on boards and commissions that have decision making authority for land use policies and infrastructure spending.</p>	<p>Planning Department, Public Works</p>	<p>Include funding for neighborhood groups in 2023-2024 budget and renew annually.</p> <p>Recruit North Bayville residents for commissions and boards beginning in 2023 and continue efforts annually.</p> <p>Determine priorities for North Bayville infrastructure projects by 2024.</p> <p>Commence first infrastructure improvements in North Bayville by 2025.</p>	<p>North Bayville</p>	<p>At least 25% of public infrastructure funds used for projects in North Bayville between 2025 and 2032.</p> <p>At least \$50k in grants to community groups in annual budget beginning in 2023-2024.</p> <p>Every city board and commission has at least 1 North Bayville resident by 2025.</p>

APPENDIX B.

Connecting the Dots: Contributing Factors, Goals, and the AFFH Strategies in This Toolkit

Fair Housing Issue Area	Examples of Contributing Factors	Examples of Goals Based on Contributing Factors	Relevant Strategies
Segregation/Integration Patterns and Disparities in Access to Opportunity ⁴⁷	<p>Land use and zoning laws preventing a diversity of housing types.</p> <p>Location, type, and size of affordable housing units.</p> <p>Local policies or practices constraining affordable housing development.</p>	<p>Pursue development of affordable housing on public land in high opportunity areas and work with partners to identify sites for acquisition.</p> <p>Promote reforms to current zoning regulations in high opportunity areas, including the development of inclusionary zoning policies and increasing multifamily zoning to provide more affordable housing development opportunities.</p> <p>Lower barriers to expanded affordable housing in high opportunity areas by prioritizing development incentives and funding to support affordable housing in those areas.</p> <p>Promote affirmative marketing in affordable housing programs to enable mobility among low-income residents and residents of color living in areas of poverty and segregated neighborhoods.</p>	<p>Strategy 1. Dedicate Public Land in High Opportunity Areas for Affordable Housing</p> <p>Strategy 2. Adopt and Strengthen Inclusionary Zoning Policies</p> <p>Strategy 3. Zoning and Entitlement Incentives for Affordable Housing in High Opportunity Areas</p> <p>Strategy 4. Require Affordable Housing to be Listed on Regional Housing Application Platform (Doorway)</p>
Disproportionate Housing Needs (Including Displacement)	<p>Rising housing costs without effective tenant protections to ensure stable housing (including for mobile homes).</p> <p>Displacement of residents due to expiration of housing subsidies and conversion of subsidized housing to market-rate.</p> <p>Lack of rental relief, legal support resources, or other eviction prevention programs for people at risk of homelessness.</p> <p>Lack of rapid rehousing, permanent supportive housing, or other response programs to house unhoused people.</p> <p>Lack of accessible affordable housing, transportation, public infrastructure, and government facilities or services for people with disabilities.</p> <p>Displacement of residents due to economic pressures and market conditions leading to ownership turnover and rising rents in unsubsidized rental housing.</p>	<p>Strengthen local renter protections beyond existing state law to prevent displacement of low-income residents, communities of color, and other protected classes.</p> <p>Make strategic investments in the preservation of long-term affordable housing in areas where residents are at high risk of displacement. Provide financing to rehab and preserve affordable rents in existing housing.</p> <p>Prioritize resources to develop short-term and permanent supportive housing for people experiencing homelessness.</p> <p>Use targeted homelessness prevention strategies in the form of both legal services and financial assistance to keep people stably housed and reduce the racial and age disparities among people who become homeless.</p> <p>Create accessible neighborhoods available to all and develop policies requiring construction or rehab projects receiving public funding to meet universal design standards.</p> <p>Stabilize neighborhoods vulnerable to gentrification by supporting community and tenant ownership of existing rental housing through first right of refusal and affordable financing.</p>	<p>Strategy 5. Just Cause and Rent Stabilization Ordinances</p> <p>Strategy 6. Anti-Harassment Ordinances</p> <p>Strategy 7. Preservation of Subsidized and Unsubsidized Affordable Units</p> <p>Strategy 8. Policies to Reduce Homelessness</p> <p>Strategy 9. Disability Justice Policies</p> <p>Strategy 10. Tenant (or Community) Opportunity to Purchase Act</p>
Fair Housing Outreach and Enforcement Capacity	<p>Lack of fair housing outreach by public agencies and nonprofit organizations, or outreach lacks accessibility and cultural relevance needed for impacted communities.</p> <p>Lack of well-resourced community-based organizations able to effectively conduct outreach in marginalized communities.</p> <p>Lack of funding and resources for fair housing agencies and nonprofit organizations to conduct fair housing testing and enforce existing laws.</p>	<p>Dedicate staff time or fund nonprofit organizations to provide fair housing outreach and education to marginalized groups as well as landlords and the broader community.</p> <p>Collaborate with community-based organizations serving protected classes to conduct fair housing outreach that is flexible, accessible, and culturally relevant.</p> <p>Provide funding for the enforcement of existing state and local fair housing laws to ensure housing opportunities are accessible to all residents without discrimination.</p>	<p>Strategy 11. Community-Centered, Culturally Appropriate Fair Housing Outreach</p> <p>Strategy 12. Increase the Frequency, Coverage, and Use of Fair Housing Testing</p>
Racially/Ethnicity Concentrated Areas of Poverty (R/ECAPs) ⁴⁸	<p>Lending discrimination and inequitable access to financial services preventing homeownership and wealth building for communities of color and moderate/lower-income residents.</p> <p>Lack of public and private investment in historically disenfranchised and disinvested communities, inhibiting access to parks, childcare, education, employment opportunities, transportation, healthcare, healthy food, and other critical infrastructure and services.</p> <p>Lack of representation for historically marginalized populations and neighborhoods in planning processes, preventing the development of community-led revitalization strategies.</p>	<p>Partner with and fund community land trusts to promote affordable ownership opportunities and ownership retention strategies, focusing on wealth building for disinvested communities.</p> <p>Promote equitable investment and development in low-income neighborhoods and communities of color that creates opportunities for shared prosperity. Fund projects that advance economic mobility and opportunity, prevent residential and commercial displacement, build on local cultural assets, promote transportation and connectivity, and develop healthy and safe neighborhoods for all.</p> <p>Promote collaboration and shared decision-making for neighborhood planning processes by addressing existing barriers to participation in public meetings, recruiting residents of underserved neighborhoods for boards and commissions, and provide funding and technical assistance to catalyze neighborhood leadership.</p>	<p>Strategy 13. Support for Community Land Trusts</p> <p>Strategy 14. Equitable Investment Policies</p> <p>Strategy 15. Community-Led Planning</p>

⁴⁷ The first two Assessment of Fair Housing components (segregation/integration patterns and disparities in access to opportunity) are combined as one fair housing issue area in this toolkit due to the direct relationship between these two issues and the commonalities in the policies to address them, as racial segregation impacts both where people live and what resources they can access.

⁴⁸ Both HCD's AFFH guidance and state statute ([California Government Code Section 65583\(c\)\(10\)\(A\)\(ii\)](#)) require a jurisdiction's R/ECAP analysis and corresponding policies to also address racially concentrated areas of affluence (RCAAs). For strategies to address RCAAs, see the section of this toolkit focused on strategies related to [Segregation/Integration Patterns and Access to Opportunity](#), as the presence of RCAAs usually signifies the need for programs that expand housing options in those areas. Notably, not all RCAAs may be considered high opportunity areas according to the [TCAC/HCD Opportunity Map](#). However, jurisdictions should implement strategies that increase housing choices and create affordable housing in RCAAs regardless of whether those neighborhoods are designated as High/Highest Resource on the Opportunity Map.



AFFH Housing Toolkit

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Association of Bay Area Governments

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