



FAIR HOUSING PROMISES OR PROGRESS?

UNPACKING BAY AREA HOUSING ELEMENT
PROGRAMS THROUGH AN AFFH LENS

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INTRODUCTION

Housing Elements and Affirmatively Furthering Fair Housing

Housing Elements¹ are a central pillar of California housing policy. Every city and county in the state must update its Housing Element on a regular basis.² Housing Elements are legally binding commitments by local jurisdictions. They must demonstrate a comprehensive plan to: develop and preserve housing; undo and mitigate the impacts of racism and segregation in housing and otherwise further fair housing; meet other state requirements related to production, emergency shelter needs, and zoning capacity; analyze existing housing stock; identify and analyze special housing needs of particular segments of the population; identify and analyze constraints to the siting and construction of housing for all income levels; and meet other identified local needs. In addition to this plan, Housing Elements require local jurisdictions to identify **adequate sites** with residential capacity to accommodate new housing for different income levels. Housing Elements must also analyze existing housing stock; identify and analyze special housing needs of particular segments of the population; identify and analyze constraints to the siting and construction of housing for all income levels.

The [Regional Housing Needs Allocation \(RHNA\)](#), is a process run by the California Department of Housing and Community Development (HCD), which occurs in most regions every eight years. RHNA is a projection of the number of very low-, low-, moderate- and above-moderate income housing units which will be needed in each jurisdiction during the planning period. This allocation process is known as a “RHNA cycle.” In most of California, the process includes regional Councils of Government (COGs), which help determine the RHNA allocation in their areas, based on a regional allocation from HCD.

These Elements must ultimately be formally adopted by the local jurisdiction, following review and certification by the California Department of Housing and Community Development (HCD). This review and certification often involves the jurisdiction receiving and integrating feedback from HCD, and certification is necessary in order for the jurisdiction to avoid several legal accountability mechanisms.³ In cases where there is a deficit of sites to meet the jurisdiction’s share of regional housing needs (see sidebar), a Housing Element cannot be certified until the jurisdiction commits to rezoning identified sites to allow the types and density of housing identified within one or three years, depending on other factors.

In 2018, AB 686⁴ added an important new requirement for Housing Elements. Each jurisdiction is now required to include an assessment that analyzes a variety of fair housing issues and identifies actions that the jurisdiction is taking or will take to “[Affirmatively Further Fair Housing](#).” In legal terms, Affirmatively Furthering Fair Housing (AFFH): means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”⁵ AB 686 also established a broad mandate that all local governments and public agencies affirmatively further fair housing in *all* of their activities related

- 1 They are named as such because they are the ‘Housing Element’ of the General Plan. [General Plans are large documents](#) which lay out growth and management plans for cities, towns and counties in California. Required by law, they include many [required sections or “Elements”](#), in addition to housing. Other required elements are Land Use, Circulation, Conservation and Open Space, Noise, Safety, Environmental Justice and Air Quality.
- 2 Most jurisdictions are every 8 years. Some smaller counties are every five. See [HCD’s schedule](#).
- 3 These mechanisms include a shortened timeline to rezone where rezoning is necessary to meet RHNA needs and modifications to the jurisdiction’s ability to deny building permits. See generally Cal. Gov’t Code ss. 65589.5.
- 4 Authored by Assemblymember Santiago
- 5 Cal. Gov’t Code ss. 8899.50

to housing and community development.⁶ Among other mandates, AB 686 requires jurisdictions apply an AFFH lens both to zoning for adequate sites, **and to laying out goals, policies, and quantified objectives, which must be realized through policy, funding and programmatic initiatives collectively known as Programs.**⁷ Jurisdictions must include in their Elements a set of identified fair housing priorities and Programs to address them.

UNDERSTANDING THE 6TH CYCLE: BUILDING A DATABASE

AB 686 went into effect in 2019, but the first new set of Housing Elements to be produced under the new law did not begin until 2021. That is when a new [RHNA cycle, the Sixth cycle](#), began. As RHNA cycles operate on a staggered schedule throughout the state, Southern California jurisdictions were the first to update their Elements under the new regulatory framework. Bay Area jurisdictions formally entered their 6th cycle in 2023, following planning processes that began in 2022.

As of publication nearly all of 109 jurisdictions across the nine-county Bay Area have received HCD certification for their Housing Elements and completed the requisite adoption processes. In Housing Elements, programs adopted by local jurisdictions are legally binding commitments enforceable by the state as well as community stakeholders and organizations. With the Sixth Cycle drafting process coming to a close in the Bay Area, and prep for the Seventh Cycle underway, one critical question emerges: what specific commitments did jurisdictions *actually* make in Sixth Cycle Housing Elements?

The sheer number of jurisdictions in the Bay Area, let alone California, makes this question impossible to answer without a significant data set. Individual Housing Elements are submitted as large (often > 500 pages) PDF documents, making comparison a challenge. To analyze these Elements, the project team and the Housing Element Working Group led an effort to build a database of Programs in adopted Bay Area's Housing Elements, a necessary first step before significant analysis could occur. **This database provides a single, comparable, and sortable database of program commitments.**

At the time of publication, the [Bay Area Sixth Cycle Housing Elements Action Database](#) contains the Programs text for 84 of the region's 109 Sixth Cycle Housing Elements in the Bay Area (See appendix for the list of jurisdictions).

The database was developed in response to extensive consultation with housing advocates throughout the Bay Area who identified a critical need for tools to effectively understand, implement, and enforce sixth cycle Housing Elements. This comprehensive database contains extensive information that can be analyzed in countless ways. What follows is:

- an initial analysis that provides a broad region-wide understanding of several key issues
- policy questions that emerge from this analysis, which we hope will spark further discussion among advocates and lawmakers
- suggested approaches for future research, policymaking, and advocacy using this data.

BAY AREA HOUSING ELEMENTS AND AFFH: WHAT DID JURISDICTIONS PROPOSE TO DO IN THEIR PROGRAMS?

This report uses this database to analyze the complete Programs list of 84 certified Bay Area Housing Elements to produce a high-level analysis of the actions proposed in these Programs.⁸

⁶ Id.

⁷ Housing Elements use the term "Program" for individual sections of the element which identify policy goals. These "Programs" can include one or more policy goals. We use the term "Program" throughout to refer to these specific sections of the Elements. See sidebar below and the methodology for further explanation. "Program" is capitalized when referring to the actual Programs for individual sections of the element, and not capitalized when referring to things such as program commitments.

⁸ This includes 83 certified HE's and 1 uncertified. See methodology section for full explanation and breakdown.

The first question we ask is what were the general *types* of programs adopted by different jurisdictions - like rezoning, production, ADUs, etc. - and how often was each type of program adopted, relative to other types of programs. We then go one step further to examine which types of programs jurisdictions labeled as being designed to Affirmatively Further Fair Housing. **Were AFFH Programs focused in particular housing policy areas, or do they address all areas of housing policy?** The answer to this question yields further lines of inquiry into what policymakers and advocates think *should* be prioritized, and whether the reality and the goals line up. As hinted above, we do not answer this question, but encourage the housing community to engage in this discussion and, if there is a mismatch, propose or adopt any statutory or regulatory changes necessary to push the reality closer to the goal.

Next, we examine the **type of action** committed to by each program - whether a firm policy commitment, a funding goal, or a more practice-based action like changing what jurisdiction staff worked on. We look at the **'scale' of action** - whether jurisdictions targeted Program action toward specific geographic areas or groups of people, or proposed citywide action. We also document how many Programs focused on outreach, monitoring, or studying an issue. We hope to provide the housing community with information about what Housing Elements do and do not commit to, so that the community can, again, ask whether what *is* happening lines up with what *could* or *should* be happening. **From here, we ask whether there is any significant difference in terms of scale or type of action between AFFH Programs and non-AFFH Programs?** The follow-up question is, of course, *should there* be a difference, especially in light of the statutory requirement for housing element programs to make a meaningful difference within the Housing Element cycle.⁹

When combined, these analyses of **Programs** yield two core findings we highlight in this report.

HOUSING ELEMENT PROGRAMS

We analyzed 4638 individual Housing Element "Programs" across 84 jurisdictions. Programs are the sections of the Housing Elements (generally Section 5) which lay out future steps the jurisdiction intends to take, some of which are required by state law. A Program can include individual or multiple policy, funding, administrative or other goals. Programs range dramatically in size, scope and the number of things they propose.

To better understand these Programs we assigned **one or more labels to each individual program** in two ways.

LABEL 1: One (or more) of 30 housing policy categories (Table 1)

LABEL 2: One (or more) of 7 types or scales of action (Table 5)

The first set of findings draw from the categories, the second from the type and scale of action.

1. Programs in Housing Elements are wide-ranging across virtually all areas of housing policy. Programs which are self-identified as AFFH initiatives are similarly diverse. Every category of housing policy was considered AFFH by at least one jurisdiction, though some types of actions were more likely to be self-identified as relating to AFFH obligations than others.
2. Most program commitments were to practice-based actions (changes to staff behavior), and a smaller number of programs committed to changing policies, adopting ordinances, or increasing funding. More programs commit to some form of study, outreach or monitoring than committing to make policy changes of any sort, or to targeting specific geographies or groups. More programs targeted the entire jurisdiction than targeted specific geographies or groups. This was true for both AFFH and non-AFFH initiatives.

⁹ Cal. Gov't Code ss. 8899.50(a)(1).

WHAT ISSUES ARE JURISDICTIONS COMMITTING TO ADDRESS IN THEIR HOUSING ELEMENTS?

The 4638 Programs across 84 jurisdictions include a wide range of housing policy ideas. The research team labelled each program with *one or more* Program Categories (Table 1), to help analyze the region as a whole.¹⁰ Each category represents a type of action taken, e.g., a Program to streamline permitting might fall under the “Development Process” category; a Program to rezone a neighborhood to allow for emergency shelters might fall under the “rezoning” category and the “special needs housing” category; a Program to develop 100% affordable housing on city owned land might fall under the “affordable housing development” category, the “BMR housing” category, and/or the “large projects” category, depending on the specifics.

The following section lists all of the categories we found, and draws initial insights from an analysis of all Program Categories.

INSIGHT 1. Jurisdictions addressed a wide range of housing issues.

Categorization of the individual Programs shows a very wide range of housing issues addressed by jurisdictions (Table 1). Programs related to the development process (25.9%) and rezoning (16.4%) are the two largest areas of focus, unsurprising considering how central these two issues are to Housing Element law, and how detailed statutory requirements are for these issues.¹¹

TABLE 1: NUMBER OF PROGRAMS BY CATEGORIES - ALL PROGRAMS, ALL 84 JURISDICTIONS

CATEGORY	#	%	CATEGORY	#	%	CATEGORY	#	%
Development Process	1202	25.9%	Fair housing enforcement/ outreach	240	5.2%	Administrative Process	53	1.1%
Rezoning	762	16.4%	Inclusionary Zoning	211	4.5%	Workforce Housing	52	1.1%
Special Needs Housing	621	13.4%	Affordable Housing Development	207	4.5%	Code Enforcement	52	1.1%
Environmental	337	7.3%	Homeownership	193	4.2%	Regional Collaboration	46	1.0%
Engagement Process	328	7.1%	Preservation	192	4.1%	Staff Capacity	35	0.8%
Redevelopment/ rehabilitation	321	6.9%	Monitoring	164	3.5%	Community Land Trusts (CLTs)	23	0.5%
Tenant Protections	286	6.2%	Rental Housing Assistance	126	2.7%	TOPA/COPA ¹²	22	0.5%
ADU	281	6.1%	State Compliance	126	2.7%	Economic/ workforce development	22	0.5%
Miscellaneous	281	6.1%	Large Projects	71	1.5%	BMR Housing	17	0.4%
Funding	260	5.6%	Capital Improvement Project/infra.	63	1.4%	MI Housing	14	0.3%

¹⁰ See methodology for full explanation of the categorization process.

¹¹ AB686 didn't reduce the level of detail in the statutory requirements on these issues, just added additional requirements, see Government Code section 65583(c).

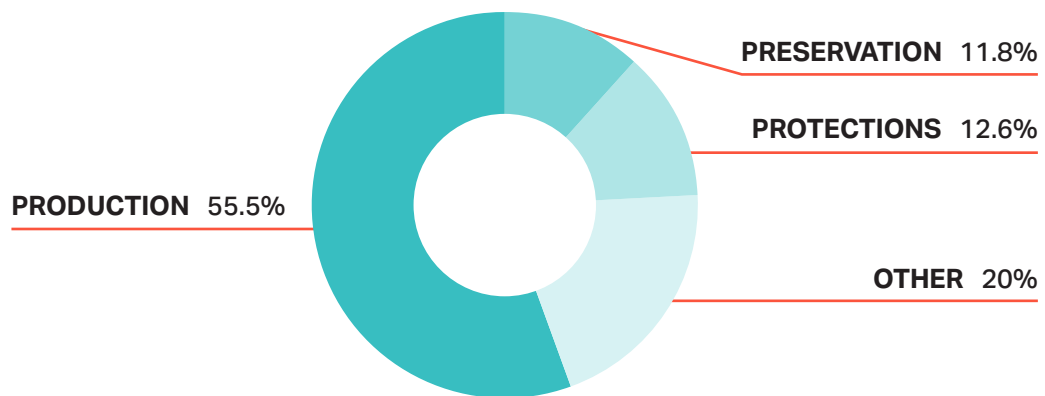
¹² Tenant Opportunity to Purchase Act (TOPA) / Community Opportunity to Purchase Act (COPA) are policies which mandate that tenants or their assigned nonprofit housing provider be able to make an offer when a building is put up for sale.

While more than 40% of all programs relate to the development process and zoning, other issues are also widely represented. Eighteen categories had at least 100 total programs across all 84 Elements. These include categories like Homeownership, Tenant Protections, Funding, and Preservation. Finally, there are 12 categories that had a smaller number of total programs, but still saw meaningful representation, such as Code Enforcement and Community Land Trusts.

A rough “3P’s” - Production, Preservation, and Protections - Analysis also shows diversity, but reflects a more clear emphasis on housing production (Figure 1).¹³ Production-related programs account for 55.5% of total programs, while Preservation and Protections make up a much smaller portion of the total, 11.8% and 12.6% respectively. It is worth noting how a full 20% of all Programs defy the “3P” framework, falling clearly into none of those categories - e.g. Staff Capacity or Regional Collaboration. We also completed a similar “3P’s” analysis for only the programs tagged as AFFH programs, and found the proportions to be substantially the same.

Figure 1. The Majority of Programs are Production-Related

Program Analysis by Production, Preservation and Protection (3 P’s Analysis)



Another way to examine Housing Element Programs is to look at Program categories by jurisdiction. The median jurisdiction had 21 different Program categories in its housing element, or roughly 2/3rds of the possible categories (See Table 1 in the Appendix). The most narrowly focused jurisdiction, however, had programs that fit into only 12 categories, while the most wide ranging jurisdiction had programs fitting into 26 categories.

Certain categories were much more common than others, with some categories covered in every Housing Element and others appearing in a small minority of Elements. Table 2 shows how many of the 84 Housing Elements analyzed had at least one program relating to each housing issue, and demonstrates this wide variation: just 10 jurisdictions (12% of jurisdictions) had programs categorized as “Middle-Income Housing,” to 84 jurisdictions with programs tagged as (100%) “Development Process,” followed closely by 83 jurisdictions with programs related to ADUs. The median program category was used in 67 jurisdictions (80%).

¹³ See Appendix Part A: Methodology for how each category was assigned one of the P’s.

TABLE 2: DEVELOPMENT PROCESS, ADUS, AND REZONING AND REDEVELOPMENT/REHABILITATION (TIED) ARE THE TOP 3 MOST COMMON CATEGORIES

Number of Jurisdictions with Programs by Housing Policy Categories (Max 84)

CATEGORY	#	CATEGORY	#	CATEGORY	#
ADUs	83	Environmental	80	Redevelopment/ rehabilitation	82
Administrative Process	26	Fair Housing Enforcement and Outreach	80	Regional Collaboration	28
Affordable Housing Development	68	Funding	81	Rental Housing Assistance	67
Below Market Rate Housing	12	Homeownership	73	Rezoning	82
Capital Improvement Projects/ Infrastructure Projects	41	Inclusionary Zoning	77	Special Needs Housing	80
Code Enforcement	40	Large Projects	33	Staff Capacity	22
Community Engagement	62	Middle Income Housing	10	State Compliance	52
Community Land Trusts	17	Miscellaneous	76	TOPA/COPA	20
Development Process	84	Monitoring	72	Tenant Protections	70
Economic Development/ Workforce Development	14	Preservation	67	Workforce Housing	35

Which Issues are Self-Identified as relating to AFFH?

Another common set of questions examined both whether and how AFFH law impacted the programs that jurisdictions included in their Sixth Cycle Housing Elements. A full analysis of either of these questions would have required creating a second, similar database of all Fifth Cycle housing element programs, which our team did not have the capacity to complete. We analyzed which specific programs jurisdictions explicitly identified as furthering fair housing within their communities. This analysis provides insight into how jurisdictions across the Bay Area interpreted the AFFH requirement and incorporated it into their Housing Element planning process.

The following section provides a second example of how to disaggregate the data in our database: we analyzed which programs were designated as AFFH programs and frequency of occurrence; we then examined patterns from these designations and explored their potential significance for understanding how jurisdictions conceptualize their fair housing obligations.

INSIGHT 2. Jurisdictions pursued a similarly diverse set of program categories as part of AFFH Programs

As part of their AB 686 obligations, jurisdictions identified which programs are part of their legal mandate to “facilitate deliberate action” towards one or more AFFH goals. Table 3 shows the same breakdown of all categories shown in Table 1, with one key addition—the number and percentage of these programs which were identified by jurisdictions as part of their AFFH program.¹⁴ For instance, “rezoning” was identified as an AFFH action in 260 of the total 762 rezoning programs. In other words, 34% of rezoning programs were labelled by jurisdictions as AFFH actions. (Table 4, below, shows a related analysis: the percentage of total AFFH programs that fall within each category.)

TABLE 3: EVERY PROGRAM CATEGORY WAS LABELLED AS AFFH

Number of Programs by Categories (Table 1), with added AFFH Analysis

CATEGORY	Total #	%	Tagged AFFH	%	CATEGORY	Total #	%	Tagged AFFH	%
Development Process	1202	25.9%	381	32%	Monitoring	164	3.5%	26	16%
Rezoning	762	16.4%	260	34%	Rental Housing Assistance	126	2.7%	71	56%
Special Needs Housing	621	13.4%	233	38%	State Compliance	126	2.7%	37	29%
Environmental	337	7.3%	71	21%	Large projects	71	1.5%	42	59%
Engagement Process	328	7.1%	161	49%	Capital Improvement Project/Infra.	63	1.4%	25	40%
Redevelopment/rehabilitation	321	6.9%	115	36%	Administrative Process	53	1.1%	6	11%
Tenant Protections	286	6.2%	151	53%	Workforce Housing	52	1.1%	18	35%
ADU	281	6.1%	140	50%	Code Enforcement	52	1.1%	17	33%
Miscellaneous	281	6.1%	123	44%	Regional Collaboration	46	1.0%	11	24%
Funding	260	5.6%	109	42%	Staff capacity	35	0.8%	13	37%
Fair housing enforcement/outreach	240	5.2%	130	54%	Community Land Trusts (CLTs)	23	0.5%	14	61%

¹⁴ Housing Elements contain a separate AFFH section which identifies the Programs which are being labelled as AFFH.

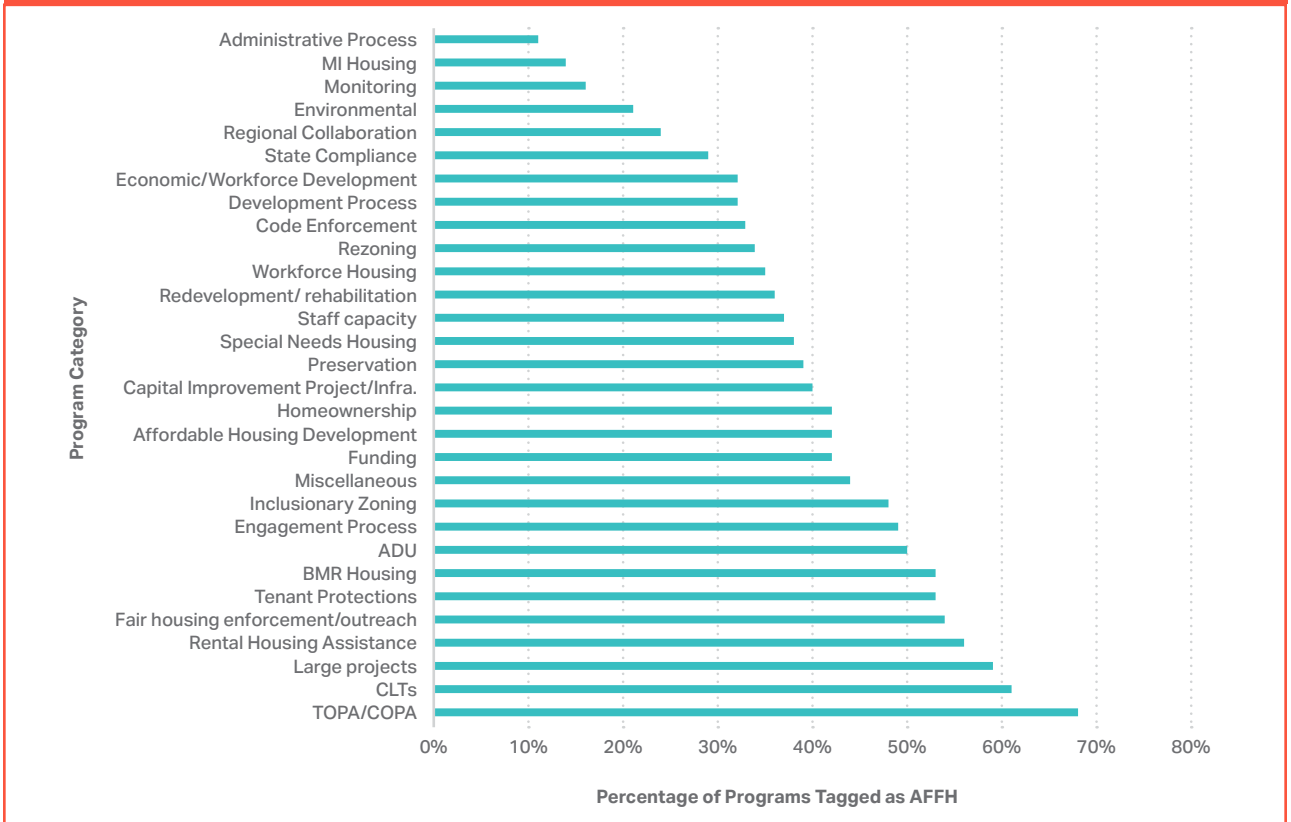
Inclusionary Zoning	211	4.5%	101	48%	TOPA/COPA	22	0.5%	15	68%
Affordable Housing Development	207	4.5%	87	42%	Economic/Workforce Development	22	0.5%	7	32%
Homeownership	193	4.2%	81	42%	BMR Housing	17	0.4%	9	53%
Preservation	192	4.1%	75	39%	MI Housing	14	0.3%	2	14%

This table clearly shows that jurisdictions embraced a diverse range of housing issues into their AFFH strategies. **Jurisdictions tagged programs from every policy category as contributing to their AFFH efforts.** Jurisdictions did not simply choose Fair Housing Enforcement/Outreach or certain categories often connected with AFFH, like tenant protections or rezoning efforts. They chose from the full array of categories in their Housing Element. No single category saw fewer than 11% of programs tagged as AFFH; the median percentage was 40% (See Figure 2).

This diversity applies to the other end of the spectrum as well—no single category was even close to being a universal AFFH category, i.e. a category which was always tagged as AFFH. Only two categories—Community Land Trusts (CLTs) and Tenant Opportunity to Purchase Act (TOPA) / Community Opportunity to Purchase Act (COPA) were tagged as AFFH more than 60% of the time. All told, only four program categories are tagged as AFFH less than 25% of the time, and none above 75%—the highest is 68% (Figure 2). It would be worth delving further into these housing elements and making comparisons with the Fifth Cycle housing elements to understand the extent to which AFFH requirements may be partially responsible for expanding the breadth of housing issues addressed in housing elements.

Figure 1. The Majority of Programs are Production-Related

Program Analysis by Production, Preservation and Protection (3 P's Analysis)



If we flip the analysis and look at how the universe of AFFH programs breaks down by category, we see similar diversity that matches the overall program categories. Development process and rezoning—which we established earlier are the two largest categories and roughly 40% of the total—are similarly the two largest AFFH categories by count (Table 4). They account for 381 and 260 separate AFFH programs respectively, or 15.1% and 10.3% of the total. While this is much lower than their overall percentage, it is still in line with the tendency to consider AFFH in all program areas.

Table 4 shows the 10 largest categories when it comes to AFFH tags. It reads similarly to the overall top 10 named categories for all programs (Table 1), with only “environment” replaced by “fair housing”.

TABLE 4: TOP 10 AFFH CATEGORIES					
CATEGORIES	Total #	%	Tagged AFFH	%	% of Total AFFH Programs
Development Process	1202	25.9%	381	32%	15.10%
Rezoning	762	16.4%	260	34%	10.30%
Special Needs Housing	621	13.4%	233	38%	9.23%
Engagement Process	328	7.1%	161	49%	6.38%
Tenant Protections	286	6.2%	151	53%	5.98%
ADU	281	6.1%	140	50%	5.55%
Fair housing enforcement and outreach	240	5.2%	130	54%	5.15%
Miscellaneous	281	6.1%	123	44%	4.87%
Redevelopment/ rehabilitation	321	6.9%	115	36%	4.56%
Funding	260	5.6%	109	42%	4.32%

What Kind of Actions are Jurisdictions Committing To?

The previous section highlighted initial findings based on the **issues** addressed by housing programs. These show the breadth of subject matter in housing elements and in AFFH programs. In what follows, we analyze the **kind of action** each Program commits to. What exactly are jurisdictions proposing to do? How do we make sense of the actions as a whole?

In addition to creating initial policy category tags for each program, we created an initial tagging system for understanding the type and scale of action that each program commits to taking. This tagging came in response to questions about how *impactful* Housing Elements are or could end up being. With that in mind, we do not make claims about what the tagging system says about impact, or whether the programs are impactful enough. Instead, we tried to tag each program with a type of behavior and a scale of action that the jurisdiction committed to, assuming that other advocates and researchers could use this data for their own analysis.

We examined the actions in each housing element program from three angles. First, we ask whether the program involves a policy change, a funding commitment or a plan to seek funding, or changes in staff practice or other similar kinds of action. Second, we ask if the Program focuses on a specific geographic area or group of people, or if it is citywide. Finally, we ask if the proposed action is some form of study, outreach or monitoring versus a more concrete action. These tags are *not* mutually exclusive, meaning a Program may be tagged as both “Practice” and “Policy,”; “Citywide” and “Study/Outreach/Monitoring,”; or any combination of tags.

CASE STUDY: CONCORD

Leading into the Housing Element Sixth Cycle Drafting Process, the City of Concord already had a decades-long history of community organizing for affordable housing and renters' rights. Among these efforts, **the Raise the Roof Coalition had been working to pass renter protections for six years, but faced strong political opposition.** Coalition organizers report having started to feel disheartened by the time the Housing Element process kicked off in 2022. However, included in the organizing team was a policy expert with a strong understanding of **how AFFH law could be used to further the organizers' goals;** in addition, Public Advocates had longstanding relationships with members of Raise the Roof and was able to provide legal support.

With the promise that the Housing Element process could provide a new route to victory, the organizers began arguing that adopting tenant protections and rezoning for affordable housing in affluent parts of the city were necessary for Concord to fulfill its obligation to affirmatively further fair housing. Discussions between HCD and organizers and then, in turn, the City, led the City to incorporate into the Housing Element's required Fair Housing Analysis, years' worth of data surfaced by the organizers showing the need for tenant protections. This data suggested that the City could only meet AFFH goals by adopting those protections. **A combination of deep and sustained organizing, technical and legal comment letters tying organizing demands to legal requirements, and rigorous oversight by HCD - all underpinned by the state AFFH statute and agency guidelines - were all essential to this outcome.**

Ultimately, eight years' worth of organizing culminated in a commitment in the Housing Element to adopt tenant protection ordinances, including rent stabilization and just cause eviction protections, within the year, **as well as specific commitments to rezone land that can accommodate affordable housing development in the more affluent, largely single family, area of the city.** The City has now adopted some of the stronger renter protections in the Bay Area.

While the city's rezoning process is underway, a group of community members in Concord have begun to oppose that rezoning. Having mobilized to support inclusion of the rezoning program in the Housing Element, Raise the Roof Coalition members have been well situated and prepared to turn out and defend its implementation.

Finally, in an unfortunate recent development, the City Council is currently considering weakening the renter protections adopted last year in implementing a housing element Program. This not only raises concerns about whether Concord renters will be fully protected but also about ongoing housing element compliance.

ISSUE

After six years of advocacy, the Raise the Roof Coalition's fight for renter protections was losing momentum against persistent political opposition

AFFH AS A TOOL

AFFH provided organizers a strategic new tool, enabling them to frame tenant protections and affordable housing in affluent neighborhoods as legal requirements rather than just policy preferences.

SOLUTION

A powerful combination of persistent organizing, strategic legal advocacy, and diligent state oversight—all backed by AFFH requirements—finally secured commitments to adopt tenant protections and rezone affluent areas for affordable housing after eight years of struggle.

TABLE 5: LABELLING STRUCTURE FOR TYPE AND SCALE OF ACTION ANALYSIS

METRIC	CATEGORY	DESCRIPTION
TYPE of Action	Policy	Propose actual change in an ordinance or regulation
	Funding	Proposal specifically related to pursuing or granting funding
	Practice	Other proposed actions taken by staff or jurisdiction
SCALE of Action	Area/Site/Zone	Action targeted towards a specific neighborhood or zone, or specific site
	Group	Action is targeted towards a specifically defined group
	Citywide	Concrete action that applies across the city
Study/Outreach/ Monitoring		Action focused on studying a particular policy option or conducting outreach or monitoring; less concrete actions

Table 5 lays out the basic labelling structure—see the [Methodology](#) section for more detail. Like with categories, these labels are not mutually exclusive and some programs are tagged with multiple labels. Taken together, this analysis gives us a sense of the level and type of commitment that jurisdictions are making in their housing elements.

The following sections show analyses from two different data segments from this tagging system. The first is what we see when we look at the percentages of types of action of every program from every jurisdiction. Then we look at whether these percentages change if we look at *only* the programs that jurisdictions tagged as AFFH programs. Further ways to analyze the data could include: county-by-county, jurisdiction-by-jurisdiction, program-category-by-program-category.

Finally, we examine the diversity of approaches taken by jurisdictions across the Bay Area. This analysis suggests that every jurisdiction has unique outcomes, requiring examination of each jurisdiction’s specific circumstances when evaluating the potential impact of its Housing Element. As a result, each individual jurisdiction is most enabled to come up with the possible strongest suite of programs when working together with local experts—including impacted residents and advocates who support and represent impacted residents—and the Department of Housing and Community Development, who can help translate the needs stated by local experts into programs that will meet those needs. To further this point, we have interspersed three different stories from three different individual jurisdictions about local efforts to get certain programs included in their Housing Elements.

INSIGHT 3. The majority of Programs focus on practices, rather than on policy or funding.

Table 6 shows the basic results of this analysis. We can see clearly that the vast majority of programs (65%) are considered “practice” actions, which are commitments to new or continued city staff behavior without a change in funding or an ordinance guiding that change. Roughly a quarter (26%) of actions are commitments to policy change, i.e. adopting an ordinance, and approximately an eighth (12%) commitment to finding or providing funding.

TABLE 6: Most programs focus on practice, rather than funding or policy change

All Programs	
TYPE	TOTAL
Practice	3,015 (65%)
Funding	536 (12%)
Policy Change	1,216 (26%)
TOTAL	4,638 (100%)

INSIGHT 4. Programs are far more likely to be citywide than focused on an area or a specific group.

We also see limited evidence of programs targeted or focused on specific groups or areas of the city. Table 7 shows the basic data - very very few programs target specific groups (15%), despite the fact that the AFFH requirement asks that jurisdictions develop policies to mitigate and undo harms that have been done to specific groups.¹⁵ A bigger but still small number of programs focus on a specific area or zone (i.e. R-1) or site. Programs were far more likely to be citywide than targeted.¹⁶

TABLE 7: Programs are more likely to focus citywide than on a group or area

SCALE	TOTAL
Group	673 (15%)
Area/ Zone/ Site	183 (4%)
Citywide	2,042 (44%)

INSIGHT 5. The majority of all programs involved some sort of Outreach, Study or Monitoring.

There is a clear propensity in Bay Area Housing Elements towards Outreach / Study / Monitoring

- Programs that involve current staff, consultants, or outside organizations conducting outreach to educate community members about events (new developments, for example) or rights;
- programs that commit the city to study the impacts of a current or potential ordinance or the situation on the ground in communities; or
- programs that commit the city to monitor the impacts of a current or potential ordinance or factual reality.

These were very common types of action throughout Bay Area Housing Elements—more than half of all Programs (52%) can be considered this type of approach.

INSIGHT 6. The types and scale of actions that jurisdictions commit to are the same whether or not a program is identified as affirmatively furthering fair housing.

The next question we examine is whether or not the type or scale of action changes depending on whether the Program is one tagged as likely to AFFH. Does AFFH status make a jurisdiction more likely to commit to policy change or fundings? Does it make the jurisdiction more likely to target action towards a particular group or area of the city?

TABLE 8: Similarly to all programs, AFFH programs focus more on practice than policy change or funding

	AFFH Programs	ALL Programs (Table 6)
Practice	1,170 (67%)	3,015 (65%)
Funding	238 (14%)	536 (12%)
Policy Change	401 (23%)	1,216 (26%)
TOTAL	1,741 (100%)	4,638 (100%)

MORE THAN HALF (52%) OF ALL PROGRAMS CAN BE CONSIDERED SOME FORM OF OUTREACH, STUDY OR MONITORING.

TABLE 9: Similar to all programs, AFFH Programs are more likely to focus citywide than on a group or area

SCALE	AFFH Programs	ALL Programs (Table 7)
Group	276 (16%)	673 (15%)
Area/ Zone/ Site	84 (5%)	183 (4%)
Citywide	753 (43%)	2,042 (44%)

¹⁵ We do not necessarily find this to be a problem. Fair Housing laws would often prohibit actions that provide specific benefits to members of protected classes, and “group neutral” policies may undo or mitigate historical harms that continue to limit fair housing choice and disproportionately impact members of protected classes. These policies may appear to give primary benefits to members of protected classes if the neutral group is predominantly made up of members of protected classes (e.g. renter protections).

¹⁶ These numbers do not add up to 100% as some programs did not have any clear geography.

Tables 8 & 9 show the result of the analysis, and we can discern directly that the answer is no. The data for AFFH-tagged programs is virtually identical to that for all programs, meaning that the type and scale of action taken by jurisdictions was virtually unchanged by that jurisdiction's decision to label a program as AFFH.

INSIGHT 7. There is significant variation among jurisdictions when it comes to the type and scale of action

We can extend the previous jurisdictional analysis to examine the range of programs different jurisdictions pursue (Figure 3). Using the same breakdown shown in Table 5—Type Analysis, Scale Analysis, and Outreach/Study/Monitoring—we can compare jurisdictions based on their commitments. Each dot in the charts below represents an individual jurisdiction.

For example, the funding chart under the Type Analysis shows that 31% of the programs included in San Francisco's Housing Elements are funding-related. In contrast, the median jurisdiction only has 12% of its programs related to funding. While counting the number of programs - or the percentage of programs - addressing a particular issue does not directly measure the likely impact of those programs (since one ambitious and concrete program could potentially have a greater impact than 10 marginal and vague programs) it still gives an indication of the relative time and attention given by different jurisdictions to varied issues.

Figure 3. Most jurisdictions committed to practice over funding or policy changes

Share of Actions Per Jurisdiction

*Note: Dots represent individual jurisdictions

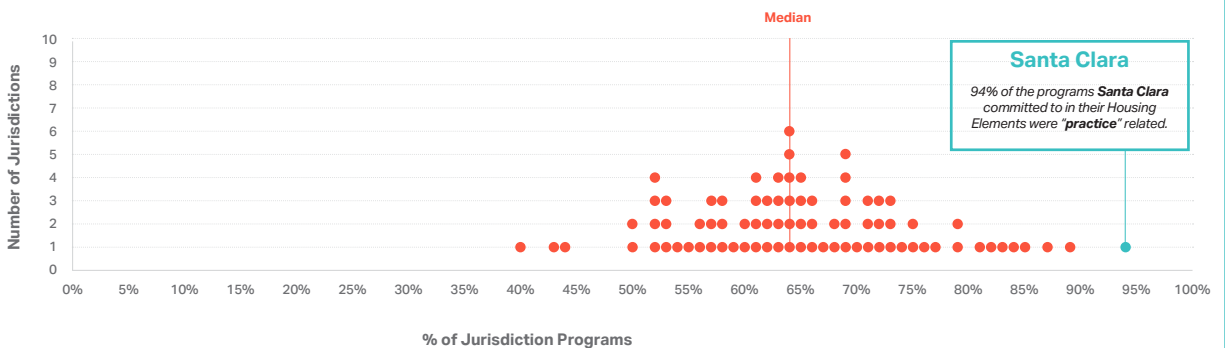
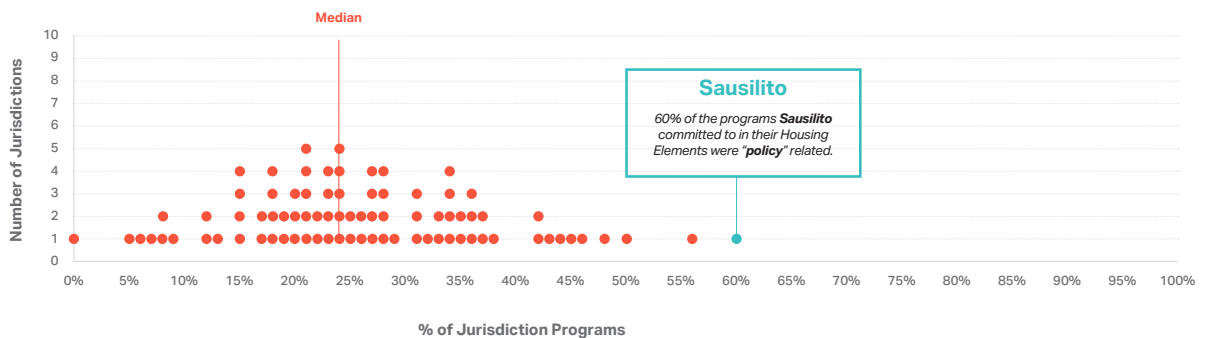
TYPE

Does the program involve a **policy** change, a **funding** allocation or a plan to obtain outside funding, or changes in staff **practice**?

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CASE STUDY: SAN FRANCISCO

Land use in the compact and diverse City and County of San Francisco (SF) has always been contentious. More recently, land use demands from the tech industry have resulted in unparalleled wealth inequality, skyrocketing housing costs, and worsening gentrification and displacement. **In response to corporate pressures to develop more market rate housing and office buildings, communities have for generations fought for increased tenant protections, affordable housing development and people-centered city planning.** Early in the Sixth Cycle drafting process, **a coalition of 40 grassroots groups with that community expertise in housing justice, called the Race & Equity in all Planning Coalition (REP-SF), engaged with the San Francisco Planning Department to realize the City's first time goal of centering equity in its Housing Element.** The mission of the REP-SF Coalition is to build a future in San Francisco with diverse communities, stable, affordable housing and equitable access to resources and opportunities.

The REP-SF Coalition found that the **City struggled with finding approaches for affordable housing and other critical needs that were not market-based**, setting up the City for a repeat of the Fifth Cycle, where the City overbuilt housing for high income levels and underbuilt housing for low and moderate income residents. In response, in the Fall of 2022, **the REP-SF Coalition wrote the Citywide Peoples Plan, a visionary roadmap to housing justice in San Francisco based on their collective community expertise.** As a result, **the REP-SF coalition was able to get over 100 equity based actions into San Francisco's final draft of the housing element when it was passed in January 2023.** These included provisions for affordable housing funding, production and preservation; acquisition and rehabilitation of existing buildings for community needs; eviction prevention; expansion of supportive housing for unhoused residents, and community planning. San Francisco was one of the few cities to meet the state-given deadline for adopting a state-certified housing element including a mandate to affirmatively further fair housing, and has been notable for one of the stronger sets of programs that could, if implemented properly, further fair housing and meet the needs of the most impacted community members.

At the same time, lobbyists for the real estate industry were also able to get provisions they were advocating for in the SF Housing Element. These actions would deregulate many aspects of the development process. This, paired with state laws with the same goal, severely undermined community efforts to affirmatively further fair housing. While housing justice advocates were successful in getting equity actions in the Housing Element, since it was passed, the City and the SF Planning Department have largely neglected these actions. Both monitoring by the California Department of Housing & Community Development (HCD), as well as the City's policies, have focused on deregulation of market rate development. The City and the state ignore actions to achieve the mandated 57% affordable housing in

ISSUE

The real estate industry's corporate interests are fuelling San Francisco's housing affordability crisis and severely hamper community advocacy for tenant protections and affordable housing. The overemphasis on market-rate housing deregulation in the name of AFFH accelerates gentrification and displacement in marginalized communities — ironically reinforcing the very patterns of segregation and disinvestment that AFFH laws were designed to eliminate.

AFFH AS A TOOL

In San Francisco, the Race & Equity in all Planning Coalition (REP-SF)—40 grassroots groups with housing justice expertise—leveraged AFFH requirements to incorporate over 100 equity-focused actions into the city's Housing Element, creating a robust framework for affordable housing and anti-displacement measures.

the Regional Housing Needs Assessment (RHNA) for San Francisco. For example, in October of 2023, HCD released a Policy and Practice Report presenting programs focused on streamlining development, in response to claims that the development process in San Francisco was too long, even though the City already made significant changes that would shorten the development process.

Structurally and legally, the biggest challenge facing on-the-ground organizers who want to apply affirmatively furthering fair housing laws involves the significant interpretative divide as to which populations should benefit from new housing development.

While AFFH law talks about access to housing for protected classes, it's not explicitly stated that this housing should be what most advocates would assume, that is, affordable housing for people with low- and moderate- incomes and people of color. Developer lobbyists, such as the YIMBYs, maintain that market rate housing provides housing access for all incomes, while housing justice advocates maintain that market rate housing, especially in highly sought after locations such as San Francisco, are targeted for investors and high-income clients, and are overpriced and unattainable for most people.

Overemphasis on market rate housing deregulation has a ripple effect of furthering gentrification, vacancies and displacement in historically marginalized communities, and indeed furthers the segregation, racism and historical disinvestment AFFH law seeks to upend.

So far in San Francisco, affirmative actions for fair housing have only come from innovative solutions put forward by community advocates. For example, the REP-SF Coalition is in the process of working with the Planning Department to implement several of their recommendations to increase allowable heights and density in a way that keeps residents in the city and prioritizes affordable housing—mitigating upzoning impacts that are tantamount to urban renewal. **To prevent the continued distortion of AFFH language in ways that primarily benefit the real estate industry, the REP-SF Coalition maintains that their values can be adopted as clear parameters that can better define AFFH in practice—affordability, equity, diversity and culture, stability, leading with community expertise and social change.**

N.B.: many of the programs included in the organizers' platform were programs that might be coded as "practice" and "study" programs; they are programs that the organizers have determined to be vital to the City's ability to AFFH.

SOLUTION

In San Francisco, meaningful fair housing progress has emerged only through community-driven solutions. The REP-SF Coalition is now working with the Planning Department to mitigate the impacts of state-imposed zoning changes to prevent displacement and prioritize affordable housing. To reclaim AFFH from real estate industry co-option, the Coalition advocates for clear definitional parameters that represent their housing justice values—affordability, equity, cultural preservation, stability, community expertise, and social change.

Type Analysis

The first three charts, which display the distribution of jurisdictions committing to funding, policy, or practice programs, reveal two key findings.

- 1. Practice is by far the most common type of commitment.** The median percentage of jurisdiction programs that were tagged as practice is 64%. Contrast this with the median percentage for funding (12%).
- 2. Commitment levels vary significantly by jurisdiction.** While most jurisdictions show lower commitment to funding, the policy commitments display a much wider distribution. This variation may raise questions about why some jurisdictions prioritize policy more than others.

Sausalito stands out as an outlier, with 60% of its actions classified as policy-related. This raises further questions: Do jurisdictions that commit to funding also tend to commit to policy? Do some jurisdictions include more “filler” programs than others? These are potential questions for further research.

Figure 4. Most jurisdictions committed to city-wide programs over targeted programs, either by area/site or by group of people.

Share of Actions Per Jurisdictions

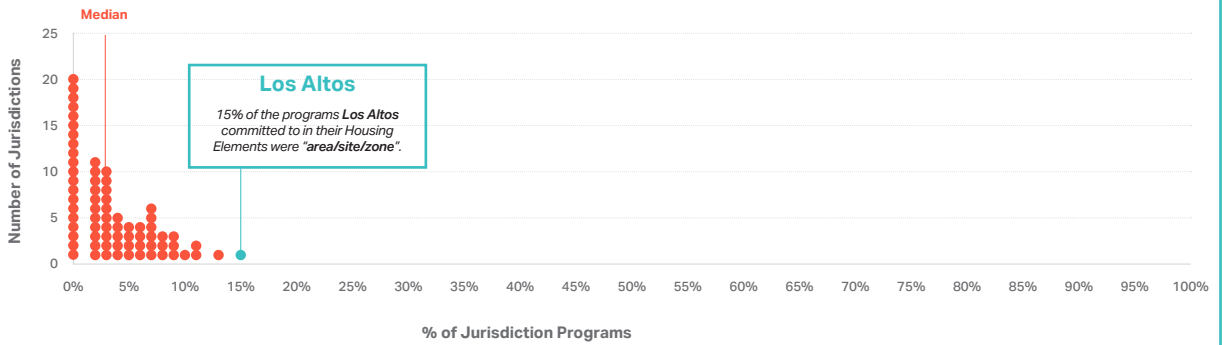
*Note: Dots represent individual jurisdictions

SCALE

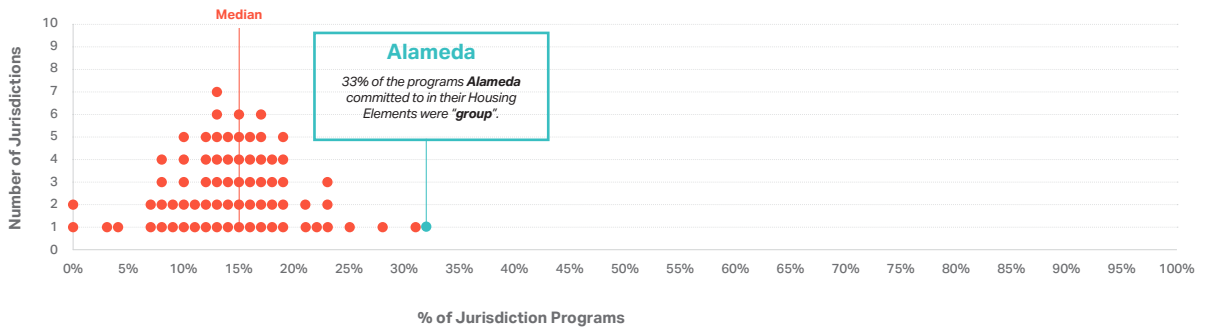
Does the Program focus on a specific geographic **area or site**; **group** of people; or is it city-wide?

*Note: The y-axis scale on "Area/Site/Zone" differs from the other charts, extending to 25 instead of 10.

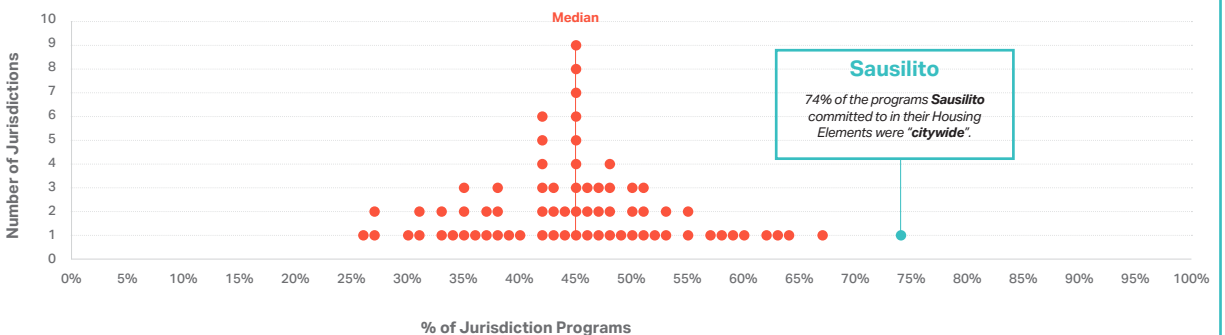
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Scale Analysis

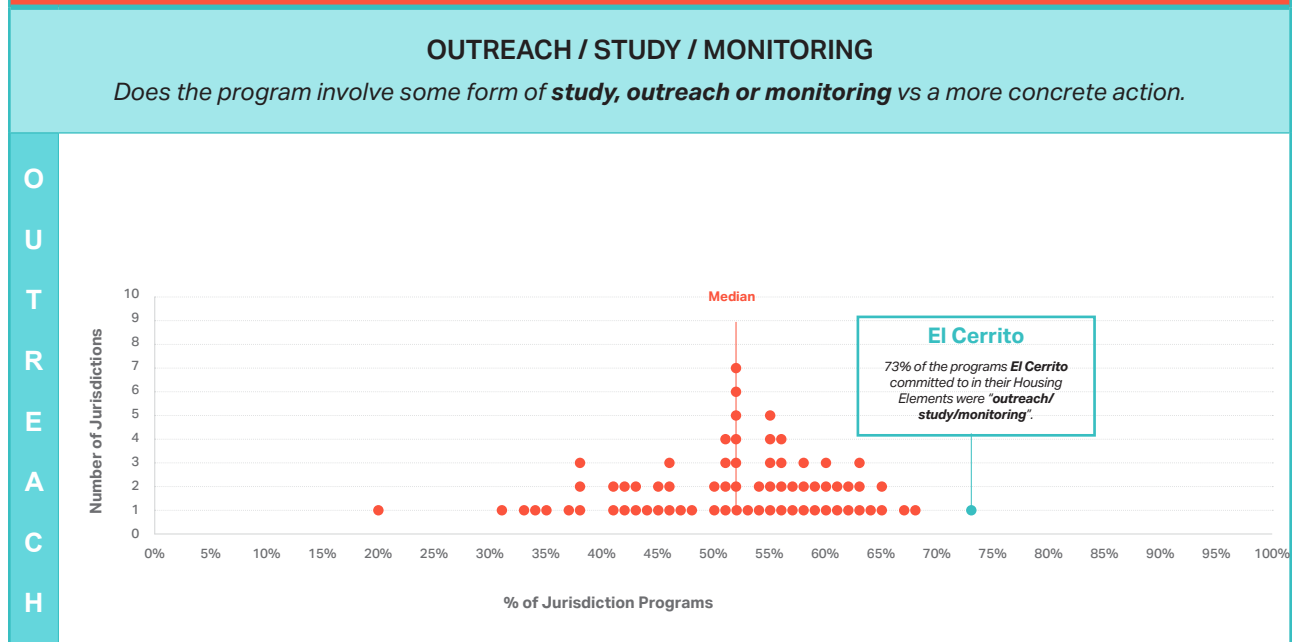
The three charts of the scale analysis also reveal several key findings.

- 1. Citywide programs are the most common.** The median percentage of jurisdiction programs that are citywide is 45%, meaning nearly half of all programs operate at the citywide level.
- 2. Targeted programs are less common.** The median percentage for area/site/zone programs is just 3%, while programs targeting a particular population group have a median of 15%.
- 3. Commitment to specific groups varies.** While there is limited variation among jurisdictions in the percentage of programs targeting specific areas/sites (they are all clustered closely around 3%), there is much wider variation in the percentage of programs that target a particular population group.

Figure 5. Most jurisdictions committed to outreach / study / monitoring.

Share of Actions Per Jurisdictions

*Note: Dots represent individual jurisdictions



Outreach Study and Monitoring

A higher percentage of jurisdictions commit to outreach, study, and monitoring programs than to other types of initiatives. The median percentage is 52%, meaning more than half of all programs focus on studying policy options, conducting outreach, or monitoring outcomes. These programs generally require fewer resources, involve less political risk, and demand less concrete action compared to funding or policy commitments. This likely explains why jurisdictions prioritize them more frequently.

CASE STUDY: VALLEJO

The City of Vallejo is a historically disinvested community in just about every way. The result of this marginalization is a city staff without significant capacity, and a growing but relatively (in comparison to San Francisco and Concord) new organizing and organized community. The Vallejo Housing Justice Coalition was founded in 2019, and has become one of the major housing-related organizing groups in the City. The Coalition has ties with tenants, policy organizations, legal organizations, and other organizing groups throughout Solano County. As in Concord, the coalition benefitted from both grass-roots community leadership and participation by people with technical expertise. Public Advocates was also able to provide legal support to the coalition's efforts through the housing element process.

Vallejo is seeing increasing gentrification and displacement pressures, in a classic cycle in which real-estate interests seek profit in places where land has been made less expensive due to disinvestment. This risk of gentrification and displacement has led to interest both from those who want to seek profit within the City, and those who want to protect the City's current low-income residents, who are disproportionately represented in the Black and Latine populations, from displacement.

All of these circumstances combined to create a politically complicated Sixth Cycle Housing Element process that moved in fits and starts, and ultimately led to a housing element adopted nearly two years past the statutory deadline. Beginning in 2022, local organizers and legal services providers shared concerns about the location of sites in the sites inventory, and stated a need for robust tenant protections to mitigate increasing displacement pressures on low-income residents and communities of color within the City. They also raised the need - and requirement - for robust community engagement in the Housing Element process. **While the earliest draft of the housing element, posted for public review in September of 2023, included a program to implement a rent monitoring ordinance and consider other tenant protections; advocates pointed out that this program would not meet minimum standards for housing element programs or go far enough to protect vulnerable residents. When HCD rejected the first draft of the housing element, the department's letter suggested the City engage in further conversations with local advocates about their priorities.**

After an additional year of drafts, public comments, meetings and attempted meetings between advocates and the City, conversations with HCD, and a general pattern of: repeated requests to meet or receive an update on the drafting process without response, updated drafts published without warning, public comment by VHJC and partner organizations, followed by several months of little to no communication, the City began to move in earnest to draft a certifiable housing element by the end of 2024. **With nudges from both advocates and HCD, and pair of dramatic Planning Commission and**

ISSUE

Vallejo, a historically disinvested city, faces increasing gentrification pressures as real estate interests target its artificially devalued land for profit. This coupled with limited city staff capacity, led to a politically complex Housing Element process that stretched nearly two years beyond the statutory deadline. The actual draft highlighted the gap between minimal compliance and meaningful fair housing action.

AFFH AS A TOOL

In Vallejo, AFFH challenges centered on combating displacement in a historically disinvested community suddenly targeted by profit-seeking real estate interests. When the city's initial Housing Element draft in September 2023 merely promised to monitor rents and "consider" tenant protections, advocates argued this failed to meet

City Council meetings that involved extensive public comment, fast-paced research and comparison with Concord's adopted and certified housing element, and real-time changes to language in Vallejo's Draft Housing Element, the City submitted a Draft Housing Element on Dec. 31, 2024 that was certified the same day. The draft included a promise to present ordinances to City Council, including rent stabilization and just cause eviction protections by September of 2025, followed by tenant anti-harassment protections and a tenants' right to counsel by June of 2026. In their certification letter, HCD noted the tenant protections program as one the City must follow closely in order to maintain compliance with Housing Element law.

Ultimately, the success of the campaign to include strong commitments to necessary tenant protections in Vallejo's Sixth Cycle Housing Element was dependent on a number of factors. First, the organizers were persistent in their message and had a full and nuanced understanding of the needs of renters in the City's community; second, HCD was able to review the information provided by the organizers and advocates and encourage the City to create programs that will meet the needs of residents; third, a relatively newly hired City Staff were willing and able to engage with both HCD and organizers in a way that previous staff haven't been able to; and fourth, the example of successful program language, and a successful campaign, in Concord provided encouragement and a framework to advocates and government staff alike.

Advocates in the City have more work to do as they gear up to ensure that the ordinances presented to City Council will both meaningfully address the needs of residents of color in the City, and will be adopted by the Council. In preparing for that work, advocates are watching the example of Concord, where there is significant pushback against the adopted and implemented protections, closely.

N.B.: in the current coding scheme, the tenant protections commitments in Vallejo's Certified Housing Element may be considered a "study," rather than a "policy change," due to the program's failure to commit the City Council to actually *adopting* the presented ordinances. Still, advocates consider this program to be a significant and hard-won victory, and see the commitment to present an ordinance as a major opportunity to get the City to adopt the needed protections.

AFFH requirements and the urgent needs of vulnerable residents—particularly communities of color facing displacement.

SOLUTION

A powerful combination of persistent organizing, strategic legal advocacy, and diligent state oversight—all backed by AFFH requirements—finally secured commitments to adopt tenant protections and rezone affluent areas for affordable housing after eight years of struggle.

Part 3: Conclusions and Further Questions

The evidence above tells us a number of things about the Programs in the Sixth Cycle Bay Area Housing Elements, evidence that has implications for our understanding of what housing elements look like now that AB 686 is law. These findings also provide a general understanding of housing elements independent of AB 686, showing us the contours of what housing elements look like overall, rather than by individual jurisdiction. Just as important, these findings raise new questions about housing elements and AFFH.

First, our analysis reveals significant variation in the types of housing issues addressed by housing element programs. This diversity extends to programs tagged as AFFH initiatives, which show a similar range and distribution of focus areas. It is a vital piece of AFFH law that *all* actions that impact housing be analyzed through an AFFH lens, and a vital piece of housing element law that jurisdictions consider the full range of possible strategies to further fair housing. Our analysis reveals two possible interpretations of the similar diversity patterns observed between programs generally and those tagged as AFFH initiatives. One explanation is that jurisdictions are fulfilling the requirement to incorporate fair housing considerations across all possible actions, resulting in a balanced distribution. It is also possible, however, that the similar diversity patterns shows that jurisdictions tagged programs as AFFH initiatives with some level of randomness. It is almost certain that there are different answers for different jurisdictions, but more points of evidence are needed in order to understand the general trend throughout the Bay Area. We find the following data points to be relevant when considering this question:

- 50% of ADU programs were tagged as AFFH programs, with little to back up this assertion. Stay tuned for the release of our forthcoming ADU Report, which will provide more information and analysis.

54% of Fair Housing Outreach and Education programs were tagged as AFFH programs, despite the reasonable expectation for nearly 100% of this category to be tagged as AFFH

- Some jurisdictions considered and adopted robust AFFH programs after receiving meaningful input from community members. See our case studies for examples. On the other hand, we have heard anecdotal evidence from other local advocates that their input was disregarded and that AFFH was shown token compliance in the housing element process.

We encourage further research, and especially further case studies involving conversations with community members and jurisdictional staff, in order to better understand why jurisdictions tagged some programs as AFFH and not others. We note that existing statutory and regulatory guidance instructs jurisdictions to prioritize particular AFFH issues for action based on a localized analysis, and it will also be important to delve into how well that structure is functioning and whether it explains the wide variety of AFFH program issues.

Second, we see clear evidence of more programs with increasing specificity in areas that are governed by more detailed or specific statutory requirements. This includes, for example, programs related to facilitating ADU development; programs related to zoning, the development process, and new production; programs for jurisdictions to come into and stay in compliance with state density bonus laws and state laws related to zoning for emergency shelters. We see less consistency of programs relating to other issues. Especially notable is that, despite the statutory definition of AFFH involving “transforming racially and ethnically concentrated areas of poverty into areas of opportunity,”¹⁷ we note relatively few programs focused on implementing this piece of the law. This suggests that jurisdictions are more likely to implement portions of the law that are clearer and have more specific requirements, and that HCD may be more likely to require specific programs where statutory language makes explicit and specific requirements.

Third, we find that more than half of housing element Programs - both generally and those tagged as AFFH - fall into the study/monitoring/outreach category. While some of these may represent meaningful actions, the prevalence of such programs raises questions about whether all housing element programs will have

¹⁷ Cal. Gov't Code ss. 8899.50

“beneficial impacts ... within the planning period,”¹⁸ and whether all AFFH programs go farther, as required, to advance defined fair housing “metrics and milestones.”¹⁹

Fourth, the lack of funding-related programs— for both AFFH and non-AFFH programs almost equally seems like a barrier to achieving both RHNA and AFFH goals. We note that the lack of funding-related programs may result directly from state law, which is explicit in not requiring funding actions; however, the low percentage of funding-related programs highlights the disconnect between goals and public investment. In a perpetually difficult fiscal environment, it should not be a surprise that the vast majority of actions aren’t commitments of money. What may be surprising is that jurisdictions aren’t particularly aggressive in saying they will look for outside funding for these Programs. The funding metric counts Programs which say they will pursue outside monies, not just make commitments of local resources. Even if housing elements themselves are not allocating funding, it seems worth exploring how local, regional, and state-level budgeting can be better aligned to achieve housing element goals.

Apart from the conclusions we can draw from the data presented, we are also left with some questions for further study and consideration. Some we have already touched on: what does the evidence about limited commitments to policy change and funding mean? What about the limited focus on specific areas or groups? What would a “good” distribution look like in these cases? On the one hand, policy change, funding commitments, and targeted approaches are important. On the other hand, we recognize the value of change in practice, or housing policies that focus on the full jurisdiction.

Additionally, the dataset we were able to develop and analyze is inherently unable to answer the question of whether jurisdictions are recycling ineffective programs from one housing element cycle to the next. Many advocates have anecdotally expressed that they believe this to be the case, and have expressed particular worry that programs promising to “study” whether or how to implement certain ordinances are repeated indefinitely—leading to a study on the impacts of a possible TOPA/COPA ordinance, for example, once every eight years, without it ever being adopted. We encourage a follow-up study that compares the programs from the sixth cycle to the programs of either the fifth or seventh cycles to determine whether jurisdictions are progressing their programs—AFFH or not—from one cycle to the next, or repeatedly claiming the same set of programs without making meaningful movement to learn and grow.

Finally, we return to our note above regarding outreach/study/monitoring programs which make up the bulk of the programs; it is impossible to know without looking further whether these programs likely meet the statutory requirement to make a meaningful difference within the eight year cycle.²⁰ We think it is important to better understand what types of outreach, studies, and monitoring are, in fact, supportive of goals to create and maintain safe, stable, affordable communities with access to opportunity for all. We encourage a deeper dive into the specifics of these programs in order to better understand where they are impactful and where they may be delaying more important actions. This deeper dive likely requires robust case studies, including interviews about why specific programs were included and/or tagged as AFFH programs, with local advocates and city staff alike.

As an initial publication using the Housing Element Database, and one of the first analyses of Sixth Cycle Housing Elements from the Bay Area, this study does not attempt to be the final word on any overall judgment about the sixth cycle. The complex nature of Housing Elements make them challenging to evaluate as a group, and this study takes important steps towards showing policymakers, advocates and researchers the basic contours of these elements. What makes a “good” housing element remains an open question, and we hope this report helps those involved reflect critically on what we have accomplished. We can see the incredible breadth of these elements, both for AFFH and non AFFH policies. Now is the time to discuss as a community what we think is working, and what must change for the seventh cycle.

18 Gov. Code Sec. 65583(c)

19 Gov. Code Sec. 65583(c)(10)(A)(iv)

20 Many of the programs advocated for within our case studies fall under the “outreach/study/monitoring” tag, and are determined by advocates to be essential to the jurisdictions ability to AFFH: they require robust input from impacted community members before making significant development and other housing related decisions, for example, of stop one step shy of committing a jurisdiction to adopting an ordinance but require all of the prerequisite steps, making it much more likely that the ordinance will be adopted than if the prerequisite steps were not required. These programs are likely to make a meaningful difference within the cycle, if they are properly followed.

Appendix

PART A: METHODOLOGY: CATEGORIES AND ACTIONS

Each program was categorized based on a category, type of action, and scale of impact. We identified thirty program categories. The type of action refers to the mechanism of change: a policy change, a practice change, or a funding commitment.

- Policy changes propose modifications to an ordinance or regulation.
- Funding programs involve pursuing or granting funding.
- Practice changes refer to proposed actions or programmatic adjustments carried out by staff or the jurisdiction.

The scale refers to the level of impact: area/site/zone, group or citywide.

- Area/site/zone programs target a specific neighborhood, zone, or site. Group actions focus on a defined group.
- Citywide actions apply across the entire city.

And finally, outreach/study/monitoring actions have a less concrete scale of impact and focus on program monitoring, studying a policy option, or conducting outreach.

We compiled actions from each housing element into a database and categorized them based on these components. Some actions included a single standalone action, while others consisted of a series of actions. All components of an action were considered in the categorization process, and some programs received multiple tags because they addressed multiple topics, types of action, or scales of impact.

Program	Program Category	Type of Action	Scale of Action
The City will amend the Zoning Ordinance to allow farmworker/ employee housing consistent with Health and Safety Code Sections 17021.5 and 17021.6.	Rezoning Workforce Housing	Policy	Citywide
The City will partner with fair housing organizations to ensure that resident have information about the California Tenant Protection Act of 2019 (AB 1482). Develop print and online educational materials and make materials availability at City facilities, on the City's website, and at apartment complexes throughout the City.	Tenant Protections	Practice	Outreach/ Study/ Monitoring
Make financial assistance available to homeowners with income below 120 percent Area Median Income (AMI) to prevent displacement from foreclosure. Funding from the City will be provided in the form of a deferred loan to cover delinquent Homeowners Association (HOA) dues and mortgage payments.	Homeownership Assistance	Funding	Citywide

Three P's Analysis

The Three P analysis was created by assigning each category a P. The Table below shows the categorization. Special Needs Housing was split equally between the three categories.

Protections	Preservation	Production	Other
Tenant Protections	Redevelopment / rehabilitation	Development Process	Engagement Process
Rental Housing Assistance	Preservation	Rezoning	Miscellaneous
Code enforcement	Community Land Trusts	ADU	Homeownership
Monitoring	TOPA/COPA	Funding	Fair housing enforcement and outreach
	Below Market Rate Housing	Environmental	State compliance
		Inclusionary Zoning	Administrative Process
		Affordable Housing Development	Regional Collaboration
		Workforce Housing	Staff capacity
		Large projects	Economic/Workforce Development
		Capital Improvement Project/ Infrastructure	
		Middle Income Housing	

APPENDIX PART B: TABLES

TABLE 1: NUMBER OF DIFFERENT PROGRAM CATEGORIES, BY JURISDICTION

Jurisdiction	Number of different program categories	Jurisdiction	Number of different program categories	Jurisdiction	Number of different program categories
Alameda	18	Hayward	22	Rio Vista	18
Albany	22	Healdsburg	24	Rohnert Park	25
American Canyon	16	Hillsborough	17	Ross	22
Antioch	22	Livermore	25	Saint Helena	23
Benicia	15	Los Altos	22	San Anselmo	24
Berkeley	20	Los Altos Hills	18	San Carlos	20
Brentwood	16	Marin County	18	San Francisco	17
Brisbane	14	Menlo Park	24	San Jose	26
Burlingame	17	Mill Valley	20	San Leandro	24
Calistoga	18	Millbrae	26	San Pablo	22
Campbell	24	Milpitas	18	San Rafael	21
Cloverdale	12	Moraga	18	San Ramon	17
Colma	13	Morgan Hill	23	Santa Clara	18
Concord	16	Mountain View	21	Santa Rosa	21
Contra Costa County	16	Napa	18	Saratoga	21
Corte Madera	17	Napa County	21	Sausalito	17
Cotati	21	Newark	22	Sebastopol	20
Danville	20	Novato	22	Solano County	20
Dixon	17	Oakland	24	Sonoma	17
Dublin	18	Oakley	18	Sonoma County	25
East Palo Alto	24	Orinda	21	South San Francisco	26
El Cerrito	17	Petaluma	18	Suisun City	18
Emeryville	19	Piedmont	21	Sunnyvale	20
Fairfax	19	Pinole	16	Tiburon	25
Fairfield	17	Pleasant Hill	21	Union City	22
Foster City	23	Pleasanton	26	Vacaville	25
Fremont	21	Redwood City	22	Walnut Creek	22
Gilroy	23	Richmond	26	Windsor	22