

FLOOR ALERT

AB 686 (Santiago): Affirmatively Furthering Fair Housing

Preserving the legacy of Dr. King and President Obama in California



The federal government pursued affirmatively pro-segregation housing policies for decades.

From the 1920s until the 1960s, the federal government pursued a series of affirmatively racist housing policies, including redlining, providing mortgage guarantees in white-only suburbs, and bulldozing minority neighborhoods in favor of highways. The historic patterns of segregation created by these unjust policies persist to this day—even in California. Segregation persists. Low-income communities of color suffer disinvestment. People of color, denied opportunities to build housing wealth, are displaced.

In response, the Fair Housing Act of 1968 includes an Affirmatively Furthering Fair Housing (“AFFH”) obligation.

Dr. Martin Luther King, Jr. spent the last two years of his life campaigning for the Fair Housing Act, which passed eleven days after his assassination. The Act recognizes that it is not enough to merely outlaw housing discrimination; positive steps are needed to reverse past pro-segregation decisions.

AFFH was largely ignored until the Obama Administration.

The Obama Administration revitalized AFFH, culminating in 2015 regulations that require states, local governments, and public housing authorities that receive certain HUD funds to take “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.” 24 C.F.R. § 5.152. HUD grantees must also assess fair housing issues within their jurisdictions & regions.

Progress on AFFH faces an uncertain future under the current Administration.

Prior to becoming HUD Secretary, Dr. Ben Carson described the Obama AFFH regulations as “social-engineering.” Bills in Congress would gut AFFH regulations and de-fund federal data collection on housing disparities.

AB 686 would implement AFFH in state law to advance California values.

California law currently lacks an explicit AFFH obligation. AB 686 would add such an obligation to California’s Fair Employment and Housing Act. Making meaningful progress on segregation requires multi-faceted action addressing housing, transportation, infrastructure, and environmental justice. To that end, public agencies in California would be required to affirmatively further fair housing, but only within the context of their existing powers and duties.

We are committed to working through the scope of AFFH coverage with the opposition.

We only seek to ensure that agencies with the power to promote fair housing and equal opportunity in California do so.

Let us honor the 50th anniversary of the Fair Housing Act by passing this bill.

We ask for your “aye” vote on AB 686 (Santiago)