



500 S. Main Street, Suite #410, Orange, CA 92868 | P: (714) 953-1300 | F: (714) 953-1302 | www.ACCOC.org

May 30, 2017

The Honorable Miguel Santiago
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0053

RE: AB 686 (Santiago) Housing discrimination: affirmatively further fair housing. – OPPOSE.

Dear Assembly Member Santiago:

The Association of California Cities – Orange County (ACC-OC) would like to express its opposition to the proposed legislation Assembly Bill 686 (Santiago), which would require public agencies to administer their programs and activities related to housing and community development in a manner to affirmatively further fair housing. AB 686 seeks to place the current federal affirmatively further fair housing (AFFH) rule in state law and adds failure to affirmatively further fair housing as a new category of housing discrimination.

While the existing federal AFFH rule applies only to U.S. Department of Housing and Urban Development (HUD) grantees, AB 686 would apply the fair housing obligation to any state, regional, or local agency that administers programs and activities related to housing and community development. AB 686 would also subject all regional metropolitan planning organizations to new burdens by requiring that each Sustainable Communities Strategy incorporate a fair housing assessment.

One cause for concern is the potential conflict of AB 686 with other state policy goals. There are many provisions in state and federal law that require regional agencies to take actions related to protecting the traveling public and pedestrian safety, reducing congestion, fostering the movement of goods, improving air quality, and reducing greenhouse gas emissions. Each one of these individual actions could easily be swept up in the overly broad scope of AB 686. The result would be the disruption of many state and regional transportation and climate goals.

AB 686 would expose public agencies to significant litigation risk by subjecting all their actions to claims of discriminatory housing practices. This is especially true because the plaintiff need only make a basic evidentiary showing before the burden of proof shifts to the public agency. Given the potential legal ramifications and conflicts with other state policies, AB 686 would create a number of very serious problems for California's public agencies.

The well-being of California's cities is of paramount importance to the ACC-OC. For this and the reasons described above, the Association of California Cities – Orange County opposes



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AB 686. Should you have any questions about our position or about the ACC-OC, please contact Diana Coronado, ACC-OC's Legislative Affairs Director, at (714) 953-1300 or at dcoronado@accoc.org.

Sincerely,

Heather Stratman
Chief Executive Officer
Association of California Cities – Orange County

CC:

ACC-OC Board of Directors
Orange County State Legislative Delegation