



## Assembly Bill 491: Ban Discriminatory Design in Mixed-Income Developments

### IN BRIEF

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Assembly Bill 491 will eliminate discrimination in the planning and design of mixed-income multifamily structures and developments, ensuring the residents of affordable housing units have the same access to common entrances, areas, and amenities as the occupants of market-rate units.

### BACKGROUND

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Under current law, a developer seeking to construct a building containing both market-rate and affordable housing units can construct a building with separate common entrances, common areas, and amenities for each set of occupants. For instance, a development may provide access to the main entrance of a building or a building's pool to the occupants of market-rate housing units, while denying that access to the occupants of the affordable housing units.

In recent years, this type of development planning has come under increased scrutiny as a discriminatory housing practice. In 2019, the Pinnacle Pacific Heights project in Downtown San Diego received community opposition due to its unique approach to satisfying its affordable housing requirement under the city's density bonus program. The development proposed to erect two adjacent towers – one comprised entirely of affordable housing units and another of entirely market-rate housing – that had a separate residential entrance for low-income tenants<sup>1</sup>.

While residents of both towers would have access to a shared common amenity area – a communal garden and patio – residents of the affordable housing tower would not have access to the pool and roof deck amenities located in the market-rate tower. If the proposed project were approved, it would have marked the first time a development in San Diego would have put affordable units in a different building, as opposed to incorporating them into the same complex.

Similarly, a controversial “poor door” project in New York City built separate entrances for market-rate and affordable units in the same building<sup>2</sup>. State legislation in New York was subsequently enacted to prohibit further development of housing structures with separate entrances.

### THE PROBLEM

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Under current law, there is no consistent standard to prohibit discriminatory design in housing developments. Without such a standard, a mixed-income multifamily development will continue to be constructed in a way that discriminates against residents of affordable units by denying them equitable access to common entrances, common areas, and amenities. As the Legislature turns to address California's housing crisis by incentivizing mixed-income development, this practice may become more common, further segregating California's housing stock and families.

### THE SOLUTION

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AB 491 will create a consistent statewide standard to ensure that individuals are not isolated or restricted from accessing certain areas on a housing development solely because of their income status.

AB 491 would require that a mixed-income multifamily structure in a development to provide residents of the affordable housing units within that structure to have the same access to the common entrances, common areas, and amenities as the residents of the market-rate housing units.

The bill would also prohibit a mixed-income multifamily structure in a development from isolating affordable housing units within that structure to a specific floor or an area on a specific floor.

### SUPPORT

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California Association of REALTORS (Sponsors)

### FOR MORE INFORMATION

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<sup>1</sup> <https://www.sandiegouniontribune.com/business/real-estate/story/2019-07-23/developer-seeks-to-separate>

<sup>2</sup> <https://nypost.com/2016/01/17/poor-door-tenants-reveal-luxury-towers-financial-apartheid/>