



LAW FOUNDATION of Silicon Valley

Fair Housing Law Project
152 North Third Street, 3rd Floor
San José, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

Via Electronic Mail

March 22, 2016

Ms. Shirley Lewis, Co-Chair
Mr. David Pandori, Co-Chair
City of San José General Plan Task Force
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

Re: Task Force Meeting #5
Staff's Recommendations on Urban Village Policies and
Actions to Facilitate Affordable Housing

Dear Ms. Lewis and Mr. Pandori:

The Federal Fair Housing Act obligates cities, like San José, that participate in HUD programs to affirmatively further fair housing (AFFH). This AFFH obligation means that San José must engage in meaningful actions to achieve balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination.

The AFFH obligation isn't new, but in 2015 HUD introduced a new approach for communities to assess fair housing issues and factors and establish fair housing priorities and goals to address them. It's called the "Assessment of Fair Housing." See "Affirmatively Furthering Fair Housing; Final Rule," Federal Register Vol. 80, No. 136, July 16, 2015, at: <https://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/2015-17032.pdf>.

HUD makes clear that communities should incorporate fair housing planning in their community development planning decisions because doing so will enable them to more effectively incorporate their fair housing priorities and goals in their plans. See: "Affirmatively Furthering Fair Housing Final Rule: Regulatory Impact Analysis," p. 7, at: https://www.huduser.gov/portal/sites/default/files/pdf/AFFH_Regulatory_Impact_Analysis_FinalRule.pdf.

As San José encourages and plans for growth it should affirmatively further fair housing by facilitating the development and preservation of affordable housing. And, if our existing affordable housing stock cannot be preserved, San José should also adopt measures to mitigate the loss of this housing. To this end, we urge the Task Force to recommend that our Council adopt policies that facilitate the development of affordable housing

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Recommended Policy and Action Modifications to Facilitate Affordable Housing
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in Urban Villages. **Staff's recommendations (at Attachment "C" to the Overview Memo for the March 23, 2016, Task Force meeting) regarding actions and policies to facilitate the development of affordable housing are important steps in the right direction.**

San José must also adopt policies that preserve our existing supply of affordable housing and, if it cannot be preserved, mitigate displacement impacts. Although staff will be exploring additional measures at a later date, **we support and ask the Task Force to support the anti-displacement and mitigation actions and policies that are before it, which staff has recommended.** These include the actions identified at H-1.17 and H-1.19 in Attachment "C," which will enable staff to assess and implement tools to prevent and mitigate displacement, and policies at H-1.10 and H-1.16, which speak to mobilehome preservation and mitigation measures if a mobilehome park cannot be preserved.

Thank you for considering the Law Foundation's comments.

Sincerely,

Diana E. Castillo
Senior Attorney
dianac@lawfoundation.org
408-280-2448