



COUNCIL AGENDA: 06/08/2021

ITEM: 8.3

FILE NO: 21-1342

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: June 8, 2021

SUBJECT: Assessment of Fair Housing

Recommendation

As recommended by the Neighborhood Services and Education Committee on May 20, 2021, accept the report on the Assessment of Fair Housing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing)

[Neighborhood Services and Education Committee referral 5/20/2021- Item (d) 6]



Memorandum

TO: NEIGHBORHOOD SERVICES AND
EDUCATION COMMITTEE

FROM: Jacky Morales-Ferrand

SUBJECT: FAIR HOUSING ASSESSMENT
REPORT

DATE: May 6, 2021

Approved

Date

5/12/2021

RECOMMENDATION

Accept the report on the Assessment of Fair Housing and cross-reference this memorandum to be heard by the City Council on June 8, 2021.

OUTCOME

The Assessment of Fair Housing (AFH) will be used to ensure the City complies with new State law and its programs are consistent with fair housing principles that will form a foundation for the City's next Housing Element and future racial equity work. This will be the first time the City has conducted an in-depth analysis of residential segregation and access to opportunity. Staff will receive input from the Neighborhood Services and Education Committee regarding the community engagement summary and initial findings of the Assessment of Fair Housing.

EXECUTIVE SUMMARY

This memo provides a summary of the San José Assessment of Fair Housing (AFH) initial findings and community engagement process. Some initial findings of the draft AFH include:

- San José has a disproportionately high share of the County's Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs). Nearly all of San José's R/ECAPs are located east of Highway 101.
- Black, Indigenous, and Latinx households experience homelessness at a greater rate than the rest of the City's population.
- Latinx and Black households experience disproportionate housing needs, including housing cost burden, overcrowding, and housing quality problems such as a lack of complete kitchen facilities, and a lack of complete plumbing facilities.
- Residential displacement in the Bay Area disproportionately impacts Black and Latinx residents and is leading to new regional patterns of re-segregation.

- San José’s publicly supported housing mirrors the demographics of the city's low-income population by race, ethnicity, and disability.
- Market discrimination continues to be an issue and fair housing organizations tasked with enforcement are not sufficiently resourced to meet the outstanding need. In particular, some residents shared stories of being denied housing or were evicted due to having children, or for being transgender.
- Disabled residents and fair housing organizations shared widespread challenges in obtaining reasonable accommodations requests for people with disabilities.

Housing Department staff are currently developing and refining recommendations based on these initial findings from the City’s consultant, the Lawyers’ Committee for Civil Rights, and feedback from the public. Staff are also working with other City departments and local agencies to supplement the AFH findings with additional local data and to further develop recommendations congruent to local equity initiatives underway. Staff will return to the City Council in fall 2021 with the draft AFH Plan, which will include final findings and recommended strategies.

BACKGROUND

When a housing market is fair, it enables all types of people to access high-quality housing. Both federal and State law require jurisdictions to work to remove barriers to housing access for protected classes of people covered by fair housing law (defined below). The goal of fair housing is that people can access housing both in areas having amenities and higher opportunities, and that their current neighborhood that may be lacking in these amenities will be improved through investments over time. Fair housing is fundamentally about people having real choices of where to live so that they and their families can thrive.

In reality, however, many types of people historically have been intentionally denied access to housing that would have improved their families’ living conditions and opportunities. San José and jurisdictions across the United States have a long history of discrimination and segregation in housing. Private and public actions have created enduring systemic barriers to safe and stable housing for many subgroups, but especially for communities of color.

Legacies of racial discrimination such as redlining, racially restrictive covenants, urban renewal, and freeway expansion, among others, have preserved and concentrated community assets and investment in historically exclusive White neighborhoods and, in turn, have under-invested in and displaced neighborhoods which are historically non-White. These land use patterns are entrenched in our City’s landscape. These patterns have impacted generations of San José residents’ quality of life and denied their fair access to important opportunities such as high-quality education, employment, transit, healthcare, healthy food, clean air, and parks for recreation.

To promote greater well-being for historically disenfranchised communities, the California Fair Employment and Housing Act is a California statute originally passed in 1959 (and since amended) to prohibit discrimination in employment and housing. Protected classes under this law¹ are:

- Race
- Color
- Religion
- Sex/gender (includes pregnancy, childbirth, breastfeeding and/ or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- Medical Condition
- Military or veteran status
- National origin (includes language use and possession of a driver's license issued to persons unable to provide their presence in the United States is authorized under federal law)
- Ancestry
- Disability (mental and physical including HIV/AIDS, cancer, and genetic characteristics).

The 1968 federal Civil Rights Act, also known as the Fair Housing Act, was intended to reduce social inequities by prohibiting discrimination in housing. In 2015, under the Obama Administration, the U.S. Department of Housing and Urban Development (HUD) created the Assessment of Fair Housing process to improve enforcement and implementation of the Fair Housing Act.

In 2018, the Trump Administration made the Assessment optional. In response, the California Legislature passed Assembly Bill 686 (Santiago) in 2018. This California law requires that an Assessment of Fair Housing (AFH) be included as part of a jurisdiction's Housing Element. The State law basically locks in the 2015 version of the federal guidance and procedures for AFH.

The analysis of Assembly Bill 686 (2018) succinctly states what this work should encompass: "Specifically, AFFH means taking meaningful actions that together address segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to AFFH extends to all of a public agency's activities and programs relating to housing and community development."²

Further, AB 686 requires that a jurisdiction's State Housing Element support fair housing. It must "*affirmatively further fair housing opportunities and promote housing throughout the community... for all persons regardless of race, religion, sex, marital status, ancestry, national*

¹ Department of Fair Employment and Housing (DFEH); <https://www.dfeh.ca.gov/housing/>

² AB 686 Assembly Floor Analysis, Mar. 23, 2018, p.1, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB686

origin, color, familiar status, or disability and other characteristics as protected by the Fair Employment and Housing Act and other state and federal laws.”³

In short, jurisdictions have a duty both to reduce barriers to fair housing throughout the City, and to invest in low-income, racially-concentrated communities to make those areas places of opportunity.

Although an AFH is still not required by federal regulations, President Biden has expressed support for reinstating the Affirmatively Furthering Fair Housing rule during his administration.

The City’s Work To-date

In 2019, the City started work on its first AFH. In addition to needing this work to support the City’s next Housing Element cycle per AB 686, the City also needed to use the AFH findings to assess barriers to fair housing access as part of the development of its new five-year Consolidated Plan for the use of funds from the U.S. Department of Housing and Urban Development HUD.

On October 10, 2019,⁴ staff presented an update on the Assessment of Fair Housing timeline and the draft community engagement plan to the Neighborhood Services and Education Committee. Since that time, staff has worked ongoing on this initiative with the County of Santa Clara, Santa Clara County Housing Authority, six other cities in the County, and the jointly-hired consultant, the Lawyers’ Committee for Civil Rights Under the Law (Lawyers’ Committee). The Lawyers’ Committee’s scope of work includes assisting with outreach and developing both Regional and City-specific Assessment of Fair Housing Plans. The City conducted outreach jointly with the other agencies assisted by the Lawyers’ Committee, as well as running its own meetings, as detailed further below.

Initially, the draft Plan was scheduled for City Council consideration in spring 2020. However, the pandemic caused the Housing Department to temporarily pause work on this project. Partly due to COVID-19’s disproportionate effects on communities of color in San José, staff also wanted to extend the project’s timeline so that it could deepen the analysis and more fully develop potential strategies coming out of the AFH.

Despite the challenges posed by COVID-19 response and staff redeployment, the Housing Department successfully used the initial AFH data, findings, and comments received during the community engagement process to inform priorities for the Department’s 2020-25 Consolidated Plan, which the City Council approved in August 2020.⁵

³ AB 686 (2018), California Assembly Floor Analysis, Aug. 23, 2018, <https://leginfo.jegislature.ca.gov/faces/billAnalysisClient.xhtml?billid=201720180AB686>

⁴ <https://sanjose.legistar.com/MeetingDetail.aspx?ID=711317&GUID=281916F6-FE55-455A-8F9B-C9B4D40C6C60&Options=info&Search=>

⁵ 2025-20 Consolidated Plan and FY 2020-21 Annual Action Plan, <https://www.sanJose.ca.gov/your-government/departments-offices/housing/resource-library/hud-reports/consolidated-annual-action-plans/2020-25-consolidated-annual-action-plans>

Regarding development of a full AFH Plan, the Housing Department has elected to split the work into two phases for City Council consideration. The first phase is this report on initial findings. The second phase will be a full draft AFH Plan with final findings and strategies, which will return to the City Council in fall 2021. More information is in the Follow-up/Next Steps section below.

ANALYSIS

Findings Include Feedback from Community Engagement Process

In order to ensure the AFH's analysis truly reflects conditions in the local community and that the goals and strategies are targeted and feasible, the participation of a wide range of stakeholders is critical.

From October 2019 to January 2020, the Lawyers' Committee and staff conducted community engagement process through print and social media engagement, community meetings, focus groups, surveys, and the establishment of a County-wide Santa Clara AFH Advisory Committee. Staff and the Lawyers' Committee also conducted a second phase of community engagement with government agency partners from April to May 2021. A summary of this engagement is in **Attachment A**.

During this first phase of community engagement, the Lawyers' Committee held numerous in-person outreach meetings with hundreds of stakeholders. Staff helped to convene these meetings to hear directly about fair housing issues and needs of lower-income protected class residents in Santa Clara County and San José. Meetings held included tenants, landlords, homeowners, public housing residents, fair housing organizations, civil rights and advocacy organizations, legal services providers, social services providers, housing developers, local housing and planning staff, and industry groups. Multiple meetings were co-hosted by the Santa Clara County Housing Authority and advertised directly to voucher holders and residents of project-based voucher developments.

All large community meetings in San José had interpretation services in Spanish and Vietnamese available without request. Multiple meetings had Spanish and Vietnamese interpreters. Flyers promoting meetings were in Spanish in areas with high concentrations of Spanish-speaking residents, including at community centers, libraries, grocery stores, and small businesses. In addition, all meetings were held in locations accessible to people with mobility issues.

In addition, several focus groups were established to focus on specific fair housing issues. Residents of protected classes are often disconnected with traditional government communication outlets. In order to connect with these residents, staff considered it important to partner with local community-based organizations and agencies for these outreach efforts to be successful. Focus groups were scheduled according to when partner organizations were able to endorse and promote these events during the designated timeframe.

The focus groups included Formerly Incarcerated Individuals, Homeless Individuals and Families, Nonprofit Affordable Housing Developers, Nonprofit Affordable Housing residents, Domestic Violence Survivors, Seniors, LGBT youth, residents living with HIV/AIDS, the Vietnamese Community, geographically-oriented focus groups, the Latinx Community, the Filipino Community, and Students and Educators. It should be noted that while focus groups were centered around the experiences of these specified populations, participants were diverse and often members of more than one protected class. For example, several participants in the seniors and formerly incarcerated focus group were disabled, parents attended with their school-aged children in the affordable housing focus group, and Black/African American residents participated in several focus groups. The Lawyers' Committee also conducted 27 stakeholder meetings with organizations representing a variety of interests.

In December 2019, the Santa Clara AFH Advisory Committee, comprised of 13 members and representing several community and stakeholder groups, was established to provide ongoing input to the consultants during the AFH process. In addition to helping shape goals and recommendations in the AFH, the AFH Advisory Committee is intended to continue its work beyond the completion of the AFH Plan to ensure that the goals and strategies are implemented over the next several years.

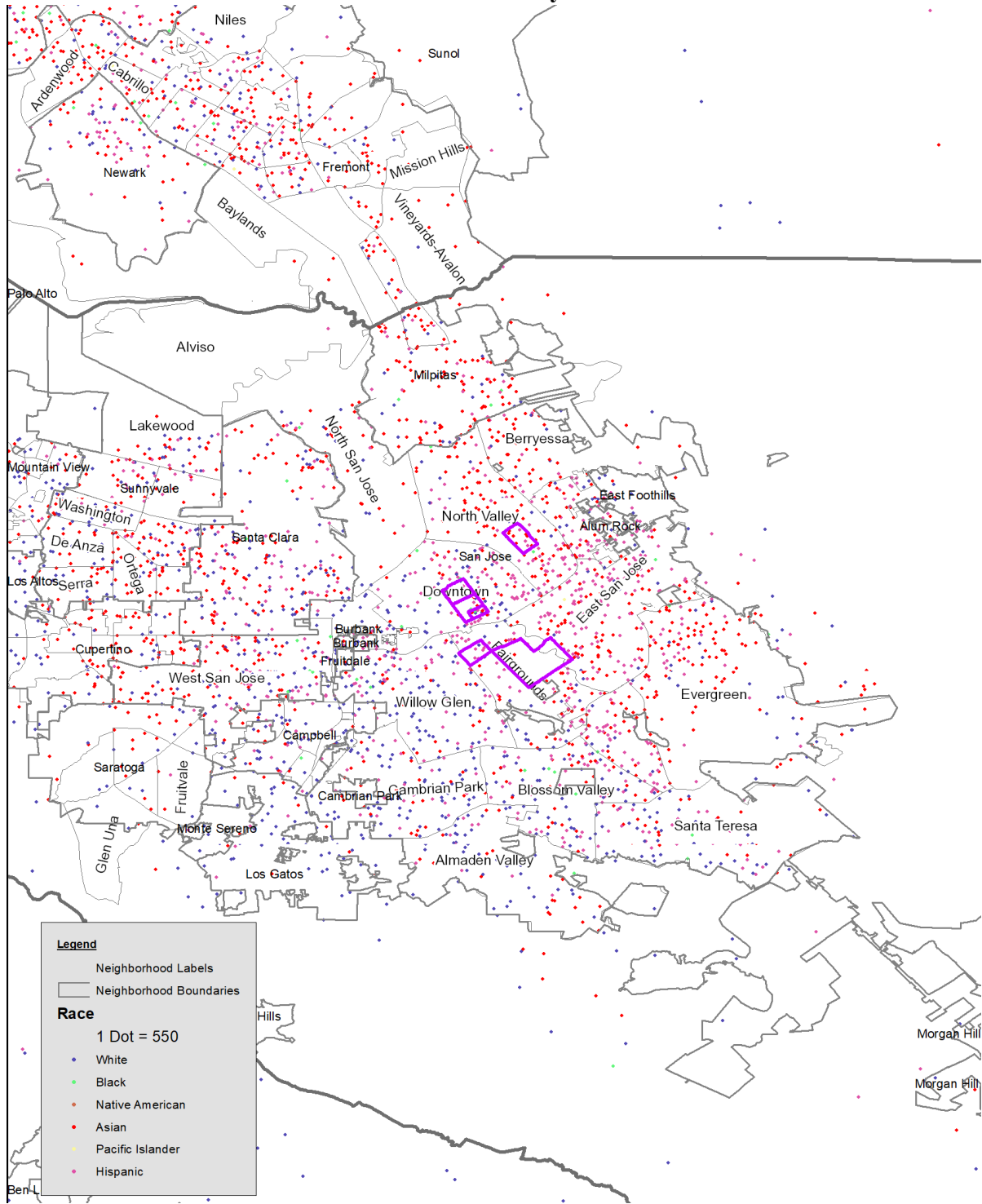
Following are selected findings from San José's data and from the consultant's analysis.

Patterns of Segregation Continue

While San José is one of the most diverse cities in the Bay Area, there are areas of racial and economic concentration. For their AFH work, jurisdictions must identify Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) to better understand patterns of segregation and poverty. R/ECAPs are geographic areas with significant concentrations of poverty and a non-White population of 50 percent or more.

Figure 1 is a map illustrating San José's concentration of residents by race and highlighting R/ECAP areas. There is a clear east-west divide, where most of the City's White residents and some Asian residents live west of Highway 101 and most of the City's Latinx and Asian population lives east of Highway 101.

Figure 1: Map of San José's Racially and Ethnically Concentrated Areas of Poverty and Households by Race



The Hispanic and Asian or Pacific Islander population is heavily concentrated on the east side of the City, with some additional areas of Asian or Pacific Islander population concentration in

Evergreen, Almaden Valley, and North San José. On the east side, the Latinx population is concentrated in East San José and the Alum Rock-East Foothills. The White population is highly concentrated in the west side of the City, in neighborhoods such as Willow Glen and Cambrian.

San José represents 14% of the total land in Santa Clara County and comprises approximately 53% of the County's total estimated 2019 population. However, San José has a disproportionately high share of Santa Clara County's R/ECAPs, being home to six out of the County's eight R/ECAP areas (75%). Nearly all the San José R/ECAPs are located east of Highway 101, except for the Gardner neighborhood. Three of the R/ECAPs are adjacent to or located in Downtown San José. A fourth R/ECAP is located to the northeast in the Mayfair neighborhood. The fifth and sixth R/ECAPs are located farther south in the Monterey/Capitol and McLaughlin/Tully areas.

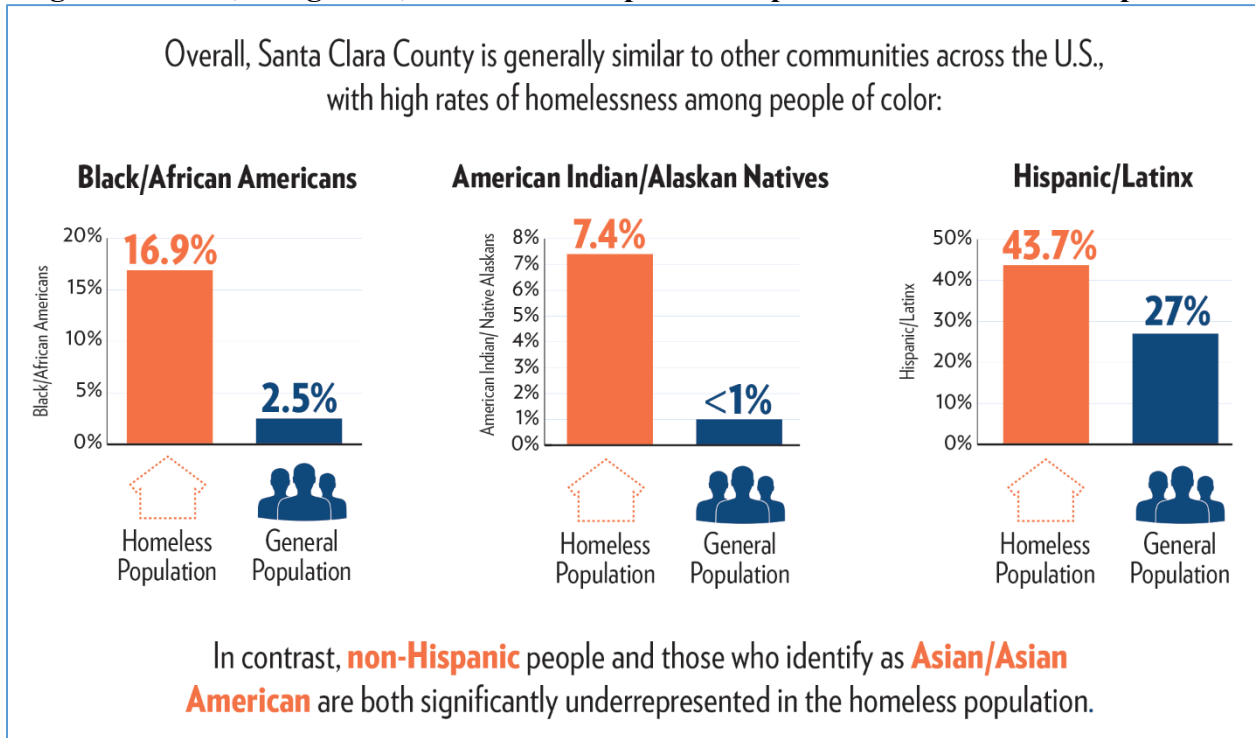
According to measurements of dissimilarity, isolation, and exposure included in the AFH, levels of racial and ethnic segregation in San José have decreased over time. These measures reflect decreased segregation of Black residents and stable levels of segregation of Hispanic and Asian or Pacific Islander residents since 1990. However, the data may not reflect the displacement of group members out of an area, such as Black residents being displaced from Santa Clara County. This data therefore could create the illusion of greater integration of that group, while segregation actually has increased regionally as indicated below.

Black, Indigenous, and Latinx Households Experience Homelessness at a Greater Rate

In early 2019, Destination: Home launched a new effort to examine how issues of race and homelessness intersect in our community.⁶ Overall, Santa Clara County residents of color experience homelessness at a disproportionately high rate. These disparities are most prevalent among Black/African American, American Indian/Alaska Native, and Hispanic/Latinx populations.

⁶ Race and Homelessness in Santa Clara County, Destination:Home; <https://destinationhomesv.org/race-homelessness/>

Figure 2: Black, Indigenous, and Latinx People Overrepresented in Homeless Population



American Indian/Alaskan Natives are also 35% more likely to exit from programs back into homelessness. When assessed for vulnerability and housing need, a higher percentage of Non-Hispanic/Latinx families (45.7%) are assessed as needing Permanent Supportive Housing than Hispanic/Latinx families (39%).

Latinx and Black Households Experience Disproportionate Housing Needs

Across the broader Silicon Valley region, all residents face high and rising housing costs which cause and exacerbate multiple housing problems. Because of the tight housing market in Santa Clara County, many San José households are severely cost burdened⁷ or overcrowded. Scarce and expensive housing also forces tenants into the difficult situation where they feel like they must “put up” with substandard housing conditions, and that exercising their basic rights to enforce habitability and ensure maintenance issues are addressed could jeopardize their housing. As shown in Table 1 below, housing problems disproportionately impact communities of color, especially Black and Latinx residents.

In Table 1, households facing “housing problems” are shown by race and ethnicity. Per the HUD definition, a housing problem is when a household faces at least one of the following: (1) the housing unit lacks complete kitchen facilities; (2) the housing unit lacks complete plumbing facilities; (3) the household is overcrowded; or, (4) the household is cost burdened (i.e., pays

⁷ HUD defines severe cost burden as a household spending more than 50% of its gross income on housing costs including a basic set of utilities.

more than 30% of gross household income on rent plus utilities). The majority of all Black and Latinx residents experience housing problems. Asian and Pacific Islander households also experience housing problems at a higher rate than the Citywide average.

Table 1: San José Household Housing Problems by Race

Race/Ethnicity	# of Households with any of HUD’s Four “Housing Problems”	All Households	% Households with Problems
White, Non-Hispanic	48,057	152,121	31.6%
Black, Non-Hispanic	5,858	11,023	53.1%
Latinx/Hispanic	51,719	77,851	66.4%
Asian or Pacific Islander, Non-Hispanic	46,939	107,653	43.6%
Native American, Non-Hispanic	271	1,967	13.8%
Other, Non-Hispanic	3,941	36,062	10.9%
Total	156,785	386,677	40.6%

Residential Displacement leads to Re-segregation

As described in the City of San José’s Citywide Residential Anti-Displacement Strategy (pg.8), displacement is a key fair housing issue impacting housing choice for communities of color in the Bay Area and San José.⁸ In recent years, researchers have published a number of studies looking at the impact of displacement on communities and on lower-income households, especially lower-income households of color. The findings are compelling that displacement is damaging and needs to be avoided. Although data does not exist to calculate the exact number of San José residents displaced in recent years, Census migration data used in the Turner Center’s report *Disparities in Departure* indicates that from 2010 to 2016, approximately 1.5 million residents moved out of the Bay Area.⁹

To put this number into context, this is roughly equal to one in five residents living in the Bay Area pre-COVID. But those leaving the Bay Area are changing the socio-economic and racial makeup of the Bay Area. The study found that for each one high-income resident that moved out of the Bay Area, six low-income residents moved out. The report also found that Asian and White residents represent a larger share of the region’s higher-income out-movers, whereas Latinx and Black residents make up a disproportionately large share of low-income out-movers.

This study also found high-income out-movers tended to have access to a wide range of large cities across the nation. However, low-income out-movers tended to move to other areas of

⁸ City of San José, Citywide Residential Anti-Displacement Strategy (Sep. 2020); <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4635014&GUID=843B7A57-FFCE-411F-81C5-49D3378215A5&Options=&Search=>

⁹ Romem, Issi; Kneebone, Elizabeth; Disparity in departure: who leaves the bay area and where do they go? <https://turnercenter.berkeley.edu/disparity-in-departure>

California such as the Central Valley. Low-income movers reported fewer options for employment, education, and access to health care compared to where they had previously lived.

A 2016 report from Urban Habitat found a significant regional out-migration of Black and Latinx households to outlying areas of the Bay Area or to neighboring counties like San Joaquin and Stanislaus.¹⁰ Further, a 2018 study from the California Housing Partnership and the Urban Displacement Project found that rising housing costs have led to large increases in Black and Latinx households living in high poverty, segregated areas.¹¹

Between 2000 and 2015, the study found a 15% increase in the number of Black households and 100% increase in the number of Latinx households living in segregated and high poverty neighborhoods in the Bay Area.¹² The current trend of residential displacement can result in more segregated and less racially diverse communities.

Racial/Ethnic Demographics of Publicly Supported Housing Reflect the Demographics of the City's Low-Income Population

Publicly-funded affordable housing and households with other housing subsidies (e.g., portable Housing Choice Vouchers, also known as Section 8 vouchers) account for over 10% of all City of San José housing units – i.e., there are approximately 48,000 such ‘publicly supported’ households of the approximately 316,000 housing units in the City. Table 2 below shows that the distribution of households by race and ethnicity within publicly supported housing roughly mirrors the racial demographics of the City’s low-income population. When looking at specific housing types, however, there is more variation by race. For example, Asian/Pacific Islanders are overrepresented in the population receiving Housing Choice Vouchers.

Table 2: San José Households in Publicly Supported Housing, by Race

Race/Ethnicity	# of Households in Publicly Supported Housing	% of Publicly Supported Households	% of Total Households, by Race, 50% AMI and Below (Very Low-Income and Below)
White, Non-Hispanic	10,759	22%	25%
Black, Non-Hispanic	4,340	9%	3%
Latinx/Hispanic	18,389	38%	38%
Asian or Pacific Islander, Non-Hispanic	14,689	30%	27%
Total	48,186		

¹⁰ <https://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf>

¹¹ UC Berkeley’s Urban Displacement Project and the California Housing Partnership; *Rising Housing Costs and Re-Segregation in the San Francisco Bay Area*

https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/CHPC_UDP_RegionalReport_FINAL2.pdf

¹² <https://news.berkeley.edu/2018/09/19/rising-housing-costs-are-re-segregating-the-bay-area-study-shows/#:~:text=New%20reports%20from%20the%20Urban,segregation%20in%20the%20Bay%20Area>

Publicly supported housing is distributed across the City with stronger concentrations in the central and eastern parts of the City, where most of the City's R/ECAPs are located.

Residents with Disabilities are Proportionately Represented in Publicly Supported Housing

Approximately 38,000 people in San José have disabilities such that they have difficulty living independently. There is generally relatively little geographic concentration of persons with disabilities in the City of San José. The highest census tract level is at 16.2% which is less than, for example, the proportion of persons with disabilities in the entire State of West Virginia (19.7%). However, persons with disabilities are slightly disproportionately more likely to live in R/ECAPs (likely correlated with the concentration of affordable and supportive housing in central and east San José). Persons with disabilities are roughly proportionately represented in publicly supported housing in the aggregate. However, persons with disabilities are underrepresented in specific program types (e.g., Project-Based Section 8), and the overall supply of accessible affordable housing is insufficient to meet the need Citywide.

More Fair Housing Enforcement and Outreach Needed

The fair housing organizations operating in San José and in the broader Santa Clara County include Bay Area Legal Aid, Project Sentinel, Law Foundation of Silicon Valley, Senior Adults Legal Assistance, Legal Aid Society of Santa Clara County, and the Asian Law Alliance. These nonprofits provide legal advice and representation on housing matters to low-income individuals, with additional capacity and exceptions to focus outreach to seniors, etc., based on each specific organization's mission. In general, these organizations do vitally important work with scarce resources. They currently are also deeply involved in the local COVID response in trying to help educate tenants and prevent evictions of renters who are in arrears due to COVID-reduced incomes. This further constrains their near- and medium-term capacity to take on additional fair housing work.

The need for fair housing services generally exceeds the supply that our local network of fair housing organizations can provide. For instance, residents with disabilities regularly need to request 'reasonable accommodations' when trying to access housing suitable for their needs, and sometimes need legal support to reinforce their requests. Participants in community engagement sessions reported widespread challenges in getting reasonable accommodations requests satisfied for people with disabilities. Disabled residents who are not income-eligible for City-funded legal services, which generally are limited by federal sources to serve only lower-income households, it can be difficult to gain representation or obtain legal advice on their reasonable accommodation needs.

In addition to needs for legal support for disabled residents, below are other examples that participants in community meetings and focus groups shared of instances in which they experienced discrimination relating to housing:

- Rental housing ads which indicate "No children allowed"
- Eviction due to identifying as transgender

- Eviction due to identifying as a woman
- Discriminatory treatment at a shelter due to transgender identity
- Discriminatory treatment by property management due to identity as a Black man
- Denial of shelter when a female sexual abuse survivor declined sharing a room with three men
- Denial of family shelter
- Family separation at shelters due to a female head of household having male children
- Discriminatory treatment based on the number of children – large families.
- Discriminatory enforcement of mobilehome park rules against elderly residents and residents with disabilities

Many experiences of housing barriers, such as the examples offered during staff's outreach, could merit legal advice and assistance by our local nonprofit legal services providers. As our local housing market continues to be expensive relative to local incomes, and especially given our economic disruption due to COVID, the importance of funding these services will be of paramount importance.

CONCLUSION

The draft AFH has found that discrimination in San José's housing market continues to be an issue. Members of protected classes disproportionately experience high amounts of housing problems, displacement pressure, and homelessness. Understanding these initial findings will help set the foundation for future well-aimed fair housing actions and strategies in the final draft of the AFH.

EVALUATION AND FOLLOW-UP

Staff is currently in the process of developing strategies and actions based on the analysis included in the AFH. This work includes soliciting input on the development of strategies from other City Departments (Planning Building Code Enforcement, Office of Economic Development, Department of Transportation, Parks Recreation and Neighborhood Services, Environmental Services, Public Works) and other government entities (e.g., the Valley Transportation Authority, County Office of Education). Strategies to be developed will attempt to address fair housing issues comprehensively, including approaches to increase affordable housing in high opportunity areas, actions to prevent displacement in gentrifying neighborhoods, and strategies to increase investment in historically under-served communities.

In summer 2021, once draft strategies are complete, staff will gather community feedback and prepare a final draft Plan including recommendations based upon the community feedback. In fall 2021, staff will present the final draft AFH Plan, including both findings and strategies, to the Housing and Community Development Commission, the Neighborhood Services and Education Committee, and finally to the full City Council. Staff then will refine and select

findings and strategies of the AFH to tie into the City's forthcoming sixth cycle Housing Element Strategies for 2023 to 2031, which the City Council will approve.

Staff is also developing an AFH-based planning process that will be replicated in the future to allow more coordination across the City's departments to assess neighborhood assets and place-based investments.

CLIMATE SMART SAN JOSÉ

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

Please see **Attachment A** for a summary of Public Outreach.

COORDINATION

This memo was coordinated with the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This memo aligns with the previous AFH memo heard by the Neighborhood Services and Education Committee on October 10, 2019.

The Assessment of Fair Housing also aligns with the goals of the Analysis of Impediments to Fair Housing Choice (2016-2020) and following General Plan Housing Element strategies:

- **H-1.1:** Through the development of new housing and the rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.
- **H-1.2:** Facilitate the provision of housing sites and structures across location, type, price and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.
- **H-1.3:** Create housing opportunities and accessible living environments that allow seniors to age in place, either in the same home, assisted living facilities, continuing care facilities, or other housing types within the same community.

- **H-1.4:** Encourage the location of housing designed for senior citizens in neighborhoods where health and community facilities and services are within a reasonable walking distance and are accessible by public transportation.
- **H-1.5:** Facilitate the development of multi-generational housing in compact form that meets the needs of families living together.
- **H-1.7:** Comply with State and Federal laws prohibiting discrimination in housing and that support fair and equal access to housing.
- **H-1.12:** Continue to partner with local agencies, non-profits, and businesses to provide fair housing information, legal services, foreclosure prevention assistance, and anti-predatory lending assistance.
- **H-1.13:** Continue to monitor and participate in anti-predatory lending practices by partnering with local agencies.
- **H-1.16:** Identify, assess, and implement potential tools, policies, or programs to prevent or to mitigate the displacement of existing low-income residents due to market forces or to infrastructure investment.
- **H-1.18:** Develop tools to assess and to identify neighborhoods and planning areas that are experiencing or that may experience gentrification in order to identify where anti-displacement and preservation resources should be directed.
- **H-2.1:** Support local, state and federal regulations that preserve “at-risk” subsidized and rental-stabilized units subject to potential conversion to market-rate housing and that will encourage equitable and fair policies that protect tenant and owner rights.
- **H-3.7:** Coordinate across multiple City departments to achieve the City’s vision for creating complete, safe, high-quality living environments.
- **Housing Element Program #34:** Consider proposed policies or ordinances to protect low- and moderate-income residents in market-rate and deed-restricted affordable housing from displacement.

As the City works to achieve the planned growth and investment per our General Plan 2040, increasing local housing choices for safe, high-quality housing will help more long-time and low-income San José residents to stay and receive the benefits of these investments.

HONORABLE MAYOR AND CITY COUNCIL

May 6, 2021

Subject: Assessment of Fair Housing Initial Findings

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COMMISSION RECOMMENDATION/INPUT

This item will be heard by the Housing and Community Development Commission at its May 13, 2021 evening meeting. The Commission's comments and feedback will be included in a supplemental memorandum to the City Council for its June 8, 2021 meeting.

CEQA

Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

/s/

JACKY MORALES-FERRAND
Director, Department of Housing

For questions, please contact Kristen Clements, Division Manager at (408) 535-8236.

Attachments:

Attachment – Community Engagement for the Assessment of Fair Housing

ATTACHMENT

Community Engagement for the Assessment of Fair Housing

From October 2019 to January 2020, the Lawyers' Committee and Housing Department staff conducted a community engagement process through print and social media engagement, community meetings, focus groups, surveys, and the establishment of a County-wide Santa Clara AFH Advisory Committee. Staff and the Lawyers' Committee also conducted a second phase of community engagement with government agency partners from April to May 2021.

Public outreach specifically for the AFH included a total of 48 meetings, including 2 public hearings, 2 Advisory group meetings, 12 focus groups, 27 stakeholder meetings, and 5 intergovernmental agency meetings. Staff plans to conduct at least one additional public meeting for the final draft of the AFH, as well as three public hearings.

It should be noted that community engagement for the AFH was coordinated parallel to the 2020-2025 Consolidated Plan outreach. Community engagement for the AFH and the Consolidated Plan focused on their individual topics, but input from both outreach processes were intended to inform both plans. Consolidated Plan outreach included additional activities, including three public hearings, 21 stakeholder interviews, a paper and online survey, and two pop-up tabling events. Thus far, the AFH and Consolidated Plan public outreach process has engaged a total of 476 people in-person through public community meetings events and collected 648 written and online surveys. The surveys were available in English, Spanish, Vietnamese, and Chinese.

A list of AFH-specific meetings are listed below:

Public Community Meetings

- San José Evening Community Meeting at Hillview Library, November 13, 2019
- San José Daytime Community Meeting at Southside Community Center, November 16, 2019

AFH Advisory Committee Meetings

- Advisory Committee Meeting, December 11, 2019
- Advisory Committee Meeting, January 14, 2019

Focus Groups

- Formerly Incarcerated Individuals, December 12, 2019
- Homeless Individuals and Families, December 12, 2019
- Non-Profit Affordable Housing Developers, December 13, 2019
- Women and Domestic Violence Survivors, December 13, 2019
- Seniors, January 13, 2020
- Central County, January 13, 2020
- Health Trust for HIV/AIDS, January 14, 2020
- Vietnamese Community, January 15, 2020
- South County, January 15, 2020
- Filipino Community, January 26, 2020

- Schools/Educators, January 27, 2020
- Seniors, January 29, 2020
- Latinx Community, January 29, 2020

Stakeholder Meetings

- Project Sentinel, October 1, 2019
- San José NAACP, October 1, 2019
- Asian Law Alliance, October 2, 2019
- Law Foundation of Silicon Valley, October 2, 2019
- Latinos United for a New America, October 21, 2019
- California Apartment Association, October 21, 2019
- The Silicon Valley Organization, October 21, 2019
- Catalyze SV, October 21, 2019
- Santa Clara County Housing Authority, October 21, 2019
- International Children Assistance Network, October 21, 2019
- Bay Area Legal Aid, October 22, 2019
- Housing Trust Silicon Valley, October 22, 2019
- Gilroy Compassion Center, October 22, 2019
- City of Gilroy, October 22, 2019
- Senior Adults Legal Assistance, October 22, 2019
- Day Worker Center of Mountain View, October 22, 2019
- Santa Clara County Association of Realtors, October 23, 2019
- City of Santa Clara, October 23, 2019
- City of Sunnyvale, October 23, 2019
- Silicon Valley at Home, October 23, 2019
- Bay Area Homeowners Network, October 23, 2019
- Sunnyvale Community Services, November 12, 2019
- SOMOS Mayfair, November 14, 2019
- Amigos de Guadalupe, November 15, 2019
- West Valley Community Services, November 15, 2019
- Habitat for Humanity, December 10, 2019
- Working Partnerships USA, December 11, 2019

Intergovernmental Agency Meetings

With City Departments, Santa Clara County Office of Education, and Valley Transportation Authority

- March 30, 2021
- April 6, 2021
- April 13, 2021
- April 20, 2021
- April 27, 2021
- May 4, 2021
- May 11, 2021

Public meetings

Initial public meetings on AFH workplan and outreach plan

- Community and Economic Development Committee, August 26, 2019
- Neighborhood Services and Education Committee, October 10, 2019

- Housing and Community Development Commission, October 10, 2019

Public meetings on AFH initial findings

- Housing and Community Development Commission, May 13, 2021
- Neighborhood Services and Education Committee, May 20, 2021
- City Council, June 8, 2021

Planned public meetings on AFH draft strategies and draft Plan

- General public meeting(s), summer 2021
- Housing and Community Development Commission, fall 2021
- Neighborhood Services and Education Committee, fall 2021
- City Council, fall 2021