

October 14, 2016

Rose Cade
Department of Housing
San Mateo County
264 Harbor Blvd., Bldg. A
Belmont, CA 94002

Re: Community Participation in the 2017 Assessment of Fair Housing

Dear Ms. Cade:

We write to offer recommendations for a robust, accessible, and impactful community participation process as San Mateo County, Daly City, South San Francisco, San Mateo, Redwood City, and the Housing Authority of the County of San Mateo (HACSM) conduct the region's first Assessment of Fair Housing over the next year.

The undersigned community-based organizations, legal services providers, and housing policy advocates work with and represent those most impacted by housing inequality and barriers to opportunity in San Mateo County. The voices of these community members will be of critical importance in identifying fair housing issues, analyzing their underlying causes, and developing strategies and policy priorities that local governments and HACSM should pursue to affirmatively further fair housing.

We applaud your commitment to conducting a thorough and inclusive Assessment of Fair Housing. The following recommendations will further our shared goal of ensuring that the views of those most affected by the region's housing challenges are heard and incorporated at every stage of the process.

- 1) The community participation process should be designed to engage those who are most likely to experience barriers to fair housing choice and access to opportunity.**

U.S. Department of Housing and Urban Development ("HUD") regulations make clear that public meetings and outreach should be designed to emphasize the involvement of those affected by housing inequality, displacement, and barriers to opportunity: communities of color and low-income communities, including those with limited English proficiency, persons with disabilities, and residents of subsidized housing.¹

¹ 24 C.F.R. § 91.105(a)(2)(i), (iii).

To achieve this goal, we recommend that all participating jurisdictions and HACSM implement a robust outreach strategy that prioritizes people of color, low-income individuals, persons with disabilities, persons with limited English proficiency, immigrants, families with children, and other groups who have historically been denied equal access to housing opportunities, including—but not limited to—those groups protected by the Fair Housing Act. A strong outreach strategy should include direct communication with organizations that work with or represent those populations, use of media outlets such as radio stations that serve minority and non-English speaking communities, as well as outreach materials that are made available in appropriate languages, such as Spanish, Tagalog, and Chinese, according to the needs of the community.²

Additionally, community meetings should be planned to emphasize and encourage participation by those most affected by housing problems in the region.

- Community meetings should be held in low-income neighborhoods, as well as at locations frequently attended by members of protected classes that provide a welcoming environment.³ The locations should be easily accessible by public transportation. We would be happy to assist with identifying potential meeting locations.
- Meetings should be scheduled for evenings or weekends.⁴
- Childcare should be provided free of charge at public meetings to allow participation of families with children and lower-income parents.⁵
- Meals or snacks should be available at the meetings.⁶
- Appropriate oral interpretation services, as well as translation of written materials, should be provided at community meetings, in light of the significant numbers of persons with limited English proficiency in San Mateo County.⁷
- Meeting locations must be accessible to persons who experience disabilities.⁸

2) The Assessment of Fair Housing process should be fully transparent.

A transparent process will both strengthen public trust in the Assessment of Fair Housing and enhance the ability of community members and other stakeholders to participate in the analysis.

² HUD, Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 72 Fed. Reg. 2732 (Jan. 27, 2007); *see also* 24 C.F.R. § 5.158(a) (“To ensure that the AFH, the consolidated plan, and the PHA Plan and any plan incorporated therein are informed by meaningful community participation, program participants should employ communications means *designed to reach the broadest audience.*”) (emphasis added).

³ 24 C.F.R. § 91.105(e)(3) (requiring that meetings be held “at locations and times convenient to potential and actual beneficiaries”).

⁴ HUD, *Affirmatively Furthering Fair Housing Rule Guidebook* (Dec. 1, 2015) at 33, available online at <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ 24 C.F.R. § 91.105(e)(4).

⁸ HUD, *Affirmatively Furthering Fair Housing Rule Guidebook*, at 30.

We recommend that you publish a timeline, accessible to the public online, that describes the different components of the process, when each will take place, and how members of the public and organizations can get involved in each one. Those components should include, at a minimum, consultation with stakeholders, collection of local data and local knowledge, community hearings, publication of the draft Assessment of Fair Housing for comment, incorporation of feedback to develop the final Assessment, submission of the final Assessment to HUD, and implementation of the goals and strategies from the Assessment. We also recommend that those responsible for conducting the Assessment provide regular communications about the status of each of these components as the Assessment progresses. We also recommend that you create a timeline that affords sufficient time for public input at various stages of the process.

We recommend that the timeline provide for initiating consultation with community groups at the outset of the process.⁹ Conversations with housing advocacy groups, fair housing organizations, legal services providers, tenant organizations, and community-based organizations that work with or represent low-income people, communities of color, and immigrants will be an important aid in surfacing key topics of concern and identifying research needs.

We also recommend that collection and publication of relevant local data should begin as early as possible, with a goal of publishing as much relevant local data as possible before the community meetings begin.¹⁰ These community hearings may also bring to light additional data collection and analysis that is needed. The data should be published online in a format that is easily accessible and understandable to non-experts.

In addition to HUD-provided data, we recommend as a starting point that you identify and make available data on (1) eviction actions in San Mateo Superior Court, by city, reason for eviction, and outcome of eviction proceeding; (2) demographic characteristics (including race, national origin, disability status, familial status, and income) for renter households and owner-occupied households, by city; (3) turnover rates for both rental and owner-occupied housing units, by city; (4) number of public school students who have left or joined a school due to a move during the school year, by school district; (5) percentage of children who are homeless, by city; (6) transit lines and ridership demographics for SamTrans and CalTrain, including an identification of low-income neighborhoods with poor access to transit; and (7) jobs-housing fit, by city. Making this and other data easily accessible will strengthen the ability of residents and community organizations to engage with the Assessment process, and to connect their experiences to broader patterns in the region. Ideally, this data would be made available at least a full month before the community meetings.

⁹ 24 C.F.R. § 91.100(e)(1).

¹⁰ See 24 C.F.R. § 91.105(b)(1)(i) (requiring jurisdictions to make available supplemental data early in the public participation process); 24 C.F.R. § 5.152 (defining “local data”).

3) The community participation process should enable focused conversations about local issues throughout the county, cross-cutting topics related to access to opportunity, and concerns specific to San Mateo Housing Authority programs.

In order to facilitate meaningful and focused community input, we recommend that each entitlement city hold at minimum two community meetings or “listening sessions” at different stages of the Assessment process—one as the draft is being developed, and another after the draft Assessment of Fair Housing is released.¹¹ City officials, including housing and community development staff, planning officials and staff, elected officials, and representatives of local transportation agencies and school districts should be strongly encouraged to attend to hear their constituents’ concerns. Similarly, we recommend that the County hold two listening sessions in North Fair Oaks.

Not only does each jurisdiction and HACSM have an independent obligation to satisfy the community participation requirements set out in the regulations regarding the duty to affirmatively further fair housing, these local and targeted meetings will ensure that residents have the opportunity to address the distinct policies, regulations, and housing needs affecting their communities.

We also recommend that you collaborate with local officials in non-entitlement cities to facilitate additional listening sessions in their cities. We applaud your plans to conduct a comprehensive assessment that includes non-entitlement cities in the county. As you know, HUD regulations require the Assessment of Fair Housing to address conditions that impede fair housing choice and access to opportunity within the relevant geographic area.¹² In light of the reality that fair housing issues “are often not constrained by political-geographic boundaries,”¹³ we fully agree with your determination that the Assessment of Fair Housing, in order to be complete, must address conditions and policies in the non-entitlement cities of the county.

Moreover, cities that accept HUD funds subgranted through the urban county consortium have an independent obligation to affirmatively further fair housing.¹⁴ The joint Assessment of Fair Housing provides an excellent opportunity for those cities to benefit from community insight on the barriers to equal housing choice and access to opportunity in their community. For example, East Palo Alto was the subject of particular attention in the last Analysis of Impediments—we recommend that this attention be sustained by holding listening sessions in that city during this round. And, many fair housing challenges in the county can be found in other non-entitlement cities that would benefit

¹¹ See 24 C.F.R. § 95.105(e)(iii) (requiring entitlement jurisdictions to hold at least one public hearing before the draft Assessment of Fair Housing is published for comment).

¹² See 24 C.F.R. § 5.152 (defining fair housing issues and local data and local knowledge by reference to the relevant geographic area).

¹³ U.S. Department of Housing and Urban Development, Fair Housing Assessment Tool, Appendix C at 7.

¹⁴ See, e.g., Federal High Administration, Letter of Determination, DOT# 2012-0020 (June 26, 2013), available online at http://www.ablelaw.org/images/stories/FHWA-Response-BeavercreekOH_June2013.pdf (last accessed Oct. 5, 2016) (finding that a subrecipient of federal transportation funding violated Title VI civil rights obligations connected with that funding).

from a fair housing analysis that includes the voices of residents affected by those challenges.

In addition to the local meetings, we also recommend that the county and participating cities hold at least one county-wide public meeting or listening session addressing cross-cutting issues related to access to opportunity. That meeting should focus on access to economic, educational, and transportation opportunity, as well as access to environmental health.

We also recommend that HACSM hold multiple meetings in different parts of the County so that residents served by HACSM, and those eligible to be served by HACSM, have the opportunity to attend meetings that specifically address issues related to HACSM programs, including the challenges faced by Section 8 Housing Choice Voucher participants in obtaining and maintaining housing.

* * *

Thank you for the opportunity to share these recommendations. We look forward to participating in a productive and inclusive Assessment of Fair Housing over the course of the coming year.

Sincerely,

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Public Advocates

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Community Legal Services of East Palo Alto

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AFT Local 1481

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