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# MEETING SUMMARY

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## Countywide Stakeholder Listening Session #1: Fair Housing

9/27/2021, 1-2:30 pm on Zoom

### Overview

On September 27, 2021, 21 Elements hosted the first of four housing element stakeholder listening session with several organizations focused on fair housing issues. Presenters, resources and details on what we heard follow.

Key themes included:

- Concern about the upcoming end of the eviction moratorium
- The importance of transit-oriented affordable housing and stronger anti-displacement policies
- The need for more education around accessibility regulations and reasonable accommodation
- The ability of jurisdictions to use their platform (including jurisdiction websites) to promote education and resources for tenants and landlords.

Policies & Programs to consider:

- More funding for subsidized affordable housing near transit or good access to transit
- Stronger just cause protections
- Rent stabilization and rent registries as a tool
- Tenant and community first right of purchase or right of first refusal (TOPA and COPA)
- Creation of more ADUs and program to increase access for lower-income people

### Stakeholder Presenters & Additional Resources

Organization	Speaker Name	Contact
<b>Center for Independence of Individuals with Disabilities</b>	Benjamin McMullan, Systems Change Advocate	<a href="mailto:benjaminm@cidsanmateo.org">benjaminm@cidsanmateo.org</a>
<b>Community Legal Services of East Palo Alto (CLSEPA)</b>	Michelle Trejo—Saldivar, Law Fellow, Housing Program	<a href="mailto:mtrejosaldivar@clsepa.org">mtrejosaldivar@clsepa.org</a>
<b>Housing Equality Law Project</b>	Mary Prem, Executive Director	<a href="mailto:mprem@housingequality.org">mprem@housingequality.org</a>
<b>Legal Aid for San Mateo County</b>	Shirley Gibson, Directing Attorney	<a href="mailto:SGibson@legalaidsmc.org">SGibson@legalaidsmc.org</a>
<b>Project Sentinel</b>	Ann Marquart, Executive Director	<a href="mailto:AMarquart@housing.org">AMarquart@housing.org</a>
<b>Housing Choices</b>	Jan Stokley, Executive Director Kalisha Webster, Housing Advocate <i>(presented at a prior meeting)</i>	<a href="mailto:jan@housingchoices.org">jan@housingchoices.org</a> <a href="mailto:kalisha@housingchoices.org">kalisha@housingchoices.org</a>



<b>Public Interest Law Project</b>	Michael Rawson, Director, (unable to attend)	<a href="mailto:mrawson@pilpca.org">mrawson@pilpca.org</a>
<b>Root Policy Research AFFH</b> consultant to 21E	Heidi Aggeler, Managing Director	<a href="mailto:heidi@rootpolicy.com">heidi@rootpolicy.com</a>

## Jurisdictions in Attendance

Belmont	Millbrae	San Mateo (County)
Brisbane	Pacifica	South San Francisco
Burlingame	Portola Valley	Woodside
Daly City	Redwood City	
East Palo Alto	San Bruno	<i>California Department of Housing and Community Development (HCD)</i>
Half Moon Bay	San Carlos	
Menlo Park	San Mateo (City)	

## Key Themes and Actions

- **Eviction Moratorium:** There was widespread concern about what will happen when the California eviction moratorium ends on October 1, 2021. Just Cause eviction ordinances and Covid rent relief (especially for back rent) have been important to keep people in their homes. CLSEPA shared a flyer after the session with a summary of renters' rights and resources.
- **Vulnerable Populations:** The stakeholder groups shared several details about the housing needs of the most vulnerable populations.
  - People with disabilities experience the most housing discrimination. Legal assistance organizations get the most calls regarding discrimination against people with and find it is the most misunderstood category.
  - Displacement disproportionately affects Latinx, African American/Black households and families with children.
  - Many or most evictions are no-fault evictions, *not* resulting from a failure to pay rent.
- **Anti-Displacement Policies:** Jurisdictions were curious about which anti-displacement policies were favored by the stakeholder groups.
  - **Affordable housing:** More subsidized affordable housing is needed. Stakeholders noted that it is key to locate affordable housing in places located on transit or with good access to transit.
  - **Just Cause protections, rent stabilization:** While there are some baseline protections at the state level, they need to be strengthened. The rent gauging gap does not go far enough to protect lower-income households.
  - **TOPA and COPA:** Currently, there is significant interest in Tenant and Community Opportunity to Purchase Act policies that give tenants and nonprofits a first right to purchase or a right of first refusal when a property goes on the market.



- **Rent registries:** Stakeholders noted that a rental registry is important in order to obtain data that can be used to inform anti-displacement policies, but it is not an anti-displacement policy on its own.
- **Section 8 vouchers:** Stakeholders noted that while vouchers can provide opportunities for lower-income households to live or remain in the county, there are not enough vouchers to meet the need. In addition, vouchers have resulted in some concentration of low-income households in areas with less economic and educational opportunity.
- **Accessory dwelling units:** ADUs are a great housing solution in the suburbs, as they provide suburb-appropriate density along with a good quality of life and provide more affordable options without requiring subsidy.
- **Accessibility:** Cities' housing elements typically only have the minimum standard/generic language for accessibility. Some of the participating jurisdictions indicated an interest in doing more and are looking for examples of cities going beyond what is required.
  - Cities should be prominently promoting organizations working with tenants. City websites get the most visibility out of any form of advertisement/media
  - Jurisdictions were very interested in data that quantifies the existing supply of accessible housing and the demand for accessible housing.
  - Stakeholders suggested that affordability and accessibility must be considered together.
  - Transit-friendly locations are key for people with disabilities.
  - Stakeholders noted that "visability" policies – making sure homes allow for access to those who are visiting – are less common today and should be considered. Consider requiring some degree of accessibility and visibility in new homes.
  - Lack of accessibility requirements for new townhomes were a point of concern.
- **Reasonable Accommodation:** The speakers indicated that there is widespread confusion about the meaning of reasonable accommodation. They shared ideas that could help educate residents and landlords.
  - Building departments should be posting reasonable accommodations policies.
  - Education for and outreach to apartment managers, property owners and homeowner associations is needed.
- **Ideas for Action:**
  - Perform an audit of each jurisdiction website for reasonable accommodation policies.
  - Improve jurisdiction websites to give a more prominent platform to organizations that work with tenants on fair housing issues.
  - Create a program to rent ADUs to people who need housing (run by HIP Housing?).
  - Look at SB 9 and how it may increase the # of duplexes (will they be accessible?).
  - Identify cities that go beyond the standard accessibility language in housing elements.
  - Find data that quantifies the need for accessible housing (and the existing supply).



## Appendix: Raw Notes

### Room 1 (Josh) Notes:

Ben McMullan – CIID

1. Areas that can use work
2. Inaccessible new house – Many are built in town homes. There is a lack of visibility. No ground floor restroom. One bedroom on ground floor.
  - a. Restroom on ground floor
  - b. Access to kitchen
3. All new construction be accessible and visitable
4. Encourage more ADUs
5. Funding for home repairs for people with disability
6. Affordability
7. Mary to circle back with best practices for policies
  - a. Report on where there are systemic violations
8. Education on reasonable accommodation for cities and apartment managers
  - a. Require they take localized training

Ann Marquart – Project Sentinel

1. Tenant landlord
2. Mediation
3. Special emphasis
4. More visibility for fair housing
5. Make it clear how to make it more visible
6. Post reasonable accommodation
7. Most complaints about discrimination of disability
8. Reforms coming to service/companion animals rules
9. Companion animals have same civil rights protections
10. Many property owners do not understand laws
11. The lack of affordable housing
12. People are very worried about Oct 1 and after emergency rental restrictions end
13. Biggest issue with reasonable accommodation - landlords

Shirley – Legal Aid

1. Eviction data from Legal Aid and EPA Legal Aid are based on that data
2. Black, Hispanic and families with children are the most hard-hit
3. It's not a crisis of nonpayment, it is many no-fault evictions
  - a. Even more disproportionately hitting black, Hispanic and children
4. Had the benefit of expanded just cause for 18 months. Been helpful.



5. Goals – strengthen no fault protections
6. “We don’t need data to figure out if there is a problem. We know there is a problem”
7. Rent registry does not prevent displacement, but data is useful, and as part of that lets get data about displacement
8. Covid rules did not cause the sky to fall
9. There are hotspots about how to use vouchers, there has been limited areas where vouchers getting used
  - a. But many of these are not in areas of opportunities
10. Time limited vouchers less useful
11. Make sure there are not group home discrimination
12. Post reasonable accommodation clearly

Michele – CLESPA

1. Just cause protections. They help tenants and inform tenants
2. Better rent stabilization
3. COPA/TOPA – Help displacement

**Room 2 (Kristy) Notes:**

- Ben McMullan - Center for Independence of Individuals with Disabilities
  - Advocate with housing, also look at transportation and health care issues
  - Biggest issues: Lack of affordable, accessible housing
  - Like to encourage affordable housing
  - On transit lines, near transit
  - Q from Nancy - with more power shutoffs, fire evacuation, etc. happening these days, for units not on the 1st floor, how is that being addressed?
    - PSPS (Public Safety Power Shutoff) program where help distribute backup power packs for people dependent on power
- Ann Marquart - Project Sentinel
  - More affordable housing
  - Disability is the protected category that they get the most calls about, and is the most misunderstood
  - Want housing next to transportation
  - Protected categories
    - Race
    - National origin
    - Gender
    - Families
    - Section 8 (NEW)
      - There is now fair housing protection for Section 8
      - But concern is that there are not enough certificates to go around, years of waiting lists, etc.



- Criminal history (is a little different)
- Q from Jennifer Rose: would be beneficial to all of the cities if you came up with collective wish-list of actions! Funding, help with promotion, policies, etc.
  - Ann: Promote fair housing groups in big letters on a lot of city websites, give agencies a bigger platform
    - For example, for first-time homebuyer training in San Jose, the only promotion was a notice on the city's website, and it became clear that people go to city websites for information! Distributing flyers, holding zoom workshops - can only go so far, reach some people.
  - Suggestion: "How can we promote project sentinel"
  - HIP housing helped write language in last housing element (?)
- Mary Prem - Housing Equality Law Project
  - Full service
    - Focused on unserved or underserved areas
    - Investigate complaints
    - Counsel tenants
  - Accessible housing
    - Not just accessibility but visitability
    - New construction (townhomes)
  - Housing solutions for people seeking reentry
    - Worked with SF city and human rights commission on "unchecked the box"
  - Add more ADUs
    - housing is such a scarcity
    - More affordable solution
    - Greater life experience for people living in suburbs, not as dense
  - Really important that accessible housing is located near transit
- Michelle Trejo-Saldivar - Community Legal Services of East Palo Alto (CLSEPA)
  - San Mateo County, plus Mountain View
  - Especially serve low income, very low income, LatinX
  - Housing needs: stronger rent stabilization policies, just cause protections
    - There is a state just cause and rent control, but there is a need for stronger policies
    - TOPA and COPA policies, other anti-displacement policies
  - Low income populations know where they will find affordable housing and where they will not: Recommendation jurisdictions take a look at where LI and VLI people live - they should only be paying 30% of income - where should we be pushing more affordable housing development
- Shirley Gibson - Legal Aid of San Mateo County
  - Similar mission and population served as CLSEPA
    - But only San Mateo County
    - The 2 organizations share information across 2 organizations (Tableau), lots of data at fingertips



- Why are these policies necessary from fair housing standpoint
  - Displacement falls squarely and disproportionately on Black and Latinx households, households with children
  - Disproportionality is even bigger when you look at no-fault termination evictions (*not* failure to pay rent)
- Biggest barriers to housing choice?
  - We heavily rely on housing choice vouchers - unfortunately have managed to isolate and concentrate those tenants in areas of low economic and educational opportunity
  - We must take a reality check: time-limited vouchers that transition people from homelessness to permanent opportunity are not working. It's a revolving door because there isn't enough time to stabilize households
  - Look at how housing vouchers are administered and distributed
- Note that while a rent registry is an interesting source of data, and it is great to have more info, it is NOT a anti-displacement policy in itself. Can use the data (which is better if you require data from landlords) to inform and structure more robust anti-displacement policies: looking at turnover, tenancy, how often, why

#### Room 3 (Vu-Bang) Notes:

- Mary Prem, Housing Equality Law Project
  - Visitable housing units with accessibility on the ground floor unless there's an elevator to other floors
  - Serve areas that are deemed unserved, areas not covered by fair housing
  - Investigate fair housing complaints
  - Training housing providers for more affordable housing
  - Collaborate with UC Berkeley - race studies in high school
  - City of SF- unchecking the box - re-entry housing programs, previously incarcerated
  - Reasonable accommodations denial and other accessibility issues are most common work
  - New construction, esp around transportation hub - housing that's in townhome and not "visitable" (no toilet in common area, no elevators)
  - Affordability and availability biggest concern - ADU units encouraged
  - Topic brought up with jurisdictions but haven't seen adopted
  - Affordability and availability for housing
  - Congestion on highways and accessibility in hubs
- Michelle Trejo-Salvidar
  - Just Cause protections - provide tenants with their rights when tenant gets notice
- Shirley Gibson
  - Be wary of full scale models of Just Cause - can pick and choose from model ordinances to shore up the weak Just Cause ordinances
- Ann Marquart, Project Sentinel



- Disability and familial status got the most complaints - reasonable modifications, can go to CID to pay for modifications, VA will pay for some of those repairs. Reasonable Accommodations - companion/service animals (anyone giving the certificate now has to note how many hours of therapy), different parking space, reminder to pay the rent,
- Policies: wishlist - something to project tenants after the moratoriums and now focused on back rents
- Something (not rent control) - new housing near transportation
- Education - getting word out to housing providers, raise Project Sentinel to larger visibility so people can find them
- What cities have the best visibility to Project Sentinel - will follow up.
- Section 8 renters - no discrimination
- Landlord should not evict everyone in the household after domestic disturbances
- Ben McMullan
  - Systems change for Center for Independence of Individuals with Disabilities
  - San Bruno, SSF, County offices
  - Visibility - wheelchair and mobility devices can adequately visit. Not many obstacles on different levels - Home Modification Program that people can take advantage of. Having new housing be accessible from the get-go
  - Plug for transit oriented housing - people with disabilities face needing housing and transit.
  - Explore transit oriented housing - vastly great step forward
  - Paratransit coordinating chair on SamTrans and CalTrain accessibility advisory committee
  - Biggest barriers to housing for vulnerable households - affordable and accessible housing. If it's affordable and not accessible, it only goes so far, and vice versa.
- Burlingame - has standard language on accessibility - want to know what language to use to go above and beyond. Townhouse units esp have concerns with. Set up well for TOD, but linking TOD + Accessibility + Affordability . SB9 - two flats or 2 townhouses preferred when it comes to accessibility.
- Hillsborough – language is generic, actual implementation only on ADUs, but predominantly single family housing. Transportation corridor only on El Camino Real and ½ mile from Burlingame Caltrain station.
- Jan (HCC): Physical accessibility is not the only type of accessibility barrier--I am thinking of people with cognitive disabilities--they shouldn't be left out of the discussion.