Assessment of Fair Housing

December 2022

Prepared by:

Lawyers' Committee for Civil Rights Under Law

TABLE OF CONTENTS

I. Executive Summary

The Santa Clara County Assessment of Fair Housing (AFH) is a thorough examination of structural barriers to fair housing choice and access to opportunity for members of historically marginalized groups protected from discrimination by the federal Fair Housing Act (FHA). This AFH is a collaborative effort encompassing the following jurisdictions:

- Santa Clara County
- Santa Clara County Housing Authority
- Cupertino
- Gilroy
- Mountain View
- Palo Alto
- San José
- City of Santa Clara
- Sunnyvale

The AFH also outlines fair housing priorities and goals to overcome fair housing issues. In addition, the AFH lays out meaningful strategies that can be implemented to achieve progress towards the County's obligation to affirmatively furthering fair housing. The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), in consultation with the County, the entitlement cities, and the Housing Authority, and with input from a wide range of stakeholders through a community participation process, prepared this AFH. To provide a foundation for the conclusions and recommendations presented in this AFH, the Lawyers' Committee reviewed and analyzed:

- Data from the U.S. Census Bureau and other sources about the demographic, housing, economic, and educational landscape of the County, entitlement cities, nearby communities, and the broader region;
- Various County and City planning documents and ordinances;
- Data reflecting housing discrimination complaints;
- The input of a broad range of stakeholders that deal with the realities of the housing market and the lives of members of protected classes in Santa Clara County.

The AFH draws from these sources to conduct an analysis of fair housing issues such as patterns of integration and segregation of members of protected classes, racially or ethnically concentrated areas of poverty regionally, disparities in access to opportunity for protected classes, and disproportionate housing needs. The analysis also examines publicly supported housing in the city as well as fair housing issues for persons with disabilities. Private and public fair housing enforcement, outreach capacity, and resources are evaluated as well. The AFH identifies contributing factors to fair housing issues and steps that should be taken to overcome these barriers.

Overview of Santa Clara County

Santa Clara County is located in the Bay Area of Northern California, and is home to Silicon Valley. It has a population of nearly two million people, and is highly diverse, with no majority racial/ethnic group. Asian American and Pacific Islanders are the most prevalent (35%), followed by White (33%), Hispanic (26%), and Black (2%) residents. However, these trends vary within the various entitlement jurisdictions. While the urban county, Cupertino, San José, city of Santa Clara, Sunnyvale, and the Region maintain predominantly-Asian populations, Gilroy is predominantly Hispanic, and Mountain View and Palo Alto are predominantly White. Across the entitlement jurisdictions, San José displays the highest levels of segregation, with Asian American and Pacific Islanders and Hispanics more likely to live in the segregated eastern part of the city. This analysis utilizes an alternative definition of R/ECAPs (Racially/Ethnically Concentrated Areas of Poverty) in order to properly reflect the high cost of living in the area. Under this new definition, R/ECAPs are predominantly located in eastern San José, aligning with existing and historical segregative patterns.

There is a significant immigrant population in the County, with top national origins of Mexico (7%), India (6%), China (6%), Vietnam (5%) and the Philippines (3%); these population shares are closely mirrored at the regional level. However, which entitlement jurisdictions these immigrant groups choose to settle in varies. Cupertino has significant immigrant populations from India and China but lower populations from Mexico and Vietnam than much of the rest of the County. Meanwhile, Mexican immigrants are strongly represented in Gilroy (17%), Mountain View (6%), and San José (10%). Indian immigrants are highly represented in Cupertino (17%), Mountain View (7%), city of Santa Clara (13%), and Sunnyvale (15%). Vietnamese immigrants are most strongly represented in San José (8%), and Chinese immigrants have a strong presence in Cupertino (16%), Mountain View (8%), Palo Alto (10%), San José (5%), city of Santa Clara (6%), and Sunnyvale (9%). While immigrant populations are not a perfect analogue for communities with Limited English Proficiency, in the County at large, Spanish, Chinese, and Vietnamese are the most prevalent languages.

Across nearly every entitlement jurisdiction, Black and Hispanic residents face the highest rate of housing problems, and Hispanic families are overcrowded at a rate of 12% (three times the rate of the next highest share, Asian American or Pacific Islanders). Additionally, throughout the County, there are clear disparities in access to opportunity across several categories – including environmental health, labor market, and school proficiency – which all seem to be higher in the western part of the County, and lower in San José. Noting that eastern San José is particularly segregated compared to the rest of the County, any disparities in access to opportunity is more impactful on the predominantly Hispanic and Asian American or Pacific Islander population in that area. Access to low-cost and comprehensive transportation networks, on the other hand, is consistently good throughout the County.

There is very little traditional public housing in Santa Clara County, with an alternative reliance on Project-Based Section 8 and LIHTC units, as well as Housing Choice Vouchers. Additionally,

many of the entitlement jurisdictions utilize inclusionary zoning programs, affordable Accessory Dwelling Unit (ADU) programs, and mobile home rent stabilization ordinances to supplement their affordable housing stock.

There is relatively little concentration of persons with disabilities in the County, as well as a lower relative share than in other, comparable housing markets. Residents of Project-Based Section 8 units have disabilities that roughly align with the County's population share with disabilities. However, Housing Choice Voucher holders have disabilities at twice the rate. While there are very few publicly supported housing developments reserved for people with disabilities, a significant share are reserved for seniors, who are more likely to have disabilities. Additionally, newer and larger developments are subject to increased accessibility construction standards, making them a more viable option for affordable housing residents with disabilities. Santa Clara County Measure A bond funds (Measure A) have been dedicated to permanent supportive housing, specifically seeking developments in which at least 50% of units are permanent supportive housing (PAH). However, it should be noted that dedicating 50% of units runs the risk of segregating people with disabilities, when the goal should be greater community integration.

Fair Housing Enforcement in Santa Clara County is very reliant on private fair housing organizations, which contract with various municipalities to provide housing mediation and arbitration, while also pursuing private fair housing enforcement actions and providing outreach to Santa Clara County residents. Despite the wealth of private organizations, many of which serve very specific populations, still, available resources do not rise to the level necessary to ensure fair access to housing for all Santa Clara County residents.

Contributing Factors to Fair Housing Issues

The AFH includes a discussion and analysis of the following contributing factors to fair housing issues:

1. Access to financial services
2. Access for persons with disabilities to proficient schools
3. Access to publicly supported housing for persons with disabilities
4. Access to transportation for persons with disabilities
5. Admissions and occupancy policies and procedures, including preferences in publicly supported housing
6. Availability of affordable units in a range of sizes
7. Availability, type, frequency, and reliability of public transportation
8. Community opposition
9. Deteriorated and abandoned properties
10. Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
11. Displacement of residents due to economic pressures
12. Impediments to mobility
13. Inaccessible public or private infrastructure

14. Inaccessible government facilities or services
15. Lack of access to opportunity due to high housing costs
16. Lack of affordable, accessible housing in a range of unit sizes
17. Lack of affordable in-home or community-based supportive services
18. Lack of affordable, integrated housing for individuals who need supportive services
19. Lack of assistance for housing accessibility modifications
20. Lack of assistance for transitioning from institutional settings to integrated housing
21. Lack of community revitalization strategies
22. Lack of local private fair housing outreach and enforcement
23. Lack of local public fair housing enforcement
24. Lack of local or regional cooperation
25. Lack of meaningful language access for individuals with limited English proficiency
26. Lack of private investment in specific neighborhoods
27. Lack of public investment in specific neighborhoods, including services or amenities
28. Lack of resources for fair housing agencies and organizations
29. Lack of state or local fair housing laws
30. Land use and zoning laws
31. Lending discrimination
32. Location of accessible housing
33. Location of employers
34. Location of environmental health hazards
35. Location of proficient schools and school assignment policies
36. Location and type of affordable housing
37. Loss of affordable housing
38. Occupancy codes and restrictions
39. Private discrimination
40. Quality of affordable housing information programs
41. Regulatory barriers to providing housing and supportive services for persons with disabilities
42. Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
43. Source of income discrimination
44. State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings
45. Unresolved violations of fair housing or civil rights law

Proposed Goals

To address the contributing factors described above, the AFH proposes the following goals and strategies for the City of Sunnyvale, working in partnership with other jurisdictions and regional entities.

I. Promote residential racial and ethnic integration and reduce displacement by increasing the supply of affordable housing in both high opportunity areas, areas with ongoing displacement, and areas that are at risk of displacement.
   a. Participate in an effort to support the County if they move to place a new countywide affordable housing bond on the ballot within the next five years.
   b. Build support for city-level affordable housing opportunities within the city of Sunnyvale.
   c. Consider providing grants to single-family homeowners with household incomes of up to 120% of the Area Median Income (AMI) to develop ADUs and consider affordability restrictions on their property.
   d. Coordinate and expand inclusionary housing and commercial linkage fee policies with proceeds dedicated to affordable housing across the City of Sunnyvale.
   e. Incorporate priorities for expanding access to high opportunity areas and reducing displacement into notices of funding availability and requests for proposals for affordable housing funds.
II. Reduce zoning and land use barriers to affordable housing development.
   a. Increase high density zoning near transit in high opportunity areas through overlay affordable housing overlay districts.
   b. Reduce parking minimums near public transit service.
   c. Incorporate a fair housing equity analysis into the review of significant rezoning proposals and specific plans.
   d. Increase planning staffing and prioritize staff retention to ensure prompt, consistent processing of development projects.
III. Protect tenants from displacement through more robust tenant protections and access to legal services.
   a. Provide funding to ensure a right to counsel for tenants in landlord-tenant proceedings, including those involving the application of new laws like A.B. 1482.
   b. Support education for tenants and housing providers regarding new tenants' rights laws.
IV. Increase access to opportunity for residents of historically disinvested low-income communities of color.
   a. Target funds for environmental remediation to low-income communities of color, particularly those in close proximity to major highways or polluting facilities.
   b. Encourage flexibility in policies that allow for inter-district transfers.
   c. Advocate to expand bus service in areas with limited service by creating new service on major arterial roads and reducing headways.
V. Adjust prioritization of permanent supportive housing units to more equitably meet the needs of Hispanic residents, domestic violence victims, persons with limited English proficiency, and individuals with chronic health problems.
VI. Increase support for fair housing enforcement, education, and outreach.

II.   COMMUNITY PARTICIPATION PROCESS

1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board.

In order to ensure that the analysis contained in an AFH truly reflects conditions in a community and that the goals and strategies are targeted and feasible, the participation of a wide range of stakeholders is of critical importance. A broad array of outreach was conducted during a four-month community engagement process through print and social media engagement, community meetings, focus groups, surveys, and the establishment of a count-wide Santa Clara County Regional AFH Advisory Committee.

In preparing this AFH, the Lawyers' Committee for Civil Rights Under Law held numerous in-person stakeholder meetings with hundreds of stakeholders, including tenants, landlords, homeowners, public housing residents, fair housing organizations, civil rights and advocacy organizations, legal services provers, social services providers, housing developers, local housing and planning staff, and industry groups to hear directly about fair housing issues affecting residents of Santa Clara County. Multiple meetings were co-hosted by the housing authority and advertised directly to voucher holders and residents of project-based voucher developments.

All community meetings had translation services available if requested. Multiple meetings had Spanish translators and another had Vietnamese translators. Flyers promoting meetings were in Spanish in areas with high concentrations of Spanish-speaking residents. In addition, all meetings were held in locations accessible to people with mobility issues. The Executive Summary of the AFH will be translated into Spanish and Vietnamese.

Geographically specific community meetings were held across Santa Clara County, including Urban County, South County, Central County, and the cities of San José and Santa Clara. In addition, several focus groups were established to focus on specific fair housing issues. They include Formerly Incarcerated Individuals, Homeless Individuals and Families, Nonprofit Affordable Housing Developers, Domestic Violence Survivors, Seniors, Health Trust for HIV/AIDS, the Vietnamese Community, geographically-oriented focus groups, the Hispanic Community, the Filipino Community, and Students and Educators.

In December of 2019, the Santa Clara County Regional AFH Advisory Committee, comprised of 13 members and representing several community and stakeholder groups, was established to provide ongoing input during the AFH process. In addition to helping shape goals and recommendations in the AFH, the AFH Advisory Committee will continue its work beyond submission of the AFH to insure that these goals and strategies are included in the Consolidated Planning Process and implemented over the next several years.

Below is a list AFH meetings to date:

Public Community Meetings

San José Evening Community Meeting	November 13, 2019
City of Santa Clara Community Meeting	November 14, 2019
San José Daytime Community Meeting	November 16, 2019
Urban County Community Meeting	December 11, 2019
Cupertino Meeting	December 19, 2019
Central County	January 14, 2020
South County	January 15, 2020

Focus Groups

Formerly Incarcerated Individuals	December 12, 2019
Homeless Individuals and Families	December 12, 2019
Non-Profit Affordable Housing Developers	December 13, 2019
Women	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
Hispanic 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

Public hearings will be held in each city and in the Urban County while the draft is available for public review. All written comments received during the public comment period will be reviewed and either incorporated into the final AFH or addressed as to why they were not incorporated in the Community Participation section.

IV.   ASSESSMENT OF PAST GOALS, ACTIONS AND STRATEGIES

   a. *Indicate what fair housing goals were selected by program participant(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents.*

<u>City of Sunnyvale</u>

1. *Continue to provide public outreach about fair housing.*
2. *Continue to participate in the countywide fair housing task force in order to improve the provision of fair housing services regionally.*
3. *Continue broad community outreach about available housing programs and affordable housing units.*
4. *Continue to require outreach to the homeless and special needs households.*
5. *Allow for reasonable accommodations.*
6. *Refine the Inclusionary Zoning program.*
7. *Continue to zone for a range of housing types and densities as set forth in the City's General Plan.*
8. *Assist local Housing Authorities with public outreach.*
9. *Maintain a list of public-sector loan and down-payment assistance agencies.*
10. *Plan for and encourage transit-oriented development.*
11. *Continue to work with local transit agencies to facilitate safe and efficient routes throughout the City for the various forms of public transit.*

City staff continues to make efforts to improve access to services, programs, and activities, including affordable housing opportunities, for all residents, including persons and households with Limited English Proficiency (LEP). The AI includes recommendations to: expand awareness of LEP clients, educate service providers on their obligations to LEP clients, and assess housing and service providers to evaluate the ability of LEP clients to access sponsored services, programs, and activities.

Sunnyvale was also involved in the following activities to affirmatively further fair housing since the completion of the last AI:
- The City provided accessibility improvement grants for 6 homeowners with physical disabilities.
- It also provided translation and interpretation services for the City's housing and community development programs, and
- provided information on foreclosure prevention, tenancy rights, financial education, and other fair housing related topics.

The Fair Housing page on the City's website provides a link for residents to report discrimination complaints directly to HUD. The City actively implements an Affirmative Marketing Plan to inform the public about all housing programs and new housing opportunities. The waiting lists of

local affordable housing developments indicate that affirmative outreach efforts have been very successful in reaching various minority communities, as well as a broad range of household types.

> *c. Discuss how successful in achieving past goals, and/or how it has fallen short of achieving these goals (including potentially harmful unintended consequences)*

The County and its entitlement jurisdictions have had success in achieving some of their past goals but have fallen short in others. Most jurisdictions contract with Project Sentinel to provide fair housing education, investigation, enforcement and outreach. In addition, the State of California recently passed fair housing legislation including source of income protections, statewide rent control, and "just cause" eviction requirements for renters. Other measures designed to increase affordable housing production include limits on local review procedures and as-of-right Accessory Dwelling Units (ADU). The high cost of housing continues to be the most significant impediment to housing opportunity. The County and participating jurisdictions have allocated millions of dollars for affordable housing development and have instituted land use and other policies designed to increase the number of units but the demand far exceeds the supply.

> *d. Discuss any additional policies, actions, or steps that the program participant could take to achieve past goals, or mitigate the problems it has experienced.*

The need for affordable housing in Santa Clara County is far greater than the supply. To address this large gap requires significantly more resources and a coordinated approach. The best way in which Santa Clara County and its participating jurisdictions could overcome the setbacks to the accomplishment of its goals from their last Analysis of Impediments would be to explore bonds or other types of financing mechanisms to increase the supply of affordable housing in both high opportunity areas, areas with ongoing displacement, and areas that are at risk of displacement. In order to effectively accomplish this in high opportunity areas, cities that include high opportunity areas would need to reform their zoning and land use policies and dedicate public land to affordable housing development. The need for affordable housing in Santa Clara County is far greater than the supply. To address this large gap requires significantly more resources and a coordinated approach.

> *e. Discuss how the experiences of program participant(s) with past goals has influenced the selection of current goals.*

The 2020 AFH's goals were determined by various methods, one being the input of a broad range of stakeholders that deal with the realities of the housing market in Santa Clara County. The stakeholders discussed that even though there are a small percentage of discrimination claims being reported, residents are still experiencing housing discrimination. With this feedback and data analysis, the 2020 AFH incorporates the continuation of several past AI priority goals while adding new goals designed to ensure that each jurisdiction affirmatively furthers fair housing.

III.   Fair Housing Analysis

A.   Demographic Summary

This Demographic Summary provides an overview of data concerning race and ethnicity, sex, familial status, disability status, limited English proficiency, national origin, and age. The data included reflects the composition of the Santa Clara County-San Benito County Region, the County itself, and the city of Sunnyvale.

1. *Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).*

Santa Clara County is located on the southern coast of San Francisco Bay. Also known as Silicon Valley, this urban county has an equal percentage of white and Asian/Pacific Island populations and a sizeable Hispanic population.

Table 1: Demographics, Santa Clara County

	(Santa Clara County, CA CDBG) Jurisdiction			(San José-Sunnyvale-Santa Clara, CA) Region		
Race/Ethnicity	#		%	#		%
White, Non-Hispanic	622,266		32.56%	643,138		32.65%
Black, Non-Hispanic	45,479		2.38%	45,916		2.33%
Hispanic	498,253		26.07%	532,814		27.05%
Asian/Pacific Island, Non-Hispanic	673,825		33.37%	669,125		33.97%
Native American, Non-Hisp.	3,104		0.16%	3,282		0.17%
National Origin						
#1 country of origin	Mexico	139,914	7.32%	Mexico	149,078	7.57%
#2 country of origin	India	118,480	6.20%	India	118,753	6.03%
#3 country of origin	China:	113,877	5.96%	China:	113,993	5.79%
#4 country of origin	Vietnam	102,611	5.37%	Vietnam	102,657	5.21%
#5 country of origin	Philippines	59,894	3.13%	Philippines	60,251	3.06%
#6 country of origin	Korea	20,258	1.06%	Korea	20,410	1.04%
#7 country of origin	Iran	15,502	0.81%	Iran	15,517	0.79%
#8 country of origin	Japan	11,975	0.63%	Japan	11,984	0.61%
#9 country of origin	Canada	10,297	0.54%	Canada	10,473	0.53%
#10 country of origin	El Salvador	8,745	0.46%	United Kingdom	9,860	0.50%
Limited English Proficiency (LEP) Language						
#1 LEP Language	Spanish	11,362	4.53%	Spanish	147,705	8.48%
#2 LEP Language	Chinese	5,285	2.11%	Vietnamese	69,212	3.98%
#3 LEP Language	Vietnamese	1,867	0.74%	Chinese	61,687	3.54%

#4 LEP Language	Korean	1,258	0.50%	Tagalog	19,949	1.15%
#5 LEP Language	Persian	990	0.39%	Korean	12,494	0.72%
#6 LEP Language	Japanese	895	0.36%	Other Indic Language	7,078	0.41%
#7 LEP Language	Tagalog	508	0.20%	Other Asian Language	6,838	0.39%
#8 LEP Language	Russian	357	0.14%	Japanese	6,069	0.35%
#9 LEP Language	Other Asian Language	322	0.13%	Chin	5,253	0.30%
#10 LEP Language	Portuguese	285	0.11%	Russian	4,197	0.24%
Disability Type						
Hearing difficulty		44,272	2.3%		45,778	2.3%
Vision difficulty		27,076	1.4%		27,954	1.4%
Cognitive difficulty		57,029	3.2%		59,099	3.2%
Ambulatory difficulty		76,562	4.3%		79,438	4.3%
Self-care difficulty		35,490	2.0%		36,795	2.0%
Independent living difficulty		64,256	4.4%		66,560	4.4%
Sex						
Male		958,272	50.14%		992,525	50.38%
Female		943,912	49.39%		977,372	49.62%
Age						
Under 18		434,658	22.74%		326,871	22.9%
18-64		1,232,109	64.47%		1,410,528	59.1%
65+		235,417	12.32%		246,855	18.0%
Family Type						
Families with children		215,104	34.12%		221,806	34.24%

Race and Ethnicity

Santa Clara County has an almost equal split between non-Hispanic whites (32.56%) and non-Hispanic Asians (33.37%), with Hispanics comprising 26.07% of the population. Black residents comprise only 2.38% of the population, and non-Hispanic Native Americans 0.16%.

National Origin

Within the County, the most common country of origin is Mexico, with residents from Mexico comprising 7.32% of the population. The remaining most common countries of origin are, in order, India, China, Vietnam, the Philippines, Korea, Iran, Japan, Canada, and El Salvador.

Limited English Proficiency

The most commonly spoken language for those in the County with Limited English Proficiency (LEP) is Spanish. The remaining most common languages for those with Limited English

Proficiency are, in order, Chinese, Tagalog, Korean, another Pacific Island Language, Vietnamese, German, Portuguese, Japanese, and French.

Disability

The most common type of disability experienced by residents of the County is independent living difficulty, followed closely by ambulatory difficulty. The remaining most common disabilities are, in order of prevalence, cognitive difficulty, hearing difficulty, self-care difficulty, and vision difficulty.

Sex

County residents are 50.14% male and 49.39% female.

Age

The majority of residents in the County are ages 18-64, with 64.47% of residents falling into that age group. 22.74% of the population is under 18, and 12.32% of residents are 65 and over.

Familial Status

Families with children constitute 34.12% of the total County population.

Table 2: Demographics, Sunnyvale

	Sunnyvale Jurisdiction		(San José-Sunnyvale-Santa Clara, CA) Region	
Race/Ethnicity	**#**	**%**	**#**	**%**
White, Non-Hispanic	49,901	32.92%	643,138	32.65%
Black, Non-Hispanic	2,403	1.59%	45,916	2.33%
Hispanic	25,174	16.61%	532,814	27.05%
Asian/Pacific Island, Non-Hispanic	68,260	45.04%	669,125	33.97%
Native American, Non-Hisp.	261	0.17%	3,282	0.17%
National Origin				
#1 country of origin	India	22,742	15.00%	Mexico	149,078	7.57%
#2 country of origin	China	14,001	9.24%	India	118,753	6.03%
#3 country of origin	Mexico	7,339	4.84%	China	113,993	5.79%
#4 country of origin	Philippines	3,864	2.55%	Vietnam	102,657	5.21%
#5 country of origin	Vietnam	2,376	1.57%	Philippines	60,251	3.06%
#6 country of origin	Korea	2,160	1.43%	Korea	20,410	1.04%
#7 country of origin	Israel	1,451	0.96%	Iran	15,517	0.79%
#8 country of origin	Japan	1,333	0.88%	Japan	11,984	0.61%
#9 country of origin	El Salvador	1,328	0.88%	Canada	10,473	0.53%

				United Kingdom	9,860	0.50%
#10 country of origin	Iran	1,027	0.68%	United Kingdom	9,860	0.50%
Limited English Proficiency (LEP) Language						
#1 LEP Language	Spanish	9,013	6.86%	Spanish	147,705	8.48%
#2 LEP Language	Chinese	7,055	5.37%	Vietnamese	69,212	3.98%
#3 LEP Language	Tagalog	1,731	1.32%	Chinese	61,687	3.54%
#4 LEP Language	Other Asian Language	1,620	1.23%	Tagalog	19,949	1.15%
#5 LEP Language	Vietnamese	1,523	1.16%	Korean	12,494	0.72%
#6 LEP Language	Korean	1,048	0.80%	Other Indic Language	7,078	0.41%
#7 LEP Language	Hindi	775	0.59%	Other Asian Language	6,838	0.39%
#8 LEP Language	Japanese	710	0.54%	Japanese	6,069	0.35%
#9 LEP Language	Other Indic Language	701	0.53%	Persian	5,253	0.30%
#10 LEP Language	Russian	519	0.40%	Russian	4,197	0.24%
Disability Type						
Hearing difficulty		3,205	2.1%		45,778	2.30%
Vision difficulty		1,937	1.3%		27,954	1.40%
Cognitive difficulty		3,051	2.2%		59,099	3.20%
Ambulatory difficulty		5,067	3.6%		79,438	4.30%
Self-care difficulty		2,195	1.6%		36,795	2.00%
Independent living difficulty		4,223	3.6%		66,560	4.40%
Sex						
Male		77,685	51.26%		992,525	50.38%
Female		73,324	48.38%		977,372	49.62%
Age						
Under 18		33,215	21.91%		326,871	22.90%
18-64		100,102	66.05%		1,410,528	59.10%
65+		17,692	11.67%		246,855	18.00%
Family Type						
Families with children		18,270	32.82%		221,806	34.24%

Race and Ethnicity

The city of Sunnyvale has an Asian American population of 45.04% and a non-Hispanic white population of 32.92%. The Hispanic population comprises 16.61% of the population. The Black, and Native American populations are very small, comprising 1.59% and 0.17% respectively.

National Origin

Within Sunnyvale, the most common country of origin is India, comprising 15% of the population. The remaining most common countries of origin are China, Mexico, Philippines, Vietnam, Korea, Israel, Japan, El Salvador, and Iran.

Limited English Proficiency

The most commonly spoken language for residents of Sunnyvale with Limited English Proficiency (LEP) is Spanish. The remaining most common languages for those with Limited English Proficiency are, in order, Chinese, Tagalog, Other Asian Language, Vietnamese, Korean, Hindi, Japanese, Other Indic Language, and Russian.

Disability

The most common types of disability experienced by residents of Sunnyvale are ambulatory and independent living difficulties, followed by cognitive difficulty, hearing difficulty, self-care difficulty, and vision difficulty.

Sex

Sunnyvale residents are 51.26% male and 48.38% female.

Age

The majority of residents in Sunnyvale are ages 18-64, with 66.05% of residents falling into that age group. 21.91% of the population is under 18, and 11.67% of residents are 65 and over.

Familial Status

Families with children constitute 32.82% of Sunnyvale's total population.

San José-Sunnyvale-Santa Clara, CA Region

Religion

The most common religious group is Roman Catholic. Approximately 447,369 County residents identify as Roman Catholic, which is 25.11% of the total population. The second most common is nondenominational, which accounts for 76,984 residents, or 4.32% of the total population. The remaining religions, which account for 1% or less of the total county population, are Hindu, Mormon, Buddhist, Muslim, United Methodist, Southern Baptist, and Assemblies of God.

Table 3: Demographic Trends, Region

	(San José-Sunnyvale-Santa Clara, CA) Region								Total % Change
	1990 Trend		2000 Trend		2010 Trend		Current		
Race/Ethnicity	#	%	#	%	#	%	#	%	
White, Non-Hispanic	888,530	57.90%	768,747	44.29%	648,063	35.28%	643,138	32.65%	-25.25%
Black, Non-Hispanic	52,557	3.42%	52,151	3.00%	52,208	2.84%	45,916	2.33%	-1.09%
Hispanic	331,183	21.58%	428,868	24.71%	510,396	27.79%	532,814	27.05%	5.47%
Asian or Pacific Islander, Non-Hispanic	251,953	16.42%	459,718	26.48%	611,013	33.26%	669,125	33.97%	17.55%
Native American, Non-Hispanic	6,717	0.44%	11,780	0.68%	10,290	0.56%	3,282	0.17%	-0.27%
National Origin									
Foreign-born	353,465	23.04%	583,157	33.60%	655,016	35.66%	682,834	37.17%	14.13%
LEP									
Limited English Proficiency	212,940	13.88%	351,953	20.28%	366,129	19.93%	370,070	20.15%	6.27%
Sex									
Male	777,230	50.66%	878,445	50.61%	921,480	50.16%	921,480	50.16%	-0.5%
Female	757,116	49.34%	857,377	49.39%	915,431	49.84%	915,431	49.84%	0.5%
Age									
Under 18	369,600	24.09%	444,818	25.63%	445,611	24.26%	445,611	24.26%	0.17%
18-64	1,032,260	67.28%	1,127,524	64.96%	1,188,996	64.73%	1,188,996	64.73%	-2.55%
65+	132,486	8.63%	163,480	9.42%	202,304	11.01%	202,304	11.01%	2.38%
Family Type									
Families with children	180,450	48.31%	180,388	49.79%	217,181	49.33%	217,181	49.33%	1.02%

Over time, the non-Hispanic white population and the Asian population have seen the most change within Santa Clara County. The non-Hispanic white population has dropped approximately 25% since 1990, while the Asian population has more than doubled. The Hispanic population has increased slightly more than 5%, while the Black population decreased by 1%.

Since 1990, the foreign-born population has increased by 14%. The percentage of the population with Limited English Proficiency has seen an increase of approximately 6%. The percentage of the population that are families with children has remained consistent, with a 1% increase over time. The population of residents under 18 has also been consistent. The population of residents ages 18-64 dropped by 3%, while those 65 and older increased by 3%.

B. General Issues

i. <u>**Segregation/Integration**</u>

This section includes a review of data, maps, local knowledge, and community input regarding segregation and integration on the basis of race, national origin, ancestry, and religion in Santa Clara County and the city of Sunnyvale. The Disability and Access section of this Assessment includes a detailed analysis of the segregation of persons with disabilities. The concepts of segregation and integration relate to the concentration, or lack thereof, of members of particular groups in specific parts of a geographic area in comparison to that area as a whole. Segregation can exist *within* cities or towns where, for example, Hispanic residents are concentrated in a small number of neighborhoods. Segregation can also exist *between* cities and towns that are part of a broader county or region. For purposes of this Assessment, the data used to inform the analysis of segregation within the region defines the region – the San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area – as consisting of the entirety of Santa Clara and San Benito Counties. The region does not include any portion of neighboring Alameda and San Mateo Counties. At the same time, it is clear that Palo Alto and East Palo Alto, located in San Mateo County, share a housing market to a much greater extent than Palo Alto does with Hollister, located in San Benito County, or even Gilroy. Similarly, communities like Fremont and Newark in southern Alameda County have a significant amount in common with parts of Santa Clara County. To accurately reflect these nuances, this Assessment addresses how parts of the broader Bay Area affect segregation in Santa Clara County in the narrative. Although this analysis will attempt to assess patterns in segregation based on religion in addition to race, national origin, and ancestry, demographic data reflecting individuals' religion is limited, so that analysis is not as extensive.

1. Analysis

    a. *Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.*

One common metric used to determine levels of residential segregation between groups is the Dissimilarity Index. The Index shows the degree to which two groups are evenly distributed across a geographic area, and measures the percentage of a certain group's population that would have to move to a different Census Tract in order to be evenly distributed within a city, county, or metropolitan area in relation to another group. The higher the Dissimilarity Index, the more uneven the population of different groups is in relation to each other. For example, if a Hispanic/White dissimilarity index is 65, then 65 percent of Hispanic residents would need to move in order for Hispanic residents and Whites to be evenly distributed across the city. The higher the Dissimilarity Index, the more segregated an area is. A Dissimilarity Index of less than 40 is considered low while an Index of 40 to 55 is considered moderate and values over 55 are considered high.

Dissimilarity Index

	Value	Level of Segregation
Dissimilarity Index Value (0-100)	0-40	Low Segregation
	41-54	Moderate Segregation
	55-100	High Segregation

Table 1 Dissimilarity Index Values by Race and Ethnicity for San-Jose-Sunnyvale-Santa Clara, CA Region.

Racial/Ethnic Dissimilarity Index	1990 Trend	2000 Trend	2010 Trend
Non-White/White	39.94	40.52	39.53
Black/White	42.95	39.80	38.59
Hispanic/White	47.78	50.72	47.62
Asian or Pacific Islander/White	38.74	41.97	43.07

Source: HUD AFFH Tool Table 3 – Racial/Ethnic Dissimilarly Trends

In the region, the vast majority of which consists of Santa Clara County, Dissimilarity Index data shows low levels of segregation for Black residents in relation to White residents and moderate levels of segregation for Hispanic and Asian or Pacific Islander residents. Although segregation of Black residents is low, it is at the high end of the low range and nearly qualifies as moderate. When the exclusion of Black population centers in East Palo Alto and Oakland is taken into account, the segregation of Black residents appears to be a more significant problem.

Table 2 Dissimilarity Index Values by Race and Ethnicity for Sunnyvale.

Racial/Ethnic Dissimilarity Index	1990 Trend	2000 Trend	2010 Trend
Non-White/White	17.54	22.30	21.68
Black/White	25.70	26.02	25.70
Hispanic/White	27.95	34.77	37.01
Asian or Pacific Islander/White	16.23	20.15	19.22

Source: HUD AFFH Tool Table 3 – Racial/Ethnic Dissimilarly Trends

In Sunnyvale, the Dissimilarity Index reflects low levels of segregation for all racial and ethnic groups although segregation of Hispanic residents nearly reaches the threshold for moderate segregation. The racial and ethnic demographics of Sunnyvale are very similar to those of Santa Clara. These values reflect significantly increased segregation of Hispanic residents and stable levels of segregation of Black and Asian or Pacific Islander residents since 1990.

In addition to the Dissimilarity Index, social scientists also use the Isolation and Exposure Indices to measure segregation. The Isolation Index measures what percentage of the census tract in which a person of a certain racial identity lives is comprised of other persons of that same racial/ethnic group. Values for the Isolation Index range from 0 to 100. The Exposure Index is a group's exposure to all racial groups. Values for the Exposure Index also range from 0 to 100. A larger value means that the average group member lives in a census tract with a higher percentage of people from another group. These indices, when taken together, capture the neighborhood demographics experienced, on average, by members of a particular racial or ethnic group within a City or metropolitan area. Because of the relatively small size of most cities in Santa Clara County and the low Dissimilarity Indices in most cities, city-specific Isolation and Exposure Index data is likely to largely mirror the overall demographics of the cities. Regional data is more instructive.

Table 3 Isolation Index Values in San José-Sunnyvale-Santa Clara, CA Region

Isolation Index	1980	1990	2000	2010
White/White	75.9	66.9	56.2	47.6
Black/Black	6.7	5.3	4.2	4
Hispanic/Hispanic	32.1	37	41.7	43.4
Asian/Asian	10.2	24.3	37.6	45.4

Table 4 Exposure Index Values for San José-Sunnyvale-Santa Clara, CA Region

Exposure Index	1980	1990	2000	2010
Black/White	56.6	48.1	38.7	32.8
Hispanic/White	53.8	42	31.2	26.7
Asian/White	65.6	49.5	37	29.4
White/Black	2.6	2.8	2.6	2.6
Hispanic/Black	4.7	4.1	3.3	3
Asian/Black	4.3	4.3	3.2	2.8
White/Hispanic	13.4	15.6	17.4	21.1
Black/Hispanic	25.2	25.6	27.1	29.7
Asian/Hispanic	18.3	21.3	20.9	21.7
White/Asian	6.7	14.1	22.2	27.8
Black/Asian	9.5	20.4	28.5	32.7
Hispanic/Asian	7.5	16.2	22.4	26.1

This data reflects relatively similar levels of segregation for White, Hispanic, and Asian[1] residents of the region with each group likely to reside in Census Tracts where a slightly disproportionate plurality of the population is of that group. Black residents are likely to live in Census Tracts that closely mirror the demographics of the region as a whole. White, Hispanic, and Asian residents all experience similar levels of isolation and relatively similar levels of exposure to other groups. White isolation has decreased over time while Hispanic isolation has increased slightly and Asian isolation has increased significantly. Those trends are largely a factor of relative rates of population growth among those groups rather than increasing levels of segregation. In order for isolation not to increase when the proportion of the total population comprised of a particular group roughly doubles, as Asian and Pacific Islander population in the Region has since 1990, that group would have to have been hyper-segregated at the earlier point in time. It is not possible to gauge the precise extent to which individual choice fuels patterns of segregation, but it is clear that the explanatory power of choice does not explain all segregation.

> b. *Explain how these segregation levels have changed over time (since 1990).*

Understanding trends in segregation and their causes is critical to selecting strategies for reducing segregation. The data above shows increases in segregation for some groups, but it is important to understand that, if a group goes from comprising a very small percentage of the population to a much larger one, it is virtually inevitable that Dissimilarity and Isolation Indices will increase and Exposure will decrease. Similarly, the displacement of members of group out of an area entirely, such as Black residents of Santa Clara County, can create the illusion of greater integration of that group.

San José-Sunnyvale-Santa Clara, CA Region

Since 1990, the Dissimilarity Index for Asian or Pacific Islander residents in relation to White residents has increased, suggesting greater segregation, while indices for Black and Hispanic residents are largely unchanged. A likely explanation for the juxtaposition between increased segregation of Asian or Pacific Islander residents and unchanged segregation of Hispanic residents, despite increasing both groups' growth, is that Hispanic residents were much more segregated in 1990. Improved enforcement of the Fair Housing Act likely helped reduce what was a greater barrier for Hispanic residents not too long ago. Exposure Index data reflects that all groups' exposure to both Hispanic and Asian or Pacific Islander residents has increased since 1990.

> c. *Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.*

Race/Ethnicity

---

[1] Isolation and Exposure Index data does not aggregate Asian and Pacific Islander populations into a combined category, unlike HUD-provided Dissimilarity Index data.

Map 1: Race/Ethnicity, Santa Clara County
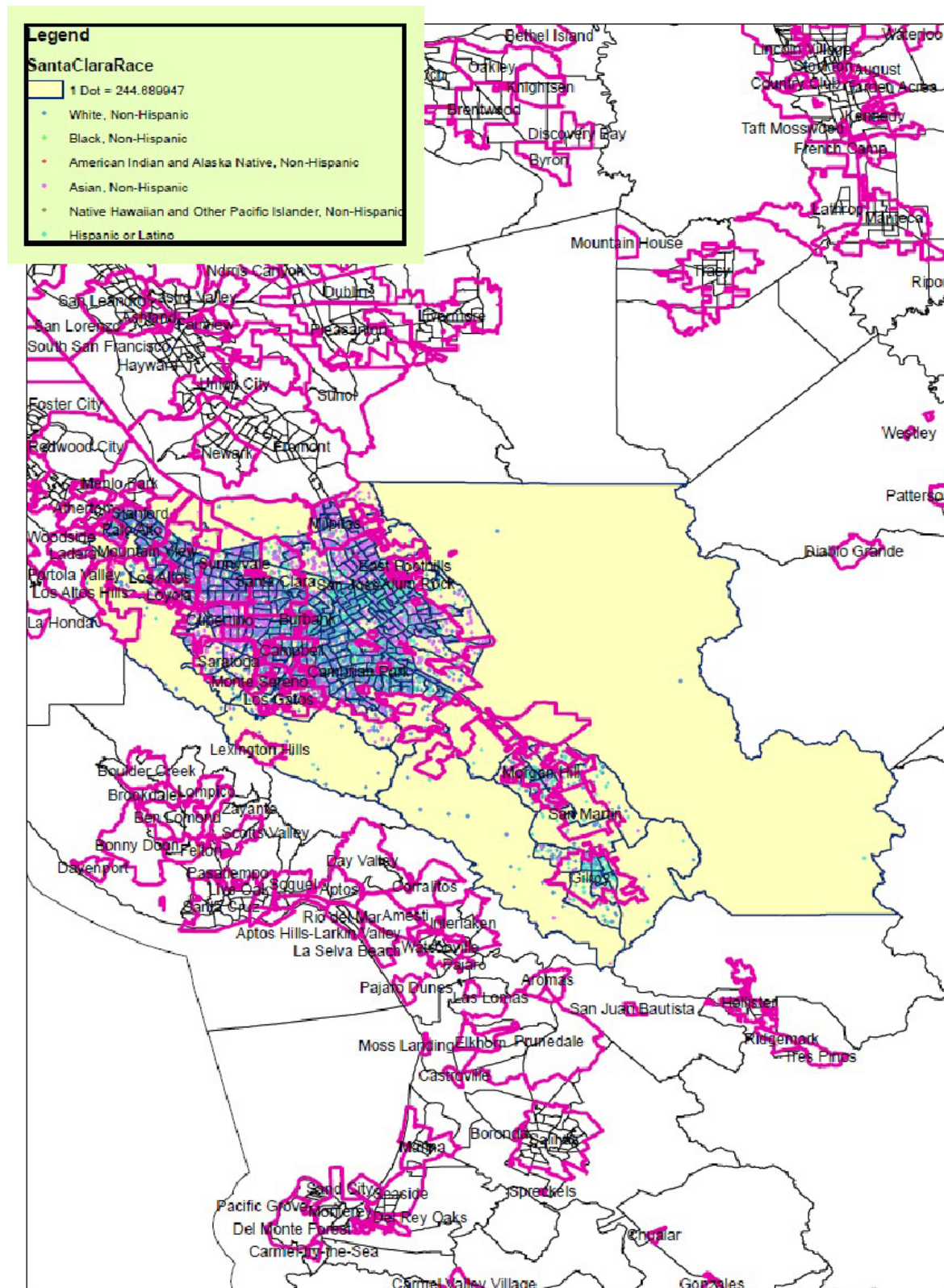
Map 2: Race/Ethnicity, Sunnyvale
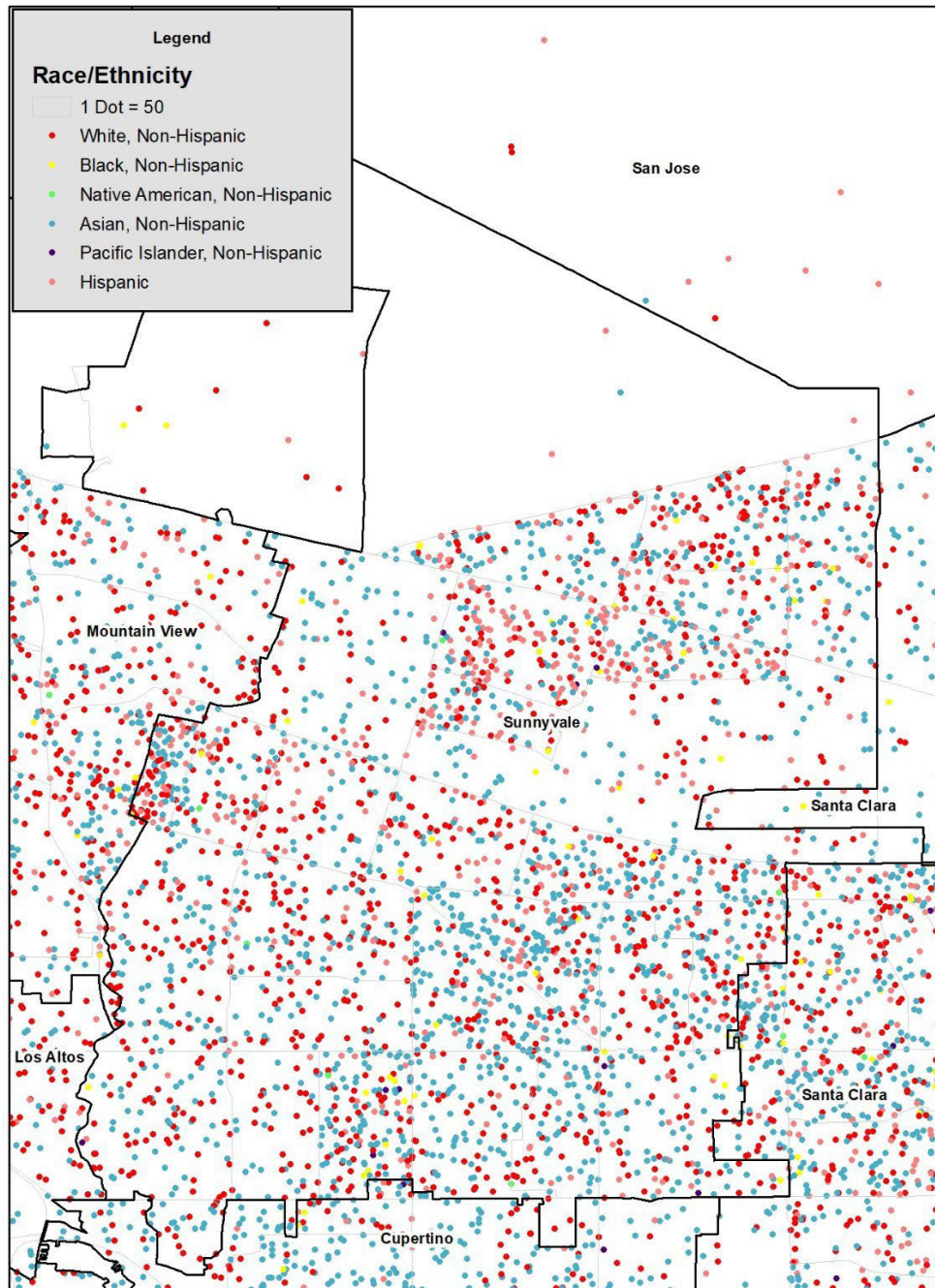
In Sunnyvale, Hispanic residents are relatively concentrated in the northern portion of the city. Asian or Pacific Islander residents are fairly integrated throughout the city while White residents are concentrated in the southern and, in particular, southwestern portions of the city.

National Origin & Limited English Proficiency

In addition to patterns of segregation and integration by race, this Assessment looks at similar patterns by national origin, limited English proficiency (LEP) status, and ancestry. Those patterns at the regional, Urban County, and city levels are described below.

Map 3: National Origin
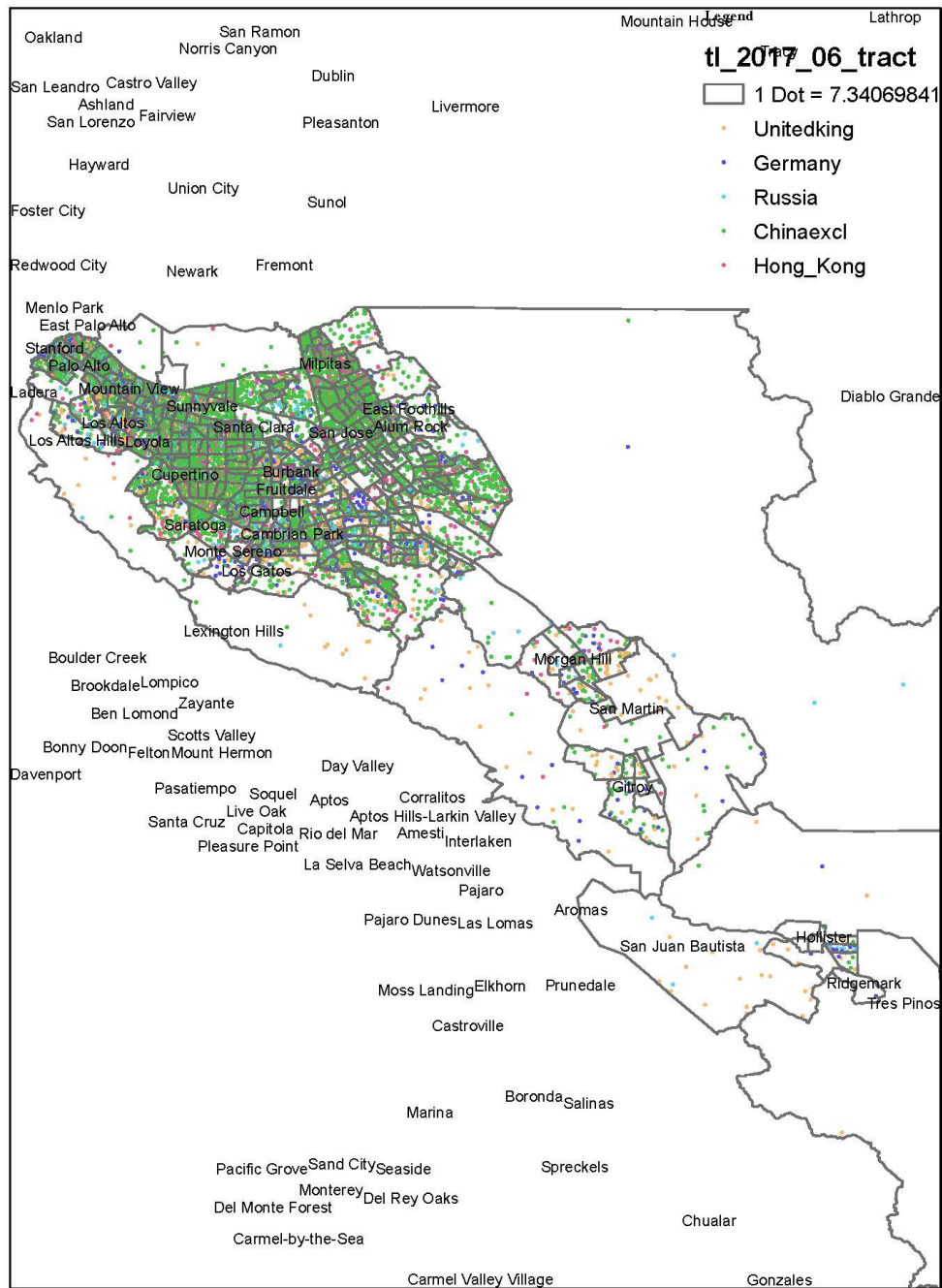
Map 4: National Origin
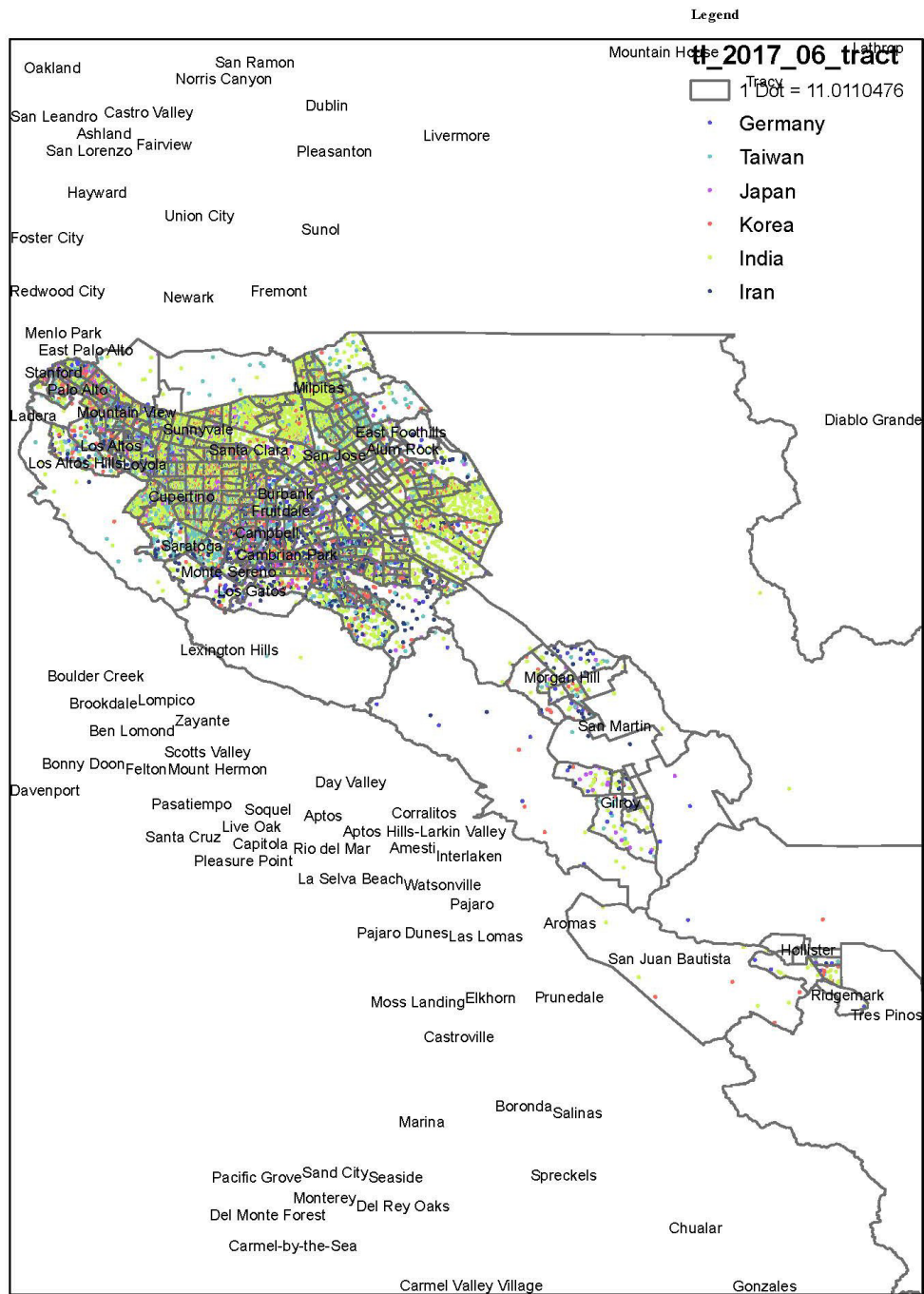
Map 5: National Origin
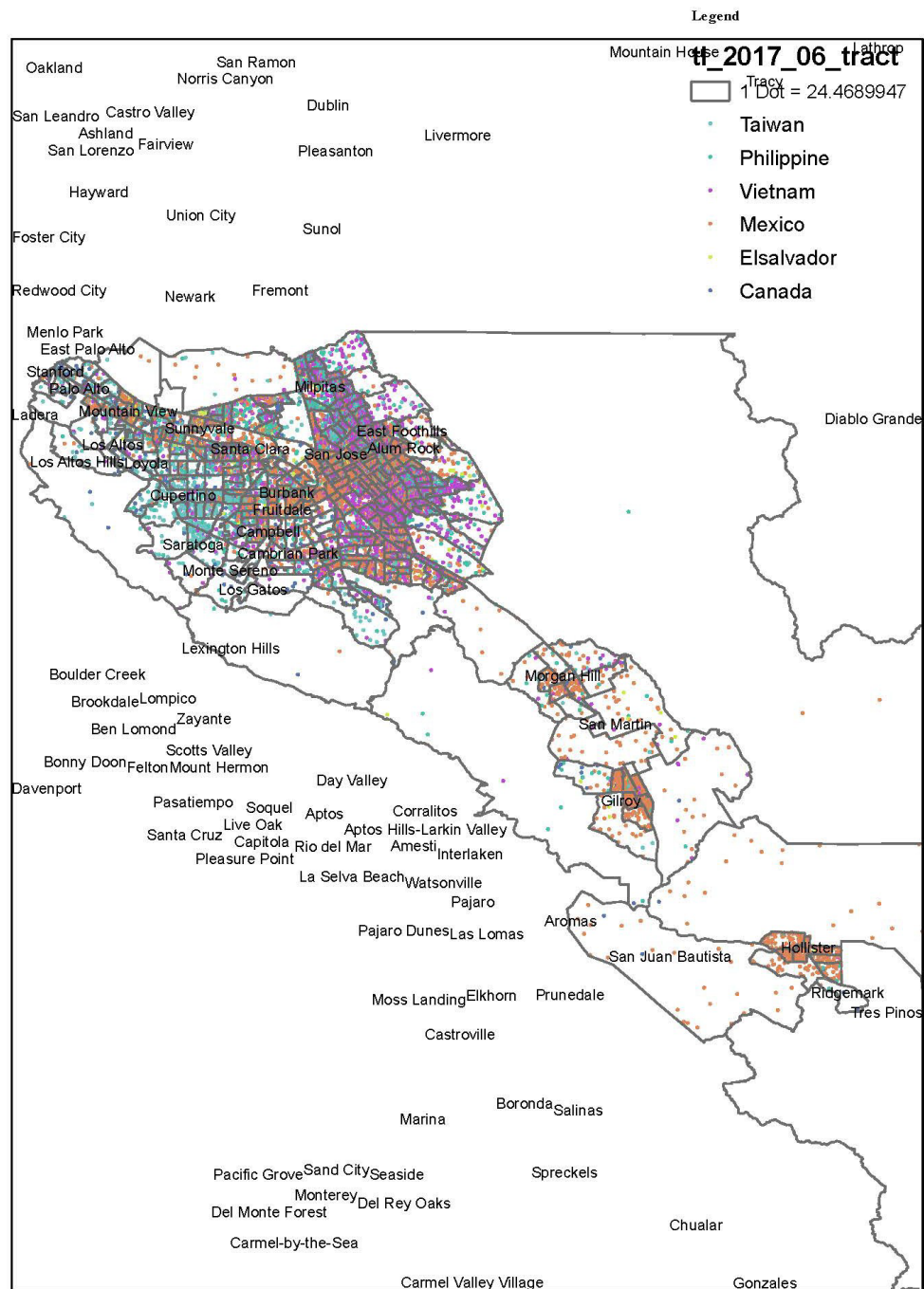
San José-Sunnyvale-Santa Clara, CA Region

Within the region, individuals of Mexican national origin are relatively concentrated in the east side of San José, Morgan Hill, Gilroy, and Hollister, the latter of which is located in San Benito County which borders Santa Clara County to the south. People of Vietnamese national origin are concentrated on the east side of San José and in Milpitas. People of Indian national origin are concentrated in Cupertino, Sunnyvale, Santa Clara, and in north San José. People of Filipino national origin are comparatively integrated throughout the central and northern portions of Santa Clara County with the exception that Filipino population is relatively low in and around downtown San José. People of Chinese national origin are concentrated in Cupertino and in Milpitas.

Sunnyvale

People of Indian national origin are concentrated in the central and southeastern portions of Sunnyvale. People of both Mexican and Filipino national origin are relatively concentrated in the northern portion of Sunnyvale. People of Chinese national origin are slightly concentrated in the southern portion of the city.

Map 6: Limited English Proficiency

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Name: Map 4 - LEP
Description: LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs
Jurisdiction: Santa Clara County (CDBG)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004
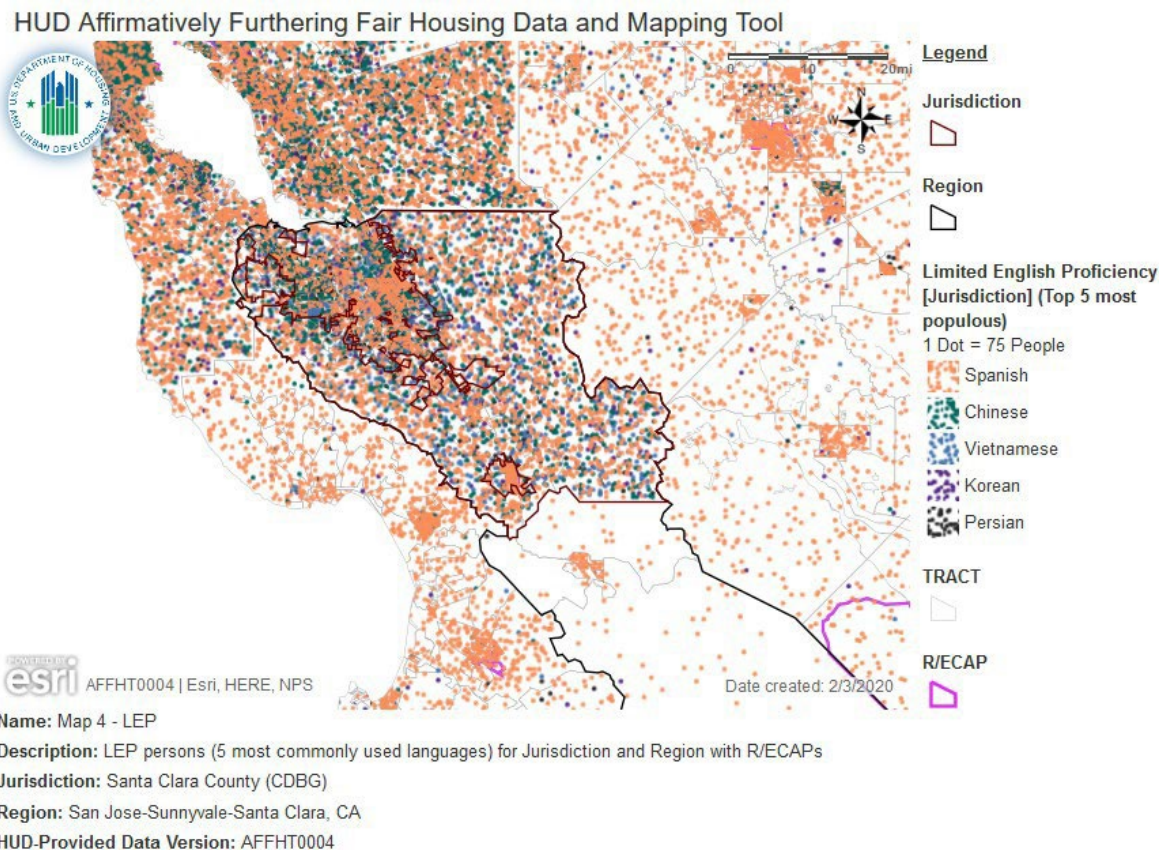
San José-Sunnyvale-Santa Clara, CA Region

In the region, Spanish speaking LEP residents are relatively concentrated in the east side of San José, Morgan Hill, Gilroy, and Hollister. Vietnamese speaking LEP residents are relatively concentrated on the east side of San José and in Milpitas. Chinese speaking LEP residents are relatively concentrated in Cupertino, west San José, and southern Sunnyvale. Tagalog speaking LEP residents are relatively concentrated on the east side of San José but are less heavily concentrated than LEP residents who primarily speak Spanish, Vietnamese, and Chinese. Korean speaking LEP residents are somewhat concentrated in Cupertino and west San José but are also less heavily concentrated than most other LEP groups shown in the map above.

Sunnyvale

Spanish and Tagalog speaking LEP residents are concentrated in the northern portion of the city of Sunnyvale. Chinese speaking LEP individuals are concentrated in the southern portion of the city. LEP individuals who speak other Asian languages are concentrated in the center of the city. Vietnamese speaking LEP individuals are not concentrated in particular neighborhoods.

      d. *Consider and describe the location of owner and renter occupied housing in the jurisdiction and region in determining whether such housing is located in segregated or integrated areas, and describe trends over time.*

Map 7: Housing Tenure by Renters with R/ECAPs
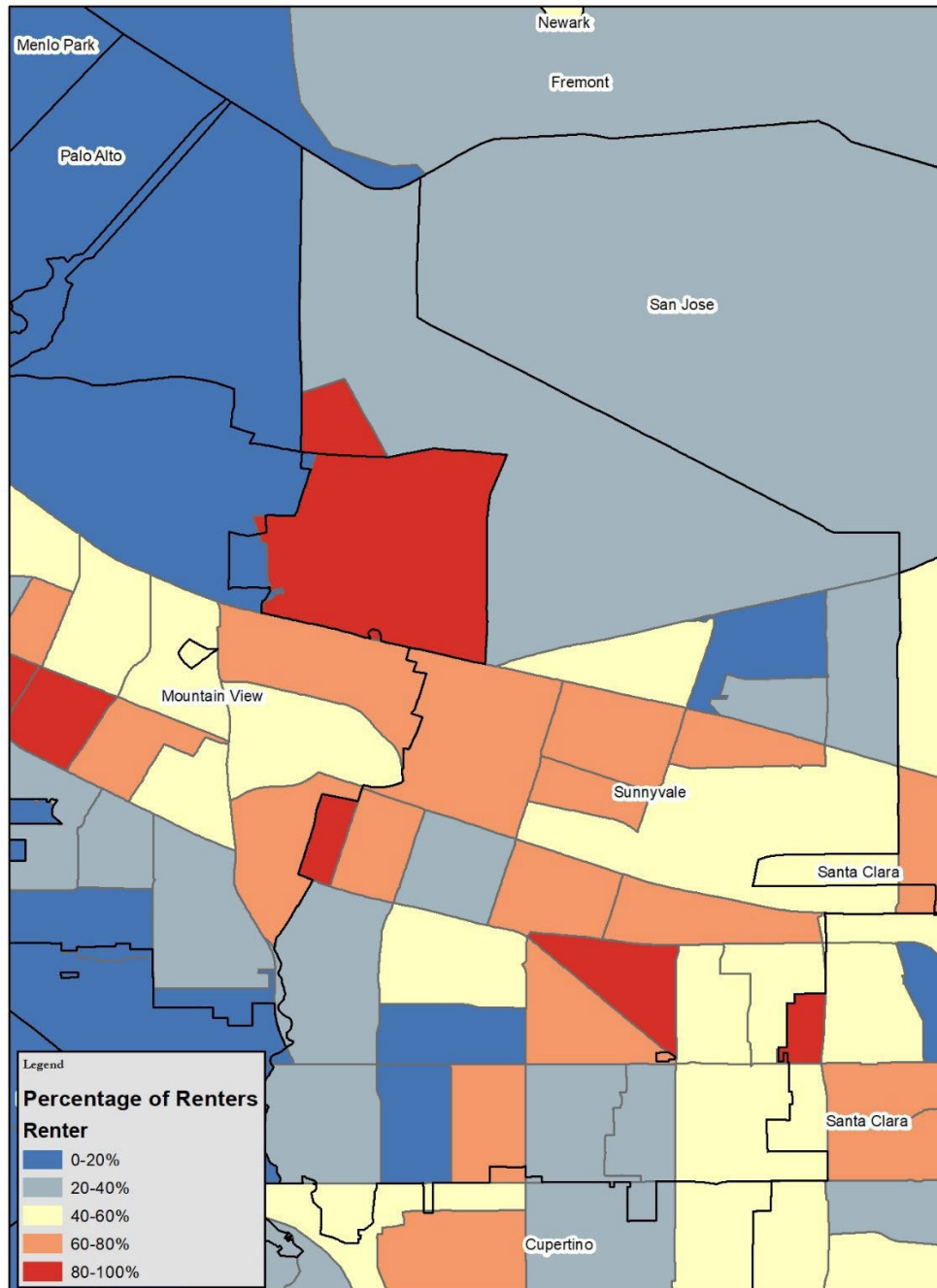
San José-Sunnyvale-Santa Clara, CA Region

In the region, renter households are concentrated in the city of San José; in a corridor along El Camino Real spanning the cities of Mountain View, Palo Alto, Santa Clara, and Sunnyvale; in the unincorporated area encompassing the campus of Stanford University and its immediate surroundings; in Gilroy; and in Hollister. These areas include most of the segregated, predominantly Hispanic areas in the region, with the exception of some predominantly Hispanic areas in the furthest east portions of the east side of San José. They also include some comparatively integrated areas, particularly in Mountain View, Santa Clara, and Sunnyvale. By contrast, areas with high concentrations of owner-occupied homes include Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga, south San José, the hills to the east of San José, and rural areas in South County and in neighboring San Benito County. These areas include areas with relatively low Hispanic populations, as well as low Vietnamese populations, though south San José is relatively integrated in comparison to other predominantly owner-occupied communities.

Sunnyvale

In Sunnyvale, renter occupancy is highest in the area between the Caltrain tracks and U.S. Route 101, which has a relatively high Hispanic population. Owner-occupancy predominates in southwestern Sunnyvale, which is more heavily White than the rest of the city.

e. Discuss how patterns of segregation have changed over time (since 1990).

Map 8: Race/Ethnicity in 1990, San José-Sunnyvale-Santa Clara, CA Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

Demographics 1990
1 Dot = 75

White, Non-Hispanic

Black, Non-Hispanic

Native American, Non-Hispanic

Asian/Pacific Islander, Non-Hispanic

Hispanic

TRACT

R/ECAP

AFFHT0004 | Esri, HERE, NPS   Date created: 1/22/2020

Name: Map 2 - Race/Ethnicity Trends

Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Santa Clara County (CDBG)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0004

Map 9: Race/Ethnicity in 2000, San José-Sunnyvale-Santa Clara, CA Region
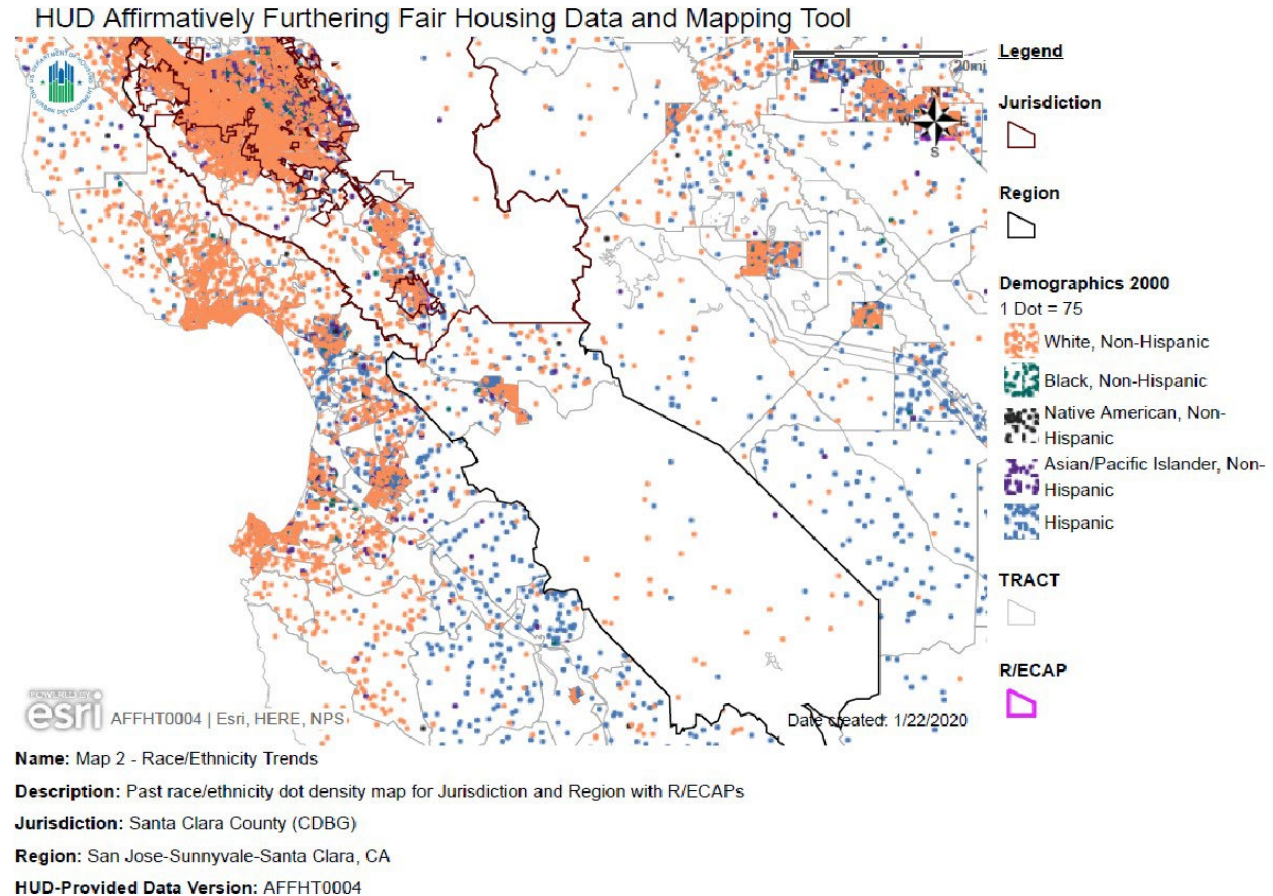
At a regional level, the primary shifts between 1990 and 2000 and between 2000 and the present, respectively, have involved significant reductions in the percentage of the population that is White and significant increases in the percentage of the population that is Asian or Pacific Islander throughout almost all of northern and central Santa Clara County except for downtown San José and the east side of San José. At a jurisdiction specific level, this Assessment discusses those trends in greater detail below. One other notable but less dramatic trend includes slight increases in Hispanic population concentration in many of the same communities between 1990 and 2000 followed by a levelling off or decrease in Hispanic population concentration thereafter. Looking to the broader Bay Area, including areas outside of the region (which only includes Santa Clara and San Benito Counties), there have also been dramatic decreases in the Black population of historic areas of Black population concentration, including in East Palo Alto, which borders Santa Clara County. For example, Census Tract 6118, which was the most heavily Black census tract in East Palo Alto as of 1990 at 58.3% Black, is now just 15.1% Black. There has been some reconcentration of the Bay Area's Black population in outlying low and moderate-income communities like Antioch, Fairfield, and Vallejo, but not in Santa Clara County.

Map 10: Race/Ethnicity in 1990, Sunnyvale

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool
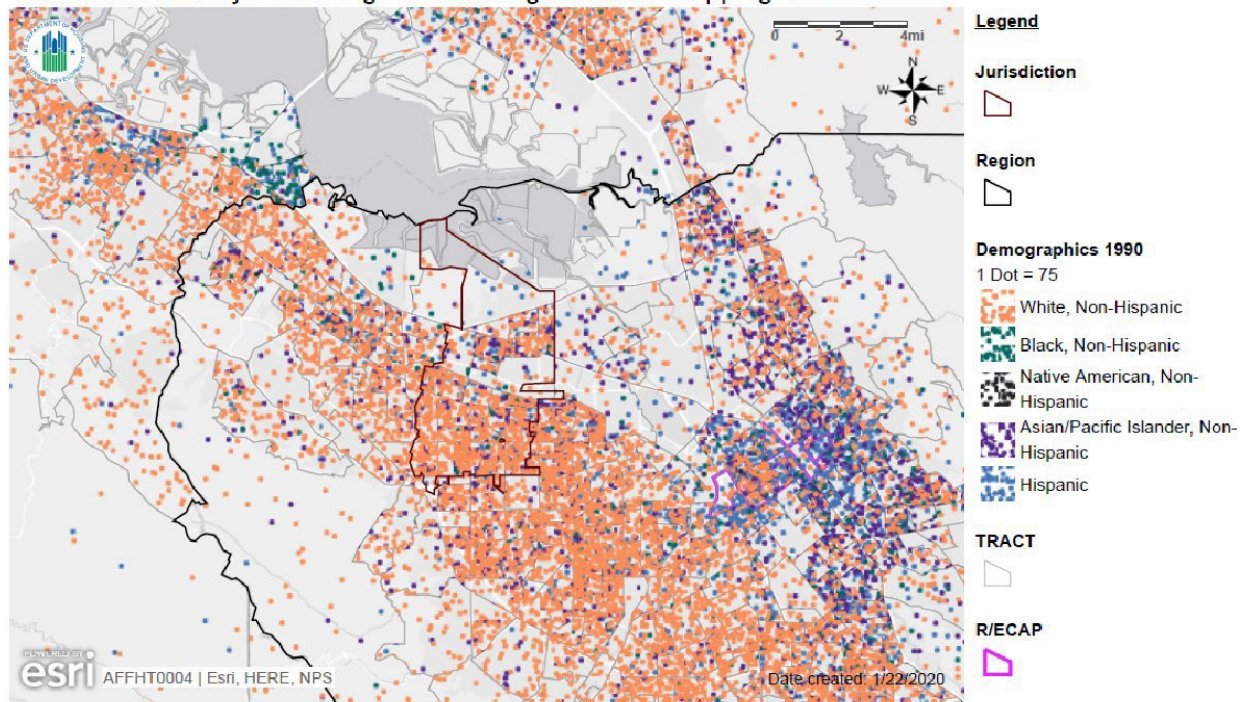
Legend

Jurisdiction

Region

Demographics 1990
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic

TRACT

R/ECAP

Date created: 1/22/2020

AFFHT0004 | Esri, HERE, NPS

Name: Map 2 - Race/Ethnicity Trends

Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Sunnyvale (CDBG, HOME)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0004

Map 11: Race/Ethnicity in 2000, Sunnyvale

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool
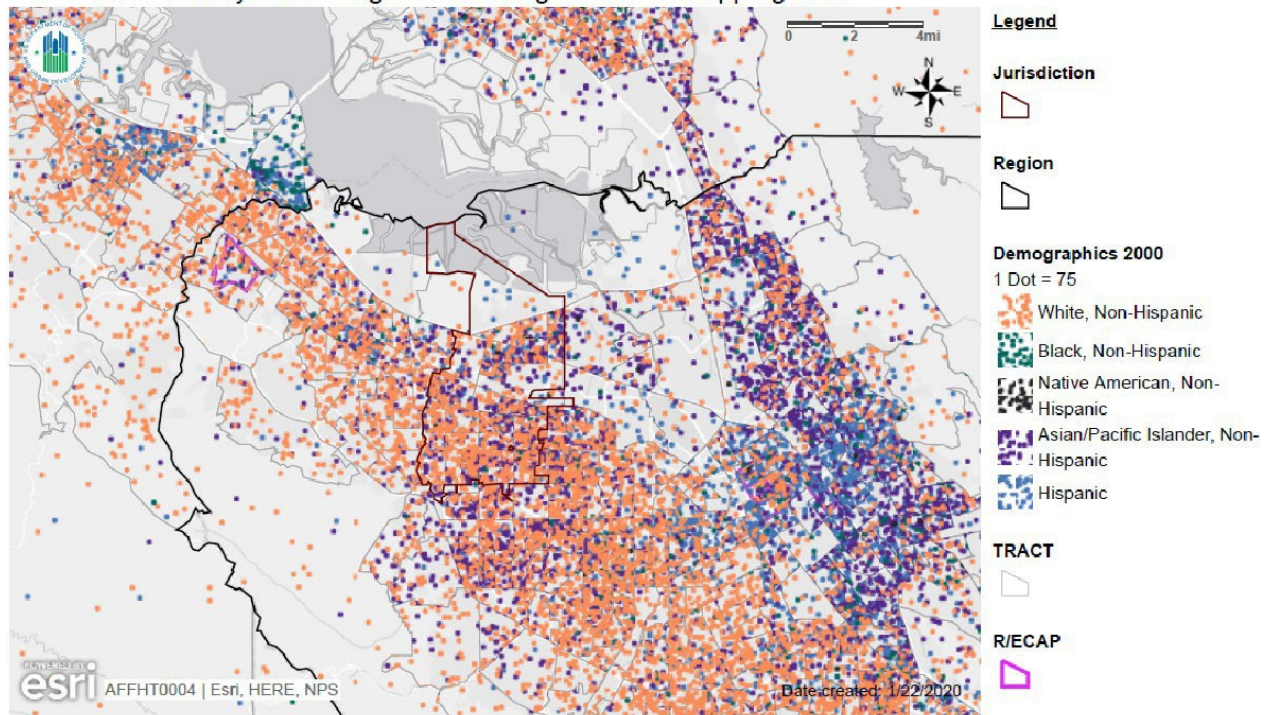
Legend

Jurisdiction

Region

Demographics 2000
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic

TRACT

R/ECAP

AFFHT0004 | Esri, HERE, NPS   Date created: 1/22/2020

Name: Map 2 - Race/Ethnicity Trends
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs
Jurisdiction: Sunnyvale (CDBG, HOME)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004

In Sunnyvale, Asian or Pacific Islander population concentration has increased throughout the city since 1990 while White population concentration has decreased. In the northern portions of the city that have higher concentrations of Hispanic residents, the concentration of Hispanic residents increased between 1990 and 2010 but has started to decrease slightly since then. Census Tract 5090, which is bounded by U.S. Route 101 to the north, Fair Oaks Avenue to the east, Maude Avenue to the south, and Mathilda Avenue to the west, was 27.1% Hispanic as of 1990, 40.5% Hispanic as of 2000, 47.4% Hispanic as of 2010, and 45.9% Hispanic as of the 2013-2017 American Community Survey 5-Year Estimates.

<u>Contributing Factors of Segregation</u>

Consider the listed factors and any other factors affecting the jurisdiction and Region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of segregation.

Please see the Appendix for the following Contributing Factors to Segregation:

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investment in specific neighborhoods
- Lack of public investment in specific, neighborhoods, including services and amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Lack of public investment in specific, neighborhoods, including services and amenities

ii.   Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

R/ECAPs are geographic areas with significant concentrations of poverty and minority populations. HUD has developed a census tract-based definition of R/ECAPs. In terms of racial or ethnic concentration, R/ECAPs are areas with a non-White population of 50 percent or more. With regards to poverty, R/ECAPs are census tracts in which 40 percent or more of individuals are living at or below the poverty limit or that have a poverty rate three times the average poverty rate for the metropolitan area, whichever threshold is lower.

Where one lives has a substantial effect on mental and physical health, education, crime levels, and economic opportunity. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. Concentrated poverty is also associated with higher crime rates and worse health outcomes. However, these areas may also offer some opportunities as well. Individuals may actively choose to settle in neighborhoods containing R/ECAPs due to proximity to job centers and access to public services. Ethnic enclaves in particular may help immigrants build a sense of community and adapt to life in the U.S. The businesses, social networks, and institutions in ethnic enclaves may help immigrants preserve their cultural identities while providing a variety of services that allow them to establish themselves in their new homes. Overall, identifying R/ECAPs is important in order to better understand entrenched patterns of segregation and poverty.

There are no R/ECAPs in the city of Sunnyvale, so the analysis below consists entirely of a look into R/ECAPs in the broader Region.

   a) *Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and Region.*

Map 1: R/ECAPs in Santa Clara-San José-Sunnyvale Region

Map 2: R/ECAPs in Santa Clara County
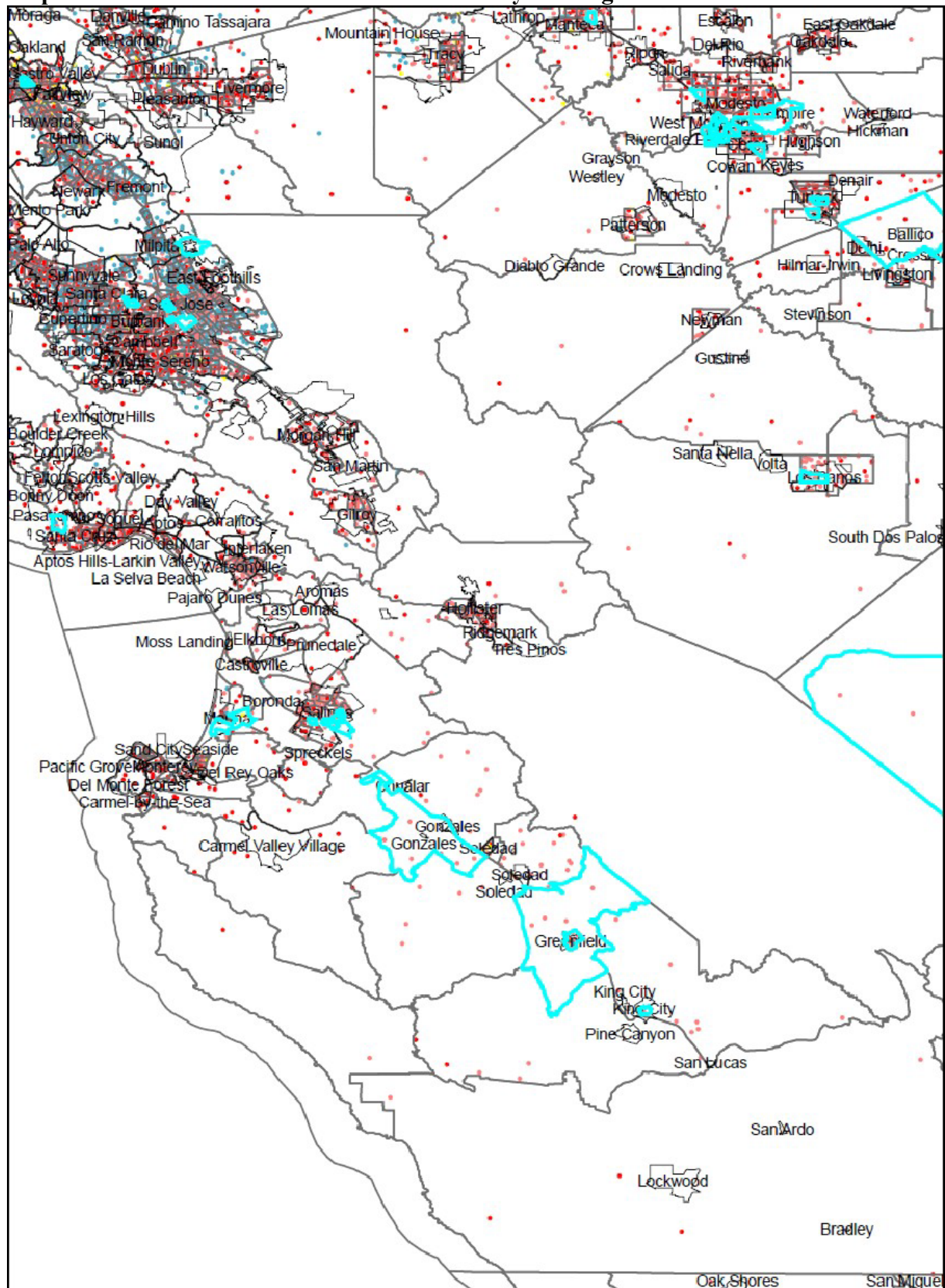
In Santa Clara County, there are eight R/ECAPS. This analysis used an alternative method of designating R/ECAPS, due in part to a desire to properly reflect the high cost of living in the area. Normally, R/ECAPs are defined as census tracts which are majority non-White and have a poverty rate of 40%, or that have a poverty rate three times the average poverty rate for the metropolitan area (whichever is lower). In order to reflect the high cost of living in the area, any census tract that is majority non-White and has a poverty level of 25% or higher has been designated a R/ECAP. It should be noted that for historical R/ECAPs, HUD's normal definitions have been utilized below.

City of Santa Clara
There is one R/ECAP in the city of Santa Clara, which is shaped roughly like an 'L' and bounded to the south by Newhall Street, to the west by Pierce Street, to the north by El Camino Real, and on the eastern edge by Madison Street, cutting across Market Street to Alviso Street/Park Avenue.

Milpitas
The second R/ECAP is in Milpitas, but it is probably an outlier, as there is very little residential development in the area. It is an oddly shaped tract bounded loosely by Piedmont Road to the west, Berryessa Creek to the south, and Calaveras Road to the north and east.

San José
There are six R/ECAPs in San José. Three of them are adjacent, with the outer boundaries marked by North 10th Street, East Williams St, South 1st Street, and Washington Street. A fourth R/ECAP is located to the northeast, bounded by McKee Road, North King Road, Mabury Road, and Educational Park Drive. The fifth and sixth R/ECAPs are located farther south, and are adjacent. The first is bounded by West Alma Avenue, Guadalupe Parkway, South 1st Street, and Willow Street. The final R/ECAP is 'L' shaped, bounded by East Alma Avenue, Senter Road, Phelan Avenue, Lucretia Avenue, Tully Road, and Monterey Road.

Region
The Region is made up of Santa Clara County and San Benito County. However, there are not additional R/ECAPs in the Region, as all of them are located in Santa Clara County.

b) *Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and Region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and Region?*

Table 1 - R/ECAP Demographics			
		Santa Clara County	
R/ECAP Race/Ethnicity		#	%
Total Population in R/ECAPs		36825	

White, Non-Hispanic		7844	21.30%
Black, Non-Hispanic		1754	4.76%
Hispanic		13408	36.41%
Asian or Pacific Islander, Non-Hispanic		12289	33.37%
Native American, Non-Hispanic		65	0.18%
R/ECAP Family Type			
Total Families in R/ECAPs		4091	
Families with children		2240	54.75%
R/ECAP National Origin			
Total Population in R/ECAPs		36825	
#1 country of origin	Mexico	3676	9.98%
#2 country of origin	Vietnam	3627	9.85%
#3 country of origin	India	1084	2.94%
#4 country of origin	China, excl. Hong Kong and Taiwan	994	2.70%
#5 country of origin	Philippines	882	2.40%
#6 country of origin	Ethiopia	310	0.84%
#7 country of origin	Cambodia	268	0.73%
#8 country of origin	Guatemala	176	0.48%
#9 country of origin	Taiwan	154	0.42%
#10 country of origin	Korea	132	0.36%
Note 1: 10 most populous groups at the jurisdiction level may not be the same as the 10 most populous at the Region level, and are thus labeled separately.			
Note 2: Data Sources: Decennial Census; ACS			
Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).			

The racial composition of R/ECAPs is nearly evenly divided between Hispanic (36%) and Asian American or Pacific Islander (33%) residents as the largest racial/ethnic groups, with Hispanics representing a noticeably higher share than the County average, while Asian American and Pacific Islanders remain roughly the same. Additionally, the Black population within R/ECAPs is more than double the County average. In terms of families with children, the percentage within R/ECAPs is higher (55%), but by only about 7 points. The highest-represented national origins within R/ECAPs are also fairly similar to the countywide national origin numbers. Only Ethiopia, Cambodia, and Guatemala are highly represented in R/ECAPs, while failing to break into the top ten national origins countywide. Each of these national origins makes up less than 1% of the total population of the R/ECAPs.

c) *Describe how R/ECAPs have changed over time in the jurisdiction and the Region (since 1990).*

The Region is made up of Santa Clara County and San Benito County. From 1990 to the present, there are no R/ECAPs in San Benito County. Therefore, regional maps are omitted from this section.

It should be noted that this analysis uses a different definition of R/ECAPs for the present-day. All census tracts that are majority non-White and which have a 25% poverty rate have been designated as R/ECAPs, in order to reflect the high cost of living in the area. However, for historical R/ECAPs, this analysis utilizes HUD's definition, which designates either a) tracts with a 40% poverty rate or b) tracts which have a poverty rate of three times the metropolitan average.

Map 3: R/ECAPs 1990,

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Name: Map 2 - Race/Ethnicity Trends
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs
Jurisdiction: Santa Clara County (CDBG)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004
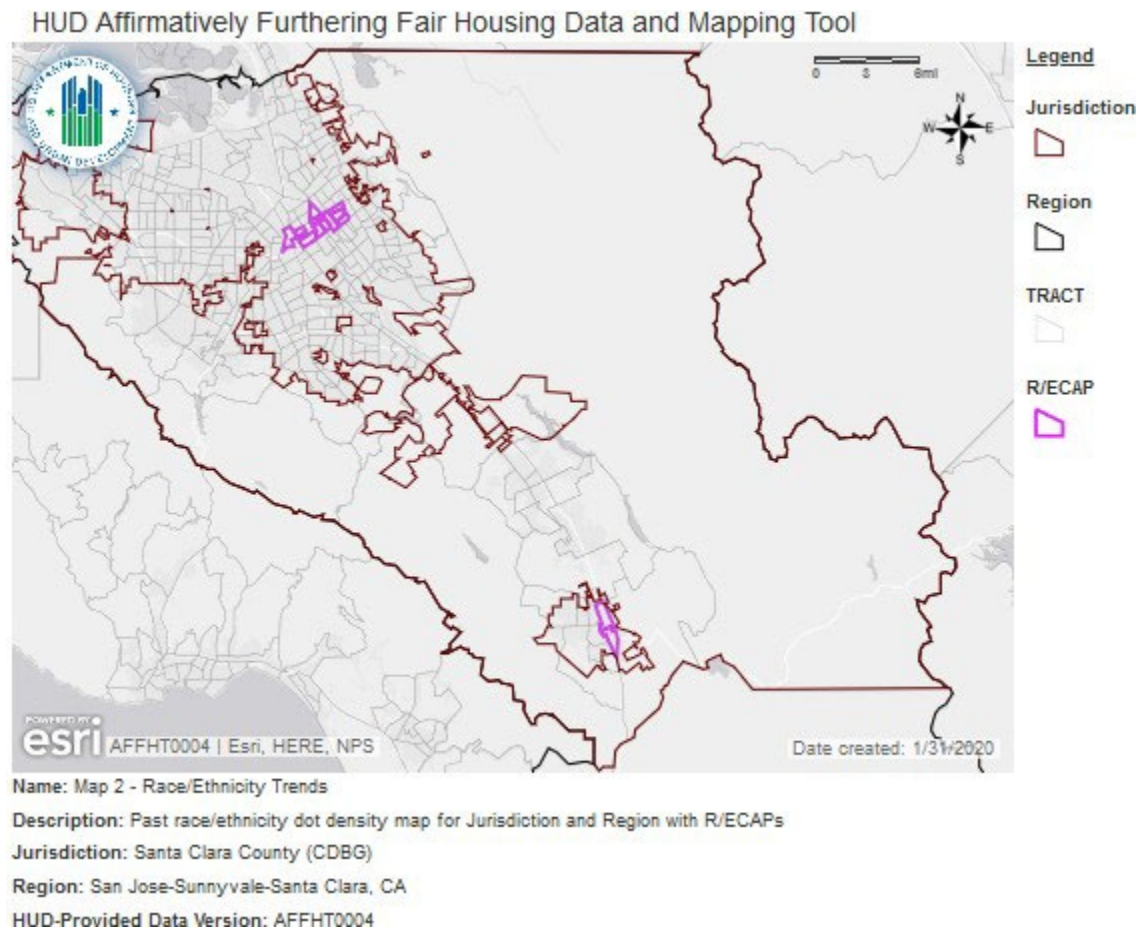
In 1990, there were two R/ECAPs in the center of Gilroy, as well as 12 in San José, each of which are directly adjacent. These R/ECAPs reflect the high levels of segregation in eastern San José and central Gilroy present in 1990.

Map 4: R/ECAPs 2000,

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Name: Map 2 - Race/Ethnicity Trends
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs
Jurisdiction: Santa Clara County (CDBG)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004
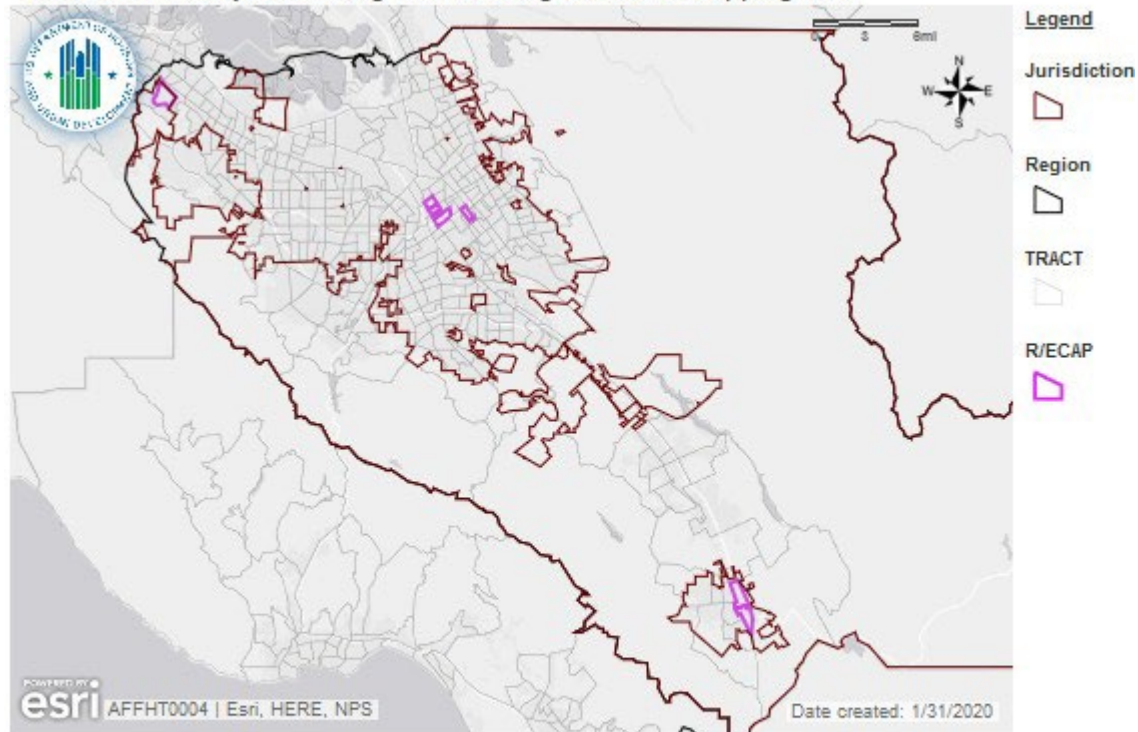
In 2000, the two adjacent R/ECAPs in Gilroy remained, but the amount of R/ECAPs in San José noticeably lessened. Only five R/ECAPs remained in San José, four of which are adjacent, with the other close by. While the San José R/ECAPs in 1990 stretched horizontally across the city, the R/ECAPs in 2000 instead stretched vertically, although they are located in the same general area. Additionally, there is a singular R/ECAP in the northwestern corner of the county. However, this R/ECAP is likely an anomaly, as it is located on Stanford's campus, and the numbers are thrown off by the student population's diversity and lack of income as they attend school. A notable difference between 1990 and 2000 is an increase in overall diversity, and a resulting lessening of strict racial segregation. This explains, at least in part, the decrease in the number of R/ECAPs in 2000.

Map 5: R/ECAPs 2010,

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Name: Map 2 - Race/Ethnicity Trends
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs
Jurisdiction: Santa Clara County (CDBG)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004
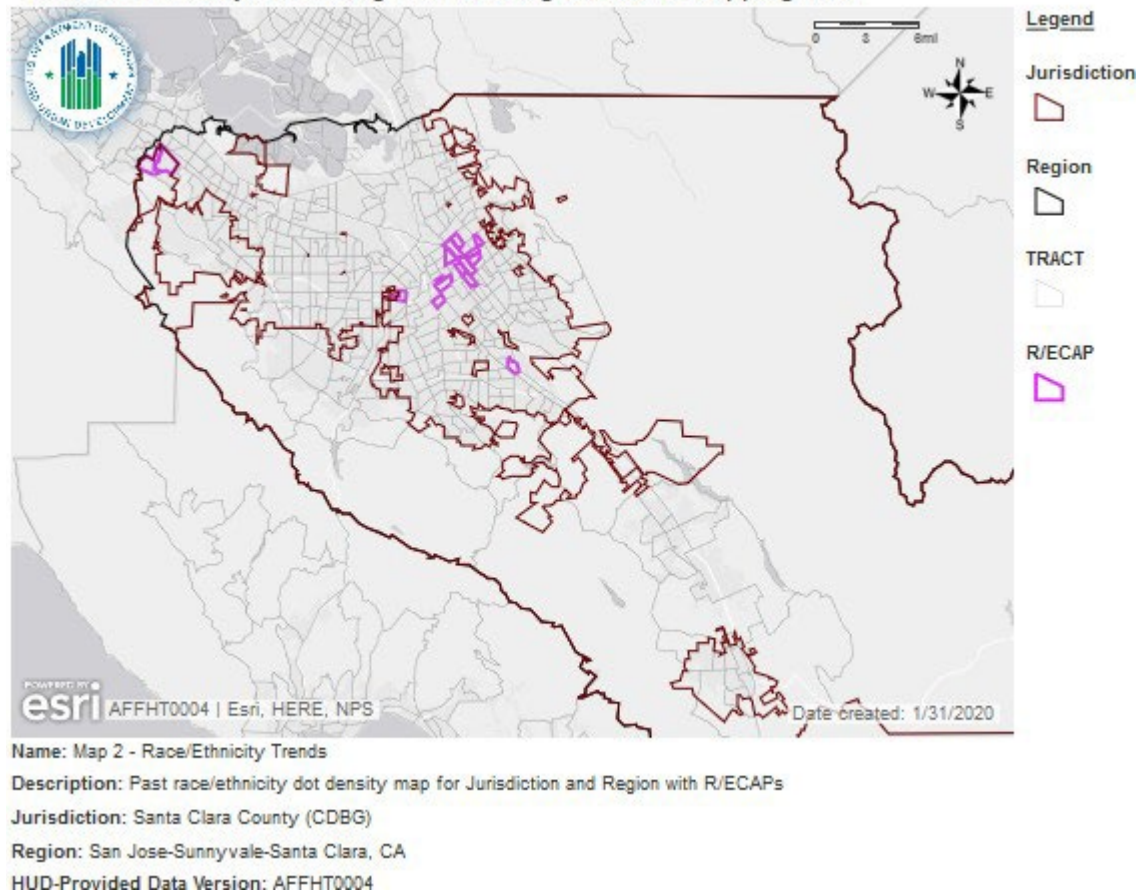
In 2010, the R/ECAPs map changed yet again, with the two R/ECAPs in Gilroy disappearing. An additional R/ECAP appeared adjacent to the existing one in the northwestern corner of the County, but as previously discussed, this is probably a fluke due to the location of the Stanford campus. The number of R/ECAPs in San José increased, although they do not directly mirror the locations of the R/ECAPs from 1990. However, nearly all of the R/ECAPs from 2000 carried over, with the new ones being located just to the east of the existing ones. Additionally, there are a couple located farther west, and one located farther south. The diversity of the County also continued to grow in this period, which might explain the shifting of some of the R/ECAPs away from the eastern-central part of San José.

It is hard to fully explain the R/ECAP patterns observed, especially because this analysis utilizes a more generous definition for present-day R/ECAPs in order to capture the realities of the high cost of living in the area. However, even using the updated definition, R/ECAPs in San José have remained consistent, even while shifting slightly to adjacent census tracts over times. It is curious that there were notably less R/ECAPs in 2000 than 1990 or 2010. The increase in R/ECAPs from 2000 to 2010, and the shift toward the eastern side of San José, which has been historically segregated, might suggest a tendency toward resegregation. On the other hand, the disappearance of the R/ECAPs in Gilroy, which has remained a majority-minority city, might suggest an increase in the financial health of its residents, rather than a desegregation or a decrease in diversity.

Contributing Factors of R/ECAPs

Consider the listed factors and any other factors affecting the jurisdiction and Region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs.

Please see the Appendix for the following Contributing Factors to R/ECAPs:

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination

i.   Describe any disparities in access to proficient schools in the jurisdiction and region.

For many low-income families, housing and education are inextricably linked. When families are relegated to segregated, low-opportunity areas, chances are they are farther away from high-performing schools with resources to help their children succeed. This section provides an overlapping analysis of where different racial/ethnic groups live and how that impacts their ability to access proficient schools throughout the San José-Sunnyvale-Santa Clara Region, Santa Clara County, and the city of Sunnyvale.

The analysis in this section is based on a combination of data sources. The tables represent the HUD School Proficiency index which compares the 4th grade test scores of elementary schools to the neighborhoods they live in or near to block-group level census data to determine which neighborhoods have access to proficient schools. Values range from 0 to 100, where a higher score represents higher quality school systems. This data is then broken down by race and ethnicity. In addition to HUD, the California Department of Education provides detailed data on both school districts and individual schools via their Dashboard tool. This analysis will look at portions of this data as it relates to protected classes in the participating jurisdictions, including overall ratings of schools, graduation rates, and school discipline rates.

Santa Clara County

Table 1, School Proficiency Index, Santa Clara County

Jurisdiction	School Proficiency Index
Total Population	
White, Non-Hispanic	77.49
Black, Non-Hispanic	68.99
Hispanic	51.88
Asian or Pacific Islander, Non-Hispanic	82.53
Native American, Non-Hispanic	62.46

Countywide, Asian or Pacific Islander residents have the most access to proficient schools with a score of 82.53, followed closely (roughly five points) by white students. Hispanic residents have the least access to proficient schools, with a school proficiency index of just 51.88. Native American and Black residents are somewhere between, with scores of 62.46 and 68.99, respectively.

Sunnyvale

Jurisdiction	School Proficiency Index
Total Population	
White, Non-Hispanic	70.50
Black, Non-Hispanic	61.99
Hispanic	54.71
Asian or Pacific Islander, Non-Hispanic	67.77
Native American, Non-Hispanic	59.78

With the exception of the countywide statistics, *Sunnyvale's school proficiency data represents the largest disparities among racial groups*. In Sunnyvale, Hispanic residents have the lowest amount of access to proficient schools with a school proficiency index score of 54.71, over 15 points in difference from the highest score. White residents have the highest amount of access with a score of 70.50. Native American and Black residents score toward the bottom of the range, with scores of 59.78 and 61.99, respectively. These groups are a full 10 points from the same access of white residents. Asian residents are closest to white residents in terms of access, but still fall slightly behind with a score of 67.77.

Sunnyvale is served by a hodgepodge of school districts, including its own. Parts of Sunnyvale are served by the Santa Clara School District. The Sunnyvale Unified School District offers elementary and middle school education, and feeds those students into the Fremont Union High School District. Data for both districts will be considered in this analysis to form the complete picture. The Sunnyvale K-8 District is comprised of 6,664 students, 34.6% of whom are classified as socioeconomically disadvantaged, and 30% of whom are ESL students. The District scores above standard in both English and math, and 50% of ESL students are making progress towards English proficiency. Overall the district has a low suspension rate of 1.4%, but some disparities exist on a racial level. White, Asian and Native American students experience the lowest rates of suspension at 1.1%, .3%, and 0% respectively. 4.3% of Black students and 2.9% of Hispanic students were suspended in the last year. Of those students from vulnerable population, 2.6% of socioeconomically disadvantaged students were suspended, and 2.5% of students with disabilities were suspended.

The Fremont Union High School District has just over 11,000 students enrolled, 14.8% are classified as socioeconomically disadvantaged, and 7.3% are ESL students. The District scores significantly above standard in both English and math, and nearly 60% of ESL students are making progress towards English proficiency. Fremont has a very high overall graduation rate of 95.6%, and most racial groups hover around that rate. 96% of white students, 97.9% of Asian students, and 96.3%of the very small Black population (27 students) graduated. Hispanic students graduate at a slightly lower rate of 86.9%. Socioeconomically disadvantaged students graduate at 88.2%,

and students with disabilities graduate at the significantly lower rate of 77.2%. Though they comprise a very small portion of the population, just 50% of homeless students graduated. Fremont's suspension rate overall is just 2.1%. However, various student population are suspended at much higher rates. 20% of homeless students and 8.4% of students with disabilities were suspended in the last year. Disparities among racial groups are also very pronounced. Black and Hispanic students were suspended the most, at 8.2% and 6.8% respectively, whereas just 2% of white students and .8% of Asian students were suspended.

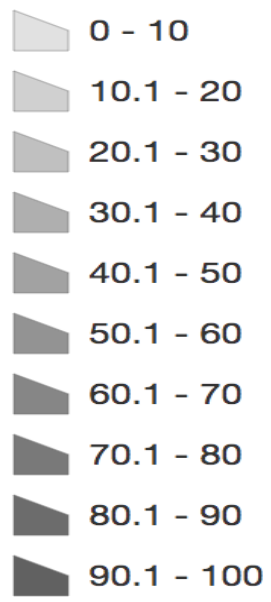**Table 2: School Proficiency Index, San José-Sunnyvale-Santa Clara, CA Region**

San José-Sunnyvale-Santa Clara, CA Region	School Proficiency Index
Total Population	
White, Non-Hispanic	70.27
Black, Non-Hispanic	57.64
Hispanic	48.93
Asian or Pacific Islander, Non-Hispanic	67.19
Native American, Non-Hispanic	56.83
Population below federal poverty line	
White, Non-Hispanic	63.94
Black, Non-Hispanic	53.41
Hispanic	44.53
Asian or Pacific Islander, Non-Hispanic	58.14
Native American, Non-Hispanic	52.47

In the broader Region, disparities in access to proficient schools are more readily apparent, with Hispanic residents having the least access followed by Black and Native American residents. White and Asian or Pacific Islander residents have comparatively greater access. Controlling for poverty status only marginally reduces these disparities and actually widens the disparity between White and Asian or Pacific Islander students.

> ii.   *Describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.*

The following analysis is based on maps from the HUD AFFH Data and Mapping Tool, which overlays dot density representations of different racial and ethnic groups with shading that represents scores on the school proficiency index. This allows us to compare the geographic locations of racial and ethnic concentrations as well as the concentrations higher access to proficient schools. Areas of the darkest shading represent higher scores on the school proficiency index, areas of the lightest shading represent lower scores on the school proficiency index. For clarity, the shading legend is below:

School Proficiency Index

- 0 – 10
- 10.1 – 20
- 20.1 – 30
- 30.1 – 40
- 40.1 – 50
- 50.1 – 60
- 60.1 – 70
- 70.1 – 80
- 80.1 – 90
- 90.1 – 100

Map 1: Race/Ethnicity and School Proficiency, Santa Clara County

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

Demographics 2010
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

TRACT

R/ECAP

School Proficiency Index

AFFHT0004 | Esri, HERE, NPS

Date created: 2/7/2020

Name: Map 7 - Demographics and School Proficiency
Description: School Proficiency Index for Jurisdiction and Region with race/ethnicity, national origin, family status, and R/ECAPs

Countywide, white residents are clustered in the northwest portion of the county. This area of the county has dark shading, corresponding to higher access to proficient schools. Towards the center of the county are concentrations of other racial groups, including Asian and Hispanic residents. This area has slightly lighter shading, indicating less access to proficient schools.

Map 2: Race/Ethnicity and School Proficiency, Sunnyvale

Name: Map 7 - Demographics and School Proficiency
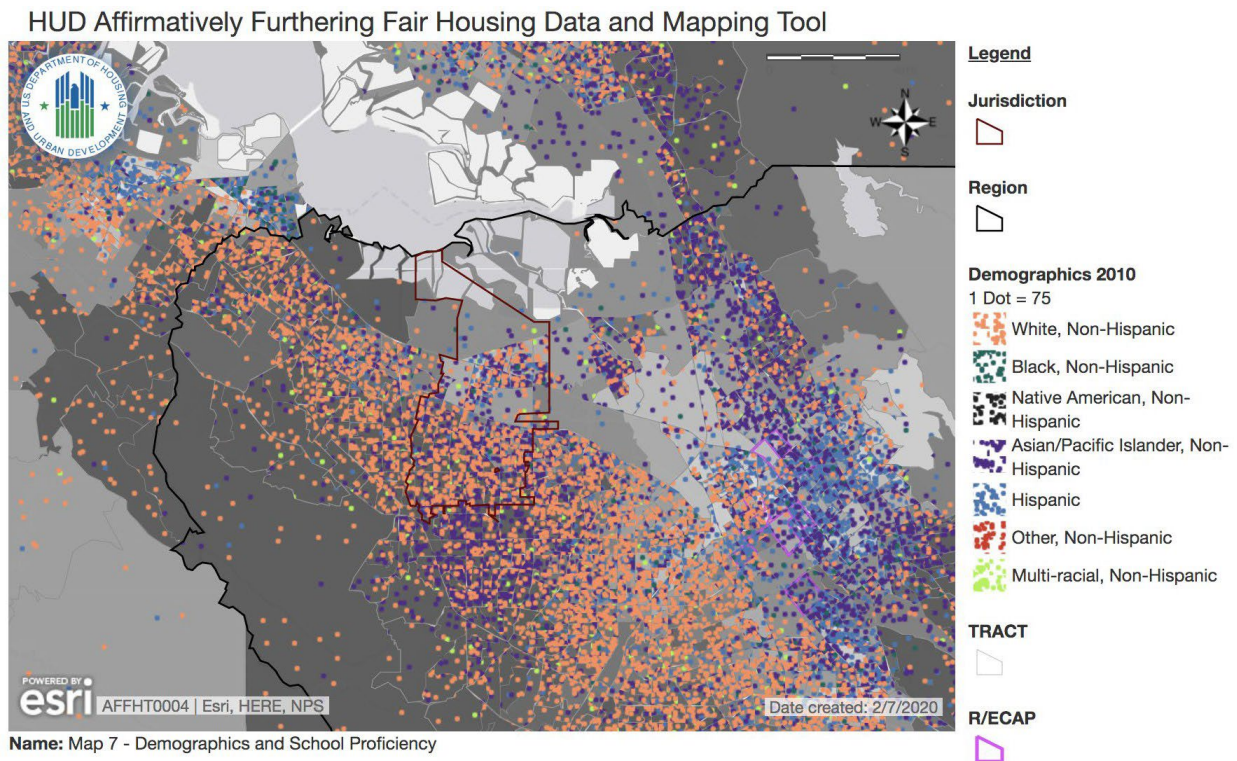
In Sunnyvale, the southern half of the city is populated by white and Asian residents and has the darkest shading, indicating that the areas where these populations are concentrated have more access to proficient schools. The northern half of the city has lighter shading, this is a more integrated section of town that has white and Asian residents, as well as concentrations of Hispanic residents and the city's small Black population. This area has less access to proficient schools and is an opportunity for increased outreach.

Map 3: National Origin and School Proficiency, Santa Clara County

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

National Origin [Jurisdiction] (Top 5 most populous)
1 Dot = 75 People
Mexico
India
China excl. Hong Kong & Taiwan
Taiwan
Vietnam

TRACT

R/ECAP

School Proficiency Index

AFFHT0004 | Esri, HERE, NPS

Date created: 2/7/2020
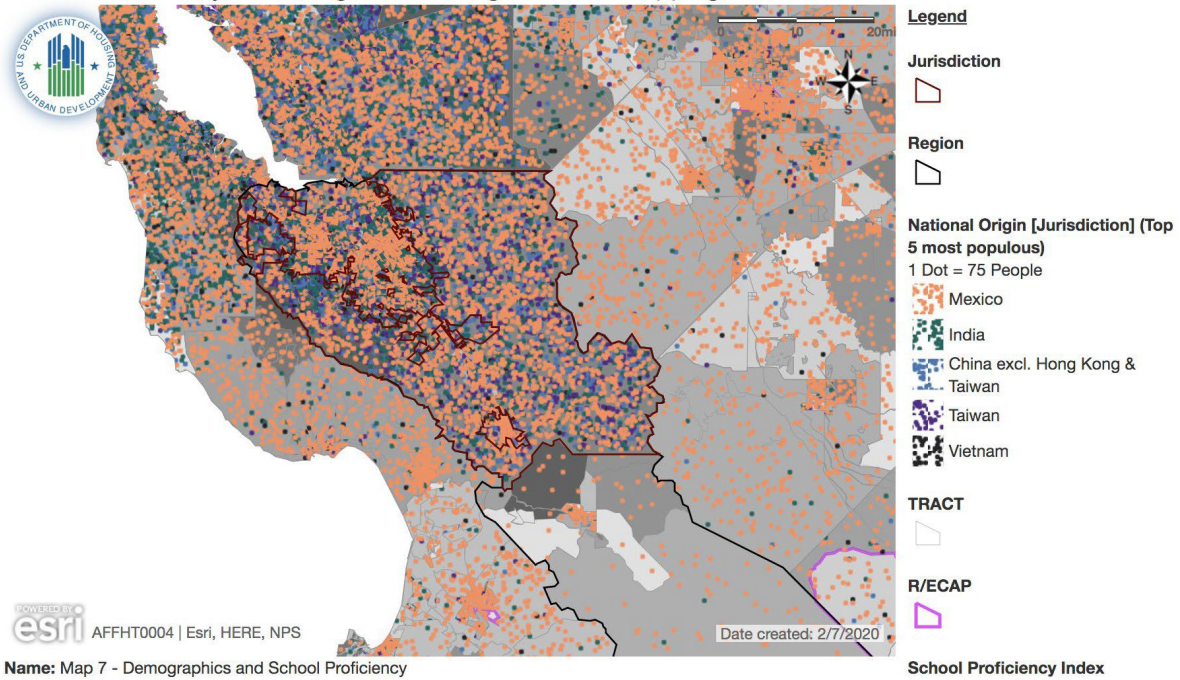
Name: Map 7 - Demographics and School Proficiency

Map 4: National Origin and School Proficiency, Sunnyvale

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Name: Map 7 - Demographics and School Proficiency
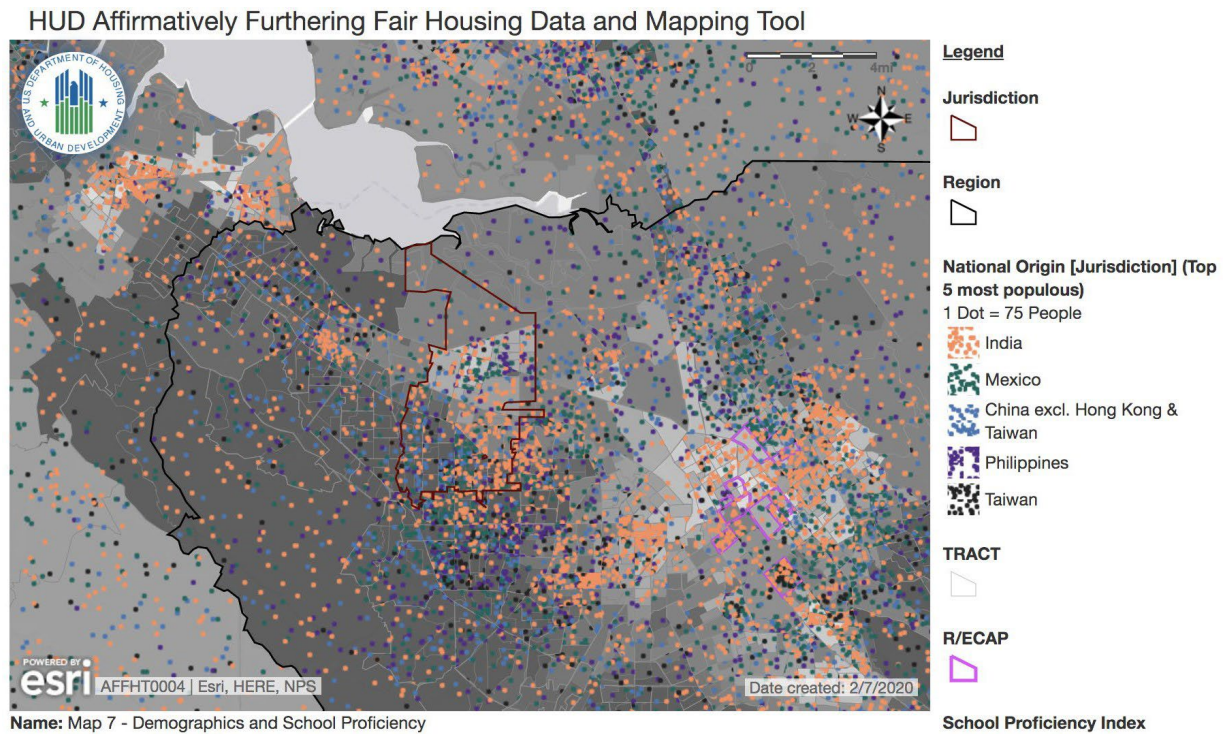
In Sunnyvale, the area of the city with the darkest shading is in the southwest corner. This area contains a concentration of Chinese residents, indicating that this national origin group has the highest access to proficient schools. Residents of Mexican origin are concentrated in the northern half of the city, an area with considerably lighter shading, indicating that these residents have significantly lower access to proficient schools. Indian residents are concentrated in the eastern half of the city, but this area has both light and dark shading, making it hard to draw a conclusion about access across the entire national origin group.

a. *Employment*

Access to employment at a decent wage is a hallmark of broader access to opportunity. The neighborhood or city in which a person lives can affect one's access to employment. This can happen both through proximity of residential areas to places with high concentrations (or low concentrations) of jobs and through barriers to residents of particular neighborhoods accessing jobs, even when they are close by.

i. *Describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.*

Table 1: Labor Market and Jobs Proximity Indices, Santa Clara County

Santa Clara County	Labor Market Index	Jobs Proximity Index
Total Population		
White, Non-Hispanic	.60	.50
Black, Non-Hispanic	.53	.50
Hispanic	.45	.40
Asian or Pacific Islander, Non-Hispanic	.57	.48
Native American, Non-Hispanic	.54	.48

In Santa Clara County, White and Asian or Pacific Islander residents have the highest levels of labor market engagement, Black and Native American residents have somewhat lower levels of labor market engagement, and Hispanic residents have the lowest levels of labor market engagement. All racial and ethnic groups except for Hispanic residents have broadly similar levels of proximity to jobs while Hispanic residents have disproportionately low proximity to jobs. It is important to note that employment-related disparities are more visible at the countywide level than they are within particular cities, particularly since some cities have very small populations of particular racial and ethnic groups.

Table 2: Labor Market and Jobs Proximity Indices, Sunnyvale

Santa Clara	Labor Market Index	Jobs Proximity Index
Total Population		
White, Non-Hispanic	.69	.43
Black, Non-Hispanic	.65	.60
Hispanic	.65	.47
Asian or Pacific Islander, Non-Hispanic	.70	.47
Native American, Non-Hispanic	.67	.35

In Sunnyvale, labor market engagement varies within a narrow range for racial and ethnic groups with slightly higher rates for White and Asian or Pacific Islander residents than for Black and

Hispanic residents, in particular. Jobs proximity varies much more significantly, with much higher proximity for Black residents, somewhat lower levels for White, Hispanic, and Asian or Pacific Islander residents, and much lower levels for Native American residents. Sunnyvale has the largest disconnect between labor market engagement, which is generally high, and proximity to jobs, which is somewhat low, of cities in Santa Clara County. This indicates that while Sunnyvale residents are more likely to be employed than residents of other cities in the region, residents must travel further to their jobs, potentially out of the city to major employers in nearby cities both within and outside of Santa Clara County. The average commute time for a Sunnyvale resident is 23.6 minutes.[2]

     i.   *For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.*

---

[2] https://datausa.io/profile/geo/sunnyvale-ca/

Map 1: Job Proximity, Santa Clara County
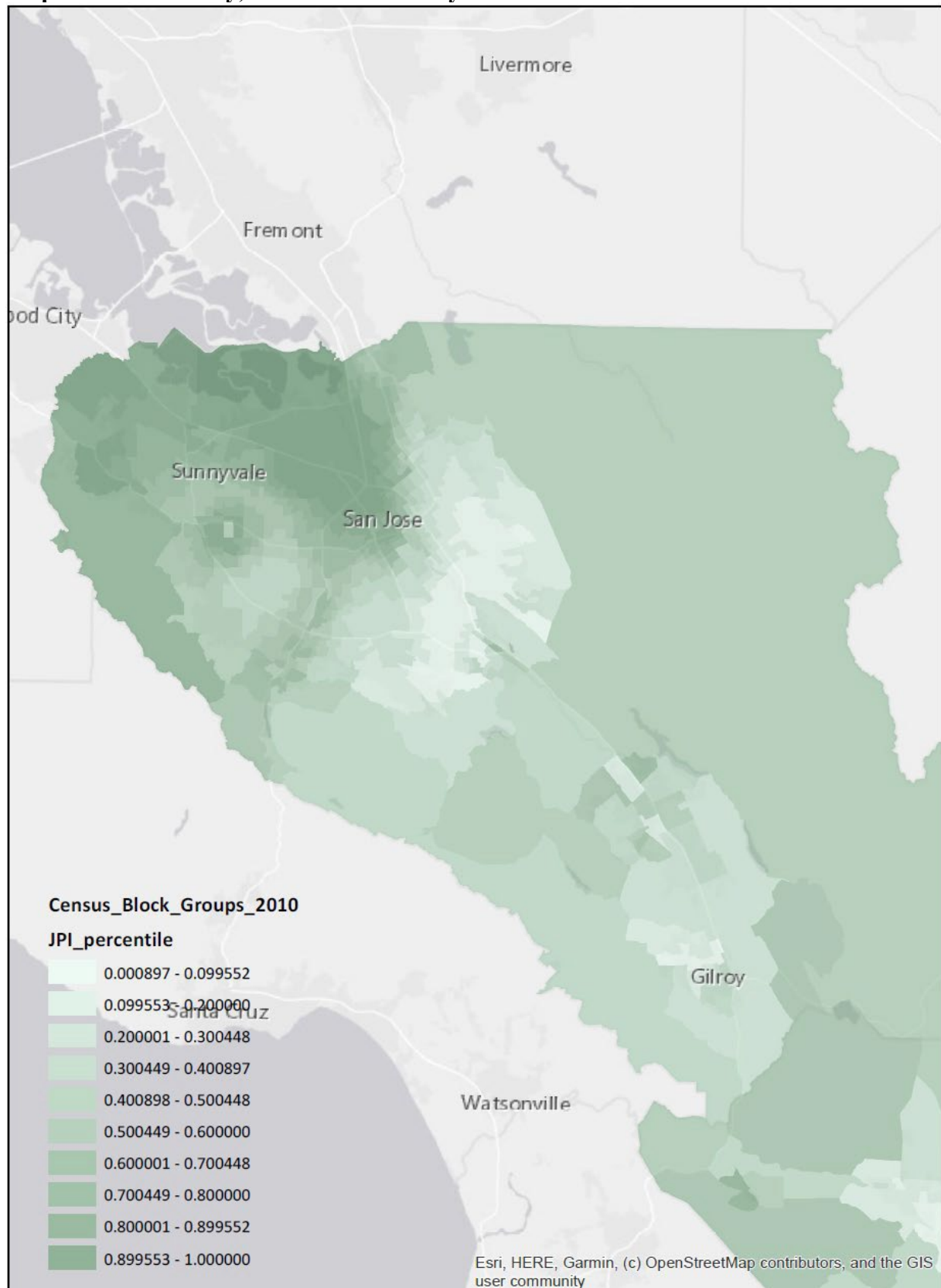
Map 2: Labor Market Engagement, Santa Clara County

San José-Sunnyvale-Santa Clara, CA Region
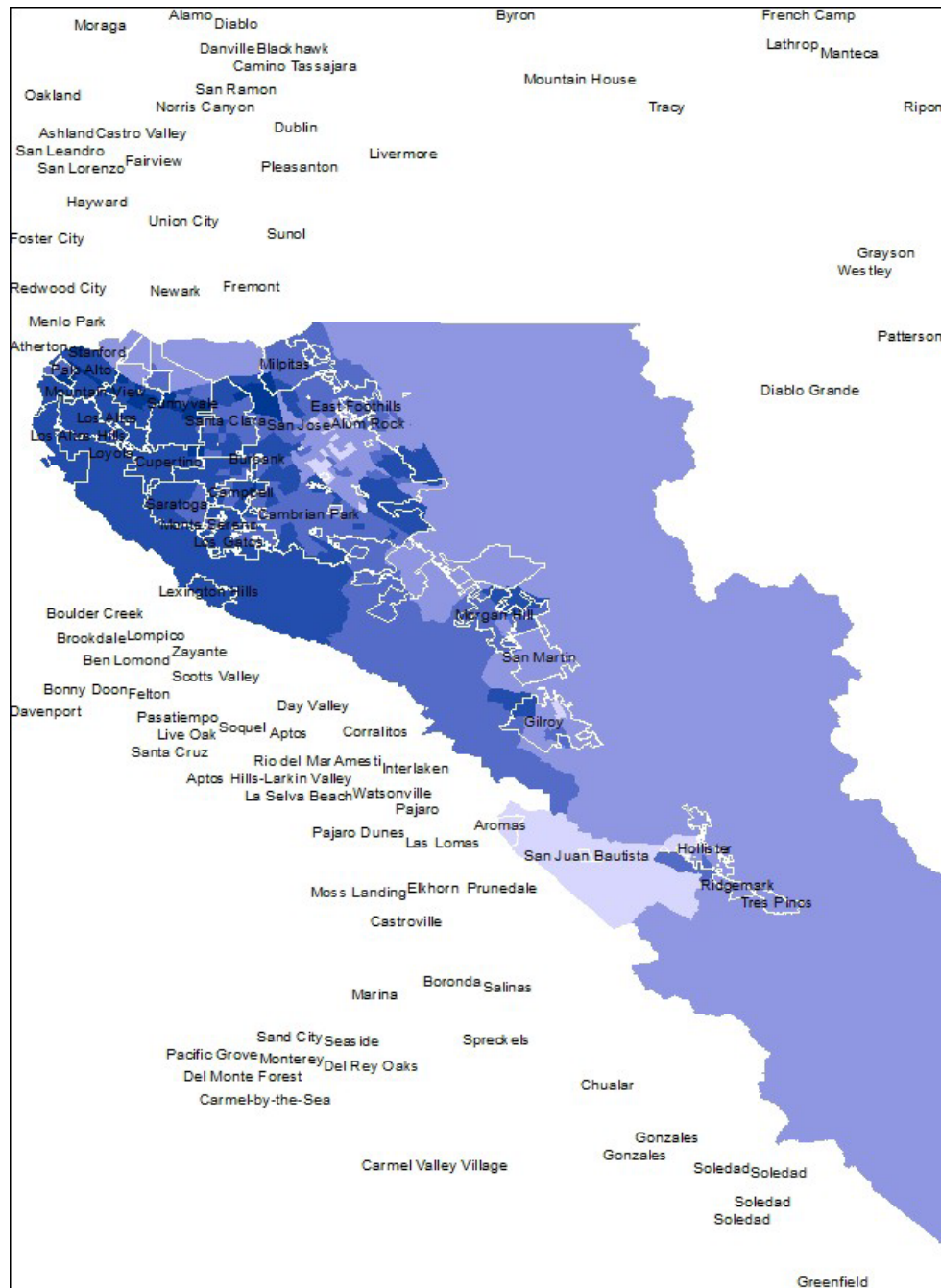
In the region, jobs proximity is highest in communities that have relatively low Hispanic populations and relatively high combined White and Asian or Pacific Islander populations. Areas with high jobs proximity are concentrated in north and west San José, in Cupertino, in Palo Alto, and in the parts of Mountain View, Santa Clara, and Sunnyvale that are between Central Expressway and U.S. Route 101. The parts of the latter three cities are actually more heavily Hispanic than their encompassing cities but are less heavily Hispanic than other parts of the county such as the east side of San José, Morgan Hill, and Gilroy. Labor market engagement is highest in the West Valley, in north San José, in Palo Alto, and in the central portions of Mountain View and Sunnyvale. These areas generally have low Hispanic and Vietnamese populations.

Sunnyvale

In Sunnyvale, proximity to jobs is highest in the northern part of the city, which is more heavily Hispanic than the city as a whole. Labor market engagement is highest in the central portion of the city, which is demographically similar to the city as a whole.

> ii. *Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to employment.*

Table 2: Jobs-Housing Balance by City, SV@HOME Analysis of 2017 American Community Survey Data

City	Jobs-Housing Balance
Cupertino	1.98
Gilroy	1.2
Mountain View	2.51
Palo Alto	3.54
San José	1.25
Santa Clara	2.58
Sunnyvale	1.72

Data reflecting the balance, or lack thereof, between where jobs are located and where housing is located can help inform an analysis of how housing policy can increase access to jobs. The table above reflects more substantial imbalance in the northern portion of the county and greater balance in San José and Gilroy. Areas that have more balance have higher Hispanic and, in the case of San José, Vietnamese populations. The City of Sunnyvale is at neither extreme with regard to jobs-housing balance in comparison to its neighbors, but, given the shortage of housing on a countywide and regional level, imbalance is still a significant problem. By increasing housing supply and, in

particular, affordable housing production in areas with jobs-housing imbalance, cities could decrease disparities in access to employment.

b) *Transportation*

   i. *For the protected class groups HUD has provided data, describe any disparities in access to transportation related to costs and access to public transit in the jurisdiction and region.*

The Transportation subsection of Disparities in Access to Opportunity analyzes access to public transportation and transportation cost, disaggregated by race/ethnicity. There are two opportunity indices which measure access to transportation: the Transit Index, and the Low Transportation Cost Index. The Transit Index is a HUD calculation that estimates transit trips for a family of three, with a single parent, with an income of 50% of the median income for renters in the region. The higher the number, the more likely residents in that neighborhood utilize public transit. The Low Transportation Cost Index is a HUD calculation which estimates transportation costs for a family of three, with a single parent, with an income at 50% of the median income for renters in the region. The higher the number, the better (i.e., the lower the cost of transportation in the neighborhood).

Santa Clara County

Table 1, Transportation Indices, Santa Clara County

	Transit Index	Low Transportation Cost Index
Total Population		
White, Non-Hispanic	46.52	46.62
Black, Non-Hispanic	55.13	37.68
Hispanic	48.39	43.36
Asian or Pacific Islander, Non-Hispanic	52.20	44.72
Native American, Non-Hispanic	51.86	41.21

Transit Index and Low Transportation Cost Index scores are decidedly middling for the Urban County. While many of the other jurisdictions in this analysis see an inverse relationship between these two indices, there is not much difference between the two for the Urban County. This might suggest that economic forces of supply and demand are dictating the results in the smaller jurisdictions, which can have constraining effects on low-income communities of color that need access to transportation. In the Urban County, Black residents have the highest Transit Index scores (meaning they utilize public transportation the most), White residents lead in Low Transportation Cost Index scores. However, there are not significant differences across racial/ethnic groups, overall.

Table 2, Transportation Indices, Sunnyvale

Table 7 – Transportation Indices, City of Santa Clara	Transit Index	Low Transportation Cost Index
Total Population		

White, Non-Hispanic	66.99	34.09
Black, Non-Hispanic	79.98	24.03
Hispanic	79.89	22.97
Asian or Pacific Islander, Non-Hispanic	73.20	26.34
Native American, Non-Hispanic	74.47	29.00

Sunnyvale has high Transit Index scores, versus low Low Transportation Cost Index scores. This suggests that while there is high use of public transportation, it is expensive. Black and Hispanic residents have the highest Transit Index scores, while White residents have the highest Low Transportation Cost Index scores. However, there are not significant differences across racial/ethnic groups, overall.
.

    ii.   *For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.*

Map 1: Transit Trips, Santa Clara County

Map 2: Transit Trips, Region

<u>Sunnyvale</u>

Sunnyvale has moderately good Transit Index scores, with the strongest scores concentrated along the main thoroughfare of El Camino Real. As you move southwest, toward Cupertino and other suburbs, scores go down. Sunnyvale is predominantly Asian American or Pacific Islander, with quite large populations of Indian (15%) and Chinese (9%) immigrants; Sunnyvale has a middling proportion of families with children. With relatively little segregation and moderately high Index scores, the distribution of these groups throughout the city does not have a particularly significant impact on the use of public transportation.

<u>Region</u>

The regional map indicates that communities in the northern part of San Benito County have the best access to public transportation, while the southern remainder (with much less population density), displays middling results. Families with children and immigrants tend to cluster in these areas with strong public transportation use.

Map 4: Low Transportation Cost, Santa Clara County

Map 5: Low Transportation Cost, Region

<u>Sunnyvale</u>

While Sunnyvale had very good Transit Index scores, the inverse is true for Low Transportation Cost Index scores. The map shows a clear pattern of low scores, with increases as you move either north or south, away from the main thoroughfare of El Camino Real. Sunnyvale is predominantly Asian American or Pacific Islander, with quite large populations of Indian (15%) and Chinese (9%) immigrants; Sunnyvale has a middling proportion of families with children. With relatively little segregation, residential patterns do not exert a strong influence on access to Low Transportation Cost for the city.

<u>Region</u>

Like the other jurisdictions in this analysis, areas that saw high public transportation use in the Transit Index map see a somewhat inverse relationship in the Low Transportation Cost Index scores. Observable patterns hold true regarding residential patterns for minorities, immigrants, and families with children.

> iii.   *Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to transportation.*

There are several public transportation options connecting Santa Clara County and beyond, although each has its drawbacks. Caltrain, a commuter rail service, runs through central Santa Clara County and up to San Francisco, where it connects with BART (San Francisco's light rail system). Within Santa Clara County, the Valley Transportation Authority (VTA) provides light rail and bus service. The Altamont Corridor Express (ACE) Commuter Services connects San José and the surrounding area to points north and east of Santa Clara County by commuter rail.

Public transportation in the County has significant gaps, particularly in the West Valley, that render existing systems, including Valley Transportation Authority and Caltrain, less usable to low-income residents, who are disproportionately members of protected classes. Bus service can be quite limited in many areas in the county, especially outside of the population center of San José. Where service does exist, 30 minute gaps between buses and wait times are common. The problems of traffic and congestion compound this problem. In order to travel between South County and San José, the trip time is nearly two hours without accounting for unexpected traffic. While Caltrain is faster than bus travel, it can be too unaffordable for low-income individuals, especially if it is a regular commuting need. Valley Transportation Authority's light rail system is limited, as it does not travel past Mountain View, does not connect to Cupertino, and does not connect to South County.

Santa Clara County has taken steps to become more bike-friendly. Cupertino, Gilroy, Mountain View, and Palo Alto have developed public bicycle transportation plans. Additionally, Mountain View and San José have signed onto the "Vision Zero" project, which aims to eliminate all traffic-based fatalities nationwide. These bike-friendly programs can work to improve short-distance transportation; however, it does not address the problems experienced by long-distance

commuters. It is also not a feasible option for people with disabilities, or young children, who may struggle to utilize bicycles as an alternative form of transportation.

Overall, while there are systems of public transportation in place which address some of these needs, there are still affordability gaps, wait times, traffic, and distance/expansion concerns which should be addressed as the County and entitlement jurisdictions work toward equity in access to opportunity and transportation.

c) ***Access to Environmentally Healthy Neighborhoods***

    i.   *For the protected class groups HUD has provided data, describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.*

The Environmental Health Index values in this section consider respiratory and neurological health risks in relation to the rest of the country. The higher the index scores, the lower the access to environmentally healthy neighborhoods.

These values are fairly consistent across the county and across racial or ethnic groups, though Black and Hispanic residents typically have higher index values and less access to environmentally healthy neighborhoods.

Table 1, Environmental Health Index, Santa Clara County

Jurisdiction	Environmental Health Index
Total Population	
White, Non-Hispanic	17.86
Black, Non-Hispanic	18.51
Hispanic	18.34
Asian or Pacific Islander, Non-Hispanic	17.45
Native American, Non-Hispanic	18.41

Black, Hispanic and Native American residents face slightly less access to environmentally healthy neighborhoods than do White or Asian residents. However, all values have less than a point difference between each other.

Table 2, Environmental Health Index, Sunnyvale

Jurisdiction	Environmental Health Index
Total Population	
White, Non-Hispanic	17.45
Black, Non-Hispanic	18.65
Hispanic	18.52
Asian or Pacific Islander, Non-Hispanic	17.91
Native American, Non-Hispanic	17.64

Sunnyvale's index values are also consistent with those of the county. Black and Hispanic residents also have slightly higher values.

ii.   *For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.*

Map 1: Environmental Health, Santa Clara County
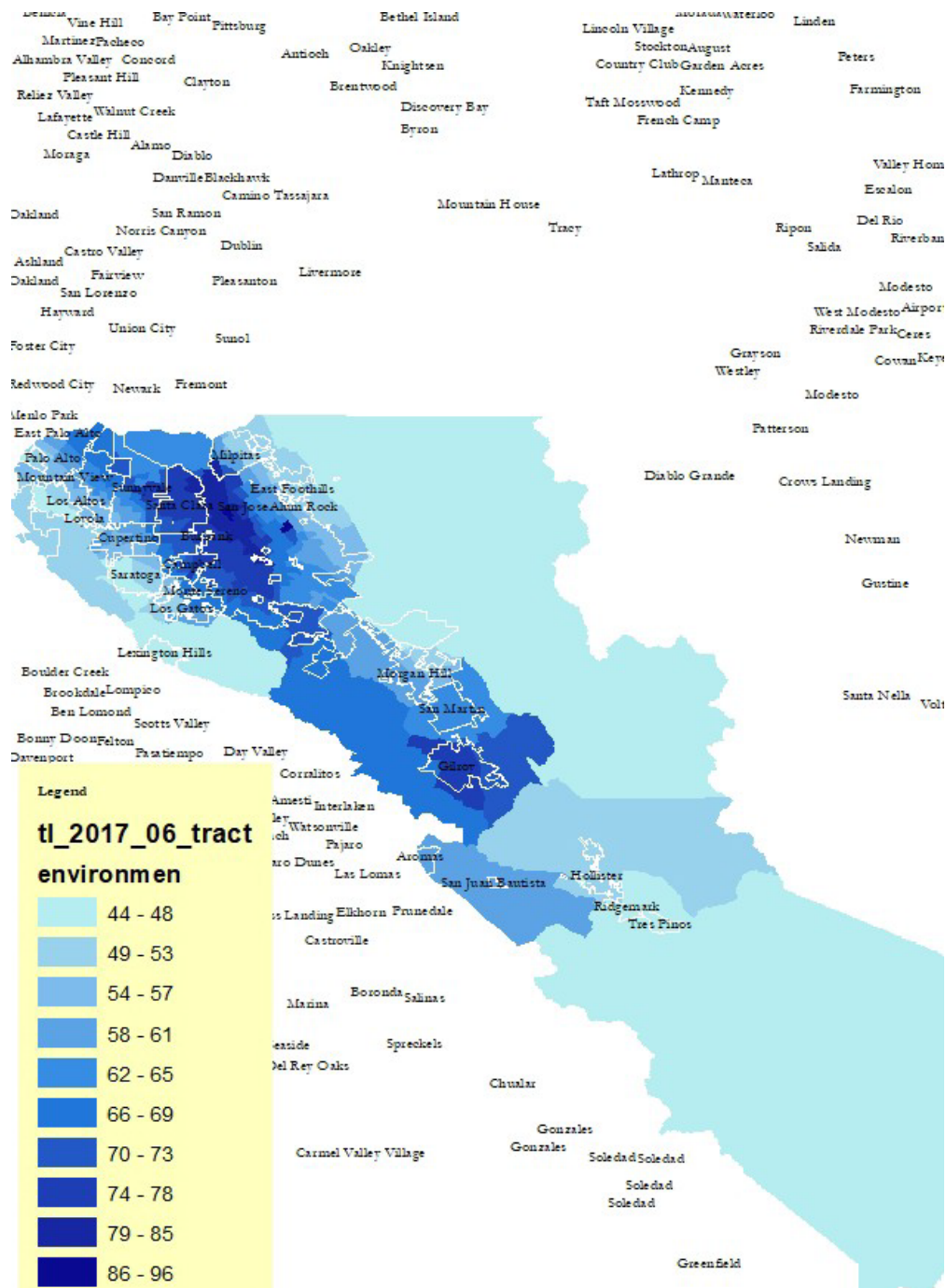
*Note: Index values are inverted on this map. This will be fixed in a later draft.

Santa Clara County

There are few patterns of disparities in access to environmentally healthy neighborhoods immediately evident in the county. The area of the county stretching from the city of Santa Clara to Gilroy has slightly less access to environmentally healthy neighborhoods compared to the region. This area has a mix of different racial or ethnic groups.

There are slightly more clear patterns of differences in access to environmentally healthy neighborhoods based on national origin. Residents of Mexican or Vietnamese origin in San José are particularly concentrated in areas that are slightly less environmentally healthy. Residents of Indian or Chinese national origin are located in more environmentally healthy neighborhoods.

Sunnyvale

The area of Sunnyvale bordering city of Santa Clara has the least access to environmentally healthy neighborhoods. This area is primarily occupied by Hispanic and Asian residents, While White residents live in more environmentally healthy areas of the city, as do Chinese residents.

iii.   *Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.*

Map 2: Food Deserts, Santa Clara County

Source: *https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas/*
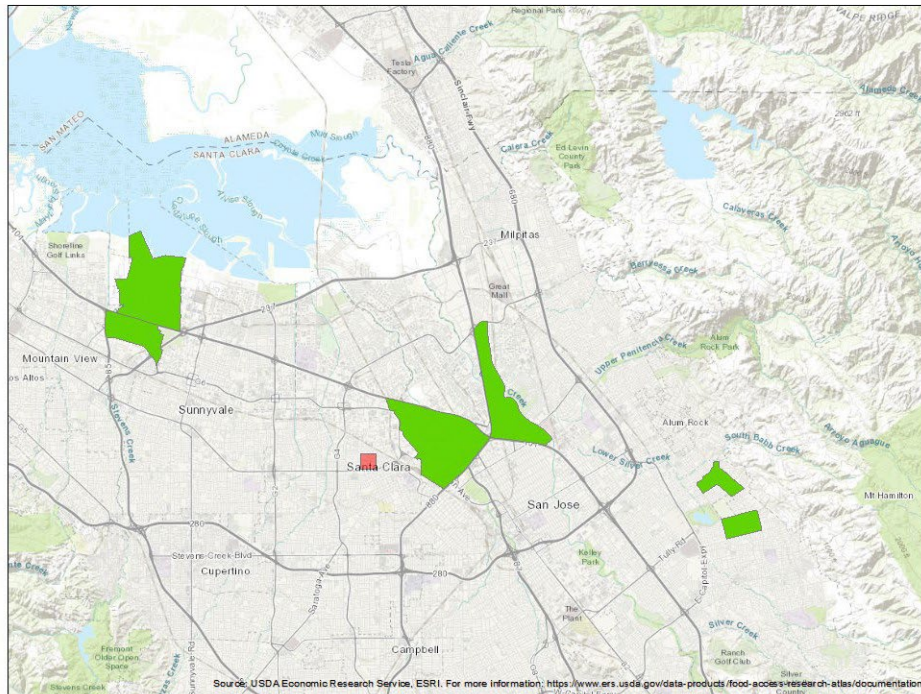
Food deserts are one measure of environmental health in a region. The food deserts located in Santa Clara County, as measured by the USDA, are primarily located in less populated areas of the county. The area between San José and the city of Santa Clara contains a neighborhood with a food desert, which is consistent with the lower access to environmentally healthy neighborhoods in the area discussed earlier in this section.

Map 3: CalEnviroScreen 3.0, Sunnyvale
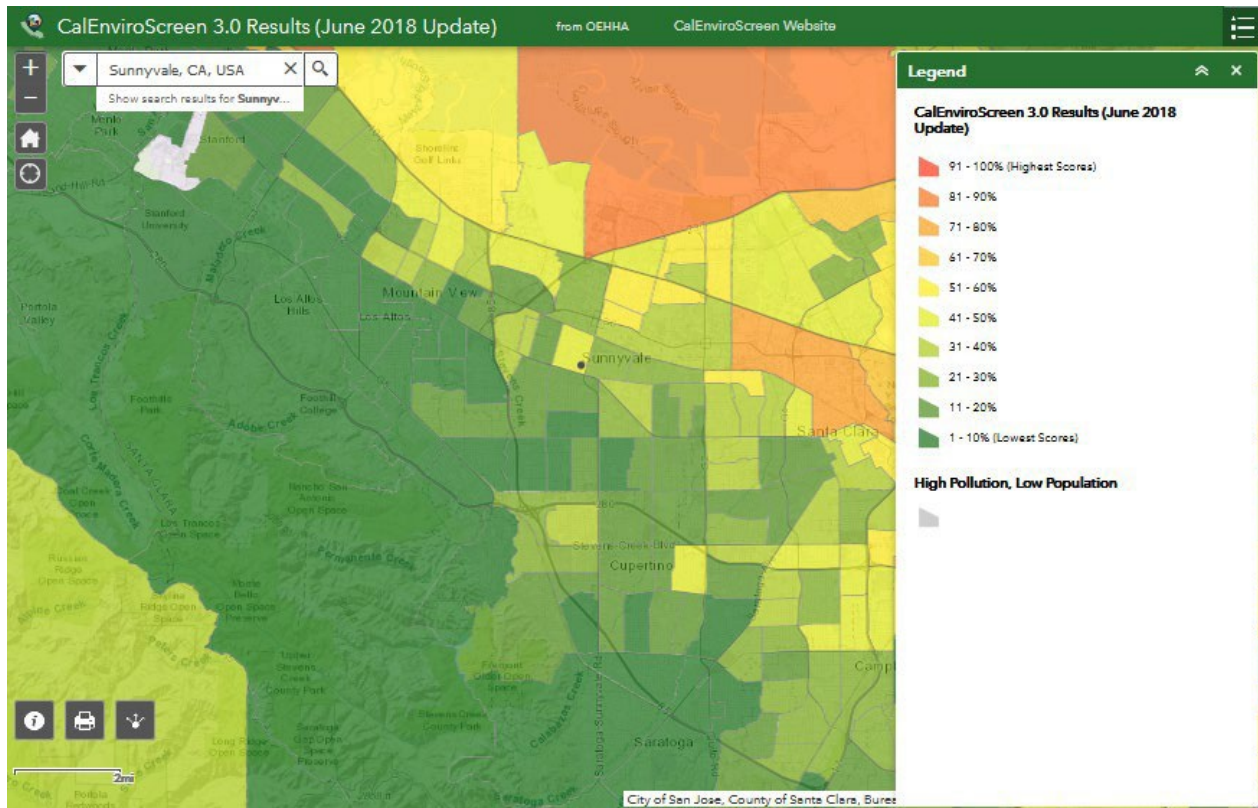
The CalEniroScreen measures pollution burdens and vulnerability by census tract as opposed to health risks, as opposed to the environmental health index values used earlier in this section. The higher the value, the higher the pollution burden. Map 3 indicates that the northern part of Sunnyvale has a higher pollution burden than the southern half, and that areas closer to Santa Clara have higher burdens. This is consistent with the analysis above.

iv. **Disproportionate Housing Needs**

Which groups (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which groups also experience higher rates of severe housing burdens when compared to other groups?

Across Santa Clara County, all residents face high rates of housing problems, severe housing problems, and severe cost burden. The four HUD-designated housing problems include "1) housing unit lacks complete kitchen facilities; 2) housing unit lacks complete plumbing facilities; 3) household is overcrowded; and 4) household is cost burdened."[3] Households are considered to have a housing problem if they experience at least one of the above. This analysis also considers what HUD designates as severe housing problems, which are a lack of kitchen or plumbing, more than one person per room, or cost burden greater than 50%. The two latter factors, overcrowding and cost burden, are particularly high in Santa Clara County, and are slightly higher than rates for the Region. Black and Hispanic residents are particularly affected by these problems.

All data in the Disproportionate Housing Needs section is taken directly from HUD's Comprehensive Housing Affordability Strategy (CHAS) figures, unless otherwise indicated. This data is based on custom tabulations of American Community Survey data. The latest data available, which is used in this document, is CHAS 2012-2016 5-year average data.

The maps in this section indicate the percentage of households in a tract experiencing housing problems. Race/ethnicity and national origin overlays based on ACS 2013-2017 Estimates are also used.

---

[3] https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Housing Problems

Santa Clara-San José-Sunnyvale Region

Both the Jurisdictions and the Region experience extreme housing needs. Significant racial discrepancies exist in housing problems, severe housing problems, and cost burden across the Region. Overall, Black or Hispanic residents are more likely to have housing problems, with 49.86% and 58.84% of those populations experiencing them. These rates are lower for White or Asian or Pacific Islander residents, but not dramatically, at 26.67% and 36.40%. Slightly over a third of all residents in the region experience any of the four housing problems. Households with over five people or non-family households are likely to experience higher rates of housing problems. The percentages of residents facing severe housing problems is slightly lower, though this number is still very high for Hispanic residents at 39.25%. 19.63% of residents in the Region experience at least one severe housing problem. Less residents across all racial/ethnic groups, household types and sizes experience severe housing cost burden. While households with housing problems are certainly present in San Benito County, there is a clear concentration of households with housing problems in San José, Mountain View and Palo Alto in particular.

All data in the Disproportionate Housing Needs section is taken directly from HUD's Comprehensive Housing Affordability Strategy (CHAS) figures, unless otherwise indicated. This data is based on custom tabulations of American Community Survey data. The latest data available, which is used in this document, is CHAS 2012-2016 5-year average data.

Table 1, Demographics of Households with Disproportionate Housing Needs Santa Clara County

Disproportionate Housing Needs	Jurisdiction			Region		
Households experiencing any of 4 housing problems	# with problems	# households	% with problems	# with problems	# households	% with problems
Race/Ethnicity						
White, Non-Hispanic	88,554	329,170	26.90%	91782	344,129	26.67%
Black, Non-Hispanic	8,376	16,756	49.99%	8435	16,918	49.86%
Hispanic	71,291	120,017	59.40%	75403	128,156	58.84%
Asian or Pacific Islander, Non-Hispanic	77,787	213,541	36.43%	77,906	214,010	36.40%
Native American, Non-Hispanic	477	3,026	15.76%	512	3,184	16.08%
Other, Non-Hispanic	6,137	48,509	12.65%	6,235	49,769	12.53%

Total	252,622	731,019	34.56%	260,273	756,166	34.42%
Household Type and Size						
Family households, <5 people	127954	370406	34.54%	131984	381126	34.63%
Family households, 5+ people	45703	78571	58.17%	47636	81786	58.24%
Non-family households	79494	171734	46.29%	81178	175107	46.36%
Households experiencing any of 4 Severe Housing Problems	**# with severe problems**	**# households**	**% with severe problems**	**# with severe problems**	**# households**	**% with severe problems**
Race/Ethnicity						
White, Non-Hispanic	43381	329,170	13.18%	44957	344,129	13.06%
Black, Non-Hispanic	4813	16,756	28.72%	4837	16,918	28.59%
Hispanic	47886	120,017	39.90%	50296	128,156	39.25%
Asian or Pacific Islander, Non-Hispanic	44730	213541	20.95%	44821	214010	20.94%
Native American, Non-Hispanic	286	3,026	9.45%	296	3,184	9.30%
Other, Non-Hispanic	3210	48,509	6.62%	3262	49,769	6.55%
Total	144,306	731,019	19.74%	148,469	756,166	19.63%

Table 2 - Demographics of Households with Severe Housing Cost Burden, Santa Clara County

Households with Severe Housing Cost Burden	**Jurisdiction**			**Region**		
Race/Ethnicity	**# with severe cost burden**	**# households**	**% with severe cost burden**	**# with severe cost burden**	**# households**	**% with severe cost burden**
White, Non-Hispanic	38250	329,170	11.62%	39617	344,129	11.51%
Black, Non-Hispanic	4043	16,756	24.13%	4067	16,918	24.04%
Hispanic	28626	120,017	23.85%	29966	128,156	23.38%
Asian or Pacific Islander, Non-Hispanic	27836	213,541	13.04%	27905	214,010	13.04%

Native American, Non-Hispanic	234	3,026	7.73%	244	3,184	7.66%
Other, Non-Hispanic	2577	48,509	5.31%	2605	49,769	5.23%
Total	101,566	731,019	13.89%	104,404	756,166	13.81%
Household Type and Size						
Family households, <5 people	39824	370406	10.75%	40966	381126	10.75%
Family households, 5+ people	10536	78571	13.41%	10929	81786	13.36%
Non-family households	22260	171734	12.96%	22702	175107	12.96%

Santa Clara County has clear disparities in households experiencing housing problems, which closely follow patterns already clear in the regional analysis. While 34.56% of households as a whole experience at least one housing problem, 49.99% of Black residents and 59.40% of Hispanic residents experience at least one housing problem. Native American or American Indian residents are least likely to experience housing problems, at 9.45%. This figure is the most accurate of all subsequent estimates of Native American housing issues in the following tables, due to the low numbers of Native Americans in the Region and higher margins of error. Lower percentages of households experience severe housing problems than regular housing problems, and are consistent across both the county and the Region. Residents are likely to experience severe housing cost burden at similar rates in the county as in the Region, with Black and Hispanic residents facing the highest rates at 24.13% and 23.85%.

Table 3 - Demographics of Households with Disproportionate Housing Needs, Sunnyvale

Disproportionate Housing Needs	Jurisdiction			Region		
Households experiencing any of 4 housing problems	**# with problems**	**# households**	**% with problems**	**# with problems**	**# households**	**% with problems**
Race/Ethnicity						
White, Non-Hispanic	8764	26,690	32.84%	91782	344,129	26.67%
Black, Non-Hispanic	759	897	84.62%	8435	16,918	49.86%
Hispanic	4982	6,689	74.48%	75403	128,156	58.84%
Asian or Pacific Islander, Non-Hispanic	10,007	24,528	40.80%	77,906	214,010	36.40%
Native American, Non-Hispanic	44	128	34.38%	512	3,184	16.08%
Other, Non-Hispanic	562	1,934	29.06%	6,235	49,769	12.53%
Total	25,118	60,866	41.27%	260,273	756,166	34.42%
Household Type and Size						
Family households, <5 people	13764	46681	29.49%	131984	381126	34.63%
Family households, 5+ people	3569	6576	54.27%	47636	81786	58.24%
Non-family households	9148	22102	41.39%	81178	175107	46.36%
Households experiencing any of 4 Severe Housing Problems	**# with severe problems**	**# households**	**% with severe problems**	**# with severe problems**	**# households**	**% with severe problems**
Race/Ethnicity						
White, Non-Hispanic	4770	26,690	17.87%	44957	344,129	13.06%
Black, Non-Hispanic	493	897	54.96%	4837	16,918	28.59%
Hispanic	3418	6,689	51.10%	50296	128,156	39.25%
Asian or Pacific Islander, Non-Hispanic	6315	24528	25.75%	44821	214010	20.94%

Race/Ethnicity	# with severe cost burden	# households	% with severe cost burden	# with severe cost burden	# households	% with severe cost burden
Native American, Non-Hispanic	4	128	3.13%	296	3,184	9.30%
Other, Non-Hispanic	339	1,934	17.53%	3262	49,769	6.55%
Total	15,339	60,866	25.20%	148,469	756,166	19.63%

Table 4 - Demographics of Households with Severe Housing Cost Burden, Sunnyvale

Table 4 - Demographics of Households with Severe Housing Cost Burden						
Households with Severe Housing Cost Burden	**Jurisdiction**			**Region**		
Race/Ethnicity	**# with severe cost burden**	**# households**	**% with severe cost burden**	**# with severe cost burden**	**# households**	**% with severe cost burden**
White, Non-Hispanic	3993	26,690	14.96%	39617	344,129	11.51%
Black, Non-Hispanic	405	897	45.15%	4067	16,918	24.04%
Hispanic	2039	6,689	30.48%	29966	128,156	23.38%
Asian or Pacific Islander, Non-Hispanic	3457	24,528	14.09%	44821	214,010	20.94%
Native American, Non-Hispanic	4	128	3.13%	296	3,184	9.30%
Other, Non-Hispanic	295	1,934	15.25%	3262	49,769	6.55%
Total	10,193	60,866	16.75%	193,290	970,176	19.92%
Household Type and Size						
Family households, <5 people	3723	46681	7.98%	40966	381126	10.75%
Family households, 5+ people	671	6576	10.20%	10929	81786	13.36%
Non-family households	2593	22102	11.73%	22702	175107	12.96%

Sunnyvale contains the most dramatically different rates of housing problems across racial and ethnic groups (given that the data is more reliable for Black and Hispanic residents in this city). 84.62% of the Black population and 74.48% of the Hispanic population experience one of the four housing problems. Rates are similarly high for severe housing problems, with 54.96% of Black residents and 51.10% of Hispanic residents experiencing severe housing problems. The total population experiences less severe cost burden than in the Region, but that is due in part to the high Asian population having a lower rate of severe cost burden. This rate is higher for other racial or ethnic groups in the city.

Table 5: Percentage of Overcrowded Households by Race or Ethnicity, 2013-2017 American Community Survey

Jurisdiction	White, Non-Hispanic	Black	Native American	Asian American or Pacific Islander	Hispanic
Santa Clara County, California	1.83%	6.20%	12.19%	9.15%	19.94%
Cupertino city, California	1.72%	20.24%	0.00%	9.41%	14.81%
Gilroy city, California	0.85%	14.05%	14.67%	2.31%	15.72%
Mountain View city, California	2.31%	3.87%	21.10%	6.67%	18.75%
Palo Alto city, California	1.10%	7.51%	0.00%	4.72%	14.68%
San José city, California	1.89%	4.85%	13.47%	9.33%	22.41%
City of Santa Clara, California	3.68%	8.70%	0.00%	12.13%	15.85%
Sunnyvale city, California	2.34%	2.23%	26.56%	10.74%	18.66%
San José-Sunnyvale-Santa Clara, CA Metro Area	1.81%	6.14%	11.59%	9.15%	19.65%

San José-Sunnyvale-Santa Clara, CA Metro Area

Overcrowding is a significant issue in many communities within the Region. The White population is the only racial or ethnic group which does not face significantly high (typically over 2.00%) overcrowding. All other groups are particularly affected by overcrowding, with Hispanic residents having the highest rate at 19.65%.

Sunnyvale

Rates of overcrowding in Sunnyvale are also consistent with those of the Region, though Native Americans have over double the rate of overcrowding of the Region, at 26.56%.

Which areas in the jurisdiction and Region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?

Map 1: Housing Problems in Santa Clara County
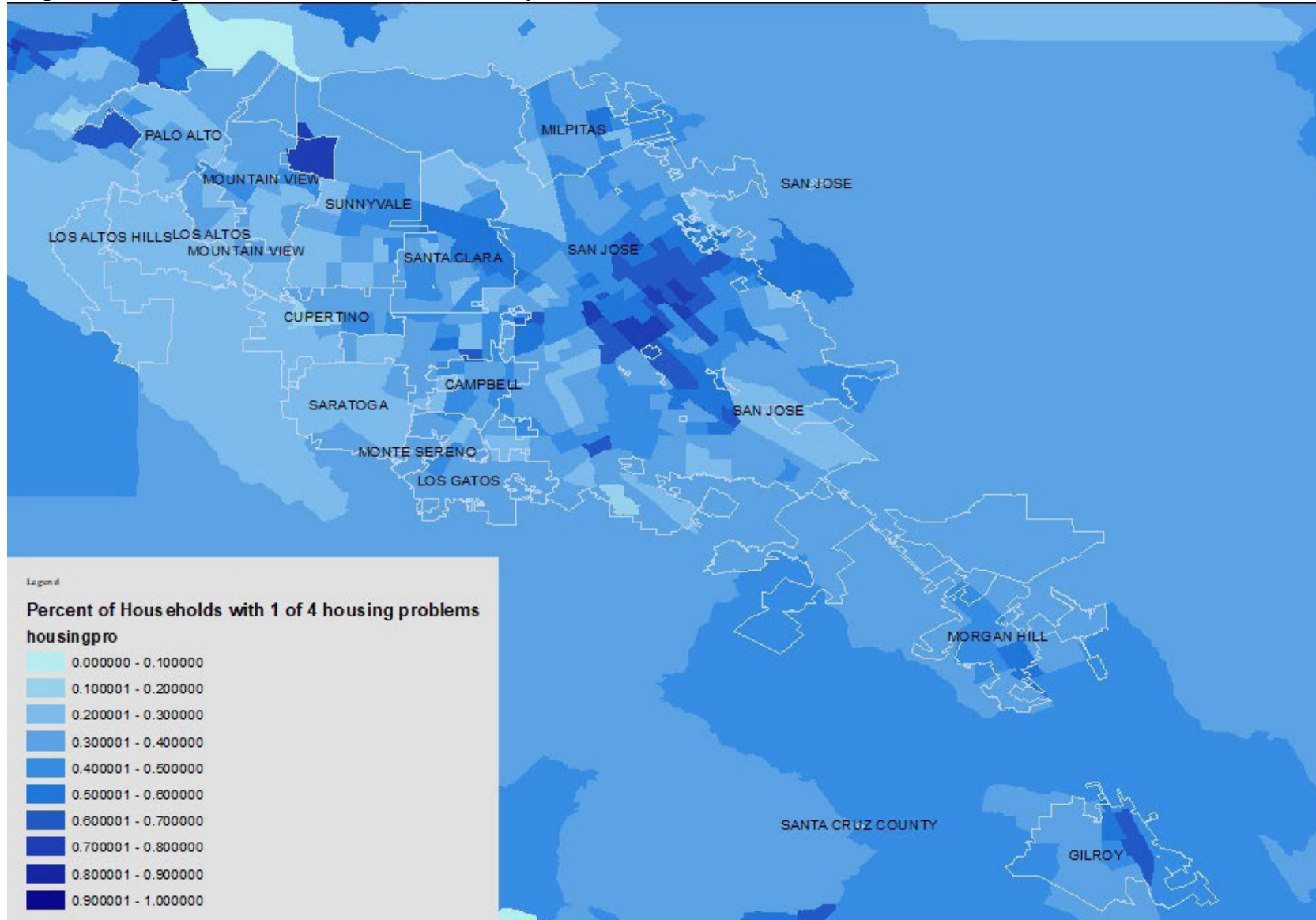
Map 2: Households with Disproportionate Housing Needs by Race/Ethnicity, Santa Clara County
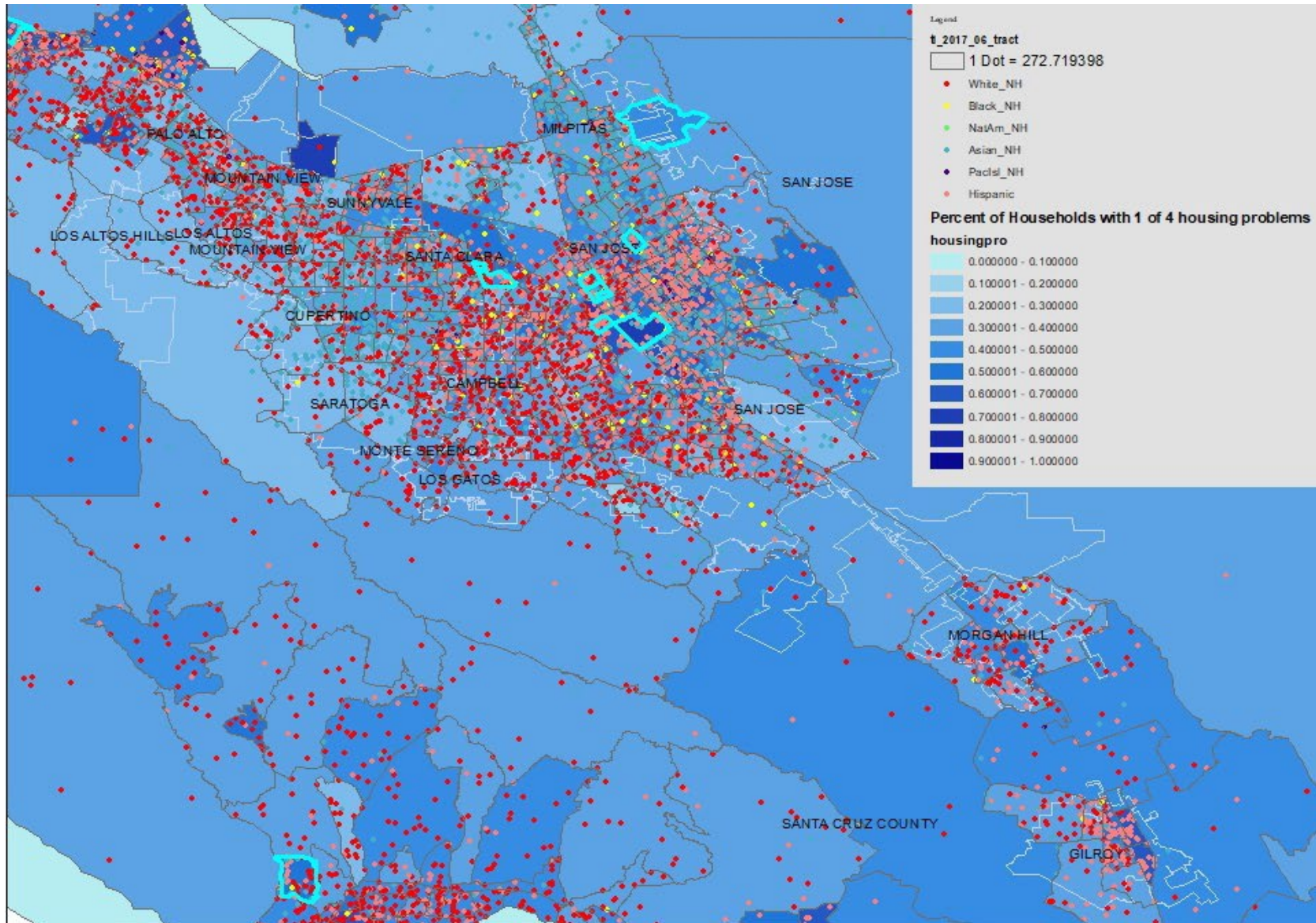
Map 3: Households with Disproportionate Housing Needs by National Origin, Santa Clara County
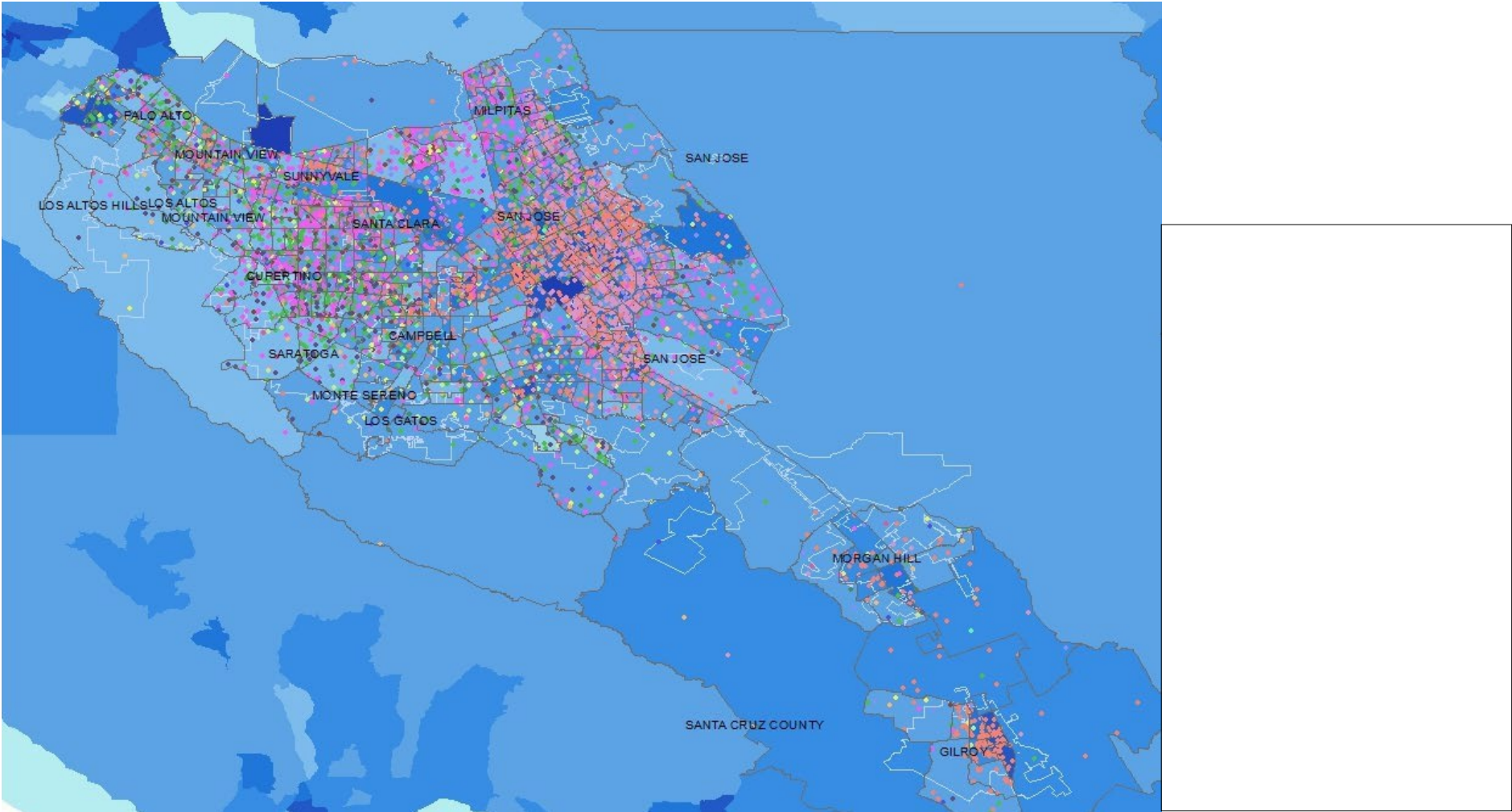
Region/Santa Clara County

Housing problems are mostly concentrated in a few areas of the cities in Santa Clara County. This includes significant areas in the North Whisman neighborhood of Mountain View and in Downtown San José, East San José, Japantown, and Willow Glen. Overall, Hispanic or Asian residents primarily reside or make up most of the areas that experience more housing problems.

Sunnyvale

Households with housing problems are generally evenly dispersed throughout Sunnyvale, and patterns of racially or ethnically concentrated neighborhoods having higher or lower rates of housing problems are not immediately clear. The Snail neighborhood has higher concentrations of residents of Mexican origin, and has slightly higher rates of housing problems compared to the rest of the city. This suggests that Sunnyvale has more general issues with housing problems than the region as a whole.

Describe the differences in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and Region.

Table 6: Housing Tenure by Race/Ethnicity, Entitlement Jurisdictions

		Santa Clara County, California	Cupertino city, California	Gilroy city, California	Mountain View city, California	Palo Alto city, California	San José city, California	City of Santa Clara, California	Sunnyvale city, California	San José-Sunnyvale-Santa Clara, CA Metro Area
White, Non-Hispanic	**Total:**	**265,262**	**7,167**	**6,263**	**17,689**	**16,638**	**115,688**	**17,180**	**22,218**	**273,703**
	Owner	171,774	4,608	4,862	8,291	9,196	77,231	8,924	12,624	177,994
	Renter	93,488	2,559	1,401	9,398	7,442	38,457	8,256	9,594	95,709
Black	**Total:**	**16,756**	**84**	**370**	**750**	**346**	**11,023**	**1,413**	**897**	**16,918**
	Owner	5,383	23	128	133	106	3,666	344	216	5,477
	Renter	11,373	61	242	617	240	7,357	1,069	681	11,441
Hispanic	**Total:**	**120,017**	**648**	**7,734**	**4,433**	**1,383**	**77,851**	**5,779**	**6,689**	**128,156**
	Owner	47,934	317	3,054	1,021	384	31,811	1,689	2,155	52,301
	Renter	72,083	331	4,680	3,412	999	46,040	4,090	4,534	75,855
Native American	**Total:**	**3,026**	**43**	**150**	**109**	**58**	**1,967**	**109**	**128**	**3,184**
	Owner	1,331	34	43	40	31	815	34	10	1,421
	Renter	1,695	9	107	69	27	1,152	75	118	1,763
Asian	**Total:**	**211,620**	**12,546**	**1,170**	**9,808**	**7,029**	**106,484**	**17,754**	**24,396**	**212,066**
	Owner	125,564	7,855	882	4,224	4,338	66,882	7,415	10,380	125,882
	Renter	86,056	4,691	288	5,584	2,691	39,602	10,339	14,016	86,184
Pacific Islander	**Total:**	**1,921**	**57**	**0**	**61**	**105**	**1,169**	**162**	**132**	**1,944**
	Owner	574	31	0	22	30	368	30	25	578
	Renter	1,347	26	0	39	75	801	132	107	1,366

Sunnyvale

The majority of Asians in Sunnyvale are also renters.

Additional Information

Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and Region affecting groups with other protected characteristics.

The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

Homelessness

In January 2019, the Santa Clara County Continuum of Care conducted its biannual Homelessness Point in Time Count (PIT).[4] The PIT found that the number of homeless individuals dramatically increased by more than 2,000 from 2017, with 9,706 people counted. Large concentrations of these homeless individuals were concentrated in census tracts that have been previously identified as R/ECAPs in this analysis. In the weeks following the count, 1,335 sheltered and unsheltered individuals were given a survey to collect data on their experiences of homelessness.[5] More than 80% of people experiencing homelessness had residence in Santa Clara County prior to losing their homes, and 30% of people reported that losing their job was the primary event that led to homelessness. Other primary events of conditions that led to homelessness include alcohol and drug use (22%), divorce/separation/breakup (15%), eviction (14%), argument with family/friend (13%), and incarceration (11%). Self-reported health conditions that may affect the stability of housing or employment for those experiencing homelessness included psychiatric/emotional conditions (42%), alcohol and drug use (35%), PTSD (33%), chronic health problems (24%), physical disability (24%), traumatic brain injury (10%), and HIV/AIDS (2%). Nearly half of respondents reported having at least one disability condition.

Individuals experiencing homelessness in Santa Clara County are disproportionately male (62%). The population share that is Hispanic (43%), Black (19%), or Native American (8%) also far outstrips the general population of the County (26%, 2%, and 0.16%, respectively). When asked about obstacles to permanent housing, 66% reported that they could afford rent, 56% had no job/income, 40% could not find available housing, and 35% had no money for moving costs. Nearly 90% of respondents indicated that they would accept affordable permanent housing if it

---

[4]
https://www.sccgov.org/sites/osh/ContinuumofCare/ReportsandPublications/Pages/HomelessnessCensusandSurvey.aspx

[5]
https://www.sccgov.org/sites/osh/ContinuumofCare/ReportsandPublications/Documents/2015%20Santa%20Clara%20County%20Homeless%20Census%20and%20Survey/2019%20SCC%20Homeless%20Census%20and%20Survey%20Exec%20Summary.pdf

became available soon. Overall, it is clear that high housing costs have an acute effect on the residents of Santa Clara County, and that the effects of these and other pressures are felt more keenly by already disadvantaged minority and at risk groups.

<u>Contributing Factors of Disproportionate Housing Needs</u>

Please see the Appendix for the following Contributing Factors to Disproportionate Housing Needs:

- Availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending discrimination
- Loss of affordable housing
- Source of income discrimination

C. Publicly Supported Housing Analysis

1. **Analysis**

a. **Publicly Supported Housing Demographics**

The Publicly Supported Housing section analyzes federally funded affordable housing and other types of affordable housing, to determine whether the level of need is being met and whether patterns of affordable housing siting concentrate minorities in low opportunity areas, among other things. In Santa Clara County, each category of publicly supported housing (public housing, Project-Based Section 8, Other Multifamily Housing, Housing Choice Vouchers, and LIHTC units) is represented, although that representation varies greatly depending on the individual municipality. Affordable housing (including LIHTC) makes up 5% or less of the total housing stock in all but two of the entitlement jurisdictions in this analysis (Gilroy and San José). Overall, it is clear that the amount of publicly supported housing available in Santa Clara County does not rise to meet the level of need, although progress is being made. The county itself currently has 4 units of traditional public housing.

The sources[6] for the data below are:

- HCV: census tract-level data extract from the Family Report Form HUD-50058 (PIC)
- Public Housing: development-level data extract from the Family Report Form HUD-50058 (PIC)
- PBRA and other multifamily properties: development-level data extract from HUD-50059 (TRACS)
- LIHTC: National Low-Income Housing Tax Credit (LIHTC) Database

Table 2: Sunnyvale

Housing Units	#	%
Total housing units	56,120	-
Public Housing	N/a	N/a
Project-based Section 8	374	0.67%
Other Multifamily	22	0.04%
HCV Program	587	1.05%
LIHTC	696	1.24%

In Sunnyvale, about 3% of the city's housing stock is dedicated to publicly supported housing that falls into the categories of federal assistance reflected in the table above. LIHTC units are the most numerous, followed by housing choice voucher units (which are not hard units). There are no Public Housing units at all, and very few Other Multifamily units. Other Multifamily housing units most frequently consist of properties subsidized through HUD's Section 202 and Section 811

---

6   https://urban-data-catalog.s3.amazonaws.com/drupal-root-live/2020/07/31/AFFH-Data-Documentation.pdf

supportive housing programs but can also include other HUD-subsidized properties that do not fall within the categories specifically listed in the table above.

LIHTC

According to the California Tax Credit Allocation Committee, there are 228 Low Income Housing Tax Credit (LIHTC) developments in Santa Clara County, some of which are designated for specific populations. Of the 228 developments, 22,371 are low-income units, with 55 of the developments restricted to seniors, 17 are SRO, four are for residents with special needs, 89 are for large family occupancy, and 55 are non-targeted. In Sunnyvale, there are 696 low-income units within 2 large family developments, 3 SRO developments, 1 non-targeted development, 1 special needs development, and 1 senior development.

LIHTC Developments in Santa Clara County	
Total Developments in Santa Clara County	228
Low-income Units	22,371
Developments for Seniors	55
SRO Developments	17
Developments for Residents with Special Needs	4
Large Family Occupancy Developments	89
Non-targeted Developments	55

Sunnyvale

Low-income Units	696
Large Family Developments	2
SRO Developments	3
Non-targeted Developments	1
Special Needs Developments	1
Senior Developments	1

    i. *Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, project-based Section 8, Other Multifamily Assisted developments, and Housing Choice Voucher (HCV) in the jurisdiction?*

Please note: categories for which all values are 0 and/or N/A have been deleted for space

Table 3, Publicly Supported Housing Demographics, Sunnyvale

Sunnyvale	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Project-Based Section 8	85	24.64%	8	2.32%	38	11.01%	210	60.87%
Other Multifamily	14	66.67%	0	0.00%	6	28.57%	1	4.76%
HCV Program	136	29.06%	55	11.75%	74	15.81%	199	42.52%
LIHTC	466	26.17%	120	6.73%	383	24.50%	567	31.84%
Total Households	23,075	42.72%	1,010	1.87%	6,880	12.74%	21,655	40.09%
0-30% of AMI	2,465	40.81%	175	2.90%	1,330	22.02%	1,910	31.62%
0-50% of AMI	4,255	38.13%	330	2.96%	2,510	22.49%	3,135	28.09%
0-80% of AMI	6,300	38.26%	495	3.01%	3,865	23.47%	4,775	29.00%

Across the County and within entitlement jurisdictions, Asian American or Pacific Islanders represent the most frequent majority group in Project-Based Section 8 developments. They make up a majority of Project-Based Section 8 residents in the city of Santa Clara, Sunnyvale, and Cupertino (supermajority). They make up a plurality of San José. In Mountain View, there is a roughly even split between Asian American or Pacific Islanders and White residents, and in Palo Alto and Santa Clara County, they trail White residents by a little less than 15 points. Only Gilroy disrupts this pattern, with a supermajority of Hispanic residents in its Project-Based Section 8 units. Similarly, the dominant groups in Other Multifamily units alternates between White and Asian American or Pacific Islander residents. White residents make up a supermajority in Sunnyvale and a majority in Gilroy, White and Asian American or Pacific Islanders are evenly split in Palo Alto, and Asian American or Pacific Islanders make up the majority of San José.

Housing Choice Voucher households are the program category most evenly distributed across racial and ethnic groups. White residents make up a majority in Mountain View and a plurality in Palo Alto. Hispanics make up a majority in Gilroy and plurality in Santa Clara County. Meanwhile, Asian American or Pacific Islanders make up a plurality of Sunnyvale, San José, and Cupertino, as well as the city of Santa Clara, with White (25.37%) and Hispanic residents (24.44%) following close behind. For LIHTC developments, the dominant group in Santa Clara County, Gilroy, San José, and the city of Santa Clara is Hispanics. In Mountain View and Palo Alto, White residents are more likely to occupy LIHTC units. In Sunnyvale, Asian Americans are the dominant group in LIHTC units, although Hispanic and White residents follow closely behind. Overall, it seems that different program categories have very different demographic breakdowns. Hispanics are

more likely to occupy LIHTC units, while Asian American or Pacific Islanders are more likely to occupy Project-Based Section 8 units, Other Multifamily units are split between Asian American or Pacific Islanders and White residents, and Housing Choice Voucher users are evenly distributed.

> ii. *Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.*

In the Region, these patterns hold true. Asian American or Pacific Islanders make up the plurality of Project-Based Section 8, Other Multifamily, and Housing Choice Voucher residents. Housing Choice Voucher residents are the most evenly distributed across racial and ethnic groups, with Hispanic residents a close second to Asian American or Pacific Islanders, at 32%. LIHTC data is not available on the regional level.

> iii. *Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and region. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.*

Sunnyvale

In Project-Based Section 8 units, White and Hispanic residents are underrepresented compared to the general population, while Black residents are slightly overrepresented and Asian American or Pacific Islanders are notably overrepresented. When compared to the income-eligible population, the underrepresentation of White residents is even more stark, while the gap for Hispanics closes. Representation of Black residents is roughly proportional, and Asian American or Pacific Islanders are even more notably overrepresented. In Other Multifamily units, White and Hispanic residents are severely overrepresented, while Asian American or Pacific Islanders are severely underrepresented, and there are no Black residents at all. Compared to the income-eligible population, the gap for White and Hispanic residents grows, while the gap for Asian American or Pacific Islanders narrows slightly. In the HCV Program, White, Hispanic, and Asian American or Pacific Islander residents are roughly proportional, which Black residents receive a boost. In the income-eligible population, White and Hispanic residents move to underrepresented, while Asian American or Pacific Islanders are overrepresented, and Black residents continue to be highly overrepresented.

In terms of general population, White and Asian American residents are underrepresented in LIHTC units, while Black and Hispanic residents are overrepresented. When broken down by income eligibility, White residents are even more underrepresented, while Asian Americans are proportionally represented, and Black and Hispanic residents remain largely unchanged.

Region

In the region, Project-Based Section 8 units have an overrepresentation of Asian American or Pacific Islanders, a proportionate share of Black residents, and underrepresentation of White and

Hispanic residents. In the income-eligible population, White and Hispanic residents stay roughly the same, while Black residents become underrepresented and Asian American or Pacific Islanders become even more overrepresented. For Other Multifamily units, the trend remains largely the same for White, Black, and Asian American or Pacific Islanders compared to the general population, but Hispanics residents have representation that approaches proportionality. Compared to the income-eligible population, it is clear that White, Black, and Hispanic residents are underrepresented, while Asian American or Pacific Islanders are overrepresented. In the HCV Program, Hispanics and Asian American or Pacific Islanders are roughly proportional, while White residents are severely underrepresented and Black residents are notably overrepresented. For the income-eligible population, the Hispanic share is roughly proportional, while White residents continue to be underrepresented and Black residents continue to be overrepresented; Asian Americans or Pacific Islanders are also overrepresented in the income-eligible population. Full LIHTC data is not available at the regional level.

b.   Publicly Supported Housing Location and Occupancy

i.   Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs in the jurisdiction and region.

Sunnyvale

The population of Sunnyvale, which is plurality-Asian American, is fairly well distributed across the city, excepting the business district on the eastern side of the city. Meanwhile, publicly supported housing is mainly concentrated near downtown Sunnyvale, with a few more located along Bayshore Freeway and near to the borders with City of Santa Clara and Cupertino.

Region

In the larger region, the population is clearly concentrated in Santa Clara County and so is the publicly supported housing. The only area of note outside of the County is Hollister, which has a concentration of LIHTC and Project-Based Section 8 developments, a strong Hispanic population, and strong voucher use.

i.   Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs in the jurisdiction and region.

In Santa Clara County, at least 30 publicly supported housing developments and 55 LIHTC developments are reserved for seniors. Senior housing is fairly evenly distributed across the entitlement jurisdictions. The clearest pattern that emerges from comparing their locations is that senior housing in San José (of which there is a lot, comparatively), is concentrated in far less White areas (especially on the eastern side) than senior housing in the surrounding, smaller, and less diverse cities.

There are only three publicly supported housing developments reserved for people with disabilities, and five LIHTC developments for people with special needs. With so few developments to speak of, it is less important to discuss patterns of segregation in the siting and rather to note which cities do or do not have developments dedicated to people with disabilities. The developments do tend to cluster together, with two located in adjacent census tracts in Palo Alto, two in adjacent census tracts in Sunnyvale, two in adjacent census tracts in Santa Clara/San José, and two in nearly adjacent census tracts in eastern San José.

Publicly supported housing (including LIHTC units) geared toward families are the most numerous. Nevertheless, they follow a similar siting pattern to those reserved for seniors. Those located on the eastern side of San José, in particular, are located in more diverse areas. Of particular note is the strong concentration of affordable family housing in Morgan Hill. As part of the Urban County, it forms a gateway between Gilroy and the rest of the entitlement jurisdictions farther north.

> ii. *How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs in the jurisdiction and region?*

Please note: categories for which all values are 0 and/or N/A have been deleted for space

Table 4, R/ECAP and Non-R/ECAP Publicly Supported Housing Demographics, Sunnyvale

Sunnyvale	Total # units (occupied)	% White	% Black	% Hispanic	% Asian or Pacific Islander	% Families with children	% Elderly	% with a disability
Project-based Section 8								
R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
Non R/ECAP tracts	359	24.64%	2.32%	11.01%	60.87%	6.18%	82.58%	3.09%
Other Multifamily								
R/ECAP tracts	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Non R/ECAP tracts	22	66.67%	0.00%	28.57%	4.76%	N/a	9.52%	66.67%
HCV Program								
R/ECAP tracts	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Non R/ECAP tracts	478	29.06%	11.75%	15.81%	42.52%	15.22%	56.52%	44.66%

There are relatively few R/ECAPs in Santa Clara County, and they are located in only three areas: the city of Santa Clara, Milpitas, and San José. The R/ECAP in Milpitas appears to be an outlier,

as it has especially low number of residents. Therefore, the R/ECAPs analysis for the Urban County has not been adjusted to reflect this.

In San José, there are Project-Based Section 8 and LIHTC units located within its 7 R/ECAP tracts. The Project-Based Section 8 units within R/ECAPS have dramatically different demographics compared to those outside R/ECAPs, with a 15 point increase in Asian American or Pacific Islanders, compared to a seven point drop for Hispanics and a nearly 20 point drop for White residents. The percentage of Black residents in R/ECAPs is almost half of what it is outside. LIHTC units, on the other hand, have much more similar demographics within and outside R/ECAPs. The percentage of Black residents, while far above the countywide average, is roughly the same both within and outside R/ECAPs. Asian American of Pacific Islanders in R/ECAPs trail those in non R/ECAPs by about seven points, while White and Hispanic residents both see higher percentages outside R/ECAPs than within them (by about eight points each). For HCV users, Asian American or Pacific Islanders make up a supermajority within R/ECAP tracts. (It should be noted that the HCV R/ECAP and non R/ECAP data was provided by HUD and reflects HUD's less expansive definition of R/ECAPs. It is not possible to calculate HCV data for the more robust definition of R/ECAPs employed by this analysis).

> i. *Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category for the jurisdiction? Describe how these developments differ.*

See Appendix for Publicly Supported Housing Charts by Census Tract Demographics

Sunnyvale

Every Project-Based Section 8 development in Sunnyvale is either majority or plurality-Asian American or Pacific Islander. In every case, they are followed by White residents in population share, with Homestead Park Apartments displaying the most diversity. The largest development is also the only one with no children, and it has the second highest share of Asian American or Pacific Islander residents. Stoney Pine Villa is the only Other Multifamily development, so it cannot be compared to others in its category. When comparing to Project-Based Section 8 developments, it is overwhelmingly White, with a very small share of Asian American or Pacific Islander residents, and a higher share of Hispanic residents than any Project Based Section 8 development. Among LIHTC units, Borregas Court stands out for its large Black population, at 20.61%, and Fair Oaks Plaza stands out for its large, senior, Asian American population, at 61.08%.

> i. *Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing for the jurisdiction and region.*

Sunnyvale

Sunnyvale has adopted Inclusionary Zoning, requiring at least 15% of rental units in new developments to be set aside.[7] Of those, 10% must be designated as low income affordable housing, 5% must be very low income, and 12.5% should be moderate income.

Region

San Benito County has also adopted Inclusionary Zoning, requiring residential developments to provide 15% or more "on-site" units, provide 20% or more "off-site" units, or, in certain circumstances, pay an in-lieu fee.[8] Santa Clara County has a 16% inclusionary requirement for the Stanford Community Plan Area and is considering the expansion of inclusionary housing to other unincorporated parts of the county.

> i. *Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.*

See Appendix for Publicly Supported Housing Charts by Census Tract Demographics

Sunnyvale

In Sunnyvale, Plaza De Las Flores has significantly different demographics than the surrounding census tract, with a supermajority of Asian American or Pacific Islander residents (73%). The census tract is quite diverse, with a plurality of White residents and Asian American or Pacific Islander (30%) and Hispanic residents (21%) making up significant shares as well. Morse Court also differs significantly from the surrounding census tract. While its population is fairly evenly distributed, Asian American or Pacific Islanders make up the plurality. In the census tract, Hispanics make up the plurality, and make up three times the share of those in Project-Based Section 8 development. There are also more than five times as many Black residents in the building as there are within the census tract. At Homestead Park Apartments, White and Asian American or Pacific Islanders are evenly split, while at the census tract level, Asian American or Pacific Islanders make up the clear majority. In Sunnyvale's lone Other Multifamily development, a supermajority of residents are White, located within a census tract that has a plurality of Hispanic residents.

LIHTC developments in Sunnyvale are mostly located in majority-Asian census tracts; however, only two LIHTC developments mirror this trend in their population. Carroll Inn is located in a plurality-White census tract, and the SRO development is also plurality-White. Borregas Court,

---

also an SRO development, has an unusually large Black population, at 20.61%, while the surrounding census tract is only 1.2% Black. While most of these tracts are majority-Asian, three, relatively small LIHTC developments – Orchard Gardens Apartments, Onizuka Crossing, and Edwina Benner Plaza – have Hispanics as their largest population group. In LIHTC developments with families with children, the populations tend to be largely Hispanic and Asian, as do the census tracts where they are located.

    c.   **Disparities in Access to Opportunity**

       i.   *Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and region, including within different program categories (public housing, project-based Section 8, Other Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.*

Throughout the county, there are clear disparities in access to opportunity across several categories – including environmental health, labor market, and school proficiency – which all seem to be higher in the western part of the County and lower in San José. The labor market is similarly good in the western part of the county, but also makes a strong showing in the Morgan Hill and Gilroy area. Similarly, the job market is excellent in the northern part of the county, and along Monterey Road down toward Morgan Hill and Gilroy. Transit Trips and Low Transportation are consistently good throughout the County.

<u>Contributing Factors of Publicly Supported Housing Location and Occupancy</u>

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.

Please see the Appendix for the following Contributing Factors to Publicly Supported Housing Location and Occupancy:

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Community opposition
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of meaningful language access for individuals with limited English proficiency
- Lack of local or regional cooperation

- Lack of private investment in specific neighborhoods
- Lack of public investment in specific neighborhoods, including services and amenities
- Land use and zoning laws
- Loss of affordable housing
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination

Map 1, Publicly Supported Housing and Race/Ethnicity, Sunnyvale

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

Public Housing
- Public Housing
- Scattered Sites

Other Multifamily

Project-Based Section 8

Low Income Housing Tax Credit

Demographics 2010
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

TRACT

R/ECAP

Percent Voucher Units
- < 5.71 %
- 5.71 % - 11.46 %
- 11.46 % - 19.62 %
- 19.62 % - 31.65 %
- 31.65 % - 100 %

Name: Map 5 - Publicly Supported Housing and Race/Ethnicity

Description: Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations mapped with race/ethnicity dot density map with R/ECAPs, distinguishing categories of publicly supported housing by color

Jurisdiction: Sunnyvale (CDBG, HOME)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0004

Esri, HERE, NPS | AFFHT0004 | HUD   Date created: 1/14/2020

Map 2, Publicly Supported Housing and Race/Ethnicity, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

Public Housing
- Public Housing
- Scattered Sites

Other Multifamily

Project-Based Section 8

Low Income Housing Tax Credit

Demographics 2010
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

TRACT

R/ECAP

Percent Voucher Units
- < 5.71 %
- 5.71 % – 11.46 %
- 11.46 % – 19.62 %
- 19.62 % – 31.65 %
- 31.65 % – 100 %

Esri, HERE, NPS | AFFHT0004 | HUD

Date created: 1/14/2020

Name: Map 5 – Publicly Supported Housing and Race/Ethnicity

Description: Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations mapped with race/ethnicity dot density map with R/ECAPs, distinguishing categories of publicly supported housing by color

Jurisdiction: Santa Clara County (CDBG)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0004

Publicly Supported Housing Demographic Tables Appendix

Table 1: Sunnyvale

Program Type	Project Name	(Low Income) Units in Project	Property White (%)	Property Black (%)	Property Hispanic (%)	Property Asian (%)	Households with children in the development	Census Tract Number	Tract White %	Tract Black (%)	Tract Hispanic (%)	Tract Asian (%)	Census Tract Poverty Rate
Project-Based Section 8	Life'S Garden	150	23%	1%	10%	66%	N/a (Senior)	5085.04	17%	1.5%	18.5%	57.1%	10.7%
Project-Based Section 8	Aster Park Apartment	38	24%	5%	16%	55%	21%	5087.03	26.6%	1.5%	12.6%	54.3%	2.6%
Project-Based Section 8	Plaza De Las Flores	101	19%	N/a	8%	73%	1%	5086.02	41.5%	2.6%	20.8%	30.2%	9.5%
Project-Based Section 8	Morse Court	35	26%	11%	14%	37%	14%	5090.00	26.2%	1.8%	45.9%	21.9%	5.6%
Project-Based Section 8	Homestead Park Apartments	50	37%	8%	18%	37%	24%	5083.04	29.3%	4.4%	8.1%	52.1%	6.5%
Other Multifamily	Stoney Pine Villa	22	67%	N/a	29%	5%	N/a	5087.04	26.2%	2.8%	22.9%	45.8%	7.2%
LIHTC	Carroll Inn	121/121	40.16%	6.30%	11.02%	26.77%	SRO	5086.02	41.5%	2.6%	20.8%	30.2%	9.5%
LIHTC	Borregas Court	192/193	34.21%	20.61%	19.30%	22.37%	SRO	5048.03	23.7%	1.2%	18.1%	53%	4.3%

|												
LIHTC	Orchard Gardens Apartments	61/62	3.13%	3.13%	35.63%	5.00%	Non Targeted	5048.03	23.7%	1.2%	18.1%	53%	4.3%
LIHTC	Garland Plaza	19/19	4.26%	0.00%	29.79%	38.30%	Large Family	5085.04	17%	1.5%	18.5%	57.1%	10.7%
LIHTC	Parkside Studios	58/59	39.39%	10.61%	22.73%	12.12%	SRO	5087.04	26.2%	2.8%	22.9%	45.8%	7.2%
LIHTC	Onizuka Crossing FKA Midpen Armory Apartments	57/58	15.33%	4.00%	33.33%	18.67%	Special Needs	5087.04	26.2%	2.8%	22.9%	45.8%	7.2%
LIHTC	Edwina Benner Plaza	65/66	15.69%	1.96%	35.29%	15.69%	Large Family	5048.03	23.7%	1.2%	18.1%	53%	4.3%
LIHTC	Fair Oaks Plaza	123/124	23.95%	2.99%	7.78%	61.08%	Senior	5085.04	17%	1.5%	18.5%	57.1%	10.7%

D. Disability and Access

Congress added protections against housing discrimination for persons with disabilities to the Fair Housing Act in 1988. In addition to protection against intentional discrimination and unjustified policies and practices with disproportionate effects, the Fair Housing Act includes three provisions that are unique to persons with disabilities. The Fair Housing Act prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary to afford an individual equal opportunity to use and enjoy a dwelling. Reasonable accommodations are departures from facially neutral policies and are generally available if granting the accommodation request would not place an undue burden on the party providing the accommodation and where granting the accommodation request would not result in a direct threat to the health or safety of others. Permitting an individual with an anxiety disorder to have a dog in their rental unit as an emotional support animal despite a broad "no pets" policy is an example of a reasonable accommodation. The Act also prohibits the denial of reasonable modification requests. Modifications involve physical alterations to a unit, such as the construction of a ramp or the widening of a door frame, and must be paid for by the person requesting the accommodation unless the unit receives federal financial assistance and is subject to Section 504 of the Rehabilitation Act. Lastly, the design and construction provision of the Fair Housing Act requires most multi-family housing constructed since 1991 to have certain accessibility features. This section of the Analysis looks at the housing barriers faced by persons with disabilities, including those that result in the segregation of persons with disabilities in institutions and other congregate settings.

Population Profile

This Population Profile provides an overview of the population of persons with disabilities in the region and the city of Cupertino. Issues examined include the total extent of the population of persons with disabilities, areas of geographic concentration of persons with disabilities, and both of those factors further broken down by type of disability and age. It is often the case that areas with high overall concentrations of persons with disabilities are areas with high concentrations of elderly individuals because disability and age are highly correlated. At the same time, for disabilities that arise earlier in a person's life, that relationship may be turned upside down as younger people with disabilities may be more likely to live in relatively high-poverty areas that have comparatively few elderly residents.

Map 1: Disability by Type, Santa Clara County

Legend

Disability by Type

1 Dot = 200

- hearing
- vision
- cognitive
- ambulatory
- selfcare
- indlive
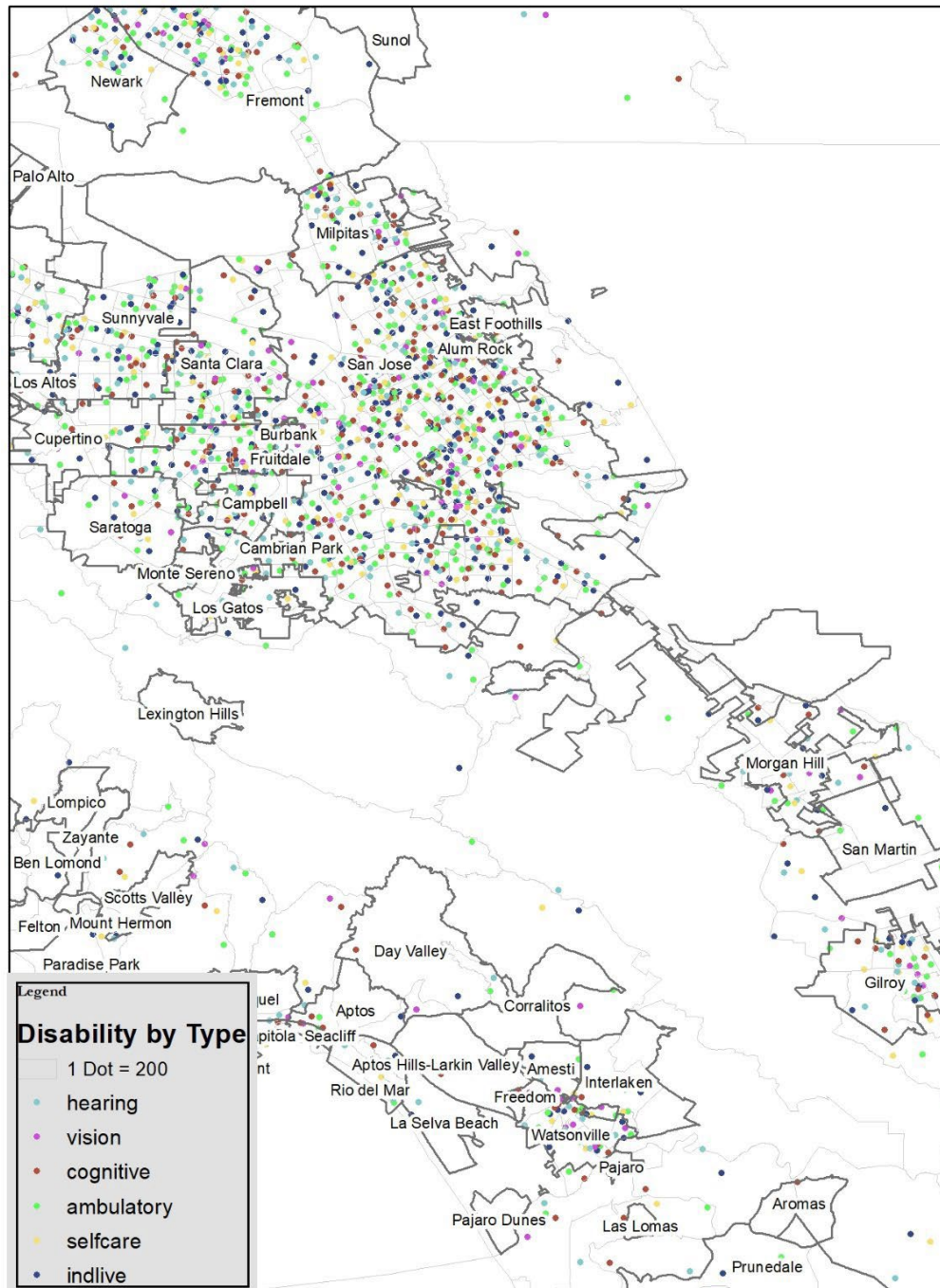
Map 2: Disability by Age, Santa Clara County
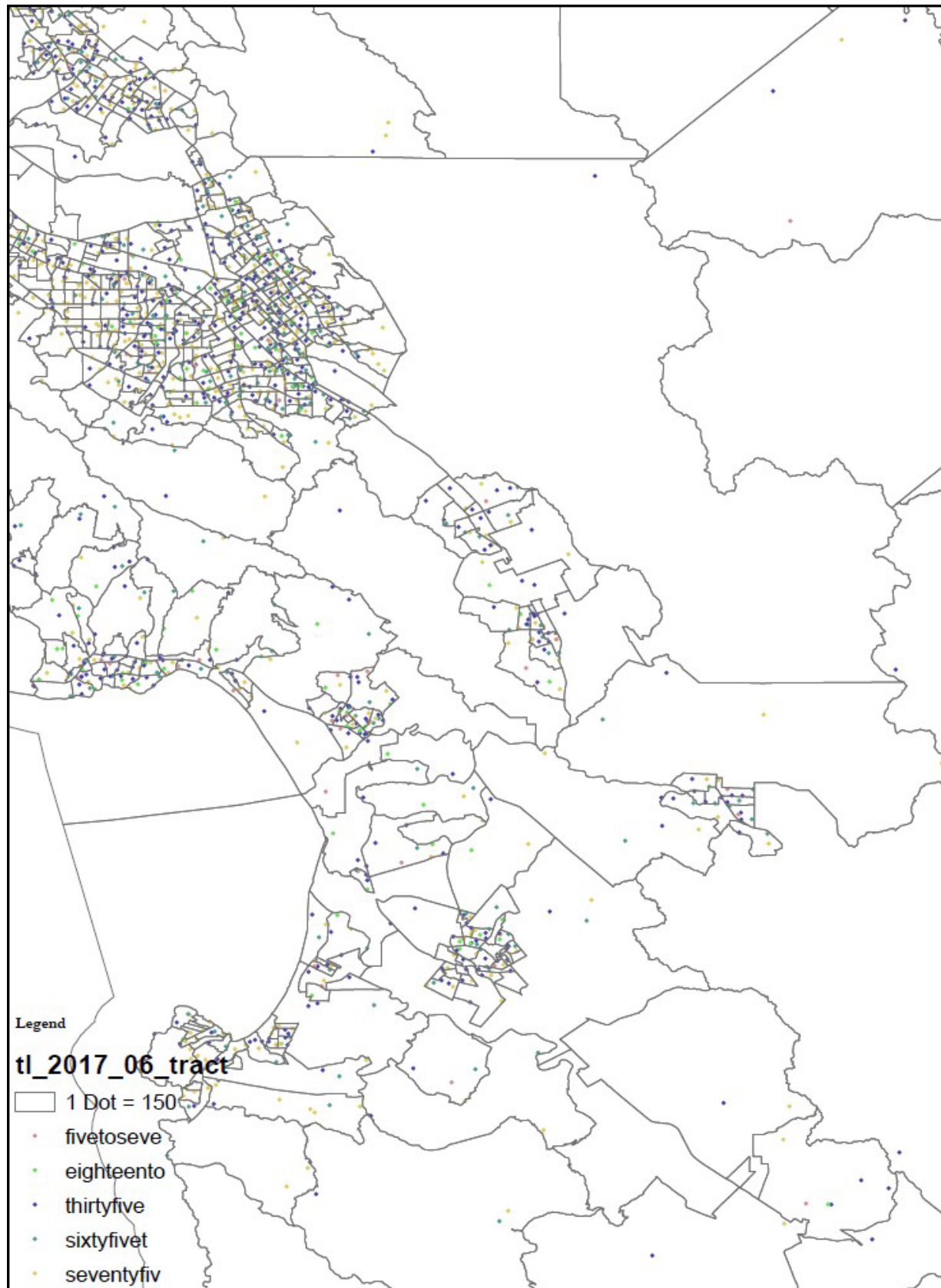
Table 1: Disability by Type, San José-Sunnyvale-Santa Clara, CA Region

Disability Type	#	%
Hearing Difficulty	45,778	2.3
Vision Difficulty	27,954	1.4
Cognitive Difficulty	59,099	3.2
Ambulatory Difficulty	79,438	4.3
Self-Care Difficulty	36,795	2.0
Independent Living Difficulty	66,560	4.4

Table 2: Disability by Type, Sunnyvale

Disability Type	#	%
Hearing Difficulty	3,205	2.1
Vision Difficulty	1,937	1.3
Cognitive Difficulty	3,051	2.2
Ambulatory Difficulty	5,067	3.6
Self-Care Difficulty	2,195	1.6
Independent Living Difficulty	4,223	3.6

How are people with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?

Map 3, Concentration of Persons with Disabilities, Santa Clara County
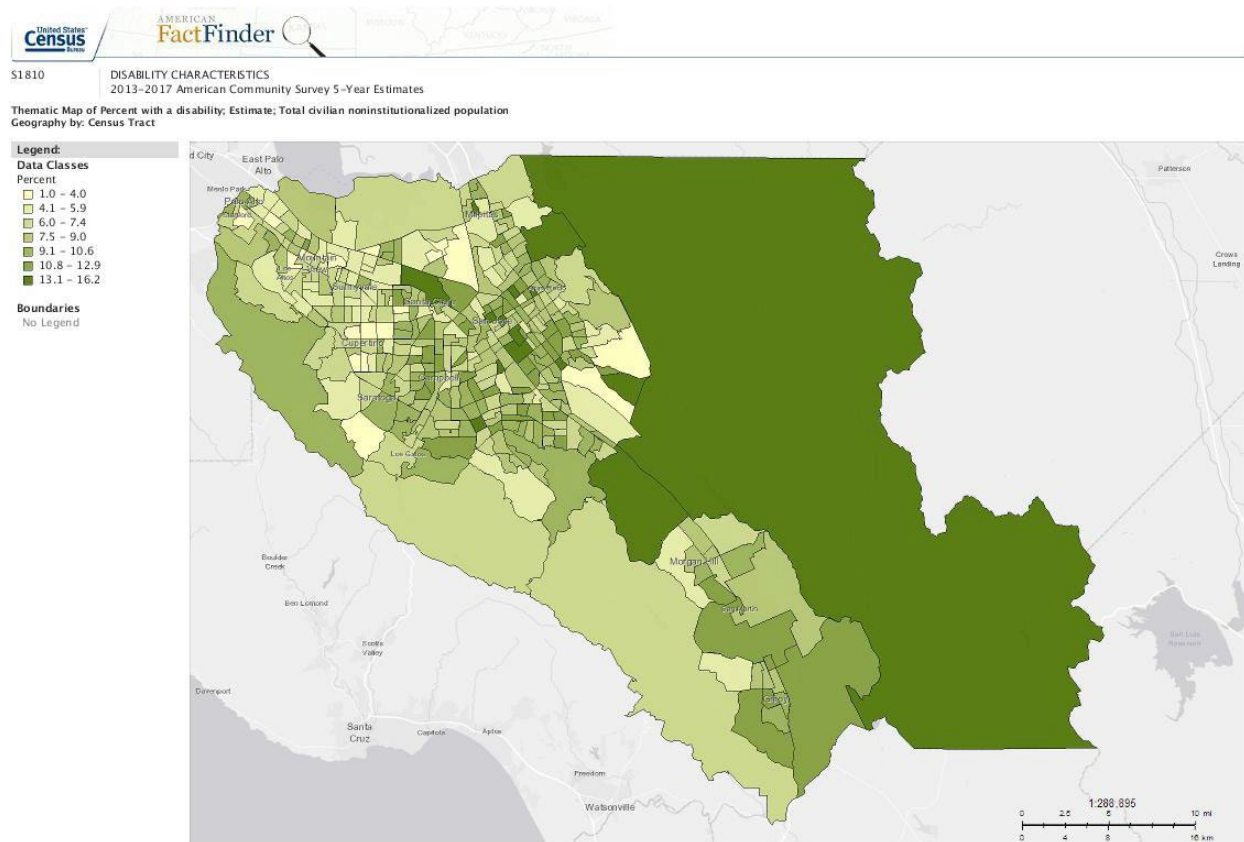
There is generally relatively little concentration of persons with disabilities in Santa Clara County and the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale. As the map above illustrates, the census tracts with the highest concentrations of persons with disabilities in the county range from 13.1% to 16.2%. By way of comparison, for the entire state of West Virginia, 19.7% of residents have disabilities. At a regional level, there is limited relative concentration of persons with disabilities in rural areas in the eastern portion of the county as well as in rural areas between south San José and Morgan Hill. There are also pockets of concentration in downtown San José, scattered portions of the east side of San José and south San José, a portion of Santa Clara, and, to a lesser extent, portions of Campbell.

Sunnyvale

There are no areas of significant concentration of persons with disabilities in Sunnyvale as, in the most concentrated census track, only 10.5% of residents have disabilities. Additionally, there are no clear geographic patterns with respect to where the most concentrated areas. The northern portion of the city has both some of the most concentrated census tracts (as a relative matter) and some of the least concentrated tracts.

Describe whether these geographic patterns vary for people with each type of disability or for people with disabilities in different age ranges for the jurisdiction and region.

Patterns of concentration of persons with disabilities by type of disability and by age vary significantly across the region. Oftentimes, the issue of type of disability and disability status by age are closely related as certain types of disabilities are more highly correlated with elderly status than others. Additionally, one type of disability – independent living disabilities – only applies to individuals who are 18 years of age or older, because there is no expectation that children are able to live independently, regardless of their disability status.

San José-Sunnyvale-Santa Clara, CA Region

In the region, persons with hearing disabilities generally are not highly concentrated in particular areas. Limited exceptions to this pattern, or lack thereof, include areas with concentrations of age-restricted housing, such as The Villages, which have higher concentrations of persons with hearing disabilities and areas with relatively young populations, like north San José and the campus of Stanford University, which have lower concentrations of persons with hearing disabilities. People with vision disabilities are somewhat concentrated in the city of San José, though not within particular neighborhoods or sections of San José, and in South County. Persons with cognitive disabilities are relatively concentrated in the sparsely populated far eastern portion of Santa Clara County in a census tract that contains significant public land as well as in Campbell, Stanford, parts of south San José, and parts of the east side of San José. Persons with ambulatory disabilities are somewhat concentrated in parts of south San José and the east side of San José, The Villages, the area between south San José and Morgan Hill, and the northern portion of Palo Alto. Persons with self-care disabilities are relatively concentrated in parts of south San José and the east side of San José, in the area between south San José and Morgan Hill, in the rural far eastern portion of Santa Clara County, in parts of Campbell, and in parts of Cupertino. Persons with independent living disabilities are more highly concentrated in downtown San José, parts of south San José and the east side of San José, the area between south San José and Morgan Hill, and Campbell.

Regionally, there are concentrations of children with disabilities in downtown San José as well as parts of Campbell, Mountain View, Santa Clara, and a rural area to the southwest of Gilroy. Adults with disabilities, ages 18-64, are concentrated in downtown San José, parts of south San José and the east side of San José, parts of Santa Clara, and rural areas in the eastern portion of Santa Clara County. Elderly persons with disabilities are somewhat concentrated in San José, particularly downtown and on the east side, in Campbell, and in the eastern portion of Gilroy.

Sunnyvale

In Sunnyvale, there is a slight concentration of persons with hearing disabilities in the far northeastern portion of the city, but the pattern is not pronounced. There are slight concentrations of persons with vision disabilities in the northeastern and central portions of the city. Persons with cognitive disabilities, persons with ambulatory disabilities, persons with self-care disabilities, and persons with independent living disabilities are slightly concentrated in similar areas to persons with vision disabilities.

Children with disabilities are somewhat concentrated in the northern part of Sunnyvale. Adults with disabilities, ages 18 through 64, are concentrated in the central and northeastern portions of the city. Elderly persons with disabilities are concentrated in the northern portion of the city.

Housing Accessibility

Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that federally financed housing developments have five percent (5%) of total units be accessible to individuals with mobility disabilities and an additional two percent (2%) of total units be accessible to individuals with sensory disabilities. It requires that each property, including site and common areas, meet the Federal Uniform Accessibility Standards (UFAS) or HUD's Alternative Accessibility Standard.

Within Santa Clara County, not including the city of Milpitas there are four traditional public housing units and 5,125 Project-Based Section 8 units that are subject to Section 504 of the Rehabilitation Act. Additionally, there are 1,821 units in Project-Based Voucher-assisted developments. Many of these developments are former public housing. These three types of units are all subject to the accessibility requirements of section 504. Just 9.81% of residents of Project-Based Section 8 units are persons with disabilities. Data regarding what proportion of residents of Project-Based Voucher units are persons with disabilities is not available though residents of those units are included in data reflecting the proportion of Housing Choice Voucher recipients with disabilities. 31.74% of voucher holders in the region (including a small number of voucher holders in San Benito County) are persons with disabilities. At this time, the number of actually accessible units in public housing or among Project-Based Section 8 units and Project-Based Voucher-assisted units is unknown. It is common for developments to exceed the Section 504 minimum requirements, but there may also be older, inaccessible housing that has not been retrofitted and housing that was not built in a way that complies with the law.

The HOME Partnership Program is a grant of federal funds for housing, therefore, these units are subject to Section 504. HUD's HOME Program Performance Snapshots contain counts of the number of Section 504 accessible HOME-assisted units for each grantee. For the Santa Clara County HOME Consortium, which includes Cupertino, Gilroy, Milpitas, and Palo Alto in addition to the Urban County, has 188 Section 504 compliant units.

Low Income Housing Tax Credit (LIHTC) Units

According to data from the California Tax Credit Allocation Committee, there are 21,465 low-income units in LIHTC-financed developments in Santa Clara County.

The question of whether Section 504 or Title II of the Americans with Disabilities Act applies to LIHTC developments has not been resolved by the courts. Title II of the ADA prohibits discrimination on the basis of disability in all service, programs, and activities provided to the public by non-federal governmental entities except transportation services. The 2010 ADA Standards (ADAS) differ from Section 504 in some respects but essentially, they contain the same types of requirements including the requirement for 5% mobility units and 2% hearing/vision units.

However, in 2015, CTAC has issued guidance stating that the accessibility requirements of the California Building Code (CBC) for public housing (Chapter 11B) apply to LIHTC developments. Chapter 11B is the California equivalent of the 2010 ADA Standards. Section 1.9.1.2.1. of the CBC states that the accessibility requirements apply to "any building, structure, facility, complex …used by the general public." Facilities made available to the public, included privately owned buildings. CTAC has expanded the requirement so that 10% of total units in a LIHTC development must be accessible to people with mobility disabilities and that 4% be accessible to people with sensory (hearing/vison) disabilities.

Also, effective 2015, CTCAC required that 50% of total units in a new construction project and 25% of all units in a rehabilitation project located on an accessible path will be mobility accessible units in accordance with CBC Chapter 11B. CTAC also provides incentives for developers to include additional accessible units through its Qualified Allocation Plan.

Fair Housing Amendments Act Units

The Fair Housing Amendments Act of 1988 (FHAA) covers all multifamily buildings of four or more units that were first occupied on or after March 13, 1991 – not just affordable housing developments. The FHAA added protections for people with disabilities and prescribed certain basic accessibility standards, such as one building entrance must be accessible; there must be an accessible route throughout the development, and public rooms and common rooms must be accessible to people with disabilities. Although these accessibility requirements are not as intensive as those of Section 504, they were a first step in opening many apartment developments to people with disabilities regardless of income level. The FHAA was also very helpful for middle-income and upper-income people with disabilities also need accessible housing. In Santa Clara County, there 34,648 units in structures with five or more units build from 2000 to the present. There are an additional 51,976 such units built from 1980 through 1999. If it is assumed that 45% of these units were built from 1991 through 1999, then there would be an additional 23,389 units in developments subject to design and construction standards.

It is important to note that FHAA units are not the same as accessible units under Section 504 or ADA Title II. Therefore, utilizing FHAA units as a proxy for the number of accessible housing units available or required under Section 504 or ADA Title II does not produce an accurate count. Although they are not fully accessible, these units are an important source of housing for people with disabilities who do not need a mobility or hearing/vision unit.

Data breaking down affordable, accessible units by number of bedrooms is not available for private housing. Of the 1,821 units in Project-Based Voucher-assisted developments, a large majority (79.4%) are 0-1 bedroom units. Over half (57.6%) of Project-Based Section 8 units are 0-1 bedroom units while 55.7% of LIHTC units are 0-1 bedroom units. Outside of San José, very few Project-Based Section 8 units with two or more bedrooms are available. The lack of larger publicly supported housing units makes it more difficult for families with children that include persons with disabilities and persons with disabilities who need the services of live-in aides to find accessible housing that meets their needs.

Because San Benito County comprises such a small proportion of the region's population, the overall regional picture is not significantly different. However, the situation in San Benito County is in some respects worse than in Santa Clara County. A higher proportion of that county's population (9.5% as compared to 7.9%) has disabilities than in Santa Clara County. Additionally, a higher proportion of that county's housing stock is comprised of detached single family homes (77.6% as compared to 52.9%), which are not subject to any accessibility requirements. San Benito County also has relatively limited publicly supported housing stock. With that said, private, market-rate housing in San Benito County is much more affordable than in Santa Clara County. Thus, unsubsidized apartments there may be a more viable option for low-income persons with disabilities.

Summary

Overall, it is clear that the supply of affordable, accessible units in both the County, each of the cities, and the region is insufficient to meet the need. Over 76,000 County residents have some level of need for units accessible to persons with ambulatory disabilities, over 44,000 have hearing disabilities, and over 27,000 have vision disabilities,[9] and, by the most generous, over-inclusive measures, there may be roughly 60,000 units that have been produced subject to the Fair Housing Act's design and construction standards and less than 5,000 units that must be accessible subject to Section 504. There is, without question, some overlap between these two categories, some of these units are likely non-compliant, and some accessible units are occupied by individuals who do not have disabilities.

Describe the areas where affordable, accessible housing units are located in the jurisdiction and region. Do they align with R/ECAPs or other areas that are segregated?

Across Santa Clara County and the region, areas with affordable, accessible housing tend to be concentrated in the city of San José, which is more heavily Hispanic and Vietnamese than other parts of central and northern Santa Clara County and which includes most of the county's R/ECAPs. In the northwestern portion of the county, there is also clear concentration across cities in areas to the north or east, often on the side of U.S. Route 101 closer to the San Francisco Bay and, at a minimum, between El Camino Real and the San Francisco Bay. These areas do not include any R/ECAPs but are more heavily Hispanic than the southern or western portions of cities like Mountain View, Sunnyvale, and Santa Clara, nonetheless. West Valley cities that are part of the Urban County, like Los Altos, Los Gatos, and Saratoga, as well as the city of Cupertino have comparatively less affordable, accessible housing because these areas, which have disproportionately low Hispanic and Vietnamese populations in comparison to the broader county.

To what extent are people with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?

---

[9] Note that because individuals can have multiple disabilities some of these are the same people and should not be double or even triple counted.

Table 2, Disability by Publicly Supported Housing Program Category, Sunnyvale

Jurisdiction	People with a Disability	
	#	%
Public Housing	N/A	N/A
Project-Based Section 8	11	3.09%
Other Multifamily	14	66.67%
HCV Program	226	44.66%

In Sunnyvale, persons with disabilities are underrepresented among Project-Based Section 8 residents and have high access to Other Multifamily Housing and Housing Choice Vouchers.

Integration of People with Disabilities Living in Institutions and Other Segregated Settings

To what extent do people with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?

Up until a wave of policy reforms and court decisions in the 1960s and 1970s, states, including California, primarily housed persons with intellectual and developmental disabilities and individuals with psychiatric disabilities in large publicly-run institutions. In California, institutions for persons with intellectual and developmental disabilities are called developmental centers, and institutions for persons with psychiatric disabilities are called state hospitals. Within these institutions, persons with disabilities have had few opportunities for meaningful interaction with individuals without disabilities, limited access to education and employment, and a lack of individual autonomy. The transition away from housing persons with disabilities in institutional settings and toward providing housing and services in home and community-based settings accelerated with the passage of the Americans with Disabilities Act in 1991 and the U.S. Supreme Court's landmark decision in *Olmstead v. L.C.* in 1999. In *Olmstead*, the Supreme Court held that, under the regulations of the U.S. Department of Justice (DOJ) implementing Title II of the Americans with Disabilities Act (ADA), if a state or local government provides supportive services to persons with disabilities, it must do so in the most integrated setting appropriate to the needs of a person with a disability and consistent with their informed choice. This obligation is not absolute and is subject to the ADA defense that providing services in a more integrated setting would constitute a fundamental alteration of the state or local government's programs.

The transition from widespread institutionalization to community integration has not always been linear, and concepts of what comprises a home and community-based setting have evolved over time. Although it is clear that developmental centers and state hospitals are segregated settings and that an individual's own house or apartment in a development where the vast majority of residents are individuals without disabilities is an integrated setting, significant ambiguities remain. Nursing homes and intermediate care facilities are clearly segregated though not to the same degree as state institutions. Group homes fall somewhere between truly integrated supported housing and such segregated settings, and the degree of integration present in group homes often corresponds to their size.

Below, this assessment includes detailed information about the degree to which persons with intellectual and developmental disabilities and individuals with psychiatric disabilities reside in integrated or segregated settings. The selection of these two areas of focus does not mean that persons with other types of disabilities are never subject to segregation. Although the State of California did not operate analogous institutions on the same scale for persons with ambulatory or sensory disabilities, for example, many people with disabilities of varying types face segregation in nursing homes. Data concerning persons with various disabilities residing in nursing homes is not as available as data relating specifically to persons with intellectual and developmental disabilities and persons with psychiatric disabilities. Because city-level agencies play a limited role in meeting the need for home and community-based services, the analysis that follows is largely the same across Santa Clara County and the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale.

Table 3, Intellectual and Developmental Disabilities
Performance of San Andreas Regional Center, December 2017

Dec. 2018 Performance Reports	Fewer consumers live in developmental centers	More children live with families	More adults live in home settings	Fewer children live in large facilities (more than 6 people)	Fewer adults live in large facilities (more than 6 people)
State Average	0.21%	99.32%	79.61%	0.04%	2.47%
San Andreas Regional Center	0.04%	98.95%	78.32%	0.04%	1.58%

In California, a system of regional centers is responsible for coordinating the delivery of supportive services primarily to individuals with intellectual and developmental disabilities. The regional centers serve individuals with intellectual disabilities, individuals with autism spectrum disorder, individuals with epilepsy, and cerebral palsy. These disabilities may be co-occurring. Although there is some variation from regional center to regional center, individuals with intellectual disabilities and individuals with autism spectrum disorder predominate among consumers. All data regarding the regional centers is drawn from their annual performance reports.

In the region, there is one regional center – the San Andreas Regional Center – that serves all of Santa Clara County and San Benito County, as well as Monterey and Santa Cruz Counties just to the south and southwest of the region. Unfortunately, the Regional Center of the East Bay does not disaggregate its publicly reported data by county to allow a Santa Clara County-specific or city-specific analysis. Nonetheless, since Santa Clara County is significantly larger than the other three counties combined, most of what is reflected in data from the San Andreas Regional Center reflects conditions in Santa Clara County.

On an annual basis, these regional centers report to the California Department of Developmental Services on their performance in relation to benchmarks for achieving community integration of persons with intellectual and developmental disabilities. As reflected in the table above, the San Andreas Regional Center simultaneously has lower rates of persons with developmental

disabilities living in institutional settings but also lower rates of persons with developmental disabilities living in home or family-based settings than statewide. In some cases, disparities between the San Andreas Regional Center and the state are very small and may not support an inference that structural factors are playing a particularly acute role in perpetuating the segregation of persons with intellectual and developmental disabilities in the region.

At the end of 2018, the California Department of Developmental Services closed the Sonoma Developmental Center, which was the last remaining large, state-run institution for persons with developmental disabilities in the Bay Area. Porterville Developmental Center, located in the Central Valley, is the closest such institution that remains. The facility is scheduled to close by the end of 2021. As of November 2019, there were between 1 and 10 individuals from the area served by the San Andreas Regional Center residing in developmental centers like the Porterville Developmental Center.

The San Andreas Regional Center reports the number of individuals served by type of setting by race or ethnicity. The categories included are Home, Residential, ILS/SLS, Institutions, Med/Rehab/Psych, and Other. The category of Home includes the home of a parent or guardian, a foster home for children, and a family home for adults. The category of Residential includes community care facilities and intermediate care facilities (ICFs) and continuous nursing. The category of ILS/SLS solely includes independent living and supported living. Institutions include developmental centers, state hospitals, and correctional institutions. The category of Med/Rehab/Psych includes skilled nursing facilities, psychiatric treatment facilities, rehabilitation centers, sub-acute care, and community treatment facilities. The Other category includes individuals who are homeless as well as individuals who do not fall into any category (and one individual living outside of California). In general, Home and ILS/SLS settings are the most integrated, and Institutions and Med/Rehab/Psych are the most segregated. Residential settings fall somewhere in between with community care facilities being more integrated than ICFs within the category. Clearly, homelessness is not consistent with meaningful community integration. The table below reflects the percentage of individuals with intellectual or developmental disabilities served in each type of setting.

Table 4, Type of Setting by Race or Ethnicity, San Andreas Regional Center, 2018-2019

Type of Setting	Total Served	% Non-Hispanic White	% Black	% Asian or Pacific Islander	% Hispanic	% Other or Multi-Racial
Home	17,265	20.7%	1.6%	21.1%	42.7%	13.1%
Residential	1,859	59.0%	3.8%	11.3%	19.3%	6.2%
ILS/SLS	1,229	62.2%	4.8%	6.5%	20.6%	5.6%
Institutions	20	25.0%	5.0%	20.0%	35.0%	15.0%
Med/Rehab/Psych	81	40.7%	3.7%	18.5%	28.4%	7.4%
Other	65	40.0%	9.2%	4.6%	33.8%	12.3%

In the service area of the San Andreas Regional Center, Asian or Pacific Islander residents appear to be underrepresented in the population receiving services for intellectual and developmental disabilities. With respect to individual types of settings, Hispanic residents are most likely to reside in home-based settings while White residents have the greatest access to independent living and

supported living environments. Black residents are overrepresented in Institutions and Other, which includes homelessness. This data suggests that, for Black individuals with intellectual and developmental disabilities, the effects of mass incarceration on their prospects for integration may be compounded by both race and disability status. The high representation of Hispanic residents in home-based settings and their low concentration in independent living and supported living settings may suggest a need for planning around helping adult with developmental disabilities who are living with their parents gain access to and transition to independent living when their parents are no longer able to serve as care providers.

Overall, this data shows that, within the County and the region, persons with intellectual and developmental disabilities are typically at least slightly less likely to be segregated in institutional settings than statewide. The data shows that a significant minority of adults with intellectual and developmental disabilities, in particular, reside in comparatively segregated, congregate settings. It is highly likely that not all persons with intellectual and developmental disabilities who would like to live in integrated settings in the County, the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale, and the region have the opportunity to do so.

Psychiatric Disabilities

Napa State Hospital is the primary large institution for individuals with psychiatric disabilities serving the part of California including Santa Clara County. As of November 2016, the facility had 1,267 patients, slightly over its official capacity of 1,255 beds. The hospital's website breaks down the patient population among four categories of admittees. 47% were committed by virtue of being found not guilty of a crime by reason of insanity. 30% were committed because they had been found incompetent to stand trial. 17% were civilly committed. Lastly, 6% were classified as mentally disordered offenders. Thus, a significant majority of individuals with psychiatric disabilities institutionalized within Northern California resided in institutions because of contact with the criminal justice.

The Department of State Hospitals does not disaggregate publicly available data about patients by county of origin nor does it disaggregate detailed demographic data about patients by hospital. Nonetheless, some system-wide information is useful. Across California, those institutionalized in state hospitals are disproportionally male (87%), Black (25%), and have low levels of educational attainment (79% lack a high school diploma). This data is consistent with the fact that the criminal justice system is the primary gateway into the state hospital system. 4.3% of all residents of state hospitals and participants in jail-based mental health treatment statewide are from Santa Clara County. The most common diagnosis for patients (40%) is schizophrenia followed by schizoaffective disorder (24%). Interventions, like those offered through the Santa Clara County Behavioral Health Services' Criminal Justice Services program, that target needed non-punitive services to children and transition-age youth in overpoliced, disproportionately Hispanic and Black communities in the County could advance efforts to reduce the institutionalization of persons with psychiatric disabilities in state hospitals, jails, and prisons.

Santa Clara County Behavioral Health Services is responsible for coordinating the provision of supportive services for persons with psychiatric disabilities in Santa Clara County and the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale. Though the agency provides or coordinates the provision of needed services and housing in integrated

settings, it also assists some more segregated efforts. These include three institutions for mental disease, two of which are located in San José and one of which is located outside of the county in Santa Cruz. Gradually phasing out the use of these inpatient settings and reducing their scale while increasing the availability of supportive housing, with intensive services and supports if needed and chosen by the consumer, would increase the integration of persons with psychiatric disabilities in Santa Clara County.

Describe the range of options for people with disabilities to access affordable housing and supportive services in the jurisdiction and region.

The primary source of affordable housing available to persons with disabilities in Santa Clara County and its cities consists of permanent supportive housing built with the assistance of Measure A bond funds. The County's Office of Supportive Housing has prioritized the use of Measure A funds for permanent supportive housing, specifically seeking developments in which at least 50% of units are permanent supportive housing through its notice of funding availability. Although early funded developments focused most heavily on meeting the housing needs of chronically homeless individuals with disabilities who frequently have psychiatric disabilities, the County's most recent notice of funding availability includes a set-aside of funds for development of permanent supportive housing for persons with developmental disabilities. One concern is that 50% is a higher concentration of persons with disabilities than is typically considered truly integrated when developing permanent supportive housing. Reducing that target to 25% would foster community integration while still yielding a large number of units.

Additionally, the Santa Clara County Housing Authority has multiple waiting list preferences that have the effect of increasing access to affordable housing for persons with disabilities. These include its Chronically Homeless Direct Referral Program, Special Needs Population Direct Referral Program, Veterans Affairs Supportive Housing Program, and Mainstream Voucher Program. These programs likely contribute to the higher levels of access that persons with disabilities have to the Housing Choice Voucher program in Santa Clara County and its cities than they do to other publicly supported housing programs.

Disparities in Access to Opportunity

To what extent are people with disabilities able to access the following in the jurisdiction and region? Identify major barriers faced concerning:

i. Government services and facilities

This Assessment did not reveal specific evidence of inaccessible government facilities in Santa Clara County, including the facilities of the County government, the cities participating in the Urban County, and the Cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale. To ascertain the extent of inaccessible government facilities, this Assessment included research into litigation against local governments brought under the Americans with Disabilities Act and conversations with disability advocates who might be aware of inaccessible facilities. One issue this Assessment did uncover, however, is that, when various local governments utilize external stakeholders' or partners venues or meeting spaces, those locations are not always accessible. Advocates noted particular examples of this phenomenon in

the City of San José's public outreach efforts. Local governments should carefully weigh accessibility concerns alongside their interest in increasing community engagement by meeting residents where they are. Ensuring that there are concurrent engagement opportunities that are accessible to persons with disabilities may not be sufficient as that could create the perception that there is a "separate but equal" process for persons with disabilities. This Assessment did not reveal evidence of inaccessible government services.

ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)

In general, this Assessment did not reveal evidence of inaccessible public infrastructure though there remain places without curb cuts, pedestrian crossings, and pedestrian signals and where cities install such accessibility features through a demand-response model. Community members in Gilroy raised concerns about a relative lack of sidewalks and poorly maintained sidewalks in the heavily Hispanic eastern portion of the city. Such deficits have accessibility implications even in the absence of a specific violation of the Americans with Disabilities Act.

iii. Transportation

The Valley Transportation Authority (VTA) and Caltrain are the primary public transportation providers across Santa Clara County. Although these providers have been the subject of Americans with Disabilities Act litigation, there have not been recent findings of systemic accessibility problems. In fact, in a 2016 decision in *Lee v. Santa Clara Valley Transportation Authority*, the U.S. District Court for the Northern District of California granted summary judgment to the VTA in a case in which a passenger using a wheelchair was injured due to bus driver error in the deployment of a wheelchair ramp due to undisputed evidence that, including in the plaintiff's experience, VTA buses are equipped with working ramps and operators deploy them correctly. The VTA appears to have robust accessibility policies in place.[10]

iv. Proficient schools and educational programs

Children with disabilities face barriers in their attempts to access proficient schools throughout much of Santa Clara County. As discussed in the Disparities in Access to Opportunity section of this Assessment, school proficiency is generally higher in the West Valley, including in Urban County cities like Los Altos, Los Gatos, and Saratoga as well as in Cupertino. Additionally in the cities of Mountain View, Santa Clara, and Sunnyvale, school proficiency is generally higher in the southern portions of those cities, the areas in closer proximity to West Valley cities. Higher levels of school proficiency do not necessarily reflect higher levels of school funding, and the Cupertino Union School District's per-pupil expenditures are not disproportionately high in relation to the broader county. These areas that have the most proficient schools also have, as discussed above, relatively lower concentrations of persons with disabilities, in general, and children with disabilities, in particular. Thus, children with disabilities, who are concentrated in the city of San José and the northern portions of cities to the northwest of San José, have somewhat lower access to proficient schools due to geographic patterns of inequity in education.

---

[10] https://www.vta.org/go/accessibility

In addition to the patterns discussed above, disparities in school discipline can impede access to education for students with disabilities. According to data from the California Department of Education, the suspension rate for students with disabilities in Santa Clara County was 6.2% for the 2018-2019 school year, a figure close to that of the statewide percentage of 6.4%. For students who do not have disabilities, the rate was 2.0%, more significantly below the statewide rate of 3.0%. Thus, the disparity in suspension rate in Santa Clara County was higher than statewide though the percentage was slightly lower. The Department of Education's DataQuest tool does not allow for a district-specific analysis of these disparity rates but does show overall district suspension rates. Suspension rates are notably higher in South County, including in the Gilroy Unified (4.8%) and Morgan Hill Unified (5.1%) school districts, than in the remainder of the county. Suspension rates in San José (2.7%), which has the highest concentration of children with disabilities, are slightly higher than countywide. In general, the districts with the most proficient schools and the lowest concentrations of children with disabilities have the lowest suspension rates.

v. Jobs

Persons with disabilities in Santa Clara County and its cities face severely constrained access to employment. The data in the table below is not available through the American Community Survey for the cities of Cupertino, Gilroy, Mountain View, and Palo Alto, but the stark consistency of data showing extremely low rates of employment and labor force participation for persons with disabilities in the region, Santa Clara County, and the larger cities of San José, Santa Clara, and Sunnyvale suggest that it is likely that similar problems exist in those somewhat smaller cities, as well. It should be noted that the table below includes elderly individuals in the population assessed. That may make this data seem more dramatic than it truly is, but low levels of access to employment are an omnipresent fact nonetheless.

Table 5, 2013-2017 ACS 5-year Estimates, civilian noninstitutionalized population with disabilities aged 16 and over, employment and disability

	% in labor force	% employed
San José	24.7%	21.5%
Santa Clara	23.9%	20.8%
Sunnyvale	24.9%	22.9%
Santa Clara County	24.4%	21.4%
San José-Sunnyvale, Santa Clara, CA Region	24.5%	21.5%

The table below corroborates this trend, showing low levels of employment for persons with developmental disabilities who receive services through the San Andreas Regional Center. The San Andreas Regional Center appears to slightly lag statewide averages with respect to the percentage of individuals with earned income but part of that gap may result from a lower proportion of individuals working in segregated settings like sheltered workshops.

Table 6, 2016 Employment Metrics for Adults with Intellectual and Developmental Disabilities, San Andreas Regional Center

Regional Center	Percentage of Adults Earning Below Minimum Wage	Percentage of Consumers with Earned Income	Percentage of Adults with a Paid Job in a Community-Based Setting	Percentage of Adults with Integrated Employment As a Goal in Their Individual Program Plan	Percentage of Adults Current Unemployed But Wanting a Job in the Community
State Average	57%	14.2%	13%	27%	45%
San Andreas Regional Center	54%	11.3%	13%	23%	45%

Describe the processes that exist in the jurisdiction and region for people with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.

i. Government services and facilities

Local government websites generally include readily identifiable accessibility pages that provide key information regarding website accessibility and the process for requests related to that subject. The websites typically do not have easily identifiable resources regarding how to submit a reasonable accommodation more broadly.

ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)

The City of San José has a readily identifiable online tool on its website for requesting accessibility improvements such as curb cuts. The city appears to be an outlier in this respect. Other cities should improve the accessibility of their infrastructure by incorporating such features into their websites.

iii. Transportation

The VTA has a clear, dedicated page that describes its reasonable accommodations process. The VTA's policy appears to be consistent with legal requirements and best practices.

iv. Proficient schools and educational programs

School district websites generally do not have information about how to request a reasonable accommodation or the districts' policies regarding the evaluation of requests. School districts

typically do have information about special education services and the process for identification of students as students with disabilities needing such services. This still leaves a gap with respect to students who simultaneously have disabilities, such as mobility impairments, but may not require ongoing special education services. School districts should add content describing their reasonable accommodation policies to their websites.

v. Jobs

It is generally very difficult to find information online regarding employers' reasonable accommodation policies and practices.

Describe any difficulties in achieving homeownership experienced by people with disabilities and by people with different types of disabilities in the jurisdiction and region.

In large part due to significant disparities in income for persons with disabilities and the high cost of housing in Santa Clara County, it is extremely difficult for persons with disabilities to access homeownership in the county and its cities. Additionally, service providers and advocates working with persons with disabilities have reported that some mortgage lenders do not appropriately count income from disability benefits as income for purposes of evaluating loan applications.

Disproportionate Housing Needs

Describe any disproportionate housing needs experienced by people with disabilities and by people with certain types of disabilities in the jurisdiction and region.

In Santa Clara County, households including persons with disabilities encounter housing problems at slightly higher rates than do households that do not include persons with disabilities. Overall, 40.3% of households experience one or more housing problems. 48.8% of households including persons with disabilities experience housing problems. It is likely that this relatively modest disparity obscures deeper problems as many elderly persons with disabilities may own their own homes, which may be paid off in some cases. Younger persons with disabilities who are more likely to rent and who are less likely to have had substantial income from employment at any point in their lives likely experience much more extensive housing problems. Disproportionate housing needs appear to persist across types of disabilities.

E. Fair Housing Enforcement, Outreach Capacity and Resources

List and summarize any of the following that have not been resolved:

- A charge or letter of finding from HUD concerning a violation of a civil rights-related law;
- A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law;
- Any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice;

- A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law;
- A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing;
- Pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination.

This Assessment did not reveal any unresolved proceedings of the type described above regarding Sunnyvale.

Describe any state or local fair housing laws. What characteristics are protected under each law?

California Laws

The State Department of Fair Employment and Housing (DFEH) enforces California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA) (Government Code Section 12955 et seq.) prohibits discrimination and harassment in housing practices, including:

- Advertising
- Application and selection process
- Unlawful evictions
- Terms and conditions of tenancy
- Privileges of occupancy
- Mortgage loans and insurance
- Public and private land use practices
- Unlawful restrictive covenants

The following categories are protected by FEHA:

- Race or color
- Ancestry or national origin
- Sex, including Gender, Gender Identity, and Gender Expression
- Marital status
- Source of income
- Sexual orientation
- Familial status (households with children under 18 years of age)
- Religion
- Mental/physical disability
- Medical condition
- Age
- Genetic information

In addition, FEHA contains similar reasonable accommodations, reasonable modifications, and accessibility provisions as the Federal Fair Housing Amendments Act. FEHA explicitly provides that violations can be proven through evidence of the unjustified disparate impact of challenged actions and inactions and establishes the burden-shifting framework that courts and the Department of Fair Employment and Housing must use in evaluating disparate impact claims.

The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, and sexual orientation. While the Unruh Civil Rights Act specifically lists "sex, race, color, religion, ancestry, national origin, disability, and medical condition" as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. In practice, this has meant that the law protects against arbitrary discrimination, including discrimination on the basis of personal appearance.

Furthermore, the Ralph Civil Rights Act (California Civil Code Section 51.7) forbids acts of violence or threats of violence because of a person's race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation, or position in a labor dispute. Hate violence can include: verbal or written threats; physical assault or attempted assault; and graffiti, vandalism, or property damage.

The Bane Civil Rights Act (California Civil Code Section 52.1) provides another layer of protection for fair housing choice by protecting all people in California from interference by force or threat of force with an individual's constitutional or statutory rights, including a right to equal access to housing. The Bane Act also includes criminal penalties for hate crimes; however, convictions under the Act may not be imposed for speech alone unless that speech itself threatened violence.

Finally, California Civil Code Section 1940.3 prohibits landlords from questioning potential residents about their immigration or citizenship status. In addition, this law forbids local jurisdictions from passing laws that direct landlords to make inquiries about a person's citizenship or immigration status.

In addition to these acts, Government Code Sections 11135, 65008, and 65580-65589.8 prohibit discrimination in programs funded by the State and in any land use decisions. Specifically, changes to Sections 65580-65589.8 require local jurisdictions to address the provision of housing options for special needs groups, including:

- Housing for persons with disabilities (SB 520)
- Housing for homeless persons, including emergency shelters, transitional housing, and supportive housing (SB 2)
- Housing for extremely low income households, including single-room occupancy units (AB 2634)

- Housing for persons with developmental disabilities (SB 812)

Although the FEHA purports to protect against source of income discrimination, the provision has been largely toothless. In October of 2019, the governor of California signed into law SB 329, prohibiting discrimination in housing based on source of income statewide.

Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

Bay Area Legal Aid

BALA represents low and very low income residents within their seven county service area, which includes Santa Clara County. Their housing practice provides legal assistance regarding public, subsidized (including Section8 and other HUD subsidized projects) and private housing, fair housing and housing discrimination, housing conditions, rent control, eviction defense, lock-outs and utility shut-offs, residential hotels, and training advocates and community organizations. It is important to note that Legal Aid is restricted from representing undocumented clients.

Project Sentinel

Project Sentinel is a non-profit organization focused on assisting in housing discrimination matters, dispute resolution, and housing counseling. Project Sentinel's housing practice assists individuals with housing problems such as discrimination, mortgage foreclosure and delinquency, rental issues including repairs, deposits, privacy, dispute resolution, home buyer education, post purchase education, and reverse mortgages. Additionally, their Fair Housing Center provides education and counseling to community members, housing providers, and tenants about fair housing laws, and investigate complaints and advocate for those who have experienced housing discrimination.

Law Foundation of Silicon Valley

The Law Foundation of Silicon Valley provides free legal advice and representation to low-income individuals in Santa Clara County. In their housing practice, they assist with defending eviction lawsuits, housing discrimination issues such as reasonable accommodation requests for individuals with disabilities, enforcing the San José Tenant Protection Ordinance, legal outreach and support for renter organizing/campaigns, help with housing authority hearings, Section 8 and other low-income housing issues like terminations and eligibility determinations, legal advice and information to tenants regarding notices, and advice and information about foreclosure prevention.

Senior Adults Legal Assistance

SALA is a nonprofit elder law office, providing free legal services to residents of Santa Clara County who are age 60 and older. SALA provides legal services across multiple, non-housing contexts, and in the housing context SALA provides legal assistance in landlord-tenant matters, subsidized/senior housing matters, and mobile home residency matters.

<u>Asian Law Alliance</u>

The Asian law Alliance provides services at a free or low cost basis to Asian/Pacific and low income people, and offers services in Mandarin, Cantonese, Spanish, Vietnamese, Tagalog, Korean, and other languages as needed. In the housing realm, their mission is to ensure access to decent housing, and prevent and combat against illegal and discriminatory housing practices.

<u>Affordable Housing Network of Santa Clara County</u>

AFH is a nonprofit organization dedicated to preserving and expanding the supply of affordable housing through education, empowerment, coordination, and support. Its activities include educating and organizing the general public and public officials about the need for affordable housing, and empowering low-income people to advocate for their housing needs.

<u>Silicon Valley Renters Rights Coalition + Latinos United for a new America (LUNA)</u>

These two groups have been working together to advocate for renters rights and to move leadership to pass a Just Cause policy that will protect renters from unjust rent hikes.

<u>Amigos de Guadalupe</u>

Amigos de Guadalupe is a nonprofit organization focused specifically on serving the Mayfair community in San José. Their housing resources include housing coaching sessions, one-time security deposit assistance, temporary "Winter Faith Collaborative" shelter, and case management.

<u>Department of Fair Employment and Housing</u>

The California DFEH is a state agency dedicated to enforcing California's civil rights laws. Its mission targets unlawful discrimination in employment, housing and public accommodations, hate violence, and human trafficking. Victims of discrimination can submit complaints directly to the department.

Additional Information

Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.

Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the lack of fair housing enforcement, outreach capacity, and resources and the severity of fair housing issues, which are Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.

Please see the Appendix for the following Contributing Factors to Fair Housing Enforcement, Outreach Capacity, and Resources:

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

VI.   Fair Housing Goals and Priorities

The following goals and priorities should be considered by the City of Sunnyvale when preparing future Housing Element's and Consolidated Plans. Goals should be implemented as outlined in those policy documents.

I.   Promote residential racial and ethnic integration and reduce displacement by increasing the supply of affordable housing in both high opportunity areas, areas with ongoing displacement, and areas that are at risk of displacement.

Santa Clara County's high and rapidly rising housing costs, along with the unequal distribution of affordable housing across its communities, are the primary driver of most fair housing issues for members of protected classes in the area. Hispanic residents, Vietnamese residents, and persons with disabilities experience these problems most acutely. In order to increase both the supply and the geographic diversity of affordable housing, multiple complementary strategies are necessary.

a.   Evaluate whether to support the County place a new countywide affordable housing bond on the ballot within the next five years.

In 2016, Santa Clara County voters approved Measure A, a $950 million bond issue for affordable housing. As of October 2019, the County had approved the use of approximately 28% of those funds, resulting in the development of 1,612 new apartments and the renovation of 484 units toward an overall goal of creating or preserving 4,800 affordable units. In the expenditure of Measure A funds, housing for extremely low-income households and supportive housing for persons with disabilities are explicitly prioritized thus ensuring a more intentional focus of advancing fair housing. Measure A has facilitated significant progress in Santa Clara County, but, at the same time, it is likely that the remaining funds will be expended before the close of the five-year implementation period for these goals and strategies. Accordingly, placing a new countywide affordable housing bond on the ballot for voter approval during the next five years may be critical for continued progress.

b.   Build support for city-level affordable housing bonds in cities throughout Santa Clara County.

Because a two-thirds majority is required to approve a bond measure, it is critical that there be robust public support for local affordable housing funding before advancing that strategy. In 2018, San José voters narrowly failed to pass Measure V, which would have authorized $450 million in affordable housing bonds, with 64% of voters approving. That is a relatively modest gap to bridge through education and outreach efforts, but more upfront work to build support may be necessary in other cities that have not previously voted on a city-level affordable housing bond. Once local support can be built in higher income cities that tend to have low concentrations of Hispanic and Vietnamese residents, city-level bond measures can be an important strategy for advancing equity, both because building affordable housing in those places would foster integration and because the burden of repayment of the bonds through increased property taxes would not fall on residents of low-income communities of color in other cities.

c. Consider providing grants to single-family homeowners with household incomes of up to 120% of the Area Median Income to develop accessory dwelling units with affordability restrictions on their property.

Some moderate and middle-income homeowners may be especially interested in doing their part to provide affordable housing through the creation of ADUs but may face barriers in their attempts to access financing. These barriers may be particularly acute for homeowners who are members of protected classes. By providing grants instead of just low-interest loans to homeowners with less financial capacity, municipalities could increase the supply of deed restricted affordable housing and also support wealth generation in communities of color.

d. Coordinate and expand inclusionary housing and commercial linkage fee policies with proceeds dedicated to affordable housing across cities.

Most cities in Santa Clara County have inclusionary housing ordinances. Most of these ordinances require a set-aside of 15%, but, beyond that, they vary widely regarding the income levels that they target, whether they allow off-site or in-lieu fee options, and the minimum number of units in a development to trigger coverage by the ordinance. Cities, as well as Santa Clara County with respect to its unincorporated areas, should either adopt inclusionary housing ordinances or amend existing ordinances to achieve the following baseline characteristics:

- Minimum set-aside percentage of 15%;
- At least some affordable units available to households with incomes at or below 80% of Area Median Income;
- Application to both for-sale and rental developments;
- Coverage of all developments with at least 10 units;
- Long-term affordability protections of at least 50 years;
- In-lieu fees that are set high enough that providing housing on-site is a desirable option for developers; and
- Robust incentives to ensure that requirements do not deter market-rate development.

These baseline characteristics should not deter municipalities from proposing more ambitious policies with respect to the size of set-aside requirements or the depth of affordability, particularly in higher income parts of the county where market-rate rents can sustain greater cross-subsidization.

With respect to commercial linkage fees, fewer cities currently have such policies than inclusionary housing policies, and the California Mitigation Fee Act limits the amount of fees in a manner that is specific to each jurisdiction. As a result, the three most important steps that municipalities can take are, first, to adopt commercial linkage fees where they do not exist; second, to ensure that the fees are set at a high enough proportion of the allowable fee that significant revenue is not being left on the table; and, third, to ensure that a significant portion of fee revenue is dedicated to affordable housing. Ensuring that municipalities are not setting much lower fees than they could also reduces the risk of municipalities being pitted against each other in a race to the bottom in efforts to attract commercial development.

e. Incorporate priorities for expanding access to high opportunity areas and reducing displacement into notices of funding availability and requests for proposals for affordable housing funds.

Scoring incentives can have a powerful effect on where affordable housing developers choose to pursue building opportunities. The California Tax Credit Allocation Committee (TCAC) already offers application scoring incentives for projects that would be located in Census Tracts that are categorized as "High Resource" or "Highest Resource" in Opportunity Maps created by the Othering & Belonging Institute (formerly known as the Haas Institute for a Fair and Inclusive Society) at UC Berkeley. These maps, however, do not effectively distinguish between low-income communities of color where displacement risk is high and those where it is not. Accordingly, basing priorities solely off of the Opportunity Maps would not help mitigate the disproportionate displacement of protected class members. Instead, basing priorities for high opportunity areas off the Opportunity Maps in order to align with while basing anti-displacement priorities off of maps created by UC Berkeley's Urban Displacement Project would be more effective. In addition, in designing these geographic priorities, the creation of separate set-aside pools would be more likely to achieve the dual goals of both fostering integration and reducing displacement than would offering scoring points to both types of developments. This is particularly true because certain other scoring incentives, including for site control and local support, may make it harder for proposals in high opportunity areas to succeed.

II. Reduce zoning and land use barriers to affordable housing development.

In several communities in Santa Clara County, the prevalence of single-family residential zoning makes it harder to develop housing that would disproportionately serve members of protected classes. At the same time, approaches to increasing density that do not recognize contextual differences between historically exclusionary communities and ones with a history of disinvestment and redlining can destabilize low-income communities of color and contribute to displacement. Changes in state law concerning ADUs are likely to reduce the impact of single-family residential zoning to an extent but are not sufficient to allow for large-scale affordable housing development.

a. Increase high density zoning near transit in high opportunity areas through overlay affordable housing overlay districts.

Cities that include areas that are categorized as High Resource or Highest Resource in the Othering & Belonging Institute's Opportunity Maps should create an affordable housing overlay district that allows for the construction of dense affordable multi-family near public transit service in those census tracts. Affordability requirements in those districts should be more robust than under inclusionary housing ordinances in order to ensure capture of the publicly created value of rezoning, with a minimum affordable component of 20% and at least some units available to very low-income households. With a 20% set-aside requirement in place, developers may be able to access Low Income Housing Tax Credits. Density restrictions and related development standards (such as minimum lot sizes and setbacks) in areas covered by the overlay should match those of the highest density zoning classification in the applicable city.

b. Reduce parking minimums near public transit service and limit aesthetically-oriented design criteria for affordable housing developments.

Some zoning and land use regulations serve little public purpose and drive up the cost of development. High minimum parking requirements at developments located near public transit service and overly detailed aesthetically-oriented design criteria are two prime examples of such policies. Reduced parking requirements may be particularly appropriate at developments whose owners or managers take steps to make car-free living a realistic opportunity for residents, including through car and bicycle share services, bicycle parking, and free or discounted public transit passes. The reduction in aesthetically-oriented design criteria need not mean a total absence of design review, as municipalities can ensure that developments fit into established neighborhoods without mandating the use of certain building materials or the incorporation of specific ornamentation.

c. Incorporate a fair housing equity analysis into the review of significant rezoning proposals and specific plans.

At times, large scale development and redevelopment efforts have not sufficiently addressed the needs of large families with children, persons with disabilities, and Hispanic and Vietnamese residents, in particular. By incorporating a fair housing analysis in the review process for redevelopment plans and Specific Plans at an early stage, planning staff for municipalities could catch issues such as the distribution of unit sizes in proposed developments while it is still feasible to amend plans.

d. Increase planning staffing and prioritize staff retention to ensure prompt, consistent processing of development projects.

Developers report experiencing delays in zoning and land use approval processes that are the result of understaffing of and frequent turnover in planning departments rather than the requirements of municipal ordinances. The resulting delays adversely affect housing affordability in a variety of ways, including by reducing overall supply, by reducing the strength of inclusionary housing requirements that would be financially viable, and by reducing the number of affordable units and the depth of affordability of affordable units in proportion to the amount of subsidy publicly supported housing developments receive. More robust staffing, along with efforts to reduce staff turnover, would reduce delays without resulting in unintended harms to the public. Although a financial commitment to increasing staffing and retention would be necessary, it is possible that this investment would pay for itself in time through increased tax revenue.

III. Protect tenants from displacement through more robust tenant protections and access to legal services.

Tenant protections only assist tenants and prevent displacement if tenants have access to legal services. Municipalities in Santa Clara County should fund a consortium of legal services providers to meet the full need for tenant representation in landlord-tenant matters. Although doing so would require an upfront investment, avoiding unnecessary evictions reduces a variety of social costs and strain on other public services. The municipalities should jointly fund this initiative on a

countywide level with each city paying in proportionally in order to avoid the need for legal services providers to enter into separate contracts with each municipality contributing funds. Municipalities should explore funding strategies that tap the capacity of large technology employers to pay for the implementation of a right to counsel.

    a. Provide funding to ensure a right to counsel for tenants in landlord-tenant proceedings, including those involving the application of new laws like A.B. 1482.

    b. Support education for tenants and housing providers regarding new tenants' rights laws.

In addition to the enforcement of tenants' rights, education for tenants and housing providers is also essential. If tenants are unaware of their rights and of how to enforce them, aspirational laws are unlikely to have their intended effect. Ensuring that housing providers understand their obligations can reduce the cost of funding enforcement by reducing noncompliance that is grounded in a lack of understanding of the law. Often times, trade associations of housing providers offer education of changes in the law to their members, and this training can be incredibly valuable. At the same time, there is also value in ensuring that housing providers and advocates for tenants are communicating with each other in order to ensure that, to the extent possible, they have a shared understanding of what the law requires. Municipalities should provide support for efforts by advocates for tenants to directly engage with tenants and housing providers to provide education and training regarding new legal requirements like those of A.B. 1482 and the new state prohibition on discrimination against Housing Choice Voucher holders.

    IV. Increase access to opportunity for residents of historically disinvested low-income communities of color.

In Santa Clara County, some areas of concentrated Hispanic and Vietnamese population have disproportionately low access to healthy environmental conditions and proficient schools. In particular, these areas include much of the city of San José, particularly its east side, and the northern or northeastern portions of the cities of Mountain View, Santa Clara, and Sunnyvale. Although members of protected classes generally do not have less access to public transportation services than do others, they may have less access relative to their transit needs. This, in turn, can exacerbate disparities in employment and increase housing cost burden.

    a. Target funds for environmental remediation to low-income communities of color, particularly those in close proximity to major highways or polluting facilities.

In prioritizing the use of funds for environmental mitigation, remediation, and clean-up, municipalities should adopt an environmental justice lens and prioritize meeting the needs of communities that face cumulative risk because of the presence of many stressors. Communities that are in close proximity to major highways like U.S. 101, industrial facilities, or other polluting land uses like Reid-Hillview Airport should be a high priority.

    b. Encourage flexibility in policies that allow for inter-district transfers and consider providing funding for such transfers.

Inequities in K-12 education often exist between school districts rather than within districts. Facilitating inter-district transfers could help Hispanic and Vietnamese students, in particular, access districts serving municipalities with small Hispanic and Vietnamese populations that have highly proficient schools.

> c. Expand bus service in areas with limited service by creating new service on major arterial roads and reducing headways.

Outside of San José, intra-city public transportation in Santa Clara County is very limited, and the limitations of the systems that exist are not conducive to robust ridership. The two most significant barriers to ridership are distance from the nearest bus stops and long headways or wait times on existing routes. For example, in Sunnyvale, there is only north-south services on two major streets, Mathilda and Fair Oaks, and service on Fair Oaks is infrequent with headways of at least half an hour.

> V. Adjust prioritization of permanent supportive housing units to more equitably meet the needs of Hispanic residents, domestic violence victims, persons with limited English proficiency, and individuals with chronic health problems.

The County, through the entities with which it contracts, use a Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT) to guide lease-up for permanent supportive housing developments assisted through Measure A funds. In practice, this tool has been successful in ensuring that chronically homeless individuals, including persons with psychiatric disabilities and substance abuse disorders, obtain access to housing as it comes online. However, there are other vulnerable, currently homeless populations that have had difficulty accessing permanent supportive housing. These include Hispanic families with children who may be doubled up, domestic violence victims, individuals with limited English proficiency for whom the VI-SPDAT process may not be fully accessible (but who may have psychiatric disabilities and/or substance abuse disorders), and individuals with disabilities who have chronic health problems. The County should modify the VI-SPDAT to be more sensitive to the vulnerability of these other populations in order to effectively and equitably serve them in balance with the individuals who are currently being served.

> VI. Increase support for fair housing enforcement, education, and outreach.

Nonprofit fair housing organizations and legal services providers play a critical role in fair housing enforcement, education, and outreach but struggle to meet the full needs of victims of discrimination due to limited financial and staff capacity. By helping these organizations expand their operations, municipalities can ensure that groups have can address critical emerging issues, like those that have stemmed from the passage of A.B. 1482. It would also make proactive audit testing of housing providers rather than reactive complaint-based testing more feasible.

Contributing Factors Appendix

Access to Financial Services

This analysis of access to financial services is measured by physical access to bank branch locations. The FDIC provides information on the location of banks by physical addresses, cities and towns, counties, and states. This information illustrates disparities in access between municipalities that might have differing levels of diversity, but that does not demonstrate access to physical bank branch locations in areas specifically by neighborhoods, which would be the best indicator of access to financial services impacting disparities in access to opportunity. Lack of access to physical bank branches encourages exposure to predatory consumer lenders instead, impacting economic mobility and transportation. Below, the table outlines bank branch access for the eight largest cities in Santa Clara County, as well as the County as a whole:

FDIC-Regulated Bank Branches by Municipality in 2020[11]

Municipality	Population[12]	% Minority Population	FDIC-Regulated Full Service Brick and Mortar Branches	FDIC-Regulated Non-Brick and Mortar Branches
San José	1,030,119	74.0%	137	15
Sunnyvale	153,185	68.8%	24	3
City of Santa Clara	129,488	66.2%	22	1
Mountain View	83,377	55.4%	15	2
Milpitas	80,430	89.1%	19	3
Palo Alto	66,666	44.8%	24	5
Cupertino	60,170	75.0%	23	4
Gilroy	58,756	71.2%	9	2
County Total[13]	1,937,570	69.0%	328	34

This data demonstrates that there are a significant amount of full service financial institutions and other financial institutions throughout the most populated areas of the county. This is particularly true for the county's largest city, San José, which also has a large minority population. Overall, there is no identifiable link between minority representation in a given city and lack of access to financial services. Of course, the existence of financial institutions – both full service and not – is not preclusive of other forms of predatory financial practice and/or lending discrimination.

This also compares favorably with the rest of the region (San Benito County). San Benito has only eight total FDIC-regulated branches of any kind[14] – even considering the population disparities between San Benito and the far larger Santa Clara County, this demonstrates that there is more

---

[11] All FDIC-related data derived from: *Download Data*, FEDERAL DEPOSIT INSURANCE CORPORATION, https://www7.fdic.gov/idasp/advSearch_warp_download_all.asp?intTab=1 (last visited Jan. 30, 2020).

[12] All population and minority population data derived from: *QuickFacts*, UNITED STATES CENSUS BUREAU, https://www.census.gov/quickfacts/fact/table/US/PST045219 (last visited Jan. 30, 2020).

[13] Note that the columns do not sum to the "County Total" as this total includes locations not in the eight cities examined in the table.

[14] *Download Data, supra* note 1.

access to financial services in Santa Clara than San Benito. Moreover, Santa Clara's access is more evenly spread throughout the county, as seven of San Benito's eight branches are located in one city (Hollister).[15]

Access for students with disabilities to proficient schools

As discussed in the Disability and Access section of this Assessment, the portions of Santa Clara County that have the highest concentrations of children with disabilities are not closely aligned with areas with the highest proficiency schools. This is true both at a regional, cross-jurisdictional level – children with disabilities are concentrated in San José, Campbell, parts of Mountain View and Santa Clara, and in a rural area to the southwest of Gilroy while the highest performing schools are in the West Valley – and within particular cities, especially in Mountain View, San José, Santa Clara, and Sunnyvale. Students are not easily able to transfer between school districts without actually changing residences, and access to high-quality programs that may not be available in their home district generally is not grounds for inter-district transfer. Disparities in school discipline also decrease access to proficient schools and to any education whatsoever. Across Santa Clara County, the suspension rate for students with disabilities is over three times the rate for students who do not have disabilities. This is a higher rate of disparity than the statewide rate.

Access to publicly supported housing for persons with disabilities

Data from HUD shows that, across jurisdictions, persons with disabilities are underrepresented in Project-Based Section 8 developments in relation to their proportion of the income-eligible populations. Because local governments in the area do not play a direct role in the administration of Project-Based Section 8 developments, support for fair housing organizations to engage in testing of these developments may be the most effective way of addressing this underrepresentation. Although the data does not reflect similar disparities for other types of publicly supported housing, low-income persons with disabilities may also have limited access to Low Income Housing Tax Credit (LIHTC) units due to the way rents are set in those developments. In LIHTC developments, affordability is generally targeted at households making 50% or 60% of the Area Median Income. For Fiscal Year 2019, 50% of the Area Median Income for a one-person household is $51,250. That income is vastly beyond the means of most persons with disabilities in the area. According to the 2013-2017 American Community Survey, only 34.3% of persons with disabilities in Santa Clara County have earnings of $50,000 or greater. Advocates also reported a lack of understanding of the requirement to grant reasonable accommodations among management companies operating LIHTC developments. In addition to income targeting that may leave out many persons with disabilities and the significant underrepresentation of persons with disabilities in Project-Based Section 8 housing, the most significant barrier to access to publicly supported housing for persons with disabilities is the overall shortage of such housing. That issue is discussed in more detail in connection with two other contributing factors: lack of affordable, accessible housing in a range of unit sizes and lack of affordable, integrated housing for individuals who need supportive services.

---

[15] *Id.*

Access to transportation for persons with disabilities

This contributing factor is particularly severe in Gilroy and the remainder of South County, which is part of the Santa Clara Urban County. To be clear, access to transportation for persons with disabilities is not a contributing factor because of systemic problems with the policies and practices of the Valley Transportation Authority (VTA) or Caltrain. Instead, the barrier, which is closely tied to broader issues with transportation in the area, is an overall lack of public transportation, particularly outside of San José. Advocates and stakeholders reported that the VTA's bus network is spread too thin and has too few buses and/or wait times between buses to efficiently and effectively meet people's needs. In turn, those problems reduce ridership, resulting in decreased fare revenue and a justification for cutting service further. Due to their disproportionately low incomes and the decreased likelihood of their being able to use private vehicles for transportation, persons with disabilities bear the brunt of deficiencies in the system. Lack of transportation is connected to health and employment outcomes as low-income persons with disabilities often need public transportation to get to medical appointments or to workplaces. As agencies like the San Andreas Regional Center work to increase supported employment, lack of transportation is a barrier to persons with disabilities being able to access those employment opportunities.

In South County, the problem of lack of transportation is even more pronounced due to more limited service and the inherent barrier of longer travel times to San José and other parts of northern Santa Clara County. The lack of light rail in South County puts persons with disabilities who need to travel north in a difficult position due to the high cost of riding Caltrain and the possibility that buses will be delayed by traffic. Even without delays, an end-to-end trip on the 68 bus from Gilroy to San José has a scheduled duration of one hour and 51 minutes at peak morning rush hour. Arriving in San José often is not the end of the story as veterans with disabilities, as an example, would then need to transfer to bus service to Palo Alto to reach the VA Hospital. On that end, light rail service terminates in Mountain View, so an individual's options consist of the expensive Caltrain or buses, which are vulnerable to traffic delays.

Admissions and occupancy policies and procedures, including preferences in publicly supported housing

Admissions and occupancy policies and procedures, including preferences in publicly supported housing, is a low priority contributing factor. The Santa Clara County Housing Authority lists only one local preference for its Housing Choice Voucher Program: income eligible families displaced as a result of a federally-declared disaster. Additionally, SCCHA states in its HCV Administrative Plan that it will issue available 59-Mainstream vouchers to eligible people on the Section 8 Waiting List who have a disabled (elderly or non-elderly) head of household, spouse, and/or co-head. SCCHA receives direct applicant referrals from partnering agencies for the following programs: Chronically Homeless Direct Referral Program, Special Needs Population Direct Referral Program, and Veterans Affairs Supportive Housing Program. Those who are referred from these programs are able to bypass the Section 8 or Project-Based Voucher waiting lists. Finally, SCCHA may draw from the waiting list and/or receive direct referrals from the Santa Clara County Office of Supportive Housing for the Mainstream Voucher Program.

SCCHA also applies criminal background screening policies which are fairly consistent with fair housing best practices. The Housing Authority applies a reasonable lookback period of just three years. However, their policy also states that they *may* terminate assistance "if a household member has engaged in criminal activity (by preponderance of evidence) regardless of whether the member has been arrested or convicted." Still, in determining whether to deny or terminate assistance, the Housing Authority considers a multitude of factors, including the seriousness of the case, the effect of termination on other household members, the participation or culpability of other household members, the time elapsed, recent history, likelihood of favorable conduct in the future, etc.

Availability of affordable units in a range of sizes

A lack of affordable units in a range of sizes can cause overcrowding as families are forced to share smaller units. Overcrowding is already an issue in Santa Clara County, especially among Hispanic households. The 2013-2017 American Community Survey shows that Hispanic households experience overcrowding at a rate of 12.44%. This is three times the rate of the next-highest group, which is Asian American or Pacific Islander households (3.67%). Considering that Hispanics are often the largest or second-largest ethnic group within the various entitlement jurisdictions in this analysis, the problem of overcrowding is even more acute. This issue is compounded by the lack of 3+ bedroom units available within the County. In the Urban County, City of Santa Clara, Cupertino, Mountain View, Palo Alto, and Sunnyvale, the vast majority of their Project-Based Section 8 units are 0-1 bedrooms. In San José, Palo Alto, and Sunnyvale, a majority of their Other Multifamily units are also 0-1 bedrooms. Gilroy is by far the most balanced, with San José also having fairly balanced Project-Based Section 8 developments with bedrooms for larger families. The upshot of this is that that households typically need to use the HCV program if they have large families. SCCHA's Housing Choice Voucher waiting list (and all other waiting lists) is currently closed and the average wait for a household to receive a housing voucher is 8-10 years. A breakdown of units per bedroom size is not available for publicly supported housing in San Benito County, making up the rest of the region. However, according to 2013-2017 ACS estimates, Hispanic residents face similar levels of overcrowding in San Benito County, suggesting that this is a problem throughout the region.

Availability, type, frequency, and reliability of public transportation

The public transportation system in Santa Clara County has significant gaps that render existing systems, including those of the Valley Transportation Authority and Caltrain less usable to low-income individuals who are disproportionately members of protected classes. Specifically, bus service is extremely limited in many parts of the county, particularly outside of San José, with some major arterial streets lacking any service. Even where service exists, 30 minute headways or wait times between buses are common. Transportation between South County and San José can be extremely time-consuming with trip times of nearly two hours, not accounting for unexpected traffic, between Gilroy and San José. Faster forms of transportation, such as Caltrain, are often too expensive for daily use by members of protected classes, and the Valley Transportation Authority's light rail system is limited in scope, not traveling past Mountain View to Palo Alto, not connecting to Cupertino, and not connecting to South County.

Community Opposition

Despite the demographic diversity and surface-level progressive leanings of Santa Clara County residents, both news reports and resident interviews demonstrate that community opposition remains a barrier to fair housing in the county.

While some funding and projects for affordable housing have been approved in Santa Clara,[16] many such initiatives have been met by organized community opposition. For example, a planned residential development on the site of a former mall in Cupertino that would provide over one thousand new units of affordable housing was stymied by an ongoing lawsuit filed by a "Friends of Better Cupertino" to stop construction.[17] As a result, the Department of Housing and Community Development expressed worry that Cupertino may fall out of compliance with housing element law,[18] a particularly acute fear given local legislators plans, if the lawsuit succeeds, to adopt a plan making affordable housing in the city "financially infeasible."[19] The City's subsequently sent a letter to HCD assuring it that the City would remain compliant with housing element law.

However, Cupertino is far from the only locality to oppose affordable housing efforts. In San José, a developer-backed proposal to weaken the Ellis Act, which requires developers to construct new affordable housing when tearing some units down, has led to worries that low-income renters will be pushed out.[20] And in Palo Alto, a plan to provide teachers with affordable housing was met with massive community resistance.[21] This follows a prior history of opposition to affordable housing in the city, including the resounding rejection of a 60-unit affordable housing complex in a 2013 voter referendum.[22]

Conversations with Santa Clara residents confirm that many County cities actively oppose affordable housing. At one focus group, residents argued that Cupertino and Palo Alto were the

---

[16] Nicholas Chan, *Santa Clara County Approves $33 Million for Pair of Affordable Housing Developments*, SAN JOSÉ INSIDE (Oct. 25, 2019), https://www.sanjoseinside.com/2019/10/25/santa-clara-county-approves-33-million-for-pair-of-affordable-housing-developments/.

[17] Jody Meacham, *A Judge Has Heard the Vallco Housing Project Case. What Now?*, SILICON VALLEY BUS. J. (Dec. 20, 2019), https://www.bizjournals.com/sanjose/news/2019/12/20/vallco-housing-sb-35-lawsuit.html.

[18] Marisa Kendall, *Faced With Threat of Litigation, Cupertino Promises to Follow Housing Law*, MERCURY NEWS (Aug. 19, 2019), https://www.mercurynews.com/2019/08/19/faced-with-threat-of-litigation-cupertino-promises-to-follow-housing-law/.

[19] Meacham, *supra* note 4.

[20] Emily Deruy, *San José Weakens Ellis Act Ordinance Amid Other Housing Policy Changes*, MERCURY NEWS (Nov. 5, 2019), https://www.mercurynews.com/2019/11/05/san-jose-could-further-weaken-ellis-act-ordinance-amid-other-housing-policy-changes/.

[21] Dana Goldstein, *The Fight to Keep Teachers in Tech Hubs From Being Priced Out*, N.Y. TIMES (Jan. 4, 2019), https://www.nytimes.com/2019/01/04/us/teachers-priced-out-tech-hubs.html (with residents saying "low-income housing doesn't belong" in the area).

[22] Kevin Forestieri and Mark Noack, *Regulations, Residents Often Hamper Affordable Housing*, MOUNTAIN VIEW VOICE (Aug. 5, 2016), https://www.mv-voice.com/news/2016/08/05/regulations-residents-often-hamper-affordable-housing.

most anti-housing cities in the Bay Area.[23] At a different meeting with residents in Palo Alto, participants cited strong "Not In My Backyard" ("NIMBY") sentiments and anti-Latino sentiment as rationales for limited affordable housing construction in the area.[24] Overall, while some affordable housing is able to be approved in Santa Clara, opposition from community members remains a significant obstacle to improved fair housing in the County.

Deteriorated and Abandoned Properties

For the most part, the high demand for housing in Santa Clara County[25] ensures that housing is turned over and rehabilitated frequently. This demand has created gentrification that, in turn, has led to a rapid increase in high-end, luxury buildings replacing deteriorated older housing – creating cost difficulties for existing neighborhood residents but ensuring that housing stock is rarely on the market long enough to become deteriorated or abandoned.[26] County programs also specifically work to target any deterioration and/or abandonment.[27] That said, the more rural areas of the County – for instance, unincorporated tracts of Santa Clara – are more likely to contain deteriorated properties given increased population movement towards cities and suburbs within the County.[28]

These conditions appear roughly comparable with the larger region (San Benito County). On the one hand, San Benito housing stock, in the aggregate, has been more recently built than that of Santa Clara.[29] However, there are indications that San Benito has struggled more than Santa Clara to maintain existing housing[30] – indicating that while Santa Clara's housing may be relatively older, there have also been more resources devoted to keeping said housing in non-deteriorating condition.[31] At the least, there is no indication that Santa Clara has a problem with deterioration or abandoned housing in excess of what exists in the broader region.

---

[23] Affordable Housing Focus Group by Lawyers' Committee for Civil Rights Under Law (Dec. 13, 2019).

[24] Affordable Housing Focus Group by Lawyers' Committee for Civil Rights Under Law, in Palo Alto, Ca. (Nov. 13, 2019).

[25] COUNTY OF SANTA CLARA, HOUSING ELEMENT UPDATE 2015-2022, 29 (2014), https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement_2015_Adopted_Final.pdf.

[26] Bruce Colbert, *Resolving California's Housing and Homeless Crisis*, NEW GEOGRAPHY (Nov. 15, 2018), https://www.newgeography.com/content/006142-resolving-californias-housing-and-homeless-crisis (discussing the effects of gentrification, including reductions in deteriorated housing).

[27] COUNTY OF SANTA CLARA, *supra* note 1, at 54 (discussing targeted efforts to reduce deterioration as part of a broader county-wide affordable housing plan).

[28] *Id*. at 74 (noting that county inspectors, while inspecting housing in unincorporated Santa Clara County, found property conditions including "broken and boarded windows, dilapidated exteriors, deteriorated roof conditions, and evidence of structural damage").

[29] *Compare id*. at 73 (finding that 32.2% of Santa Clara County housing has been built since 1980), *with* SAN BENITO COUNTY: HOUSING ELEMENT 2014-2023, 5-21 (2016), http://www.cosb.us/wp-content/uploads/2014-2023_Sec5_San_Benito_County_Housing_Element_2016-04-12_BoS_adopted.pdf (finding that 58.5% of San Benito housing stock has been built since 1980).

[30] *See* SAN BENITO COUNTY, *supra* note 5, at 5-22 (noting "low staffing" in the Code Enforcement division in San Benito as a barrier to responding to public complaints of deteriorated housing).

[31] *See* COUNTY OF SANTA CLARA, *supra* note 1, at 150 (noting no similar complaints, and detailing efforts – including raising the numbers of code inspectors and implementing an improved enforcement-tracking system – to further strengthen monitoring of deteriorating housing).

Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking

California state law protects victims of domestic violence, sexual assault, stalking, human trafficking, or abused elder or dependent adult who terminates their lease early.[32] The tenant must provide written notice to the landlord, along with a copy of a temporary restraining order, emergency protective order, or protective order that protects the household member from further domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. Alternatively, proof may be shown by submitting a copy of a written report by a peace officer stating that the victim has filed an official report, or documentation from a qualified third party acting in their professional capacity to indicate the resident is seeking assistance for physical or mental injuries or abuse stemming from the abuse at issue. Notice to terminate the tenancy must be given within 180 days of the issuance date of the qualifying order or within 180 days of the date that any qualifying written report is made.

As part of the community engagement process, a domestic violence survivors focus group was assembled. California state law provides strong protections for survivors of domestic violence and related abuses. Additionally, the focus group described policy and housing market barriers that they had faced. One of the main concerns expressed by the focus group was that if someone choses to leave their abusive partner, the tight housing market and high prices in the area could pose their own challenges, even if direct discrimination based on their status as domestic violence survivor, etc., would not play a direct role. Additionally, the focus group expressed concerns that the VISPDAT (Vulnerability Index – Service Prioritization Decision Assistance Tool) might be flawed.

Displacement of residents due to economic pressures

There are high levels of displacement of low-income residents, who are disproportionately likely to be Black or Hispanic, at a countywide level and in specific cities throughout Santa Clara County. Rising housing costs that have outpaced income growth among low-income workers have contributed to this trend. Although displacement has been significant, it has not taken the form of decreases in the absolute number of residents of a particular racial or ethnic group. Instead, there has been a relative decline in Hispanic and Black population, with each group comprising a smaller proportion of an increasingly populous area. This relative decline does not necessarily mean that displacement has occurred, but there is substantial evidence that it has. Specifically, nearly all stakeholders consulted in the community engagement process discussed the problem of rampant displacement; newcomers of the same racial and ethnic groups moving to the area are likely partially offsetting what might otherwise appear to be group population decline; and the birth of children is likely doing so, as well. The tables below show, for Santa Clara County and the seven participating cities, change in the percentage and absolute number of residents who are Hispanic, Black, or Vietnamese since 2010.

---

[32] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1946.7

Geography	2010 Census, Total Population, Hispanic	2010 Census, % of Population, Hispanic	2013-2017 ACS, Total Population, Hispanic	2013-2017 ACS, % of Population, Hispanic
Santa Clara County	479,210	26.9%	498,253	26.1%
Cupertino	2,113	3.6%	2,347	3.9%
Gilroy	28,214	57.8%	32,820	60.6%
Mountain View	16,071	21.7%	14,586	18.2%
Palo Alto	3,974	6.2%	4,865	7.3%
San José	313,636	33.2%	330,827	32.3%
Santa Clara	22,589	19.4%	21,371	17.1%
Sunnyvale	26,517	18.9%	25,174	16.6%

The data shows that at the countywide level, as well as in four of the five cities with the highest concentrations of Hispanic residents, the percentage of Hispanic residents has fallen in recent years. Moreover, in Mountain View, Santa Clara, and Sunnyvale, the absolute number of Hispanic residents has decreased. Gilroy, along with cities outside of Santa Clara County, including some as far away as the Central Valley, is a somewhat frequent destination of households that can no longer afford to live in the central and northern portions of Santa Clara County. In part because of their longer history of high housing prices, Cupertino and Palo Alto had fewer low-income Hispanic residents who were vulnerable to displacement than did other cities. Hispanic residents in those two cities also tend to have higher incomes than Hispanic residents of other cities in the county. According to the 2013-2017 ACS, the median household income for Hispanic households in Cupertino ($94,167) is 36.3% higher than countywide ($69,052). In Palo Alto, the median household income for Hispanic households is 14.3% higher than countywide.

As additional context, it is important to view decreases, whether relative or absolute, in the Hispanic population of communities within Santa Clara County in the context of national and statewide trends toward increasing Hispanic population. Between the 2010 Census and the 2013-2017 ACS, the Hispanic population of California grew from 14,103,719 (37.6%) to 15,105,860 (38.8%). Rapidly increasing housing costs in places like Santa Clara County mean that that growth is occurring in places, like the Central Valley, that are comparatively isolated from well-paying jobs, healthy environmental conditions, and access to opportunity more broadly.

Geography	2010 Census, Total Population, Black Alone, Not Hispanic	2010 Census, % of Population, Black Alone, Not Hispanic	2013-2017 ACS, Total Population, Black Alone, Not Hispanic	2013-2017 ACS, % of Population, Black Alone, Not Hispanic
Santa Clara County	42,331	2.4%	45,479	2.4%
Cupertino	322	0.6%	295	0.5%

Gilroy	709	1.5%	799	1.5%
Mountain View	1,468	2.0%	1,319	1.6%
Palo Alto	1,131	1.8%	808	1.2%
San José	27,508	2.9%	29,147	2.8%
Santa Clara	2,929	2.5%	4,242	3.4%
Sunnyvale	2,533	1.8%	2,403	1.6%

The Black population in Santa Clara County has historically been much lower than in other parts of the Bay Area. That, in itself, is partially the product of a legacy of intentional discrimination in the housing market. Although there have been some areas, particularly in East San José, that have had relative concentrations of Black residents, these neighborhoods (approximately 10-12% Black as of the 1990 Census) did not have the degree of concentration present in Richmond's Iron Triangle, West Oakland, or San Francisco's Western Addition. Accordingly, the scale of displacement has been different from displacement of Santa Clara County's historically larger Hispanic population. Nonetheless, between 2010 and the 2013-2017 ACS, most of the participating cities saw decreases in Black population concentration, and four cities in the north of the county had decreases in the absolute number of Black residents.

Geography	2010 Census, Total Population, Vietnamese	2010 Census, % of Population, Vietnamese	2013-2017 ACS, Total Population, Vietnamese	2013-2017 ACS, % of Population, Vietnamese
Santa Clara County	125,695	7.1%	134,546	7.0%
Cupertino	745	1.3%	626	1.0%
Gilroy	464	1.0%	293	0.5%
Mountain View	694	0.9%	748	0.9%
Palo Alto	401	0.6%	752	1.1%
San José	100,486	10.6%	108,110	10.6%
Santa Clara	4,498	3.9%	4,332	3.5%
Sunnyvale	3,030	2.1%	2,626	1.7%

Data reflecting the Vietnamese population in Santa Clara County, which has the lowest income levels and therefore highest displacement risk among the four largest Asian ancestry groups in the county (Chinese, Indian, and Filipino in addition to Vietnamese), is more ambiguous but does point towards the likelihood of some hyper-localized displacement as well as the future risk of more widespread displacement. The proportion and absolute number of Vietnamese residents fell in four participating cities (Cupertino, Gilroy, Santa Clara, and Sunnyvale) while both increased in one (Palo Alto) and the number increased while the percentage was flat in two more (Mountain View and San José). This occurred while Asian population more generally was increasing significantly with population gains concentrated in other groups. Between the 2010 Census and the 2013-2017 ACS, the Indian population of Santa Clara County grew from 6.6% to 8.8%, and the Chinese population grew from 8.6% to 9.6%. The areas where localized displacement of

Vietnamese residents is most likely to be occurring are areas immediately to the north, east, and south of downtown San José. The farther a neighborhood in East San José is from downtown, the lower the displacement risk is at this point in time.

The relationship of displacement to economic pressures in Santa Clara County and the participating cities is straightforward. There has been tremendous job growth in the county, including a large proportion of high-paying jobs in the technology sector. Housing production, whether for market-rate housing or affordable housing, has not kept pace, causing high-wage workers to bid up the cost of scarce housing. According to an analysis of ACS data by Silicon Valley@Home, only three municipalities in Santa Clara County – the affluent bedroom communities of Los Altos Hills, Monte Sereno, and Saratoga – have more housing units than they do jobs. Several cities – including Milpitas, Mountain View, Palo Alto, and Santa Clara – have more than twice as many jobs as they do housing units. At the same time, housing unit production has not been concentrated in the areas where housing-jobs imbalance has been most extreme with more development occurring in San José, which has a more modest imbalance. Although the regional effects of this production on affordability may be positive, the localized effects in low-income communities of color have dramatically increased housing costs.

The two maps that follow illustrate the phenomenon of increased housing costs in downtown San José and East San José, in particular. The first map reflects 2013-2017 ACS data for median gross rents by Census Tract while the second shows 2005-2009 ACS data. In the first map, most Census Tracts in downtown San José and East San José are in the third shaded band, reflecting median gross rents of $1,262 to $1,690.[33] In the second map, more Census Tracts fall in the second band, reflecting median gross rents of $877 to $1,065. This is a significant leap in an eight year period that has no corollary with the income levels of residents of these neighborhoods.

---

[33] Note that these are lower than current market rents due to the time lag between the 2013-2017 ACS and the effect of rent control on rents paid by long-time tenants.

B25064   MEDIAN GROSS RENT (DOLLARS)
         Universe: Renter-occupied housing units paying cash rent
         2013-2017 American Community Survey 5-Year Estimates

Thematic Map of Estimate; Median gross rent
Geography by: Census Tract

Legend:
Data Classes
- 404 – 832
- 833 – 1,261
- 1,262 – 1,690
- 1,691 – 2,119
- 2,120 – 2,548
- 2,549 – 2,977
- 2,978 – 3,398

Boundaries
No Legend

B25064 MEDIAN GROSS RENT (DOLLARS)
Universe: Renter-occupied housing units paying cash rent
2005-2009 American Community Survey 5-Year Estimates

Thematic Map of Estimate; Median gross rent
Geography by: Census Tract

Legend:
Data Classes
Dollars
☐ 689 – 876
☐ 877 – 1,064
☐ 1,065 – 1,252
☐ 1,253 – 1,440
☐ 1,441 – 1,628
☐ 1,629 – 1,816
☐ 1,817 – 1,996

Boundaries
No Legend

Impediments to mobility

As discussed in connection with the quality of affordable housing information programs contributing factor, there are only isolated mobility counseling programs targeted to certain special populations operating within the Region. SCCHA uses separate waiting lists for its various affordable housing programs.

Additionally, Santa Clara County utilizes exception payment standards to bring more apartments in high opportunity areas within reach of Housing Choice Voucher holders. For example, the payment standard for a one-bedroom unit is $2,458. A Zillow search conducted during this Assessment of Fair Housing process revealed over 350 advertised units within that price range. The payment standard for a two-bedroom unit is $2,970. A Zillow search revealed over 500 available units under that price.

San José has an existing source of income ordinance, and similar protections were recently adopted statewide. SCCHA has a policy of absorbing all incoming vouchers porting into the County. This Assessment did not reveal that voucher holders faced any barriers to exercising their rights within the portability process. Regionally, since Santa Clara's population and housing stock are so much larger than San Benito, the ease of porting into Santa Clara, as opposed to porting into San Benito, is the more important question.

145

Inaccessible public or private infrastructure

A number of jurisdictions in the County have an Americans with Disabilities Act (ADA) Transition Plan for Public Right of Way, which evaluate existing public facilities and right-of-way areas for compliance with the ADA. Facilities under evaluation include parks, sports fields, emergency services buildings and cultural destinations. The right-of-way elements under examination include sidewalks, curb ramps, crosswalks, traffic signals and intersections, pedestrian bridges, and trails. Additionally, access to the jurisdictions' websites are also evaluated to make sure that they are user-friendly.

Inaccessible government facilities or services

This Assessment did not reveal current information about inaccessible government facilities or services. Santa Clara County has a policy to make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. The County has a coordinator of programs for the disabled to accommodate those requiring an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity. The coordinator also handles complaints that a program, service or activity is not accessible to persons with disabilities. The County does not charge individuals with disabilities to cover the cost of providing auxiliary aids and services or reasonable policy modifications.

Lack of access to opportunity due to high housing costs

The median home value within Santa Clara County is $1,170,576, according to Zillow. Home values have declined by 6.4% over the past year, but are projected to go up 0.9% within the next year.[34] The median rent price in the County is $3,500, which is the same as the median regional rent. Housing costs are severely burdensome across the state of California, but particularly so in Santa Clara County. In order to afford housing, workers may need to buy homes that are far away from their workplaces, impacting access to both employment and transportation. Median home purchase costs in the County are double the state average. The median income in the County does closely track that trend, compared to the statewide median income. Asian American or Pacific Islander and White residents far out-earn their Hispanic and Black neighbors, making home purchase much more feasible for those racial/ethnic groups. The gap between median rental costs in the County versus statewide is much smaller than the home purchase gap. Since Hispanic and Black residents are much more likely to have lower incomes in Santa Clara, they are more likely to be renters, and the high overall rental costs in the state further constrain their options. San Benito County, which makes up the balance of the region, has much lower owning and renting costs, with a correspondingly middling median income for its residents. The extent to which San Benito contributes to a lack of access to opportunity due to high housing cost in the region is not a serious concern.

Lack of affordable, accessible housing in a range of unit sizes

As noted throughout this Assessment, high and rising housing costs are a major problem across the area. As a result, there is extremely limited unsubsidized housing that is affordable to low-income households, disproportionately including persons with disabilities, and the need for publicly supported housing is extremely high. Santa Clara County has taken steps to address this

---

[34] https://www.zillow.com/santa-clara-county-ca/home-values/

through the passage of Measure A, and multiple cities have actively helped with the implementation of Measure A, though a lack of appropriately zoned, affordable land remains a major problem in some others. The problem is particularly prevalent in Cupertino, Palo Alto, and affluent West Valley cities that are part of the Urban County. When the County has facilitated affordable housing development through Measure A funds, developments have contained accessibility features and have included significant set-asides of units for permanent supportive housing. A large majority of these units, however, have been SRO, studio, and one-bedroom units. For low-income persons with disabilities who need the services of a live-in aide or reside in family households, the difficulty of securing affordable, accessible housing is all that much greater.

Lack of affordable in-home or community-based supportive services

Because the infrastructure for the provision of supportive services is generally administered at the county or regional level, the main system gaps apply to all jurisdictions involved in this Assessment. Due to the absence of any waiting list for Home and Community-Based Services for persons with developmental disabilities, this issue primarily affects people with psychiatric disabilities. A robust array of services, including the most intensive models of community-based services like Assertive Community Treatment, are available. Nonetheless, many people have trouble accessing needed services, and service providers are not always able to reach vulnerable populations through street outreach. Although the Santa Clara County Behavioral Health Services Department funds three outpatient services providers in South County, there is still a lower density of services in that are than in the northern part of the county. Individuals with psychiatric disabilities living in rural parts of South County, such as in farmworker housing, face particular barriers to accessing in-home or community-based supportive services. Additionally, across types of disabilities, undocumented adults face barriers due to federal restrictions of Medicaid assistance for undocumented people. The California Legislature has approved state funding for Medi-Cal services for undocumented people until they reach the age of 26, a critical investment that exceeds that of any other state, but there remains a funding gap for services for most undocumented adults.

Lack of affordable, integrated housing for individuals who need supportive services

This problem has two primary dimensions. First, as discussed at length throughout this Assessment, there is a large overall shortage of affordable housing that is particularly severe in Cupertino, Palo Alto, and affluent West Valley cities that are part of the Urban County. Without more overall affordable housing, it is impossible to provide more affordable, integrated housing for individuals who need supportive services. Second, although the County, some of its partner cities, and the Santa Clara County Housing Authority have made strides in providing permanent supportive housing for persons with disabilities and have genuinely prioritized such housing in the use of Measure A funds, much of the permanent supportive housing built has been in the context of developments where at least 50% of units are set aside as permanent supportive housing. For some persons with disabilities who need supportive services, a development in which half, most, or all of their neighbors are also persons with disabilities may be the right choice. For others who would like to live in environments where they have more potential for interaction with people who do not have disabilities, additional options would be helpful. In the federal Section 811 Project Rental Assistance program, for example, up to 25% of units in an assisted development may be

set aside for persons with disabilities who need permanent supportive housing. As a supplement to ongoing efforts, reserving some Measure A funds for developments that match that profile would be useful in efforts to further community integration for persons with disabilities.

Lack of assistance for housing accessibility modifications

Jurisdictions in Santa Clara County generally provide funding for accessibility modifications through sub-grants of federal funds to Rebuilding Together or Habitat for Humanity. These programs have a demonstrated track record of success, but they are also over-subscribed. There are more persons with disabilities needing accessibility modifications (and other low-income people needing home repair and rehabilitation) than there is funding available. Additionally, these programs generally target low-income homeowners, which means that there is a gap relating to accessibility modifications for low-income renters in structures that are not covered by Section 504's requirement that the housing provider pay for the cost of modifications. For low-income persons with disabilities residing in single-family rentals, rent-controlled apartments, and other housing that is not publicly-supported, their landlords do not have a legal obligation to pay for modifications, and they are unlikely to have the resources to be able to pay for modifications themselves. Both expanding the amount of money available for accessibility modifications through existing programs and allowing for the use of funds in rental housing under certain circumstances would increase the integration of persons with disabilities by enabling them to live in community-based settings rather than having to move to institutional settings like nursing homes.

Lack of assistance for transitioning from institutional settings to integrated housing

The Silicon Valley Independent Living Center provides robust services to individuals transitioning from institutional settings to integrated housing. Strengthening their existing programs would help foster increased community integration for persons with disabilities. Although homelessness is not technically an institutional setting, stakeholders, including individuals with lived experience of homelessness, expressed a need for more services to help formerly homeless individuals, a population that disproportionately includes persons with disabilities, adjust to life in permanent supportive housing. Ideas for such services, which must be voluntary, included classes on grocery shopping, cooking, housekeeping, and managing interpersonal relationships with fellow residents and staff in addition to services more directly tied to individuals' specific disabilities and health conditions.

Lack of community revitalization strategies

The County and its jurisdictions dedicates significant time and funds to community revitalization. This includes working with developers to improve communities in need, but also more unilateral efforts. The County is working on revitalization efforts to improve the Buena Vista Mobile Home Park, in order to preserve housing for its hundreds of residents[35]. The County is also considering efforts to transform county fairgrounds to a public space with several entertainment features[36]. The

---

[35] https://www.sfgate.com/news/bayarea/article/County-To-Continue-Revitalization-Of-Buena-Vista-14545996.php
[36] https://www.mercurynews.com/2019/10/08/newest-ideas-for-revitalizing-county-fairgrounds-gets-supervisors-support/

state dissolved redevelopment agencies in 2011 following reports of waste and underperformance, leading jurisdictions to have to take on costs incurred by these agencies. The County lauded the closure of these agencies as they freed up more funds to invest in public services[37].

Lack of local private fair housing outreach and enforcement

The fair housing organizations operating in 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 Asian Law Alliance. These groups provide legal advice and representation on housing matters to low-income individuals, with additional exceptions restricting clientele to seniors, etc. based on the organizations' missions. There may be a gap in this network of organizations when it comes to people with disabilities experiencing housing issues. Participants in community engagement sessions have reported widespread issues regarding reasonable accommodations for people with disabilities. For people with disabilities who are not income-eligible, it can be difficult to gain representation or legal advice regarding their reasonable accommodation – because although these cases may be fee generating, they are not especially complex. Therefore, people who are not income-eligible may have difficulty finding representation to pursue this issue. Elsewhere in the region, some local private fair housing outreach and enforcement is provided by organizations such as California Rural Legal Assistance, which has an office in Hollister serving San Benito County and Santa Cruz County. Overall, it seems that there are less reported housing complaints arising out of San Benito County, due in part to its much smaller population. Nevertheless, it seems clear that there are far fewer organizations and resources to provide fair housing enforcement in San Benito.

Lack of local public fair housing outreach and enforcement

The statewide agency enforcing fair housing laws is the California Department of Fair Employment and Housing (DFEH). Residents may submit complaints to the agency, which they will investigate and determine whether or not the complainant has a right to sue. Community engagement has indicated that advocates prefer to file complaints with HUD over DFEH, because the intake process can be lengthy. DFEH tends to have a high volume of cases, with advocates reporting intake interviews sometimes taking place up to four months after filing a complaint. There has also been inconsistent reporting among various investigations. DFEH tends to achieve better results if there is more evidence provided upfront, and/or if the site of the complaint is near their offices. The region is made up of Santa Clara County and San Benito County. As DFEH is a statewide agency, it stands to reason that the problems reported by advocates in Santa Clara would be similar in San Benito. However, according to DFEH's 2018 Annual Report, there were only 10 complaints received from San Benito County, compared to over 600 from Santa Clara County. So, while the problems may be similar, the effect is likely lessened in San Benito, due to their smaller population and much smaller amount of reported civil rights violations.

---

[37] https://www.sccgov.org/sites/opa/nr/Pages/Santa-Clara-County-Residents-to-Benefit-from-State-Dissolution-of-Redevelopment-Agencies.aspx

Lack of local or regional cooperation

The County serves as a hub for facilitating coordination around fair housing and affordable housing among its cities. The Cities Association of Santa Clara County (CASCC) is an association of the fifteen cities in the county that works collectively to discuss and find solutions on affordable housing issues at a regional level. Additionally, the Santa Clara Valley Transportation Authority (VTA) provides bus, light rail, and paratransit services throughout the county. However, we note that the regional public transportation system falls far short of connecting residents to job centers and is often not a viable option for residents of communities of color seeking higher wage jobs in the technology centers of Cupertino, Mountain View, Palo Alto, Santa Clara, and Sunnyvale.

The one area where lack of local or regional cooperation plays a more pronounced role is with respect to access to proficient schools. According the U.S. Department of Education, there are 85 different school districts within Santa Clara County,[38] and the consolidation of those districts would make it easier for students living in areas with lower performing schools, disproportionately Hispanic areas in particular, to attend higher performing schools.

Lack of meaningful language access for individuals with limited English proficiency

Using HUD's four factor analysis, the Santa Clara County Housing Authority (SCCHA) has identified Spanish and Vietnamese as the primary languages that rise to the required threshold for interpretation and translation services. Vital Vietnamese language client documents must be translated. The current number of participants who speak Spanish as their primary language does not trigger written translation of vital documents; nevertheless, SCCHA management requested that all vital client documents continue to be translated into Spanish based on a four-factor analysis completed in 2005. Additional languages identified which did not rise to the level of required written translation were Mandarin, Russian, Farsi, and Korean. Even so, LEP individuals who speak these languages are entitled to telephone or in-person interpretation services for all vital written agency documents and interactions with staff. According to community engagement sessions with Asian Law Alliance, the two key languages in Santa Clara County are indeed Spanish and Vietnamese. However, advocates also expressed that Mandarin may be a necessary addition to SCCHA's LEP plan.

Lack of Private Investment in Specific Neighborhoods

Santa Clara County receives a high level of private investments overall in its neighborhoods, but levels of investment are inconsistent across the County. Many major tech companies in the County dedicate significant funding to investing in and improving opportunities for housing for their employees, but this does not necessarily translate into the development of more affordable housing.

Sunnyvale

---

[38]
https://nces.ed.gov/ccd/districtsearch/district_list.asp?Search=1&details=1&State=06&County=santa+clara+county&DistrictType=1&DistrictType=2&DistrictType=3&DistrictType=4&DistrictType=5&DistrictType=6&DistrictType=7&DistrictType=8&NumOfStudentsRange=more&NumOfSchoolsRange=more&DistrictPageNum=1. Note that this number includes charter school districts that are not territorially based and which comprise roughly half of those 85 districts.

Sunnyvale will soon experience major development geared specifically towards expanding affordable housing in the City. Projects include Related California's "Block 15" Project, which would explicitly set aside housing units for those with disabilities[39], and Edwina Benner Plaza, which would also set aside affordable rental homes for low-income families[40]. Recent commercial efforts include the expansion of Peery Park, or the Pathline Park Project[41], which have necessitated the increase of multi-family housing in the City.

Lack of public investment in specific neighborhoods, including services or amenities Lack of Public Investment in Specific Neighborhoods

Regionally, public investment is not as much of a priority due to the large amounts of private investment in Santa Clara County. The Santa Clara County Board of Supervisors is currently looking into opening a county-owned public bank that would help finance public projects in the future.[42] The County announced in late 2019 that it would invest $3 million in a Children's Budget, to help with early care and education[43].

Cupertino has multiple programs and efforts underway to fund and invest in its community. Efforts include using CDBG funding to fund affordable housing, including Maitri's transitional housing or West Valley Community Services' Vista Village Renovation Project. The City also has a Human Services Grant Program that is used to provide affordable housing services[44].

Lack of resources for fair housing agencies and organizations

Santa Clara County has a wealth of private fair housing enforcement organizations, many of which are at least partly funded by entitlement cities and the county. Multiple fair housing organizations in the County receive or have received Fair Housing Initiative Program (FHIP) funds from HUD, and also benefit from Community Development Block Grant funds. Participants in the community engagement process have reported that it can be difficult to hire and/or retain staff due to the high cost of living in the area. Across the various fair housing organizations in the County, each has a particular focus, with participants from community engagement reporting that the Law Foundation of Silicon Valley focuses on evictions, Bay Area Legal Aid focuses on subsidized housing, Asian Law Alliance does some fair housing work but focuses mostly on San José administrative hearings, and SALA is only able to take on a small caseload. The Region, made up of Santa Clara and San Benito Counties, has far more fair housing agencies and organizations in Santa Clara than San Benito. The lower population of San Benito should, in theory, correspond to a decrease in relative need, but the lack of resources, translating into a lack of organizations, seems clear in San Benito

---

[39] https://www.svvoice.com/affordable-housing-relief-ahead-for-sunnyvale/

[40] https://www.bizjournals.com/sanjose/news/2019/09/18/at-sunnyvale-project-affordable-housing-with-a.html

[41] https://www.bisnow.com/silicon-valley/news/construction-development/sunnyvale-leads-avalanche-of-silicon-valley-development-99620

[42] https://sanjosespotlight.com/santa-clara-county-to-explore-forming-its-own-public-bank/

[43] https://www.sccoe.org/news/NR/Pages/Investment-to-Fund-First-County-Children%E2%80%99s-Budget.aspx

[44] https://www.cupertino.org/our-city/departments/community-development/housing/housing-programs-resources

as well. Overall, it seems clear that the diverse group of fair housing organizations work hard to fill the various fair housing outreach and enforcement needs, but that lack of resources is still a pressing issue in the County and the Region.

Lack of State or Local Fair Housing Laws

Lack of state or local fair housing laws is a low priority contributing factor. California recently passed statewide source of income protections, in addition to existing source of income protection in San José. California also has a robust set of statewide antidiscrimination laws, including the Unruh Civil Rights Act, Ralph Civil Rights Act, Bane Civil Rights Act, the Fair Employment and Housing Act, California Civil Code Section 1940.3, and Government Code Sections 11135, 65008, and 65580-65589.8. Whether complaints regarding these laws can be fully and timely pursued, however, is a different matter. Advocates have commented approvingly on recent changes to unlawful detainer laws, which increased the time period from five calendar days to five business days. Advocates also reported that they would like to see more enforcement of Apartment Rent Mediation in San José, expressing a worry that sometimes landlords don't comply with the result. The City of San José's housing department gets copies of unlawful detainers in San José, and may move forward with reporting and/or analysis of those results. Given the comprehensive nature of statewide fair housing laws, which apply equally throughout the region, there are no meaningful differences to comment upon between the entitlement jurisdictions.

Land use and zoning laws

Land use and zoning laws play a significant role in a variety of fair housing issues. Specifically, overly restrictive zoning that suppresses the production of affordable housing, in particular, and housing more generally leads to disproportionately high rates of housing cost burden and overcrowding among some racial and ethnic groups as well as persons with disabilities. Additionally, when communities that are predominantly White and disproportionately higher income levels have restrictive zoning in comparison to other parts of their respective cities or regions, that can exacerbate patterns of residential racial segregation. Conversely, when low-income communities of color are not adequately buffered from heavy polluting industrial land uses by zoning and land use controls, that can contribute to racial disparities in health outcomes. Below, there is an analysis of the fair housing ramifications of land use and zoning laws in each of the participating jurisdictions.

Sunnyvale
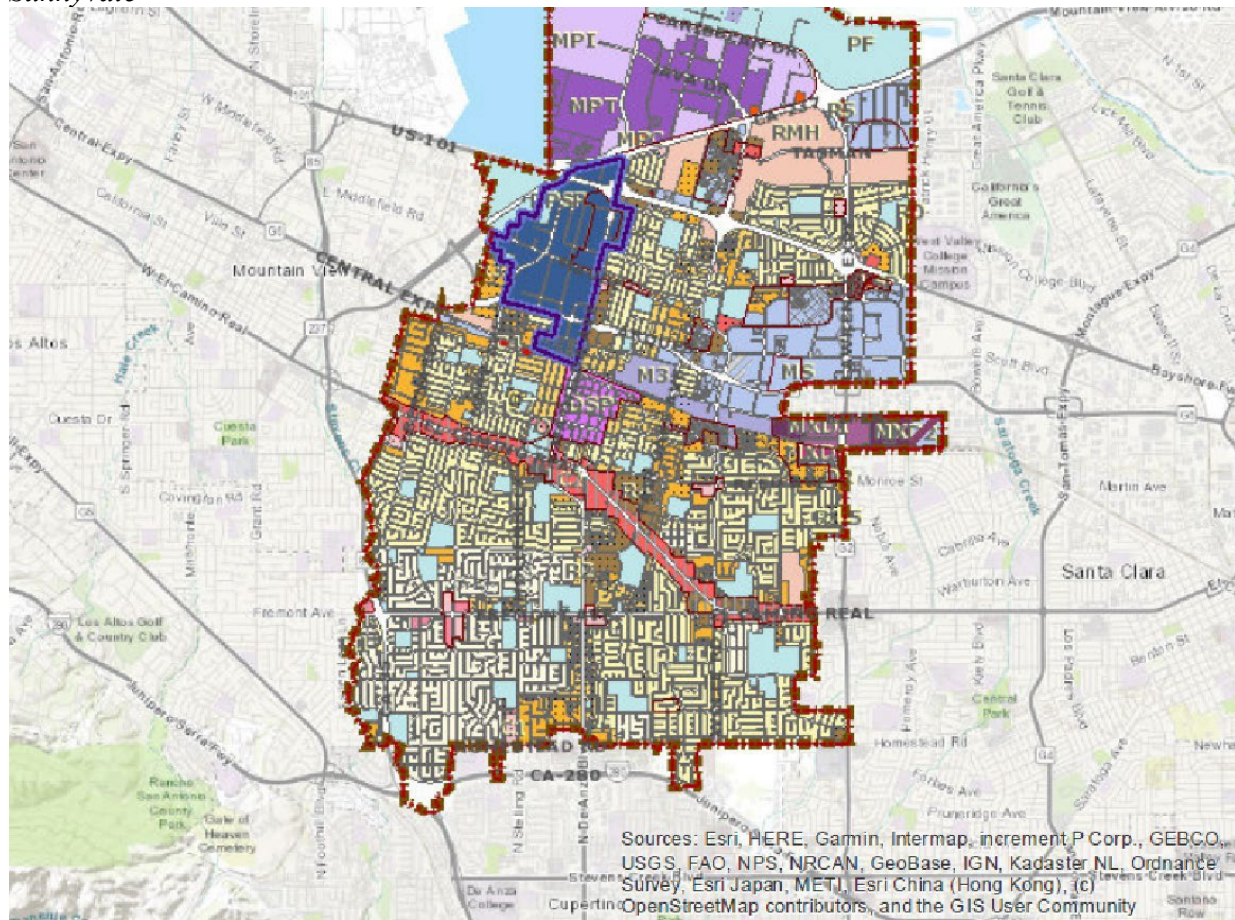
The zoning map for the City of Sunnyvale is depicted above. Areas zoned to allow multifamily are generally concentrated in the central and northern portions of the city from El Camino Real north to the San Francisco Bay. These areas have higher concentrations of Hispanic residents than the city as a whole. Additionally, there is a corridor along Sunnyvale Saratoga Road in southern Sunnyvale that has some higher density zoning. The area to the west of that corridor is zoned primarily for R1 - Low Density Residential. That area is also the most heavily White in the city, including multiple majority-White Census Tracts. Asian residents are more integrated throughout the city in relation to its zoning classifications than are White and Hispanic residents though there are concentrations of South Asian Indian residents in the area bounded by Old San Francisco Road to the north, Wolfe Road to the east, Fremont Avenue to the south, and Sunnyvale Saratoga Road to the west. This area allows for significant multifamily housing.

Under the zoning ordinance of the City of Sunnyvale, zoning classifications R-2, R-3, R-4, and R-5 allow for multifamily housing of varying densities, ranging from a low maximum of 12 units per acre in R-2 to a high maximum of 45 units per acre in R-5. There may be circumstances in which a density of greater than 45 units per acre would be appropriate, but this maximum is higher than in some nearby cities. Notably, the City requires developers of large multifamily projects with more than 50 units to obtain a Use Permit regardless of the underlying zoning. This additional procedural step adds time and therefore expense to the development process and may make affordable housing development less feasible. The maximum building height in R-4 and R-5 districts if four stories and 55 feet. By contrast, some commercial zoning districts allow for up to eight stories and 75 feet. If there is not a height-based objection to that size building in the commercial context, it should be allowable in the residential context, as well. Across zoning districts, there is a 40% lot coverage maximum for multistory residential structures.

The ordinance requires more than one parking spot per unit in multifamily developments, but adjustments to parking requirements may be available if a development one or more of certain characteristics, including proximity to public transit. The ordinance does not make clear how large of a parking reduction may be available. Sunnyvale's aesthetically-oriented design criteria primarily relate to landscaping and are not more onerous than those of other cities in Santa Clara County. However, the City has a somewhat unique public art requirement for developments near major intersections or on large lots. One helpful feature of this requirement, though it still may be an unnecessary barrier to promoting affordability, is that the amount of investment in public-facing art is pegged to 1% of the project's overall valuation. This allows for predictability in calculating whether a development would still be feasible in light of the requirement.

<p align="center">**Lending discrimination**</p>

The data below show that White and Asian applicants are far more likely to be successful in getting a loan approved, and less likely to be given a subprime loan, than Black or Hispanic/Latino applicants across each category of loan in Santa Clara County. The differential rates vary across category and across racial/ethnic group, but for the most part, the difference between the highest and lowest percentage in each category fits into the commonly accepted 4/5ths disparate impact test, and should therefore be considered a practically significant disparate impact across the racial/ethnic groups.

Percentage of Loan Applications Resulting in Originated Loans by Race or Ethnicity and Loan Purpose in Santa Clara County, 2014-2017 Home Mortgage Disclosure Act Data

Race or Ethnicity	Home Purchase	Refinancing	Home Improvement
White, Not Hispanic	70.34%	62.50%	66.63%
Black, Not Hispanic	61.65%	49.98%	55.43%
Asian, Not Hispanic	70.27%	64.88%	62.11%
Hispanic/Latino	57.84%	50.51%	52.68%

Across home purchase, refinancing, and home improvement, White and Asian loan rates tend to cluster on the high end of the spectrum, with Black and Hispanic loan rates clustered at the bottom. The largest gap between the highest and lowest rates in a category is about 14 percentage points. Using the 4/5ths test, the difference between Asian and Black refinancing loans, for instance, clearly falls below the 4/5ths ratio, as does the differential between Hispanic and White home improvement loans. The gap between White and Hispanic home purchase loans falls barely within the 4/5ths ratio.

Percentage of Loan Applications Denied by Race or Ethnicity and Loan Purpose in Santa Clara County 2014-2017 Home Mortgage Disclosure Act Data

Race or Ethnicity	Home Purchase	Refinancing	Home Improvement
White, Not Hispanic	7.70%	14.26%	14.63%
Black, Not Hispanic	12.30%	21.61%	26.09%
Asian, Not Hispanic	9.33%	12.96%	18.05%
Hispanic/Latino	14.04%	21.11%	26.23%

When it comes to denials of loan applications, Hispanics have the highest rate of denial in both home purchase and home improvement, while Black applicants have the highest rate of denial for refinancing. However, the Black and Hispanic rates for these three categories are very similar, differ by about two percentage points at most. Meanwhile, White and Asian applicants outpace Black and Hispanic applicants in every category. The differential rates are more concerning for denials than for approvals, with Hispanics being denied for home purchase loans at twice the rate of White applicants. While not as extreme, the differentials in refinancing and home improvement also fall below the 4/5ths ratio.

Percentage of Originated Loans That Were High-Cost by Race or Ethnicity in Santa Clara County, 2014-2017 Home Mortgage Disclosure Act Data

Race or Ethnicity	Number of Loans Originated	Percentage High-Cost
White, Not Hispanic	62431	1.80%
Black, Not Hispanic	1689	3.37%
Asian, Not Hispanic	73926	1.23%
Hispanic/Latino	14275	4.79%

The statistics for subprime loans may not seem like cause for concern, since each percentage is so low. However, the low percentages are due to the extremely costly market in Santa Clara County. The differences between racial/ethnic groups is striking, even at these levels. The Hispanic/Latino subprime rate, 4.79%, is nearly four times the rate of Asian subprime loans, 1.23.

Location of Accessible Housing

Although it is not possible to precisely map the location of accessible housing in the city, it tends to exist where there are concentrations of new, multifamily housing and where there are concentrations of publicly supported housing. The American Community Survey does not facilitate the disaggregation of housing units by the number of units in a structure and the year a structure is built together, but it does allow a look at those two data points separately. As the maps below reflect, these two data points tell a sometimes converging, though nuanced tale. New construction seems to be concentrated in the northernmost part of San José, with a bit in central San José and some more to the southeast. There is also new construction concentrated in Morgan Hill, and near Stanford's campus. Units in structure from 20 units to 49 units (multifamily, but on the smaller side) tend to be located on the western side, which is more heavily White and Asian American or Pacific Islander. Units in structure 50 units or more align with the northernmost area of San José that has seen recent construction, and are also sprinkled along the central thoroughfare of El Camino Real, although to a lesser extent. As the publicly supported housing map shows, there is a concentration of Project-Based Section 8 housing in the western part of the County, with LIHTCs more prevalent in the eastern, segregated part of San José. A large majority of Project-Based Section 8 units are 0-1 bedrooms, which may pose a problem for tenants with disabilities who need a live-in aide or who reside with family members. This may have the effect of segregating people with disabilities. In San Benito County, which makes up the balance of the region, the vast majority of housing units are single family houses. People who need accessibility modifications and cannot access multifamily units constructed to meet the FHA's accessibility requirements will need to utilize accessibility modification funding or some other resource to meet their needs.
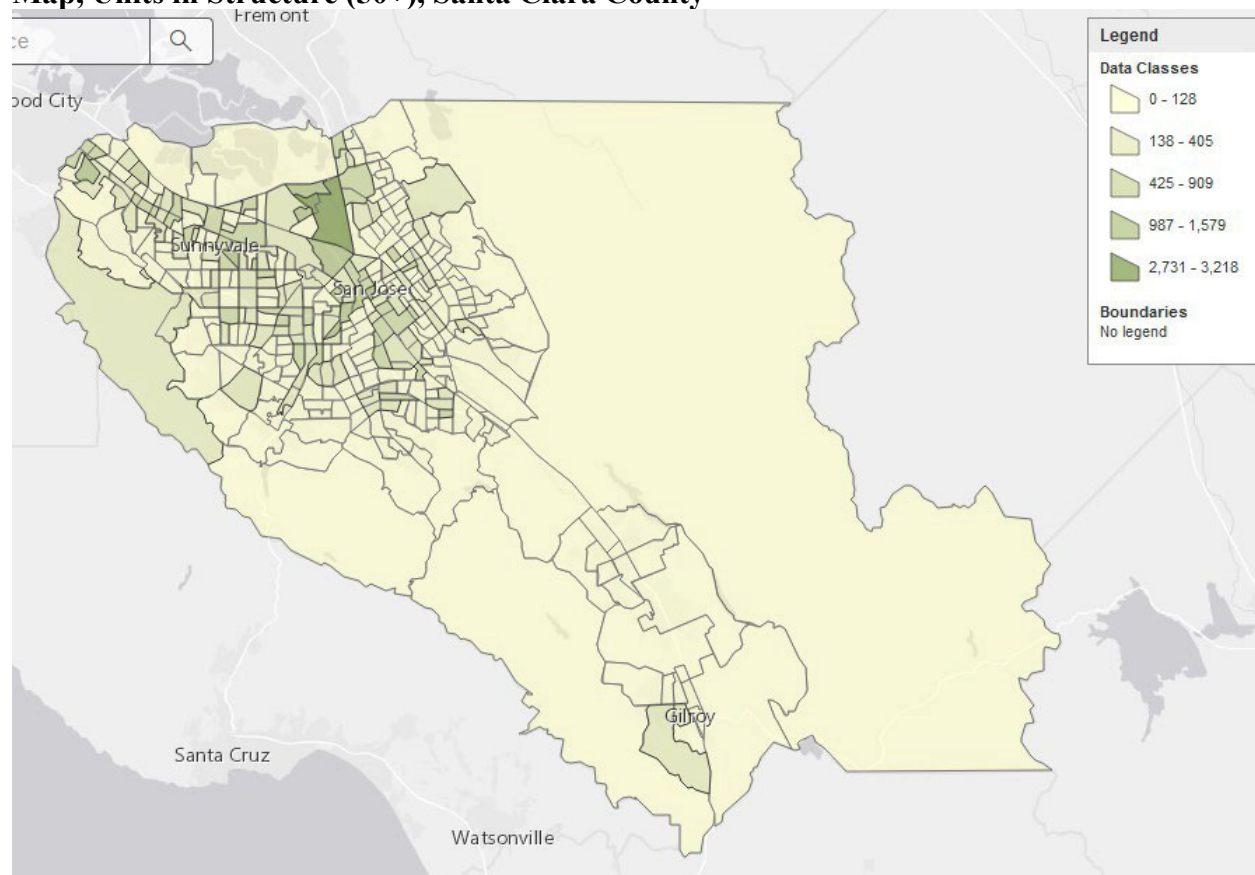
Map, Median Year Structure Built, Santa Clara County

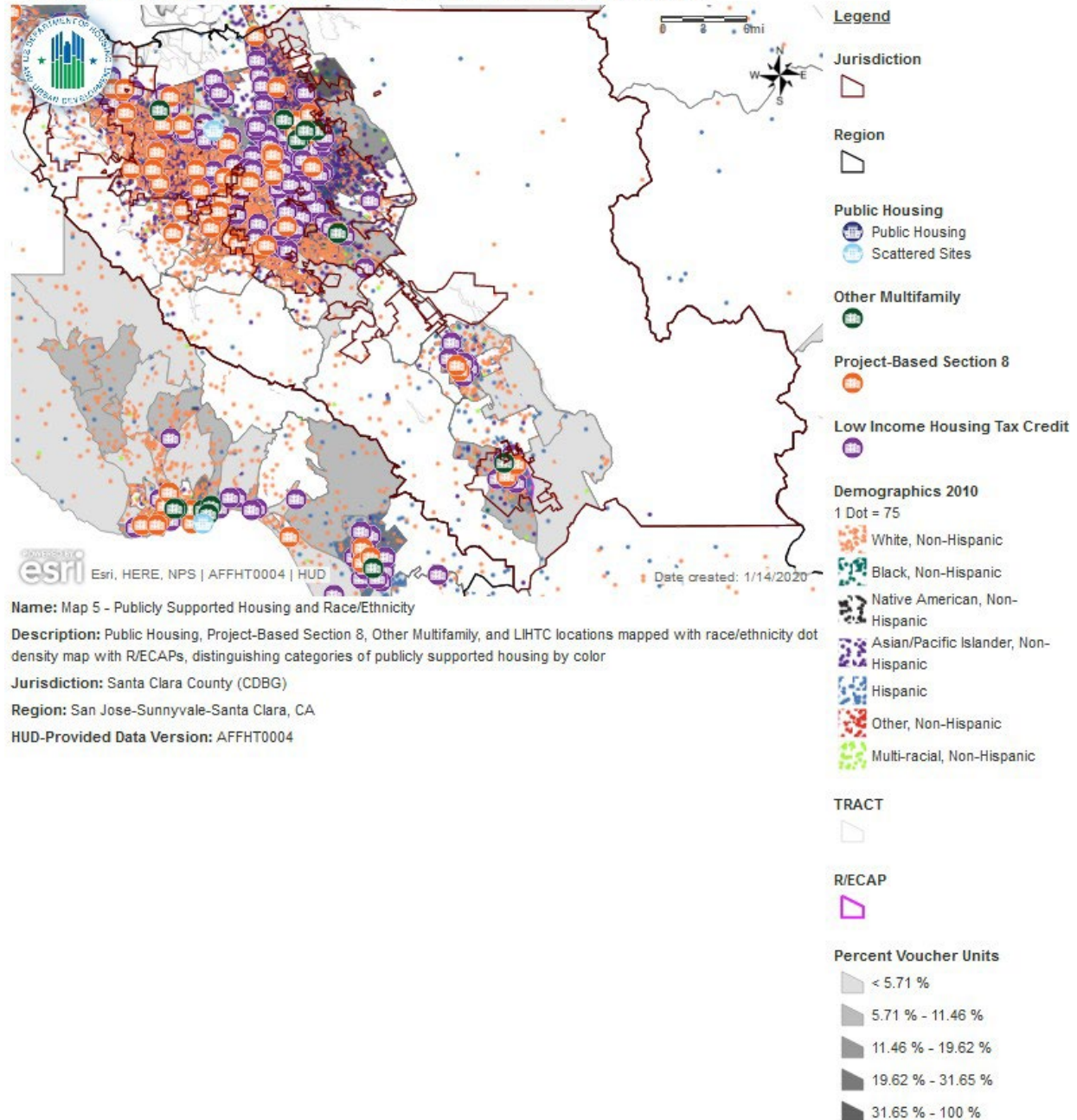**Map, Units in Structure (20-49), Santa Clara County**
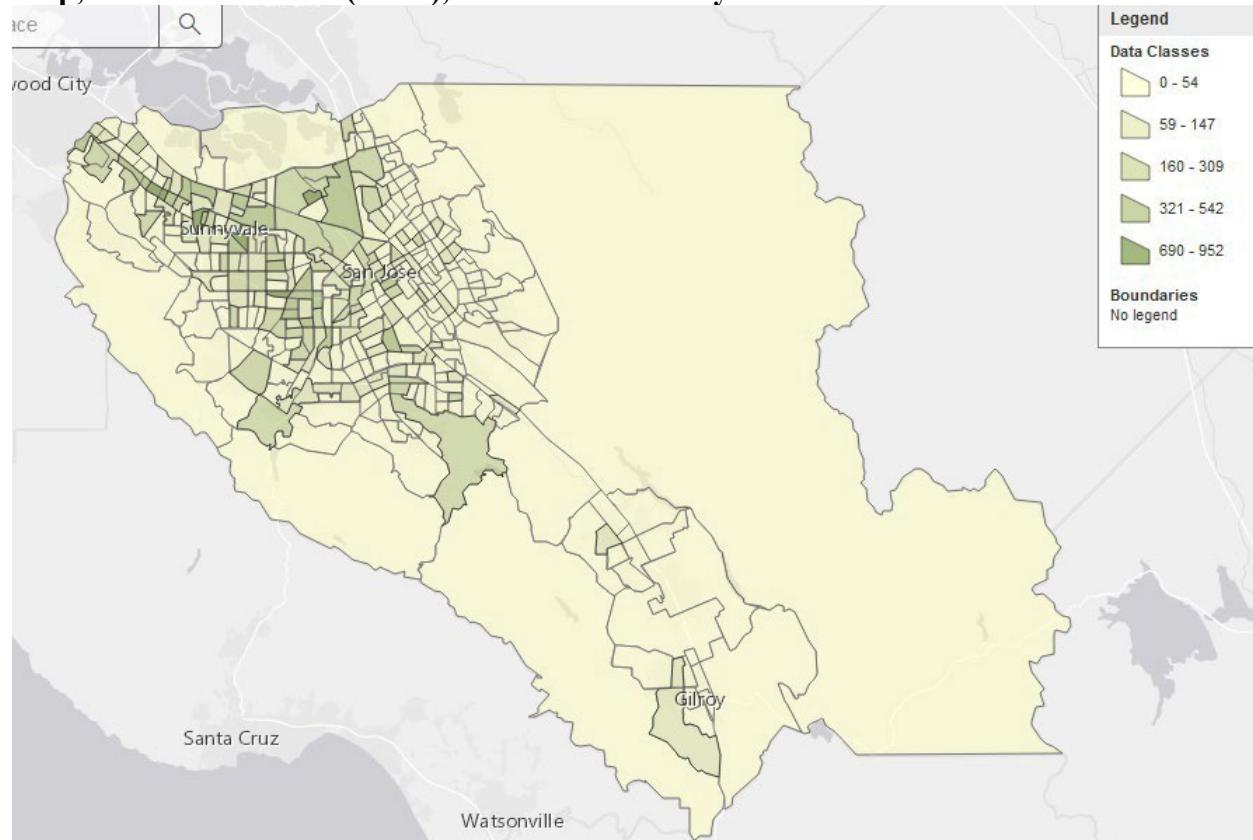
Map, Units in Structure (50+), Santa Clara County

Map, Publicly Supported Housing, Santa Clara County

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

Legend

Jurisdiction

Region

Public Housing
- Public Housing
- Scattered Sites

Other Multifamily

Project-Based Section 8

Low Income Housing Tax Credit

Demographics 2010
1 Dot = 75
- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

TRACT

R/ECAP

Percent Voucher Units
- < 5.71 %
- 5.71 % - 11.46 %
- 11.46 % - 19.62 %
- 19.62 % - 31.65 %
- 31.65 % - 100 %

Esri, HERE, NPS | AFFHT0004 | HUD   Date created: 1/14/2020

Name: Map 5 - Publicly Supported Housing and Race/Ethnicity
Description: Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations mapped with race/ethnicity dot density map with R/ECAPs, distinguishing categories of publicly supported housing by color
Jurisdiction: Santa Clara County (CDBG)
Region: San Jose-Sunnyvale-Santa Clara, CA
HUD-Provided Data Version: AFFHT0004

Location of Employers

The major cities in Santa Clara County boast employers providing tens of thousands of jobs to residents of the County.[45] However, these major employers also provide jobs to tens of thousands

---

[45] *Largest Silicon Valley Employers*, SILICON VALLEY BUS. J. (Jul. 19, 2019),
https://www.bizjournals.com/sanjose/subscriber-only/2019/07/19/largest-silicon-valley-employers.html.

out-of-county residents,[46] indicating that the expensive housing in Santa Clara County[47] has forced at least some people who would otherwise prefer to reside close to work to live elsewhere.

The relatively high commute times for Santa Clara County residents backs up this anecdotal finding. On average, Santa Clara County commuters spend more time in traffic than most United States citizens,[48] as they are subject to increasing congestion affecting the entire Bay Area[49] and sometimes imperfect public transportation options.[50] These lengthening commutes add evidence that many people live further than they would like from their employment, a feature that can impose significant burdens, particularly on lower-income employees.

Even so, this factor is no more a problem in Santa Clara County than it is in the broader region (San Benito County). Average commutes in San Benito are significantly longer than those for Santa Clara County residents,[51] and the number of "super-commuters" has risen over the past decade in San Benito just as it has in Santa Clara County.[52] San Benito, far less populous, does not have the same breadth of employers offering jobs as does Santa Clara County.[53] Therefore, whatever stress created by location of employers for Santa Clara relative to fair housing is primarily a region-wide issue, rather than a county-specific one.

Location of Environmental Health Hazards

Santa Clara has a total of twenty-three active superfund sites, more than any other county in the United States.[54] Recently, these sites have come under scrutiny after EPA groundwater testing revealed that toxic chemicals were present.[55] These sites are largely the byproduct of Santa Clara County's role as the home of "Silicon Valley," which – particularly in the 1980s – drove

---

[46] *Id.*

[47] *See, e.g., Bay Area in 2010s: Soaring Real Estate Prices Ending the California Dream*, KPIX 5 (Jan. 1, 2020), https://sanfrancisco.cbslocal.com/2020/01/01/bay-area-in-2010s-soaring-real-estate-prices-ending-the-california-dream/ (noting that Santa Clara County led the broader Bay Area by having 17 zip codes on the 100 priciest list in the United States at the turn of the decade).

[48] *QuickFacts: United States; Santa Clara County, California*, UNITED STATES CENSUS BUREAU, https://www.census.gov/quickfacts/fact/table/US,santaclaracountycalifornia/PST045219 (last accessed Jan. 30, 2020).

[49] Erin Baldassari, *Bay Area Super-Commuting Growing: Here's Where It's the Worst*, THE MERCURY NEWS (Sept. 11, 2019), https://www.paloaltoonline.com/news/2020/01/02/slammed-by-critics-vta-strives-to-fix-leadership (noting that the number of "super-commuters," or those with an over-90 minute commute to work each way, had grown by 85% in Santa Clara County from 2009-2017).

[50] Mark Noack, *Slammed by Critics, VTA Strives to Fix Leadership*, PALO ALTO ONLINE (Jan. 2, 2020), https://www.paloaltoonline.com/news/2020/01/02/slammed-by-critics-vta-strives-to-fix-leadership (noting the criticism of the management of the leading public transit option in Santa Clara County).

[51] *QuickFacts: San Benito County, California; Santa Clara County, California*, UNITED STATES CENSUS BUREAU, https://www.census.gov/quickfacts/fact/table/santaclaracountycalifornia,sanbenitocountycalifornia/PST045219 (last accessed Jan. 30, 2020).

[52] Baldassari, *supra* note 5 (the number of "super-commuters" rose 58% in San Benito county from 2009-2017).

[53] *Largest Silicon Valley Employers*, *supra* note 1.

[54] Tatiana Schlossberg, *Silicon Valley Is One of the Most Polluted Places in the Country*, THE ATLANTIC (Sept. 22, 2019), https://www.theatlantic.com/technology/archive/2019/09/silicon-valley-full-superfund-sites/598531/.

[55] *Id.*

manufacturing of chemicals needed to make the technological products companies in the region are famous for.[56] According to the HUD Data and Mapping Tool, the environmental health of Santa Clara varies widely. In particular, tracts in and around San José (the largest city in the Santa Clara County) receive scores as low as 4 in the Environmental Health Index, revealing significant problems in environmental health close to the county's largest population center.[57] There are, however, some tracts with scores in the 80s and 90s – but these are the exception, not the norm.[58] The Santa Clara Department of Public Health does offer information and resources concerning environmental impacts broadly and operates clean water and site mitigation programs to help residents avoid the effects of water contamination.[59]

Santa Clara's environmental health status compares poorly with the rest of the region (San Benito County). San Benito's lowest-scoring tract on the Environmental Health Index receives a 41, and all of the other tracts range between the high 60s-high 80s.[60] Likely, this is a result of San Benito's relative lack of chemical manufacturing and superfunds (only one superfund site exists in San Benito – the New Idria Mercury Mine).[61]

Location of proficient schools and school assignment policies

The locations of proficient schools and school assignment policies are less of a factor in Gilroy, both because the distance between Gilroy and parts of the county with higher performing schools would be prohibitive for the feasibility of inter-district transfers and because there are not wide disparities between Gilroy's public schools that correspond to its demographic patterns. For instance, Gilroy High School and Christopher High School serve the southern and northern portions of the city whereas the primary demographic divide is between the more heavily Hispanic eastern portion of the city and the more heavily White western portion of the city. The two high schools have similar test scores and similar demographic compositions. In the northern part of Santa Clara County, however, there is a high degree of fragmentation among school districts, inter-district transfers for purposes of accessing higher quality programs are difficulty to achieve, and patterns in school proficiency consistently show that Hispanic and Vietnamese residents have less access to high performing schools.

Location and type of affordable housing

As is documented in the Publicly Supported Housing section of this Assessment, publicly supported housing is concentrated in parts of the County that have disproportionate concentrations of Hispanic Residents (in the case of the east side of San José, Vietnamese residents). These areas

[56] *Id.*

[57] *Environmental Health Hazard Index*, ARcGIS,
https://www.arcgis.com/home/item.html?id=8d292db7263c44eea5064186a91229ff.

[58] *Id.*

[59] COUNTY OF SANTA CLARA: DEPARTMENT OF ENVIRONMENTAL HEALTH,
https://www.sccgov.org/sites/deh/Pages/deh.aspx (last visited Jan. 30, 2020).

[60] *Environmental Health Hazard Index*, *supra* note 4.

[61] *New Idria Mercury Mine: Idria, CA*, ENVIRONMENTAL PROTECTION AGENCY,
https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0905346.

include San José (except for west San José and parts of far south San José), Morgan Hill, and parts of Mountain View, Santa Clara, and Sunnyvale. By contrast, areas that have small Hispanic and Vietnamese populations – whether they are majority White or have a high combined population of White residents, Chinese residents, and Indian residents – have relatively little affordable housing. This is particularly true in the city of Cupertino, the West Valley cities that are part of the Urban County, and the parts of the cities of Mountain View, Santa Clara, and Sunnyvale that are furthest from the San Francisco Bay. Thus, and in light of the correlation between Hispanic ethnicity and Vietnamese ancestry, respectively, and low-income status, the location of affordable housing contributes to patterns of segregation. This is exacerbated by the heavy focus on affordable housing for seniors in Cupertino and Santa Clara. Because the low-income senior population is more heavily White than the broader low-income population, siting this housing in areas that are more heavily White than the broader region is less likely to foster integration. Additionally, the County's broader focus on permanent supportive housing has led to a comparative underinvestment in affordable housing for extremely low-income families with children, which are more likely to be Hispanic or Vietnamese.

Loss of affordable housing

Gilroy and San José have instituted mobile home park rent control, which is a significant source of affordable housing for low-income residents. San José and Mountain View have existing rent control ordinances, and the state of California recently passed a rent control law. Statewide rent control will not preempt any existing, more generous ordinances; however, it will only be in effect for ten years. On the flipside, lower-priced apartments that might represent another significant source of unsubsidized affordable housing remain vulnerable to Ellis Act evictions and conversions. San José, in particular, has modified the Ellis Act, allowing for a reduction in the number of rent-controlled apartments that must be brought back when a rent-controlled development is demolished, and giving developers more generous waiver requirements. The National Housing Preservation Database shows that there are 39 properties in the County with "inactive" subsidies, with a total of 1,567 total units. Additionally, several developments with active subsidies are scheduled to expire within the next decade. On the regional level, San Benito County has just two small developments with inactive subsidies, versus fourteen with active subsidies. Statewide rent control and the Ellis Act cut in opposite directions, and have a similar effect on San Benito, albeit on a smaller scale.

Occupancy Codes and Restrictions

The state of California has not adopted the Universal Building Code. Instead, they have enacted the California Building Code, which also incorporates the International Building Code. The California Building Code has a rather broad definition of family, in that it does not only limit a family to "an individual or two or more persons who are related by blood or marriage," but expands the definition to any persons who "otherwise live together in a dwelling unit."[62] This definition is not restrictive in a way that would negatively affect access to housing.

---

[62] CAL., BUILDING CODE § 202.

Santa Clara County also defines family broadly, as "one or more persons . . . living as a single . . . household," explicitly excluding only those "operating a hotel, club, fraternity or sorority house."[63] Moreover, the code explicitly deems "necessary domestic help" as included within the definition of family.[64] In examining the five largest cities in Santa Clara County, all five have definitions of family that, while often using language distinct from one another, retain the expansive, non-restrictive view adopted by both California and Santa Clara County.[65] Accordingly, occupancy codes and restrictions are not a major factor in reducing access to fair housing in Santa Clara County.

The Santa Clara approach to occupancy codes is matched by the rest of the region (San Benito County). Specifically, San Benito's definition of "family" is nearly identical to Santa Clara County's defining family as "[o]ne or more persons occupying a premises and living as a single, non-profit, housekeeping unit" and explicitly including "servants" (rather the Santa Clara County's formulation of "domestic help") within the definition of family.[66] Therefore, there are not major disparities region-wide on this issue.

Private Discrimination

According to the California Department of Fair Employment and Housing (DFEH) Annual Report, there were 623 complaints in Santa Clara County in 2017.[67] Broken down by category, there were 191 employment complaints, 33 housing complaints, 4 under the Ralph Civil Rights Act, and 22 under the Unruh Civil Rights Act. 373 of the complaints were investigated and determined actionable.

Project Sentinel, which receives housing complaints locally, reported during the community engagement process that since 2016, they have received 598 complaints. Of those, 332 were based on disability, 121 on familial status, 71 on national origin, 33 on race, 40 on sex (including harassment, domestic violence, and lease break/eviction), 4 on source of income, 1 on gender identify, 3 on sexual orientation, 3 on marital status, 3 were "arbitrary" under the Uhruh Civil Rights Act, 1 was based on immigration status, and 2 were "other." Project Sentinel also reported changes in discrimination regarding immigration status – with a marked increase in this type of discrimination following the 2016 election. Project Sentinel reported more fear amongst immigrant communities in bringing housing complaints. In the past, immigrant communities were more likely

---

[63] SANTA CLARA COUNTY, CAL., CODE § 1.30.030.

[64] *Id*.

[65] *See* SAN JOSÉ, CAL., CODE § 20.200.370 (defining family as "one or more persons occupying a premises and living as a single housekeeping unit"); SUNNYVALE, CAL., CODE § 19.12.070 (including in the definition of family a "group of two or more persons who need not be related, living together in a single [dwelling] unit"); CITY OF SANTA CLARA, CAL., CODE § 18.06.010 (defining family as "an individual or group of persons living together as a single housekeeping unit in a dwelling unit"); MOUNTAIN VIEW, CAL., CODE § 29.54 (using the same definition as San José); MILPITAS, CAL., CODE § XI-10-2.03 (including in the definition of family "unrelated persons who function together as a single household unit").

[66] SAN BENITO COUNTY, CAL., CODE § 25.03.002.

[67] https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/08/DFEH-AnnualReport-2017.pdf

to fear landlord retaliation or loss of housing, but more recently landlords have threatened to call ICE, even when residents are not undocumented.[68]

With regard to disability-based complaints, Project Sentinel reports that most are related to requests for reasonable accommodations (animals, economic reasonable accommodations, tenancy extensions, caregivers, etc.). However, some involve evictions and/or harassment. In Project Sentinel's last Private Enforcement Initiative (PEI), they conducted family status testing based on UC Berkeley opportunity mapping. After 43 tests, roughly half resulted in a complaint or a landlord education letter. Occupancy limits and state preferences for single professionals often appear in discriminatory housing advertisements. The rampant nature of familial status discrimination is backed up by stakeholder meetings, which noted that familial status discrimination is often cloaked by pretexts.

Stakeholder meetings revealed high levels of discrimination against people with disabilities, who often have income provided solely by social security, and cannot access affordable housing. One stakeholder reported discrimination by landlords against people with psychiatric disabilities, particularly against children in broader households. An additional challenge is posed by non-elderly disabled people who can't work, but aren't eligible for senior housing.

Finally, one stakeholder has highlighted private discrimination when it comes to accessory dwelling units which are eligible for assistance money. If they are eligible for assistance, they are governed by affordable housing rules. However, the individual homeowners that control the ADUs are making the real life choices about who will live in their ADU, and there is an increased risk of discrimination, especially by those ignorant of fair housing laws. To combat this, Housing Trust SV will do fair housing training for homeowners receiving their assistance.

The rest of the region is made up of San Benito County. Private discrimination is not a pressing issue in San Benito County, evidenced by the low numbers of complaints DFEH attributes to the County (1 employment, 9 right-to-sue, 10 total).

Quality of affordable housing information programs

There are no general-eligibility mobility counseling programs for Housing Choice Voucher holders in the County. There are a couple of discrete programs, which serve very small populations. The Welfare to Work Program receives financial support from the County Social Services Agency to fund housing search staff and assist with housing counseling exclusively for Welfare to Work clients. Silicon Valley Independent Living Center provides housing counseling and placement to developmentally disabled adults. However, because of the recent passage of statewide source of income protections and the fact that the SCCHA is a County-wide agency, the need for mobility counseling is less pressing than in a highly fragmented, proportionally smaller part of a metropolitan area. Moving to a high opportunity area elsewhere in Santa Clara County can be accomplished with relative ease, especially considering that the payment standards in Santa Clara

---

[68] *See* AB 291.

are higher than the Fair Market Rents, there is a relatively large amount of units that fit within those payment standards, and there is no need to port vouchers into another housing authority's territory. Regionally speaking, San Benito County is far less populous and there is less demand to port vouchers into the county. Although there are no mobility-specific housing counseling programs, San Benito's Housing Element does call for the solicitation of organizations to provide bilingual rental housing counseling services, including tenant/landlord referral and mediation services.[69]

Regulatory barriers to providing housing and supportive services for persons with disabilities
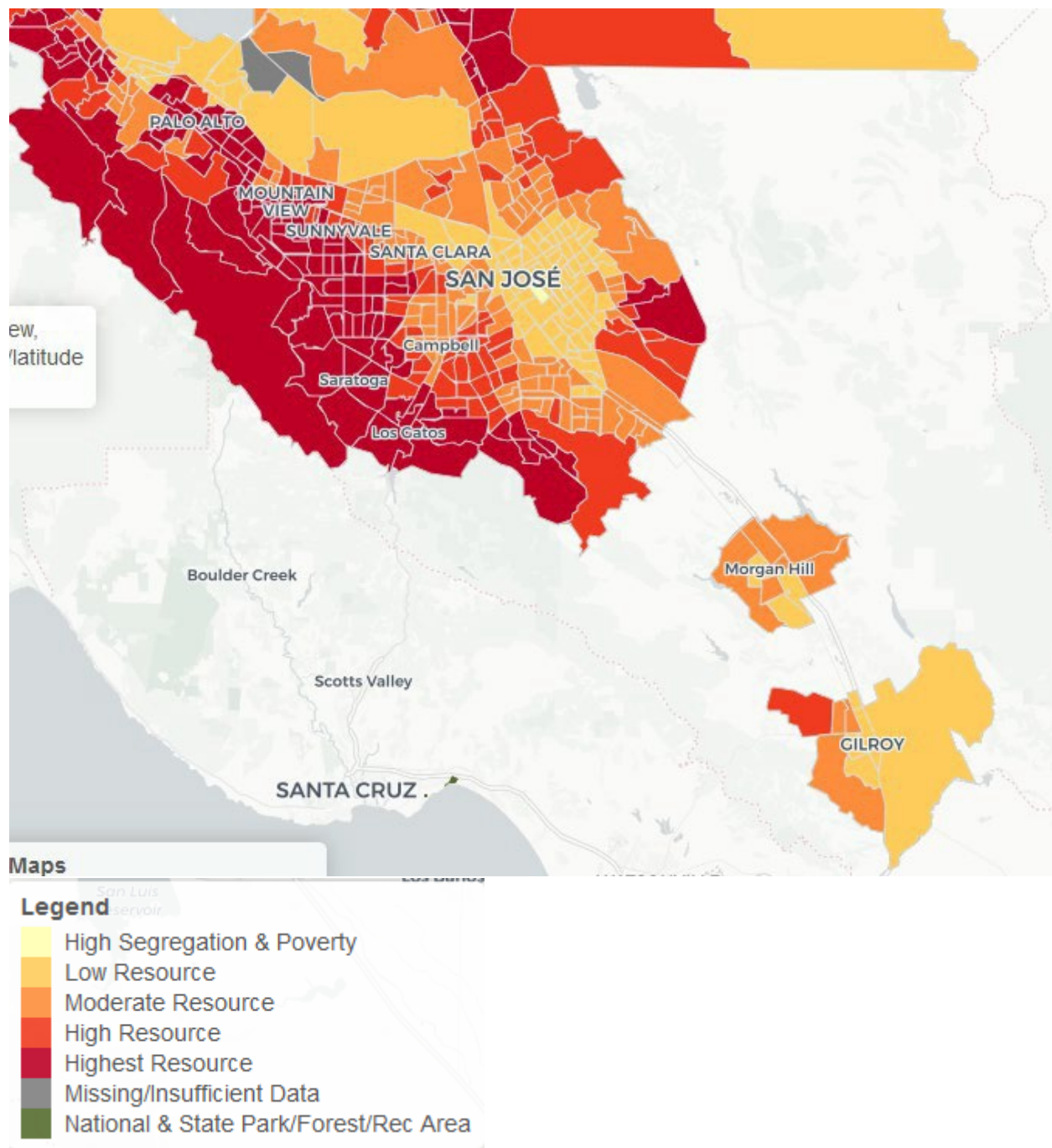
Regulatory barriers to providing housing and supportive services for persons with disabilities are not a significant contributing factor to fair housing issues for persons with disabilities in Santa Clara County and the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale. The amount of affordable housing available (and its cost), the extent of outreach and capacity among service providers, and the scope of service provision are the biggest drivers of the segregation of persons with disabilities. To the extent that barriers are regulatory in nature, they overlap significantly with the zoning and land use barriers to the construction of affordable housing generally. This Assessment discusses those in detail in the analysis of the Land Use and Zoning Laws contributing factor.

Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs

The main policy-driven factor related to the siting of publicly supported housing is the heavy focus of affordable housing development efforts throughout the state on transit-oriented development. Overall, there is very high access to transportation throughout the County. When real affordability is built into transit-oriented development, these investments may have a positive effect on stable integration in areas undergoing gentrification by arresting the process of displacement.

The California Tax Credit Allocation Committee's QAP heavily incentivizes family-occupancy Low Income Housing Tax Credit (LIHTC) development in what it terms "High Resource" or "Highest Resource" areas. As the map below illustrates, these areas are generally high opportunity areas that are disproportionately white. LIHTC development in these areas would contribute to greater residential racial integration. In light of the significant incentives for LIHTC development in High Resource and Highest Resource areas, the QAP does not currently contribute to segregation. At the same time, it is important to note that the California Tax Credit Allocation Committee adopted the incentives against the backdrop of a long history of allocating credits to developments that perpetuated segregation. The QAP includes set-aside pools for the South and West Bay Region (San Mateo and Santa Clara Counties) of 6%, which is roughly equal to its share in the population of the state.

---

[69] http://www.cosb.us/wp-content/uploads/2014-2023_Sec5_San_Benito_County_Housing_Element_2016-04-12_BoS_adopted.pdf

Legend

▢	High Segregation & Poverty
▢	Low Resource
▢	Moderate Resource
▢	High Resource
▢	Highest Resource
▢	Missing/Insufficient Data
▢	National & State Park/Forest/Rec Area

Source of income discrimination

Effective September 27, 2019, San José outlawed source of income discrimination. In October of 2019 the governor signed into law SB 329, prohibiting discrimination in housing based on source of income statewide. Since San José's source of income ordinance was only enacted in fall of 2019, and the statewide law took effect shortly after, it is hard to know whether there will be widespread noncompliance, such that source of income discrimination remains a problem in Santa Clara County. If noncompliance presents itself as a problem, landlord education programs may become necessary in order to mitigate the negative experiences. Still, a decision regarding the

appropriateness of this move is premature. The community engagement process has yielded comments on this issue, but many of the comments have been restricted to a prospective hope that the new law(s) will be effective.

State or local laws, policies or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings

State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, and other integrated settings are not a significant contributing factor to fair housing issues in Santa Clara County and the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale. A severe shortage of available, integrated affordable housing is the primary driver of the segregation of persons with disabilities, rather than laws, policies, or practices that discourage persons with disabilities from living in integrated housing

Unresolved Violations of Fair Housing or Civil Rights Law

As has been previously discussed in the Fair Housing Enforcement section, there have been very few recent/ongoing actions against any of the entitlement jurisdictions in this analysis, and these actions have been civil rights (though not specifically housing) focused. There have been multiple Voluntary Conciliation Agreements and Consent Decrees concerning fair housing actions occurring in Santa Clara County, but these have been effectuated against private landlords and other business entities, rather than jurisdictions. These successful settlements have been most often brought by Project Sentinel in its capacity as a private fair housing enforcement organization. In the region, made up of Santa Clara and San Benito Counties, San Benito County experiences far fewer fair housing and civil rights violations – this conclusion is based on complaint reporting from DFEH, and is a consistent observation, based in part on its much smaller population. Nevertheless, there has been a recent controversy in San Benito County regarding Hollister School District funding, which implicates civil rights issues. It is alleged that developer fees were withheld from the school district, meaning that the schools certainly faced a funding shortage and were therefore more constrained in their ability to provide a quality education to their students. The lawsuit was settled confidentially in 2018.[70]

---

[70] https://benitolink.com/county-and-hollister-school-district-agree-to-confidential-settlement-details-still-sketchy/