



Fair Housing Advocates of Northern California

1314 Lincoln Ave., Ste. A, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922
www.fairhousingnorcal.org ▼ fhanc@fairhousingnorcal.org

August 13, 2019

BY EMAIL ONLY (Tom Schwedhelm tschwedhelm@srcity.org, Chris Rogers crogers@srcity.org, Julie Combs jcombs@srcity.org, Victoria Fleming vfleming@srcity.org, Ernesto Olivares eolivares@srcity.org, John Sawyer jsawyer@srcity.org, Jack Tibbetts hjtibbetts@srcity.org)

Santa Rosa City Council members
 City Hall
 100 Santa Rosa Avenue
 Santa Rosa, CA 95404

RE: Proposed Source of Income Protection Ordinance
 (Amendment of City Code adding a new chapter 10-46, Housing Anti-Discrimination Code)

Dear Councilmembers:

This ordinance establishes source of income protections for renters with third-party rental subsidies, including Housing Choice Voucher holders, as part of the plan to address its housing crisis, prevent displacement of existing residents, and preserve affordable housing in the City of Santa Rosa as part of its Comprehensive Housing Strategy.

Fair Housing Advocates of Northern California (FHANC) wholeheartedly supports such a fair housing ordinance, and believes it is a crucial step to preserving affordable housing for the most vulnerable populations in the city who are protected under federal and state fair housing law. Since July 1, 2016, FHANC has provided fair housing counseling services to members of protected classes living in Santa Rosa or experiencing discrimination in their search for housing within Santa Rosa. FHANC's Santa Rosa clients often allege discrimination in housing but express fear in raising their concerns or permitting FHANC to intervene as they are often individuals using housing subsidies and are aware of the difficulties faced in locating new housing in Santa Rosa, particularly a landlord willing to accept their subsidy.

The burden of unaffordability in Santa Rosa is borne by tenants who are harmed by the current lack of affordable housing, requiring that many devote half or more of their monthly income towards their rent in order to live in the city. At worst, they are forced out of the city or county altogether or face homelessness. We continue to see such tenants at our agency. For those who choose to stay near the jobs, schools, or support systems that sustain them, the choice is sometimes living in a car or



A local non-profit helping communities eliminate housing discrimination

TDD: CALIFORNIA RELAY SERVICE FOR THE HEARING OR SPEECH IMPAIRED: (800) 735-2922
 SE HABLA ESPAÑOL - NẾU CẦN GIÚP ĐỠ BẰNG TIẾNG VIỆT NAM XIN LIÊN LẠC SỐ: (415) 847-2747

couch-surfing. For families with children or people with disabilities, staying housed becomes exponentially more difficult.

Sonoma County's 2011 Analysis of Impediments to Fair Housing Choice ("AI") found barriers faced by Hispanic/Latinx renters in particular, as well as families with children (often Latinx as well). Some barriers identified included discrimination toward Latinx families, including threats to evict tenants or call immigration if children are too noisy and limiting household size to two people per bedroom (which has a disparate impact on families with children, particularly Latinx families). The AI also found some degree of racial and ethnic segregation, which may be related to a lack of affordable housing. The AI concluded that in order to address the fair housing impediments identified, one recommended action is that the county and cities support efforts to increase affordable, accessible housing in all areas of Sonoma County.

Also according to the AI, people with disabilities are impacted by the lack of transit options and availability of existing accessible housing. Currently, for voucher holders with disabilities in Santa Rosa, it is extremely difficult to find accessible housing near transit corridors with housing providers who accept Section 8. According to HUD data, 68% of complaints from Sonoma County filed with HUD and DFEH from 2015-2017 alleged disability discrimination.

Additionally, FHANC's systemic investigations during the last several years have uncovered discriminatory practices in Santa Rosa and neighboring counties, such as offering fewer units, quoting higher rents, and stating more burdensome qualification requirements for Latinx, Blacks, families with children, and persons with disabilities. In 2019 FHANC conducted a systemic audit in Marin, Sonoma, and Solano Counties looking at the prevalence race and source of income discrimination (using Housing Choice Vouchers). FHANC only tested properties whose advertisements did *not* make any reference to "Section 8"; however, despite the fact that FHANC tested properties with seemingly neutral policies toward Housing Choice Vouchers, only two of the ten paired investigations included housing providers willing to consider Vouchers. The low incidence of discrimination in Sonoma County and the city of Santa Rosa is likely a result of the high proportion of housing providers who refused to accept vouchers or even negotiate with FHANC's testers whose profiles included vouchers.

Low-income people are comprised of a disproportionate number of African-Americans, Latinx, families with children, and people with disabilities, all protected classes under federal and state fair housing law. Virtually all Housing Choice Voucher holders, otherwise known as Section 8 Voucher holders, fall into one or more of these protected classes. Currently, landlords in Santa Rosa can decide whether or not they want to accept Section 8 or another type of housing subsidy. Studies have shown that refusal of Section 8, given the demographics of Section 8 Voucher holders, is often a pretext for race, familial status, or disability discrimination. This keeps African-Americans, Latinx, families, and people with disabilities in poor, segregated, and low opportunity neighborhoods, i.e., out of Santa Rosa. *Passing this ordinance will not require landlords to rent to Housing Choice Voucher holders; they must, however, consider their applications as they would any other prospective tenant.* All rental applicants, including Housing Choice Voucher holders, would be held to the same standards and the same screening process.

In June 2015, a U.S. Supreme Court's decision upheld the disparate impact theory, recognizing the history of the Fair Housing Act, the importance of the Fair Housing Act in decreasing segregation, and laying out an expansive construction of the Fair Housing Act. In addition, HUD's Affirmatively Furthering Fair Housing (AFFH) rule has clearly outlined the obligation of municipalities, Public Housing Authorities, and other recipients of federal funding to do more than *merely prevent* discrimination; they have an obligation to *proactively* address segregation. Many consider that these have laid the groundwork for legal challenges to a landlord's refusal to accept Section 8.

The City of Santa Rosa now has an opportunity to take a leading role as the first city or town in Sonoma County *affirmatively furthering fair housing* by putting this ordinance into place.

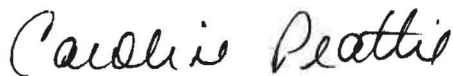
The city has obligations under federal law to affirmatively further fair housing, and I applaud the council for advancing this ordinance. To that end, I would like to address a couple of areas of concern in the ordinance as proposed.

- 1) Maintaining strong penalties as a deterrent: In other ordinances, such as the Marin County ordinance, the following wording is included: “Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter is liable for *and the court must award to the individual whose rights are violated, three times the amount of* special and general damages, or *in the case of unlawful discrimination in the rental of a unit* three times the amount of one month’s rent that the landlord charges for the unit in question.” The individual who has experienced housing discrimination should be awarded special and general damages, and mere liability may not be a significant deterrent for housing providers. The criminal penalty included in other ordinances has also been removed. Language included in other ordinances, particularly that “the court must award” said damages, is necessary in order for the ordinance to be strong, clear, and meaningful as a remedy. We urge the inclusion of such language so that the District Attorney or other entities can better enforce this ordinance, and so that there will be more incentive for housing providers to comply, knowing that there is the potential for greater penalty for failing to do so.
- 2) There is currently nothing spelled out in the ordinance about what properties are covered. We strongly urge the city to have broad coverage that includes all rental properties, with the exception of owner-occupied single-family homes where the owner is renting a room in the house to one individual (which is the only exemption from state fair housing law coverage). Broad applicability will have the greatest effect on Santa Rosa residents and is consistent with the majority of similar ordinances enacted in recent years (including the County of Marin and the cities of Fairfax, Novato, and San Rafael).

On behalf of our board, staff, and clients, I want to express my thanks to councilmembers for considering adopting this ordinance. We urge you to consider the issues raised above so that you may have the best possible ordinance after which other jurisdictions in the county may model similar ordinances.

Please don’t hesitate to contact me with any questions you have.

Sincerely,



Caroline Peattie
Executive Director

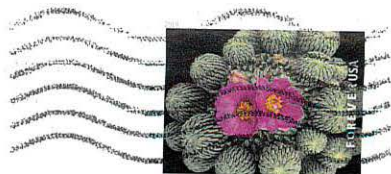
cc: Carmelita Howard

8/9/19
Sonoma Intersections Coalition
1450 Medical Center Dr,
Rohnert Park, CA 94928

Dear Councilman
Sonoma County's
high cost of living
makes it hard to
get health care,
eat well & be
emotionally secure.
Please make addressing
the issue of housing
an urgent priority.
Reuben Weirig

SAN FRANCISCO CA 940

07 AUG 2019 PM 6 L



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Ernesto Oliveres

Santa Rosa City Council
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Sonoma Intersections Coalition is funded by the St. Joseph's Healthcare Foundation, with significant support from the Prevention Institute. Sonoma Intersections Coalition is comprised of local non-profits from the health and housing sectors working together to create safe, truly affordable, sustainable, and dignity-affirming housing, enabling all Sonoma County residents to be healthy and thrive. For more information, visit: www.SonomaIntersections.org

95404-495399



Home is the cornerstone of health.

Health outcomes are largely reliant upon our social and physical environments. At the foundation of a healthy life, lies access to stable, quality, affordable housing.

We respond to the regional and national housing crisis with a health equity perspective as we advocate and educate on behalf of our community.

Sonoma Intersections Coalition
1450 Medical Center Dr,
Rohnert Park, CA 94928

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John Sawyer

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95404-495710



any 6.2019
Dear Councilmen Sawyer -
More than 1/2 of
all renters pay 30% or
more of their income
in rent! Severe housing
costs impact health,
stress & more poverty!
Padi Sawyer

Home is the cornerstone of health.

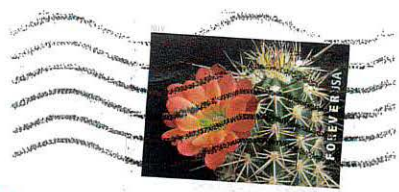
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COUNCIL MAN

JOHN SAWYER

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100 Santa Rosa Ave,
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CITY OF SANTA ROSA
CITY MANAGER'S OFFICE

THANKS FOR ALL YOU WORK
TO PROMOTE HEALTH & HOUSING
IN OUR COMMUNITY. AS A
LANDLORD IN SANTA ROSA, I
FULLY SUPPORT THE ANTI-SOURCE
OF INCOME DISCRIMINATION ORDINANCE,
AND ASK THAT YOU, AS THE
REPRESENTATIVE OF MY PROPERTY,
SUPPORT IT TOO!

GRATEFULLY, DANIEL WEINZUG

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1450 Medical Center Dr,
Rohnert Park, CA 94928

*I support the measure
prohibiting discrimination
toward Housing Vouchers &
other incomes in rental
housing. Thank you for
voting for it.*

*Sincerely,
Adrienne Lauby
Co-founder
Homeless Action!*

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Sonoma Intersections Coalition
1450 Medical Center Dr,
Rohnert Park, CA 94928

SONOMA COUNTY
CA 94928
07 AUG '19
PM 5:1



No Housing Voucher
Discrimination!

Santa Rosa City Council
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I support this.

Alise Simo, Santa Rosa

Sonoma Intersections Coalition
1450 Medical Center Dr,
Rohnert Park, CA 94928

POST OFFICE
CA 949
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No Housing Voucher
discrimination!

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I support these efforts. Victoria Jang

vyanezsald@aol.com

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1450 Medical Center Dr,
Rohnert Park, CA 94928

CA 94928
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PM 5:1



No Housing Voucher
Discrimination!

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Yes - I support this plan!

*Eileen Bill
Santa Rosa 95405*

Sonoma Intersections Coalition
1450 Medical Center Dr.
Rohnert Park, CA 94928

SAN FRANCISCO
CA 940
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FBI



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No Housing Voucher
Discrimination!

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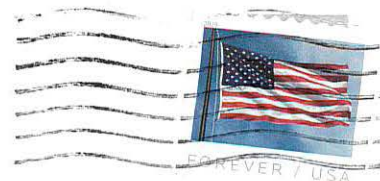
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Health outcomes are largely reliant upon our social and physical environments. At the foundation of a healthy life, lies access to stable, quality, affordable housing.

We respond to the regional and national housing crisis with a health equity perspective as we advocate and educate on behalf of our community.

Our city needs solutions - many have been
proposed so let's go forward with them!
Thanks - Arlie Haig

Sonoma Intersections Coalition
1450 Medical Center Dr,
Rohnert Park, CA 94928



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Santa Rosa, CA
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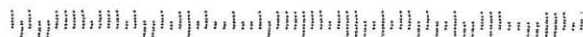
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Home is the cornerstone of health.

Item 15.1
I support and hope
you do too! We need equal
playing fields for all voters!
Mike Cook

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I support housing as a right! Please work on concrete, expeditions and impacting housing solutions!

*Marion Werner
Petaluma Resident*