



LAW FOUNDATION of Silicon Valley

Fair Housing Law Project

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By Email Delivery

December 11, 2017

Mayor, Vice Mayor, and Council Members

City Council

City of San José

200 E. Santa Clara Street

San José, CA 95113

Re: Agenda Item 4.1 – Actions Related to the Bridge Housing Community

Dear Mayor, Vice Mayor, and Council Members:

The Law Foundation of Silicon Valley serves a wide range of San José residents, including people living with physical and mental disabilities, low-income families, and young adults aging out of the foster care system. Many of our clients are homeless, have been homeless, or are at risk of becoming homeless due to housing instability. We see daily the effects of the housing crisis in our clients' lives and are acutely aware of the need for more affordable housing options in our community. Accordingly, we support efforts to increase our supply of housing for people experiencing homelessness, including creating temporary housing made possible under AB 2176 (Bridge Housing Communities or BHCs). In general, we support the memo from Mayor Liccardo, Vice Mayor Carrasco, and Council Members Jones, Peralez, and Arenas to move forward with BHCs.

Site selection criteria cannot be based on unreasonable fear and stereotypes about the residents who will live in BHCs. The Federal Fair Housing Act prohibits discrimination based on disability. The Fair Housing Act makes it unlawful “to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons.” (Joint Statement of the Department of Justice and the Department of Housing and Urban Development, <https://www.justice.gov/opa/file/912366/download>). As the memo from Staff points out, 70 percent of respondents in the 2017 Homeless Census and Survey report having one or more disabling physical or mental conditions. Placing unduly burdensome land use restrictions on projects that are designed to meet the needs of persons living homeless, and thus, a population with high percentage of persons with disabilities, may violate state and federal fair housing laws. BHCs should be located throughout the City to avoid such disparate treatment.

Related to the site selection criteria, we need to move faster with the public process. While the public process is important, neighbors' fears of BHCs based on unfair stereotypes of people living homeless cannot halt the process. The impacted members of our community are

living outside now, and even as the developments will not be completed by the end of this winter, the need for more housing solutions cannot wait. The state law provision empowering the City to act also cannot wait, so the City should work with the Assembly to extend the current sunset for AB2176 to give BHCs a chance to be constructed and to be successful.

With the amendment to expedite the public participation process while avoiding discriminatory site criteria, we urge the Council to support the recommendations included in the memorandum issued by the Mayor, Vice Mayor, and Councilmembers Jones, Peralez, and Arenas. Thank you for taking the time to consider the Law Foundation's comments. Please contact me at matthew.warren@lawfoundation.org or 408-280-2423 if you have questions regarding our comments.

Sincerely,

/s/

Matthew Warren
Staff Attorney