



COUNCIL AGENDA: 6/8/2021  
FILE: 21-1342  
ITEM: 8.3

# Memorandum

**TO:** CITY COUNCIL  
**SUBJECT:** SEE BELOW

**FROM:** Councilmember Sylvia Arenas  
**DATE:** June 7, 2021

Approved *Sylvia Arenas*

Date *6/7/21*

## **SUBJECT: ASSESSMENT OF FAIR HOUSING**

### **RECOMMENDATION**

Accept the Staff Report and Supplemental, and additionally:

1. Reaffirm Council's proactive commitment to promote policies that address longstanding systemic segregation and housing discrimination in San José.
2. Direct staff to return with a report that goes above and beyond the minimum actions required by state law and federal regulation.
3. Affirm as a statement from the San José City Council that housing segregation in San José is the result of federal, state, and local policies. That a segregated city was deliberately achieved by policy makers, and that – as a harm that was created by public policy that the Council asks staff to return with actionable pathways to promote desegregation in San José.
4. Recommend that the scope of work for draft strategies to return to Council should be a cross-departmental collaboration, particularly including recommendations for strategies that the Planning Department, Transportation Department, and the Office of Economic Development can add to their work plans and processes.
5. Modify staff's planned next steps and timeline to allow for NSE and CED to each hear both draft action items scheduled for committee presentations in October.

### **BACKGROUND**

Segregation in San José is not subtle, and it didn't happen by accident. In Santa Clara County, white-only neighborhoods were created by policies including racial zoning exclusions, deed restrictions, and restrictive covenants. And when the Supreme Court banned explicit racial restrictions in 1948 (Shelley v. Kraemer), it was enforced by the introduction of single-family zoning which was created to serve as a legal proxy for race.

Highways were built in ways that furthered segregation. Integrated neighborhoods were torn down as part of redevelopment programs. Federal policies limited the brand-new 30-year mortgage to only be available in completely white-only neighborhoods. By one estimate 98% of federally backed mortgage loans went to white applicants between 1934 and 1968. The list of policies goes on and on and on. And whenever it was needed, these policies could be enforced with the threat of violence.

These public policies were created to intentionally benefit white residents while inflicting harm on residents of color. By limiting their opportunities to own homes in resourced communities, they ensured that barriers would exist to building generational wealth. The effects of this harm can still be seen in San José's East-West racial divide along Highway 101 and Highway 87, where most of the City's White residents live to the west and most of the City's Latino and Asian population live to the east. Infrastructure that should act to connect us now serves as a symbol of separation and exclusion.

And through the cruel policies that have linked geography to our educational system, we have allowed our housing, transportation, and land use policies to lead to the denial of fair access to quality education for generations of students of color. Not in the deep south, but right here in San José.

As a City Council, it is incumbent upon us to rigorously evaluate the harms of the past, to take responsibility for its damaging impact -- both past and present -- and to be bold advocates for a desegregated future.

As Staff continues this important work, it's vitally important that we, as policymakers, reaffirm our shared commitment to promoting policies that address longstanding systemic and housing discrimination in San José.