

# Housing Policy and Belonging in Richmond





# This is home.



This Staying Power Mural in Richmond, California was co-led by Sasha Graham-Croner and Evan Bissell as part of the Staying Power project. See [haasinstitute.berkeley.edu/stayingpower](https://haasinstitute.berkeley.edu/stayingpower) for more information.



Staying Power Mural  
23rd St.  
Richmond, California

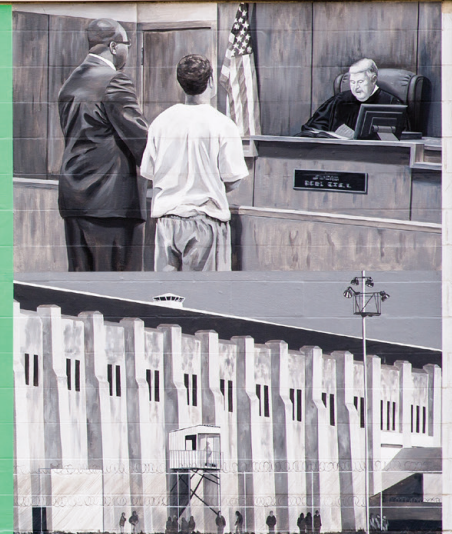


### FAIR CHANCE HOUSING

1. DENIAL CANNOT BE BASED ON CONVICTION HISTORY WITHOUT A VALID CAUSE
2. RENTAL APPLICATIONS CANNOT ASK ABOUT PRIOR CONVICTIONS
3. CONVICTION HISTORY CAN BE REQUESTED ONLY AFTER A CONDITIONAL LEASE AGREEMENT HAS BEEN OFFERED
4. LANDLORDS MUST MAINTAIN RECORDS FOR APPROVALS/DENIALS FOR 3 YEARS
5. YOU HAVE 14 DAYS TO APPEAL DENIALS BASED ON PRIOR CONVICTIONS
6. THIS APPLIES TO ALL PUBLIC LOW-INCOME AND AFFORDABLE HOUSING

### ACCESO JUSTO A LA VIVIENDA

1. POR CONDENAS SIN UNA CAUSA VÁLIDA, NO SE PUEDE NEGAR LA VIVIENDA
2. LAS SOLICITUDES DE ALQUILER, NO PUEDEN PREGUNTAR POR CONDENAS
3. LA HISTORIA DE CONDENAS SOLO SE PUEDE SOLICITAR, UNA VEZ APROBADO EL CONTRATO DE ARRENDAMIENTO CONDICIONAL
4. LOS PROPIETARIOS DE BEN MANTENER REGISTROS DE APROBACIONES Y DENEGACIONES POR 3 AÑOS
5. PARA APELAR LAS DENEGACIONES BASADAS EN CONDENAS SE TIENE 14 DIAS
6. SE APLICA A TODAS LAS VIVIENDAS PUBLICAS, DE BAJOS INGRESOS Y ACCEQUIBLES



MURAL CREATED THROUGH THE STAYING POWER FELLOWSHIP, A PROJECT OF ACCE, RYSE, SAFE RETURN PROJECT AND THE HISS INSTITUTE FOR A FAIR AND INCLUSIVE SOCIETY. THANKS TO THE MANY RICHMOND RESIDENTS WHO HELPED CREATE THE MURAL.

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# Preface

by Sasha Graham-Croner, Staying Power Fellow, 2017

I am truly grateful to be part of the Staying Power Fellowship, a six-month participatory action research and art fellowship about housing and belonging in Richmond. It allowed me to speak to the truths of my community. My family and friends have been affected by the issues set forth in this report. To be able to participate in a collaborative manner with others who share the vision of a strong, unified Richmond has brought hope to those assumed forgotten. The opportunity for my fellows and I to work alongside our community to ensure their future through this work is something I will never forget. I will never give up on this place I call home. The mural I helped to envision and create is now for all to see, I am now known as a warrior in my community and I intend to live up to it for as long as I am alive.

According to Abraham Maslow's "Hierarchy of Needs," the first and second tiers of human need include meeting our physiological needs and basic safety: housing is necessary for both. By providing this foundation, housing creates the opportunity for operating at our full potential.

The need for quality housing for in Richmond has reached a critical point and must be addressed with a multidimensional set of lenses. When we look at housing through different lenses—through stories, histories, policies, statistics, economics, arts—the theme of belonging emerges as central to addressing housing needs. Belonging within a city is not about being born there. It is not even about owning a home there. Belonging represents the communal spaces that are genuinely inclusive and supportive to all.

Many of the issues in Richmond seem to be tied to a disconnection between housing and belonging among its leaders. As residents, there is a need to educate ourselves on the historical, social, economic, and political contexts that have brought the long growing problem of housing to its current critical point. During the Staying Power fellowship, we looked at overlapping factors to design methods of analyzing the conditions and needs of marginalized and oppressed populations in Richmond. Many Black families in Richmond have endured rent increases without limits and eviction without just cause. Many immigrants, particularly undocumented Latinx families in Richmond have endured horrible living conditions because of their status. And for many formerly incarcerated individuals, homelessness is the name of the game. These atrocious realities have left individuals and families with no home and, just as importantly, hopeless and with no sense of belonging.

Research that employs various methods can be very useful here. By engaging directly through oral histories and interviews with populations who have been the most affected, and integrating those with data and statistics, we can create the type of real-world analysis needed to develop and implement real, sustainable solutions.

Ongoing activism around housing issues in Richmond has aided in the passing of laws to help address and rescue many families from displacement and despair. However, laws are ineffective without accountability. Many families have still suffered displacement and harassment from landlords that refuse to acknowledge the new ordinances. Historically excluded from benefits of the legal system, how could a mother know or believe she could challenge her landlord when she was disconnected from a decision made in the halls of the city government? In Richmond it will take accountability from our leaders to step up and give priority to the housing crisis. "Affordable" housing excludes many people who are "low income" or



have no income—delving into terminology and the details of development shows the lack of concern for those who have no names behind politically closed doors.

We cannot rest on these successes. We must call for the construction and renovation of even more low-income housing within the city. Laws need to be fully enforced by the powers of the city. In my own experience, in 2017 I was pressured to leave the home I was renting. I was not given a 30-day notice, nor any explanation, just a threat of violence if I did not vacate within a couple days. When the person tried to attack my family and me, the police were called; when they arrived, their only advice was for me to vacate for my safety. Even with the Just Cause for Eviction ordinance, the police suggested that my rights as a renter did not matter and that the only way to keep myself from violence was to leave with my child and be homeless. I did just that. I left, but with nowhere to go. This trial motivated me to keep going with the Staying Power Fellowship and to make sure the mural project I was leading lifted up the rights of those whose voices are not heard by some city leaders or its protectors. To do this requires a sense of belonging that emanates from those who live here and serve here.

The need for community—real community—is an integral part in solving the housing crisis. We must have knowledge and respect for those who we call neighbors, constituents, and leaders. This respect will lead us to think first of stabilizing the homes and lives of those who have been neglected and who deserve to stay in Richmond.

Leaving your home, the place and community where you belong, should be a choice you have made, not an inevitable result of displacement for capitalistic interests.





## This is home

by DeAndre Evans

This is where rodents and roaches are like family  
Cause we share da same meals  
Top Ramen Cereal Kool Aid  
It's no family complaints everything enjoyed that we refrigerate  
and put in cabinets  
Bathroom sink replace our bathtub so I can wash as well as da shame  
We feel 30 below air from cracked windows no heat for when Richmond  
wind blows  
No ac to cool down the weather dat make us sweat  
Neglect da only thing we get  
Fungus disintegrate da walls intoxicate our breath  
No one is responsive, feels like I'm talking to myself  
When help is asked to restore something simple as a lock on a gate  
So I can feel safe  
Microwaves being used as our stove and oven  
No fried chicken or fries or anything dat needs to be cooked  
We relied on heated up food  
Had to learn to go nights without lights and warm showers  
Going to school with Goosebumps from da temperature of da water  
Tired of these offices blaming me for conditions

Like these conditions weren't demons living in dis basement of satan  
It's a list people who wait and wait to be rejected to stay here  
But when you're Americas darker skin babies  
You're treated less than a stepchild or even less than a pet

This is home  
Where I'm too young to worry but not too young to care  
Three kids wasn't enough for us to be late for rent  
Put us on the street nine deep sleep in the U-Haul truck  
Giving is a foreign word to people better yet a foreign act  
It's easy to be pissed because of living in da gutters  
This where we have to be protected by those who protect and serve  
cause they  
serving yea they serving us wit us tasers clubs and bullets  
Wit da result of painful scars  
Men are quick to raise guns and fists but not nearly as quick to raise  
our kids  
Single mothers are seen on corners more than street signs  
Feels like you're saying goodbye to people before hello and you let go  
More funerals than birthday parties while prisons become like our  
graduation  
Being pushed and moving to places dat have so called better situations  
We ain't knowing only going cause where we at we ain't owning

This is home  
Where we don't always have what we want  
but always what we need depending on our faith  
Some of us believe, worship a higher power over money  
We genuinely love one another will give  
Some men step to be fathers even to kids who are not theirs  
One day we will hear more of sis and bro not just nigga or hoes  
Shelter will be provided and no one will be denied it  
That five-year-old boy will not be forced to the street  
Where the community will see the sunshine  
It won't be clouded by the smoke of guns weed and nicotine

This is tomorrow  
I will act on making it today



# Introduction

**W**hat does it mean to really belong in Richmond? How do our homes shape how we think of who belongs? What actions are needed to achieve a city where everyone belongs? The stories, research, data, poems, images, and policy ideas in this report center on these questions. As we write in the conclusion, “To describe housing without understanding belonging is to speak of statistics without people, place without human texture, buildings not homes.”

Art brings us closer to understanding what is truly at stake. **Ciera-Jevae Gordon** writes in her original poem found later in the report that:

...having a home is essential  
And I ain't got one  
It's a human right  
but do they even think I'm human?

Like this poem, much of the research and development of this report was done by the **Staying Power Fellows**, a group of Richmond residents impacted by the housing crisis who conducted interviews, analyzed data, and explored their own life experiences. For example, fellow **Noe Gudino** researched the Source of Income Discrimination policy, which led to the concept of a Reusable Tenant Screening Report (see Housing Policies for Belonging). The fellows wrote and performed poetry, developed a large public mural, drafted policies—and all of this work is being shared with the community.

The research in this report also comes from the insights and ongoing work of many Richmond-based organizations and other residents. On June 3, 2017, eight organizations co-sponsored a Citywide Housing Symposium, where over 100 participants discussed housing issues

in Richmond and policies to address them.<sup>1</sup> Public spaces for community leaders have also been a source and a sounding board for the research, including the GRIP Social Justice Forum and the Richmond Progressive Alliance Housing Action Team.

A rigorous research process that begins with supporting people most impacted by the issues to design and carry out their own analysis, and connects with community-based organizations that organize residents to collectively advocate for themselves, makes for more responsive housing decisions and begins to reverse the power imbalances that perpetuate homelessness, lack of affordability, and other issues. Responsiveness to everyone's well-being must be at the heart of change, as fellow **DeAndre Evans** writes in one of his poems:

...No one is responsive,  
feels like I'm talking to myself  
When help is asked to restore something  
simple  
as a lock on a gate  
So I can feel safe.

Recognizing that there is no single solution to the housing crisis affecting not only Richmond but the whole nation, we set out to research and develop a comprehensive set of solutions. In the past five years, Richmond has passed and explored a number of innovative local housing policies. This report seeks to build on that inspiring work. There may be gaps where we did not fully explain an issue, were not able to develop a solution, or could not address issues originating outside the scope of local policy action; this is ultimately a work in progress and a living document that will only be as valuable as the shared work that goes into adding, refining, and trying out the ideas and strategies here.

The research here benefits from the insight of numerous policy experts and Richmond residents who have reviewed and provided feedback.<sup>2</sup> Staff from the Haas Institute at UC Berkeley carried out quantitative data analysis, mapping, policy analysis, and legal research.

### **ABOUT THE STAYING POWER PROJECT**

Staying Power is an arts, policy, and participatory action research fellowship coordinated by ACCE, the Haas Institute, RYSE, and the Safe Return Project. The 2017 Fellows were: William Edwards, Safe Return Project; DeAndre Evans, RYSE; Ciera-Jevae Gordon, RYSE; Sasha Graham-Croner, ACCE; Noe Gudino, ACCE; and Satina Shaw, Safe Return Project.

The six-month fellowship began with the fellows sharing personal narratives and then building context around these stories through analyzing the structures and systems that impact their lives. The fellows met weekly to engage in a wide variety of activities including: creative work such as root cause and personal history mapping, photo-stories, tableaux, and collective writing exercises; readings such as the Richmond Marketing Research Report commissioned by the mayor's office and Richmond Main Street Initiative, and academic or journalistic pieces on housing issues in Richmond; skills trainings including project planning, video training, and interview question development; and project work and group feedback. The group used these activities to identify overlaps, disconnects, core themes, and needs in their own communities' narratives and experiences. This process informed the design and implementation of arts and culture projects, which then informed fellows' ongoing relationship to these issues.

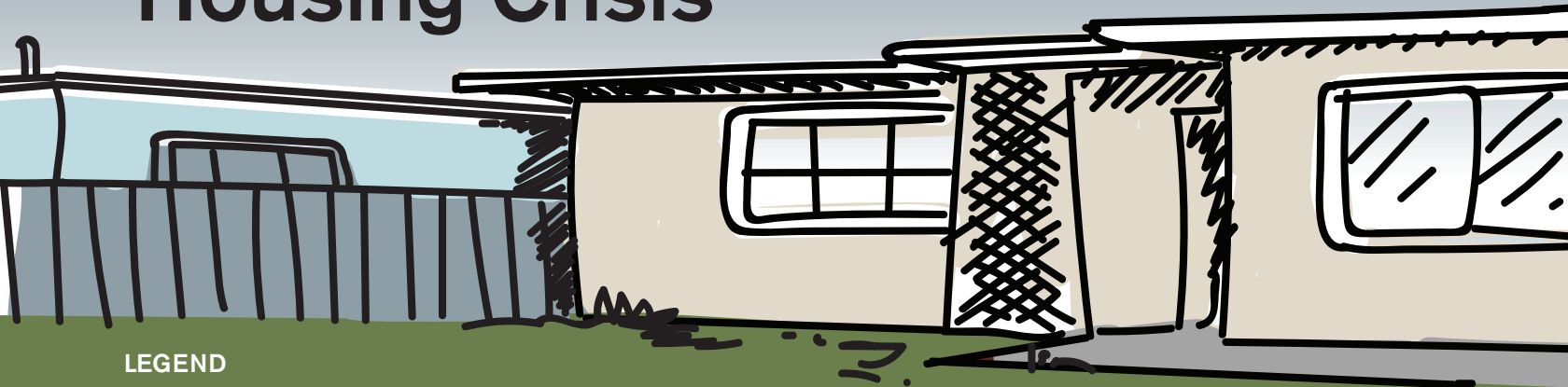
Highlights of the Staying Power Fellowship include:

- Over six months, held over 35 interviews and informal conversations with current and former Richmond residents about the topics of housing and belonging to inform the different project outcomes and directions of the group.
- Attended community meeting on the closing of the Las Deltas Housing site in North Richmond.
- Designed and implemented interactive activities for the lobby of "Richmond Renaissance," a play written by Staying Power fellow DeAndre Evans and produced by RYSE.
- Performed a collective poem at the Richmond Citywide Housing Symposium, the Richmond City Council, and a Section 8 homeownership workshop by Richmond Neighborhood Housing Services.
- Hosted two 90-minute workshops on designing the "know-your-rights" mural with Safe Return Project and ACCE. Sixteen attendees gave feedback and input into the mural.
- At Manor Housing (now Monterey Pines), fellow Ciera-Jevae Gordon facilitated eight writing workshops for Richmond children aged five to ten about housing and belonging.
- Fellow Ciera-Jevae Gordon created a book of 10 poems based on interviews with Richmond residents that included images and interviewers notes.
- Fellow Sasha Graham-Croner co-led the design and creation of a large-scale (60'x12') "know-your-rights" mural about recent housing laws passed in Richmond, including two community paint days.
- Fellow Noe Gudino co-wrote a draft "source of income" ordinance and began exploring possibilities for a "reusable screening report" ordinance.

The Staying Power project was directed by Eli Moore of the Haas Institute and coordinated by Evan Bissell, artist and researcher. For more information, see [haasinstitute.berkeley.edu/stayingpower](http://haasinstitute.berkeley.edu/stayingpower).



# Foundations of a Housing Crisis



## LEGEND

- Zoning & Redistricting
- Housing
- Labor
- Policing

In Richmond, home appreciation is greater in neighborhoods that were previously segregated white, which were less densely zoned and have fewer exposures to environmental toxins.<sup>3</sup>

Until a protest campaign in 1959, school district boundaries required Black high school students to travel out of their neighborhood to a Black school. Elementary schools were already segregated because the neighborhoods they were placed in were segregated.<sup>9</sup>

As unincorporated county land, North Richmond, and its majority Black residents had limited direct political representation.<sup>14</sup>

Prior to the foreclosure crisis, Black and Latino homebuyers were over three times more likely to receive risky loans than white borrowers, even with similar credit scores and income.<sup>4</sup>

Between 2009 and 2013, the Bay Area added the vast majority of its jobs in high wage (above \$50/hr) and low wage (below \$15/hr) positions.<sup>13</sup>

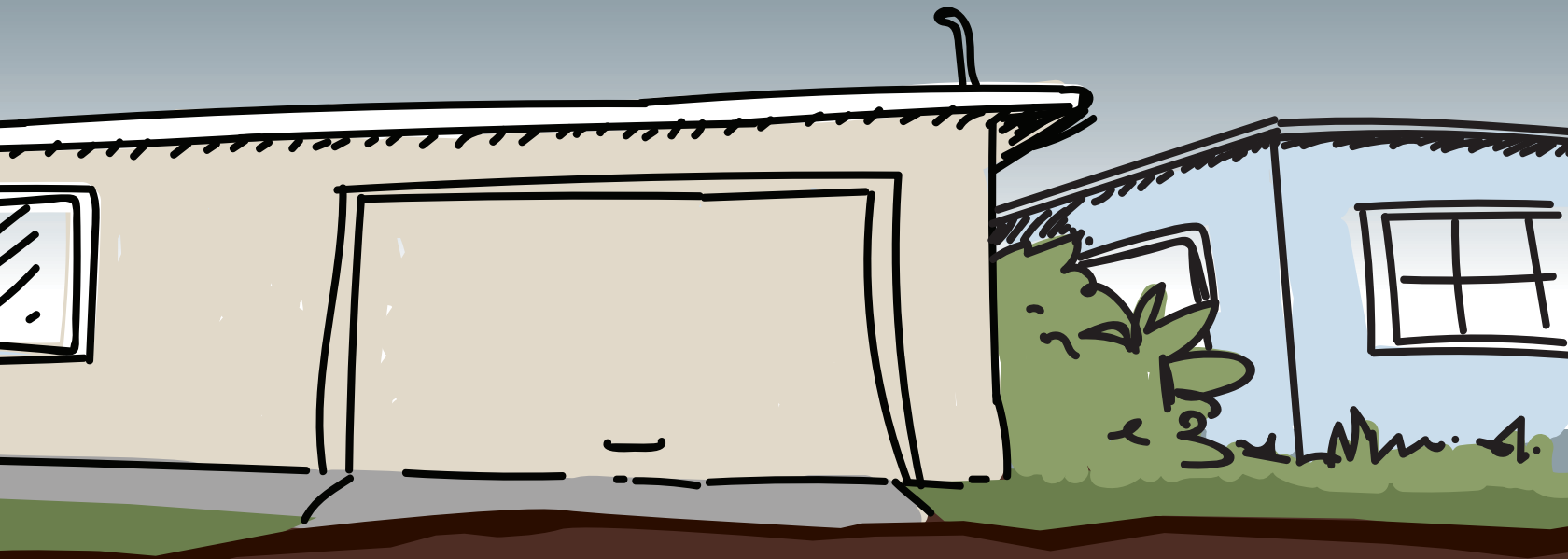
Black residents who challenged housing segregation met violence and little protection from police. When the Gary family moved to a white subdivision called Rollingwood in 1952, they were met by the local KKK and white mobs. An interracial local organizing campaign came together to protect the family.<sup>10</sup>

Black residents began moving out of Richmond through the 1950s as realtors stoked the fear of white homeowners by claiming that the neighborhood was “changing,” getting homes quickly, and selling them at a profit. Black people with

During WWII, around 80 percent of the Black community lived in temporary war housing that was then demolished in 1953 through “Urban Renewal” programs. Restrictive covenants forced them into segregated and underresourced neighborhoods, into predatory housing schemes (blockbusting) or directly into violent attacks from white residents.<sup>15</sup>

Due to racially restrictive covenants, as 1909 (and some even earlier), it was extremely difficult for Black people to purchase homes on their own. These lots were zoned for single-family homes, but banks would not let them construct homes for Black people. In contrast, exclusive homes were constructed with 500 ft. distances between

Black people migrated to Richmond in search of war-time employment and fleeing the second resurgence of the Jim Crow South. By the end of World War II Richmond’s Black population was 14,000.



In the 1940s and 1950s, the Richmond Realtors' Association refused the entry of Black realtors.<sup>6</sup>

Black and Latino residents, who make up the majority of Richmond residents, have the least access to high opportunity jobs in the region.<sup>7</sup>

In 2017, 63 percent of Richmond's General Fund budget was allocated to public safety, the largest single category.<sup>8</sup>

Residents began to move to southside through blockbusting—where agents exploited the racial fears of white residents by convincing them the block was "overvalued," getting them to sell their homes at a loss, and then turning around the same homes, selling them at higher prices to Black residents with fewer housing options.<sup>11</sup>

In 1953, Ford moved its plant to Milpitas and white workers followed, able to purchase homes in the surrounding area using federal subsidies and loan programs. Black union workers, like white workers, had guaranteed job rights, but could not buy homes in these new subdivisions.<sup>12</sup>

Between 2000 and 2013, the Bay Area gained 94,408 low-income households and simultaneously lost 106,000 naturally-occurring affordable housing units.<sup>5</sup>

Restrictive covenants as early as 1926 and as late as 1963, it was common for Black residents to live outside of North Richmond. Homes were zoned at 25 ft. wide and 10 ft. deep, forcing people to build from makeshift materials. By 1941, the mostly white Atchison Village, with federal funds in 1941, had 20 homes.<sup>16</sup>

Even at the height of the war, at Standard Oil (now Chevron), only 5 percent of employees were Black.<sup>17</sup>

Police harassment of the Black community in North Richmond was common enough that in 1954 both the American Civil Liberties Union and the National Conference of Christians and Jews operated defense programs.<sup>19</sup>

Despite employment in the Kaiser shipyards and the Ford assembly plants, Black workers were excluded from many unions in Richmond and were often given low level positions.<sup>18</sup>

During the war, Black people stopped by the police who could not show proof of employment were subject to arrest.<sup>20</sup>

of the Ku Klux Klan and widespread lynchings in the US South. In 1930, there were only 38



# By the Numbers: Housing Needs

**W**hat is clear from our analysis of data on housing in Richmond is that the squeeze on low-income renters, and Black and Latino residents in particular, has been building since the foreclosure crisis some 10 years ago. Foreclosures in Richmond spiked more than 600 percent between 2005 and 2008.<sup>21</sup> One of the effects of the crisis was that many homes lost to foreclosures became rental properties, decreasing the percentage of Richmond households who own their home from 61 percent in 2005 to 49 percent in 2015.

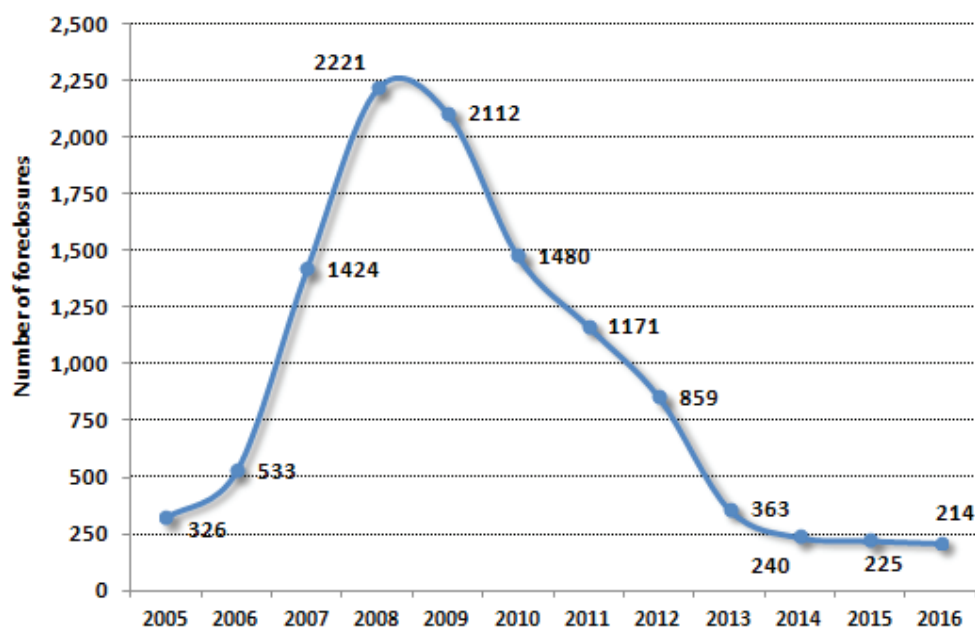
Substantial racial inequities exist in homeownership in the city: A majority of Black (60 percent) and Latino (63 percent) households are renters, compared to 36 percent of white households and 29 percent of Asian households.<sup>22</sup> On the heels of the foreclosure crisis came a rise in speculative investment, with cash purchases making up about half of all home purchases in Richmond between 2009 and 2012.<sup>23</sup> The asking rent in Richmond began to rise dramatically in 2013, going up 9 percent from 2013 to 2014, and 19 percent from 2014 to 2015, then only 4 percent through 2016, and not increasing through November 2017.<sup>24</sup>

Meanwhile, most of the new jobs that opened in the East Bay were either very low wage or very high wage. Between 2009 and 2016, 100,000 new jobs were added in occupations that have a median wage of less than \$15 per hour, and 100,000 jobs opened in occupations with median wages \$50 per hour or higher.<sup>25</sup> The unemployment rate in Richmond came down, but the median income didn't go up. When housing costs go up, but incomes do not, affordability worsens. This has hit low-income renters the hardest: the percentage of Richmond renters who are overburdened by their housing costs increased from 34 percent in the year 2000, to 46 percent in 2015.<sup>26</sup>

The production of housing that is affordable to low- and very low-income households has lagged far behind what is needed, worsening the shortage of affordable housing. From 2007 to 2014 Richmond permitted 31 percent of its target number of low- and very low-income units, and yet most cities in Contra Costa performed even worse, with jurisdictions in the county all together permitting only 22 percent of such units. In addition, most of the affordable units that were built recently were not located in neighborhoods with the resources and amenities to support healthy families. Looking at the affordable housing that was produced in Richmond using the Low Income Housing Tax Credit (LIHTC), all of the units were located in either low or lowest resource neighborhoods.<sup>27</sup> While most of the neighborhoods in Richmond fall into either the moderate or low resource categories, none of the LIHTC affordable housing projects were built in the areas of Richmond with better amenities.<sup>28</sup> This limits access to resources and opportunity for the low-income residents of these units, threatening to reinforce patterns of income and racial segregation.

Rapid Rehousing and Supportive Housing programs serving homeless residents in the county over the last four years have had high success rates with the clients they are able to serve, but are not resourced enough to meet the need. Rapid Rehousing and Permanent Supportive Housing programs' clients avoid homelessness over 90 percent of the time. However, these programs had only 218 beds in the county and were only able to serve about 1,000 people each last year, out of some 8,500 homeless people coming into contact with the county's Continuum of Care system. The chair of the county homeless council concluded that "the sluggish rate in the creation of affordable housing only means that homelessness, and the threat of homelessness, will continue."<sup>29</sup>





**CHART 1**

Number of Foreclosures in Richmond, 2005-2016

Source: Analysis of data from Property Radar (2017), PropertyRadar.com.

## Homeownership

**The extreme number of foreclosures has decreased, but the effects of the foreclosure crisis continue to impact Richmond**

### SEE CHART 1

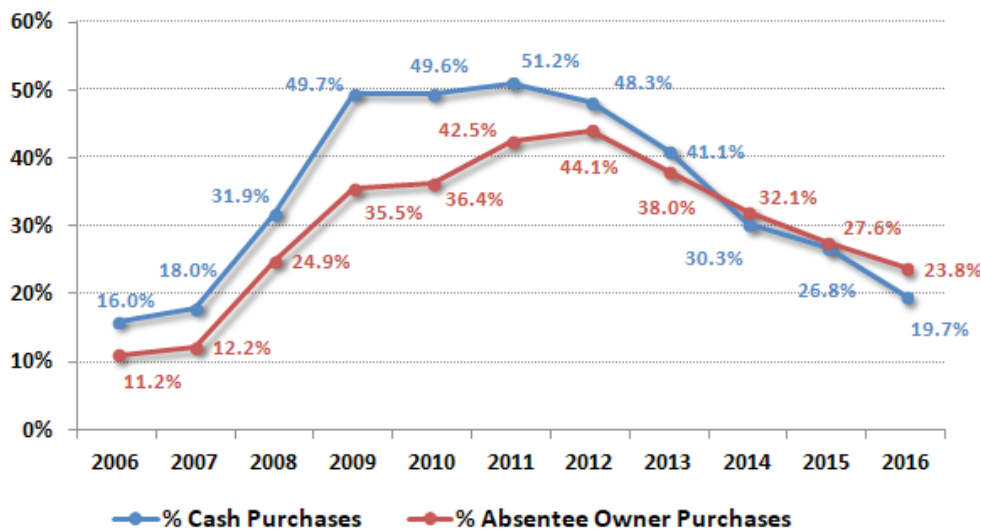
During the Great Recession, from 2007 to 2012, 6,300 residential properties in Richmond went into foreclosure.<sup>30</sup> The number of foreclosures peaked in 2008 and has decreased each year to levels similar to 2005, before the recession. However, as late as the end of 2013, when the number of foreclosures that year had dropped to pre-recession levels, more than one in four Richmond homeowners were still underwater on their mortgages (meaning they owed more on their mortgage than the fair market value of the property) and the city estimated that 30 percent of homes in Richmond were financed with subprime loans.<sup>31</sup> Overall, after the impact of the foreclosure crisis, the percentage of Richmond households who own their homes dropped from 61 percent in 2005 to 49 percent in 2015.<sup>32</sup> The subprime lending that drove the foreclosure crisis was

disproportionately targeted at Black and Latino homeowners, even when comparing borrowers within the same credit score range.<sup>33</sup> Despite the rapidly climbing housing values over the last few years, 4.4 percent of the residential properties in Richmond have underwater mortgages.<sup>34</sup>

### A spike in cash and absentee owner purchases followed the foreclosure crisis in Richmond

#### SEE CHART 2

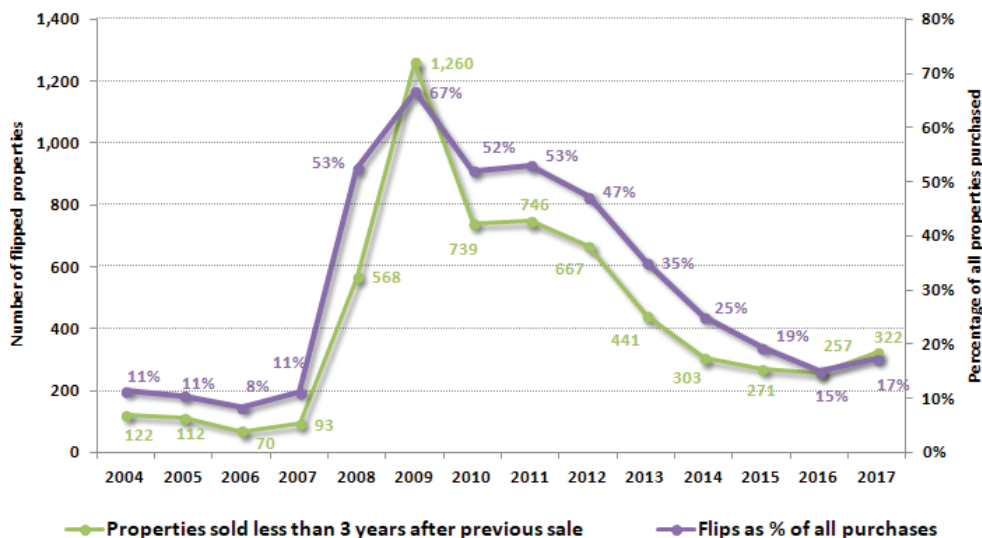
From mid-2009 to mid-2012, a majority of homes sold in Richmond were purchased with cash. The percentage of absentee owner purchases tripled between 2008 and 2012. The percentage of homes purchased by absentee owners or with all cash has come down to around one in five purchases of Richmond homes in 2016, which remains higher than pre-recession levels. These trends point towards speculative investment in the housing market, otherwise known as an economic investment in housing based on the speculation that housing value in a specific area will increase rapidly for a profitable resale or provides the ability to charge increased rents at profit.<sup>35</sup>



**CHART 2**

Home Purchases with Cash and Purchases by Absentee Owners in Richmond, 2006-2016

Source: CoreLogic (2017) "Quarterly Home Sale Data for the City of Richmond". Includes new and existing, attached and detached home purchases.



**CHART 3**

Residential Richmond Properties Sold Less than Three Years after Previous Sale, 2004-2017

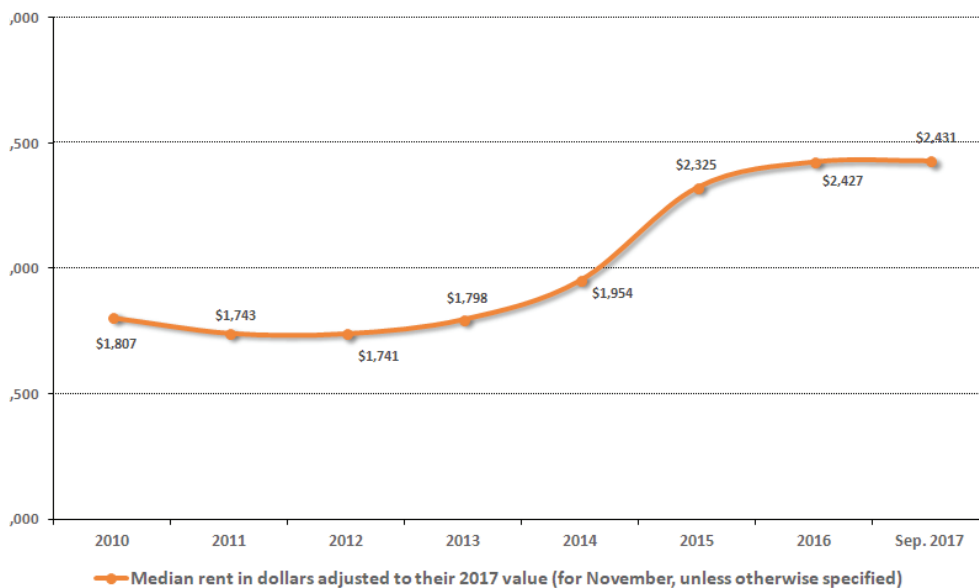
Source: Analysis of data from Property Radar (2017), PropertyRadar.com

## House flipping in Richmond spiked after the foreclosure crisis and remains higher than pre-crisis

### SEE CHART 3

House flipping is the practice of buying a property and quickly reselling it for a profit and is a form of speculative investment. Between 2000 and 2007, owners sold 589 Richmond properties within three years of purchasing them. In contrast, between 2008 and 2017, there were 3,593 properties resold within three years. The largest increase in house flipping occurred in the early years of the Great Recession. In 2007 there were only 93

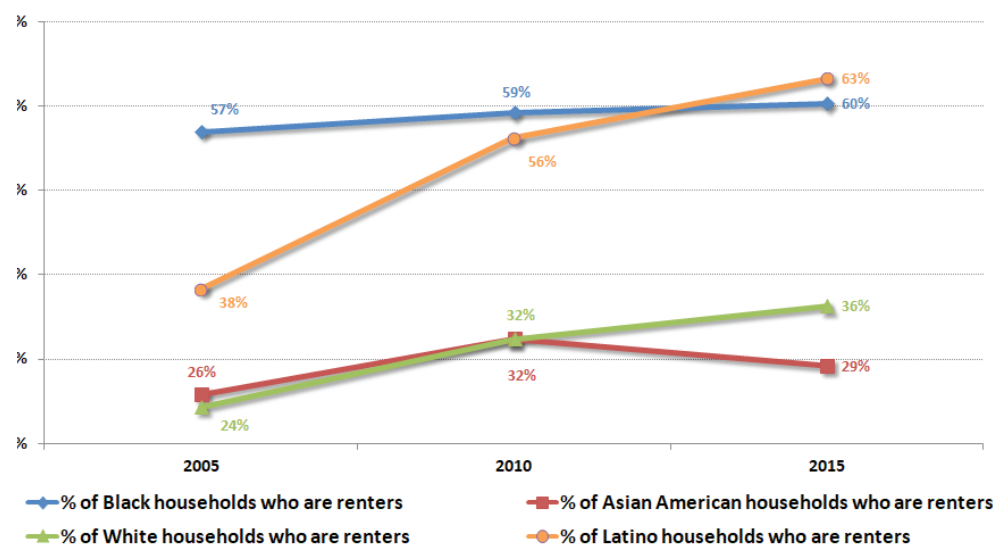
Richmond properties sold that had been bought within the previous three years. In 2008, this number rose by over 600 percent to 568, then more than doubled again the next year in 2009. After 2009, flipping decreased, and over the last four years (2013-2017) has been around 300 properties flipped per year, which is three times as high as pre-crisis levels. A 2016 analysis by RealtyTrac found that housing in the Richmond zip code 94801, which includes Central Richmond, Point Richmond, and unincorporated North Richmond, had the highest return on investment of any zip code in the Bay Area.



**CHART 4**

### Richmond Median Rent for All Housing Types in Richmond, 2010-2017

Source: Zillow Rent Index time series, <https://www.zillow.com/research/zillow-rent-index-methodology-2393/>. Data indicates the median rent for all housing types and encompasses units with varying numbers of bedrooms.



**CHART 5**

### Percentage of Renters by Race in Richmond, 2005-2015

Source: Table B25003 A-I, 2005 American Community Survey; Table HCT1, 2010 Census Summary File 1; Tables B25003 A-I, 2011-2015 American Community Survey 5-Year Estimates.

## Renters

### Rent has risen by over a third in Richmond over the last eight years

**SEE CHART 4**

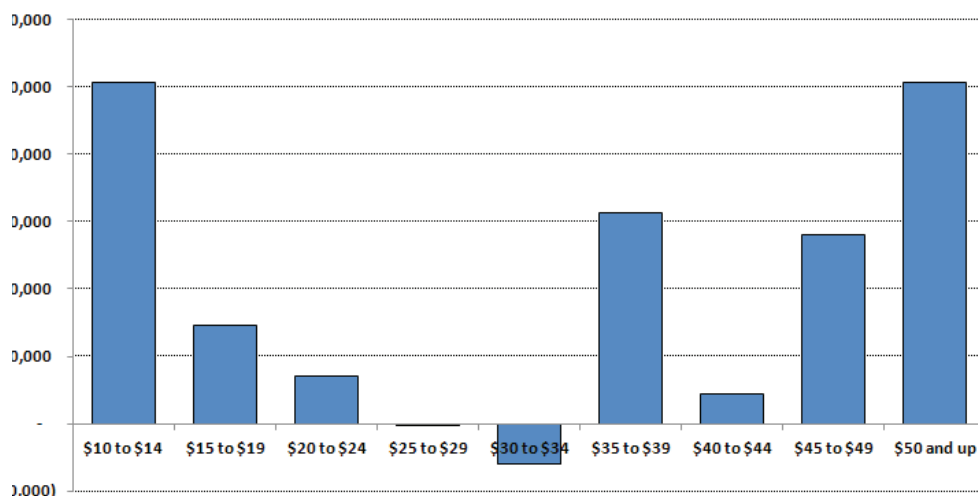
As with the larger Bay Area, Richmond experienced an increase in median rents between 2010 and 2017. This chart displays the median asking rents between November 2010 and September 2017. During this entire time period, rents increased by 35 percent, with the largest single jump occurring between 2014 and 2015 (19 percent during a 12-month period).

### Black and Latino households in Richmond represent a disproportionate percentage of renters

**SEE CHART 5**

Across racial groups, a higher percentage of Richmond households are renters in 2017 compared to 2005. A majority of Black (60 percent) and Latino (63 percent) households are renters, while 36 percent of white, and 29 percent of Asian households are renters. The percentage of Latino households comprised of renters rose from 38 percent in 2005 to 63 percent in 2015, now the highest in the city. The percentage of Black





**CHART 6**

Change in Number of Jobs by Hourly Wage Category, Oakland-Hayward-Berkeley MSA, 2009-2017

Source: Analysis of data from California Employment Development Department, Occupational Employment Statistics (OES). Accessed 11/10/17 online at <https://data.edd.ca.gov/Wages/Occupational-Employment-Statistics-OES-/pwxn-y2g5>

households renting was twice as high as the percentage of white households renting in 2005, and this gap decreased slightly by 2015.<sup>36</sup>

### More people are working but wages of new jobs reflect extreme inequality

#### SEE CHART 6

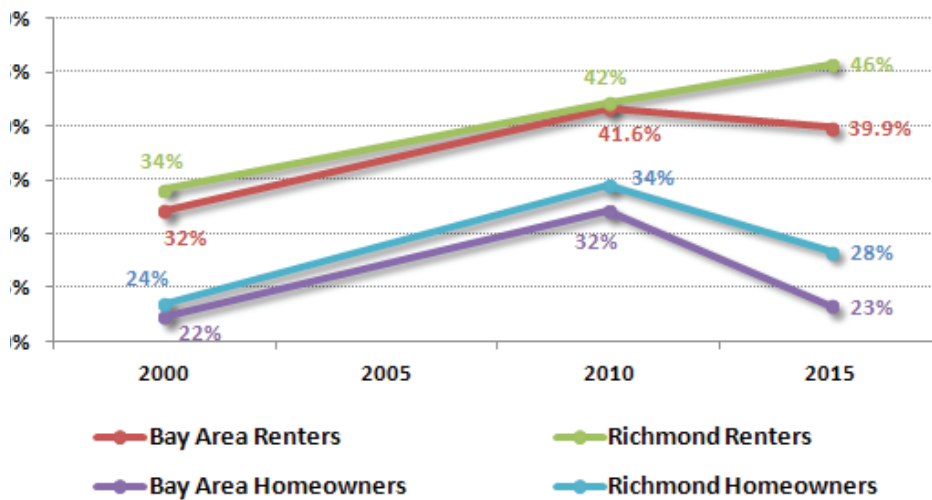
The current unemployment rate in Richmond is low (under 5 percent for the population overall)<sup>37</sup> but the median household income in Richmond (\$55,000) has barely risen since 2009.<sup>38</sup> Racial disparities in employment also persist, with the 2015 unemployment rate at 5.5 percent for white residents, 8 percent for Asians, 10 percent for Latinos, and 18 percent for Black residents in Richmond.<sup>39</sup> The wages of the new jobs reflect extreme inequalities—between 2009 and 2017, most of the new jobs that opened in the East Bay were either very low wage or very high wage jobs. About 100,000 new jobs were added in occupations that have a median wage of less than \$15 per hour, and around 100,000 jobs opened in occupations with median wages \$50 per hour or higher.<sup>40</sup> While Richmond city council voted in 2017 to raise the minimum wage, the wage needed for a single adult working full-time with an infant child to be self sufficient in Contra Costa

County is \$28 per hour.<sup>41</sup> About 145,000 (63 percent) of the new jobs in the East Bay since 2009 have median incomes paying less than this level of self sufficiency. The income inequality generated by this type of economic growth contributes to the housing crisis by creating a large difference in what people can spend on housing, thereby creating unbalanced competition for available housing.

### Housing is less affordable in Richmond relative to incomes, and renters are the most burdened by unaffordable housing costs

#### SEE CHART 7

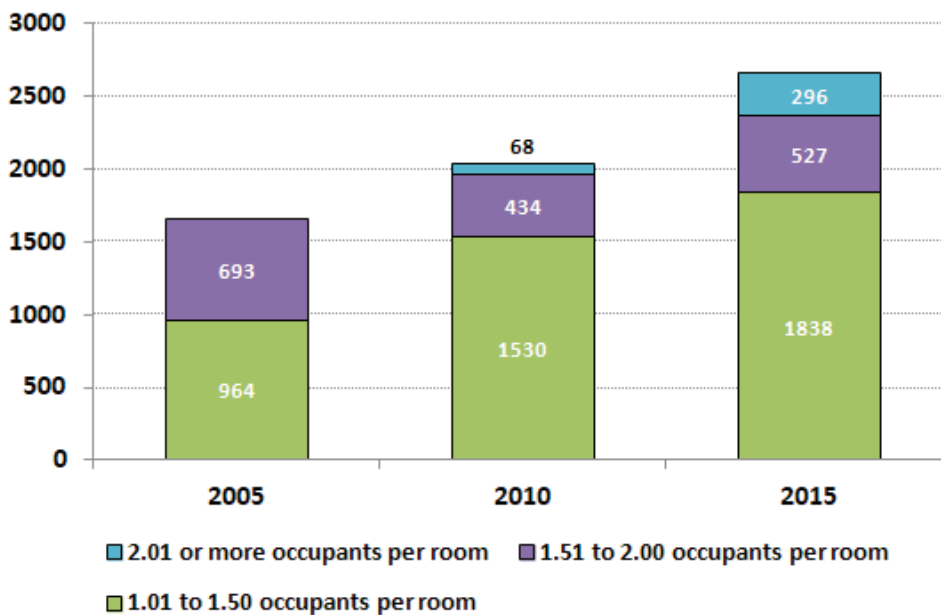
Housing affordability refers to the relationship between people's income and housing costs. Most housing agencies consider a household over-burdened with housing costs if the household pays more than 30 percent of their income towards housing. Despite being one of the most affordable cities in the Bay Area, the percentage of Richmond renters who are over-burdened by their housing costs increased from 34 percent in the year 2000, to 46 percent in 2015.<sup>42</sup> In the 2016 Richmond city survey, only 39 percent of residents said they were "not experiencing housing cost stress." The national survey company conducting the survey



**CHART 7**

### Over-burdened Renters and Homeowners in Richmond and the Bay Area, 2000-2015

Source: Table DP-4, Census 2000 Summary File 3 (SF 3), 2000; Tables B25074 and B25095, American Community Survey, 2010 and 2015; "Vital Signs: Housing Affordability", Metropolitan Transportation Commission, 2017.



**CHART 8**

### Crowding in Renter-Occupied Homes in Richmond, 2005-2015

Source: Table B25014, American Community Survey, 2005-2015 Commission, 2017.

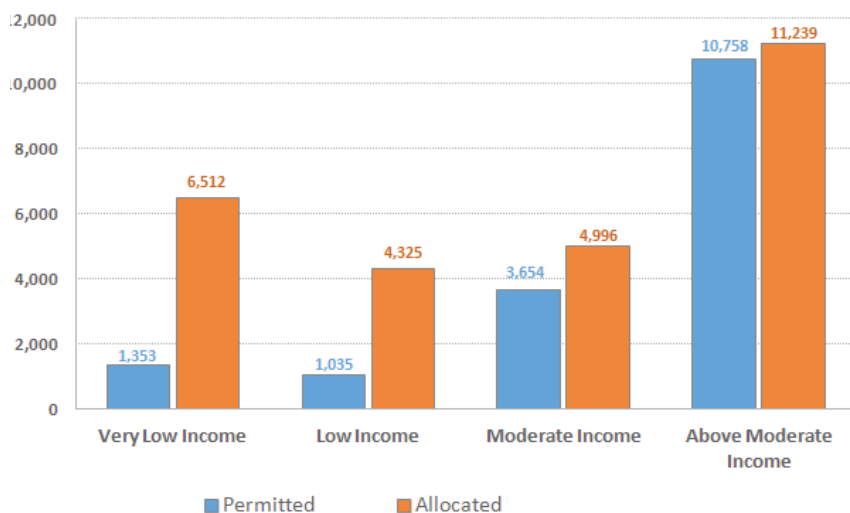
compared this response to other communities where a similar question was asked and found that Richmond had the lowest positive rating regarding housing cost stress of the 240 communities surveyed.<sup>43</sup> In Richmond and throughout the rest of the Bay Area, a higher percentage of renter households are over-burdened by their housing costs when compared to homeowners.

### Tenants are responding to unaffordable rents by crowding more people into less housing

#### SEE CHART 8

Among homeowners in Richmond, over-crowding decreased between 2005 and 2015, but among renters, over-crowding has increased

substantially. The number of over-crowded renter households with one to 1.5 people per room nearly doubled from 2005 to 2015, increasing from 960 to 1,840.<sup>44</sup> Compared to other cities in the Bay Area, Richmond had one of the highest rates of over-crowded households in the Bay Area in 2013, according to ABAG.<sup>45</sup> Crowding more people into less housing is often a response to unaffordable housing. Crowding more than one person per room is associated with worsened respiratory conditions, stomach cancer, psychiatric symptoms, mental illness, and other worsened health conditions. Crowding at the higher rate of 1.5 people per room can lead to worsened child mortality, reading and mathematical testing, and increased accidents.<sup>46</sup>



**CHART 9**

Contra Costa County Housing Units Permitted Relative to Units Allocated (by Income Category), 2007-2014

Source: Association of Bay Area Governments, "2007-2014 Bay Area RHNA Performance Report", accessed January 17th, 2017, from <https://abag.ca.gov/planning/housing/datasets.html#reports>

## Affordable Housing Production

**The county and region are far behind in producing enough affordable housing for population growth**

SEE CHART 9

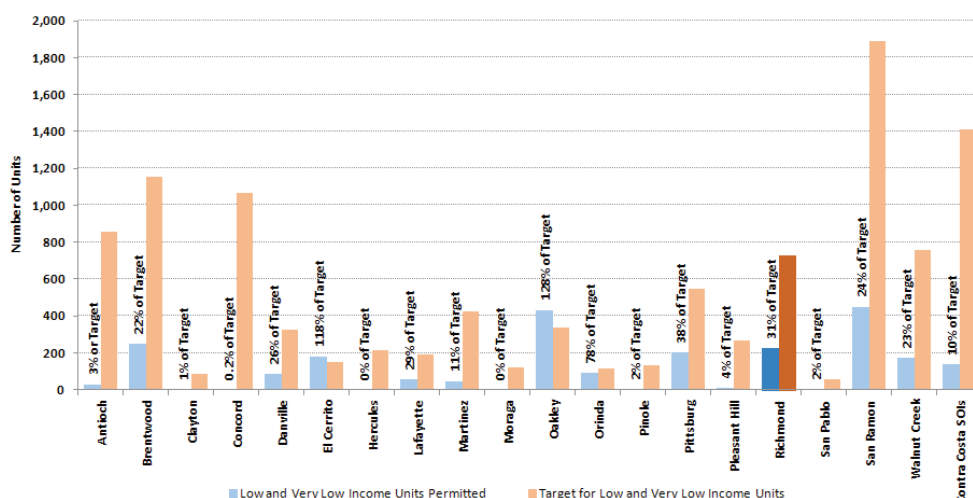
Housing pressures at county and regional levels impact the mobility of low-income Richmond households and increase affordable housing demand. The region has almost reached its goals for building new higher-income housing, but has fallen far short in developing housing affordable to lower-income households. Between 2007 and 2014, Contra Costa Co. developed 96 percent of the housing units needed for above moderate-income households and 73 percent for moderate-income households, but only 24 percent for low-income households and 21 percent of what was needed for very low-income.<sup>47</sup> While Chart 9 displays a timespan that coincided with a construction downturn during the Great Recession, the ability to finance affordable housing in the region was further exacerbated by an overall decrease in funding from state and federal sources during the same time period.<sup>48</sup> The trends in Contra Costa Co. mirror those of the entire Bay Area. Contra Costa as a whole permitted more moderate-income housing than the rest of the region.<sup>49</sup>

come households and 21 percent of what was needed for very low-income.<sup>47</sup> While Chart 9 displays a timespan that coincided with a construction downturn during the Great Recession, the ability to finance affordable housing in the region was further exacerbated by an overall decrease in funding from state and federal sources during the same time period.<sup>48</sup> The trends in Contra Costa Co. mirror those of the entire Bay Area. Contra Costa as a whole permitted more moderate-income housing than the rest of the region.<sup>49</sup>

**Richmond is developing more affordable housing than many other cities in the county, but not nearly enough to meet need**

SEE CHART 10

Every seven years, the regional planning agency in the Bay Area, known as the Association of Bay

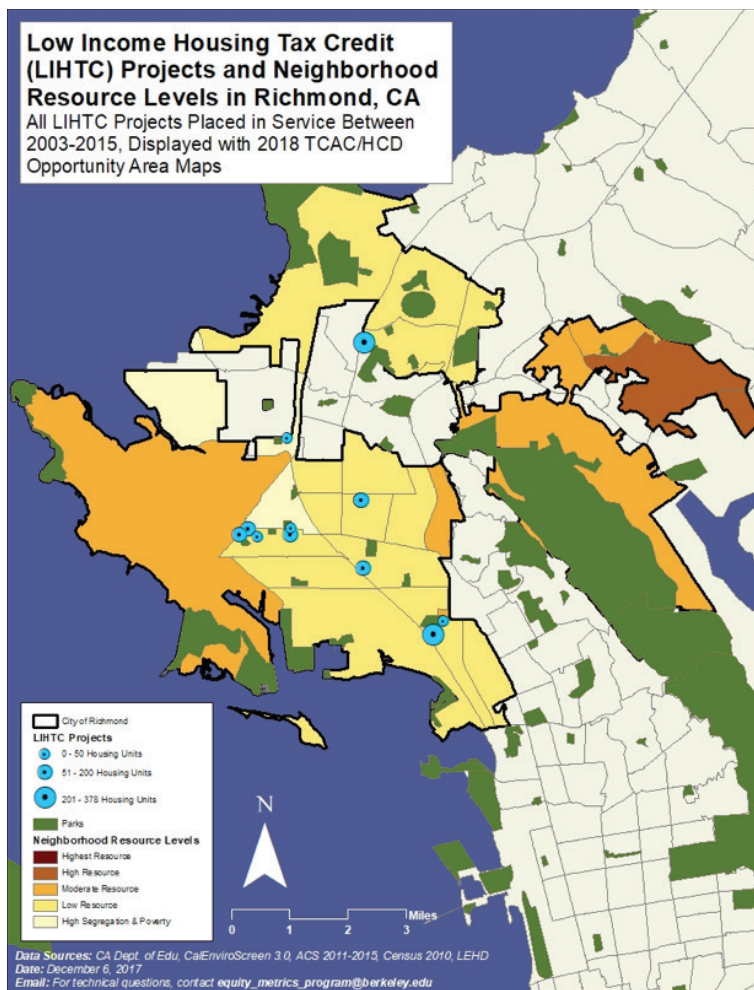


**CHART 10**

Contra Costa Cities' Progress Towards Affordable Housing Goals, 2007-2014

Source: Association of Bay Area Governments, "2007-2014 Bay Area RHNA Performance Report", accessed January 17th, 2017, from <https://abag.ca.gov/planning/housing/datasets.html#reports>





**MAP 1**

## Low Income Housing Tax Credit (LIHTC) Projects and Neighborhood Resource Levels in Richmond

Sources: CA Fair Housing Task Force, <http://www.treasurer.ca.gov/ctcac/opportunity.asp>, and TCAC Project Mapping, <http://www.treasurer.ca.gov/ctcac/projects.asp>.

Area Governments (ABAG), sets affordable housing development goals for each city in the region based on the region's population growth and housing needs, among other factors. Each city is given a goal for the number of units it should build in the seven-year period at very low-, low-, moderate-, and above moderate-income levels.<sup>50</sup> From 2007 to 2014 Richmond only permitted 31 percent (227 housing units) of its target number of very low- and low-income units, which, however, was the fourth highest out of 19 incorporated cities in Contra Costa County in number of units produced and percentage of allocation achieved at those income levels. As a whole, cities in Contra Costa only permitted 22 percent of the very low- and low-income units that were needed in Contra Costa County between 2007 and 2014.

## All Low- and Very Low-Income Housing Units Built in Richmond Between 2003-2015 were Built in Low or Lowest Resource Neighborhoods

### SEE MAP 1

Map 1 shows where many of the housing units that counted towards Richmond's lower-income housing goals have been built. These projects were all financed through the Low Income Housing Tax Credit program, a federal program that is administered by each state and is the largest source of funding for affordable housing in California. The 13 projects represented in the map were placed in service between 2003 and 2015 and account for over 1,500 total units, 97 percent of which were affordable to low-income households.<sup>51</sup> Note that most of these units were con-

centrated in central Richmond, with other projects scattered mostly throughout central and southern Richmond, and that all of the units were located in either Low or Lowest Resource neighborhoods.<sup>52</sup> This is part of a broader pattern in the Bay Area; nearly two-thirds of LIHTC projects (64.9 percent) in the nine-county area were sited in Moderate, Low, and Very Low Opportunity neighborhoods during the years for which data was available (1987-2014).<sup>53</sup> While most of the neighborhoods in Richmond fall into either the Moderate or Low Resource categories, all of the projects were built in the low and lowest resource areas of Richmond, with none in Point Richmond or Eastern Richmond.

### Chronic underfunding sparks transition in the model for providing permanently affordable housing

Nationally, public funding for permanently affordable housing has been cut so dramatically that public housing faces a \$26 billion backlog of needed repairs.<sup>54</sup> In order to address this lack of funding, HUD developed the Rental Assistance Demonstration (RAD) program, through which participating housing authorities (like the Richmond Housing Authority) can convert public housing to private ownership, while ensuring long-term affordability through a contract with affordability restrictions that can be renewed each time they expire.<sup>55</sup> The Richmond Housing Authority (RHA) board, which is made up of the members of the City Council, has approved RAD conversion of four of the public housing developments owned by the RHA.<sup>56</sup> Management of two of those developments, Friendship Manor and Triangle Court, has already been turned over to the John Stewart Company.<sup>57</sup> Temporary tenant relocation at both of these properties took place at the same

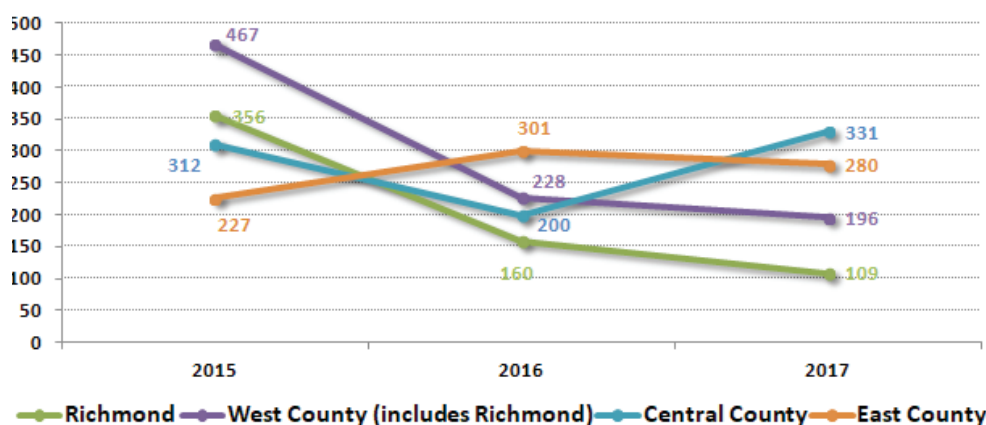
time as renovations. The other two RHA-owned public housing developments, Nevin Plaza and Nystrom Village, have received RAD funding and are scheduled for renovation in 2017. The \$160 million Nystrom Village revitalization project will draw from both public and private funding sources.<sup>58</sup> The Richmond Housing Authority has not finalized a relocation plan for neither Nevin Plaza nor Nystrom Village.<sup>59</sup> Another challenge facing the RHA's model of providing affordable housing is the difficulty placing Section 8 voucher holders, who must find private landlords willing to accept their subsidized rent payments. Around 300 Section 8 vouchers are going unused, leaving unfulfilled the needs of those 300 extremely low-income households and jeopardizing the future funding of the RHA.<sup>60</sup> Mismanagement at the Richmond Housing Authority has drawn criticism and threats of sanctions from HUD.<sup>61</sup>

## Homelessness

### Homelessness is persistent but may be coming down in Richmond

#### SEE CHART 11

When the most recent annual count asked homeless people across Contra Costa what city they were in when they lost their permanent housing, 198 were from Richmond out of a total 807 in the county.<sup>62</sup> No other city in the county had more homeless people who formerly called it home. Data on homelessness has limited reliability due to the lack of comprehensive surveys, but in a one-night survey, the surveyors documented 109 people experiencing homelessness in Richmond, including 57 percent who were sleeping outside.



#### CHART 11

### Point in Time Count of Homeless Population in Richmond and Regions of Contra Costa County, 2015-2017

Source: Contra Costa Council on Homelessness (July, 2017) 2017 Point in Time County: A Snapshot of Homelessness in Contra Costa County. Accessed 10/15/17 online from <https://cchealth.org/h3/coc/pdf/PIT-report-2017.pdf>



**CHART 12**

Effectiveness Rate of Rapid Rehousing and Supportive Housing Programs in Contra Costa County, 2012-2016

Source: Contra Costa County Homeless Continuum of Care, 2015/16 Fiscal Year Annual Report

This annual survey has found the number of people homeless in Richmond decreasing in each of the last three years, from 356 in 2015, to 160 in 2016, to 109 in 2017.<sup>63</sup> The Contra Costa survey found “a significant increase in central county and decrease in west county. Some of these trends may reflect a shift in the homeless population and/or the effectiveness of efforts adopted at the local level to address homelessness.” A recent estimate from the Richmond mayor and the police department put the Richmond homeless figure nearly eight times higher, at 800 individuals and 76 encampments.<sup>64</sup> A recent investigation by a Contra Costa Grand Jury interviewed homeless service providers, who thought the number of homeless people at 20 to 50 percent higher than what the one-night survey found.<sup>65</sup>

### Children, LGBT youth, seniors, formerly incarcerated, and people with mental health conditions are disproportionately affected by homelessness

Some 160 children were encountered in homeless families during the county’s annual count, as well as 78 transition age youth (18-24 years old).<sup>66</sup> LGBT youth experience homelessness at higher rates than non-LGBT youth for a range of reasons, related to sexuality and gender-based discrimination.<sup>67</sup>

The county also reports that “the County’s homeless population had a higher proportion of seniors and individuals with chronic or mental health conditions” than it did five years ago.<sup>68</sup>

Self-reports by the 1,400 homeless individuals served by Rubicon’s West County Economic


Empowerment Services between 2012 and 2016 show that 43 percent had been convicted of a crime and 39 percent had served time in prison or jail. County data shows similarly high rates of homeless who were previously incarcerated.<sup>69</sup>

### Supportive housing programs are effective, but don’t have necessary resources to place enough people in permanently affordable housing

#### SEE CHART 12

The Rapid Re-housing and Supportive Housing programs in Contra Costa County have high rates of success in helping clients not return to homelessness, but are only able to serve a small portion of the people who are homeless. On average, Rapid Rehousing programs in the county over the last four years have placed clients in permanent housing 73 percent of the time, and helped them avoid homelessness 93 percent of the time. Permanent Supportive Housing programs have had an even higher success rate, with an average of 96 percent of clients retaining their housing.<sup>70</sup> However, those two programs had only 218 beds and served about 1,000 people each last year, out of some 8,500 homeless people coming into contact with the county’s Continuum of Care system. The system as a whole has the most difficulty placing people in permanent housing. The chair of the county homeless council concluded that “the sluggish rate in the creation of affordable housing only means that homelessness, and the threat of homelessness, will continue.”<sup>71</sup> GRIP, interviewed as one of the only transitional housing programs in Richmond, also reports that it has been highly difficult to move the families in their programs out into permanent housing.





# Have you noticed any change lately?

by Ciera-Jevae Gordon

Have you noticed any change lately?  
Granny left,  
Tried her luck elsewhere  
then came back.  
I suppose she learned  
leaving doesn't solve all of your problems.  
Or maybe your problems stretch out farther  
than your price range will allow you to travel

We teeter between living and waiting to die.  
Because we can't breathe,  
it's hard to see,  
hard to feed myself,  
let alone any kids that come from this womb  
Another home plagued, and I have little control  
Living in poverty is bad for your health  
Most of us don't make it past 50  
And even that is a luxury where I come from

A whole community losing  
wealth and equity  
We fill our bellies with emptiness, no hope  
Cause we poor and we broke  
You can tell by my lack of smile  
That I've been dead for awhile  
But my bones owe somebody something  
So we just keep on moving

Someone once told me that my worth  
didn't equate to materials or possessions  
But all I could reply is  
Prove it.  
Because having a home is essential  
And I ain't got one  
It's a human right  
But do they even think I'm human  
It's a necessity  
But they have been trying to make me disappear  
Give me a bus voucher  
Just to end up homeless  
On somebody else's streets  
But that's life right.

I have air, but nowhere to sleep  
Nowhere to eat  
Nowhere to sigh  
Nowhere to talk  
Cause no one is listening

The price of talking has gone up  
And the value of this body is always on the decline  
My friends have come and gone  
I've lost the place where I belong  
And Granny won't be here too long  
Got a list full of medical bills  
A cabinet full of medical pills  
And they wonder why we say poverty kills.

# Current Housing Policy in Richmond



**A**t the city level, Richmond is guided by a number of plans that are mandated by state and city laws, including the Housing Element of the General Plan, the Zoning Update Ordinance, the Regional Housing Needs Allocation, and Health in All Policies. The details of these plans are further concretized through local level policy and action. In the past five years, Richmond voters and City Council members passed a series of housing laws and initiatives that support a more equitable housing landscape. These efforts are frequently initiated by community organizations and have passed both by council approval, and at the ballot. While passage of such plans and policies is a critical step, the manner in which they are implemented is shaped by the priorities, resources, and capacity of city government, city residents, organizations, developers, and other actors. These actions ultimately dictate the scope and impact of existing policy on the community.

This section serves as a reference for community advocacy in identifying and prioritizing the elements of these documents that promote a comprehensive housing effort that advances belonging.

## Guiding Laws and Plans

### The Housing Element of Richmond's General Plan

The Housing Element lays out how the city will plan to meet the housing needs of all economic levels of Richmond's population based on projected growth and development (see following

section on how this projection is calculated). The current Housing Element was adopted in 2015 and includes an analysis of Richmond's housing characteristics, including identifying priority development areas and vacant land maps. The Housing Element also states the city's goals, policies, and programs through 2023 as related to housing. Community engagement in the development of the Housing Element and community efforts to ensure that policies and programs are implemented can help shape the outcomes of this plan. The four housing goals identified in the Housing Element are:

- A balanced supply of housing
- Better neighborhoods and quality of life
- Expanded housing opportunity for special needs groups
- Equal housing access for all

While broad in scope, the goals are attached to specific programs that identify concrete actions and timelines on some items. This includes actions such as the amendment of Richmond's Accessory Dwelling Unit ordinance, an Inclusionary Housing Ordinance study to establish impact fees for new developments, which has been completed but the results have not been made public as of the publishing of this report; and a Housing Access and Discrimination study, which has not been initiated yet.

#### MORE INFORMATION

- Planning Department, City of Richmond  
510-620-6706
- 5th Cycle Housing Element Update  
City of Richmond: <http://www.ci.richmond.ca.us/DocumentCenter/View/31210>

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## The Zoning Ordinance

PASSED NOVEMBER 2016 BY RICHMOND CITY COUNCIL

The Zoning Ordinance brings Richmond's zoning codes into alignment with the City of Richmond General Plan and is required by state law. The ordinance covers all of the rules that govern where in the city different types of developments can be built. The ordinance regulates everything from the proximity of types of development (e.g. heavy industrial in relation to residential) to the scale and density of developments, parking requirements to parks, and transit routes. Discussed in other areas of this report, the ordinance also covers accessory dwelling units, the affordable housing density bonus, inclusionary housing, and in-lieu fees.

### MORE INFORMATION

- Planning Department, City of Richmond, 510-620-6706
- Zoning Ordinance update online: <http://www.zonerichmond.com/welcome.html>

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## The Regional Housing Needs Allocation (RHNA)

RHNA guides the creation of the Housing Element by identifying the total number of units, at different income levels, that a city must plan for in a seven year cycle. Richmond's housing allocation is identified out of a total regional need. The regional need, in this case the nine-county Bay Area, is identified by the state, while the local allocation is identified by the Association of Bay Area Governments and the Metropolitan Transportation Commission in accordance with the state's Sustainable Communities Strategy. While setting local goals, at a regional level the RHNA also clarifies who is building enough and who isn't, and at which income levels of affordability. In Contra Costa, Richmond has been one of the leaders of the development of low-income housing, but has lagged on middle-income and market-rate production—a result of a complex set of factors that include land value, construction costs, availability of affordable housing tax credits,<sup>72</sup> rental prices, and perceptions of Richmond. In addition, research shows that in the current RHNA cycle, cities with higher percentages of white people are allocated fewer low- and moderate-income properties than their more diverse counterparts, raising legal questions about the racially disparate impact of the RHNA process.

As of January 1, 2018, new state legislation went into effect that streamlines some multi-family housing developments if jurisdictions have not permitted the target number of very low-, low-, or above moderate-income housing units.<sup>73,74</sup> Richmond is a jurisdiction that has not reached any of its allocations for these three income categories during the most recent reporting period; for example, during the 2007-2014 housing needs cycle, Richmond permitted 19 percent of its very low-income allocation, 45 percent of its low-income allocation, and 57 percent of its above moderate-income allocation. As a result, any proposed multi-family developments with more than 10 units will be subjected to “streamlining” if they conform to the zoning regulations for the project area, meaning that the project cannot be subjected to additional reviews by the planning department or city council and it will automatically be permitted. These developments, however, will be required to have a minimum of 10 percent of their units dedicated to families earning below 80 percent of area median income.

### MORE INFORMATION

- Planning Department, City of Richmond, 510-620-6706
- Unfair Shares: Racial Disparities and the Regional Housing Needs Allocation Process in the Bay Area. Heather Bromfield and Eli Moore. August 2017. <http://haasinstitute.berkeley.edu/unfair-shares>

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## Health in All Policies

(HiAP) is a Richmond City ordinance that identifies health equity as a city priority. An outgrowth of community advocacy to include a Community Health and Wellness chapter in Richmond's General Plan in 2006, the HiAP ordinance and strategy was drafted out of 14 community workshops with residents and the city.<sup>75</sup> The policy builds on public health research that when it comes to health outcomes, “your zip code matters more than your genetic code,” and that cumulative toxic neighborhood stressors damage the immune system in multiple ways.<sup>76</sup> The ordinance and strategy document includes a wide array of place-based guiding actions, including ones tied to expanding housing stability and quality. The implementation strategy is organized around six areas that reflect opportunities for addressing toxic stress and increasing health equity. One of these six areas addresses the “Residential and Built Environment”

and includes a set of housing actions. Some of these that have been met include the establishment of a vacant property registry, proactive code enforcement to address abandoned and vacant properties, and an amended Housing Density Bonus for developers including housing for senior citizens or affordable to moderate-, lower-, very low-, or extremely low-income persons.<sup>77</sup> Long-term actions which have not yet been addressed include Action 4H: Develop homelessness prevention program and enhance temporary and emergency shelter for families.

#### MORE INFORMATION

- Richmond City Manager's Office, 510-620-6512
- Jason Corburn, Department of City and Regional Planning, UC Berkeley
- Health in All Policies documents, including the ordinance, report, and strategy document: <https://www.ci.richmond.ca.us/2575/Health-in-All-Policies-HiAP>

## Recent Housing Policy Developments

### Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance

PASSED BY POPULAR VOTE, NOVEMBER 2016

**What is it?** The law establishes "Just Cause for Eviction" requirements for all rental units in the City, and sets a "Maximum Allowable Rent" for multi-family housing built before 1995. Just Cause for Eviction laws make it such that a tenant can only be asked to move out for specific "just causes." In some instances, such as if the owner wants to move into the property, or needs to complete substantial repairs, the landlord must provide relocation payments to the tenant(s).

The Maximum Allowable Rent is equal to the base rent (the rent on July 21, 2015 (or the first time a tenant paid rent if they moved in after that date) plus the annual change in the consumer price index (historically around a 3 percent increase per year). For example, for tenancies that began before September 1, 2015, the Maximum Allowable Rent is equal to the base rent plus 6.56 percent. This 6.56 percent includes compounded

2016 and 2017 Annual General Adjustments (3.0 percent and 3.4 percent). Any rent increases (for tenants living in rent-controlled units) in excess of 6.56 percent are illegal. Landlords and tenants may submit a petition to the Rent Program to be granted an increase or decrease in the Maximum Allowable Rent, for reasons such as capital improvements or habitability issues.

The Rent Program's hearing examiner, or "judge," will make a determination of how much the rent can be increased or decreased due to the unit's conditions. Tenants and landlords may appeal the hearing examiner's decision to the city's five-member rent board. The ordinance also requires landlords file all rent increase and termination of tenancy notices with the city. A landlord's failure to file these notices with the city may be used by the tenant as a defense in an unlawful detainer (eviction) lawsuit. Finally, the law establishes a five-member rent board, responsible for hearing appeals to petitions and complaints, approving the Annual General Adjustment (AGA) rent increases, and making important policy decisions about additional fees and policy implementation through the adoption of rent board regulations, which seek to further interpret and implement the ordinance. The Rent Program budget is funded through the Rental Housing Fee, which must be paid annually by all landlords.

**Effects?** The rent control section of the law covers approximately 10,800 units, or about 60 percent of the city's total occupied rental units. Just Cause for Eviction covers all rental units in Richmond. Rent control appears to slow the loss of units affordable to low-income renters; Berkeley (with rent control) saw a 26 percent decline in units affordable to low-income renters between 1980 and 1990, while the decline was twice that rate in Alameda County and in the nine-county Bay Area region.<sup>78</sup> In addition, evidence shows that rent control does not slow the production of new housing.

**Limitations?** A California state law known as the Costa-Hawkins Rental Act prohibits rent control on any housing built after 1995 and single-family homes and condominiums built in any year. In Richmond, Costa-Hawkins covers approximately 7,188 existing units,<sup>79</sup> and would apply to any new construction. As of November 15, 2016, 1,415 market rate units are in the pipeline.<sup>80</sup>

**Implementation priorities.** *Raise awareness and inform tenants of their rights.* A stronger public campaign can help tenants to challenge

illegal rent increases and evictions, and win rent rollbacks on rents raised more than 6.56 percent between July 21, 2015 and 2017.

*Expand access to legal representation for unjust evictions.* The rent board adopted a budget that includes \$150,000 for legal services contracts for housing issues, with services expected to begin in early 2018. This will fill some of the gap between tenant legal needs and available services. The gap mainly affects those who cannot afford private representation but do not qualify for free legal representation. Even for those who qualify for free legal aid, capacity is highly limited. For example, Bay Area Legal Aid which has a location in Richmond had only one housing attorney for all of Contra Costa County until late 2017.

*Establish Fair Return regulations and all regulations necessary to administer petition process.* The petition process continues to have a number of details that need to be clarified in order to regulate the process. For example, if a tenant hasn't had heat for two months, what type of rent reduction is warranted? If a landlord makes major upgrades like a new foundation or roof, how much of a rent increase is justified?

*Public participation at rent board meetings to ensure the most equitable implementation of the law.* The rent board meets on the third Wednesday of every month at 4 p.m. in the City Council Chambers (440 Civic Center Plaza. Minutes and agenda packets can be accessed via <http://www.ci.richmond.ca.us/3375/Rent-Board>

*Support statewide organizing efforts to repeal Costa-Hawkins.*

#### MORE INFORMATION

- City of Richmond Rent Program, 510-620-6576 or [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us), located at 440 Civic Center Plaza, 2nd Floor. To learn more about the rent program, rent board, and access recently adopted regulations and resources, visit [www.richmondrent.org](http://www.richmondrent.org).
- Tenants Together, 415-495-8100. Tenants Together and Alliance of Californians for Community Empowerment host a monthly clinic in Richmond, CA on the 2nd Wednesday of each month at 6 p.m. - ACCE Contra Costa Office: 322 Harbour Way, #25 Richmond, CA 94801
- The ordinance: <http://www.ci.richmond.ca.us/DocumentCenter/View/41144>

## Relocation Requirements for Tenants of Residential Rental Units Ordinance

PASSED BY CITY COUNCIL, NOVEMBER 2016

**What is it?** The ordinance, which was required by the Fair Rent ordinance, outlines the requirement of temporary and permanent relocation payments by landlords to tenants. Temporary payments are required when a landlord needs to make substantial repairs to bring a unit into compliance with codes and laws regarding health and safety. Permanent payments are required in the case of owner move-in (OMI) or the withdrawal of the unit from the rental market. Tenants have a right to return if the unit later returns to the market.

**Effects?** The ordinance covers all rental units in the city. It creates financial support for tenants who must move for the above reasons. These practices are commonly employed by landlords in other local cities with rent control and just cause for eviction ordinances. The amount of payment is determined periodically by a resolution of the city council.

**Limitations?** The Ellis Act is a state law that permits landlords to unconditionally evict tenants if they are "going out of business." Evictions under this law are frequently used to convert rental units into condominiums or tenancy-in-common (TICs), or to demolish and rebuild a property. OMI evictions are also a common practice. In San Francisco OMI evictions became such a common practice that San Francisco supervisors, with the support of housing rights organizations, voted in June 2017 to require owners to sign a declaration of their intent to move in, and created a method for non-profits to sue owners who violate that promise.<sup>81</sup> Finally, tenants in units exempted from rent control (due to Costa-Hawkins, see "Limitations" in Fair Rent section above) can face rental hikes that do not require relocation payments or an eviction process.

**Implementation priorities.** *Monitor Ellis Act and OMI evictions in rent controlled units.* For over a decade after it was passed, Ellis Act evictions were relatively rare. When housing costs spiked in San Francisco, the number of Ellis Act evictions also spiked.<sup>82</sup> It is unclear how Ellis Act and OMI evictions will be used in Richmond, but monitoring them can clarify if further action is needed.

*Engage in the City Council process to set the relocation payment amounts.* The ordinance is



strongest when the payment supports tenants in finding new, comparable housing and/or deincen- tivizes landlords from Ellis or OMI evictions. This amount is set by the City Council and subject to a public process at council meetings.

#### MORE INFORMATION

- See Fair Rent resources
- The ordinance: <https://www.ci.richmond.ca.us/DocumentCenter/View/41143>

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## Fair Chance Access to Affordable Housing

PASSED BY CITY COUNCIL DECEMBER, 2016

**What is it?** The law prevents affordable hous- ing providers from asking about prior conviction status of housing applicants and of individuals being added to the lease of current tenants. Landlords must also keep records of applicants and participants to their programs for three years in order to track implementation and effect of the law. The law also outlines the processes by which an applicant may appeal denials on the basis of prior conviction.

**Effects?** According to research conducted by Safe Return Project (which was also central to the passage of the law), one of the most import- ant needs for formerly incarcerated people for successful reentry is secure and stable housing. As of November 15, 2016, the law covers 3,476 units in Richmond.<sup>83</sup>

**Limitations?** The law does not cover private housing, excluding a large portion of the housing market. The law allows landlords to ask about convictions that occurred within the previous two years (from the date of sentencing).

**Implementation priorities.** *Raising awareness of the passage of the new law among the for- merly incarcerated and the family members of the currently incarcerated so that they can exer- cise their rights.* The law requires that housing providers post information (publicly and online) in multiple languages that clarifies that they can- not ask about prior conviction status of housing applicants. The law also includes the require- ment of public workshops to inform residents of their rights.

*Establishing and creating the infrastructure at the city level for the appeal process.* The law calls for the appointment of an appeals hearing officer

to manage appeals. The city is exploring how to leverage the establishment of the rent program to further the implementation of the Fair Chance or- dinance (e.g. data sharing, coordinated outreach, sharing of hearing examiners).

*City enforcement of the “ban-the-box” element on rental applications of affordable housing developers.* A review of existing online housing applications reveals that all providers are not in accordance with the law. The law requires the city to coordinate enforcement of the law and for the city manager to produce quarterly reports on the law’s implementation.

#### MORE INFORMATION

- Safe Return Project, 925-335-6738
- The law: [https://library.municode.com/ca/richmond/codes/code\\_of\\_ordinances?nodeId=ART-VIIBU\\_CH7.110FACHACAFHO](https://library.municode.com/ca/richmond/codes/code_of_ordinances?nodeId=ART-VIIBU_CH7.110FACHACAFHO)

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## Social Impact Bond for Housing Renovation Program

APPROVED BY CITY COUNCIL, JUNE 2, 2015

**What is it?** The program uses the sale of a new category of bonds (“social impact bonds”) to fund the renovation and sale of abandoned properties in Richmond to low-income residents. The city council approved the issue of up to \$3 million in bonds for the purpose of funding this program (the city acts only as a conduit for the bonds), all of which were purchased by Mechanics Bank, which also holds all of the risk for repayment. With these funds, the Richmond Community Foundation (RCF) is facilitating the program, from acquisition of currently abandoned properties to the final sale. RCF typically looks to purchase homes that are unappealing to private investors because they require probate fees (see limitations section below) or because the taxes, penalties, interest and liens on the properties exceed the value of the home. In the latter case, the City of Richmond will reimburse the city liens paid by RCF once the property has been renovated and sold. Low-income families which have participated in the SparkPoint financial literacy programs have the first option to buy the properties without com- petition from other buyers. Prices are set based on estimates from multiple brokers.

**Effects?** The city currently manages over 250 abandoned properties, which could be available

for this program.<sup>84</sup> According to RCF as of October 2017, four properties had been completely renovated and occupied, and 17 were in the process of renovation. While the homes do not have a deed restriction regarding affordability in the case of resell, in all cases so far, lenders have added restrictions to the resell of the homes to account for subsidy programs used by the homebuyers. The city is at no financial risk and all of the bonds issued were purchased.

**Limitations?** The primary challenge is that abandoned properties are slow to purchase, thereby limiting the scale of the program. One state law requires properties to be tax delinquent for five years before a tax sale, while nuisance or blighted properties must wait three years. Another challenge relates to vacant properties where the owner is deceased. The county tax collector cannot sell the homes until probate fees have been paid (around \$7,000 per home), but the entity that pays those fees has no priority in then purchasing that home before it goes to public sale.

**Implementation priorities.** *Seek an extension of the bond term or the issuance of a second bond.* Due to the slow nature of purchasing the properties, the program will need to demonstrate current impact in order to make the case to the city and private investors that long-term support will continue to be beneficial for residents and investors.

*Share the model in the region.* Having proven small scale success, sharing the model in the region can help build pressure for an expedited transfer process and address the housing need across the region.

*Address regulations around fees in order to prioritize the program in home purchases.* The policies that most hinder this program are not set at the local level. Adjusting regulations around probate fees and the payment of taxes and other fees could speed up the process of this and additional housing renovation programs. Such policies would need to be clear to articulate the priority of programs serving low-income residents, as easing these regulations without a targeted practice would make the properties more attractive to private investors and increase competition.

#### MORE INFORMATION

- Richmond Community Foundation, 510-234-1200

## Section 8 Voucher to Homeownership Program

FEDERAL HUD PROGRAM, ADMINISTERED BY THE RICHMOND HOUSING AUTHORITY

**What is it?** Administered by the Richmond Housing Authority, the little-used program helps move low-income renters into homeownership by applying rental voucher assistance to homeownership costs instead. Participants are still required to pay 30 percent of their total housing cost but can apply their voucher to homeownership costs, including mortgage payments, utilities, taxes, insurance, and major repairs. One individual of the family must be working full-time.

**Effects?** Homeownership remains one of the single greatest factors driving the racial wealth gap, a fact that was exacerbated by the impact of the foreclosure crisis in Richmond. Through moving to homeownership, Section 8 holders can begin to build wealth and stability, strengthening Richmond overall. Richmond is well-suited for this program, where homeownership costs can be lower than rental costs. For example, while a Section 8 voucher for a three-bedroom home can cover a rental up to \$3,167, the monthly payments (principal, interest, tax and insurance) on a three-bedroom, \$300,000 home with a \$10,000 down payment (15-year FHA loan) would be around \$2,500.

**Limitations?** Though the program exists, it is unclear if any Richmond resident has successfully been approved by the Richmond Housing Authority to use their voucher for home payments. If the RHA is dissolved the future of the program will be uncertain because not all public housing authorities have the program. Finally, the program has a 10- or 15-year limit depending on the type of loan taken by the homeowner.

**Implementation priorities.** *Raise awareness.* This is not a widely advertised program. There is only one line on the RHA website about the program. Recognizing the potential of the program for building wealth, Richmond Neighborhood Housing Services has been hosting workshops to inform residents of the program and support them in preparing for the process.

*Ensure that the program continues regardless of which public housing authority is administering Section 8.* If the RHA is dissolved advocates will need to speak to the potential of this program and the need for the new public housing authority that serves Richmond to continue the program.

## MORE INFORMATION

- Nikki Beasley, Richmond Neighborhood Housing Services

## Tiny Homes and Accessory Dwelling Units

**What are they?** Two separate ordinances that focus on the development of small units to increase housing supply.

*Tiny homes:* Tiny homes are small units on wheels built by organizations and residents that will be available for homeless residents. The council voted unanimously (July 25, 2017) to direct staff to develop a pilot plan for the tiny homes, so the policy is only in a research stage.

*Accessory Dwelling Units:* ADUs allow property owners to convert an existing structure on a property into a living unit and/or build a new unit on their property (max. 1,200 sq. ft., one ADU per lot). Junior Accessory Dwelling Units refers to one additional unit constructed within the walls of the existing property. The City of Richmond's Zoning Ordinance update (passed by council November 15, 2016) outlines the regulations for ADUs in Richmond (section 15.04.610.020 of zoning ordinance).<sup>85</sup> A state law (SB 1069, passed September 27, 2017) further facilitates the development of ADUs by changing the review process to an administrative review instead of a city design review process, thereby saving residents time and fees.<sup>86</sup> ADUs may also be subject to rent control laws.

**Effects?** *Tiny homes:* The ordinance allows for the construction and placement of tiny homes, opening the door for other groups to build and pilot the homes. The pilot program is for six homes, and does not direct city resources towards the creation of the homes. The Contra Costa Council on Homelessness counted 109 people sleeping outside in one night in 2017 and another 198 throughout the county who had lost their permanent shelter in Richmond.<sup>87</sup>

*ADUs:* While it is unclear how many ADUs already exist in Richmond, a 2012 study found that 16 percent of single-family residential homes in the East Bay had an (unpermitted) secondary unit.<sup>88</sup> ADUs increase the housing supply in Richmond, generate income for the city through regulating unpermitted units, and provide a wider

range of prices in the market. The same 2012 study also found that ADU rents in the East Bay were 19 percent less than non-ADU alternatives.

**Limitations?** *Tiny homes:* Primarily a program designed to address homelessness, it is unclear how the homes will be funded, both for the creation of the homes and for their maintenance and upkeep. Tiny homes will also need access to infrastructure (waste, electricity, water) and land. The pilot program should provide evidence on the applicability of tiny homes to the 32 percent of homeless people in families.<sup>89</sup>

*ADUs:* Previously, the parking requirement on Richmond ADUs was a major barrier to their development. Although still requiring one parking spot, the zoning ordinance update created important adjustments that allow for tandem parking in an existing driveway and require no additional parking if the accessory unit is located: (1) within a half mile of public transit; (2) in an historic district; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits that are not offered to the occupant of the second unit; or (5) within one block of a car-share pick up/drop-off location.

**Implementation priorities.** *Implement the tiny homes pilot program study and develop first tiny homes.* The development of the first tiny homes will help the city and organizational partners understand the feasibility of the program at scale, what infrastructure will be required, and if the homes will function as transitional or long-term residences.

*Education and outreach around ADUs as an affordable housing option.* ADU demonstration projects are one way to educate homeowners around the feasibility of ADUs.<sup>90</sup> In addition, workshops for owners of unregulated ADUs as well as those looking to build new units can speed up their creation and increase the number of ADUs.

*Update Richmond ADU ordinance to reflect new state law.* The new state law SB 1069 preempts local ordinances and makes permitting an ADU easier and more accessible. The Richmond ADU ordinance has not been updated to reflect the requirements of SB 1069.





# Doors in my face

by Satina Shaw

My money is dumb funny  
so I'm stuck in this place.  
They spend too much time  
worried about my color  
doors always closing in my face.

I struggle to get my rent up, and yet  
they still refuse to fix it up.



# Housing Policies for Belonging

**T**he decisions that shape access to healthy, dignified homes and neighborhoods often are cloaked in complicated jargon and made in exclusive spaces. The structures and systems that result from these actions are frequently unseen and yet they deeply impact our lives. During the foreclosure crisis, for instance, many of us learned about securitization and subprime loans only after the damage had been done. Many decisions made about what kind of development can happen and where it can happen often move through administrative channels that are not easily accessible. Housing policy is most effective when it addresses these structural forces, advancing structural inclusion. From a policy perspective, structural inclusion means that social, legal, and economic structures are designed to provide everyone access to resources essential for a full sense of belonging and well-being.

In analyzing and developing ideas for policy, the Haas Institute uses a framework we call **targeted universalism**. "Universalism" refers to the idea that there should be a universal goal that will be achieved—for instance, making housing affordable for all residents. But for all to reach that universal goal, the policy must also be "targeted," meaning it must include strategies specific to the particular barriers that some people face and others do not. For example, ensuring that the goal of affordable housing is achieved for seniors on a fixed income will require different strategies than reaching the goal for middle class homeowners. Richmond's Health in All Policies ordinance (see *Current Housing Policy in Richmond*) reflects a targeted universalism framework:

*Health equity entails focused societal efforts to address avoidable inequalities by equalizing the conditions for health for all groups, especially for those who have*

*experienced socioeconomic disadvantage or historical injustices.*<sup>91</sup>

Often, the benefits of a targeted strategy also reach beyond the targeted population, such as how affordable housing for seniors creates stronger intergenerational communities and lessens medical costs.

The universal goals for housing policy must recognize that housing is about much more than just shelter. The home that you live in ties you to place, and this has a profound effect on your access to safe and healthy environments, economic opportunity, education, essential social networks, and other resources. These neighborhood environments can have substantial long-term economic and health effects.<sup>92,93</sup>

In the US, owning a home is the primary way most working class families build wealth, which can protect them from a temporary loss of income or major expense like surgery or college tuition.

There is growing consensus that a comprehensive approach to housing issues must include strategies that cover "the four Ps":

- **Protection:** protecting tenants and socioeconomically disadvantaged residents
- **Production:** developing appropriate additional housing
- **Preservation:** preserving existing affordable housing
- **Power:** strengthening the power of residents to ensure responsive and equitable housing decisions

**Protection** policies ensure that residents who are most impacted by housing issues like homelessness, discrimination, or unsafe housing have the rights and support they need. Existing Richmond housing policies that expand protection include rent control, just cause for eviction, and the fair



DETAIL FROM THE KNOW-YOUR-RIGHTS PUBLIC MURAL ON 23RD ST. IN RICHMOND, CALIFORNIA

chance housing ordinance. A new policy that advances protection and is discussed in the following section is the ordinance to prevent **source of income discrimination**. This policy would protect residents with Section 8 vouchers and other subsidized incomes from being discriminated against by landlords. Another policy that could expand protection is a **reusable tenant screening report**—a measure that provides tenants with an accurate and affordable report that they can reuse with multiple landlords. This saves tenants the money that each landlord typically collects for credit reports and background checks, and also protects tenants from having inappropriate and inaccurate information shared with landlords.

Housing policies that advance production lead to the development of additional housing units to meet the needs of existing residents, a growing population, and any mismatches in the affordability of housing produced. For instance, a **housing linkage fee** generates additional funds for affordable housing by charging a fee to new commercial, market-rate housing, or other development projects in the city. An **affordable housing bond** also expands production by using revenue from an increase in property taxes to fund the construction or preservation of affordable housing. A **public lands policy** can expand production by directing the city to lease or sell its surplus public land in ways that facilitate development of affordable housing and other community goods. Investments in **transitional and supportive housing** expand housing for residents who would often otherwise be homeless.

**Preservation** policies support the stability and quality of existing affordable and public housing. Preservation policies can fund needed rehabilitation of dilapidated affordable housing, and change ownership structures or contracts to ensure that affordable housing does not get converted to market-rate housing. The affordable housing bond can help preserve affordable housing by generating funds for rehabilitation of units that are in disrepair. The ordinance to prevent source of income discrimination can also advance preservation by making it easier for Section 8 voucher holders to secure housing on the private market. When voucher holders are discriminated against and cannot find a landlord to accept their voucher, they may lose the voucher, and unused vouchers often lead to the housing authority receiving less funding for affordable housing.

Housing policies that further the **power** of residents create new pathways and platforms for residents' voices to be heard and shape housing decisions. For example, the creation of a **Community-owned Development Enterprise** (CDE) would put residents in the driver's seat of designing and carrying out housing development projects. A housing anti-speculation tax curbs and deters speculative investment, increasing the power of moderate-income home buyers and tenants in the housing market. The process itself can build the power of residents when they participate in developing, advocating for, and passing policy.

## REUSABLE TENANT SCREENING REPORT ORDINANCE

**"These housing application fees cost me so much!"**

**"I had that apartment for sure but my background check said I had an eviction that never happened!"**

This ordinance supports the use of reusable screening reports by setting guidelines for landlords regarding tenant background reports. The reusable reports are a verified report purchased from a third party company by a tenant, who can then give the report to as many landlords as they would like to within a 30-day period. Reusable reports save tenants from paying an application fee each time they apply and gives the applicant control over what information they would like to share with the landlord while allowing tenants to verify that all of the information collected about them is true.

### Understanding the Policy

In a competitive rental market like Richmond, tenants often have to apply multiple times, incurring fees that are especially burdensome to low-income tenants. Fees are generally about \$30-\$50 per application and applicants often have to submit dozens of applications. Landlords often do not have written selection criteria and therefore the tenant has no way of knowing whether or not they qualify for the housing until after the application is denied. Reusable reports do not cost landlords anything and reduce the amount of work that a landlord would have to do in conducting background checks on applicants.

While both traditional background reports used by landlords and reusable reports may turn up incorrect information such as expunged evictions or convictions, only reusable reports give applicants the chance to correct those mistakes. For example, websites that publish criminal history (even when removed from a person's record) often only remove the information online after someone has paid them to take it down, and this is no guarantee that the information won't resurface on other websites. In addition, correcting a consumer credit report can be incredibly difficult. Under the current

system, landlords (the consumers of credit reporting agencies) have no incentive to make sure the information is correct.

By shifting the power to tenants (the consumer of a reusable report) there will be more pressure on credit reporting agencies to furnish accurate information. According to Richmond's Fair Chance Housing Ordinance, it is illegal for affordable housing providers to ask about an applicant's prior conviction history. The reusable reports would aid in implementing the law by shifting the responsibility of obtaining the report to the tenant, helping the landlord to avoid illegal research on prior conviction history.

In addition, the local ordinance could strengthen the federal Fair Credit Report Act (FCRA), which was enacted to protect a consumer's right to privacy by regulating the practice of consumer



RICHMOND CITYWIDE HOUSING SYMPOSIUM  
JUNE 2017

credit reporting. However, in the case of inaccurate reports, the act continues to place the burden of proof on the subject of the reports and does not give tenants control over the sharing of information.

**Limitations?** The reusable screening report does not produce a new set of guidelines for assessing the economic and personal character of the applicant; they continue to rely on consumer credit reports, criminal records searches, and eviction history, each of which disproportionately disadvantage low-income people of color. Washington State passed the first law about these reports in 2016, which requires landlords to state whether or not they accept the reports, but falls short of requiring landlords to accept the reports in place





STAYING POWER FELLOW SASHA GRAHAM-CRONER  
WORKING ON THE KNOW-YOUR-RIGHTS MURAL

of landlord controlled background checks. A law that would require the acceptance of these reports has not been legally tested in California.

### Designing the Policy

The Washington law (Senate Bill 6413) was passed unanimously by both government chambers and represented a compromise between landlords and tenants. While landlords were always able to accept these reports, the ordinance supports their increased usage by requiring landlords to state whether or not they accept the reports. Alternately, the law could be written in a stricter way, requiring the acceptance of the reports, either by all landlords or a subset (such as affordable housing providers) that increases compliance with existing laws such as Fair Chance Housing. The stricter the law, the more likely that it will be challenged by landlord groups in its passage and through legal means if it is passed. The possibility of a legal challenge is based on the law privileging specific companies (who prepare these reports) over others (traditional background check companies) and was one of the considerations in why Washington's law does not require the acceptance of the reports (Washington State has particularly strong regulations around laws that privilege one corporation over another). Landlords could argue that they do not trust the technology or qualifications of one company, and therefore want to work with the company of their choosing, which may not produce these reports.

In Washington, the primary screening company (myscreeningreport.com) that provides these reports saw an increase in the use of their services after the legislation was passed (data was

unavailable from the company). The reports were more frequently accepted by independent landlords than by larger management companies which have more systematized processes already in place.

The screening reports may be especially helpful for service providers who can work with clients to prepare the reports and then assist in sharing them with multiple landlords. Myscreeningreport.com saw an increase in Washington in the use of the reports by non-profits working with the homeless as well as social workers and their clients.

Many landlords use credit reporting agencies that analyze the applicant's history to determine eligibility for the housing and then provide the landlord with a "thumbs up" or "thumbs down" recommendation. Landlords using a portable screening report would have to do the analysis themselves based on reports shared by the tenants.

### Putting the Policy in Place

- Hold additional tenant meetings and workshops to assess the need for the ordinance and the scope of the law. In preliminary meetings, tenants have expressed that the cost of multiple housing application fees are a significant burden when searching for housing.
- Hold meetings with service providers to explore how the ordinance could aid their work.
- Work with city staff to assess how the portable screening report could support and align with the implementation of Fair Chance Housing and existing housing policies, such as the Housing Element and Health in All Policies.
- Host workshops for landlords and tenants that explain the policy and clarify the reliability and importance of allowing tenants this option. Identify landlords who are supportive of an ordinance.
- Assess the legality of different versions of the law (requirement compared to optional use).
- Work with tenants, landlords, organizations, screening companies, and city staff organizers to draft the legislation for Richmond with attention to Fair Chance Housing. Introduce the policy via a supportive sponsor on the City Council.

### Resources

- Columbia Legal Services (Seattle)
- Moco Inc. (Myscreeningreport.com) - Megan McCormick
- Solid Ground (Seattle) - Humberto Alvarez

## PREVENTING SOURCE OF INCOME DISCRIMINATION

**"As soon as a landlord knows I'm on Section 8, they turn me away."**

**"How can we ensure Richmond residents don't have to take their vouchers to other cities?"**

*An ordinance to protect residents from source of income discrimination is a city law that would prevent landlords from explicitly refusing to rent to Housing Choice Voucher (HCV) holders (formerly Section 8 program). California State law prohibits discriminating against a tenant applicant based on some sources of income (for example, Social Security, pensions, CalWorks, or the type of job one holds). The state law does not define HCV or other rental assistance programs as income, so the state law does not protect Section 8 clients.*

### Understanding the Policy

According to the most recent HUD estimates, **HCV holders nationwide were successful in finding housing only 69 percent of the time**, with that number falling to 61 percent in tighter housing markets, revealing possible discrimination against HCV tenants.<sup>94</sup> Interviews with Richmond HCV holders revealed that landlords often justified not renting to them out of discriminatory perceptions of Section 8 tenants (e.g. they are loud, damage the apartment, irresponsible) or the challenges of the bureaucratic process, both of which are factors that are reflected nationally.<sup>95</sup>

Landlord refusal of HCV tenants tightens the housing market for low-income renters and means a loss of income for the Richmond Housing Authority, which collects administrative fees for utilized HCVs (the Richmond Housing Authority reports 300 HCVs out of 1,851 are not being utilized).<sup>96</sup> There are also a number of people who have vouchers from the Richmond Housing Authority but cannot find a landlord who will accept them in Richmond (data unavailable from RHA after multiple requests). In Berkeley and Oakland, the percentage of HCV holders successful in finding a unit in their home city are 15 percent<sup>97</sup> and 18.9 percent,<sup>98</sup> respectively. Source of income

is sometimes used as a proxy for race or familial status, and is thus a pretext for discrimination. At a minimum, source of income discrimination has a disparate racial impact.

Several cities and counties in California have passed laws to address this issue by prohibiting landlords from refusing a tenant applicant based on being an HCV holder. These municipalities include San Francisco, Berkeley, Los Angeles, and East Palo Alto, among others. A legal challenge by landlords to Santa Monica's ordinance was unsuccessful in 2017, creating a precedent for additional laws across the state. A similar challenge to San Francisco's ordinance is ongoing.

Building on existing city goals, the ordinance supports numerous programs of the Housing Element of the General Plan, including H-4: Equal Housing Access for All, a maximization of the HCV program through H-4.1.1, and support for mixed-income neighborhoods through H2.7: Balanced Neighborhoods (research shows that HCV discrimination can lead to increased concentration of low-income tenants).<sup>99</sup>

**Effects?** In late-2017, there were 844 people on the RHA waitlist for an HCV<sup>100</sup> and around 1,500 vouchers being used. A local law would prohibit Richmond landlords from refusing tenant applicants because they are an HCV holder. The law would address issues of displacement and homelessness that arise from Section 8 holders being refused housing in Richmond as well as increase the successful use of HCVs in Richmond. Similar ordinances in municipalities nationwide have led to a 12 percent increase in acceptance of HCV holders.<sup>101</sup> The law could be written to include all housing, as in Berkeley, or include exceptions, as in Corte Madera which exempts properties with 10 or less units (a similar exemption in Richmond would exempt over 60 percent of the city's units).

**Limitations?** Like most laws that address discrimination, the SOI ordinance is difficult to enforce. While a landlord cannot *explicitly* refuse a tenant because they have an HCV, in a high-demand market it is not difficult to choose non-HCV tenants through other justifications. Addition-



MURAL DETAIL

ally, the SOI law cannot be written like the Fair Chance Housing ordinance, which would prevent a landlord from asking about income source on the application, as landlords who have HCV tenants have to go through an administrative process with the RHA before officially signing a lease.

## Designing the Policy

Well aware of discrimination against them, HCV holders have developed strategies for navigating rental applications and their fees. Some wait to tell a landlord they are an HCV holder until after they have built a rapport and demonstrated their “character,” while others ask up front so as not to waste their time and money on application fees. Either way, in the current environment, HCV holders have the option of knowing where the landlord stands. This knowledge allows the applicant to not spend money on applications that will be quietly discarded. Because this ordinance would ban explicit discrimination and therefore disrupt these strategies, it is important to pair this ordinance with the reusable screening report ordinance. With a reusable screening report, HCV holders would not have to worry about paying fees to multiple landlords who may quietly deny them because of their source of income.

Another ordinance (not discussed in this report) that would strengthen the local SOI ordinance is a “first-in-time” ordinance, which requires landlords to offer tenancy to the first qualified applicant who provides a completed application (see for example Seattle’s law).<sup>102</sup> This is perhaps the strongest pairing for enforcing the SOI ordinance, as HCV tenants would be able to provide their background report immediately when applying for housing.

Advocates may expect some resistance to an SOI ordinance, but the passage of such ordinances in multiple California municipalities is encouraging. Local SOI ordinances have been subject to legal challenges by landlords who do not want to rent to HCV tenants. A challenge to an SOI law in Santa Monica was thrown out by the Los Angeles Superior Court,<sup>103</sup> while another is pending in San Francisco. While these cases could produce important precedents, a legal challenge in Richmond would also be possible. According to experts involved with the San Francisco case, focusing new SOI laws on how they address housing needs and the housing crisis through preventing discrimination is a stronger approach than coupling the ordinance with existing discrimination ordinances. In addition to refusing tenants due to prejudice against HCV holders, landlords will have new

legal obligations once they begin participating in the voucher program. The landlord will have to sign a contract called a Housing Assistance Payment (HAP) contract with the Richmond Housing Authority, as well as a lease with the tenants. Under federal law, their unit is also subject to certain inspection requirements.

Finally, drafters will need to consider the reasons for exceptions, if any, that would be considered for the law. Nearly 60 percent of the city’s rental properties are between one and four units.<sup>104</sup> Excluding these properties would significantly weaken the intended effects of the law and narrow further the available housing to HCV holders.

## Putting the Policy in Place

- Host meetings with HCV holders to identify the need for the ordinance and address unintended consequences.
- Host meetings with landlords who currently rent to HCV tenants so as to understand their incentives, clarify the process for other landlords including identifying needs from the RHA, and build support for the ordinance among sympathetic landlords.
- Work with the RHA to clarify and simplify the process of renting to HCV tenants.
- Work with city staff and officials to identify how the ordinance supports and aligns with the General Plan.
- Work with tenants, landlords, organizations, and city staff to draft the legislation for Richmond. Introduce the policy via a supportive sponsor on the city council.

## Resources

- Berkeley Housing Authority, 510-981-5470
- San Francisco City Attorney’s Office, Sara Eisenberg
- Centro Legal de La Raza - Tenant’s Rights Program, Leah Simon-Weisberg, Managing Attorney
- Marin County - Marin Community Development Agency, Leelee Thomas, Planning Manager, Housing & Federal Grants Division County of Marin Community Development Agency
- Poverty & Race Research Action Council (PRRAC) compendium of state, local, and federal laws barring source of income discrimination, <http://nlihc.org/article/prrac-updates-source-income-compendium>



## AFFORDABLE HOUSING BONDS

**“The City of Richmond doesn’t have a lot of revenue, and building housing is incredibly expensive. So how can Richmond afford to expand and preserve affordable housing?”**

**“Isn’t housing a regional issue? How can we address it in a way so Richmond isn’t just on its own?”**

**“What can cities do to attract private money to support affordable housing?”**

A housing bond generates funds that cities or counties can loan to nonprofit and for-profit real estate developers, who in turn use the money to preserve or create affordable housing. Housing bonds are important because they provide needed additional resources for affordable housing developers and multi-family project owners, who can then serve residents on limited incomes who would otherwise be unable to afford other housing options. Housing bonds can be implemented at the city or county level, but because they affect governmental finances, they must be approved by voters as a ballot measure.

### Understanding the Policy

Municipalities and counties are permitted to issue bonds when they determine that major investments are needed for infrastructure or other expensive projects, and that these investments cannot be funded through their normal tax revenues. Governmental entities can attract outside investors to fund these major expenses and pay them back slowly over time, generating usable funds for housing projects that might otherwise be financially inviable. Affordable housing developers, who usually identify and complete these projects, are constrained in how many units they can produce by the high cost of housing construction. Housing bonds therefore help to close the gap between the high cost of producing units and the limited capital available to affordable housing developers who serve residents of limited means.

**Housing bonds can be tailored to meet the specific housing needs identified by a city or county, meaning that they are more flex-**

**ible than federal funding programs** (which are generally earmarked for specific populations, regardless of need). Government officials, staffers, and members of the public can jointly outline policies and preferences as to who should be the beneficiaries of housing created with bond financing.

Disadvantages of a housing bond include that they cannot be used to fund housing services. Tenant legal clinics were identified during the Richmond Housing Symposium as a needed service for residents at risk of displacement. However, aside from small administrative fees that are made available for city staffing, the bond proceeds must go to capital improvements, such as the acquisition of land or existing buildings, construction of new housing developments, or rehabilitation of housing projects. An additional concern in Richmond is the state of its public housing projects. **Bond funding can be used to rehabilitate public housing**, and San Francisco serves as a local precedent for linking a housing bond to major renovations of public housing. The bond funding complemented private capital that was made available through a federal program called the “Rental Assistance Demonstration” (RAD) program, in which Richmond also participates. As of November 2017, pending federal tax reform is complicating the effort to rehabilitate Richmond’s public housing under RAD; allocating bond funding towards public housing could thus be an important solution.

### Designing the Policy

To pass a bond measure, advocates must gather a sufficient number of signatures to file paperwork that places the measure on a ballot, generally a year or more in advance of an election. Advocates must also campaign in the months preceding the



COMMUNITY PAINTING DAY ON THE KNOW-YOUR-RIGHTS MURAL IN RICHMOND



vote to educate voters and increase the likelihood of the bond measure's passage. According to one Bay Area housing bond expert, lobbying county supervisors or other elected officials is an important means of garnering widespread support for a bond measure, as voters tend to trust that electeds are knowledgeable about the issue and are able to make educated decisions regarding public finances. Simultaneously, city or county staffers draw up a bond ordinance, which determines the details of how the proceeds of the bond would be spent. City leaders can support



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passage of the bond by passing a resolution supporting it and speaking out about the benefits of passing the bond.

If voters pass a county bond measure, county staff will create an implementation plan (guided by the bond ordinance), and real estate developers will apply to receive bond funding for their pending housing projects. Developers receiving these funds then create housing units with oversight from the city or county that administers the bond.

Because housing bonds are customizable with regard to the specific purposes they can serve, advocates should plan to be engaged with city or county staffers before the vote to draft bond ordinance language that specifies the populations to be served. Note that other recent bond ordinances in the region have required that the bond implementation process include public meetings and comment periods so that stakeholders can address fine-grain details on exactly how the money will be spent, giving an opportunity for advocates to remain engaged after the vote has occurred.

In the last few years, several Bay Area cities and counties have adopted housing bond measures, including Alameda County, San Francisco County, San Mateo, and the City of Oakland, most of which earmarked funding to specific at-risk and

vulnerable groups. In Alameda County, for example, the housing bond ordinance specified that rental housing projects would receive priority for funding if they served the homeless, seniors, veterans, people with disabilities, re-entry individuals, transition-aged youth who were aging out of foster care, and the lower-income workforce. Alameda County also determined that almost half of all the bond funds would be allocated to cities based on the size of their low-income populations and the number of housing units that each city is required to build under state law, which could serve as a template for a Contra Costa County housing bond and which would ensure that a considerable percentage of the bond funding would go specifically to Richmond. In comparing Contra Costa County to the other areas that have recently passed bond measures, however, it is important to note that these areas have historically been more supportive of funding measures than Contra Costa County, which is more conservative. Because of its relatively progressive politics, a bond measure would likely pass by a larger margin in Richmond than in Contra Costa County as a whole, but the amount of funding that the city could generate from a bond measure would be substantially lower than what the county could generate.

## Resources

More information on the recent bond measures

- San Francisco, <http://sfmohcd.org/2015-affordable-housing-general-obligation-bond>
- Alameda County, <https://www.acgov.org/cda/hcd/bond.htm>
- Non-Profit Housing Association op-ed on process for recent Bay Area housing bonds, <https://shelterforce.org/2017/04/25/get-2-billion-affordable-homes/>

Organizations that have recently been involved with campaigns for Bay Area bond measures include:

- Community Housing Partnership
- Council of Community Housing Organizations
- East Bay Housing Organizations (EBHO)
- Ensuring Opportunity Campaign at the Richmond Community Foundation
- Enterprise Community Partners
- Housing Leadership Council of San Mateo County
- Non-Profit Housing Association of Northern California
- SV@Home

## PUBLIC LAND POLICY

**“The city has land that is sitting vacant. Couldn’t we use that land to build affordable housing?”**

**“The lot on MacDonald just sold? What guides the process for deciding what the city does with public land?”**

A public land or surplus lands policy details the process for making use of Richmond’s public land and would outline a set of public benefits that are prioritized in the development of that land. A strong public lands policy outlines the specific process for the sale or lease of the land, the types of developments that can be made on that land, and additional community benefits tied to the process of development or revenue from sale of the land (such as local hire or ecological impact).

### Understanding the Policy

A local public land policy operationalizes the principle that public land should be used for a wider social benefit that addresses the needs of those most impacted by the housing crisis. The policy can address affordable housing in a number of ways by requiring that:

- the land be used for the development of affordable housing
- funds from the sale go to an affordable housing fund or other specific community benefit programs
- developers meet a minimum affordability requirement

A robust community input process and transparent decision-making can help frame what types of community benefits are most important for supporting the broader public good. Finally, the policy would help ensure that the process of selling public lands is a public process that includes members of impacted communities, allowing opportunity for multiple bids and sets a transparent system for judging the applications based on community priorities.

California’s Surplus Land Act (SLA) is a state law that directs local agencies, such as a city, county, and districts, to prioritize the development of low-income housing when selling or leasing their surplus land. Surplus land refers to land owned by a local agency which is no longer necessary

for that local agency’s use. The land must first be offered for sale or lease to affordable housing developers or for other vital public goods including parks and schools.<sup>105</sup> The public agency must prioritize proposals that include at least 25 percent of the units as affordable to lower-income households (at or below 80 percent of area median income). If multiple proposals meet that threshold, the agency must prioritize the proposal that includes the greatest number of affordable units at the deepest levels of affordability. The act also includes an inclusionary housing element if a property is not developed by an affordable housing entity. For example, if the local agency and an affordable housing developer cannot come to an agreement, then the agency may sell/lease the land to a market-rate developer, but 15 percent of the housing units must be affordable to lower-income households.

In line with the SLA, the City of Richmond Zoning Ordinance update findings state, “continued new development that does not include nor contribute toward lower cost housing will serve to further aggravate the current housing problems by reducing the supply of developable land.”<sup>106</sup>

**Effects:** The City of Richmond owns over two dozen parcels of public land, many of which are in central locations and along or in close proximity to transit routes. The number of units developed on these parcels would be guided by the zoning regulations for the different parcels but would likely be “infill” developments that increase density, thereby reducing greenhouse gas emissions and situating residents in proximity to healthcare, schools, access to food options, and other important services and resources. The percentage of affordable units, and the levels of affordability must meet the SLA baseline of 25 percent for affordable developers or 15 percent for market-rate developers, but could be strengthened in the process of creating the local law. The law could also state where the revenue from the sale of the land is directed, such as an affordable housing fund or related priority identified through a community process, rather than currently reverting to the general fund, 63 percent of which is budgeted for public safety.

**Limitations:** Strictly in terms of dollars, selling public land to a market-rate developer may be the most immediately profitable choice for a local agency. Those in support of that strategy argue that this generates needed revenue for the city. However, donating public land or selling it at below market-rate for the construction of perma-

nent or long-term affordable housing would allow developers to increase the number of units built and the depth of affordability.

## Designing the Policy

The use of public lands to address the housing needs of low-income residents advances the overall health and well-being of the city by creating more stable households who then have more money available for other essential resources. The notion of public good here also extends beyond housing. For example, supporting a strong local-hire jobs program alongside the development of affordable housing expands local employment opportunities and circulates dollars in Richmond's local economy.

In maximizing the public good that can come from the sale of public land, details to consider include:

- Raising the baseline percentage of affordable units that trigger a developer's priority in purchasing/leasing the land. The SLA baseline is currently 25 percent affordable units at 80 percent of AMI.
- Directing where funds go from the sale/lease of public land (e.g. an affordable housing fund, jobs programs for people impacted by the housing crisis, etc).
- An impact or linkage fee<sup>107</sup> specific to public land developments that is directed to a specific set of community benefit programs such as housing, jobs, education, or other priorities defined through a community process.
- Increasing the inclusionary housing percentage and depth of affordability for land sold/leased to market-rate developers from the SLA level of 15 percent affordable units at 80 percent of AMI).
- The development of additional guidelines defined by a community process that would influence the consideration of developer proposals, such as the inclusion of family units, housing for seniors, disabled people or the formerly incarcerated would help a proposal rate more favorably than proposals that do not have a targeted approach.
- In the event that revenue generated from the sale of public lands can be directed to an affordable housing fund, it is important to consider if it creates broader community benefit to couple these proceeds with other available subsidies to support 100 percent affordable developments (at or below 60 percent of AMI) at another location, or to pursue on-site developments that only have to meet a lower threshold of affordability, or have to include more market-rate units in order to address other costs (such as the cleaning of toxic soil). This should be weighed against the locations of public land and their access to resources and services, and the possibility of negotiating of deep affordable developments on-site through decreasing the cost of the land at sale.
- The Richmond community has already explored a robust set of community benefit agreements when considering the development of the Berkeley Global Campus. This process could be an outline for exploring how the development of public lands could address greater community benefit. Advocates will need to address conflict that may arise from potentially competing interests. For example, affordable housing providers may contend that paying construction workers and on-site staff a living wage constricts their ability to maximize affordability. Looking for additional funding sources for this, such as a county housing bond, may prove useful.

## Putting the Policy in Place

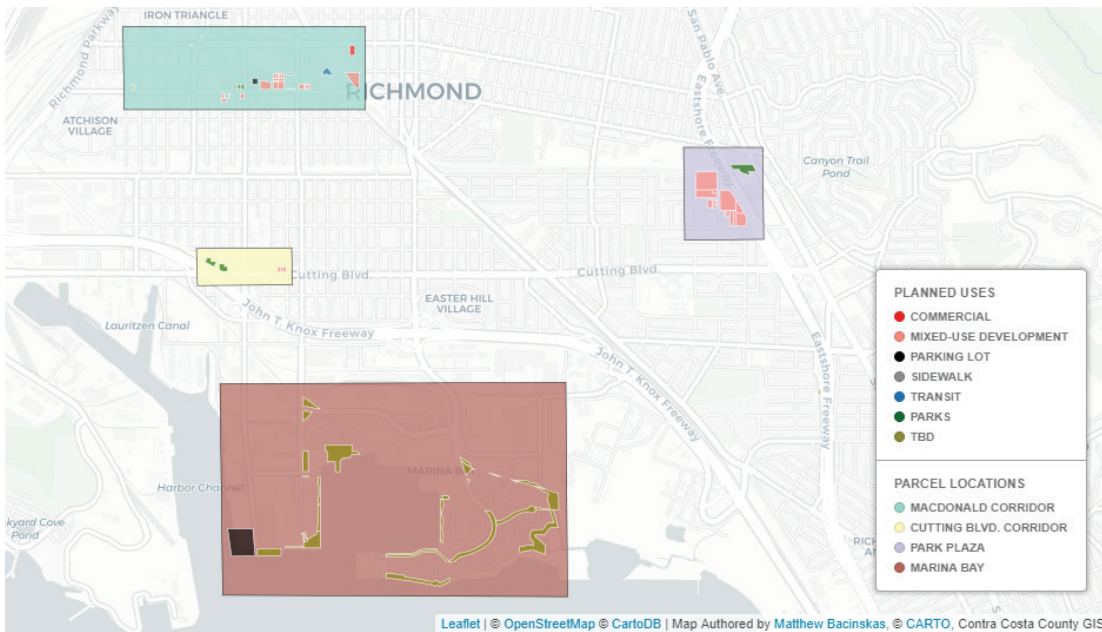
A public lands policy could be passed via the city council or at the ballot. The complexity of this policy requires a collaborative community process that involves multiple stakeholders including city residents, city staff responsible for implementing the policy, affordable housing developers, tenant, employment, and environmental organizations, and independent legal advocates.

In 2015, San Francisco amended their Surplus City Property ordinance to prioritize the use of public lands for housing, services, and other programs for homeless people. Coming out of the City of Oakland's attempt to sell a public parcel to a market-rate developer in 2015, a coalition of advocates and city staff have been meeting to develop a local public land policy that will go to council in early 2018. The initial attempt to develop the land by a luxury developer was halted by the organizing efforts of the East 12th Street coalition (<http://proposal.e12thoakland.org/>).

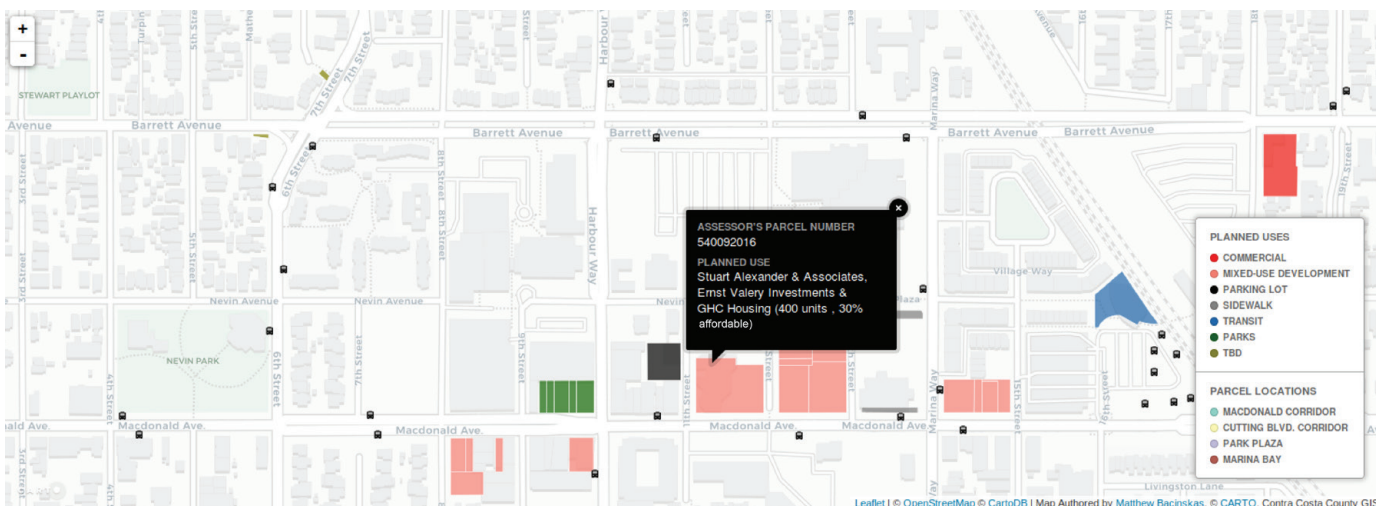
There is no legal precedent regarding the implementation of the state law, however a case is currently in an appeals court in San Jose around the city's sale of public lands to luxury developers and the applicability of the state law to charter cities (like Richmond and San Jose).

The recent sale of a public parcel at Macdonald





Land owned by the City of Richmond, December 2017<sup>109</sup>



Land owned by the City of Richmond along the MacDonal Avenue corridor, December 2017<sup>110</sup>

Ave. and 12th Street in Richmond has raised questions among community groups about the future of other public lands in the city. That property, developed by Ernst Valery Investments, is slated for more than 400 units, with affordability levels at 30% inclusion at the time of writing.<sup>108</sup>

## Resources

- San Francisco Surplus City Property Ordinance: [https://sfgov.org/elections/sites/default/files/ftp/meetingarchive/ftp/uploaded-files/elections/ElectionsArchives/Meeting\\_Information/BSC/agendas/2015/Surplus%20City%20Property\\_Legal%20Text-REPLACE-MENT\\_.pdf](https://sfgov.org/elections/sites/default/files/ftp/meetingarchive/ftp/uploaded-files/elections/ElectionsArchives/Meeting_Information/BSC/agendas/2015/Surplus%20City%20Property_Legal%20Text-REPLACE-MENT_.pdf)
- San Jose's Surplus Land Act case (Public Advocates): <http://www.publicadvocates.org/our-work/housing-justice/san-jose-surplus-land-policy/>
- Oakland Citywide Anti-Displacement Network Public Land Policy proposal
- Public Lands Checklist (Public Advocates): <http://www.publicadvocates.org/our-work/housing-justice/surplus-land-act-checklist/>
- Richmond Opportunity Sites page (public parcels for sale): <http://www.ci.richmond.ca.us/opportunitiesites>



## AFFORDABLE HOUSING LINKAGE FEES

**“How can Richmond create funds locally to build more housing for low-income residents?”**

**“When new businesses build in Richmond, don’t they have a responsibility to contribute to the city as a whole?”**

**“Housing developers are creating homes for new residents, but aren’t contributing to the housing supply for the working-class residents who made Richmond the place that it is. How can we make sure that the development benefits everyone?”**

Linkage fees, also commonly referred to as “impact fees,” are fees that cities charge on new development to account for the increased demand for governmental services, like affordable housing. A commercial linkage fee applies to new commercial and industrial businesses, like a food production facility or a warehouse company. Residential linkage fees apply to new market-rate housing development. Both are designed to help fund governmental services that are needed as a result of development. In the case of Richmond, a fee is being proposed that would channel revenue towards building affordable housing for lower-income residents. This revenue would go into a city-run affordable housing trust fund that can only be used to develop new affordable housing for lower-income people.

### Understanding the Policy

When new commercial development occurs, including warehouse, retail, office, etc., some of the jobs created do not pay employees high enough wages for the workers to afford market-rate housing. As a result, when businesses that move to, or get started in, Richmond create new jobs, they add to the demand for affordable housing. In fact, in the East Bay between 2009 and 2016, 100,000 new jobs were added in occupations that have a median wage of less than \$15 per hour.<sup>111</sup> Furthermore, as Richmond grows and people are attracted by the prospect of new jobs, low-income residents are squeezed hardest by

the gap between their income and the costs of housing. By charging a fee on new commercial developments and dedicating that money to affordable housing, linkage fees help to produce additional affordable housing. Many cities currently have these fees, including Los Angeles, Oakland, Sacramento, and San Diego. In each city, there must be a legally defensible argument that there is a “link” between new commercial developments and increased demand for affordable housing. Using this linkage argument (also called a “nexus study”), cities charge a per-square-foot fee on new developments.

Similarly, when new market-rate housing construction occurs, new tenants move in and spend their incomes on nearby goods and services, increasing the demand for workers in certain low-wage professions. A nexus study can also link the increased amount of money spent by these new residents to the increased need for lower-wage workers (who in turn need affordable housing), and cities can charge developers a per-square-foot fee on new residential developments accordingly.

Linkage fees are an especially important source of funding now that state and federal funds for affordable housing have dwindled. A linkage fee policy would establish a permanent<sup>112</sup> local revenue stream for affordable housing in Richmond. Additionally, a linkage fee could be tailored to serve the needs of groups who may be overlooked in federal and state housing programs, such as individuals returning from incarceration. The linkage fees would complement the existing funds that have been generated through in lieu fees, which as of March 2016 amounted to \$776,513.<sup>113</sup>

### Designing the Policy

In order to establish a linkage fee, cities must first conduct a nexus study. Nexus studies analyze the relationships between commercial development projects, the new employment generated, the new demand for workers and worker households, their income distributions, and an estimate of those new households that will need affordable housing. Nexus studies make the case that there is, or is not, a link between new commercial developments and increased demand for affordable housing. If a link is established, cities will set a per-square-foot fee on new commercial developments in the writing of an ordinance. The nexus study determines the maximum fee that can be legally levied on new development, but cities



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rarely opt to charge the legal maximum because a fee that is too high can slow (or altogether halt) new development. Cities therefore must strike a balance between levying a high enough fee to mitigate the impact of development on housing, without setting the fee so high that it impedes new investment.

In January 2016, the City of Richmond contracted with KMA to conduct an Affordable Housing Nexus study (the project is managed by the planning department and the contract with KMA expires December 30, 2017). The results of this are not yet public. After the Nexus Study is completed, the first step is to ensure that these findings are publicly shared and to understand if they support a linkage fee. Second, if the nexus is established, a council member must bring this item to the council as an ordinance. The council can then vote on this ordinance and establish the fee. Finally, proper implementation requires the collection of fees and the use of the revenue to develop units.

One disadvantage of linkage fees is that because the policy needs to be established as an ordinance, its passage could be complicated by opposition from pro-business and pro-development groups. Additionally, since the funds made available through a linkage fee would have to be administered by the city, having sufficient city administrative capacity to distribute the funds will be crucial for a linkage fee model to be successful. Moreover, because linkage fees must be established by a city ordinance, city staff and commu-

nity stakeholders must be engaged to ensure that the ordinance's language specifies that affordable housing be prioritized for the groups most in need or vulnerable to housing insecurity and displacement. However, according to a Bay Area affordable housing expert, linkage fees rarely generate sufficient revenue to create housing for extremely low-income residents. Serving these populations would likely require additional coordination with a local housing authority to create project-based Section 8 vouchers that would be used in the developments created with linkage fee funding.<sup>114</sup>

## Resources

- The Non-Profit Housing Association of Northern California created a detailed list of Bay Area cities with residential linkage fees (pages 1-3) and commercial linkage fees (pages 4-7). Note that this information was current as of November 2015 and there have likely been new policies passed that are not reflected in this document.
- Inclusionaryhousing.org published a primer on linkage fees specific to the Bay Area.
- ABAG has published summaries on commercial linkage fees and residential linkage fees that include links to Nexus studies and model ordinances from around the Bay Area. (Note that the references to the "Palmer decision" in the residential linkage fee are no longer relevant, as Gov. Brown signed a "Palmer fix" bill in the fall of 2017).

## EXPANDING TRANSITIONAL AND SUPPORTIVE HOUSING

**“Having a place to stay is essential, but sometimes it’s not enough, people need support to get back on their feet.”**

Transitional Housing programs provide a place to stay for homeless families and individuals, typically for up to two years,<sup>115</sup> and Supportive Housing programs provide housing with additional support services and accommodations.<sup>116</sup> Transitional and supportive housing serve residents who have faced some kind of crisis, such as a severe addiction, a traumatic incident, returning from incarceration, or extreme poverty. The housing programs are typically provided by non-profit and public agencies with funding from public sources, donors, and foundations. Residents of supportive housing, especially those with a history of residential instability or mental illness, are more likely to avoid re-incarceration, experience fewer visits to the emergency room, and need fewer inpatient hospital stays.<sup>117</sup>

### Understanding the Policy

Supportive housing provides a stable, reliable

place to stay, coupled with case management that connects the residents to needed services. It generally provides multiple benefits over homeless shelters, including a permanent address, access 24 hours per day, greater safety, the ability to host family and friends, and others.

In 2016, Contra Costa County implemented a new coordinated housing system, which integrates “intake, needs assessment, and provision of services, including referrals to permanent housing when appropriate.”<sup>118</sup> The system spans public and nonprofit programs, from drop-in services and emergency shelters, to transitional housing and permanent affordable housing programs. The most successful type of program for placing people into permanent housing was Rapid Re-housing, which last year reported 87 percent of clients exiting to permanent housing.<sup>119</sup> Of those who accessed permanent supportive housing, 98 percent were able to successfully retain housing. However, these programs had only 218 beds in the county and were only able to serve about 1,000 people each last year, out of some 8,500 homeless people coming into contact with the county’s continuum of care system.

In Richmond, there are few providers of transitional and supportive housing services, including Shelter Inc, GRIP, and the Nevin House. The current services fall short of meeting the need, according to providers interviewed for this report. A recent Contra Costa County Grand Jury investigation concluded that the “homeless situation



AN EARLY SKETCH OF THE KNOW-YOUR-RIGHTS MURAL NOW ON 23RD STREET IN RICHMOND, CALIFORNIA



in Contra Costa County is large enough to justify the effort to find additional funds to provide more shelter beds for the homeless.”<sup>120</sup>

People coming home from incarceration often experience homelessness at much higher rates than the general population. A survey in Richmond of people recently released from incarceration found that one out of five had experienced homelessness since their release.<sup>121</sup> Lack of a stable home and address is not only a housing issue, but also creates obstacles to obtaining a job, developing positive relationships, and avoiding re-incarceration. Research has found that housing is a “platform” for successful reintegration after incarceration.<sup>122</sup> Yet there are very few transitional housing programs dedicated to this part of the community in Richmond. Formerly incarcerated Richmond residents interviewed for this report shared that a last resort is sleeping at a Sober Living Residential program, intended for individuals with addictions, even when addictions are not an issue. Recent community testimonies have raised issues with sober living programs being unregulated and failing to address basic habitability issues like rotten floors and broken locks.

### Designing the Policy

Rapid Re-Housing programs are effective at “improving housing retention for persons who are typically considered to be hard-to-house.”<sup>123</sup> However, they must be designed to fit the particular needs of the local community and subpopulations. The core program elements are helping people find available housing, rent and move-in assistance, and case management. Using the “Housing First” approach, Rapid Re-Housing programs are able to maximize the effectiveness of the other services they provide. Housing First approaches can differ but typically share three principles:

- No requirement for residents to demonstrate housing readiness
- The provision of individualized support
- The incorporation of the principle of self-determination

As part of a continuum of care, supportive housing is one phase in a process that leads residents to placement in permanent housing. If there is a lack of affordable permanent housing, the process gets backed up and people ready for permanent housing cannot exit their supportive housing program, which then limits slots for others who need supportive housing. Similarly, if there is insufficient supportive housing then people who need it will

remain stuck in emergency shelters, or homeless. Providers of supportive housing in Richmond report a lack of affordable permanent housing that their clients can move into.

### Putting the Policy in Place

Funding for transitional and supportive housing is extremely limited. As of September 30, 2012, HUD funding for the Homelessness Prevention and Rapid Re-Housing program, was eliminated.<sup>124</sup> Despite this, the Greater Richmond Interfaith program (GRIP) operates a small homeless prevention and rapid re-housing program to provide services to at-risk individuals and families.<sup>125</sup> It is unclear whether the county’s transition to a “coordinated entry” model means funding and supportive housing services in Richmond will increase. New funding for housing first and rapid re-housing programs could come from Contra Costa County, city grants, private philanthropy, or could be redirected from the planned expansion of the West County jail.

### Resources

- “Rapid Re-Housing Brief,” an introduction to rapid re-housing program design by the US Department of Housing and Urban Development
- “Contra Costa Homeless Continuum of Care 2015-2016 Fiscal Year Annual Report,” an annual report by the Contra Costa Council on Homelessness that provides data on people experiencing homelessness, and the housing system serving them in the county.
- “Housing and Community Reintegration in Contra Costa County,” a report by the Safe Return Project presenting findings from a survey of formerly incarcerated residents’ experiences accessing housing, and solutions to address the issues identified.
- Richmond Task force on Homelessness, a task force formed by the Richmond City Council in 2017 to develop solutions to homelessness. Council Member Melvin Willis is the chair and city staff member Michelle Milan is the coordinator.



## **COMMUNITY-OWNED DEVELOPMENT ENTERPRISE**

**“Why do members of the community hear about development projects only after key decisions on the project have already been made?”**

**“How do we make the needs of our neighborhood the focus of new development projects?”**

A community-owned development enterprise (CDE) is an organization that is governed and owned by affected community members. A CDE carries out economic development projects based on a mission of creating resilient, prosperous and healthy neighborhoods in its home community and in open and continuous dialogue with government and planning agencies. The CDE begins with a development priority set by the broader community, such as expanding affordable housing, and then creates a development plan to secure financing and implement a project to address that need. Throughout the entire process, the CDE ensures that residents continue to govern projects organized for their benefit.

### **Understanding the Policy**

Throughout historic neighborhoods of low-income communities of color across the Bay Area, development has come to be a marker of displacement. Many residents feel new investment and development projects are bitter-sweet because neighborhood improvement is long overdue and needed, but projects are often designed to attract and serve new residents as opposed to historic residents. There is a need for a process of reinvesting in spaces that can strengthen these communities' ability to stay in place instead of leading to further displacement. Developing a structure for historically excluded communities to own and govern their own community development needs can provide this process and potentially reverse the racialized inequality that is generating displacement in Richmond and beyond.

Over the last several years, Richmond community leaders have coalesced around a vision for community-governed and community-owned development. Initially catalyzed by the campaign to ensure

that UC Berkeley's planned Richmond campus reflected this vision, several partners continued to work in collaboration over the last year to design an organization that would be a vehicle for community-governed and owned development. The entity will be structured to be accountable to community members, and will have the financial, legal, and technical expertise to design and implement development projects. Goals, such as training and hiring local and disadvantaged workers, reducing air pollution, increasing access to healthy foods, and meeting other community needs, can be the starting point for the design of community development projects.

This type of development will require a shift in the way residents and city leaders approach development projects. Residents will be sharing the “driver's seat,” so they will need to shift from being oppositional to being propositional, and will need to develop all of the financial and technical skills to engage in decisions about development projects. Investors will accommodate this change as they come to understand that this is a necessary component of ownership within the community. Investors are rewarded by participating in a high barrier to entry marketplace where the long-term commitment to the community is rewarded. Investors reap the additional reward of operating in a field where the requirements for development are well known and articulated and a path to success is well marked by the community.

### **Designing the Policy**

In order to have a legal entity where community members can directly engage in making important decisions about budgets, financing, construction, real estate contracts and so much more, time and resources must be invested in providing those individuals with the skills and training required to meaningfully engage in those critical decisions.

Case study research by the Haas Institute has documented several organizations that have independently come to the same decision to deeply and intentionally engage local residents in setting the development priorities and needs for their unique neighborhoods through a participatory planning process that then shapes the development projects for that community. The case studies have indicated the value of separating the mission-driven program and services work from the actual development projects. This separation reflects, 1) the ways different pieces of work are funded (philanthropic grants versus financing); and, 2) the need to shield the organization's com-

munity-based programs and services from the risks associated with an individual development project. This also allows each development activity to have its own tailored financing and investment. A 501c3 nonprofit organization can provide the umbrella structure that supports residents in articulating an overall development agenda, while another legal entity can be created to hold each development project. This approach from case study research indicates that the Richmond CDE should strongly consider incorporating a 501c3 to hold the organization's desired grassroots community organizing, community design, leadership development and community-driven planning work, while also creating an additional entity that can hold development projects on a case-by-case basis. The profits from individual undertakings revolves directly upward to the non-profit 501c3 parent and used to seed the next course of development activities.

### Putting the Policy in Place

There are promising examples of organizations around the United States that have missions and structures like the community-owned development enterprise being pursued in Richmond. For instance, the Little Tokyo Service Center (LTSC) is a 501c3 nonprofit that provides culturally competent programs and services to the Asian and Pacific Islander community of the Little Tokyo neighborhood in downtown Los Angeles. In line with its mission, LTSC works to shape development in Little Tokyo in order to preserve one of the last three remaining "Japantowns" in California. Over the years, LTSC has engaged with more than 15 partners on 22 development projects to establish over 800 affordable housing units and 125,000 square feet of community facility space. LTSC's long-term strategic partner, the Little Tokyo Community Council—a neighborhood council comprised of over 90 business, community leader, and community-based organizations—helps to set LTSC's strategic development priorities and to ensure that community voice is heard and reflected in those projects. Similar approaches and achievements can be seen in the work of the East LA Community Corporation and the Codman Square Neighborhood Development Corporation (CSNDC), located in the Dorchester neighborhood of Boston.

A newer innovative approach to community-governed development is the formation of real estate cooperatives. A real estate cooperative allows for collective ownership and democratic decision

making over land and its development. Recent efforts to create real estate cooperatives include the East Bay Permanent Real Estate Cooperative, and the New York City Real Estate Investment Cooperative.

The process for creating a Community-owned Development Enterprise involves several important steps:

- Design the mission, operating principles and values, and legal structure for the entity
- Recruit a board of directors that has deep and broad community representation and the legal, financial, and technical skills to design and manage development projects
- Adopt bylaws that formalize a community governance process to set development goals and provide input to key decisions, including principles that articulate intended community benefits to be achieved in individual development activities
- Facilitate a community engagement process that supports residents in setting a shared set of development goals and priorities
- Create financing and development plans to meet the community's development goals, and pursue resources
- Carry out an initial project that aligns with the community vision and is economically feasible

Partnership between the CDE and the city or other public agencies can increase the potential for greater community benefits from development projects. For instance, if the city contributes public land to a development project, it reduces the cost and can allow for the project to invest more intensely in programs like local hiring or greater affordability. Contracting with the city or other public agencies can also create a win-win where city projects are implemented with a greater re-investment in the local economy and community benefits.

### Resources

- The East Bay Permanent Real Estate Cooperative information is online at <http://ebprec.org/>
- The Sustainable Economic Law Center offers legal assistance and resources on cooperative models to housing and economic development. Information online at <http://www.theselc.org/rethinking-home>
- For more information on the creation of a Richmond Community-owned Development Enterprise, contact Nwamaka Agbo at [nwamaka@movementstrategy.org](mailto:nwamaka@movementstrategy.org)

## **ANTI-SPECULATION TAX**

**“We want to buy a home but we can’t compete with investors who offer all cash.”**

**“We want neighbors who are excited to buy here and call it home, not ones who buy and then turn around and sell the house for a major profit.”**

An anti-speculation tax policy works by establishing a tax to discourage speculative investors, or “house flippers,” from buying and rapidly reselling properties. In many communities like Richmond, large investors have been buying up groups of homes and either holding them as corporate landlords or selling them for a quick profit.<sup>126</sup> When these speculative investors do this, it inflates demand above the interest in that market that normally drives demand, forcing families to compete and pay higher prices, increasing rents and evictions.<sup>127</sup> This can make it more difficult for moderate-income families to buy or rent a home.

### **Understanding the Policy**

The common refrain of investors is “buy low and sell high,” and this logic often leads housing investors to communities that have been economically marginalized for so long that home prices are low. In many cases, these low values are the result of systemic impediments created by policies that limited economic mobility along racial lines. In Richmond, exclusionary housing policy in the twentieth century and municipal zoning ordinances that concentrated polluting industries and people of color in neighborhoods for decades kept housing prices depressed and limited wealth building opportunities for these populations.<sup>128</sup>

Measures indicate that the rate of speculation in Richmond spiked after the foreclosure crisis, has come down and is not high at the moment. From mid-2009 to mid-2012, a majority of homes sold in Richmond were purchased with cash. The percentage of absentee owner purchases tripled between 2008 and 2012.<sup>129,130</sup> To understand the house flipping action around the time of the Great Recession, in 2007 there were only 93 Richmond properties sold that had been bought within the previous three years. In 2008, this number rose over 600 percent to 568, then more than doubled again the next year in 2009. However, after 2009,

this flipping decreased, and over the last four years has been consistently around 300 properties flipped per year, which is still three times as high as pre-crisis levels.<sup>131</sup> Trends suggest that a rise in speculative investment may be on the horizon again. One measure of speculative activity is what’s called a price-to-rent ratio, which sheds light on the difference between a fundamental interest in the housing market and overheating demand.<sup>132</sup> High price-to-rent ratios in neighboring cities like El Cerrito and the historical trends for the price-to-rent ratio for Richmond suggest that another speculative wave will likely occur in the next few years in Richmond.

An anti-speculation tax tempers overheating demand by discouraging the practice of house flipping, helping to lower the high price of homes for sale and staving off the displacement of vulnerable residents. Even if a market is not presently experiencing speculation, the risk of future speculation and a desire to safeguard a population from speculation can serve as justification to implement an anti-speculation tax. In the event of rising sales prices leading to an increase in speculative activity, the tax would kick in to discourage any actors seeking to take advantage of the arbitrage opportunity resulting from price trends. In this sense, the tax can be thought of as an automatic stabilizer, remaining dormant when speculation is low and activating to deter price increases due to the creation of artificial demand during boom times.

### **Designing the Policy**

An anti-speculation tax is a transfer tax, applying a fee when a property is sold. As a transfer tax, not a property tax, it is not subject to Proposition 13. Anti-speculation taxes can vary by city, but San Francisco provides a good example of what a tax on speculative investment could look like. In 2014, San Francisco voters considered Proposition G, a proposed tax on the total sale price of multi-unit residential properties. Under the proposed law, if someone bought a multi-unit property and then sold it in less than five years, they would have to pay a tax. The tax was proposed to be set at 24 percent initially and decrease incrementally to 14 percent by the fifth year. In writing the policy, a community can create exemptions that allow some homes to be exempt from the rules. In San Francisco, some of the situations that were exempted included:

- The property is sold for an amount equal to or less than what the seller paid for the property
- The property is sold within one year of a prop-

erty owner's death

- The property is legally restricted to low- and middle-income households
- The property is newly built housing

Anti-speculation taxes have been adopted only twice in the US—in the instance of a short-lived tax in Washington DC and an anti-speculative land tax in Vermont aimed at preventing out-of-state resort industry interests from driving up land prices for native Vermonters.

The anti-speculation tax must be designed to deter speculation that is overheating demand but not discourage investment that is helping to maintain a functional housing market. Analysis in Ontario, Canada found that monopolistic speculation had the effect of a “reduction in the supply of the commodity available to the public and a price above the long-run competitive equilibrium.”<sup>133</sup>

The analysis distinguishes between competitive speculation—speculation by individuals who don't affect the market as a whole—and monopolistic speculators, where a speculator attempts to buy significant control of a commodity to influence the market price. Understanding this for Richmond historically and presently will be key in designing an anti-speculation tax that helps to keep housing prices under control yet maintains market stability. Analyzing hold times between flipped Richmond properties will provide a useful indicator for this.

One limit of an anti-speculation tax is that it is unlikely to raise very much public revenue if the rate is set at a deterrent level. If the primary objective is for the tax to curb and deter speculation, then the tax rate will be set high enough to discourage speculation from occurring. If the policy is effective, then little speculation will occur and little taxes will be collected.

## Putting the Policy in Place

The idea for an anti-speculation tax to discourage the rapid buying and selling of homes has been around since Supervisor Harvey Milk proposed it in the late-1970s in San Francisco. An anti-speculation tax could serve as part of a suite of policies aimed at curbing displacement and maintaining affordable housing prices. Currently, there is no anti-speculation tax in Richmond.

Since 1978, local governments have required the approval of at least two-thirds of voters to pass taxes that are specifically allocated (whereas if the tax revenues go to a general fund, the tax only requires a simple majority).<sup>134</sup> In the end, the San Francisco measure needed a majority but got 47

percent of the vote and lost. To pass a similar tax in Richmond, affordable housing advocates would need to do a lot of work in educating voters about what this tax would and would not do. During the 2014 election, state and national real estate industry lobbyists spent millions of dollars spreading misinformation to influence the vote in San Francisco. Additionally, much of the anti-Proposition G narrative criticized the fact that the money would not go to support affordable housing, but go to a general fund because it only required a simple majority to pass (this was a similar critique of Richmond's failed attempt to pass a soda tax). Real estate interests also critiqued the proposition as potentially harming homeowners who did not intend to speculate, but who had to leave their homes unoccupied because of a family emergency or an unanticipated job transfer.<sup>135</sup> These concerns could be addressed in Richmond through the addition of an appeal process or of exemption provisions to the policy, for instance an exclusion for homeowners who own and occupy only one property in the city, which would help identify the homeowners who are not using property exclusively as an investment.

In the case of the short-lived anti-speculation tax in Washington DC, the tax was established in 1978 and was allowed to expire just three years later. Powerful lobbying by real estate interests in DC, using a narrative of property rights and arguing that the speculation tax would hamper homeownership opportunities for Black residents, led to the repeal of the DC anti-speculation tax.<sup>136</sup>

## Resources

- Smith Institute Analysis of Speculation in London: “The Case for a Property Speculation Tax,” by Andrew Heywood and Paul Hackett of The Smith Institute, <https://smithinstitutethinktank.files.wordpress.com/2014/11/the-case-for-a-property-speculation-tax.pdf>
- Analysis of Speculation Tax in Ontario, Canada: <https://www.jstor.org/stable/pdf/3144982.pdf?refreqid=excelsior:9ef3f25130f41245a44bcc7d40816223>
- “The Rise of the Corporate Landlord; The Institutionalization of the Single-Family Rental Market and Potential Impacts on Renters,” by Right to the City Alliance, <http://homesforall.org/wp-content/uploads/2014/07/corp-landlord-report-web.pdf>
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# Conclusion

**H**ome is housing-animated— it is where the people, experiences, objects, and memories that make up our day-to-day lives are knotted together with broader relationships to people, places, and moments. Home is like scent, it evokes memory, accessing those parts of the brain that pull at emotions—good, bad, and intense.

Home is where housing and belonging come together. In this report we refer to “belonging” as not merely about having access to opportunities and resources, but being able to make demands upon political and cultural institutions. Belonging means being seen, listened to, and responded to at a structural level.

Housing can be described by any number of nouns and adjectives: shelter, temporary, investment, shortage, segregated, (un)affordable. But to describe housing without understanding belonging is to speak of statistics without people, place without human texture, buildings not homes. As Staying Power fellow DeAndre Evans asked, “How many of us aren’t statistics?”

In the San Francisco Bay Area, discussions on housing are endless—the shortage, the prices, the displacement, the inequality. In Richmond, a campaign to pass rent control and just cause for eviction laws in 2015 brought together Richmond renters, landlords, and local organizations into a powerful campaign to demand tenant protections from rising costs and unjust evictions. In demanding structural protection, they were asserting their belonging.

Their efforts were met with disdain from some elected officials in Richmond and rent control opponents. During one packed council meeting, a council member took the microphone and asked the audience to not be distracted by the stories of residents in the face of the facts that he had

compiled. This framing of (his) facts vs. (their) testimony and lived experience was a false one; proponents had also done extensive research that showed statistical and factual justifications for rent control. At the root, his ask was a statement of dis-belonging—the experience of the marginalized is not how to direct the priorities of government. Such asks—and nearly \$200,000 spent in opposition to the ballot vote on rent control—ultimately failed; rent control and just cause for eviction won at the ballot in 2016 with 65 percent of the vote and Richmond became the first city in California to pass a new rent control ordinance in over 30 years.<sup>137</sup>

This was followed in late-2016 with another housing policy designed for formerly incarcerated people and advanced by a coalition of organizations such as the Safe Return Project and others. The Fair Chance Housing Ordinance prohibits public, low-income, and affordable housing providers from inquiring about prior convictions of an applicant—a “ban-the-box” for housing.

While only two tools in the broader efforts to make an equitable housing landscape in Richmond, these victories signal the importance and power of housing policies that advance belonging. While making explicit who does belong, they also support the stability of residents by offering some protection from the impacts of the housing crisis—a burden most heavily shouldered by Black, Latino, and low-income residents. Importantly, the victories also reflect the power of residents acting together to shape city policy that reflects their communities, an outcome that is contagious in its action-oriented hopefulness. “This body embody Richmond,”<sup>138</sup> stated an organizer deeply involved in passing Fair Chance Housing. This is a statement of belonging—the experience and collective action of the historically excluded directing the priorities of government for the people.

Housing remains one of the defining factors of our lives. As author Matthew Desmond puts it bluntly, “Rent eats first.”<sup>139</sup> Housing policies for belonging do not only have housing as their sole goal. Housing policies for belonging must address the ongoing impacts of racism and economic exclusion by inverting historical and contemporary place-based disenfranchisement; racial exclusion from homeownership is the single biggest factor in the racial wealth gap that today means the average white household wealth is seven times that of Black wealth and five times that of Latino wealth;<sup>140</sup> education quality is intimately tied to where people live,<sup>141</sup> a factor shaped by housing policy, zoning, and tax code; housing access and zoning have resulted in disproportionate exposure to environmental pollution for low-income people of color;<sup>142</sup> and racial residential segregation can increase toxic stress with long-term negative health outcomes.<sup>143</sup> One of the end results of these inequities is that Black residents in Richmond have

been displaced from their historic neighborhoods, whether through the rising costs of housing, in pursuit of better education, or out of safety concerns. In Richmond, the Black population has fallen from 36,600 in the year 2000 to 23,500 in the year 2015 (a 36 percent decrease).<sup>144</sup>

Stable, affordable, quality housing and the ability to move if one wants to—not to be driven out by violence, rising prices, failing schools or exclusionary policies—provide undeniable foundations for the thriving of Richmond residents and the city as a whole. Policies of belonging mean that structurally excluded residents can benefit from the improvements of place and development that are happening, and will continue to happen, in Richmond over the long-term.

By supporting Richmond as home, housing policies for belonging are not an end, but a framework for expanding the health, wealth, and power of Richmond residents.■

# Endnotes

## Introduction

- 1 Partners on the Symposium included Richmond Neighborhood Housing Services, GRIP, Richmond Progressive Alliance, Safe Return Project, ACCE, Dellums Institute, Reentry Success Center, and the Haas Institute.
- 2 We are grateful to the many contributors and reviewers who offered their expertise to this research. See p. 4 for a full list.

## Foundations of a Housing Crisis

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#### Current Housing Policy in Richmond

- 72 The state agency tasked with allocating Low Income Housing Tax Credit (LIHTC) awards within California apportions funding regionally. This means that proposed housing projects in Richmond "compete" for LIHTC funding with proposed projects in the rest of Contra Costa County, plus Alameda, Marin, Napa, and Sonoma counties, for 10.8 percent of the total funds that are available to the state. Additionally, this agency has historically prioritized jurisdictions where local funding was available to complement state funding. Jurisdictions that were unable to generate local funds to contribute

towards LIHTC-funded housing projects were therefore not as competitive and were less likely to receive awards. It is likely that this second policy will change starting in 2018, pending regulatory changes that will be enacted in December 2017.

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## Conclusion

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