

Agenda Item: File ID 20-00487 (3-A)

Agenda Date: 05/21/2020

FRESNO CITY COUNCIL



RECEIVED

MAY 21 2020
CITY OF FRESNO
CITY CLERK'S OFFICE

Information Packet

Agenda Related Item(s) – File ID 20-00487 (3-A)

ITEM(S)

File ID 20-00487 (3-A) - *RESOLUTION -** Adopting the 2020-2024 Consolidated Plan Including Citizen Participation Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice; authorizing submission to the U.S. Department of Housing and Urban Development (HUD) for application of the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Programs and authorizing the City Manager to sign all implementing documents required by HUD (Subject to Mayor's Veto)

Contents of Supplement: Public Comment and City Responses.

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

PUBLIC COMMENTS AND CITY RESPONSES

Additional comments received on or after May 18, 2020 to be included in:

2020-2024 Consolidated Plan and 2020-2021 Annual Action Plan Appendix C Analysis of Impediments to Fair Housing Choice Appendix B

Comments received between May 18, 2020 and the close of the Public Comment period on May 20, 2020 are provided below along with the associated City response. Comments received prior to May 18, 2020 are included as a supplement to the May 21, 2020 City Council agenda. All comments will be incorporated in the final submission of the plans to the Department of Housing and Urban Development (HUD).

Nicole DiBudo Linder, Marjaree Mason Center: Email requesting clarification and corrections to various elements of the Plan with regard to victims of domestic violence (full email attached following this summary).

[City Response:

- HUD provides robust data analysis tools populated from the 2011-2015 American Community Survey (ACS) and Comprehensive Housing Affordability Strategy (CHAS) data sets. Where available, this data was used to allow for comparable statistics.
- Homeless/unsheltered individuals were identified as a high priority on page 195 consistent with homelessness being identified as the highest priority in surveys, focus groups, and community meetings. However, given that services and shelter for victims of domestic violence are the next highest-rated ESG-eligible need after the homeless needs in the 500-person community survey, the City agrees to move the item from the 'priority' list to the 'high priority' list.
- The Emergency Solutions Grant is a federal entitlement grant, and the size of the grant is determined by HUD using a formula based on census and other data.
- City staff agrees with and recommends the following changes and corrections to the Consolidated Plan:
 - Add 'Housing' to 'Type' for Marjaree Mason Center on Table 2
 - On page 20, "Street to Home" will be corrected to "Steet2Home"
 - On page 44, "Marjaree Mason Center 2017-2012 annual report" will be corrected to "Marjaree Mason Center 2017-2018 annual report"
 - On page 70, add the following language to 'Victims of Domestic Violence' section: "Special needs of this population include confidentiality, safe housing, accessibility, mental health services, education, and outreach."
 - On page 136, Marjaree Mason has been added to the institutional delivery structure
 - On page 137, "Victim Services" added to the list of Homeless Prevention Services Summary; please note that this is narrative only as this is not an available option in the corresponding HUD reporting tools
 - On page 195, move 'Victims of domestic violence' from the 'priority for ESG services' section to the 'high priority for ESG services section'

Public Comments and City Responses – 2020-2024 Consolidated Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice

- The public comment has been considered and accepted.]

Ivanka Saunders, Leadership Council for Justice and Accountability: Email requesting additional transparency, commenting on various elements of the Consolidated Plan strategy, and commenting on specific actions in the Annual Action Plan. (full email attached following this summary).

[City Response:

- The City made substantial effort to increase the transparency, traceability, and engagement of the community in the development of draft plans, and has provided a more detailed summary of the citizen participation in the development of the draft plan than in prior Consolidated Plans and Annual Action Plans. The City will continue to strive to more clearly articulate the connections between direct citizen engagement and participation, and the priorities and objectives of its plans.
- All public participation was accepted for consideration in the preparation of the draft plans. Public comments received during the public review period are included in this document.
- A concise summary of past performance is included with the Consolidated Plan in accordance with HUD requirements. A more detailed summation of goals and outcomes for the 2015-2019 Consolidated Plan is included in the Consolidated Annual Performance Evaluation Report.
- The City will forward comments regarding zoning, density, commercial and industrial linkage fees for affordable housing trust fund, inclusionary housing policy, and reduced fees for residential development that addresses affordable housing to the Advance Planning Division for consideration in the City's General Plan and other applicable planning activities.
- While the Consolidated Plan does not require affordable housing developments utilizing HUD funds to also leverage the sources of funding identified under the heading 'Apply for Available Funding to Support Affordable Housing Development,' the City supports additional funding where appropriate and viable, and several examples are presented in the City's 2019 Housing Element Annual Performance Report.
- The plans do not fund or encourage industrial development in Southwest Fresno.
- The 2020-2021 Annual Action Plan does not program funds for nonprofit community services to specific activities. The City will consider applications based on their alignment to the final Consolidated Plan strategies as adopted by City Council.
- Any increase in Community Housing Development Organization Set-Aside would require reduction of other HOME-funded activities such as tenant-based rental assistance or affordable housing development. The City's analysis concludes that the proposed allocation is consistent with the market conditions and community need.
- The following recommendations included in this letter are strongly supported by the City's analysis and Consolidated Plan:
 - a. Promote and expand housing choice throughout the jurisdiction of Fresno, prioritizing high opportunity areas
 - b. Invest in infrastructure, rehabilitation, and public services in concentrated areas of poverty
 - c. Align with the Surplus Land Act (AB 1486) to prioritize affordable housing in the disposition of City-owned property
 - d. Utilization of HUD entitlement funds for:
 - i. Special needs housing

Public Comments and City Responses – 2020-2024 Consolidated Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice

- ii. Neighborhood infrastructure
- iii. Housing rehabilitation
- iv. Fair housing services
- v. Parks and park improvements
- vi. Rehabilitation of mobile homes
- The public comment has been considered and accepted.]

Sheng Xiong, Leadership Council for Justice and Accountability: Email suggesting additional actions and measureable objectives for the Analysis of Impediments to Fair Housing Choice (full email attached following this summary).

[City Response:

- The City has received additional HUD entitlement funding as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Allocating these funds requires Substantial Amendments to the City's adopted plans. The City will consider any COVID-19 related comments for those plans, and recommends concerned residents register for Housing and Community Development Division emails to be notified directly when the amendments become available for public review and comment. Residents may register for the email list by emailing HCDD@fresno.gov.
- The City continues to strive to engage residents in the planning process more proactively, and with more diverse tactics (including multiple language access), acquiring more input in the current planning process than during prior Consolidated Plan, Annual Action Plan, and Analysis of Impediments analyses. We will continue to do so, and appreciate suggestions for engaging hard-to-reach populations.
- The City has requested that its consultant provide additional information regarding the calculation of the Zoning Code Risk Scores (Table 17) and will provide the methodology with its final submission to HUD to also be published on the City's website.
- The City's Analysis of Impediments study does not conclude that zoning is an impediment to fair housing choice. However, the report does provide a substantial analysis with regard to how Fresno may utilize zoning practice to further fair housing objectives. Along with the comments presented in this letter, the zoning considerations will be forwarded to the City's Advance Plannign Division for consideration in future updates to the City's General Plan and other applicable planning activities.
- The document used to report on the City's progress toward its goals for U.S. Department of Housing and Urban Development Community Planning and Development programs is the Consolidated Annual Performance Evaluation Report (CAPER). CAPERs are posted on the City's Housing and Community Development website at <http://www.fresno.gov/housing>.
- In response to both the Analysis of Impediments study and the citizen participation in the City's 2020-2024 Consolidated Plan and 2020-2021 Annual Action Plan process, the City has recommended Fair Housing as a strategic priority for the 2020-2024 Consolidated Plan and has recommended a 20% increase in CDBG funding for the activity in program year 2020-2021.
- The City appreciates the Leadership Council for Justice and Accountability's suggestions with regard to additional measurements of progress and will consider suggestions in the development of any Notices of Funding Awards or subrecipient agreements implemented to address the impediments identified in this analysis.

Public Comments and City Responses – 2020-2024 Consolidated Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice

- The City does not limit its recommended activities to only those for which funding has already been identified in the current program year.
- The comments requesting expansion of AB 1485 rent control will be forwarded to the Code Enforcement Department for consideration.
- The following recommendations included in this letter are strongly supported by the City's Analysis of Impediments and Consolidated Plan:
 - Parks and Park Improvements in areas of concentrated poverty
 - Provide meaningful opportunities for residents to participate and engage to determine how they want to improve their neighborhoods
 - Compliance with the Surplus Land Act, prioritizing affordable housing in the disposition of city-owned property
 - Rehabilitation programs for rental properties
 - Development of affordable housing in high opportunity areas
 - Coordination with local lenders to expand outreach efforts to first time homebuyers in neighborhoods of color
 - Regular application for funding to create a first-time homebuyers downpayment assistance program
 - Education of rental housing managers and owners on their requirement to accept Section 8 vouchers
 - Development of a list of resources to combat NIMBYism
 - Translation of resources regarding fair housing protections
- The public comment has been considered and accepted.]

Public Comments and City Responses – 2020-2024 Consolidated Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice

Exhibit 1: Email – Nicole DiBuduo Linder (Page 1 of 2)



1600 M Street
Fresno, CA 93721
(559) 237-4706
www.mmcenter.org

May 18, 2020

City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mayor Brand, Councilmembers and members of the Housing and Community Development Department,

Thank you for allowing Marjaree Mason Center to participate in the interview process for the 2020 Annual Action Plan and for the City's ongoing investment in the critical work we do in providing emergency shelter and crisis support for adults and children fleeing domestic violence in our community. This effort is a true partnership and we are grateful to serve along-side you. After reviewing the draft annual action plan, I have a few comments/questions for your consideration.

- Page 18 - it would be more accurate to also add the word "housing" to the type of services Marjaree Mason Center provides.
- Pages 33-34 – Domestic violence shelters and services are listed among the highest need for both development and services. However, at the end of the report on page 195, domestic violence is not listed as a high priority. I urge you to please list domestic violence as a high priority item.
- Page 43 – Why was 2011-2015 data used for a 2020 assessment on disabled and victims of crime? It is extremely outdated and does not accurately reflect current need. Fresno Police Department has a robust tracking system and 2019 domestic violence call data should be included rather than data that is old.
- Page 44 – It lists the Marjaree Mason Center 2017-2012 annual report (numbers are backwards.)
- Page 44 – The statement that Fresno Housing Authority is prioritizing domestic violence victims on their list is misleading and gives a perception that FHA has a way of prioritizing victims on a general interest list. In speaking with representatives of FHA, they DO have a displacement referral process that CAN prioritize victims, however, it is not a part of their general prioritization.
- Pages 70-71 – Victims of domestic violence are listed as a special needs population. However, none of the specific needs for addressing the population were identified in that section. Special needs such as confidentiality, safe housing, accessibility, mental health services, education and outreach should be identified for the special population of adults and children fleeing domestic violence.
- Page 74 and 77 - it clearly shows that domestic violence shelters are a highest need for survey respondents. In addition, domestic violence was named as a priority in the Street2Home plan. Again, it needs to be listed as a high priority on page 195.

Exhibit 1: Email – Nicole DiBuduo Linder (Page 2 of 2)

- Pages 135-136 – Marjaree Mason Center should be listed on Table 52: the chart of institutional delivery structure.
- Page 141 – Now is the time to increase ESG. If we didn't have an infusion of HEAP/CESH/HHAP funds from the state, there would be a desperate need for emergency shelter (which is an ongoing issue.) Please consider readjusting the allocations accordingly so that there are increased funds for emergency shelter.
- Page 196 – The measurement of homeless households with children based on the PIT count is extremely shortsighted since most families with children are NOT captured in PIT. This has been an ongoing conversation within the community. To use that measurement to capture homeless children would be inaccurate.

In December 2019, the Fresno Bee reported a study by the California Department of Justice that shows among California's 10 largest cities, Fresno had the highest rate of verified domestic violence calls to police for help in 2018 – far more calls per 1,000 residents than any other big city in the state and verified domestic violence calls in the City of Fresno continue to increase.

I strongly urge you to move "victims of domestic violence" from a priority to a high priority on page 195 of the ESG allocation prioritization. Marjaree Mason Center and other community partners remain committed to serving this population. Please consider this vulnerable population as a priority in your plans to end homelessness in our community. Should you have any questions, please don't hesitate to contact me at 559-487-1319.

Best regards,



Nicole DiBuduo Linder
Executive Director

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



[sent via email hcdd@fresno.gov]

May 20, 2020

Thomas Morgan
Manager, Housing and Community Development Division
2600 Fresno Street Room CH3N 3064-C
Fresno, CA 93721

Re: Comments on the City of Fresno's 2020-2024 Draft Consolidated Plan and Annual Action Plan

Dear Mr. Morgan,

Thank you for this opportunity to submit our comments on the City of Fresno's 2020-2024 Draft Consolidated Plan (Draft Plan). These comments aim to assist the City in developing a Final Consolidated Plan (Final Plan) that will allow the City to achieve the goal of the Department of Housing and Urban Development's (HUD's) Community Planning and Development Program (CPD) "to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities," principally for low- and moderate-income persons in accordance with applicable laws and regulations.¹ The 2020-2024 Consolidated Plan is a critical opportunity for the City to address the severe affordable housing need in Fresno and the environmental and neighborhood conditions that impact resident health and well-being that have only worsened with the COVID-19 pandemic.

The Draft Plan Fails to Contain Detailed Interview Transcripts of Citizen Participation

Starting on page 22, the Draft Plan contains overall summaries of information relating to the content of the stakeholder interviews undertaken during the consolidated planning process, however, it fails to include details of when,

¹ See 24 CFR 91.1; HUD, The eCon Planning Suite: Citizen Participation Consultation Toolkit (Citizen Participation Toolkit), p. 3.

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



where, and the demographics of the communities from which the information came. Such information bars the public from obtaining a thorough understanding of the issues, barriers, and solutions as they relate to each community. It also denies the public from seeing a transparent process of identified priorities found by local experts during the development of the Draft Plan and from making fully informed comments on the Draft Plan.

The Draft Plan Fails to Provide Accurate and Complete Information Regarding Public Comments Not Accepted

The consolidated plan must provide a summary of citizen comments or views on the plan and a written explanation of comments not accepted and the reasons why the comments were not accepted.² The Draft Plan clearly does not accept all public comments made during the public participation process, as it is inevitable that comments by the hundreds of participants will in some way conflict. Failure to explain the views provided during the public participation process and the City's reasons for not accepting them, impedes an informed review of and comment on the Draft Plan by the public. It further undermines the transparency in the consolidated planning process which would be achieved through compliance with the Federal Regulations and HUD Guidelines.

For instance, some residents at the West Fresno community forum stated that all block grant funds should be used for projects in West Fresno, given the long history of neglect of this community by the City. West Fresno residents argued that their community continues to suffer from severe disinvestment in its neighborhoods, many of which lack basic amenities and services such as sidewalks, street lights, curb and gutter as well as grocery stores, retail outlets, and mixed and middle-income housing; and exhibit high rates of racially and ethnically concentrated poverty. At the Mosqueda Center workshop, participants there made specific requests on supporting homelessness services, youth programs, and workforce training for vulnerable populations. Thus, South Fresno has a long-outstanding need for and stands to benefit greatly from targeted investment of block grant funding and other resources available

² The eCon Planning Suite: A Desk Guide for Using IDIS to Prepare the Consolidated Plan, Annual Action Plan, and CAPER/PER (Desk Guide), p. 75.

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



to the City of Fresno in the community. It is by these means that the City of Fresno can create equitable communities.

We therefore recommend that the City re-release the Draft Plan with an accurate and complete summary of views not accepted and the City's reasons for not accepting those views for a new 30-day public comment period.

The Draft Plan Fails to Evaluate Past Performance

Among its several functions, the consolidated plan serves as a "management tool for assessing performance and tracking results." Section 24 CFR §, 91.1. Section 24 CFR § 91.200(c) requires that consolidated plans include an evaluation of past performance, in order to facilitate citizen review and comment on the plan each year. "Evaluation of past performance provides a context for the current plan and serves as a basis for current objectives and outcomes" (Desk Guide, p. 62.). On page 7, the Draft Plan's evaluation of past performance is inadequate and cannot rightly be deemed an "evaluation". While the Draft Plan provides minimal quantitative data of the goals that were completed, there are still no sufficient qualitative descriptions, and no explanations to allow a reader to understand why the City failed to achieve all of the prior year's goals. Likewise, for the funding categories where the City claims to have made progress in achieving its goals, the City provides no supporting evidence to allow the reader to assess the City's judgment regarding its success. For goals that are still "pending" there is no discussion of plans that will be used to overcome the barriers to complete the goals.

Recommendations to Include in the Consolidated Plan

Given the City's severe shortfall of affordable housing which disproportionately impacts low-moderate income residents and particularly, extremely low-income residents, residents of color, and large families, the City is obligated to identify and adopt actions necessary to address barriers to affordable housing in its consolidated plan. In addition, these same vulnerable citizens are the most impacted by the COVID-19 pandemic and the recovery from it will be slow and difficult without concise planning by the City. The actions adopted by the City must:

- **Allow funding of CDBG towards health services and construction of more medical clinics/offices within the communities of South Fresno.** While Clinica

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



Sierra Vista, for example, has expanded within low-income communities, there is still a high need for quality healthcare access in under-served populations. CDBG funding can also be aligned with other resources, like CARES dollars, to build a stronger medical system within low income, where currently, residents have to travel to the northside of Fresno for care.

- **Include actions that promote and expand housing choice throughout the jurisdiction of Fresno.** This includes actions that promote new development of affordable housing and expand housing choice in locations in higher income neighborhoods and neighborhoods with a lower proportion of residents of color, rather than continuing to allow the concentration of housing affordable to low-income residents to be placed solely in low-income neighborhoods of color. The City's identification of housing in low-income neighborhoods of color, to the exclusion of other neighborhoods, potentially conflicts with the City's duty to affirmatively further fair housing under fair housing and civil rights laws. 42 U.S.C. §§ 2000d, 3601, et seq., 5304(b)(2), 5206(s)(7B), 12705; Cal. Gov. Code § 11135.

Part of that housing choice also allows low income residents to remain in a community, like Southwest Fresno, that they may not want to leave due to personal choice such as generations of family ties. They deserve a consolidation plan that spends targeted investment of block grant funds and other resources available, to decrease the disparity gap within the communities of Fresno. Residents should not have to leave their community because the City has allowed severe disinvestment in their neighborhood.

As a reminder, the City has created a map which identifies publicly owned land. These properties should be leveraged with CDBG funds to build affordable housing in line with the Surplus Lands Act. Also, the City should use the identified High Opportunity areas to support affordable housing projects. In addition to locations to build, the City of Fresno's Housing Element lists Program 7-Special Needs Housing; Program 21-Neighborhood Infrastructure; Program 22-Housing Rehabilitation; and Program 26-Fair Housing Services; that can and should be supported by CDBG funds.

**Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability
(Page 1 of X)**



- **Re-designate and rezone residential land to higher densities in growth areas.** The City of Fresno's General Plan Land Use Map designates large segments of growth areas slated for development in the coming years under the low, medium low, and medium density residential land use designations. All new growth areas should include a range of residential densities, including high and urban density residential land use designations, in order to promote housing affordability.
- **Require Developers to Achieve Minimum Residential Densities for Individual Parcels.** The Final Plan should include a program to require developers to achieve minimum residential densities in accordance with land use designations of specific parcels rather than allow developers to achieve the average minimum density over a set of parcels by reducing density on certain higher density parcels and increasing density on certain lower density parcels. Failure to require developers to achieve minimum residential densities of higher designated parcels will add to the shortfall of parcels at sufficient residential densities, including multi-family apartment housing, necessary for the creation of units affordable to LMI populations.
- **Adopt an Inclusionary Housing Policy.** The Final Plan should include an action item that calls on the City to develop and adopt an inclusionary housing policy requiring new residential development to provide at least 20% of the units at rates affordable to low-income residents. At least 10% of these units should be reserved for residents at or below 30% AMI in order to help address the severe shortfall of affordable units for this population.
- **Adopt a Commercial and Industrial Linkage Fee.** The Final Plan should include an action for the City to undertake a nexus study for a commercial and industrial linkage fee based on the impact of new commercial and industrial development on the need for affordable housing (including for low-wage workers who may be employed at new commercial establishments who don't provide true living wages with benefits). Funds generated through the fee should be provided to an Affordable Housing Trust Fund to support the development of affordable housing projects in new growth areas and other areas affected by new commercial and industrial development.

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



- **Reduce Fees for Residential Development that Addresses Affordable Housing Needs.** The Final Plan should include an action item to assess and adopt remaining opportunities to reduce or waive fees, expedite processing, and provide incentives for new residential development to include an affordable housing set-aside or includes units that meet the needs of any of Fresno's special needs populations under the Plan, including for example large families with five or more persons at or below 80% AMI.

- **Apply for Available Funding to Support Affordable Housing Development.** The Final Plan's Strategic Plan should state that the City will work collaboratively with community partners and stakeholders to identify projects and apply for all available funding sources to support projects that help meet the City's need for affordable housing.
 - Available funding sources include the Affordable Housing and Sustainable Communities, Infill Infrastructure Grant Program, SB 2 Planning Grants, various tax credit programs, the Multifamily Housing Program, and many more state and federal programs. Yet, none of these programs are mentioned anywhere in the Draft Plan.
 - The City should also seek and use existing funds for projects that address public infrastructure, services, and facilities' needs in CDBG-eligible neighborhoods and are thus supportive of housing in those locations. Such funds include for example the California Active Transportation Program, the various programs associated with SB 1, Sustainable Communities Grant, Clean Mobility Options Program, Low Carbon Transit Operations Program, Transit and Intercity Rail Program, Measure C, and many more local, state, and federal programs.

- **The Final Plan must modify the City's non-housing community development strategy to include language that the City will allow and promote the expansion of environmentally sustainable industrial development in Fresno only where it will not negatively impact existing low-income residents and neighborhoods of color.** For example, within the City's Southwest Fresno Specific Plan there is language that discusses the planned solutions for improving the quality and health of the community by doing a heavy duty truck study to reroute

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



the high diesel trucks outside of the community. Also, Southwest and South Central Fresno are the recipients of the AB617 Community Air Protection Plan that has created strategies to reduce emissions and promote improved air quality.

- **Include Policies Supportive of Parks in the Non-Housing Community Development Plan.** The City's Parks Master Plan confirms that low-income South Fresno neighborhoods disproportionately lack park acreage and functioning and well-maintained park facilities compared to other Fresno neighborhoods. Access to safe and healthy green and recreational space in which to play is essential for community health and therefore to the consolidated plan's Non-Housing Community Development Plan. Additionally, the Plan should identify funding sources that it will actively pursue to maintain, update, and new parks in alignment with the Parks Master Plan. Funding sources should include programs like the Urban Greening Grant Program, those related to Proposition 68, and others affiliated with the California Climate Investments.
- **Include Recommendations Proposed by Community Members**
 - Residents have stated that more outreach and technical assistance is needed for those that live in mobile home parks. When asked of their knowledge of tenant rental assistance and rehabilitation programs, residents did not know how to access this information. According to Housing Element Program 10A-Mobile Home Parks, the City should support tenants and landlords to find resources to assist with the maintenance and preservation of their homes. This should be in alignment with the efforts that originate from the Consolidation Plan.
 - Recommendations for the Planned 18 Projects to meet Annual Goals
 - Project #3: Senior Paint Program
The hired contractor should work with youth development sources to create apprenticeships to learn the trade of painting.
 - Project #4: Affordable Housing Development and Rehabilitation

Exhibit 2: Email – Ivanka Saunders, Leadership Council for Justice and Accountability (Page 1 of X)



HOME funds should only be loaned to local affordable housing landlords that do not have a record of unethical property management and who have not had a history of citations for substandard housing actions.

- Project #5: Community Housing Development Organization Set-Aside

More funds should be appropriated to this project. The Set-Aside should be aligned with a Housing Trust Fund so that there is a sustainable funding stream and so that more than 2 single-family housing units can be created.

All of these recommendations set before you are of utmost importance to create a better quality of life and healthier living conditions for all Fresno residents. More than even, it is important to implement these recommendations as we see more serious implications due to the COVID-19 pandemic. Homelessness, substandard living conditions, and failed infrastructure systems have been part of the City of Fresno's biggest challenges before COVID-19 hit Fresno. We urge you to incorporate these recommendations so that the City of Fresno can not only recover quickly from the pandemic but rise above the poor standards that we were already fighting to improve.

Thank you for your consideration of our comments. We look forward to working together to create a consolidated plan that complies with applicable legal standards and sets the City on a path towards addressing the housing and community development needs of its low-income neighborhoods. If you have any questions, please contact Ivanka Saunders at isaunders@leadershipcounsel.org.

Sincerely,

Ivanka Saunders
Policy Coordinator
(805)680-7210

Cc:
Jennifer Clark
Miguel Arias
Garry Bredefeld
Paul Caprioglio

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 1 of 9)



May 20, 2020

[sent via email: HCDD@fresno.gov]

Thomas Morgan
Manager, Housing & Community Development Division
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: Comments to the City of Fresno's Draft Analysis of Impediments to Fair Housing Choice - February 2020

Dear Mr. Morgan and City Councilmembers:

Thank you for the opportunity to submit comments on the draft Analysis of Impediments to Fair Housing Choice ("Draft AI"). We, at Leadership Counsel for Justice and Accountability, work alongside residents of low-income neighborhoods throughout Fresno to secure equal access to opportunity regardless of wealth, race, income or place, and are providing the following comments to the Draft AI. The purpose of our comments is to assist the City in the development of a final AI ("Final AI") that affirms its commitment to "analyze and eliminate housing discrimination" in the the City of Fresno to "promote fair housing choice for all persons" by taking the "appropriate actions to overcome the effects of any impediments identified through the analysis."

Overall, we see some promising elements in the Draft AI and agree with its conclusion that there residential patterns of segregation that persist and that stark inequities prevent residents from accessing fair housing opportunities based on race, ethnicity, country of origin, primary language, and disability, among other protected class characteristics. We agree that a severe shortage of affordable housing for low income people in Fresno results from exclusionary policies, procedures, and investment and disinvestment practices that perpetuate racially and ethnically concentrated areas of poverty. However, simply confirming these disparities without providing clear, measurable outcomes with the appropriate actions will only lead to lofty goals and activities that look good on paper, but in reality offer no tangible results to assess whether or not these recommendations affirmatively further fair housing, and, therefore, do not meet the federal requirements set forth for the Analysis of Impediments to Fair Housing.¹ Our suggestions provided below are intended to assist the City to both accurately and more comprehensively identify the fair housing disparities that persist in Fresno, and suggest how the City can, and

¹ Fair Housing Planning Guide. <https://www.hud.gov/sites/documents/FHPG.PDF>

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 2 of 9)



must, use the power within its jurisdiction, state and federal laws, and resources to address those disparities head on.

The Draft AI should also acknowledge that the COVID-19 pandemic will substantially increase the impediments to fair housing as the staggering economy will lower incomes and reduce financing available from the public and private sectors, and provide the appropriate actions steps to address these impacts.

Fresno Must Do More To Engage Residents and Stakeholders

We are pleased to see that the City has made some improvements in its outreach efforts and increased the number of opportunities for engagement to a variety of stakeholders and organizations that were conducted throughout the city. We also acknowledge that the Draft AI provides participants' responses from interviews and some data of the survey responses that were informative to the reader. However, it should be acknowledged that since the release of the Draft AI, we have been in a pandemic that may have limited people's ability to provide input. Although there were two public hearings scheduled, one on May 13, 2020 at 5pm during the HCDC meeting and the other on May 14, 2020 at 10:05am during the City Council meeting, residents who do not have access to the internet, or have challenges with technology, may not have been able to participate. Additionally, the item on the City Council meeting was moved several times and only two people provided comments when the item was finally recognized at 4pm. While the deadline was extended for comments, the City should do more to solicit input for the Draft AI from residents and stakeholders, considering the number of participants that were engaged throughout the AI process, and being that the AI is only done every five years. Residents wanting to provide feedback on the Draft AI may have been prevented from doing so. Unfortunately, participants who helped identify the problems remain largely apart from the solutions and recommendations to the Final AI.

Another important component to the community engagement process is the City's capacity to reach residents with limited English proficiency. While we acknowledge that efforts were made to reach Spanish and Hmong speakers, the City should consider partnering with organizations that work with monolingual speakers of languages other than English, and conduct sessions with them in their respective languages, not only with interpretation, but with trained staff on the subject matter. As stated in the HUD Fair Housing Planning Guide 2:12, "The AI should provide for effective, ongoing relationships with *all* elements of the community with clear and continuous exchange of concerns, ideas, analysis, and evaluation of results." This would be a

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 3 of 9)



more targeted approach to reach non-English speakers on a continual basis, not only when the City wants input, but also when residents have questions or concerns. Hiring a dedicated staff position(s) as a liaison should be a priority as there is a considerable number of LEP residents in Fresno who speak Spanish or Hmong (p. 36).

The Draft AI Fails to Identify Zoning as an Impediment to Fair Housing Choice

The Draft AI provides substantial data and other information to identify the degree to which segregation exists by race and ethnicity in relationship to factors, such as access to education, employment, transit and other resources, that affect the quality of life. It also uses maps to convey these disparities between white residents who live in more favorable conditions in north Fresno, and black and Latino residents in less favorable conditions in south and west Fresno. Nevertheless, the Draft AI fails to identify impediments that have contributed to and reinforced housing segregation and concentrations of poverty while harming housing opportunities in disadvantaged neighborhoods and neighborhoods of color. Specifically, the Draft AI fails to acknowledge the history and persistence of exclusionary zoning in Fresno as well as the City of Fresno's allowance and facilitation of the location of heavy industrial facilities in disadvantaged neighborhoods through its land use planning, zoning, and permitting actions and inactions.

We agree that "[z]oning determines where housing can be built, the type of housing that is allowed, and the amount and density of housing that can be provided" (p. 95), which leads to exclusionary development. Despite this recognition by the AI, the Draft AI does not identify zoning as an impediment that prohibits fair housing, even though the City of Fresno General Plan itself acknowledges that low-density single family development in Fresno and the zoning which made that possible has shaped the local landscape of segregation. While the General Plan included some higher density zoning in certain areas in central and northern Fresno, many of these higher density sites are in areas with little potential to develop given the lack of infrastructure, services and nearby development (such as the area West of Highway 99 near Shaw Avenue); and the City has consistently approved downzonings of multi-family and small-lot single family residential zoned land to less dense single-family residential and non-residential zoning in the growth areas of Fresno.² Exclusionary zoning goes to the heart of the practices which fair housing laws aim to address and must be recognized as an ongoing impediment to fair housing in Fresno.

² On the date of this letter, the City of Fresno Planning Commission is being asked to consider the downzoning of land use in North Fresno which would have accommodated approximately 27 multi-family residential acres with a recommendation of approval from Staff.

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 4 of 9)



The City did not raise exclusionary zoning as a question or potential fair housing barrier in its stakeholder interviews or survey either. Thus, participants not versed in local government planning tools and authorities would not necessarily have the technical or historical knowledge to identify the City's zoning practices as an impediment. For that reason and the City's failure to acknowledge the persistence of exclusionary zoning patterns in Fresno, we are highlighting this impediment in our comments now. Also, without notes from the City's various community meetings, it is unknown if exclusionary zoning was mentioned as an impediment.

The failure to identify exclusionary zoning as an impediment prevents the City from developing concrete recommendations and actions that eliminate discriminatory policies and practices that prevent development and exacerbate the housing shortage. It also prevents community members from critically analyzing segregation patterns in the City that validate their concerns that particular areas, such as south and west Fresno need infrastructure development and parks. The AI must acknowledge as impediments the City's zoning and development approval practices which continue to allow and facilitate the development of single-family housing in wealthier areas of the City with higher isolation indices among white residents and exclude multi-family housing opportunities from these same areas.

An example of zoning and investment practices that allow and facilitate heavy industrial land uses in and around vulnerable communities is the South Central area, where a specific planning process was initiated to address incompatible land uses. Large industrial facilities, high truck traffic, greenhouse gas emissions, and other adverse factors impose health risks to people's quality of life and compromises the quality of housing within those neighborhoods. Zoning industrial land use near residential neighborhoods creates disparate impacts for these small communities and perpetuates segregation, compounding the negative fair housing effects of the City's exclusionary zoning practices in north Fresno. While neighborhoods in the South Central area are unincorporated, they are within the City's sphere of influence and can be annexed in the future. Without appropriate rezoning, these neighborhoods could potentially increase the City's racially and ethnically concentrated areas of poverty, which will only reinforce segregational patterns of housing.

Regarding the Fresno Zoning Ordinance Review, Table 17 - Zoning Code Risk Scores (p. 101) - evaluates the latest Development Code and land use ordinances and considers them low risk, but there is no appendix attached to the Draft AI that explains this information, as indicated in the draft. Given that the City has zoned land for industrial development in and around communities

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 5 of 9)



of color, these by right approval standards disproportionately threaten and harm residents of color and other residents based on protected class characteristics in these neighborhoods, such as national origin and people with limited English proficiency.

The Draft AI Fails to Evaluate Past Performance

The Draft AI reintroduces the impediments identified in the last AI cycle adopted in 2016. Although they are worthy of mentioning, it is unclear whether these barriers continue to exist and how they were addressed. "Jurisdictions should have full knowledge of all of the activities that have recently been completed or are underway to affirmatively further fair housing." FHPG 2:19. However, the Draft AI has no discussion of whether such impediments were successfully eliminated or minimized to achieve and affirmatively further fair housing. There should be an analysis included to determine if these critical strategies worked, need reinforcement or were ineffective. The lack of information makes it impossible to evaluate which of the proposed actions should be pursued. It would be very unproductive to repeat the same impediments every five years without being able to measure their progress and would substantiate themselves as insufficient in meeting the goals and requirements of the AI.

The Draft AI Falls Short and the Final AI Should Consider Incorporating the Following Actions

Fair Planning Housing "should include a process for monitoring the progress in carrying out each action and evaluating its effectiveness." FPHG 2:23. Analyzing data every five years is insufficient and should be done annually. As patterns of segregation evolve, the City must be vigilant in identifying and eliminating the impediments. A common process that applies to all of these impediments is zoning, as it influences the outcome of the housing availability. It would be prudent to evaluate each impediment with a zoning assessment to thoroughly address the impediment. The following are non-exhaustive recommendations with the bolded items noted as most urgent. Additionally, the City may need to add further impediments and action items once it addresses the deficiencies in the analysis described above.

Impediment 1: Lack of Safety Net Programs for Renters Increases Housing Instability Among Protected Classes

1. The recommendation of creating an Emergency Rent and Relocation Demonstration Program fails to identify various funding sources to support implementation. Without

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 6 of 9)



sustainable funding, these programs will fail to address the long term impediments protected classes face. **This section needs to name funding sources, such as CDBG, HOME, AHSC, and various more programs in the private and public sector that can be used as a one time source or, preferably, ongoing sustainable funding.** Furthermore, this recommendation needs to identify partnership opportunities with the public, private, and non-government agencies.

2. This section should also acknowledge the impacts **COVID-19** has had on further destabilizing Fresno's housing crisis. For instance, we have seen an increase in eviction threats and cases due to loss of income during this pandemic. The City should study and plan how this pandemic and inevitable future emergencies and disasters may impact housing accessibility and stability for vulnerable populations. The failures of current policy and programs need to be fully evaluated as well as assess what additional solutions are missing that can mitigate and prevent these impacts in the future.
3. **Policy solutions should include tenant protections.** According to the Downtown Displacement Report developed by the City's planning department, since 2010 rents have increased 44%³. Another study found that Fresno's communities of color also face higher rent burden and eviction rates⁴. As such, the City should develop and implement policies directly responding to the issues that primarily protected classes face and not solely rely on state policies. For instance, AB 1482 does not include housing built within the last 15 years. The City could adopt additional rent protections for affordable housing development, such that it expands AB 1482 to all affordable housing to eliminate the last 15 years component of the bill, or promote its expansion.

Impediment 2: Insufficient Employment Supports Leave Residents of Color with Lower Incomes and Limited Housing Choices

1. The recommendations fail to quantify concrete goals to determine the success of the activities identified and should include more specific goals, such as the following:
 - a. Report how much has been used and the effectiveness of working with partners thus far to determine how much should be allocated in the upcoming years prior to the next AI, to be evaluated for success.
 - b. Report how much is raised to remove barriers for residents to participate in training; identify which trainings are available.
 - c. Allocate funds to develop a tool to connect residents with educators and industries.
 - d. Report the number of 1:1 workforce navigator program.
 - e. Determine funding source and how much will go to support vouchers for transportation for low-income residents.
 - f. Determine funding source and how much will go to wraparound services.

³ <http://www.transformfresno.com/wp-content/uploads/2019/10/Displacement-Avoidance-Plan-FINAL.pdf>

⁴ https://drive.google.com/file/d/1w2O_CstpJHwLDmioYao7OZwCk6fKpt9/view

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 7 of 9)



- g. Identify lead staff to implement the process to identify the barriers to students/clients and what services will be provided.
2. The City should zone more affordable development near schools to increase school proficiency and readiness for low-income families of color.

Impediment 3: Continued Need for Neighborhood Infrastructure Development and Expanded Access to Opportunity in Areas of Concentrated Poverty

1. **Zone for and prioritize investment in increased parks and trails in low-income census tracts to promote development.** The Parks Master Plan finds that not only is there disproportionately less usable green space in South Fresno, but the parks in these communities are often in worse condition. Investments in green and open space must be prioritized in the City's annual budget, and in particular the general funds. These investments should then be aligned and spent accordingly with the Parks Master Plan implementation proposal.
2. We agree that equity should be applied in all planning and policy decision-making.
3. **Provide meaningful opportunities for Fresno residents to participate and engage to determine how they want to improve their neighborhoods.** This includes ensuring meetings are accessible and formatted in a way that informs the public to provide their feedback.
4. **As public land is identified, the City must comply with the Surplus Lands Act⁵ to provide the opportunity to develop publicly owned land as affordable housing.** The City must make a meaningful effort to advertise and develop relationships with potential developers to build affordable units especially for Low-, Very Low-, and Extremely Low-incomes.

Impediment 4: Housing Options for Some Protected Classes are Limited by Poor Housing Conditions

1. Adopt a rental rehabilitation program to provide funding for repairs if the landlord agrees to make units available at affordable rates, especially Low-, Very Low-, and Extremely Low-incomes and/or protected classes.
2. **Enforce statewide affordable housing laws** (including, but not limited to, AB 686, AB 1771, AB 1397, SB 166, SB 1333, SB 167, SB 330) and diversify siting of housing options for low income communities, unhoused persons and people with disabilities in affluent communities to ensure jurisdictions meet their duties to affirmatively furthering fair housing.
3. Target outreach and provide tenant application assistance and support to people with disabilities, including individuals transitioning from institutional settings and individuals

⁵ Surplus Land Act, AB 1486.
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1486

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 8 of 9)



who are at risk of institutionalization. As part of this assistance, maintain an active database of housing that is accessible to persons with disabilities.

Impediment 5: Racial Disparities Exist in Access to Homeownership

1. Identify potential issues with redlining, predatory lending, and other illegal lending activities.
2. Annually review first time-homebuyer programs and rental housing programs to ensure that increased and comprehensive services are being provided, and that education and outreach efforts are expanded and affirmatively marketed in low and moderate income and racially concentrated areas.
3. Coordinate with local lenders to expand outreach efforts to first time homebuyers in neighborhoods of color.
4. **Regularly apply for funding to create a first-time homebuyers downpayment assistance program.** For instance, the California Department of Housing and Community Development has the HOME program to support with downpayment assistance programs that opens up annually for jurisdictions to apply.

Impediment 6: Publicly Supported Housing Options are Concentrated Outside of Areas of Opportunity

1. Analyze Housing Element sites relative to available demographic information to ensure that the City is using updated and current zoning practices to eliminate patterns of segregation. AB 72 ensures that there is compliance with state affordable housing laws.
2. Incorporate an equity analysis into the review of significant rezoning proposals and specific plans and analyze the effects of the rezoning proposal and specific plans on the duty to affirmatively further fair housing.
3. The City should examine how the historical rejection of the Section 8 voucher program contributed to the inability of people of color to access housing outside of racially and ethnically concentrated areas of poverty to educate rental housing managers and owners as they are required to accept Section 8 vouchers with SB 379.

Impediment 7: Many Communications and Marketing Efforts Regarding Fair Housing are Not Effectively Targeted to Protected Classes and Non-English Speakers

1. Create dedicated staff position(s) and equip staff with relevant Fair Housing training to work with the respective communities of non-English speakers.

Impediment 8: NIMBYism and Prejudice Reduces Housing Choice for Protected Classes

1. Develop a list of resources to combat NIMBYism and train staff to utilize strategies to de-escalate discriminatory or prejudiced attitudes.

Exhibit 3: Email – Sheng Xiong, Leadership Council for Justice and Accountability (Part 9 of 9)



Impediment 9: Continued Need for Fair Housing Education and Enforcement

1. **Translate all resources regarding fair housing protections into the various languages spoken by tenants in Fresno.**
2. Require housing providers, managers, sublessors to attend yearly fair housing training, including training on source of income discrimination (SB 329), and training on accessibility issues for people with disabilities.
3. The City fails to strategize how to meaningfully inform and engage tenants. This engagement would include, but is not limited to informing tenants of existing and new laws, affordable housing opportunities, legal support, and general tenant assistance. In the fifth largest city of California, there are few, if any, City resources to support tenants as they are facing housing insecurities.

* * * * *

Thank you for the opportunity to provide comments to the Draft AI. We look forward to developing a dynamic final AI with the City of Fresno that will affirmatively further fair housing for all protected classes. Should you have any questions, or would like to discuss these comments, please contact smxiong@leadershipcounsel.org or (209) 756-5214.

Sincerely,

Sheng Xiong
Policy Advocate
Leadership Council for Justice and Accountability

Cc: Jennifer.Clark@fresno.gov