August 6, 2021

Mayor Matthew Serratto
The City of Merced
Delivered via email to SerrattoM@Cityofmerced.org

Mr. Scott McBride
Director of Development Services
The City of Merced
Delivered via email to mcbrides@cityofmerced.org

Re: Updated Housing Elements and Zoning Codes Must Meet Regional Housing Needs Allocation (RHNA) Targets **and Comply with Federal and State Housing Laws Including** Attainable Homeownership, Authorizing Housing That is Affordable by Design Without Reliance on Lottery Outcomes and Taxpayer Subsidies, Affirmatively Further Fair Housing, and Ending Residential Racial Segregation

Dear Mayor Serratto and Mr. McBride,

The Two Hundred is a civil rights homeownership advocacy group that was founded and remains comprised of veteran civil rights leaders, former legislators and cabinet secretaries, retired judges, and other diverse housing advocacy leaders. Many of us worked for our entire careers to enact federal and state fair housing laws to end agency "redlining" practices such as denying communities of color access to insured home mortgages and veterans' loans, and promoting residential racial segregation through razing historic minority neighborhoods through "redevelopment" and siting freeways to protect "public harmony" by dividing our communities.

California's severe housing shortage, and astronomical (and still-rising) housing prices, have undone decades of civil rights progress. As confirmed by scholars at UC Berkeley, residential racial segregation is worse in the Bay Area than it was before the enactment of civil rights reforms in the 1960s – a pattern repeated in wealthier counties statewide. https://belonging.berkeley.edu/segregationinthebay As we explain in our *Redlining* video, minority homeownership rates, which in the early part of this century had finally started to attain parity with white families who had access to government programs like federally-insured low cost mortgages, plummeted during the Great Recession of 2009. With the full support of regulatory agencies, as of 2010 lenders engaged in more than a decade of predatory loans and foreclosures that wiped out trillions of dollars of the multi-generational wealth that our communities had finally accumulated through homeownership. Our communities now stagger from housing costs that are so high the US Census Bureau has confirmed that our state has the highest poverty rate in the country! When added to the other high costs of living in California, including the highest electricity and gasoline prices of any state other than California, almost

40% of our residents cannot reliably pay routine monthly expenses even after receiving public assistance to help buy food and medical care. United Ways of California - The Real Cost Measure in California 2019 (unitedwaysca.org) California leaders should not brag about creating Silicon Valley billionaires without also recognizing the crushing burdens of decades of hostility to starter homes and other housing needed by our communities, nor can California's leaders lawfully hide behind unfunded rhetorical commitments to fund 100% "affordable" rental housing and again force our communities into segregated rental housing "projects."

We write because you have been entrusted with the decade's most important housing task, which is assuring that your agency complies with civil rights housing laws and updates your General Plan and Zoning Code to accommodate your community's share of new homes in compliance with your Regional Housing Needs Assessment (RHNA).

Both federal and state civil rights laws, as well as United States Supreme Court decisions, have long prohibited agencies from directing new "affordable" housing for lower income residents to a limited geographic subarea, and instead require the dispersal of new housing at all affordability levels throughout the community. In 2018, the California Legislature strengthened this longstanding civil rights requirement in AB 686 (effective January 1, 2019) which requires all public agencies to "affirmatively further fair housing" (AFFH) in California. As explained by the Housing and Community Development (HCD) agency, quoting from the new law, **"[p]ublic agencies must now examine existing and future policies, plans, programs, rules, practices, and related activities and make proactive changes to promote more inclusive communities**." AFFH / Fair Housing (ca.gov)

Before the AFFH was enacted in 2018, and based on a complex set of planning, zoning, and environmental laws, policies and principles, most California cities and counties did in fact adopt "policies, plans, programs, rules, practices and related activities" that constrain housing supplies, and raise housing prices so high that our hard working families – the majority of which now include members in our communities of color – can no longer afford to buy, and in many neighborhoods cannot even afford to rent, a home. These status quo housing policies result in unlawful racial segregation, and violate the affirmatively furthering fair housing laws. Our families, many of which are led by the essential workers each community relies on such as teachers, first responders, workers in construction, health care, hospitality, small business employees, and laborers – cannot and should not be asked to wait to have their name drawn in an "affordable" housing lottery, or wait for "magic money" to appear from the repeal of Proposition 13 (or capitalism). State and local agency actions violate civil rights laws, including California's new AFFH, must stop – and housing production, of market-rate housing that can be purchased by median income families, must increase more than tenfold under the current RHNA cycle.

We hereby formally and respectfully request that these civil rights housing legal violations be corrected in your General Plan Housing Element and Zoning Code updates which feasibly, based on your median income families and your available funding resources today, plan for housing typologies and locations that meet your assigned RHNA targets. We identify below the worst offenders, and practical solutions, to assure that you do not adopt General Plan and Zoning Code updates that violate civil rights housing laws.

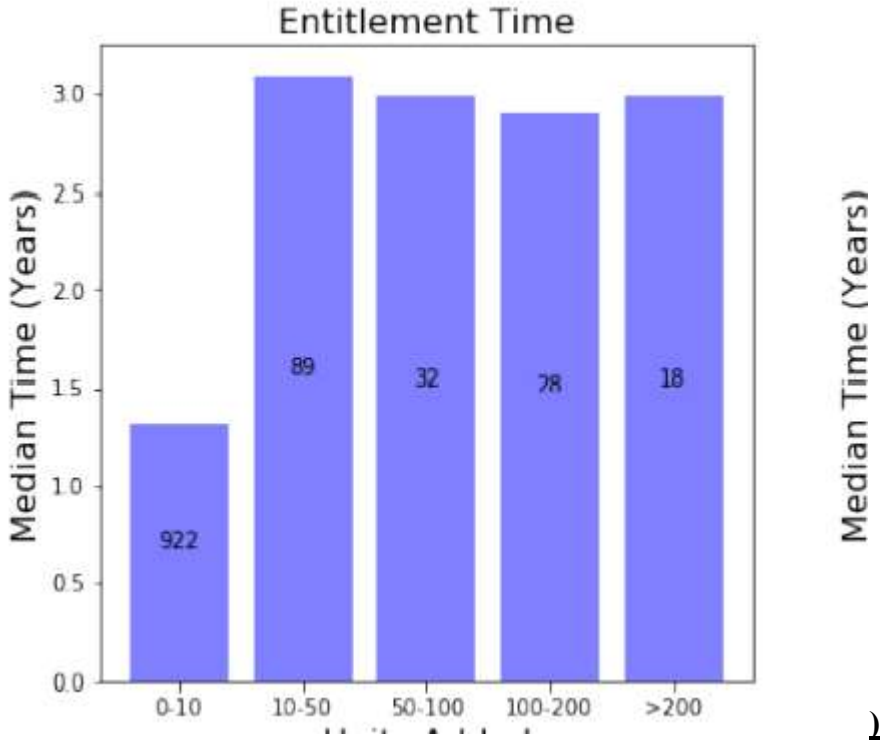
1. **Charging Country Club Initiation Fees for New Housing is Racist and Exclusionary.** Country clubs often charge initiation fees of $50,000 or more, with the express intent to select wealthier members and exclude "those people" who cannot afford steep fees. Many local agencies have imposed fees on new housing that wildly exceed even $50,000, such as San Francisco which has charged fees of $165,000 per apartment! While we appreciate that new homes need to pay for their "hard" infrastructure needs like water and sewage services, too many jurisdictions have allowed well-meaning special interests seeking additional funds for important local priorities like art, affordable housing, and recreational programs to pile these fees onto new housing rather than obtain funding (as or if needed by special assessments or taxes approved by existing residents) equitably, which means paid for equitably by the city's existing (not just future) residents. As documented by UCB, excessive and wildly different housing development fees increase housing costs and decrease housing production and affordability – and these fees are passed along to new residents. Development_Fees_Report_Final_2.pdf (berkeley.edu) Most cities and counties defend high fees on new housing with "nexus" studies, based on made-as-instructed reports prepared by consultants paid by cities. "Nexus" may pass constitutional muster, but violates civil rights housing laws by excluding housing – and "those people" (us) from your community.

   Civil Rights Compliant Solution to Exclusionary Fees: *Residents of new housing should pay no more in fees than existing taxpayers. For example, if a city has 50,000 existing homes and a RHNA obligation to produce 5,000 more homes, housing fees should be capped at the levels paid by taxpayers. If existing city residential households subsidize arts program with $500,000, residents of new housing should pay no more than the same share ($100 per new home). If existing city residents contribute nothing to build affordable housing, then neither should residents of new housing: existing policies created the affordable housing shortage and crisis, and solving this problem on the backs of those shut out of the housing market creates an unfair, unlawful and racially discriminatory burden on new residents. Stop imposing discriminatory fees on new residents.*

2. **Housing Delayed is Housing Denied**. While some jurisdictions have streamlined the housing project review and approval process, most have not. The two most commonly-identified delay factors in the housing project approval process are multi-step, multi-department review processes with no intra-agency deadlines or housing accountability production metrics, and the California Environmental Quality Act (CEQA) review process. As shown in Figure 1, in one recent study of the San Francisco entitlement process, all but the smallest (less than 10 units) took about three years to complete this combined bureaucratic and CEQA process.

Figure 1: Housing Project Entitlement/CEQA Process Time in San Francisco (by Project Size/Unit Count)

Measuring the Housing Permitting Process in San Francisco - Terner Center (berkeley.edu)



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A. **End Bureaucratic Delays to Housing Approvals**. Also as explained by UCB, "[t]he most significant and pointless factor driving up production costs was the length of time it takes to for a project to get through the city permitting and development process" which in turn caused even higher costs as projects stuck in bureaucratic review proceedings were required to repeatedly modify their projects to deal with the "additional hoops and requirements" that "pop up" at various stages of the permitting and development process. San_Francisco_Construction_Cost_Brief_-_Terner_Center_January_2018.pdf (berkeley.edu), p. 2.

> ***Civil Rights Compliant Solution to Housing Delays Caused by Bureaucrats***. *This too has a simple solution: prescribe, disclose, enforce, and publish outcomes of housing review and approval deadlines on every city department (and responsible unit within each department), and hold responsible managers in each department accountable in performance evaluations and promotion decisions to meeting (or beating) deadlines. This is a housing production accountability metric that should be expressly added to General Plan Housing Element implementation mandates.*

B. **End Anti-Housing CEQA Abuse.** Before a misguided appellate court decision, issued without Legislative direction in 1984, CEQA did not apply to city and county approvals of housing that complied with General Plan and zoning ordinances. For several decades, however, increasingly fussy academics and planners insisted that zoning codes require a "conditional use

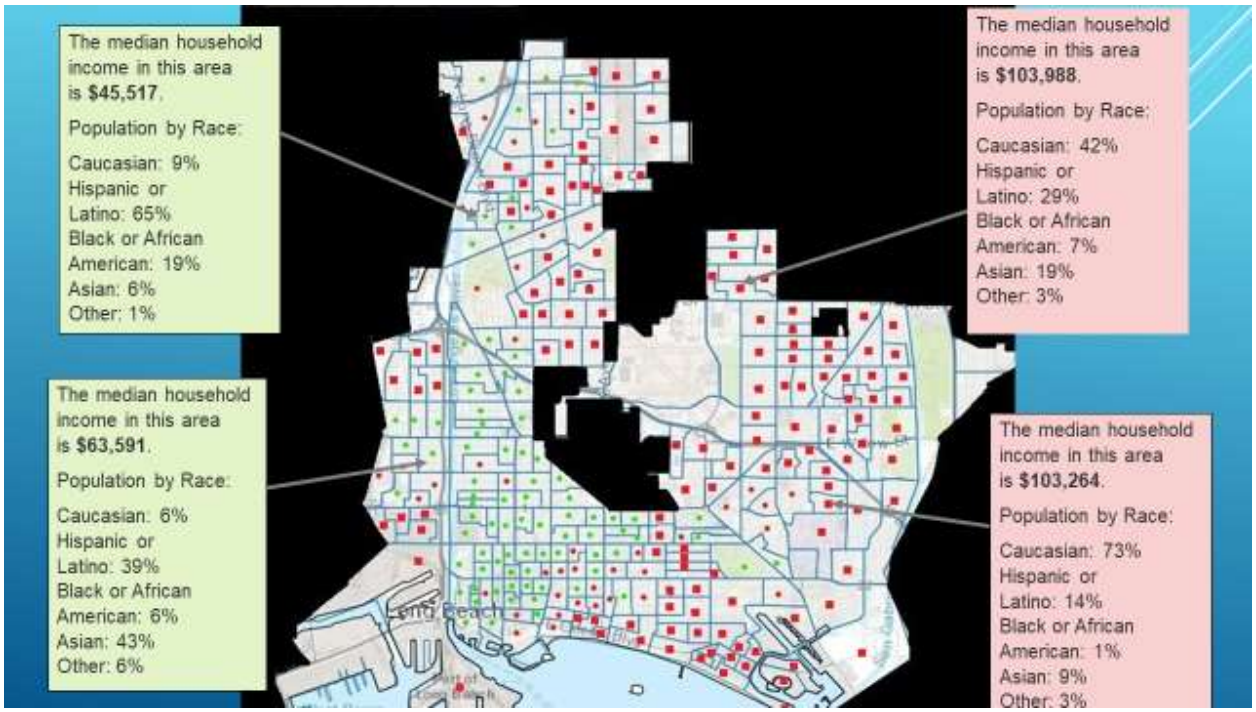
permit" (CUPs) even for code-compliant housing, to allow local agencies to apply a "we know it when we see it" open-ended level of discretion to allow, deny, or condition housing approvals – the same standard the Supreme Court applies to obscenity. In 1984, this CUP process – brought to us all by the same generation of planners that (obscenely) insisted on single-family only residential zoning and outlawed even duplexes that had previously been allowed and common throughout California – unleashed the full force of CEQA delays and lawsuits even on fully compliant housing in "infill" neighborhoods. Friends of Westwood, Inc. v. City of Los Angeles (1987) :: :: California Court of Appeal Decisions :: California Case Law :: California Law :: US Law :: Justia By 2008, housing had become the most frequent target of CEQA lawsuits – and the tool of choice for both those seeking to block housing and those seeking financial and other payoffs for threatening CEQA lawsuits. In one study of all anti-housing CEQA lawsuits in the Los Angeles region, for example, 14,000 housing units were targeted in CEQA lawsuits – 99% of which were located in existing urbanized areas (not "greenfields), 70% of which were located within ½ mile of transit, and 78% of which were located in the region's whiter, wealthier, and environmentally healthier communities. In the Name of the Environment Update: CEQA Litigation Update for SCAG Region (2013-2015) | Insights | Holland & Knight (hklaw.com) Instead of facilitating housing near jobs and transit, CEQA had been distorted into this generation's anti-housing, anti-"those people" (us) redlining tool of choice.

Civil Rights Compliant Solution to Anti-Housing CEQA Abuse. *Under the Housing Accountability Act, cities and counties no longer have the discretion to disallow housing, require fewer units, or impose fees and exactions that make housing projects infeasible. Local control determines the allowable location and density of housing, but these cannot be "paper housing" that is never actually approved (or approved with feasible conditions). Only housing that causes a demonstrable and specific significant adverse consequence to human health or safety can be downsized, delayed, or conditioned with costly obligations.* Housing Accountability Act Technical Assistance Advisory Housing Element implementation procedures should expressly acknowledge this state law as a prohibition on the local agency's exercise of its discretion on any issue other than a demonstrable and specific adverse health or safety risk caused by the proposed housing project, and eliminate or limit subsequent CEQA review under conforming zoning requirements to prescribed objective health and safety standards specifically caused by the proposed housing project. As determined recently by the California Supreme Court, local government may still preserve exterior architecture and design review processes that do not create discretionary authority to add new conditions addressing CEQA topics. McCorkle Eastside Neighborhood Group v. City of St. Helena :: 2019 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: US Law :: Justia. Local General Plan and zoning codes following this recommendation avoid mandatory CEQA processing and litigation risks, and are a mandate – especially in the whiter, wealthier and healthier communities such as most of Marin County that have elevated their "no growth" environmentalism into open and flagrant racist conduct such as intentionally segregating its public schools by race. First desegregation order in 50 years hits Marin schools - Los Angeles Times (latimes.com)

3. **Avoid Exacerbating Racial Segregation with Special Interest Demands that Retard Housing Production and Increase Housing Costs**. Increased production of housing that is affordable that working families can purchase has been repeatedly blocked by many California's environmental organizations and their state agency allies. We and our families experience, and agree we should reduce, pollution – and we too enjoy and want to protect California's spectacular natural resources. We also support California's climate leadership, but do not agree that our working families and poor should be collateral damage in the state's war on climate. Much as California led the nation in past decades in the involuntarily sterilization aimed primarily at women of color in the name of discredited "science," and unleashed civic "redevelopment" schemes that wiped out once-thriving (and now forgotten) Black and Latino communities in the name of discredited economic theories, we now face demands that new housing consist of small rental apartments located near non-operating bus stops with rental rates of more than $4000 per month to reduce "Vehicle Miles Travelled" (VMT). California leads the nation in buying, supporting, and ultimately mandating electric vehicles – but VMT housing policy is redlining, pure and simple.

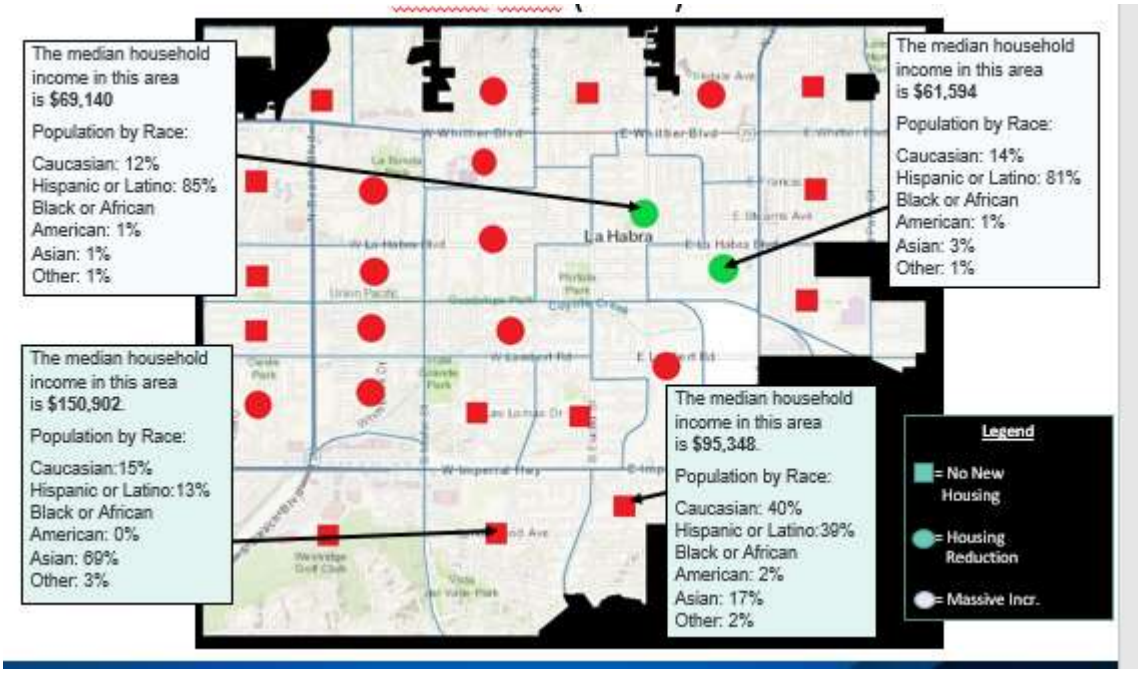
The Southern California Association of Governments (SCAG), which includes 197 cities an 6 counties where collectively the majority of Californians live, was on the verge in 2020 of adopting a VMT-centric regional housing plan that prioritized agency-decreed VMT reductions above all other laws, including federal and state anti-discrimination and housing laws. Under this plan, which conflicted with and undermined almost all city and county General Plans by assuming the massive demolition of existing residential and commercial neighborhoods and replacement with high density apartment housing near planned bus routes, historical and existing residential racial discrimination was intentionally worsened. Figure 2, for example, shows where new housing in Long Beach should be located – noted with green dots in polygons called "Traffic Analysis Zones" (TAZ), which includes many of the most densely-populated, poorest neighborhoods in Long Beach – communities of color highly vulnerable to displacement and gentrification. The TAZ maps showing "red" dots or squares are dominated by single family residences, where even "infill" housing such as townhomes on former strip malls is excluded from SCAG's VMT-reduction housing plan. The "no new housing" neighborhoods are far whiter, and far wealthier, than the neighborhoods slated to receive many thousands of new housing units in a haunting repeat of the "slum clearance" schemes that wiped out minority neighborhoods in years past.

Figure 2: Long Beach VMT Reduction Housing Plan (SCAG 2020)



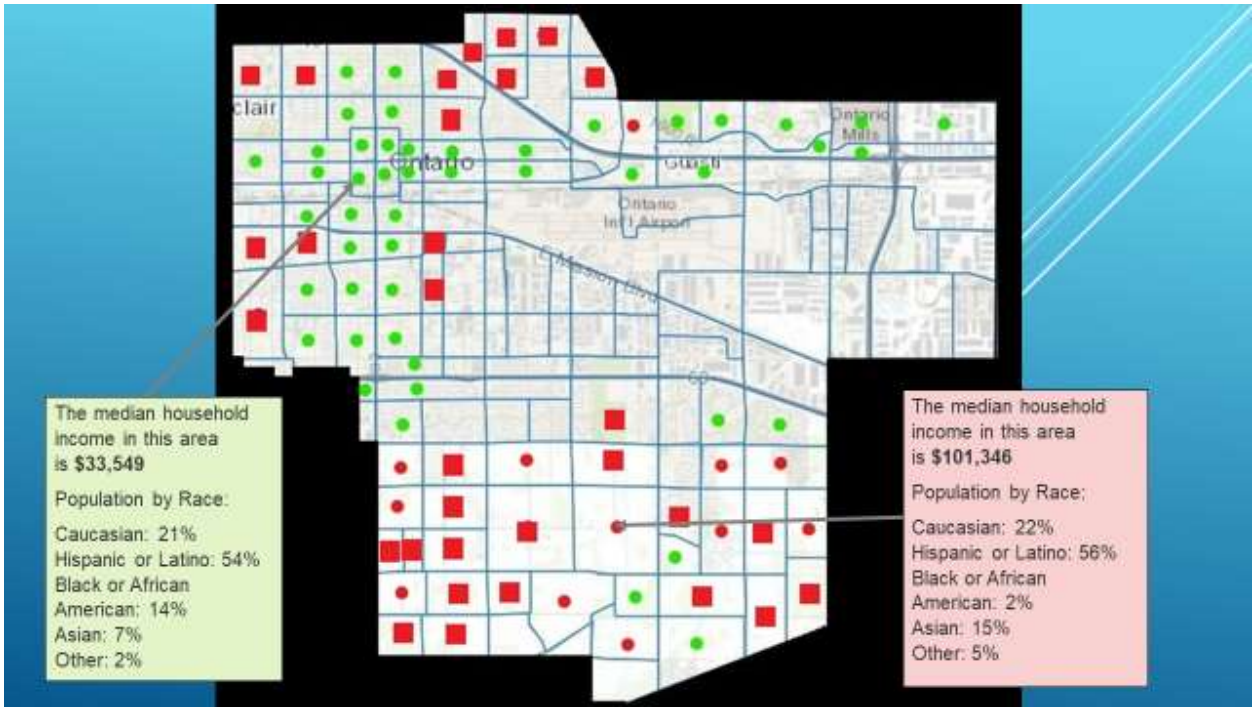
When applied to smaller communities, such as the small town of La Habra in Orange County, SCAG's VMT-reducing housing scheme was even more blatantly racist. As shown in Figure 3, SCAG decreed that housing belonged in the city's two poorest TAZ zone neighborhoods – majority Latino – and excluded from the adjacent "nice" homes in nearby hills occupied primarily by Whites and Asians.

Figure 3: La Habra VMT Reduction Housing Plan (SCAG 2020)



SCAG's VMT-based housing plan would also have created new obstacles under CEQA even to the buildout of approved housing. Figure 4 shows Ontario, with new housing planned along a heavily-commercial freeway corridor (Interstate-10) that also has an express bus route, and along another bus route through existing poorer parts of the city that are also near a bus route. (The bus was not operating in 2020, during COVID, and had consistently low ridership even pre-COVID.) The SCAG VMT-based housing plan wanted no more housing built in southern Ontario, which is actually the best selling new community in all of California – with an affordable price for new homes, and a majority Latino and other minority new home purchasers.

Figure 4: Ontario VMT Reduction Housing Plan (SCAG 2020)

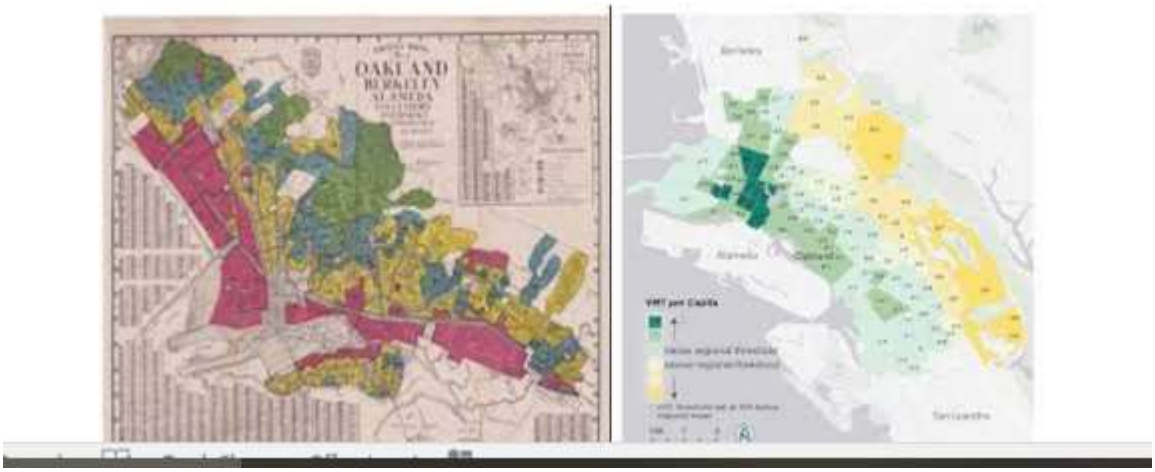


To its credit, when SCAG realized the redlining consequences of its VMT-reduction housing plan, it disavowed the plan and forbade its use in any context (including RHNA and CEQA) in a Regional Council approval Resolution that recognized the "conflict" between California's housing and climate goals. We can achieve climate goals without worsening racial segregation, demolishing disadvantaged communities (again), and ending attainable homeownership even within existing cities for the majority-minority families that have been shut out of the California homeownership market by catastrophic planning and policy decisions (many brought to us by the same advocates and bureaucrats who invented reducing VMT for electric cars as a "necessary" climate mandate) over the past two decades. In fact, the California Legislature has repeatedly declined to mandate reductions in VMT – and has repeatedly found that the housing crisis harms both existing California residents and exacerbates climate change by driving Californians to worse climate states like Texas to find a house they can afford to buy.

Although the VMT data is most accessible in the SCAG region of Southern California, it is critical that your agency recognize that this same discriminatory outcome occurs everywhere. In Figure 5, for example, we compare Oakland's historic "redlining" maps where federal bureaucrats refused to approve low cost loans in Black neighborhoods and other communities of color (colored red) with the majority white communities where low cost mortgages were available (colored green and yellow). Oakland's "low VMT" map (where housing is demanded by today's special interests based on claimed climate "science") is the redlined area of Oakland that has already lost much of its historic Black residents, businesses, and civic institutions – the remainder of which would be

wiped out by high density, transit-oriented housing near BART and bus lines. Oakland's "high VMT" map, where housing should not be built, is those lush, wealthy, white, and historically segregated hills.

Figure 5: Oakland Redlining and VMT Map Comparison



Both the future of work, and the future of transportation, are in flux. Even before COVID, however, more people were working from home in the SCAG region than riding fixed-route public transit – with bus ridership suffering the most substantial declines. Fixed-route transit ridership plunged during COVID, and has not recovered. VMT has increased over the past month with the re-opening of the state, although peak hour volumes (and trip durations) have diminished. From remote work, to the explosion of new electric technologies for short-distance localized trips, to the massive expansion of app-based rides and carpools, it's important to know what we don't know – which is the future – and what we do know, which as UCLA's transportation experts repeatedly confirmed, is that low income workers rely on low cost used personal vehicles instead of the bus: people can perform multiple trips (drop kids of at school before, carpool kids to soccer after school), and can reliably access more than twice as many jobs in less than half as much time. https://www.its.ucla.edu/publication/transit-blues-in-the-golden-state-analyzing-recent-california-ridership-trends/

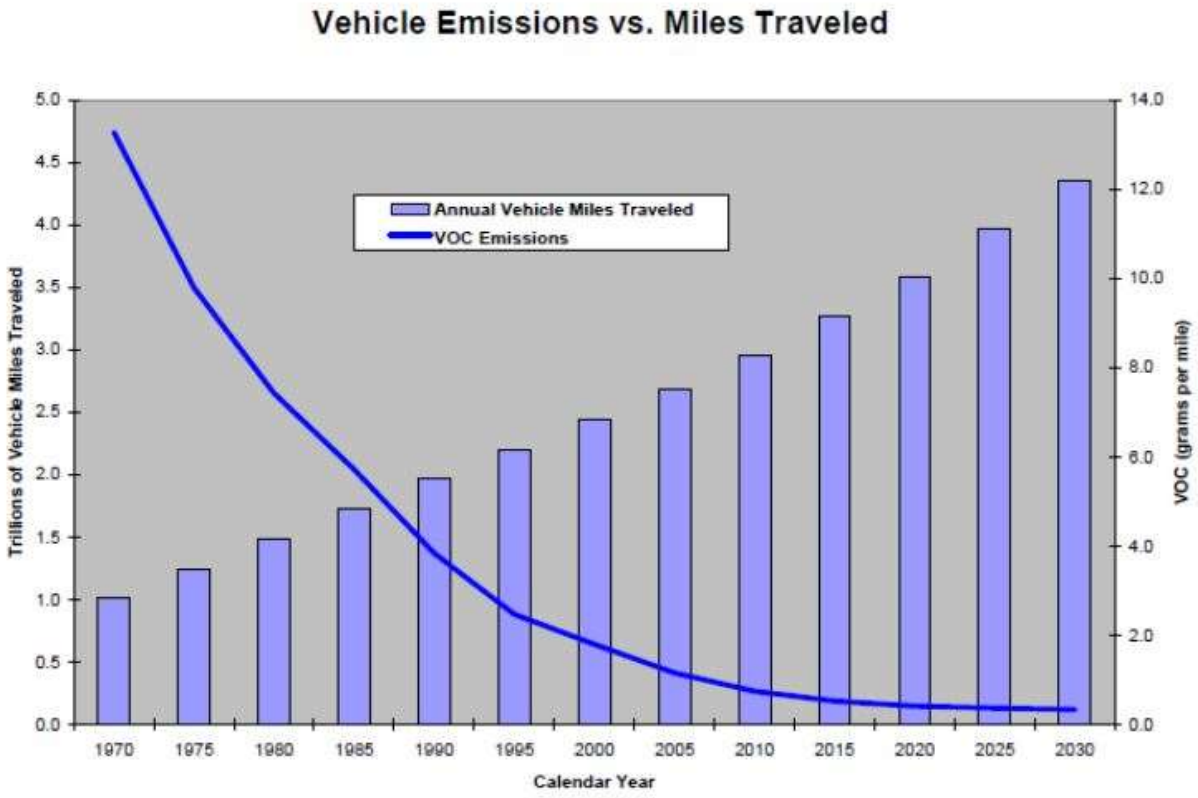
There are two other inconvenient truth about this VMT-based housing policy civil rights violation.

First, there are no proven, or effective, ways of "mitigating" VMT to "below the level of significance" demanded by the state's CEQA lead agency, the Office of Planning & Research (OPR), for unsubsidized housing bigger than about 10 units that is located in a suburban scale existing community not served by high frequency transit. Using the methodology demanded by OPR, San Diego County calculated that the majority of the housing they have approved over the past decade – which helped meet their RHNA housing goals, and had been approved by state climate agencies – would have had significant unmitigated VMT impacts. Again using OPR-endorsed "mitigation" methodologies, for which there is insufficient evidence of effectiveness, San Diego County determined that VMT mitigation fees alone would add $50,000 - $690,000 ***per housing unit***. San Diego County further acknowledged that it could not meet its RHNA

obligation if this VMT scheme was enforced as proposed by OPR.
https://bosagenda.sandiegocounty.gov/cob/cosd/cob/doc?id=0901127e80d032bb

Second, although the purported purpose of this VMT policy is to reduce greenhouse gases, there are many – many – alternatives to imposing a massive car tax on new housing that are more effective at reducing GHG without engaging in racially discriminatory housing policies. When smog was first identified as a problem in Los Angeles during World War II, initially scientists speculated it was a poison gas attack by the Japanese – only to later learn that smog was domestically produced by our own activities. When the Clean Air Act was passed in 1972, the same no growth special interests initially demanded that that cars and other smog sources be banned, but as shown in Figure 6 we instead banned lead in gas, and used catalytic converters and now clean engine/fuel mandates to cut vehicular emissions by more than 98% while VMT – cars driven by actual people to actual jobs etc. – rose steadily alongside population and employment, as reported by President Obama in 2016:

Figure 6: Reduction in Tailpipe Emissions from Vehicles (line) v. Increase in Vehicle Miles Travelled from Population/Job Growth (bar columns)



Civil Rights Solution to Special Interest Exclusionary Housing VMT Scheme: Comply with Civil Rights Housing Laws including Affirmatively Furthering Fair Housing. *The current housing emergency, which disproportionately harms our communities, is not the appropriate forum to "experiment" with a housing density scheme dependent on fixed-route bus ridership and high density, high cost rental housing. Housing locations,*

densities, and typologies need to match the needs of our communities, including respecting – not just paying lip service – to racial equity and housing civil rights laws we helped enact to create equitable access to the American Dream of homeownership. We have sued the state agencies responsible for this VMT scheme, and the state has been unsuccessful in dismissing our civil rights claims – while engaging in years-long stall tactics like forcing us to file a Public Records Act lawsuit for VMT documents they attempted to hide (a lawsuit we won). VMT is simply a measure of the transportation options – even of 100% clean vehicles – available in a community. It must now be studied under CEQA (at least until our lawsuit is resolved), but it should not distort your Housing Update to worsen residential racial segregation, shield majority-white wealthy neighborhoods from housing in violation of the AFFH laws, and again wipe out our communities in unfunded displacement schemes.

4. **Paper Zoning for Economically Infeasible Housing is Illegal and Racist.** Partly in response to no growth anti-homeownership schemes like VMT, and partly because existing laws requiring that housing meet the actual needs of actual Californians alive today have become as routinely ignored by academics and bureaucrats as civil rights laws, some cities may be tempted to "solve" for RHNA allocations by assuming that mid-rise and high rise apartments costing in excess of $4000 in monthly rent for even for one-bedroom units are lawful housing compliance pathways under RHNA. In fact, because that rental rate – and other real life obstacles to lower cost condo development – are entirely unaffordable to median income households, a Housing Element update that assume high cost higher density product types that cost more than 2.5 times more to build than single family homes, duplexes and townhomes as even admitted by an overly-optimistic UCB study that demanded an "all-infill" higher density housing future for California is a violation of housing civil rights law. (https://www.next10.org/publications/right-housing) The same study also acknowledged that to accommodate what has only grown to ever more severe housing unit shortfalls, "tens or even hundreds of thousands of single family homes" would need to be demolished to make way for the new high density units. We have seen these academic conclusions before, and we have seen the horrendous outcome of targeting the least expensive – aka neighborhoods housing people of color – and thus least costly/most profitable housing demolition/expensive new housing scheme. What is astounding is how often, whether in the name of openly racist segregation goals, or veiled "public harmony" goals, or "urban revitalization" double-speak, and now special interest NIMBY environmentalism, overwhelmingly white academics, bureaucrats, and hired gun consultant "experts," keep finding new ways to destroy our communities and deprive our people of the right to achieve the American Dream of homeownership.

These same "experts" have now inserted yet another poison pill into state housing law, which is that when property designated in a General Plan for housing includes economically infeasible higher densities – which in most communities includes even mid-rise six story structures over podium parking – is approved for lower density economically feasible housing types like townhomes, local governments must transfer the unbuilt infeasible units to a different property that must accept even higher densities than included in the General Plan Housing Element update. Because the impacts of that receiving site's additional spillover housing itself triggers CEQA, an applicant for an economically feasible housing project must also assume the cost, schedule, and litigation burdens of CEQA compliance for whatever unrelated receiving housing site is designated by the city – at an unknown point in the process – to add more density than

allowed in the General Plan Housing Element. Housing Elements that assume non-existent conditions (e.g., repeal of Proposition 13, end of capitalism, vast new tax revenues dedicated to missing middle housing to fund the millions of additional housing units, etc.) are illegal, as are Housing Elements that prescribe economically infeasible higher density housing and fail to plan for the vast majority of "missing middle" and "affordable" housing required by RHNA, are illegal. The San Francisco Bay Area has led the state in assuming that $4000 per month high rise apartments will be financially feasible in suburbs where median incomes can pay $1500 for housing – or $2000 per month for a mortgage. This "paper zoning" of high rise transit-oriented neighborhoods at every bus stop has resulted in a massive out-migration of higher paid Bay Area workers to Stockton and the Central Valley, Salinas and the South Bay, and Sacramento and beyond – which in turn results in unattainable housing prices for those with local jobs in those areas. This paper zoning academic fiction, pursued for more than two decades by some "woke" Bay Area "experts" alongside "urban limit lines" and "ecosystem service taxes" paid by urban residents to non-profit "stewards" of natural lands, is the modern day form of Jim Crow strategies to deprive the hard working families in our communities access to attainable homeownership.

> ***Civil Rights Solution to Paper Zoning for Infeasible Housing.*** *Just don't do it. Townhomes, stacked flats, quadplexes, garden clusters, and small lot homes are just some of the many examples of lower cost housing that once dominated the "starter" housing market before academics, planners, and special interest no-growthers decided they could intentionally create a housing crisis and nobody would notice because the people most harmed don't earn enough to donate to political campaigns. Housing densities, and locations, need to be designed for the people who need housing. "Move-up" housing for higher income families forced to rent or spend four times more for a home than they would spend in a neighboring state is also needed. General Plan Housing Element updates should include in the disadvantaged community/environmental justice analysis housing affordability criteria to designate housing typologies, densities, and locations, as well as expedited approval processes, to make new housing needed to meet RHNA targets "affordable by design" so that median income families without taxpayer subsidies or winning lottery tickets can buy a home. As recognized by the Legislature itself, solving the housing crisis will help achieve California's climate targets by keeping our families here, in new housing that is hugely more energy efficient, and climate friendly, than existing housing or housing built in our competitor states like Texas, Arizona and Nevada. The more new housing (and people) your agency plans for, the lower your per capita greenhouse gas emissions – a feasible, just, and civil rights compliant outcome that will actually help achieve California (and global) climate goals.*

When longtime civil rights champion Amos Brown was recently asked whether "the Bay Area is a safe haven for Black people and other people of color" he was unambiguous: "No. . . Since 1970, we have lost Black people who were pushed out of this city. The 70's Black population was between 15-16%. Well now it's down to about 4%. That didn't happen by accident and it wasn't just economics. This happened because of public policy."
https://www.sfchronicle.com/lift-every-voice/article/Amos-Brown-16219697.php

Beyond the COVID pandemic, 2020 brought us yet another year of race riots and yet another round of rhetoric about the need to "address" the new race avoidance buzzwords of

diversity and inclusion. The time for rhetoric around housing justice should have ended before it started, and we thought for sure was made illegal with the 1960s civil rights laws. We were wrong: as Mr. Brown reports, "public policy" keeps shoving our communities out of neighborhoods that become desirable to white families. Stop it. Just stop it. Comply with civil rights laws, comply with RHNA, and plan for housing that can be purchased by median income households – not just for low income and homeless families, and not just for the wealthy. Housing experts like to call us the "missing middle" – we aren't missing at all. We just aren't being seen by housing "experts" and bureaucrats and special interests who get paid by the wealthy to advocate full-time while members of our communities hold down the essential jobs that make communities work. In fact, some sneeringly dismiss us entirely by concluding the "ship has sailed" on homeownership – and yep, communities of color weren't allowed on the ship, and then got tossed off it with predatory foreclosures, but that's just too bad we should wait for our lottery ticket to come in and move back into the projects if or when they are ever built.

Systemic discrimination doesn't happen by accident – it happens because of bad policy

Come to your senses. Plan housing for people. Welcome us to your communities, not just to work but to live. Let's restore our common love for California and build those diverse and inclusive communities your agency, and its advisors and consultants, have been talking about since our country's racial reckoning last year. Do the right thing, and adopt the right Housing Element and Zoning Code updates.

Please contact me at robert@thetwohundred.org if you'd like to discuss any of this further. We can sue – and we have and will continue to sue to enforce civil rights housing laws – but doing right is by far the cheaper, faster, easier, and just pathway to doing your share to solve the housing crisis.

We look forward to hearing back from you at your earliest convenience.

Respectfully,

Robert Apodaca
Vice-Chair and Director of Public Policy
The Two Hundred
www.thetwohundred.org