

# ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



## CITY OF MILPITAS 2011

Prepared by  
Project Sentinel

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# **1. EXECUTIVE SUMMARY**

## **Creation of the AI**

The Analysis of Impediments to Fair Housing Choice (AI) report for the City of Milpitas examines the existing demographic patterns, public and private policies, and practices which may create barriers for individuals or households to choose housing in an environment free of discrimination. The AI assesses the practices and policies that have been implemented over the course of the last six years, specifically between July 2004 and December 2010. The AI was created by Project Sentinel, a non-profit fair housing agency which provides comprehensive fair housing services. This report was funded by the City of Milpitas.

The purpose of the AI is to evaluate the existing public policies and practices in Milpitas, determine whether or not they create barriers to fair housing choice, and propose recommendations and actions to eliminate or minimize those impediments. Recommendations are made based on careful analysis of current practices and by identifying the barriers to fair housing.

## **Overview of Research**

In order to obtain a better understanding of the needs of Milpitas residents, the AI provides a demographic overview of the City's population, and a detailed summary of the City's housing stock. In examining public policies and practices, the AI analyzes the Milpitas Zoning Ordinance, Housing Element, and Consolidated Plan. To assess and provide a better understanding of the types of cases investigated, the AI scrutinizes the cases of alleged housing discrimination investigated by Project Sentinel over the past six years. The AI also assesses the available social service and legal resources available to residents of the City, and the specific service(s) each agency or group provides. The report will also review the 2004 AI for Milpitas, and, when appropriate, make references to evaluate whether or not the City has undertaken the proper course(s) of action to achieve the recommendations made by the previous AI.

## **Findings and Conclusions of the AI**

In reviewing various aspects regarding the City- including public and private practices and policies, demographic trends, and Fair Housing trends and services- the AI found a number of impediments to fair housing choice in Milpitas. In addition to the impediments determined by the AI, the Report also found that the City has addressed a number of the impediments identified in the 2004 AI.

## **Demographics and Housing Stock**

In examining Milpitas' demographics, the AI found that almost half of the City's residents are foreign-born, and that a majority of the population does not consider English as their primary language. As a result, a language barrier exists which prevents many residents of the City from taking full advantage of their housing rights. Milpitas is mostly built out, and there is a scarcity of land available for the construction of new homes. Despite lingering effects of the economic recession, the cost of housing remains high in the City. While Milpitas has a relatively young housing stock, and despite an increase of

almost 2500 housing units during this reporting period, a significant portion of it is beginning to age.

### **Land Use and Zoning**

While the Milpitas Zoning Ordinance allows for a density bonus which provides incentives for developers to build more units of affordable housing for low-income residents, the Zoning Code places a series of restrictions to allowing the existence of secondary dwelling units. However, these restrictions do not appear to impede Fair Housing choice, as the presence of these units provides additional affordable housing alternatives to elderly and low-income residents.

### **Public Policies and Barriers to Affordable Housing**

Although the shortage of affordable housing in Milpitas remains an impediment to fair housing, the City has developed a strategy to develop more units of affordable housing. The Midtown Specific Plan and Transit Area Specific Plan promote both high-density and low-income housing development, and create mixed-use zones that combine residential zones with commercial and industrial zones.

### **Investigation of Housing Discrimination**

Housing discrimination on the basis of disability and familial status were the two most prominent categories of investigated cases of alleged housing discrimination. Caucasians reported the most allegations of housing discrimination, while the Asian population- which accounts for 62.2% of Milpitas' population- reported a significantly lower proportion of the cases. The low proportion of complaints filed by Asian households is a concern and contributes to an impediment to Fair Housing choice requiring improved fair housing outreach.

### **Assessment of Local Fair Housing Services**

Project Sentinel contacted local community and social service agencies to evaluate their ability to assess fair housing complaints and refer the complainants to the appropriate fair housing agencies. While many of the agencies were able to refer callers to an agency that could assist with fair housing complaints (i.e. Legal Aid of Santa Clara County and the California Department of Fair Employment and Housing), only 40% of the agencies were able to properly refer the caller to Project Sentinel. The AI also assessed Project Sentinel's outreach efforts, and found that many of the agencies that have had fair housing outreach were not able to correctly refer callers to Project Sentinel, indicating a need to enhance the agency's outreach efforts.

A summary of the impediments to fair housing choice and recommendations is provided in the final chapter of the AI.

## **2. PURPOSE AND SCOPE OF THE AI**

The AI is a broad analysis of private and public practices and policies whose implementation may impact a person's ability to choose housing in an environment free

from discrimination. The purpose of the AI is to increase housing choice, identify barriers, and consolidate fair housing information. The AI:

- Serves as the substantive, legal basis for Fair Housing Planning.
- Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates.
- Assists in building public support for fair housing efforts both with entitlement jurisdictions, boundaries, and beyond, (HUD Fair Housing Planning Guide p.2-8).

The U.S. Department of Housing and Urban Development (HUD) defines impediments to fair housing choice as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choice
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, familial status, or national origin, (HUD Fair Housing Planning Guide p.2-8).

Equal and free access to housing choice is fundamental to achieving equality of opportunity. HUD stresses that entitlement jurisdictions become fully aware of the existence, nature, extent and causes of all fair housing problems and the resources available to solve them. By recognizing the barriers to fair housing choice- and providing recommendations to eliminate them- the AI can assist the jurisdiction in utilizing its available resources effectively to eliminate impediments to fair housing choice.

To assist policy makers, the AI consolidates fair housing related data which is otherwise located in a variety of sources. The AI also incorporates information which may not otherwise be perceived as fair housing-related. The information used for compiling the Milpitas AI includes the following:

- Demographic patterns
- Land use and zoning policies
- City of Milpitas Housing Element
- City of Milpitas Consolidated Plan
- The nature and extent of fair housing complaints/ suits
- Results of testing
- Patterns of occupancy in Section 8, Public and Assisted Housing, and private rental housing.

The majority of the demographic data was gathered from the US Census 2010, US Census 2000, Claritas Inc. 2009 Projections, as well as the State of California Department of Finance (DOF). Demographic data was analyzed to determine current trends within Milpitas' population. The City's housing stock was evaluated to identify the extent of opportunities for residents to acquire adequate housing. Land use and zoning policies were reviewed to ensure fair housing compliance, and to assess whether current policies

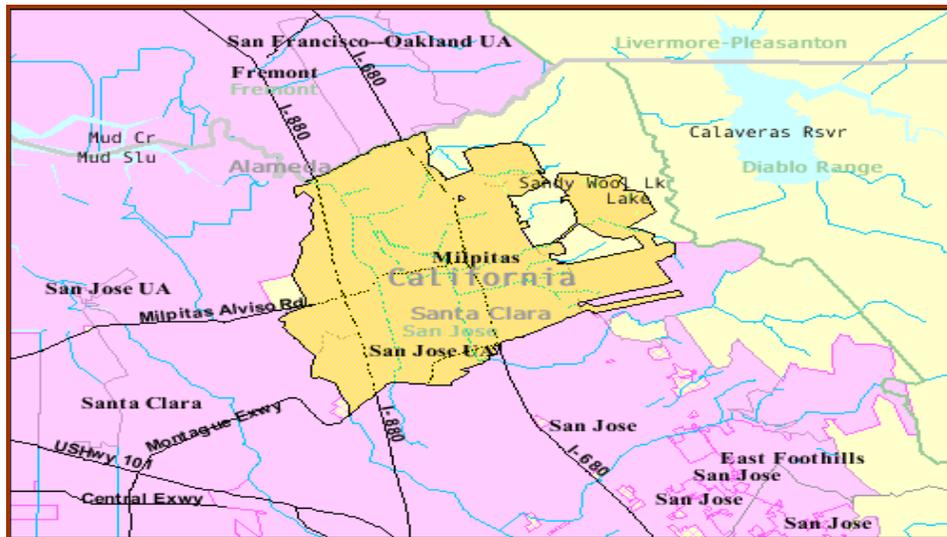
promote or impede the development of affordable housing. Cases of housing discrimination were examined to isolate trends in housing discrimination. In addition, local newspapers and online advertisers were also reviewed for practices of discriminatory advertising.

HUD does not intend for AI's to be the product of original research. Therefore, Project Sentinel relied primarily on existing data for this report; however, when necessary, limited original research was conducted.

### 3. DEMOGRAPHICS

#### Size and Location

The City of Milpitas is a suburban city that covers 13.6 square miles. The southern and western frontiers of Milpitas border the City of San Jose, while the City of Fremont lies along the northern border. Interstates 880 and 680 serve as the City's major north/south traffic routes, and Highway 237 leads to Milpitas and terminates at the west end of the City. Milpitas is under the jurisdiction of Santa Clara County, and is a vital part of Silicon Valley. In 2010, the City's total population was 71,552 persons.



Source: U.S. Census Bureau, Census 2000

**Fig. 3.1. Map of City of Milpitas: The southern and western frontiers of the Milpitas border with the City of San Jose, while the City of Fremont lies to the north of Milpitas.**

#### Historical Growth and Development

When the expansion of the Western Pacific Railroad came to Milpitas in 1867, the modernized means of transportation galvanized the local economy, and generated a marketing center for the rural population which lived in the surrounding area. The City of Milpitas was incorporated into Santa Clara County in January 1954, and the Ford Motor Company assembly plant opened in Milpitas in 1955. The opening of the assembly plant created new jobs for many, and resulted in the City's rapid population growth. The

former site of the plant is now the current site of the Milpitas Great Mall, a symbol of the City's ascent from a nascent farming community to a growing suburban city. Milpitas continued to rapidly grow and flourish with the Silicon Valley boom, and the City has also emerged as a home to a largely diverse population.

While Milpitas has emerged as one of the fastest growing areas in Santa Clara County, vacant land for new construction has become scarce and more expensive. The decrease of vacant land and simultaneous increase in cost of housing has created a barrier to affordable housing for many of the City's residents. As the City's population continues to increase, it is important that the City is able to continue to assist low-income residents with housing affordability.

### **Population**

According to the California Department of Finance (DOF), the total population of the City of Milpitas in 2010 was 71,552. Since 2000, the City's population has increased by 14.1%, while the County's population has experienced an increase of 5.9%. The continued development of technological industries following the "dot-com" boom and the economic expansion of Silicon Valley largely account for the city's population growth between the years 2000 and 2010. The City ranks as the fifth largest city in the County, and accounts for 3.8% of the County's total population.

### **Age**

The population of Milpitas has aged since the previous reporting period of 1998-2003. According to the DOF, the median age of Milpitas residents in 2009 was 35.1 years old, accounting for an increase of 5.1% from the previous reporting period median age of 33.4 years old, and also more than a full year older than the Santa Clara County 2009 median age of 34.0 years old. However, whereas the two most prominent age groups during that time ranged between 25-34 and 35-44 years old, 2009 estimates by Claritas, Inc. present an older overall population in the City.

The two largest age groups, in terms of representation, within Milpitas are now those between 35-44 (18.2%) and 45-54 (15.6%) years old, and the aforementioned shift in the City's age demographic becomes more apparent when considering that residents aged 35 and older now comprise 53.4% of the total population. The percentage of residents aged 65 and older has increased as well, from 7.1% during the previous reporting period, to now accounting for 9.4% of the City's total population.

Correspondingly, the proportion of residents 9 years of age and younger- who accounted for 14.1% of Milpitas' population during the previous reporting period- now represent 13.8% of the population, and although this decrease may appear minimal, it is further indication of the previously stated trend. The most represented age group under 35 years of age exists within those residents aged 25-34 (14%), accounting for nearly a third of the population under age 35. Whereas in the previous reporting period the trend seemed to point to a growing youth population in the City, the opposite is becoming apparent. As younger residents of Milpitas become adults, the 2009 Claritas, Inc. estimates indicate that the trend towards an older population in Milpitas will continue.

### **Race/ Ethnicity**

In the past, the City of Milpitas has been comprised of a diverse population, and the 2010 Census confirmed that this trend is continuing, albeit not as broadly as the previous reporting period. Similar to Santa Clara County's population trends, Milpitas has experienced a continuing decline of White residents, and a subsequent growing proportion of Asian inhabitants. While the total amount of Hispanic residents in Milpitas also increased, their overall proportion of the City's total population rose only minimally.

Milpitas' Caucasian inhabitants represent less than one-fifth of its total population, while the Asian populous now accounts for nearly two-thirds of the City's population, as demonstrated in Figure 3.2 below. The increase of Asian residents is a trend both the City and Santa Clara County at-large are experiencing. Since 2000, the percentage of Asian residents in Milpitas has increased by 28%, whereas the percentage in the County increased by 33%. However, while Santa Clara County's White population decreased by 16% during this same timeframe, Milpitas has witnessed a dramatic decrease of 35%. Hispanic representation within Milpitas increased by 8% in total residents; however, given the simultaneous increase in the City's population, their proportion of the City's residents increased by only .2%. All other races not mentioned experienced declines in their proportion of Milpitas' population; this includes the African American population, whose representation decreased by 14%.

<b>Ethnicity</b>	<b>Milpitas, 2010</b>	<b>S.C. Co, 2010</b>	<b>Milpitas, 2000</b>
White (Non-Hispanic)	14.6%	35.2%	22.5%
Black	2.9%	2.6%	3.4%
Native American	0.5%	0.7%	0.5%
Asian	62.2%	32.0%	51.8%
Hispanic	16.8%	26.9%	16.6%
Some Other Race(s)	3.0%	2.6%	5.2%

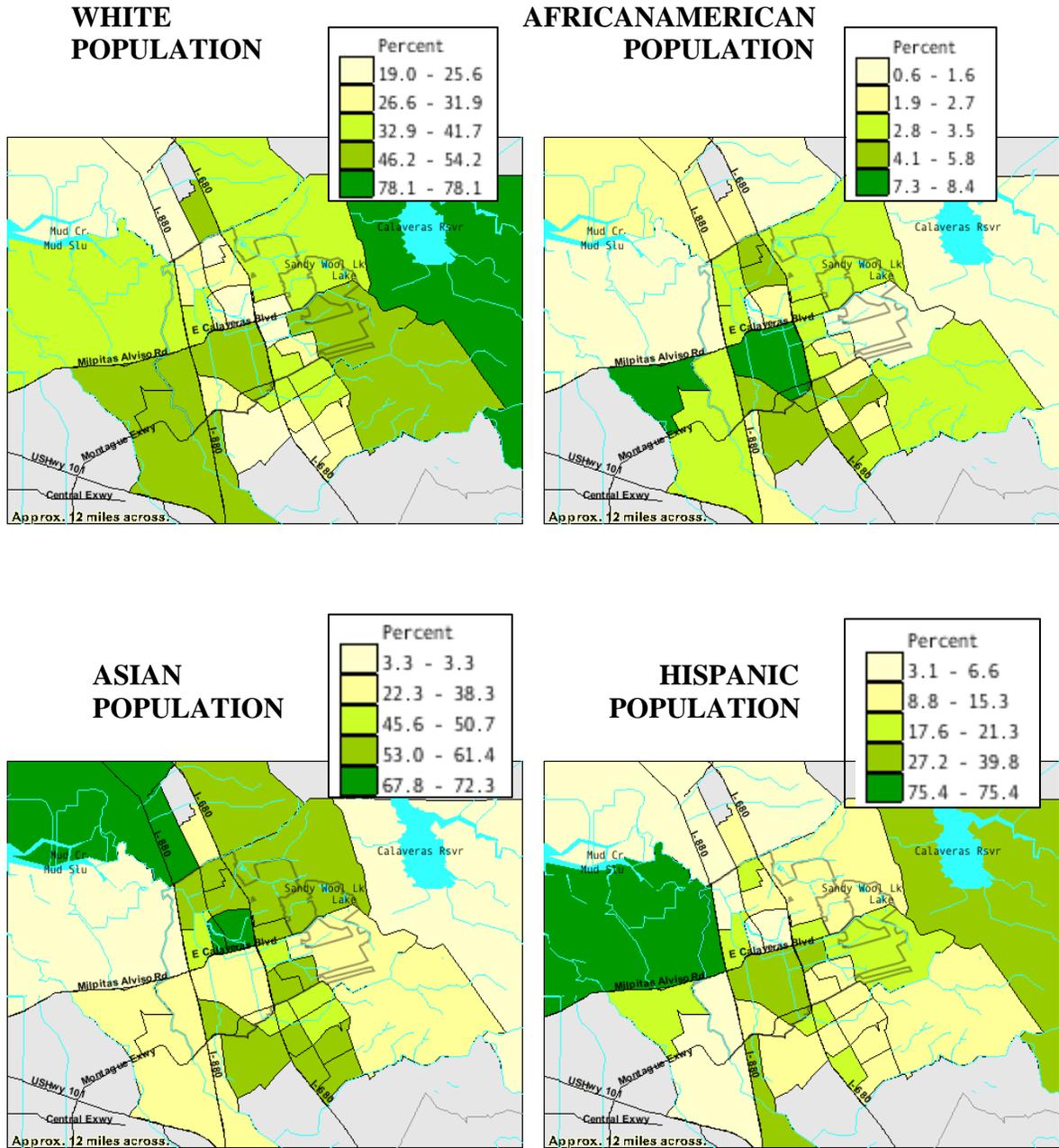
**Fig. 3.2 Ethnicity.** Source: U.S. Census Bureau, Census 2010

Based on the racial and ethnic demographics of Milpitas, one could presume that a substantial portion of the City's residents are foreign-born, and that for many, English is not the primary language spoken at home. Indeed, according to 2008 Census estimates, 47.2% of the inhabitants of the City were born outside of the United States, compared with 34.1% in Santa Clara County. Of the foreign born residents in Milpitas, 64% were born in an Asian country, while 10% were born in Mexico.

Because the primary language spoken at home is often one's native language, these projections indicate that nearly half of the individuals and households living in Milpitas consider English as a second language. In fact, that figure is higher according to 2009 Claritas, Inc. estimates, as approximately 39.9% of the City's populous speaks English as their primary language (compared with the County average of 54.6%), while an estimated 41.0% speak an Asian or Pacific Islander language, and another 11.0% speak Spanish primarily. The disparity between the City's foreign-born residents and those who

consider English as their primary language could potentially be due to family/ household size, as members of the same household would predictably be more comfortable speaking in their native language.

**City of Milpitas Population by Ethnicity Distribution**



Source: U.S. Census Bureau, Census 2000 **Fig. 3.3 Examines the ethnic segregation in Milpitas and in the neighboring cities.**

Although these maps refer to data from the Census 2000, they are indicative of a trend already referenced: the lack and decline of Caucasian residents in Milpitas. The map indicating the concentration levels of this demographic within City limits was an ominous

one, as the highest concentration of White residents was clearly not actually within Milpitas, but to the East of the City’s border. The remaining maps provide a precursor to the current concentration levels of other races and ethnicities within Milpitas, and given the increase in Asian and Hispanic residents- as well as the decline in African Americans- one could surmise the respective changes in residential concentration for each demographic group.

**Type of Households**

Results from the Census 2000 indicated that the majority of the households in Milpitas were family occupied. In comparison to Santa Clara County, the disparity between family and non-family occupied households was much wider. According to the *Milpitas General Plan Housing Element* (2009), 2008 estimates projected these totals to remain intact. However, the estimated median household size in the City increased minimally- from 3.47 to 3.5 persons- while the estimated median household size in the County also slightly increased from 2.92 to 2.94. These estimates, as shown in Figure 3.4, continue to validate the trend of larger household sizes in Milpitas than in the County, as well as a higher frequency of family occupied households.

	Percent of Total Households	
	Milpitas	S.C. Co.
<b>Family Households</b>	<b>81.7%</b>	<b>69.9%</b>
<i>With children under 18</i>		
Married couple	36.0%	27.8%
Single mother	5.0%	5.9%
<i>Without children under 18</i>		
Married couple	29.0%	27.1%
Single mother	5.9%	4.1%
Single father	5.8%	5.0%
<b>Non-family Households</b>	<b>18.3%</b>	<b>30.1</b>
Living alone	11.5%	21.4
Other	6.5%	8.7%
Average Household Size	3.50	2.94

**Fig. 3.4 Types of Household.** Sources: U.S. Census Bureau Census 2000, *Milpitas Housing Element 2009*

**Household Income**

Milpitas has historically enjoyed a higher median household income in comparison to Santa Clara County. 2009 estimates by Claritas, Inc. indicate that this trend is not only continuing, but that the disparity between the City and County is increasing. Whereas the median household income in Milpitas exceeded the County’s median household income by 12% during the last reporting period, the 2009 estimates conveyed a 14% marginal advantage. While the percentage differences between the City and County within each income bracket do not appear substantial, Figure 3.5 demonstrates that overall, household income is less evenly distributed within Milpitas than in Santa Clara County. The difference in median income further indicates that a greater percentage of Milpitas’

population is in the upper tier of the \$75,000-149,999 income bracket- the most represented category in both the City and County- and that the proportion of the populous in the lower income groups continues to decline.

Income (\$)	Household Income, 2009 (Estimate)		Milpitas, Census 2000
	Milpitas	Santa Clara Co.	
Less than \$35,000	11.7%	16.6%	14.8%
\$35,000 to \$74,999	22.7%	25.7%	28.1%
\$75,000 to \$149,999	40.0%	35.4%	40.0%
\$150,000 or more	25.6%	22.2%	17.2%
Median Household Income	\$100,889	\$88,430	\$84,709

**Fig. 3.5 Household Income.** Source: U.S. Census Bureau, Census 2000; Claritas, Inc 2009

### Poverty Rate

Corresponding to Milpitas’ household income distribution is the low relative percentage of residents living below the poverty threshold. According to the DOF, 6.2% of the City’s residents live below this threshold, compared with 8.6% in Santa Clara County. Although Milpitas has a lower percentage of minors and individuals under the age of 65 living in poverty in comparison to the County, the City has a higher rate of poverty within its population over 65 years old.

Resident’s Age	% Living in Poverty, 2009	
	Milpitas	Santa Clara County
<b>Under 18</b>	6.3%	10.5%
<b>Over 18</b>	6.2%	7.9%
<b>Over 65</b>	8.0%	6.6%
<b>Percent of Total Pop.</b>	6.2%	8.6%

**Fig. 3.6 Poverty rates by Resident’s Age.** Source: California Dept. of Finance, American Community Survey, 2005- 2009

### Education

The overall level of educational attainment within Milpitas’ and Santa Clara County’s population aged 25 years and older has increased since the Census 2000, as demonstrated by Figure 3.7. According to DOF statistics, Milpitas improved upon every educational attainment level, and the County reported similar figures. Yet while the City reported a higher rate of the populous with a high school diploma or some collegiate experience, it lacks behind Santa Clara County in percentages with either a Bachelor’s Degree or a Graduate Degree. Contrary to the previous reporting period- during which Milpitas had substantial gains in population percentage that attained either degree from 1990-2000- the increase in percentage since 2000 was minimal. Santa Clara County experienced a higher growth rate in percentage regarding both of these degrees, especially regarding Graduate

degrees, and the disparity between the City and County at the highest educational attainment level is the widest of any of the comparable categories.

<b>Educational Attainment, Population 25 years and Over</b>	<b>Milpitas 2009</b>	<b>Santa Clara Co. 2009</b>	<b>Milpitas, Census 2000</b>
No High School diploma	14.4%	14.2%	16.8%
High School graduate	21.2%	17.1%	17.3%
Less than 4 years of College	26.5%	24.8%	29.3%
Bachelor's degree	24.5%	25.2%	24.3%
Graduate or Professional degree	13.4%	18.7%	12.2%

**Fig. 3.7 Highest Educational Attainment.** Source: U.S. Census Bureau, Census 2000; California DOF, American Community Survey 2005-2009

### Occupations

Relative to the previous reporting period of 1998-2003, the proportion of Milpitas residents in various occupational fields has not varied substantially. The majority (46%) of the City’s labor force holds an occupation in the “Managerial and Professional Specialty” category of occupations, while “Technical, Sales, and Office Support” professions (23.1%) comprise the next most populated occupational category.

Milpitas’ geographic location is a significant factor in the types of occupations its residents have, as it is located within the Silicon Valley. As a result, corporations such as Cisco Systems, LifeScan, and Flextronics- all high-technology driven companies located within the City limits- have the highest demand of employees. Although the recent economic recession has adversely affected employment opportunities in both Milpitas and Santa Clara County at-large, the prominence of businesses in this industry throughout the region have a significant impact on the City’s and County’s occupational distribution.

<b>Occupation</b>	<b>2009 (Est.)</b>	<b>2000</b>
Managerial & Professional Specialty	46%	45.5%
Service Occupations	8.3%	8.3%
Technical, Sales & Office Support	23.1%	23.2%
Farming, Fishing & Forestry	0.3%	0.4%
Precision Production, Craft & Repair	6.1%	6.1%
Operators, Fabricators & Laborers	16.3%	16.4%

**Fig. 3.8 Occupations in Milpitas.** Source: U.S. Census Bureau, Census 2000; Claritas, Inc. 2009

According to 2009 projections from the Association of Bay Area Governors (ABAG), there was a 1.7% increase- or 790 jobs- in Milpitas between 2005-2010. By comparison, ABAG projected an increase in new employment of 3.8% for Santa Clara County during the same time period. This lower proportion of new jobs has significantly impacted the

City's unemployment rate, as the California Employment Development Department reported that as of March 2011, the unemployment rate in Milpitas was 10.6%, and 10.3% in Santa Clara County. Both the County (22.6%) and City (21.8%) have experienced similar increases in unemployment since the June 2003, yet the lack of employment development within Milpitas has significantly the employed labor force, and the City has the sixth-highest unemployment rate within the County.

The aforementioned economic recession resulted in a large decrease of jobs across all sectors, and all but one occupational category either experienced no change in proportion or a decrease since the previous reporting period. Despite the recession, and resulting increase in unemployment among the Milpitas' labor force, the changes in occupational distribution over the last decade have been minimal, and one should anticipate similar proportions of each occupational category as long as high-technology industries retain their prominence in the region.

**Means of Transportation**

As evidenced by the 2009 Claritas, Inc. estimates, there has not been a significant change in the distribution of commuting methods for Milpitas' labor force since the previous reporting period. The overwhelming majority of the City's residents use a vehicle to reach their jobs. While there has been a decrease in vehicle use and "other means" of transportation for commuting purposes, the changes have been minimal.

Method of Commuting	Milpitas, 2009 Estimates	Milpitas, Census 2000
Car, truck or van	94.7%	94.9%
Public transportation	2.3%	2.3%
Walk	0.7%	0.7%
Other means	0.8%	1.1%
Work at home	1.5%	1.5%

**Figure 3.9 Method of Commuting in Milpitas.** Sources: US Census Bureau, Census 2000; Claritas, Inc. 2009

**Disability**

According to the 2000 Census, 17.0% of Milpitas' population identified themselves as disabled, though the "institutionalized population" did not account for any of this data. Given the previously referenced age distribution of the City's residents, the percentages shown below are applicable even when compared to more current population figures. Considering the decrease in the youth population- and the subsequent increase in the percentage of residents over 65 years of age- the proportions of disabled residents within each age group parallel Milpitas' population trends in regards to age.

Disabilities often develop and worsen as one gets older, explaining the high proportion of disabled residents over the age of 65. The aging of the City's population supports the notion that those between 15-64 years old would then comprise the next highest proportion of disabled residents, as it should be noted that this age group represents the majority of Milpitas' population. The City's median age in comparison to Santa Clara

County further explains why Milpitas has a higher rate of disabled residents aged 15 and older.

Age of Population	% of Civilians with a Disability	
	Milpitas	Santa Clara County
5 to 15 years	2.4%	3.7%
16 to 64 years	17.5%	16.2%
65 (+) years	44.1%	39.3%

**Fig. 3.12. Disability Status of non-institutionalized population.** Source: U.S. Census Bureau, Census 2000

### Conclusion

Milpitas is an ethnically diverse city, whose population is comprised of a large proportion of foreign-born residents. There is an even larger portion of the population for whom English is not their primary language. An effort needs to be made to provide adequate translations of fair housing material- specifically in the many Asian languages which comprise the City’s Asian population and Spanish- in order to minimize any language barriers they may experience, and thereby avoid creating or enabling an impediment to Fair Housing choice.

The majority of households in Milpitas are comprised of families, and there are a larger percentage of family households in the City than in Santa Clara County. While the City has a lower rate of households living in poverty in comparison with the County, residents over the age of 65 have the highest rate of poverty in Milpitas. This demographic also experiences the highest disability rate, and it is important that elderly residents are accommodated and assisted in an effort to make Fair Housing choices as available to them as any other demographic group in the City.

Despite the recent economic recession’s effects on Silicon Valley, as well as the substantial increase in the City’s unemployment rate, Milpitas continues to experience population growth. As the City population continues to increase, it is imperative that City officials and policy makers take the proper courses of action to ensure that all new and existing residents are provided with the same accommodated the vast increase in residents.

## 4. HOUSING PROFILE

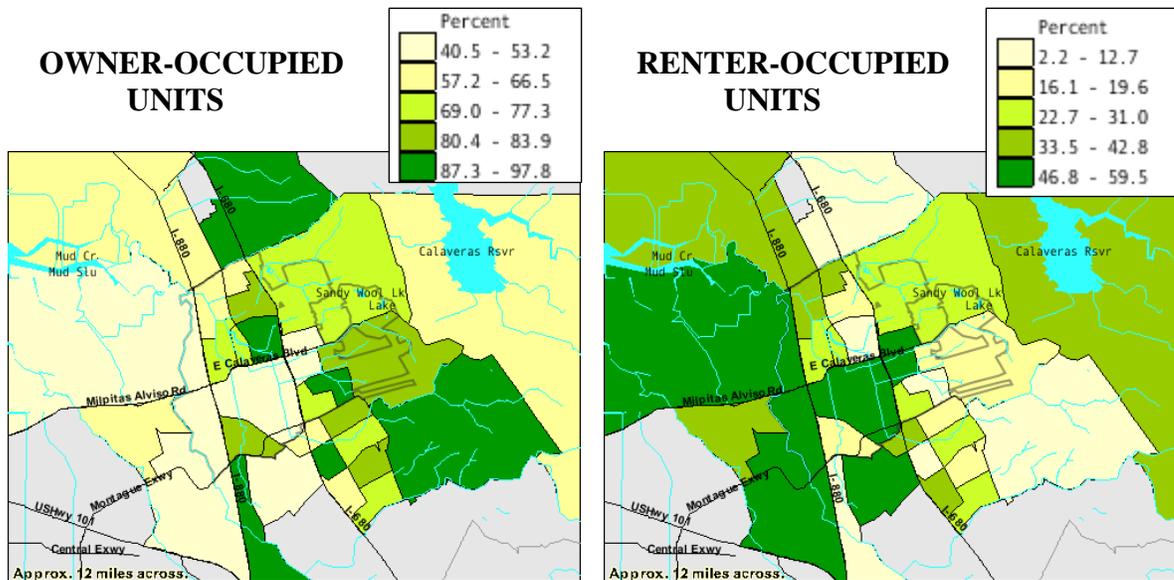
This section will examine the various characteristics of housing stock in the City of Milpitas. Housing costs, types of housing units, housing unit size, and the age of housing stock are all aspects that play a significant role in determining the quality of the City’s housing. Inadequate housing conditions are an impediment to fair housing, which affect a higher proportion of low-income residents within the impacted group.

According to Census 2010 data, there are a total of 19,806 housing units in Milpitas; 2009 Claritas, Inc. estimates project that 69.3% of those units were owner-occupied, while 31.7% were renter-occupied. Milpitas has a noticeably higher proportion of owner-occupied units, and thus a lower proportion of renter-occupied units, than Santa Clara County. The City's housing stock accounts for 3.1% of the County's total housing stock.

Housing Units	Milpitas	Santa Clara Co.	Milpitas, Census 2000
Total Housing Units	19,806	631,920	17,364
Owner-occupied Housing Units	69.3%	59.4%	69.8%
Renter-occupied Housing Units	30.7%	40.6%	30.2%

**Fig. 4.1 Housing Tenure.** Source: U.S. Census Bureau, Census 2010, Census 2000

Although there has been a slight decrease in the percentage of owner-occupied housing units in Milpitas over the last decade, the decline has been minimal, and is a trend that was paralleled by Santa Clara County during the same time period. Figure 4.2 demonstrates that the highest concentration of renter-occupied properties is marginalized to the outskirts on the western side of the City, while the highest rate of owner-occupied housing units are located within City limits in the southeast corner. Although these maps were based on Census 2000 data, their use is applicable in explaining current trends due to the minimal change in proportions over the last decade.



**Fig. 4.2 The majority of the City's owner-occupied units are primarily located in one area, while the renter-occupied units are marginalized to the outskirts on the City's opposite side.** Source: U.S. Census Bureau, Census 2000

### Type of Dwelling

The Milpitas Zoning Ordinance defines a single family unit as “a detached building designed exclusively for occupancy by one (1) family”. The City's ordinance defines a

multi-family unit as “a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.”

According to 2010 estimates by the California Department of Finance, the proportion of single family homes in Milpitas decreased over the previous decade, while the proportion of dwellings with 5 or more units increased. Santa Clara County experienced similar trends, and although Milpitas continues to have a higher proportion of single family homes in comparison with Santa Clara County, the disparity gap has narrowed. Similarly, the margin between County and City percentages of dwellings of 5 or more units has also narrowed, as these types of dwellings account for 26.8% of the County housing stock, and 19.6% of the City’s housing stock.

According to data from the US Census Bureau, an additional 2,442 housing units were built in Milpitas between 2000-2010. Taking into account the total number of multi-family units in the City (as estimated by the DOF), 66.3% of the newly constructed units are for multi-family purposes. While Milpitas continues to construct both single family and multi-family units, this percentage indicates a concerted effort to reduce the proportion of new single family homes in construction, and increase the proportion of multi-family units built. It is important to note that not only has the percentage of new multi-family units increased, but the total number of these types of units has as well. For instance, in 2000, Milpitas had 2,181 dwellings with 5 or more units; the 2010 estimated total of 3,801 indicates an overall increase of 74.3%, a total of 1,620 new multi-family units. During this same time period, there has been a 5.6% decrease in the percentage of single family homes.

Type of Dwelling	Milpitas, 2010 Estimate		S.C. Co., 2010 Est.	Milpitas, 2000
	Number	Percent	Percent	Percent
Detached Single Family	11,132	57.3%	53.6%	62.9%
Attached Single Family	2,225	11.5%	9.0%	12.8%
2 to 4 Units	1,665	8.6%	7.5%	8.5%
5 or More Units	3,801	19.6%	26.8%	12.5%
Mobile Homes	589	3.1%	3.1%	3.2%
Total Housing Units	19,412	100%	100%	100%

**Fig. 4.3 Type of Dwelling.** Source: US Census Bureau, Census 2000; California DOF, Table 2: E-5, 1/1/2010

### Housing Cost

Primarily due to the City’s population growth and the resulting increase in demand for housing, the cost of housing in Milpitas is increasing. Despite having suffered the effects of the economic recession throughout the latter half of the previous decade, Santa Clara County and Milpitas both have begun the process of economic recovery. However, the sales prices of single family residences (SFR) and condominiums in Milpitas remain relatively high in comparison with the County. This presents a significant barrier for the City’s low-income households.

The Bay Area has one of the highest costs of living in comparison to other metropolitan areas in the nation. As shown below in Figure 4.4, the median price of SFRs in Milpitas increased by 21% between 2001-2008. More notably, the median price of a condominium

increased by 40.6%; this increase nearly doubled the increase in median price of SFRs in the City, and the 2008 median price of a condominium in Milpitas nearly doubled that of Santa Clara County. According to the 2009 Claritas, Inc. estimates, the median price for a home in Milpitas was valued at \$580,510. Although this figure takes both SFRs and condominiums into account, it indicates a continuing increase in the median price of both types of dwelling.

<b>Dwelling Type</b>	<b>Milpitas 2008 Median Price</b>	<b>S.C. Co. 2008 Median Price</b>	<b>Milpitas, 2001</b>
Single Family Residences	\$547, 675	\$447, 000	\$452,500
Condominiums	\$412,288	\$294,500	\$370,000

**Figure 4.4 Median SFR and Condominium Price.** Sources: City of Milpitas Housing Element Update, 2009; City of Santa Clara Analysis of Impediments to Fair Housing Choice Report , BAE 2009; Santa Clara County Association of Realtors, 2008

Although the information illustrated in Figure 4.5 refers to the 2000 Census data, it remains relevant due to the minor variations in Milpitas’ residential distribution proportions. The percentage of the City’s population occupying owned units has not changed substantially, and the rising median prices for SFRs and condominiums- along with the increase in median household income- indicates that the proportions demonstrated below should still be applicable for both the City and Santa Clara County. Housing costs tend to be a greater burden for renter-occupied households than for owner-occupied households. While 31% of renter-occupied households allocate more than 35% of their income on rent, only 19% of owner-occupied households spend that amount of their income on housing costs.

<b>Monthly Housing Costs As % of Household Income</b>	<b>% Of Renter Households</b>		<b>% Of Owner Households</b>	
	<b>Milpitas</b>	<b>S.C. Co.</b>	<b>Milpitas</b>	<b>S.C. Co.</b>
Less than 25%	46%	47%	60%	60%
25% to 34%	23%	21%	21%	19%
35% or more	31%	32%	19%	21%

**Fig. 4.5. Housing Costs as percent of income.** Source: U.S. Census Bureau, Census 2000

### **Age of Housing Stock**

The median age of Milpitas’ housing stock has decreased since the previous reporting period. As demonstrated below, and as previously referenced, Milpitas has substantially increased their housing inventory in the last decade. According to 2009 estimates by Claritas, Inc., the percentage of structures built since 1999 has increased by 10.9% in comparison to Census 2000 figures. Although much of this increase is due to the extended reporting period Claritas, Inc. based their estimates on, the increase in newer structures has changed the City’s overall housing profile.

While the proportions of structures built before 1999 have decreased, 53.8% of the housing stock in Milpitas is over 30 years old. Housing structures tend to begin showing

signs of aging approximately 30 years after they are built, and home maintenance costs can adversely impact a household’s income, especially low-income and elderly households. Thusly, poor housing conditions can result in an impediment to fair housing.

<b>Year Structure Built, Milpitas</b>	<b>2009 (Estimate)</b>	<b>2000</b>
1999 and later	13.1%	2.2%
1995 to 1998	5.4%	6.1%
1990 to 1994	10.2%	11.7%
1980 to 1989	17.6%	19.6%
1970 to 1979	23.9%	26.8%
1960 to 1969	21.8%	24.4%
1950 to 1959	6.7%	8.4%
1940 to 1949	0.7%	0.7%
1939 or earlier	0.7%	0.7%
Median Year Structure Built	1978	1976

**Fig. 4.6 Age of Housing Stock.** Source: U.S. Census Bureau, Census 2000; Claritas, Inc. 2009

### **Conclusions**

While Milpitas continues to retain a greater proportion of single family homes than the County, over the previous decade, there has been a substantial increase in the proportion of new multi-family housing. Because of the lack of vacant land for new construction, and the continuing increase in the City’s population, it is recommended that Milpitas continue to increase the amount of multi-family housing units available to its residents. Insufficient available housing presents a barrier to Fair Housing choice that impacts the City’s entire population. It is imperative that Milpitas continue taking the proper courses of action to oversee that there is enough housing available to accommodate the populous.

The increase in recently built multi-family housing may have shifted the median age of the City’s housing stock, but more than half of Milpitas’ housing is 30 years or older. Many low-income and elderly residents are often unable to afford the home maintenance and repair costs. Due to this reason, it is important that the City ensure that residents have access to all necessary resources available to assist with the cost of repairs. It is vital that Milpitas continue to construct new housing structures- specifically multi-family dwellings- and that the City simultaneously monitors the condition of its existing housing stock to maintain an adequate level of living conditions for residents.

Renters in Milpitas continue to undertake a higher cost of housing in relation to their total incomes than home-owners do. The higher relative cost of living in the City compared to Santa Clara County median prices indicates that the residents of Milpitas- specifically renters- experience a more substantial cost of burden than the County. Due to the increasing costs of housing, it is important that the City ensures that a sufficient proportion of newly constructed dwellings are affordable housing structures to make Fair Housing choice available to low-income and elderly residents.

## 5. LAND USE AND ZONING

Zoning and land use laws utilize systematic planning in an effort to stabilize and preserve the characteristics of a given district within that city. These policies and regulations are implemented to assist in the designation of residential, industrial, and commercial areas. When zoning policies result in the segregation of different demographics of residents from one another, an impediment to Fair Housing choice is created. However, the effective implementation of land use and zoning policies can also serve as a means to enhance a city's Fair Housing opportunities, and can positively impact a population's accessibility to available resources and housing choices.

The focus of this section is to determine whether or not the existing land use and zoning policies for the City of Milpitas create a barrier to Fair Housing choice. Because the City's housing costs are relatively high and its population is steadily increasing, it is imperative that Milpitas utilize proactive policies, such as the density bonuses and similar strategies, as tools to provide residents with affordable and adequate housing.

### **Density Bonuses**

Density bonuses are implemented to encourage developers to construct affordable housing units for low-income residents. These bonuses provide an incentive for developers to build more units, with the caveat that they reserve a portion of their units for residents that are in need of affordable housing. According to the 2009 *Milpitas Housing Element Update*, the City adopted a Density Bonus Combining District-applicable to all residential zones- prior to the 2002 *Housing Element Update*. In the aforementioned update, it was recommended that the Density Bonus eliminate the Combining District approach, and parallel itself to State Law. This occurred in 2005 after Milpitas adopted a Density Bonus Ordinance (Section XI-10-54-15 of the Zoning Code).

The Density Bonus Law can be applied to all residential zones where the developer agrees to reserve any one of the following options: 10% of the units in the project for lower-income households, 5% for very low-income households, or if the project is a senior housing development. If the development is a condominium, the developer can apply this ordinance by agreeing to reserve 10% of the units for affordable to moderate-income households. Density bonuses may be applied to any project of 5 or more units, and the affordability restrictions must remain in place for at least 10 years; however, these restrictions may be extended to 30 years should certain funding requirements be in place or if additional incentives are provided to the developer.

### **Secondary Units**

Secondary housing units are attached or detached units that provide complete independent living facilities for one or more persons on the same lot as an existing single family housing unit. The unit must include permanent provisions for living, sleeping, cooking and sanitation. The construction of these types of units can increase affordable housing stock, and offers additional housing opportunities for low-income people, particularly seniors.

State law requires local jurisdictions to either adopt ordinances that establish the conditions under which secondary units will be permitted or to adopt the State Law provisions governing secondary dwellings (Government Code, Section 65852.2).

According to the 2009 *Milpitas Housing Element Update*, Milpitas allows the construction of secondary housing units “by right” on any lot located in a single family residential zone, but includes a restrictions for the secondary housing unit. The secondary unit requires a use permit, and restrictions are imposed to control traffic congestion, parking problems, and other concerns resulting from increased density in single family residential neighborhoods. Section XI-10-13.08 of the City’s Zoning Ordinance states that a second family unit may be allowed on a single family zoned lot subject to the following criteria:

- The secondary unit cannot be larger than 1200 square feet in size (depending on the geographic location of the unit), but shall not be smaller than 150 square feet.
- The lot is residentially zoned and contains only one existing, legal single-family dwelling unit. A maximum of one second family unit shall be permitted on any lot.
- If attached to the main dwelling, the second family unit shall comply with the same building height, setback, rear yard coverage and lot coverage requirements and limitations as the main dwelling
- A detached second family unit shall be located on the rear half of the lot, and no closer than six feet or farther than 100 feet from the main dwelling.
- The secondary unit cannot have more than one bedroom and one kitchen.
- The owner must occupy one of the two units at the time of application, and shall not be sold to a different owner than the main residence, but may be rented.
- The second family unit shall be designed to be architecturally compatible and visually integrated with the main dwelling.
- The second family unit shall provide one (1) more off-street parking space than required for a single family dwelling.

Secondary housing units can be much more affordable for low-income residents, and provide additional housing alternatives to the City’s relatively expensive housing units.

### **Housing for Persons with Disabilities**

The Federal Fair Housing Act (FFHA) of 1988 prohibits discrimination on the basis of disability. Disabled individuals are one of the more marginalized demographic groups in society, and they experience housing discrimination at a higher rate as a result. Zoning policies which disparately impact a disabled individual’s ability to live in certain residential zones, and dwellings that are not compliant with the American with Disabilities Act’s (ADA) accessibility standards are examples of how the disabled population in any city experiences discrimination in a much different manner than other Federal and State categories.

### ***Group Homes for Disabled Persons***

Group homes are designated for care-dependent people, specifically those who are disabled. Limiting the number of unrelated disabled persons who may live together in certain residential zones- or requiring certain conditions or permits in order for these people to share housing- are violations of the FFHA and create systemic impediments to Fair Housing choice.

As long as the occupancy of a residence does not result in overcrowding, non-related disabled persons should be accommodated if they wish to live in group housing, and should be able to do so free of required City or County special use permits. Denying this type of request would result in the addition of unreasonable conditions to zoning policies.

It is important to note that whether a group dwelling is licensed by the state or not has no impact on the applicability of the FFHA. A license considers the internal conditions and protocols of the group housing unit that affects the day-to-day life of the residents- not an external factor such as geographic location- and should thus have no relevant bearing on zoning requirements.

California state law prohibits local governments from requiring special use permits for 1 to 6 disabled persons in the same household. However, state law does not explicitly prohibit municipalities from requiring special use permits for group housing units of 7 or more disabled persons. In the past, Milpitas had required such a permit for group housing of 7 or more disabled individuals, and had also mandated public hearings when considering granting a group home a special use permit to reside in a residential zone.

The previous AI presented the recommendation, as in the 1998 AI, that Milpitas re-examine its requirement of special use permits for disabled group housing, and take the necessary action of aligning the City's policy to State and Federal regulations. Milpitas has taken such action and, according to the 2009 *Milpitas Housing Element Update*, there are now "no zoning, design review, or building code provisions" that restrict a group dwelling's ability to establish itself in a residential zone. "Small" group homes (6 persons or less) are allowed in all residential areas, while "large" homes (7 or more persons) are permitted in multi-family residential zones. This change has assisted in eliminating a significant past impediment to Fair Housing choice in Milpitas.

### ***ADA/ Title 24 Regulations***

The ADA sets federal accessibility standards for new structures, and Milpitas complies with these in both retrofitting existing buildings and facilities, and applying the regulations to new housing developments in an effort to make more housing units accessible to disabled individuals.

The ADA standards for new structures are known as "Design and Construction" regulations, and they dictate maximum and minimum measurements for the variety of features found within a given housing unit. Examples include door way width, mail box height, type of door knob, and depth of kitchen counters. These standards may be applied to all single family residential units, as well as all multi-family structures of 4 or more

units, and they ensure that compliant new structures are accessible to disabled persons nation-wide.

The ADA equivalent for accessibility standards in the state of California is Title 24 of the California Building Code. The standards established by Title 24 are more stringent than those of the ADA, and also apply to wider range of dwelling types, including multi-level townhomes and condominiums. These standards are known within the industry as “Visitability” regulations, and when coupled with ADA standards, encompass a protective and comprehensive set of protocols that provide disabled persons equal access to housing.

According to the 2009 *Milpitas Housing Element Update*, the City enforces Title 24 regulations for all new housing development projects, and provides applicants with a checklist to assist with compliance. Milpitas also “requires ADA-compliant parking, accessible entries, accessible paths of travel through areas being altered, and handicap-accessible bathrooms, drinking fountains, and public phones.” Additionally, all new structures exceeding three stories include elevators.

### **Conclusions**

Since the 2004 AI, Milpitas has taken a proactive approach towards updating or revising zoning policies that in the past disparately affected low-income and disabled residents. The continued implementation of the density bonus as a component of the Milpitas’ zoning policy provides additional motivation for developers to build more units of affordable housing for low-income residents. The resulting supplementation to the City’s housing stock has increased Fair Housing choice for many households that may not have the financial means to afford the relatively high cost of housing in the City.

Regulations for secondary dwelling units have been updated since the previous reporting period, and the building of this type of unit is allowed “by right” in all lots within single-family residential zones. The increase in secondary dwellings, as well as the incorporation of density bonuses, raises the amount of affordable units within the Milpitas’ housing stock, and consequently allows the City to accommodate more low-income households, specifically seniors. By addressing prior restrictions on the building and presence of secondary dwelling units, the City eradicated a significant impediment to Fair Housing choice.

By updating the Milpitas group home zoning ordinance, the City has provided care-dependent disabled individuals with more housing options, and the inclusion of these dwellings in both single family and multi-family residential zones has demonstrated an effort to de-stigmatize this portion of the City’s population. Furthermore, the adoption of Title 24 accessibility regulations as the standard for new housing structures in Milpitas ensures that more dwellings will be accessible to disabled persons, enhancing their choice of housing.

## **6. PUBLIC POLICIES AND BARRIERS TO AFFORDABLE HOUSING**

This section discusses the public policies and programs in Milpitas, and assesses the strategies and policies which affect affordable housing.

The City's 2009 *Housing Element Update* describes its strategy to address the housing unit production need, as determined by the Association of Bay Area Governments (ABAG). The California DOF estimated that Milpitas' 2010 population totaled 71,552 residents, a 14.1% increase from the 2000 population of 62,698. The Census 2010 documented 19,806 housing units in the City, indicating an increase of 2,442 units (or 14.1 %) over the past decade. The DOF further estimated that there were 18,379 households in Milpitas in 2009, indicating a surplus of housing units. It is notable that both population and household amounts increased at roughly the same rate during the past decade, as it is an indication that the City has continued to increase its housing stock to keep pace with its growing population.

Due to the scarcity of vacant land for the construction of new housing in Milpitas, the increase of denser multi-family dwellings is vital. The ability to be able to accommodate a growing population within fixed city limits will continue to present a challenge when considering new housing developments. To accommodate the overwhelming majority of family households in Milpitas, 66.3% of the 2,442 units constructed since 2000 were multi-family dwellings. The incorporation of previously referenced density bonuses provides additional incentive for developers to include affordable units within new structures, accommodating both low-income family and low-income non-family households. However, sustaining this development will be vital to the City's ability to continue to accommodate its growing population.

### **Midtown Specific Plan**

The Midtown Specific Plan was implemented to develop that particular area of Milpitas. Rather than responding to each specific development plan on a site-by-site basis, the City undertook a comprehensive and cohesive plan in developing this district to incorporate residential zoning areas with industrial and commercial zoning areas, creating a multi-faceted area that would accommodate the City's growing population and the resulting increase in demand for employment and housing. Thusly, one of the primary goals of the Midtown Specific Plan is to increase construction of multi-family units and the proportion of affordable housing units within this area of Milpitas. The Plan will provide 3,000 new housing units, with an immediate priority for the development of very-low income and low-income housings units, and is estimated to take another 10 years to fully complete.

According to the Midtown Specific Plan, the City has set forth the following goals for the land use of this area:

- Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial units within the Midtown Area.

- Provide for a significant component of new housing within the area in order to: improve the vitality of the Midtown Area, address local and regional housing needs, and reinforce the use of transit.
- Promote an intensity of development in Midtown that is appropriate to its central location.
- Provide for a land use mix that supports major transit facilities.

### **Transit Area Specific Plan**

Similar to the Midtown Specific Plan, the Transit Area Specific Plan was approved as is currently being implemented in an effort to revitalize this area in southern Milpitas. The same stated goals of utilizing a combination of residential, commercial, and industrial zones in applying the Plan are also being supplemented by the particular geographic location that it is focusing on. The Transit Area Specific Plan will prioritize combining the Valley Transit Authority (VTA) Lightrail system and the proposed site of a future Milpitas BART station to the proposed residential and commercial developments to enhance the quality of life for its residents. In doing so, the Plan has approved over 5,500 additional housing units, many of which will benefit low-income and senior residents. As with the Midtown Specific Plan, the Transit Area Specific Plan will significantly emphasize housing density, creating an increase in multi-family housing units, and also increasing the proportion of affordable units.

According to the Transit Area Specific Plan, the City has set forth the following land use goals for the area:

- Transition from older industrial uses to a high intensity mixed use area with housing, office, retail, restaurants, personal services, hotels, parks, and community facilities.
- Add a large amount of housing in order to meet regional housing needs. Adding housing improves the jobs/housing balance in the South Bay and can thereby reduce regional traffic congestion.
- Develop land uses and high densities that maximize transit ridership, so that land use planning supports the large public investment in transit facilities. Locate the highest densities closest to the transit stations.
- Provide a mix of land uses that responds to market demand over the next twenty years, and provides opportunities for complementary uses, such as by locating hotels and offices near retail and restaurants.
- Site neighborhood-serving retail uses in each subdistrict of the Transit Area so residents and workers can easily walk to shops, restaurants, and services.
- Develop retail and hotel uses and other revenue-generating uses to help support the cost of capital improvements and ongoing public services for residents and workers in the Transit Area.
- Minimize noise and traffic impacts on residences

The previously referenced increases in multi-family units within Milpitas since the previous reporting period is evidence of the impact these two Plans have had on housing choice in the City. However, as the population continues to grow, it is vital that

comprehensive development plans such as the Midtown Specific Plan and Transit Area Specific Plans continue to be implemented so that all demographics of the growing amount of residents are accommodated.

### **Community Development Block Grant**

The Community Development Block Grant (CDBG) is a federal entitlement program that began in 1975, and is administered by the Community Planning and Development Division of HUD. The amount of funding a city receives depends on the population growth, poverty rate, overcrowding, and the age of housing stock. According to the 2009-2010 Consolidated Annual Performance & Evaluation Report (CAPER), the City of Milpitas received \$817,327 in CDBG funds during that year. The funds are intended to primarily benefit low- and moderate-income households, and are often used for economic development and housing renovation projects.

The following are several examples of programs for which the City of Milpitas has allocated CDBG funds.

- ***City of Milpitas Housing Rehabilitation Program (HRP)*** provides housing rehabilitation loans to very low- and low-income homeowners in Milpitas. As documented in the CAPER, the City provided \$255,719 in CDBG funds to this program from FY 2009-2010. According to the FY 2011-2012 Action Plan, over the last nine years, Milpitas HRP has provided approximately \$3.1 million in rehabilitation loans to very low and low-income homeowners, serving an average of four households per year.
- ***Catholic Charities of Santa Clara County*** provides housing services to single parent, primarily very-low and low-income families at risk of becoming homeless. As documented in the 2009-2010 CAPER, Milpitas committed a combined \$10,000 in CDBG funds to this program during that fiscal year, which included \$5,000 to Catholic Charities' Long Term Care Ombudsman Program. The latter provides services to 6 long term care facilities through regular site visits by certified volunteers who advocate for quality of life and residential rights for the 54 chronically ill and primarily elderly residents of these facilities. Approximately 68 Milpitas residents benefited from these services over the last year.
- ***Emergency Housing Consortium (EHC)*** provides shelter and supportive services for homeless individuals, families, and youth. Services and programs provided by EHC assist clients in overcoming barriers to housing, employment, and overall self sufficiency; its services range from emergency shelter to transitional housing programs and after-care assistance. As documented in CAPER, the City of Milpitas contributed \$5,000 in CDBG funds to EHC during FY 2009-2010, providing 3,400 nights of shelter to 30 Milpitas residents.
- ***City of Milpitas Senior Housing Project- Terrace Gardens*** is a Low Income Senior Housing Community that serves the City's senior population. The existence of affordable housing communities such as Terrace Gardens provides this populous with additional housing choice. According to the FY 2010-2011 Action Plan, Milpitas contributed \$93,591 in CDBG funds to assist with the replacement of kitchen cabinets, countertops, and fixtures for the housing

complex. These funds could potentially assist the 188 senior residents living at Terrace Gardens.

- **Project Sentinel** investigates housing discrimination and provides fair housing, and tenant-landlord mediation services, along with mortgage default, delinquency, and pre-purchase counseling to Milpitas residents. Public education and outreach activities for all services includes Rent Watch housing advice column, distribution of brochures, radio and television public service announcements. And presentations and workshops. As stated in CAPER, Project Sentinel received \$15,000 in CDBG funding for FY 2009-2010 to continue providing its services to Milpitas residents. These services potentially benefit all Milpitas residents.

**Housing Affordability**

Affordable housing is considered housing units which can be rented or purchased by a household without paying more than 30% of their income. It is crucial that housing affordability programs- including those implemented by the aforementioned Midtown Specific Plan and Transit Area Specific Plan- be made available to low-income households that cannot afford to pay the costly price for housing.

The following chart, obtained from the 2009-2010 Milpitas CAPER, demonstrates the achievements Milpitas has made in terms of providing affordable housing to its residents:

<b>Milpitas Affordable Housing – Existing Units</b>				
<b>Development</b>	<b>No. of Units</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>
<b>Crossing Apartments</b>	468	94	N/A	N/A
<b>Montevista Apartments</b>	306	77	76	153
<b>Parc Metropolitan</b>	450	N/A	10 townhomes	18 townhomes
			35 apartment/ rental units	33 apartment/ rental units
<b>Summerfield Homes (Single Family Homes)</b>	110	N/A	22	N/A
<b>Terrace Gardens (Senior Units)</b>	150	150	N/A	N/A
<b>Parc Place</b>	285	18	27	34
<b>KB Homes</b>	683	N/A	N/A	64 (Includes 25 homes)
<b>Murphy Ranch/ Fairfield</b>	285	N/A	7 townhomes	37 townhomes
	374	20 apts	30 apartments	38 apartments
<b>Paragon</b>	147	9	N/A	20

<b>Integral</b>	1,328	N/A	N/A	199
<b>Centria</b>	464	7	7	12
<b>Town Center Villas</b>	65	N/A	N/A	16
<b>DeVries Place (Senior Units)</b>	103	103	N/A	N/A
<b>Senior Housing Solutions (SFHs for 5 Seniors)</b>	2	10	N/A	N/A
<b>Aspen Apartments</b>	100	100	N/A	N/A
<b>South Main Street</b>	126	N/A	5	14
<b>Senior Lifestyles (Senior Units)</b>	387	36	27	N/A
<b>Totals</b>	<b>5,833</b>	<b>624</b>	<b>246</b>	<b>638</b>

% of Affordable Units: **25.9%**

No. of Affordable Homes: **300**

No. of Affordable Apartment Units: **1,208**

Total No. of Affordable Units: **1,508**

Milpitas currently has a below-market rental program that is comprised of 618 rental units in four different apartment complexes. The City also has 274 housing units that have or will be sold below the market rate for first time homebuyers.

### **Section 8 Rental Assistance Program**

This program provides monthly rental assistance payments to private owners who lease their units to low-income individuals and households, and is administered by the Housing Authority of Santa Clara County (HASCC). Participants who are accepted into the Section 8 program qualify based on income, and typically pay 30% of their adjusted monthly household income in rent. The HASCC pays the remaining rental balance in the form of a voucher to the housing provider of the assisted household's unit. Ultimately however, it is the housing provider's choice whether or not to rent to individuals or households participating in the program.

According to the FY 2011-2012 Milpitas Action Plan, 613 households and 2,454 total tenants in Milpitas currently benefit from Section 8 vouchers, while another 1,866 households residing in Milpitas are on the HASCC's waiting list. Due to high demand for the program, the County's waiting list for the Section 8 voucher program is currently closed, but the City of Milpitas will notify residents of its re-opening through announcements on the City website and on Cable TV.

### **Mobile home Parks**

Milpitas has maintained a Mobilehome Rent Control ordinance, which was adopted in 1992, and this City ordinance has provided affordable housing to 527 mobilehome

owners. According to 2009-2010 CAPER, approximately 70% of the residents in the mobile home parks are senior citizens.

### **Disability**

As documented in Chapter 5's Section on ADA and Title 24 of the California Building Code, recent Federal and State regulations require that all new housing units must be constructed in a manner accessible to the physically handicapped and disabled. Milpitas has adopted- and continues to enforce- the standards set forth by Title 24, the more stringent of the two sets of regulations. The City provides developers with an accessibility checklist to assist with compliance when constructing a new housing unit. For additional information, please refer to the above named section.

### **Transportation**

The Midtown Specific Plan, as well as the Transit Area Specific Plan, encourages high-density development near major transit areas in an effort to make public transit more accessible to its residents. Specifically, they require the Transit Overlay District to develop high-density, multi-family dwellings within ¼ of a mile from transit stations. Low-income, disabled, and senior households tend to comprise a significant portion of the residents of these types of dwellings, and also comprise a notable proportion of those who most frequently utilize public transit as their primary means of transportation. For this reason, it is vital that a high concentration of multi-family housing be made available near areas of public transit systems. As outlined in the both Plans, the area will be served by the Tasman East Light Rail Line (LRT), as well as the Valley Transit Authority (VTA) bus systems. Both are beneficial in helping to increase the availability of public transit throughout the City.

The LRT has served Milpitas since 2004, and makes eight stops between the Great Mall and Alum Rock Avenue. Along with the VTA bus routes, the entire City is made more accessible to its residents, and the presence of high density housing nearby greatly impacts the amount of residents that can utilize public transit..

### **Conclusions**

While housing affordability continues to be a barrier to fair housing choice for all low-income residents in Santa Clara County, Milpitas has developed a strategic plan to address this issue. The Midtown Specific Plan, currently in the process of implementation, will focus on high-density development. Yet although the amounts of both multi-family units and low-income units have increased, the proportion of low-income units has declined. It is imperative that affordable housing be made available to all residents in the City. Although the Plan utilizes mixed-use zoning to combine residential zones with commercial and industrial zones to address the City's needs and concerns of housing affordability and land scarcity, Milpitas' growing population and high housing costs create more demand for affordable housing. The City should continue to follow through with its high density development strategy for the Midtown Specific Plan and Transit Area Specific Plan, but should increase its proportion of low-income units to better accommodate these residents.

The Housing Authority of Santa Clara County (HASCC) has issued 613 HUD Section 8 vouchers to City residents, but the need for housing assistance has greatly increased, as indicated by the 2,454 people currently on the waiting list. The City should provide affordable housing units as an alternative for its residents who are wait-listed for Section 8, and doing so further necessitates the need for an increase of low-income units within multi-family dwellings.

Milpitas should also continue to utilize Title 24 accessibility standards regarding new construction and restored units, and should continue providing developers with accessibility checklists to ensure that all housing units these accessibility requirements. The availability of accessible housing removes a substantial barrier, almost literally, to Fair Housing choice for disabled residents, allowing them to have more options in where they choose to reside.

## **7. ADVERTISING**

The Fair Housing Act explicitly prohibits the publishing of discriminatory housing advertisements. Publishing, or involvement in the publication of, an advertisement that demonstrates housing discrimination is a violation of Fair Housing Law and leaves that individual subject to investigation and possible enforcement. The purpose of this section is to examine the Fair Housing Law, and determine whether local housing advertisements present an impediment to fair housing.

### **Federal Law**

42 U.S.C § 3604 (c) states that it is unlawful, “To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.”

### **California Law**

In accordance with the federal law, Section 12955.c of the California Government Code prohibits housing providers and the media from printing or publishing an advertisement that indicates a preference, limitation, or discrimination based on a protected class.

Even if the individual or entity which publishes the advertisement does not agree with the message or particular wording of the ad, the publisher is still held accountable for the material which they print. If discrimination is present in a housing advertisement, the real estate owner or developer, the advertising agency, as well as the publisher of the advertisement, are all held liable for the unlawful act of discriminatory advertising.

### **Court Decisions**

United States v. Hunter: The case involved a classified advertisement seeking a tenant for an apartment in a “white home.” The Court of Appeals ruled that the newspaper that published the advertisement violated section 3604(c). The Court held that while the ad

was placed by another party, the law, as stated by section 3604(c), still applies to newspapers and other media that publish the discriminatory advertising. The Court's decision also held that the First Amendment's guarantee of freedom of the press does not protect a newspaper from a section 3604(c) lawsuit. [United States v. Hunter, 459 F.2d 205,211(5thCir.1972)].

Ragin v. New York Times Co.: The complainant filed allegations on the premise of a recurring pattern in the New York Times of publishing real estate advertisements in which models used to portray the potential customers were always Caucasian, while the African-American models were often depicted as building maintenance or service employees. The Court's decision held that the use of only Caucasian models in a real estate advertisement was a discriminatory action and did not comply with section 3604(c). Plaintiffs were awarded \$150,000 plus \$300,000 of advertising space. [Ragin v. New York Times Co. 923 F.2d 995 (2d cir. 1991)].

### **Examples of Discriminatory Ads**

Examples of discriminatory housing advertisements range from using direct phrases such as, "for whites only", to a less obvious example of denying an accommodation to a disabled applicant or tenant. The following are examples of how several of the protected classes may be discriminated against in real estate advertisements.

***Race/ National Origin:*** Real estate advertisements should state no discriminatory preference or limitation on account of race or national origin. The use of language such as "Whites Only" or "No Asians" are examples of discriminatory acts under this section. Also, as evidenced by the above referenced Ragin vs. New York Times case, any advertisement which depicts or seems to imply a racially homogenous group as the preferred residents or tenants of the unit(s) in question is considered a discriminatory advertisement. This lawsuit challenged a 20 year practice of publishing real estate ads with only White models. This decision was significant because it recognized that an ad picturing all white models may have implied the same illegal message as the words "White only".

***Familial Status:*** Familial status refers to the presence of children under age 18, as well as occupancy standards. Advertisements may not state an explicit preference or limitation based on familial status; HUD guidelines state that the housing provider must be willing to permit at least two people per bedroom of an available unit. Advertisements may not contain limitations on the number or ages of children, or state a preference for adults, couples or singles.

***Disability:*** A "disability" is defined as a physical or mental impairment which substantially limits one or more of a person's major life activities. Real estate advertisements should not contain explicit exclusions, limitations, or other indications of discrimination based on disability, mental or physical. Examples of discriminatory practices based on disability include an advertisement stating, "No wheelchairs allowed." Advertisements containing descriptions of accessibility features, such as "wheelchair ramp," are lawful.

While such an example is a more blatant example of discrimination, examples of discrimination on the basis of disability may also include a real estate advertisement stating a “no pets” policy. Many housing providers state a “no pets” policy in advertising their unit(s); however, if the individual interested in renting the apartment is disabled and requires a service animal, then the landlord is required by law to comply with the request.

### **Advertising in Milpitas**

Under 42 U.S.C. § 3604 (c), it is unlawful to “make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on membership in a protected class, or an intention to make any such preference, limitation or discrimination.”

Real estate advertisements should not contain explicit exclusions, preferences, or other indications of discrimination based on handicap (e.g., no wheelchairs). Advertisements containing descriptions of properties (e.g., great view, fourth-floor walk-up, walk-in closets), services or facilities (e.g., jogging trails), or neighborhoods (e.g., walk to bus-stop) do not violate the Act. Advertisements describing the conduct required of residents (e.g., “non-smoking”, “sober”) do not violate the Act. Advertisements containing descriptions of accessibility features are lawful (e.g., wheelchair ramp).

Housing advertisements are continuously published, updated, and replaced in local newspapers, and are also frequently posted on the internet. The major newspapers serving the City of Milpitas are the *Milpitas Post* and the *San Jose Mercury News*. Many individuals and families also use [www.craigslist.org](http://www.craigslist.org)- a website that posts classified advertisements online- as a service to assist them in seeking available rental units.

Project Sentinel is alerted to discriminatory ads for available rental units in Milpitas through anonymous tips, complaints from an individual or household that was discriminated upon, or through the monitoring of sites such as *Craigslist.org*. The identification of these types of advertisements has been frequent, accounting for 50 of the 71 (70.4%) total Fair Housing investigations opened in the City during FY 2004-2010. This trend could be due to many factors, yet with more and more advertisements and transactions- housing and otherwise- taking place on the internet, the fact that this large a proportion of total cases originated with a discriminatory ad reflects the general public’s increasing reliance on online advertisements as a primary source in assisting their search for new housing.

Classified Ads in the *Milpitas Post* and the *San Jose Mercury News* were reviewed to assess if discriminatory real estate advertisements had been published. No discriminatory ads were found in either newspaper.

At the end of 1997, Project Sentinel filed a complaint with the California Department of Fair Employment and Housing (DFEH), against the *San Jose Mercury News* for publishing real estate advertisements which used only White models. Based on the previously mentioned Court decision of *Ragin v. New York Times Co.*, using exclusively White models in advertising is considered discriminatory advertising, and an impediment

to fair housing choice. The 1997 complaint was resolved with education presentations provided to the San Jose Mercury News. The routine monitoring of classified ads since 1977 by Project Sentinel staff shows a high degree of fair housing compliance.

### **Conclusions**

As demonstrated by the analysis presented, housing advertisements presented a substantial impediment to Fair Housing choice in the City of Milpitas. Although the identification of roughly 8-9 discriminatory ads for a given fiscal year is low when compared to other cities in Santa Clara County, the fact that these types of violations have accounted for 70% of Project Sentinel's investigations during the last six years is evidence of a continuing barrier to Fair Housing choice. Because the general public has become more and more reliant on the internet and various online advertisers to assist in locating new housing, this is a barrier which needs to be addressed. Project Sentinel regularly monitors *Craigslist.org* and other online real estate advertisers, and has educated *Craigslist.org* staff regarding Fair Housing issues. The warning to be observant of discriminatory advertisements, as well as the link to report such ads, on every housing listing posted on the site is a testament of Project Sentinel's efforts to curtail the frequency of complaints derived from discriminatory ads.

It is recommended that a specific strategy be developed to regularly examine local newspapers, but especially internet real estate advertisers, for discriminatory practices in real estate advertising. Additionally, continued outreach efforts should be made to both the general public and Milpitas housing providers to raise awareness of potentially discriminatory advertisements and statements; outreach efforts should also be provided to local newspapers and classified advertisers to ensure that they are not enabling this impediment to continue.

## **8. INVESTIGATION OF HOUSING DISCRIMINATION**

### **Federal Fair Housing Law**

The Federal Fair Housing Act of 1968 prohibits discrimination in the sales, rental, and financing of dwellings, on the basis of race, color, gender, religion and national origin. In 1988, the Fair Housing Act was amended to extend further protection to familial status and people with mental or physical disabilities. Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits discrimination on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals.

### **California Fair Housing Law**

Similarly, Section 12955(a) of the California Government Code states that: "It shall be unlawful for the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability of that person."

Local governments are required by HUD to provide an investigative service for those people who feel they have been victims of housing discrimination. City governments often hire private agencies that specialize in fair housing investigation to process fair housing complaints, and implement the appropriate method to investigate, and attempt to resolve, such matters. Project Sentinel is the primary organization responsible for providing fair housing investigation and education services in the City of Milpitas.

### **Testing for Housing Discrimination**

If the complaint filed with Project Sentinel is identified as a possible incidence of housing discrimination, Project Sentinel then proceeds to investigate the alleged case of discrimination. The most common method of investigation is testing the site for violations of the fair housing law. Once the site is tested for housing discrimination, testers objectively report their results back to Project Sentinel, and by analyzing and comparing the test results, coordinators determine whether or not the evidence reveals a violation of fair housing laws. Other methods of investigation include surveying and interviewing friends and family of the complainant, as well as taking statements from tenants who reside at the particular site under investigation.

Between July 1, 2004, and June 30, 2010, Project Sentinel investigated 71 allegations of housing discrimination in the City of Milpitas. The following is an analysis of the data reported by Project Sentinel. The purpose of this analysis is to identify and obtain an understanding of the type of discrimination experienced by those seeking housing in Milpitas.

In order to make the proper inferences and provide analysis of fair housing enforcement in the City of Milpitas, the cases of housing discrimination are evaluated based on the following criteria: type of case (federal or state category which the complainant is basing the allegation on), the complainant's ethnicity, complainant's income, complainant's gender, complainant's household size, and the type of case disposition.

### **Types of Cases**

The majority of the cases involved discrimination on the basis of handicap/disability (46) and familial status (14), with the two categories accounting for 85% of the total 71 Fair Housing investigations opened in Milpitas during this time. Discrimination on the basis of race composed the next significant number of investigations, while discrimination on the basis of gender, age, and other categories did not comprise a substantial amount of the cases.

Type of Case	Percent of Cases		
	1998-2003	July 2004-June 2010	
	Milpitas	Milpitas	S.C. Co
Race/Nat'l Origin	29%	6%	21%
Handicap/Disability	53%	65%	47%
Familial Status	13%	20%	24%
Marital Status	2%	1%	1%
Gender	2%	3%	2%
Other	2%	6%	5%

**Fig. 8.1 Cases based on protected categories.** Source: Project Sentinel

In comparison to the housing discrimination cases filed during the 1998-2003 period, there was an increase in the number of cases involving disability. This statistic can be misleading however, as the percentage of complaints involving disability is significantly greater than the percentage of disabled individuals residing in Milpitas, and also greater than the trend for that particular protected class in Santa Clara County. There has also been an increase in the amount of cases involving housing discrimination on the basis of familial status, yet these categories were the only two to see an increase in occurrence during the time period of FY 2004-2010.

Also revealing was the fact that complaints investigations for discrimination on the basis of race/ national origin decreased to an almost minimal rate, even though that category continues to remain among the three most frequently investigated types of housing discrimination.

As documented in Figure 8.1, housing discrimination on the basis of ethnicity (race and national origin), disability, and familial status are the top three sources of investigated complaints in both Milpitas and Santa Clara County. Over two-thirds of the cases investigated by Project Sentinel in the City, and nearly half of those in the County, were allegations of housing discrimination on the basis of disability. Contrary to the 1998-2003 time period, Milpitas had a higher percentage of cases on the basis of familial status, and a lower percentage of cases on the basis of ethnicity. This could be due to many factors, but is consistent to County trends.

Though the majority of the fair housing investigations conducted in Milpitas were filed on the basis of disability, a possible factor to note is that this protected category can consist of a variety of cases. This can include an applicant or tenant's request for an accommodation based on their physical or mental health, failing to grant a request to modify a unit so that a disabled tenant may better enjoy his/her housing, or a more egregious violation, such as if a housing provider denies an applicant based on an existing physical or mental health disability.

In assessing the distribution of the amount of cases for each protected category, it would be seemingly easy to conclude that an increase in cases for that class would indicate an increase of occurrences of housing discrimination. Yet because disability as a protected class encompasses a wide range of cases, one could also conclude that the increase in cases of this kind in Milpitas indicates an increase in reasonable accommodation or modification requests, or that more residents and households have service animals than

before. In truth, no single inference can be made based on the amount of complaints for a given protected class.

Increased public awareness of fair housing issues and laws could also be a factor for the high proportion of cases filed on the basis of disability. While the FHAA was enacted over 40 years ago, the Americans with Disabilities Act (ADA), which gives broader protections to disabled individuals and households, was enacted relatively recently in 1990. Over the last 20 years, the general public has become more aware of the protections afforded by both acts, specifically the ADA. This developing awareness-assisted by the ever increasing abundance of resources now available on the internet- has provided a solid foundation of knowledge for individuals to report and file fair housing complaints. However, not all members of the general public are adequately informed about their rights as residents, and the resources available to them. This report examines local fair housing services and their outreach programs, whose role is vital in increasing the public’s understanding of Fair Housing issues, in the next section.

**Cases by Complainant’s Race/ Ethnicity**

The majority of alleged incidents of housing discrimination investigated by Project Sentinel in Milpitas between FY 2004-2010 were filed by Caucasians. Although overall allegations by Caucasian complainants decreased by 4% since the last reporting period of 1998-2003, their majority is a trend that has continued; this despite the fact that the total White population in the City decreased by 35% between 2000-2010 (As reported by the Census 2010).

A significant portion of Project Sentinel cases in Milpitas were also reported by Hispanics, and their frequency (23%) closely reflected the Hispanic proportion (27%) of Santa Clara County’s total population, but was higher than their percentage (17%) of the City’s total population. Although the percentage of Asian complaints filed with Project Sentinel more than doubled to 14% from the previous reporting period- and despite the fact that, according to Census 2010 data, this demographic accounts for nearly two-thirds of the City’s population- the percentage of Asian residents who filed complaints for alleged cases of housing discrimination was only the third highest among ethnicities in Milpitas. Unlike the minimal disparity in the proportions of Hispanic cases in relation to their population total in the City and County, there was a large disparity between allegations filed by Asians and their respective proportions of the total City and County populations.

	Percent of Cases		
	Milpitas		Santa Clara Co.
Ethnicity	1998-2003	FY 2004-2010	FY 2004-2010
White	62%	58%	49%
Black	13%	3%	10%
Asian	6%	14%	7%
Hispanic	17%	23%	24%
Other	2%	2%	10%

**Fig. 8.2 Cases by Complainant’s Ethnicity.** Source: Project Sentinel

As previously stated, Caucasians filed the majority of the cases investigated in Milpitas during FY 2004-2010. Additionally, the majority of disability cases were also filed by White complainants, but prior to the previous reporting period- where all of the familial status cases investigated were reported by White complainants- this demographic accounted for eight of the 14 total cases investigated on the basis of familial status. Similar to overall proportions of total cases filed by ethnic group, Hispanics filed five of the familial status cases during this time period. Furthermore, of the 11 allegations investigated on the basis of categories other than familial status and disability, five were reported by White complainants (including one allegation filed on the basis of race during the entire reporting period). This data seems to indicate that the White population of Milpitas is perhaps more aware of what constitutes housing discrimination, as well as more willing to report instances specific violations of Fair Housing laws, than other ethnic demographics in the City.

The willingness of an individual or household to report such instances of housing discrimination, regardless of its specific basis, is a vital factor in identifying impediments to Fair Housing choice. Project Sentinel faces a constant barrier- not only in Milpitas but in Santa Clara County as a whole- when alerted to a case of housing discrimination where the complainant may not want to proceed with his/her complaint based on either a fear of retribution from the housing provider, or other negative impacts on their current or future housing prospects. This is particularly problematic with complainants of non-White ethnicities- especially those for whom English is not their primary language. The agency makes a concerted effort when conducting outreach presentations of encouraging all attendees to report incidents of housing discrimination, and makes clear that any retribution suffered due to their filing a complaint is an enforceable violation of Fair Housing law.

While White complainants still comprise a majority of the reported fair housing complaints investigated by Project Sentinel, it is important to note that in comparison with the 1998-2003 distribution of complaints filed in Milpitas, the reporting period of FY 2004-2010 showed that there has been an increase in the percentage of cases filed by Asians and Hispanics, the largest and second-largest respective ethnic groups in the City. The decrease in the percentage of cases filed by White and African-American complainants seems to be indicative of their decreasing proportions within Milpitas' total population. For example, the frequency of cases reported by African-Americans (3%) during the reporting period was nearly identical to their 2010 percentage of the City's population, as reported by the Census 2010.

It could thus be determined that the residents of Milpitas, specifically the growing number of Asian and Hispanic households, are demonstrating more of a willingness to come forward with allegations of housing discrimination. Though a level of hesitation to report incidents of this kind may still exist within these demographics, as well as with the Milpitas population in general, the rise in cases reported by Asian and Hispanic complainants is a positive indication that awareness is increasing among these somewhat marginalized groups.

### Cases by Complainant’s Income

Consistent with the goal of providing the majority of its services to individuals and households of the lowest income bracket, the overwhelming majority of Fair Housing investigations filed by Project Sentinel in Milpitas during FY 2004-2010 were reported by low-income residents. The percentage of cases filed by low-income residents, regardless of ethnicity, was more than twice the percentage of those filed by residents who had a medium income. The disparity between cases reported by low-income and medium- income households grew wider than in the previous reporting period of 1998-2003, as there was an increase in cases brought forth by low-income residents, and a corresponding decrease of allegations reported by medium-income residents. Additionally, the percentage of reported incidents of housing discrimination by residents with a high income increased slightly; however, this proportion remains minimal in comparison with the amounts of cases reported by households of the other two income categories.

In analyzing Project Sentinel’s case data regarding income, it became apparent that the increasing disparity between cases filed by low-income and medium-income households did not just apply to the City of Milpitas; rather, this is a trend shared by Santa Clara County as well. In fact, as shown in Figure 8.4 below, there is a wider disparity between the two income brackets at the County level. Overall however, there are other similarities between the City and County regarding the trends indicated by the income data of Project Sentinel’s complainants. Aside from the growing difference between low and medium-income households, there was a slight increase in the amount of high-income complainants for both Milpitas and Santa Clara County. Thus, the percentage difference between medium and high-income complainants is decreasing as the percentage of medium-income complainants also declines.

Cases by Complainant’s Income, FY 2004-2010			1998-2003
% of Cases			% of Cases
Income	Milpitas	S.C. Co.	Milpitas
Low	67%	74%	60%
Medium	27%	22%	36%
High	6%	4%	4%

**Fig. 8.3: Cases by Complainant’s income.** Source: Project Sentinel

### Cases by Complainant’s Gender

Despite the fact that only 3% of the housing discrimination complaints in Milpitas were filed on the basis of gender during the reporting period of FY 2004-2010, only 7% (five of the 71) total cases were reported by males. To put this data in better perspective, one out of every 13 investigations conducted in Milpitas by Project Sentinel during the reporting period was filed by a male. Although the trend in Santa Clara County during the same time period was somewhat similar, the staggeringly low amount of male complainants might be explained in part by the fact that in cases without an actual complainant (anonymous or otherwise), the gender listed for the “complainant” is the gender of the tester being used to investigate the claim. Therefore, given the amount of

cases that were opened as a result of anonymous tips- particularly for discriminatory advertisements- one could surmise that the extremely lopsided ratio of female to male complainants was due in large part to the amount of cases involving female testers, whose use may have been a result of tester availability or profile need.

Seen on the following page, Table 8.4 demonstrates the ratio of female to male complainants in Milpitas and Santa Clara County for the reporting period of FY 2004-2010. The more typical ratio in this case is Santa Clara County's, as Milpitas' ratio in the previous reporting period of 1998-2003 indicates. Project Sentinel's case data for most jurisdictions typically reflects a ratio of female to male complainants closer to 3-1 than 12-1, as was the case during the reporting period of FY 2004-2010.

Cases by Complainant's Gender, FY 2004-2010			1998-2003
Gender	Milpitas	S.C. Co.	Milpitas
Female	93%	75%	76%
Male	7%	25%	24%

**Fig. 8.4. Cases by Complainant's Gender.** Source: Project Sentinel

### Cases by Disposition

The following are brief descriptions of the various potential dispositions of a Fair Housing investigation conducted by Project Sentinel. Each disposition is determined by the circumstances surrounding the particular case.

### Types of Dispositions

- **Counseled:** The Fair Housing agency does not find sufficient evidence of housing discrimination while investigating the allegation. The agency informs the complainant of the results, and the case is closed. The complainant still reserves the right to file the complaint with HUD and/or the DFEH.
- **Conciliated:** Evidence of discrimination is found and an agreement is then mediated between the complainant and the housing provider by the agency to avoid further action regarding the allegation. Possible agreements may include the reversal of an initial denial by the housing provider of a reasonable accommodation request by a disabled individual, such as waiving a "no pets" policy to allow a service animal or waiving a certain fee or deposit where it disparately impacts disabled tenants.
- **Educated:** Some evidence of discrimination is found, and the fair housing agency takes the appropriate course of action of educating the housing provider about the

corresponding fair housing law, and how the violation occurred. Typically resulting from a minor violation of fair housing law, the fair housing agency will send the housing provider a letter regarding the violation, and may also require the housing provider to attend a fair housing training session.

- ***Referral:*** Clear evidence of housing discrimination is found, and the case is referred to a private attorney, or a government agency such as the DFEH or HUD. Cases with this disposition are typically egregious violations where conciliation is not sufficient in resolving the matter. Mediation, and possibly litigation, may be used to find a fair settlement for the complainant, including damages suffered.
- ***Declined to pursue:*** The complainant chooses not to pursue the case, and it is closed. This will only occur in cases with an actual complainant, as the decision to pursue a Fair Housing complaint is at his/her discretion.
- ***Pending further investigation:*** These are cases in which the investigation process has not yet been completed. Cases with this disposition are not closed, and require a final decision by the agency, depending on the evidence obtained regarding the particular allegation.

### **Samples of Case Settlements**

**2009- *Project Sentinel v. Li Zhao*** – Housing provider refused to rent to applicant with a service animal, citing a “no pets” policy. Evidence was secured through testing the site. Settlement amount: \$850, required fair housing training, and a change in policy.

**2010- *Project Sentinel v. Anna Wing-Wu*** – Housing provider was charging individual applicants a lower rent amount than those who applied as a couple. Evidence was secured through testing. Settlement amount: \$500, required fair housing training, an agreement to submit future advertisements to Project Sentinel for review prior to listing, and an agreement to provide Fair Housing brochures to all in-place and prospective tenants.

The majority (45%) of the cases investigated in Milpitas by Project Sentinel during FY 2004-2010 resulted in a disposition of “counseled”, meaning that a minimal to no amount of evidence of housing discrimination was found. It should be noted however, that a “counseled” case does not imply a failed case. Even though these particular cases did not reveal a violation of Fair Housing Law, the fact that they were investigated is notable, because a portion of the “counseled” cases were filed by previously marginalized demographic groups. In the process of filing the complaint, the individual gained further awareness of Fair Housing. The increase of cases which resulted in the education of the housing provider is further indication that awareness was provided to the general population as result of the investigation.

The number of cases that were referred to the DFEH, HUD, an attorney, or another agency, decreased by more than half since the previous reporting period. A referral occurs when clear, and sometimes egregious, evidence of housing discrimination is discovered during the investigation. In these types of cases, conciliation is typically not possible without one of the aforementioned groups becoming involved. Out of the seven cases referred between FY 2004-2010, three of the cases were investigations of housing discrimination on the basis of disability, three were investigations on the basis of familial status, and the remaining case was filed on the basis of ethnicity. The decrease in this type of disposition may indicate a decline in egregious violations, and the increase in percentage of conciliated cases further supports this notion. As previously displayed by Figure 8.1, out of the 71 cases investigated, the most frequent protected categories examined were often investigated on the basis of disability and ethnicity.

Cases by Disposition, FY 2004-2010			1998-2003
Disposition	Milpitas	S.C. Co.	Milpitas
Counseled	45%	39%	45%
Educated	17%	13%	9%
Conciliated	11%	19%	8%
Referral	10%	18%	21%
Pending Further Investigation	9%	4%	11%
Declined to Pursue	9%	7%	6%

*Fig. 8.5 Cases by Disposition: While the amount of cases found to be compliant did not change since the previous reporting period, the amount of egregious resulting in a referral decreased by more than 50%. Source: Project Sentinel*

## 9. ASSESSMENT OF LOCAL FAIR HOUSING SERVICES\*

This chapter examines the ability of the community and social service agencies of Santa Clara County to assess fair housing complaints, and then refer the caller or client to the appropriate fair housing agency.

A sample of the County's community and social service agencies were contacted by Project Sentinel staff to test for a correct referral to Project Sentinel. Testers contacted agencies located in Milpitas, as well as those located elsewhere in Santa Clara County. The agencies that were contacted were either: an appropriate agency for a housing-related inquiry, a social service agency that might receive a similar inquiry, or were an agency that serves a minority group that would be more likely to be a victim of housing discrimination.

The caller would describe one of the two housing discrimination scenarios listed below, and would then ask for assistance or a referral. The examples used were common instances of housing discrimination on the basis of familial status and disability. Depending on the services provided by the agency contacted, the caller would apply the appropriate scenario. For example, if the caller(s) were contacting an agency that primarily assisted the elderly community, then the second of the two following scenarios of housing discrimination would be appropriate.

**Scenarios of Housing Discrimination:**

**Scenario #1 (Familial Status):** A single parent with two young children was seeking to rent a two-bedroom apartment in Milpitas. The tester met with the landlord, and was told that there were several vacant units available in the apartment complex. However, when the tester mentioned that he/she had two young children, the landlord refused to rent to them. The landlord told the tester that he would not be able to rent the apartment to him/ her, because the apartment would probably be too small for them, and also that young children have a tendency to be noisy and disturb other tenants (note: when asked, it was made clear that the tester did not contact a senior housing complex). The tester felt that he/she was a victim of housing discrimination, and wanted assistance in filing a Fair Housing complaint.

**Scenario #2 (Disability/ Handicap):** The tester was trying to rent an apartment in Milpitas for his/her elderly mother. The elderly mother is physically disabled and requires the use of a wheelchair. When the tester tried to rent an apartment for his/her mother, the landlord refused to rent the apartment, because the elderly mother’s reliance on the wheelchair also necessitated a parking space close to her apartment. The tester felt his/her mother was a victim of housing discrimination, and was seeking assistance in filing a Fair Housing complaint.

Testers contacted a total of 20 agencies and, in every instance, spoke with the receptionist of the agency. This front-line employee assisted the caller by either providing a referral or transferring the caller to a colleague for further assistance. The following chart illustrates the agency contacted, and the assistance/referral provided.

**Community and Social Service Agencies**

Agency Contacted	Response
<p><b>Alum Rock Counseling Center</b> 408-294-0500</p>	<p><b>Comments:</b> The receptionist told the caller that he had contacted a counseling agency, and that she did not know who could help him file the complaint. She referred the caller to the Alum Rock Counseling Center, stating that they would have a referral service to assist the caller.</p> <p><b>Referral:</b> Alum Rock Community Center (408) 794-7555</p>
<p><b>Catholic Charities of Santa Clara County</b> (408) 468-0100</p>	<p><b>Comments:</b> The receptionist transferred the caller to a case worker, who referred the caller to Legal Aid of Santa Clara County’s Housing Project. The case worker also mentioned that to file a complaint, that the caller must be a resident of San</p>

408-325-5277	Jose.  <b>Referral:</b> Legal Aid's Housing Project (408) 283-1540
<b>Community Housing Developers</b> (408) 279-7677	<b>Comments:</b> The receptionist referred the caller to HUD's website, and mentioned Project Sentinel as an option, but did not give a phone number.  <b>Referral:</b> <i>hud.gov</i> , Project Sentinel
<b>Community Technology Alliance (CTA)</b> (408) 437-8800	<b>Comments:</b> The caller was referred to the 211 Housing and Shelter Community Hotline.  <b>Referral:</b> Housing and Shelter Community Hotline: 211
<b>Emergency Housing Consortium</b> (408) 294-2100	<b>Comments:</b> The receptionist told the caller that the EHC did not assist with this type of matter, and mentioned that EHC hosts a pro bono renter's rights clinic every Wednesday at 5pm. The receptionist did not know the name of the law group which gave the clinic, nor of any other agency that would assist with this type of matter, and an attempt to transfer the caller resulted in the call being dropped.  <b>Referral:</b> None given
<b>Housing Authority of Santa Clara</b> (408) 275-8770	<b>Comments:</b> The receptionist referred the caller to the DFEH.  <b>Referral:</b> Department of Fair Employment and Housing: (800) 884-1684
<b>Housing for Independent People</b> (408) 941-1850	<b>Comments:</b> The receptionist told the caller that she did not know who to call for this type of matter, then mentioned the Better Business Bureau could possibly assist in referring the caller to the proper agency. The receptionist did not provide a phone number for the BBB.  <b>Referral:</b> Better Business Bureau
<b>Midpeninsula Citizens for Fair Housing (MCFH)/ ECHO Housing</b> (650) 327-1718	<b>Comments:</b> The receptionist told the caller she believed that he had been discriminated against. The woman then told the caller that unfortunately ECHO/MCFH does not handle Milpitas cases, but told the caller that Project Sentinel would be able to assist.  <b>Referral:</b> Project Sentinel (650) 321-6291
<b>Milpitas City Hall</b> (408) 586-3000	<b>Comments:</b> The receptionist promptly referred the caller to Project Sentinel for assistance with this matter.  <b>Referral:</b> Project Sentinel: (650) 421-0596
<b>Milpitas Senior Center</b> (408) 586- 2775	<b>Comments:</b> The caller was transferred to a case worker. The case worker then referred the caller to Legal Aid of Santa Clara County and Project Sentinel  <b>Referral(s):</b> 1. Legal Aid's Housing Project: (408) 283-1540 2. Project Sentinel: (408) 946-6582
<b>Montgomery Street Shelter</b> (408) 271-5160	<b>Comments:</b> The receptionist told the caller to call the Housing Authority of Santa Clara County, but was unable to provide the caller with a phone number for the agency.  <b>Referral:</b> Housing Authority of Santa Clara County

<b>Sacred Heart Community Service</b> (408) 278-2160	<b>Comments:</b> The man the caller spoke with told her that in a case that deals with housing discrimination, she should try calling Legal Aid, and they will be able to assist her.  <b>Referral:</b> Project Sentinel (408) 287-4663
<b>Salvation Army</b> (408) 282-1165	<b>Comments:</b> The receptionist attempted to transfer the caller to the Agency's Housing Division. After no response the front-line worker referred the caller to Community Legal Services.  <b>Referral:</b> Community Legal Services (408) 283-3700
<b>San Jose Family Shelter</b> (408) 926-8885	<b>Comments:</b> The receptionist stated that the caller was contacting a homeless shelter and that they did not provide assistance with Fair Housing complaints. She advised the caller to contact the City of Milpitas or the Better Business Bureau, but could not provide a telephone number to either office.  <b>Referral:</b> City of Milpitas or BBB
<b>San Jose Rental Rights</b> (408) 975-4480	<b>Comments:</b> Before the caller could even explain his complaint, the receptionist told him that this office did not serve Milpitas. When the caller explained that he wished to file a Fair Housing complaint, the receptionist referred him to the City of Milpitas, but could not immediately provide a phone number to contact.  <b>Referral:</b> City of Milpitas
<b>Santa Clara County Office of Human Relations</b> (408) 792-2300	<b>Comments:</b> The receptionist referred the caller to the Asian Law Alliance, explaining that the caller may not be able to file a complaint with them, but that ALA would be able to refer them to the appropriate agency.  <b>Referral:</b> Asian Law Alliance: (408) 287-9710
<b>Santa Clara County Social Services Department of Aging and Adult Services</b> (408) 491-6300	<b>Comments:</b> The caller was transferred to the Adult Protective Services Division, and the receptionist there referred him to Legal Aid.  <b>Referral:</b> Legal Aid Society of Santa Clara County: (408) 283-1535
<b>Senior Housing Solutions</b> (408) 416-0271	<b>Comments:</b> The receptionist promptly referred the caller to Project Sentinel.  <b>Referral:</b> Project Sentinel: (408) 946-6582
<b>Silicon Valley Independent Living</b> (408) 894-9041	<b>Comments:</b> After being transferred to the office's referral specialist, the caller was referred to Project Sentinel  <b>Referral:</b> Project Sentinel: (408) 287-4663
<b>Ujirani Family Resource Center</b> (408) 452-6560	<b>Comments:</b> The caller was referred to Project Sentinel.  <b>Referral:</b> Project Sentinel: (408) 287-4633

*Fig. 9.1 charts the referrals made by the sample of community and service agencies contacted by testers.*

### **Analysis of Local Fair Housing Services**

When presented with either of the two discrimination scenarios, 40% of the agencies contacted referred the caller to Projected Sentinel, while 20% of the agencies referred the caller to an agency that would then direct the caller to Project Sentinel; 40% of the agencies referred the caller to agencies defined as “other referrals”.

Of the referrals made to agencies within the category of “Agency that would refer caller to Project Sentinel”, three of the four were to legal groups that typically refer complaints in Milpitas to Project Sentinel, while the other referral was to the City of Milpitas, which had referred a tester to Project Sentinel when contacted. The category of “Other Referrals” is comprised of all remaining referrals made by the agencies contacted by testers. This category included a wide array of organizations ranging from the DFEH, to agencies such as the Better Business Bureau and the Housing Authority of Santa Clara County. These agencies nevertheless failed to provide the caller with a referral to Project Sentinel.

<b>Referral</b>	<b>Number of Referrals</b>	<b>Percentage of Referrals</b>
<b>Project Sentinel</b>	8	40%
<b>Other Referral</b>	8	40%
<b>Agency that would refer the caller to PS</b>	4	20%

*Fig. 9.2 diagrams the referrals testers were provided with when calling the different agencies.*

It should be noted that a referral to the DFEH or to HUD is not incorrect, as these agencies can assist an individual with a Fair Housing related complaint in Milpitas. Yet when considering the large amount of calls and complaints received by each respective agency, a referral to Project Sentinel would ensure quicker attention to the complainant’s matter, enabling a more efficient investigation. Similarly, since the Legal Aid Society of Santa Clara County also includes a fair housing division, a referral to Legal Aid does not constitute an improper referral. However, specifically for the City of Milpitas, a more appropriate referral would be to Project Sentinel, which is funded to specifically investigate housing discrimination in the City.

The 2004 AI netted similar results in assessing the referrals provided by Santa Clara County and Milpitas agencies; out of the 40 agencies which testers contacted, 15 of them (37.5%) referred the caller to Project Sentinel. Given that the sample size of the “tested” agencies contacted for the current AI is half that of the previous AI’s, the percentage of agencies that properly referred callers has remained relatively constant, indicating that outreach efforts for the City are inadequate.

If agencies are unaware of the available Fair Housing resources- and thus unable to properly refer callers to the appropriate assistance- then an impediment to Fair Housing is created. Because of the nature of housing discrimination, the average individual does not typically know where to immediately obtain assistance when faced with it. Referrals therefore play a vital role in directing the general public to agencies and organizations that can investigate and file these complaints on their behalf. The inability to refer callers to the appropriate Fair Housing agency poses an immediate barrier to identifying the matter as a case of housing discrimination, thus impeding the ability of the individual to find the assistance he or she needs to resolve the matter.

It is crucial that outreach efforts are increased- both in range and frequency- so that community and social service agencies are knowledgeable and aware of Fair Housing issues and the services available to them and the general public, and also so that these agencies can properly refer callers or clients when presented with a Fair Housing-based complaint or inquiry.

### **Analysis of Outreach Efforts**

Outreach efforts and presentations are the primary method used to educate and raise awareness within agencies and members of the community regarding housing discrimination. Project Sentinel's routine outreach efforts include:

- Designing and distributing English, Spanish, Asian and other language brochures and flyers throughout the county at community centers, government offices, churches, schools, social service agencies, and libraries;
- Distributing public service announcements to over 30 Bay Area radio stations and various cable television government access channels. Radio PSAs that include agency telephone numbers are sent quarterly to stations;
- Placing newspaper ads in the classified sections of local newspapers informing the public to call the Hotline number if discrimination is suspected. These phone numbers can also be easily found in the phone directory under "Community Services and Social Services";
- Publishing the newspaper column "Rentwatch", which has appeared in numerous local papers and housing-industry trade magazines and is currently run in the San Francisco Examiner, the San Jose Mercury News, La Voz, and Filipino Guardian;
- Submitting articles to the Tri-County Apartment Association monthly magazine, which reaches over 5,000 property owners;
- Distributing press releases of significant court cases involving fair housing issues as well as cases resolved outside of litigation;
- Sponsoring workshops, seminars, and symposiums on an annual basis to help educate targeted audiences;
- Providing Fair Housing "training" to housing providers, in which the agency educates landlords and property managers regarding the Federal and State protected categories, and the various manners in which housing discrimination can occur;
- Providing Fair Housing presentations to the staff and clients of various community and social service agencies;
- Hosting an educational booth or making a feature presentation at local trade shows and community fairs, including the Tri-County Apartment Association trade shows and the Abilities Expo;
- Operating a website (<http://www.housing.org>) to provide fair housing information and resources to those seeking knowledge of their fair housing rights on the internet;

- Placing transit posters in trains, buses, and transit stops providing riders with fair housing information and telephone numbers.

Outreach efforts are intended to educate the particular agency and general public, and also to provide lasting knowledge and awareness. Many of the agencies contacted by the testers were agencies which have been past recipients of Project Sentinel's outreach efforts, some within the last year. The inability of these agencies to properly refer the caller indicates that outreach efforts must be increased, and also made more effective. If an outreach effort has previously been made to an agency, and their staff continues to provide callers with improper referrals, outreach efforts must be enhanced until the agency demonstrates accurate knowledge about housing discrimination and is able to refer callers to the appropriate organization to assist with the complaint or inquiry.

One way to determine the effectiveness of an outreach effort made to a specific agency is to follow up with the agency upon completing the outreach task. Project Sentinel developed a series of questionnaires to gauge the effectiveness of the agency's outreach presentations, including those provided to housing providers, community and social service agencies, and the general public. These questionnaires "test" the audience's knowledge of Fair Housing issues both before and after the presentation, and also give the audience members an opportunity to provide recommendations to improve the presentation. The information gathered from these questionnaires has provided Project Sentinel valuable insight on how to modify presentations depending on the specific audience.

Project Sentinel is also following up with the agencies for which recent outreach efforts have been made. However, this is an area that the agency must improve on. There were a substantial amount of community and social service agencies which Project Sentinel had previously provided outreach efforts to that were unable to properly refer testers. As mentioned, this indicates that the agency is not taking sufficient measures to ensure that these efforts not only raise awareness, but sustain it as well. By keeping in constant contact with regional agencies, and developing and maintaining a strong rapport, Project Sentinel will improve the effectiveness of its outreach efforts.

### **Conclusions**

Fair Housing agencies- not just Project Sentinel- will never be able to optimally serve the public if their community's residents and social service agencies are not aware of the services available to them. While Project Sentinel continues to make a concerted effort to increase awareness and knowledge regarding housing discrimination and fair housing services in Milpitas and throughout Santa Clara County, a large portion of the community remains inadequately educated and unaware of where and how to seek assistance with these types of issues.

As a result, many individuals may contact a social service agency seeking assistance; if that particular agency is unable to assist and also cannot refer the individual to the appropriate fair housing service provider, then cases of housing discrimination cannot be properly identified and investigated. Therefore, it is vital that outreach efforts are

increased- in both scope and frequency- among social service providers and members of the community. Methods of ensuring the effectiveness of these efforts should be consistently examined and updated when necessary.

## **10. IMPEDIMENTS TO FAIR HOUSING CHOICE AND RECOMMENDED ACTIONS**

### **Overview of Impediments**

#### **Demographics**

Milpitas is an ethnically diverse city, and for many of its residents, English is not their native language. For example, the Asian population accounts for almost two-thirds of the City's residents, and within that specific demographic there are a variety of cultures. Furthermore, less than half of the City's residents consider English their primary language. If each statistical race category is comprised of a multitude of different dialects and languages, the inherent benefits of such a diversely populated community are neutralized by the prevalence of various language barriers. The presence of these barriers creates an impediment to fair housing.

#### **Housing Stock**

Milpitas is mostly built-out, and as a result, the availability of land for new construction remains scarce. Despite the effects of the economic recession, the cost of housing in Milpitas remains relatively high. While the City's housing stock is remains relatively young, a significant proportion of the housing stock is beginning to age, and more than half is older than 30 years.

#### **Land Use and Zoning**

The City provides a density bonus and other incentives for developers to increase the construction of affordable housing for low-income residents. This is commendable and should be continued. Allowing the presence of more secondary dwellings, as well as easing guidelines on group homes, are also ways that Milpitas is making housing more accessible to all residents, but specifically low-income and disabled households. To that end, the City should also continue utilizing Title 24 of California Building Code accessibility standards when designing and constructing new housing units and restoring older units.

#### **Public Policies and Barriers to Affordable Housing**

The high cost of housing in Milpitas remains a substantial burden for many low-income residents, especially when considering the effects of the economic recession. Through the Midtown Specific and Transit Area Specific Plans, the City has developed a plan to increase high density development, and develop a greater proportion of affordable housing units. However, the proportion of low-income units within the new housing units has decreased, and this is an issue that must be addressed as the Plan is implemented.

High housing costs and growing population indicate that the demand for affordable housing will only grow. This is especially true when considering the amount of residents on the waiting list for the Section 8 voucher program.

### **Advertising**

Though there were no significant discriminatory real estate advertisements identified in the *San Jose Mercury News* or *Milpitas Post*, the presence of discriminatory real estate advertisements on internet-based advertisers remains problematic. A majority of the cases investigated in Milpitas by Project Sentinel during FY 2004-2010 originated from complaints based on discriminatory ads. While Project Sentinel routinely monitors online advertisers, specifically *Craigslist.org*, society's increasing dependence on the internet as a source of advertising vacant units and assisting the housing search indicates that this trend will continue without an aggressive course of action to eradicate discriminatory advertisements and impose penalties on online advertisers who publish such ads.

### **Investigation of Housing Discrimination**

Between FY 2004-2010, an overwhelming majority of the Fair Housing cases investigated by Project Sentinel were based on disability. This may be due in part to the wide range of possible investigations that can be conducted under this category, but notable nonetheless. While the amount of investigations based on race or national origin declined sharply, cases based on familial status complaints increased, and combined with disability related investigations, comprised 85% of the cases investigated by Project Sentinel in the City during that time. While the Asian population accounts for almost two-thirds of Milpitas' population, this group comprised only 14% of the complainants assisted between FY 2004-2010. And though this signified an increase from the previous reporting period, the percentage of cases filed by Asian complainants is clearly not proportional to their overall proportion of Milpitas's Population. By comparison, the percentage of cases filed by both Hispanic and Caucasian complainants during that time was greater than their respective proportions of the City's total population.

### **Assessment of Local Fair Housing Services**

Upon calling a sample of Santa Clara County and Milpitas community and social service agencies, Project Sentinel tested for an appropriate referral by that particular agency to Project Sentinel. While two-thirds of the agencies referred the caller to an agency that could assist with fair housing matters, 40% provided proper referrals to Project Sentinel. It is notable that many of the agencies that provided incorrect referrals- or that simply did not know where to refer the caller- were agencies which had received outreach presentations or other outreach efforts from Project Sentinel in the past. Although Project Sentinel has implemented a strategy to gauge the effectiveness of its outreach efforts, this indicates the need for a more effective approach in raising and sustaining awareness within the community.

### **Recommendations and Conclusions**

Section	Impediments	Recommendation
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<b>Demographics</b>	<ul style="list-style-type: none"> <li>• Many of the City’s residents are foreign born, and the 60% does not consider English their primary language. Consequently, a language barrier may create an impediment to fair housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase the distribution of fair housing pamphlets and brochures in multiple languages.</li> </ul>
<b>Housing Stock</b>	<ul style="list-style-type: none"> <li>• Vacant land remains scarce for the construction of new homes.</li> <li>• Milpitas has a relatively young housing stock, but over half of the dwellings are now older than 30 years.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to carry out plans for high density development and continue the utilization of density bonuses.</li> <li>• Monitor the conditions of the housing stock.</li> </ul>
<b>Land Use and Zoning</b>	<ul style="list-style-type: none"> <li>• The Conditional Use Permit (CUP) for group homes of 7 to 12 persons is no longer required; these types of dwellings are now permitted in multi-family zones.</li> <li>• The specific requirements of a secondary dwelling unit have been reduced; homes in single-family residential zones can have this type of dwelling “by right”</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to monitor State regulations for group homes of 7 to 12 persons. The City’s policy should be consistent with both the State and Federal regulations</li> <li>• Any changes to California Law regarding secondary dwellings need to be posted on the City website.</li> </ul>
<b>Public Policies and Housing Affordability</b>	<ul style="list-style-type: none"> <li>• Although the City has constructed additional multi-family housing units, the proportion of those that are reserved for low-income households has declined since the previous reporting period. The shortage of affordable housing continues to be an impediment to fair housing.</li> </ul>	<ul style="list-style-type: none"> <li>• The City should continue to follow the strategies specified by the Midtown Specific Plan and the Five Year Consolidated Plan, and should specifically focus on increasing the amount of low-income housing through the plans’ implementations.</li> </ul>
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• No significant evidence of discriminatory housing advertising was identified in the <i>Milpitas Post</i> or the <i>San Jose Mercury News</i>, however the majority of Project Sentinel’s investigated cases originated from discriminatory ads, specifically from <i>Craigslist.org</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to regularly monitor the <i>Milpitas Post</i>, <i>San Jose Mercury News</i>, and <i>Craigslist.org</i> for discriminatory real estate advertisements.</li> <li>• Increase outreach to residents and housing providers regarding what constitutes a discriminatory advertisement.</li> </ul>
<b>Cases of Housing Discrimination</b>	<ul style="list-style-type: none"> <li>• Although it has increased since the previous reporting period, the proportion of complaints filed by Asians is very low in comparison with their proportion of Milpitas’ total population.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase outreach efforts targeting the City’s Asian community. As mentioned above, multi-language brochures and presentations should also be made available to the Asian Community.</li> </ul>
<b>Awareness of Local Fair Housing Services</b>	<ul style="list-style-type: none"> <li>• Not all recipients of outreach were able to correctly refer callers to Project Sentinel.</li> <li>• Many community and social service agencies could not properly refer a caller with a Fair Housing complaint to the appropriate agency</li> </ul>	<ul style="list-style-type: none"> <li>• Increase the amount and frequency of outreach efforts made to community and social service agencies.</li> <li>• Continue and improve methods of ensuring the effectiveness of these outreach efforts to raise and sustain community awareness of Fair Housing issues.</li> </ul>

