



WORKING PARTNERSHIPS USA



August 8, 2019

Honorable Mayor Sam Liccardo and Members of the City Council  
City of San Jose  
200 East Santa Clara Street, 18th Floor  
San Jose, CA 95113

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Khamis, and Peralez,

Tenant-based rental assistance programs are an essential resource in the response to the lack of permanently affordable housing in San Jose, and the destabilizing impact that severe cost burden, displacement, and homelessness are having on our communities. These subsidies promise a lifeline for struggling households -- the stability of affordable housing in the private market. Demand for these programs far outpaces existing resources and the waiting lists are very long.

It is disheartening, then, that those fortunate few who receive rent-vouchers often struggle to find suitable apartments. Extremely tight markets for rental housing in San Jose make the housing search difficult in the best of circumstances, but as staff has confirmed, Housing Choice Voucher (Section 8) recipients face the additional hurdle of landlords who refuse to rent to voucher holders or even accept applications from them. Tenants who cannot find an apartment with a willing landlord may lose their vouchers with little hope of future eligibility for affordable housing assistance, and increasing the likelihood of homelessness. The result is an opportunity denied -- continued hardship for lower-income households, and significant inefficiency in the use of these scarce affordable-housing resources.

**For these reasons, the undersigned organizations support staff's proposed *Housing Payment Equality Ordinance***, which prohibits housing discrimination based on a tenant's Source of Income (SOI), requiring that all persons with the ability to pay for housing should be treated equally when applying to rent an apartment or home, regardless of whether they receive a housing subsidy or housing assistance of any kind.

We also **support ongoing efforts to** coordinate with the Santa Clara County Housing Authority to:

- **Facilitate reduction of the administration burden that hinders the effectiveness of tenant-based rental assistance programs, without compromising habitability standards.**
- **Improve the overall effectiveness and efficiency of these programs, whether through landlord outreach and education, or various incentive structures to increase participation.**

While we support Staff's work in crafting a reasonable framework for stages of enforcement action, the remedies described pose real administrative challenges and burdens that will impact the policy's effectiveness without thoughtful implementation mechanisms. **We recommend that Council direct staff to develop mechanisms to identify cases of discrimination that violate the ordinance, track warnings for first offenses and identify repeat offenders, and allow for city and resident-led enforcement actions. Clear mechanisms and processes will ensure that reasonable enforcement does not cause undue burden on either the city or residents to document and substantiate cases of discrimination. These mechanisms will require ongoing coordination with the Santa Clara Housing Authority, and may include a program that would provide legal support to tenants to bring their own cause of action.**

Including tenant-based rental assistance subsidies as a protected source of income is a long-established means of addressing the otherwise legally allowable forms of Section 8 discrimination. To date 11 states, including Massachusetts, New Jersey, Oregon, Washington, and Washington, D.C., have extended these protections, as have over 50 cities and counties including New York, Chicago, San Diego, San Francisco, and Santa Clara County. More recently, State Senate Bill 329 (Mitchell), titled "Housing Opportunities Act," has been introduced in Sacramento to extend Source of Income protections to voucher recipients statewide.

Neither the proposed ordinance, nor any of those already in effect throughout the country, would force landlords to rent to voucher holders. What it will do is forbid them from using an applicant's rent subsidy as the basis for denying them the ability to apply or be selected for tenancy. We believe this is both important on principle, and an important step towards optimizing the effectiveness of these critical affordable housing programs.

Sincerely,

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