



Fair Housing Advocates of Northern California

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February 14, 2023

Raffi Boloyan
Community Development Director
Members Planning Commission
City of Dixon

cc: HousingElements@hcd.ca.gov

RE: Dixon's 2023-2031 Housing Element

Dear Planning Commission:

We provide this letter as public comment on the adoption Draft of Dixon's 2023-2031 Housing Element ("Draft").

Fair Housing Advocates of Northern California (FHANC) is a private nonprofit organization dedicated to assisting individuals experiencing housing discrimination and educating the community, including tenants, housing providers, and government employees, as to their rights and responsibilities under federal and state fair housing laws. The mission of FHANC is to ensure equal housing opportunity and to educate the community on the value of diversity in housing.

FHANC provides free comprehensive fair housing counseling services to individuals alleging housing discrimination in Sonoma County (except the incorporated city of Petaluma) Marin County, and Vallejo and Fairfield in Solano County (and other parts of Solano County through a one-year pilot project). FHANC also provides other services, such as prepurchase and foreclosure prevention services and trainings to housing providers in other neighboring counties.

In addition to counseling and education services, FHANC recruits, trains, and employs fair housing testers in order to investigate claims of housing discrimination and to assist in conducting systemic investigations.

We support the City's commitment to strengthening its fair housing activities through seeking funding to contract with a fair housing service provider and providing fair housing education to landlords and tenants. In order to meet the City's requirement to affirmatively further fair housing, we urge the planning team to add programs to protect Dixon renters, who comprise a large portion of the most vulnerable residents in the City.

Fair Housing Education and Enforcement

The Draft recognizes that its conversations with stakeholders revealed a need for fair housing education among landlords and tenants on the topics of fair housing enforcement and discrimination in rental housing. We appreciate the City's commitment to seek funding annually to contract with a fair housing service provider, as the need for fair housing action in the region is great; we would urge the City to make sure it is a comprehensive fair housing counseling agency able to conduct fair housing testing and represent clients in the administrative complaint process.

FHANC's recent investigations and audits in Solano County have highlighted the great need for fair housing education and enforcement in the County. In 2019-20, FHANC conducted an audit to test for national origin and source of income (SOI) discrimination¹, and in 2021-22, FHANC conducted an audit to test for race and SOI discrimination². Both of these audits revealed high rates of discrimination in the County. In 2019-20, FHANC found evidence of SOI discrimination in 52% of tests in the county, national origin discrimination in 19% of tests, and both national origin and SOI discrimination in 10% of the tests. In 2021-22, FHANC found evidence of SOI discrimination in 44% of tests in the County, race discrimination in 32% of tests, and both race and SOI discrimination in 18% of the tests. FHANC continues to see increases in complaints of SOI discrimination, and in the past fiscal year FHANC received more SOI complaints than any other type except disability. FHANC's May 2021 Audit Report also found evidence of disability discrimination in 46% of tests in the County.³

This evidence highlights a need for strengthened fair housing education not only for City staff, but for all housing providers and tenants, and we support the city's commitment to providing biannual trainings for tenants and landlords on fair housing.

To meet its AFFH requirement, the Draft should also analyze how its proposed programs and development plans, such as the site inventory, will serve to overcome existing patterns of segregation.⁴

Prioritize Specific Policies and Programs to Protect Tenants

We urge Dixon to commit to advancing specific policies and programs that offer strong tenant protections as a crucial component of affirmatively furthering fair housing. Dixon should commit to enacting the following policies/ordinances to maximize housing opportunity and protect the rights of all tenants, including those of protected classes:

¹ See 2019-2020 Audit Report: National Origin and Source of Income Discrimination in Rental Housing, <https://www.fairhousingnorcal.org/resources--more-information.html>

² See 2021-2022 Audit Report: Race and Source of Income Discrimination in Rental Housing, https://www.fairhousingnorcal.org/uploads/1/7/0/5/17051262/race_and_soi_audit_report_2021-22_1.pdf.

³ See <https://www.fairhousingnorcal.org/resources--more-information.html>

⁴ See Gov. Code § 65583(c)(10)(A)(ii).

Fair Chance Ordinance: The use of criminal history in obtaining housing should be eliminated, given the disparate impact on people of color, using Berkeley, Oakland, Seattle, and Alameda County as templates for such an ordinance.

Rent Stabilization: Further limiting the rent increase caps enacted by the state is crucial to address the displacement of the City's low-income renters.

Just Cause Eviction: The City should commit to enacting a Just Cause Eviction ordinance, which would offer tenants, especially those of protected classes, crucial protection. One of the leading causes of evictions and displacement are the no fault just causes - substantial remodels, owner move-ins, and withdrawal from the rental market. These no-fault just causes are often used, and abused, by owners to remove tenants so that rents can be increased to market rate, further eroding affordable housing stock. Strengthening no-fault just causes for evictions – through higher relocation payments, longer eviction notice periods, and a right for a tenant to return at the same rent at the time of displacement, apart from lawful, annual rent increases – are critical to a general plan that complies with state law and addressing the displacement of the City's BIPOC and senior renters. A Just Cause ordinance should include:

- Substantial repairs - Repairs for health and safety concerns only and permits obtained before notice to vacate is served; tenant has the right to return under the same terms/rent, subject to allowable rent increases
- Withdrawal from the rental market - Clarify that a sale of the property is not “withdrawal” and is not a just cause for eviction; owner is required to file notice with the city/county; a longer notice period and the right to return for displaced tenants.
- Right to Return if owner/owner's family move out of the unit within 2 years, or if the owner/owner's family fail to move into the unit within 30 days of the tenant's removal.

Community or Tenant Right to Purchase (“COPA/TOPA”): As a key intervention against speculation, TOPA/COPA preserves currently affordable housing and generates new permanently affordable housing for future generations. TOPA/COPA expands stability and wealth-building opportunities for tenants by creating pathways to homeownership.

Tenant Bill of Rights: The purpose of a Tenant Bill of Rights (TBR) is to state unequivocally that all residents have the right to clean, safe, and secure housing, which includes but is not limited to:

- Anti-retaliation - Rebuttable presumption of retaliation if tenant asserts their rights, including but not limited to, requesting a reasonable accommodation, reporting sexual harassment, and otherwise filing complaints against housing provider staff within 6 months.
- Clean, safe housing - stronger protections for tenants from eviction if they deduct repairs from rent
- A rental registry.
- Tenant Commission- Seats reserved that represent low-income seniors, persons with disabilities, tenants in federally subsidized housing including LIHTC, and communities of color on a commission that provides information, referrals, and advice to tenants and advises City leadership on programs and policies affecting tenants.

- Nonpayment notices - Require landlords to provide a 7-day warning letter before a 3-day notice to pay or quit.
- Protections for subletting - Subletting not a just cause for eviction IF the landlord unreasonably withheld consent following a written request by tenant, so long as the maximum number of occupants does not exceed allowable limits.
- Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits. Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits.

The Draft should include the above policies and programs proven to improve and conserve existing, non-subsidized, affordable housing stock and address the unmet needs of low-income, protected class tenants in order to meet the City's obligations under Housing Element Law.

Conclusion

Our agency is committed to housing justice and assisting the City to meet the current and future housing needs of Dixon citizens. There is a tremendous opportunity with this Housing Element to outline specific, aligned, and actionable plans that will have widespread impact for years and decades to come. Dixon should seize this opportunity to take the lead to outline and advance specific policies and practices to realize the goal of fair housing opportunity and housing justice for all who call Dixon home.

Thank you for your work and time on this urgent and important opportunity.

Sincerely,



Caroline Peattie
Executive Director
Fair Housing Advocates of Northern California



Savannah Wheeler
Staff Attorney/Housing Counselor
Fair Housing Advocates of Northern California