



Housing Advisory Commission

CONSENT CALENDAR
July 11, 2023

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission
 Subject: Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/Programs

RECOMMENDATION

Conduct a study that is comprehensive of the following actions:

- Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership;
- Inform future housing policy and program development and implementation to address these historic discriminatory practices; and
- Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work.
- Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.

FISCAL IMPACTS OF RECOMMENDATION

Funding is required to undertake the recommended study and the fiscal impact would be determined by the responses to an RFP.

CURRENT SITUATION AND ITS EFFECTS

At its April 7, 2022 meeting, HAC considered a proposed housing preference policy for the city's affordable rental and ownership units. There was robust discussion about whether it was appropriate to provide a preference point for qualified Black households given historic discriminatory housing policies and programs that led to disproportionate impacts on Black residents due to redlining, use of eminent domain to build the Ashby and North Berkeley BART stations, demolition of public housing, predatory lending

practices, biased real estate appraisals that under-valued houses owned by Black residents, etc.

HAC members expressed some frustration that laws, policies, and practices that are explicitly race-based are prohibited in California (and throughout the Country), but that negative effects from past policies are felt by people of color (especially African Americans) in Berkeley today. The harm and trauma from structural racism in the housing market has adversely impacted families and kept them from thriving for generations.

While HAC voted to recommend that City Council approve the affordable housing preference policy, it also wants to encourage the city to do more to document past discriminatory housing policies to support more explicitly race-based restorative housing initiatives in the future. Therefore, at its October 6, 2022 meeting, HAC approved the following motion:

Action: M/S/C (Simon-Weisberg/Johnson) to recommend City Council fund a study to document the City of Berkeley's history of discriminatory actions as well as its actions to regulate or fail to regulate discrimination in the housing market. This work should be sourced to local community organizations advancing racial justice initiatives in the community.

Vote: Ayes: Ching, Johnson, Lee-Egan, Mendonca, Sanidad, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Calavita (excused), Fain (unexcused), Rodriguez (unexcused), and Potter (excused).

BACKGROUND

Staff undertook a comprehensive process to develop the proposed housing preference policy. That effort included a commitment to an equity-based policy and partnership with East Bay Community Law Center and with Healthy Black Families, Inc., a Berkeley-based non-profit organization committed to advancing social equity and justice, with a focus on Black individuals and families, to ensure robust community engagement.

During public comment for the housing preference policy item, representatives from Healthy Black Families and African American and elder community members provided information about past discriminatory policies and told stories of living in, or being displaced from, Berkeley. They advocated for race-based housing preferences that would address these historic injustices. These stories, combined with census data that shows a steep decline in Berkeley's African American population, informed the HAC's recommendation to City Council to study this issue to better understand the impacts of past discriminatory policies to better shape future housing policies and programs.

Public comment also underscored the importance of lived experiences and documented history. Therefore, HAC's recommendation includes sourcing aspects of the study to local community organizations advancing racial justice issues in the community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The recommended study will better inform, and build on, existing housing program and policies by collecting data and information regarding historic discriminatory policies, ranging from redlining and predatory lending practices to demolishing public housing and utilizing eminent domain in harmful ways, to achieve racial justice. This information can also be useful as the city moves forward with its reparations work as housing is a critical arena for repairing past harms.

ALTERNATIVE ACTIONS CONSIDERED

While some community members, along with several HAC members, supported an explicitly race-based preference for the city's affordable housing units, it was understood that without more data and information to support such a preference, it was not a legally sound approach. Therefore, it was unanimously agreed that such a study should be recommended to City Council to continue the city's efforts to work toward racial justice in the housing arena.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

This recommendation should be referred to the budget process in order to identify funding for this work.

CONTACT PERSON

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