

## APPENDIX F

# Affirmatively Furthering Fair Housing

Assembly Bill 686 (AB 686, 2017) requires the inclusion in the Housing Element an analysis of barriers that restrict access to opportunity and a commitment to specific meaningful actions to affirmatively further fair housing. AB 686 mandates that local governments identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected classes.

This section of the Housing Element provides a summary of fair housing issues and an analysis of segregation patterns and disparities in access to opportunities, and an assessment of contributing factors. Fair housing goals, policies, and implementation programs are found in the Housing Element.

# Introduction

## Analysis Requirements

An assessment of fair housing must consider the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs.<sup>4</sup> The analysis must address patterns at a regional and local level and trends in patterns over time. This analysis should compare the locality at a county level or even broader regional level such as a Council of Government, where appropriate, for the purposes of promoting more inclusive communities.

For the purposes of this AFFH, “Regional Trends” describe trends in the Bay Area (the members of ABAG) and Santa Clara County. “Local Trends” describe trends specific to the City of Milpitas.

## Sources of Information

The City used a variety of data sources for the assessment of fair housing at the regional and local level. These include:

- Housing Needs Data Packets prepared by the Association of Bay Area Governments (ABAG), which rely on 2015-2019 American Community Survey (ACS) data by the U.S. Census Bureau for most characteristics
  - Note: The ABAG Data Packets also referenced the U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) reports (based on the 2013-2017 ACS)
- U.S. Census Bureau’s Decennial Census (referred to as “Census”) and American Community Survey (ACS)
- Draft Analysis of Impediments to Fair Housing Choice, City of Milpitas, 2022
- Local knowledge from City staff

## Regional Trends and Local Trends

Milpitas is located in the San Jose-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area (“the Region”), which consists of the entirety of Santa Clara and San Benito Counties. Because the population of Santa Clara County is significantly larger than the population of San Benito County, data for the Region tends to mirror countywide data for Santa Clara County. Milpitas has very similar housing and socioeconomic characteristics to Santa Clara County across a range of indicators including median household income, poverty rate, homeownership rate, and units in structure. The homeownership rate is slightly higher in Milpitas, and there is a higher proportion of attached single-family homes (townhouses), along with slightly lower proportions of units across most other categories.

Regionally, the most evident trends since 1990 include significant reductions in White population in Milpitas, Cupertino, Santa Clara, Sunnyvale, and areas through San José, paired with significant increases in Asian population throughout those areas. There have also been significant reductions in Black population in historical centers like East Palo Alto, East and West Oakland, the Western Addition in San

Francisco, and Richmond, along with increases in Black population in eastern Contra Costa County and Vallejo.

With respect to race and ethnicity, Milpitas is more unique. Milpitas has a much higher proportion of Asian and Pacific Islander residents, a much lower proportion of White residents, and a slightly lower proportion of Hispanic or Latino residents in comparison to the broader county. As in Santa Clara County, the Asian and Pacific Islander population is diverse, with significant populations of people of Vietnamese, Chinese, Indian, and Filipino ancestry.

Although Milpitas is not in the same metropolitan statistical area as Alameda County and other counties within the broader Bay Area, it is notable that Milpitas directly borders Alameda County and, in particular, the City of Fremont. The nearby portions of Alameda County, including Fremont and Union City, are demographically similar to Milpitas though, cities to the north of Union City, including Hayward, San Leandro, and Oakland, have significantly higher proportions of Black residents and relatively higher concentrations of low-income residents than Milpitas.

Unlike Milpitas, there are a significant number of both racially and ethnically concentrated areas of poverty (R/ECAPs) and racially concentrated areas of affluence (RCAAs) in the Region. R/ECAPs are primarily concentrated in downtown and East San Jose, as well as in Gilroy in South County. RCAAs are predominantly located in the West Valley, in Palo Alto, and in parts of South and West San Jose. There are also RCAAs in Morgan Hill in South County.

When Milpitas developed as a suburban community in the wake of World War II, intentional housing discrimination and segregation on the basis of race were prevalent. As documented in Richard Rothstein's *The Color of Law*, the Milpitas City Council blocked the development of apartments that would have served Black auto workers relocating from Richmond to work at a Ford Motor Company plant in 1954. Although the demographics of Milpitas today do not reflect those of the all-White community that the city was in 1954, the legacy of actions that excluded Black residents remains with us today. Although Milpitas has a similar proportion of Black residents to that of the Region, acts like that of the Milpitas City Council in 1954 helped ensure that the South Bay had fewer Black residents than the broader Bay Area. Additionally, the build-out of significant portions of Milpitas with single-family homes only likely reduces housing available to lower income households who, in the region, are disproportionately comprised of Hispanic or Latino households and persons with disabilities. The build-out of some areas that are high-resource to this day with single-family homes also makes site identification in some parts of Milpitas challenging.

In the region as in Milpitas, Hispanic or Latino and Black households face significant disproportionate housing needs, with both experiencing high levels of housing cost burden and housing problems than White and Asian and Pacific Islander households. Black households tend to experience housing cost burden at higher rates than Hispanic or Latino households while Hispanic or Latino households experience overcrowding at higher rates. Black individuals and families are also significantly overrepresented in the Region's unhoused population.

Publicly supported housing in the Region, which mostly consists of Low-Income Housing Tax Credit developments and both Tenant-Based and Project-Based Vouchers, is heavily concentrated in San Jose. Nearly all public housing in the Region has been converted to Project-Based Vouchers. Milpitas, like other cities in the Region, has a relatively small share of publicly supported housing.

Fair Housing Enforcement in Santa Clara County is very reliant on private fair housing organizations, which contract with various municipalities to provide housing mediation and arbitration, while also pursuing private fair housing enforcement actions and providing outreach to Santa Clara County residents. Despite the wealth of private organizations, many of which serve very specific populations, still,

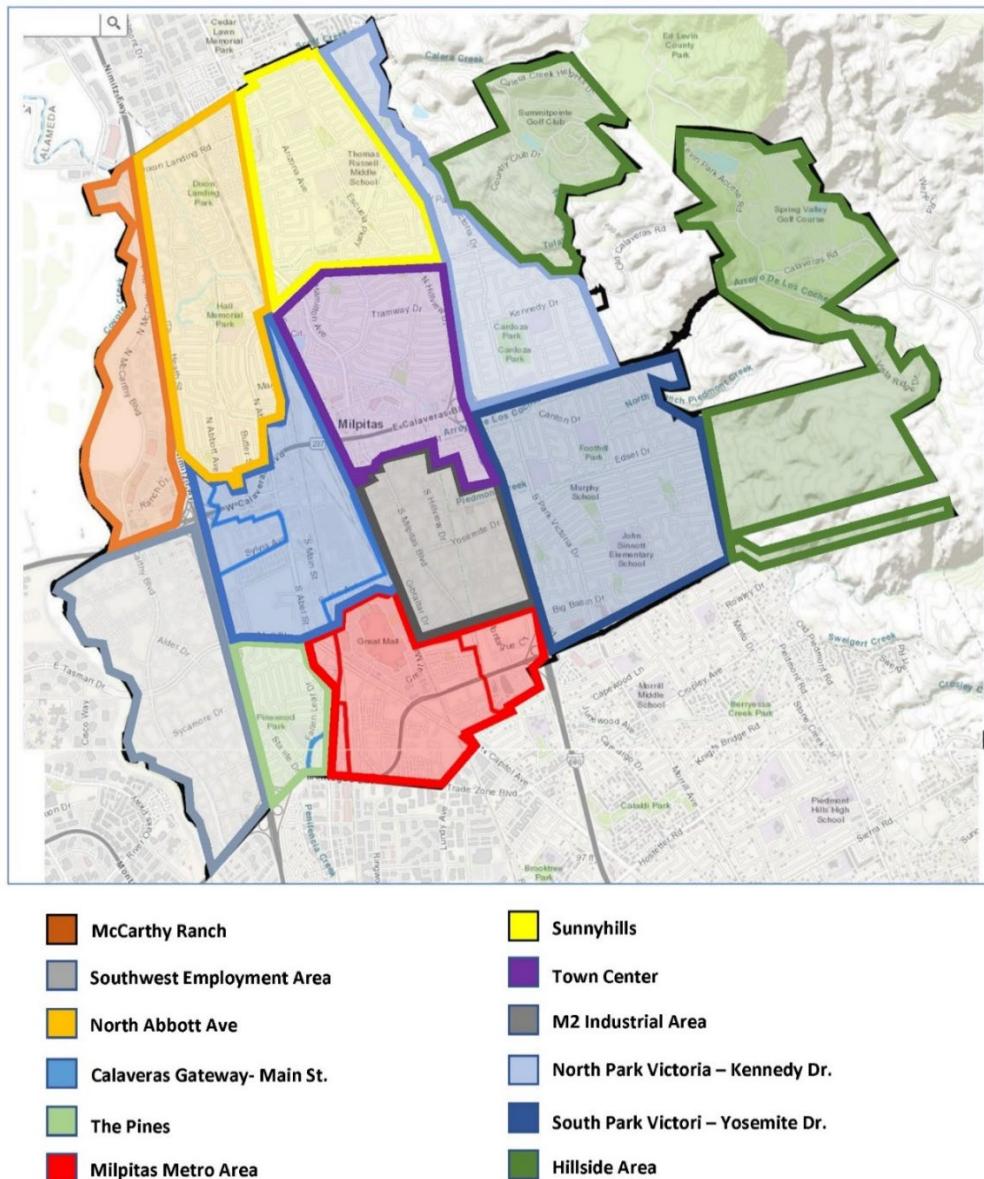
available resources do not rise to the level necessary to ensure fair access to housing for all Santa Clara County residents.

In terms of access to opportunity, Milpitas has similar levels of access to opportunity across education, employment, transportation, and environmental health to Santa Clara County and the Region more broadly. Milpitas has fewer intra-jurisdictional disparities in access to opportunity because its neighborhoods are relatively integrated, with no neighborhoods that have significantly different racial and ethnic demographics from the city as a whole. In the County, Hispanic or Latino residents, as well as residents of Vietnamese ancestry, generally have lower levels of access to proficient school and environmentally healthy neighborhoods and live in neighborhoods with lower labor market participation (though not disproportionately low) job proximity, in comparison to White residents and other Asian and Pacific Islander residents. The areas of Santa Clara County with the highest levels of access to educational opportunities and environmentally healthy conditions are in the West Valley, including Cupertino as well as smaller nearby cities. In relation to Milpitas, one noteworthy consideration is that, while Milpitas generally has moderate or high (but not very high) levels of opportunity across indicators, the city is located near parts of East San Jose that have among the lowest levels of access to opportunity in Santa Clara County and the Region. With regard to transportation, many stakeholders and community members have noted that the public transportation is limited, even in areas (including Milpitas) that are comparatively well-served by transit.

# Milpitas Neighborhoods

Milpitas contains a series of neighborhoods with unique qualities and characteristics. The AFFH uses these neighborhoods in the following analysis.

## FIGURE F-1: MILPITAS NEIGHBORHOODS MAP



# Sites Inventory Analysis

HCD requires the City's sites inventory used to meet the Regional Housing Needs Allocation (RHNA) targets affirmatively furthers fair housing (AFFH). This includes ensuring anticipated units, especially lower income units, are not disproportionately concentrated in areas with larger populations of racial/ethnic minority groups, persons with disabilities, and other members of groups protected from discrimination by the federal Fair Housing Act and the California Fair Employment and Housing Act. This fair housing analysis evaluates units within entitled projects, projects with pending applications, anticipated projects, and potential additional sites used to meet the City's RHNA obligations. For the purposes of analyzing the City's RHNA strategy through an AFFH lens, the sites inventory is assessed at the tract level by neighborhood groupings. Neighborhoods are grouped together and referred to as follows (see Figure F-1). The neighborhood-level discussion below is informed by Table F-1.

- **Southwest Employment Area.** The TCAC Opportunity category for Southwest Employment Area is moderate resource. Relative to the other areas in Milpitas with RHNA units, this area has the highest percentage of White residents. Of neighborhoods with planned RHNA units, Southwest Employment Area has the lowest owner cost burden and the lowest rate of LMI residents. In total, the sites inventory includes 372 anticipated units in the Southwest Employment Area, including only 56 low-income units.
- **North Abbott Ave.** The TCAC Opportunity categories for North Abbott Ave. is moderate resource. The concentration of LMI residents is relatively high in comparison to the city as a whole. The rate of overcrowding in North Abbot Ave. area is high compared to other neighborhoods. In total, the sites inventory includes 352 anticipated units in North Abbott Ave., including 70 for low-income households.
- **The Pines.** The TCAC Opportunity category for The Pines high resource. Of neighborhoods with planned RHNA units, The Pines has the highest renter cost burden and highest owner cost burden. In total, the sites inventory includes 234 anticipated units in The Pines, including about 46 low-income units.
- **Milpitas Metro Area.** The TCAC Opportunity category for Milpitas Metro Area is moderate resource. Relative to most of the other areas in Milpitas with RHNA units, this area has a fairly low rate of disabled residents and the lowest rate of married couples with children. In total, the sites inventory includes 6,831 anticipated units in Milpitas Metro Area, including about 1,974 low-income units. The Milpitas Metro Area is the neighborhood with the most anticipated RHNA units, and low-income RHNA units.
- **Sunnyhills.** The TCAC Opportunity category for Sunnyhills is high resource. The area has a relatively high concentration of LMI residents, likely due to the presence of the Sunnyhills Project-Based Rental Assistance development. Concentrations of residents of color are similar to those found citywide. In total, the sites inventory includes 71 anticipated units in Sunnyhills, including 19 low-income units.
- **Town Center.** The TCAC Opportunity category for the Town Center area is high resource. The area has the lowest rate of overcrowding of the neighborhoods with anticipated RHNA units. In total, the sites inventory includes 147 anticipated units in opportunity sites in Town Center, all of which would be for low-income households.
- **Calaveras Gateway-Main St./M2 Industrial Area/Milpitas Metro.** The TCAC Opportunity category for Calaveras Gateway-Main St. is high resource. The area's population has grown so that the census tract that encompassed these areas following the 2010 Census has now been split into multiple tracts. In this analysis, the areas will be grouped because not all the necessary data is available for the new tracts. This area has just around 25% LMI residents. In total, the sites inventory includes 1,143 anticipated units in Calaveras Gateway-Main St., including 636 low-income units.

- **South Park Victoria-Yosemite.** The TCAC Opportunity category for South Park Victoria is moderate resource (rapidly changing). The area has a lower population of people of color than many other areas in Milpitas but also a higher Hispanic or Latino population. Out of the neighborhoods containing parcels included in the sites inventory in Milpitas, South Park Victoria-Yosemite has the highest rate of LMI residents. In total, the sites inventory includes 71 anticipated units in South Park Victoria, none of which would be low- or moderate-income units.
- **McCarthy Ranch; North Park Victoria-Kennedy; Hillside Area.** The sites inventory does not include any anticipated units in these neighborhoods.

Figure F-2 shows the distribution and spatial concentration of parcels included in the sites inventory for Milpitas. In general, the highest concentration of parcels is located in the southwestern portion of the city. The neighborhoods in this portion of the city are the Southwest Employment Area, The Pines/Milpitas Metro Area, and the Calaveras Gateway-Main St./M2 Industrial Area/Milpitas Metro Area. These areas include a mix of high and moderate resource census tracts and do not have higher concentrations of population based on race/ethnicity and income than the city as a whole. Elsewhere in the city, parcels included in the sites inventory are more scattered, such as in Sunnyhills and North Abbott Ave., or not included in this cycle, as in McCarthy Ranch and North Park Victoria. There do not appear to be significant differences in the location of parcels included in the sites inventory based on whether they are pipeline sites, rezone sites, or opportunity sites.

## FIGURE F-2: MILPITAS HOUSING SITES INVENTORY MAP

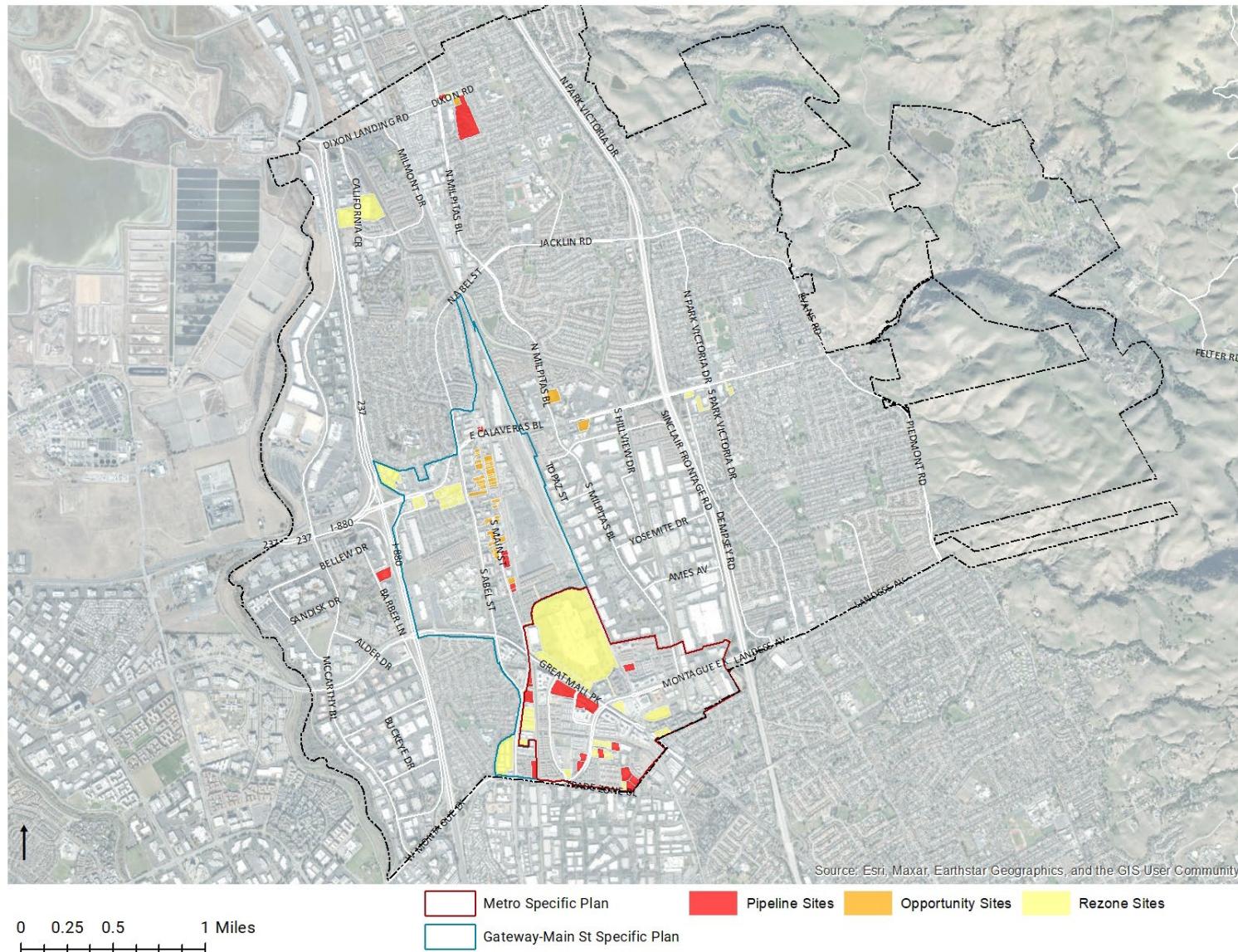


TABLE F-1: DISTRIBUTION OF RHNA UNITS BY NEIGHBORHOOD AND TRACT

Neighborhood	Tract	# of HHs	Total Capacity (units)	Low	Moderate	Above Moderate	TCAC Opp. Category	% Non-White Pop.	% LMI Pop.	R/ECAP?	% Over-crowded	Renter Cost Burden	Owner Cost Burden
				Low	Moderate	Above Moderate							
Southwest Employment Area	5050.06	5,335	372	56	0	316	Moderate Resource	79.9	11.4%	No	8.6%	21.9%	9.3%
The Pines	5045.07	1,785	234	46	94	94	High Resource	87.8	35.6%	No	11.8%	57.4%	28.7%
North Abbott Ave	5045.06	2,199	352	70	141	141	Moderate Resource	95.4	40.0%	No	23.9%	35.6%	23.1%
Milpitas Metro Area	5045.05	3,644	6,831	1974	1643	3,214	High Resource	90.0	25.3%	No	11.2%	36.4%	23.8%
Calaveras Gateway- Main St./M2 Industrial Area/	5045.04	3,048	1,143	639	112	392	Moderate Resource	91.3	28.5%	No	12.3%	39.2%	22.8%
Sunnyhills	5044.22	1,053	71	19	0	52	High Resource	94.0	39.2%	No	7.7%	24.5%	21.7%
South Park Victoria – Yosemite Dr	5044.18	1,435	71	0	0	71	Moderate Resource (Rapidly Changing)	90.0	41.3%	No	16.9%	48.3%	21.3%
Town Center	5044.14	1,579	147	147	0	0	High Resource	88.1	19.3%	No	2.3%	2.7%	23.1%

# Fair Housing Outreach and Engagement

In addition to the community engagement activities, the Lawyers' Committee for Civil Rights Under Law conducted outreach and engagement related to fair housing issues in Milpitas and the region as a whole.

Over the fall of 2021 and the winter of 2022, the City conducted virtual stakeholder interviews with eight organizations based in Milpitas and the broader Silicon Valley region. The outreach was targeted to organizations representing members of protected classes, including persons with disabilities and communities of color, along with groups working in various aspects of the housing and social services sector. Those groups are listed below. Extensive regional community engagement conducted in the fall of 2019 and the winter of 2020 for the Santa Clara County Regional Assessment of Fair Housing also informed the drafting of this Assessment for the City of Milpitas. In addition to over 30 stakeholder interviews, that outreach process included community meetings and focus groups held across Santa Clara County and extensive engagement with industry groups and trade associations. Over the course of the process of drafting the Assessment of Fair Housing, members of the public have been able to submit input by email. Organizations consulted included:

- Abode HEAT Team
- Health Trust
- India Community Center
- NovaWorks
- PRAGNYA
- Project Sentinel
- Rebuilding Together Silicon Valley
- WeHope

The list of consulted organizations reflects targeted efforts to engage with organizations that represent members of protected classes, including Asian and Pacific Islander communities and persons with disabilities, as well as fair housing organizations in the process of developing the Assessment of Fair Housing. The earlier community engagement effort for the Santa Clara County Regional Assessment of Fair Housing also involved targeted outreach to organizations representing Black residents, Hispanic or Latino residents, domestic violence survivors, and LGBTQ individuals. Efforts to replicate that scope of outreach directly in preparing this Assessment of Fair Housing were complicated by the remote nature of outreach during the COVID-19 pandemic, as well as the limited capacity of regional or countywide community organizations to engage simultaneously in the public participation processes of 15 separate towns and cities, as well as Santa Clara County.

## Fair Housing Enforcement

Between 2013 and 2021, HCD received 0.08 fair housing inquiries per 1,000 residents in Milpitas, less than San Jose and Fremont, and lower than most Santa Clara County cities. Project Sentinel is a non-profit organization focused on assisting in housing discrimination matters, dispute resolution, and housing counseling in Milpitas. Project Sentinel's housing practice assists individuals with housing problems such as discrimination, mortgage foreclosure and delinquency, rental issues including repairs, deposits, privacy, dispute resolution, home buyer education, post purchase education, and reverse mortgages. Additionally, their Fair Housing Center provides education and counseling to community members, housing providers, and tenants about fair housing laws, and investigate complaints and advocate for those who have experienced housing discrimination. However, there is insufficient data on F-10 | City of Milpitas Housing Element 2023-2031

fair housing testing and limited outreach capacity in Milpitas. Program 8: Fair Housing Enforcement, Outreach, and Education of the Housing Element seeks to increase outreach and funding for fair housing enforcement efforts of the City.

In October 2019, Milpitas City Council passed its “Tenant Protection Ordinance” (TPO), which includes protections for renters, like limits on rent increases, requiring just cause for eviction, and preventing source-of-income-based discrimination. Specifically, rent increases greater than 5% require approval from the City. It is administered and enforced by the Milpitas Building Safety and Housing Department, which appoints hearing officers to review petitions for rent adjustments greater than 5%. It also imposes fines and allows the City to pursue civil penalties for violations of the TPO.

The City does not have any pending Fair Housing Act lawsuits, complaints, or other similar enforcement actions against it nor has it been subject to any such enforcement actions in the recent past. As discussed above, the City primarily seeks to advance compliance with the Fair Housing Act and the California Fair Employment and Housing Act through its financial support for Project Sentinel, as well as through internal processes and procedures that advance equity and nondiscrimination.

# Integration and Segregation

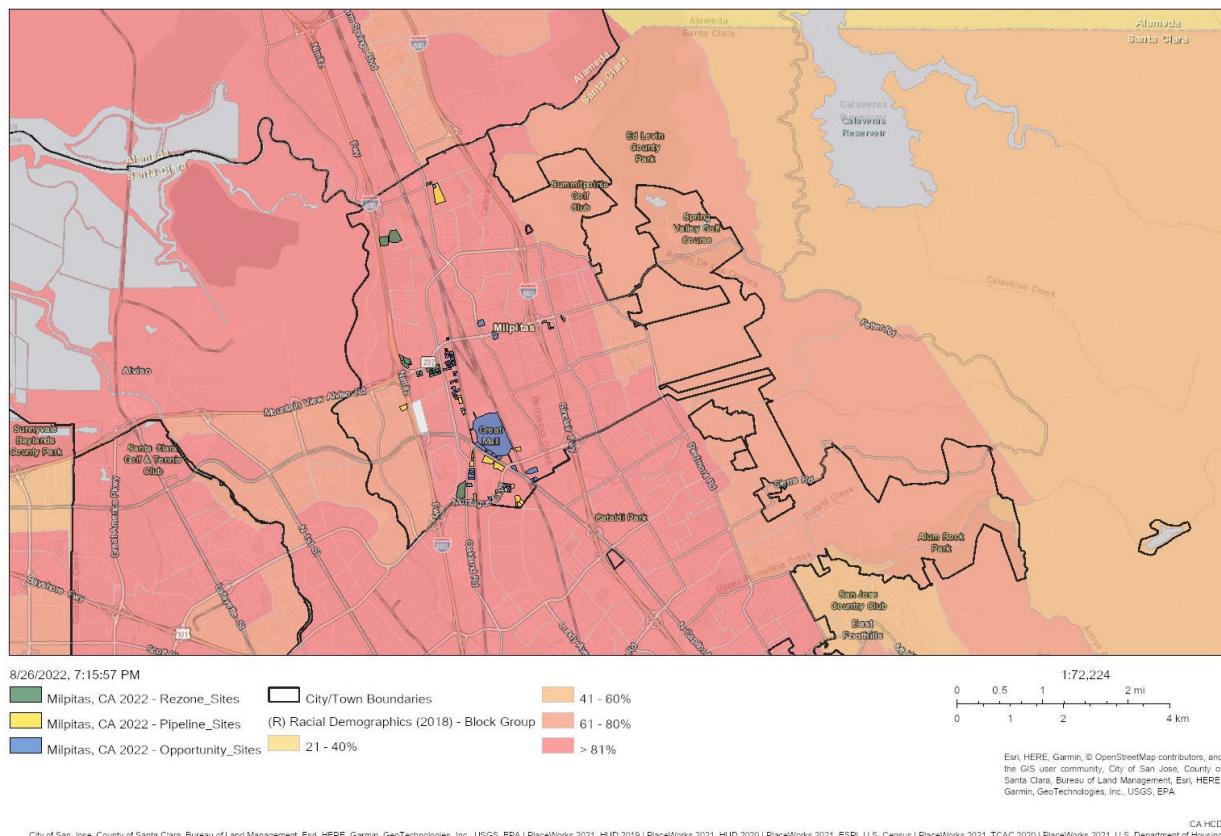
## Race/Ethnicity

There is a high Asian American population all across Milpitas. All RHNA units are located in areas with over 75% racial/ethnic minority residents. This generally reflects the overall composition of the city. It is also important to note that the parts of the city that have the highest concentrations of Hispanic or Latino residents (generally in North Park Victoria and South Park Victoria immediately on either side of Calaveras Boulevard) do not have higher overall concentrations of residents of color. That is significant because the Hispanic or Latino population, both in Milpitas and in the broader region, is more heavily low-income than the Asian American population. There are some differences in income levels among the Asian American community by ancestry, but residents are not particularly concentrated by ancestry group in Milpitas. It is notable that anticipated units for extremely low-income households, which are relatively more likely to accommodate Hispanic or Latino and Vietnamese-American households, are actually more likely to be located in the most heavily White census tracts in the city.

TABLE F-2: DISTRIBUTION OF RHNA UNITS BY RACIAL/ETHNIC MINORITY POPULATION

Racial/ Ethnic Minority Pop. (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
<75%	0	0%	0	0%	0	0%	0	0%
75-90%	249	3%	94	1%	410	4%	753	8%
>90%	2,702	29%	1,896	21%	3,870	42%	8,468	92%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

**FIGURE F-3: SITES INVENTORY AND RACIAL/ETHNIC MINORITY POPULATION BY BLOCK GROUP (2018)**



Source: HCD AFFH Data Viewer (ESRI, 2018), 2022

Figure F-3 above shows the location of parcels included in the sites inventory in relation to concentrations of residents of color. Because concentrations of residents of color are similar citywide, there do not appear to be significant disparities in the location of parcels from the sites inventory in relation to any underlying patterns of residential racial or ethnic segregation.

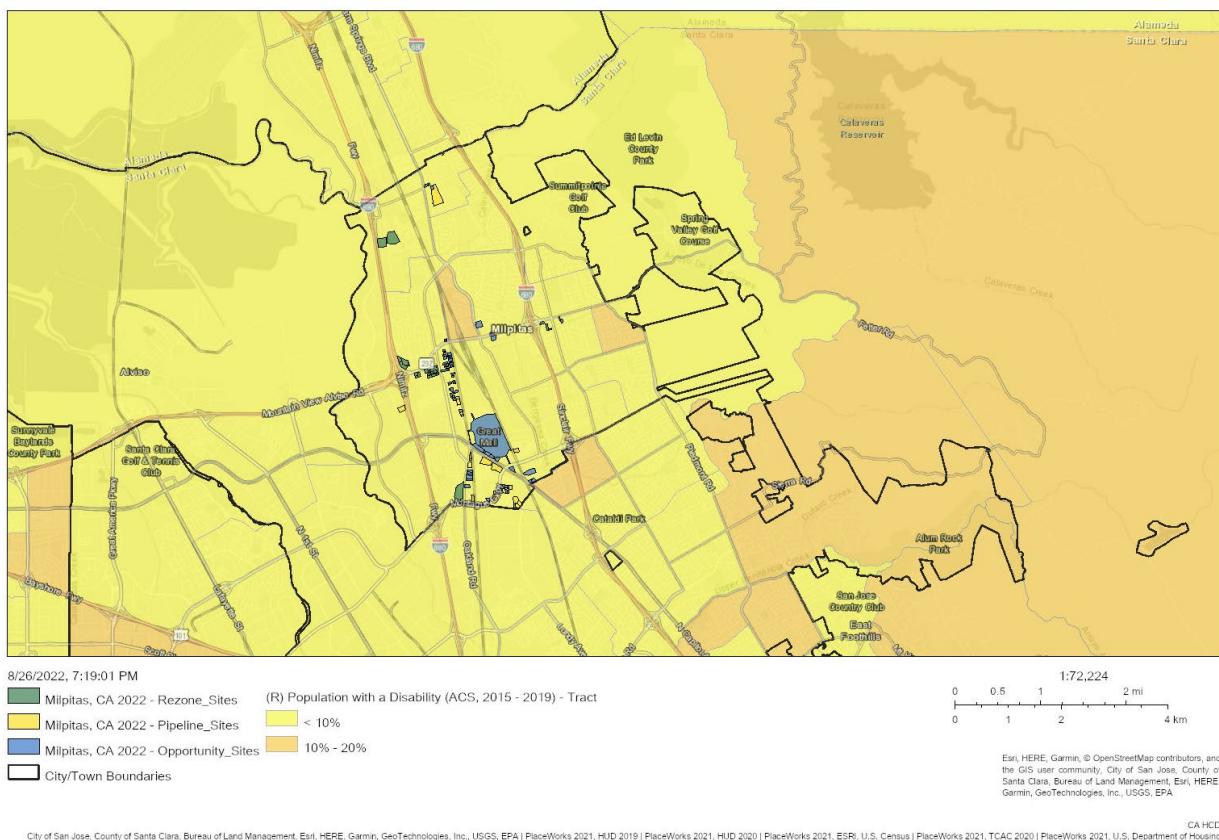
## Persons with Disabilities

All parcels included in the sites inventory are located in areas where persons with disabilities comprise under 10% of the population. This generally reflects the overall composition of the city though it is worth noting that there are two census tracts in the city with slightly higher concentrations of persons with disabilities, one that is predominantly in Town Center and one in South Park Victoria. Based on the location of these tracts, it is likely that the explanation of their slightly higher concentrations of persons with disabilities is that tract-level population is relatively older and that age and disability status are correlated. By contrast, it does not appear likely that concentrations of accessible units, supportive housing developments, group homes, or housing affordable to disproportionately low-income persons with disabilities are driving those demographic patterns. Indeed, if concentrations of persons with disabilities mirrored concentrations of accessible units, it would be likely that the southwestern portion of the city, which has much more new multifamily housing that is covered by the design and construction standards of the federal Fair Housing Act, would have higher concentrations of persons with disabilities. However, the population of that area is also disproportionately young.

**TABLE F-3: DISTRIBUTION OF RHNA UNITS BY POPULATION OF PERSONS WITH DISABILITIES**

Dis-abled Pop. (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
<5%	2,030	22%	1,643	18%	3,530	38%	7,203	78%
5-10%	921	10%	347	4%	750	8%	2,018	22%
10-20%	0	0%	0	0%	0	0%	0	0%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

**FIGURE F-4: SITES INVENTORY AND POPULATION OF PERSONS WITH DISABILITIES BY TRACT (2019)**



Source: HCD AFFH Data Viewer (2015-2019 ACS), 2022; VTA, 2022.

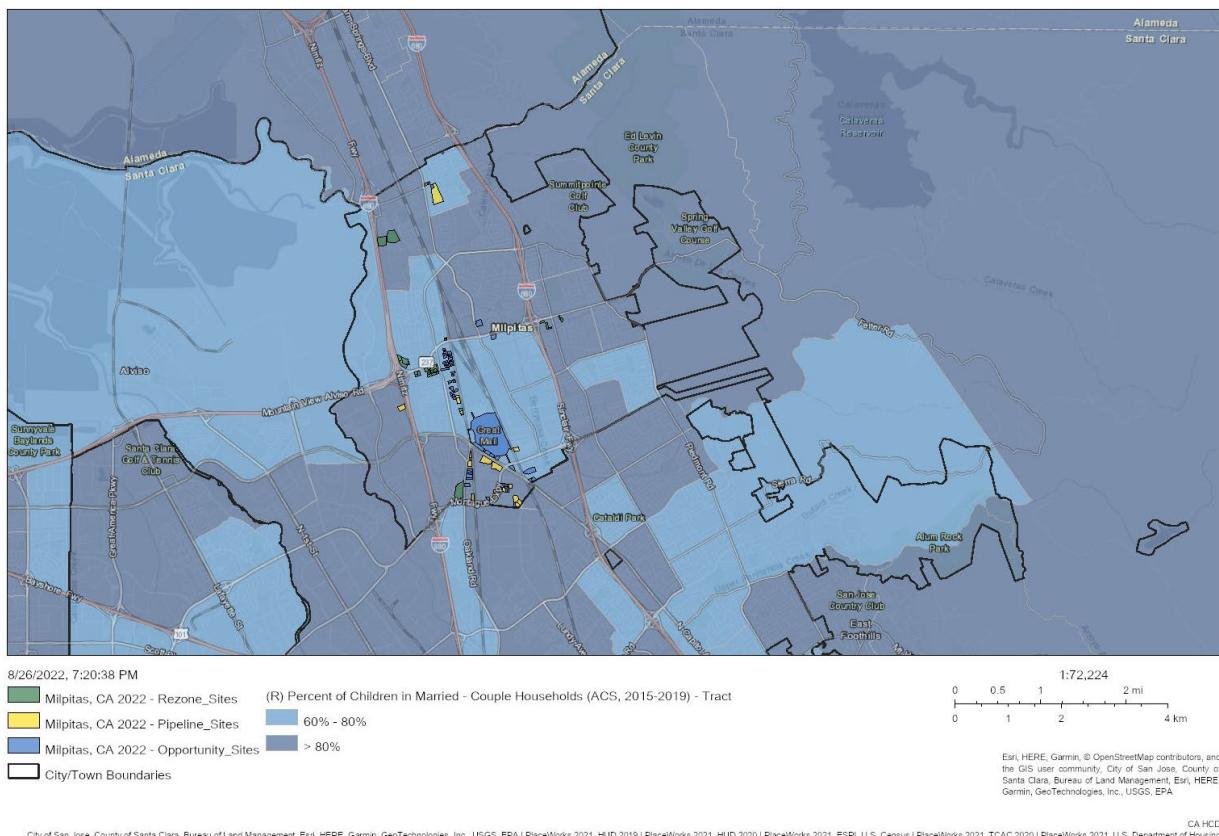
## Familial Status

All parcels included in the sites inventory are located in census tracts where over 75% of children reside in married couple households. This generally reflects the overall composition of the city, which has few single-parent households and few households headed by single-mothers. Concentrations of households headed by single-mothers can be associated with discriminatory patterns in the housing market.

**TABLE F-4: DISTRIBUTION OF RHNA UNITS BY PERCENT OF CHILDREN IN MARRIED COUPLE HOUSEHOLDS**

Children in Married Couple HHs (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
<70%	0	0%	0	0%	0	0%	0	0%
70<80%	2039	22%	1737	19%	3360	36%	7136	77%
>80<90%	765	8%	253	3%	920	10%	1938	21%
>90%	147	2%	0	0%	0	0%	147	2%
Total	2951	32%	1990	22%	4280	46%	9221	100%

**FIGURE F-5: SITES INVENTORY AND PERCENT OF CHILDREN IN MARRIED COUPLE HOUSEHOLDS BY TRACT (2019)**



Source: HCD AFFH Data Viewer (2015-2019 ACS), 2022; VTA, 2022.

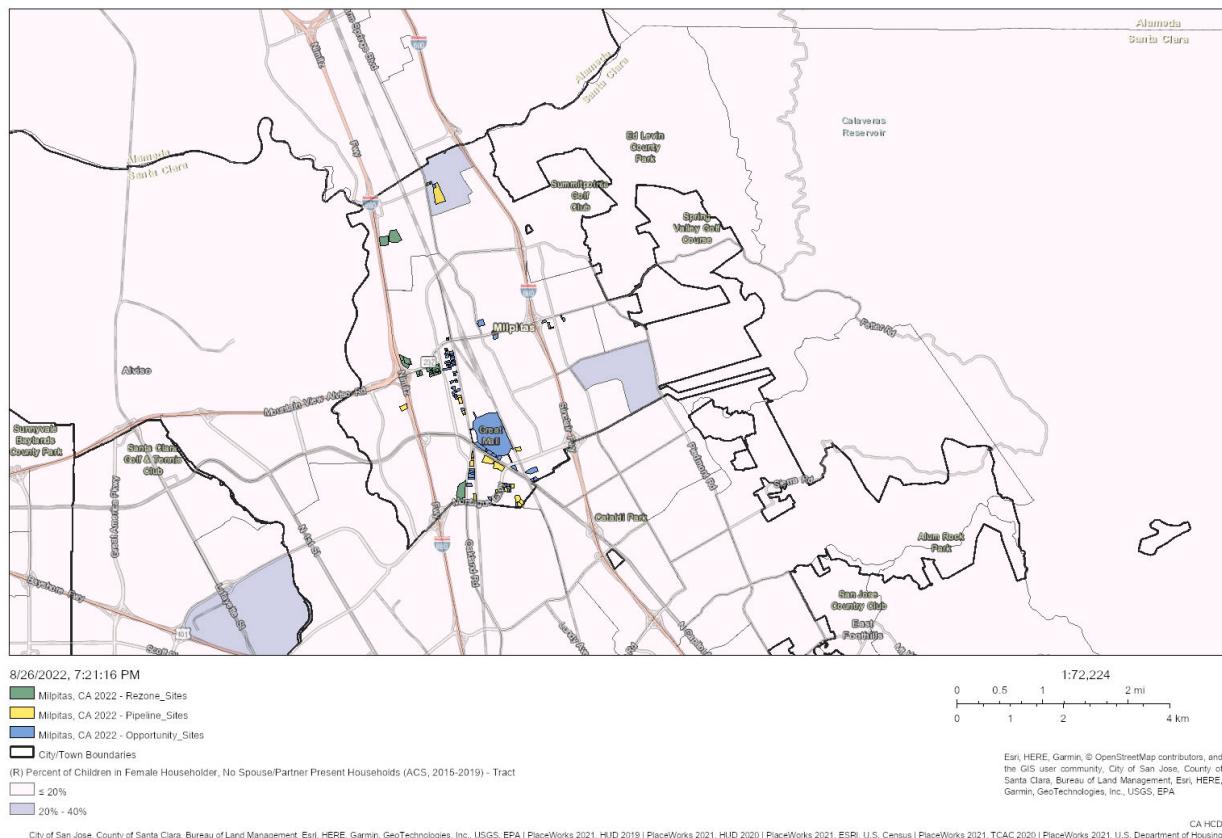
Based on Figure F-5 above, it does appear that, even though most children live in married-couple households citywide, the majorities in the southwestern portion of the city where there are concentrations of parcels included in the sites inventory are slightly smaller. As with the population of persons with disability, age disparities (with a younger population in the southwestern portion of the city) may explain this phenomenon. Younger parents may be more likely to be raising children in single-parent households than are older parents.

**TABLE F-5: DISTRIBUTION OF RHNA UNITS BY PERCENT OF CHILDREN IN FEMALE-HEADED HOUSEHOLDS (2019)**

Children in Female Householder HHs (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
<10%	786	9%	112	1%	463	5%	1361	15%
10<20%	2146	23%	1878	20%	3765	41%	7789	84%
20<30%	19	0%	0	0%	52	1%	71	1%
>30%	0	0%	0	0%	0	0%	0	0%
Total	2951	32%	1990	22%	4280	46%	9221	100%

In general, concentrations of children in households headed by single mothers are relatively low across the city, and parcels included in the sites inventory do not tend to be located in any areas that are outliers. The one exception to this is Sunnyhills. However, given the high proportion of proposed sites outside of areas with concentrations of female-headed households and the critical anti-displacement interest served by preserving deeply affordable housing at Sunnyhills, the inclusion of that site is readily justifiable and should be a priority for the City.

**FIGURE F-6: SITES INVENTORY AND PERCENT OF CHILDREN IN FEMALE-HEADED HOUSEHOLDS BY TRACT (2019)**



Source: HCD AFFH Data Viewer (2015-2019 ACS), 2022; VTA, 2022.

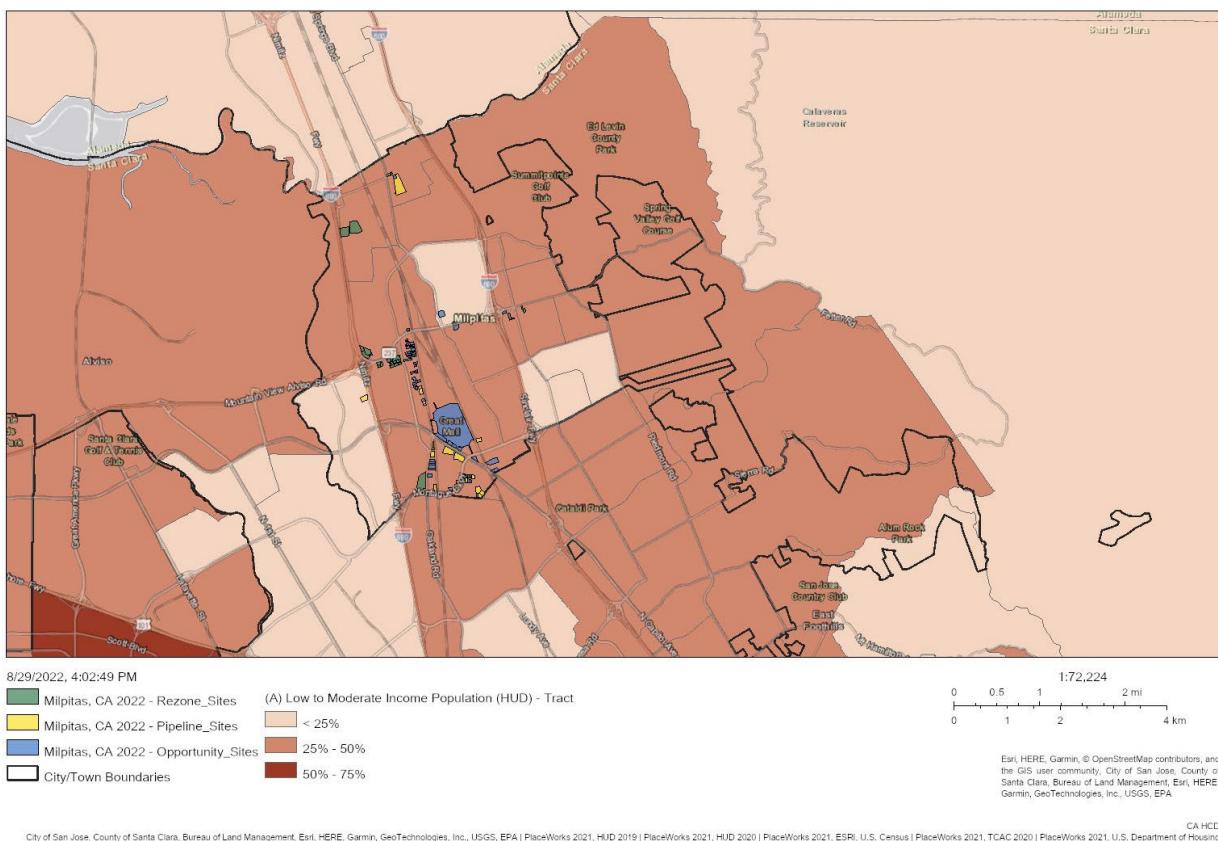
## Income Level

All parcels included in the sites inventory are located in areas with less than 50% of households being categorized as LMI. Most parcels are not in the highest income areas of the city (such as Town Center and the southern portion of South Park Victoria), but neither are they in the lowest income areas (such as Sunnyhills, aside from the Sunnyhills site itself, and the portions of North and South Park Victoria along Calaveras).

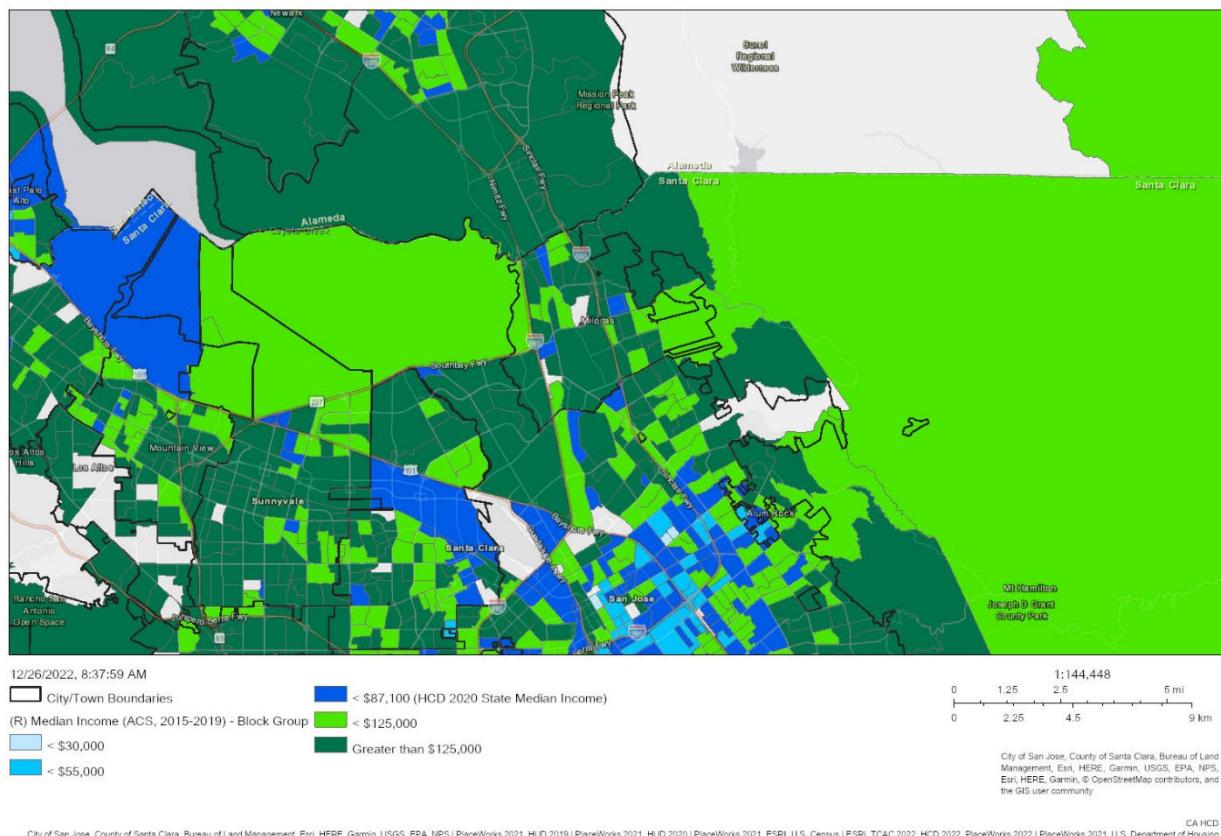
**TABLE F-6: DISTRIBUTION OF RHNA UNITS BY LMI HOUSEHOLD POPULATION**

LMI House-hold Pop. (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
>10 <20%	203	2%	0	0%	316	3%	519	6%
20<30%	2,613	28%	1,755	19%	3,606	39%	7,974	86%
30<40%	65	1%	94	1%	146	2%	305	3%
40<50%	70	1%	141	2%	212	2%	423	5%
>50%	0	0%	0	0%	0	0%	0	0%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

**FIGURE F-7: SITES INVENTORY AND LMI HOUSEHOLDS BY TRACT (2015)**



Source: HCD AFFH Data Viewer (HUD 2020, based on 2009-2013 ACS), 2022.

**FIGURE F-8: MEDIAN INCOME BY BLOCK GROUP (2019)**

Source: HCD AFFH Data Viewer (ACS, 2015-2019)

As Figure F-8 above shows, Milpitas is fairly integrated by household income with high median incomes of in excess of \$125,000 across the majority of block groups and median incomes of between \$87,100 (the state median) and \$125,000 in most others. There are just three block groups with median incomes below that level, one in north-central Milpitas where the Sunnyhills Apartments are located, one in the North Park Victoria neighborhood, and one in the Calaveras Gateway neighborhood. Although income levels in these block groups are below the state median, they do not fall into the two lowest income categories mapped above. The comparatively lower income part of North Park Victoria described above corresponds to an area of relatively higher Hispanic or Latino population than is found citywide, but the other two lower income areas have similar racial and ethnic demographics to the city as a whole. In the case of Sunnyhills, the lower income levels of the block group may be related to the presence of a Project-Based Rental Assistance development, but lower income levels in the other two block groups discussed do not appear to be related to patterns in subsidized housing.

# Racially or Ethnically Concentrated Areas

## Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

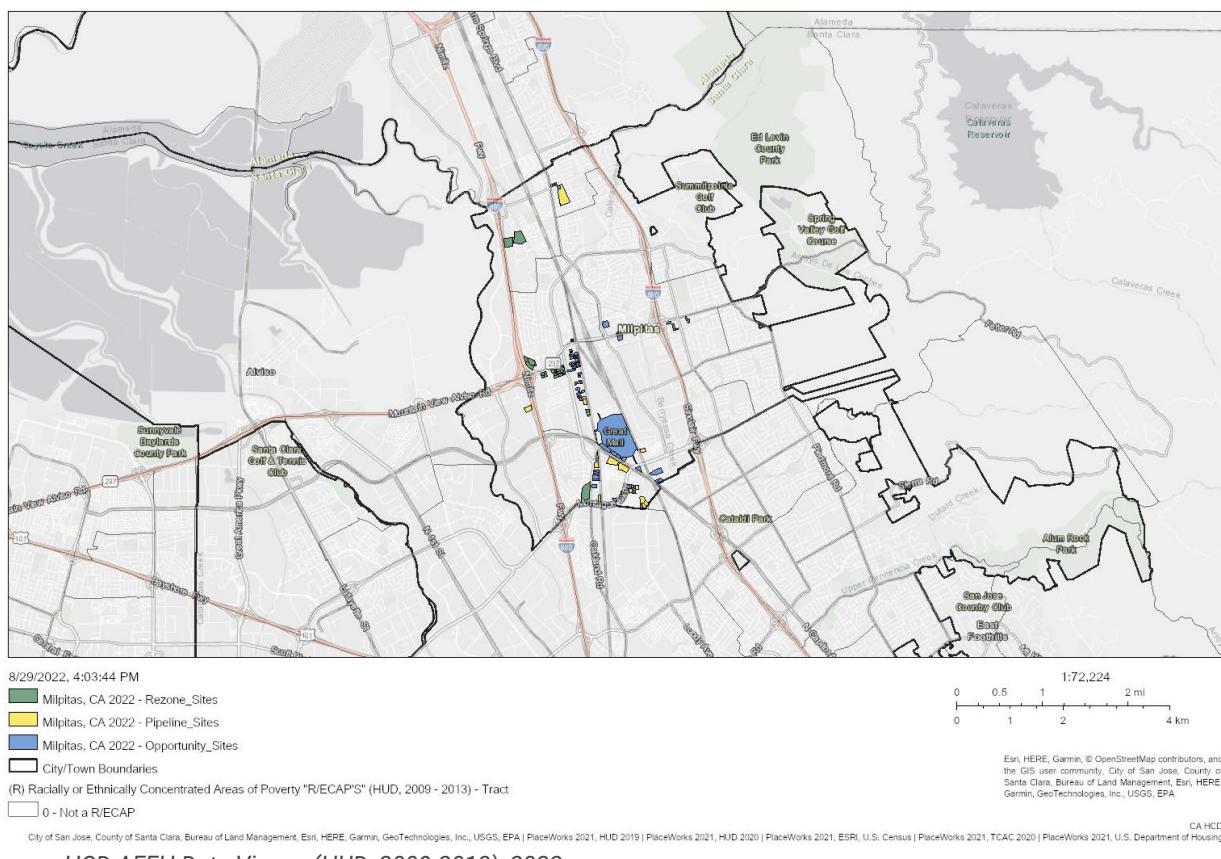
There are no racially or ethnically concentrated areas of poverty (R/ECAPs) in Milpitas since no tracts have high poverty rates. There are also no racially concentrated areas of affluence (RCAAs) in Milpitas since no tracts have concentrations of White residents. As such there are no observable patterns of the location of parcels included in the sites inventory in relation to either R/ECAPs or RCAAs.

TABLE F-7: DISTRIBUTION OF RHNA UNITS BY R/ECAP TRACT

R/ECAP (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
Not in R/ECAP	2,951	32%	1,990	22%	4,280	46%	9,221	100%
In R/ECAP	0	0%	0	0%	0	0%	0	0%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

## Racially Concentrated Areas of Affluence (RCAAs)

Based on HCD's methodology for the identification of RCAAs, there are no RCAAs in Milpitas. That methodology specifies that RCAAs are census tracts where the White population is at least 1.25 times the average census tract White population for the region covered by the Association of Bay Area Governments (ABAG) and where the median household income is at least 1.5 times the ABAG region's median household income. It is not surprising that Milpitas has no RCAAs in light of this definition given that White residents are a small minority of the population in all of the city's census tracts.

**FIGURE F-9: SITES INVENTORY AND R/ECAPS (2013)**

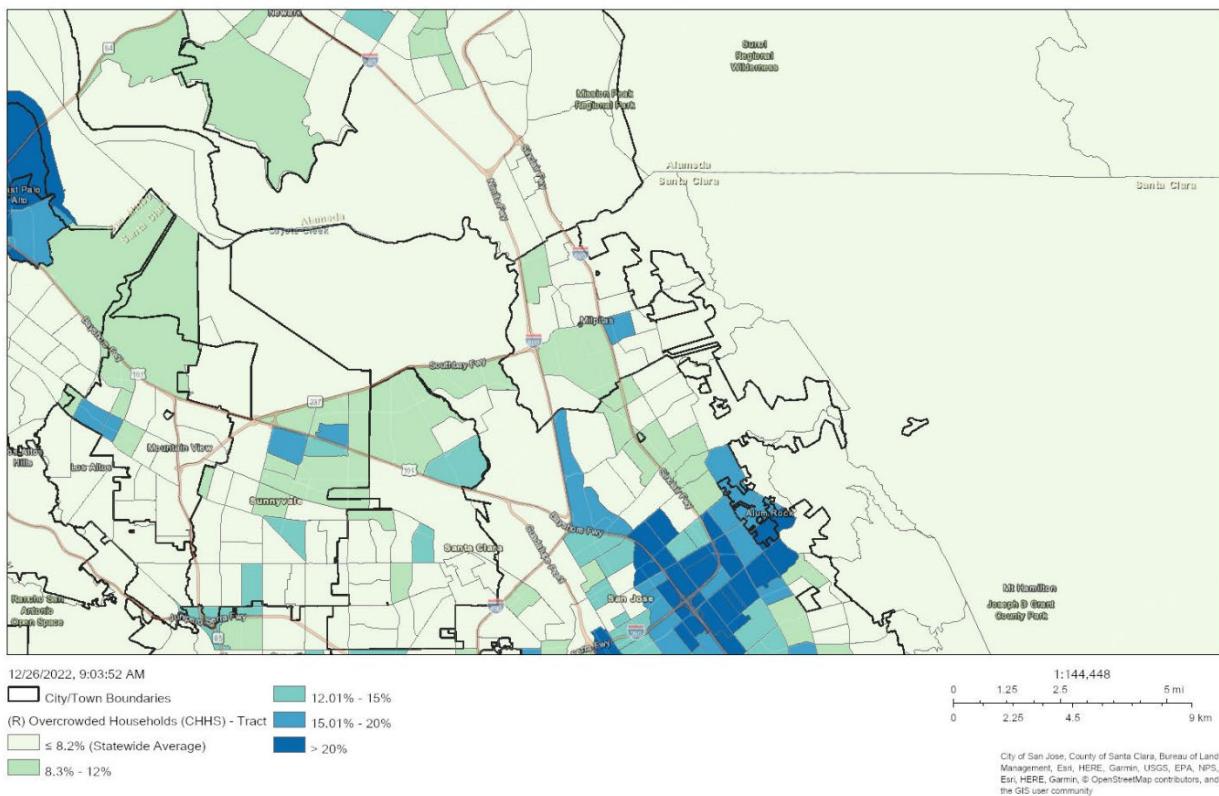
Source: HCD AFFH Data Viewer (HUD, 2009-2013), 2022.

# Disproportionate Housing Needs and Displacement Risks

## Overcrowded Households

Most portions of Milpitas have low levels of overcrowding, but three census tracts have rates of overcrowding in excess of the state median. In two of those census tracts, one in the Milpitas Metro Area and one in North Abbott Avenue, rates of overcrowding are only slightly above the statewide average. In the other, located in South Park Victoria, however, overcrowding is more elevated. The former two areas broadly mirror the race and ethnicity demographics of the city as a whole while the latter has a higher concentration of Hispanic or Latino households. This suggests that Hispanic or Latino households may be more vulnerable to overcrowding than are other households.

**FIGURE F-10: OVERCROWDED HOUSEHOLDS**

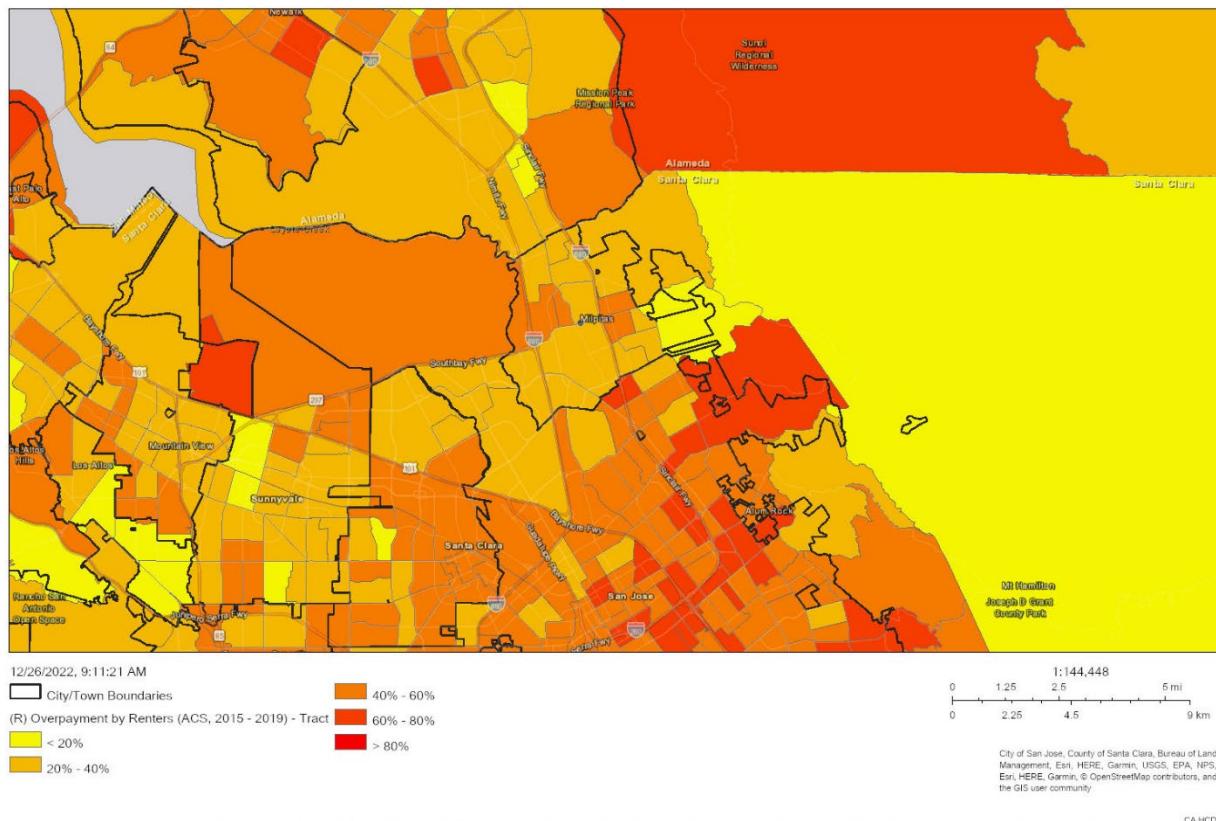


Source: HCD AFFH Data Viewer (CHHS)

# Cost Burdened Households

Cost burden or overpayment by renters is above 20% in almost all of Milpitas, with the only exception being in parts of the sparsely populated Hillside Area. There are just a few census tracts where cost burden is even more elevated, with tract-level rates between 20% and 40%. Those tracts are located in North Park Victoria, South Park Victoria, McCarthy Ranch, and North Abbott Avenue, respectively. North Park Victoria and South Park Victoria have portions that have disproportionately high Hispanic or Latino populations, but the other areas with higher rates of rent burden have race and ethnicity demographics that mirror those of the city as a whole.

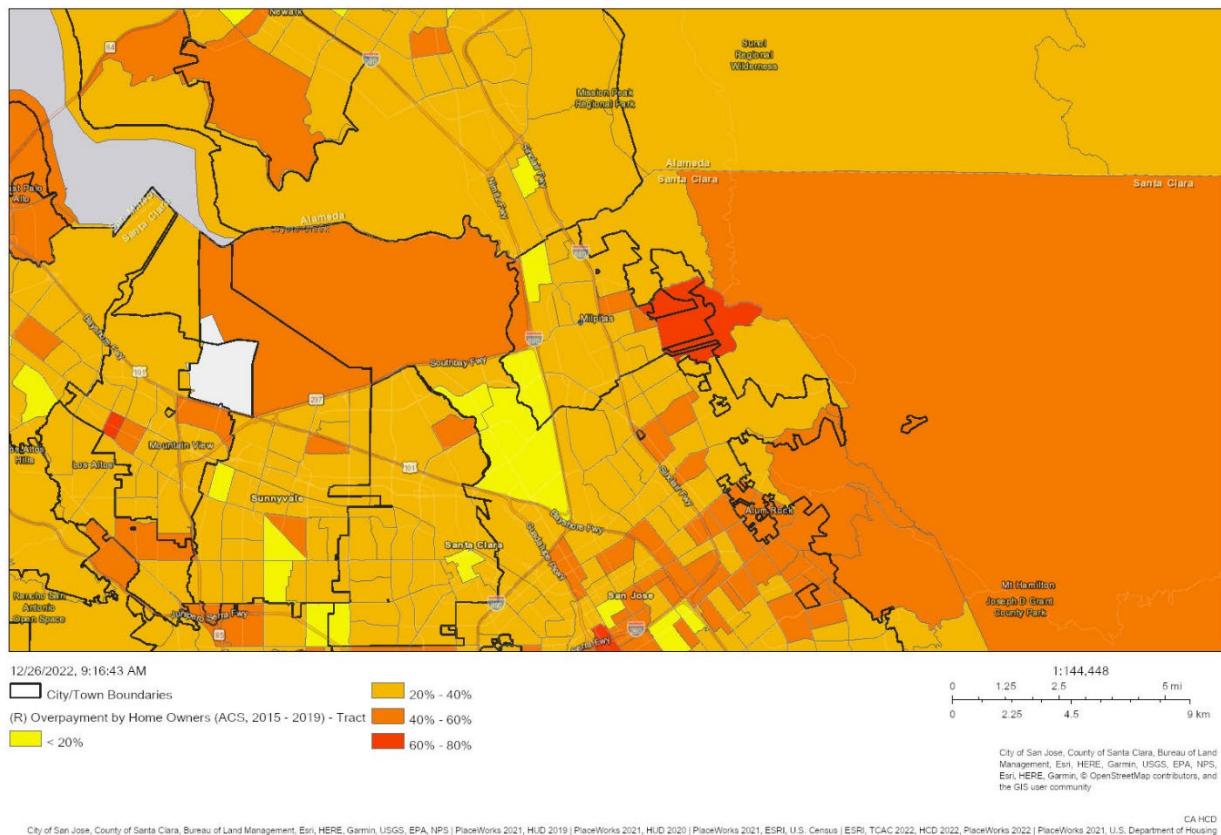
**FIGURE F-11: COST BURDENED HOUSEHOLDS- RENTERS**



Source: HCD AFFH Data Viewer (ACS, 2015-2019)

Patterns of cost burden for homeowners mirror those for renters in some ways but not for others. The primary similarity is that, regardless of tenure, most census tracts in the city have rates of cost burden of between 20% and 40%. On the other hand, while cost burden was disproportionately low for renters in the Hillside Area, it is disproportionately high for homeowners. Given the relative lack of population in that section of the city, it appears that small sample size may be distorting the data for that area. Beyond the Hillside Area, cost burden for homeowners is slightly elevated in North Park Victoria and McCarthy Ranch, both areas that also had higher housing cost burden for renters and in a portion of South Park Victoria that is different from – and less heavily Hispanic or Latino – the census tract in that neighborhood that had an elevated rate of rent burden. The northern portion of North Abbott Avenue and the Southwest Employment Area have relatively low rates of cost burden for homeowners. Oddly these are not among the more affluent parts of Milpitas.

**FIGURE F-12: COST BURDENED HOUSEHOLDS- OWNERS**



Source: HCD AFFH Data Viewer (ACS, 2015-2019)

## Housing Conditions

Staff analyzed data from Project Sentinel from the last fiscal year, FY 2021-2022. Project Sentinel, who the City contracts to administer its Fair Housing caseload through Community Development Block Grant funding, handled 138 calls for fair housing review. More than 50% of the fair housing calls were due to a rent increase. Other frequent review requests were cases related to repairs and maintenance, 30-60-90-day notices, and eviction.

Staff also analyzed historical data to determine if there was a disproportionate impact on housing conditions on any population. From 2015 to 2023, Project Sentinel assisted with 107 calls related to repairs and maintenance issues for Milpitas residents. Of those 107, more than 70% were people of color and approximately 50% were women.

Project Sentinel expects their intake in Milpitas to grow. As the end of COVID-19 tenant protection programs and eviction moratoriums have begun to expire, Project Sentinel has faced an increasing number of cases related to three-day notices and eviction.

**TABLE F-8 HABITABILITY-RELATED CODE ENFORCEMENT COMPLAINTS**

Census Tract	Number of Complaints	% Hispanic or Latino	% Poverty	Median Household Income
5044.22	8	26.9%	6.8%	\$99,792
5045.04	7	17.3%	9.9%	\$155,461
5045.06	7	14.5%	11.9%	\$116,046
5044.18	6	21.8%	2.8%	\$102,344
5044.20	6	10.4%	4.4%	\$143,864
5045.05	4	10.7%	6.0%	\$140,772
5045.07	4	22.2%	9.0%	\$118,972
5044.23	3	22.7%	3.0%	\$124,015
5044.12	2	20.5%	2.3%	\$82,966
5044.21	2	6.3%	4.5%	\$155,893
5044.14	1	4.0%	6.5%	\$190,843
5044.15	1	4.9%	9.0%	\$151,944
5044.16	1	12.9%	5.0%	\$143,373
City of Milpitas	52	14.2%	6.8%	\$132,320

Source: 2019-2022, 2015-2019 ACS

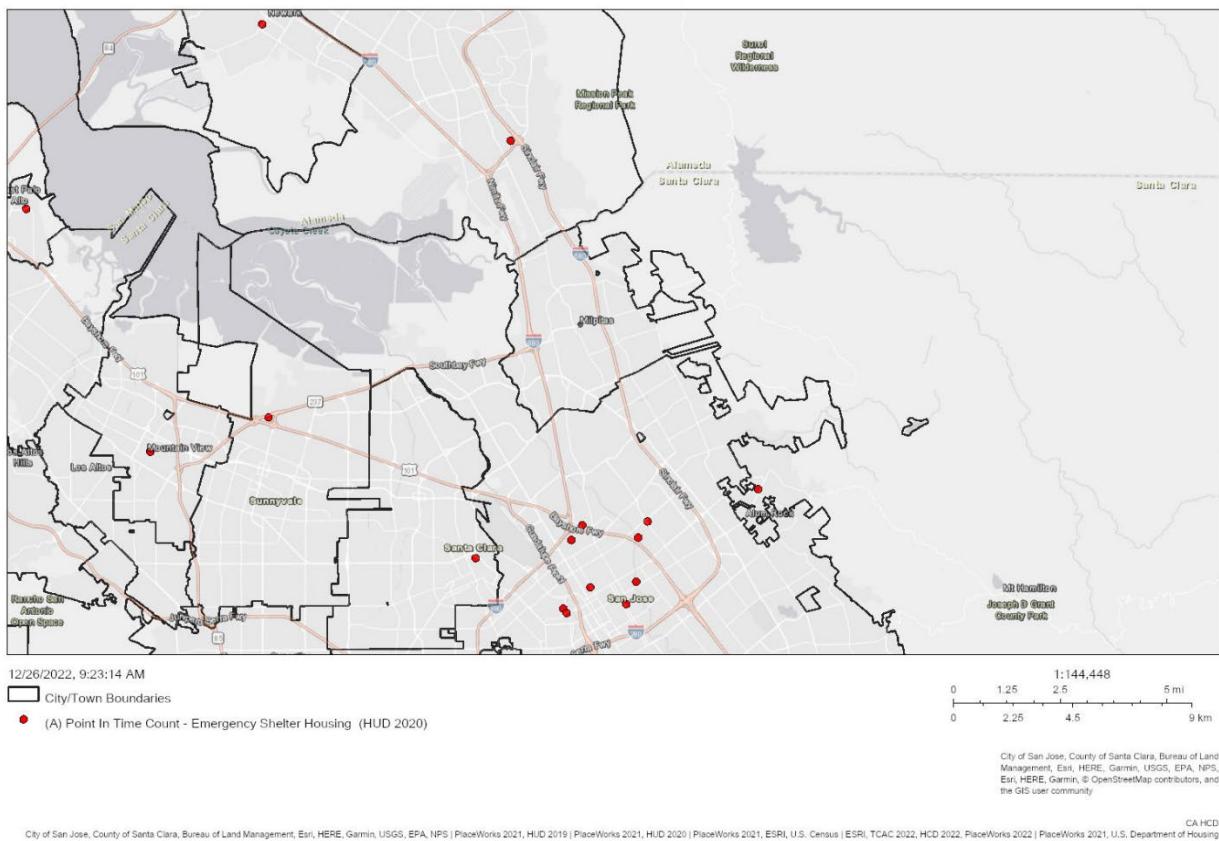
Code enforcement activity involving habitability complaints is not evenly distributed across Milpitas. As the table above reflects, just five census tracts account for over 60% of all habitability-related complaints citywide. Four of those five census tracts have Hispanic or Latino population concentrations that exceed those of the city as a whole. Any relation between complaint activity and socioeconomic status appears to be more tenuous. The five census tracts are in North Abbott Avenue, Sunnyhills, North Park Victoria, South Park Victoria, the Milpitas Metro Area. Collectively, these areas are ones that have more multifamily housing, more Hispanic or Latino households, and more socioeconomic diversity than the city as a whole. By contrast, there was only one complaint in the Town Center neighborhood, which is largely covered by Census Tract 5044.14. As the table above reflects, that is a relatively high-income census tract with relatively few Hispanic or Latino residents. Code enforcement complaints are a useful proxy for considering disparities in housing conditions, but they do not necessarily tell the full story. For example, there is no available data through which it is possible to tell the race of occupants of properties with complaints, and it is possible that some demographic groups may be disproportionately unlikely to make complaints to the City due to fear of landlord retaliation.

## Emergency Shelters

As Figure F-14 below shows, Milpitas has no emergency shelters. Accordingly, unhoused Milpitas residents seeking emergency shelter must go to neighboring cities like San José and Fremont to access shelter. Although this is not an ideal situation, it is important to note that emergency shelter and permanent supportive housing are not the same, and Milpitas was recently the site of a major expansion of permanent supportive housing via the Project HomeKey conversion of an Extended Stay America into Hillview Ct. Apartments. Developments like that one are a much more strategic, long-term policy solution to homelessness than are emergency shelters. Additionally, investments in permanent supportive housing, over emergency shelters, are more aligned with the policy purposes of the Fair Housing Act and the Americans with Disabilities Act.

2022 Point-In-Time Count data from Santa Clara County reflects a significant increase in the unhoused population in Milpitas over recent years. In 2019, the count reflected 125 unhoused residents, all of whom were unsheltered. In 2022, the count reflected 274 unhoused residents, 249 of whom were unsheltered and 25 of whom were sheltered. Although the Point-In-Time Count does not break down demographic data reflecting race and other protected characteristics regarding unhoused residents by city, at a countywide level, the unhoused population is disproportionately Black. This data reflects the continued need for urgent action to address homelessness, both on its own terms and as a racial justice issue.

**FIGURE F-13: EMERGENCY SHELTER HOUSING**



Source: HCD AFFH Data Viewer (HUD, 2020)

## Unsheltered Population

In 2022, Milpitas was found to have 249 unsheltered individuals, up from 125 in 2019. The library serves as the focal point for vulnerable populations receiving provisions for services and transportation access. The City works in partnership with WeHOPE to provide the Dignity on Wheels Mobile Shower and Laundry Program, and with ABODE Services, who the City contracts through the Santa Clara County Office of Supportive Housing, to provide assessment and case management services. These services take place concurrently once a week at the northern end of Winsor Street, immediately south of the Milpitas library. The Milpitas Library is a central area which offers two different bus lines serviced by Valley Transportation Authority, which allows for greater access for the homeless community. While some areas have seen an increase in unhoused individuals such as in the Great Mall, Town Center, and McCarthy Ranch Marketplace neighborhoods, the data does not suggest an increased pattern of homelessness in any one particular area of Milpitas.

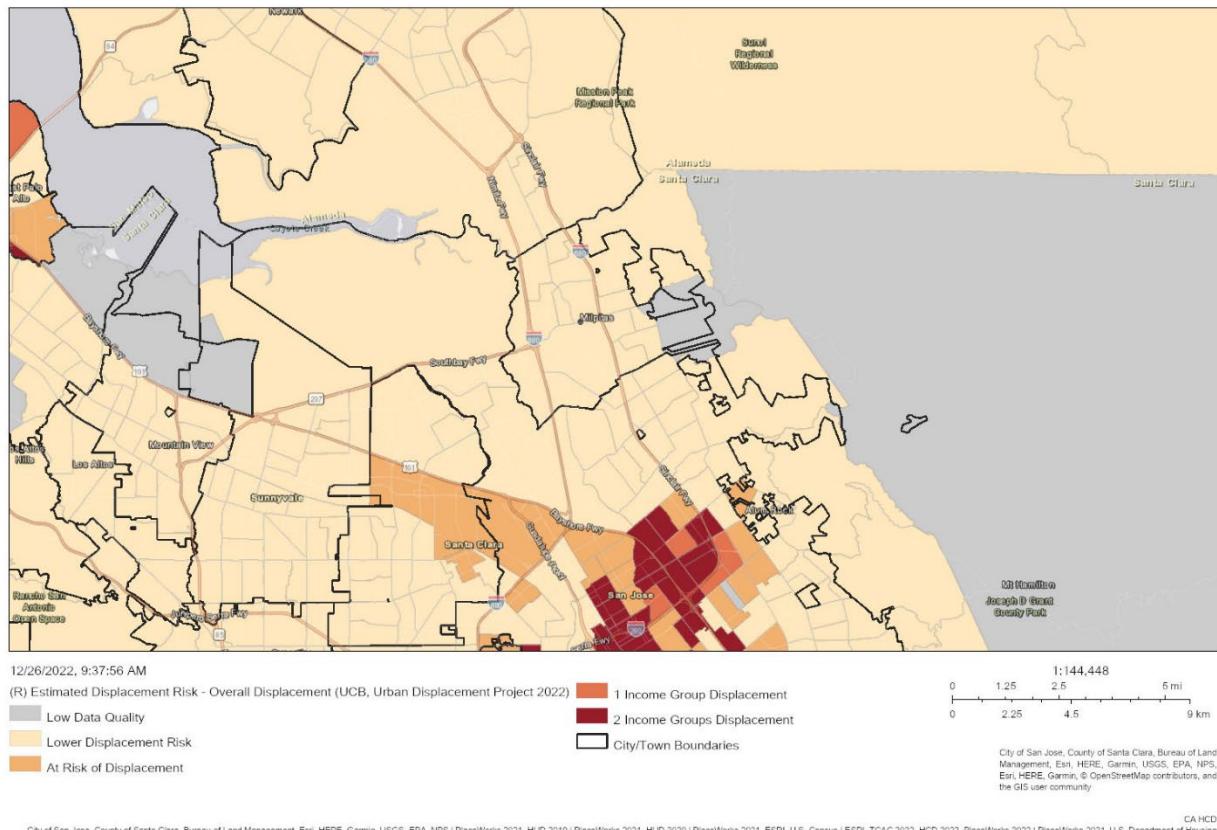
The City Council and Milpitas community members are becoming more apprised of local unhoused individuals. City staff have been receiving public comments from City Councilmembers, City Commissions, and the public about unhoused individuals and encampments. An emerging trend is City staff getting more involved in providing supportive services. For instance, City staff will be participating in Santa Clara's County Point-In-Time (PIT) count. The PIT count is a count of sheltered and unsheltered people experiencing homelessness on two consecutive mornings in January. PIT count data provides valuable data for community understanding on vulnerable populations and is the primary data used for federal funding allocations and national estimates of homelessness. Additionally, the City has biweekly unhoused meetings that serve as a cross departmental approach to human centric solutions to homelessness. Appendix A:

Housing Needs Assessment of this Housing Element analyzes the issue of homelessness in Milpitas and lists all the efforts undertaken by the City to support its unsheltered population.

## Displacement Risks

The map below reflects low displacement risk citywide in Milpitas. This is likely attributable to the relatively high income levels in Milpitas, in general, and the high income levels in the areas of the city experiencing the most development pressure, such as the Milpitas Metro Area, in particular. The areas of the city where one might expect more displacement risk, such as Sunnyhills and the disproportionately Hispanic or Latino portions of North Park Victoria and South Park Victoria along Calaveras are not the parts of the city experiencing intense development pressure. That said, hyperlocalized displacement risk certainly exists in the context of the Sunnyhills Apartments and will continue to exist for as long as affordability restrictions on those apartments are extended on a short-term basis.

**FIGURE F-14: OVERALL DISPLACEMENT**



Source: HCD AFFH Data Viewer (UCB Urban Displacement Project, 2022)

# Access to Opportunities

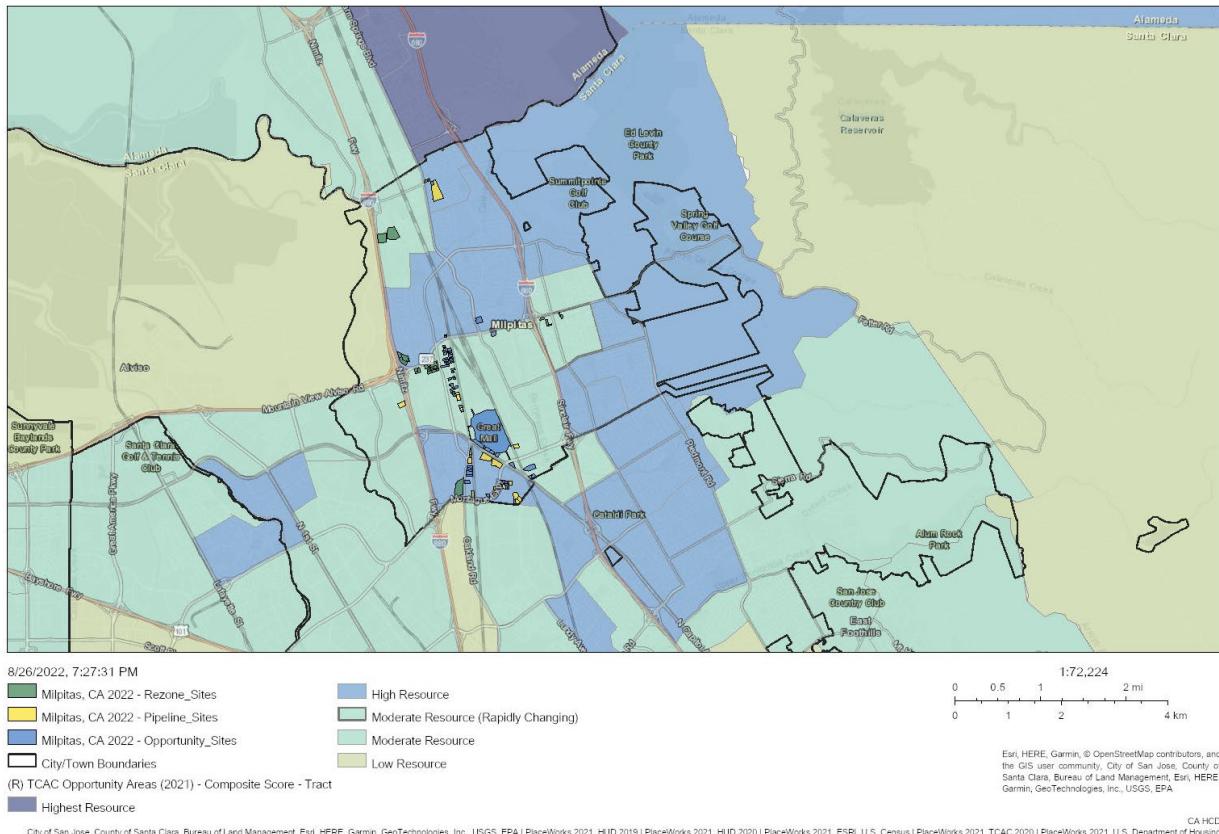
## TCAC Opportunity Areas

Milpitas is comprised of mostly high and moderate resource tracts. A little under 30% of anticipated units are located in high resource areas and a little over 70% of anticipated units are located in moderate or moderate (rapidly changing) resource areas. Notably, most of the extremely low-income RHNA units are located in high resource areas, while most of the very low- and low- income RHNA units are located in moderate resource areas. The City's sites inventory would provide the lowest income households with access to high resource areas. Although there are parcels included in high resource areas, it is still important to note that there are some high resource areas throughout the city that do not include any identified parcels. Over this coming Housing Element cycle, that may be justifiable as there is a lack of parcels in those areas that has realistic development potential in the near term. Namely, commercial property owners and tenants of underutilized sites in those areas are not likely to cease their current land uses. There are no areas of Milpitas that are classified as highest resource, low resource, or high segregation and poverty areas.

TABLE F-9: DISTRIBUTION OF RHNA UNITS BY TCAC OPPORTUNITY AREA CATEGORY

TCAC Opp. Area Category	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
Low Resource	0	0%	0	0%	0	0%	0	0%
Moderate Resource	2,100	23%	1,784	19%	3,671	40%	7,555	82%
Moderate Resource (Rapidly Changing)	0	0%	0	0%	71	1%	71	1%
High Resource	851	9%	206	2%	538	6%	1595	17%
Highest Resource	0	0%	0	0%	0	0%	0	0%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

**FIGURE F-15: SITES INVENTORY AND TCAC OPPORTUNITY AREA COMPOSITE SCORE BY TRACT (2021)**



Source: HCD AFFH Data Viewer (HCD and TCAC, 2021)

## Educational Opportunities

Access to proficient schools within Milpitas is generally high, but not very high, across neighborhoods and across race and ethnicity groups. As reflected in the table below based on HUD data, all groups have School Proficiency Indices of between 67 and 76 (on a scale of 1 to 100) in Milpitas. Asian and Pacific Islander and White residents have slightly greater access to proficient schools than Black and Hispanic students, but disparities between groups are much smaller in Milpitas than in the Region. Within the Milpitas Unified School District, the only majority-Hispanic elementary school, Robert Randall Elementary School, faces more challenges than other elementary schools in the district. Additionally, unlike in the Region, Asian and Pacific Islander residents actually have greater access to proficient schools than White residents in Milpitas. The relatively limited access to proficient schools of the heavily Vietnamese-American population of parts of East San Jose with struggling schools likely explains the lower regional index value for Asian and Pacific Islander residents.

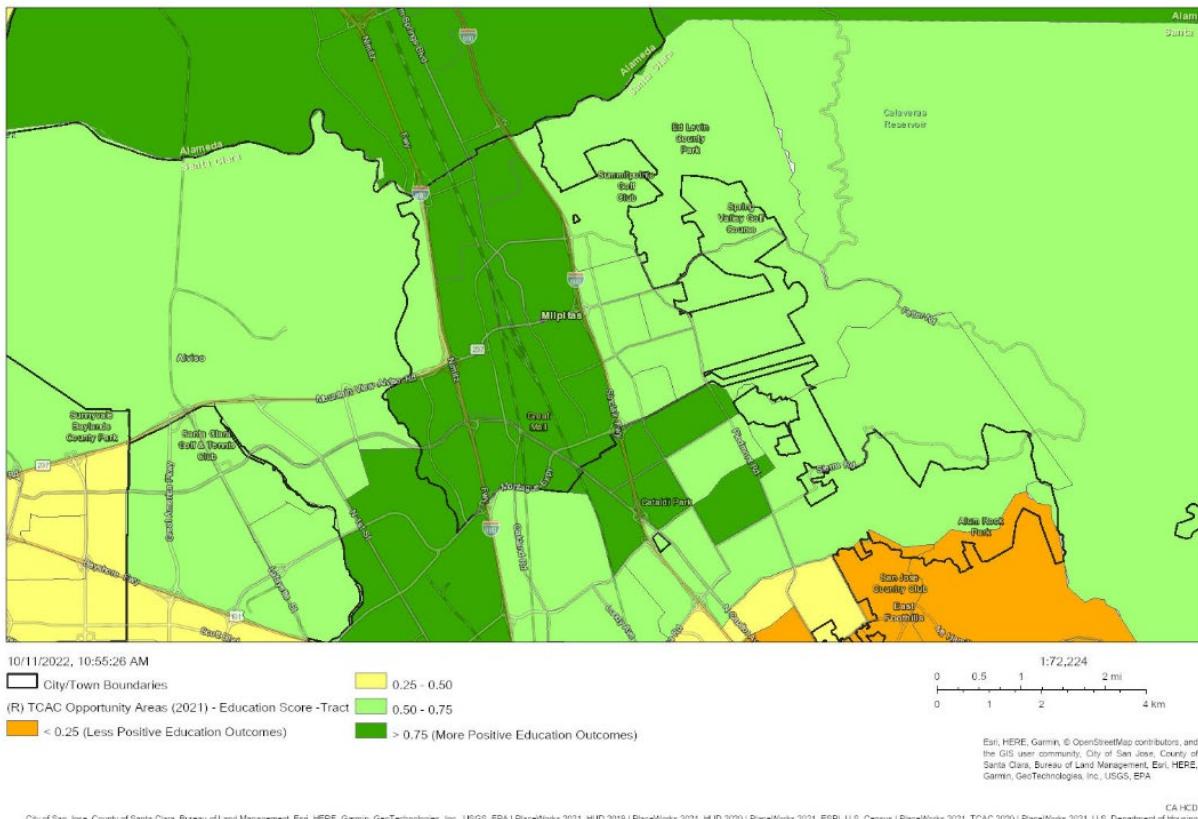
The portion of the city with the least access to proficient school is an area in eastern Milpitas that has a higher concentration of Hispanic residents, the majority of whom are of Mexican ancestry. There does not appear to be a relationship between access to proficient schools and familial status in Milpitas. Regionally, disparities in access to proficient schools and race, ethnicity, and national origin are closely linked though, again, familial status does not appear to be correlated with access to proficient schools. The relatively limited access to proficient schools of the heavily Vietnamese-American population of parts of East San Jose with struggling schools likely explains the lower regional index value for Asian and Pacific Islander residents.

**TABLE F-10: SCHOOL PROFICIENCY INDEX BY RACE**

Race/Ethnicity	School Proficiency Index – Milpitas	School Proficiency Index – San Jose-Sunnyvale-Santa Clara, CA MSA
White, Non-Hispanic	73.41	76.43
Black, Non-Hispanic	69.10	64.99
Hispanic	67.71	59.06
Asian and Pacific Islander, Non-Hispanic	75.33	71.48
Native American, Non-Hispanic	72.19	65.33

At the neighborhood level, there are slight but not vast differences in access to proficient schools in Milpitas, and these differences relate to patterns of occupancy based on race and ethnicity in a modest way. In general, as the map below shows, there is higher access to proficient school in the portion of the city west of I-680 than there is in the portion of the city east of I-680, including the North and South Park Victoria neighborhoods. There is a corridor, along Calaveras Boulevard, which forms the border between those two neighborhoods, that has a higher concentration of Hispanic residents than in the rest of the city (though still not a majority of the population at the block group or census tract level). That area feeds into Robert Randall Elementary School, which has lower test scores, a higher concentration of students receiving free and reduced priced meals, and a higher concentration of students with limited English proficiency (LEP) than other elementary schools within Milpitas.

**FIGURE F-16: SITES INVENTORY AND TCAC OPPORTUNITY AREA EDUCATION OUTCOMES BY TRACT (2021)**



Source: HCD AFFH Data Viewer (HCD and TCAC, 2021)

Overall, disparities in access to education are not a significant issue in Milpitas, in contrast to the Region, however, there is a need to monitor the slight disparities that exist in order to ensure that they do not deepen over time.

## Environmental (CalEnviroScreen 4.0)

Most parcels included in the sites inventory are located in areas with a CalEnviroScreen score between 31 and 40. Lower scores reflect better environmental conditions. The portion of Milpitas that has the worst CalEnviroScreen score is an industrial area located in the northwest of the city adjacent to San José.

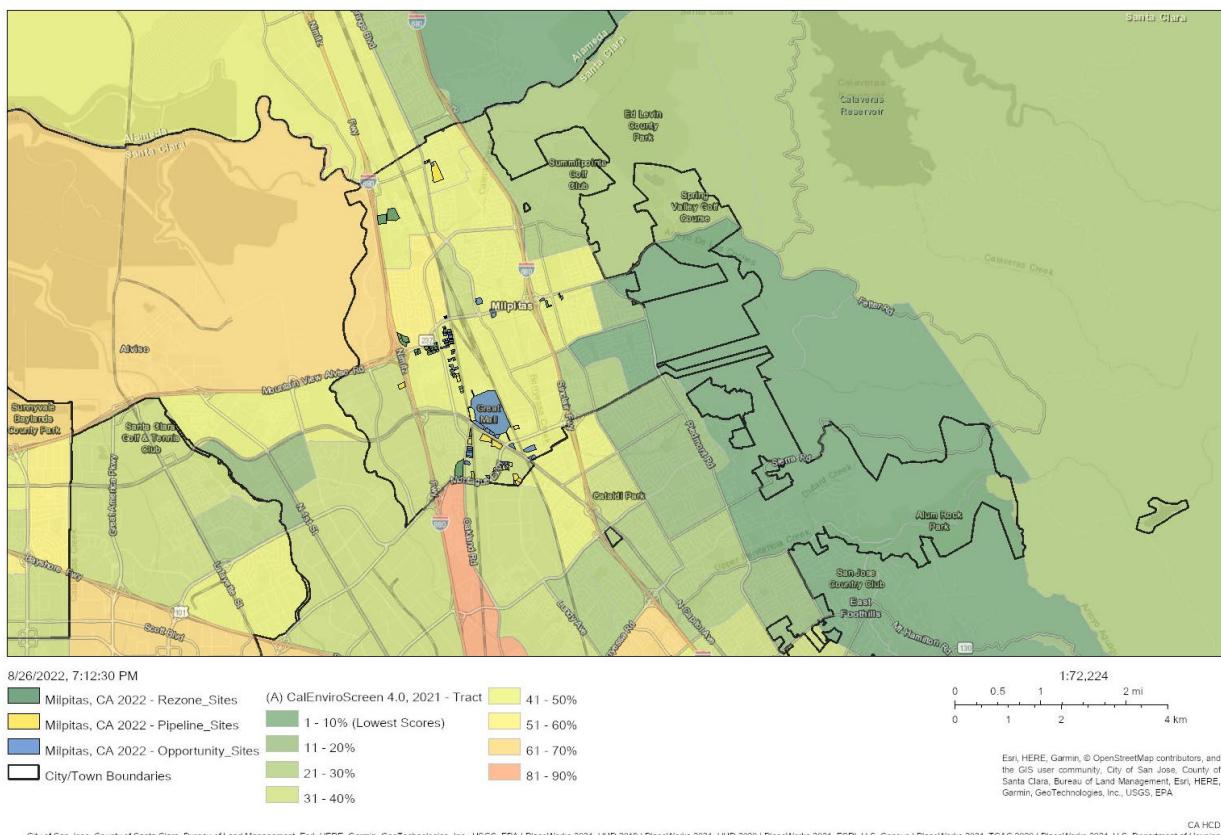
That area has no parcels included in the sites inventory and no current residential land use.

Environmental conditions there may have some spillover consequences for nearby areas like North Abbott Ave. and Sunnyhills that have some parcels included (though not high concentrations). Some of the sources of environmental harm in that portion of the city are actually located outside of city limits, including the Newby Island Landfill. Areas of the city with the lowest (or best) CalEnviroScreen scores are generally located in the far southeastern portions of the city, including parts of South Park Victoria and the Hillside Area. These areas have no parcels included in the sites inventory but also suffer from the lowest levels of transportation access in the city (along with much of the land in the Hillside Area consisting of public parks).

**TABLE F-11: DISTRIBUTION OF RHNA UNITS BY CALENVIROSCREEN 4.0 PERCENTILE SCORE**

CalEnviroScreen 4.0 Percentile Score (Tract)	Low		Moderate		Above Moderate		Total	
	Units	%	Units	%	Units	%	Units	%
<20%	0	0%	0	0%	0	0%	0	0%
20<30%	46	0%	94	1%	94	1%	234	3%
30<40%	56	1%	0	0%	316	3%	372	4%
40<50%	2,210	24%	1,784	19%	3,478	38%	7,472	81%
50<60%	639	7%	112	1%	392	4%	1,143	12%
>60%	0	0%	0	0%	0	0%	0	0%
Total	2,951	32%	1,990	22%	4,280	46%	9,221	100%

**FIGURE F-17: SITES INVENTORY AND CALENVIROSCREEN 4.0 PERCENTILE SCORE BY TRACT (2021)**



Source: HCD AFFH Data Viewer (CalEnviroScreen 4.0, 2021), 2022

# Contributing Factors to Fair Housing Issues by Area

## Local Data, Knowledge, and Other Relevant Factors

### THE AVAILABILITY OF AFFORDABLE UNITS IN A RANGE OF SIZES

A lack of affordable units in a range of sizes can cause overcrowding as families are forced to share smaller units. In Milpitas, 23.1% of Black households experience overcrowding, and over three times more Black households in Milpitas experience overcrowding than in the region as a whole. Overcrowding is not an issue for non-Hispanic White households in Milpitas, and few White households in the region. This issue is compounded by the lack of 3+ bedroom Project-Based Section 8 units, which total 35. Milpitas households typically need to use the HCV program if they have large families. SCCHA's Housing Choice Voucher waiting list formally opened in 2006 and the average wait for a household to receive a housing voucher is 8-10 years. However, SCCHA has begun opening "interest lists" for HCV assistance, and households are able to sign up for the interest list at this time.

The City's Affordable Housing Ordinance (AHO) requires a proportional distribution of affordable units across unit types and sizes. This requirement is having a positive impact on the availability of larger affordable units (3+ bedrooms) in the community. For example, the City is currently reviewing a 57-townhome project at 612 South Main Street, and all units have three bedrooms. Nine of those units are reserved for moderate-income households under the City's AHO. In addition, in the past three years, the City has approved two 100% affordable projects at 308 Sango Ct. and 322 Sango Ct. with a mix of unit sizes.

### COMMUNITY OPPOSITION

While some funding and projects for affordable housing have been approved in Santa Clara, many such initiatives have been met by organized community opposition. One of the most recent examples of this opposition was prompted by Governor Gavin Newsom's Project Homekey, a statewide endeavor to provide accessible housing for more of California's homeless population with a specific project in converting the Milpitas Extended Stay America hotel into supportive housing. However, the Milpitas City Council unanimously voted to sue the Homekey project's team to prevent such development from occurring after Milpitas residents within the surrounding area "complained of the potential for higher crime rates, reduced public safety, reduced property values and mentally ill individuals in their neighborhoods should the project get the green light." These residents went as far as to hire an external law firm to push back on Project Homekey following the City Council's decision to stop plans for litigation. This request to prevent the development was denied by the Santa Clara County Superior Court, meaning the project will continue to move forward, but it nonetheless represents the underlying community attitudes towards fair housing efforts.

Even when the Milpitas City Council did issue votes in favor of affordable housing, Milpitas community members often raised concerns or objections to their decisions.

## LACK OF PRIVATE INVESTMENT IN SPECIFIC NEIGHBORHOODS

In recent years, private investment and development in Milpitas has accelerated significantly, and a variety of residential and commercial projects have taken root, especially in the Milpitas Metro Specific Plan area, a former industrial area in southern Milpitas. These developments include The Fields, a high-density, mixed residential-retail area including an extended stay business hotel, and Eleanor, a mixed residential-retail development marketed primarily to Silicon Valley tech workers and other commuters. Both developments are within convenient walking distance to the Milpitas Transit Center and the Great Mall. It must be remembered that many of these new developments are geared towards high-income residents and their corporate employers. Private investment has aimed to make Milpitas more vibrant and accessible, but this has not necessarily resulted in more affordable or inclusive housing. However, the City is making progress and in addition to new housing developments, the City recently approved an industrial building that was required to pay a linkage fee for affordable housing per the requirements of the City's AHO.

## LACK OF PUBLIC INVESTMENT IN SPECIFIC NEIGHBORHOODS, INCLUDING SERVICES OR AMENITIES

In 2008, Milpitas developed the Transit Area Specific Plan (updated in 2023 as the Metro Specific Plan) to guide the strategic redevelopment of more than 437 acres surrounding the City's new regional Transit Center in the southern portion of the city from an old industrial area to a vibrant high-density residential and commercial area. The Metro Plan also identifies specific public infrastructure improvements to enhance pedestrian and bicycles connectivity in this area and provides an impact fee on new development to fund these new local facilities. This reframing has been primary center of new development in Milpitas since then end of the Great Recession in 2013, with the Milpitas Transit Center, including both regional BART service and VTA light rail and bus service, having opened in June 2020. Milpitas is now updating the Milpitas Midtown Specific Plan, originally adopted in 2002 and amended in 2010, to provide a renewed vision and policy framework for similar redevelopment along South Main Street and the Calaveras Boulevard Corridor. Development in these area is expected to complement recent development activity in the Metro area and provide additional opportunities for affordable housing with direct connections to transit and other public amenities. Although much of the non-transport development in Milpitas is privately funded, and public investment has not played a significant role in expanding housing, especially affordable housing, in recent years, the City's update specific plans and Affordable Housing Ordinance, will continue to have an impact on future development in the upcoming housing cycle.

## ACCESS TO FINANCIAL SERVICES

Milpitas does have a long history of discrimination within financial lending tied to affordable housing through the process of redlining, earning the city a feature in the book *The Color of Law*. Although such practices have since been curtailed to a significant extent due to their illegality, it is important that Milpitas ensures it does not allow for this history to influence its current financial services and interactions for low-income people of color. For example, Sunnyhills in Milpitas was the first planned racially-integrated community in the United States in 1956, arranged by a Union co-op of the United Auto Workers. Today, Sunnyhills still has one of the highest levels of integration of any neighborhood.

Please refer to the Appendix of the Analysis of Impediments to Fair Housing document attached for the following Contributing Factors.

## Fair Housing Enforcement and Outreach Capacity

- Lack of local private fair housing outreach and enforcement

- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

## Segregation and Integration

- Community opposition
- Displacement of residents due to economic pressures
- Lack of private investment in specific neighborhoods
- Lack of public investment in specific neighborhoods, including services and amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Lack of public investment in specific neighborhoods, including services and amenities

## Racially and Ethnically Concentrated Areas of Poverty

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination

## Disparities in Access to Opportunity

- Access to financial services
- Availability, type, frequency, and reliability of public transportation
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities

- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination

## Disparities in Access to Opportunity for Persons with Disabilities

- Access for persons with disabilities to proficient schools
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible public or private infrastructure
- Lack of access to opportunity due to high housing costs
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- Source of income discrimination
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings

## Disproportionate Housing Needs, Including Displacement Risks

- Availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities

- Land use and zoning laws
- Lending discrimination
- Loss of affordable housing
- Source of income discrimination

## Site Inventory

- Community opposition
- Deteriorated and abandoned properties
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Local policies or practices
- Location and type of affordable housing

## Contributing Factors and Priority Matrix

Priority	Contributing Factor	Meaningful Action
High	<ul style="list-style-type: none"> <li>• The availability of affordable units in a range of sizes</li> <li>• Community opposition</li> <li>• Lack of access to opportunity due to high housing costs</li> <li>• Lack of affordable, integrated housing for individuals who need supportive services</li> <li>• Land use and zoning laws</li> <li>• Private discrimination</li> </ul>	Housing Programs 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
Medium	<ul style="list-style-type: none"> <li>• The availability, type, frequency, and reliability of public transportation</li> <li>• Displacement of residents due to economic pressures</li> <li>• Lack of affordable in-home or community-based supportive services</li> <li>• Lack of assistance for housing accessibility modifications</li> <li>• Lack of local public fair housing enforcement</li> <li>• Lack of local or regional cooperation</li> <li>• Lack of resources for fair housing agencies and organizations</li> <li>• Lending discrimination</li> <li>• Location of environmental health hazards</li> <li>• Location of proficient schools and school assignment policies</li> <li>• Quality of affordable housing information programs</li> </ul>	Housing Program 5, 6, 7, 9, 10, 13, 19, 20, 22, 23

	<ul style="list-style-type: none"> <li>• Source of income discrimination</li> </ul>	
Low	<ul style="list-style-type: none"> <li>• Access to publicly supported housing for persons with disabilities</li> <li>• Access to transportation for persons with disabilities</li> <li>• Admissions and occupancy policies and procedures, including preferences, in publicly supported housing</li> <li>• Displacement and lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking</li> <li>• Impediments to mobility</li> <li>• Lack of assistance for transitioning from institutional settings to integrated housing</li> <li>• Lack of meaningful language access for individuals with limited English proficiency</li> <li>• Lack of state or local fair housing laws</li> <li>• Location of accessible housing</li> <li>• Siting selection policies, practices, and decisions for public supported housing, including discretionary aspects of Qualified Allocation Plans and other programs</li> </ul>	Housing Programs 5, 7, 8, 9, 15, 20, 21, 19, 22, 23, 24
Not a Contributing Factor	<ul style="list-style-type: none"> <li>• Access to financial services</li> <li>• Inaccessible buildings, sidewalks, pedestrian crossings, or other public or private infrastructure</li> <li>• Inaccessible government facilities or services</li> <li>• Lack of community revitalization strategies</li> <li>• Lack of local private fair housing outreach and enforcement</li> <li>• Occupancy codes and restrictions</li> </ul>	

CITY OF MILPITAS  
DRAFT ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



December 2021

## **TABLE OF CONTENTS**

I. Cover Sheet

II. Executive Summary

III. Community Participation Process

IV. Assessment of Past Goals and Actions

V. Fair Housing Analysis

    A. Demographic Summary

    B. General Issues

        i. Segregation/Integration

        ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

        iii. Disparities in Access to Opportunity

            a. Education

            b. Employment

            c. Transportation

            d. Access to Low Poverty Neighborhoods

            e. Access to Environmentally Healthy Neighborhoods

            f. Patterns in Disparities in Access to Opportunity

        iv. Disproportionate Housing Needs

    C. Publicly Supported Housing Analysis

    D. Disability and Access Analysis

    E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

VI. Fair Housing Goals and Priorities

VII. Contributing Factors Appendix

## I. Executive Summary

The purpose of this Assessment of Fair Housing for the City of Milpitas, California is to provide a basis, grounded in data and robust community engagement, for future action to address four core fair housing issues: segregation, racially and ethnically concentrated areas of poverty (R/ECAPs), disproportionate housing needs (including those associated with displacement), and disparities in access to opportunity. For each of these issues, this Assessment pays particular attention to how persons with disabilities and residents of publicly supported housing are affected. In determining how to address these issues through well-tailored goals and strategies, this Assessment also includes a review of 45 “contributing factors” to fair housing issues that have the potential to cause – in part – segregation, R/ECAPs, disproportionate housing needs, and disparities in access to opportunity.

Milpitas is a rapidly growing, primarily suburban city in the northeastern corner of Santa Clara County. Other than the hillsides, which are generally protected from development, most of the City land area has been developed with a suburban character and the higher density growth is occurring as redevelopment of older or less intensified development, much of that around the new Transit Center in the southeastern part of the City. The city borders San José to its west and south, unincorporated Santa Clara County to its east, and Fremont (in Alameda County) to its north. Milpitas’ growth is closely tied to the broader growth of the tech industry in Silicon Valley. Demographically, Milpitas has a large Asian majority, along with smaller White and Hispanic populations and a much smaller Black population. The city’s Asian population is highly diverse, with relatively similar proportions of Vietnamese, Chinese, Indian, and Filipino residents. Household incomes are high, and poverty is low, but the city is not one of the most affluent areas of Santa Clara County, which are concentrated further west. Housing costs in Milpitas are also high but not among the very highest in the broader region.

Inequality in housing, economic, and educational outcomes are much more evident at the regional level than they are within Milpitas itself. But, in addition for accounting for the role of Milpitas in broader regional patterns, this Assessment looks at the city at a granular level. Key findings of the Assessment include that a disproportionately Hispanic area in the eastern portion of the city is zoned for the lowest-performing elementary school in the city, and, concurrently, the share of the population of Milpitas’ transit area that is Hispanic has decreased as that area has seen significant investment and growth. Increasing the supply of affirmatively marketed affordable housing throughout Milpitas will be essential for ensuring equity in who benefits from the city’s future growth.

The proposed goals and strategies below are ultimately the most important part of this and any Assessment of Fair Housing. These goals and strategies are not intended to be exhaustive; community input during the Housing Element process may refine and expand these goals.

### **I. Increase the Supply of Family-Occupancy Affordable Housing in the City of Milpitas, Particularly in Areas that Have Historically Lacked Such Housing.**

- a. *Amend the City’s Affordable Housing Ordinance to Target Deeper Affordability and Bolster Incentives for On-Site Development and to Incentivize Larger Units for Families*
- b. *Pass a Citywide Affordable Housing Bond Issue.*
- c. *Prioritize Affordable Housing Development on City-Owned Land.*
- d. *Increase Proportion of CDBG Funds Dedicated to Predevelopment Costs for Affordable Housing.*

### **2. Expand Accessible, Publicly Supported Housing Options for Persons with Disabilities.**

- a. *Partner with the Santa Clara County Office of Supportive Housing on Affordable Housing Developments Utilizing Measure A Bond Funds.*
- b. *Require Higher Percentages of Accessible Units in CDBG-Funded Developments Than Are Necessary under Section 504 of the Rehabilitation Act.*

**3. Reform Zoning and Land Use Policies to Foster the Development of Fair and Affordable Housing.**

- a. *Identify Sites for Strategic Mixed-Use Zoning and Targeted Upzoning for Affordable Housing Developments in the Highest Opportunity Portions of Milpitas with the Lowest Displacement Risk.*
- b. *Ensure that the city's planned comprehensive update of the Zoning Ordinance includes a focus on fair and affordable housing.*

**4. Synchronize Affordable Housing Investments with Efforts to Holistically Increase Access to Opportunity.**

- a. *Explore Strategies for Improving School Performance and Ensuring Equal Access to High Performing Schools.*
- b. *Mitigate Air Pollution from Major Highways.*
- c. *Implement VTA Grant-Funded On-Demand Micro-Transit Program Citywide.*

**5. Protect the Housing Rights of Individuals with Protected Characteristics.**

- a. *Continue to Support Fair Housing Education, Outreach, and Enforcement.*
- b. *Increase Support for Legal Representation for Tenants and Homeowners in Eviction and Foreclosure Proceedings and Study the Feasibility of Adopting a Right to Counsel in Such Cases.*

## II. Community Participation Process

1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board and other resident outreach.

Over the fall of 2021 and the winter of 2022, the City conducted virtual stakeholder interviews with eight organizations based in Milpitas and the broader Silicon Valley region. The outreach was targeted to organizations representing members of protected classes, including persons with disabilities and communities of color, along with groups working in various aspects of the housing and social services sector. Those groups are listed below. In addition to this round of outreach, extensive regional community engagement conducted in the fall of 2019 and the winter of 2020 for the Santa Clara County Regional Assessment of Fair Housing also informed the drafting of this Assessment for the City of Milpitas. In addition to over 30 stakeholder interviews, that outreach process included community meetings and focus groups held across Santa Clara County and extensive engagement with industry groups and trade associations. Over the course of the process of drafting the Assessment of Fair Housing, members of the public have been able to submit input by email.

The City of Milpitas has also conducted extensive community engagement for the development of its Housing Element including community meetings, focus groups, and stakeholder interviews, held primarily in the winter and spring of 2022. These opportunities for input have addressed a broader range of topics than the Assessment of Fair Housing but have also solicited comment relating to the Assessment of Fair Housing, in particular.

2. Provide a list of organizations consulted during the community participation process.

- Abode HEAT Team
- Health Trust
- India Community Center
- NovaWorks
- PRAGNYA
- Project Sentinel
- Rebuilding Together Silicon Valley
- WeHope

3. Describe whether the outreach activities elicited broad community participation during the development of the AFH. If there was low participation, or low participation among particular protected class groups, what additional steps might improve or increase community participation in the future, including overall participation or among specific protected class groups?

Community engagement efforts undertaken in the development of the Assessment of Fair Housing generally garnered robust input; however, the City was not able to interview some stakeholder organizations that were prioritized. It is likely that the fact that all cities in the San Francisco Bay area were undertaking community engagement processes relating to their Housing Elements, including the Assessment of Fair Housing components of those Housing Elements, strained the capacity of organizations that operate on a regional or county-wide basis to simultaneously participate in all ongoing planning processes.

4. Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.

The Assessment of Fair Housing will be updated to include a summary of comments received in the community participation process and the reasons for non-acceptance of any comments after the conclusion of the public review process. Input obtained through the stakeholder engagement and community outreach processes that occur in concert with the development of the Assessment of Fair Housing generally do not take the form of formal public comments.

#### **IV. Assessment of Past Goals, Actions and Strategies**

##### ***1.a. Discuss what progress has been made toward their achievement.***

The following are key issues and goals from Milpitas' Analysis of Impediments to Fair Housing Choice issued in September of 2016. The document may be accessed at the following link: <http://www.ci.milpitas.ca.gov/wp-content/uploads/2016/09/AI-MILPITAS-2016-FINAL.pdf>

##### ***1. Increase the distribution of fair housing pamphlets and brochures in multiple languages.***

**Action/Status:** Since the 2016 AI, the City of Milpitas has begun to produce housing brochures in a variety of languages. Brochures pertaining to the City's Rent Relief Program, the Santa Clara County Financial Assistance Program, and Santa Clara County Community Resources Directory are available on the City's website in English, Spanish, and Vietnamese. Flyers regarding the County's "Let's Talk Housing Santa Clara County" event were available on the City's website in English, Spanish, and Vietnamese as well. Additionally, the City provided information on available options for Sunnyhills residents in English, Vietnamese, Chinese, and Spanish; provided interpretation services in Vietnamese, Chinese, and Spanish at the City Council hearing at which Sunnyhills was discussed; translated the agenda packet for that hearing into those languages; and mailed the packet in those languages to Sunnyhills residents. It is important to note, however, that these brochures are not consistently available in Chinese (outside of the context of Sunnyhills), Tagalog, or any other language beyond those three. For instance, while the City of Milpitas' Rent Relief Program and First 5 Santa Clara County brochures offer Chinese translations of the material, the Santa Clara County Financial Assistance Program is not available in Chinese. Only the First 5 Santa Clara County brochure is available in Tagalog. Further, the City's Housing Resources brochure that is posted on the City's website is only available in English.

##### ***2. Continue to carry out plans for high density development and continue the utilization of density bonuses.***

**Action/Status:** The City of Milpitas has continued to offer density bonuses to housing developers who commit to making at least 15% of the proposed units affordable to low-income residents. The City offers developments that adhere to affordable housing requirements a maximum density bonus of thirty five percent (35%) over the maximum allowable residential density under the General Plan and Zoning Ordinance (Milpitas Zoning Code Section XI-10-54.15(E)). The City most recently granted a 27% density bonus to the proposed multifamily affordable housing project at 355 Sango Court in June 2021.<sup>1</sup>

##### ***3. 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.***

**Action/Status:** Information is unavailable with regards to the city's progress on this goal.

##### ***4. Any changes to California Law regarding secondary dwellings need to be posted on the City website.***

**Action/Status:** All relevant changes made to California Law regarding secondary dwellings are reflected in the City's website. While the City does not create separate posts that outline all the passed legislation

---

<sup>1</sup> [https://www.ci.milpitas.ca.gov/\\_pdfs/Commissions/pc/2021/063021/MF\\_Staffreport.pdf](https://www.ci.milpitas.ca.gov/_pdfs/Commissions/pc/2021/063021/MF_Staffreport.pdf)

pertaining to secondary dwelling units, these changes are reflected in the general information section of the “ADU Corner” webpage that was added to the City’s website in 2021. The Planning Department hosted a virtual workshop in December 2021 to provide an overview of recent legislative and zoning changes and demonstrate how to use the City’s extensive online tools and information related to ADUs. A video of the virtual workshop is available on the “ADU corner” webpage.

- 5. *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.***

**Action/Status:** Since the 2016 AI, the City of Milpitas has continued to pursue their goals related to the Midtown Specific Plan. According to the City’s website, “development activity over the past several years has included the approval and/or construction of 1,200 units of housing, reinvestment in the Great Mall, extension of the Santa Clara Valley Transportation Authority’s (VTA’s) Tasman East Light Rail Transit (LRT) line, and proposals to extend Bay Area Rapid Transit (BART) through the area as part of the San Jose extension.”<sup>2</sup> An update to the Midtown Specific Plan is currently underway and will include updated strategies to encourage development of affordable housing units in this area of the City along with higher density housing and improved access to Milpitas’s BART station.

- 6. *Increase outreach to residents and housing providers regarding what constitutes a discriminatory advertisement.***

**Action/Status:** The City of Milpitas has partnered with Project Sentinel, a local housing non-profit, to provide outreach and information to those potentially affected by housing discrimination. However, despite the City advising individuals to call Project Sentinel to investigate their complaints at no cost, there is no information as to what constitutes housing discrimination on the City’s website. The City of Milpitas Housing Resources Brochure, found under the Housing Resources section of the City’s website, contains no explicit information about discriminatory advertisements either. Brochures with information regarding what constitutes housing discrimination and discriminatory advertisements are instead found on Project Sentinel’s webpage.

- 7. *Continue to regularly monitor the Milpitas Post, San Jose Mercury News, and Craigslist.org for discriminatory real estate advertisements.***

**Action/Status:** Information is unavailable with regards to the City’s progress on this goal.

- 8. *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.***

**Action/Status:** The City of Milpitas offers several brochures that target the City’s Asian community. Brochures with information regarding the City’s Rent Relief Program, the Santa Clara County Financial Assistance Program, and Santa Clara County Community Resources Directory are available on the City’s website in Vietnamese and Chinese among other languages. Project Sentinel also offers brochures and presentations pertaining to a myriad of housing topics that are translated to Chinese, Vietnamese, and Korean. However, the City of Milpitas Housing Resource Brochure, found under the Housing Resources section of the City’s website, is available only in English on the City’s website. The June 2021 community

---

<sup>2</sup><https://www.ci.milpitas.ca.gov/planningdepartment/community-and-citywide-plans/midtown-specific-plan/#1622212557395-6c89d70c-18ce>

forum regarding the Main Street revitalization project included a PowerPoint that was also available only in English and Spanish.

**9. *Increase the amount and frequency of outreach efforts made to community and social service agencies.***

**Action/Status:** Information is unavailable with regards to the City's progress on this goal.

**10. *Continue and improve methods of ensuring the effectiveness of these outreach efforts to raise and sustain community awareness of Fair Housing issues.***

**Action/Status:** Information is unavailable with regards to the City's progress on this goal.

The following are housing goals that the City of Milpitas set in accordance with California Law. Milpitas' 2014-2022 Regional Housing Needs Assessment may be accessed at the following link: [http://www.ci.milpitas.ca.gov/\\_pdfs/AdoptedHousingElement2015-2023.pdf](http://www.ci.milpitas.ca.gov/_pdfs/AdoptedHousingElement2015-2023.pdf)

**11. *Construct 1,004 very low-income housing units, 570 low-income housing units, 565 moderate-income housing units, and 1,151 above-moderate income housing units by 2022.***

**Action/Status:** As of May 27, 2021, the City of Milpitas has not achieved the housing goals it set in the Housing Element component of its General Plan in accordance with its Regional Housing Needs Allocation, as determined by the Association of Bay Area Governments (ABAG). The City has surpassed original goals to issue building permits for units for those with above-moderate incomes (with the City approving 2,663 building permits when the original goal was 1,151<sup>3</sup>). The City has permitted just four units for moderate-income households. While the City has yet to officially issue building permits for any units for low-income households, the City has provided early stages of approval for multiple projects including low- and moderate-income units that are in the pipeline, including The Core on South Main Street, the Sunnyhills infill development, and the Adept development at 600 Barber Lane. In addition, only 142 of the proposed 1,004 very low-income housing units have received building permits since the goals were set. In 2018, the City of Milpitas adopted an inclusionary housing ordinance that prioritizes the creation of on-site affordable units and thus should ensure that future above-median income development results in the creation of affordable units.

**1.b. *Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences).***

Since the completion of the 2016 AI, Milpitas has made considerable progress expanding residents' access to housing resources. Housing resources are now offered in a variety of languages, thus granting residents who speak Spanish, Chinese, Tagalog, or Vietnamese access to resources that were previously unavailable to them.

Though Milpitas has made progress in increasing residents' access to affordable housing resources<sup>3</sup>; however, there continue to be significant unmet needs. The City cites limited funding, high construction costs, and quickly rising land costs as significant obstacles to stimulating the construction of affordable housing units.<sup>3</sup>

---

<sup>3</sup> <https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/09/FY20-21-CAPER-FINAL.pdf>

In addition, the City has not effectively documented the steps that they are taking to tackle the 2016 AI housing goals. For instance, it is impossible to tell whether City officials are truly “[increasing] the amount and frequency of outreach efforts made to community and social service agencies” or “regularly [monitoring] the Milpitas Post, San Jose Mercury News, and Craigslist.org for discriminatory real estate advertisements.” The lack of transparency allows Milpitas to avoid accountability from residents who would benefit from the achievement of these housing goals.

***1.c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.***

To ensure that the City of Milpitas is meeting its new AFH goals and facilitate implementation, an improved progress tracker will be developed. There will be performance metrics specified for any goal for which the development of performance metrics is feasible. Additionally, the goals will be evaluated annually and incorporated as part of the housing element process.

Additionally, Milpitas is currently developing a new Housing Opportunity overlay zone that will streamline the process for new affordable housing. In addition, the City plans to initiate a comprehensive update of its Zoning Ordinance in 2022/23, and this will present an opportunity to further analyze and address any zoning impediments to fair housing.

***1.d. Discuss how the experience of program participant(s) with past goals has influenced the selection of current goals.***

Complete once greater clarity on what goals will be included.

## V. Fair Housing Analysis

### A. Demographic Summary

This Demographic Summary provides an overview of data concerning race and ethnicity, sex, familial status, disability status, limited English proficiency, national origin, and age. The data included reflects the composition of the San Jose-Sunnyvale-Santa Clara region.

**1. *Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).***

Milpitas is located in Northern California at the southeastern end of the San Francisco Bay. It is situated between the City of San Jose to the south and the City of Fremont to the north. The city has a majority Asian population and both White and Hispanic population concentrations that are smaller than those of the region.

**Table 1: Race and Ethnicity, Milpitas, California**

		Milpitas		San Jose-Sunnyvale-Santa Clara, CA MSA	
Race/Ethnicity		#	%	#	%
White, Non-Hispanic		8,441	10.9%	643,138	32.65%
Black, Non-Hispanic		2,319	2.99%	45,916	2.33%
Hispanic		11,577	14.95%	532,814	27.05%
Asian/Pacific Island, Non-Hispanic		52,071	67.23%	669,125	33.97%
Native American, Non-Hispanic		80	0.10%	3,282	0.17%

#### Race and Ethnicity

Milpitas has a plurality Asian or Pacific Islander population (67.23%), with significantly smaller populations of Hispanic (14.95%), White (10.9%), and Black residents (2.99%). The Native American population is 0.10%. In comparison, the Region is approximately one-third Hispanic (27.05%), White (32.65%), and Asian or Pacific Islander (33.97%), with similar small numbers of Black, and Native American populations.

**Table 2: National Origin, Milpitas, California**

National Origin						
Country of Origin		Milpitas		MSA		
		#	%			
#1	India	9,758	12.6%	Mexico	149,078	7.57%
#2	Vietnam	8,356	10.79%	India	118,753	6.03%
#3	Philippines	7,613	9.83%	China	113,993	5.79%
#4	China	7,177	9.27%	Vietnam	102,657	5.21%
#5	Mexico	2,516	3.25%	Philippines	60,251	3.06%
#6	Korea	874	1.13%	Korea	20,410	1.04%
#7	Malaysia	521	0.67%	Iran	15,517	0.79%
#8 c	Burma	296	0.38%	Japan	11,984	0.61%
#9	Canada	197	0.25%	Canada	10,473	0.53%

#10	Thailand	168	0.22%	United Kingdom	9,860	0.50%
-----	----------	-----	-------	----------------	-------	-------

### National Origin

The most common country of origin within the city is India, with 12.6% of the city population comprising residents from India. The remaining most common countries of origin are, in order, Vietnam, Philippines, China, Mexico, Korea, Malaysia, Burma, Canada, and Thailand.

**Table 3: Limited English Proficiency, Milpitas, California**

Language <sup>4</sup>		Milpitas		MSA		
#1 LEP Language	Vietnamese	5,629	8.40%	Spanish	147,705	8.48%
#2 LEP Language	Chinese	5,622	8.39%	Vietnamese	69,212	3.98%
#3 LEP Language	Tagalog	2,670	3.99%	Chinese	61,687	3.54%
#4 LEP Language	Spanish	2,245	3.35%	Tagalog	19,949	1.15%
#5 LEP Language	Other Indic Language	673	1.00%	Korean	12,494	0.72%
#6 LEP Language	Other Asian Language	443	0.66%	Other Indic Language	7,078	0.41%
#7 LEP Language	Korean	391	0.58%	Other Asian Language	6,838	0.39%
#8 LEP Language	Other Pacific Island Language	339	0.51%	Japanese	6,069	0.35%
#9 LEP Language	Gujarati	264	0.39%	Chin	5,253	0.30%
#10 LEP Language	Hindi	237	0.35%	Russian	4,197	0.24%

### Limited English Proficiency

The most commonly spoken language for those in the city with Limited English Proficiency (LEP) is Vietnamese. The remaining most common languages for those with LEP are, in order, Chinese, Tagalog, Spanish, Other Indic Language, Other Asian Language, Korean, Other Pacific Island Language, Gujarati, and Hindi.

**Table 4: Disability Status, Milpitas, California**

<sup>4</sup> The data included for Limited English Proficiency for the City of Milpitas only is from the 2011-2015 American Community Survey 5-Year Estimates, rather than the 2014-2018 American Community Survey 5-Year Estimates, because the Census Bureau stopped publishing Table B16001, the table from which this data is derived for cities of Milpitas' size after that point.

Disability Type	Milpitas		MSA	
Hearing difficulty	1,446	1.86%	45,778	2.3%
Vision difficulty	1,011	1.30%	27,954	1.4%
Cognitive difficulty	1,747	2.25%	59,099	3.2%
Ambulatory difficulty	2,622	3.38%	79,438	4.3%
Self-care difficulty	1,421	1.83%	36,795	2.0%
Independent living difficulty	2,702	3.48%	66,560	4.4%

#### Disability

The most common type of disability experienced by city residents is independent living difficulty. The remaining most common disabilities are, in order of prevalence, ambulatory difficulty, cognitive difficulty, hearing difficulty, self-care difficulty, and vision difficulty.

**Table 5: Sex, Milpitas, California**

Sex	Milpitas		MSA	
Male	39,551	51.06%	992,525	50.38%
Female	37,906	48.94%	977,372	49.62%

#### Sex

Milpitas residents are 51.06% male and 48.94% female.

**Table 6: Age, Milpitas, California**

Age	Milpitas		MSA	
Under 18	17,120	22.10%	326,871	22.9%
18-64	51,064	65.93%	1,410,528	59.1%
65+	9,273	11.97%	246,855	18.0%

#### Age

The majority of city residents are between 18-64, with 65.93% of residents falling in this group. 22.10% of city residents are under 18, and 11.97% are 65 or older.

**Table 7: Familial Status, Milpitas California**

Family Type	Milpitas		MSA	
Families with children	8,399	45.62%	221,806	49.33%

#### Familial Status

Families with children constitute 45.62% of the total population.

**Table 2: Demographic Trends**

(Milpitas City, CA CDBG) Jurisdiction						
	1990 Trend		2000 Trend		2010 Trend	
Race/Ethnicity	#	%	#	%	#	%
White, Non-Hispanic	21,268	42.17%	15,028	23.96%	9,804	14.68%
Black, Non-Hispanic	2,779	5.51%	2,545	4.06%	2,286	3.42%
Hispanic	9,286	18.41%	10,363	16.52%	11,239	16.83%
Asian or Pacific Islander, Non-Hispanic	16,632	32.98%	33,856	53.99%	42,996	64.37%
Native American, Non-Hispanic	328	0.65%	502	0.80%	347	0.52%
National Origin						
Foreign-born	15,429	30.55%	29,535	47.09%	32,347	48.43%
LEP						
Limited English Proficiency	8,501	16.83%	16,593	26.45%	16,410	24.57%
Sex						
Male	26,844	53.15%	32,938	52.52%	34,140	51.12%
Female	23,659	46.85%	29,783	47.48%	32,650	48.88%
Age						
Under 18	13,278	26.29%	15,895	25.34%	15,298	22.90%
18-64	34,754	68.82%	42,393	67.59%	45,139	67.58%
65+	2,471	4.89%	4,433	7.07%	6,353	9.51%
Family Type						
Families with children	6,412	54.80%	6,676	52.23%	7,627	48.84%
(San Jose-Sunnyvale-Santa Clara, CA) Region						
	1990 Trend		2000 Trend		2010 Trend	
Race/Ethnicity	#	%	#	%	#	%
White, Non-Hispanic	888,530	57.90%	768,747	44.29%	648,063	35.28%
Black, Non-Hispanic	52,557	3.42%	52,151	3.00%	52,208	2.84%
Hispanic	331,183	21.58%	428,868	24.71%	510,396	27.79%
Asian or Pacific Islander, Non-Hispanic	251,953	16.42%	459,718	26.48%	611,013	33.26%
Native American, Non-Hispanic	6,717	0.44%	11,780	0.68%	10,290	0.56%
National Origin						
Foreign-born	353,465	23.04%	583,157	33.60%	655,016	35.66%
LEP						
Limited English Proficiency	212,940	13.88%	351,953	20.28%	366,129	19.93%
Sex						
Male	777,230	50.66%	878,445	50.61%	921,480	50.16%
Female	757,116	49.34%	857,377	49.39%	915,431	49.84%
Age						

<b>Under 18</b>	<b>369,600</b>	<b>24.09%</b>	<b>444,818</b>	<b>25.63%</b>	<b>445,611</b>	<b>24.26%</b>
<b>18-64</b>	<b>1,032,260</b>	<b>67.28%</b>	<b>1,127,524</b>	<b>64.96%</b>	<b>1,188,996</b>	<b>64.73%</b>
<b>65+</b>	<b>132,486</b>	<b>8.63%</b>	<b>163,480</b>	<b>9.42%</b>	<b>202,304</b>	<b>11.01%</b>
<b>Family Type</b>						
<b>Families with children</b>	<b>180,450</b>	<b>48.31%</b>	<b>180,388</b>	<b>49.79%</b>	<b>217,181</b>	<b>49.33%</b>

Over time, the Asian and Pacific Islander population in Milpitas has significantly increased while the White population has significantly declined. The Black and Hispanic population concentration has decreased more modestly. Since the total population of the city has increased significantly since 1990, the decrease in the percentage of the population that is Hispanic is not actually reflective of a decrease in the total number of Hispanic residents. The share of the population that is foreign-born has increased over time, and, after increasing between 1990 and 2000, the population that has limited English proficiency has been relatively stable. The population has also become older and less predominantly male, and the number of households comprised of families with children has decreased. Many of these trends are mirrored at the regional level with a few notable exceptions. First, the region's Hispanic population has grown . Second, the region has not seen a decrease in the proportion of family households with children.

## B. General Issues

### i. Segregation/Integration

*1.a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.*

**Table 1: Dissimilarity Index Values by Race and Ethnicity for Milpitas.**

Racial/Ethnic Dissimilarity Index	1990	2000	2010	2020
Black/White	20.4	22.6	19.3	20.1
Hispanic/White	20.2	32	22.7	24.8
Asian/White	17.6	13.8	10	12.1

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

The table above reflects the Dissimilarity Indices for Milpitas. The Dissimilarity Index measures the percentage of a certain group's population that would have to move to a different census tract in order to be evenly distributed within a city or metropolitan area in relation to another group. The higher the Dissimilarity Index, the higher the extent of the segregation. HUD, relying on sociological research, defines a Dissimilarity Index of below 40 as low, an Index of between 40 and 55 is moderate, and an Index 55 or over as high. For all groups, levels of segregation are low; however, Black and Hispanic residents are somewhat more segregated from White residents than are Asian residents.

**Table 2: Dissimilarity Index Values by Race and Ethnicity for San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

Racial/Ethnic Dissimilarity Index	1990	2000	2010	2020
Black/White	43.4	40	38.6	35.3
Hispanic/White	48	50.8	47.6	45.4
Asian/White	39	42.1	43	39.8

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

The table above reflects markedly higher levels of segregation for all groups in the broader region than in Milpitas, more narrowly. Hispanic residents are subject to moderate levels of segregation in relation to White residents, and, while segregation for Black and Asian residents is nominally low, index levels are at the highest extreme of the low range. Regional data provides a more accurate reflection of how segregation functions in Milpitas. Although there is one area within Milpitas that has a notably higher concentration of Hispanic residents than the city as a whole, the housing choices of Hispanic residents are more constrained by whether they have the opportunity to live in Milpitas, in general, rather than by what neighborhoods within the city they are able to access.

In addition to the Dissimilarity Index, social scientists also use the Isolation and Exposure Indices to measure segregation. These indices, when taken together, capture the neighborhood demographics experienced, on average, by members of a particular racial or ethnic group within a City or metropolitan area. The Isolation Index measures what percentage of the census tract in which a person of a certain racial identity lives is comprised of other persons of that same racial/ethnic group. Values for the Isolation Index range from 0 to 100. The Exposure Index is a group's exposure to all racial groups. Values for the Exposure Index also range from 0 to 100. A larger value means that the average group member lives in a census tract with a higher percentage of people from another group.

**Table 3: Isolation Index Values by Race and Ethnicity in Milpitas**

Isolation Index	1990	2000	2010	2020
White/White	43.3	25.3	15.4	10.4
Black/Black	6.2	4.8	3.9	3.2
Hispanic/Hispanic	22.1	23.7	19.9	17.6
Asian/Asian	36.3	56.7	65.5	74.7

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

**Table 4: Exposure Index Values for Milpitas**

Exposure Index	1990	2000	2010	2020
Black/White	40.8	23.2	14.2	9.5
Hispanic/White	41.2	41.2	14.2	9.8
Asian/White	40.9	40.9	14.5	9.6
White/Black	5.4	5.4	3.3	2.5
Hispanic/Black	6.1	4.9	3.6	2.9
Asian/Black	5.3	3.8	3.4	2.5
White/Hispanic	18.3	15.6	16.5	13.2
Black/Hispanic	20.6	19.9	17.9	14.9
Asian/Hispanic	16.7	14.6	16.0	12.3
White/Asian	32.2	53.8	64.1	72.8
Black/Asian	31.4	50.7	63.3	71.6
Hispanic/Asian	29.7	47.8	61.5	68.8

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

As the tables above show, all groups reside in neighborhoods that are predominantly Asian. Hispanic residents have slightly lower exposure to Asian residents than do other groups, but the differences are modest. In general, an individual Milpitas resident's race or ethnicity does not suggest a likelihood of living in materially more segregated conditions. Additionally, while the Isolation Index for Asian residents is high in absolute terms, it is only slightly higher than the Exposure Indices for White, Black, and Hispanic residents in relation to Asian residents, and, as reflected in the Demographic Summary of this Assessment, aggregate data for Asian residents masks significant heterogeneity among national origin and ancestry groups.

**Table 5: Isolation Index Values by Race and Ethnicity in San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

Isolation Index	1990	2000	2010	2020
White/White	67	56.5	47.6	39.1
Black/Black	5.3	4.2	4	3.8
Hispanic/Hispanic	37	41.7	43.4	41.1
Asian/Asian	24.3	37.6	45.4	51.1

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

**Table 6: Exposure Index Values for San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

Exposure Index	1990	2000	2010	2020
Black/White	48.1	38.8	32.8	28.1
Hispanic/White	42	31.2	26.7	23.3
Asian/White	49.6	37.1	29.4	24.9
White/Black	2.8	2.6	2.6	2.7
Hispanic/Black	4.1	3.3	3	3
Asian/Black	4.3	3.2	2.8	2.6
White/Hispanic	15.6	17.3	21.1	21.3
Black/Hispanic	25.5	27.1	29.7	28.8
Asian/Hispanic	21.3	20.8	21.7	20.1
White/Asian	14	22.1	27.8	35.1
Black/Asian	20.4	28.5	32.7	37.5
Hispanic/Asian	16.2	22.4	26.1	31

Source: Diversity and Disparities, Spatial Structures in the Social Sciences, Brown University

As with the Dissimilarity Index, regional Isolation and Exposure Index data reflects more segregated patterns than are evident within Milpitas. It is clear that White (74.2%) and Asian (76%) residents are more likely to live in neighborhoods that have higher combined concentrations of White and Asian residents than are Hispanic (54.3%) residents, in particular, and Black (65.6%) residents, to a lesser extent.

***1.b Explain how these segregation levels have changed over time (since 1990).***

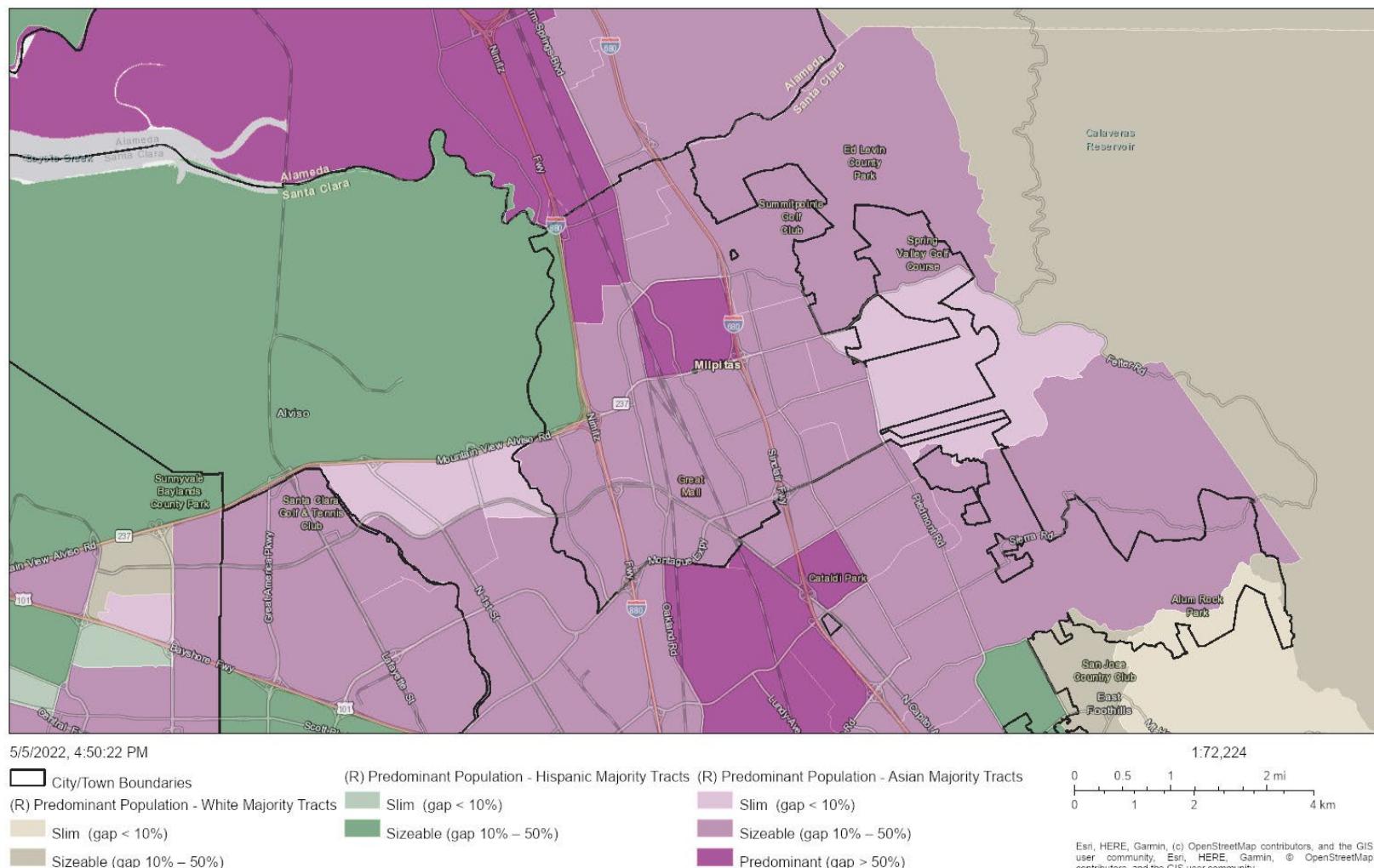
With respect to Dissimilarity Index data, segregation of Black and Hispanic residents in Milpitas in relation to White residents has been fairly stable over time, although there was an increase in Hispanic-White segregation in 2000 that reverted back by 2010. Segregation between White and Asian residents by this metric has decreased over time. Isolation and Exposure Index data shows decreasing levels of isolation for all groups except Asian residents (for whom isolation increased) and decreasing levels of exposure to all groups except Asian residents (to whom exposure increased). This data is consistent with the overarching trend of significantly increased Asian population in Milpitas.

In the region, Dissimilarity Index levels for Black residents in relation to White residents have decreased over time while Dissimilarity Index levels for Hispanic and Asian residents, respectively, in relation to White residents have been little changed. Exposure to White residents (and isolation for White residents) has decreased over time for all groups while exposure to Asian residents (and isolation for Asian residents) has increased over time for all groups. Exposure to Hispanic residents (and isolation for Hispanic residents) has been relatively unchanged. For Black residents, the trend has been toward decreased exposure (and isolation for Black residents), but exposure to Black residents for White residents is an exception, being largely unchanged.

***1.c. Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.***

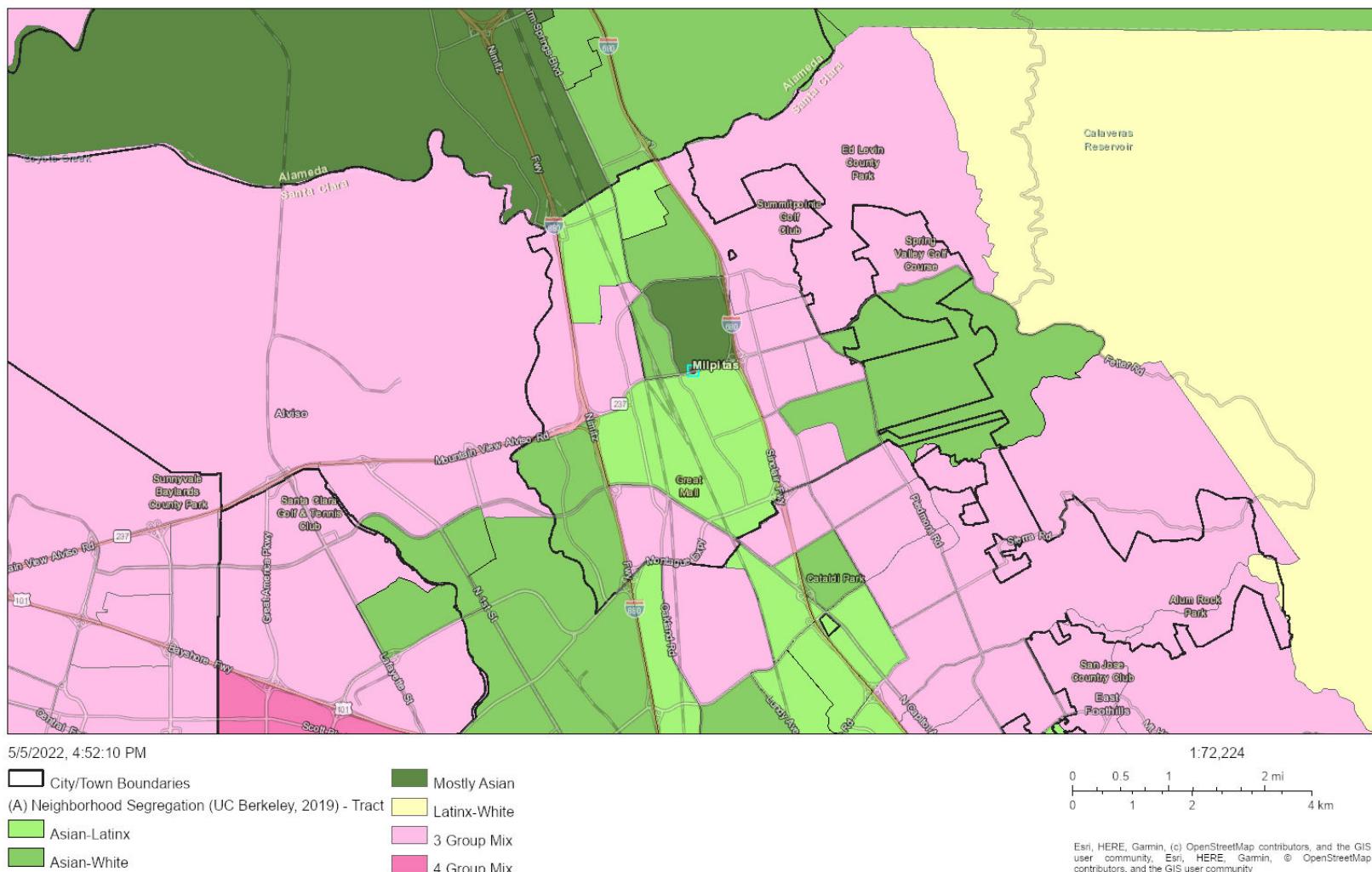
Map 1: Predominant Population by Race, Milpitas

### Predominant Population by Race, Milpitas



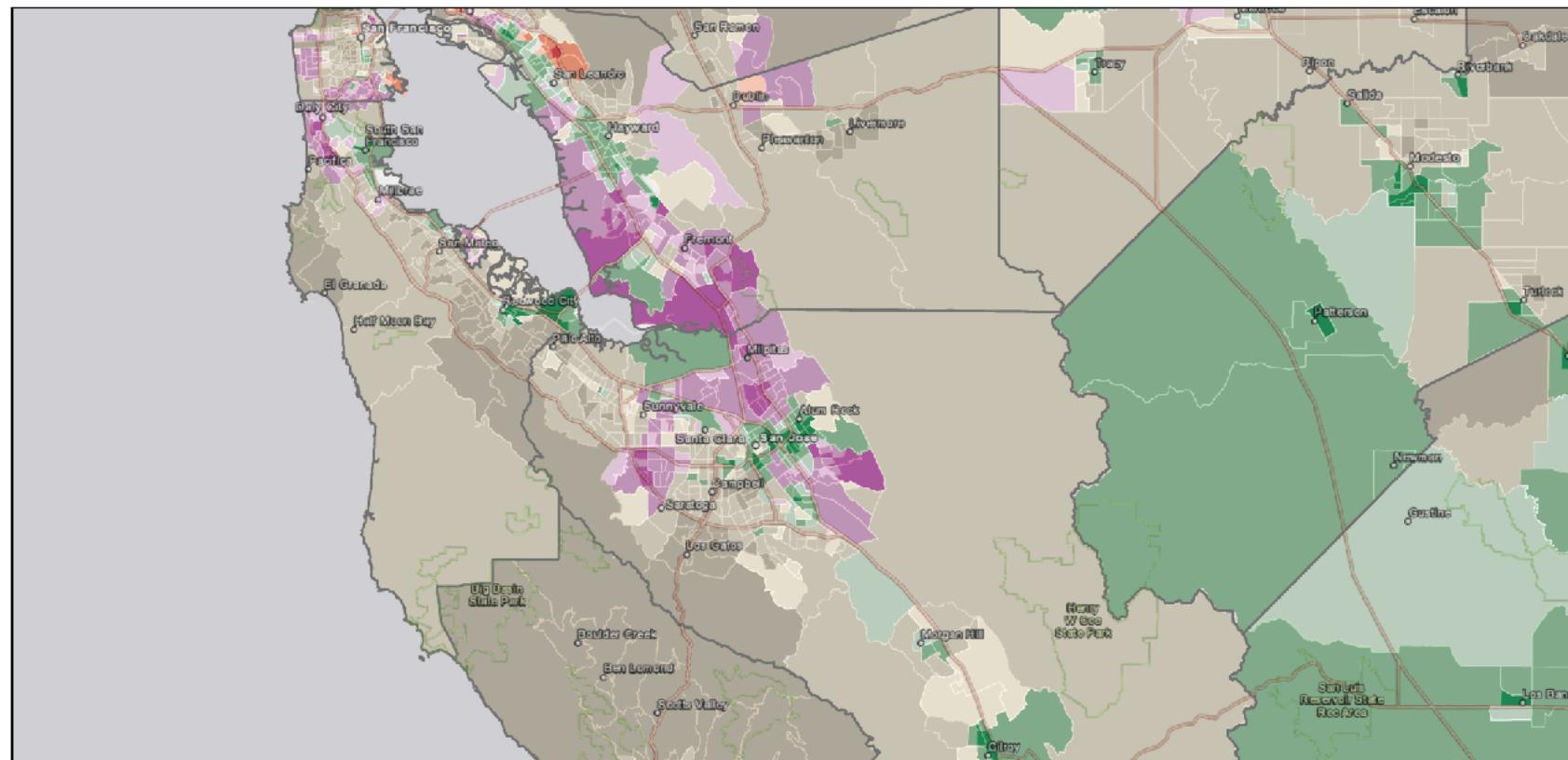
Map 2: Neighborhood Segregation, Milpitas

## Neighborhood Segregation, Milpitas



The maps above reflect that all parts of Milpitas that contain residential development are predominantly Asian. The portion area between I-880 and Coyote Creek, north of Route 237, that appears to be predominantly Hispanic has no residential land uses, and the overall demographics of that census tract primarily reflect the demographics of the North San José neighborhood of Alviso. Among the predominantly Asian neighborhoods of Milpitas, one area in the northwest of the city and one in the center of the city appear to be more concentrated or segregated. The far southeastern portion of the city, which also has minimal residential development, appears to be less concentrated or segregated.

Map 3: Predominant Population by Race, Region



3/27/2022, 10:05:23 AM

County Boundaries

(R) Predominant Population - White Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% – 50%)

Predominant (gap > 50%)

(R) Predominant Population - Hispanic Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% – 50%)

Predominant (gap > 50%)

(R) Predominant Population - African American Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% – 50%)

Predominant (gap > 50%)

(R) Predominant Population - Asian Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% – 50%)

Predominant (gap > 50%)

(R) Predominant Population - African American Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% – 50%)

Predominant (gap > 50%)

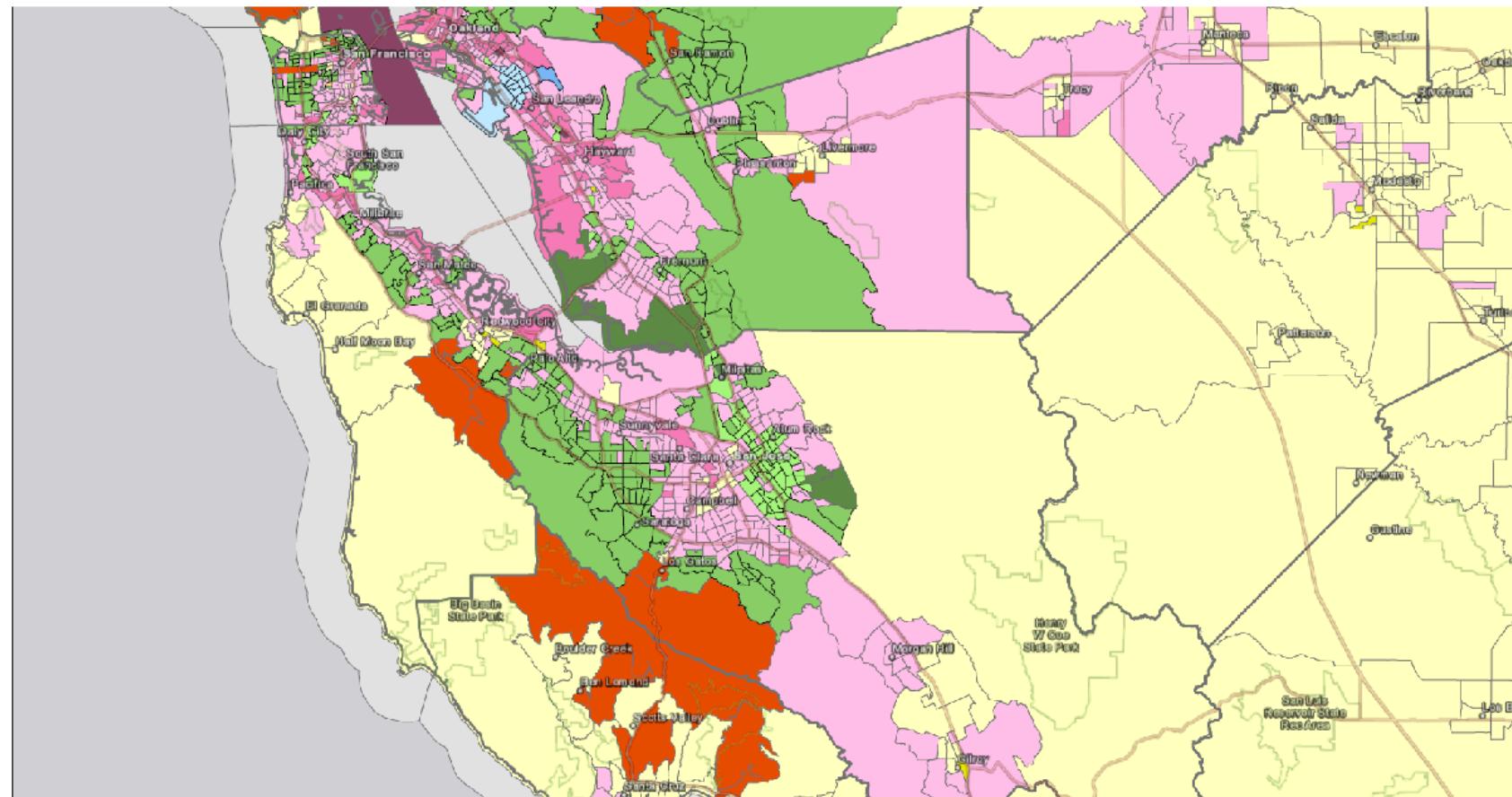
1:577,791  
0 5 10 20 mi  
0 5 10 20 km

Credit: Esri, HERE, GADM, (c) OpenStreetMap contributors, and the GIS user community. Esri, HERE, GADM, (c) OpenStreetMap contributors, and the GIS user community.

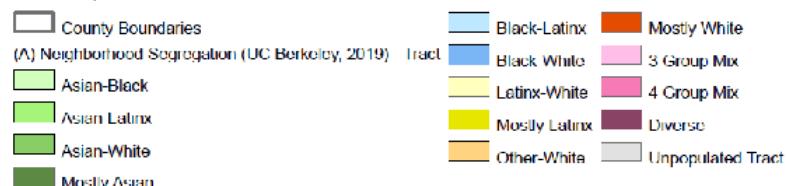
CAHCD

Fair, HFRF, Esri, USGS, EPA, NPS | PlaceWorks 2021 | HUD 2019 | PlaceWorks 2021 | HUD 2020 | PlaceWorks 2021 | ESRI, U.S. Census | PlaceWorks 2021 | TCAC 2020 | PlaceWorks 2021 | U.S. Department of Housing and Urban Development 2020 | Fair, HFRF, Esri, (c) OpenStreetMap contributors, and the

Map 4: Neighborhood Segregation, Region



3/27/2022, 10:08:33 AM



1:577,791

0 5 10 20 mi  
0 5 10 20 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIB user community. Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIB user community

C4 HCD

Fair, HFRF, Garmin, USGS, EPA, NPS | PlaceWorks 2021, HUD 2019 | PlaceWorks 2021, HUD 2020 | PlaceWorks 2021, ESRI, U.S. Census | PlaceWorks 2021, TIGER 2020 | PlaceWorks 2021, U.S. Department of Housing and Urban Development 2020 | Fair, HFRF, Garmin, © OpenStreetMap contributors, and

The map above reflects more substantial patterns of segregation in the region. There are at least two different ways of conceptualizing the region. First, consistent with most regional data presented in this Assessment, the San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area, which consists of Santa Clara and San Benito Counties, can be thought of as the region. Second, Milpitas can be situated in the broader Bay Area. For many purposes, the latter approach is more appropriate, given Milpitas' location on the border with Alameda County and the city of Fremont.

Under the narrower conception, areas of White population concentration consist primarily of portions of South and West San José, smaller cities in the West Valley, and portions of Mountain View and Palo Alto, along with some rural portions of San Benito County. There are no areas of Black population concentration within the more narrowly defined region. Areas of Hispanic population concentration consist of parts of Downtown, East, and South San José, part of Morgan Hill, most of Gilroy and Hollister, and small portions of Santa Clara and Sunnyvale. Outside of Milpitas itself, areas of Asian population concentration include parts of East, North, and West San José, virtually all of Cupertino, most of Sunnyvale, and parts of Santa Clara.

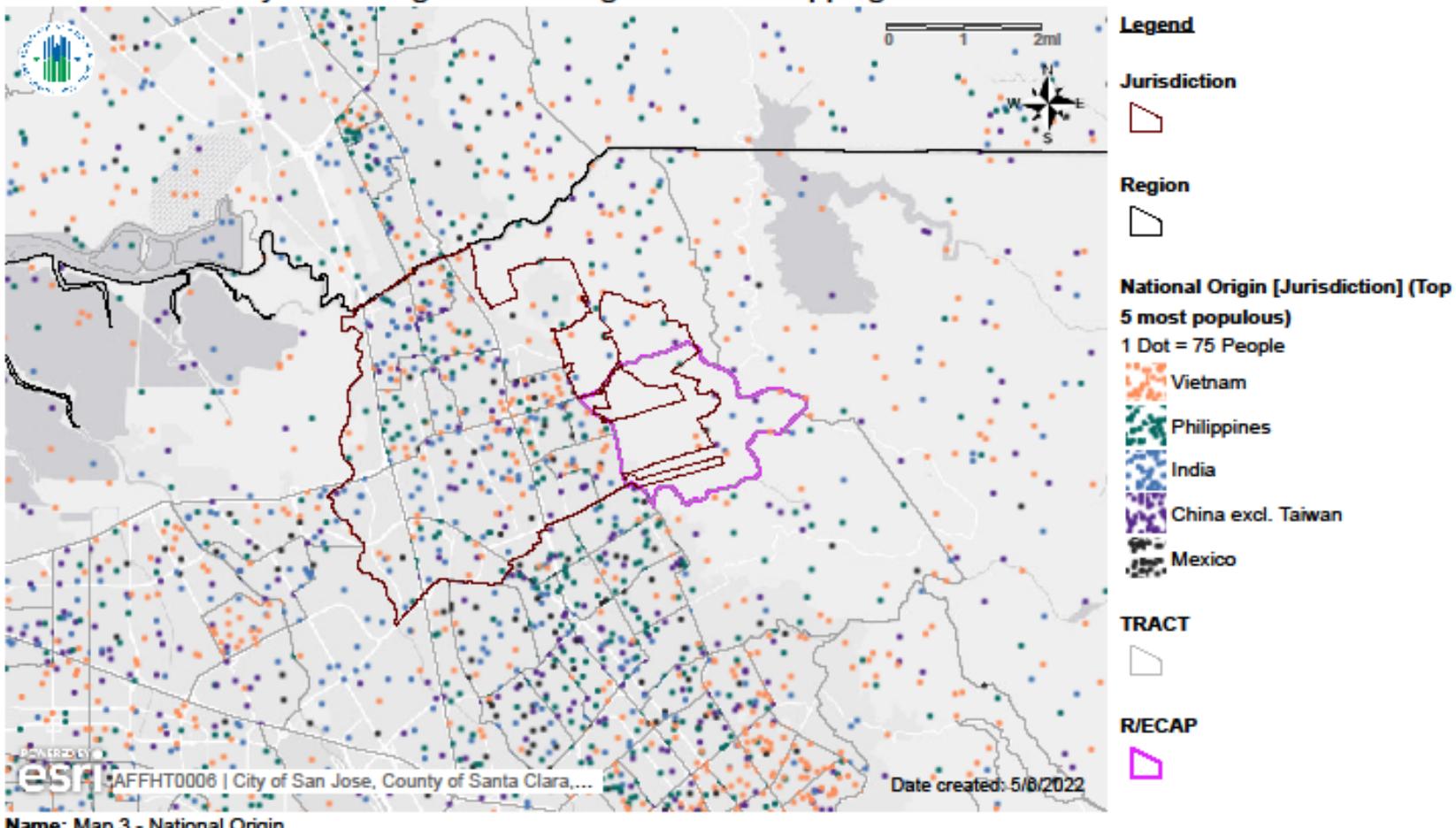
Broadening the scope of analysis, it is clear that there are areas of Black population concentration in East and West Oakland, the Bayview-Hunter's Point neighborhood of San Francisco, Richmond, and small parts of Dublin, Pittsburg, and Vallejo. Additional areas of White population concentration include much of central Contra Costa County, the Oakland Hills, Berkeley, much of northern and western San Francisco, most of Marin County, and parts of San Mateo County such as Belmont, Menlo Park, San Carlos, and Woodside. Additional areas of Hispanic population concentration include much of Hayward, parts of East Oakland, the Mission District in San Francisco, much of Richmond and adjoining San Pablo in western Contra Costa County, much of Bay Point and Pittsburg in eastern Contra Costa County, and East Palo Alto in San Mateo County. Additional areas of Asian population concentration include Fremont, Union City, and southern San Leandro; Downtown Oakland; Hercules; Daly City and Foster City; and much of southeastern and western San Francisco, along with the more centrally located Chinatown area.

### **Integration**

Within Milpitas, the eastern portions of the city appear to be more integrated than the city as a whole though differences are slight. Within the more narrowly circumscribed region, parts of Mountain View, Sunnyvale, Santa Clara, and West San José stand out as being relatively integrated, along with parts of Morgan Hill. In the more broadly defined region, parts of San Leandro and Antioch appear to be relatively integrated as do some neighborhoods within Oakland and San Francisco. In the latter instance, that may be a transitory circumstance as those neighborhoods experience gentrification and displacement.

Map 5: National Origin, Milpitas

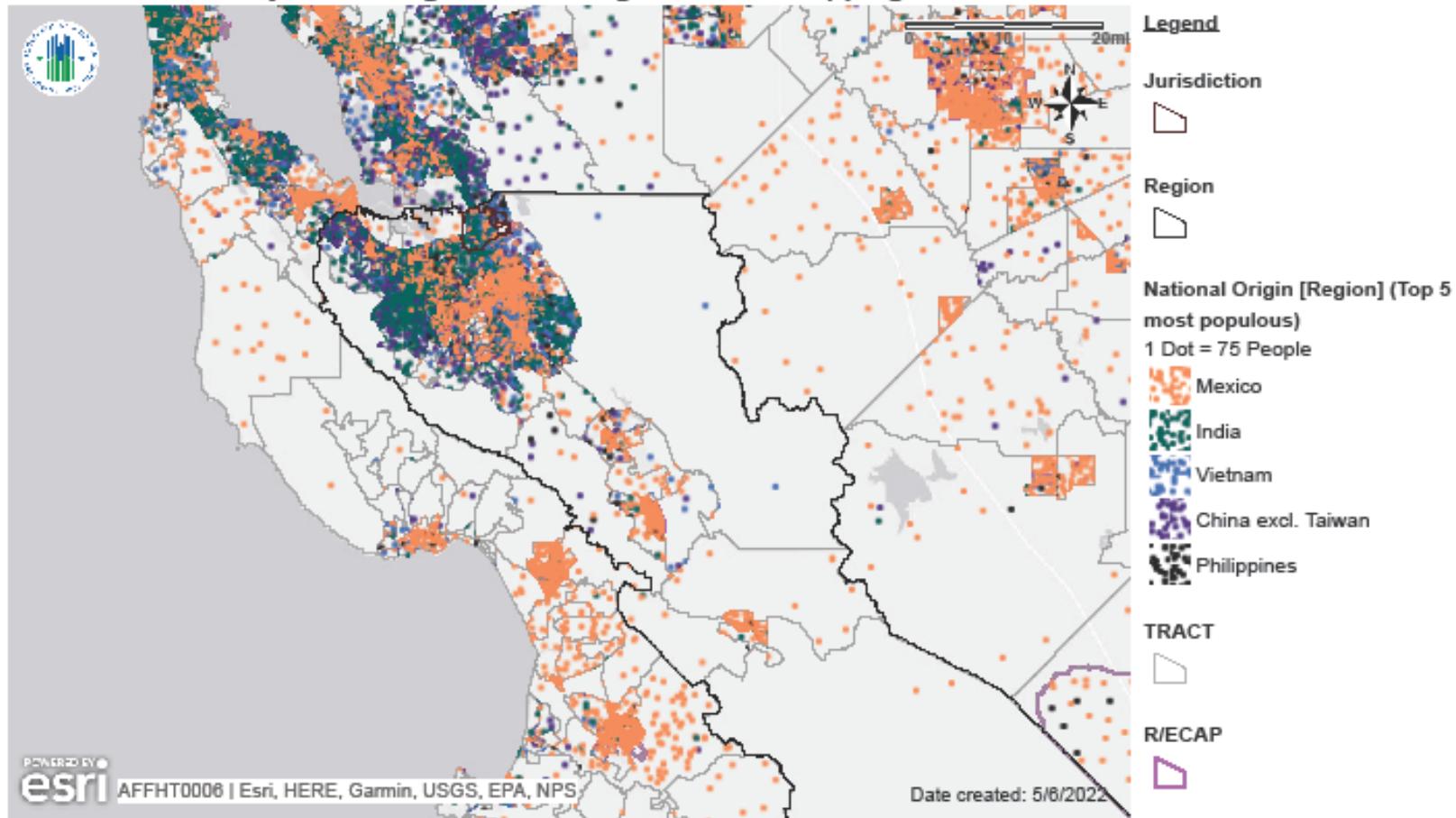
## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Milpitas, people of Vietnamese national origin are most likely to live in the eastern portions of the city. People of Filipino national origin live throughout the city, with the exception of the transit area in the south-central portion of the city where Filipino population is low. People of Indian national origin primarily live in the western portions of the city. People of Chinese national origin are most likely to live in the northwestern portions of the city. People of Mexican national origin are most likely to live in the eastern portions of the city.

Map 6: National Origin, Region

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 3 - National Origin

**Description:** Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** Milpitas City (CDBG)

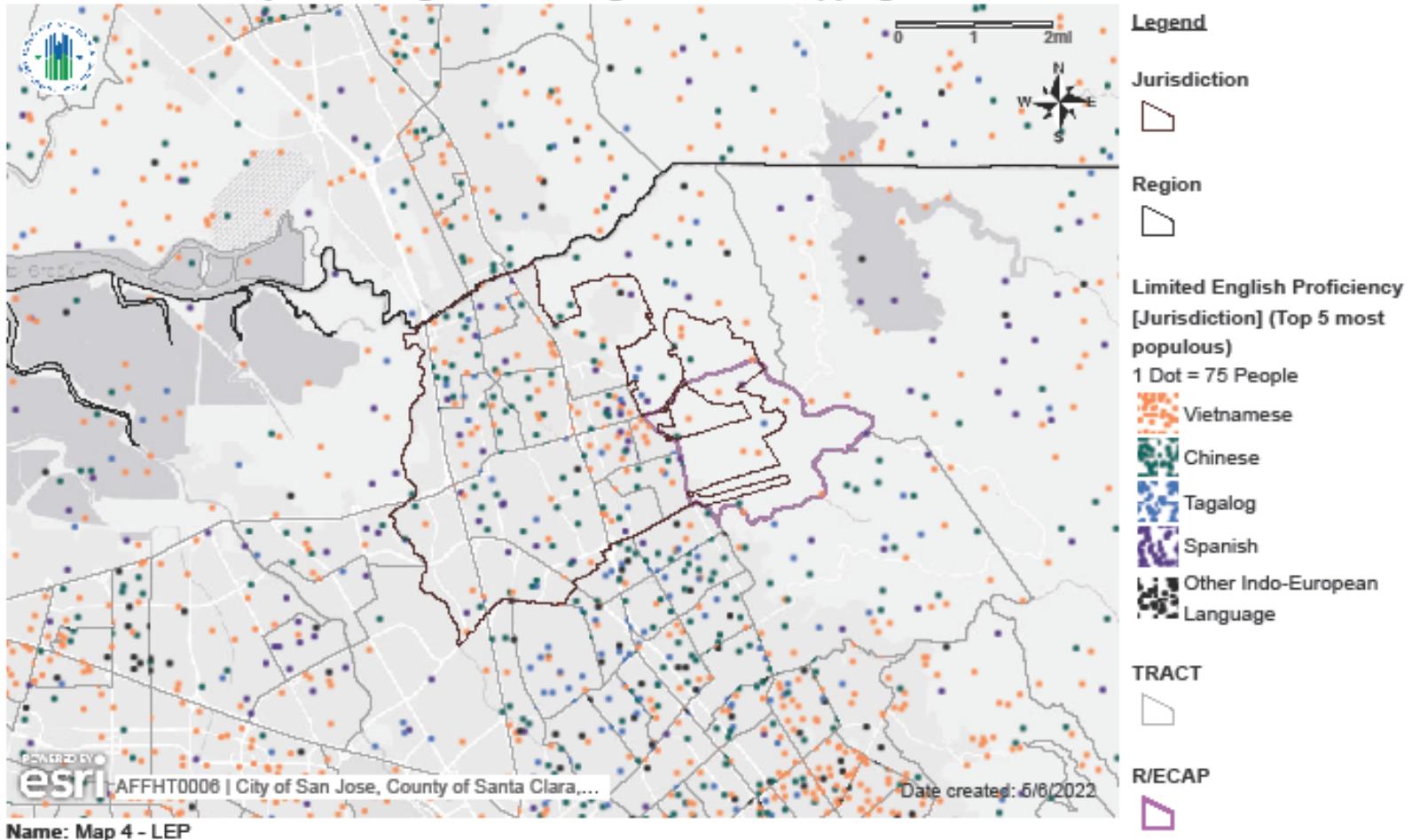
**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

Regionally, people of Mexican national origin are concentrated in Downtown, South, and East San José and in parts of Morgan Hill, Gilroy, and Hollister. People of Indian national origin are concentrated in Sunnyvale and Santa Clara, as well as North San José. People of Vietnamese national origin are concentrated in East San José and Milpitas. People of Chinese national origin are concentrated in Cupertino, Mountain View, and both West and North San José. People of Filipino national origin are not highly concentrated in particular areas.

Map 7: Limited English Proficiency, Milpitas

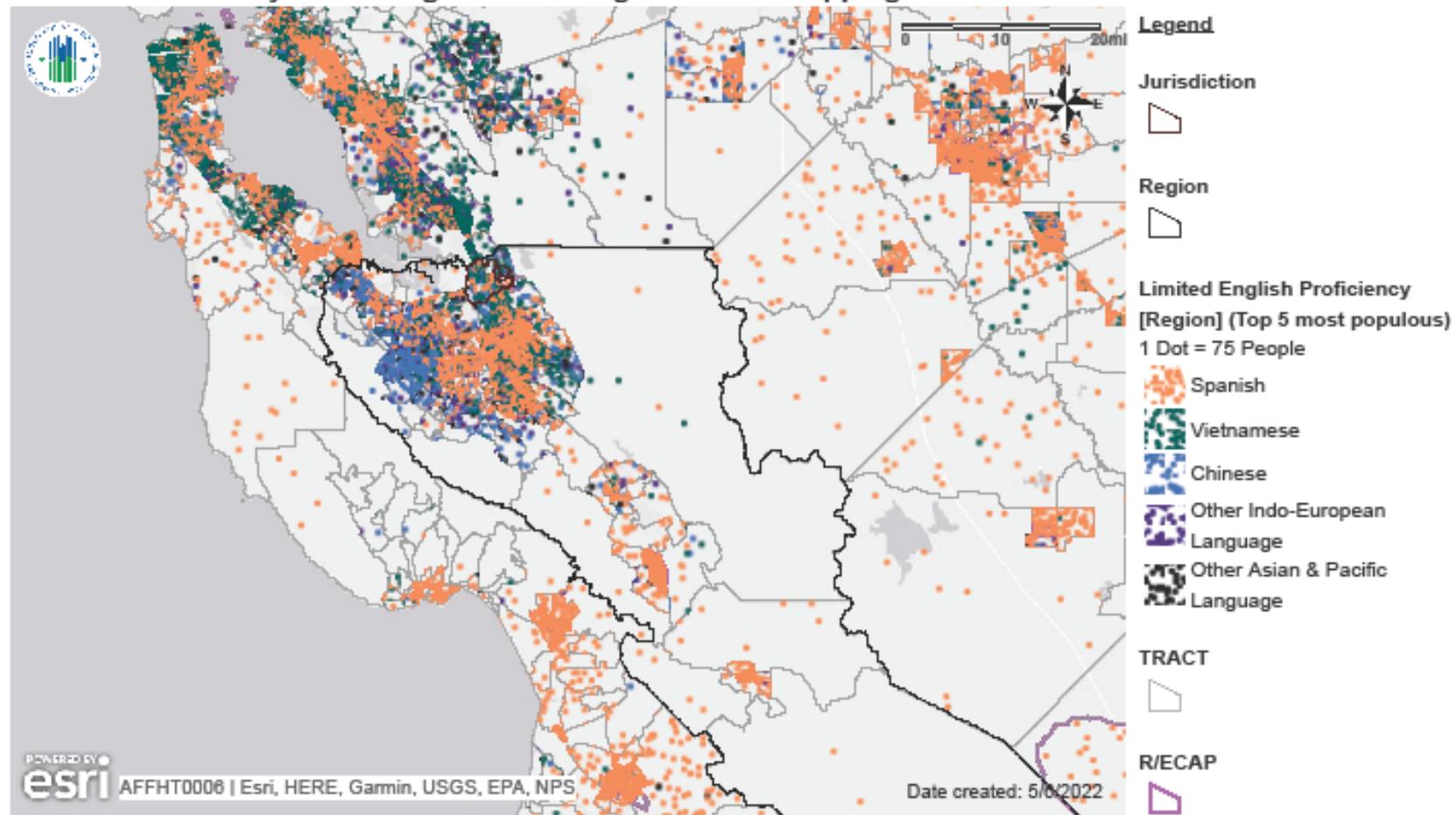
## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Within Milpitas, persons with limited English proficiency (LEP) who speak Vietnamese or Spanish as their primary language are concentrated in the eastern portions of the city while those who speak Chinese mostly reside in the western portions of the city. Tagalog speaking LEP individuals are not highly concentrated in particular areas.

Map 8: Limited English Proficiency, Region

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 4 - LEP

**Description:** LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

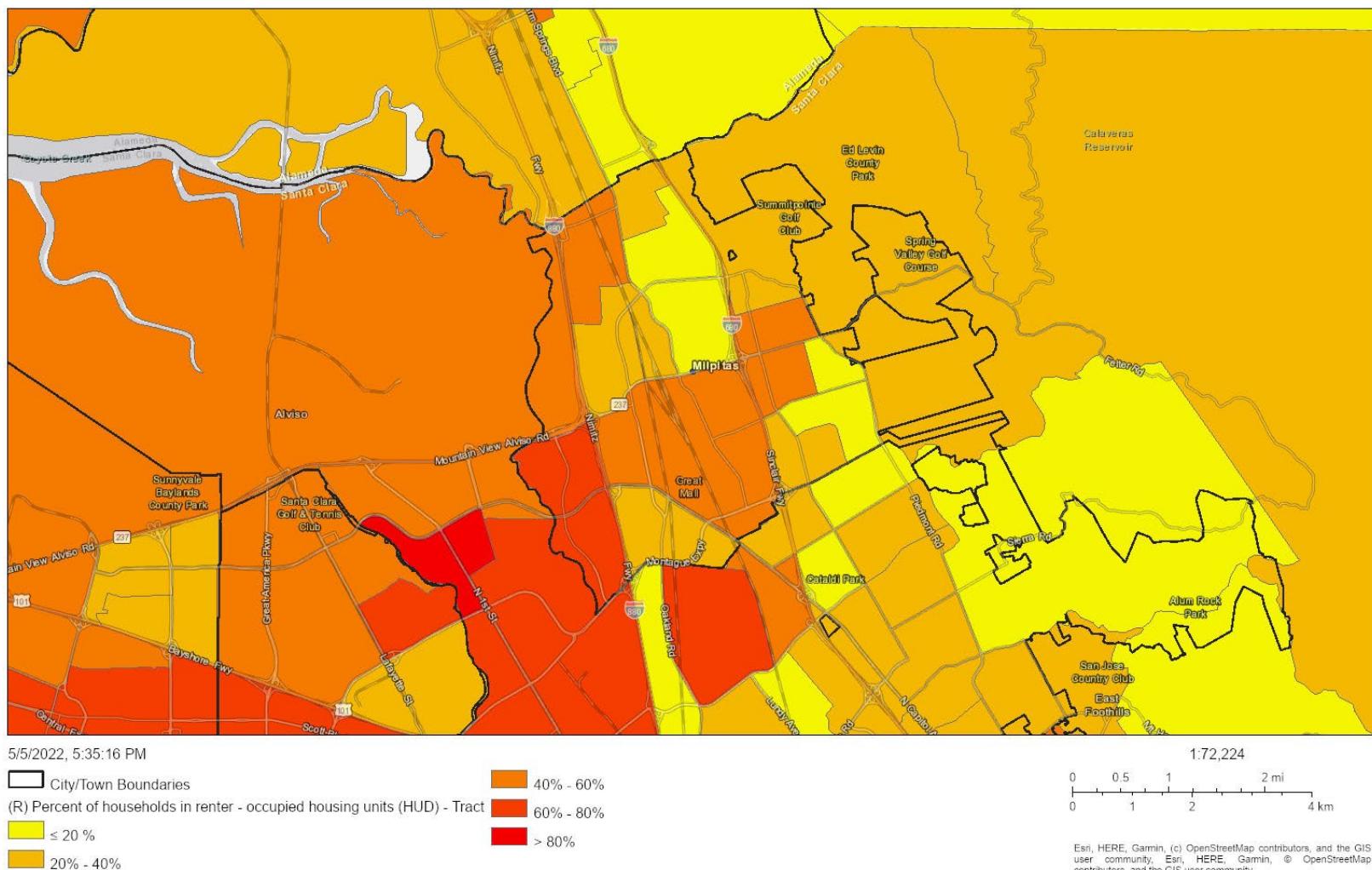
**HUD-Provided Data Version:** AFFHT0006

In the region, LEP Spanish speakers are concentrated in Downtown, South, and East San José as well as in Morgan Hill, Gilroy, and Hollister. LEP Vietnamese speakers are concentrated in East San José and Milpitas. LEP Chinese speakers are concentrated in Cupertino and West San José. There do not appear to be significant concentrations of LEP speakers of other languages.

***1.d. Consider and describe the location of owner and renter occupied housing in the jurisdiction and region in determining whether such housing is located in segregated or integrated areas, and describe trends over time.***

## Map 9: Renter Households, Milpitas

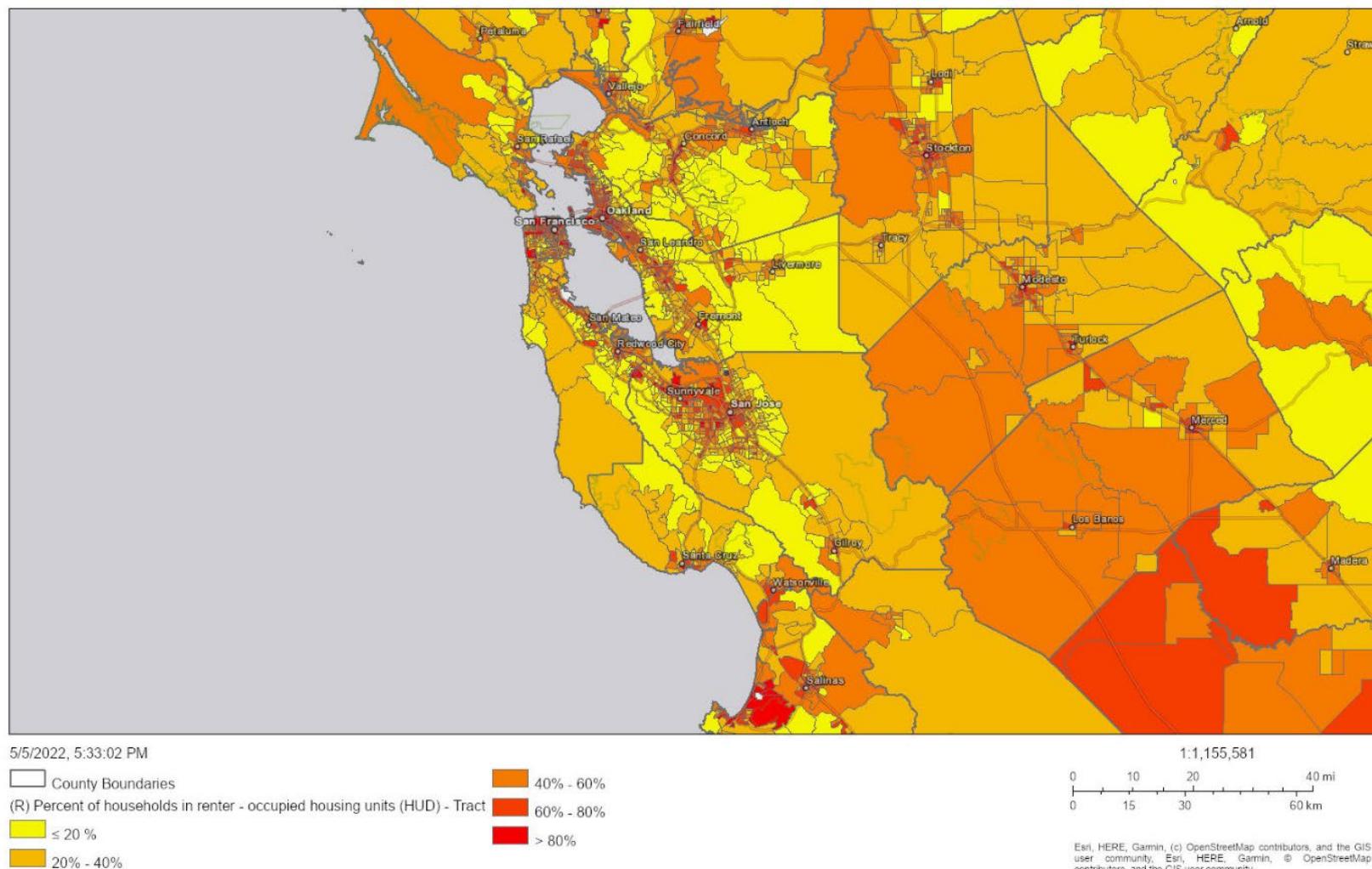
## Renter Households, Milpitas



Within Milpitas, areas with higher concentrations of renters include the far southwestern portion of the city while areas with higher concentrations of homeowners include the north-central portion of the city and the far southeastern portion of the city. All of these areas are predominantly Asian. One of the more centrally located census tracts with a high concentration of homeowners is among the most heavily Asian in the city while the other more heavily owner-occupied tracts in the southeastern portion of the city are, despite being majority-Asian, relatively less heavily Asian than the city as a whole. The areas in the eastern portion of the city with the highest concentration of Hispanic residents have moderate levels of homeownership in comparison to the city as a whole.

Map 10: Renter Households, Region

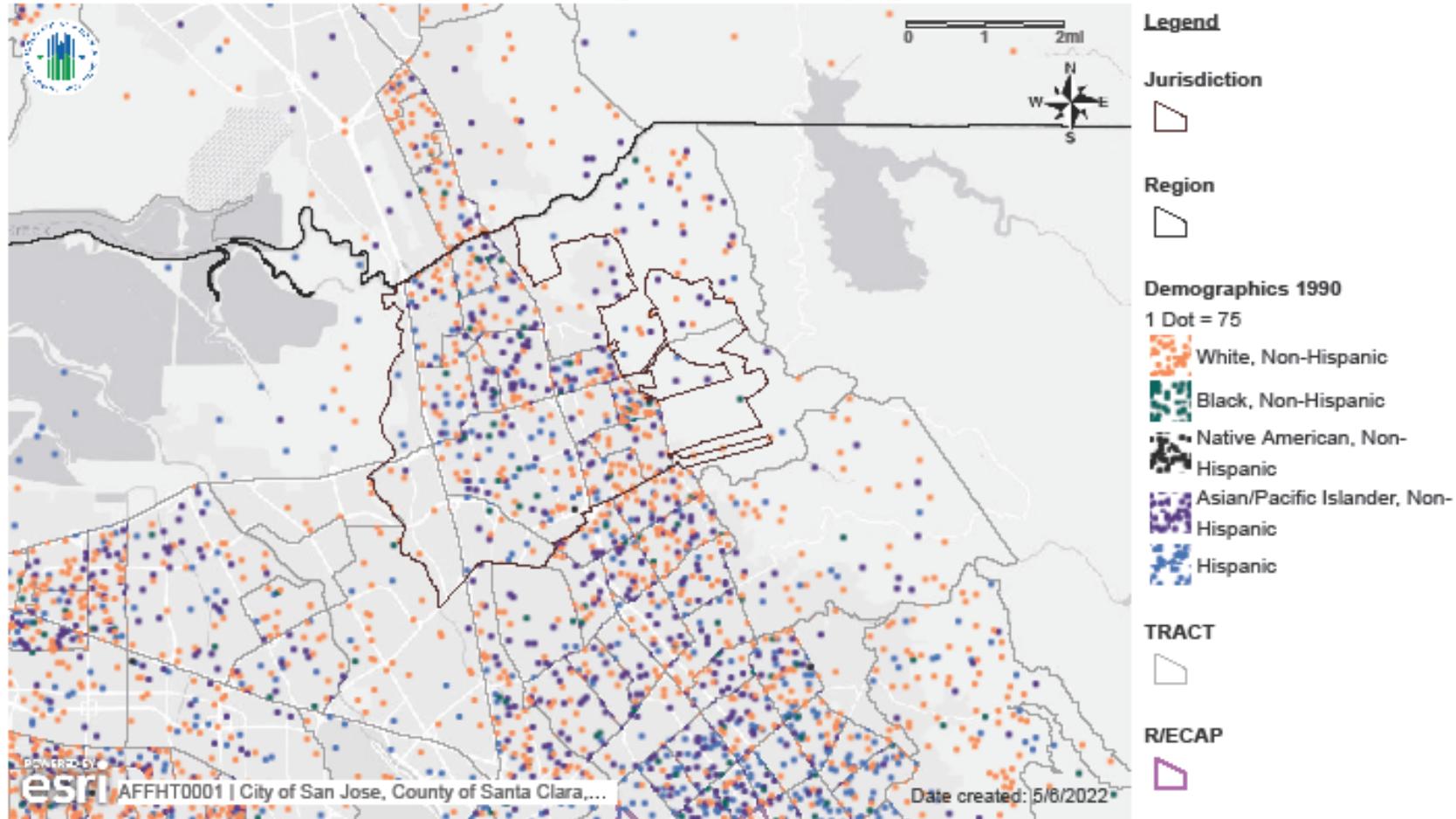
### Renter Households, Region



In the region, areas with the highest concentration of renters include Downtown and North San José; the northern portions of Mountain View, Sunnyvale, and Santa Clara; and the eastern portion of Gilroy. Areas with high concentrations of homeowners include the West Valley and large portions of South San José. In general, areas with concentrations of renters are more heavily Hispanic than the region as a whole, and areas with concentrations of homeowners are more heavily White than the region as a whole. Most of the region's R/ECAPs feature concentrations of renters.

Map 11: Racial Demographics in 1990, Milpitas

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

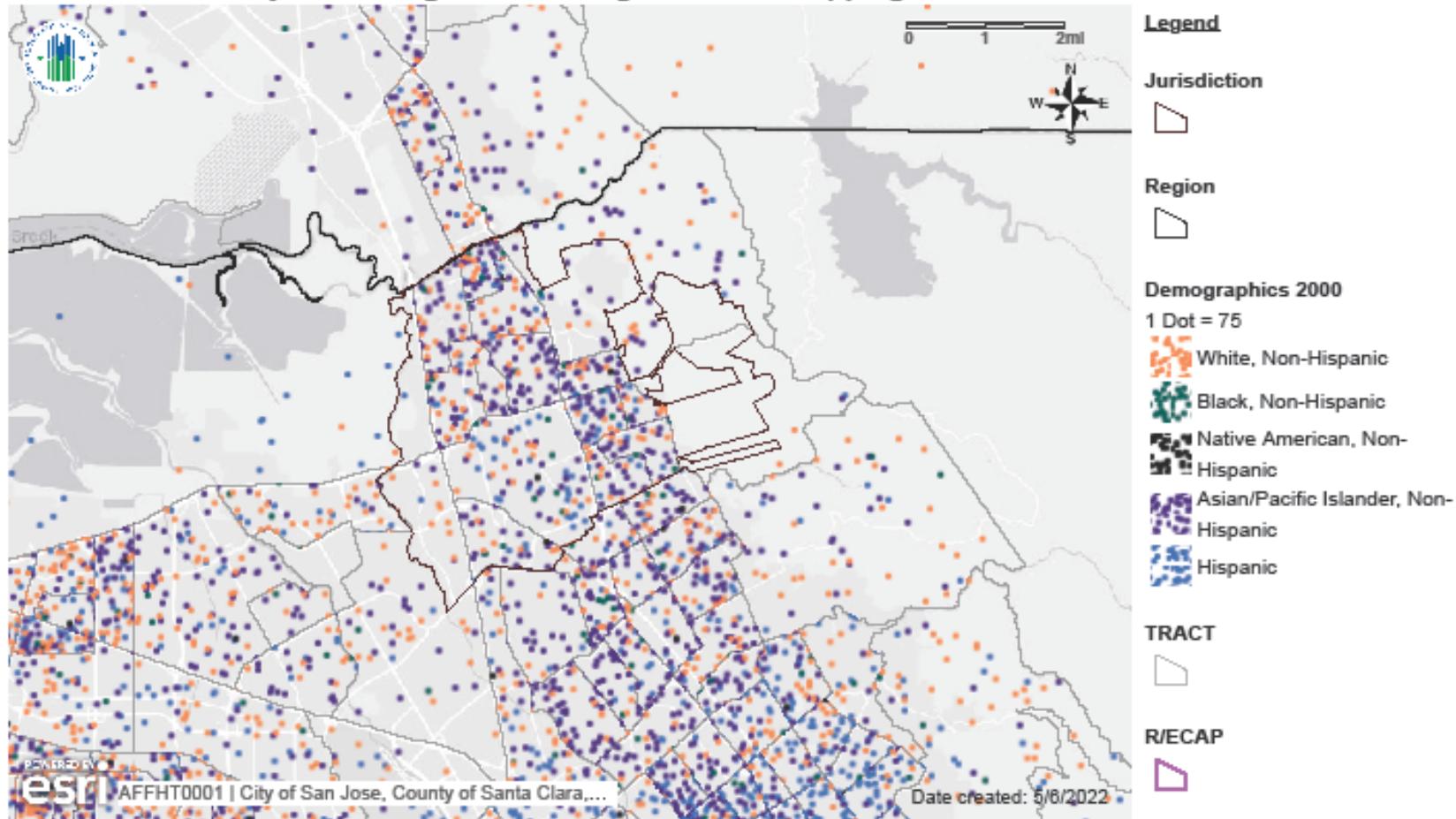
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0001

Map 12: Racial Demographics in 2000, Milpitas

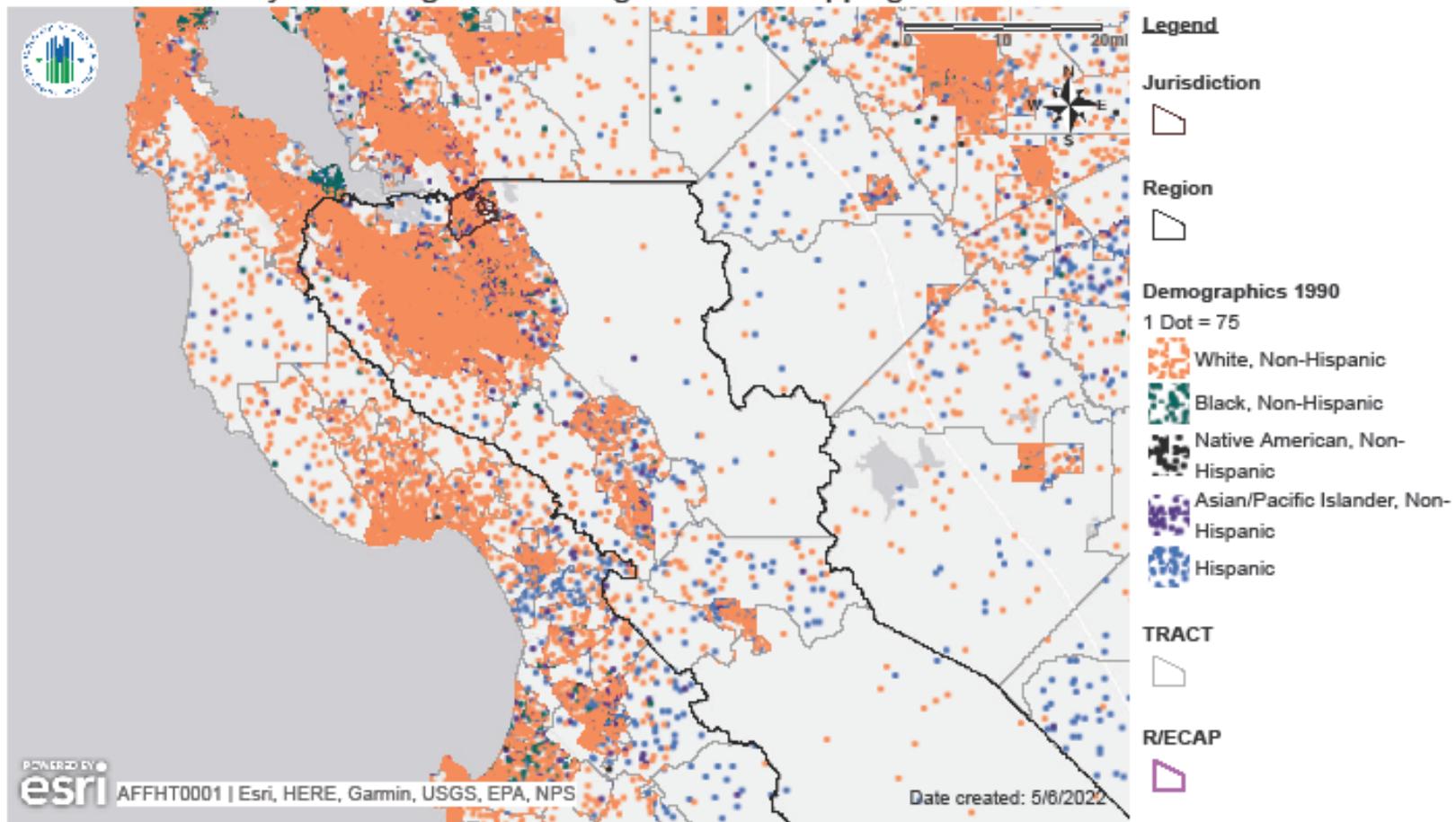
### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



There are two noteworthy trends in looking at segregation in Milpitas over time. First, the White population of all portions of Milpitas has decreased in tandem with increasing Asian population across all of the city's neighborhoods. Second, there was an increase in Hispanic population in the city's transit area between 1990 and 2000 followed by a sharp decrease in the proportion of the population that is Hispanic since that point in time. Census Tract 5045.04 went from having a population that was 39.8% Hispanic as of 2000 to being 17.3% Hispanic as of the 2015-2019 American Community Survey 5-Year Estimates. The total Hispanic population of that area has not significantly changed, but the overall population has skyrocketed.

Map 13: Racial Demographics in 1990, Region

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

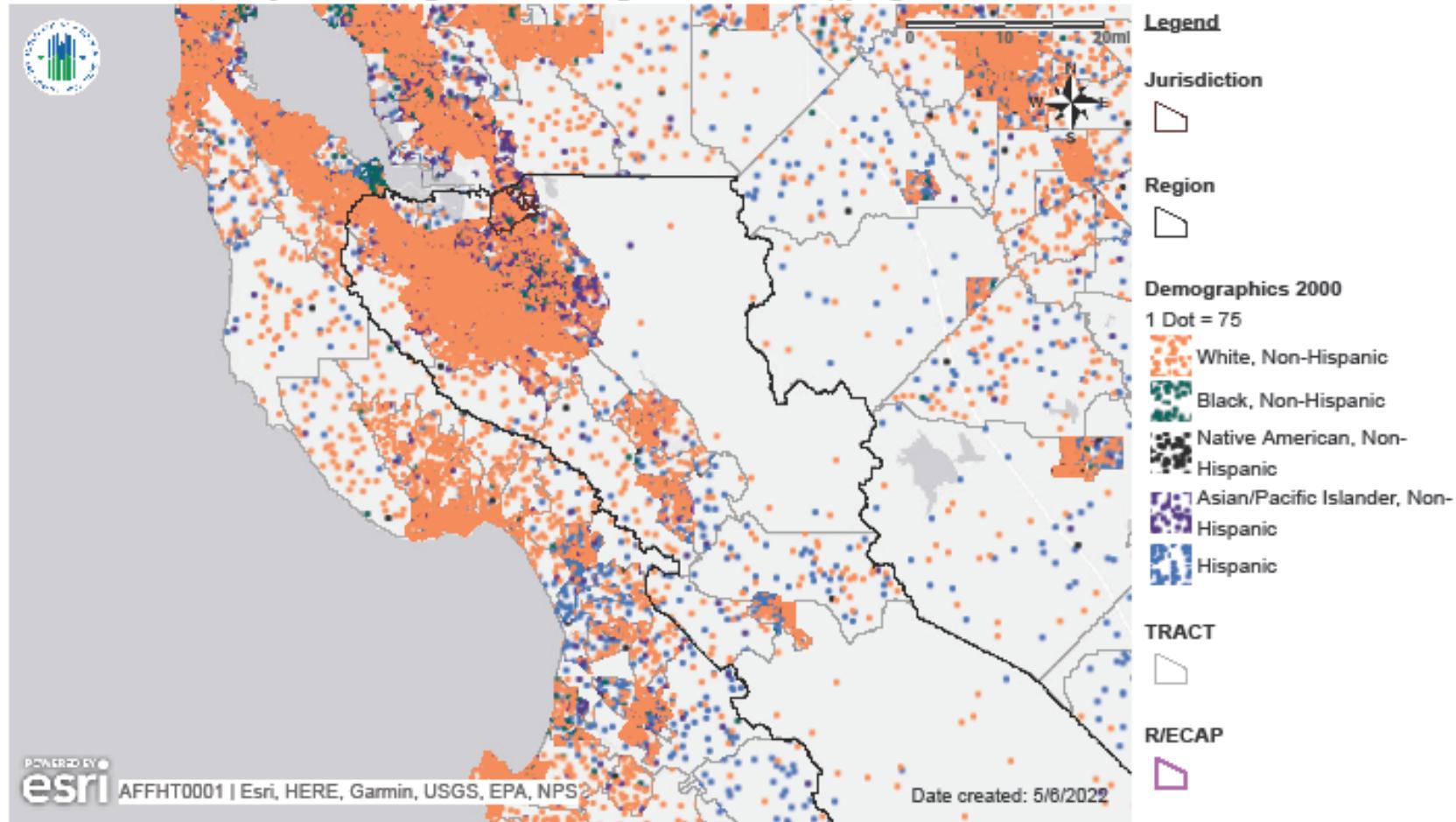
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0001

Map 14: Racial Demographics in 2000, Region

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0001

Regionally, the most evident trends since 1990 include significant reductions in White population in Milpitas, Cupertino, Santa Clara, Sunnyvale, and areas through San José, paired with significant increases in Asian population throughout those areas. When a broader view of the region is adopted, there have also been significant reductions in Black population in historical centers like East Palo Alto, East and West Oakland, the Western Addition in San Francisco, and Richmond, along with increases in Black population in eastern Contra Costa County and Vallejo.

### **Contributing Factors of Segregation**

*Please see the Appendix for the following Contributing Factors to Segregation:*

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investment in specific neighborhoods
- Lack of public investment in specific, neighborhoods, including services and amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Lack of public investment in specific, neighborhoods, including services and amenities

### **ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)**

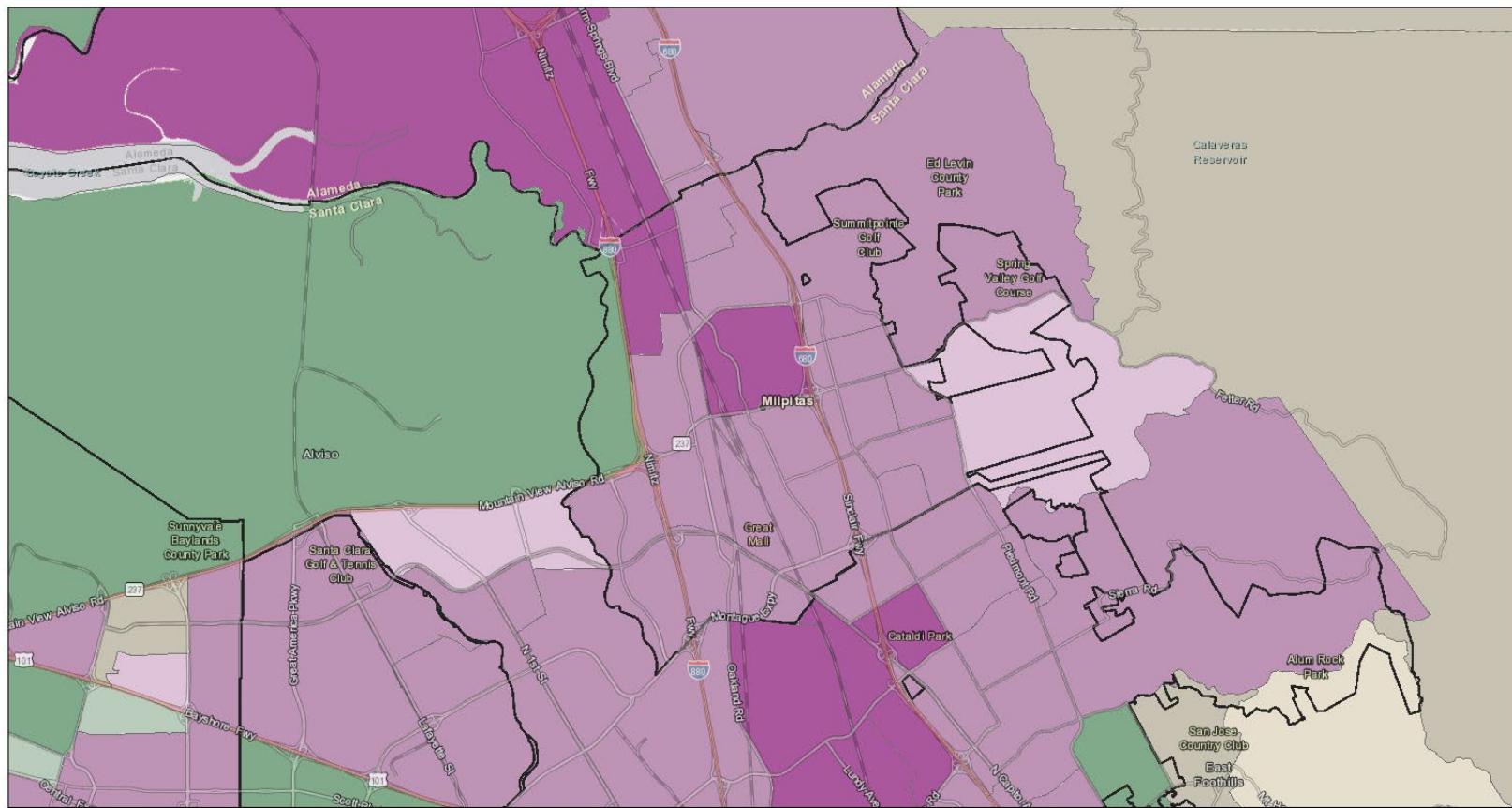
R/ECAPs are geographic areas with significant concentrations of poverty and minority populations. HUD has developed a census-tract based definition of R/ECAPs. In terms of racial or ethnic concentration, R/ECAPs are areas with a non-White population of 50 percent or more. With regards to poverty, R/ECAPs are census tracts in which 40 percent or more of individuals are living at or below the poverty limit or that have a porty rate three times the average poverty rate for the metropolitan area, whichever threshold is lower.

Where one lives has a substantial effect on mental and physical health, education, crime levels, and economic opportunity. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. Concentrated poverty is also associated with higher crime rates and worse health outcomes. However, these areas may also offer some opportunities as well. Individuals may actively choose to settle in neighborhoods containing R/ECAPs due to proximity to job centers. Ethnic enclaves in particular may help immigrants build a sense of community and adapt to life in the U.S. The businesses, social networks, and institutions in ethnic enclaves may help immigrants preserve their cultural identities while providing a variety of services that allow them to establish themselves in their new homes. Overall, identifying R/ECAPs facilitates understanding of entrenched patterns of segregation and poverty.

#### **1.a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and region.**

**Map 1: Milpitas R/ECAPs with Predominant Race/Ethnicity Population (2009-2013 data)**

Milpitas R/ECAPs with Predominant Race/Ethnicity Population (2009-2013 data)



5/5/2022, 5:24:52 PM

1:72,224

City/Town Boundaries

(R) Racially or Ethnically Concentrated Areas of Poverty "R/ECAP'S" (HUD, 2009 - 2013) - Tract

0 - Not a R/ECAP

(R) Predominant Population - White Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% - 50%)

(R) Predominant Population - Hispanic Majority Tracts

Slim (gap < 10%)

Sizeable (gap 10% - 50%)

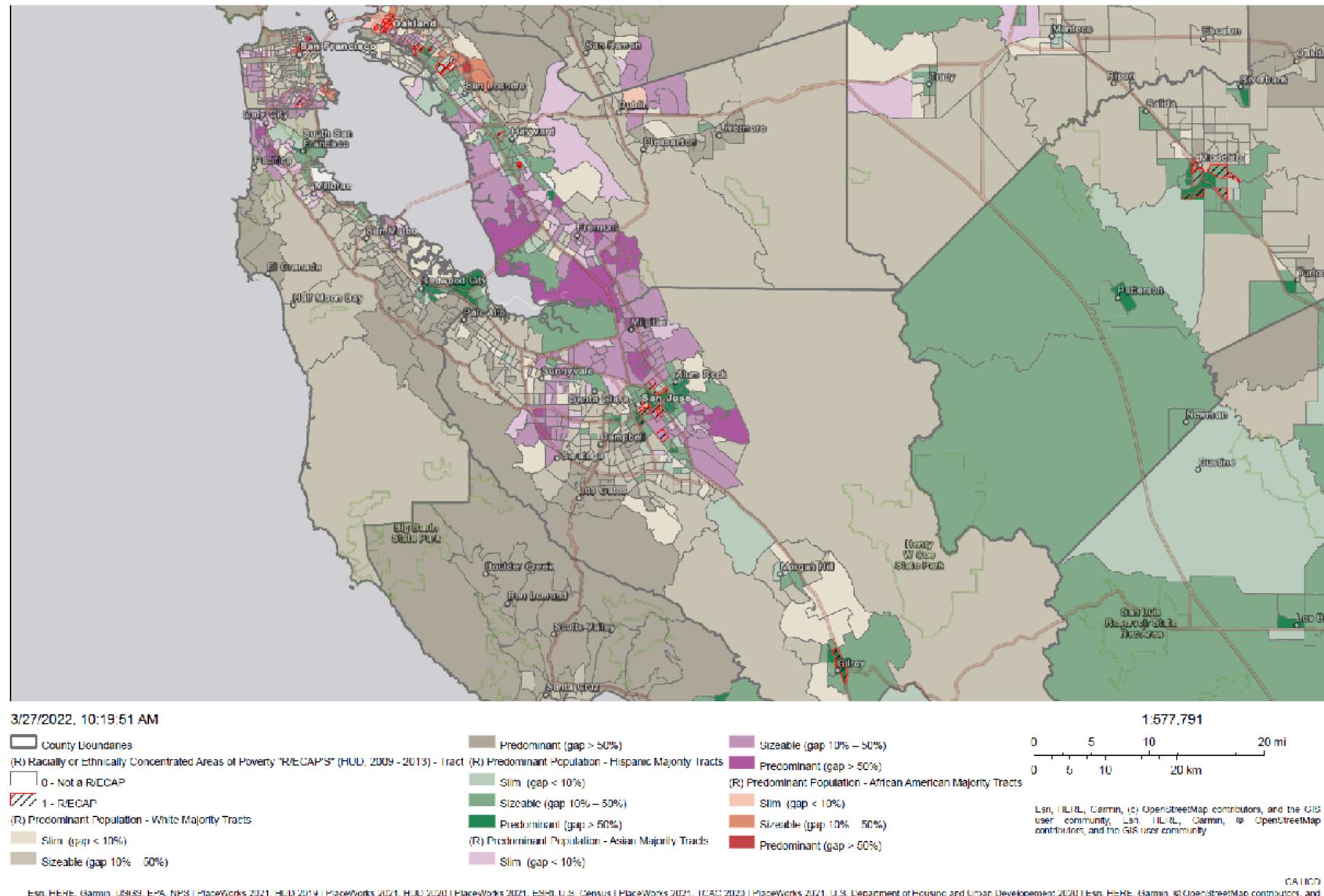
Predominant (gap > 50%)

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community.

CA HCD

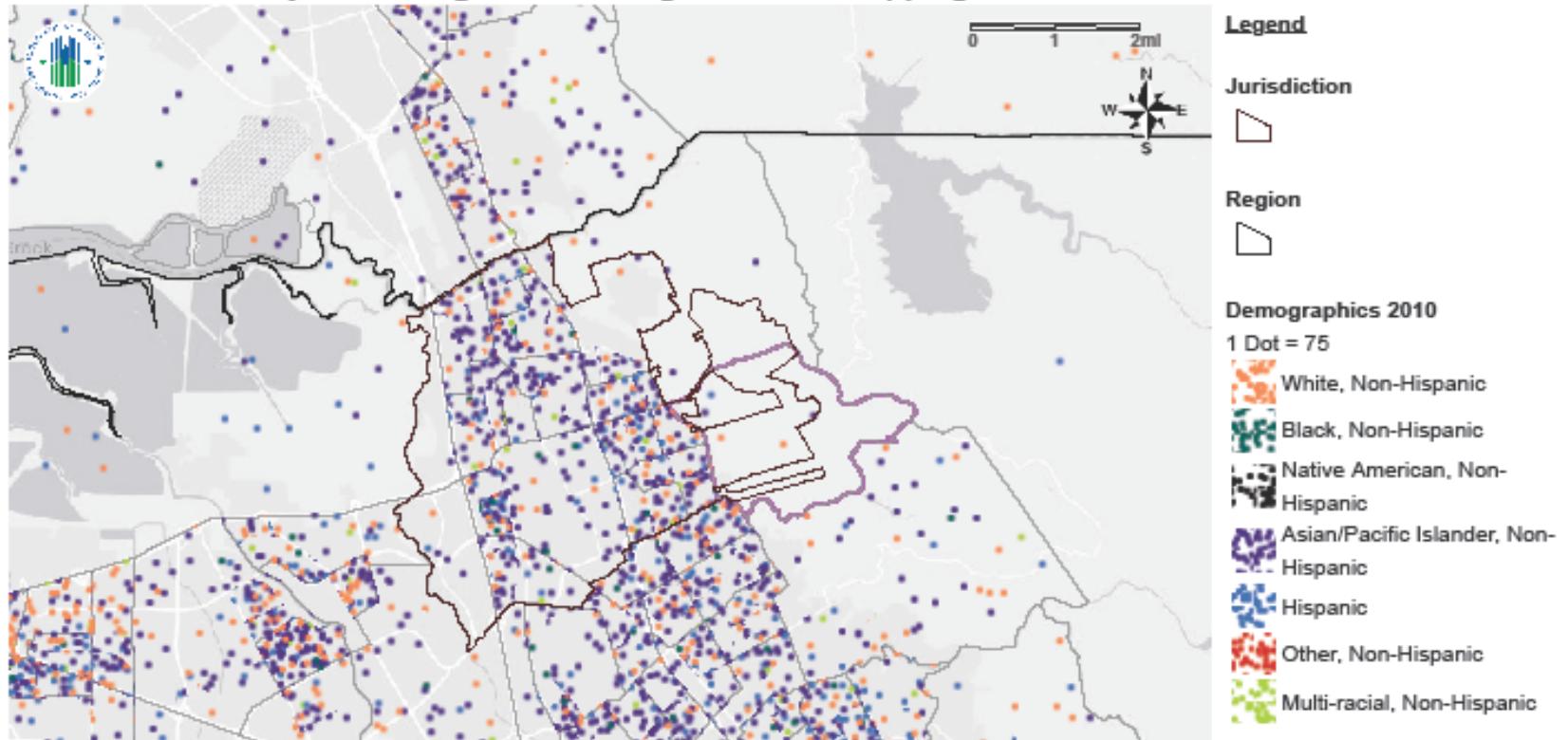
City of San Jose, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA | PlaceWorks 2021, HUD 2019 | PlaceWorks 2021, HUD 2020 | PlaceWorks 2021, ESRI, U.S. Census | PlaceWorks 2021, TCAC 2020 | PlaceWorks 2021, U.S. Department of Housing and

## Map 2: Regional R/ECAPs with Predominant Race/Ethnicity Population (2009-2013 data)



Map 3: R/ECAP in Milpitas City Jurisdiction with Race/Ethnicity

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 1 - Race/Ethnicity

Description: Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

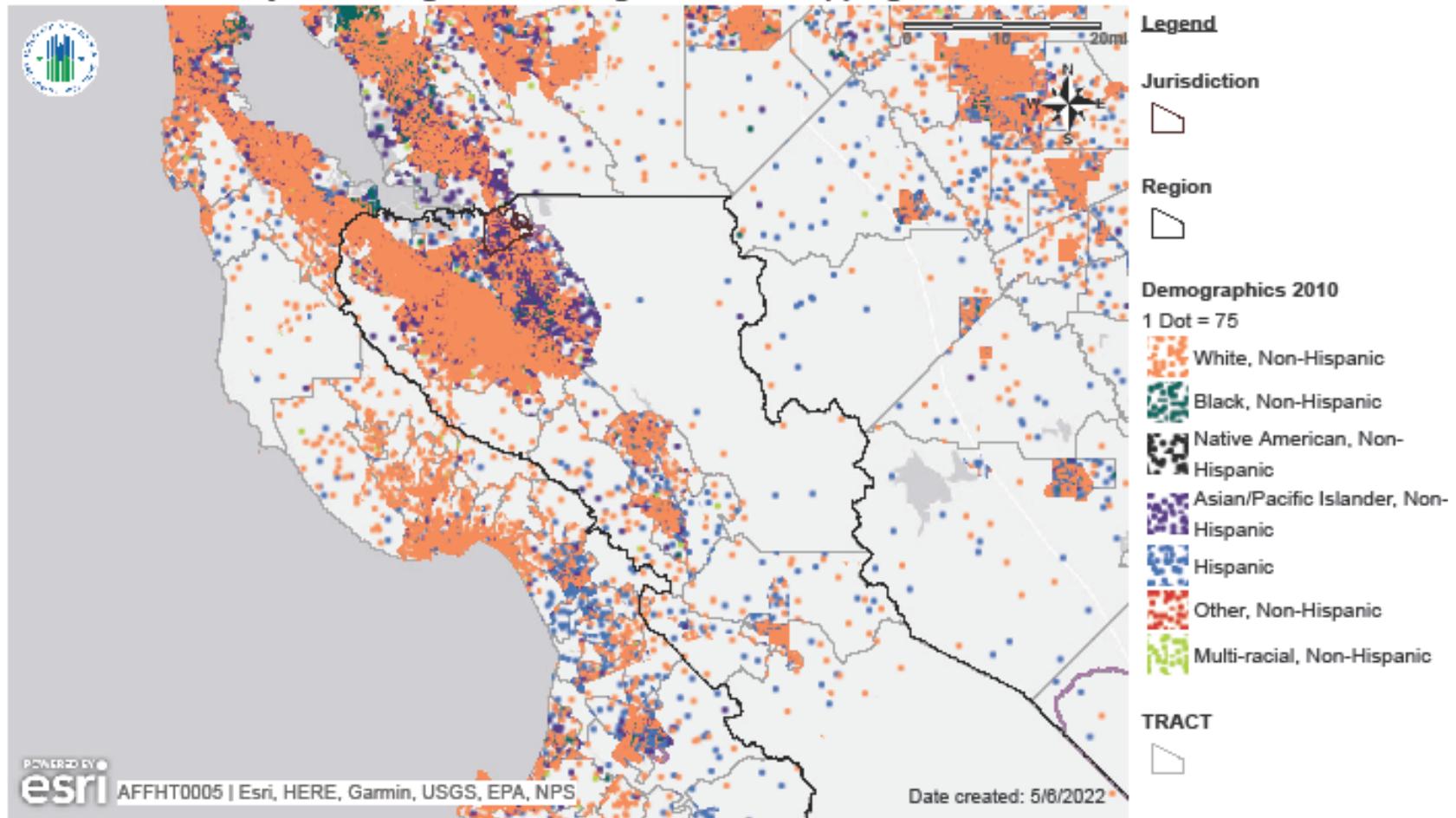
Jurisdiction: Milpitas City (CDBG)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0006

Map 4(a): R/ECAPs in the San Jose-Sunnyvale-Santa Clara Region with Race/Ethnicity

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 1 - Race/Ethnicity

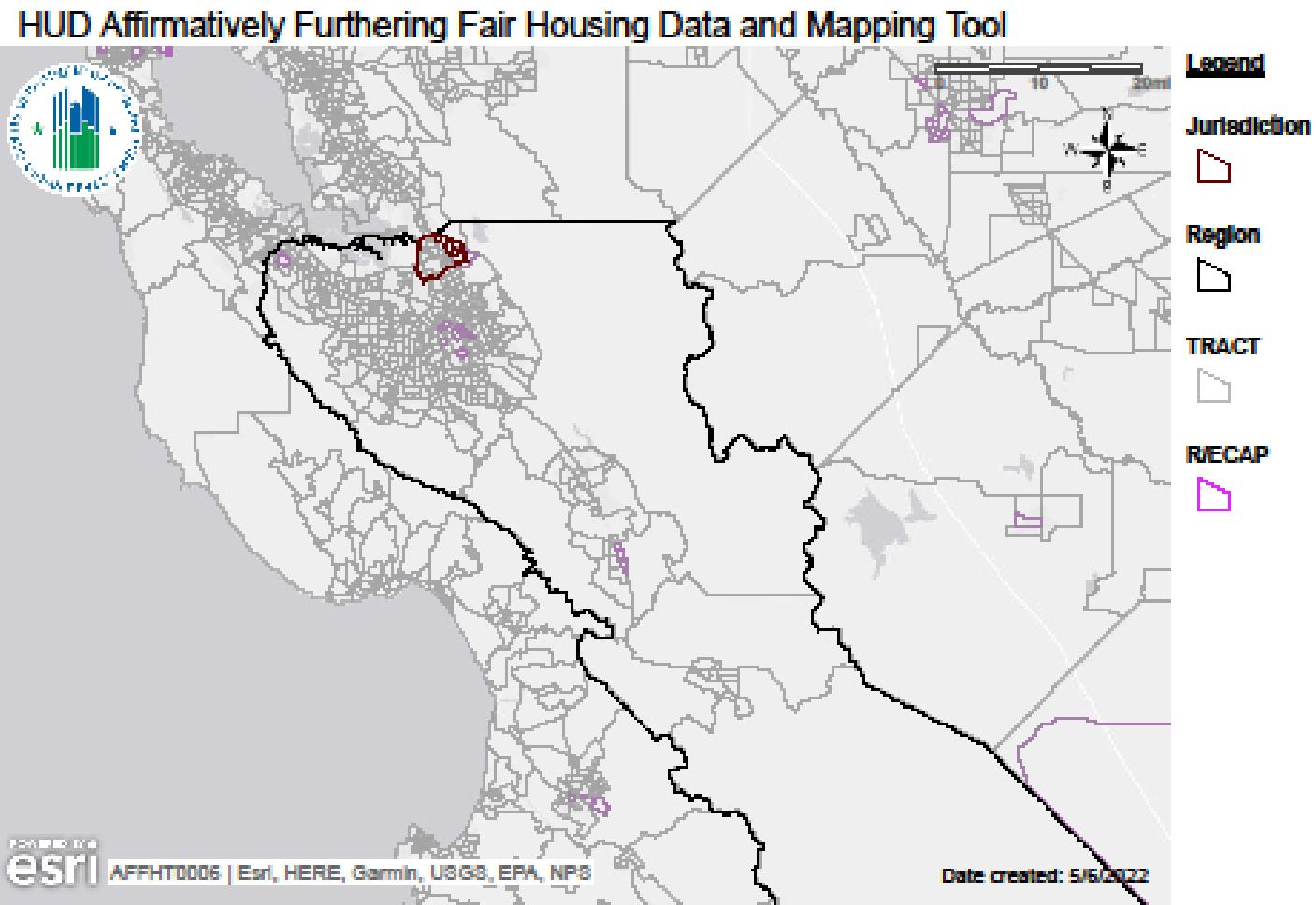
Description: Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Milpitas City (CDBG)

Region: San Jose-Sunnyvale-Santa Clara, CA

HUD-Provided Data Version: AFFHT0005

Map 4(b): R/ECAPs in the San Jose-Sunnyvale-Santa Clara Region without Race/Ethnicity



**Name:** Map 1 - Race/Ethnicity

**Description:** Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

There is currently only one census tract in Milpitas that is a R/ECAP: 5044.17. This R/ECAP is found along the sparsely populated foothills and mountains of the Diablo Range on the eastern side of the city. The tract also includes neighboring unincorporated areas. The tract does not have the types of characteristics that underlie HUD's policy rationale for requiring analysis of R/ECAPs.

***1.b Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and region?***

**Table 1: R/ECAP Race/Ethnicity Demographics for Milpitas and San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

	(Milpitas City CDBG, HOME, ESG) Jurisdiction		(San Jose-Sunnyvale-Santa Clara) Region	
R/ECAP Race/Ethnicity	#	%	#	%
Total Population in R/ECAPs	269	-	62,428	-
White, Non-Hispanic	105	39.03%	10,865	17.40%
Black, Non-Hispanic	9	3.35%	1,338	2.14%
Hispanic	10	3.72%	29,552	47.34%
Asian or Pacific Islander, Non-Hispanic	145	53.90%	18,924	30.31%
Native American, Non-Hispanic	0	0.00%	85	0.14%
Other, Non-Hispanic	0	0.00%	1,664	2.67%

Demographics for R/ECAPs differ significantly across the city and the broader region. In Milpitas, Asian and Pacific Islander, Non-Hispanic residents make up the majority of the R/ECAP population in the city, at 53.90%. This is somewhat less heavily Asian and Pacific Islander than the demographic makeup of the city of Milpitas, where Asian and Pacific Islander, Non-Hispanic residents make up the majority of the population, at 66.9%. In contrast, in the rest of the region, Hispanic residents make up the plurality of R/ECAP populations, at 47.34%. Asian and Pacific Islander, Non-Hispanic residents in the broader region make up 30.31% of the R/ECAP populations.

**Table 2: R/ECAP Familial Status Demographics for Milpitas and San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

	(Milpitas City CDBG, HOME, ESG) Jurisdiction	(San Jose-Sunnyvale-Santa Clara) Region
R/ECAP Family Type		
Total Families in R/ECAPs	107	-
		16,308
		-

<b>Families with children</b>	<b>22</b>	<b>20.56%</b>	<b>5,701</b>	<b>34.96%</b>
-------------------------------	-----------	---------------	--------------	---------------

In the R/ECAP in Milpitas, households are less likely to be families with children than they are in either the city as a whole or in R/ECAPs in the broader region.

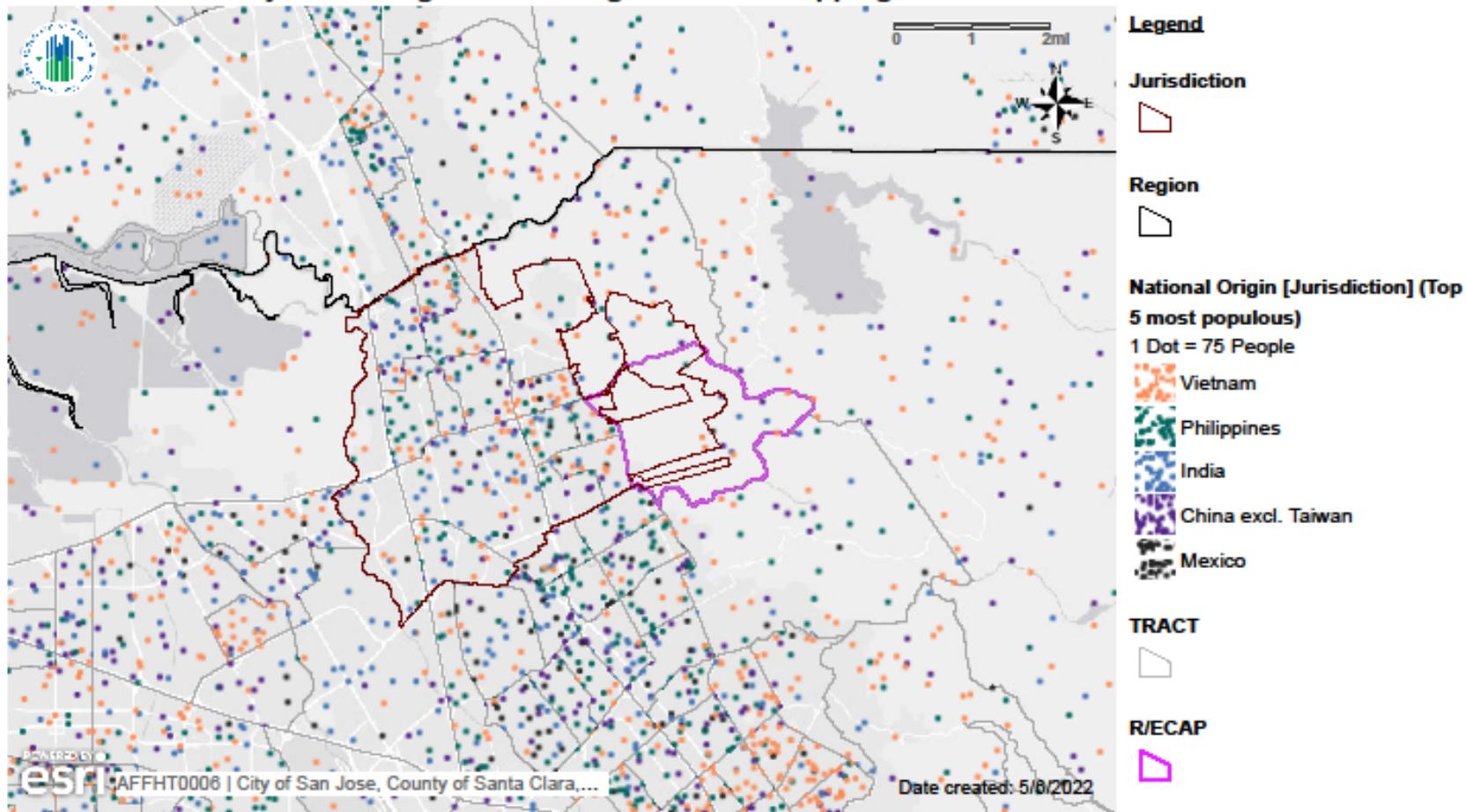
**Table 3: R/ECAP National Origin Demographics for Milpitas and San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area.**

	(Milpitas City CDBG, HOME, ESG) Jurisdiction			(San Jose-Sunnyvale-Santa Clara Region)		
<b>R/ECAP National Origin</b>						
<b>Total Population in R/ECAPs</b>	<b>269</b>		<b>-</b>	<b>25,056</b>		<b>-</b>
#1 country of origin	Vietnam	33	12.27%	Mexico	9,736	38.86%
#2 country of origin	Philippines	20	7.43%	Vietnam	6,491	25.91%
#3 country of origin	Taiwan	18	6.69%	China, excl. Hong Kong and Taiwan	1,579	6.30%
#4 country of origin	India	14	5.20%	Philippines	1,344	5.36%
#5 country of origin	Hong Kong	6	2.23%	India	1,033	4.12%
#6 country of origin	China, excl. Hong Kong and Taiwan	5	1.89%	El Salvador	396	1.58%
#7 country of origin	Egypt	5	1.89%	Taiwan	373	1.49%
#8 country of origin	Venezuela	5	1.89%	Korea	289	1.15%
#9 country of origin	-	-	-	Cambodia	212	0.85%
#10 country of origin	-	-	-	Brazil	196	0.78%



Map 5: R/ECAP in Milpitas City Jurisdiction with National Origin

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

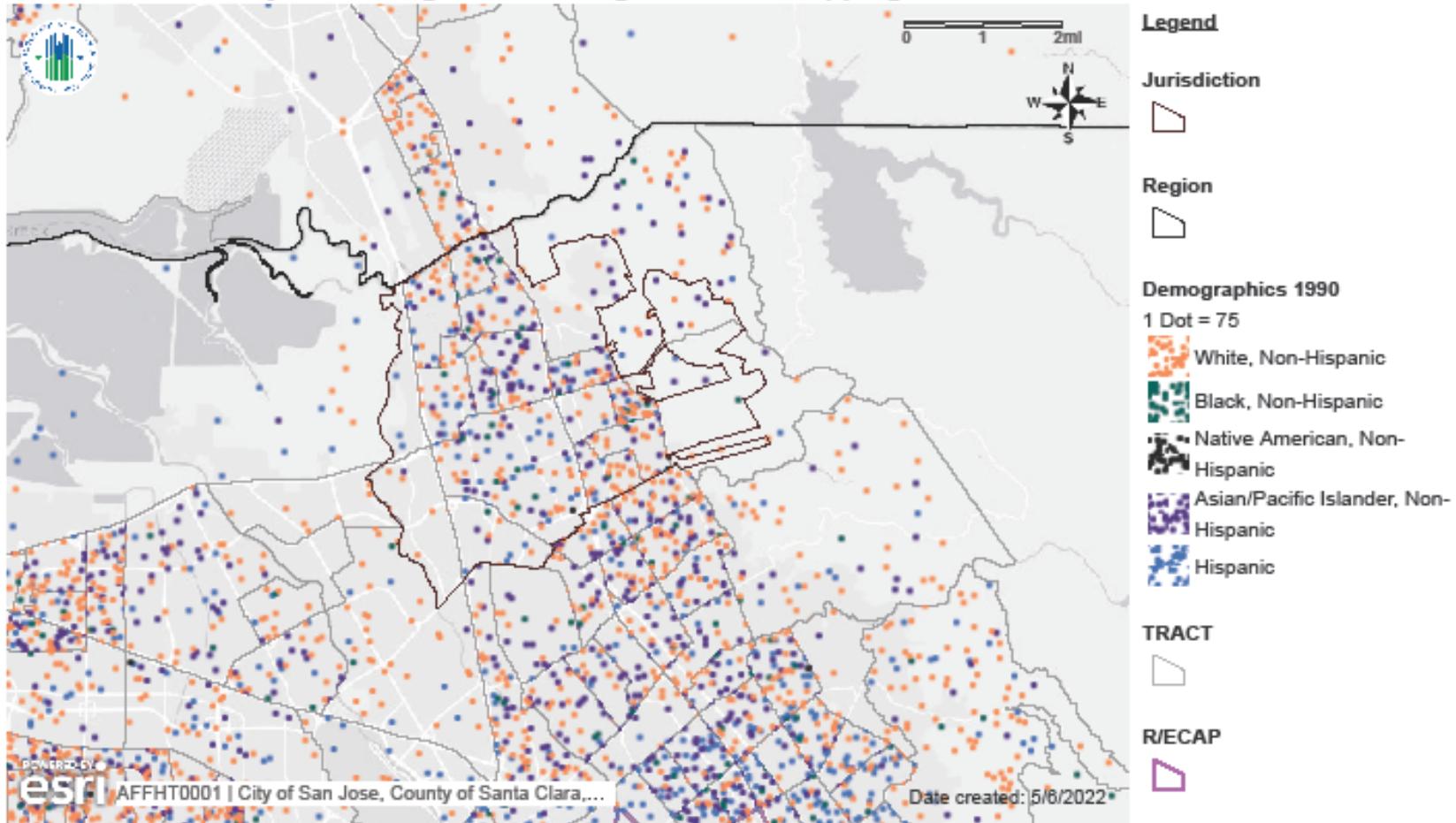


The population of the sparsely populated R/ECAP in Milpitas has smaller populations of most national origin groups present in the city than the city has as a whole. This is particularly pronounced for individuals of Mexican national origin, which is not a listed group in the R/ECAP. Compared to the R/ECAP population of the region, a significant majority of which lives in San Jose, R/ECAP residents in Milpitas are less likely to be of Mexican or Vietnamese national origin and are more likely to be of Filipino, Taiwanese, or Indian national origin.

*1.c. Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).*

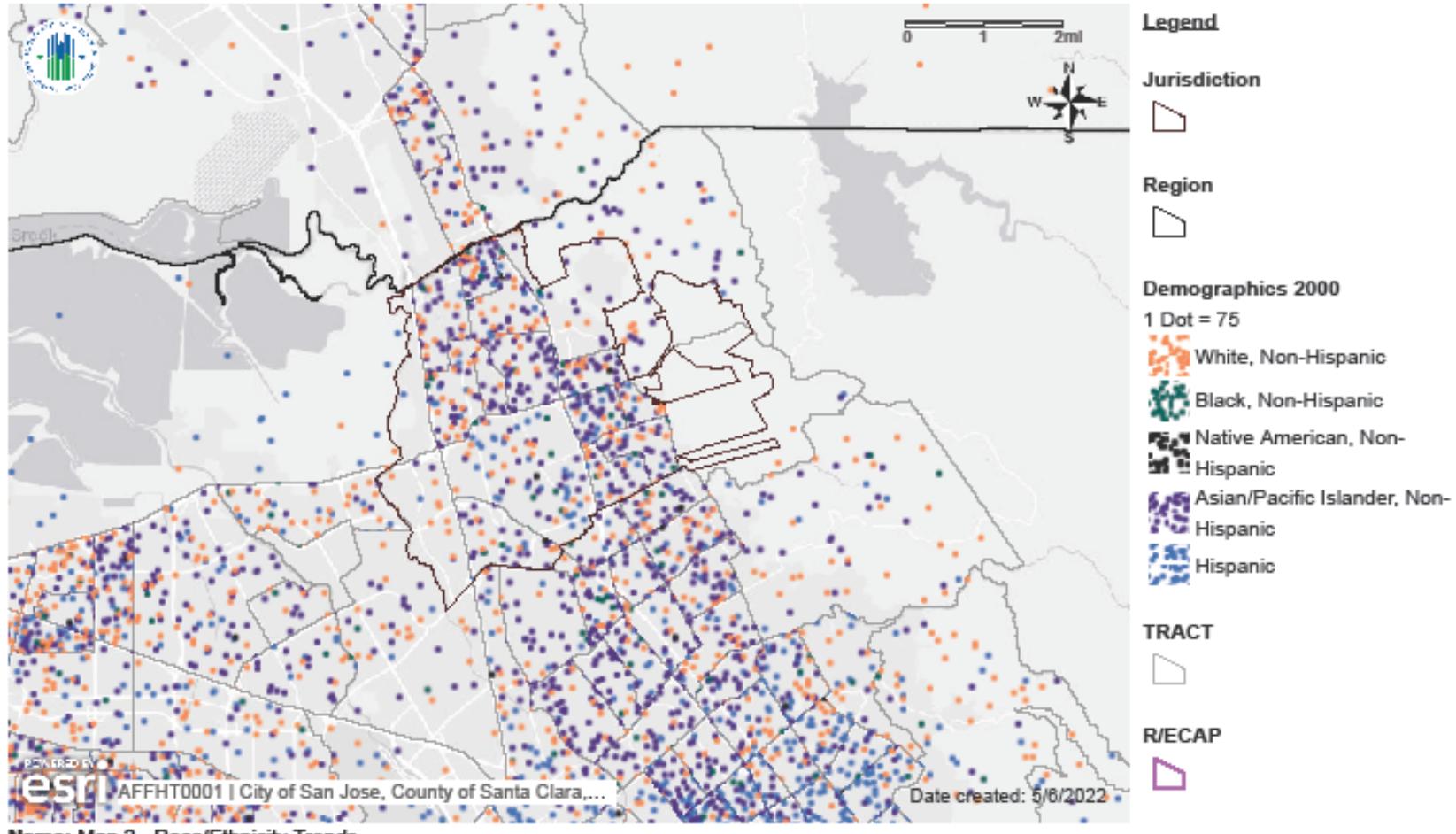
Map 6: R/ECAPs in 1990, Milpitas City Jurisdiction

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

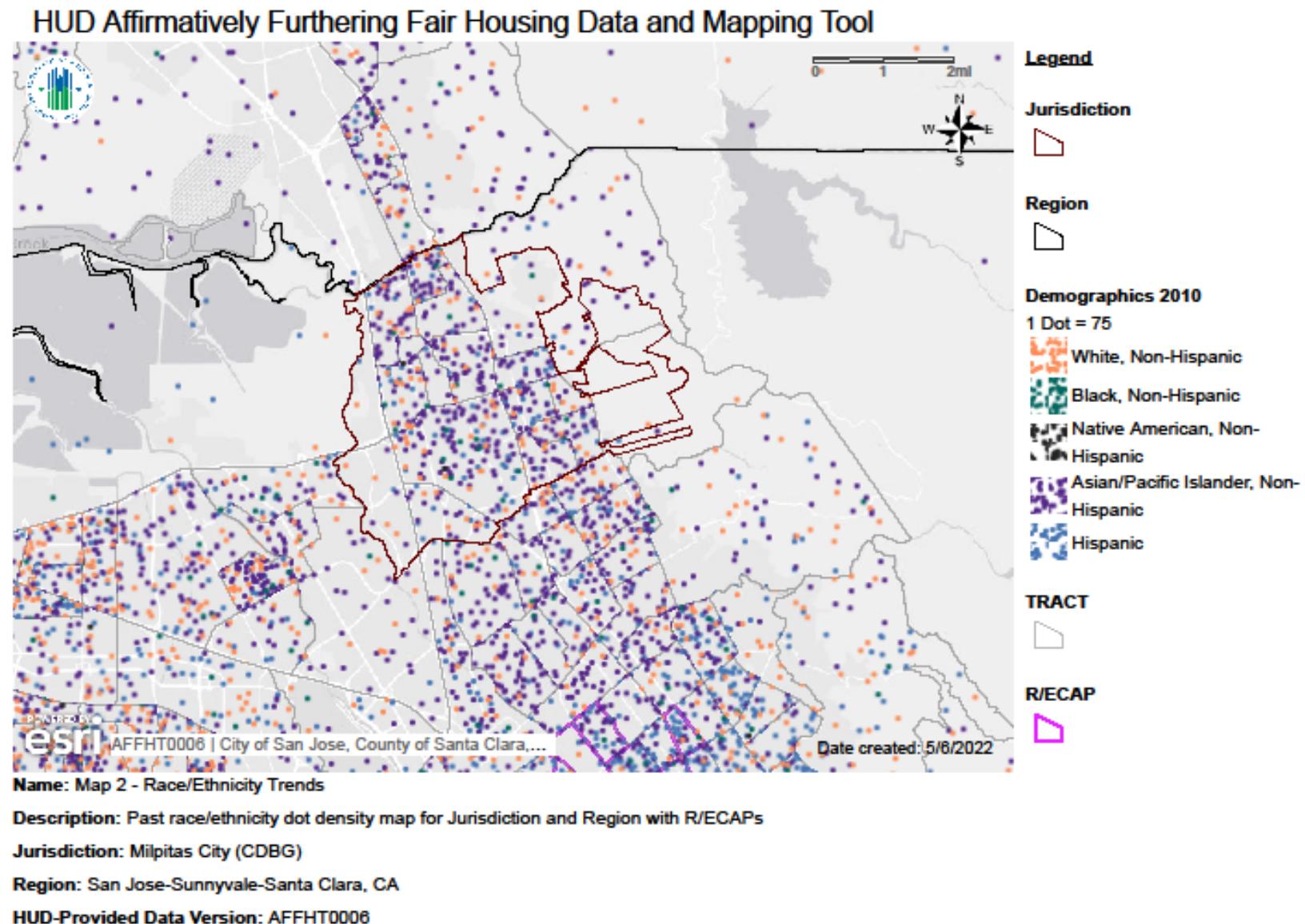


Map 7: R/ECAPs in 2000, Milpitas City Jurisdiction

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



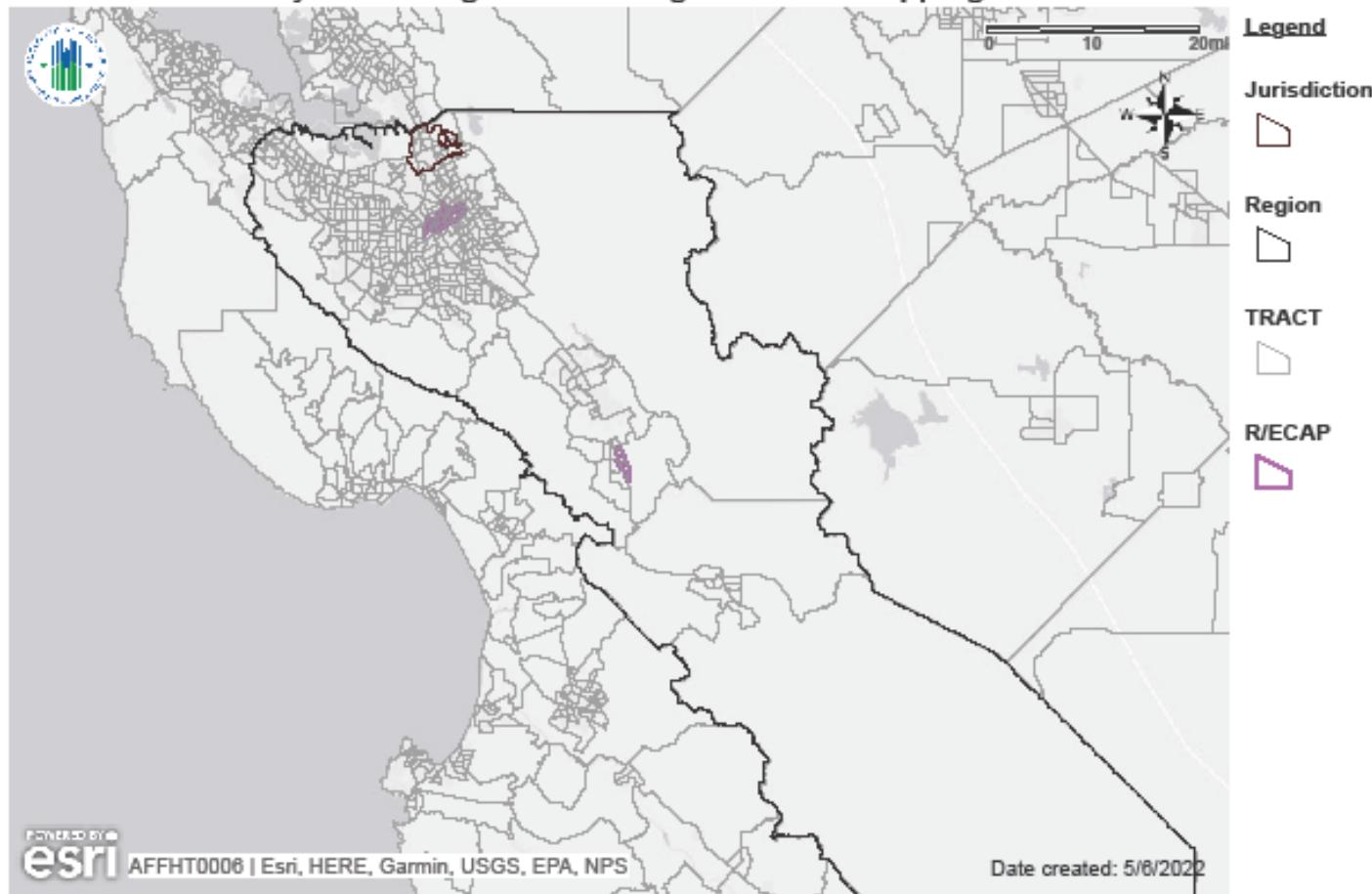
Map 8: R/ECAPs in 2010, Milpitas City Jurisdiction



There has been very little change in R/ECAPs in the City of Milpitas. In 1990, 2000, and 2010, no census tracts were designated as R/ECAPs. Since 2010, one census tract has been designated as a R/ECAP. The demographics of the city have changed significantly since 1990, gradually becoming a majority Asian and Pacific Islander, non-Hispanic city.

Map 9: R/ECAPs in 1990, San Jose-Sunnyvale-Santa Clara Region

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

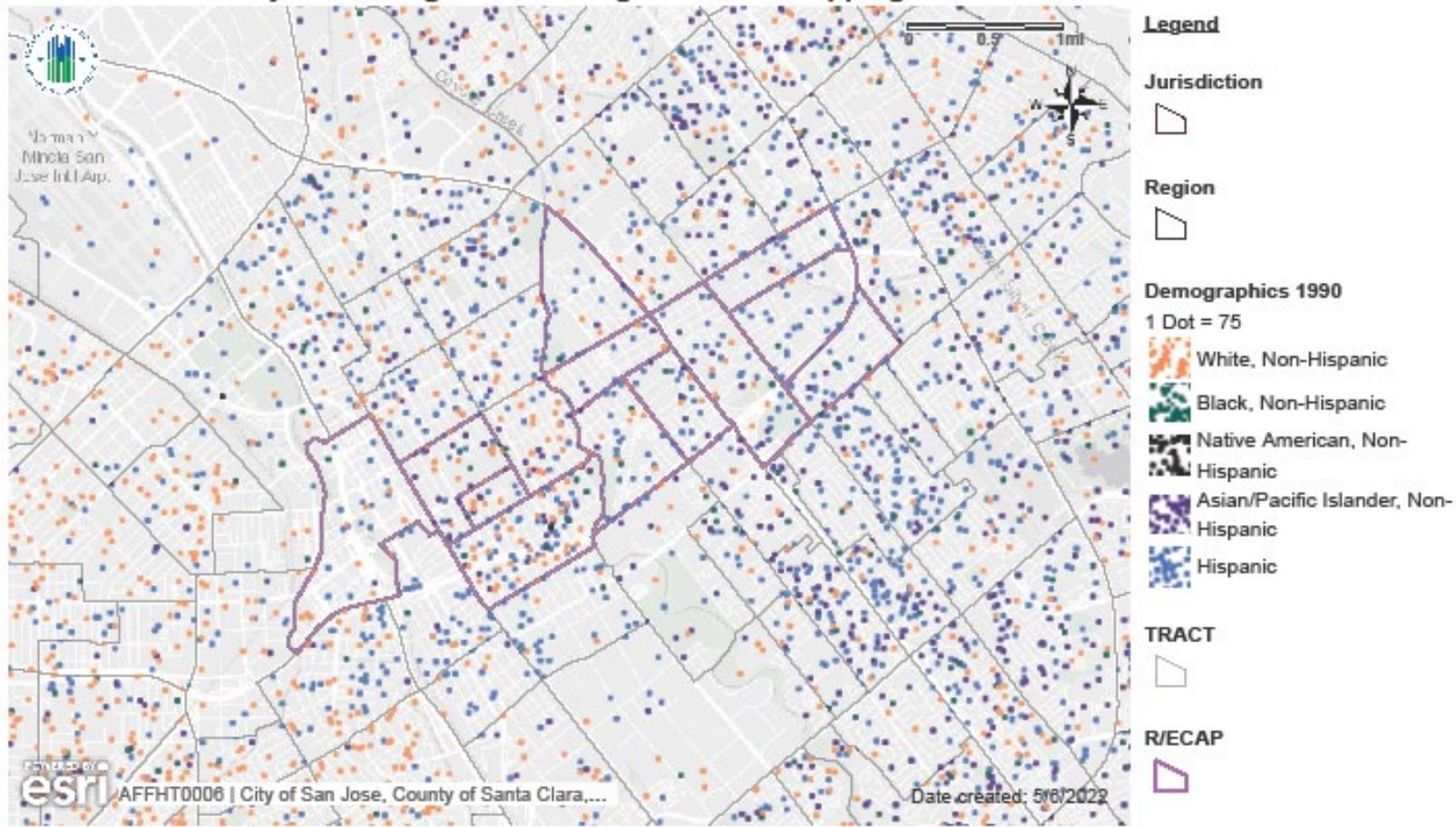
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

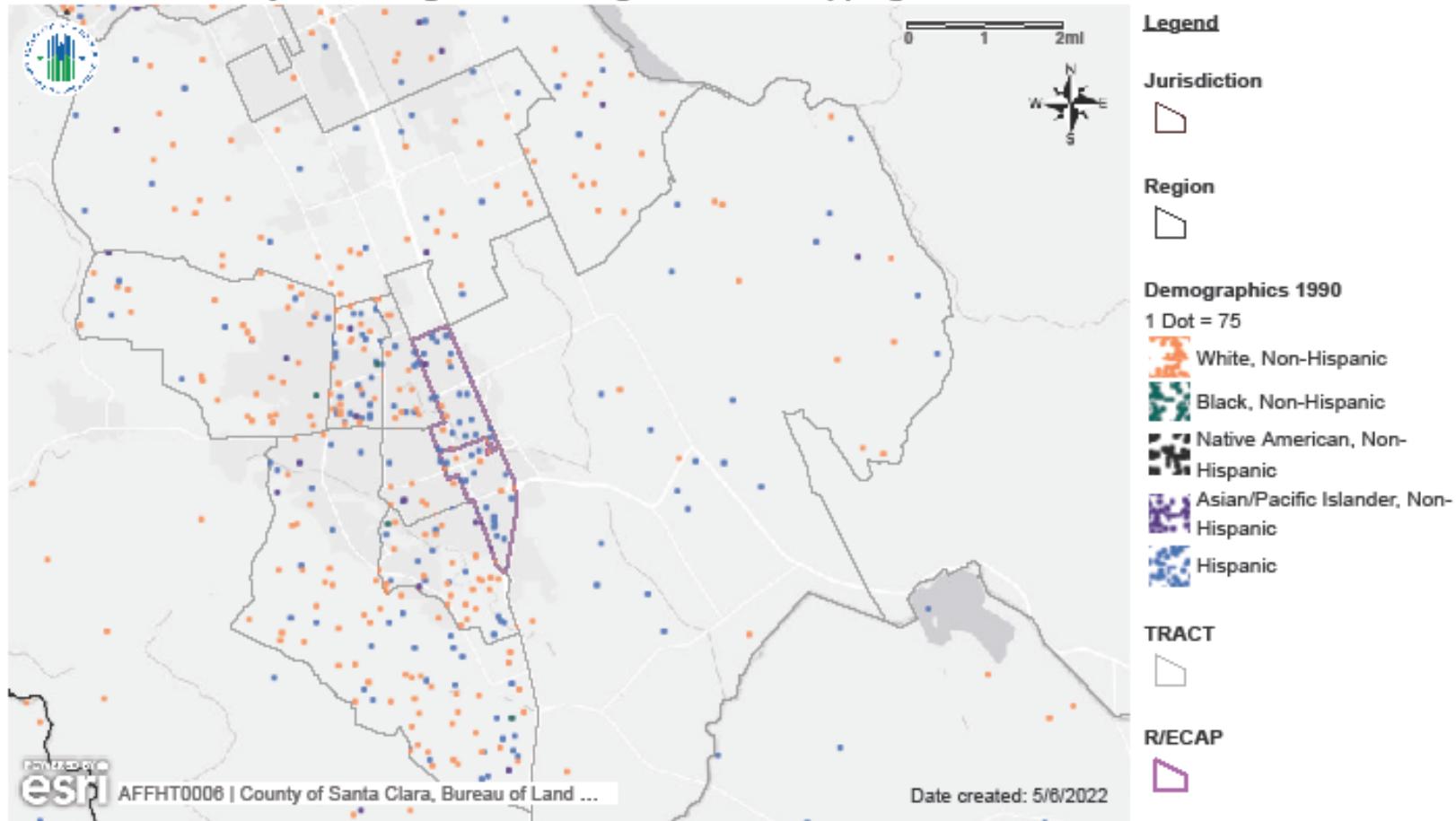
Map 10(a): R/ECAPs in 1990, San Jose-Sunnyvale-Santa Clara Region, Zoomed In

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 10(b): R/ECAPs in 1990, San Jose-Sunnyvale-Santa Clara Region, Zoomed In

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

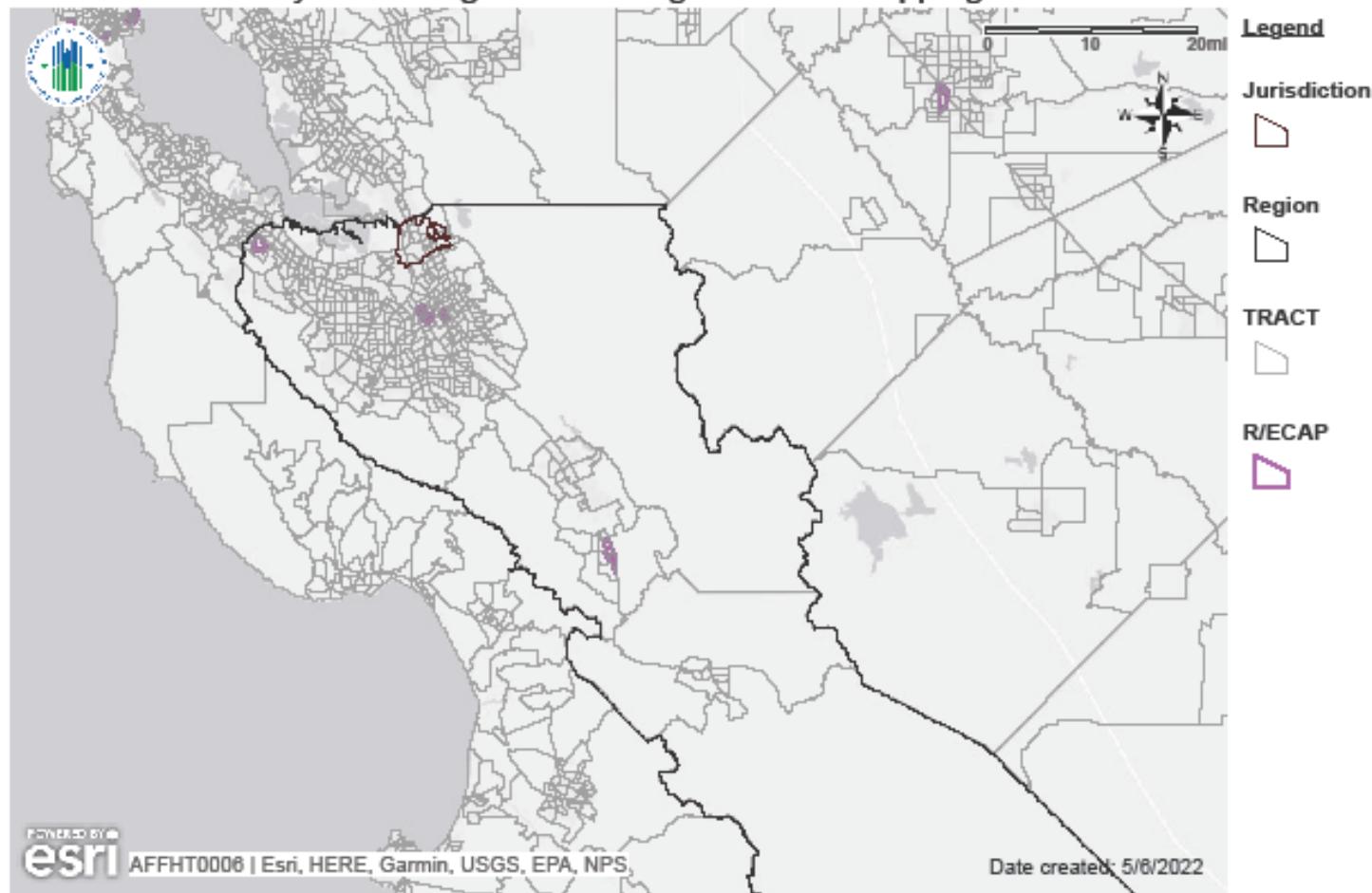
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

Map 11: R/ECAPs in 2000, San Jose-Sunnyvale-Santa Clara Region

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

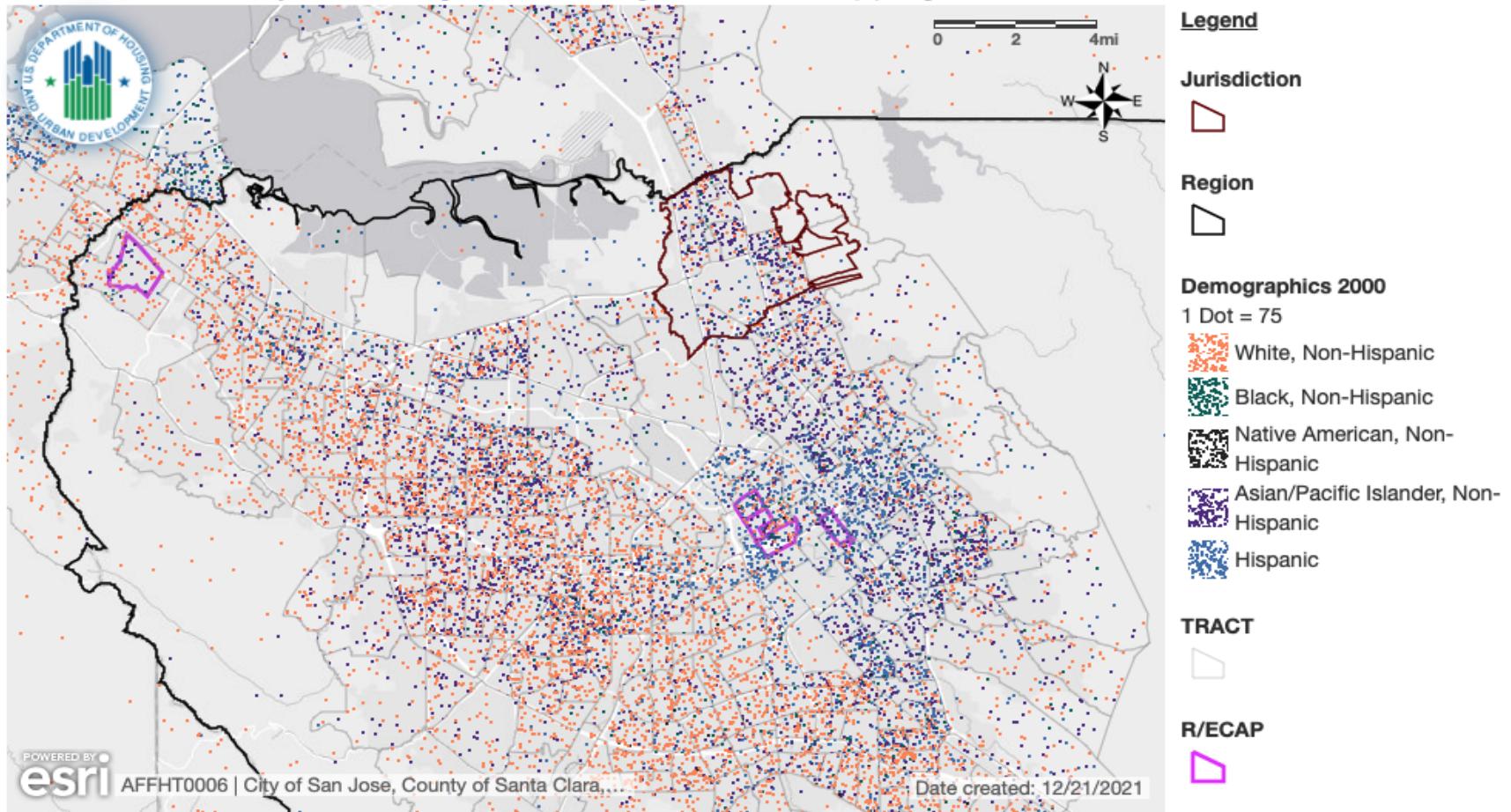
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

Map 12(a): R/ECAPs in 2000, San Jose-Sunnyvale-Santa Clara Region, Zoomed In

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

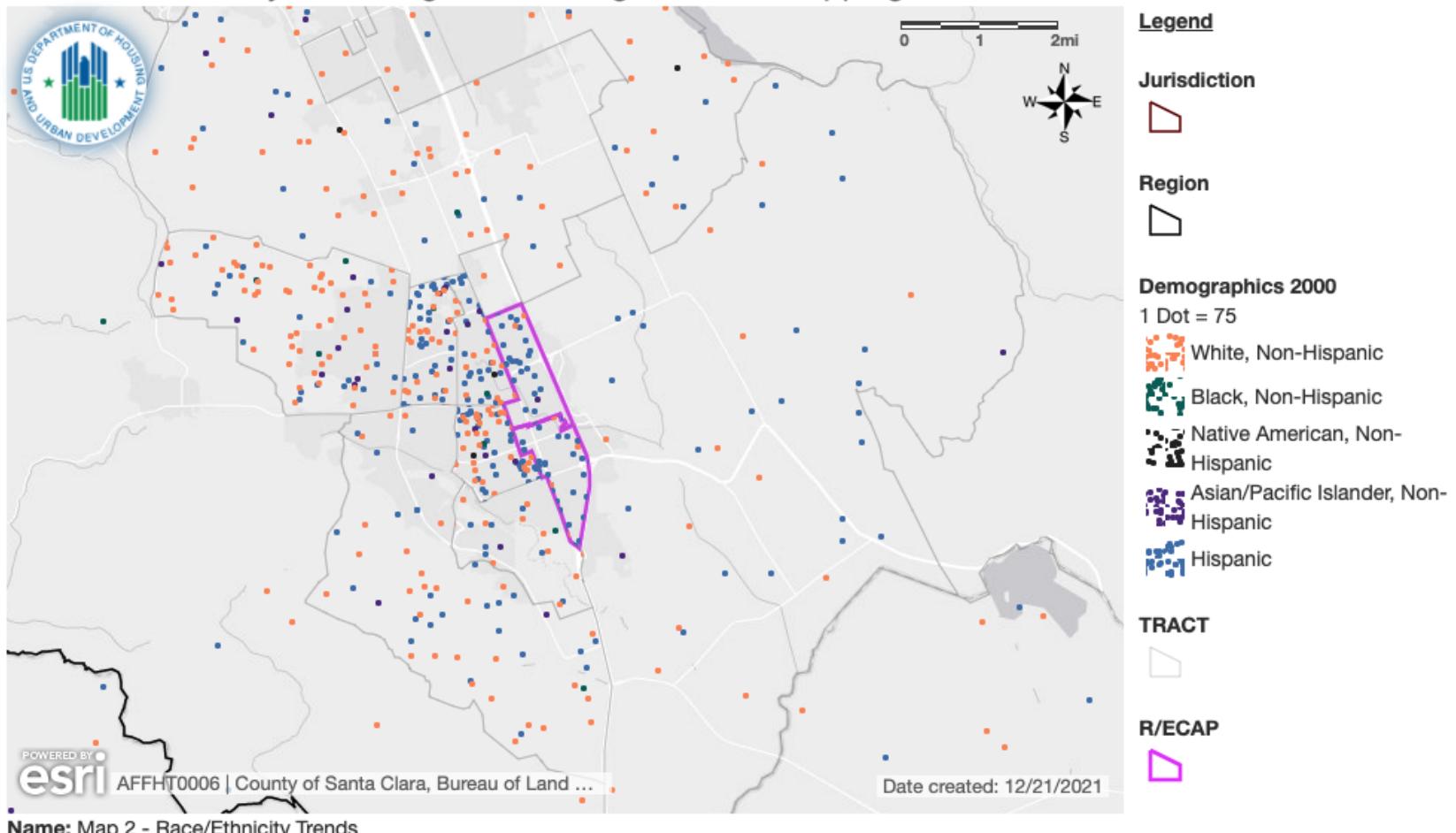
**Jurisdiction:** Milpitas City (CDBG)

**Region:** San Jose-Sunnyvale-Santa Clara, CA

**HUD-Provided Data Version:** AFFHT0006

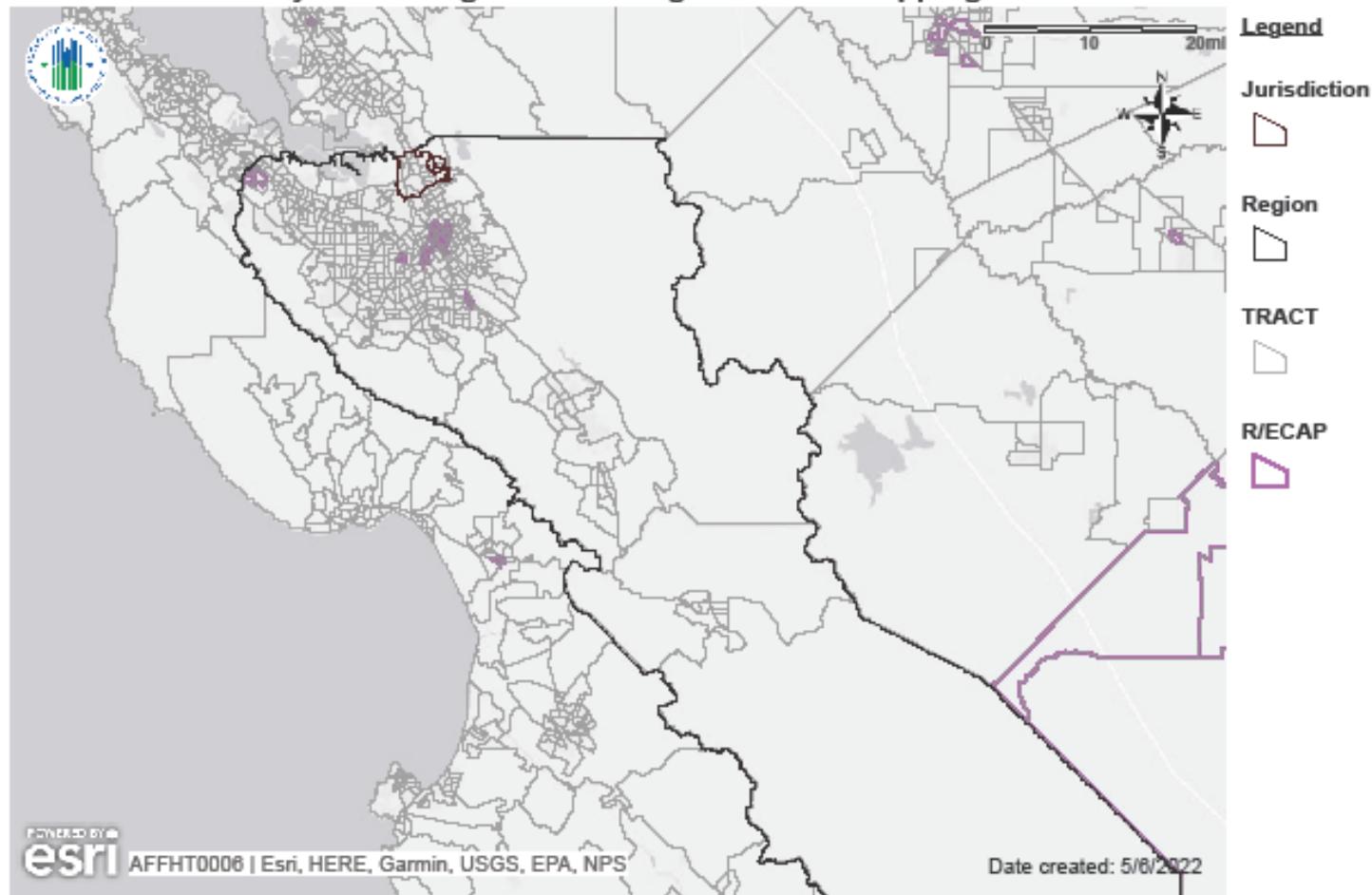
Map 12(b): R/ECAPs in 2000, San Jose-Sunnyvale-Santa Clara Region, Zoomed In

## HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



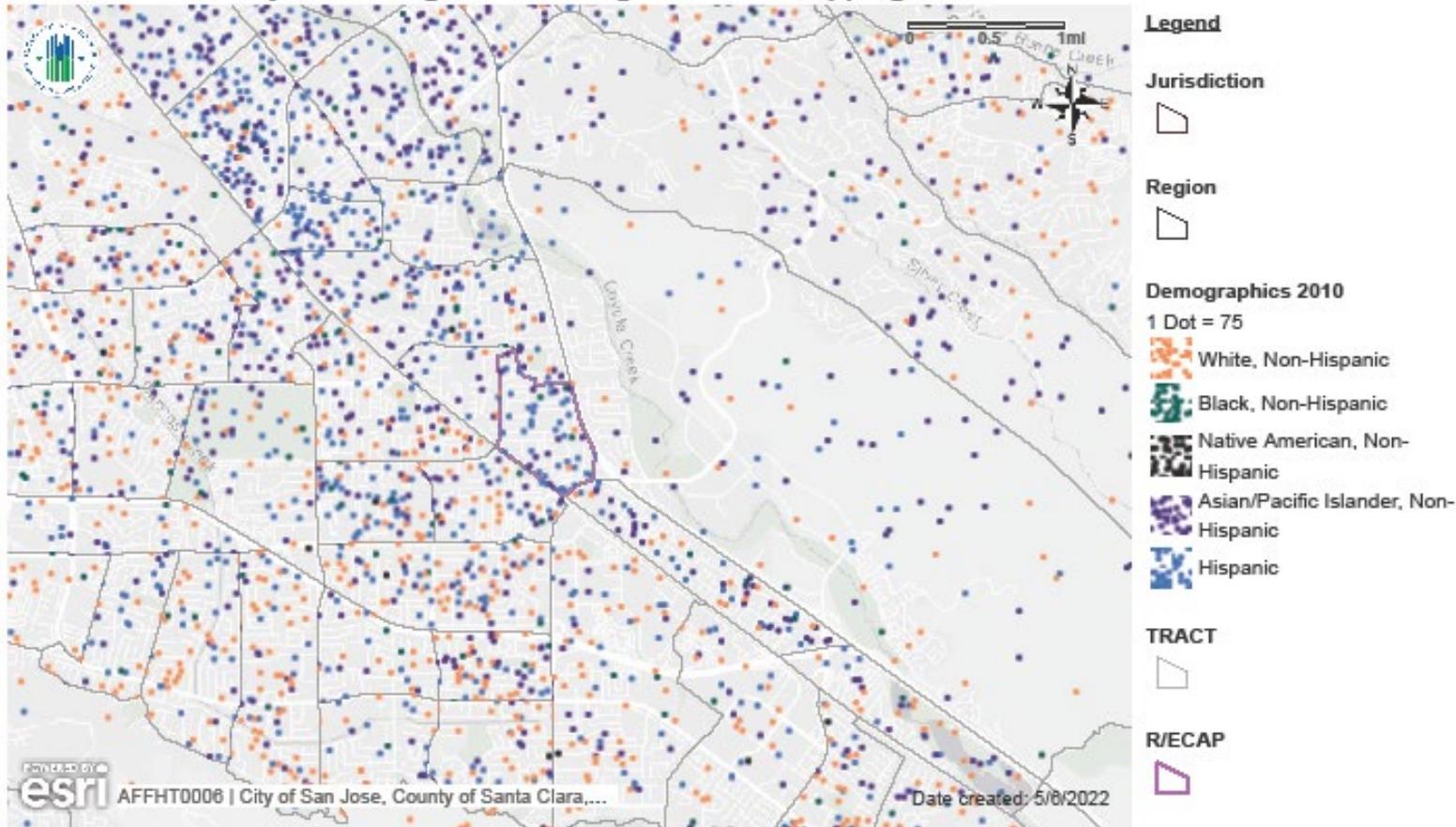
Map 13: R/ECAPs in 2010, San Jose-Sunnyvale-Santa Clara Region

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 14(a): R/ECAPs in 2010, San Jose-Sunnyvale-Santa Clara Region, Zoomed In

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Map 14(b): R/ECAPs in 2010, San Jose-Sunnyvale-Santa Clara Region, Zoomed In**

**Map 14(c): R/ECAPs in 2010, San Jose-Sunnyvale-Santa Clara Region, Zoomed In**

While there has not been much change at the jurisdiction level, the San José-Sunnyvale-Santa Clara Region has seen significant change since 1990. In the cluster of R/ECAPs in San José, Hispanic residents have become a greater concentration of the population as White residents have moved outwards. In contrast, the two census tracts designated as R/ECAPs in Gilroy in 2000 were no longer designated as census tracts in 2010, despite having a greater concentration of Hispanic residents than earlier. However, those two census tracts have been re-designated as R/ECAPs as of the latest data. In the northwest corner of the region, Stanford University has been designated as a R/ECAP since 2000, but this change likely comes from the fact that the university's student population has included a smaller proportion of White residents over time.

### **Contributing Factors of R/ECAPs**

*Please see the Appendix for the following Contributing Factors to R/ECAPs:*

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination

#### **iii. Disparities in Access to Opportunity**

##### **a. Disparities in Access to Opportunity – Education**

###### *i. Describe any disparities in access to proficient schools in the jurisdiction and region.*

**Table 1: School Proficiency Index for Milpitas and San José-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area**

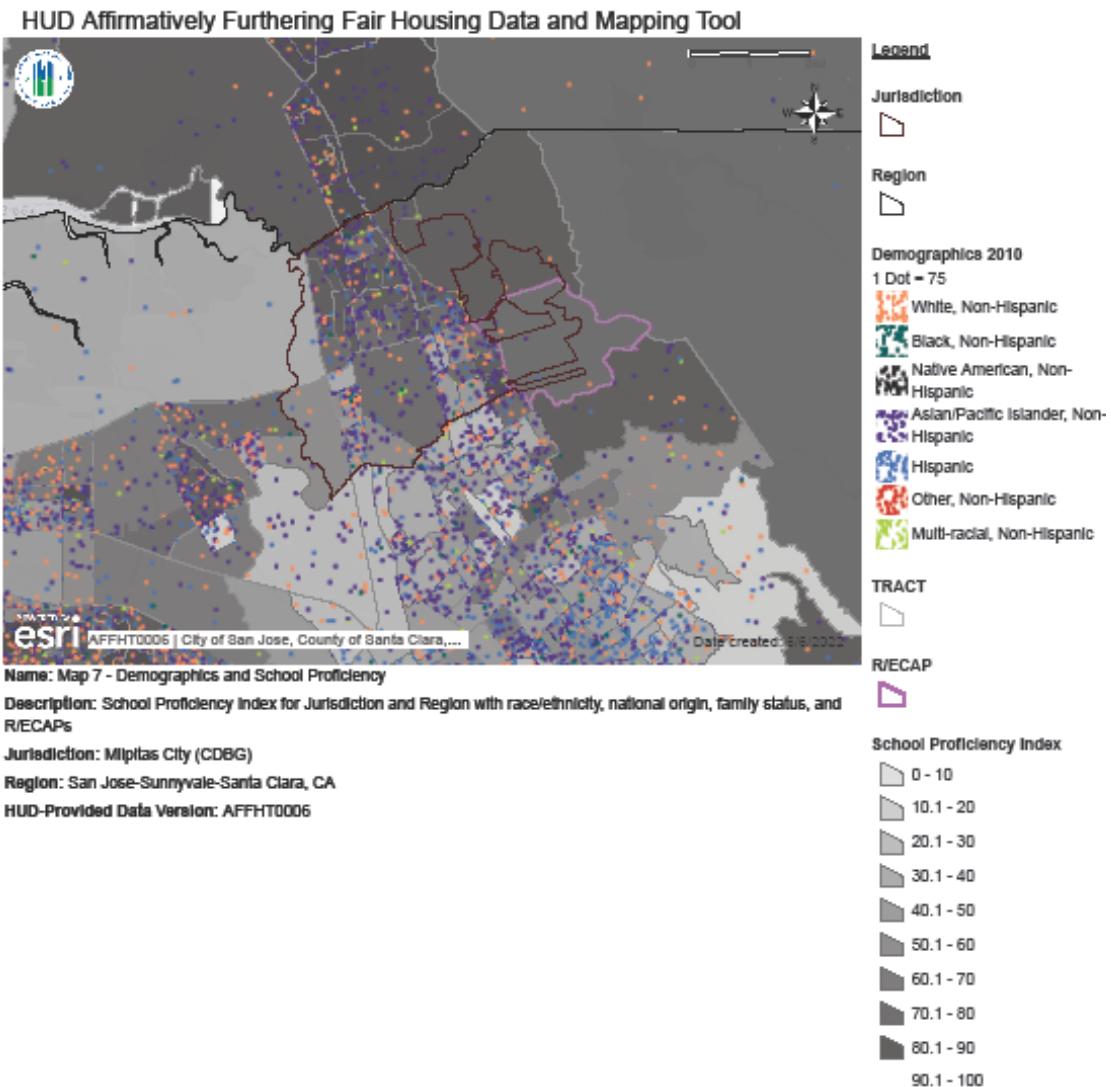
Jurisdiction	Milpitas	Region
<b>Total Population</b>		
White, Non-Hispanic	<b>73.41</b>	<b>76.43</b>
Black, Non-Hispanic	<b>69.10</b>	<b>64.99</b>
Hispanic	<b>67.71</b>	<b>59.06</b>
Asian or Pacific Islander, Non-Hispanic	<b>75.33</b>	<b>71.48</b>
Native American, Non-Hispanic	<b>72.19</b>	<b>65.33</b>
<b>Population below federal poverty line</b>		
White, Non-Hispanic	<b>79.88</b>	<b>71.42</b>
Black, Non-Hispanic	<b>81.53</b>	<b>60.73</b>
Hispanic	<b>72.71</b>	<b>55.10</b>

<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>78.43</b>	<b>64.70</b>
<b>Native American, Non-Hispanic</b>	<b>50.18</b>	<b>56.58</b>

In Milpitas, the School Proficiency Index reflects extremely slight disparities in access to proficient schools with White and Asian or Pacific Islander students having somewhat greater access to proficient schools than Hispanic and Black students, respectively. A finer-grained look at individual elementary school-level data is reflective of greater cause for concern than the School Proficiency Index. Within the Milpitas Unified School District, the only majority-Hispanic elementary school, Robert Randall Elementary School, faces more challenges than other elementary schools in the district. Regionally, the slight disparities found in Milpitas are magnified, with White and Asian or Pacific Islander students having significantly greater access to proficient schools than Hispanic and Black students.

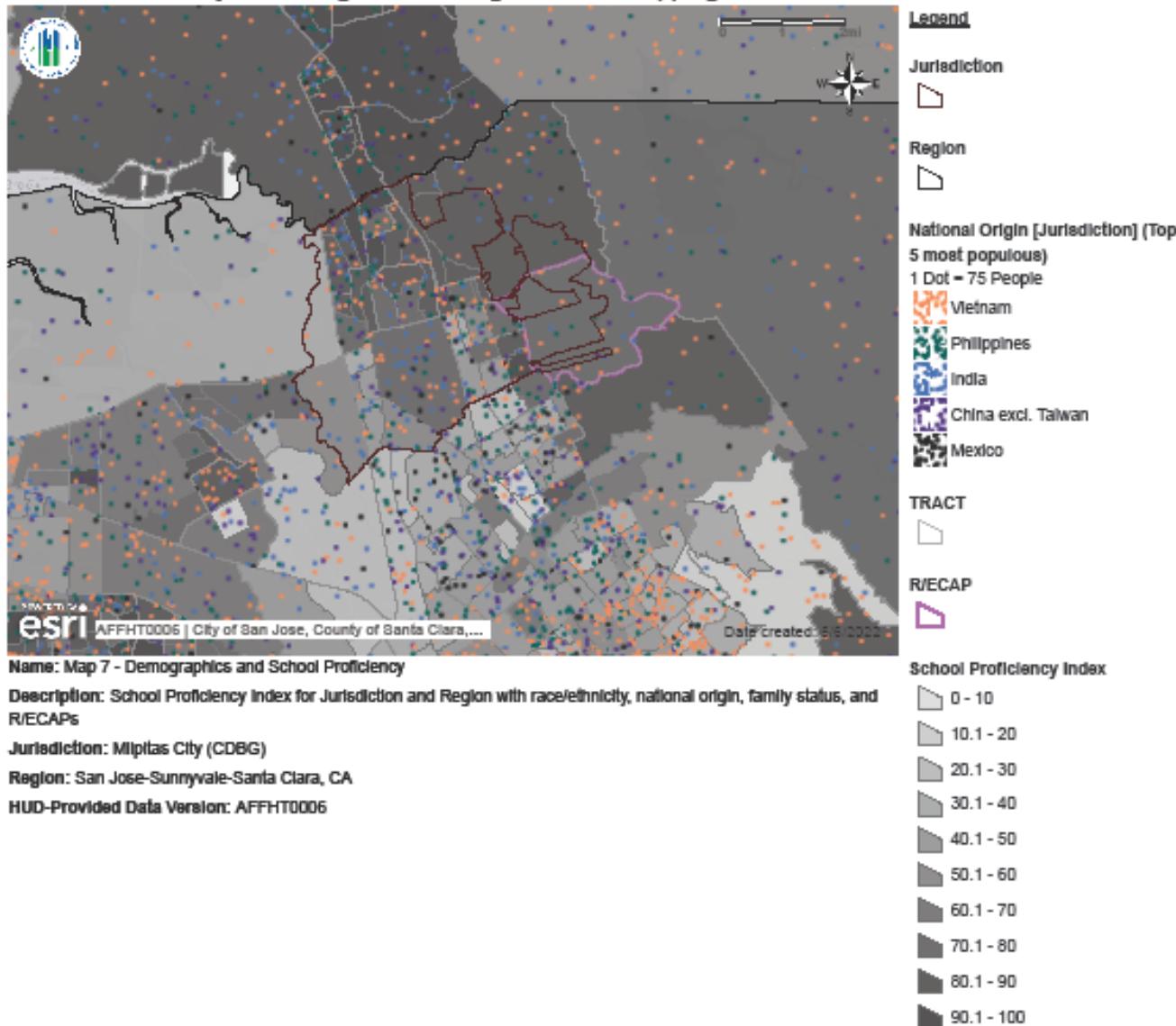
ii. Describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.

**Map 1: Race/Ethnicity and School Proficiency, Milpitas**



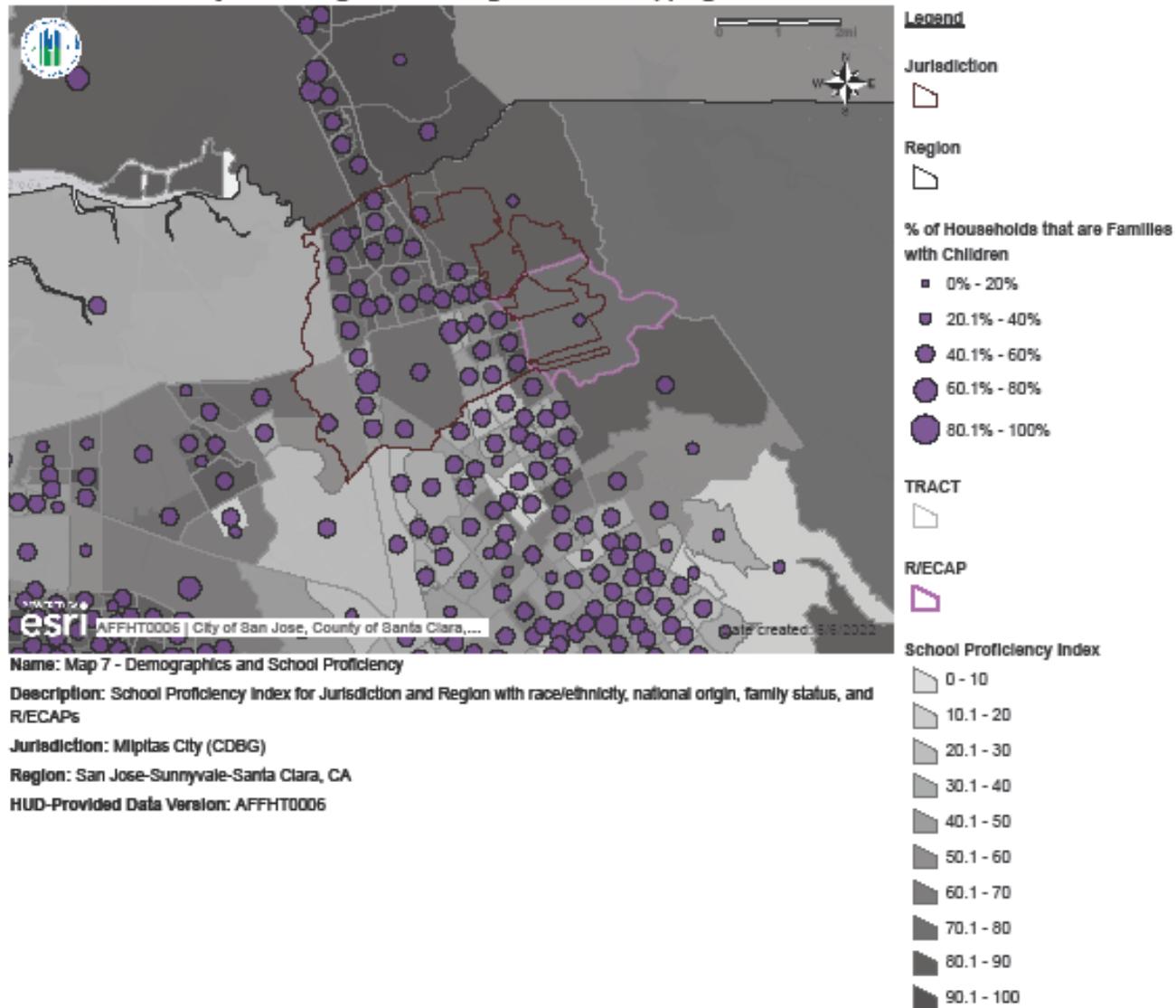
## Map 2: National Origin and School Proficiency, Milpitas

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



### Map 3: Family Status and School Proficiency, Milpitas

#### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Within Milpitas, there is a noticeable relationship between access to proficient schools and relative concentration of Hispanic and Mexican-American residents. The portion of the city with the least access to proficient school is an area in eastern Milpitas that has a higher concentration of Hispanic residents, the majority of whom are of Mexican ancestry. There does not appear to be a relationship between access to proficient schools and familial status in Milpitas. Regionally, disparities in access to proficient schools and race, ethnicity, and national origin are closely linked though, again, familial status does not appear to be correlated with access to proficient schools. The areas with the least access to proficient schools are concentrated in Downtown and East San José, including areas with concentrations of Hispanic residents as well as residents of Mexican and Vietnamese ancestry.

*iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to proficient schools.*

In addition to the data discussed above, one key observation about disparities in access to proficient schools is that school districts in the broader region are highly fragmented. Not only does each city within Santa Clara County generally have its own school district, but many cities are part of multiple school districts. This fragmentation hampers efforts to promote student mobility from areas with schools facing severe challenges to highly-resourced schools. In the context of Milpitas, this means that students in nearby parts of East San José, where many students lack access to proficient schools and where students are disproportionately Vietnamese and/or Hispanic, are not able to avail themselves of the opportunities present in Milpitas' high performing schools. Both strategies that facilitate more East San José residents moving to Milpitas – through greater development of affirmatively marketed affordable housing – and inter-district education policies that facilitate transfers could be responsive to this dynamic. Additionally, a significant number of affluent families send their children to private school; Stratford School in Milpitas attracts students from across the region. In addition to the existing “campus” facility operating in Milpitas, one additional building is nearing completion, and another building for K-2nd Grade has been approved.

**b. Disparities in Access to Opportunity – Employment**

*i. Describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.*

The Labor Market Engagement Index and the Jobs Proximity Index are used to measure the strength of the labor market and location of available jobs within a location. The Labor Market Engagement Index provides a summary of the relative intensity of labor market engagement and human capital in a neighborhood. The Jobs Proximity Index quantifies a location's accessibility to employment. The indexes scores range from 0-100. A higher score correlates to greater access to employment.

**Table 1: Labor Market and Jobs Proximity Indices, Milpitas and the Region**

Milpitas	Labor Market Index	Jobs Proximity Index
<b>Total Population</b>		
<b>White, Non-Hispanic</b>	<b>65.64</b>	<b>68.17</b>
<b>Black, Non-Hispanic</b>	<b>61.01</b>	<b>74.05</b>

<b>Hispanic</b>	<b>59.43</b>	<b>71.08</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>65.50</b>	<b>68.65</b>
<b>Native American, Non-Hispanic</b>	<b>61.09</b>	<b>71.31</b>
<b>Population below federal poverty line</b>		
<b>White, Non-Hispanic</b>	<b>61.60</b>	<b>73.22</b>
<b>Black, Non-Hispanic</b>	<b>67.86</b>	<b>57.67</b>
<b>Hispanic</b>	<b>65.29</b>	<b>65.12</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>67.16</b>	<b>66.22</b>
<b>Native American, Non-Hispanic</b>	<b>67.00</b>	<b>95.22</b>

Region		
<b>Total Population</b>		
White, Non-Hispanic	<b>77.72</b>	<b>51.47</b>
Black, Non-Hispanic	<b>66.37</b>	<b>49.26</b>
Hispanic	<b>54.64</b>	<b>40.37</b>
Asian or Pacific Islander, Non-Hispanic	<b>72.36</b>	<b>50.40</b>
Native American, Non-Hispanic	<b>64.12</b>	<b>46.65</b>
<b>Population below federal poverty line</b>		
White, Non-Hispanics	<b>72.46</b>	<b>54.66</b>
Black, Non-Hispanic	<b>61.15</b>	<b>47.46</b>
Hispanic	<b>49.31</b>	<b>41.30</b>
Asian or Pacific Islander, Non-Hispanic	<b>61.63</b>	<b>48.66</b>
Native American, Non-Hispanic	<b>54.76</b>	<b>49.93</b>

In the City of Milpitas, White residents have the highest Labor Market Engagement Index value when compared to other residents across racial/ethnic categories. White residents experience a Labor Market Engagement Index value of 65.64, followed by Asian or Pacific Islander residents at 65.50. Conversely, Hispanic residents have the lowest Labor Market Engagement Index values across racial/ethnic categories. Hispanic residents experience a Labor Market Engagement Index value of 59.43, followed by Black residents at 61.01 and Native American residents at 61.09. Regionally, White residents also enjoy the highest Labor Market Engagement Index value when compared to other residents across racial/ethnic categories, and these disparities are greater regionally than in the City of Milpitas. White residents in the San Jose-Sunnyvale-Santa Clara, CA region experience a Labor Market Engagement Index value of 77.72, followed Asian or Pacific Islander residents at 72.36. Hispanic residents have the lowest Labor Market Engagement Index values across racial/ethnic categories in the San Jose-Sunnyvale-Santa Clara, CA region. Further, with the except of Hispanic residents, non-white racial/ethnic groups have lower Labor Market Engagement Index values across the board when compared to Milpitas. Regionally, Hispanic residents experience a Labor Market Engagement Index value of 54.64, followed by Native American residents at 64.12, Black residents at 66.37.

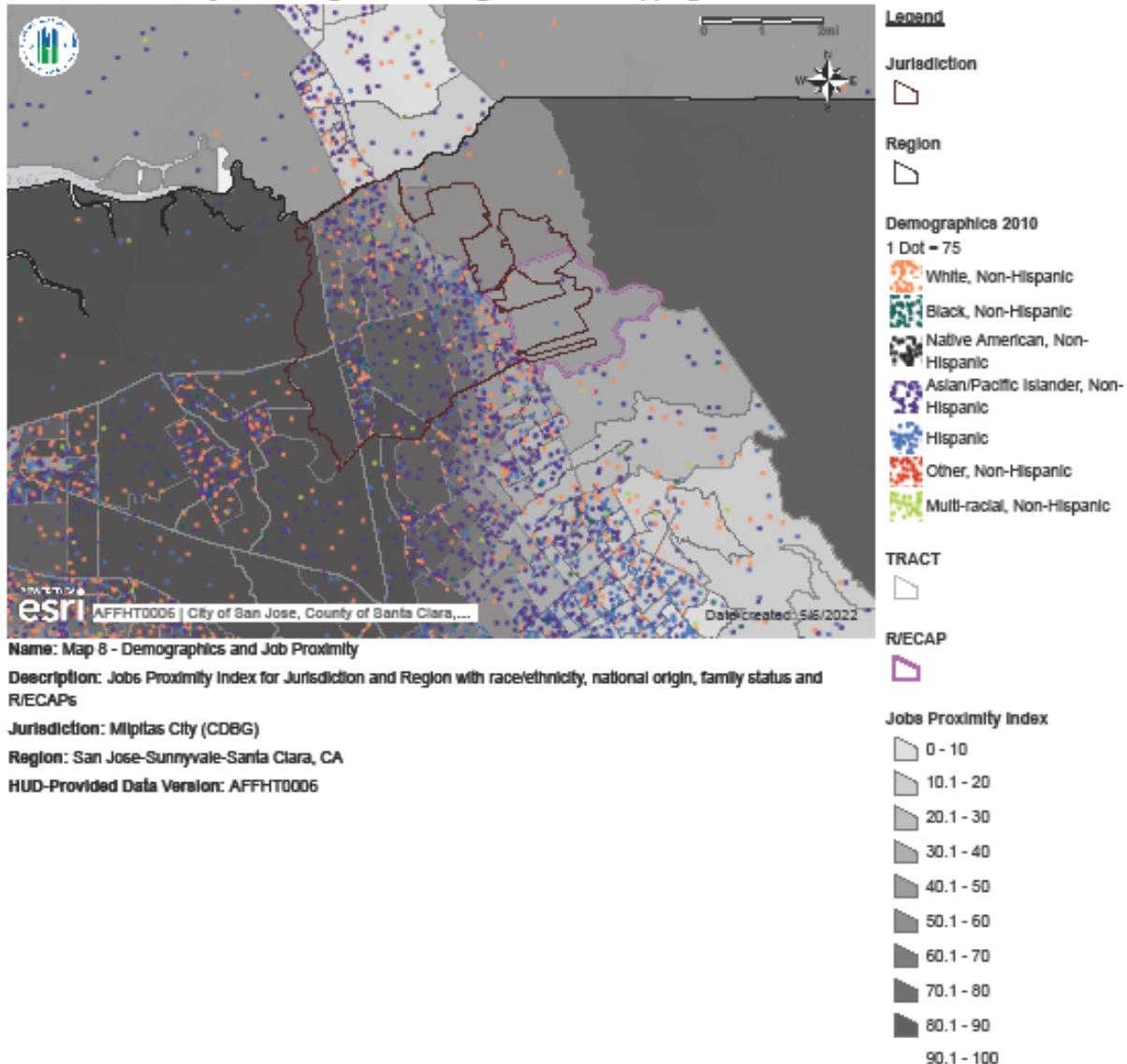
In the City of Milpitas, Black residents have the highest Jobs Proximity Index value at 74.05, followed by Native American residents at 71.31 and Hispanic residents at 71.08. White residents have the lowest Jobs Proximity Index value at 68.17, followed by Asian American residents at 68.65. Regionally, all racial/ethnic groups experience lower Job Proximity Index values than the City of Milpitas. In the San Jose-Sunnyvale-Santa Clara, CA region, White residents have a Jobs Proximity Index value of 51.47, followed by Asian or Pacific Islander residents at 50.40, Black residents at 49.26, Native American residents at 46.65 and Hispanic residents 40.37. In the City of Milpitas, the racial/ethnic groups with the closest proximity to employment experience the lowest engagement with the labor market. Further, despite closer proximity

to employment than residents of the San Jose-Sunnyvale-Santa Clara, CA region, Milpitas residents experience lower labor market engagement than residents of the San Jose-Sunnyvale-Santa Clara, CA region as a whole.

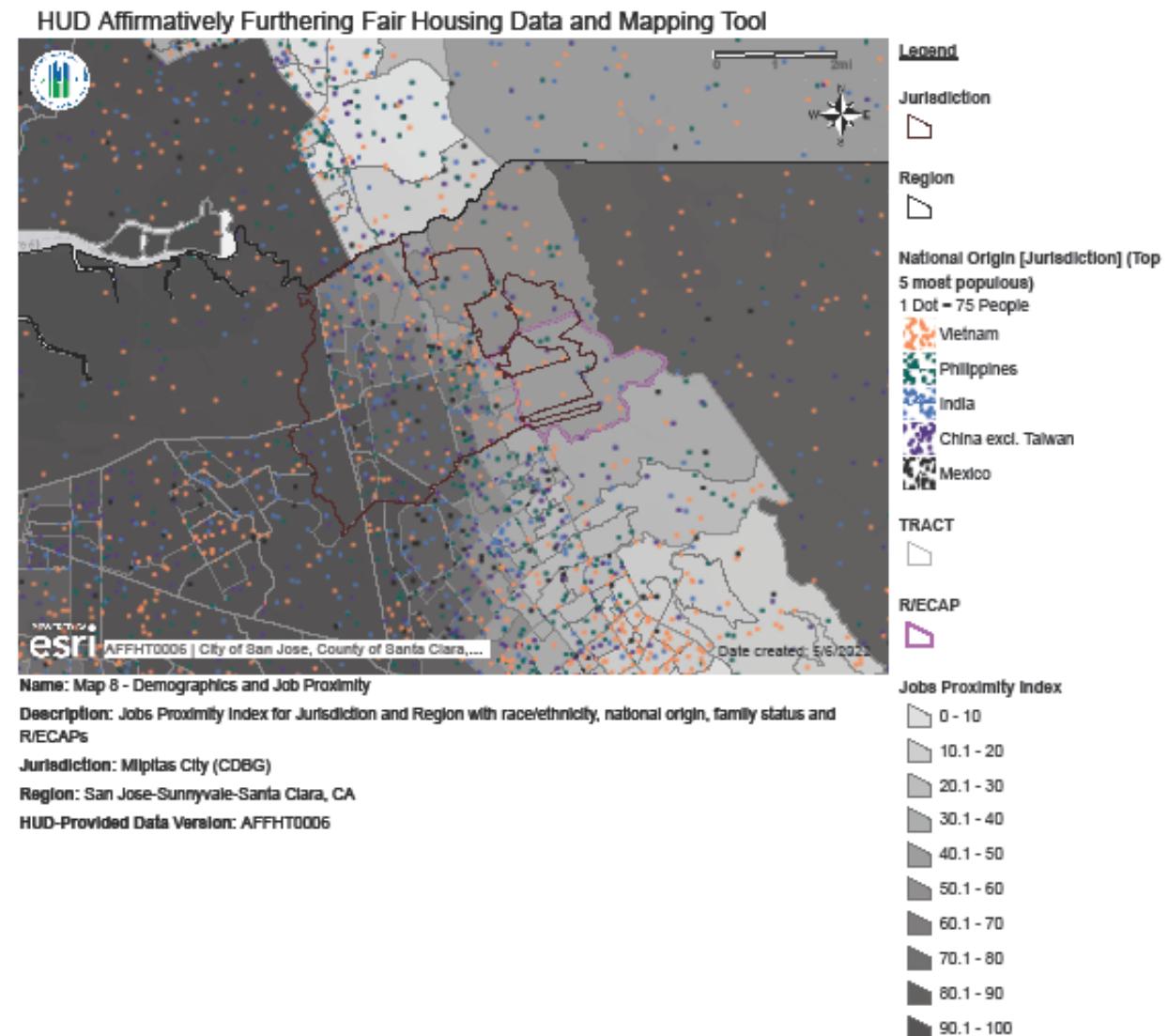
- ii. For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.*

Map 1: Demographics and Job Proximity (Race/Ethnicity)

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

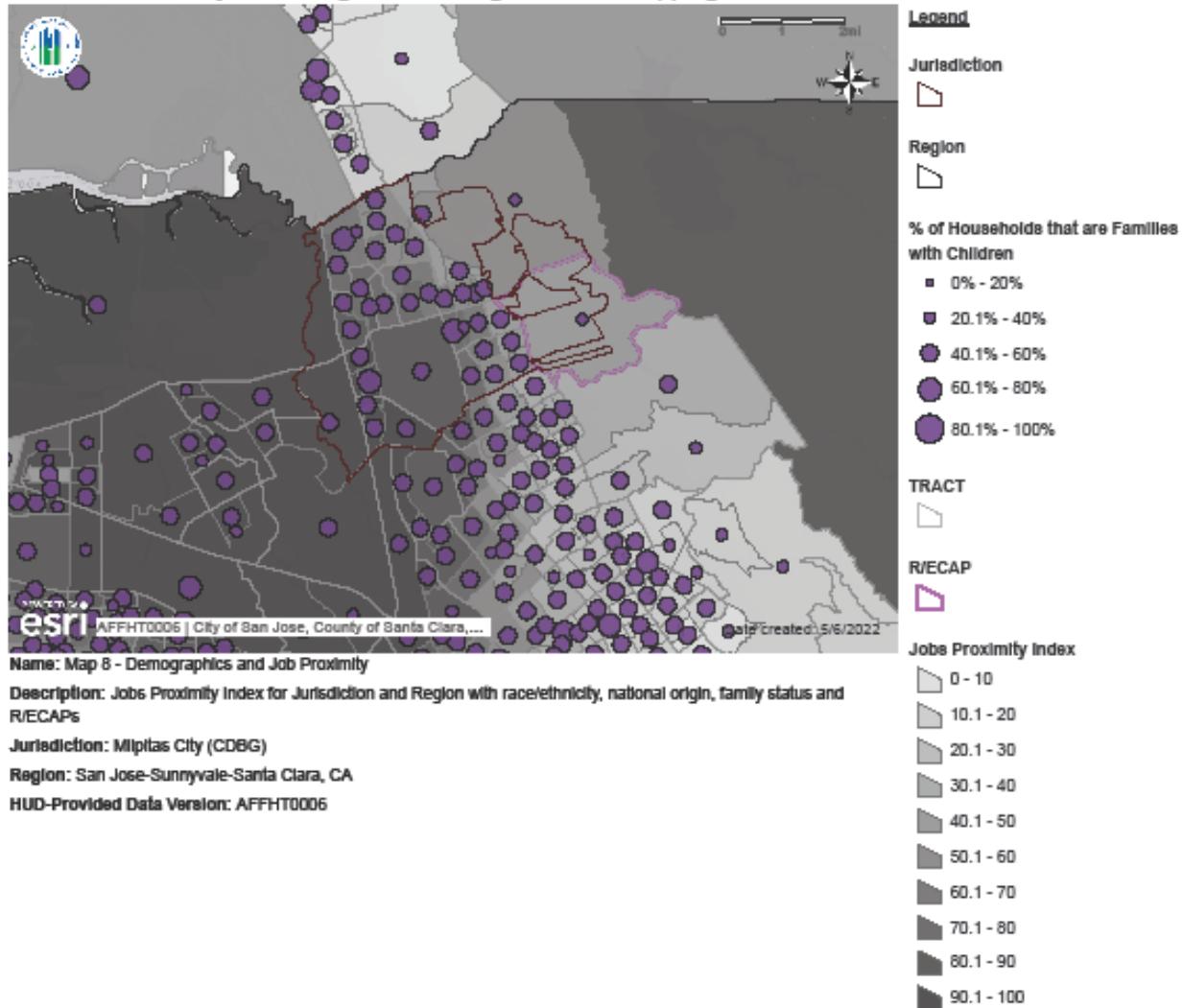


## Map 2: Demographics and Job Proximity (National Origin)



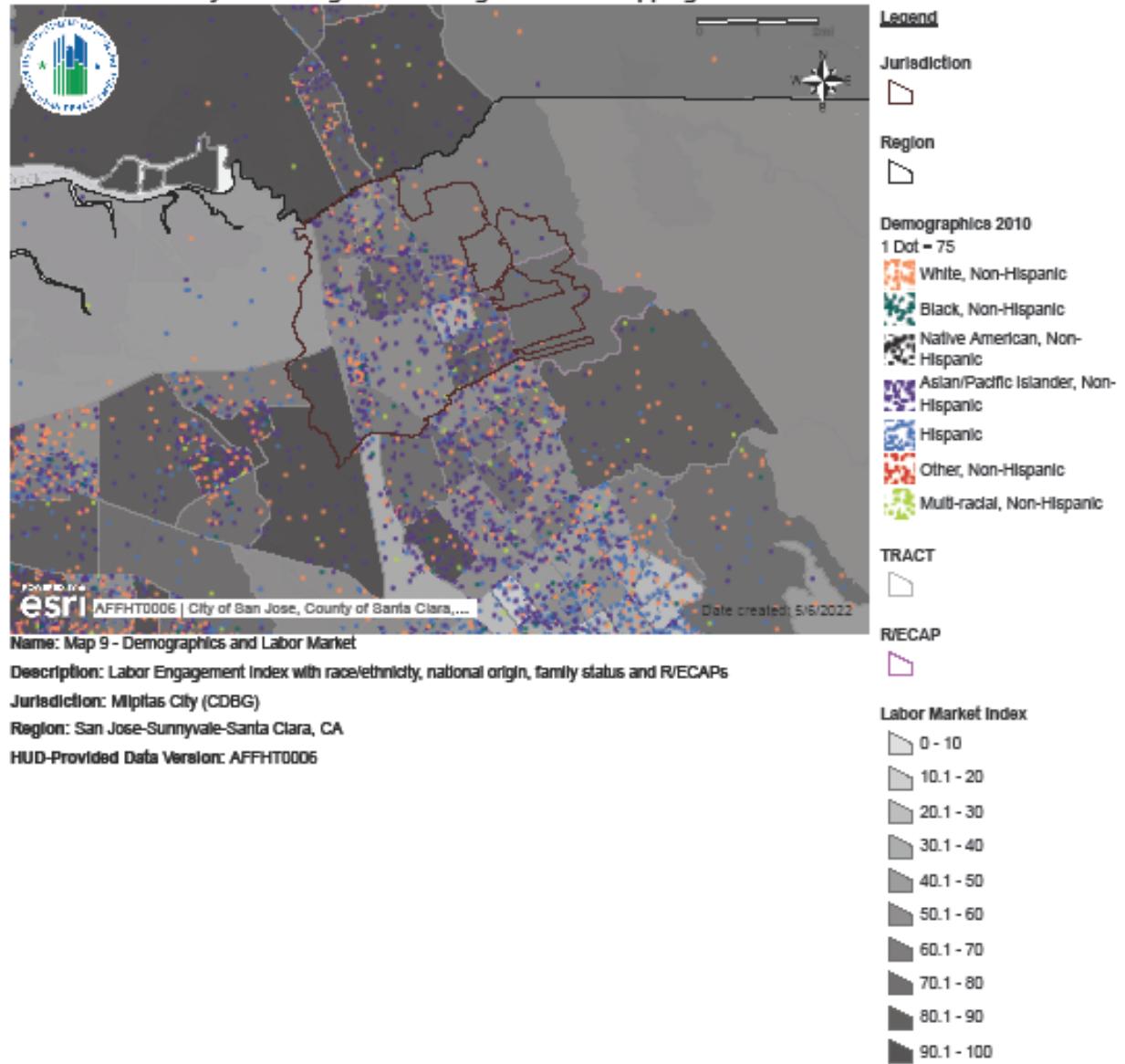
### Map 3: Demographics and Job Proximity (Family Status)

#### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



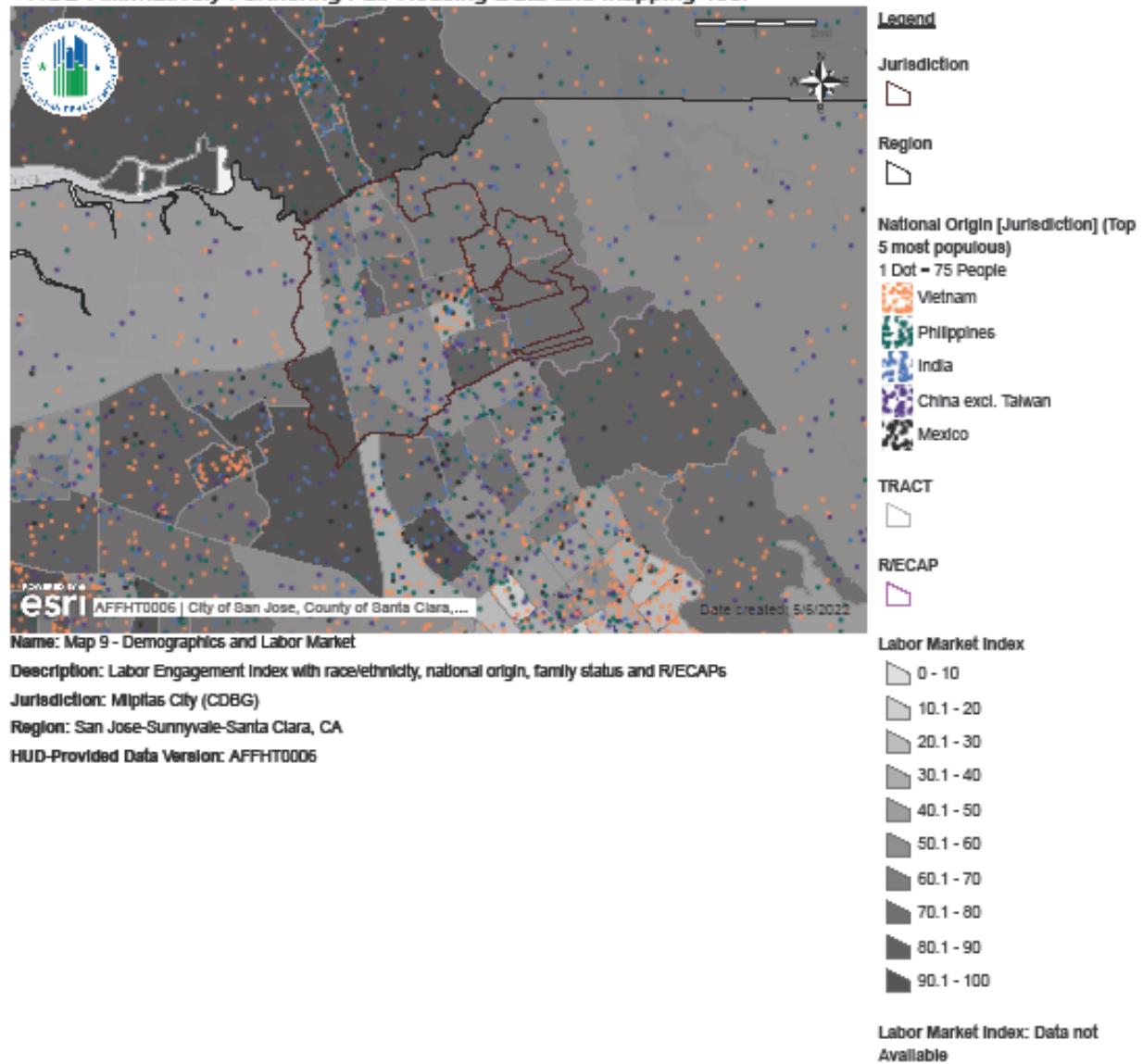
#### Map 4: Demographics and Labor Market (Race/Ethnicity)

##### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



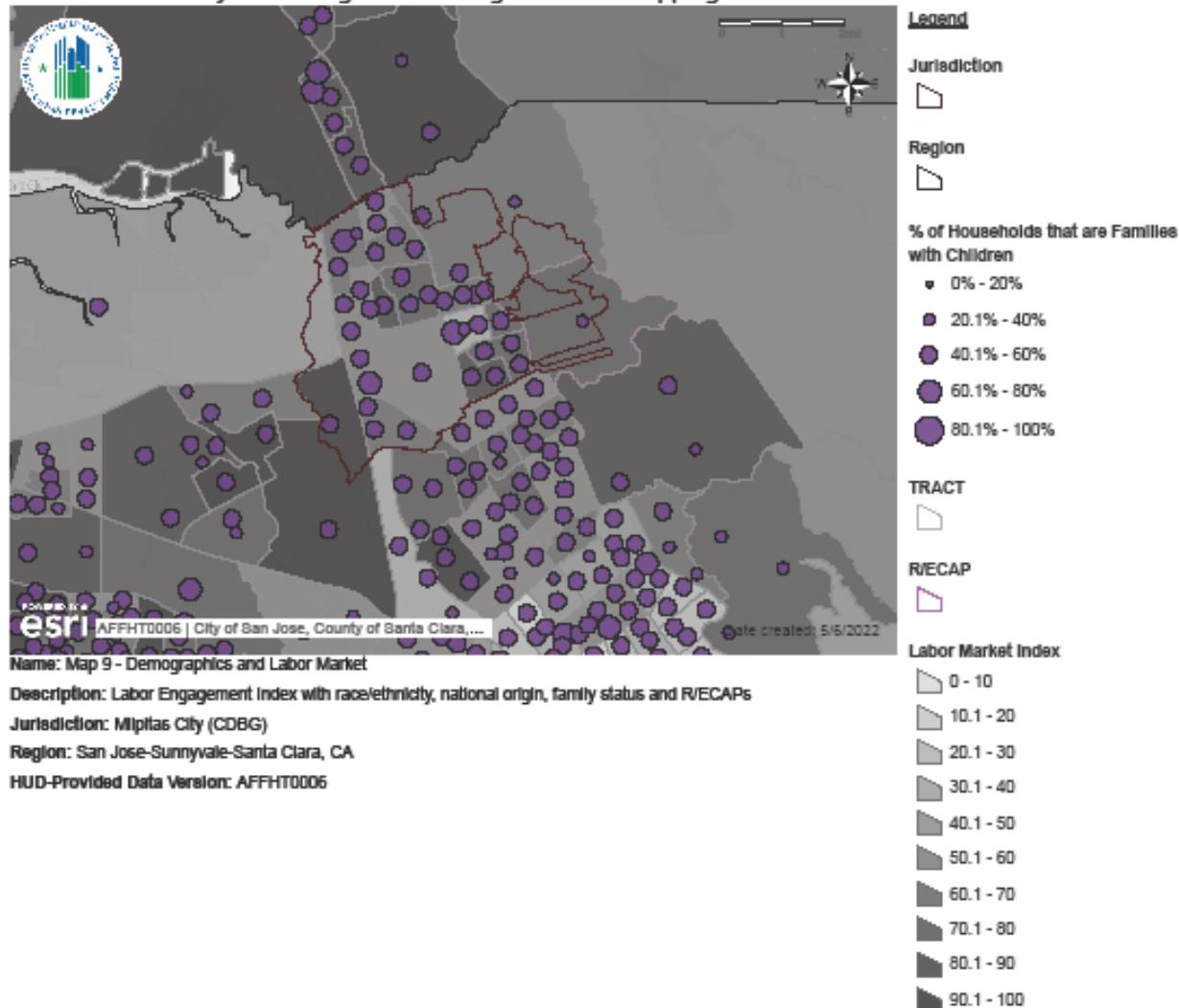
## Map 5: Demographics and Labor Market (National Origin)

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

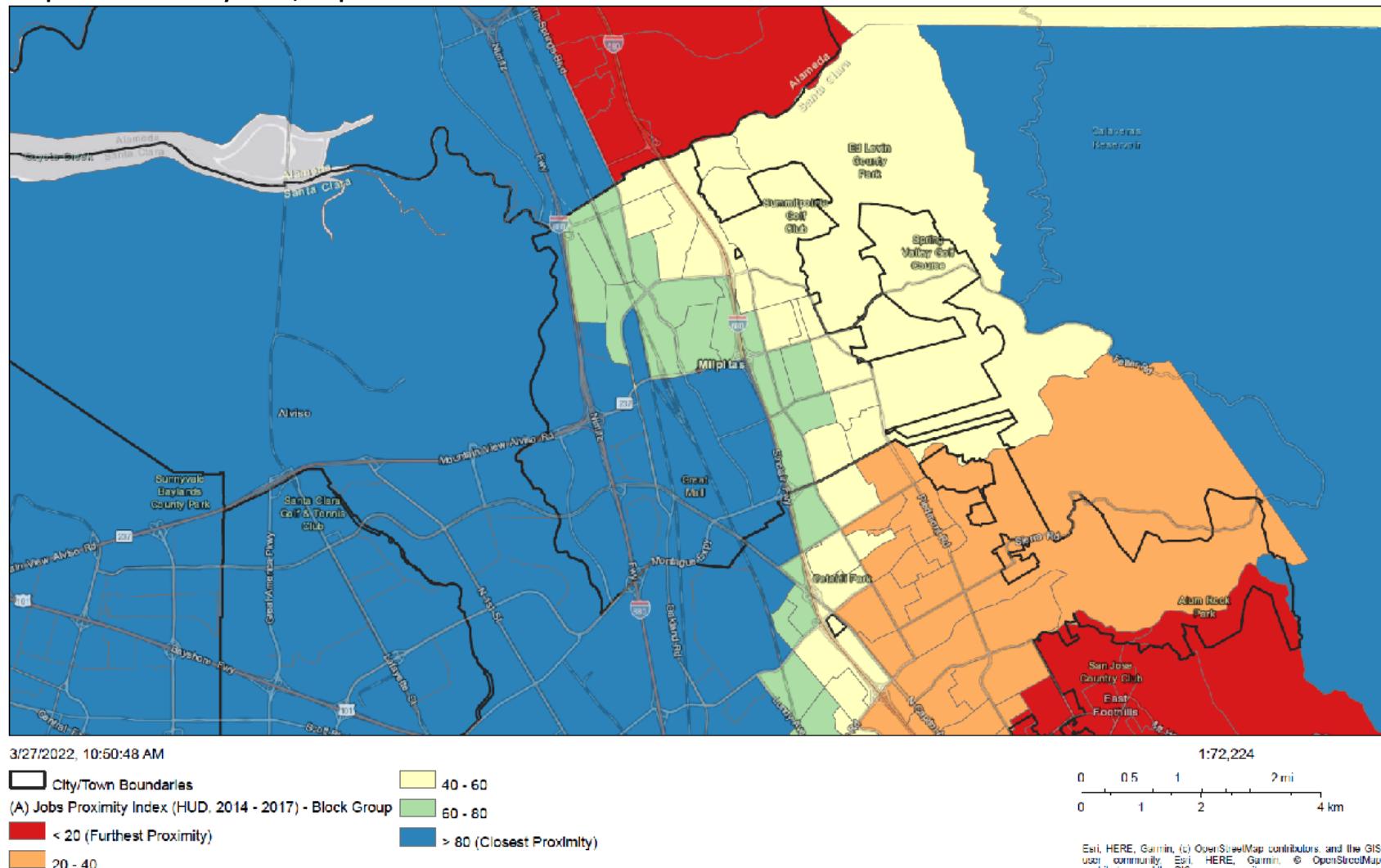


## Map 6: Demographics and Labor Market (Family Status)

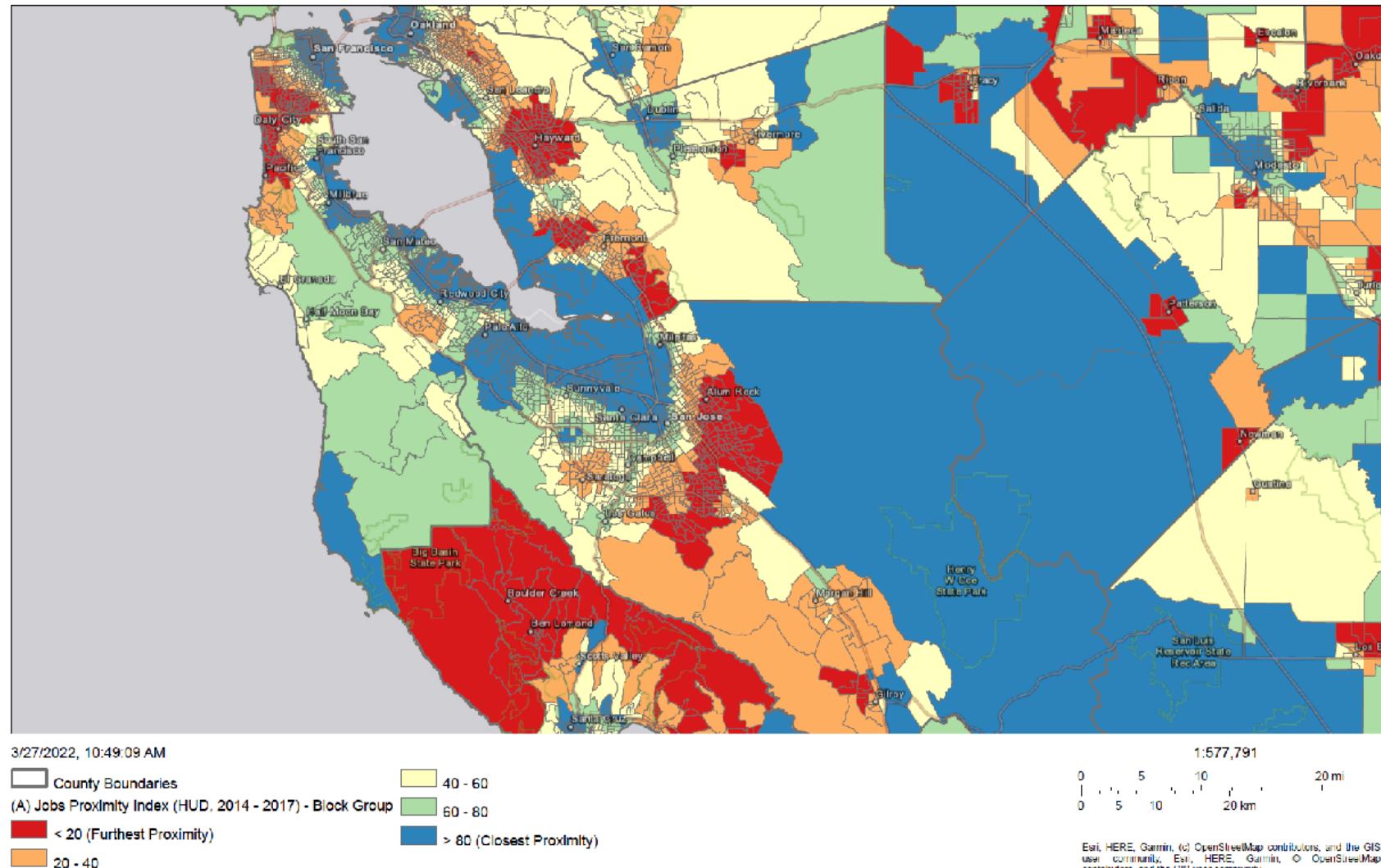
### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 7: Jobs Proximity Index, Milpitas



Map 8 : Job Proximity Index, Region



In Milpitas, disparities in both jobs proximity and labor-market engagement are small, and patterns of segregation do not appear to play a significant role in explaining them. For example, although there is an area of slight Hispanic population concentration in eastern Milpitas, which generally has lower jobs proximity than western Milpitas, Hispanic residents have higher overall jobs proximity than do Asian residents who are a large majority of the population in all parts of western Milpitas. Regionally, however, the concentration of Hispanic both in parts of East San José and in South County, which have low jobs proximity, does appear to explain disparities in jobs proximity. Additionally, the concentration of Hispanic residents in similar areas, including in R/ECAPs, partially explains the lack of social capital associated with lower labor market engagement.

*iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to employment.*

Milpitas Recreation and Community Services operates a Youth Force program that creates work and networking opportunities for high school-age residents of the city. Geographically targeted outreach focusing on Milpitas' most heavily Hispanic area may help this program most effectively reduce disparities in access to employment.

**c. Disparities in Access to Opportunity – Transportation**

*i. For the protected class groups HUD has provided data, describe any disparities in access to transportation related to costs and access to public transit in the jurisdiction and region.*

The Low Transportation Cost Index and Transit Trips Index are used to measure access to transportation within a location. The Low Transportation Cost Index measures access to low-cost transportation services, and the Transit Trips Index measures how often residents take transit trips. The index scores range from 0-100. A higher score correlates to greater transportation access.

**Table 1: Transit and Low Transportation Cost Indices, Milpitas and the Region**

Jurisdiction	Transit Index	Low Transportation Cost Index
<b>Total Population</b>		
<b>White, Non-Hispanic</b>	<b>78.09</b>	<b>93.08</b>
<b>Black, Non-Hispanic</b>	<b>78.77</b>	<b>93.81</b>
<b>Hispanic</b>	<b>78.50</b>	<b>93.51</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>78.23</b>	<b>93.22</b>
<b>Native American, Non-Hispanic</b>	<b>78.25</b>	<b>93.54</b>
<b>Population below federal poverty line</b>		
<b>White, Non-Hispanic</b>	<b>78.35</b>	<b>93.08</b>

<b>Black, Non-Hispanic</b>	<b>78.12</b>	<b>92.17</b>
<b>Hispanic</b>	<b>79.35</b>	<b>93.36</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>77.92</b>	<b>93.09</b>
<b>Native American, Non-Hispanic</b>	<b>85.00</b>	<b>95.00</b>
<b>Region</b>		
<b>Total Population</b>		
<b>White, Non-Hispanic</b>	<b>75.69</b>	<b>93.05</b>
<b>Black, Non-Hispanic</b>	<b>79.03</b>	<b>94.25</b>
<b>Hispanic</b>	<b>76.70</b>	<b>93.43</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>78.43</b>	<b>93.54</b>
<b>Native American, Non-Hispanic</b>	<b>76.14</b>	<b>93.31</b>
<b>Population below federal poverty line</b>		
<b>White, Non-Hispanic</b>	<b>78.05</b>	<b>93.85</b>
<b>Black, Non-Hispanic</b>	<b>79.70</b>	<b>93.94</b>
<b>Hispanic</b>	<b>78.35</b>	<b>93.99</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>79.77</b>	<b>94.14</b>
<b>Native American, Non-Hispanic</b>	<b>80.35</b>	<b>93.50</b>

In Milpitas there is not much variance between Low Transportation Cost Index values among racial/ethnic groups. Black residents have the highest Low Transportation Cost Index value at 93.81, followed by Native American residents at 93.54, Hispanic residents at 93.51, Asian or Pacific Islanders 93.22 and White residents at 93.08. There is less than one point on the Low Transportation Cost Index separating the highest and lowest racial/ethnic groups which speaks to the consistency of transportation costs among those groups.

Similarly, in Milpitas there is not much variance between Transit Trips Index values among racial/ethnic groups. Black residents have the highest Transit Trip Index value at 78.77, followed by Hispanic residents at 78.50, Native American residents at 78.25, Asian or Pacific Islanders at 78.23 and White residents at 78.09. There is less than one point on the Transit Trip Index separating the highest and lowest racial/ethnic groups which speaks to the consistency of transit trips among those groups.

Regionally, Low Transportation Cost Index values are also consistent among racial/ethnic groups. Black residents have the highest Low Transportation Cost Index value at 94.25, followed by Asian or Pacific Islanders 93.54, Hispanic residents at 93.51, and Native American residents at 93.31, Asian or Pacific

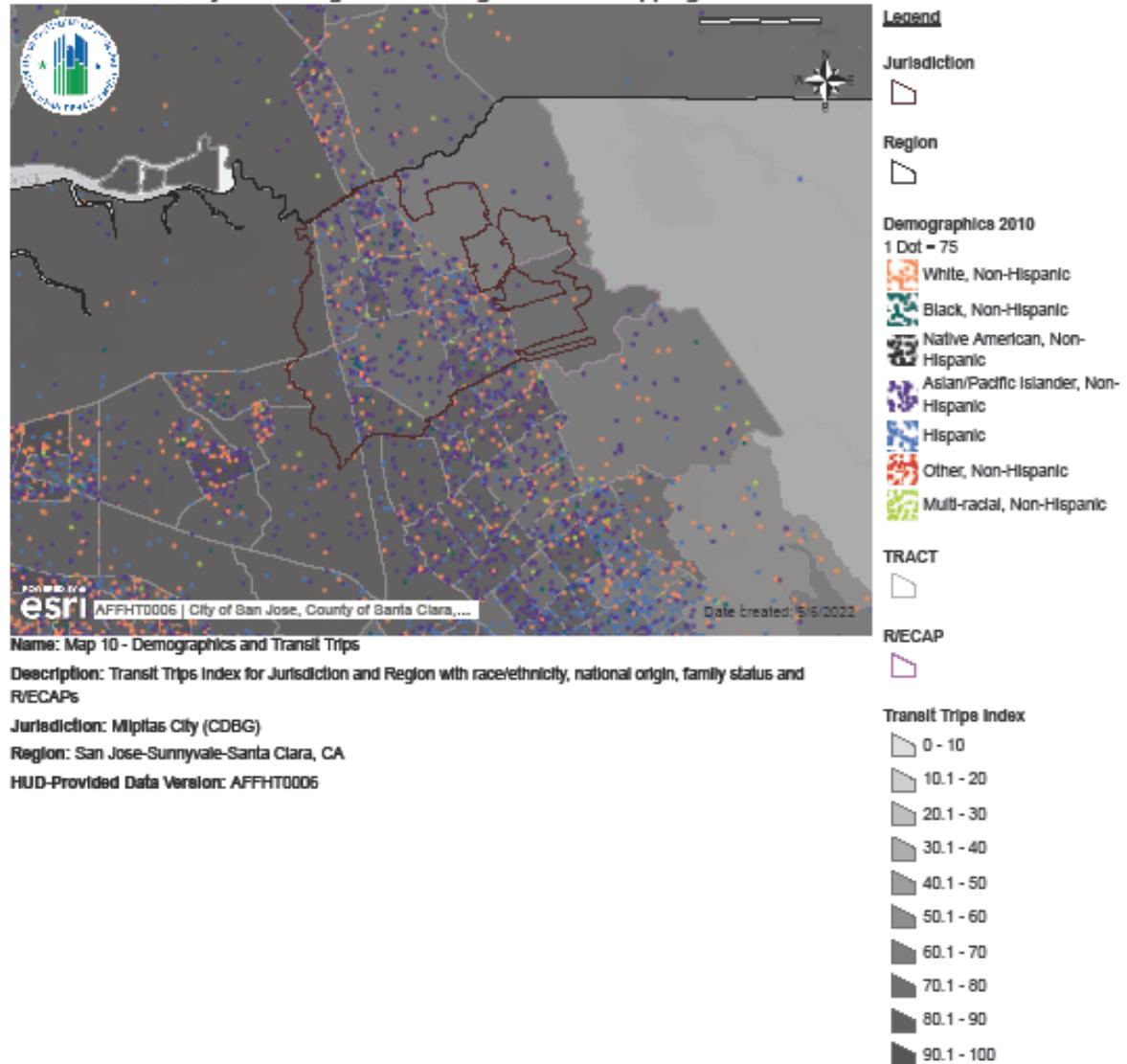
Islanders 93.22 and White residents at 93.05. There is less than one point on the Low Transportation Cost Index separating the highest and lowest racial/ethnic groups which speaks to the consistency of transportation costs among those groups. These regional values are also all within 1 point of their respective Milpitas values, which highlights the consistency in transportation cost among the City of Milpitas and the surrounding region.

Similarly, in the San Jose-Sunnyvale-Santa Clara, CA region there is not much variance between Transit Trip Index values among racial/ethnic groups. Black residents have the highest Transit Trip Index value at 79.03, followed by Asian or Pacific Islanders at 78.43, Hispanic residents at 76.70, Native American residents at 76.14, and White residents at 75.69. Regionally, there are significant disparities in transit trips among Black and White residents.

*ii. For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.*

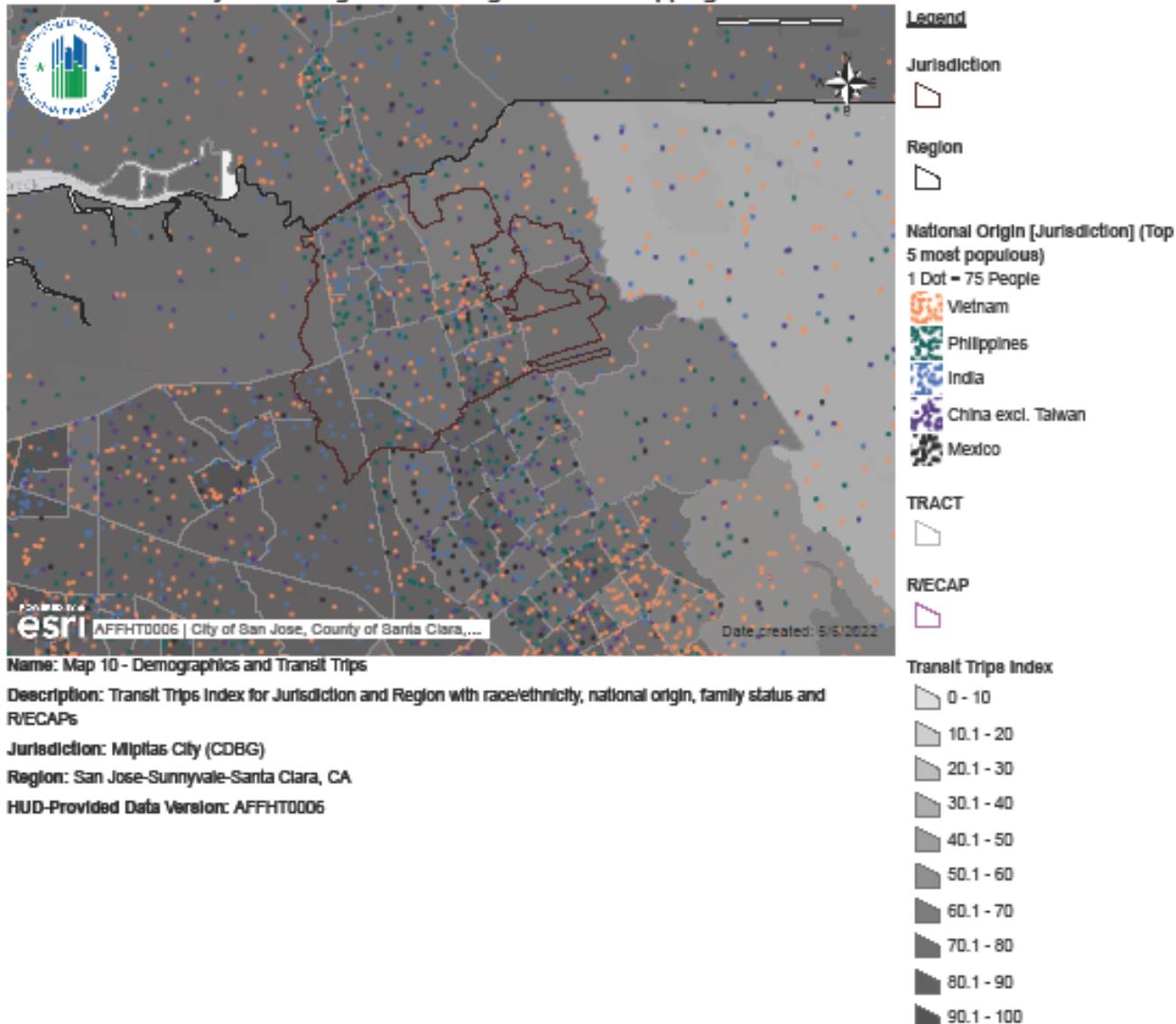
## Map 1: Demographics and Transit Trips (Race/Ethnicity)

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

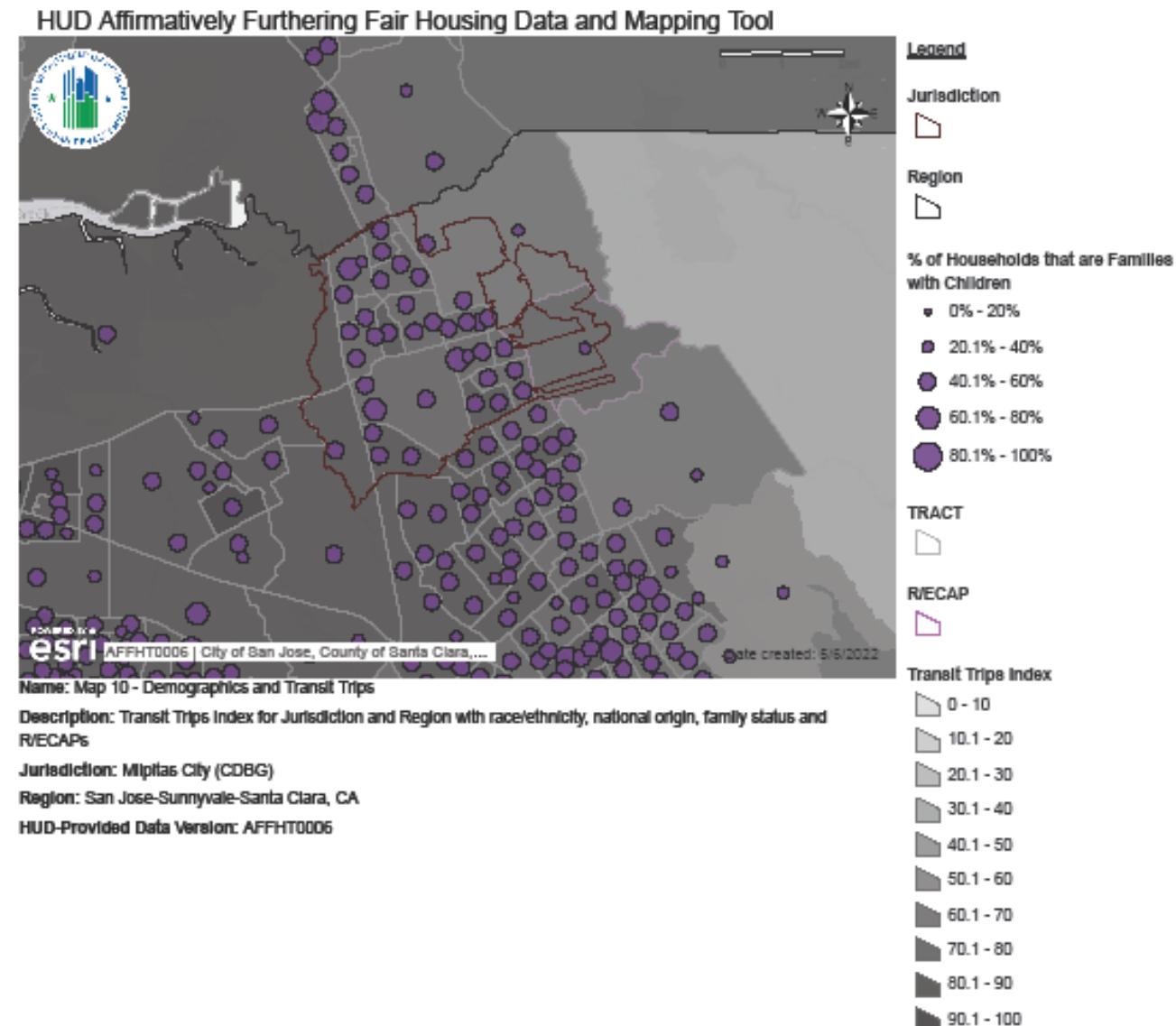


## Map 2: Demographics and Transit Trips (National Origin)

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 3: Demographics and Transit Trips (Family Status)



**Map 4: Demographics and Low Transportation Cost (Race/Ethnicity)**

**Map 5: Demographics and Low Transportation Cost (National Origin)**

**Map 6: Demographics and Low Transportation Cost (Family Status)**

As discussed above, there do not appear to be significant disparities in transit access based on race and ethnicity in either Milpitas or the broader region. Therefore, patterns of segregation do not appear to be fueling disparities, which are not present. With that said, some of the most segregated, predominantly White, high-opportunity areas in the region – communities like Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga – have extremely limited transit access. Although this does not fuel disparities in access to transit among groups that are less likely to be able to live in these cities, their lack of transit may fuel exclusion by, for instance, decreasing the viability of mixed-income transit-oriented development that would help diversify communities.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to transportation.***

By far the most significant recent development for the expansion of transit access and potential reduction of disparities in Milpitas is the 2020 opening of the Milpitas BART Station. Not only does the extension of BART service increase the connectivity of Milpitas and nearby parts of North and East San José to the broader Bay Area, it also could increase the viability of bus service and micro-mobility options to address first-mile, last-mile issues. Lastly, the Milpitas BART Station presents opportunities for mixed-income transit-oriented development that could ensure that a diverse, integrated community is able to avail itself of increased transit service. The City is currently in the process of developing the Milpitas Metro Specific Plan. Increased residential densities as well as new development that would be subject to inclusionary requirements are under consideration as components of that plan.

**d. Disparities in Access to Opportunity – Access to Low Poverty Neighborhoods**

*i. For the protected class groups HUD has provided data, describe any disparities in access to low poverty neighborhoods in the jurisdiction and region.*

**Table 1: Low Poverty Index, Milpitas and the Region**

Milpitas	Low Poverty Index
<b>Total Population</b>	
<b>White, Non-Hispanic</b>	<b>73.90</b>
<b>Black, Non-Hispanic</b>	<b>72.50</b>
<b>Hispanic</b>	<b>69.67</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>74.01</b>
<b>Native American, Non-Hispanic</b>	<b>71.07</b>
<b>Population below federal poverty line</b>	
<b>White, Non-Hispanic</b>	<b>68.87</b>
<b>Black, Non-Hispanic</b>	<b>82.13</b>
<b>Hispanic</b>	<b>77.64</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>73.30</b>
<b>Native American, Non-Hispanic</b>	<b>78.00</b>
<b>Region</b>	
<b>Total Population</b>	
<b>White, Non-Hispanic</b>	<b>75.89</b>
<b>Black, Non-Hispanic</b>	<b>64.86</b>
<b>Hispanic</b>	<b>56.33</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>71.81</b>
<b>Native American, Non-Hispanic</b>	<b>65.04</b>
<b>Population below federal poverty line</b>	
<b>White, Non-Hispanics</b>	<b>69.23</b>
<b>Black, Non-Hispanic</b>	<b>63.00</b>

<b>Hispanic</b>	<b>49.41</b>
Asian or Pacific Islander, Non-Hispanic	62.03
Native American, Non-Hispanic	60.52

In Milpitas, there are minimal disparities among protected class groups with respect to access to low poverty neighborhoods though Hispanic households have slightly less access to low poverty neighborhoods than do other groups. Regionally, disparities are much more pronounced, and Hispanic households, in particular, and Black and Native American households, to a lesser extent, have much lower access to low poverty neighborhoods than do White and Asian or Pacific Islander households.

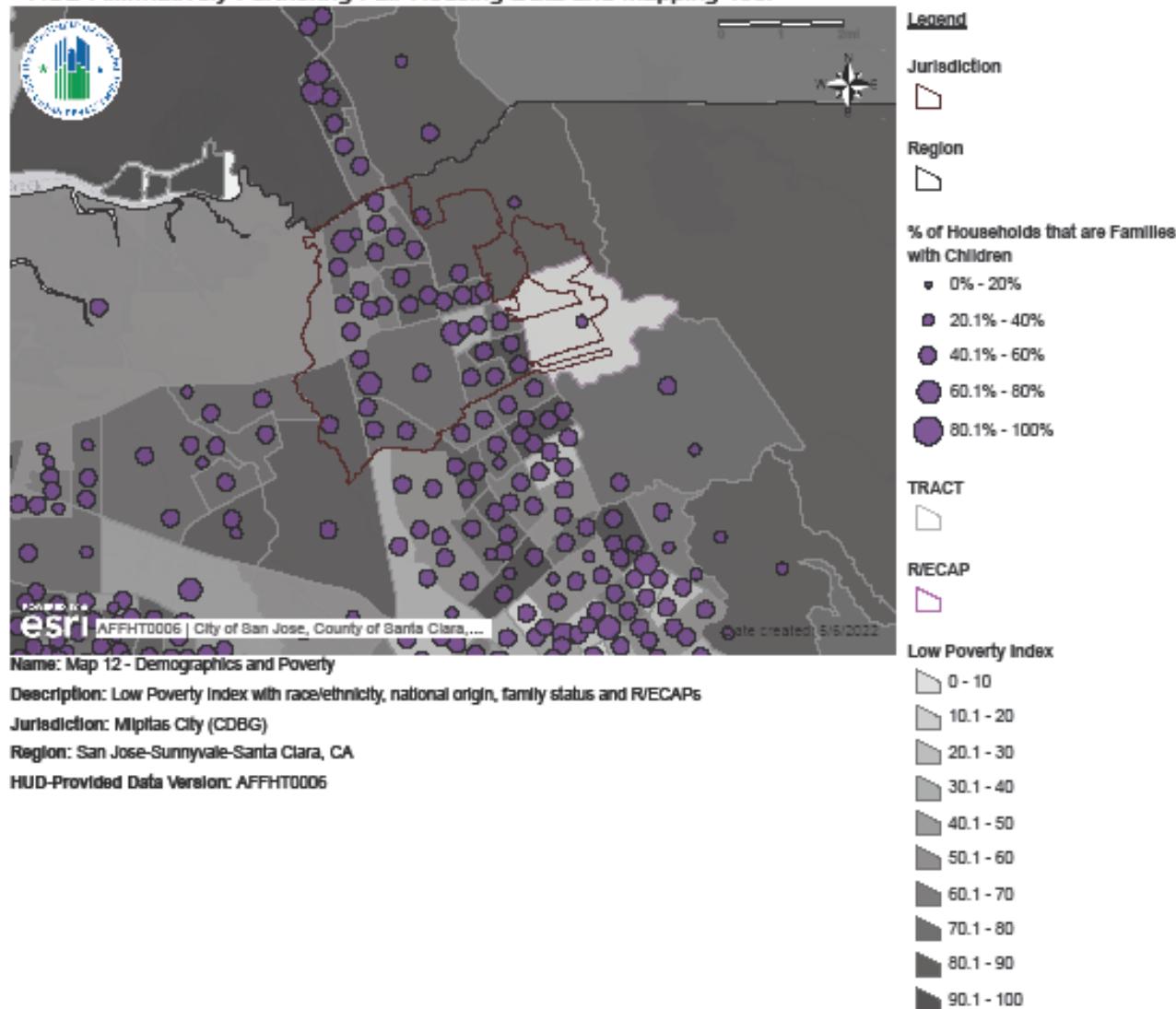
*ii. For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns of those groups in the jurisdiction and region.*

**Map 1, Demographics and Low Poverty Neighborhoods (Race)**

**Map 2, Demographics and Low Poverty Neighborhoods (National Origin)**

### Map 3, Demographics and Low Poverty Neighborhoods (Familial Status)

#### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Milpitas, there are two census tracts with relatively lower Low Poverty Indices than that of the City as a whole. One, which heavily overlaps with unincorporated areas to the east of the city, is largely unpopulated and is more heavily White than the city as a whole. The more populated one, Census Tract 5044.18, is both more heavily Hispanic and Mexican-American than the city as a whole. Regionally, the association between areas with limited access to low poverty neighborhoods and disproportionately Hispanic areas is even stronger, and areas with more concentrated population of Vietnamese national origin also have somewhat lower levels of access to low poverty neighborhoods. Families with children do not appear to be cut off from access to low poverty neighborhoods, whether in Milpitas or the broader region.

*iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to low poverty neighborhoods.*

Efforts by the City of Milpitas to foster the development of affordable housing for families, including through its Affordable Housing Ordinance, are likely to reduce disparities in access to low poverty neighborhoods in light of the fact that most of the city, including growth areas like that around the Milpitas BART Station, consists of low poverty areas and Hispanic households both disproportionately reside in higher poverty neighborhoods and are more likely to be income-eligible for affordable housing. Further expansion of the City's affordable housing supply would do even more to reduce disparities in access to low poverty neighborhoods. At the same time, the City does not appear to target poverty-reduction efforts to its one, relatively highly populated census tract that has more moderate poverty as reflected in Low Poverty Index data. That census tract, however, only has a poverty rate of 2.8%, and its median household income of \$102,344, though lower than the median household of \$132,320 citywide, is by no means low. Regionally, the City of San José, in particular, has a wide array of place-based poverty reduction programs in place neighborhoods with relatively high poverty.

**e. Disparities in Access to Opportunity – Access to Environmentally Healthy Neighborhoods**

*i. For the protected class groups for which HUD has provided data, describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.*

**Table 1: Environmental Health Index, Milpitas and the Region**

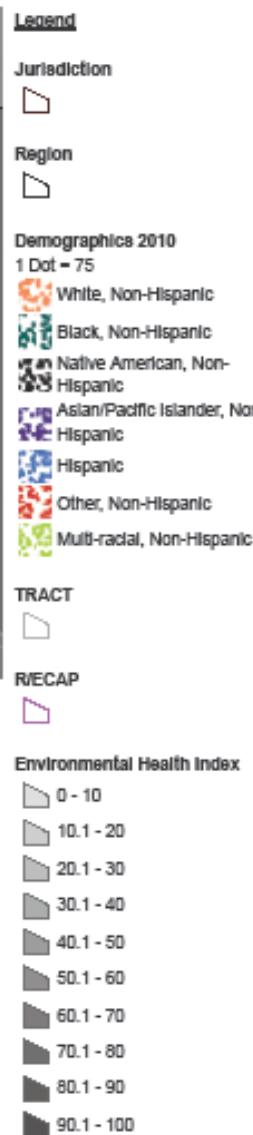
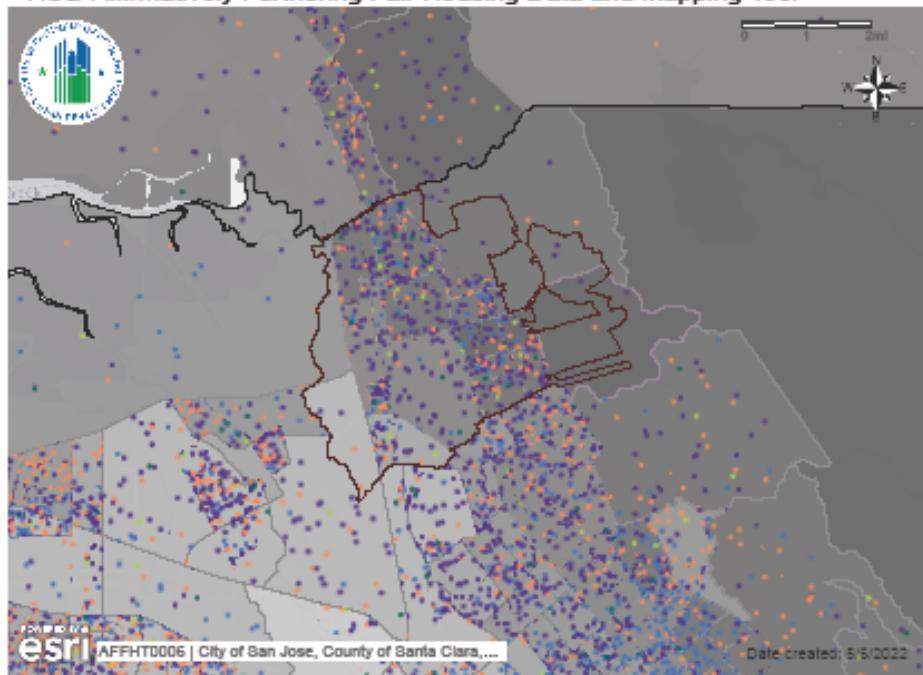
Milpitas	Low Poverty Index
<b>Total Population</b>	
<b>White, Non-Hispanic</b>	<b>63.37</b>
<b>Black, Non-Hispanic</b>	<b>61.46</b>
<b>Hispanic</b>	<b>63.19</b>
<b>Asian or Pacific Islander, Non-Hispanic</b>	<b>62.85</b>
<b>Native American, Non-Hispanic</b>	<b>62.82</b>
<b>Population below federal poverty line</b>	

White, Non-Hispanic	62.41
Black, Non-Hispanic	67.32
Hispanic	64.21
Asian or Pacific Islander, Non-Hispanic	64.80
Native American, Non-Hispanic	33.00
Region	
Total Population	
White, Non-Hispanic	46.93
Black, Non-Hispanic	41.34
Hispanic	42.87
Asian or Pacific Islander, Non-Hispanic	47.20
Native American, Non-Hispanic	44.16
Population below federal poverty line	
White, Non-Hispanics	44.03
Black, Non-Hispanic	41.98
Hispanic	41.17
Asian or Pacific Islander, Non-Hispanic	43.23
Native American, Non-Hispanic	45.72

In Milpitas, any disparities in access to environmentally healthy neighborhoods are insignificant. Black residents have slightly lower access to environmentally healthy neighborhoods, but, again, the difference is extremely modest. Regionally, disparities still are not vast, but they are wide enough to signify that Black and Hispanic residents have slightly lower access to environmentally healthy neighborhoods than do White and Asian or Pacific Islander residents. It is also worth noting that the Environmental Health Index is significantly higher in Milpitas than it is region-wide. In 2021, the City prepared its Community Health and Wellness Element of its General Plan, which contains comprehensive proposed actions for fostering healthy neighborhoods.

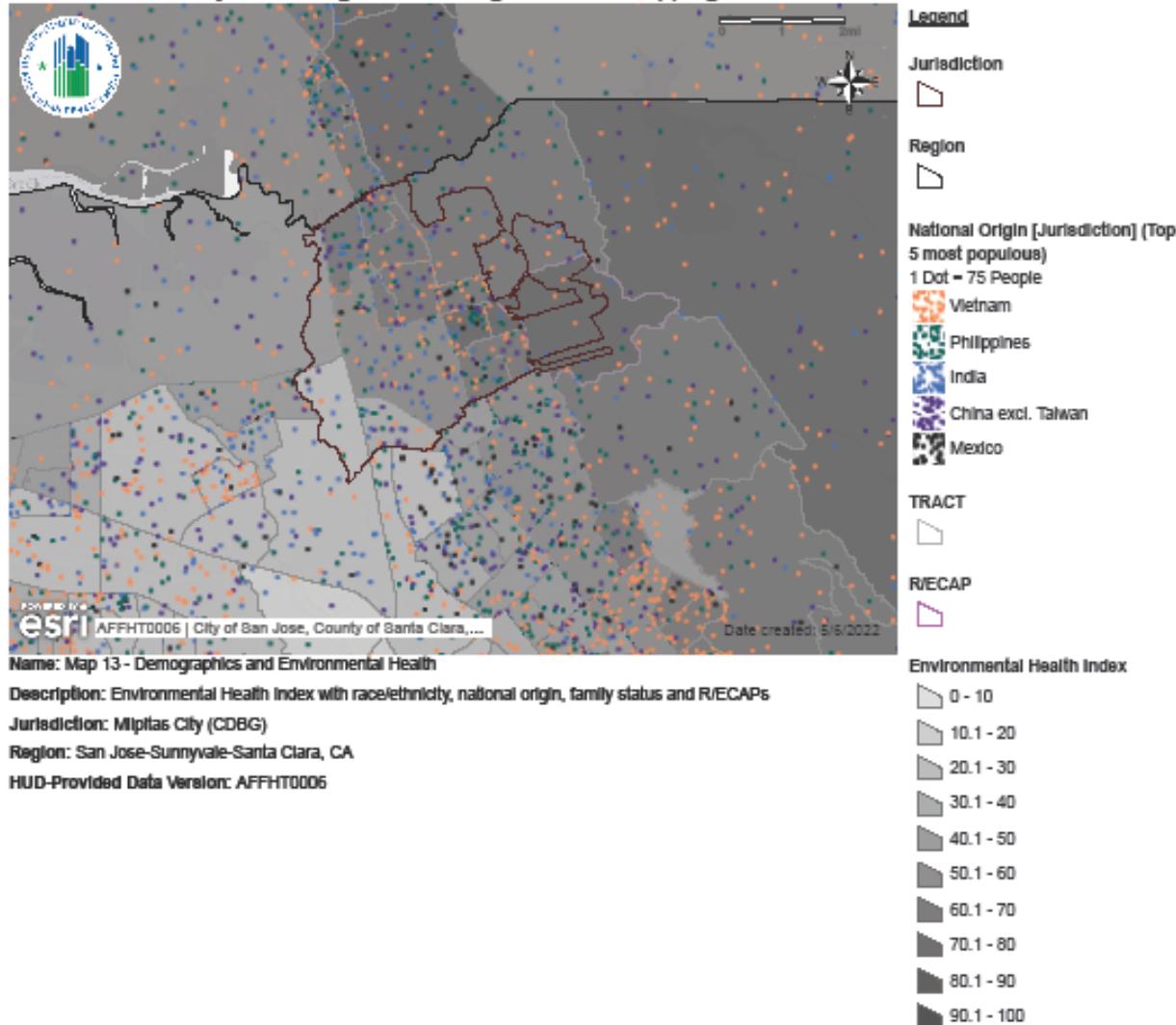
*ii. For the protected class groups for which HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.*

**Map 1: Demographics and Environmental Health (Race/Ethnicity)**  
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



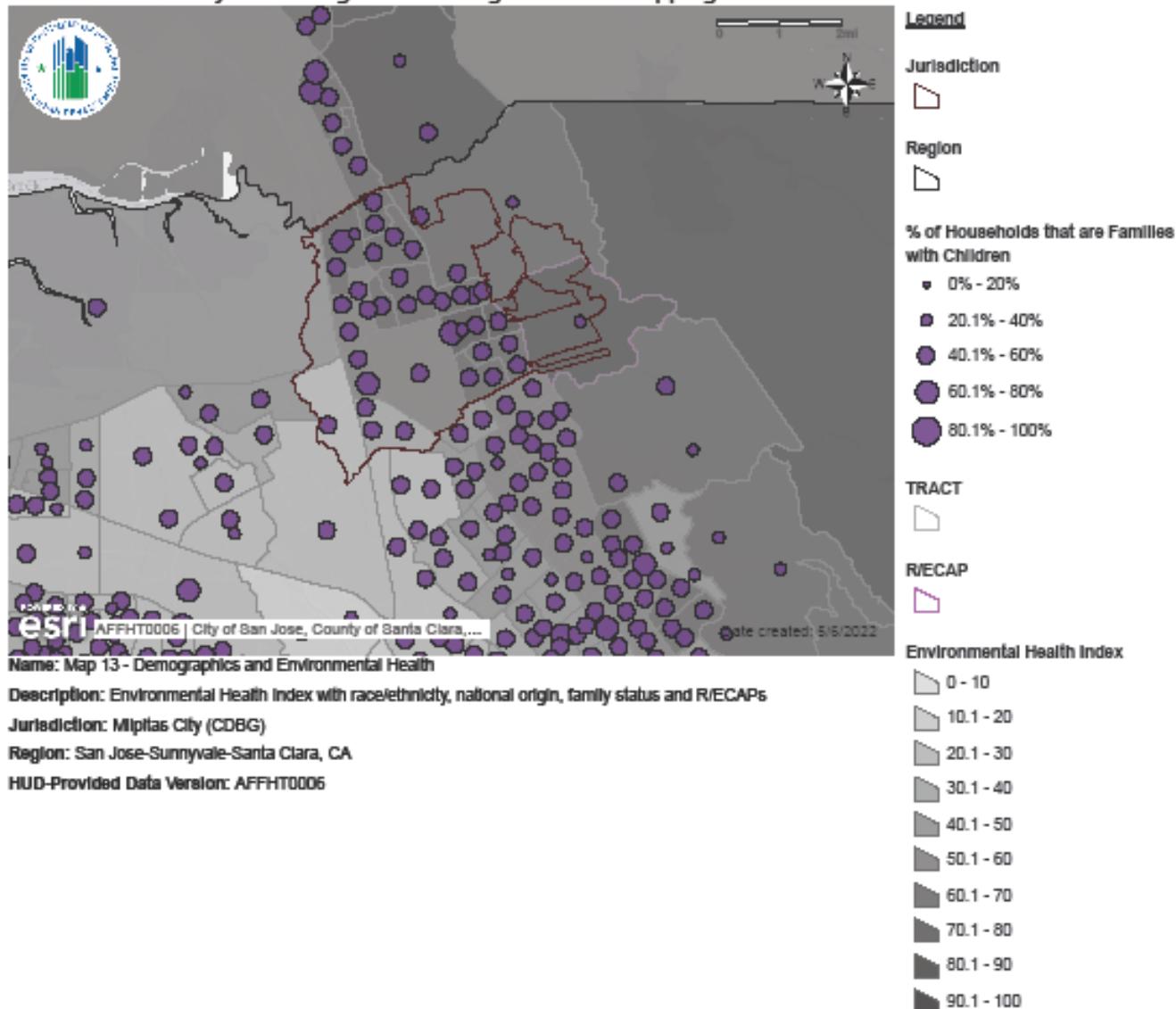
## Map 2: Demographics and Environmental Health (National Origin)

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

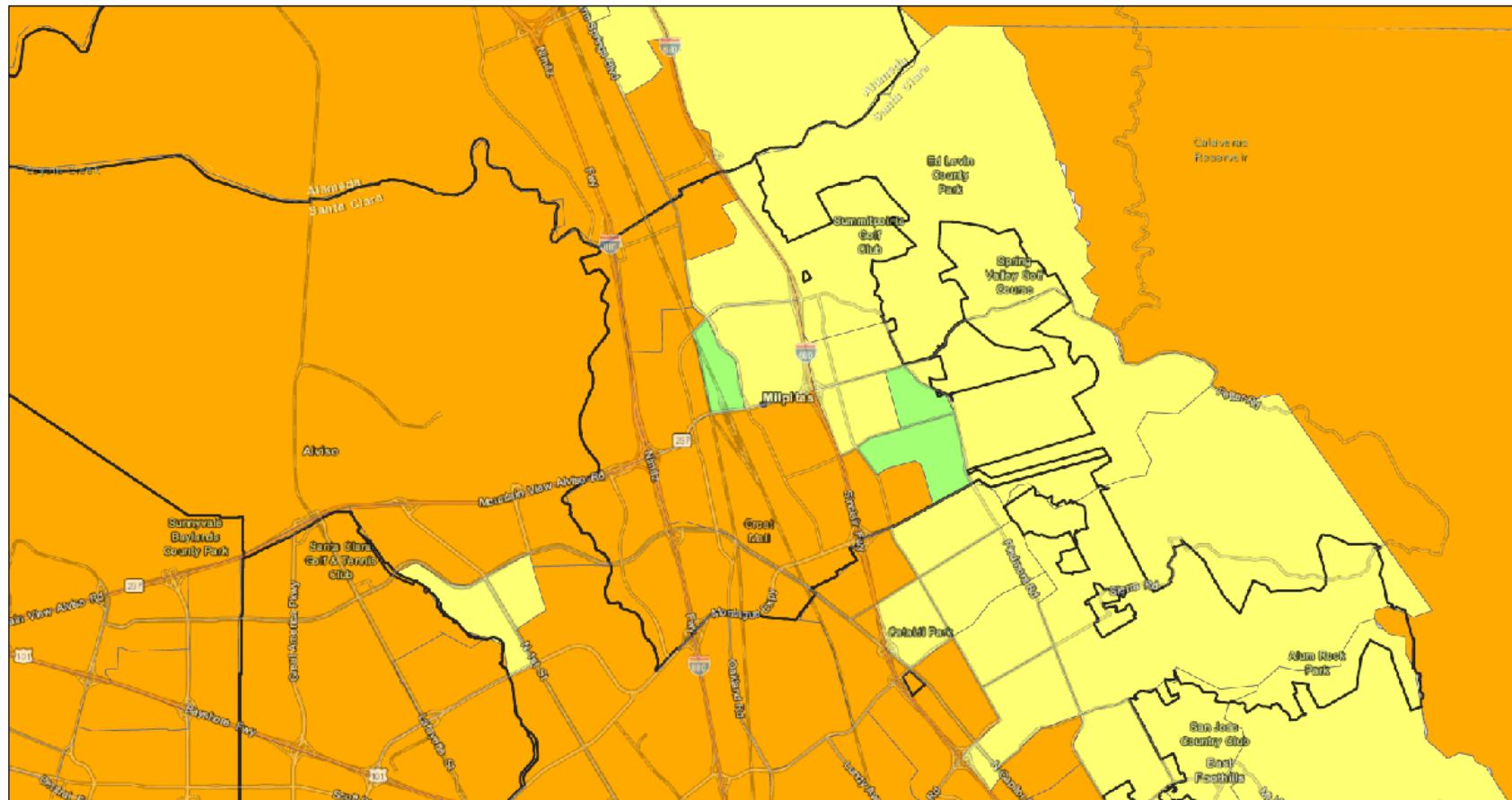


### Map 3: Demographics and Environmental Health (Family Status)

#### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 4: Environmental Score, Milpitas



3/27/2022, 8:32:02 PM

1:72,224

City/Town Boundaries

(R) TCAC Opportunity Areas (2021) - Environmental Score -Tract

<.25 (Less Positive Environmental Outcomes)

.25 - .60

.50 - .75

0 0.5 1 2 2 mi  
0 1 2 4 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. File: HRRF, Garmin, © OpenStreetMap contributors, and the GIS user community

City of San Jose, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA | PlaceWorks 2021, HUD 2015 | PlaceWorks 2021, HUD 2020 | PlaceWorks 2021, ESRI, U.S. Census | PlaceWorks 2021, TCAC 2020 | PlaceWorks 2021, U.S. Department of Housing and

In Milpitas, patterns of segregation do not appear to fuel disparities in access to environmentally healthy neighborhoods as, again, such disparities do not exist. Black residents, the group with seemingly the least access to environmentally healthy neighborhoods, are not segregated in particular neighborhoods in Milpitas. In the region, by contrast, patterns of segregation of Hispanic residents in San José, in particular, do appear to contribute to disparities in access to environmentally healthy neighborhoods.

*iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.*

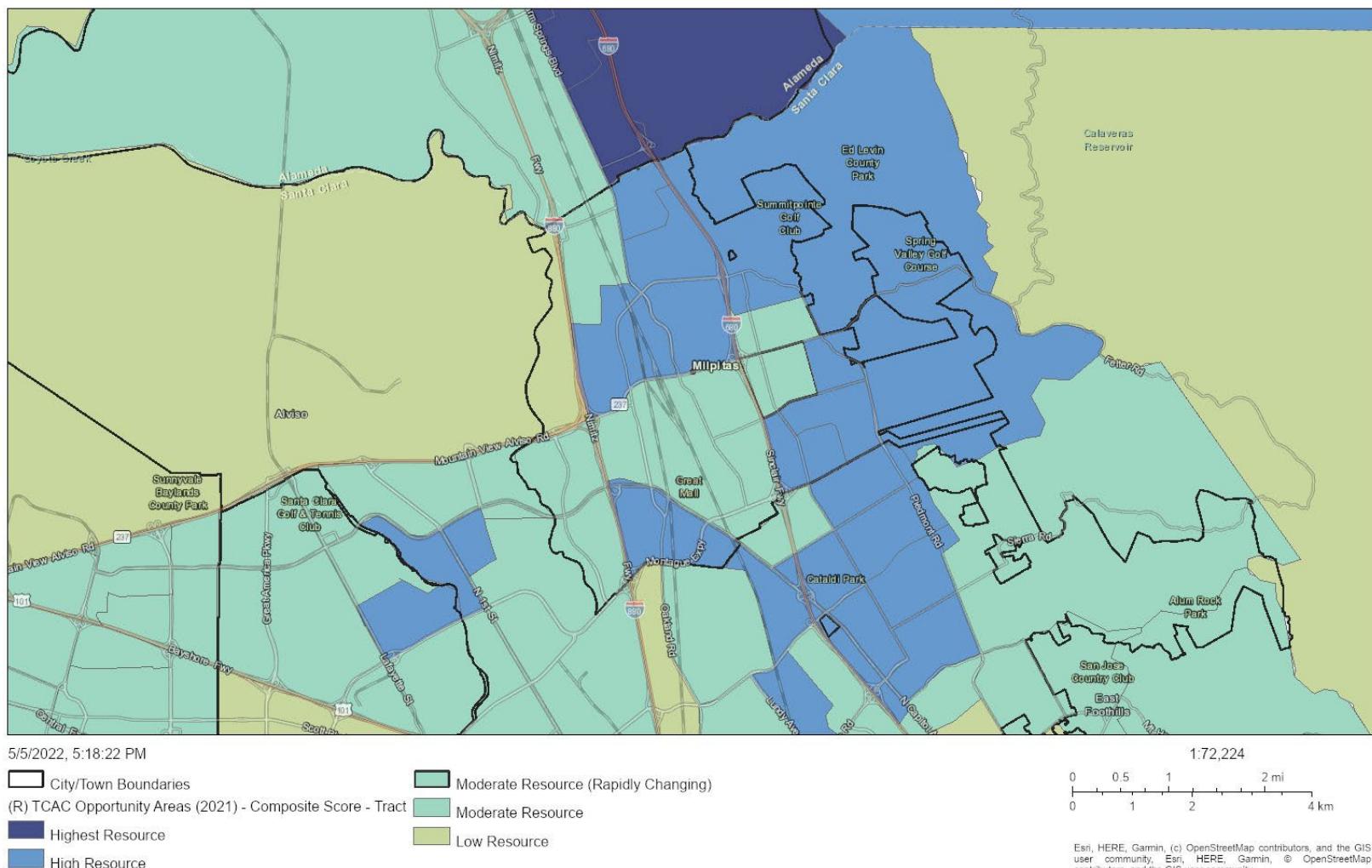
In Milpitas, highways and vehicle emissions are by far the most significant driver of poor environmental health. There are ongoing efforts to reduce vehicle trips through transit expansion – including the Milpitas Transit Center, which consists of multi-modal regional BART and VTA rail service and VTA and AC Transit bus service, Consistent with State Law, the city adopted a VMT Policy in 2021and is launching an OnDemand micro-transit program will also enhance transit access to healthy neighborhoods. These fforts are essential to improving environmental health in Milpitas.

**f. Disparities in Access to Opportunity – Patterns in Disparities in Access to Opportunity**

*i. For the protected class groups for which HUD has provided data, identify and discuss any overarching patterns of access to exposure to adverse community factors. Include how these patterns compare to patterns of segregation, integration, and R/ECAPs. Describe these patterns for the jurisdiction and region.*

## Map 1, TCAC Opportunity Areas, Milpitas

## TCAC Opportunity Areas, Milpitas



Overall, in Milpitas, most areas of the city generally have high access to opportunity and limited exposure to adverse community factors, but there are some nuances within the city. The California Tax Credit Allocation Committee's 2021 map of Opportunity Areas rates all residentially developed portions of Milpitas as High Resource or Moderate Resource. Areas further to the west within the city generally have greater transportation and job access than areas to the east while – not unrelatedly – areas to the east tend to have greater access to environmental health. These trends reflect a broad east-west disparity that is not confined to specific neighborhoods in each half of the city. For access to proficient schools and access to low poverty neighborhoods, however, the pattern is more granular in nature. As discussed above, a disproportionately Hispanic portion of eastern Milpitas has relatively less access to both proficient schools and low poverty neighborhoods than the city as a whole.

Many of these trends are replicated. With some notable exceptions, such as jobs-rich Cupertino, areas with greater transit and job access tend to be those with worse environmental health. Additionally, somewhat in contrast to Milpitas, areas with less transit and job access tend to be those with greater access to proficient schools and low poverty neighborhoods. This mirrors patterns of segregation and R/ECAPs in the region. R/ECAPs, which tend to be disproportionately Hispanic, generally have higher access to transportation and higher job proximity (which does not necessarily mean that neighborhood residents are able to secure those jobs) and less access to proficient schools, environmentally healthy neighborhoods, and low poverty neighborhoods.

***ii. Based on the opportunity indicators assessed above, identify areas that experience (A) high access; and (b) low access across multiple indicators.***

Within Milpitas, virtually all of the western portion of the city experiences high access to transportation, jobs, low poverty neighborhoods, and proficient schools. In the eastern portion of the city, outside of a predominantly Hispanic area in eastern Milpitas, access to low poverty neighborhoods and proficient schools is high, while access to environmentally healthy neighborhoods is at least higher than in western Milpitas. In that predominantly Hispanic area in eastern Milpitas, access to proficient schools and low poverty neighborhoods is low. The discussion of the region in response to the question immediately above captures similar patterns regionally.

**Contributing Factors of Disparities in Access to Opportunity**

*Please see the Appendix for the following Contributing Factors to Disparities in Access to Opportunity:*

- Access to financial services
- Availability, type, frequency, and reliability of public transportation
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Loss of affordable housing

- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination

#### iv. Disproportionate Housing Needs

**1.a Which groups (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which groups also experience higher rates of severe housing burdens when compared to other groups?**

As shown in the tables below, a greater percent of households in Milpitas experience housing problems than in the region generally. This is true across racial/ethnic lines, the exception being Hispanic or Latinx households, which, in Milpitas, are less likely to experience housing problems than in the region as a whole. Notably, almost half of Black and Hispanic households in Milpitas (49.6% and 48.7% respectively) experience housing problems. In comparison, 32.8% of White households in Milpitas experience housing problems.

Larger families, comprised of five or more people in a household, and non-family households also experience high rates of housing problems (58.8% and 46.1% respectively) in comparison to smaller family households.

**Table 1: Demographics of Households with Disproportionate Housing Needs. Milpitas and the Region**

Disproportionate Housing Needs	Milpitas			Region		
	# with problems	total # households	% with problems	# with problems	total # households	% with problems
Households experiencing any of 4 housing problems						
Total	8,615	22,635	38.1%	234,515	653,265	35.9%
White, Non-Hispanic	1,175	3,580	32.8%	79,900	270,985	29.5%
Black, Non-Hispanic	263	530	49.6%	7,345	15,835	46.4%
Hispanic	1,210	2,485	48.7%	69,000	128,450	53.7%
Asian or Pacific Islander, Non-Hispanic	5,709	15,405	37.1%	71,917	220,540	32.6%
Native American, Non-Hispanic	0	55	0%	535	1,280	41.8%
Other, Non-Hispanic	258	590	43.7%	5,818	16,190	35.9%
Family households, <5 people	4,635	14,949	31.0%	90,400	350,225	25.8%
Family households, 5+ people	2,030	3,455	58.8%	28,475	64,170	44.4%
Non-family households	1,950	4,239	46.1%	31,315	127,410	24.6%
Households experiencing any of 4 Severe Housing Problems	# with severe problems	total # households	% with severe problems	# with severe problems	total # households	% with severe problems
Total	5,225	22,635	23.1%	148,550	653,265	22.7%
White, Non-Hispanic	619	3,580	17.3%	44,145	270,985	16.3%
Black, Non-Hispanic	189	530	35.7%	4,690	15,835	29.6%
Hispanic	865	2,485	34.8%	48,175	128,450	37.5%

Asian or Pacific Islander, Non-Hispanic	3,410	15,405	22.1%	47,952	220,540	21.7%
Native American, Non-Hispanic	0	55	0%	384	1,280	30.0%
Other, Non-Hispanic	142	590	24.1%	3,204	16,190	19.8%
Note 1: The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%.						
Note 2: All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households.						
Note 3: Data Sources: CHAS						
<a href="http://www.hudexchange.info/resource/4848/affh-data-documentation">Note 4: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</a>						

The disparities in severe housing problems across races is even starker. 35.7% of Black households and 34.8% of Hispanic households in Milpitas experience severe housing problems. Black and Hispanic households are more than 10% more likely to experience severe housing problems than households of any other race in Milpitas. Milpitas has very few Native American households but when looking at the region as a whole, Native American households also have high rates of severe housing problems, with 30% of Native American households in the region living with at least one of the four severe problems.

When it comes to severe cost burden, the same patterns hold true. Households in Milpitas are generally at least twice as likely to experience severe cost burden as households in the region. 20.9% of Hispanic households and 18.7% of Black households in Milpitas experience severe cost burden. Additionally, 15.3% of Milpitas households of in the “other” racial category, which includes multi-racial households, experience severe cost burden.

**Table 2: Demographics of Households with Severe Housing Cost Burden**

Households with Severe Housing Cost Burden	Milpitas			Region		
	Race/Ethnicity	# with severe cost burden	# households	% with severe cost burden	# with severe cost burden	# households
<b>Total</b>	2,825	22,635	12.5%	43,535	653,265	6.7%
<b>White, Non-Hispanic</b>	490	3,580	13.7%	20,070	270,985	7.4%
<b>Black, Non-Hispanic</b>	100	530	18.7%	770	15,835	4.9%
<b>Hispanic</b>	520	2,485	20.9%	8,460	128,450	6.6%
<b>Asian or Pacific Islander, Non-Hispanic</b>	1,625	11,695	13.9%	13,365	220,540	6.1%

<b>Native American, Non-Hispanic</b>	0	55	0%	75	1,280	5.9%
<b>Other, Non- Hispanic</b>	90	590	15.3%	795	16,190	4.9%

Household Type and Size						
Family households, <5 people	1,609	14,949	10.8%	53,045	350,225	15.1%
Family households, 5+ people	264	3,455	7.6%	9,025	64,170	14.1%
Non-family households	960	4,239	22.7%	42,113	127,410	33.1%
Note 1: Severe housing cost burden is defined as greater than 50% of income.						
Note 2: All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households.						
Note 3: The # households is the denominator for the % with problems, and may differ from the # households for the table on severe housing problems.						
Note 4: Data Sources: CHAS						
<a href="http://www.hudexchange.info/resource/4848/affh-data-documentation">Note 5: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</a>						

In addition to the data provided by HUD above, the American Community Survey also provides data detailing the numbers of households subject to overcrowding or incomplete plumbing and kitchen facilities. 23.1% of Black households in Milpitas experience overcrowding. Over three times more Black households in Milpitas experience overcrowding than in the region as a whole. Overcrowding is not a common issue for White households in Milpitas or the region. No households in the city lack complete plumbing, and only 1.3% of households in the city lack complete kitchen facilities.<sup>5</sup> Less than 1% of households in the region lack complete kitchen or plumbing facilities, respectively. Cost burden, and to a lesser extent overcrowding, are the main housing problems households in the region face.

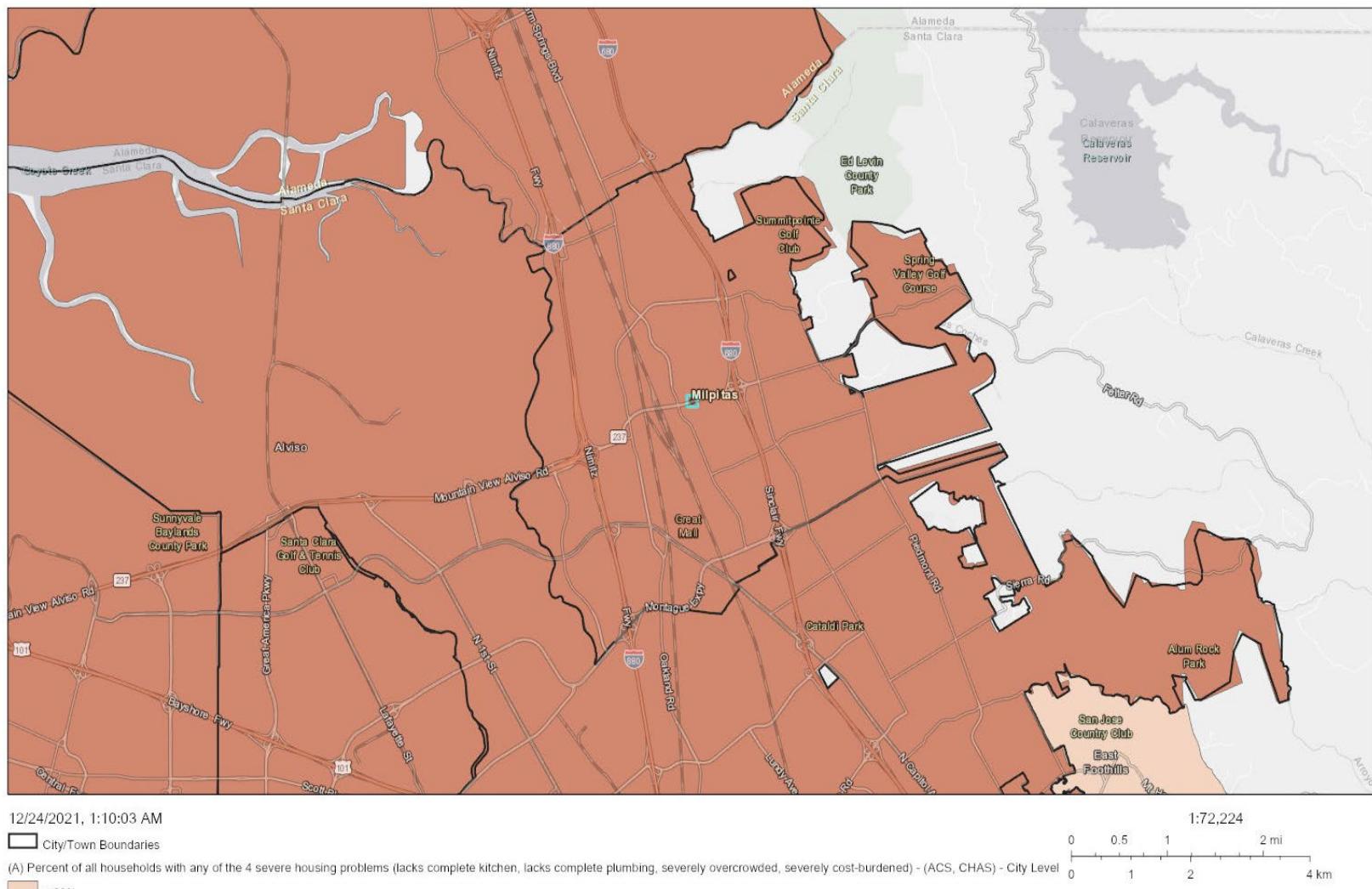
**Table 3: Percentage of Overcrowded Households by Race or Ethnicity, Milpitas, 2013-2017 American Community Survey**

	Non-Hispanic White Households	Black Households	Native American Households	Asian American or Pacific Islander Households	Hispanic Households
Milpitas	0%	23.1%	0%	9.7%	11.6%
Region	2.6%	7.3%	12.7%	8.4%	17.1%

**1.b. Which areas in the jurisdiction and Region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?**

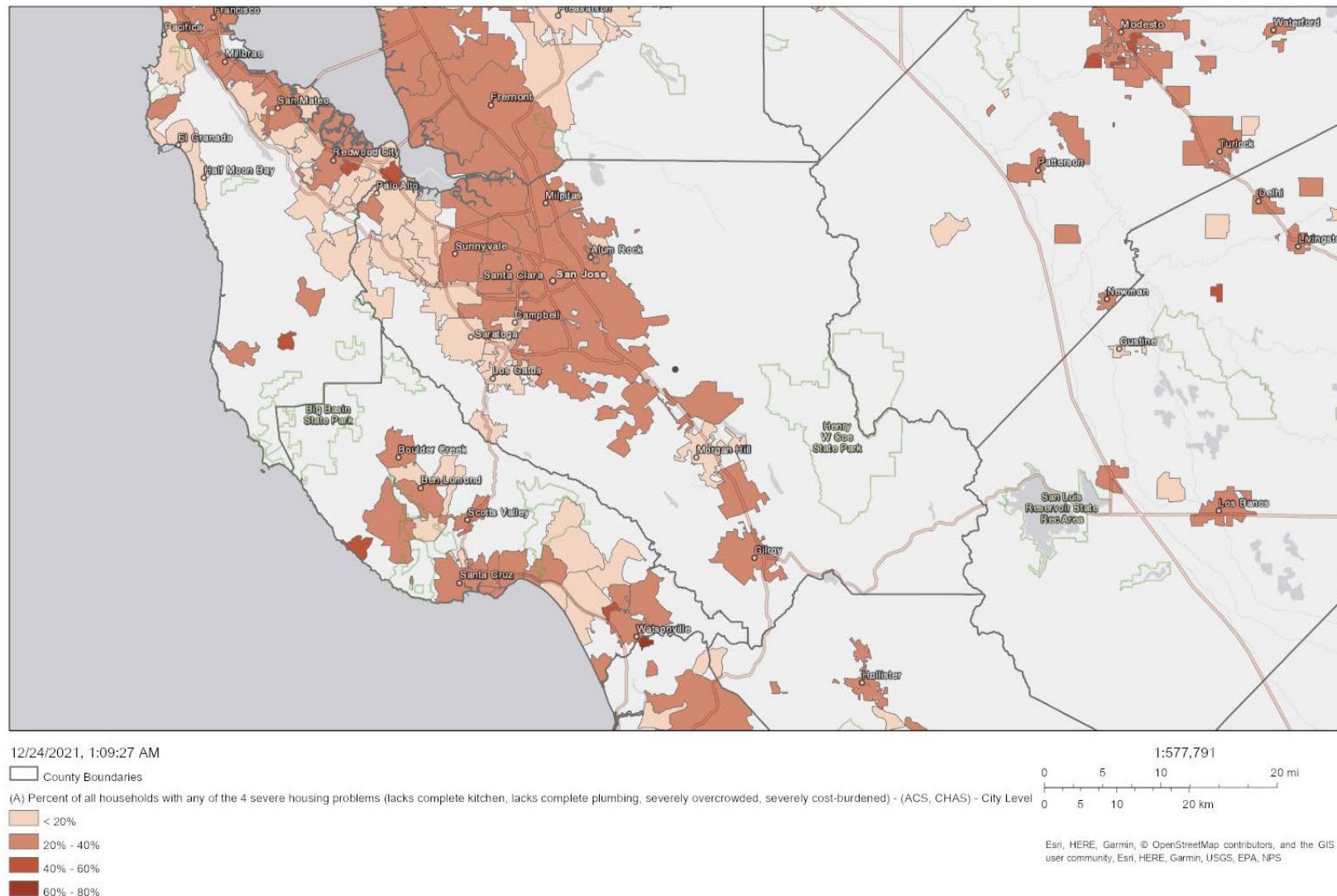
<sup>5</sup> [https://data.census.gov/cedsci/table?q=dp04&g=1600000US0647766\\_310XX00US41940&y=2019](https://data.census.gov/cedsci/table?q=dp04&g=1600000US0647766_310XX00US41940&y=2019)

**Map 1: Percent of Households with Any of the Four Housing Problems, Milpitas**



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, City of San Jose, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA

**Map 2: Percent of Households with Any of the Four Housing Problems, Region**



**Map 3: Households with Disproportionate Housing Needs by Race/Ethnicity,**

**Map 4: Households with Disproportionate Housing Needs by National Origin,**

In Milpitas, there are higher concentrations of households with housing problems in the southeastern portion of the city, including in areas that are more heavily Hispanic than the city as a whole. Regionally, the highest concentrations of households with housing problems are found in Downtown and East San José, both areas with more heavily Hispanic populations than the region as a whole.

***1.c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing for the jurisdiction and region.***

**Table 4: Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children, Milpitas**

	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	0	0%	0	0%	0	0%	N/A	N/A
Project-Based Section 8	66	44.00%	49	32.67%	35	23.33	34	22.67
Other Multifamily	0	0%	0	0%	0	0%	N/A	N/A
HCV Program	111	23.23%	141	29.51%	226	47.26%	152	31.83%

In Milpitas, families with children are underrepresented in publicly supported housing programs. The Housing Choice Voucher program is more likely to serve families with children than is the one Project-Based Section 8 property in the city. The units at Sunnyhills Apartments include a mix of one-, two-, and three-bedroom units. Although the voucher program does a better job of opening up access to family-sized units, there is clearly unmet need. Prioritizing family-sized units in new development of publicly supported housing would help ease that unmet need.

***1.d. Describe the differences in rates of renter and owner-occupied housing by race/ethnicity in the jurisdiction and Region.***

**Table 5: Housing Tenure by Race, Milpitas and the Region**

Housing Tenure	Milpitas				Region			
	Owner Occupied		Renter Occupied		Owner Occupied		Renter Occupied	
	#	%	#	%	#	%	#	%
Total	15,196	64.4%	8,399	35.6%	372,659	56.6%	285,691	43.4%
White, Non-Hispanic	2,627	65.6%	1,378	34.4%	161,091	61.8%	99,462	38.2%
Black, Non-Hispanic	181	38.8%	286	61.2%	5,329	31.2%	11,736	68.8%
Hispanic	767	33.4%	1,528	66.6%	48,341	37.6%	80,092	62.4%
Asian or Pacific Islander, Non-Hispanic	12,289	69.6%	5,363	30.4%	142,664	60.2%	94,250	39.8%

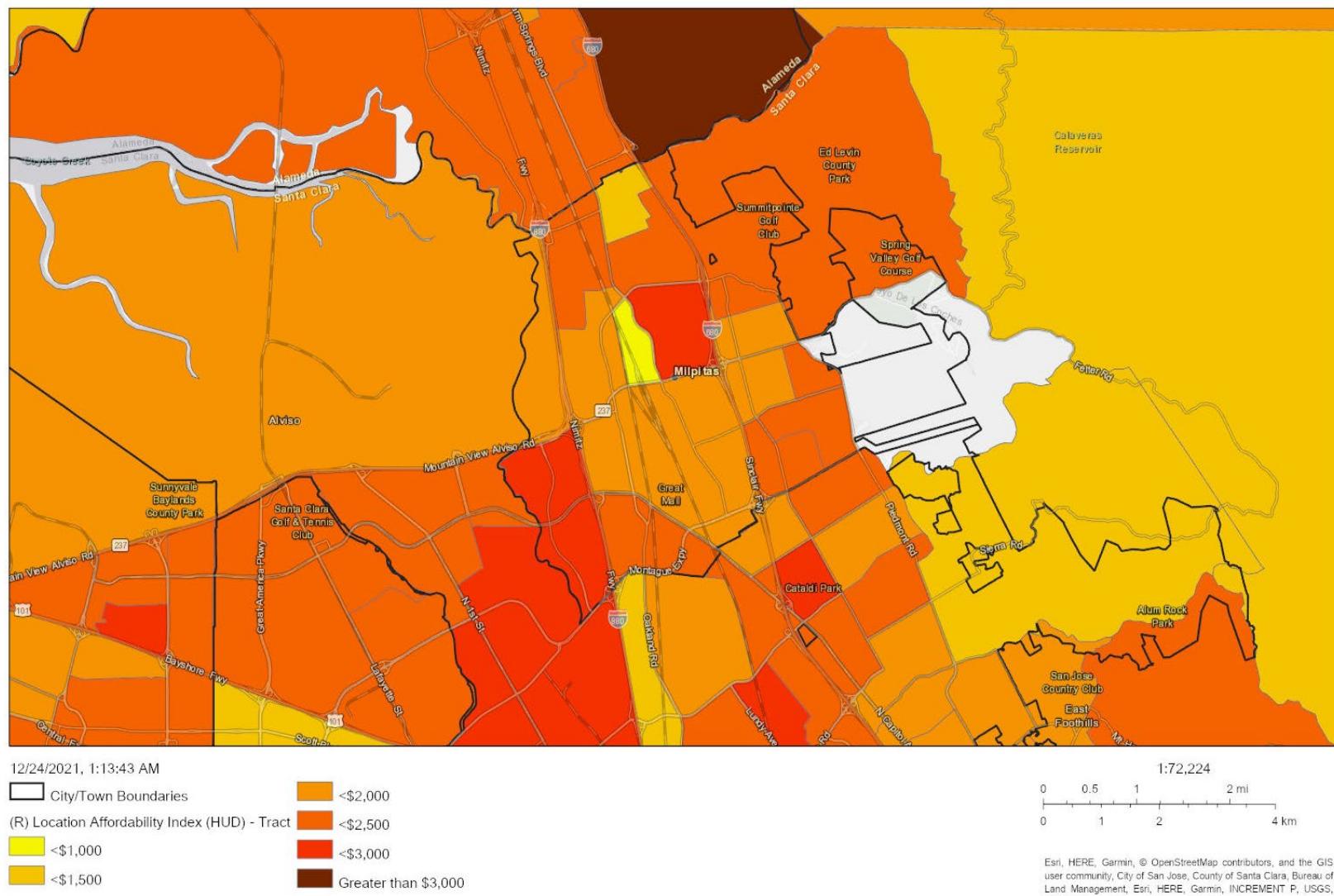
Native American, Non-Hispanic	69	66.3%	35	33.7%	1,427	44.3%	1,793	55.7%
----------------------------------	----	-------	----	-------	-------	-------	-------	-------

Homeownership rates are generally higher in Milpitas than in the region as a whole. This holds true across all racial groups, except for Hispanic households who have a higher rate of homeownership in the region as a whole than in Milpitas. In Milpitas, over 60% of White, Asian or Pacific Islander, and Native American households are owner occupied. By contrast over 60% of Black and Hispanic households rent, rather than own their homes.

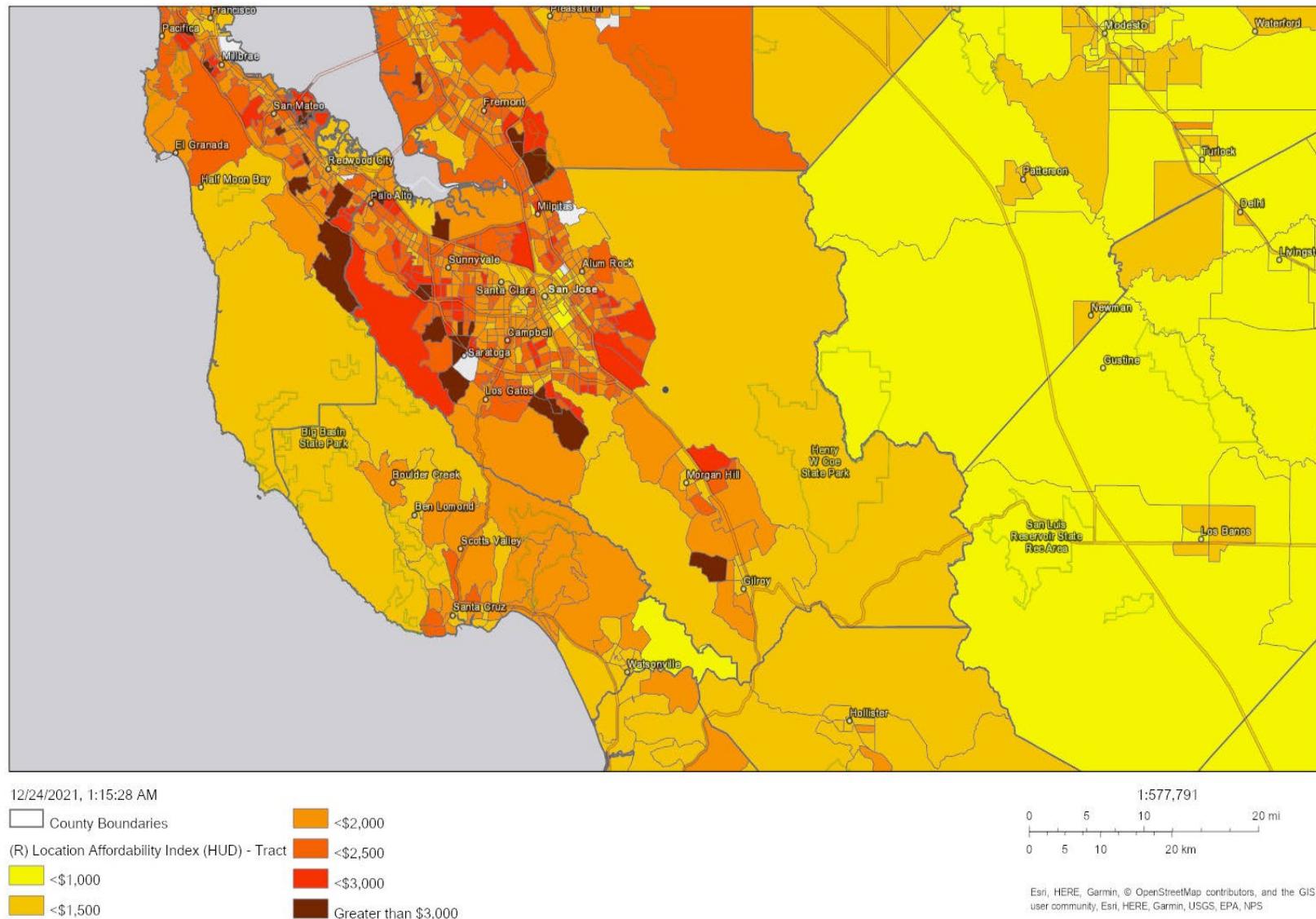
#### **Additional Information**

***2.a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and Region affecting groups with other protected characteristics.***

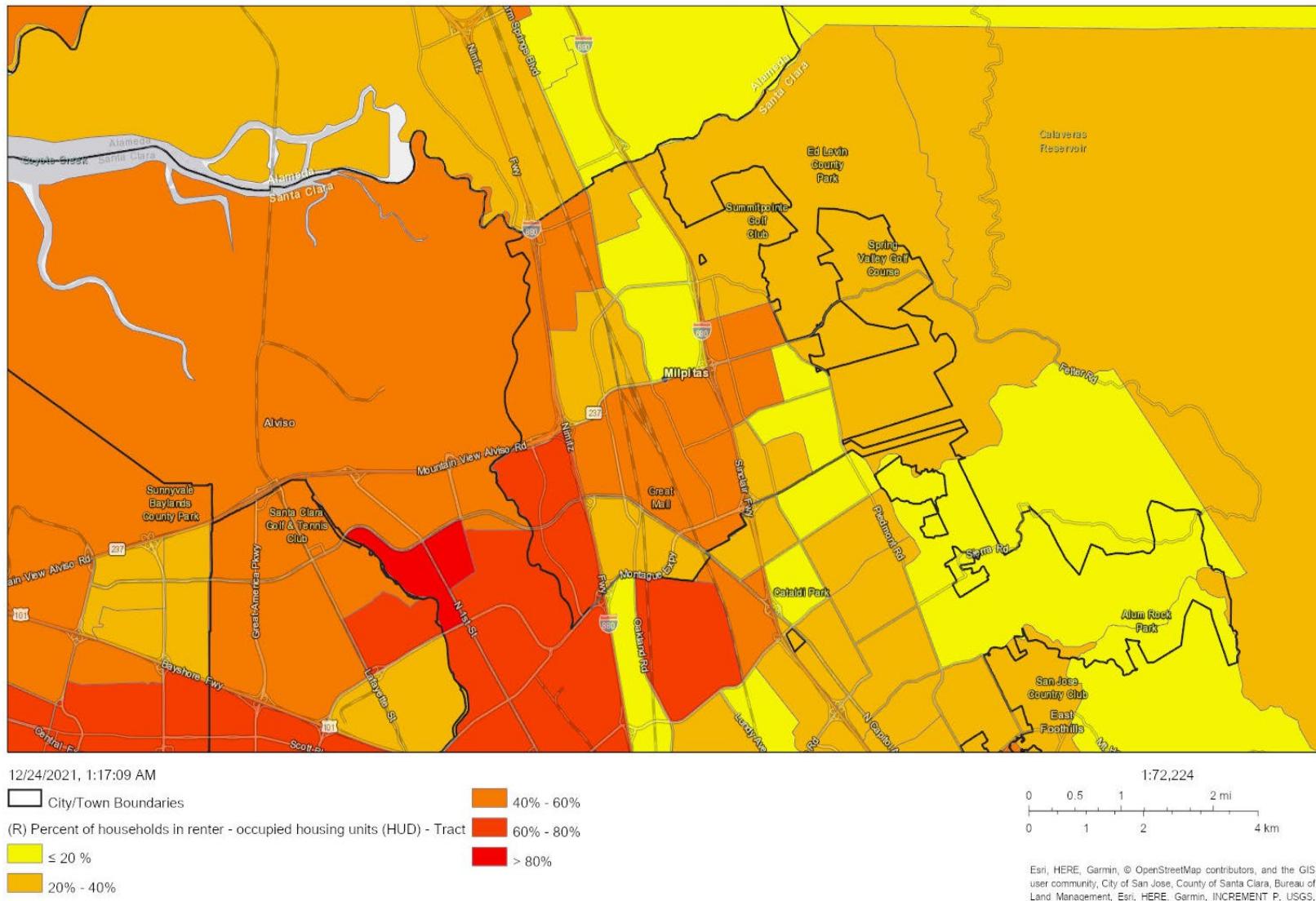
Map 6: Location Affordability, Milpitas



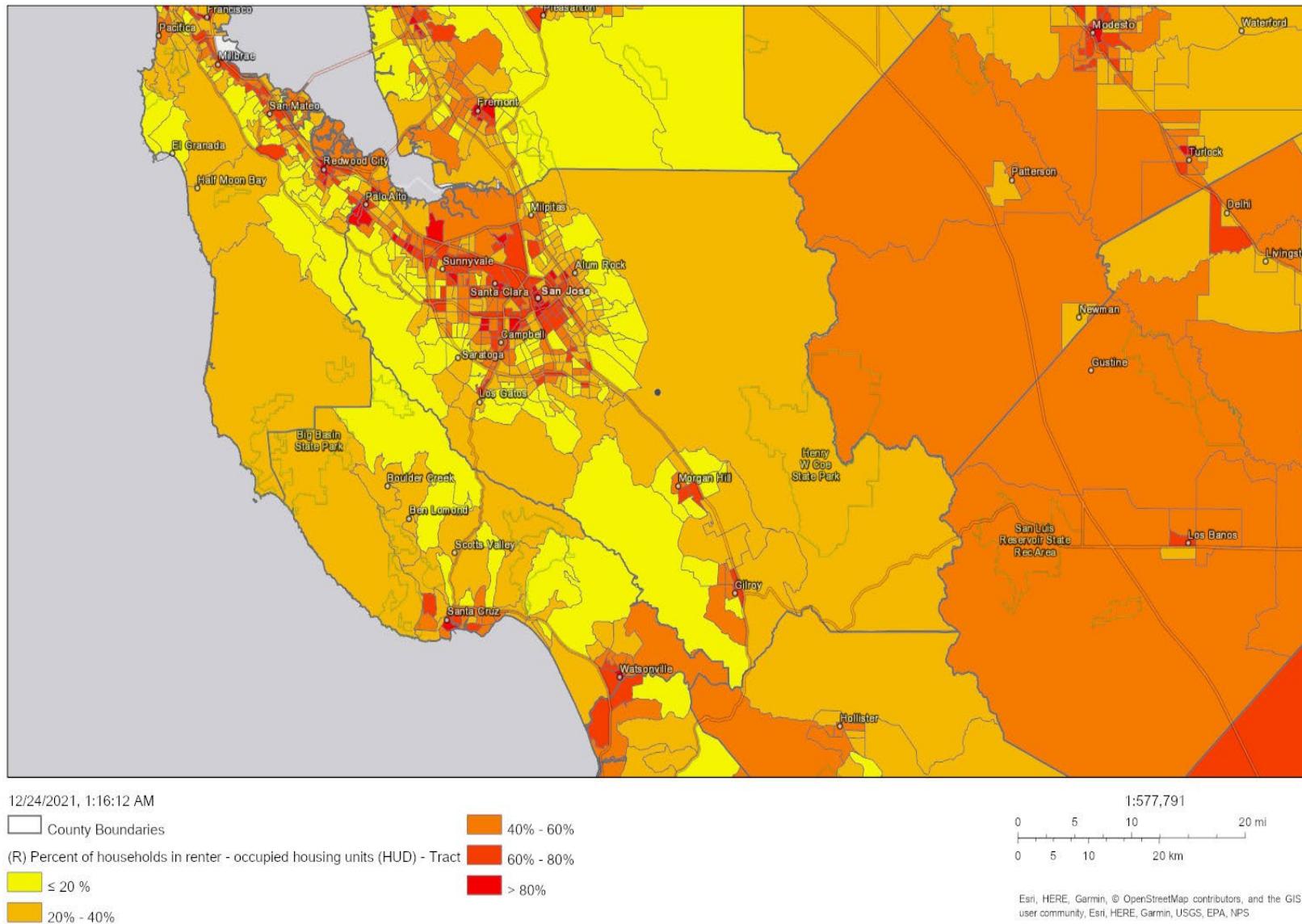
Map 7: Location Affordability, Region



Map 8: Percent Renter Occupied Households, Milpitas



Map 9: Percent Renter Occupied Households, Region



Central Milpitas, west of Route 680 and north of Route 237, is one of the areas of the City with the lowest rates of renter occupied housing. This area also has both areas of some of the least affordable housing according the Location Affordability Index. By contrast, the transit area in the south-central portion of the city and the eastern portion of the city have areas with relatively higher concentrations of renters and slightly more affordable housing. The area to the southeast, as discussed extensively throughout this Assessment, is an area of relative Hispanic population concentration. The transit area has been a focal point of upzoning efforts in Milpitas.

***2.b. The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.***

The Santa Clara County Housing Authority has shifted its hard unit portfolio from public housing to Project-Based Vouchers. Layering more Project-Based Vouchers into multifamily housing developments in Milpitas, particularly those including family-sized units, could be an effective means of reducing disproportionate housing needs in the city. Additionally, the Inclusionary Housing Ordinance adopted by the City of Milpitas in 2018 is a vehicle for increasing affordable housing supply.

### **Contributing Factors of Disproportionate Housing Needs**

*Please see the Appendix for the following Contributing Factors to Disproportionate Housing Needs:*

- Availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending discrimination
- Loss of affordable housing
- Source of income discrimination

### C. Publicly Supported Housing Analysis

#### 1. Publicly supported housing demographics

**Table 1: Publicly Supported Housing Units by Program Category**

		Milpitas City, CA CDBG	
Housing Units	#	%	
<b>Total housing units</b>	<b>19,822</b>		
<b>Public Housing</b>	<b>N/A</b>	<b>N/A</b>	
<b>Project-based Section 8</b>	<b>149</b>	<b>0.75%</b>	
<b>Other Multifamily</b>	<b>N/A</b>	<b>N/A</b>	
<b>HCV Program</b>	<b>537</b>	<b>2.71%</b>	

There is no traditional public housing nor are there any Other Multifamily developments, a category that includes Section 202 and Section 811 properties, in Milpitas. There are 149 family-occupancy Project-Based Section 8 units in Milpitas, all of which are located in a single property called Sunnyhills Apartments. These units are at risk of being lost in the near future as the current Project-Based Section 8 contract between the owner and HUD expires on February 28, 2023. Additionally, there are 365 Low Income Housing Tax Credit (LIHTC) units in Milpitas spread across three developments, two of which (including 265 units) are family-occupancy and one of which (with 102 units) is senior-occupancy. No LIHTC development has been placed in service in Milpitas since 2008, and only one of the three – Aspen Apartments – received a competitive award of 9% tax credits. 537 Housing Choice Vouchers, a total including both tenant-based vouchers and Project-Based Vouchers, are in use in Milpitas.

***1.a. Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, project-based Section 8, Other Multifamily Assisted developments, and Housing Choice Voucher (HCV) in the jurisdiction?***

In Milpitas, Asian or Pacific Islander households are relatively more likely to reside in the community's one Project-Based Section 8 development. Black and Hispanic households are more likely to utilize Housing Choice Vouchers. There is no clear trend with respect to occupancy by type of publicly supported housing for white households.

**Table 2: Publicly Supported Housing Demographics**

Jurisdiction	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Project-Based Section 8	9	6.00%	6	4.00%	13	8.67%	122	81.33%
Other Multifamily	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HCV Program	32	6.70%	55	11.52%	79	16.54%	309	64.61%
Total Households	3,773	17.58%	448	2.09%	2,410	11.23%	14,366	66.93%
0-30% of AMI	609	20.69%	64	2.17%	515	17.49%	1,694	57.54%
0-50% of AMI	1,004	19.20%	133	2.54%	1,005	19.22%	2,964	56.68%

<b>0-80% of AMI</b>	<b>1,384</b>	<b>17.06%</b>	<b>168</b>	<b>2.07%</b>	<b>1,620</b>	<b>19.97%</b>	<b>4,738</b>	<b>58.40%</b>
<b>Region</b>	<b>White</b>		<b>Black</b>		<b>Hispanic</b>		<b>Asian or Pacific Islander</b>	
<b>Housing Type</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Project-Based Section 8</b>	<b>1,378</b>	<b>26.08%</b>	<b>180</b>	<b>3.41%</b>	<b>796</b>	<b>15.07%</b>	<b>2,504</b>	<b>47.40%</b>
<b>Other Multifamily</b>	<b>88</b>	<b>26.59%</b>	<b>10</b>	<b>3.02%</b>	<b>73</b>	<b>22.05%</b>	<b>156</b>	<b>47.13%</b>
<b>HCV Program</b>	<b>2,892</b>	<b>17.44%</b>	<b>2,099</b>	<b>12.66%</b>	<b>5,307</b>	<b>32.01%</b>	<b>6,168</b>	<b>37.20%</b>
<b>Total Households</b>	<b>276,844</b>	<b>42.99%</b>	<b>16,174</b>	<b>2.51%</b>	<b>128,660</b>	<b>19.98%</b>	<b>206,367</b>	<b>32.05%</b>
<b>0-30% of AMI</b>	<b>32,879</b>	<b>33.36%</b>	<b>3,965</b>	<b>4.02%</b>	<b>30,350</b>	<b>30.80%</b>	<b>28,819</b>	<b>29.24%</b>
<b>0-50% of AMI</b>	<b>60,459</b>	<b>35.03%</b>	<b>6,255</b>	<b>3.62%</b>	<b>55,885</b>	<b>32.38%</b>	<b>45,819</b>	<b>26.55%</b>
<b>0-80% of AMI</b>	<b>88,654</b>	<b>35.60%</b>	<b>8,580</b>	<b>3.45%</b>	<b>79,915</b>	<b>32.09%</b>	<b>65,788</b>	<b>26.42%</b>

**1.b. Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.**

In comparison to the broader region, occupancy of both Project-Based Section 8 housing and units assisted with Housing Choice Vouchers in Milpitas is much more heavily Asian or Pacific Islander and less heavily Hispanic and white, while the proportion of Black households is similar between the city and the region.

**1.c. Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and region. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.**

In Milpitas, lower percentages of white households reside in Project-Based Section 8 housing and in units assisted with Housing Choice Vouchers than are in the income-eligible population while higher percentages of Asian or Pacific Islander households reside in both types of publicly supported housing than are in the income-eligible population. A higher proportion of Black households reside in units assisted with Housing Choice Vouchers than are in the income-eligible population while the percentage of Black households residing in Project-Based Section 8 units is similar to the proportion of the income-eligible population that is Black. A lower proportion of Hispanic households live in Project-Based Section 8 housing than are in the income-eligible population while the percentage of Hispanic households living in units assisted with Housing Choice Vouchers is similar to the proportion of Hispanic households in the income-eligible population.

In the region, across types of publicly supported housing, Asian or Pacific Islanders make up a larger percentage of households than they do of the income-eligible population, and lower percentages of white households reside in publicly supported housing than are income-eligible. For Hispanic households, lower percentages reside in Project-Based Section housing and Other Multifamily housing than are income-eligible, but the percentage of Hispanic households living in units assisted with Housing Choice Vouchers

is similar to the percentage of Hispanic households that are income-eligible. Black households live in units assisted with Housing Choice Vouchers at rates that exceed their share of the income-eligible population and comprise similar shares of households residing in Project-Based Section 8 and Other Multifamily housing to their share of the income-eligible population.

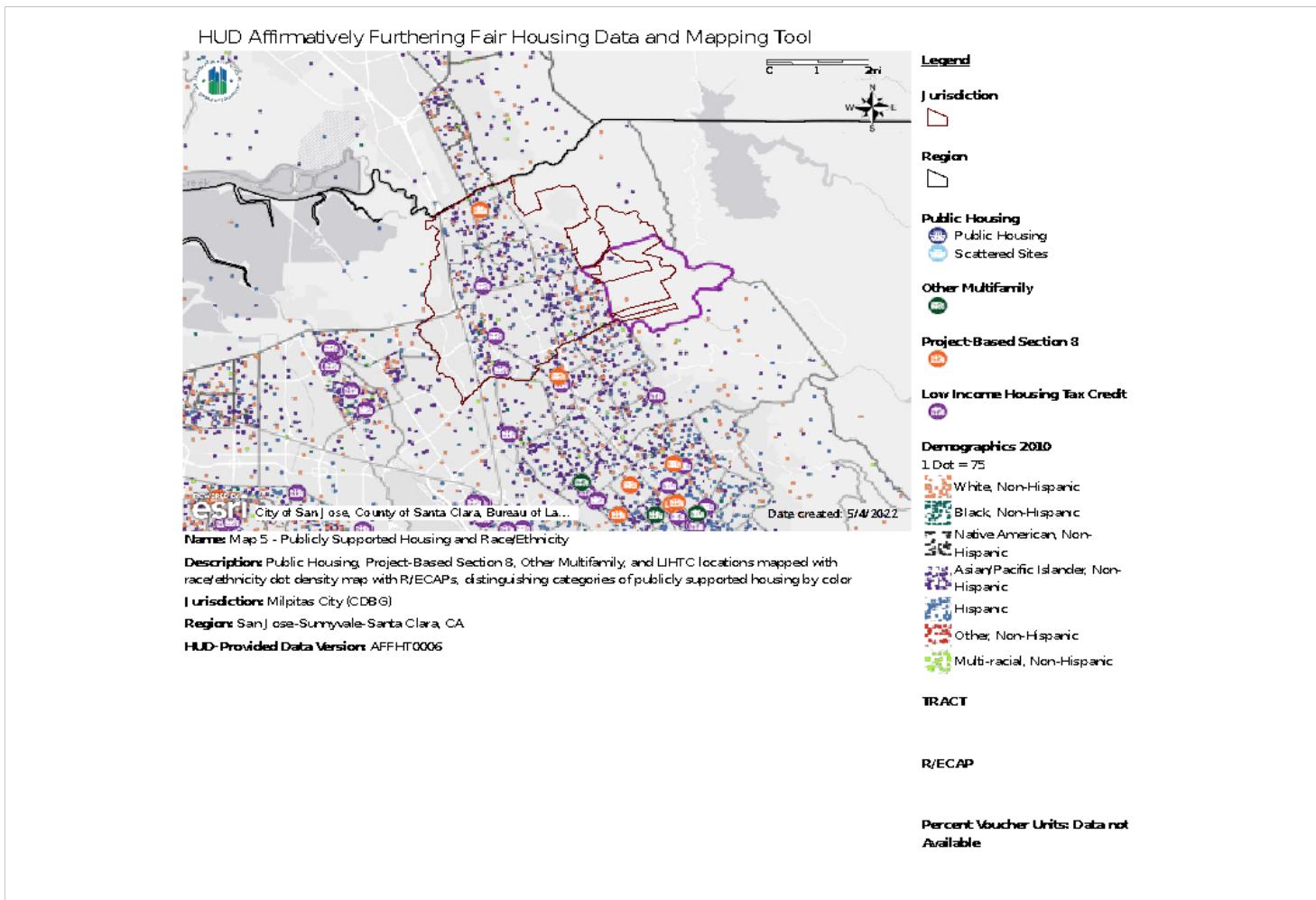
## 2. Publicly Supported Housing Location and Occupancy

### ***2.a. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs in the jurisdiction and region.***

In Milpitas, the four publicly supported housing developments – one Project-Based Section 8 and three LIHTC – are all in the western portion of the city though they are spread out evenly from north to south in that half of the city. Within its own boundaries, Milpitas is not highly segregated although the one Project-Based Section 8 development is in an area that is more heavily Hispanic than the city as a whole. In comparison to the region, all of the four publicly supported housing developments in Milpitas are in areas that are disproportionately Asian or Pacific Islander. Housing Choice Voucher utilization is not highly concentrated though it is slightly higher in the southeastern portion of the city. There are not significant racial or ethnic demographic differences between the southeastern portion of the city and the city as a whole. There is no publicly supported housing in the city's one R/ECAP, which, as discussed in the R/ECAP section of this Assessment, has minimal residential development and mostly consists of open space.

In the region, Project-Based Section 8 housing and LIHTC developments are relatively evenly distributed with the exception that there are very few such developments in smaller cities in the West Valley. The only area of concentration of Other Multifamily housing is in East San Jose. By contrast, Housing Choice Voucher utilization is much more concentrated with voucher holders most prevalent in East San Jose, parts of South San Jose, Gilroy, and Hollister.

Map 1: Publicly Supported Housing and Race/Ethnicity



**2.b. Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs in the jurisdiction and region.**

In Milpitas, the neighborhood demographics of the community's three family-occupancy publicly supported housing developments do not differ significantly from its one senior development: all are in predominantly Asian American areas. There are no publicly supported housing developments in Milpitas that primarily serve persons with disabilities. None of the publicly supported housing developments in Milpitas are located in the one sparsely populated R/ECAP census tract.

In the Region, publicly supported housing that primarily serves families with children is heavily in San José while senior housing is more broadly distributed. There are sufficiently few developments that primarily serve persons with disabilities that patterns may be more coincidental, but there appears to be a slight concentration of such housing in northern Santa Clara County, including in Palo Alto, Santa Clara, Sunnyvale, and West San Jose.

**2.c. How does the demographic composition of occupants of publicly supported housing in R/ECAPs compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs in the jurisdiction and region?**

**Table 3: Publicly Supported Housing Demographics by R/ECAP and Non R/ECAP Tracts**

Jurisdiction	Total # units (occupied)	% White	% Black	% Hispanic	% Asian or Pacific Islander	% Families with children	% Elderly	% with a disability
Project-based Section 8								
R/ECAP tracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non R/ECAP tracts	141	6.00%	4.00%	8.67%	81.33%	22.67%	56.67%	6.27%
Other Multifamily								
R/ECAP tracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non R/ECAP tracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HCV Program								
R/ECAP tracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non R/ECAP tracts	469	6.70%	11.52%	16.54%	64.61%	31.83%	51.86%	32.83%

Because there are no publicly supported housing developments in Milpitas's R/ECAP census tract, it is not possible to compare the demographics of publicly supported housing residents within and outside of such

census tracts. Regional data is not available with regard to the demographics of publicly supported housing residents based on whether properties are located in R/ECAPs.

**2.d. Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class than other developments of the same category for the jurisdiction? Describe how these developments differ.**

There are no properties in Milpitas that have been converted under the Rental Assistance Demonstration (RAD) program, and demographic data is not available for the three LIHTC properties in Milpitas.

**Table 4: Milpitas Project-Based Section 8 Publicly Supported Housing Demographics**

		% White	% Black	% Hispanic	% Asian or Pacific Islander	% Households with children
Sunnyhill Apartments	150	6.00%	4.00%	8.67%	81.33%	22.67%

**2.e. Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing for the jurisdiction and region.**

Data regarding occupancy of LIHTC developments and units produced pursuant to Milpitas' Affordable Housing Ordinance is not available. Because the City plays a significant role in the administration of its Affordable Housing Ordinance, improvements to data collection and, if subsequent analysis reveals underrepresentation of protected class groups, will be important going forward.

**2.f. Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.**

**Table 5: Publicly Supported Housing Demographics and Surrounding Census Tract Demographics**

	Sunnyhills Apartments (Project-Based Section 8)	Milpitas Tract 5044.22 (where Sunnyhill Apartments is located)
Units	150	-
White (%)	6.00%	7.2%
Black (%)	4.00%	3.2%
Hispanic (%)	8.67%	26.9%

Asian (%)	81.33%	58.8%
Households with children (%)	22.67%	36.1%
Poverty rate (%)	-	6.8%

At the one publicly supported housing development in Milpitas for which demographic data is available, Sunnyhills Apartments, residents are more likely to be Asian and are less likely to be Hispanic than are residents of the surrounding census tract. Although the development is a family-occupancy development, relatively few households include minor children.

### 3. Disparities in Access to Opportunity

***3.a. Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and region, including within different program categories (public housing, project-based Section 8, Other Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.***

Within Milpitas, school proficiency tends to be somewhat lower in the southern portions of the city, which have higher concentrations of households with Housing Choice Vouchers. Job proximity is generally higher in the western portions of the city, where the city's one Project-Based Section 8 development and all three of its LIHTC developments are located. There are no stark patterns with respect to access to transportation and environmental health for publicly supported housing residents in Milpitas.

In the Region, publicly supported housing is relatively concentrated in areas within San José that have relatively high job proximity and transportation access and relatively low school proficiency and environmental health. That high level pattern is more pronounced for LIHTC properties and Housing Choice Voucher utilization than it is for Project-Based Section 8 and Other Multifamily housing. It is also more pronounced for developments that serve families with children than it is for supportive housing for persons with disabilities and senior housing.

### Contributing Factors of Publicly Supported Housing Location and Occupancy

*Please see the Appendix for the following Contributing Factors to Publicly Supported Housing Location and Occupancy:*

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Community opposition
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of meaningful language access for individuals with limited English proficiency
- Lack of local or regional cooperation
- Lack of private investment in specific neighborhoods

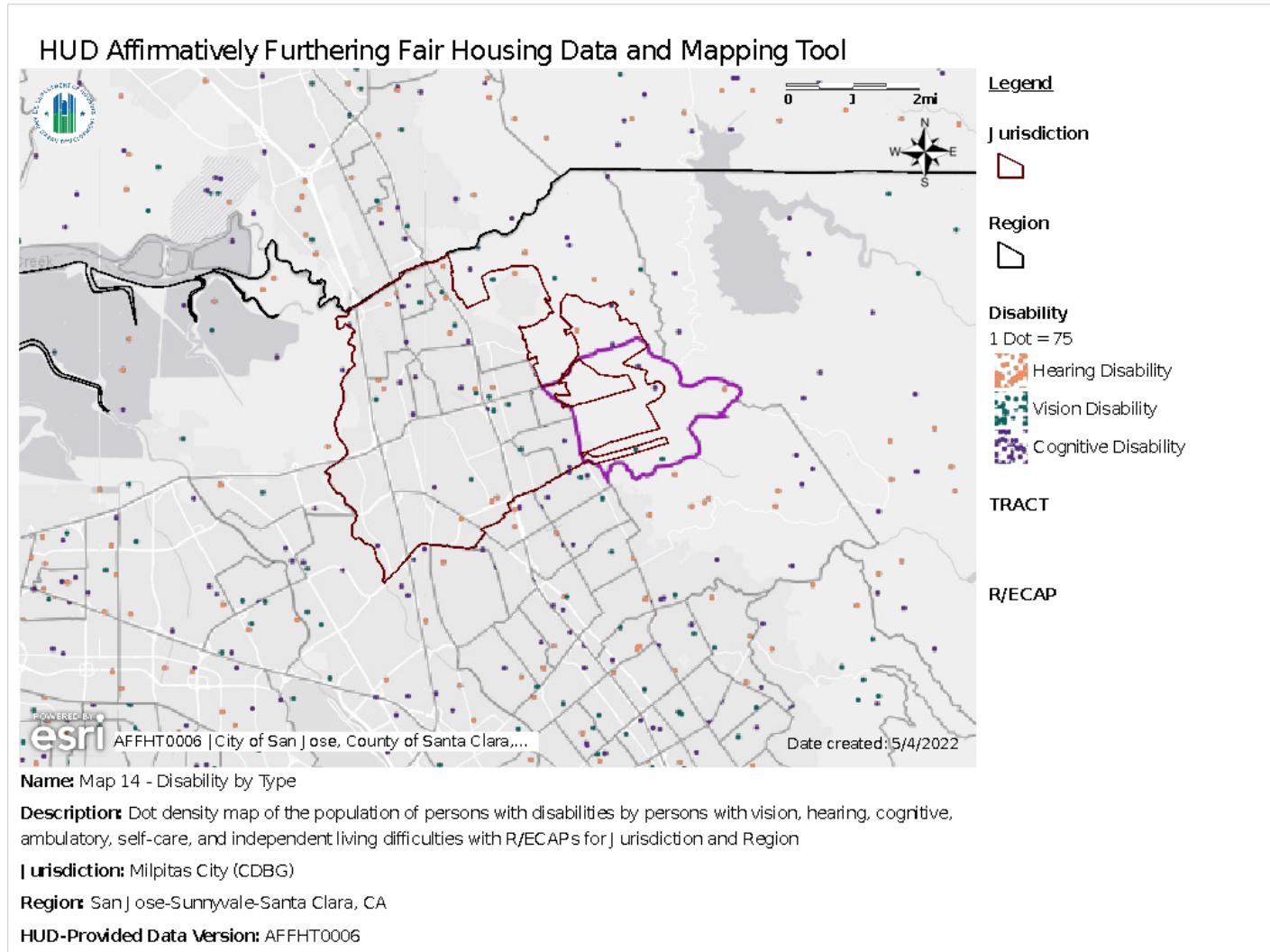
- Lack of public investment in specific neighborhoods, including services and amenities
- Land use and zoning laws
- Loss of affordable housing
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination

#### **D. Disability and Access Analysis**

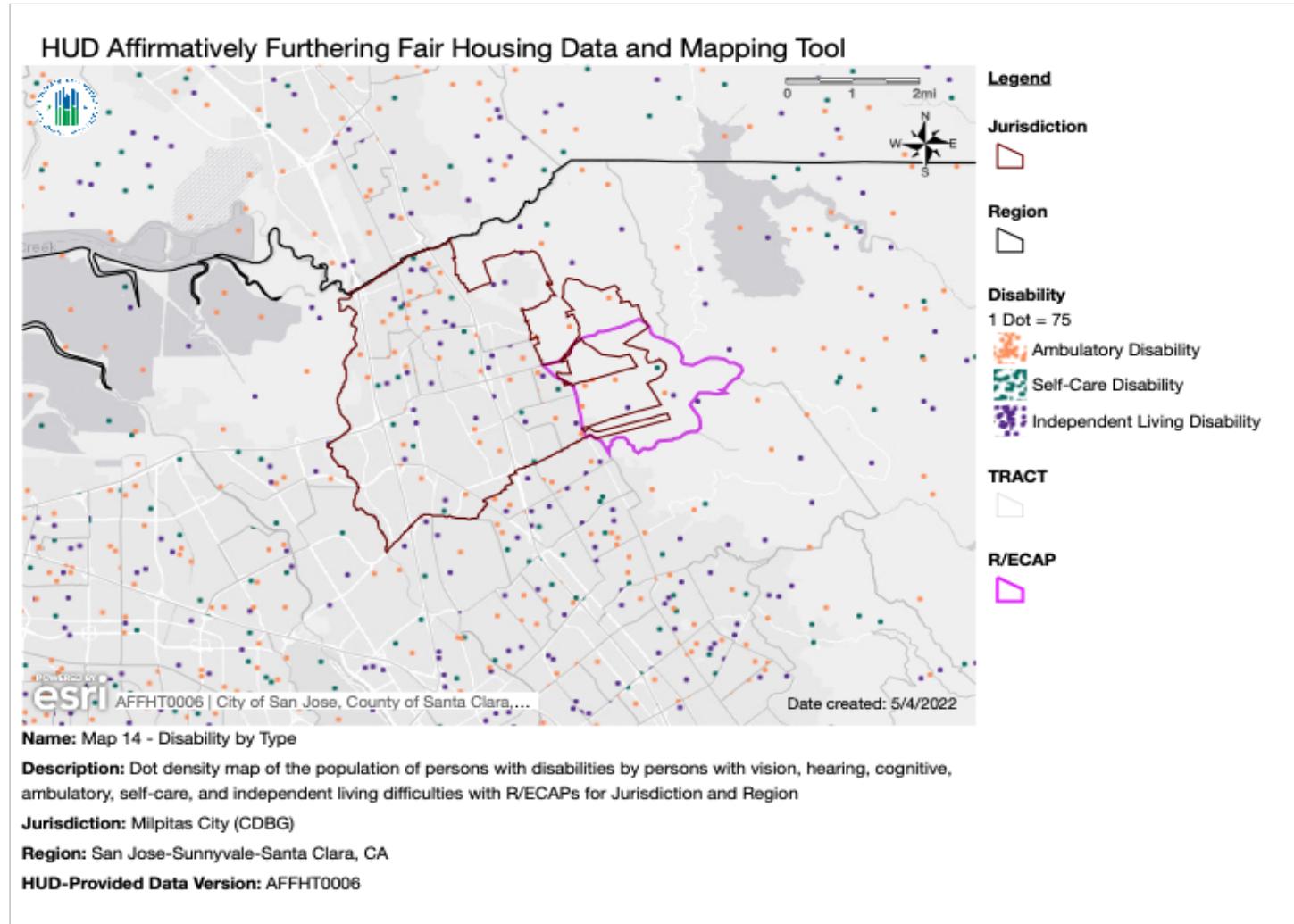
In 1988, Congress extended the Fair Housing Act's protections against housing discrimination to people with disabilities. In addition to protection against intentional discrimination and unjustified policies that have disproportionate effects, the Fair Housing Act includes three provisions that are unique to persons with disabilities. First, the Fair Housing Act prohibits the denial of requests for reasonable accommodations for persons with disabilities if said accommodations are necessary to afford an individual equal opportunity to use and enjoy a dwelling. Reasonable accommodations are departures from facially neutral policies and are generally available, so long as granting the accommodation request would not place an undue burden on the party providing the accommodation or result in a direct threat to the health or safety of others. Permitting an individual with an anxiety disorder to have a dog in their rental unit as an emotional support animal despite a broad "no pets" policy is an example of a reasonable accommodation. Second, the Act also prohibits the denial of reasonable modification requests. Modifications involve physical alterations to a unit, such as the construction of a ramp or the widening of a door frame, and must be paid for by the person requesting the accommodation unless the unit receives federal financial assistance and is subject to Section 504 of the Rehabilitation Act. Lastly, the design and construction provision of the Fair Housing Act requires most multi-family housing constructed since 1991 to have certain accessibility features. This section of the Assessment looks at the housing barriers faced by persons with disabilities, including those that result in the segregation of persons with disabilities in institutions and other congregate settings.

##### **1. Population Profile**

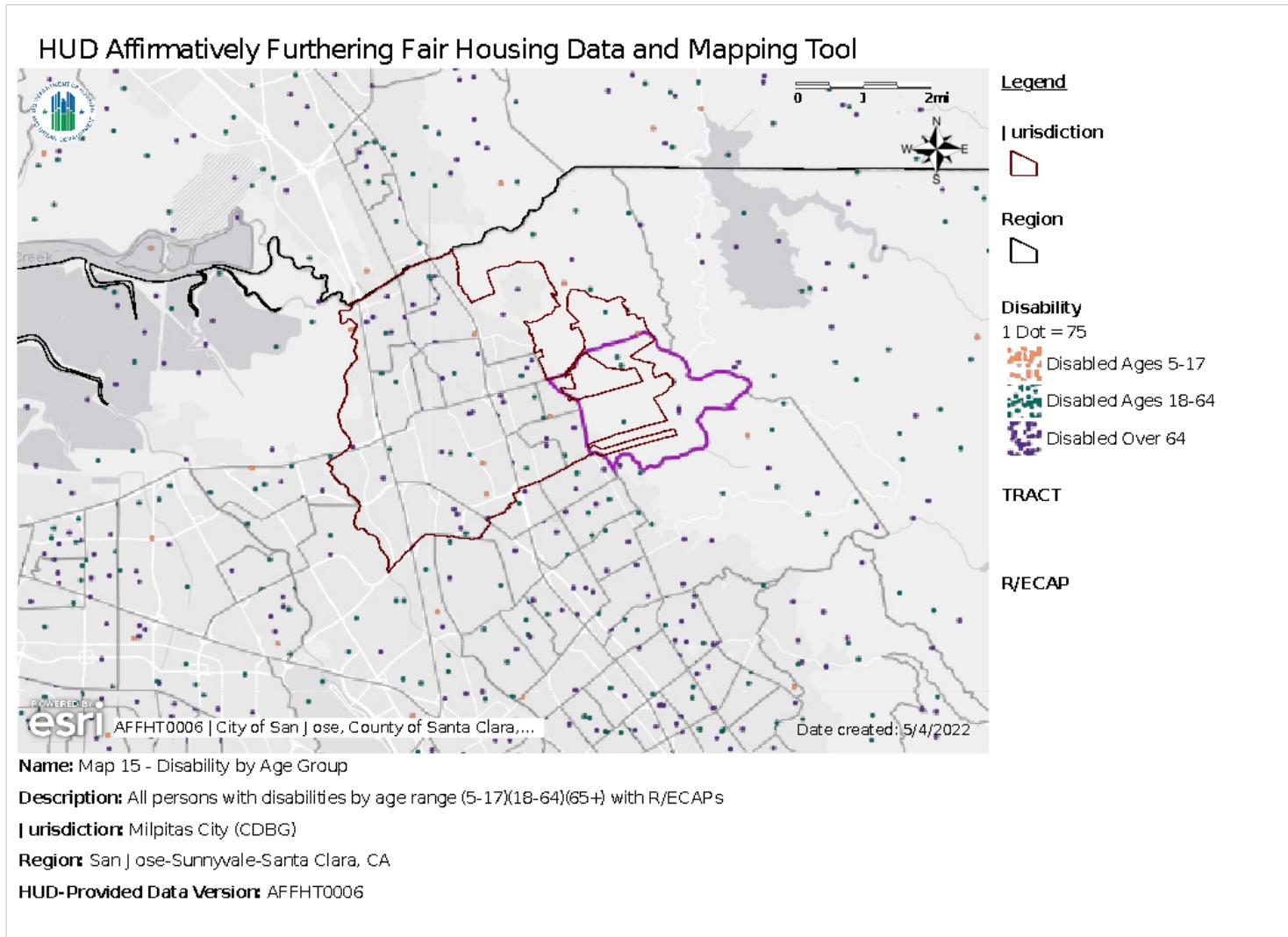
Map 1: Disability by Type (Hearing, Vision, Cognitive), Milpitas



Map 2: Disability by Type (Ambulatory, Self-Care, Independent), Milpitas



**Map 3: Disability by Age, Milpitas**



**Table 1: Disability by Type, Milpitas**

Disability Type	#	%
Hearing Difficulty	<b>1,446</b>	<b>1.86%</b>
Vision Difficulty	<b>1,011</b>	<b>1.30%</b>
Cognitive Difficulty	<b>1,747</b>	<b>2.25%</b>
Ambulatory Difficulty	<b>2,622</b>	<b>3.38%</b>
Self-Care Difficulty	<b>1,421</b>	<b>1.83%</b>
Independent Living Difficulty	<b>2,702</b>	<b>3.48%</b>

**1.a. How are people with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?**

**ACS Disability Information**

According to the 2019 American Community Survey (ACS) 1-Year Estimates, roughly 6,266 residents of Milpitas have disabilities--7.7% of population.<sup>6</sup> Of this 6,266, 2,622 have ambulatory disabilities<sup>7</sup>; 1,446 have hearing disabilities; and 1,011 have vision disabilities.

Approximately fifteen percent (14.9%) of people with disabilities in Milpitas 18 and older have incomes below the poverty line, as opposed to only five percent (5.1%) of individuals without disabilities.<sup>8</sup> Median earnings for people without disabilities in Milpitas is \$68,545, while it is only \$41,853 for people with disabilities.<sup>9</sup> This economic gap for people with disabilities is likely even greater in reality, as the data does not include institutionalized individuals. Of the 4,408 people in Milpitas living below the poverty line, 472--roughly 10.7% have a disability, despite only 7.7% of the population having disabilities. Of these 472 people with disabilities living below the poverty line, 78 have hearing disabilities, 144 have vision disabilities, and 341 have ambulatory disabilities. The data does not indicate how much overlap there is between these categories, nor does the data say how many of those individuals need accessible units.<sup>10</sup> Nonetheless, this number can help approximate the number of affordable accessible units needed in Milpitas. Unfortunately, the Social Security Administration does not provide statistics on the number of recipients at the city-wide level, meaning we cannot use the number of residents receiving SSI as an indicator for disability.

**Concentration and Patterns**

---

<sup>6</sup> <https://data.census.gov/cedsci/table?g=1600000US0647766&tid=ACSST1Y2019.S1810&hidePreview=true>. This does not include "institutionalized" members of the population..

<sup>7</sup> The definition of ambulatory disabilities is "having serious difficulty walking or climbing stairs." People with ambulatory disabilities may not need a fully accessible unit, particularly if they do not use wheelchairs. They may require a unit on the ground floor or in an elevator building, perhaps with some architectural modifications. Therefore, ambulatory disabilities is not a perfect indicator of the number of accessible mobility units needed since some people with ambulatory disabilities do not necessarily move to a wheelchair.

<sup>8</sup><https://data.census.gov/cedsci/table?q=Milpitas%20city,%20California%20Income%20and%20Poverty&t=Disability&tid=ACSDT5Y2019.B23024>

<sup>9</sup><https://data.census.gov/cedsci/table?q=milpitas&t=Disability%3AIncome%20and%20Earnings%3AIncome%20and%20Poverty&tid=ACSDT1Y2019.B18140>

<sup>10</sup><https://data.census.gov/cedsci/table?q=Milpitas%20city,%20California%20Income%20and%20Poverty&t=Disability&tid=ACSDT1Y2016.B18131>

People with disabilities in Milpitas appear to be relatively evenly dispersed throughout the city; the percentage of people with disabilities within each tract varies only slightly. For example, the percentage of those with cognitive disabilities per tract all fall between 0.74% and 4.38% of the population. Nor is there a disproportionate number of people with disabilities in Milpitas' sole R/ECAP, on the eastern border of the city.

***1.b. Describe whether these geographic patterns vary for people with each type of disability or for people with disabilities in different age ranges for the jurisdiction and region.***

Individuals with ambulatory disabilities are most numerous but are dispersed relatively evenly throughout the city. All categories of disabilities become more prevalent as individuals age, with the number of people in the region 65 and over (4,001) with a disability outnumbering the amount of people under 65 (2,265) with a disability. People above 65 with disabilities are also relatively evenly distributed throughout the City.

**2. Housing Accessibility**

***2.a. Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.***

**Accessibility Requirement for Federally-Funded Housing**

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that publicly supported federal housing developments make 1) five percent (5%) of total units accessible to individuals with mobility disabilities and 2) an additional two percent (2%) of total units accessible to individuals with sensory disabilities. It requires that each property, including site and common areas, meet the Federal Uniform Accessibility Standards (UFAS) or HUD's Alternative Accessibility Standard. Public Housing and Project-Based Section 8 units are both considered to be Publicly Supported Housing.

In Milpitas, there are 0 public housing units and 149 Project-Based Section 8 units, all of which are subject to Section 504 of the Rehabilitation Act and all of which are part of the Sunnyhills Apartments. As of 2019, 6.27% of these 149 units are occupied by people with disabilities, but we do not know how many of the Project-Based Section 8 units are accessible, nor do we know what portion of the 6.27% require accessible units. Assuming perfect compliance, this Project-Based development should have 11 accessible units (3 for sensory disabilities; 8 for mobility). It is also possible that more than 6.27% of the residents of Sunnyhills Apartments have disabilities but that there is an undercount because publicly supported housing developments often classify residents as elderly or as having a disability but not as both. This occurs even though elderly individuals are more likely to have disabilities than the broader population.

**Low Income Housing Tax Credit (LIHTC) Units**

According to data from HUD's LIHTC database, there are 365 low-income units in LIHTC-financed developments in Milpitas.

The question of whether Section 504 or Title II of the Americans with Disabilities Act applies to LIHTC developments has not been resolved by the courts.<sup>11</sup> However, in 2015, the California Tax Credit Allocation Committee (CTCAC) issued guidance stating that the California Building Code (CBC) for public housing (Chapter 11B)'s accessibility requirements also apply to LIHTC developments. Chapter 11B is the California

---

<sup>11</sup> Title II of the ADA prohibits discrimination on the basis of disability in all service, programs, and activities provided to the public by non-federal governmental entities except transportation services. The 2010 ADA Standards (ADAS) differ from Section 504 in some respects but essentially, they contain the same types of requirements including the requirement for 5% mobility units and 2% hearing/vision units.

equivalent of the 2010 ADA Standards. Section 1.9.1.2.1. of the CBC states that the accessibility requirements apply to “any building, structure, facility, complex ...used by the general public.” Facilities made available to the public, included privately owned buildings. CTCAC has even increased the ADA’s required number of units: 10% of total units in a LIHTC development must be accessible to people with mobility disabilities and 4% must be accessible to people with sensory (hearing/vision) disabilities. All of Milpitas’ LIHTC units predate these requirements, so it is difficult to say if any units are fully accessible (though all of the city’s LIHTC developments were subject to the Fair Housing Act’s less extensive design and construction standards at the time of building).

Also, effective 2015, CTCAC required that 50% of total units in a new construction project and 25% of all units in a rehabilitation project located on an accessible path will be mobility accessible units in accordance with CBC Chapter 11B. CTAC also provides incentives for developers to include additional accessible units through its Qualified Allocation Plan. Milpitas does not have readily available information on new construction or rehabilitation projects on accessible paths, so this does not allow us to calculate a definitive number of units.

### **Housing Choice Vouchers**

There are four hundred and sixty-nine (469) Housing Choice Vouchers in use in Milpitas. Of this total, 32.83% of these vouchers are used by people with disabilities. However, this does not represent a proxy for actual affordable, accessible units, as it is not certain that all 32.83% of those vouchers are used for units that are accessible and affordable. Housing Choice Vouchers make otherwise unaffordable housing, which may or may not be accessible, available to low-income people, including those with disabilities. Unless another source of federal financial assistance is present, units assisted with Housing Choice Vouchers are not subject to Section 504. Of course, participating landlords remain subject to the Fair Housing Act’s duty to provide reasonable accommodations and to allow tenants to make reasonable modifications at their own expense. Even assuming at all 32.83% of people with disabilities using vouchers have accessible units, which is almost certainly an overestimation, there would be 157 units that are accessible--though not necessarily affordable absent a voucher.

### **Fair Housing Amendments Act Units**

The Fair Housing Amendments Act of 1988 (FHAA) covers all multifamily buildings of four or more units that were first occupied on or after March 13, 1991 – not just affordable housing developments. The FHAA added protections for people with disabilities and prescribed certain basic accessibility standards, such as having at least one building entrance that is accessible; an accessible route throughout the development, and public rooms and common rooms that are accessible. Although these accessibility requirements are not as intensive as those of Section 504, they were an important first step in making many apartment developments available to people with disabilities. Given its application to housing, regardless of federal funding, the FHAA has benefited many middle-income and upper-income people with disabilities who also need accessible housing. That said, the FHAA does not mandate a certain number of accessible units like Section 504 or ADA Title II, so it cannot be utilized as a proxy for the number of accessible housing units available. Although they are not fully accessible, these units are an important source of housing for people with disabilities who do not need a mobility or hearing/vision unit.

### **Accessible Units for Families with Children.**

Unfortunately, data breaking down the number of private affordable, accessible units by number of bedrooms is not available. For Publicly Supported Housing, the overwhelming majority (76.66%) of Project-Based Section 8 units are studios or up to two-bedroom units. For Housing Choice Vouchers, this discrepancy is not as severe, as 23.23% of HCVs are limited to studio or one-bedroom units, while 29.51% are limited to two-bedroom units. Nearly half of all HCVs, 47.26%, are used for three-bedroom units. Affordable, accessible

units that can accommodate families with children or individuals with live-in aides are relatively more numerous in Milpitas than in other cities throughout the state.

### **Summary**

The supply of affordable, accessible units in Milpitas is insufficient to meet the need. In the city, some 1,446 residents have hearing difficulty, 1,011 residents have vision difficulty, and 2,622 residents have ambulatory difficulty, potentially requiring the use of accessible units. Assuming full compliance with federal law and regulation, there are 11 units subject to Section 504 (or its California equivalent).

#### ***2.b. Describe the areas where affordable, accessible housing units are located in the jurisdiction and region. Do they align with R/ECAPs or other areas that are segregated?***

Affordable, accessible housing is relatively evenly distributed throughout the City. In Milpitas' sole R/ECAP, which is located in a sparsely populated area that consists primarily of open space, there are no Project-Based Section 8 or LIHTC buildings, and the use of vouchers is actually lower than it is in higher income areas of the city. The city's sole Project-Based Section 8 Property is in a tract that has the lowest possible concentration of HCVs. Overall, to the extent that publicly financed housing is a proxy for accessibility, the affordable, accessible apartments are evenly dispersed.

#### ***2.c. To what extent are people with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?***

**Table 2: Disability by Publicly Supported Housing Program Category**

Milpitas	People with a Disability	
	#	%
Public Housing	n/a	n/a
Project-Based Section 8	9	6.27%
Other Multifamily	n/a	n/a
HCV Program	157	32.83%

In Milpitas, according to the 2019 American Community Survey 5-Year Estimates, 7.7% of the civilian noninstitutionalized population has a disability. The American Community Survey does not facilitate the disaggregation of the population of people with disabilities by income, so it is impossible to determine what percentage of households that are income-eligible for Publicly Supported Housing include one or more people with disabilities. As the table above reflects, the portion of people with disabilities appears to be over-represented in HCVs and underrepresented at project-based-voucher properties.

### **3. Integration of People with Disabilities Living in Institutions and Other Segregated Settings**

#### ***3.a. To what extent do people with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?***

Up until a wave of policy reforms and court decisions in the 1960s and 1970s, states, including California, primarily housed people with intellectual and developmental disabilities and individuals with psychiatric disabilities in large state-run institutions. In California, institutions for people with intellectual and developmental disabilities are called developmental centers, and institutions for people with psychiatric disabilities are called state hospitals. Within these institutions, people with disabilities have had few opportunities for meaningful interaction with individuals without disabilities, limited access to education and employment, and a lack of individual autonomy.

The transition away from housing people with disabilities in institutional settings and toward providing housing and services in home and community-based settings accelerated with the passage of the Americans with Disabilities Act in 1991 and the U.S. Supreme Court's landmark decision in *Olmstead v. L.C.* in 1999. In *Olmstead*, the Supreme Court held that, under the regulations of the U.S. Department of Justice (DOJ) implementing Title II of the Americans with Disabilities Act (ADA), if a state or local government provides supportive services to people with disabilities, it must do so in the most integrated setting appropriate to the needs of a person with a disability and consistent with their informed choice. This obligation is not absolute and is subject to the ADA defense that providing services in a more integrated setting would constitute a fundamental alteration of the state or local government's programs.

The transition from widespread institutionalization to community integration has not always been linear, and concepts of what comprises a home and community-based setting have evolved over time. Although it is clear that developmental centers and state hospitals are segregated settings and that an individual's own house or apartment in a development where the vast majority of residents are individuals without disabilities is an integrated setting, significant ambiguities remain. Nursing homes and intermediate care facilities are clearly segregated though not to the same degree as state institutions. Group homes fall somewhere between truly integrated supported housing and such segregated settings, and the degree of integration present in group homes often corresponds to their size.

Below, this assessment includes detailed information about the degree to which people with intellectual and developmental disabilities and individuals with psychiatric disabilities reside in integrated or segregated settings. The selection of these two areas of focus does not mean that people with other types of disabilities are never subject to segregation. Although the State of California did not operate analogous institutions on the same scale for people with ambulatory or sensory disabilities, for example, many people with disabilities of varying types face segregation in nursing homes. Data concerning people with various disabilities residing in nursing homes is not as available as data relating specifically to people with intellectual and developmental disabilities and people with psychiatric disabilities.

**Table 3: Intellectual and Developmental Disabilities, Performance of Tri-Counties Regional Center, December 2018**

Dec. 2018 Performance Reports	Fewer consumers live in developmental centers	More children live with families	More adults live in home settings	Fewer children live in large facilities (more than 6 people)	Fewer adults live in large facilities (more than 6 people)
<b>State Average</b>	<b>0.21%</b>	<b>99.32%</b>	<b>79.61%</b>	<b>0.04%</b>	<b>2.47%</b>
<b>San Andreas Regional Center</b>	<b>0.04%</b>	<b>98.95%</b>	<b>78.32%</b>	<b>0.04%</b>	<b>1.58%</b>

In California, a system of regional centers is responsible for coordinating the delivery of supportive services primarily to individuals with intellectual and developmental disabilities. The regional centers serve individuals with intellectual disabilities, individuals with autism spectrum disorder, individuals with epilepsy, and cerebral palsy. These disabilities may be co-occurring. Although there is some variation from regional center to regional center, individuals with intellectual disabilities and individuals with autism spectrum disorder predominate among consumers. All data regarding the regional centers is drawn from their annual performance reports.

In the region, there is one regional center – the San Andreas Regional Center – that serves all of Santa Clara County and San Benito County, as well as Monterey and Santa Cruz Counties just to the south and southwest of the region. Unfortunately, the San Andreas Regional Center does not disaggregate its publicly reported data by county or city to allow a Santa Clara County-specific or city-specific analysis. Nonetheless, since Santa Clara County is significantly larger than the other three counties combined, most of what is reflected in data from the San Andreas Regional Center reflects conditions in Santa Clara County, though Milpitas is not representative of Santa Clara county as a whole.

On an annual basis, these regional centers report to the California Department of Developmental Services on their performance in relation to benchmarks for achieving community integration of persons with intellectual and developmental disabilities. As reflected in the table above, the San Andreas Regional Center simultaneously has lower rates of persons with developmental disabilities living in institutional settings but also lower rates of persons with developmental disabilities living in home or family-based settings than statewide. In some cases, disparities between the San Andreas Regional Center and the state are very small and may not support an inference that structural factors are playing a particularly acute role in perpetuating the segregation of persons with intellectual and developmental disabilities in the region.

At the end of 2018, the California Department of Developmental Services closed the Sonoma Developmental Center, which was the last remaining large, state-run institution for persons with developmental disabilities in the Bay Area. Porterville Developmental Center, located in the Central Valley, is the closest remaining institution to Milpitas. The facility is scheduled to close by the end of 2021. As of November 2019, there were between 1 and 10 individuals from the area served by the San Andreas Regional Center residing in developmental centers like the Porterville Developmental Center.

The San Andreas Regional Center reports the number of individuals served by type of setting by race or ethnicity. The categories included are Home, Residential, ILS/SLS, Institutions, Med/Rehab/Psych, and Other. The category of Home includes the home of a parent or guardian, a foster home for children, and a family home for adults. The category of Residential includes community care facilities and intermediate care facilities (ICFs) and continuous nursing. The category of ILS/SLS solely includes independent living and supported living. Institutions include developmental centers, state hospitals, and correctional institutions. The category of Med/Rehab/Psych includes skilled nursing facilities, psychiatric treatment facilities, rehabilitation centers, sub-acute care, and community treatment facilities. The Other category includes individuals who are homeless as well as individuals who do not fall into any category (and one individual living outside of California). In general, Home and ILS/SLS settings are the most integrated, and Institutions and Med/Rehab/Psych are the most segregated. Residential settings fall somewhere in between with community care facilities being more integrated than ICFs within the category. Clearly, homelessness is not consistent with meaningful community integration. The table below reflects the percentage of individuals with intellectual or developmental disabilities served in each type of setting.

**Table 4 – Type of Setting by Race or Ethnicity, San Andreas Regional Center, 2018-2019**

Type of Setting	Total Served	% Non-Hispanic White	% Black	% Asian or Pacific Islander	% Hispanic	% Other or Multi-Racial
<b>Home</b>	<b>17,265</b>	<b>20.7%</b>	<b>1.6%</b>	<b>21.1%</b>	<b>42.7%</b>	<b>13.1%</b>
<b>Residential</b>	<b>1,859</b>	<b>59.0%</b>	<b>3.8%</b>	<b>11.3%</b>	<b>19.3%</b>	<b>6.2%</b>
<b>ILS/SLS</b>	<b>1,229</b>	<b>62.2%</b>	<b>4.8%</b>	<b>6.5%</b>	<b>20.6%</b>	<b>5.6%</b>
<b>Institutions</b>	<b>20</b>	<b>25.0%</b>	<b>5.0%</b>	<b>20.0%</b>	<b>35.0%</b>	<b>15.0%</b>
<b>Med/Rehab/Psych</b>	<b>81</b>	<b>40.7%</b>	<b>3.7%</b>	<b>18.5%</b>	<b>28.4%</b>	<b>7.4%</b>
<b>Other</b>	<b>65</b>	<b>40.0%</b>	<b>9.2%</b>	<b>4.6%</b>	<b>33.8%</b>	<b>12.3%</b>

In the service area of the San Andreas Regional Center, Asian or Pacific Islander residents appear to be underrepresented in the population receiving services for intellectual and developmental disabilities. With respect to individual types of settings, Hispanic residents are most likely to reside in home-based settings while White residents have the greatest access to independent living and supported living environments. Black residents are overrepresented in Institutions and Other, which includes homelessness. This data suggests that, for Black individuals with intellectual and developmental disabilities, the effects of mass incarceration on their prospects for integration may be compounded by both race and disability status. The high representation of Hispanic residents in home-based settings and their low concentration in independent living and supported living settings may suggest a need for planning around helping adult with developmental disabilities who are living with their parents gain access to and transition to independent living when their parents are no longer able to serve as care providers.

Overall, this data shows that, within the County and the region, persons with intellectual and developmental disabilities are typically at least slightly less likely to be segregated in institutional settings than statewide. The data shows that a significant minority of adults with intellectual and developmental disabilities, in particular, reside in comparatively segregated, congregate settings. It is highly likely that not all persons with intellectual and developmental disabilities who would like to live in integrated settings in the County, the cities of Cupertino, Gilroy, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale, and the region have the opportunity to do so. However, it is not clear whether these county-wide trends apply to Milpitas.

### **Psychiatric Disabilities**

Napa State Hospital is the primary large institution for individuals with psychiatric disabilities serving the part of California including Milpitas. As of November 2016, the facility had 1,267 patients, slightly over its official capacity of 1,255 beds. The hospital's website breaks down the patient population among four categories of admittees. 47% were committed by virtue of being found not guilty of a crime by reason of insanity. 30% were committed because they had been found incompetent to stand trial. 17% were civilly committed. Lastly, 6% were classified as mentally disordered offenders. Thus, a significant majority of individuals with psychiatric disabilities institutionalized within Northern California resided in institutions because of contact with the criminal justice.

The Department of State Hospitals does not disaggregate publicly available data about patients by county of origin nor does it disaggregate detailed demographic data about patients by hospital. Nonetheless, some system-wide information is useful. Across California, those institutionalized in state hospitals are disproportionately male (87%), Black (25%), and have low levels of educational attainment (79% lack a high school diploma). This data is consistent with the fact that the criminal justice system is the primary gateway into the state hospital system. 4.3% of all residents of state hospitals and participants in jail-based mental health treatment statewide are from Santa Clara County. The most common diagnosis for patients (40%) is schizophrenia followed by schizoaffective disorder (24%). Interventions, like those offered through the Santa Clara County Behavioral Health Services' Criminal Justice Services program, that target needed non-punitive services to children and transition-age youth in overpoliced, disproportionately Hispanic and Black communities in the County could advance efforts to reduce the institutionalization of persons with psychiatric disabilities in state hospitals, jails, and prisons.

Santa Clara County Behavioral Health Services is responsible for coordinating the provision of supportive services for persons with psychiatric disabilities in Santa Clara County, including Milpitas. Though the agency provides or coordinates the provision of needed services and housing in integrated settings, it also assists some more segregated efforts. There are no institutions in Milpitas proper, though there are nearby in San Jose and Santa Cruz. Gradually phasing out the use of these inpatient settings and reducing their scale while

increasing the availability of supportive housing, with intensive services and supports if needed and chosen by the consumer, would increase the integration of persons with psychiatric disabilities in Santa Clara County.

***3.b. Describe the range of options for people with disabilities to access affordable housing and supportive services in the jurisdiction and region.***

Milpitas does not have specific programs to assist people with disabilities in accessing housing. The City has programs to assist low-income individuals in becoming homeowners, which would theoretically help people with disabilities, given their on-average lower earnings. The City also partners with a number of organizations that help seniors obtain housing, who are more likely to have disabilities. There is an accessible website that links to various low-income housing resources, but this website is not administered by the City.

In Santa Clara County, the primary source of affordable housing available to persons with disabilities in Santa Clara County and its cities consists of permanent supportive housing built with the assistance of Measure A bond funds. The County's Office of Supportive Housing has prioritized the use of Measure A funds for permanent supportive housing, specifically seeking developments in which at least 50% of units are permanent supportive housing through its notice of funding availability. Although early funded developments focused most heavily on meeting the housing needs of chronically homeless individuals with disabilities who frequently have psychiatric disabilities, the County's most recent notice of funding availability includes a set-aside of funds for development of permanent supportive housing for persons with developmental disabilities. One concern is that 50% is a higher concentration of persons with disabilities than is typically considered truly integrated when developing permanent supportive housing. Reducing that target to 25% would foster community integration while still yielding a large number of units.

Additionally, the Santa Clara County Housing Authority has multiple waiting list preferences that have the effect of increasing access to affordable housing for persons with disabilities. These include its Chronically Homeless Direct Referral Program, Special Needs Population Direct Referral Program, Veterans Affairs Supportive Housing Program, and Mainstream Voucher Program. These programs likely contribute to the higher levels of access that persons with disabilities have to the Housing Choice Voucher program in Santa Clara County and its cities than they do to other publicly supported housing programs.

**4. Disparities in Access to Opportunity**

***4.a. To what extent are people with disabilities able to access the following in the jurisdiction and region? Identify major barriers faced concerning:***

**i. Government services and facilities**

The City of Milpitas's website does not provide information on its accessibility policies, except for stating its guarantee that its website itself is accessible and compliant with Section 508 of the Rehabilitation Act.<sup>12</sup> There does not appear to be information about filing a complaint or grievance related to disabilities. If the City has an ADA/504 coordinator, they have not made that information easily accessible.

**ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)**

The City of Milpitas has launched a "Smart City Infrastructure Program" to make its existing infrastructure more environmentally friendly. Unfortunately, nothing in the Program's descriptions details how it will guarantee accessibility .

---

<sup>12</sup> <https://www.slocity.org/services/website-accessibility>

### iii. Transportation

Information on accessibility in transit is limited. In Milpitas' General Plan for 2040, the City expresses its commitment to "work[ing] with local stakeholders and VTA to ensure that paratransit services adequately meet the needs of people with disabilities in Milpitas." It also states that it intends to "[e]ncourage and support local transit service providers to increase and expand services for people who are transit-dependent, including seniors, persons with mobility disabilities, and persons without regular access to automobiles by improving connections to regional medical facilities, senior centers, and other support systems that serve residents and businesses." However, the City offers no explanation of how they intend to reach those goals. The VTA provides paratransit services though those services can be expensive and time-consuming for individuals with disabilities to utilize.

### iv. Proficient schools and educational programs

The Milpitas Unified School District provides disability services for students in Milpitas from birth to age 22 through the Santa Clara Special Education Local Plan Agency. Such programming includes "Individualized Education Planning," which is a plan designed to meet the individual needs of the student based on adequate assessment.<sup>13</sup> Despite these available services, students with disabilities in Milpitas perform significantly worse than other students, particularly in areas of English and Math (colors indicate performance level, with Red being worst, blue being best).

**Table 5: Education Indicators by Student Demographic Characteristics, Milpitas Unified School District**

Student Group	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/Career	English Language Arts	Mathematics
All Students	Yellow	Green	Yellow	Green	Blue	Green
English Learners	Orange	Green	Orange	Orange	Green	Green
Foster Youth	None	Red	None	None	None	None
Homeless	Yellow	Orange	Green	Yellow	Orange	Orange
Socioeconomically Disadvantaged	Yellow	Green	Yellow	Green	Yellow	Yellow
Students with Disabilities	Orange	Yellow	Orange	Yellow	Red	Red
African American	Orange	Orange	None	None	Orange	Orange
American Indian or Alaska Native	None	Green	None	None	None	None
Asian	Green	Blue	Blue	Blue	Blue	Blue
Filipino	Green	Green	Orange	Green	Green	Green
Hispanic	Green	Green	Green	Orange	Orange	Orange
Native Hawaiian or Pacific Islander	Orange	Orange	None	None	None	None
White	Orange	Green	Green	Yellow	Blue	Green
Two or More Races	Green	Yellow	None	None	Green	Green

Legend:

### v. Jobs

Although there are no Milpitas-specific data on employment level for people with disabilities, county-wide data indicates that people with disabilities face many barriers in obtaining employment. The data in the table below is not available through the American Community Survey for Milpitas, but the stark consistency of data showing extremely low rates of employment and labor force participation for persons with disabilities in the region, Santa Clara County, and the larger cities of San Jose, Santa Clara, and Sunnyvale suggest that it is likely that similar problems exist in those somewhat smaller cities, such as Milpitas, as well. It should be noted that the table below includes elderly individuals in the population assessed. That may make this data seem more dramatic than it truly is, but low levels of access to employment for people with disabilities nonetheless remain a problem.

<sup>13</sup> <https://www.cde.ca.gov/sp/se/as/caselpas.asp>



**Table 5: 2013-2017 ACS 5-year Estimates, civilian noninstitutionalized population with disabilities aged 16 and over, employment and disability**

	% in Labor Force	% Employed
San Jose	24.7%	21.5%
Santa Clara	23.9%	20.8%
Sunnyvale	24.9%	22.9%
Santa Clara County	24.4%	21.4%
San Jose-Sunnyvale, Santa Clara, CA Region	24.5%	21.5%

The table below corroborates this trend, showing low levels of employment for persons with developmental disabilities who receive services through the San Andreas Regional Center. The San Andreas Regional Center appears to slightly lag statewide averages with respect to the percentage of individuals with earned income but part of that gap may result from a lower proportion of individuals working in segregated settings like sheltered workshops.

**Table 6: 2016 Employment Metrics for Adults with Intellectual and Developmental Disabilities, San Andreas Regional Center**

Regional Center	Percentage of Adults Earning Below Minimum Wage	Percentage of Consumers with Earned Income	Percentage of Adults with a Paid Job in a Community-Based Setting	Percentage of Adults with Integrated Employment As a Goal in Their Individual Program Plan	Percentage of Adults Current Unemployed But Wanting a Job in the Community
State Average	57%	14.2%	13%	27%	45%
San Andreas Regional Center	54%	11.3%	13%	23%	45%

**4.b. Describe the processes that exist in the jurisdiction and region for people with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.**

**i. Government services and facilities**

Milpitas's website includes readily identifiable accessibility pages that provide key information regarding website accessibility and the process for requests related to that subject. The website does not have easily identifiable resources regarding how to submit a reasonable accommodation more broadly.

The code of ordinances does provide for a process for applying for a reasonable accommodation in regulations related to zoning and land use.

**ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)**

Milpitas does not have a readily identifiable online tool for requesting accessibility improvements, such as curb cuts; however, the Department of Public Works has a general purpose app that can be used to request a variety of improvements, which might include accessibility improvements.

### **iii. Transportation**

The VTA, which serves Milpitas, has a clear, dedicated page that describes its reasonable accommodations process, though it is not specific to Milpitas. The VTA's policy appears to be consistent with legal requirements and best practices.

### **iv. Proficient schools and educational programs**

Milpitas school district's website does not have information about how to request a reasonable accommodation or the districts' policies regarding the evaluation of requests, though it does have information about special education services provided through the County Special Education Local Plan Areas. This still leaves a gap with respect to students who simultaneously have disabilities, such as mobility impairments, but may not require ongoing special education services. School districts should add content describing their reasonable accommodation policies to their websites.

### **v. Jobs**

It is generally very difficult to find information online regarding employers' reasonable accommodation policies and practices.

#### ***4.c. Describe any difficulties in achieving homeownership experienced by people with disabilities and by people with different types of disabilities in the jurisdiction and region.***

The American Community Survey does not disaggregate disability status by housing tenure. Accordingly, it is not possible to precisely determine the homeownership rate for people with disabilities. Additionally, this Assessment did not reveal any local studies on homeownership among people with disabilities or lending discrimination against people with disabilities in Milpitas. Nonetheless, based on the age distribution of people with disabilities and the socioeconomic status of people with disabilities, two conclusions seem likely. First, it is unlikely that people with disabilities, overall, have significantly lower homeownership rates than the general public because people with disabilities are disproportionately elderly and homeownership rates are highest among elderly households. Nationally, people with disabilities often face specific barriers in the mortgage lending process, including disparate treatment by mortgage brokers and failures to treat disability income as income. Despite the shortcomings in the California Fair Employment and Housing Act's source of income protections, as interpreted by the courts, that law unambiguously prohibits discrimination in mortgage lending on the basis of receipt of Supplemental Security Income or Social Security Disability Income. Thus, people with disabilities have more protection from lending discrimination in California than they do in many other states.

## 5. Disproportionate Housing Needs

### **5.a. Describe any disproportionate housing needs experienced by people with disabilities and by people with certain types of disabilities in the jurisdiction and region.**

According to 2014-2018 Comprehensive Housing Affordability Study data, in Milpitas, 47.3% of households that include one or more persons with disabilities have one or more housing problems as opposed to just 36.1% of households that do not include one or more persons with disabilities have one or more housing problems.

#### **Disability and Access Issues Contributing Factors**

*Please see the Appendix for the following Contributing Factors to Fair Housing Enforcement, Outreach Capacity, and Resources:*

- Access for persons with disabilities to proficient schools
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible public or private infrastructure
- Lack of access to opportunity due to high housing costs
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- Source of income discrimination
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings

## E. Fair Housing Enforcement, Outreach Capacity and Resources

### **1. List and summarize any of the following that have not been resolved:**

- A charge or letter of finding from HUD concerning a violation of a civil rights-related law;
- A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law;
- Any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice;
- A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law;
- A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing;
- Pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination.

There is no pending litigation involving civil rights issues relevant to fair housing in the city of Milpitas. A recent lawsuit, *Voice of Milpitas v. County of Santa Clara*, which attempted to stop a Project Homekey development of housing for unhoused individuals, was dismissed by the Superior Court in June 2021, allowing the development to go forward.

### **2. Describe any state or local fair housing laws. What characteristics are protected under each law?**

#### **California Laws**

The State Department of Fair Employment and Housing (DFEH) enforces California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA) (Government Code Section 12955 et seq.) prohibits discrimination and harassment in housing practices, including:

- Advertising
- Application and selection process
- Unlawful evictions
- Terms and conditions of tenancy
- Privileges of occupancy
- Mortgage loans and insurance
- Public and private land use practices
- Unlawful restrictive covenants

The following categories are protected by FEHA:

- Race or color
- Ancestry or national origin
- Sex, including Gender, Gender Identity, and Gender Expression
- Marital status
- Source of income
- Sexual orientation
- Familial status (households with children under 18 years of age)
- Religion
- Mental/physical disability
- Medical condition
- Age

- Genetic information

In addition, FEHA contains similar reasonable accommodations, reasonable modifications, and accessibility provisions as the Federal Fair Housing Amendments Act. FEHA explicitly provides that violations can be proven through evidence of the unjustified disparate impact of challenged actions and inactions and establishes the burden-shifting framework that courts and the Department of Fair Employment and Housing must use in evaluating disparate impact claims.

The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, and sexual orientation. While the Unruh Civil Rights Act specifically lists “sex, race, color, religion, ancestry, national origin, disability, and medical condition” as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. In practice, this has meant that the law protects against arbitrary discrimination, including discrimination on the basis of personal appearance.

Furthermore, the Ralph Civil Rights Act (California Civil Code Section 51.7) forbids acts of violence or threats of violence because of a person’s race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation, or position in a labor dispute. Hate violence can include: verbal or written threats; physical assault or attempted assault; and graffiti, vandalism, or property damage.

The Bane Civil Rights Act (California Civil Code Section 52.1) provides another layer of protection for fair housing choice by protecting all people in California from interference by force or threat of force with an individual’s constitutional or statutory rights, including a right to equal access to housing. The Bane Act also includes criminal penalties for hate crimes; however, convictions under the Act may not be imposed for speech alone unless that speech itself threatened violence.

Finally, California Civil Code Section 1940.3 prohibits landlords from questioning potential residents about their immigration or citizenship status. In addition, this law forbids local jurisdictions from passing laws that direct landlords to make inquiries about a person’s citizenship or immigration status.

In addition to these acts, Government Code Sections 11135, 65008, and 65580-65589.8 prohibit discrimination in programs funded by the State and in any land use decisions. Specifically, changes to Sections 65580-65589.8 require local jurisdictions to address the provision of housing options for special needs groups, including:

- Housing for persons with disabilities (SB 520)
- Housing for homeless persons, including emergency shelters, transitional housing, and supportive housing (SB 2)
- Housing for extremely low income households, including single-room occupancy units (AB 2634)
- Housing for persons with developmental disabilities (SB 812)

Although the FEHA purports to protect against source of income discrimination, the provision has been largely toothless. In October of 2019, the Governor of California signed into law SB 329, prohibiting discrimination in housing based on source of income statewide.

### **Jurisdiction Ordinances**

In October 2019, Milpitas City Council passed its “Tenant Protection Ordinance” (“TPO”), which includes protections for renters, like limits on rent increases, requiring just cause for eviction, and preventing source-of-income-based discrimination. Specifically, rent increases greater than 5% require approval from the City. It is administered and enforced by the Milpitas Building Safety and Housing Department, which appoints hearing officers to review petitions for rent adjustments greater than 5%. It also imposes fines and allows the City to pursue civil penalties for violations of the TPO.

***3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.***

**Bay Area Legal Aid**

BALA represents low and very low-income residents within their seven-county service area, which includes Santa Clara County. Their housing practice provides legal assistance regarding public, subsidized (including Section 8 and other HUD subsidized projects) and private housing, fair housing and housing discrimination, housing conditions, rent control, eviction defense, lock-outs and utility shut-offs, residential hotels, and training advocates and community organizations. It's important to note that Legal Aid is restricted from representing undocumented clients.

**Project Sentinel**

Project Sentinel is a non-profit organization focused on assisting in housing discrimination matters, dispute resolution, and housing counseling. Project Sentinel's housing practice assists individuals with housing problems such as discrimination, mortgage foreclosure and delinquency, rental issues including repairs, deposits, privacy, dispute resolution, home buyer education, post purchase education, and reverse mortgages. Additionally, their Fair Housing Center provides education and counseling to community members, housing providers, and tenants about fair housing laws, and investigate complaints and advocate for those who have experienced housing discrimination.

**Law Foundation of Silicon Valley**

The Law Foundation of Silicon Valley provides free legal advice and representation to low-income individuals in Santa Clara County. In their housing practice, they assist with defending eviction lawsuits, housing discrimination issues such as reasonable accommodation requests for individuals with disabilities, enforcing the San Jose Tenant Protection Ordinance, legal outreach and support for renter organizing/campaigns, help with housing authority hearings, Section 8 and other low-income housing issues like terminations and eligibility determinations, legal advice and information to tenants regarding notices, and advice and information about foreclosure prevention.

**Senior Adults Legal Assistance**

SALA is a nonprofit elder law office, providing free legal services to residents of Santa Clara County who are age 60 and older. SALA provides legal services across multiple, non-housing contexts, and in the housing context SALA provides legal assistance in landlord-tenant matters, subsidized/senior housing matters, and mobile home residency matters.

**Asian Law Alliance**

The Asian Law Alliance provides services at a free or low cost basis to Asian/Pacific and low income people, and offers services in Mandarin, Cantonese, Spanish, Vietnamese, Tagalog, Korean, and other languages as needed. In the housing realm, their mission is to ensure access to decent housing, and prevent and combat illegal and discriminatory housing practices.

**Affordable Housing Network of Santa Clara County**

AFH is a nonprofit organization dedicated to preserving and expanding the supply of affordable housing through education, empowerment, coordination, and support. Its activities include educating and organizing the general public and public officials about the need for affordable housing, and empowering low-income people to advocate for their housing needs.

Silicon Valley Renters Rights Coalition + Latinos United for a new America (LUNA)

These two groups have been working together to advocate for renters rights and to move leadership to pass a Just Cause policy that will protect renters from unjust rent hikes.

Department of Fair Employment and Housing

The California DFEH is a state agency dedicated to enforcing California's civil rights laws. Its mission targets unlawful discrimination in employment, housing and public accommodations, hate violence, and human trafficking. Victims of discrimination can submit complaints directly to the department.

Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

*Please see the Appendix for the following Contributing Factors to Fair Housing Enforcement, Outreach Capacity, and Resources:*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

## **VII. Fair Housing Goals and Priorities**

### **1. Increase the Supply of Family-Occupancy Affordable Housing in the City of Milpitas, Particularly in Areas that Have Historically Lacked Such Housing.**

Home prices in Milpitas, as in the broader region, are very high. As a result, disproportionately low-income groups, including Black and Hispanic households and persons with disabilities, face significant barriers to residing in the city. According to the 2015-2019 American Community Survey Five-Year Estimates, the median value of owner-occupied homes in Milpitas is \$858,600. That is almost certainly an underestimate. The Zillow Home Value Index for Milpitas for December 2021 was \$1.32 million, a 17% increase from the previous year.[1] Rents are also high with, according to the American Community Survey, a median gross rent of \$2,428. This also may not reflect the current market. As of November 2021, only 18 out of 110 current Zillow rental listings in Milpitas were available at prices below that point. Moreover, HUD's Fiscal Year 2022 Small Area Fair Market Rent for zip code 95035, which includes most of Milpitas, is \$2,760 for a two-bedroom unit. By increasing the supply of affordable housing in Milpitas and bringing down housing costs generally, the City can ensure that historically marginalized groups are able to move to and remain in Milpitas.

#### *a. Pass a Citywide Affordable Housing Bond Issue.*

Local funding for affordable housing is critical to meeting the vast unmet need and ensuring that proposed developments in Milpitas are able to successfully compete for 9% LIHTC awards from the California Tax Credit Allocation Committee. No LIHTC development in Milpitas has been placed in service since 2008. The City's affordable housing impact fee for non-residential development is a positive step toward increasing local revenue for affordable housing, but more is needed. A bond issue is the most direct way of meeting the need for increased funding for affordable housing. Implementing notices of funding availability, should a bond issue be passed, could incentivize the creation of units with three or more bedrooms.

#### *b. Prioritize Affordable Housing Development on City-Owned Land.*

The high cost of land is one of the biggest barriers to affordable housing development in Milpitas and the broader region. State law requires that California cities prioritize affordable housing when disposing of surplus land, but the City of Milpitas should go further. Specifically, the City should proactively identify City-owned sites that might be appropriate for residential development and make those sites available to nonprofit affordable housing developers for the development of housing affordable to the lowest income families, including by prioritizing commitments from developers with regard to the bedroom distribution of units.

#### *c. Increase Proportion of CDBG Funds Dedicated to Predevelopment Costs for Affordable Housing.*

The CDBG program affords grantees significant flexibility, but these funds may not be used for construction costs in new developments. However, the City can allocate these funds for pre-development costs including acquisition and site clearance, thus reducing the cost of developing affordable housing.

## **2. Expand Accessible, Publicly Supported Housing Options for Persons with Disabilities**

There are significant unmet needs for affordable, accessible housing for persons with disabilities in Milpitas and throughout the region. Building off of the strategies discussed above for increasing the supply of affordable housing in higher opportunity areas, the City can layer policies and initiatives that advance the goal of disability inclusion.

- a. Partner with the Santa Clara County Office of Supportive Housing on Affordable Housing Developments Utilizing Measure A Bond and other Funds.*

In 2016, the voters of Santa Clara County passed Measure A, a historic investment in affordable housing with an explicit emphasis on the production of permanent supportive housing for persons with disabilities. The City of Milpitas should work with the County's Office of Supportive Housing, which administers Measure A funds, to craft development proposals that would be competitive for Measure A funds. In particular, the City of Milpitas should identify appropriate sites, facilitate zoning approvals, and provide financial assistance in the form of City funds for possible Measure A developments. In 2019, the City committed \$6.5 million of Milpitas Housing Authority fund for a 100% affordable housing project.

- b. Require Higher Percentages of Accessible Units in CDBG-Funded Developments Than Are Necessary under Section 504 of the Rehabilitation Act.*

Section 504 of the Rehabilitation Act requires that 5% of units in substantial rehabilitation affordable housing that receives federal financial assistance such as CDBG funds be accessible to persons with mobility disabilities and 2% units be accessible to persons with sensory disabilities. Doubling that requirement to ensure that 10% of units are accessible to persons with mobility disabilities and 4% of units are accessible to persons with sensory disabilities would both help reduce the deficit of affordable, accessible units and it would align with the accessibility policies of the California Tax Credit Allocation Committee.

## **3. Reform Zoning and Land Use Policies to Foster the Development of Fair and Affordable Housing.**

Most residential land in Milpitas is zoned for single-family homes. The passage of S.B. 9 by the California Legislature in 2021 and earlier laws permitting accessory dwelling units means that some slightly denser development can occur in single-family neighborhoods. However, further increasing density will facilitate the production of deeply affordable units in two-to-four-unit structures.

- a. Identify Sites for Strategic Mixed-Use Zoning and Targeted Upzoning for Affordable Housing Developments in the Highest Opportunity Portions of Milpitas with the Lowest Displacement Risk.*

Upzoning to allow significant new multifamily development can exacerbate displacement risk if not appropriately targeted but can foster residential racial integration and increased access to opportunity if done well. In Milpitas, the far southeastern portion of the city, including the area zoned for John Sinnott Elementary School, and the central portion of the city – bounded by I-680 to the east, Paseo Refugio to the south and west, and Abel Street and Jacklin Road to the north – would be logical starting points. In these areas, the City could either pursue broad upzoning, parcel specific upzoning,

or the adoption of affordable housing overlays that only allow increased density for developments that provide for a certain amount of affordable housing in excess of that required under the Affordable Housing Ordinance.

*b. Ensure that the city's planned comprehensive update of the Zoning Ordinance includes a focus on fair and affordable housing.*

The City plans to initiate a comprehensive update of its Zoning Ordinance in 2022 and 2023. The City should ensure that its updated Zoning Ordinance includes a focus on fair and affordable housing, including by creating opportunities for the development of affordable housing throughout the city, policies that encourage units with three or more bedrooms in order to accommodate families with children, and policies that facilitate community living for persons with disabilities.

**4. Synchronize Affordable Housing Investments with Efforts to Holistically Increase Access to Opportunity.**

The City of Milpitas has many advantages when it comes to the broad range of factors, including generally high-performing schools and better transit and job access than is present in many similarly high-income suburban municipalities. However, access to opportunity is not evenly distributed across the city, and access to environmentally healthy neighborhoods is particularly challenging. The strategies below are designed to promote equal access to opportunity both regionally and across neighborhoods in Milpitas.

*a. Explore Strategies for Fostering Diverse, Integrated Elementary Schools in Milpitas.*

In general, the schools of the Milpitas Unified School District are relatively proficient, but, particularly at the elementary school level, some schools have stronger performance than others. Those disparities have real consequences from an equity standpoint as the elementary schools with the greatest room for improvement have student bodies that are significantly more heavily Hispanic than is Milpitas as a whole. Although the location of these schools coincides with neighborhoods that are slightly more Hispanic than the city as a whole, parts of those neighborhoods are not far from higher performing elementary schools. Changes in school attendance zone boundaries could likely foster greater integration and more equitable access to high performing schools without significantly increasing travel times. Additionally, policies that facilitate out-of-zone attendance and targeted investments in schools with higher Hispanic enrollment could be options. This Assessment does not recommend that the City and the Milpitas Unified School District pick any one specific option for fostering school integration but instead suggests that the two entities undergo a collaborative process for assessing the feasibility of different approaches.

*b. Advocate for Decreased Bus Headways Citywide and Increased Service in Northwestern Milpitas.*

In comparison to other middle- or high-income, predominantly suburban cities in Santa Clara County, Milpitas has relatively greater access to public transportation, whether through its BART station, bus and light rail service through the VTA, and even bus service through AC Transit. With that said, some of that service may still be insufficient to enable households without vehicles, disproportionately including individuals with protected characteristics, from living throughout the city. Two gaps in particular are noteworthy. First, two of the four VTA bus lines serving Milpitas – the 47 and 71 buses, respectively – have headways of about 30 minutes at most times of day. The 47 bus also serves the

most heavily Hispanic parts of Milpitas. Headways of 30 minutes, as opposed to headways of approximately 15 minutes or less on other lines, may, for example, deter bus commuting by creating an unacceptable risk that an individual would be late for work if they missed their bus. Second, there is no VTA service in the far northwestern portion of the city, north of Jacklin Road/Abel Street and west of Escuela Parkway (except for a small portion of Milpitas Boulevard that is served), and the limited AC Transit service in this area is more oriented towards commuters traveling north than those going to San José. Additional bus service in this area, perhaps serving Milmont Drive and/or Abbott Avenue may increase the connectivity of this area. Although the City of Milpitas does not have the authority to dictate the VTA's service expansion decisions, it could advocate for such decreased headways and greater service in northwestern Milpitas.

*c. Mitigate Air Pollution from Major Highways.*

The main impediment to environmentally healthy neighborhoods in Milpitas is the presence of two major highways, I-880 and I-680, passing through the city from north to south. These highways contribute to higher degrees of environmental stress in the western portions of the city in comparison to better environmental health east of I-680. Although closure of these highways would be outside of the City's control and may not be desirable, it should be possible to mitigate the harms associated with them. Vegetative barriers are an evidence-based strategy for achieving such mitigation. Such barriers exist in some places but not in others. Expanding their use could improve environmental health in the areas experiencing the most strain at present.

**5. Protect the Housing Rights of Individuals with Protected Characteristics.**

The existence of housing rights for individuals with protected characteristics only goes so far if those rights are not enforced. That is equally true of the right under the Fair Housing Act and the California Fair Employment and Housing Act to be free from discrimination and of state and local tenant protections.

*a. Continue to Support Fair Housing Education, Outreach, and Enforcement.*

The City has provided funding to Project Sentinel to engage in fair housing education, outreach, and enforcement services in Milpitas for several years. The City has held regular fair housing workshops, outreach events, and drop-in clinics for tenants and landlords in coordination with Project Sentinel. The City should continue to do so to meet the urgent need. Although the city has increased its CDBG funding for Project Sentinel over the past few years, the city should continue to explore other sources of funding to support Project Sentinel's work. Additionally, because many of the City's peers in Santa Clara County also provide funding to Project Sentinel for fair housing services, the City should consider whether there are ways to work collaboratively with those jurisdictions to harmonize application and reporting processes in such a way that would reduce administrative costs and allow Project Sentinel's work to have greater impact.

*b. Increase Support for Legal Representation for Tenants and Homeowners in Eviction and Foreclosure Proceedings and Study the Feasibility of Adopting a Right to Counsel in Such Cases*

Currently, the City of Milpitas provides funding to one legal services provider, Senior Adults Legal Assistance, for a broad spectrum of legal services for older individuals. The City should continue that investment but should also provide funding to providers that serve a broader spectrum of the

population. In doing so, it should focus its assistance on the expansion of representation in cases where there is a risk that an individual or family will lose their housing. Such an expansion could be a first step towards ultimate adoption of a right to counsel in eviction and foreclosure proceedings. The City should study the feasibility of adopting such a right to counsel.

a. *Explore Strategies for Fostering Diverse, Integrated Elementary Schools in Milpitas.*

In general, the schools of the Milpitas Unified School District are relatively proficient, but, particularly at the elementary school level, some schools have stronger performance than others. Those disparities have real consequences from an equity standpoint as the elementary schools with the greatest room for improvement have student bodies that are significantly more heavily Hispanic than is Milpitas as a whole. Although the location of these schools coincides with neighborhoods that are slightly more Hispanic than the city as a whole, parts of those neighborhoods are not far from higher performing elementary schools. Changes in school attendance zone boundaries could likely foster greater integration and more equitable access to high performing schools without significantly increasing travel times. Additionally, policies that facilitate out-of-zone attendance and targeted investments in schools with higher Hispanic enrollment could be options. This Assessment does not recommend that the City and the Milpitas Unified School District pick any one specific option for fostering school integration but instead suggests that the City provide support and input to the school district as it undertakes any initiatives of its own.

b. *Mitigate Air Pollution from Major Highways.*

The main impediment to environmentally healthy neighborhoods in Milpitas is the presence of two major highways, I-880 and I-680, passing through the city from north to south. These highways contribute to higher degrees of environmental stress in the western portions of the city in comparison to better environmental health east of I-680. Although closure of these highways would be outside of the City's control and may not be desirable, it should be possible to mitigate the harms associated with them. Vegetative barriers are an evidence-based strategy for achieving such mitigation. Such barriers exist in some places but not in others. Expanding their use could improve environmental health in the areas experiencing the most strain at present. The expanded use of noise barriers where effective and feasible may also protect nearby residents from the harmful effects of highways.

c. *Implement VTA Grant-Funded On-Demand Micro-Transit Program Citywide.*

The City of Milpitas will soon implement a VTA grant-funded on-demand micro-transit program citywide. This 18-month pilot program is an innovative approach to extending accessible transit service to the entire community. Fares will be subsidized for certain groups, and "headways" will be a thing of the past.

## VIII. Contributing Factors Appendix

### **Access to financial services**

This analysis of access to financial services is measured by physical access to bank branch locations. The FDIC provides information on the location of banks by physical addresses, cities and towns, counties, and states. According to the FDIC dataset, Milpitas has 19 FDIC-Regulated Full-Service Brick and Mortar Branches and 3 FDIC-Regulated Non-Brick and Mortar Branches<sup>14</sup> for their population of just over 80,000 people.<sup>15</sup> This is relatively consistent with the amount of financial services offered throughout other municipalities in Santa Clara County, even with Milpitas having one of the largest percentages of residents of color in the county. Although the existence of physical financial services does not examine discriminatory practices within these services, it does suggest that many residents have sufficient access to financial services.

With that being said, Milpitas does have a long history of discrimination within financial lending tied to affordable housing through the process of redlining, earning the city a feature in the book *The Color of Law*.<sup>16</sup> Although such practices have since been curtailed to a significant extent due to their illegality, it is important that Milpitas ensures it does not allow for this history to influence its current financial services and interactions for low-income people of color.

#### **FDIC-Regulated Bank Branches by Municipality in 2020**

Municipality	Population	% Minority Population	FDIC-Regulated Full-Service Brick and Mortar Branches	FDIC-Regulated Non-Brick and Mortar Branches
San José	1,030,119	74.0%	137	15
Sunnyvale	153,185	68.8%	24	3
Santa Clara (City)	129,488	66.2%	22	1
Mountain View	83,377	55.4%	15	2
Milpitas	80,430	89.1%	19	3
Palo Alto	66,666	44.8%	24	5
Cupertino	60,170	75.0%	23	4
Gilroy	58,756	71.2%	9	2
<b>County Total</b>	<b>1,937,570</b>	<b>69.0%</b>	<b>328</b>	<b>34</b>

<sup>14</sup> All FDIC-related data derived from: *Download Data*, FEDERAL DEPOSIT INSURANCE CORPORATION, [https://www7.fdic.gov/idasp/advSearch\\_warp\\_download\\_all.asp?intTab=1](https://www7.fdic.gov/idasp/advSearch_warp_download_all.asp?intTab=1) (last visited Jun. 24, 2021).

<sup>15</sup> All population and minority population data derived from: *QuickFacts*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045219> (last visited Jun. 24, 2021).

<sup>16</sup> Nicholas P Cafardi, The long, ugly history of segregated housing America Magazine (2017), <https://www.americamagazine.org/arts-culture/2017/08/16/long-ugly-history-segregated-housing> (last visited Jun 25, 2021).

### **Access to proficient schools for persons with disabilities**

Milpitas Unified School District (MUSD) does offer special education services, stating online that they "provide a variety of services for children and students with severe or low-incidence disabilities through instructional programs divided into Early Education (birth to age 3), preschool, elementary, secondary and post-senior."<sup>17</sup> 9% of all MUSD students are enrolled in Special Education.<sup>18</sup> However, these special education services are only available at two Milpitas area schools, Rose Elementary and Milpitas High School, according to the school district's special education website.<sup>19</sup> This is out of 11 total elementary, middle, and high schools, as well as 2 additional child development and adult education centers.<sup>20</sup> This suggests that to access special education, or at the least high-quality special education, children with disabilities in Milpitas do not have access to the same distribution of school locations and qualities as students who do not have disabilities. (It should be noted that news articles from Milpitas suggest that there may be special education available at other district schools, so it is unclear why the school district website suggests otherwise<sup>21</sup>). This could be a barrier for students unable to travel further distances.

Students with disabilities in MUSD disproportionately face suspension, with the average suspension rate being 1.5% (as of the 2016-17 school year) but the rate for students with disabilities being 3.4%<sup>22</sup>. Disproportionate student punishment can be an additional barrier for students with disabilities from accessing and staying within proficient schools.

Across Santa Clara County, students are not easily able to transfer between school districts without actually changing residences, and access to high-quality programs that may not be available in their home district generally is not grounds for inter-district transfer. Disparities in school discipline also decrease access to proficient schools and to any education whatsoever. Across Santa Clara County, the suspension rate for students with disabilities is over three times the rate for students who do not have disabilities. This is a higher rate of disparity than the statewide rate.

### **Access to publicly supported housing for persons with disabilities**

Data from HUD shows that, across jurisdictions in Santa Clara County, persons with disabilities are underrepresented in Project-Based Section 8 developments in relation to their proportion of the income-eligible populations. Because local governments in the area do not play a direct role in the administration of Project-Based Section 8 developments, support for fair housing organizations to engage in testing of these developments may be the most effective way of addressing this underrepresentation. Although the data does not reflect similar disparities for other types of publicly supported housing, low-income persons with disabilities may also have limited access to Low Income Housing Tax Credit (LIHTC) units due to the way rents are set in those developments.

In Milpitas specifically, 10.6% of the civilian population lives with a disability -- as compared to 8.0% of the county as a whole. Organizations supporting people living with disabilities in housing matters in Milpitas

---

<sup>17</sup> Special Education, Milpitas Unified School District, <https://www.musd.org/special-education.html> (last visited Jun 24, 2021).

<sup>18</sup> Milpitas Unified School District, Board Study Session, Comprehensive Coordinated Early Intervention Services CCEIS (2020).

<sup>19</sup> Special Education, Milpitas Unified School District, <https://www.musd.org/special-education.html> (last visited Jun 24, 2021).

<sup>20</sup> Schools, Milpitas Unified School District, <https://www.musd.org/schools.html> (last visited Jun 24, 2021).

<sup>21</sup> Shreya Aranake, Special education students hit bumps with online learning The Milpitas Beat (2020),

<https://milpitasbeat.com/special-education-students-hit-bumps-with-online-learning/> (last visited Jun 24, 2021).

<sup>22</sup> Milpitas Unified School District, Local Control Accountability Plan and Annual Update (LCAP) Template (2018).

are not based in Milpitas itself. Instead, disability housing services are mostly based in San José, or other areas.

#### **Access to transportation for persons with disabilities**

In Santa Clara County, VTA Access Paratransit (a non-profit organization) works with the county's Valley Transit Authority to provide rides to seniors and adults under the American Disabilities Act (ADA) who cannot drive. A person must only have a partial disability and live in the county to become eligible for VTA Access service. It costs \$4.00 for a one-way trip of any distance.<sup>23</sup> This is cheaper than rideshare services. The person must schedule their ride one to three days in advance, and their pickup and drop-off locations have to be in the county. The person must also go through their eligibility certification process, which includes a one-page Data Card and a phone interview. The Data Card asks for basic personal information, such as the person's birthdate, addresses, primary language; explanation of the person's primary disability; and information regarding any mobility aids or specialized equipment.<sup>24</sup>

Moreover, the Milpitas Station is located at 1755 S. Milpitas Blvd., Milpitas, CA 94566 within the Santa Clara VTA's Milpitas Transit Center. This station is also the northernmost BART station in the county.<sup>25</sup> This station recently opened for service on June 12, 2020. [Here](#) is the map of the new BART system. To improve transportation, the city plans to widen Calaveras Blvd.,<sup>26</sup> which is near four of the eight low-income housing complexes.

Additionally, Boundless Care is a Milpitas-specific transportation service for people with accessibility needs. It is especially suitable for people with wheelchairs. They provide transportation for non-emergency medical reasons, seniors, and medical dialysis. They are available 24 hours, seven days a week.<sup>27</sup>

Ken Transportation is also available for all residents of Santa Clara County who need non-emergency rides. It is intended for people in wheelchairs or that need assistance using vehicles.<sup>28</sup>

The barrier to access to transportation for persons with disabilities, which is closely tied to broader issues with transportation in the area, is an overall lack of public transportation. Due to their disproportionately low incomes and the decreased likelihood of their being able to use private vehicles for transportation, persons with disabilities bear the brunt of deficiencies in the system. Lack of transportation is connected to health and employment outcomes as low-income persons with disabilities often need public transportation to get to medical appointments or to workplaces.

#### **Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

The Santa Clara County Housing Authority (SCCHA) administers admissions and occupancy policies and procedures for Milpitas. SCCHA lists only one local preference for its Housing Choice Voucher Program:

---

<sup>23</sup> Paratransit and elder transport services, Sarah Care of Campbell, <https://sarahcarecampbell.com/paratransit-services.php> (last visited Jun 10, 2021).

<sup>24</sup> Personal Data Card, Certification and Authorization for Release of Protected Health Information, EnglishApp\_2017.pdf, [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/EnglishApp\\_2017.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/EnglishApp_2017.pdf) (last visited Jun 10, 2021).

<sup>25</sup> Milpitas | bart.gov, <https://www.bart.gov/stations/mlpt> (last visited Jun 10, 2021).

<sup>26</sup> Transportation, City of Milpitas, <https://www.ci.milpitas.ca.gov/residents/transportation/> (last visited Jun 10, 2021).

<sup>27</sup> [Transportation Services, Boundless Care, Inc. \(2017\), http://www.boundlesscare.org/non-medical-home-care-transportation-services](http://www.boundlesscare.org/non-medical-home-care-transportation-services) (last visited Jun 10, 2021).

<sup>28</sup> Ken Transportation | A Medical Transportation Provider in San Jose, California | About Us, , <http://www.kentransport.com/medical-transportation-about-us> (last visited Jun 10, 2021).

income eligible families displaced as a result of a federally-declared disaster. Additionally, SCCHA states in its HCV Administrative Plan that it will issue available 59-Mainstream vouchers to eligible people on the Section 8 Waiting List who have a disabled (elderly or non-elderly) head of household, spouse, and/or co-head. SCCHA receives direct applicant referrals from partnering agencies for the following programs: Chronically Homeless Direct Referral Program, Special Needs Population Direct Referral Program, and Veterans Affairs Supportive Housing Program. Those who are referred from these programs are able to bypass the Section 8 or Project-Based Voucher waiting lists. Finally, SCCHA may draw from the waiting list and/or receive direct referrals from the Santa Clara County Office of Supportive Housing for the Mainstream Voucher Program

SCCHA also applies criminal background screening policies which are fairly consistent with fair housing best practices. The Housing Authority applies a reasonable lookback period of just three years. However, their policy also states that they *may* terminate assistance “if a household member has engaged in criminal activity (by preponderance of evidence) regardless of whether the member has been arrested or convicted.” Still, in determining whether to deny or terminate assistance, the Housing Authority considers a multitude of factors, including the seriousness of the case, the effect of termination on other household members, the participation or culpability of other household members, the time elapsed, recent history, and likelihood of favorable conduct in the future.

#### **The availability of affordable units in a range of sizes**

A lack of affordable units in a range of sizes can cause overcrowding as families are forced to share smaller units. In Milpitas, 23.1% of Black households experience overcrowding, and over three times more Black households in Milpitas experience overcrowding than in the region as a whole. Overcrowding is not an issue for non-Hispanic White households in Milpitas, and few White households in the region. This issue is compounded by the lack of 3+ bedroom Project-Based Section 8 units, which total 35. Milpitas households typically need to use the HCV program if they have large families. SCCHA’s Housing Choice Voucher waiting list ~~last~~ formally opened in 2006 and the average wait for a household to receive a housing voucher is 8-10 years. However, SCCHA has begun opening “interest lists” for HCV assistance, and households are able to sign up for the interest list at this time.

#### **The availability, type, frequency, and reliability of public transportation**

Only 1.6 percent of Milpitas’ workforce uses public transportation to travel to work<sup>29</sup>. The primary function of transit in the City is to transport residents from the City to commercial and employment centers and to other transit stations in surrounding jurisdictions. The three primary types of public transit are bus, light rail, and Bay Area Rapid Transit.

The VTA provides a majority of the bus service for Milpitas. Local bus routes provide service to Mountain View, Sunnyvale, Great America, southeast and East San José, and Evergreen College, at average headway of 15 to 30 minutes during commute hours. Service to the Fremont BART station is provided by express buses. Additionally, Alameda County (AC) Transit provides lines from Milpitas to the Fremont including the Fremont BART Station<sup>30</sup>. VTA bus routes 33, 46, 47, 66, 70, 71, 77, 104, 140, 180, and 321, as well as AC Transit route 217, serve the Great Mall/Main Transit Center and provide bus service within the Transit Area<sup>31</sup>.

---

<sup>29</sup> City of Milpitas, [Milpitas General Plan](#) Chapter 3, p. 3-12.

<sup>30</sup> Ibid.

<sup>31</sup> City of Milpitas, [Milpitas General Plan Chapter 3](#), p. 2-15.

The public transportation system in Santa Clara County has significant gaps that render existing systems, including those of the Valley Transportation Authority and Caltrain less usable to low-income individuals who are disproportionately members of protected classes. Specifically, bus service is extremely limited in many parts of the county, particularly outside of San Jose, with some major arterial streets lacking any service. Even where service exists, 30-minute headways or wait times between buses are common. Transportation between South County and San Jose can be extremely time-consuming with trip times of nearly two hours, not accounting for unexpected traffic, between Gilroy and San José. Faster forms of transportation, such as Caltrain, are often too expensive for daily use by members of protected classes, and the Valley Transportation Authority's light rail system is limited in scope, not traveling past Mountain View to Palo Alto, not connecting to Cupertino, and not connecting to South County. Advocates and stakeholders reported that the VTA's bus network is spread too thin and has too few buses and/or wait times between buses to efficiently and effectively meet people's needs. In turn, those problems reduce ridership, resulting in decreased fare revenue and a justification for cutting service further.

### **Community opposition**

While some funding and projects for affordable housing have been approved in Santa Clara, many such initiatives have been met by organized community opposition. One of the most recent examples of this opposition was prompted by Governor Gavin Newsom's Project Homekey, a statewide endeavor to provide accessible housing for more of California's homeless population with a specific project in converting the Milpitas Extended Stay America hotel into supportive housing. However, the Milpitas City Council unanimously voted to sue the Homekey project's team to prevent such development from occurring after Milpitas residents within the surrounding area "complained of the potential for higher crime rates, reduced public safety, reduced property values and mentally ill individuals in their neighborhoods should the project get the green light."<sup>32</sup> These residents went as far as to hire an external law firm to push back on Project Homekey<sup>33</sup> following the City Council's decision to stop plans for litigation.<sup>34</sup> This request to prevent the development was denied by the Santa Clara County Superior Court, meaning the project will continue to move forward, but it nonetheless represents the underlying community attitudes towards fair housing efforts.<sup>35</sup>

Even when the Milpitas City Council did issue votes in favor of affordable housing, Milpitas community members often raised concerns or objections to their decisions. One example of this came when the City Council approved a single-family home development with accessory dwelling units (ADUs), and residents complained on issues such as potential increased traffic, despite the developer only meeting the minimum guidelines for affordability outlined by state law.<sup>36</sup> In the Milpitas Consolidated Plan, the City acknowledged the barrier that community opposition poses to affordable housing development. The plan specifically states "NIMBYism" -- Not in My Backyard, a popular movement against marginalized

---

<sup>32</sup> Lloyd Alaban, Milpitas to mount lawsuit over homeless housing project The Milpitas Beat (2020), <https://milpitasbeat.com/milpitas-to-mount-lawsuit-over-homeless-housing-project/> (last visited Jul. 23, 2021).

<sup>33</sup> Rhoda Shapiro, Milpitas residents hire law firm to push back against homeless housing project The Milpitas Beat (2020), <https://milpitasbeat.com/milpitas-residents-hire-law-firm-to-push-back-against-homeless-housing-project/> (last visited Jul. 23, 2021).

<sup>34</sup> Rhoda Shapiro, Milpitas City Council votes to stop lawsuit against homeless housing project (2020), <https://milpitasbeat.com/milpitas-city-council-votes-to-stop-lawsuit-against-homeless-housing-project/> (last visited Dec. 29, 2021).

<sup>35</sup> Lloyd Alaban, Judge shoots down attempt by Milpitas residents to stop homeless housing project The Milpitas Beat (2020), <https://milpitasbeat.com/judge-shoots-down-attempt-by-milpitas-residents-to-stop-homeless-housing-project/> (last visited Jn 23, 2021).

<sup>36</sup> Lloyd Alaban, Milpitas City Council approves revised ADU plan The Milpitas Beat (2020), <https://milpitasbeat.com/milpitas-city-council-approves-revised-adu-plan/> (last visited Jul. 23, 2021).

communities-- “continues to be a barrier to the development of affordable housing. As with other communities, neighbors are sometimes opposed to affordable housing developments for fear that the development will affect property values or result in crime or other problems”<sup>37</sup>.

### **Deteriorated and abandoned properties**

For the most part, the high demand for housing in Santa Clara County,<sup>38</sup> including in Milpitas, ensures that housing is turned over and rehabilitated frequently. This demand has created gentrification that, in turn, has led to a rapid increase in high-end, luxury buildings replacing deteriorated older housing – creating cost difficulties for existing neighborhood residents and leading a large proportion of Milpitas households to be rent-burdened. At the same time, this gentrification has ensured housing stock is rarely on the market long enough to become deteriorated or abandoned.<sup>39</sup> County programs also specifically work to target any deterioration and/or abandonment.<sup>40</sup> Milpitas, which has higher incomes relative to other areas in Santa Clara County, has been especially proactive in rehabilitating and redeveloping deteriorated properties, including industrial and disused residential properties.<sup>41</sup>

### **Displacement and lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking**

Domestic violence (DV) remains a notable issue within Milpitas. Santa Clara County, where Milpitas is located, averages 9 deaths a year due to domestic violence with many more people being affected by non-fatal forms of interpersonal violence<sup>42</sup>. Across the country and within Milpitas, victims and survivors of domestic violence are forced to make the decision between remaining within a physically or emotionally abusive relationship or household to ensure themselves access to housing or to adopt the risk of losing such shelter in order to escape this violence. The accessibility of domestic violence shelters within Santa Clara County is notably limited when compared to the number of survivors in need of housing support; 2,500 people are turned away from such shelters annually within the area.

Milpitas’s Rent Relief Program provides assistance to various eligible recipients, including victims of domestic violence. The city also funds various non-profits related to domestic violence support through CDBG funding.

The U.S. Department of Housing and Urban Development (HUD) and the County of Santa Clara Office of Supportive Housing are aware of the dangerous decision that many people, disproportionately women, are forced to make, and included within a larger 2019 grant to combat homelessness within the area, the county received \$1 million in federal funding to be allocated to housing support for survivors of domestic

---

<sup>37</sup> City of Milpitas. (2020). *Consolidated Plan*. Milpitas, CA. <https://mccmeetingspublic.blob.core.usgovcloudapi.net/milpitas-meet-fbb723bb6579417db4f0f4fbfd8de57/ITEM-Attachment-001-e7298881042444768fc2d274b16c42ff.pdf> (last visited July 23, 2021)

<sup>38</sup> COUNTY OF SANTA CLARA, *HOUSING ELEMENT UPDATE 2015-2022*, 29 (2014), [https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement\\_2015\\_Adopted\\_Final.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement_2015_Adopted_Final.pdf).

<sup>39</sup> Bruce Colbert, *Resolving California’s Housing and Homeless Crisis*, NEW GEOGRAPHY (Nov. 15, 2018), <https://www.newgeography.com/content/006142-resolving-californias-housing-and-homeless-crisis> (discussing the effects of gentrification, including reductions in deteriorated housing).

<sup>40</sup> COUNTY OF SANTA CLARA, *supra* note 1, at 54 (discussing targeted efforts to reduce deterioration as part of a broader county-wide affordable housing plan).

<sup>41</sup> [https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/EA\\_Reports/NEPA\\_EA\\_-\\_1000\\_Hillview\\_Court\\_Milpitas\\_Final.pdf](https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/EA_Reports/NEPA_EA_-_1000_Hillview_Court_Milpitas_Final.pdf)

<sup>42</sup> Emanuel Lee, *Domestic Violence Cases Decrease During Pandemic San Jose Inside* (2020), <https://www.sanjoseinside.com/news/domestic-violence-cases-decrease-during-pandemic/> (last visited Jun 23, 2021).

violence.<sup>43</sup> As accessible and affordable housing continues to be a priority within Milpitas and Santa Clara County, it is imperative that there are intentional steps taken to ensure this accessibility remains true for domestic violence survivors.

Additionally, California state law protects victims of domestic violence, sexual assault, stalking, human trafficking, or abused elder or dependent adult who terminates their lease early.<sup>44</sup> The tenant must provide written notice to the landlord, along with a copy of a temporary restraining order, emergency protective order, or protective order that protects the household member from further domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. Alternatively, proof may be shown by submitting a copy of a written report by a peace officer stating that the victim has filed an official report, or documentation from a qualified third party acting in their professional capacity to indicate the resident is seeking assistance for physical or mental injuries or abuse stemming from the abuse at issue. Notice to terminate the tenancy must be given within 180 days of the issuance date of the qualifying order or within 180 days of the date that any qualifying written report is made.

#### **Displacement of residents due to economic pressures**

For the most part, the high demand for housing in Santa Clara County,<sup>45</sup> including in Milpitas, ensures that housing is turned over and rehabilitated frequently. This demand has created gentrification that, in turn, has led to a rapid increase in high-end, luxury buildings replacing deteriorated older housing – creating cost difficulties for existing neighborhood residents and leading a large proportion of Milpitas households to be rent-burdened. At the same time, this gentrification has ensured housing stock is rarely on the market long enough to become deteriorated or abandoned.<sup>46</sup> County programs also specifically work to target any deterioration and/or abandonment.<sup>47</sup> Milpitas, which has higher incomes relative to other areas in Santa Clara County, has been especially proactive in rehabilitating and redeveloping deteriorated properties, including industrial and disused residential properties.<sup>48</sup> Milpitas has seen the long-term effects of displacement with the Hispanic population concentration of its transit area decreasing significantly over time and the Black population of the city as a whole decreasing slightly. There is a need for strong anti-displacement policies in Milpitas to prevent remaining low-income residents, who are disproportionately likely to be Hispanic and/or to have disabilities, from being pushed out of the city, as well.

#### **Impediments to mobility**

There are only isolated mobility counseling programs targeted to certain special populations in Santa Clara County and the surrounding region, and none specifically based in Milpitas.

---

<sup>43</sup> Laurel Anderson & Marina Hinestrona, County of Santa Clara Receives over \$21 Million in Federal Funding for Homeless Housing Programs County News (2019), <https://www.sccgov.org/sites/opa/newsroom/Pages/federalfundingforhomelesshousingprograms.aspx> (last visited Jun 23, 2021).

<sup>44</sup> Cal. Civ. Code § 1946.7

<sup>45</sup> COUNTY OF SANTA CLARA, HOUSING ELEMENT UPDATE 2015-2022, 29 (2014), [https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement\\_2015\\_Adopted\\_Final.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement_2015_Adopted_Final.pdf).

<sup>46</sup> Bruce Colbert, *Resolving California's Housing and Homeless Crisis*, NEW GEOGRAPHY (Nov. 15, 2018), <https://www.newgeography.com/content/006142-resolving-californias-housing-and-homeless-crisis> (discussing the effects of gentrification, including reductions in deteriorated housing).

<sup>47</sup> COUNTY OF SANTA CLARA, *supra* note 1, at 54 (discussing targeted efforts to reduce deterioration as part of a broader county-wide affordable housing plan).

<sup>48</sup>[https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/EA\\_Reports/NEPA\\_EA\\_-\\_1000\\_Hillview\\_Court\\_Milpitas\\_Final.pdf](https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/EA_Reports/NEPA_EA_-_1000_Hillview_Court_Milpitas_Final.pdf)

Santa Clara County utilizes exception payment standards to bring more apartments in high opportunity areas within reach of Housing Choice Voucher holders. For example, the payment standard for a one-bedroom unit is \$2,360. A Zillow search conducted during this Assessment of Fair Housing process revealed 20 advertised units within that price range. The payment standard for a two-bedroom unit is \$2,851. A Zillow search again revealed 20 available units under that price.

Santa Clara County uses separate waiting lists for its various affordable housing programs and has a policy of absorbing all incoming vouchers porting into the County. The City of Milpitas does not administer any affordable housing or vacancy list. Rather, it maintains a list of seven apartment communities (an eighth is under development) where renters can inquire about the availability of affordable housing.

#### **Inaccessible buildings, sidewalks, pedestrian crossings, or other public or private infrastructure**

This Assessment did not reveal any current or ongoing concerns about inaccessibility within government facilities and services within Milpitas. The City of Milpitas has made a commitment to ensure that all of its services are fully accessible to its disabled citizens. Although the City of Milpitas does not appear to have expansive accessibility programming beyond this mandatory commitment, Santa Clara County within which Milpitas is located does have additional measures to ensure that government facilities and services are accessible. This includes the position of a Coordinator of Programs for the Disabled whose role is to ensure accommodations and field complains of accessibility violations within the county,<sup>49</sup> as well as a newly established Office of Disability Affairs who will ensure compliance and equitableness within county accessibility.<sup>50</sup> This is a positive sign that the government facility and services within the City of Milpitas will match this accessibility, as there are otherwise county-wide measures to hold them accountable if they do not.

#### **Inaccessible government facilities or services**

This Assessment did not reveal any current or ongoing concerns about inaccessibility within government facilities and services within Milpitas. The City of Milpitas has made a commitment to ensure that all of its services are fully accessible to its disabled citizens. This includes ensuring the city website is persons with disabilities (particularly users with vision impairments) as required with Section 508 of the Rehabilitation Act,<sup>51</sup> as well as ensuring that all new housing and public building developments are accessible to individuals with disabilities.<sup>52</sup> The Building Safety and Housing Department reviews plans and inspects all new housing and public building developments for compliance with accessibility requirements in the California Building Code. The City of Milpitas' Capital Improvement Program plan also targets funds to address existing accessibility deficiencies.

#### **Lack of access to opportunity due to high housing costs**

In Milpitas, the average home value is \$1,191,716, which has increased by 6.5% between 2020 and 2021.<sup>53</sup> Additionally, the median sale price is \$1,250,000, and this price has increased by 13.6 percent year-over-

---

<sup>49</sup> Public Access functional for Under the Americans with Disabilities Act, Public Access Under the Americans with Disabilities Act - County of Santa Clara, <https://www.sccgov.org/sites/scc/Pages/public-access-americans-disabilities-act.aspx> (last visited Jun 25, 2021).

<sup>50</sup> Katie Lauer, Santa Clara County Creates Office of Disability Affairs to Improve Accessibility San Jose Inside (2021), <https://www.sanjoseinside.com/news/santa-clara-county-creates-office-of-disability-affairs-to-improve-accessibility/> (last visited Jun 25, 2021).

<sup>51</sup> Website Accessibility, City of Milpitas, <https://www.ci.milpitas.ca.gov/milpitas/about-milpitas/website-accessibility/> (last visited Jun 25, 2021).

<sup>52</sup> City of Milpitas, Annual Element Progress Report: Housing Element Implementation 2020 (2020).

<sup>53</sup> Zillow Inc, *Milpitas CA Home Prices & Home Values*, Zillow, <https://www.zillow.com/milpitas-ca/home-val>

year.<sup>54</sup> Since home values have been steadily increasing since January 2021,<sup>55</sup> they will likely continue to do so. Milpitas is an expensive area when comparing the city to national trends. The national median sale price is \$370,528, and it has increased 22.2% year-over-year.<sup>56</sup> Rent costs have also increased. The median rent for a one-bedroom apartment is \$2,708, which is a seven percent year-over-year change; two bedrooms experienced a 14% year-to-year change; and four-bedroom units had a three percent year-over-year change. On the other hand, three-bedroom apartments saw a -6% year-over-year change.<sup>57</sup> The cost of homes is especially important because 64% of occupied units are owner-occupied, whereas 36% are renter-occupied.<sup>58</sup>

According to Redfin, the Milpitas housing market is competitive, which increases the price of homes as they receive multiple offers. In fact, the prices of average homes sell for about seven percent above The high housing costs in Milpitas has resulted in 44% of renters to be cost-burdened with at least 30 percent of their income being spent on rent. Additionally, low-income individuals allocate a greater percentage of their income to rent. Hispanic households especially suffer, as 27% of them pay over half their income toward rent.<sup>59</sup> This issue may worsen as Santa Clara County, including parts of Milpitas, are labeled high risk of exclusion and gentrification by the Urban Displacement Project at UC Berkeley.<sup>60</sup>

These high costs have priced out many people from Milpitas, so the Affordable Housing Network of Santa Clara County and renters have demanded just cause protections and rent control, but the City Council did not pass either policy in May 2019.<sup>61</sup> Many individuals believe that the City does not offer enough support to those evicted.<sup>62</sup> However, the city supported the new state legislation for just cause evictions and rent increases and put an interim ordinance in place in advance of the state law going into effect. The city also established a rent review program in September 2019 to address short-term housing issues and has allocated almost one million dollars since its inception, but some residents believe that it does not solve long-term effects of high rent costs.<sup>63</sup>

The City of Milpitas's Rent Relief Program, which as become all the more important due to the COVID-19 pandemic, attempts to stabilize tenure in the face of an inability of tenants to afford rent. The City of

---

<sup>54</sup> Milpitas Housing Market: House Prices & Trends | Redfin, <https://www.redfin.com/city/12204/CA/Milpitas/housing-market> (last visited Jun 7, 2021).

<sup>55</sup> Milpitas Housing Market: House Prices & Trends | Redfin, <https://www.redfin.com/city/12204/CA/Milpitas/housing-market> (last visited Jun 7, 2021).

<sup>56</sup> United States Housing Prices & Market - Redfin, <https://www.redfin.com/us-housing-market> (last visited Jun 7, 2021).

<sup>57</sup> Average Rent in Milpitas, CA and Cost Information - Zumper, , <https://www.zumper.com/rent-research/milpitas-ca> (last visited Jun 7, 2021).

<sup>58</sup> Average Rent in Milpitas, CA and Cost Information - Zumper, , <https://www.zumper.com/rent-research/milpitas-ca> (last visited Jun 7, 2021).

<sup>59</sup> MILPITAS SOURCE OF INCOME DISCRIMINATION ORDINANCE, (2019),  
[https://www.ci.milpitas.ca.gov/\\_pdfs/task\\_force/tenant/2019/012319/attachment1.pdf](https://www.ci.milpitas.ca.gov/_pdfs/task_force/tenant/2019/012319/attachment1.pdf) (last visited Jun 7, 2021).

<sup>60</sup> MILPITAS SOURCE OF INCOME DISCRIMINATION ORDINANCE, (2019),  
[https://www.ci.milpitas.ca.gov/\\_pdfs/task\\_force/tenant/2019/012319/attachment1.pdf](https://www.ci.milpitas.ca.gov/_pdfs/task_force/tenant/2019/012319/attachment1.pdf) (last visited Jun 7, 2021).

<sup>61</sup> Milpitas adopts rent review program, tenants demand more, <https://www.mercurynews.com/2019/09/18/milpitas-adopts-rent-review-program-tenants-say-its-not-enough/> (last visited Jun 7, 2021).

<sup>62</sup> Milpitas adopts rent review program, tenants demand more, <https://www.mercurynews.com/2019/09/18/milpitas-adopts-rent-review-program-tenants-say-its-not-enough/> (last visited Jun 7, 2021).

<sup>63</sup> Milpitas Creates Rent Review Board, Residents Still Concerned About Evictions, The Milpitas Beat (2019),  
<https://milpitasbeat.com/milpitas-creates-rent-review-board-residents-still-concerned-about-evictions/> (last visited Jun 7, 2021).

Milpitas has devoted a substantial amount of its CDBG funds to this program, in addition to relying on other funding sources.

#### **Lack of affordable, accessible housing in a range of unit sizes**

The City of Milpitas has struggled to construct and maintain sufficient affordable housing within the area. The City Council has “attributed [this] to the effect of [the area’s] vibrant economy, such as high land, labor, and materials cost; small amount of developable land; high residential market demand associated with employment growth; and limited housing supply.” Milpitas has undertaken legislative and project-based efforts to prioritize this affordable housing construction within the area and surrounding region, including plans to meet certain goals for the amount and range of affordable housing units on particular timelines that are available publicly<sup>64</sup>. This has also come from advocacy from local affordable housing advocates, such as SV@Home who was able to lobby for Milpitas to increase their inclusionary requirements from 5% to 15% (the rate of the rest Santa Clara County) within new developments.<sup>65</sup> The City has committed improving this situation as outlined in their 2015-2023 Housing Goals, specifically saying they strive for “a diverse range of housing types, including rental and ownership units, housing affordable to all economic segments of the community, and housing for individuals with special housing needs”<sup>66</sup>.

In March 2019, the City Council adopted [Resolution #8852](#), which approved the affordable housing fee schedule for a residential in-lieu fee and a non-residential impact fee. In June 2018, the City Council of Milpitas adopted an Affordable Housing Ordinance No. 297 (AHO) that requires developers to provide affordable housing units on-site in any new residential development with 10 or more housing units. Alternative compliance measures are available but require council approval. The ordinance requires developers of non-residential projects to pay impact fees to help build or preserve affordable housing.<sup>67</sup> The City is currently in the process of considering possible amendments to the AHO in order to encourage greater onsite inclusion of affordable units.

However, despite such efforts, Milpitas still lacks adequate affordable housing that covers both a range of unit sizes and of income levels, as demonstrated by the City’s 2019 Community Development report which shows substantial gaps between affordable housing unit goals (outlined in the Regional Housing Needs Assessment) and the numbers of those which have actually been constructed.<sup>68</sup> Milpitas has also been criticized by the State of California enforcement agencies for the lack of affordable housing within the area-- between 2015-2000, the City Council only achieved 9% of the state-mandated expectation for affordable housing units approved.<sup>69</sup> This does not even consider the likely similar lack of low-income or extremely-low-income housing units which may be needed by residents. This is despite the City having exceeded expectations on market-rate housing construction, proving that it is not a lack of development but instead insufficient funding for subsidy to meet the total need.<sup>70</sup> The lack of affordable workforce

---

<sup>64</sup> City of Milpitas, City of Milpitas Housing Element Update (2015).

<sup>65</sup> Milpitas Approves Increased Inclusionary Requirements, SV@Home (2018), <https://siliconvalleyathome.org/milpitas-approves-increased-inclusionary-requirements/> (last visited Jun 24, 2021).

<sup>66</sup> City of Milpitas, City of Milpitas Housing Element Update (2015).

<sup>67</sup> City of Milpitas, [Affordable Housing Ordinance](#) (2019).

<sup>68</sup> City of Milpitas, HOUSING AUTHORITY: Receive Report on Housing Program Status and Provide Direction (2019).

<sup>69</sup> Grace Hase, State requires Milpitas to double housing production The Milpitas Beat (2021), <https://milpitasbeat.com/state-requires-milpitas-to-double-housing-production/> (last visited Jun 24, 2021).

<sup>70</sup> The Milpitas Beat: State requires Milpitas to double housing production, SV@Home (2021), <https://siliconvalleyathome.org/the-milpitas-beat-state-requires-milpitas-to-double-housing-production/> (last visited Jun 24, 2021).

housing for Milpitas has been noted by the City as harming both these workers and local/Milpitas-based organizations.<sup>71</sup>

It is also imperative that not only is there a sufficient amount of affordable housing, but that there are also enough units across a range of unit sizes so that these developments are accessible to groups or families of all numbers. A lack of affordable units in a range of sizes can cause overcrowding as families are forced to share smaller units. Overcrowding is already an issue in Santa Clara County, especially among Hispanic households. The 2013-2017 American Community Survey shows that Hispanic households experience overcrowding at a rate of 12.44%. This is three times the rate of the next-highest group, which is Asian American or Pacific Islander households (3.67%). Milpitas has a larger average household size in comparison to Santa Clara County at large, with 16% of all Milpitas households having 5+ persons. The city also has more large household units than the county, a positive for ensuring that these larger families have functional residences.<sup>72</sup> However, it is important to make sure that these larger units are affordable. Milpitas Municipal Code mandates that affordable housing unit sizing “reflect the range of numbers of bedrooms provided in the project.”<sup>73</sup>

#### **Lack of affordable in-home or community-based supportive services**

Much of the infrastructure for in-home and community-based supportive services in Milpitas consists of private businesses and small nonprofit organizations rather than government or public services, and few nonprofit or governmental services are based in Milpitas itself. For example, the San Andreas Regional Center, a nonprofit that serves individuals with developmental disabilities and their families, operates in Monterey, San Benito, Santa Clara, and Santa Cruz Counties. Similarly, resources regarding in-home and community-based supportive services are provided primarily at the county level rather than the city level. At the county level, due to the absence of any waiting list for Home and Community-Based Services for persons with developmental disabilities, this issue primarily affects people with psychiatric disabilities. A robust array of services, including the most intensive models of community-based services like Assertive Community Treatment, are available. Additionally, across types of disabilities, undocumented adults face barriers due to federal restrictions of Medicaid assistance for undocumented people. The California Legislature has approved state funding for Medi-Cal services for undocumented people until they reach the age of 26, a critical investment that exceeds that of any other state, but there remains a funding gap for services for most undocumented adults. The City of Milpitas provides funding to Abode Services for homeless outreach, assessment, and street-based case management as well as funding to WeHOPE for mobile shower and laundry services.

#### **Lack of affordable, integrated housing for individuals who need supportive services**

There is a large overall shortage of affordable housing in Milpitas, as suggested by the large proportion of households that are rent-burdened. Without more overall affordable housing, it is impossible to provide more affordable, integrated housing for individuals who need supportive services. Second, although Santa Clara County has made strides in providing permanent supportive housing for persons with disabilities and has genuinely prioritized such housing in the use of Measure A funds, Milpitas has no designated programs for developing affordable, integrated housing for individuals who need supportive services. Instead, the City helps fund organizations that provide supportive services to low- and moderate-income individuals throughout the City. Housing for individuals who need supportive services in Santa Clara County is largely located outside of Milpitas—for example, in San José. As a consequence, only around 5%

---

<sup>71</sup> City of Milpitas, City of Milpitas Economic Development Strategy and Implementation Actions (2020).

<sup>72</sup> City of Milpitas, City of Milpitas Housing Element Update (2015).

<sup>73</sup> Milpitas, California, Municipal Code § Ord. No. 297, 3

of those in need of supportive services qualify for Permanent Supportive Housing, which has led to increasing homelessness in the region, which affects Milpitas alongside its neighbors.<sup>74</sup>

#### **Lack of assistance for housing accessibility modifications**

The City of Milpitas provides funding to Rebuilding Together to assist with home rehabilitation, which often includes accessibility modifications.<sup>75</sup>

Farewell to Falls is a free, home-based program intended to prevent seniors from falling in their homes in Santa Clara County (and San Mateo County). The program focuses on home modifications. Farewell to Falls works through the Trauma Service and Emergency Department at Stanford University Medical Center.<sup>76</sup>

Home Safety Services provides home modifications, such as grab bars, stair railings and wheelchair ramps, for seniors. Rebuilding Together *Silicon Valley* also aid with home modifications for low-income homeowners in Milpitas, among other cities and unincorporated areas of Santa Clara County.<sup>77</sup>

#### **Lack of assistance for transitioning from institutional settings to integrated housing**

Much of the Milpitas assistance available to those from marginalized communities attempting to transition from an institutional setting to integrated housing is non-specific to the city and instead operates at a county level for all of Santa Clara. This does allow for the assistance to be more robust and cover more groups in need of transition help. For disabled adults, the Silicon Valley Independent Living Center offers resources and supportive housing-related services. The Santa Clara Resource Reentry Center offers housing assistance and referrals for individuals attempting to reintegrate into society after leaving the criminal justice system. Although not an institutional setting, there are attempts to help homeless individuals transition into integrated housing as well such as through the Community Plan to End Homelessness<sup>78</sup> which has been adopted by Milpitas<sup>79</sup>. However, while all of these assistance programs for Santa Clara County do benefit the Milpitas residents, the lack of city programming may harm those whose experiences are more specific than the county level services, causing a less successful transition from institutional settings to integrated housing within the City of Milpitas.

#### **Lack of community revitalization strategies**

The City of Milpitas does not lack community revitalization strategies. There are several plans to improve communities, public safety, transportation, and environment and natural landscape. Specifically, they have the following: General Plan Update (ongoing), Parks and Recreation Master Plan (ongoing), Active Transportation Master Plan (ongoing), Urban Water Management Plan (ongoing), Housing Element (upcoming), and the Gateway Specific Plan (upcoming).<sup>80</sup>

#### **Trails and Bicycle/Pedestrian Master Plans**

---

<sup>74</sup> <https://milpitasbeat.com/the-face-of-homelessness-in-around-milpitas-part-iii/>

<sup>75</sup> <https://www.ci.milpitas.ca.gov/neighborhood-services-code-enforcement/38220-2/>

<sup>76</sup> Senior & Aging Adult Resources - Santa Clara County Fire Department, <https://www.sccfd.org/education-and-preparedness-overview/safety-information-referral-assistance/senior-aging-resources> (last visited Jun 24, 2021).

<sup>77</sup> Ibid.

<sup>78</sup> Santa Clara County, Santa Clara County Community Plan to End Homelessness 2020-2025 (2020).

<sup>79</sup> Agreement between the County of Santa Clara and the City of Milpitas, (2021).

<sup>80</sup> Urban Field Studio & M-Group, *Milpitas Metro Specific Plan - Land Use and Density Policies* (2021), <https://mccmeetingspublic.blob.core.usgovcloudapi.net/milpitas-meet-baf398a68e8e4308b3e690adef070d99/ITEM-Attachment-001-0b7d0bdf777642c7aaaf06356b62bdd47.pdf> (last visited Jun 22, 2021).

Currently, Milpitas is updating its Trails and Bicycle/Pedestrian Master plans to make Milpitas easier and safer to walk and bike. They accepted public comments on this [website](#), which also details their proposals. The first proposal aims to encourage bicycle travel by continuing the bike lane striping to the intersection since currently bicycle lane striping ends where the lane nears an intersection. The second proposal is intended to build “low-stress connectivity across the network,” which may necessitate large roadway reconstruction projects.<sup>81</sup> This project also addresses improvements for pedestrians. One proposed area of focus is the commercial pedestrian improvement zone where areas with many people try to access high-capacity transit and commercial centers. They hope to make this part of Milpitas safer and accessible and provide cross-town connections.<sup>82</sup> The other part of pedestrian improvements aims to decrease traffic, improve connectivity, and increase safety at major roadway crossings in areas near schools and busy areas near residential areas.<sup>83</sup> This plan also includes trail improvements specifically by improving trail access, trailhead, and new trail connections. All the plans, including their location and details, are on this [website](#), and there is an interactive plan on this [website](#).

### **Milpitas Metro Specific Plan**

Another plan titled “Milpitas Metro Specific Plan,” which was previously called the Transit Area Specific Plan (TASP) and that was intended to redevelop a 437-acre area in the southern part of Milpitas, expands the Plan area to approximately 500 acres, which includes former industrial sites near and south of the Great Mall shopping center. This TASP plan area was to be rebuilt into 7,109 dwelling units, 993,843 square feet of office space, 340 hotel rooms, and 287,075 square feet of retail space around the Milpitas BART station (which opened June 13, 2020) and the VTA Light Rail system.<sup>84</sup> Most of that housing development has been entitled and much of it built and occupied. The 20-year Metro Plan, when adopted, would increase the housing target by an additional 7,000 housing units, along with more office space and commercial space for jobs and services. This specific plan is on this [website](#). The goals of this plan are to “create a more complete neighborhood; expand neighborhood services and the variety of retail; preserve space for jobs near transit; provide affordable and market-rate housing; provide safer and more attractive multimodal connections for walking and biking; provide a greater variety of shared public spaces; [and] enhance the sense of place and identity of the Metro Area.”<sup>85</sup> According to Milpitas Metro, the construction of two parks (McGuire and Rathbone Park), streetscape improvements on Montague Expressway, Mabel Mattos Elementary School, Milpitas BART station, pedestrian bridges to the Light Rail Stations, South Milpitas Boulevard extension past Bart, and a pedestrian overcrossing over Montague Expressway to BART have been completed. McCandless Park, water pump at McCandless, and privately owned public spaces are under construction. The City also plans to further extend South Milpitas Boulevard across Great Mall Parkway, add more park and public streets in the Tango neighborhood, add a pedestrian overcrossing over Montague at Penitencia Creek, and improve trails along Penitencia and Berryessa Creeks.

Below is a map of the existing infrastructure in Milpitas as well as future plans in grey text.<sup>86</sup>

---

<sup>81</sup> City of Milpitas Bikeway and Pedestrian Master Plan and Trails Master Plan - Public Input Map, <https://milpitasphase2.altaplanning.cloud/#/bikeway-recommendations/> (last visited Jun 22, 2021).

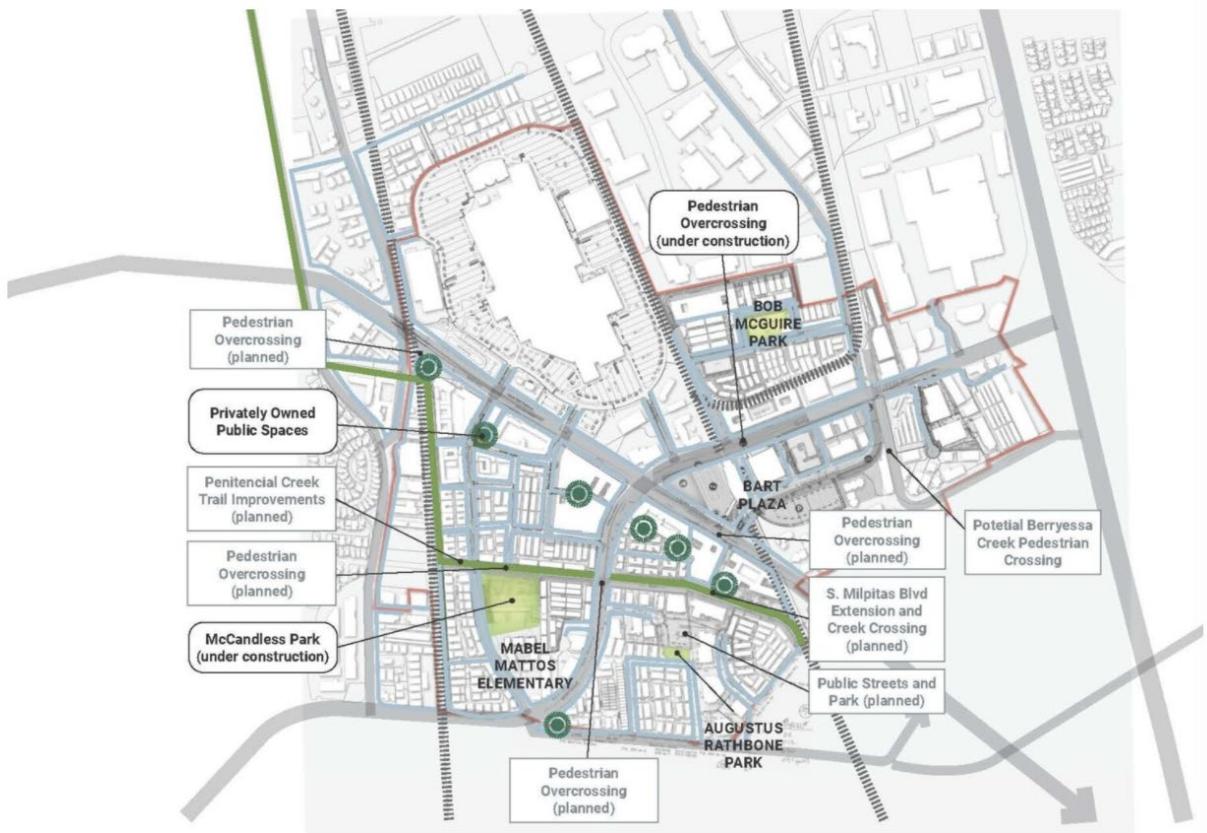
<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ann Zeise |, *Future of Milpitas-Plans and Projects*, Go Milpitas (2021), <https://gomilpitas.com/public-resources/future-of-milpitas-plans-and-projects/> (last visited Jun 24, 2021).

<sup>85</sup> Urban Field Studio and M-Group, *supra* note 1.

<sup>86</sup> Milpitas Metro Specific Plan, Milpitas Metro Specific Plan, <https://www.milpitasmetro.org> (last visited Jun 24, 2021).



In the city's five-year proposal plan for city improvements between 2022 and 2026, they divided their projects into strain drain (\$1.56 million); sewer (\$43.90 million); water (\$41.86 million); street (\$77.64 million); community (\$29.42 million; and park improvement (\$16.26 million).<sup>87</sup> These proposed budgets are the total five-year expenditure.

### Milpitas Midtown Specific Plan

The Milpitas Midtown Specific Plan provides a new vision for an approximately 1,000-acre area of land which is currently undergoing changes related to its growing role as a housing and employment center in Silicon Valley. The Specific Plan was first adopted in 2002 and first updated in 2010. The Gateway/Main Street Specific Plan is an update of the Midtown Specific Plan.

### Lack of local private fair housing outreach and enforcement

There are multiple fair housing organizations serving Milpitas. The organization most directly focused on fair housing is Project Sentinel, a non-profit based in Santa Clara (but serving the entire county) which aims to promote fair housing through fair housing testing, the filing of administrative complaints, and landlord-tenant mediation.<sup>88</sup> The City has indicated that, with regards to meeting its fair housing goals,

<sup>87</sup> City of Milpitas, *Proposed Capital Improvement Program 2022-2026* (2021), [https://www.ci.milpitas.ca.gov/\\_pdfs/Proposed2021-2026CIP.pdf](https://www.ci.milpitas.ca.gov/_pdfs/Proposed2021-2026CIP.pdf) (last visited Jun 24, 2021).

<sup>88</sup> <https://www.ci.milpitas.ca.gov/milpitas/departments/fair-housing-services/>

Project Sentinel is its primary recipient for block grant funding.<sup>89</sup> Other organizations include Bay Area Legal Aid, Law Foundation of Silicon Valley, Senior Adults Legal Assistance, Legal Aid Society of Santa Clara County, and Asian Law Alliance, each of which provides some variation of fair housing services to different communities within Milpitas, the County, and the surrounding region.

However, this private fair housing outreach and enforcement may not be sufficient. Almost all of these fair housing organizations and outreach/enforcement efforts are conducted at a county-wide or regional level rather than being specifically for Milpitas. Although this is understandable as there may not be sufficient resources to support Milpitas-specific work, it does raise concerns about private efforts insufficiently addressing Milpitas-specific issues in favor of larger issues.

#### **Lack of local public fair housing enforcement**

The California Department of Fair Employment and Housing (DFEH) conducts public fair housing enforcement in Milpitas. Residents may submit complaints to the agency, which they will investigate and determine whether or not the complainant has a right to sue. Santa Clara-wide Community engagement has indicated that advocates prefer to file complaints with HUD over DFEH, because the intake process can be lengthy. DFEH tends to have a high volume of cases, with advocates reporting intake interviews sometimes taking place up to four months after filing a complaint. There has also been inconsistent reporting among various investigations. DFEH tends to achieve better results if there is more evidence provided upfront, and/or if the site of the complaint is near their offices. Santa Clara, of which Milpitas is a part, was responsible for over 600 received complaints. While there is not segregated data for the cities within Santa Clara County to determine how many of these complaints originated from Milpitas, the high total number does suggest that there are likely many complaints of poor fair housing enforcement in Milpitas causing tenants to reach out to organizations such as DFEH. There has also been a growing consciousness amongst locals surrounding increased rates of unjust evictions and sudden rent changes due to “the absence of laws to protect tenants here in Milpitas,” suggesting poor fair housing enforcement to hold city landlords accountable.<sup>90</sup>

Milpitas does have some forms of public fair housing outreach. The Milpitas City hosted workshops on “fair housing, tenant support resources, and various housing-related programs in partnership with local nonprofit agencies.”<sup>91</sup> The City has also asked for public input on their fair housing decisions as part of the process of administering its CDBG funds.<sup>92</sup>

#### **Lack of meaningful language access for individuals with limited English proficiency**

In Milpitas, 52.5 percent of people were not born in the US, which is greater than the national average (13.7 percent).<sup>93</sup> The median foreign-born age is higher than the median native-born age, which are 45 and 24, respectively.<sup>94</sup>

---

<sup>89</sup> <https://www.mercurynews.com/2016/04/04/public-can-weigh-in-on-milpitas-fair-housing-goals-grant-funding/>

<sup>90</sup> <https://milpitasbeat.com/families-in-milpitas-are-being-evicted-from-their-homes/>

<sup>91</sup> [https://www.ci.milpitas.ca.gov/\\_pdfs/subcommittee/housing/2020/092220/attachment4.pdf](https://www.ci.milpitas.ca.gov/_pdfs/subcommittee/housing/2020/092220/attachment4.pdf)

<sup>92</sup> <https://www.thereporter.com/2016/04/14/milpitas-public-can-give-input-in-on-citys-fair-housing-goals-grant-funding/amp/>

<sup>93</sup> Milpitas, CA | Data USA, , <https://datausa.io/profile/geo/milpitas-ca#demographics> (last visited Jun 8, 2021).

<sup>94</sup> Milpitas, CA | Data USA, , <https://datausa.io/profile/geo/milpitas-ca#demographics> (last visited Jun 8, 2021).

Nonetheless, anyone received federal support, directly or indirectly, must provide language access.<sup>95</sup> Even if the program or activity is only partially funded by federal funds, the recipient has to abide by this rule.<sup>96</sup> Consequently, Milpitas provides services in Vietnamese (and Spanish), as the city is 15.2% Vietnamese, making Milpitas the city with the 19<sup>th</sup> largest concentration of Vietnamese Americans in the country according to the 2012-2016 American Community Survey (ACS).<sup>97</sup> It is important that Vietnamese immigrants have access to these translation services because about 30% of Vietnamese adults do not have a high school diploma, whereas 28% of all immigrant adults lack one.<sup>98</sup> In addition, 66% of Vietnamese immigrants have limited English proficiency compared to 48% of all immigrants.<sup>99</sup> These statistics highlight the importance of Milpitas offering meaningful language access to immigrants who may struggle with English and may not have a high school education.

In addition to Spanish and Vietnamese, Mandarin, Tagalog, Korean, Hindi, and Japanese are widely spoken languages in Santa Clara County. The County only requires departments making material for the public to make those documents available in Spanish and Vietnamese at least (5).<sup>100</sup> The city did provide information about its rent relief program in Chinese,<sup>101</sup> but according to the county's language access guidelines and procedures, it does seem mandatory. Departments are only encouraged to translate material to Chinese or Tagalog (5).<sup>102</sup> However, the County also has free language interpretation services at all Board and Board Policy Committee meetings that are simultaneous with the meetings.<sup>103</sup>

### **Lack of private investment in specific neighborhoods**

In recent years, private investment and development in Milpitas has accelerated significantly, and a variety of residential and commercial projects have taken root, especially in the Milpitas transit-oriented village, a former industrial area in southern Milpitas. These developments include The Fields, a luxury residential area including a luxury hotel in partnership with Virgin Hotels,<sup>104</sup> and SummerHill Apartment Communities, a mixed residential-commercial development, both of which are intended to accommodate Silicon Valley's growing housing needs.<sup>105</sup> Bridge Point Silicon Valley, a major industrial complex intended to attract a greater corporate presence in Milpitas, began construction in 2020.<sup>106</sup> It must be remembered that many of these new developments are geared towards high-income residents and their corporate

---

<sup>95</sup> Frequently Asked Questions on Legal Requirements to Provide Language Access Services, [migrationpolicy.org \(2013\)](https://migrationpolicy.org/programs/language%20access-translation-and-interpretation-policies-and-practices/frequently-asked), <https://www.migrationpolicy.org/programs/language%20access-translation-and-interpretation-policies-and-practices/frequently-asked> (last visited Jun 8, 2021).

<sup>96</sup> Ibid.

<sup>97</sup> List of U.S. cities with large Vietnamese-American populations, [Wikipedia \(2020\)](https://en.wikipedia.org/w/index.php?title=List_of_U.S._cities_with_large_Vietnamese-American_populations&oldid=983735522), [https://en.wikipedia.org/w/index.php?title=List\\_of\\_U.S.\\_cities\\_with\\_large\\_Vietnamese-American\\_populations&oldid=983735522](https://en.wikipedia.org/w/index.php?title=List_of_U.S._cities_with_large_Vietnamese-American_populations&oldid=983735522) (last visited Jun 8, 2021).

<sup>98</sup> Jeanne Batalova Elijah Alperin and Jeanne Batalova, *Vietnamese Immigrants in the United States*, [migrationpolicy.org \(2018\)](https://migrationpolicy.org/article/vietnamese-immigrants-united-states-5), <https://www.migrationpolicy.org/article/vietnamese-immigrants-united-states-5> (last visited Jun 8, 2021).

<sup>99</sup> Ibid.

<sup>100</sup> Language Access Guidelines and Procedures, <https://www.sccgov.org/sites/oir/Documents/Language-Access-Guidelines-and-Procedures.pdf> (last visited Jun 8, 2021).

<sup>101</sup> Housing Resources, City of Milpitas, <https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/housing-resources/> (last visited Jun 30, 2021).

<sup>102</sup> Language Access Guidelines and Procedures, [, https://www.sccgov.org/sites/oir/Documents/Language-Access-Guidelines-and-Procedures.pdf](https://www.sccgov.org/sites/oir/Documents/Language-Access-Guidelines-and-Procedures.pdf) (last visited Jun 8, 2021).

<sup>103</sup> Ibid.

<sup>104</sup> <http://integralcommunities.com/the-district-iiii-iv>

<sup>105</sup> <https://www.bizjournals.com/sanjose/news/2019/01/28/a-new-urban-renaissance-transforms-milpitas.html>

<sup>106</sup><https://www.mercurynews.com/2020/01/08/huge-industrial-complex-is-launched-in-milpitas-could-lure-amazon-or-other-tech-firms/>

employers. Private investment has aimed to make Milpitas more vibrant and accessible, but this has not necessarily resulted in more affordable or inclusive housing.

#### **Lack of public investment in specific neighborhoods, including services or amenities**

In 2008, Milpitas developed the Transit Area Specific Plan (later renamed the Metro Specific Plan) to improve the city's pedestrian and bicycle accessibility and develop 437 acres in the southern portion of the city from an old industrial area to a residential and commercial area. This reframing has been the city's main focus since then, with the Milpitas BART (Bay Area Rapid Transit) Station having opened in 2020.<sup>107</sup> Milpitas has also developed plans for parks, trails, and other public recreational spaces, as well as a plan for Midtown Milpitas along similar lines as the TASP.<sup>108</sup> Even so, much of the non-transport development in Milpitas is privately funded, and public investment has not played a significant role in expanding housing, especially affordable housing, in recent years.

#### **Lack of local or regional cooperation**

Milpitas does have notable connections to the remainder of the county and region in a number of areas. Firstly, it is a member of the Cities Association of Santa Clara County (SCASCC) along with 14 other cities in the region who share a policy priority of housing/unhoused advocacy<sup>109</sup> as outlined in their Housing Position Paper<sup>110</sup>. Beyond housing, Milpitas is connected to the remainder of the region within areas such as transportation, orchestrated by the Santa Clara Valley Transportation Authority (SCVTA), as well as by relying on other county services particular to housing such as through governmental organizations like the Santa Clara Housing Authority and through external organizations like the Silicon Valley Independent Living Center (housing assistance for disabled adults within the county).

With that being said, there are many areas in which Milpitas can improve in both its local and regional cooperation. There have been calls for Santa Clara cities to improve collaboration to address the affordable housing crisis.<sup>111</sup> Secondly, the Milpitas Unified School District sufficiently serves the student-age population within Milpitas. However, there are a large number of separate school districts within Santa Clara County and the larger Bay Area, and Milpitas Unified School District consistently ranks below many of its surrounding districts.<sup>112</sup> It could thus benefit from consolidation or increased cooperation with these other districts. Milpitas former councilmember Bob Nunez recognized this, saying "Affordable housing is a regional issue. It is going to take a lot of collaboration and building upon relationships with stakeholders to work together towards ensuring that we don't displace residents of Milpitas. I would like to see the City work with the school district and the County of Santa Clara, among other leaders, to work together towards providing innovative solutions. By taking a holistic approach, the potential solutions will be more robust and comprehensive, protecting our community in the most all-inclusive way."<sup>113</sup> This suggests that there are persons working within Milpitas government to improve the lack of local and regional cooperation in affordable housing.

#### **Lack of resources for fair housing agencies and organizations**

---

<sup>107</sup> <https://www.milpitasmetro.org/>

<sup>108</sup> <https://gomilpitas.com/public-resources/future-of-milpitas-plans-and-projects/>

<sup>109</sup> <https://citiesassociation.org/policy/>

<sup>110</sup> <https://storage.googleapis.com/proudcity/santaclaracountycacities/uploads/2019/04/2020-05-14-CASCC-Final-Approved-Housing-Position-Paper.pdf>

<sup>111</sup> <https://paloaltonline.com/news/2016/09/02/guest-opinion-our-housing-crisis-calls-for-regional-cooperation>

<sup>112</sup> <https://www.niche.com/k12/search/best-school-districts/c/santa-clara-county-ca/>

<sup>113</sup> <https://www.ci.milpitas.ca.gov/milpitas-provides-additional-support-tenant-protection-services/>

Santa Clara County has a wealth of private fair housing enforcement organizations, many of which are at least partly funded by entitlement cities and the county. Multiple fair housing organizations in the County receive or have received Fair Housing Initiative Program (FHIP) funds from HUD, and also benefit from Community Development Block Grant funds. Participants in the community engagement process have reported that it can be difficult to hire and/or retain staff due to the high cost of living in the area. Across the various fair housing organizations in the County, each has a particular focus, with participants from community engagement reporting that the Law Foundation of Silicon Valley focuses on evictions, Bay Area Legal Aid focuses on subsidized housing, Asian Law Alliance does some fair housing work but focuses mostly on San José administrative hearings, and SALA is only able to take on a small caseload.

The City of Milpitas' Building Safety and Housing Department and City Council gives funding to local non-profits that serve low- and moderate- income Milpitas residents through the Community Development Block Grant (CDBG) program. However, Milpitas itself has few community resources. For instance, there are no housing agencies or organizations located in Milpitas listed in the Housing Resources document provided by the City.<sup>114</sup> Most of the resources are concentrated in San José, and some in Santa Clara.

### **Lack of state or local fair housing laws**

#### **City of Milpitas**

Milpitas does not have their own office to handle issues related to fair housing. Instead, they have a contract with Project Sentinel, a non-profit agency based in Santa Clara. This annual contract costs \$50,000.<sup>115</sup> Project Sentinel disseminates information and offers dispute resolution services to tenants, landlords, and roommates in Santa Clara County. Specifically, the agency addresses people's questions and concerns about deposits, rent increases, rent nonpayment, and other issues related to housing. They do this through conciliation and mediation.<sup>116</sup> Their tenant-landlord mediation services are free for Santa Clara. Additionally, Project Sentinel provides free mortgage default counseling to all homeowners in the South Bay.<sup>117</sup> Moreover, the city advises people to report any housing discrimination to Project Sentinel, so the agency can investigate the complaint. Milpitas also has Project Sentinel as a resource to report landlords for steering families with children to housing units on the group floor or restricting them from using the amenities.<sup>118</sup> Although both these actions (housing discrimination and steering families to ground level units) are illegal, Milpitas tells its residents to seek help through a nonprofit agency rather than a city office as it has contracted with the nonprofit agency for such service.

On October 15, 2019, City Council passed the "Milpitas Tenant Protection Ordinance," which includes the rent-review program. This ordinance acknowledged the lack of affordable housing, the increasing cost of rent in Milpitas, people of color being disproportionately rent-burdened, and the high risk of gentrification.<sup>119</sup>

---

<sup>114</sup> City of Milpitas, [Housing Resources](#).

<sup>115</sup> Milpitas approves just cause eviction protections, rent review board, The Mercury News (2019), <https://www.mercurynews.com/2019/10/16/milpitas-approves-just-cause-eviction-protections-rent-review-board/> (last visited Jun 30, 2021).

<sup>116</sup> Project Sentinel | City of Santa Clara, <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/housing-community-services-division/renters/project-sentinel> (last visited Jun 22, 2021).

<sup>117</sup> Ibid.

<sup>118</sup> Fair Housing Services, City of Milpitas, <http://www.ci.milpitas.ca.gov/milpitas/departments/fair-housing-services/> (last visited Jun 22, 2021).

<sup>119</sup> MILPITAS TENANT PROTECTION ORDINANCE, [http://www.ci.milpitas.ca.gov/\\_pdfs/task\\_force/tenant/2019/012319/attachment2.pdf](http://www.ci.milpitas.ca.gov/_pdfs/task_force/tenant/2019/012319/attachment2.pdf) (last visited Jun 30, 2021), 1.

The ordinance caps rent increases over a certain percentage, which is calculated every year based on the Consumer Price Index for the San Francisco-Oakland-Hayward, CA area.<sup>120</sup> This section also prohibits Section 8 discrimination.

Additionally, it included the just-cause eviction rule, which states that landlords cannot evict their tenants unless they have a “good cause,” which includes “failure to pay rent;” “material breach of lease;” “nuisance;” “failure to give access;” “necessary and substantial repairs requiring temporary vacancy;” “owner move-in;” “withdrawal of the unit permanently from rental market;” “demolition;” “filing termination notices with Housing Department;” and “failure to comply.”<sup>121</sup>

The third part of the ordinance allocated \$100,000 to a one-year pilot program to provide rent relief to vulnerable residents, including homeless families with students in Milpitas schools.<sup>122</sup>

### **State of California**

Passed in 1959, California’s Fair Employment and Housing Act (FEHA) protects many forms of discrimination against tenants and homeowners based on their “race, color religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information.” This law targets owners of any housing accommodation, banks, mortgage companies, and other financial institutions accused of discrimination.<sup>123</sup>

This law prohibits cities, counties, and all other local government agencies from having zoning or land-use policies that discriminate against people for any of the traits listed above. FEHA also addresses many forms of discrimination, such as denying someone a home loan or homeowner’s insurance, sexual harassment for housing rights or privileges, refusing to provide reasonable and necessary modifications for a tenant with a disability, etc.<sup>124</sup> This law also targets practices that have a discriminatory effect, which result in a disparate impact on a particular group of people or creates or reinforces segregated housing patterns.<sup>125</sup> The law also include financial assistance practices with discriminatory effects, such as creating terms or conditions of financial assistance that result in discrimination, failing to provide information about access to financial assistance, etc.<sup>126</sup> This law also applied to discrimination in land use practices.<sup>127</sup>

California recently passed a statewide source of income protections. California also has a robust set of statewide antidiscrimination laws, including the Unruh Civil Rights Act, Ralph Civil Rights Act, Bane Civil Rights Act, the Fair Employment and Housing Act, California Civil Code Section 1940.3, and Government

---

<sup>120</sup> Id., 4.

<sup>121</sup> Id., 4-6.

<sup>122</sup> Milpitas approves slate of new renter protection rules, Silicon Valley Business Journal, <https://www.bizjournals.com/sanjose/news/2019/10/16/milpitas-renter-protection-laws.html> (last visited Jun 30, 2021).

<sup>123</sup> Fair Employment and Housing Act (FEHA), 12955–12957 GOV (1959), [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=3.&title=2.&part=2.8.&chapter=6.&article=2](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=3.&title=2.&part=2.8.&chapter=6.&article=2) (last visited Jun 22, 2021).

<sup>124</sup> Housing | DFEH, <https://www.dfeh.ca.gov/housing/> (last visited Jun 22, 2021).

<sup>125</sup> PRACTICES WITH A DISCRIMINATORY EFFECT, 12060 2 CCR, [https://govt.westlaw.com/calregs/Document/16B716F755D0E4E5683D6FABF3ADF9751?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/16B716F755D0E4E5683D6FABF3ADF9751?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)) (last visited Jun 22, 2021).

<sup>126</sup> Ibid.

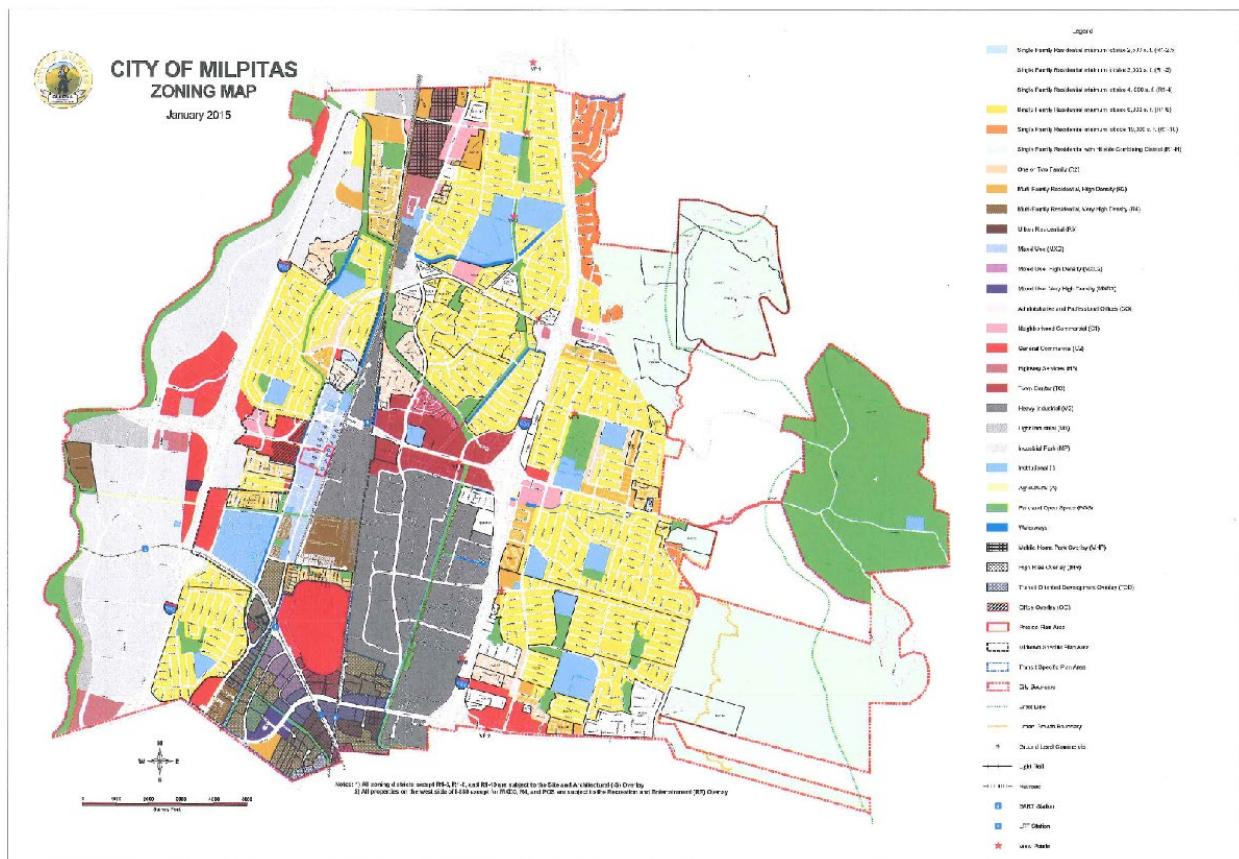
<sup>127</sup> Ibid.

Code Sections 11135, 65008, and 65580-65589.8. Whether complaints regarding these laws can be fully and timely pursued, however, is a different matter. Advocates have commented approvingly on recent changes to unlawful detainer laws, which increased the time period from five calendar days to five business days.

### **Land use and zoning laws**

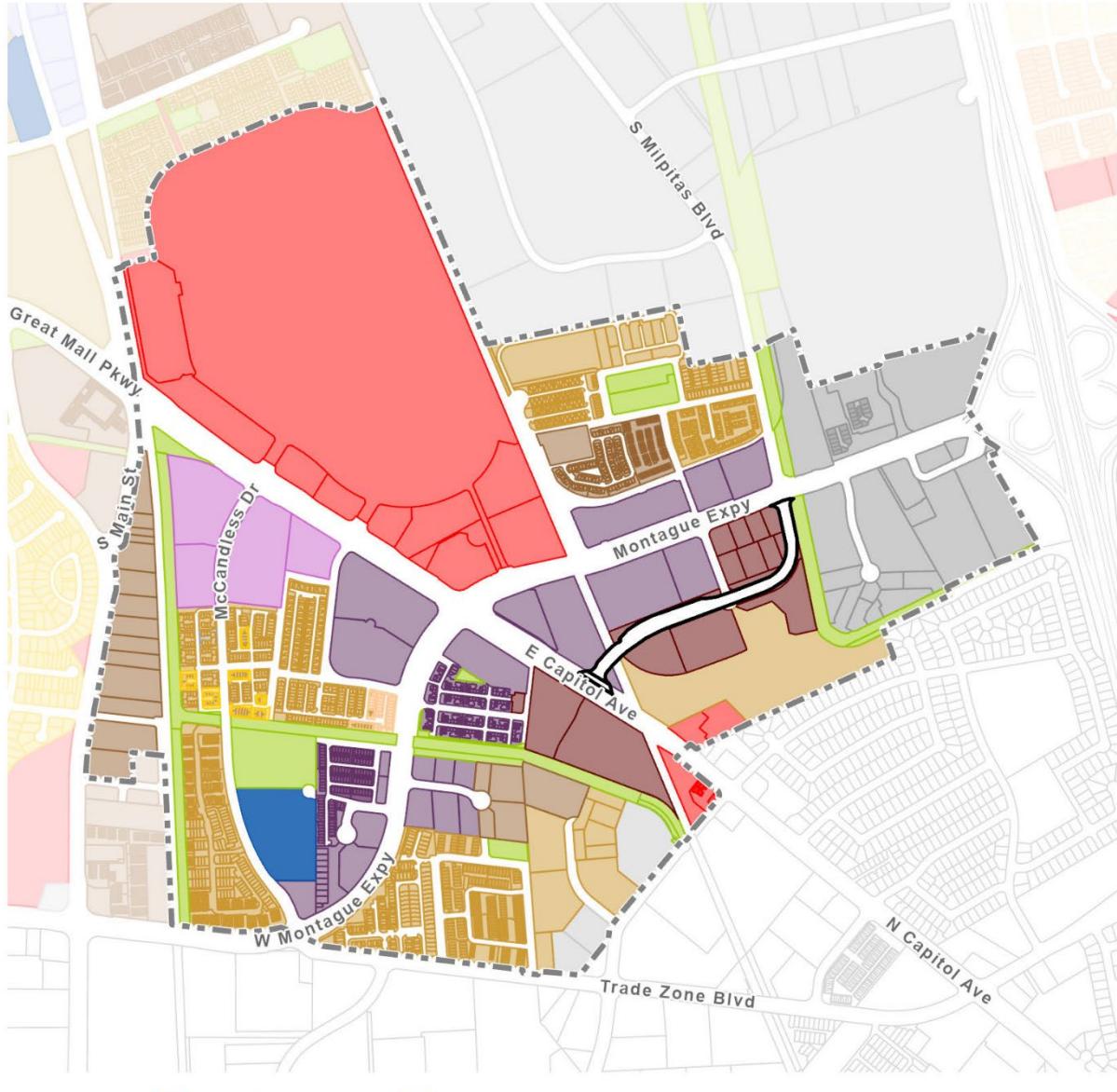
Land use and zoning laws play a significant role in a variety of fair housing issues. Specifically, overly restrictive zoning that suppresses the production of affordable housing in particular, and housing more generally, leads to disproportionately high rates of housing cost burden and overcrowding among some racial and ethnic groups as well as persons with disabilities. Additionally, when communities that are predominantly White and disproportionately higher income levels have restrictive zoning in comparison to other parts of their respective cities or regions, that can exacerbate patterns of residential racial segregation. Conversely, when low-income communities of color are not adequately buffered from heavy polluting industrial land uses by zoning and land use controls, that can contribute to racial disparities in health outcomes.

The City of Milpitas primarily allows higher-density housing, which is typically a prerequisite for affordable housing in its R-3, R-4, R-5, and mixed-use zones. These zoning designations are most commonly used in south-central portion of the city, which includes its transit area, as well as in a portion of north-central Milpitas, that includes Sunnyhills Apartments. Much more of the city, by contrast, is zoned for single-family homes which all but preclude affordable housing. The R1-6 designation, which requires minimum lots sizes of 6,000 square feet (slightly less than 1/7 acre), is by far the most common. It is also particularly commonly used in areas that have better environmental health due to less proximity to major highways. See the Milpitas land use map below, followed by maps of the Milpitas Metro Specific Plan and the Milpitas Gateway-Main Street Specific Plan.



# LAND USE

# MILPITAS METRO

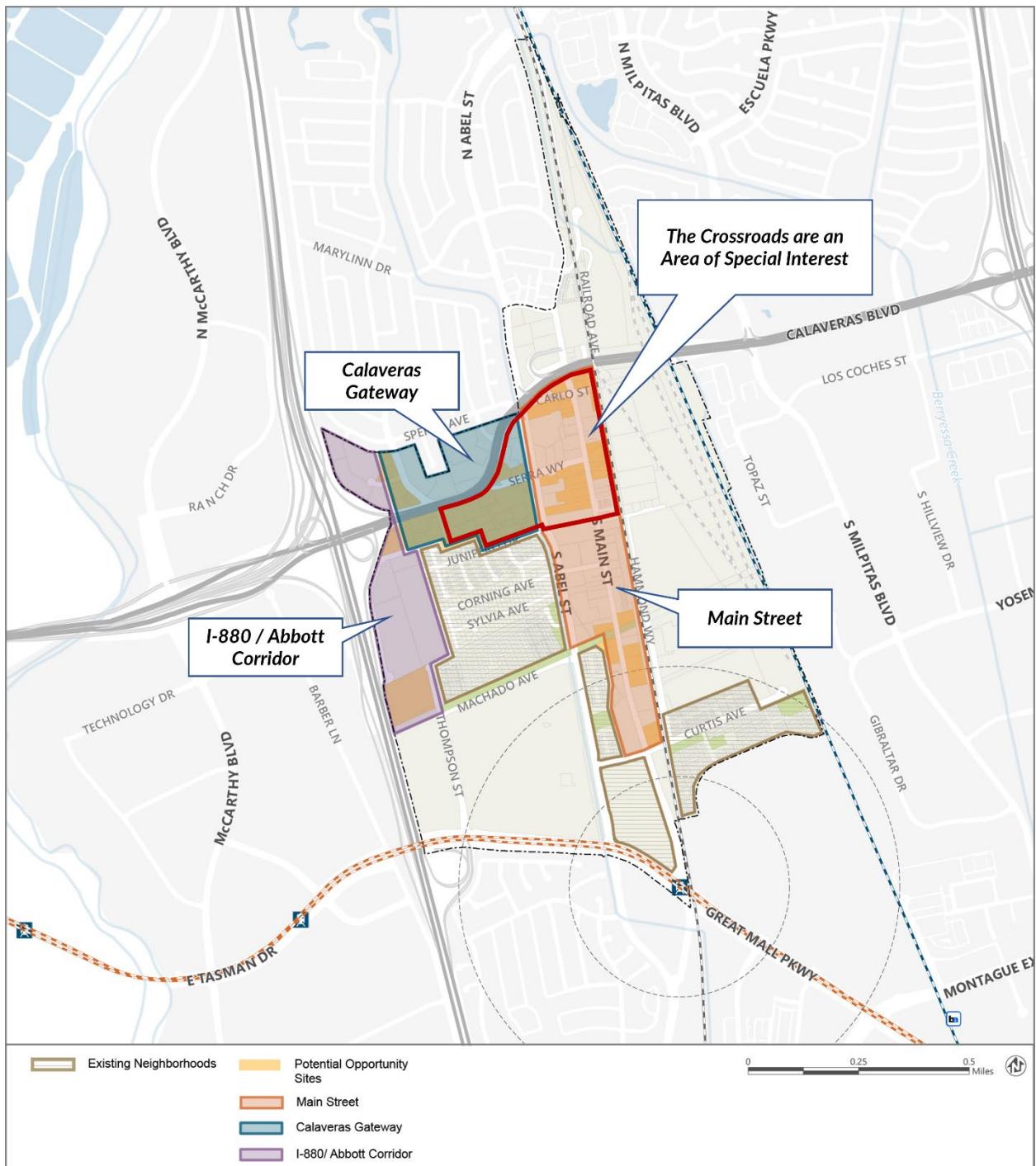


Milpitas Metro  
-----

General Commercial (GNC)	Residential Retail High Density Mixed Use (RRMU)	Multi-Family Residential Medium Density (MFM) 7-11 units/gross acre
Public Facilities (PF)	Boulevard Very High Density Mixed Use (BVMU)	Multi-Family Residential High Density (MFH) 12-20 units/gross acre; up to 40 units/gross acre with approval
Manufacturing and Warehousing (MW)	Parks and Open Space (POS)	Multi-Family Residential, Very High Density (VHD) 31-40 units/gross acre; up to 60 units/gross acre in TOD
Industrial Park (INP)	Single Family Medium Density (SMD) 6-15 units/gross acre	Urban Residential (URR) 41-75 units/gross acre; up to 25% additional density approval
Mixed Use (MXD)	Single Family Low Density (SFL) 3-5 units/gross acre	
	<input type="checkbox"/> S. Milpitas Blvd. Extension	

GIS data provided by: General Plan - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI





### Lending Discrimination

The data below show that White and Asian applicants are far more likely to be successful in getting a loan approved, and less likely to be given a subprime loan, than Black or Hispanic/Latino applicants across each category of loan in Santa Clara County. The differential rates vary across categories and across racial/ethnic groups, but for the most part, the difference between the highest and lowest percentage in each category fits into the commonly accepted 4/5ths disparate impact test, and should therefore be considered a practically significant disparate impact across the racial/ethnic groups.

**Percentage of Loan Applications Resulting in Originated Loans by Race or Ethnicity and Loan Purpose in Santa Clara County, 2014-2017 Home Mortgage Disclosure Act Data**

Race or Ethnicity	Home Purchase	Refinancing	Home Improvement
White, Not Hispanic	70.34%	62.50%	66.63%
Black, Not Hispanic	61.65%	49.98%	55.43%
Asian, Not Hispanic	70.27%	64.88%	62.11%
Hispanic/Latino	57.84%	50.51%	52.68%

Across home purchase, refinancing, and home improvement, White and Asian loan rates tend to cluster on the high end of the spectrum, with Black and Hispanic loan rates clustered at the bottom. The largest gap between the highest and lowest rates in a category is about 14 percentage points. Using the 4/5ths test, the difference between Asian and Black refinancing loans, for instance, clearly falls below the 4/5ths ratio, as does the differential between Hispanic and White home improvement loans. The gap between White and Hispanic home purchase loans falls barely within the 4/5ths ratio.

**Percentage of Loan Applications Denied by Race or Ethnicity and Loan Purpose in Santa Clara County 2014-2017 Home Mortgage Disclosure Act Data**

Race or Ethnicity	Home Purchase	Refinancing	Home Improvement
White, Not Hispanic	7.70%	14.26%	14.63%
Black, Not Hispanic	12.30%	21.61%	26.09%
Asian, Not Hispanic	9.33%	12.96%	18.05%
Hispanic/Latino	14.04%	21.11%	26.23%

When it comes to denials of loan applications, Hispanics have the highest rate of denial in both home purchase and home improvement, while Black applicants have the highest rate of denial for refinancing. However, the Black and Hispanic rates for these three categories are very similar, differ by about two percentage points at most. Meanwhile, White and Asian applicants outpace Black and Hispanic applicants in every category. The differential rates are more concerning for denials than for approvals, with Hispanics being denied for home purchase loans at twice the rate of White applicants. While not as extreme, the differentials in refinancing and home improvement also fall below the 4/5ths ratio.

**Percentage of Originated Loans That Were High-Cost by Race or Ethnicity in Santa Clara County, 2014-2017 Home Mortgage Disclosure Act Data**

Race or Ethnicity	Number of Loans Originated	Percentage High-Cost
White, Not Hispanic	62,431	1.80%

Black, Not Hispanic	1,689	3.37%
Asian, Not Hispanic	73,926	1.23%
Hispanic/Latino	14,275	4.79%

The statistics for subprime loans may not seem like cause for concern, since each percentage is so low. However, the low percentages are due to the extremely costly market in Santa Clara County. The differences between racial/ethnic groups is striking, even at these levels. The Hispanic/Latino subprime rate, 4.79%, is nearly four times the rate of Asian subprime loans, 1.23. These discrepancies also related to the wealth gap and economic and employment disparities which also have racial underpinnings.

#### **Location of accessible housing**

Although it is not possible to precisely map the location of accessible housing in the city, it tends to exist where there are concentrations of new, multifamily housing and where there are concentrations of publicly supported housing. The American Community Survey does not facilitate the disaggregation of housing units by the number of units in a structure and the year a structure is built together, but it does allow a look at those two data points separately. It is likely that the transit area, which has seen the most significant growth in recent multifamily development, has an outsized share of Milpitas' accessible housing.

#### **Location of employers**

Milpitas is home to many major companies and workplaces. The two largest employers within Milpitas are Cisco and Lifescan, each with over 2,500 employees, along with multiple other companies who have facilities or headquarters within the city, many of which are tech-based. Coined "the crossroads of Silicon Valley," Milpitas has been named one of the best cities for STEM-professionals in the United States.<sup>128</sup> The companies employ people who both live within the city limits and/or those who commute in from other locations in Santa Clara County, causing the city population to double during the work day.<sup>129</sup> This suggests that the housing situation within Milpitas is lacking in either robustness and/or in affordability, causing person to need to commute in to the city despite the Bay Area traffic being the worst in the nation due to similar problems in affordable housing across the area.<sup>130</sup>

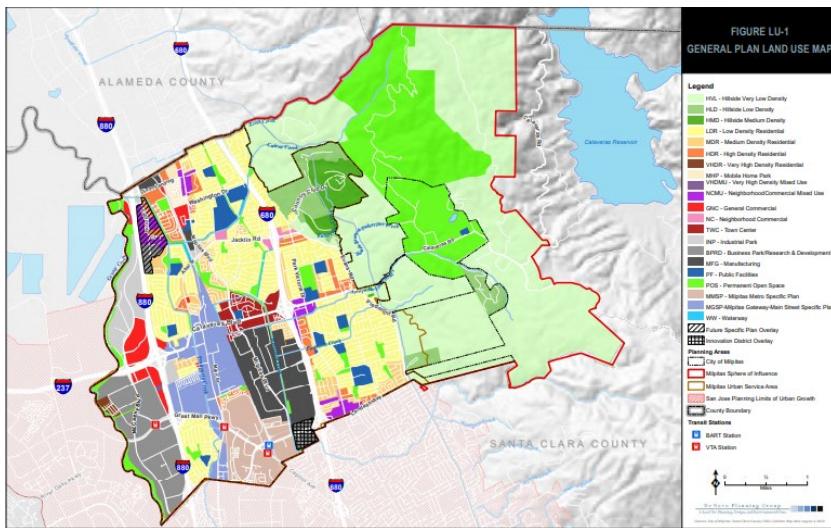
Certain areas of Milpitas perform better economically than others. This is evidenced by the City of Milpitas General Plan for 2040 outlining the goal to "encourage redevelopment of underperforming commercial corridors and retail centers (i.e. Serra Center, Main St.)" within the city. It appears that many of the major employers or commercial centers within Milpitas fall to the West of the city, likely a product of the two north-south highways (880 and 680) also being on the Western side of the city and the east-west highway (237) feeding in from the West. This makes the location of these employers beneficial to Milpitas' many commuters, particularly those coming into the city from higher-income areas within Santa Clara County or the Bay Area.

This can be shown by the land use map:

<sup>128</sup> Cara Sanders, Milpitas, CA: 2018 10 Best Cities for STEM Workers Livability (2018), <https://livability.com/top-10/culture/10-best-cities-for-stem-workers/2018/ca/milpitas> (last visited Jun 24, 2021).

<sup>129</sup> About Milpitas, City of Milpitas (2016), <https://www.ci.milpitas.ca.gov/milpitas/about-milpitas/> (last visited Jun 24, 2021).

<sup>130</sup> Bay Area leads nation in commuters traveling at least 3 hours every day, study says, ABC7 San Francisco (2019), <https://abc7news.com/super-commuters-bay-area-traffic-3-hour-commute-three/5195381/> (last visited Jun 24, 2021).



### Location of environmental health hazards

The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised and patterns of segregation entrenched.

Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion, and health effects such as asthma, cancer clusters, obesity, etc. Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

There are no Superfund sites in Milpitas in contrast to areas further west in Silicon Valley that have several.<sup>131</sup> Pollution of both the air (in both appearance and odor<sup>132</sup>) and bay<sup>133</sup> do also seem to be a concern within Milpitas, although the City of Milpitas appears to be taking some effort to educate and prevent this environmental concern<sup>134</sup> as well as including conservation and environmental efforts in the city's General Plan<sup>135</sup> and adopting a Climate Action Plan.<sup>136</sup> There are also concerns in Milpitas similar to those throughout all of California of natural wildfires.<sup>137</sup>

### Location of proficient schools and school assignment policies

<sup>131</sup> <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>

<sup>132</sup> Alix Martichoux, Milpitas will spend \$85K to investigate why city smells so bad SFGATE (2019), <https://www.sfgate.com/local-donotuse/article/why-does-milpitas-fremont-smell-bad-cause-garbage-13698010.php> (last visited Jul 19, 2021).

<sup>133</sup> Urban Runoff Program, City of Milpitas (2016), <https://www.ci.milpitas.ca.gov/milpitas/departments/fire/fire-prevention/hazardous-materials/urban-runoff-program/> (last visited Jul 19, 2021).

<sup>134</sup> Water Pollution Prevention, City of Milpitas (2021), <https://www.ci.milpitas.ca.gov/milpitas/departments/public-works-department-home-page/water-pollution-prevention/> (last visited Jul 19, 2021).

<sup>135</sup> City of Milpitas, General Plan 2040 (2021).

<sup>136</sup> Climate Action Milpitas, <https://climateactionmilpitas.org/home> (last visited Jul 19, 2021).

<sup>137</sup> Fire Crews Contain Rapidly-Spreading Vegetation Fire in Milpitas, NBC Bay Area (2021), <https://www.nbcbayarea.com/news/local/south-bay/milpitas-fire-prompts-evacuations/2447829/> (last visited Jul 19, 2021).

Milpitas only has one school district, the Milpitas Unified School District (MUSD). With 27 school districts in Santa Clara County, MUSD is ranked seventh in the county and has 10,172 students in grades K-12.<sup>138</sup> In fact, MUSD is ranked 86th of 440 for best school districts in California.<sup>139</sup> The district has ten elementary schools (John Sinnott, Marshall Pomeroy, Curtner, Anthony Spangler, Pearl Zanker, Alexander Rose, Joseph Weller, William Burnett, Robert Randall, and Mabel Mattos); two middle schools (Rancho Milpitas and Thomas Russell); and two high schools (Milpitas and Calaveras Hills).

Regarding elementary schools, two received solid As, 5 received A-s, 1 received a B+, 1 received a B, and one is unrelated on Niche.<sup>140</sup> To calculate these overall grades, Niche takes into account academics (state assessment proficiency and surveys responses from students and parents); teachers (salary, absenteeism, etc.); district overall Niche grade (academic and student life data and reviews); culture and diversity (racial and economic diversity); and parent/student surveys about their overall experience. These are weighted 50 percent, 20 percent, 15 percent, 10 percent, and five percent, respectively.<sup>141</sup> The lowest rated elementary school was Robert Randall Elementary School located at 1300 Edsel Dr., Milpitas, CA 95035.

Both middle schools received an A rating on Niche.<sup>142</sup> Lastly, Milpitas High school received an A, but Calaveras Hills received a C+. On Great Schools, Calaveras Hills received a 2/10 rating while the former received a 9/10. These are only two miles apart. While Milpitas High has 3,177 students, Calaveras Hills only has 106 students because it is a continuation high school, meaning it serves students who are at risk of not graduating within four years. Most students at Calaveras Hills previously attended Milpitas High.<sup>143</sup>

### **Location and type of affordable housing**

#### **List of Low-Income Housing Complexes**

In Milpitas, there are eight low-income housing complexes, which include HUD-funded, Section 8, public housing, non-profit senior and family low-income apartments, and low-income tax credit apartments (LIHTC).<sup>144</sup> The average cost of these apartments is \$807 per month.<sup>145</sup>

One of the low-income housing complexes is Senior Housing Solutions located at 512 Valley Way, Milpitas, CA 95035 and costs about \$700 (crowd sourced) per month.<sup>146</sup> This housing complex is intended for seniors whose incomes are less than \$1,200 per month.

---

<sup>138</sup> School Districts in Santa Clara County, Niche, <https://www.niche.com/k12/search/best-school-districts/c/santa-clara-county-ca/> (last visited Jun 10, 2021).

<sup>139</sup> Explore Milpitas Unified School District, Niche, <https://www.niche.com/k12/d/milpitas-unified-school-district-ca/> (last visited Jun 10, 2021).

<sup>140</sup> Schools in Milpitas Unified School District, Niche, <https://www.niche.com/k12/search/best-schools/d/milpitas-unified-school-district-ca/> (last visited Jun 10, 2021).

<sup>141</sup> The Best Public Elementary Schools Methodology – Niche, , <https://www.niche.com/about/methodology/best-public-elementary-schools/> (last visited Jun 10, 2021).

<sup>142</sup> Explore Milpitas Unified School District, Niche, <https://www.niche.com/k12/d/milpitas-unified-school-district-ca/> (last visited Jun 10, 2021).

<sup>143</sup> CHHSMustangs - Our School, <https://chhs.musd.org/our-school/our-school> (last visited Jun 10, 2021).

<sup>144</sup> Milpitas CA Low Income Housing and Apartments, <https://www.lowincomehousing.us/CA/milpitas.html> (last visited Jun 8, 2021).

<sup>145</sup> Ibid.

<sup>146</sup> Senior Housing Solutions | 512 Valley Way, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/ca\\_Senior\\_Housing\\_Solutions](https://www.lowincomehousing.us/det/ca_Senior_Housing_Solutions) (last visited Jun 8, 2021).

Another housing complex for low-income residents is Montevista Apartments located at 1001 S Main St, Milpitas, CA 95035 and costs between \$251 and \$2,200 (crowd sourced) per month.<sup>147</sup> This housing complex is reliant on low-income housing tax credit (LIHTC). It has 163 low-income units, including one, two, and three-bedroom apartments.

DeVries Place Senior Apartments is located at 163 N Main St. Milpitas, CA 95035 and costs between \$102 and \$950 (crowd sourced) per month.<sup>148</sup> It is also a LIHTC housing complex with 102 low-income units, including one- and two-bedroom apartments.

Terrace Gardens Senior Housing is located at 186 Beresford Ct, Milpitas, CA 95035, and an apartment costs \$1,800 (crowd sourced) per month.<sup>149</sup>

Located at 60 Mihalakis Street, Milpitas, CA 95035, Aspen Apartments costs between \$500 and \$1,500 (crowd sourced) per month.<sup>150</sup> It is also a LIHTC housing complex with 100 low-income apartments, including two- and three-bedroom apartments.

There is also another housing complex called Aspen Apartments, which is at 81 Mihalakis St., Milpitas, CA 95035 and costs \$601 (crowd sourced) per month in rent.<sup>151</sup> It is a LIHTC housing complex with 100 low-income apartments, including two- and three-bedroom apartments.

Sunnyhills Apartments is at 1724 Sunnyhills Dr., Milpitas, CA 95035, and the rent is between \$530 and \$1,600 per month.<sup>152</sup> This housing complex has studios as well as one, two, three, and four-bedroom apartments. For these apartments, the federal government provides funds directly to the apartment owner. The owner accepts subsidies from the U.S. Department of Housing and Urban Development (HUD). Rent is based on 30 percent of one's adjusted gross income. Funded by Santa Clara-based JMK Investments, forty-four apartments will be added to this apartment complex. The Milpitas City Council approved this plan to add 44 apartments on November 17, 2020. Milpitas requires 15 percent of all new buildings with more than 10 units to be affordable, so seven out of the 44 apartments will be meant for low-income residents making 30% of the area median income or less. The rest of the apartments will be rented at market rate.<sup>153</sup> It is unknown whether the construction is completed. As of 2020, the building has a total of 171 apartments with 149 being partially subsidized by the Project-Based Section 8 program. JMK pays the difference between the rent and the amount the tenant can pay. In 2017, JMK stated its plan to end their HUD agreement, demolish the building, and construct market-rate units. Shortly after in 2017, the City worked with JMK to pay them \$1.25 million over five years and consider building more

---

<sup>147</sup> Montevista Apartments | 1001 S Main St, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/montevista\\_apartments-95035](https://www.lowincomehousing.us/det/montevista_apartments-95035) (last visited Jun 8, 2021).

<sup>148</sup> DeVries Place Senior Apartments | 163 N Main St, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/devries\\_place\\_senior\\_apartments-95035](https://www.lowincomehousing.us/det/devries_place_senior_apartments-95035) (last visited Jun 8, 2021).

<sup>149</sup> Terrace Gardens Senior Housing | 186 Beresford Ct, Milpitas, CA 95035 | LowIncomeHousing.us, <https://www.lowincomehousing.us/det/terrace-gardens-senior-housing> (last visited Jun 8, 2021).

<sup>150</sup> Aspen Apartments Milpitas | 60 Mihalakis St, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/aspen\\_apartments-95035](https://www.lowincomehousing.us/det/aspen_apartments-95035) (last visited Jun 8, 2021).

<sup>151</sup> Ibid.

<sup>152</sup> Sunnyhills Apartments | 1724 Sunnyhills Drive, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/95035-2720-sunnyhills\\_apartments](https://www.lowincomehousing.us/det/95035-2720-sunnyhills_apartments) (last visited Jun 8, 2021).

<sup>153</sup> Joseph Geha, "Milpitas approves 44 more apartments at mixed-income complex," (November 18, 2020), <https://www.mercurynews.com/2020/11/18/milpitas-approves-44-more-apartments-at-mixed-income-complex/> (last visited July 7, 2021).

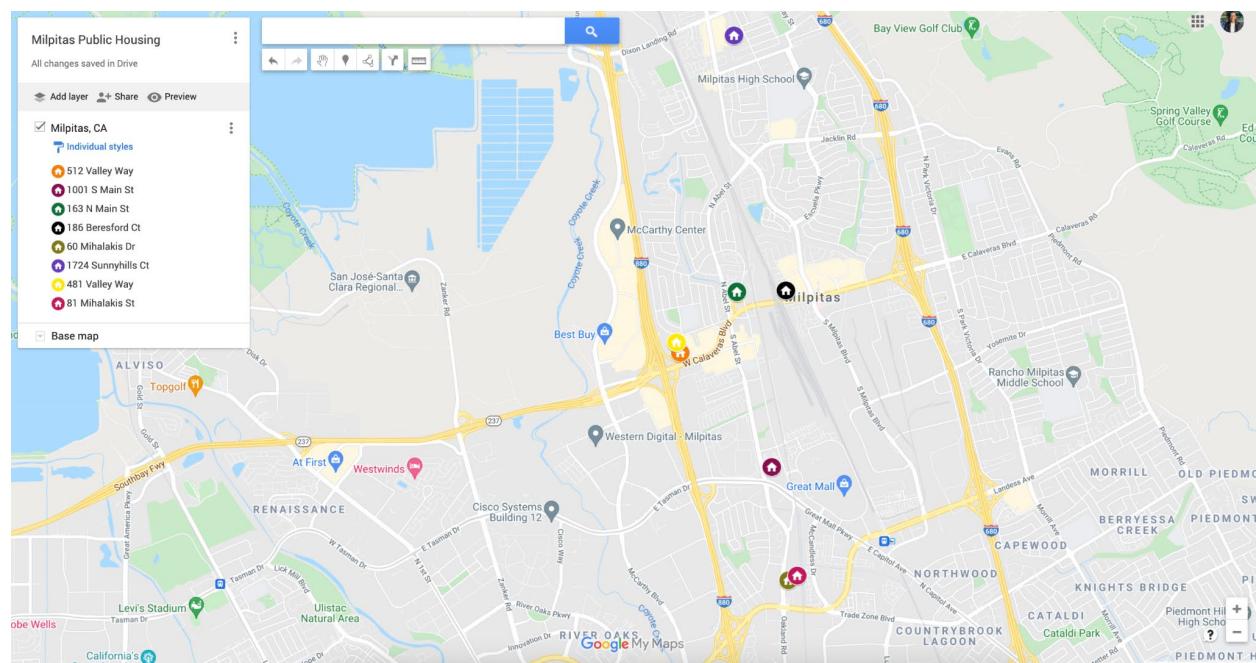
apartments. JMK agreed, and they renewed their HUD agreement through February 2023 to keep the affordable housing units. HUD will allow JMK to renew this program through 2028 or later. In 2020, the city agreed to pay JMK an additional \$200,000 for roof replacements on all existing buildings.<sup>154</sup>

Currently, the owner is receiving less income than if the units did not have affordability restrictions. Therefore, the city wants to encourage the owner to continue contracting their buildings as a project-based Section 8 property when the mortgage restriction expires. If the owner wants to sign a rental subsidy agreement with Milpitas or another group to subsidize rent for low-income residents, then the city (or other group) would have to pay \$514,000 per year (34).<sup>155</sup> The city could also work with a nonprofit housing provider to purchase the apartments, which would require renovation or rehabilitation. Milpitas concluded that preserving the 149 units would be cheaper than replacing them. The City has the money to partially preserve or replace (36).<sup>156</sup>

Lastly, there is Housing For Independent People in the city, specifically at 481 Valley Way, Milpitas, CA 95035. An apartment ranges between \$400 and \$800 (crowd sourced) in rent per month.<sup>157</sup> There are one, two, and three-bedroom apartments.

### Screenshot and Interactive Map of the Low-Income Housing Complexes

Below is a map of all eight of these low-income housing complexes. Four of them are close to one another near Calaveras Blvd.



Here is the link to this interactive map on which you could add more locations and look at specific locations.

<sup>154</sup> Ibid.

<sup>155</sup> City of Milpitas Housing Element Update: 2015–2023, (2015), <https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/01/AdoptedHousingElement2015-2023.pdf> (last visited Jun 8, 2021).

<sup>156</sup> Ibid.

<sup>157</sup> Housing For Independent People | 481 Valley Way, Milpitas, CA 95035 | LowIncomeHousing.us, [https://www.lowincomehousing.us/det/ca\\_Housing\\_For\\_Independent\\_People](https://www.lowincomehousing.us/det/ca_Housing_For_Independent_People) (last visited Jun 30, 2021).

<https://www.google.com/maps/d/u/0/edit?mid=1YBvZ1a2woDQfMqWK73jclhCMCwPqVqnf&usp=sharing>

When examining this map of low-income housing and the map of race and ethnicity by block group,<sup>158</sup> one can find low-income housing in predominantly Hispanic and Asian neighborhoods.

### **Future Plans for Affordable Housing**

In 2019, Milpitas City Council approved funding for a 102-unit 100% affordable housing development at 355 Sango Court<sup>159</sup> and a similar affordable development at 308 Sango Court in 2021. Additionally, the city may build affordable housing on a vacant 2.23-acre site bound by North Main Street (to the west and north), a Southern Pacific Railroad line (to the east), and Weller Lane (to the south). It may be used for a park and open space, but Milpitas may use the land for residential purposes (59).<sup>160</sup> It is also possible that the proposed Core project on South Main Street will be converted to 100% affordable. Lastly, the City is currently reviewing a 100% affordable proposed S.B. 35 development at 1300 South Main Street, and affordable housing development is planned for a City-owned parcel South Main.

Other plots of land for affordable housing include hillsides, but the city does not expect to build homes there during the 2015-2023 planning period because of environmental concerns and hazards and low-density zoning designations (59).<sup>161</sup> For new housing projects, the city requires a portion of the units to be affordable. Fifteen percent is the minimum, but the percentage of affordable units is determined on an individual basis by considering the size, location, and type of housing as well as the units' proximity to transportation services and the number of affordable units in the area.<sup>162</sup>

### **Loss of affordable housing**

As noted above, the City has also had to engage in extensive efforts to preserve the affordability of Sunnyhills Apartments, the city's one Project-Based Section 8 development. Because Milpitas does not have a large supply of subsidized or rent-controlled housing, the loss of affordable housing – the example of Sunnyhills notwithstanding – is less of a risk than in some other cities in the San Francisco Bay Area.

### **Occupancy codes and restrictions**

The State of California has not adopted the Universal Building Code. Instead, they have enacted the California Building Code, which also incorporates the International Building Code. The California Building Code has a rather broad definition of family, in that it does not only limit a family to "an individual or two or more persons who are related by blood or marriage," but expands the definition to any persons who "otherwise live together in a dwelling unit."<sup>163</sup> This definition is not restrictive in a way that would negatively affect access to housing.

---

<sup>158</sup> Milpitas, CA | Data USA, <https://datausa.io/profile/geo/milpitas-ca#demographics> (last visited Jun 9, 2021).

<sup>159</sup> City of Milpitas, [Milpitas City Council Approves Funding for a 100% Affordable Housing Development](#).

<sup>160</sup> City of Milpitas Housing Element Update: 2015–2023, *supra* note 10.

<sup>161</sup> *Ibid.*

<sup>162</sup> Section 6 - Mixed Use Zones and Standards\* | Code of Ordinances | Milpitas, CA | Municode Library, [https://library.municode.com/ca/milpitas/codes/code\\_of\\_ordinances?nodeId=TITXIZOPLAN\\_CH10ZO\\_S6MIUSZOST\\_XI-10-6.03AFHO](https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITXIZOPLAN_CH10ZO_S6MIUSZOST_XI-10-6.03AFHO) (last visited Jun 10, 2021).

<sup>163</sup> CAL., BUILDING CODE § 202.

Santa Clara County also defines family broadly, as “one or more persons . . . living as a single . . . household,” explicitly excluding only those “operating a hotel, club, fraternity or sorority house.”<sup>164</sup> Moreover, the code explicitly deems “necessary domestic help” as included within the definition of family.<sup>165</sup> Milpitas retains the expansive, non-restrictive view adopted by both California and Santa Clara County.<sup>166</sup> Accordingly, occupancy codes and restrictions are not a major factor in reducing access to fair housing in Milpitas.

### **Private Discrimination**

According to the California Department of Fair Employment and Housing (DFEH) Annual Report, there were 597 complaints in Santa Clara County in 2019.<sup>167</sup> Broken down by category, there were 206 employment complaints, 28 housing complaints, 4 under the Ralph Civil Rights Act, and 14 under the Unruh Civil Rights Act. 340 of the complaints were investigated and determined actionable.

A 2016 analysis by the City of Milpitas found that White individuals reported the most allegations of housing discrimination, while the Asian population - which accounted for 63% of Milpitas’ population at the time of the study - reported a significantly lower proportion of the cases. However, Asian residents and other residents of color are becoming more willing to come forward with allegations of housing discrimination, as compared to previous years.

Between FY 2010 and 2015, Project Sentinel, which receives housing complaints locally, opened 25 investigations based on discriminatory ads. Discrimination on the basis of disability accounted for 67% of the total 33 fair housing investigations (including audits) opened in Milpitas during this time. Discrimination on the basis of familial status accounted for a further 11% of investigations, race and national origin 8%, sex 3%, and other issues 11%. Compared to the overall statistics for Santa Clara County, Milpitas landlords discriminated on the basis of disability at a much higher rate (for SCC, the figure is 58%, while 31% of cases in SCC involved discrimination on the basis of familial status). The overall number of cases increased from the previous five years. During this period, 60% of all discrimination complaints were referred to Project Sentinel, while the remainder were referred to other local organizations, such as the Legal Aid Society of Santa Clara County.<sup>168</sup>

### **Quality of affordable housing information programs**

There does not appear to be any general-eligibility mobility counseling programs for Housing Choice Voucher holders in Milpitas. There are a handful of other housing information programs, though. Milpitas has held a series of “Building Safety & Housing Webinars & Workshops,”<sup>169</sup> such as one on rent relief assistance<sup>170</sup> and a housing resource informational workshop.<sup>171</sup> Beyond these informational programs, the city of Milpitas does host an accessible website advertising the variety of different affordable housing

---

<sup>164</sup> SANTA CLARA COUNTY, CAL., CODE § 1.30.030.

<sup>165</sup> *Id.*

<sup>166</sup> MILPITAS, CAL., CODE § XI-10-2.03 (including in the definition of family “unrelated persons who function together as a single household unit”).

<sup>167</sup> [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/10/DFEH\\_2019AnnualReport.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/10/DFEH_2019AnnualReport.pdf)

<sup>168</sup> <http://www.ci.milpitas.ca.gov/wp-content/uploads/2016/09/AI-MILPITAS-2016-FINAL.pdf>

<sup>169</sup> Webinars, City of Milpitas (2021), <https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/webinars/> (last visited Jun 30, 2021).

<sup>170</sup> City of Milpitas, Affordable Housing and Building Safety Month Virtual Event YouTube (2021), <https://www.youtube.com/watch?v=PnlzMMSB814> (last visited Jun 30, 2021).

<sup>171</sup> City of Milpitas, Milpitas Housing Resource Informational Workshop YouTube (2020), <https://www.youtube.com/watch?v=jGbFPewaIoQ> (last visited Jun 30, 2021).

programs offered by the county, although these are oriented on applying for such programs rather than informational assistance.<sup>172</sup> The City website and published brochure does also offer examples of third-party organizations within Milpitas which may host informational programming for low-income home owners and other demographics who may face barriers in housing.<sup>173</sup> In the City's Housing Element plan for 2015-2023, it also outlines intentional plans for providing information programming, with programs D.4.8. and D.4.9. specifically focusing on individuals with disabilities, and program E.1.4. stating "The City will continue to distribute information on fair housing laws through flyers, brochures, public service announcements, and other means."<sup>174</sup>

It is also important to note that residents of Milpitas have access to the same affordable housing information programs as Santa Clara County. While Santa Clara County also lacks general-eligibility mobility counseling programs, it does offer some discrete programs for particular populations within the county, such as the Welfare to Work information program for Welfare to Work clients and the Silicon Valley Independent Living Center counseling program for developmentally disabled adults.

#### **Regulatory barriers to providing housing and supportive services for persons with disabilities**

Recent data shows that approximately 3.5% of Milpitas residents under aged 65 live with a disability.<sup>175</sup> These individuals living with disabilities have been shown to be at increased risk of housing vulnerability, barriers, and displacement due to physical accessibilities, social stigma, and economic instability (due to issues such as workplace discrimination or inability to work full-time or at all). Although Milpitas and Santa Clara County do offer some limited disability supportive services, research nonetheless shows that these services go underutilized by persons with disabilities due to either legitimate or perceived barriers in accessing such services.<sup>176</sup>

More anecdotally, there have been calls from mental health and disability activists within Milpitas who allege that the city council has halted or dismissed beneficial affordable housing projects due to untrue stereotypes surrounding homeless people, i.e. that they largely suffer from mental disorders, and that this stigma surrounding persons with mental health disabilities has actually caused Milpitas to limit housing accessibility instead of adopting such perceived risks.<sup>177</sup> Beyond this, the issues in regulatory barriers to providing housing and services for persons with disabilities within Milpitas appear to reflect the more general trends of issues with both housing accessibility and the disability community beyond the city.

#### **Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs**

---

<sup>172</sup> Housing Resources, City of Milpitas (2021), <https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/housing-resources/#1588874982021-44405074-ccfd> (last visited Jun 30, 2021).

<sup>173</sup> Housing Resources, City of Milpitas (2021), <http://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/housing-resources/> (last visited Jun 30, 2021).

<sup>174</sup> City of Milpitas, City of Milpitas Housing Element Update (2015).

<sup>175</sup> *QuickFacts: Milpitas City, California*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/milpitascitycalifornia> (last visited Jul. 23, 2021).

<sup>176</sup> Disability and health, World Health Organization (2020), <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> (last visited Jun 24, 2021).

<sup>177</sup> Rhoda Shapiro & Eric Shapiro, Milpitas City Council faces sharp criticism from Governor and Law Foundation over planned Homekey lawsuit The Milpitas Beat (2020), <https://milpitasbeat.com/milpitas-city-council-faces-sharp-criticism-from-governor-and-law-foundation-over-planned-homekey-lawsuit/> (last visited Jun 24, 2021).

The term “siting selection” refers here to the placement of new publicly supported housing developments. Placement of new housing refers to new construction or acquisition with rehabilitation of previously unsubsidized housing. State and local policies, practices, and decisions can significantly affect the location of new publicly supported housing. Local policies, practices, and decisions that may influence where developments are sited include, but are not limited to, local funding approval processes, zoning and land use laws, local approval of LIHTC applications, and donations of land and other municipal contributions. For example, for LIHTC developments, the priorities and requirements set out in the governing Qualified Allocation Plan (QAP) influence where developments are located through significant provisions in QAPs such as local veto or support requirements and criteria and points awarded for project location.

The main policy-driven factor related to the siting of publicly supported housing is the heavy focus of affordable housing development efforts throughout the state on transit-oriented development. Overall, there is very high access to transportation throughout Santa Clara County. When real affordability is built into transit-oriented development, these investments may have a positive effect on stable integration in areas undergoing gentrification by arresting the process of displacement.

The California Tax Credit Allocation Committee’s QAP heavily incentivizes family-occupancy Low Income Housing Tax Credit (LIHTC) development in what it terms “High Resource” or “Highest Resource” areas. Much of Milpitas falls within High Resource areas. LIHTC development in these areas would contribute to greater residential racial integration. In light of the significant incentives for LIHTC development in High Resource and Highest Resource areas, the QAP does not currently contribute to segregation. At the same time, it is important to note that the California Tax Credit Allocation Committee adopted the incentives against the backdrop of a long history of allocating credits to developments that perpetuated segregation. The QAP includes set-aside pools for the South and West Bay Region (San Mateo and Santa Clara Counties) of 6%, which is roughly equal to its share in the population of the state.

#### **Source of income discrimination**

In 2019, the City of Milpitas passed the “Milpitas Source of Income Discrimination Ordinance” to ensure that people who received any form of housing subsidy or assistance were considered for housing.<sup>178</sup> The statute of limitations is two years, and violating this ordinance would be a misdemeanor punishable by a fine of not more than \$1,000 and/or imprisonment in county jail for not more than six months. The ordinance targets transactions denied because the person had housing assistance; terms or conditions of a transaction excluding those individuals; rules that refuse or restrict facilities, services, repairs, or improvements; material distributed that indicates preference based on housing assistance; financial or income standards that give preference to incomes earned directly from tenants; and landlords failing to work with potential or current tenants to complete required documentation.<sup>179</sup>

#### **State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings**

State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, and other integrated settings are not a significant contributing factor to fair housing issues in Milpitas or Santa Clara County. A severe shortage of available, integrated affordable housing is the primary driver of the segregation of persons with disabilities, rather than laws, policies, or practices that discourage persons with disabilities from living in integrated housing.

---

<sup>178</sup> MILPITAS SOURCE OF INCOME DISCRIMINATION ORDINANCE, (2019),  
[https://www.ci.milpitas.ca.gov/\\_pdfs/task\\_force/tenant/2019/012319/attachment1.pdf](https://www.ci.milpitas.ca.gov/_pdfs/task_force/tenant/2019/012319/attachment1.pdf).

<sup>179</sup> Ibid.

### **Unresolved violations of fair housing or civil rights law**

There have been few recent and ongoing actions against the City of Milpitas, though several civil rights actions relating to discrimination based on age and disability status have been recently resolved. There have also been actions against private landlords and other business entities, rather than jurisdictions, often brought by Project Sentinel in its capacity as a private fair housing enforcement organization. Fair housing violations have also been rare. However, in late 2020, a controversy arose surrounding Project Homekey, a grant program administered by the State of California to facilitate the conversion of hotels, motels, and apartment buildings for conversion into housing for unhoused and homeless individuals. Milpitas was to become the site for one such converted housing complex, which was strongly opposed by Milpitas City Council. In October 2020, the Council resolved to bring a lawsuit against Santa Clara County to prevent the development of the Project Homekey-funded complex. However, the Council renounced its plans several weeks later amid backlash from local affordable housing advocates and California Gov. Gavin Newsom.<sup>180</sup> The Homekey grant was ultimately released, along with funding from the County, and the project has been operating since January 2021.

---

<sup>180</sup> <https://www.bizjournals.com/sanjose/news/2020/11/06/milpitas-reverses-course-project-homekey-lawsuit.html>