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Moving Toward Equality Panel 4 Fair Housing and its Effect on Land Use and Zoning Reform

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Fair housing and poverty in rural areas: local government,
municipal services, farmworkers and colonias

Public Comment

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CRLA and fair housing: an introduction

California Rural Legal Assistance, Inc. (CRLA) is a non-profit legal services organization seeking to ensure that all low income rural communities have access to justice and the provision of human rights.

CRLA provides no-cost legal representation, community outreach, and educational workshops to California farm workers and low-income families in the areas of health, housing, civil rights, education, family security, and employment. We have led collaborative efforts with private, public, and non-profit agencies, since 1966, to expand the accessibility of the justice system to low-income individuals and families, and to educate and empower our clients to enforce equal protection under the law.

CRLA's multi-lingual, culturally diverse staff serve over 40,000 clients and community members annually in 23 offices from the US-Mexico border to Northern California. CRLA advocates provide legal advice or representation to approximately 6,000 housing clients annually statewide, targeting the most underserved regions (the border region, Central Valley and Central Coastal Region) in our fair housing enforcement program.

CRLA's rural fair housing center targets the most marginalized and underserved populations including migrant and seasonal farmworkers, recent immigrants, indigenous groups, language minorities and rural poor minorities, ethnic minorities, linguistically and culturally isolated populations, persons with disabilities and the homeless.

Our client communities confront poverty and housing discrimination in rural and agricultural areas throughout California. The lack of decent, affordable housing throughout rural California is one of the primary indicia of poverty and housing discrimination. This is true in the coastal areas, where the cost of real estate has been and continues to be extremely high, in the Central Valley, where sprawl and development pressure have priced out of the market the lower income families most in need of a decent and affordable place to live, the border, where economic and development pressure threatens to close mobilehome parks, the last vestige of affordable housing for many rural, low income families and low wage worker households.

Land use and housing decisions by local government often are discriminatory against CRLA clients because of race, national origin, language, their status as farmworkers, or large families, or because they are recent immigrants or belong to other protected classes.

Rural Poverty & The Housing Crisis Disproportionately Affect Minorities

Barriers to decent affordable housing are especially impenetrable in rural California¹ as they often are throughout the nation. Out of Reach, 2007-2008, a report of the National Low Income Housing Coalition makes it clear that the gap between what low-income workers earn and what they can afford in the housing market is a nationwide problem. California and its local jurisdictions rank high among the most expensive in the nation, where a minimum wage worker would have to work 120 hours/week, 52 weeks/year in order to be able to pay 30% of her income for rent and utilities for a 2-bedroom apartment.

Across the nation four million households "in nonmetro areas were classified as housing poor...nonmetro Hispanics ... and other minority households were more likely than their White counterparts to be in housing poverty." ² CRLA's clients continue to face the daunting task of trying to pay for housing in some of the most expensive housing markets in the country, confront the most dire housing and neighborhood conditions and find that discrimination plays a significant role in their ability to live in a decent, affordable home or a neighborhood with adequate services. Their lives in rural California can be especially harsh, disproportionately so, if they are in minority communities.

Poverty remains a stubborn problem in many rural communities in the U.S., particularly among minorities, female-headed households, and children. "These groups are not only much poorer than other nonmetro residents they are also generally poorer than their metropolitan counterparts. Lacking adequate income, poor rural households continue to face considerable challenges in accessing decent, safe, and affordable housing...While significant gains have been made in reducing poverty among rural Americans, poverty rates are still shockingly high among certain subsections of the rural population – namely women and minorities...Economic distress and poverty have a major impact on housing conditions for both communities and households alike. Rural households in poverty experience some of the worst housing conditions in our nation...[Rural] demographic [increasing immigration and diversity]

¹ Maharidge, Dale, *Grapes of Wrath Revisited, And the Rural Poor Get Poorer*, The Nation, January 1992.

² *Immigrants, Cops and Slumlords in the Midwest*, Guadalupe T. Luna, Southern Illinois University Law Journal, Fall, 2004/Winter, 2005. 29 S. Ill. U. L.J. 61.

and economic trends, in conjunction with pockets of persistent poverty, will continue to challenge rural communities in the already difficult battle to end poverty.” Housing Assistance Council (HAC), Poverty in Rural America, June 2006.

Rural minorities are more likely than others to live in substandard and cost-burdened housing and more likely to be poor. Race, Place and Housing: Housing Conditions in Rural Minority Counties, HAC 2004 citing HAC 2002. See also, Whitener, Leslie A., *Housing Poverty in Rural Areas Greater for Racial and Ethnic Minorities*, Rural America, Vol. 15, No.2, May 2000; Rural America At A Glance, USDA ERS, Economic Bulletin Number 00, September 2005.

The special importance of the rental housing stock and needs of renter households in rural communities, moreover, often are overlooked, while renter-occupied households in rural areas are twice as likely to live in substandard housing than their owner counterparts, with a substantially higher percentage among minority renters in rural areas. HAC, Rental Housing in Rural America, 2003.

These data reveal the existence of conditions that CRLA clients suffer on a daily basis, persistent rural poverty, substandard housing conditions, unequal living conditions, inadequate infrastructure and municipal services, language and cultural isolation, limited access to jobs, good health care, quality education or social services, displacement from existing neighborhoods, high cost burden for housing. The studies show that poverty, race and place are integrally related, but they reveal only a portion of the experience of rural poverty and discrimination in areas of especially concentrated minority populations. The underlying relationship among those factors is extensive throughout rural California and in other parts of the country, with both established and more recent minority and immigrant populations. CRLA client communities know this well. Unincorporated communities in the San Joaquin Valley have been described as the “Appalachia” of the West³, lacking proper sewage disposal, storm drains, without safe water supplies or adequate police protection, absent street lights or recreational facilities; annexed around so they are unable to participate in the democratic

³ *California's San Joaquin Valley: A Region in Transition*, Congressional Research Service, December 2005; *Migrants No More*, Mother Jones, December 2004; *Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty, Inequity and a System of Unresponsive Governance*, CRLA and PolicyLink, November 2007.

institutions that should provide community infrastructure; and, suffering third world conditions in the richest state in the richest nation in the world.

These conditions bespeak the shame of spatial inequality in rural California and other rural and agricultural areas in the country. Farmworkers, recent immigrants, indigenous groups, racial, ethnic and language minorities, are forced to live in dilapidated houses, old motels, under porches, in garages, in sheds and out in the open fields, orchards, in caves and lean-tos in canyons. Those who can manage to rent apartments or to own modest homes often live in neighborhoods, unincorporated areas, sometimes geographically isolated, virtually always politically isolated, lacking the amenities that most renters and homeowners take for granted. They far too often cannot gain access to decent, affordable housing in communities with adequate services.

These conditions do not happen by chance. They are created by structural and systemic societal causes related to poverty and race. De facto segregation limits choice and opportunity, unequal municipal services often are dependent on what residents look like and what language they speak, municipal underbunding keeps minority areas outside town boundaries, resulting in reduced access to infrastructure, and limited or no voice in land use and permitting decisions. Commercial interests often control policy, historical and political exclusion result in unincorporated racially segregated areas, gentrification and redevelopment result in wholesale displacement of families and communities, exacerbating segregation in lower income, minority communities. Upscale ghettos are bereft of affordable housing.

Pockets of poverty thus are formed by policy, custom and practice. The end result is that substandard housing becomes the perverse norm and rural colonias exist far beyond the traditionally recognized southwest borders. The indicia of spatial inequality, substandard, unaffordable, unavailable, indecent housing, infrastructure that is insufficient to support thriving communities, lack of access to jobs, health care, good schools or social amenities, polluted environments, and a weak economy present the challenge. "At the root of this cumulative disadvantage [sic] lies the distribution of housing opportunities." *Housing: Crisis or Opportunity?* Dowell Myers ([Latinos and Public Policy in California](#), David Lopez and Andres Jimenez, Eds. 2003.)

A recent commentator notes that residential racial segregation is identified with radically disparate resource allocation, i.e., terrible schools, dangerous environments, degraded employment opportunity. "The consequences of this residential segregation are dire, both for the persons of color who are confined within central areas and for the majority community. The injuries to the former include grievously inadequate education, alarmingly high dropout rates, pervasive under- and unemployment, epidemics of asthma and lead poisoning, and other unhealthy and unsafe environmental conditions. These cumulative injuries deplete residents' sense that their own humanity is valued and lead to hopelessness. For the majority community, the racial separation means: self-imposed virtual exclusion from the center city and the cultural, educational, historical, and other institutions that are rooted there; lack of the educated workforce needed to sustain and expand twenty-first century society; increased public expenditures for health-care and social services; and the loss of farmland and open space to accommodate more highways, traffic congestion, stress, pollution, and other environmental hazards that spill over municipal boundaries. Residential racial segregation has also defeated efforts to achieve racial integration in the public schools and has hindered substantially efforts to achieve racial integration in employment and reduce racial block voting." ⁴

Farmworkers and their families, many of them from indigenous populations in Mexico and Central America, often are the most marginalized of CRLA clients and suffer the worst housing conditions in rural California. This undoubtedly is increasingly the case in farmworker and immigrant communities⁵ throughout the country. The extent and consequences of these conditions have yet to be adequately assessed. "Farmworkers are among the worst housed groups in the United States. After long hours toiling in the fields, few farmworkers can look forward to a warm shower, clean laundry, or a room to call their own. Even a decent supper is difficult to come by if the stove is broken, the refrigerator does not work, or the place lacks a

⁴ Roisman, Florence Wagman, End Residential Racial Segregation, Build Communities That Look Like America, 2008, www.hlpnline.com/Roisman.pdf.

⁵ The Public Policy Institute of California notes that cities regardless of size report that **housing is the biggest challenge facing recent immigrants, often facing crowding and affordability concerns, but that few cities plan to address those needs.** *Immigrants and Local Governance: The View from City Hall*, S. Karthick Ramakrishnan, Paul G. Lewis, PPIC 2005. *Immigration and Housing in Rural America*, HAC, 2007 (The significant increase in rural America's foreign-born population has placed additional stress on already strained infrastructure and limited housing stock.)

kitchen altogether. The deplorable housing conditions experienced by many of the nation's migrant and seasonal farmworkers have been described in journalistic accounts⁶, but little effort has been made to document systematically the nature and prevalence of housing problems farmworkers and their families face. Without adequate data, policymakers and project funders cannot make informed decisions about how to use limited public resources to improve the housing in which farmworkers live."⁷

California studies urge additional research to evaluate the adverse health outcomes associated with substandard farmworker housing conditions. The author of one study remarks that for some workers it is a "Hobson's choice" of accepting poor housing conditions or no shelter at all.⁸ This is not limited to California. A study in the Midwest reports that for the privilege of residing in inferior and unsafe housing units, researches and advocates "have documented farmworkers paying handsomely for run down apartments, mobile homes, cottages and even garages and sheds in some localities." 29 S. Ill. U. L.J. 61, 71 (2005). Reports on farmworker housing conditions from agricultural communities in Washington, Florida and North Carolina document similar conditions.

Rural communities also are marked by crowding in farmworker housing units or other non-metro structures and yet lack regulatory oversight. The California studies point out that extreme overcrowding is commonplace and that workers often are faced with the choice between better quality housing and budgetary concerns. The studies associate adverse health outcomes with substandard housing conditions, noting the need to research to determine the extent of such outcomes. *Id.* The studies also refer to countywide surveys in California that remark on residential crowding and the prevalence of substandard conditions. *Id.* An Illinois study reported 33.5% of farmworker units are crowded, and 69.9% of them have children residing in crammed house structures. Midwestern communities also sustain hostile and harmful living conditions for workers, for example, in Michigan, 61.5 percent are crowded with

⁶ See <http://dbacon.igc.org/> for compelling photographs.

⁷ Holden, Christopher, *Bitter Harvest, Housing Conditions of Migrant and Seasonal Farmworkers*, Ch. 6, Thompson, Jr., Charles D. and Wiggins, Melinda F., *The Human Cost of Food, Farmworkers, Lives, Labor and Advocacy*.

⁸ Villarejo, Don, *The Challenge of Housing California's Farmworkers*, Marcoulier and Furuseth, eds., *Rural Housing*, Ashgate Publishers, Hampshire, UK and Burlington, Vermont: forthcoming; and, Villarejo, Don, Ph.D., Schenker, Mark, MD, MPH, *Environmental Health Policy and California Farm Labor Housing*, May, 2007, UC Davis, John Muir Institute of the Environment.

96% children residing in crowded conditions and in Minnesota, 66.7 percent units are crowded with 100% of them children living in the units. 29 S. Ill. U. L.J. 61, 71 (2005). The severe lack of decent, affordable housing for farmworkers similarly has been recognized by The Washington State Human Rights Commission, and pointedly recognized as a fair housing problem, compounded by language barriers. *Briefing Paper*, 2007.

These shameful rural housing conditions are exacerbated by the lack of adequate funding for the development of affordable housing and inequities of federal housing policy. *Ignoring the Rural Underclass: The Biases of Federal Housing Policy*, Craig Anthony Arnold, 2 Stan. L. & Pol'y Rev. 191 (1990). This article describes the "rural underclass", which has been called "America's Third World," and is "[l]ost in the shadows" and "rarely intersects with the rest of society." It blames in part "the inequitable allocation of federal welfare resources along the rural/urban dimension":

The economic conditions affecting rural communities and residents vary from urban economic conditions...Problems of underemployment, few opportunities for job mobility, and the preponderance of low skill jobs plague the rural economic terrain. The problem is intensified by urban workers moving to rural areas to seek lower housing costs (e.g., San Francisco Bay area residents moving to Modesto, more than seventy miles east of the region, to find affordable housing), which increases the demand for housing, and, therefore, the costs of a limited supply of housing. "Rural residents are being priced out of housing markets by urban refugees who are still earning urban salaries... [There are] fewer public resources to spend on housing problems...many rural areas lack sufficient local lending and infrastructure resources, which are necessary to support major housing improvements and construction. Racism and ethnocentrism also play a significant role in the lack of options available to farmworkers. Anglo residents of small rural communities are suspicious of the Latino, Asian American, and Native American farmworkers that they perceive are 'invading' their communities. The anti rural bias of federal housing policy goes far beyond the proportionately low share of resources allocated to rural areas and the inattention given to rural housing conditions. It goes to the very design and operation of federal housing programs. The lack of coordination between HUD and FmHA prevents a clear understanding of the nature and extent of rural housing needs and the extent to which those needs are being met by federal programs. Their respective field offices cover different geographical areas. They engage in different record keeping procedures and use different codes to identify the same communities. Thus, comprehensive planning is difficult at best. When combined with the urban bias of HUD programs and the Large-farm bias of USDA priorities, the lack of coordination means that rural housing problems receive considerably less attention than they deserve, and less-than-effective treatment.

Id.

The inadequate enforcement of fair housing laws in marginal, rural communities, and official reluctance to challenge systemic discrimination, significantly, also contributes to the persistence of these Third World conditions. Federal and state agencies responsible for fair

housing enforcement are politically sensitive, under-funded, lack offices or outreach in rural communities, are not trained or inclined to address systemic discrimination, are disinclined to challenge local government decisions or policies. Federal and state housing programs similarly are under-funded and often tend to serve the higher income of the lower income populations they should target. Commentators often have described them as serving fewer minorities than the demographics warrant and in some circumstances perpetuating segregation.

HUD and USDA do not aggressively enforce the requirements under the Fair Housing Act, 42 U.S.C. section 3608, or under housing and community development laws, to affirmatively further fair housing and to analyze the impediments to fair housing; and, there is a serious lack of enforcement of Title VI prohibitions against discrimination based on race and national origin by recipients of federal financial assistance. HUD, for example, never has published final regulations implementing Title VI and Executive Order 13166 ([*Improving Access to Services for Persons with Limited English Proficiency. Reprinted at 65 Federal Register 50121 \(August 16, 2000\)*](#)) and USDA never has drafted any regulations, so recipients of HUD and USDA funds lack guidance or motivation to provide appropriate and much needed translation and interpretation for the ultimate beneficiaries of their housing programs. See lep.gov for guidance and materials on the minimum standards for language access that all federal agencies should rigorously enforce.

There are similar failures to adequately enforce environmental justice requirements pursuant to Executive Order 12,898. See *Not in My Backyard: Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice*, Report of U.S. Commission on Civil Rights, October 2003. HUD has done some implementation, for example in the brownfields initiative and it has a colonias program. The colonias program, does not recognize the colonias that exist beyond the border and is not adequately funded to address their needs. HUD and USDA are not addressing the environmental justice infrastructure, siting, and spatial inequity issues that CRLA's rural minority clients face.

State, regional and local land use planning frequently ignores the needs of the rural poor and smart growth concepts are often "lost in the translation from state policy formulation

to local implementation".⁹ California planning laws, recently cited favorably in the U.N. report on racial discrimination sets a lofty tone and demands that local jurisdictions address affordable housing needs and housing equity, but is often is honored only in the breach by local governments resistant to ensuring that decent, safe and affordable housing is made available to farmworkers, immigrants and other especially needy populations.

Regulators also often fail to address the worst abuses and as a result we have the frightening example of the recent subprime mortgage crisis that has hit rural California communities particularly severely.¹⁰ The pressure to build and buy in lower cost rural areas has caused displacement and decreased affordability for low income and minority communities, while many were cajoled and pressured into bad loans, and sometimes targeted because they are vulnerable and unsophisticated in such dealings. Language ability is a particular vulnerability for the many clients who, notwithstanding California law to the contrary, received documents in English, when their loans were negotiated in Spanish or another language.

CRLA Advocacy

CRLA recently reported on statewide housing issues in a priority conference:

Border counties have witnessed the closure or threatened closure of mobilehome parks in the way of resort development, downtown redevelopment, re-zoning because of development pressure and the relocation of farmworkers and indigenous groups to substandard mobilehome parks, cars, and other alternative shelter. Stockton has experienced the closure and threatened closure of downtown SROs serving veterans, persons with disabilities and extremely low income people on fixed incomes who have no housing alternatives available to them. Modesto has seen commercial redevelopment of the downtown area, without the provision of affordable housing, unequal municipal services in the unincorporated part of the county serving as home to low income, Latino families and mobilehome parks closed by attrition as park owners determine how to make a profit from their land. San Diego County has farmworkers living seasonally in caves dug out of canyons, until the work season ends and code enforcement begins, and stiff opposition to the development of housing for farmworkers and, like the areas served by many CRLA offices, the Oceanside office sees the lack of affordable housing for low and very-low income families and individuals resulting in families doubling and tripling-up in order to make a rent payment. Salinas clients live in housing that is barely habitable and Gilroy's housing element has been challenged over the years because it allows the development of single family subdivisions but does not provide for low income housing or accessible housing.

⁹ *Lost in the Translation: Smart Growth, Local Planning, And Rural Affordable Housing*, HAC, 2004; *Fair Housing, The Zoning Process, and Land Use Politics in Rural Areas*, HAC, 1998.

¹⁰ *Who Really Gets High-Cost Home Loans? Home Loan Disparities By Income, Race and Ethnicity of Borrowers and Neighborhoods in 14 California Communities in 2005*, California Reinvestment Coalition, December 2006; *Run While You Still Can: Subprime Demand and Predatory Lending in Rural Areas*, HAC 2004.

Farmworkers in Napa and Mendocino counties cannot afford to live where they work and experience deep resistance to the development of affordable farmworker housing, especially for families. Single family subdivisions are approved by jurisdictions throughout the Central Coast and the Central and Sacramento Valley, using up the multi-family land inventory that could be developed by non-profit housing corporations for farmworkers, large families and other low income households, including persons with disabilities and the homeless; yet, the same jurisdictions repeatedly refuse to approve proposals to develop multi-family housing that would be affordable to CRLA clients. Yuba, Sutter and Colusa counties have experienced development pressure from Sacramento and Roseville and have converted agricultural land to the development of sprawling single family subdivisions, with precious little development of affordable housing for CRLA clients, at least not without past litigation and the threat of renewed litigation. Fresno County and neighboring jurisdictions experience the loss of jobs and displacement of farmworkers due to federal, state and local water policy and litigation resulting in the fallowing of agricultural land, but refuse to allow development of farmworker housing in unincorporated areas and must be forced through threatened litigation and public hearings to provide any relocation assistance or replacement housing.

The cost of real estate in coastal zones is extremely high, even during this subprime lending crisis. There is not enough land zoned appropriately, for example, in Santa Cruz County to make affordable housing development feasible. NIMBYs and anti-development groups, under the guise of environmental concerns, oppose housing development at densities sufficient to make them affordable to lower-income households. Competing interests, including agriculture, and commercial and industrial uses, and racism, intensify the fight over a shrinking supply of land. Santa Barbara and the central coast share many of the land use traits cited in Santa Cruz and the coastal areas. The pricing of housing has been exorbitant in Santa Barbara and the southern central coast for several decades, "gentrifying" poor tenants and especially poor Latinos out of the region, removing families from their neighborhoods, schools, friends and relatives, and stores, and places of worship. This is devastating to families and the fabric of neighborhoods, especially the older, historic enclaves. The median price for a home in this region has been near \$1 million dollars in recent years, a 100% increase from 1999. Santa Barbara County is notorious for being among the most belligerent entity thwarting affordable housing and fair share numbers and caving in to NIMBY groups such that an actual no-growth agenda has permeated throughout the cities and county areas and has become even more strident and intransigent. Developers are even cowed by this. Santa Barbara County, for example, recently imposed a quasi-moratorium on housing development in one part of the County and decided to disburse over 1200 affordable housing units to *one singular area*, Isla Vista, which adjoins UCSB, and is a low-income ghetto (in a sociological sense) of students and poor working families. Cities in the southern part of the County have refused to approve affordable housing developments or taken steps to displace low income Latino families.

CRLA along with private co-counsel has challenged these conditions through litigation, education and outreach and appropriate policy advocacy. Riverside County threatened closure of allegedly substandard mobilehome parks that would have resulted in the wholesale and disproportionate displacement of low-income Latino families, farmworkers and low wage workers. CRLA filed 30 administrative complaints with HUD for violation of Title VI, Title VIII and community development laws resulted in a HUD enforcement agreement that provided

mobilehomes to the complainants, required the development of mobilehome parks and affordable housing for farmworkers, created a service center for farmworkers, required compliance with fair housing law, housing element and relocation laws and assured a total of \$21 million for housing and related services in the County. Hernandez v. County of Riverside HUD Title VI Voluntary Compliance Agreement (Case No. 09-99-11-0007-300) and HUD Title VIII Enforcement Agreement (Case No. 09-98-2574-8). The state housing and community development department rescinded its delegation of authority to the County to enforce employee-housing laws. This is a rich, but unusual example of cooperative enforcement by HUD, the state and CRLA, and should serve as a model for addressing systemic housing discrimination in the most marginal, rural farmworker and minority communities.

The City of Buellton, like other rural small towns, created a redevelopment area to improve its downtown and attract tourists. Relocation payments and replacement housing requirements apparently were too much for the town, so it employed a unfortunately common ruse of long neglected code enforcement to displace the low-income Latino families from the downtown area. These families would be forced to move into other segregated, low-income communities. A federal fair housing case resulted in settlement providing a right of first refusal to the displaced renters and stringent land use requirements to ensure the development of affordable housing throughout the city. Garcia v. City of Buellton (C.D.Cal. No. CV02-4994 WMB (JTLx)).

The City of Orland, an agricultural town in rural California, adopted a spot moratorium on a parcel of land rather than allow the construction of a 40-unit farmworker housing complex, caving in to the pressure from NIMBY opposition based on discrimination. A federal fair housing case resulted in a settlement permitting the development of the housing and providing other remedies for the farmworkers and non-profit fighting to build it. CHIP v. City of Orland (E.D.Cal. No. CIV.S-01-0131 GEB PAN).

Latino homeowners of modest means live in severely challenged communities, adjacent to a city in an agricultural area, that suffer from the lack of adequate infrastructure (sewers, storm drainage, police protection). The city has annexed around these areas, creating pockets of Latino poverty, without municipal services, with no political power, and the city and county have established barriers to annexation through policy and practice. The

federal fair housing and civil rights litigation against the City of Modesto and Stanislaus County is on appeal to the 9th Circuit. CCCI v City of Modesto (E.D.Cal. No. CIV. F-04-6121 REC DLB) (9th Cir. Ct. App. Case Nos. 07-167150 & 07-17407).

Homeless, disabled veterans sued the City of Stockton for shutting down SROs in the downtown areas, disproportionately affecting protected classes. The federal fair housing case stopped the practice and resulted in relocation assistance and very significant guarantees to develop hundreds of units of affordable housing. Price v. City of Stockton 390 F.3d 1105 (2004) (E.D.Cal. No. CIV.S-02-0065 LKK JFM).

Many jurisdictions in California have failed to adopt or implement land use planning tools (housing elements), neglecting their state law duties to identify sites for affordable housing and plan to meet the housing needs of special populations including farmworkers, the homeless, large families, female headed households and disabled persons. Fair housing claims against these jurisdictions because of the disparate impact of their practices have resulted in settlements guaranteeing the development of affordable housing. See, e.g., DeHaro v. County of Napa (Super. Ct. Napa County, No. 26-22255).

A mobilehome park occupied by indigenous families in Malaga, a community near Fresno, lived adjacent to an EPA designated superfund site. CRLA advocates considered intervention in the EPA litigation until the resources of the local government, the state housing and community development agency, HUD, EPA and a non-profit housing developer and other related agencies joined together to build replacement housing for the families who suffered physically and emotionally from the life, safety and health threatening conditions they were forced to bear.

These are examples of positive, aggressive enforcement of existing laws designed for the purpose, but they also are symptomatic of a rooted, systemic inability and refusal to address affordable housing needs, segregation and housing discrimination with an affirmative, aggressive, systematic enforcement and funding scheme.

CRLA Recommendations

CRLA is embarking on its First Rural Justice Forum designed to generate the research to help address these disparities. It will take place on October 27, 2008 in Los Angeles and is entitled Farmworker Housing Conditions and Related Health Disparities: Seminar for Advocates, Researchers and Practitioners.¹¹

CRLA, along with its partner PolicyLink, also has established a Community Equity Initiative to address the desperate needs of colonias throughout the San Joaquin Valley. It is designed to increase leadership potential, develop statewide strategy for new policies, support research, and attract funding and development in these isolated communities.

CRLA, however, does not alone have the resources to challenge, throughout rural California, every instance of gentrification and displacement, discriminatory code enforcement, unequal municipal services, NIMBY denial of affordable and farmworker housing, or refusal to comply with laws designed to remedy these failures. CRLA, therefore, recommends that:

- Substantial additional resources must be made available to CRLA and others engaged in similar advocacy efforts.
- Federal and state agencies charged with enforcing fair housing and land use laws must have authority, motivation and resources to enforce laws designed to prevent these conditions.
- Local government must be required to take the steps necessary to provide decent, affordable housing, ensure adequate infrastructure and affirmatively further fair housing in their communities.
- Regional government must be required to ensure equitable distribution of infrastructure and housing development.
- Long term funding commitments (federal, state and local) are essential to develop new housing and improve existing living conditions.
- A permanent source of funds must support the development and maintenance of decent, affordable housing and adequate infrastructure in rural communities.

¹¹ See, e.g., Villarejo, Don, *The Challenge of Housing California's Farmworkers*, Marcoulter and Furuseth, eds., Rural Housing, Ashgate Publishers, Hampshire, UK and Burlington, Vermont: forthcoming; and, Villarejo, Don, Ph.D., Schenker, Mark, MD, MPH, *Environmental Health Policy and California Farm Labor Housing*, May, 2007, UC Davis, John Muir Institute of the Environment.

- Barriers to improving housing and infrastructure must be eliminated through changes to code enforcement, planning and zoning laws, strengthening and systemically enforcing fair housing laws and anti-NIMBY laws, and eliminating inconsistency between smart growth and environmental policies and rural housing development.
- Statutory requirements to affirmatively further fair housing must be expanded to cover all housing, infrastructure and community development programs, and toughened and aggressively enforced by federal agencies.
- Inclusionary housing must be required, providing units for extremely low, very low and low income households and populations especially in need.
- The federal government must seriously enforce its obligations under The International Convention of the Elimination of All Forms of Racial Discrimination art. 2 section (1)(a), Dec. 21, 1965, 660 U.N.T.S. 195 (CERD) to ensure that national and local public institutions comply with obligation not to engage in racial discrimination, to review national and local policies and rescind or amend them if they have the effect of perpetuating racial discrimination and to take affirmative steps to eliminate the lingering effects of past discrimination that have been created by policy or unintended consequences.¹²

¹² See *Residential Segregation and Housing Discrimination in the United States*, A Report to the U.N. Committee on the Elimination of Racial Discrimination, January 2008. (Recommendations pp. 23-27.)