

CIVIL RIGHTS LAW & THE DISPLACEMENT CRISIS IN SAN FRANCISCO'S MISSION DISTRICT

Over the past two decades, gentrification in the Mission District has displaced many Latino households and now threatens to extinguish important cultural institutions built by the Latino community. As public actions, often in service of private real estate interests, make the Mission and other cultural enclaves more desirable for higher-income white households, people of color are being forced to the fringes of the city and the region and excluded from the benefits of new investment, recreating patterns of historical segregation. And the Mission is not alone. The African American population in Bayview/Hunter's Point and the Filipino population in SoMa are experiencing similar dynamics. Across the bay, Oakland has lost more than a quarter of its African American population since 2000 as that city has become increasingly desirable for higher-income, disproportionately white households. Our cities cannot sit idly by. They have an obligation under federal civil rights laws to take affirmative and meaningful action to address the displacement crisis in the Mission and similar neighborhoods.

SAN FRANCISCO'S AFFIRMATIVE DUTIES UNDER CIVIL RIGHTS LAWS

- **The Fair Housing Act and other federal civil rights laws require San Francisco to operate its housing and community development programs in a fashion that does not discriminate on the basis of race, color or national origin.** Achieving equal housing opportunity means that City policies and programs cannot have the purpose or effect of discriminating, and cannot perpetuate longstanding patterns of segregation and inequality or exclude people of color from emerging higher opportunity neighborhoods.
- **San Francisco must not only refrain from discrimination — the City must also “affirmatively further fair housing.”** Under the Fair Housing Act and the Housing and Community Development Act, cities such as San Francisco that receive funding from the U.S. Department of Housing and Urban Development (“HUD”) are required to take affirmative steps to increase housing opportunities for households of color and to work actively against discrimination and segregation. Specifically, San Francisco is required to identify barriers to equal housing opportunity, whether those barriers are found in public policy, in patterns of private discrimination, or in market impacts on protected classes. Then, San Francisco is required to adopt policies and programs to overcome those barriers, and keep records documenting this work.
 - This requirement applies to *all* of the city's activities and programs relating to housing and urban development — including planning and land use, economic development strategies, affordable housing development, tenant protections, and the enforcement of housing laws. And the requirement also applies to all of San Francisco's housing and community development resources, not just the federal funds themselves.
 - San Francisco is required to examine each of its laws, policies, and practices to determine whether they advance the cause of fair housing choice — or whether they tend to cause greater segregation and housing inequality, either directly or through the policies' effects on housing markets. If any law, policy, or practice fails this test, the City must not only change its practices, it must also take steps to undo the harm caused by its prior actions.
- **The Civil Rights Act requires San Francisco to take affirmative action to overcome the effects of discrimination.** Title VI of the Civil Rights Act of 1964 requires San Francisco to take affirmative action to overcome the effects of past discrimination caused by the City or by private actors.
- **San Francisco has accepted \$160 million from HUD over the last five years alone.** As a condition of receiving this funding, San Francisco promised that it would comply with civil rights laws, including the requirement to “affirmatively further fair housing” and the obligation under Title VI to overcome the effects of discrimination caused by the City's own past actions or by the conduct of private actors. San Francisco must make good on these promises.

DISPLACEMENT OF THE LATINO COMMUNITY IS AN URGENT FAIR HOUSING PROBLEM

- **Displacement from the Mission represents a deep loss for the Latino community.** In official documents, San Francisco has characterized the Mission as “the Latino heart of the City.” Over decades, the Latino community has developed a vibrant network of local businesses and organizations, and community advocates have won improvements in schools and neighborhood resources. Yet the Mission is now confronting a displacement crisis that threatens to extinguish the unique Latino cultural institutions that have historically formed the heart of the City’s vibrant Latino culture — and have provided opportunity and access for generations of Spanish-speaking immigrants and families. The potential loss of neighborhoods like the Mission that act as homes and social and political epicenters for historically disadvantaged groups is a serious civil rights concern.
- **Gentrification and displacement in the Mission have been particularly harmful for Latino residents and families with children.** The City’s own studies show that over the last 15 years, the number of Latinos and the number of families with minor children in the Mission have both declined steeply. In 2000, 60 percent of Mission residents were Latino — a proportion that decreased to only 48 percent in 2013, representing a loss of 7,000 Latino residents.¹ The share of households with children was cut nearly by a third over the same period.² These trends will only get worse if the City does not change course; the City itself projects that by 2025 only 31 percent of Mission residents will be Latino.³ A failure to reverse this loss will result in the exclusion of Latinos from the Mission and endanger the viability of Latino cultural institutions when a critical mass of Latino residents is no longer present in the neighborhood to sustain them.
- **The Mission is being re-segregated; displacement exacerbates segregation and housing inequality and denies Latinos access to a neighborhood of opportunity.** Latino families forced to leave the Mission are often pushed to racially segregated areas at the fringes of the City or the region — the only places that they can afford. Meanwhile, the Mission is being re-segregated as long-time Latino residents are displaced by whiter and wealthier households whose presence drives up housing costs and creates an exclusionary barrier for Latinos and other people of color looking for housing. Displacement pressures are also restricting housing choice — another core fair housing concern — by inhibiting families’ ability to remain in their neighborhoods.
- **Latino families who remain in the Mission struggle with disproportionate housing burdens.** The 2013 median household income for Latino families in the Mission was \$47,943, well below the \$73,610 median income for the neighborhood overall. And approximately seventy percent of Mission households making less than \$75,000 per year are considered burdened by housing costs, meaning that the household spends more than 30 percent of its income on housing.⁴ A federal fair housing regulation finalized last year reaffirms that this kind of racial disparity in housing need and cost burdens is a fair housing issue that HUD recipients have a duty to address.

SAN FRANCISCO MUST TAKE COMPREHENSIVE STEPS TO COUNTER DISPLACEMENT IN THE MISSION

- **Civil rights laws require San Francisco to implement policies to mitigate and prevent the displacement of the Latino community.** As described above, federal civil rights laws require cities that receive HUD funding to affirmatively promote equal housing choice and prevent segregation. The displacement of communities of color from San Francisco, including the loss of the Latino community from the Mission, is perhaps the most pressing fair housing issue confronting the City today. Civil rights laws require that the City act now to address this crisis.
- **San Francisco must answer some hard questions:**
 - Has the City studied the racial and ethnic dimensions of the displacement crisis?
 - Has the City tracked the impact of housing and development trends on communities of color?
 - Has the City fostered policies that have catalyzed demographic change in the Mission, and has the City balanced those policies with effective measures to stabilize and protect Latino residents of the Mission? Are the City’s programs and decisions guided by civil rights considerations, and if so, how?
- Should the City be entitled to receive and use federal funds if it is not actively working to mitigate public and private pressures on the Latino community in the Mission?

¹ San Francisco Budget and Legislative Analyst’s Office, *Displacement in the Mission*, at 2 (October 2015).

² *Id.*

³ *Id.* at 4.

⁴ National Ass’n for Latino Community Asset Builders & Marquez Community Strategy, *An Assessment of Housing and Housing Affordability in the Mission Promise Neighborhood*, at 2, 21 (March 2015).