Appendix D: Assessment of Fair Housing

This chapter contains an assessment of factors contributing to fair housing in Oakland and a program of goals and actions to further address fair housing needs. Among the topics covered are:

- Fair housing enforcement and outreach
- Segregation and integration
- Racially and ethnically concentrated areas of poverty and affluence
- Disparities in access to opportunity; and
- Disproportionate housing needs and displacement risk

Oakland is well-served by fair housing providers~~, but the City~~ and ~~Alameda County are limited by insufficient funding related~~is well-equipped to provide fair housing enforcement and outreach capacity. Oakland is incredibly diverse at the City level, but at the neighborhood level, geographic patterns of income segregation and racial/ethnic segregation are clear. Additionally, Oakland has racially and ethnically concentrated areas of poverty localized to four areas in the City. Neighborhoods across Oakland have received varying levels of investment, rendering varying levels of opportunity for protected classes. While access to transit may be enjoyed by all protected classes[1], access to economic, educational, and environmental opportunities vary greatly across the City. Comparing access to opportunity with displacement risk and gentrification across the City, areas that are exclusive, stable, or in the advanced stages of gentrification offer the best access to opportunity. Much of the City has gentrified in recent years, leaving residents in the few (predominantly Black, Indigenous, and people of color (BIPOC) neighborhoods that have not gentrified at risk of displacement. Oakland is further impacted by disproportionate housing needs: overcrowding rates are higher in the City than in the County/Bay Area Region, cost burden rates are high (highest for Black and African-American households and lowest for white households), and homelessness is a major public health crisis in the City. Individuals experiencing homelessness increased ~~47~~83 percent between 2017 and ~~2019 (the last time a point-in-time count was conducted)~~2022 and individuals identifying as Black or African American are disproportionately represented in the unhoused population.

The goals and actions concluding this appendix have a strong focus on investing in neighborhoods considered "Low Resource" and "High Segregation and Poverty" by the State HCD/TCAC Opportunity Maps (i.e. those neighborhoods with low access to opportunity). These neighborhoods have high concentrations of BIPOC populations.

[1] Fair housing laws aim to ensure that people have access to housing and the resources attached to place of residence regardless of their race, national origin, family status, religion, sex, or disability, often referred to as protected classes.

Table of Contents

D.1 Fair Housing Enforcement ~~and~~And Capacity D-6
Fair Housing Services D-6
Fair Housing Laws ~~AND~~And Regulations D-8
Fair Housing Complaints ~~AND~~And Violations D-14
Issues Related ~~TO~~To Enforcement ~~AND~~And Outreach Capacity D-14
D.2 Segregation ~~and~~And Integration D-15
Race ~~AND~~And Ethnicity D-16
Persons ~~WITH~~With Disabilities D-25
Familial Status D-28
Income Level D-32
D.3 Racially/Ethnically Concentrated Areas ~~of~~Of Poverty ~~and~~And Affluence D-35
D.4 Disparities ~~in~~In Access ~~to~~To Opportunity D-38
Regional Context D-38
Local Context D-41
D.5 Disproportionate Housing Needs ~~and~~And Displacement Risk D-55
Cost Burden D-55
Overcrowding D-59
Displacement Risk D-61
Publicy Assisted Housing D-68
Substandard Housing D-70
Homelessness D-71
D.6 Summary ~~and~~And Conclusions D-74

List of Charts, Figures, and Tables

Charts:

~~Chart D-1: Racial Dissimilarity Index for the Region and Oakland ..... 17~~
~~Chart D-2: HMDA Loan Denial Rates by Race/Ethnicity, 2012-2020 ..... 22~~
~~Chart D-3: Opportunity Indices for Total Population, 2020 ..... 37~~
~~Chart D-4: Opportunity Indices for Population Living Below the Federal Poverty Line, 2020 ..... 38~~
~~Chart D-5: OUSD Student Performance by Race (2018-2019 School Year) ..... 45~~
~~Chart D-6 CalEnviroScreen 4.0 Pollution Burden Scores by Race, 2021 ..... 46~~
~~Chart D-7: Cost Burden by Race in Oakland, 2013-2017 ..... 52~~
~~Chart D-8: Point-in-Time Count of the Homeless Population in Oakland, 2019 by Race ..... 67~~
Chart D-1: Racial Dissimilarity Index for the Region and Oakland D-20
Chart D-2: HMDA Loan Denial Rates by Race/Ethnicity, 2012-2020 ..... D-25
Chart D-3: Opportunity Indices for Total Population, 2020 ..... D-40
Chart D-4: Opportunity Indices for Population Living Below the Federal Poverty Line, 2020 ..... D-41
Chart D-5: OUSD Student Performance by Race (2018-2019 School Year) D-48
Chart D-6 CalEnviroScreen 4.0 Pollution Burden Scores by Race, 2021 ..... D-49
Chart D-7: Cost Burden by Race in Oakland, 2013-2017 ..... D-56
Chart D-8: Point-in-Time Count of the Homeless Population in Oakland, 2019 by Race D-71

Figures:

~~Figure D-1A: Oakland Neighborhood Segregation, 2019 ..... 22~~
~~Figure D-1B: Predominant Populations, 2021 ..... 23~~
~~Figure D-2: Oakland Diversity Index, 2018 ..... 24~~
~~Figure D-4: Percent of Children in Married Couple Households, 2015-2019 ..... 29~~
~~Figure D-5: Percent of Children in Female Householder Households, 2015-2019 ..... 30~~
~~Figure D-6: Percent of Adults Living Alone, 2015-2019 ..... 31~~
~~Figure D-7: Low-Moderate Income Population, 2018 ..... 33~~
~~Figure D-8: Percent of Population Living in Poverty, 2014 and 2019 ..... 34~~
~~Figure D-9: R/ECAP and RCAA Locations, 2019 ..... 37~~
~~Figure D-10: State HCD/TCAC Opportunity Areas, Composite Score: Alameda County, 2021 ..... 43~~
~~Figure D-11: State HCD/TCAC Opportunity Areas, Composite Score: Oakland, 2021 ..... 45~~
~~Figure D-12: State HCD/TCAC Opportunity Areas, Economic Score: Oakland, 2021 ..... 52~~
~~Figure D-13: State HCD/TCAC Opportunity Areas, Education Score: Oakland, 2021 ..... 53~~
~~Figure D-14: State HCD/TCAC Opportunity Areas, Environmental Score: Oakland, 2021 ..... 54~~
~~Figure D-17: Overcrowded Households, 2021 ..... 60~~
~~Figure D-18: Sensitive Communities, 2019 ..... 66~~
~~Figure D-19: Gentrification and Displacement Census Tract Typologies, 2018 ..... 67~~
~~Figure D-20: Subsidized and Public Housing and Housing Choice Vouchers, 2021 ..... 69~~
Figure D-1A: Oakland Neighborhood Segregation, 2019 ..... D-22
Figure D-1B: Predominant Populations, 2021 ..... D-23
Figure D-2: Oakland Diversity Index, 2018 ..... D-24
Figure D-4: Percent of Children in Married Couple Households, 2015-2019 ..... D-29
Figure D-5: Percent of Children in Female Householder Households, 2015-2019 ..... D-30

Figure D-6: Percent of Adults Living Alone, 2015-2019 ..... D-31
Figure D-7: Low-Moderate Income Population, 2018 ..... D-33
Figure D-8: Percent of Population Living in Poverty, 2014 and 2019 ..... D-34
Figure D-9: R/ECAP and RCAA Locations, 2019 ..... D-37
Figure D-10: State HCD/TCAC Opportunity Areas, Composite Score: Alameda County, 2021 ..... D-43
Figure D-11: State HCD/TCAC Opportunity Areas, Composite Score: Oakland, 2021 ..... D-45
Figure D-12: State HCD/TCAC Opportunity Areas, Economic Score: Oakland, 2021 ..... D-52
Figure D-13: State HCD/TCAC Opportunity Areas, Education Score: Oakland, 2021 ..... D-53
Figure D-14: State HCD/TCAC Opportunity Areas, Environmental Score: Oakland, 2021 ..... D-54
Figure D-17: Overcrowded Households, 2021 ..... D-60
Figure D-18: Sensitive Communities, 2019 ..... D-66
Figure D-19: Gentrification and Displacement Census Tract Typologies, 2018 ..... D-67
Figure D-20: Subsidized and Public Housing and Housing Choice Vouchers, 2021 ..... D-69

Tables:

Table D-1: Population Growth by Race/Ethnicity, Alameda County, 2010 - 2040 ..... D-17
Table D-2: Population Growth by Race/Ethnicity, Oakland, 2010 - 2019 ..... D-18
Table D-3: Children Under 18 Years in Oakland Households, 2019 ..... D-28
Table D-4: Population Poverty Rates in Oakland, 2019 ..... D-35
Table D-5: Domain and Indicators for State HCD/TCAC Opportunity Maps, 2020 ..... D-42
Table D-6: CAASPP Smarter Balanced Test Results, 2018-2019 ..... D-47
Table D-7: Gentrification and Displacement Census Tract Typologies, 2018 ..... D-63
Table D-8: Households by Displacement Risk and Tenure in Oakland, 2015-2019 ..... D-65
Table D-9: Fair Housing Issues, Contributing Factors and Proposed Actions, 2023-2031 ..... D-79

The purpose of this assessment is to identify fair housing issues and segregated living patterns in the City of Oakland and replace them with integrated, equitable living patterns to transform racially and ethnically concentrated areas of poverty into areas of opportunity. While Oakland is an incredibly diverse city centrally located within a region rich in opportunities and cultural, education, and natural resources, its residents do not enjoy equal access to these opportunities and resources. Recent research shows that the Oakland is the 14th most racially segregated major city in the United States.[2] Community amenities and access to opportunities are inherently spatial in nature and are not always readily accessible or attainable to all due to the different types of social, cultural, and economic barriers in our society. Ensuring that sites for housing, particularly lower income units, are not concentrated in areas of high segregation and poverty requires jurisdictions to invest in communities experiencing limited access to opportunity and plan for housing with regards to the accessibility of various opportunities including jobs, transportation, good education, and health services.

In recognition of the importance of addressing fair housing issues, California Assembly Bill (AB) 686, passed in 2018, amended California Government Code Section 65583 to require all public agencies to affirmatively further fair housing (AFFH). AB 686 defined "affirmatively further fair housing" to mean "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for BIPOC individuals, persons with disabilities, and other protected classes. AB 686 requires an assessment of fair housing in the Housing Element which includes the following components: a summary of fair housing issues and assessment of the City's fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities, an assessment of contributing factors, and an identification of fair housing goals and actions.

This appendix chapter relies on data from the U.S. Census American Community Survey (ACS) five-year Estimates, the California Department of Housing and Community Development (State HCD) AFFH Data and Mapping Tool, and the County of Alameda Regional Analysis of Impediments to Fair Housing Choice (AI) for fiscal years 2020/21-2024-25.

While in the past Oakland has produced its own AI, it joined the rest of the Alameda County starting in 2020. The 2020 Alameda County AI identified impediments to fair housing using a combination of data and community engagement. Community engagement consisted of three meetings and a seven-page survey, translated into multiple languages and distributed to priority populations (those most impacted by fair housing issues) via local organizations. Priority populations include Black, Indigenous, and People of Color (BIPOC), people experiencing homelessness, people with limited English proficiency, people with disabilities, and people residing in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). The survey received 3,296 responses.

[2] Menendian, Stephen. Samir Gambhir, and Arthur Gailes. "The Roots of Structural Racism Project." *UC Berkeley, Othering and Belonging Institute.* Published June 21, 2021 and updated June 30 2021. Available at: https://belonging.berkeley.edu/roots-structural-racism and https://belonging.berkeley.edu/most-least-segregated-cities.

D.1 Fair Housing Enforcement and Capacity

FAIR HOUSING SERVICES

Fair housing services are essential to the AFFH mission. They ensure that housing options are accessible to protected groups, including those based on race, color, gender, religion, national origin, familial status, disability, age, marital status, ancestry, source of income, sexual orientation, genetic information, or other arbitrary factors. Fair housing services help Oakland residents understand and protect their right to access housing.

Oakland is well-equipped to provide fair housing enforcement and outreach capacity. The City allocates approximately $260,000 annually in CDBG funds to fair housing providers to support housing discrimination testing, housing counseling, information/referral services, legal representation, tenant/landlord mediation, counseling, and other services. A summary of the numerous local, regional, and statewide organizations that provide fair housing-related services in Oakland is provided below.

Local and Regional Fair Housing Providers

Bay Area Legal Aid provides low-income clients with free civil legal assistance, including legal advice and counsel, effective referrals, and legal representation. They serve seven counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara. While they offer assistance for a variety of issues, their housing assistance includes landlord-tenant matters, subsidized and public housing issues, unlawful evictions, foreclosures, habitability, enforcement of fair housing laws, and issues surrounding homelessness.

Centro Legal de la Raza assists Alameda County residents with issues surrounding immigrants' rights, tenant's rights, and workers' rights. Their tenants' rights services include eviction defense representation, "Know Your Rights" trainings for buildings, and affirmative housing litigation.

The East Bay Community Law Center (EBCLC) focuses on resolving legal challenges in the East Bay caused by poverty and racial injustice. Housing is one dimension of their work, with a focus on defending eviction lawsuits brought against low-income tenants, as well as enforcement of local rent and eviction control ordinances. Their attorneys and advocates can assist with:

- Defense of Eviction/Unlawful Detainer cases
- Section 8/Housing Authority termination hearings
- Rent board hearings
- General counseling on tenants' rights
- Assistance to individuals to represent themselves
- Public outreach/education trainings
- Rental Assistance program consultations and referrals

EBCLC additionally conducts one to three fair housing tests per year.

The Eden Council for Hope and Opportunity (ECHO) Housing provides fair housing services to residents of several cities in Alameda County, including Oakland. They also serve Contra Costa County and

Monterey County. ECHO Housing provides counseling, investigation, mediation, enforcement, and education through their Fair Housing Program. They also conduct fair housing tests. They provide services and education in Spanish and have a live "language line" to assist users who speak languages other than English. They have also conducted outreach and advertised in Spanish. Instances of housing discrimination can be reported to any of ECHO's program offices or filed directly with the U.S. Department of Housing and Urban Development's (HUD) Region IX Office of Fair Housing and Equal Opportunity (FHEO) or California Department of Fair Employment and Housing (DFEH).

The Eviction Defense Center provides free and low-cost legal services to low-income Alameda County residents facing eviction.

The Family Violence Law Center (FVLC) provides free legal assistance to survivors in Alameda County with services including eviction prevention and defense, assistance with landlord/tenant disputes, fair housing advocacy, and information on tenants' rights.

Statewide Fair Housing Providers

Housing and Economic Rights Advocates (HERA) is a statewide non-profit legal service and advocacy organization that provides financial counseling to individuals and community education workshops, and trains service providers and other professionals. Issues they specialize in include abusive mortgage servicing, problems with homeowner associations, foreclosure, escrow, predatory lending, and discriminatory financial services and consumer transactions.

DFEH is the statewide agency charged with enforcing California's civil rights laws. In particular, DFEH is responsible for enforcing state fair housing laws that make it illegal to discriminate because of a protected characteristic in all aspects of the housing business, including renting or leasing, sales, mortgage lending and insurance, advertising, practices such as restrictive covenants, and new construction. Discrimination complaints are referred from the City to DFEH. DFEH then dual-files fair housing cases with FHEO, as part of the Fair Housing Assistance Program.

Oakland Housing Authority

The Oakland Housing Authority (OHA) has a series of policies and processes in place for both public housing developments as well as in its Section 8 program to affirmatively further fair housing and civil rights through all of its programs, including educating its residents on how to file a discrimination complaint, how to request for reasonable accommodations, and ensuring residents with limited English proficiency can access the help they need.

Through its orientation process, OHA ensures that all residents are fully aware of all applicable civil rights laws. If a resident believes they have suffered any form of discrimination, OHA will provide the resident with all necessary paperwork, offer to assist the resident in completing the form and refer the resident to both HUD FHEO and DFEH.

OHA actively encourages any resident to make a request for an exception, change or adjustment to a rule, policy, practice or service because of a disability. OHA will treat any such request as a request for a reasonable accommodation. OHA will provide forms and/or guidance to the requestor on the information necessary to make the request. OHA will review and assess requests for reasonable accommodations on a case-by-case basis, taking into all available factors.

OHA follows HUD's December 19, 2003 guidance designed to assist housing authorities comply with Title VI of the Civil Rights Act of 1964. OHA recognizes that for many applicants and residents, English is not

their primary language and they have a limited ability to read, write, speak or understand English. Language for LEP Persons can be a barrier to accessing important benefits. OHA's automated phone service provides menu options in English, Cantonese, Spanish, and Vietnamese. To assist walk-in clients, OHA uses a telephone interpretation service enabling them to serve clients in over 150 languages. All vital documents (such as waitlist application and opening notices) are translated from English into Cantonese, Spanish and Vietnamese. Oral translation, where reasonable, will be provided for other LEP clients.

FAIR HOUSING LAWS AND REGULATIONS

Oakland complies with federal and State fair housing laws, and its City-specific rental housing laws help protect residents from being displaced or suffer from unfair rent increases. The City also allocates funding to fair housing service providers to assist residents with legal issues related to fair housing. OHA complies with these laws in their provision of subsidized housing by educating residents about and assisting them with discrimination issues, supporting requests for reasonable accommodation for persons with disabilities, and making efforts to assist those with limited English proficiency. Key federal, State, and local fair housing laws are summarized below.

Federal Fair Housing Act of 1968

The Fair Housing Act of 1968 prohibits discrimination concerning the sale, rental, and financing of housing based on race, color, religion, national origin, or sex. The Act was subsequently amended to additionally prohibit such discrimination on the basis of familial status and disability. In 2015, HUD issued a rule to Affirmatively Further Fair Housing. While that rule was subsequently rescinded, California Assembly Bill 686 (2018) ensured that California jurisdictions would maintain an obligation to Affirmatively Further Fair Housing.

California Fair Employment and Housing Act (FEHA)

FEHA prohibits discrimination and harassment in all aspects of housing including sales and rentals, evictions, terms and conditions, mortgage loans and insurance, and land use and zoning. It also requires housing providers to make reasonable accommodations in rules and practices to permit persons with disabilities to use and enjoy a dwelling and to allow persons with disabilities to make reasonable modifications of the premises.

Americans with Disabilities Act (ADA)

The ADA requires all new or altered facilities subject to the ADA to be readily accessible to and usable by people with disabilities. Covered entities must comply with the Department's ADA regulations, including the ADA Standards for Accessible Design.

Oakland Rental Housing Laws

In 1980, the Oakland City Council passed its first rent control ordinance, which established the Housing, Residential Rent Arbitration and Relocation Board and the Rent Adjustment Program. Since then, the program has amended many times. The current ordinance, Oakland Municipal Code Section 8.22.010 *et seq.*, regulates most residential rent increases in Oakland. Additionally, in 2002, the Oakland voters passed the Just Cause for Eviction Ordinance, requiring a property owner to prove one of the eleven just causes before they could evict a tenant (See Oakland Municipal Code Section 8.22.300 *et seq.*) Together these laws are intended to maintain affordable housing, preserve community diversity, prevent illegal rent increases and evictions, and encourage investment in rental property in Oakland.

The Rent Adjustment Program Board is a quasi-judicial body, composed of seven members appointed by the Mayor and confirmed by the City Council. The Board hears appeals and enacts regulations and policies to further the administration of the Oakland Rent Ordinance and Just Cause for Eviction Ordinance.

Rent Adjustment Program staff provides information and counseling to property owners and tenants, conducts administrative hearings and mediations, collects eviction data, and administers the Ellis Act, the Tenant Protection Ordinance, and the Uniform Relocation Ordinance.

Under the Rent Adjustment Program, property owners of covered units must give every tenant a "Notice to Tenants of the Residential Rent Adjustment Program" form. When tenants move into a covered unit, the initial notice must be served in English, Spanish, and Chinese. Subsequent Rent Adjustment Program Notices must also be served with every rent increase. If a property owner fails to serve the notice at the beginning of the tenancy, they must wait at least six months after serving the notice to serve a rent increase notice. An owner can increase the rent on a covered unit only once in a 12-month period. The first increase cannot be effective any earlier than 12 months after the tenant moves into the unit. An owner may increase the rent based on the annual allowable consumer price index (CPI) without seeking approval from the Rent Adjustment Program. Every March, the Rent Adjustment Program publishes the allowable CPI increase for the next fiscal year. Any rent increase not based on the CPI, or banking increases based on the owner choosing not to increase rent in previous years, is void and unenforceable unless first approved by the Rent Adjustment Program. An owner can additionally petition to seek a rent increase based on capital improvements as a pass-through, uninsured repair costs, increased housing service costs, fair return, and additional occupants. A tenant may also file a petition to contest current and prior rent increases. The Rent Adjustment Ordinance prohibits any rent increase that would be greater than 10% in one year, or 30% over any five years of a tenancy.

The Just Cause for Eviction Ordinance imposes additional requirements beyond state law prior to the eviction of tenants. A property owner must follow state and local law to the letter to evict a tenant successfully. A property owner's failure to comply with state and local laws may entitle a tenant to substantial damages. Rent Adjustment Program staff are available to help parties understand their rights and responsibilities but do not provide legal advice to property owners or tenants.

The Just Cause for Eviction Ordinance applies to most rental units in Oakland, including single family residences, owner-occupied duplexes and triplexes, units owned and operated by another government agency, and new construction of units or buildings where a Certificate of Occupancy was issued before December 31, 1995. The Just Cause Ordinance adds the following requirement to state law procedures for evictions (Oakland Municipal Code Section 8.22.360 D):

In the Notice to Quit or Notice of Termination, and in the Summons and Complaint, the property owner must specify one or more of the just causes for eviction, and allege that the eviction is in good faith. The property owner must also send a copy of the notice to the Rent Adjustment Program. Neither the sale nor the foreclosure of property is a just cause listed in the Just Cause for Eviction Ordinance.

In November 2022, the City passed ballot Measure V, which extends just cause legal protections to more properties in Oakland. Measure V changes the cutoff date so that tenants who live in buildings built within the last 10 years (on a rolling cutoff) will have just cause protections. Measure V will also expand eviction protections to categories of housing legalized by the city last year: tiny homes on wheels and recreational vehicles, if those units are rented to a tenant by a landlord. Measure V also adds special eviction protections for school-age children or educators who are being evicted for "no-fault" reasons during the school year.

The Uniform Relocation Ordinance, Oakland Municipal Code Section 8.22.800, requires owners to provide tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act, and condominium conversions with relocation payments. Except for temporary code compliance displacements, which require the payment of actual temporary housing expenses, the payment amount depends on the size of the unit and adjusts for inflation annually on July 1st. The base payment amounts until June 30, ~~2022~~2023, are:

- $7,~~443.23~~669.78 per studio/one-bedroom unit
- $9,~~165.82~~439.73 per two-bedroom unit
- $11,~~314.06~~652.17 per three- or more-bedroom unit.

Tenant households in rental units that include lower income, elderly, or disabled tenants, and/or minor children are entitled to a single additional relocation payment of $2,500 per unit from the owner.

On November 5, 2014, the Oakland City Council adopted the Tenant Protection Ordinance (TPO), which prohibits various harassing behaviors against tenants by owners and their agents (for example, property managers and contractors) – thereby bolstering existing laws and leases that protect tenants. The TPO creates remedies that can be enforced by private civil right of action. Among other things, the Tenant Protection Ordinance prohibits conduct that may coerce a tenant to vacate a rental unit involuntarily.

On July 21, 2020, the TPO was further amended to strengthen the protections of the existing TPO and expand its application to non-profit owned rental housing and rental units in newly constructed residential property. The TPO prohibits property owners and their agents from engaging in bad faith in any of the following conduct.

1. Disruption of services to the rental unit.
2. Failure to perform repairs and maintenance.
3. Failure to exercise due diligence when completing repairs or follow appropriate industry protocols.
4. Abuse the owner's right of access to the rental unit.
5. Remove personal property, furnishings, or any other items without the prior written consent of the tenant, except when authorized by law.
6. Threaten to report a tenant or their known associates to law enforcement based on their perceived or actual immigration status.
7. Influence a tenant to vacate through fraud, intimidation or coercion.
8. Offer payments to a tenant to vacate more than once in six (6) months if the tenant has stated in writing that they do not want to receive such offers.
9. Try to intimidate a tenant into accepting a buyout.
10. Threaten the tenant or their guests, by word or gesture, with physical harm.
11. Interfere with a tenant's right to quiet use and enjoyment of the rental unit.
12. Refuse to accept or acknowledge receipt of a tenant's lawful rent payment.

13. Refuse to cash a rent check or money order for over thirty (30) days unless a written receipt for payment has been provided to the tenant.
14. Interfere with a tenant's right to privacy, including unnecessarily inquiring into a tenant's immigration status.
15. Unilaterally imposing new material terms of tenancy.
16. Removing a housing service for purpose of causing the tenant to vacate.
17. Commit violations of certain state laws, including discrimination prohibited under the Unruh Civil Rights Act and illegal lockouts and utility shutoffs prohibited by other laws.
18. Misrepresent to a tenant that they are required to vacate their unit.
19. Force a tenant to vacate their rental unit and reregister in order to avoid classification as a tenant.
20. Other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace, or quiet of any person lawfully entitled to occupancy.

In November 2022, the City passed ballot Measure V, which extends just cause legal protections to more properties in Oakland. Measure V changes the cutoff date so that tenants who live in buildings built within the last 10 years (on a rolling cutoff) will have just cause protections. Measure V will also expand eviction protections to categories of housing legalized by the city last year: tiny homes on wheels and recreational vehicles, if those units are rented to a tenant by a landlord. Measure V also adds special eviction protections for school-age children or educators who are being evicted for "no-fault" reasons during the school year.

OAKLAND CITY ATTORNEY FAIR HOUSING ENFORCEMENT ACTIONS

Oakland City Attorney Barbara J. Parker and the members of the office recognize that housing is a human right. ~~We~~They therefore strive to protect and advance Oakland residents' right to safe, secure, and dignified housing. Within the City of Oakland government, the City Attorney is uniquely empowered to: (1) bring lawsuits to address housing rights violations on behalf of the People of the State of California and/or the City of Oakland; (2) secure court orders to improve living conditions; (3) stop harassment; and (4) craft new and amended city laws and policies for the Council's consideration to address gaps in local fair housing law and enforcement.

The Office of the City Attorney (OCA) often partners with civil society legal advocates to pursue justice for Oakland's historically and currently marginalized communities. OCA's housing enforcement actions can prevent the imminent displacement and potential homelessness of marginalized tenants and force landlords to provide the safe, secure, and dignified housing that tenants deserve and that the law requires. These tenants are disproportionately low-income Black, Latinx, Asian and Pacific Islander, and other residents of color.

Three affirmative litigation units in OCA contribute to the City's fair housing efforts: the Neighborhood Law Corps (NLC), the Community Lawyering and Civil Rights Unit (CLCR), and the Housing Justice Initiative Unit (HJI).

Since the City Attorney founded the NLC in 2002, it has engaged directly with Oakland communities to address some of the most challenging life, health, and safety problems that Oakland's neighborhoods face,

including tenant harassment, and the NLC historically spearheaded OCA's efforts to secure justice for tenants.

Launched in 2016, the CLCR works to advance rights for historically and currently marginalized communities in Oakland to achieve racial, economic, and environmental justice by enforcing, strengthening, and drafting laws that are responsive to those communities' needs.

In October 2020, the City Attorney launched HJI,[3] a housing enforcement unit specifically dedicated to protecting marginalized Oakland tenants through enforcement of Oakland's Tenant Protection Ordinance (TPO) and other similar or related local and State laws.[4]

OCA prioritizes enforcing the rights of low-income communities and communities of color, especially Black and Latinx residents, who have suffered and continue to suffer disproportionate harms due to the ongoing housing crisis. OCA's housing justice goals include utilizing housing policy and enforcement as a means to further racial, economic, and environmental justice generally, and also to specifically prevent wrongful displacement of marginalized tenants from Oakland.

Community Lawyering and Civil Rights Enforcement (CLCR)

The City Attorney launched this unit to prioritize affirmative litigation and other actions and initiatives to secure justice and equity for all Oakland residents and workers, and to fight abuse, predation, and discrimination against historically or currently marginalized communities. CLCR's affirmative housing-related work has also included actions against or advocacy directed at the federal government where appropriate.

Many of CLCR's cases and initiatives have positively impacted housing justice. For instance, CLCR joined a coalition of close to a dozen other cities and counties statewide to litigate a multi-decade case against lead paint companies that had sold their harmful products for interior residential use for much of the 20th century. Interior lead paint disproportionately harmed and harms Black, Latinx, and low-income Oaklanders, who are more likely to live in older and more lead-burdened housing stock.

CLCR also joined other local governments in a case against the pharmaceutical industry for its contributions to the opioid crisis; that crisis has been a significant driver of homelessness in Oakland, a status disproportionately experienced by Black Oaklanders, and opioids are a significant barrier to unhoused people becoming housed. CLCR also submitted regulatory and administrative feedback to protect housing rights, such as by advocating that HUD refrain from promulgating any rule that separates family members in Oakland-based HUD housing on the basis of immigration status.

CLCR also has pursued other litigation to address historical, present, and future impacts of redlining, restrictive covenants, predatory mortgage lending, fair housing, and livable land issues that impact Oakland's Black, Latinx and other residents of color. For example, in 2015 the City of Oakland sued Wells Fargo for its racially discriminatory mortgage lending practices that violated the Fair Housing Act and California's Fair Employment and Housing Act and preyed upon Black and Latinx Oaklanders, contributing to widespread foreclosures, loss of tax revenue, and other harms. While the City was disappointed that the Ninth Circuit en banc reversed the initial panel's decision, hindering our ability to ensure that the letter and spirit of the Fair Housing Act was upheld in that case, our work to advance fair

[3] www.housingjusticeoakland.org

[4] The Oakland City Attorney's Office received two generous grants from the San Francisco Foundation to advance racial equity through the development of HJI and expansion of City Attorney tenant protection enforcement. (See June 30, 2020 City Council Resolution #88186. Legistar File #20-0484. Available at https://bit.ly/3yy9VoD.)

housing and hold bad actors accountable for their racially discriminatory practices is not over; indeed, it has only begun.

OCA also recognizes more broadly that housing intersects with environmental, economic, and racial justice, and so CLCR's other work focused on those areas also supports fair housing efforts. For example, CLCR is working to improve climate change adaptation and address pollution in Oakland, which disproportionately impacts residents of color and the habitability of Oakland's flatlands.

Neighborhood Law Corps (NLC) and Housing Justice Initiative (HJI)

In addition to the extreme housing affordability crisis in Oakland, marginalized tenants are frequently displaced from their homes when their landlords illegally coerce them to leave. This is especially true for low-income, long-term tenants who live in rent-controlled units and single room occupancy hotels (SROs). Prices and supply incentivize some unscrupulous landlords to harass their tenants to pressure them to leave – for example, by forcing tenants to live without heat in winter. Once a landlord forces tenants to leave, they can sell properties or raise rents to market-rate for significant profit. This is particularly true in neighborhoods that have experienced or are experiencing dramatic gentrification and displacement.

The NLC and HJI have helped to preserve some naturally occurring affordable housing units where low-income tenants of color were at imminent risk of displacement due to unlawful landlord harassment. For example, in 2015, the NLC filed its first TPO lawsuit to vindicate the rights of the very low-income tenants of a 96-unit SRO in downtown Oakland. As a result of OCA's lawsuit, the property was sold to a nonprofit developer with a court order requiring preservation of the building as affordable housing for at least 55 years.[5]

And in 2016, the NLC filed a lawsuit to prevent the new owners of a 39-unit SRO in Oakland's Chinatown from wrongfully displacing the long-term, low-income, and predominantly monolingual Chinese tenants. The owners' declared purpose was to attract a new, market-rate demographic by renovating the building and displacing the existing tenants. The owners' campaign of harassment included failing to restore four of seven communal bathrooms for nine months. The case resulted in a $1,000,000 settlement and permanent injunction against the owners, a resounding victory for the tenants who were able to stay in their homes.[6] The building is now owned by a nonprofit, and includes commercial space used by a locally-owned restaurant and incubator for immigrant and refugee food entrepreneurs.

Advancing Fair Housing During the COVID-19 Pandemic

Keeping people housed during the COVID-19 pandemic is essential to furthering fair housing. The City of Oakland recognizes that the same communities that are facing insecure housing are also disproportionately impacted by COVID-19, as evidenced by Oakland's declaration of a local health emergency for Black and Latinx residents, many of whom have not had a safe space to isolate or quarantine during the pandemic.[7]

---

[5] "Federal Court Approves Sale of Notorious Oakland Residential Property to Improve Conditions and Maintain Long-Term Low-Income Housing." March 23, 2016. Available at https://www.oaklandcityattorney.org/News/Press%20releases/Empyrean%20trustee%20order.html

[6] "City Attorney Secures $1 Million Settlement in Chinatown Tenant Rights Case." May 3, 2018. Available at https://www.oaklandcityattorney.org/News/Press%20releases/8th%20St.%20Settlement.html; see also "Oakland SRO Landlord to Pay $1 Million Following Tenants Lawsuit." KPIX CBS SF Bay Area. Available at https://www.youtube.com/watch?v=RFKYN862-1Q

[7] *See* May 13, 2020 City Council Resolution #88118. Legistar File #20-0379, *available at* https://bit.ly/3sfiQqM; *See* May 27, 2020 City Council Resolution #88146. Legistar File #20-410, *available at* https://bit.ly/3sjwyZN.

Since the outbreak of COVID-19, OCA has filed multiple lawsuits and sent dozens of demand letters covering hundreds of units in response to landlords violating tenants' rights, including their rights to safe housing and to be free of harassment and discrimination. Almost all of these enforcement actions involved protecting the rights of low-income renters of color. For example, OCA successfully secured emergency restraining orders against landlords engaging in illegal self-help evictions such as lockouts that threatened their tenants' ability to safely shelter in place. The tenants in these cases included Latinx immigrants and elderly, disabled Black residents.

As another example, OCA prevailed in a lawsuit against the owners of a prominent local real estate business for systematically violating the rights of their tenants. The defendants rented units in severely substandard conditions, including units never intended or approved for residential use, to tenants who were predominantly low-income immigrants, among them tenants whose primary language is not English. This predatory business model allowed the owners to exploit tenants desperate to find affordable housing. After trial, the court ordered the defendants to pay millions of dollars in civil penalties and attorney's fees for their egregious violations of tenants' rights. The court also issued a citywide order prohibiting the owners from operating any of their Oakland residential properties in violation of local or State laws.[8] The court concluded that "there is no question that…[the judgment will deter defendants and] will likely have a broad effect in the city as whole as well as other communities. The case thus undoubtedly advanced the public interest."

FAIR HOUSING COMPLAINTS AND VIOLATIONS

Housing discrimination complaints are one source for evaluating fair housing issues in a community. FHEO and DFEH are charged with implementing and enforcing fair housing protections. Local fair housing cases may be forwarded to either agency, depending on the basis of discrimination. However, many cases are resolved on the local level.

In Alameda County, 20 FHEO complaints were filed in 2020, 75 percent were related to a disability bias, 10 percent were related to a racial bias, and 10 percent were related to a familial status bias (HCD AFFH Data Viewer, 2020). The number of housing discrimination complaints has decreased since 2010, when 64 complaints were filed in Alameda County. As in 2020, most complaints in 2010 were related to disability bias (47 percent) while 20 percent were related to a racial bias, and 14 percent were related to a familial status bias. A report from ECHO and East Bay Community Law Center on complaints brought to them from 2015-2019 show that the largest share of complaints (more than 40 percent) in Alameda County are from the City of Oakland, yet Oakland only makes up 26 percent of the population of Alameda County. Consistent with HCD data, most complaints are related to a disability bias. Nearly 50 percent of cases brought to these local fair housing organizations were resolved with counseling.

ISSUES RELATED TO ENFORCEMENT AND OUTREACH CAPACITY

Impediments to addressing fair housing issues in Oakland specifically (and across Alameda County) include lack of local fair housing outreach and enforcement from both private (nonprofit) and public organizations, lack of resources for fair housing agencies and organizations, and lack of federal, State and local funding for affordable housing. The 2020 Analysis of Impediments to Fair Housing (AI) reports that State and federal funding for affordable housing in Alameda County has declined by 80 percent since 2008.

[8] Orenstein, Natalie. "Oakland Landlord Hit with $3.9 Million Penalty for Hazardous Housing Conditions." *The Oaklandside.* September 13, 2021. Available at https://oaklandside.org/2021/09/13/oakland-landlord-hit-with-3-9-million-penalty-for-hazardous-housing-conditions/

D.2 Segregation and Integration

Segregation can be defined as the separation across space of one or more groups of people from each other on the basis of their group identity such as race, color, religion, sex, income, familial status, national origin, or having a disability or a particular type of disability. Segregation can occur at the neighborhood level and can also occur between cities within the larger region. It can occur in various spaces, such as within workplaces, schools, or places of worship. This analysis is focused on residential segregation.

In contrast to segregation, integration can be generally defined as a condition in which there is not a high concentration of a particular group identity. While integration in some contexts shows a breaking from prior trends of exclusion, and thus a laudatory outcome, measures of integration may also be evidence of areas formerly segregated that have now become integrated as a result of gentrification and displacement. This section analyzes these patterns of segregation, as well as patterns of integration.

Oaklanders take great pride in the city's immense diversity. Compared to the nation and the diverse Bay Area, Oakland stands out as home to people of a wide variety of backgrounds. However, recent research shows that the Oakland is the 14th most racially segregated major city in the United States. Analyzing 2020 Census data, the Othering and Belonging Institute of Berkeley found that six of the ten most segregated Black neighborhoods in the Bay Area, and four of the of the five most segregated Latino neighborhoods, are located in Oakland. Overall, Oakland is the most racially segregated city in the Bay Area in terms of segregation of people between neighborhoods within the city.

Like many other U.S. cities, segregation is Oakland has been shaped by local, county, State and federal government policies and practices that created unfair conditions for BIPOC communities. As described in the Introduction and in Appendix F: Constraints, current disparities in access to opportunity, health, and wealth building are the result of centuries of intentional policies and practices designed to uphold systems, power, and wealth undergirded by racial discrimination. In the 1930s, Oakland lenders adopted the federally sanctioned practice of refusing to insure mortgages in and near neighborhoods predominantly made up of communities of color. These areas were rated as "D", or "Hazardous," and color-coded as red on lending maps. Residents of these "redlined" neighborhoods, including West Oakland and East Oakland, were denied access to credit, resulting in a cycle of disinvestment and poverty. To prevent their own neighborhoods from being redlined, private developers, realtors, and homeowners were encouraged to write racially restrictive covenants into their deeds that further inhibited residents of color from moving into these areas. Redlined neighborhoods were further damaged by "urban renewal" projects led by ~~the~~ Oakland ~~Planning Commission~~decisionmakers in the 1960s and 1970s. Private properties, primarily in redlined areas, were deemed "blighted" and demolished to make way for freeways and new development. Communities in these areas, such as West Oakland and Chinatown, were displaced and those who remained found themselves next to freeways and other pollution-generating land uses. Zoning was used to designate some areas as residential, either with single-family homes or multi-family homes, and others as industrial.[9] This kept property values higher for white residents in more affluent areas. A segregation map published in 1960 by Sociologist Dr. Floyd Hunter showed that the three zones where Black people resided included zoning for industrial use around residential areas, while the six zones ~~were~~where they did not reside were mostly "A" or single-family zoned, with no industrial use. The racialized concentration of wealth and

[9] Fergison, P. "Head for the Hills: Race and Property Value in Oakland" (thesis, University of California at Santa Barbara, 2018), 35.

poverty in Oakland generated through these extractive, exclusionary tactics plays out spatially, with many communities of color having the least access to wealth- and health-building resources, and white communities having the most access.[10]

In the late 1990s, Oakland became an attractive target for real estate investment, spurred in part by the 10K Initiative that proposed scattered market-rate housing across downtown. In the years leading up to the 2008 housing crash and Great Recession, banks engaged in a process called "reverse redlining" where predatory lending practices and subprime loans were targeted in the same neighborhoods that were once marked as off-limits for borrowers in the 1950s.[11] These targeted practices resulted in enormous waves of foreclosures in East and West Oakland. Data from the Urban Strategies Council shows that 93 percent of foreclosed properties then acquired by investors were located in these neighborhoods.[12] At the same time, a strengthening Bay Area jobs market led to waves of residential and commercial gentrification, especially in North and West Oakland. The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only households but the cultural identity and viability of these communities.

Despite policies aimed to eliminate racial bias and discrimination, economic and racial segregation continues to increase in the United States. According to data from the National Bureau of Economic Research, over the past 40 years, economic inequality in the United States has returned to levels last seen in the 1920s.[13] Although explicit racial discrimination or legally recognized segregation is not practiced or condoned ~~in~~by the City of Oakland today, the consequences of this history remains~~,~~ and can be traced on today's maps of racial/ethnic population concentrations and concentrations of poverty.

~~Public and private~~Private housing discrimination (that continues to this day) also contributes to patterns of segregation within a community. Although racial and ethnic segregation is perhaps the most common and well-known form, other protected classes may also experience segregation. This section explores patterns and trends of segregation based on race and ethnicity, disability, familial status, and income level in Oakland. These groups are not mutually exclusive, and there may be considerable overlap across each protected class.

RACE AND ETHNICITY

Regional

Racial and ethnic patterns of segregation in Oakland should be understood within the context of both current regional segregation patterns as well as changing regional and local demographics. As shown in Table D-1, the population of Alameda County has increased by 10.2 percent between 2010 and 2020, with a projected increase of about 12.3 percent between 2020 and 2040, according to California Department of

[10] Moore, E., Montojo, N., and Mauri, N. Roots, Race, and Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area. The Othering and Beloninging Institute (formerly known as the Haas Institute for a Fair and Inclusive Society), 2019. Accessed October 31, 2022 at ~~https://belonging.berkeley.edu/rootsraceplace~~ https://belonging.berkeley.edu/rootsraceplace

[11] United States, Ninth Circuit Court (9th Cir.). City of Oakland v. Wells Fargo & Co. United States Reports, vols. 19-15169, 2020, https://www.oaklandcityattorney.org/PDFS/Newsletter/Court%20Opinion%2008262020.pdf

[12] *Who Owns Your Neighborhood? The Role of Investors in Post-Foreclosure Oakland.* Urban Strategies Council, https://urbanstrategies.org/who-owns-your-neighborhood-the-role-of-investors-in-post-foreclosure-oakland/

[13] Emmanuel Saez and Gabriel Zucman, "Wealth Inequality in the United States Since 1913: Evidence from Capitalized Income Tax Data," National Bureau of Economic Research, October 2014, https://www.nber.org/system/files/working_papers/w20625/w20625.pdf.

Finance. While the Hispanic group led county growth in numbers (representing an increase in 49,079 people from 2010 to 2020), non-Hispanic multiracial was the fastest-growing group. This group will continue to be the fastest-growing group through 2040, followed by American Indians and Alaska Natives. Over two-thirds of the Alameda County population is something other than non-Hispanic white; however, as of 2020, non-Hispanic whites represent the largest share of the population at about 33.5 percent, followed by non-Hispanic Asians (26.4 percent) and Hispanics of any race (23.4 percent).

Table D-1: Population Growth by Race/Ethnicity, Alameda County, 2010 - 2040

Race/Ethnicity	Population			Percent Change	
	2010	2020	2040 Forecast	2010-2020	2020-2040
White (NH)	519,672	559,571	616,233	7.7%	10.1%
Black (NH)	185,710	191,801	208,955	3.3%	8.9%
American Indian or Alaska Native (NH)	4,299	4,846	6,174	12.7%	27.4%
Asian (NH)	395,859	441,271	479,809	11.5%	8.7%
Native Hawaiian or Pacific Islander (NH)	12,421	13,465	13,879	8.4%	3.1%
Multiracial (NH)	57,199	70,261	96,567	22.8%	37.4%
Hispanic/Latinx (any race)	341,561	390,640	456,149	14.4%	16.8%
Total	**1,516,721**	**1,671,855**	**1,877,766**	**10.2%**	**12.3%**

Note: NH refers to non-Hispanic.

Source: California Department of Finance, Table P-2D County Population by Total Hispanic and Non-Hispanic Race (2010-2060)

Regionally, the San Francisco Bay Area experiences notable racial segregation patterns. ABAG-MTC's AFFH Segregation Report, prepared in collaboration with the UC Merced Urban Policy Lab, found that white residents in the region are significantly more segregated from other racial and income groups, though white isolation has decreased since 2010. The highest levels of racial segregation occur between Black and white populations. The Othering and Belonging Institute at UC Berkeley additionally found that seven of the nine Bay Area counties were more segregated in 2020 than they were in either 1980 or 1990, but also that racial residential segregation appears to have peaked around the year 2000 and has generally declined since. However, compared to cities in other parts of California, Bay Area jurisdictions have more neighborhood level segregation between residents from different racial groups, and there is more racial segregation between Bay Area cities compared to other regions in the state.

Local

Oakland has a majority-BIPOC population (71.7 percent) according to 2019 ACS five-year estimates (Table D-2), and Oakland's share of BIPOC individuals is greater than the region at large. However, population growth between 2010 and 2019, which was 8.8 percent overall, was largely driven by an increase in the non-

Hispanic white population (with an increase of 18,917 people from 2010-2019), followed by the Hispanic/Latinx population (with an increase of 15,874 people). The fastest-growing group during that timeframe was some other race or two or more races (45.8 percent). While the non-Hispanic Black or African American population represented the largest share of the population in 2010, by 2019 it had declined 7.4 percent and was no longer the plurality. As described later in the Displacement Risk section of this chapter, this population decline was in part a result of the Black population being displaced as housing costs in the area increased. As of 2019, non-Hispanic whites were the plurality at 28.3 percent, followed by the Hispanic or Latinx population at 27 percent. Non-Hispanic Black or African Americans composed 23.2 percent of the population in 2019. Population projections by race and ethnicity are unavailable at the city level as they have not been prepared by the Department of Finance, the Association of Bay Area Governments-Metropolitan Transportation Commission (ABAG-MTC) or Alameda County.

Table D-2: Population Growth by Race/Ethnicity, Oakland, 2010 - 2019

Race/Ethnicity	Population		Percent Change
	2010	2019	2010-2019
White	101,308	120,225	18.7%
Black or African American	106,637	98,749	-7.4%
American Indian and Alaska Native	1,214	1,455	19.9%
Asian	65,127	65,195	0.1%
Native Hawaiian/Other Pacific Islander	2,081	2,237	7.5%
Some other race/Two or more races	15,289	22,294	45.8%
Hispanic or Latinx	99,068	114,942	16.0%
Total	**390,724**	**425,097**	8.8%

Source: U.S. Census Bureau, Census 2000 (SF1, Table P004); Census 2010 (SF1, Table P9); 2019 American Community Survey 5-Year Estimates (TableID: DP05)

Dissimilarity and Isolation Indices by Race/Ethnicity

To examine the distribution of racial and ethnic groups in a jurisdiction, HUD developed the Dissimilarity Index. The Dissimilarity Index measures the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups. The Dissimilarity Index uses values ranging from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured. Dissimilarity Index values between 0 and 39.99 generally indicate low segregation, values between 40 and 54.99 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. Dissimilarity Index values compare racial and ethnic groups against the distribution of non-Hispanic white residents in a community and do not directly measure segregation between BIPOC groups. Chart D-1 provides the Dissimilarity Index trends from 1990 to 2020 for Oakland and the San Francisco-Oakland-Hayward Region.

Within Oakland, the dissimilarity index shows moderate or high segregation for all racial groups as compared to the non-Hispanic white population. All indices within the city are above 50 as of 2020. There is moderate segregation between the white and Asian/Pacific Islander population. Segregation between the Black and white populations is borderline moderate-high. In both comparisons, segregation decreased slightly from 2000 to 2010, then increased slightly from 2010 to 2020. Segregation between the Hispanic and white populations is high and has remained consistent for the last 20 years.

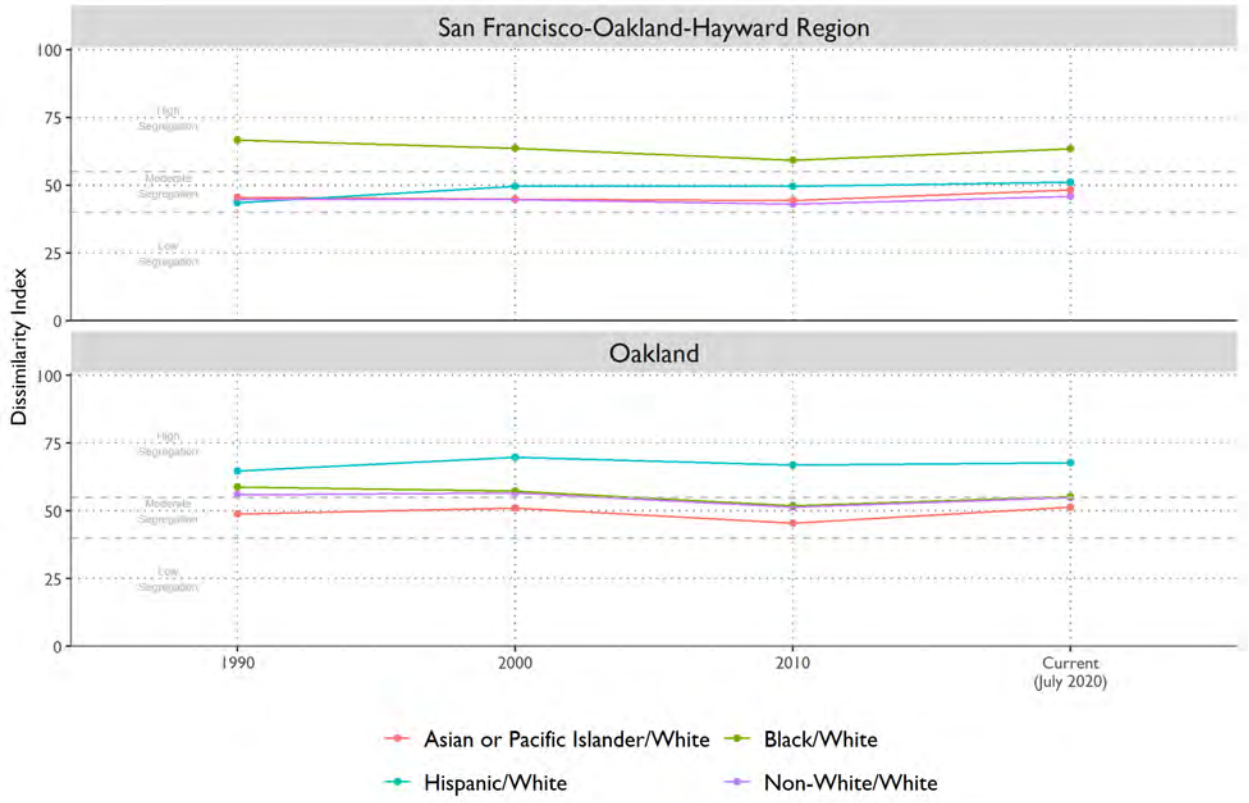
Within the San Francisco-Oakland-Hayward region, segregation between non-white and white groups is lower than within the city of Oakland, scoring less than 50 since 1990 (in Oakland, this number has remained consistently above 50). Since 1990, there has been moderate segregation between all groups in the region, except between the Black and white population, for which it has been consistently higher. Segregation between Hispanic and white groups is notably higher in Oakland than in the region at large, which typically scores 50 or lower. Within the last 10 years, segregation overall has increased slightly in Oakland and in the region, except between the white/Hispanic comparison group, for which it has remained consistent.

ABAG-MTC also produced a dissimilarity index comparing Oakland with the entire nine-county Bay Area. Segregation between white and non-white groups in the nine-county region is notably lower than in Oakland and the San Francisco-Oakland-Hayward region. Also, Oakland's dissimilarity index indicated a higher degree of segregation between Latinx and white populations than any of the 104 jurisdictions analyzed. Overall, Oakland's dissimilarity index indicated one of the highest levels of segregation between white populations and BIPOC populations in the entire Bay Area region.

The ABAG-MTC report also included an isolation index for Oakland and the nine-county Bay Area Region. An isolation index compares each neighborhood's composition to the city's demographics as a whole.

This index ranges from 0 to 1. Higher values indicate that a particular group is more isolated from other groups. Isolation indices indicate the potential for contact between different groups. The index can be interpreted as the experience of the average member of that group. For example, if the isolation index is 0.65 for Latinx residents in a city, then the average Latinx resident in that city lives in a neighborhood that is 65 percent. Latinx residents are the most isolated racial group in the City, and they are less isolated in the region. The Black/African American population is also more isolated within the City than the region, and their isolation index has changed the most over time, becoming less segregated from other racial groups between 2000 and 2020. The isolation index for white populations has fallen from 2000 to 2020 and is somewhat lower within the City than within the Bay Area.

Chart D-1: Racial Dissimilarity Index for the Region and Oakland

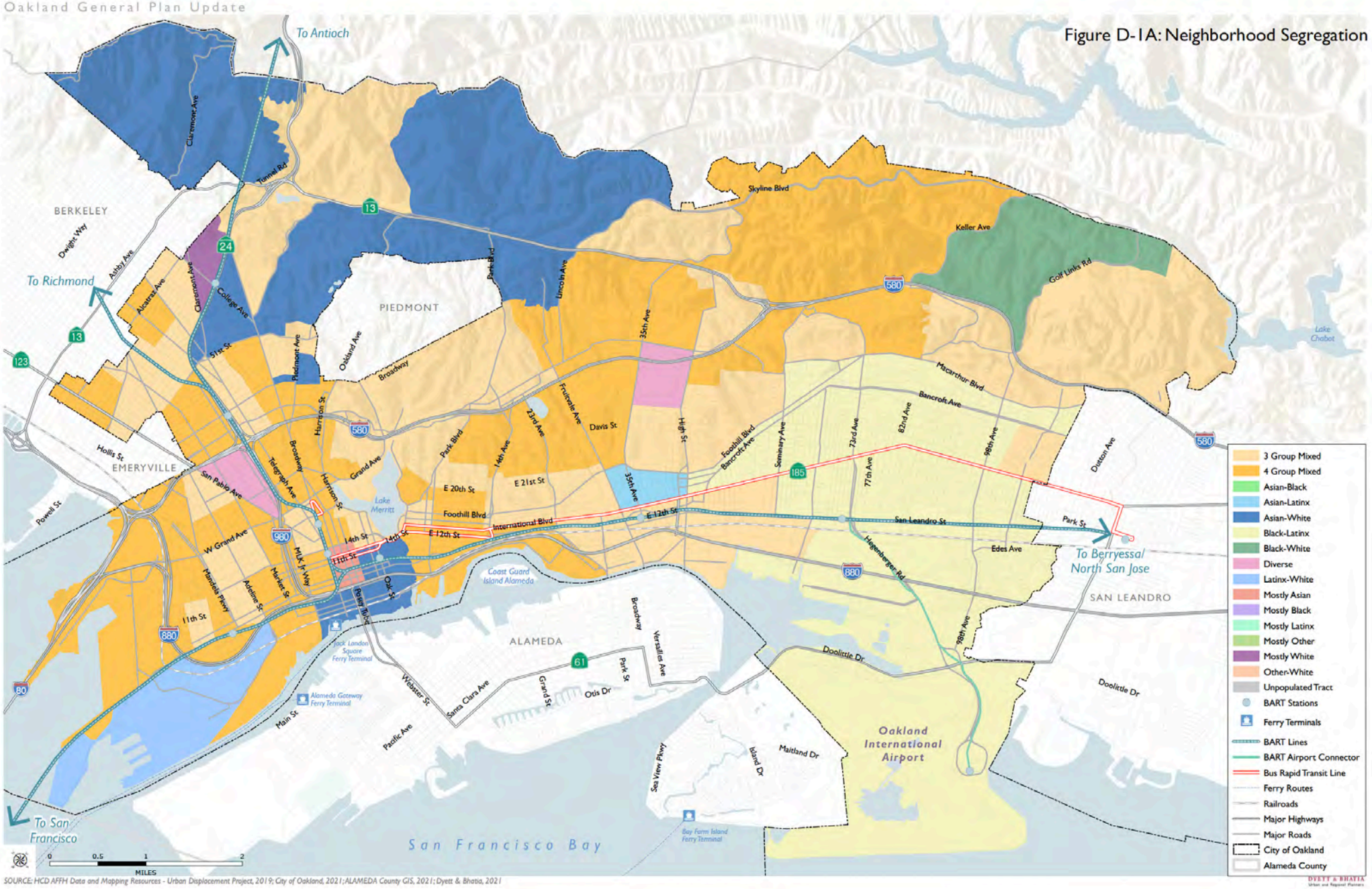


Source: HUD, AFFHT0006 Table 12, July 2020

The Dissimilarity Index may not capture the nuances in patterns of segregation between BIPOC communities. Further, the Dissimilarity Index is only available at the citywide level. The Urban Displacement Project (UDP) at UC Berkeley has created neighborhood segregation typologies that identify which racial/ethnic groups have more than 10 percent representation within a given census tract. The typologies consider five racial/ethnic groups, including Black, Latinx, White, Asian and Other. As seen in Figure D-1A, the majority of tracts in Oakland are identified as either 3 or 4 Group Mix. However, there's a cluster of tracts in the northeast section of the city are classified as Asian-white and a cluster of tracts in the southwest section classified as Black-Latinx. Across the city, only two tracts are considered Diverse according to this methodology. Figure D-1B more acutely visualizes segregation in Oakland, showing which census tracts are predominantly Asian, Hispanic, African American, and White (no tracts were predominantly Native American/American Indian). Predominant population is classified into three levels, noting where the census tract population for that group is at least 50 percent greater than the other groups (predominant), 10-50 percent greater (sizeable), and less than 10 percent greater (slim). The Asian population is predominant in the Chinatown area with decreasing margins in surrounding tracts in Downtown and east beyond Lake Merritt; the Hispanic population is predominant in Fruitvale with decreasing margins in adjacent tracts in East Oakland; the African American population is predominant in both West Oakland and the Oak Knolls area in East Oakland, with decreasing margins in surrounding tracts; and the white population is predominant in the North Oakland Hills, Rockridge, and immediately south of Piedmont with decreasing margins in surrounding tracts. Only one tract in East Oakland (Bancroft/Havenscourt) does not have a predominant population.

In contrast, the ESRI 2018 Diversity Index (Figure D-2) classifies many tracts as Higher Diversity and a handful of tracts as Lower Diversity. Most of the tracts on the higher end of the diversity index are consistent with those classified by UDP as Diverse or 3 or 4 Group Mix. Many tracts located in the northeast section of the city fall on the lower end of the diversity index, consistent with the UDP neighborhood segregation findings.

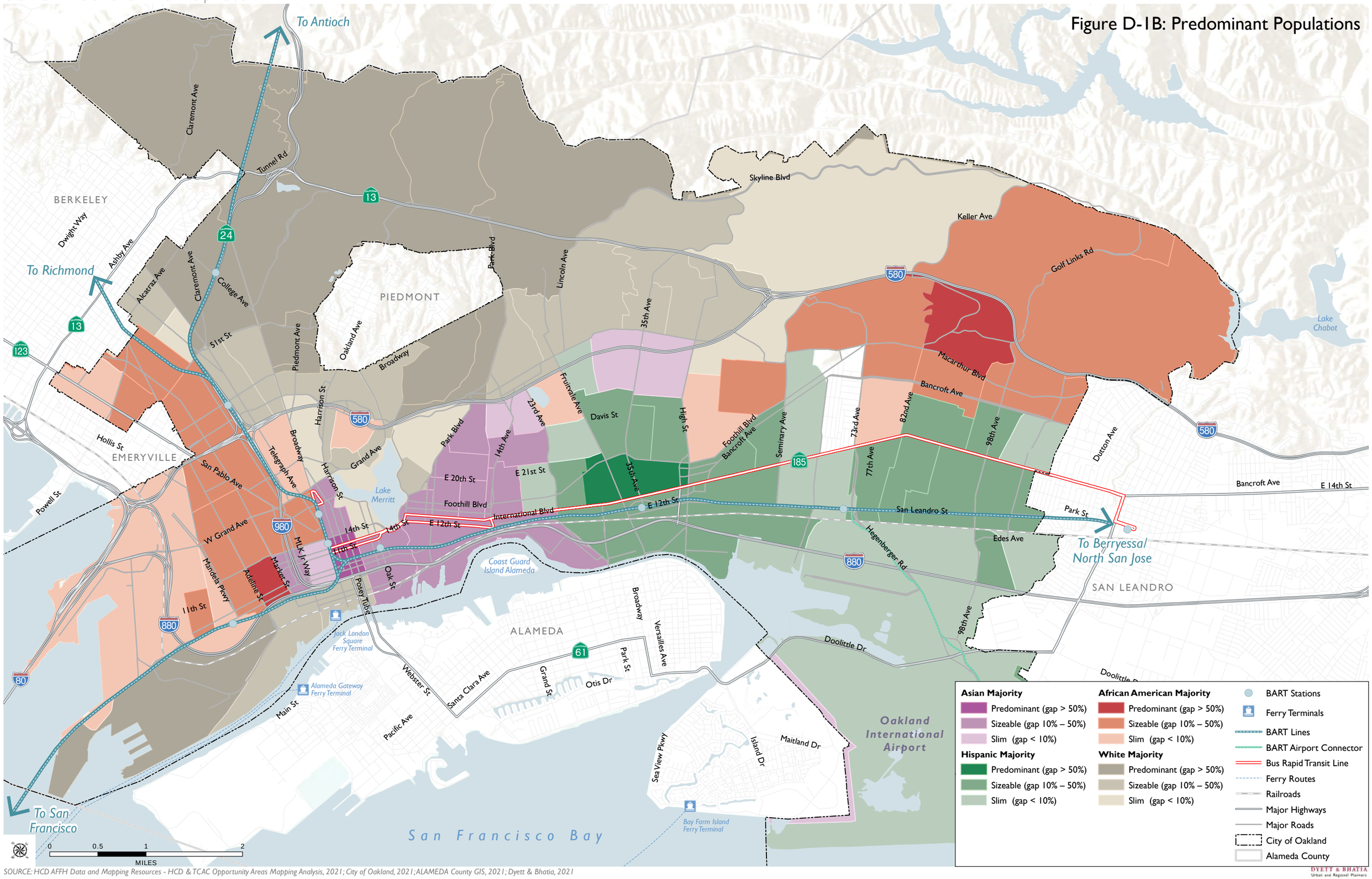
Figure D-1A: Neighborhood Segregation



SOURCE: HCD AFFH Data and Mapping Resources - Urban Displacement Project, 2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

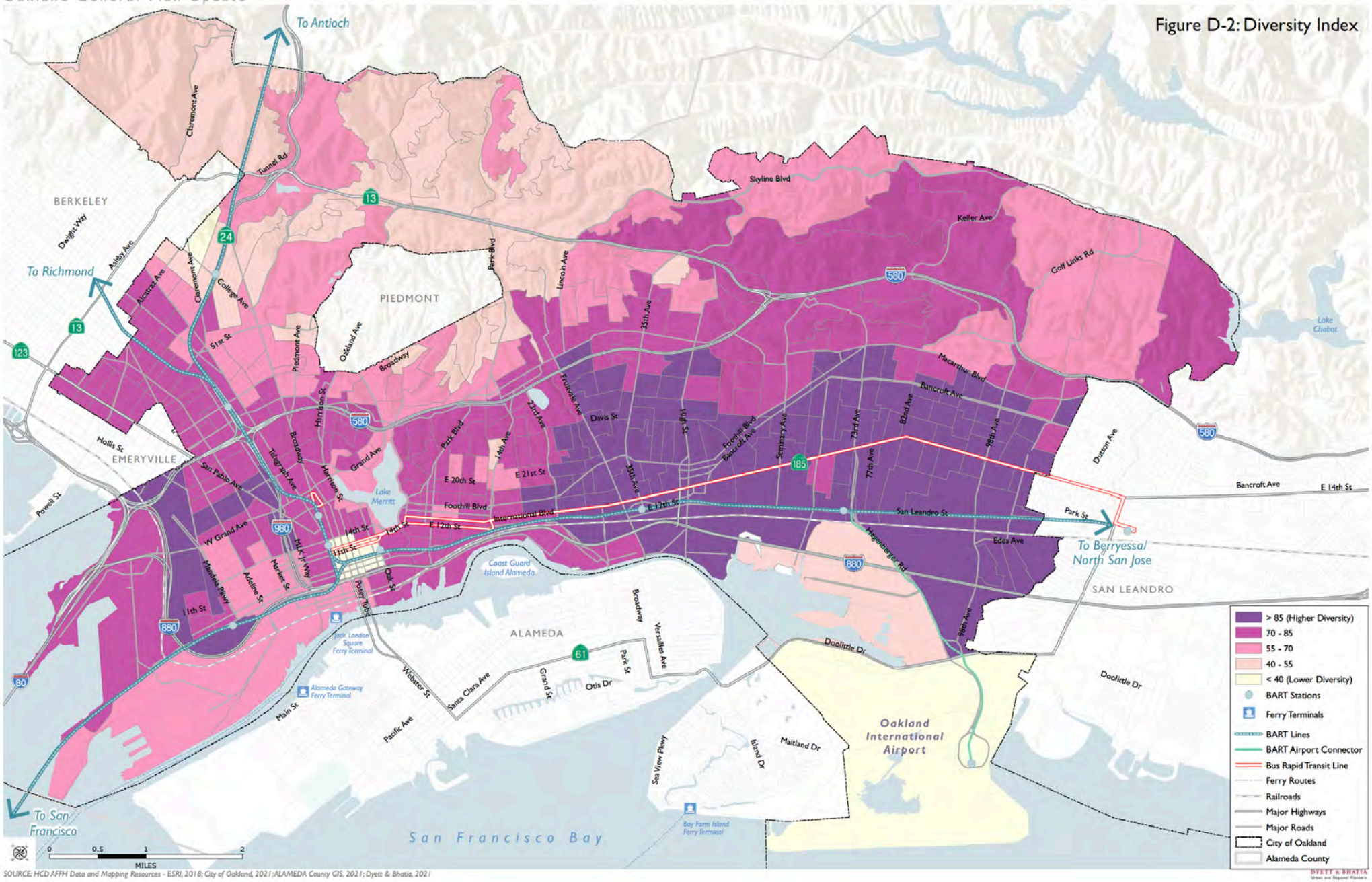
DYETT & BHATIA
Urban and Regional Planners

Figure D-1B: Predominant Populations



SOURCE: HCD AFFH Data and Mapping Resources - HCD & TCAC Opportunity Areas Mapping Analysis, 2021; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

Figure D-2: Diversity Index



SOURCE: HCD AFFH Data and Mapping Resources - ESRI, 2018; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

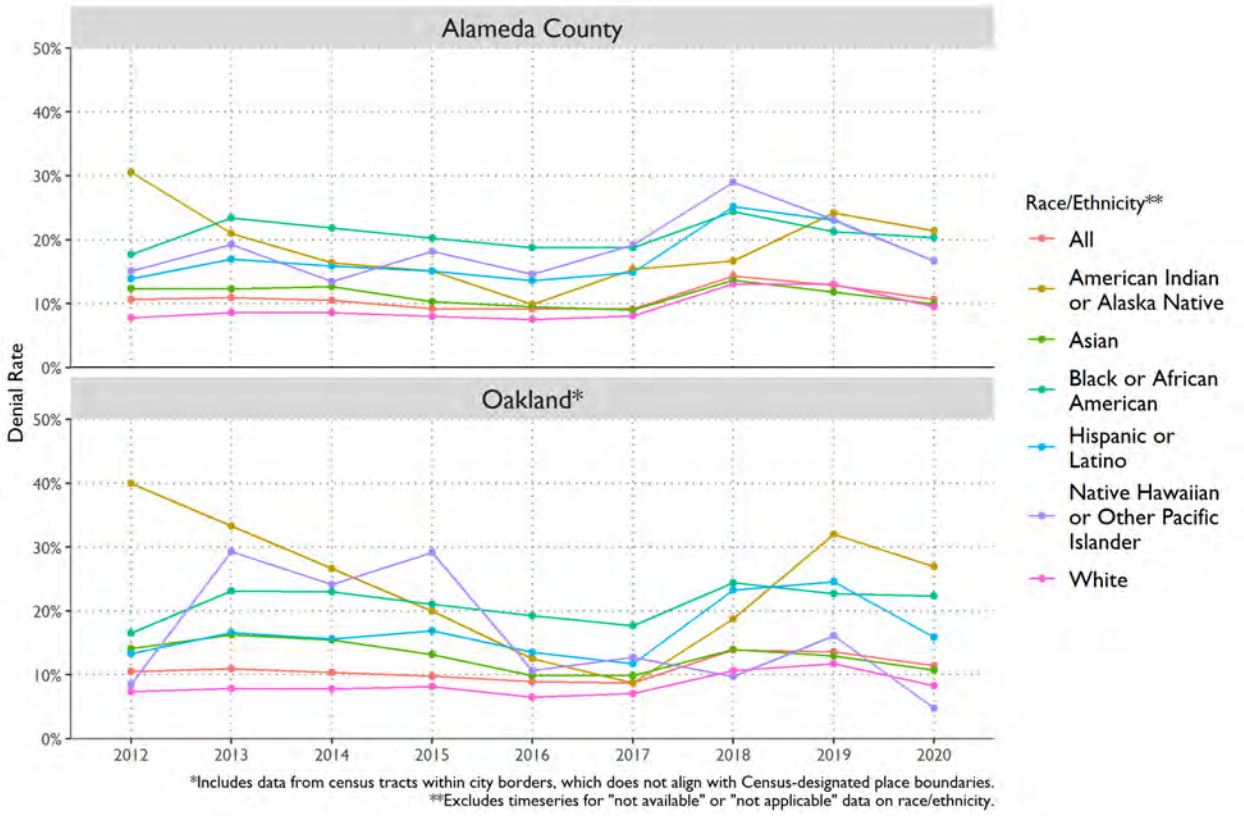
DYETT & BHATIA
Urban and Regional Planners

Other Relevant Factors: Loan Denial Rates by Race/Ethnicity

Chart D-2 below traces loan denial rates for home purchase and improvement loans between 2012 to 2020 for all census tracts in Oakland and Alameda County. Denial rates have remained relatively stable and generally lower than 25 percent in the County, with Asian and white applicants consistently on the lower end, and Black applicants consistently on the higher end. In 2018, denial rates increased for all groups in the County, but have since decreased. Despite the decrease, denial rates have remained higher for the Hispanic and American Indian/Alaska Native groups. Oakland-based denial rates are similar to the County's rates on average, but with more variability for the American Indian/Alaska Native and Native Hawaiian/Other Pacific Islander groups. Both groups comprise much smaller shares of the Oakland population than other racial/ethnic groups, which might mean fewer loan applications, and thus have a larger impact on the data. Denial rates are generally higher for the American Indian/Alaska Native population in Oakland compared to the County overall, while they are generally lower for the Native Hawaiian/Other Pacific Islander population in Oakland compared to the County overall. Denial rates are consistently lowest for the white population.

Chart D-2: HMDA Loan Denial Rates by Race/Ethnicity, 2012-2020

Source: Home Mortgage Disclosure Act Data, 2012-2020



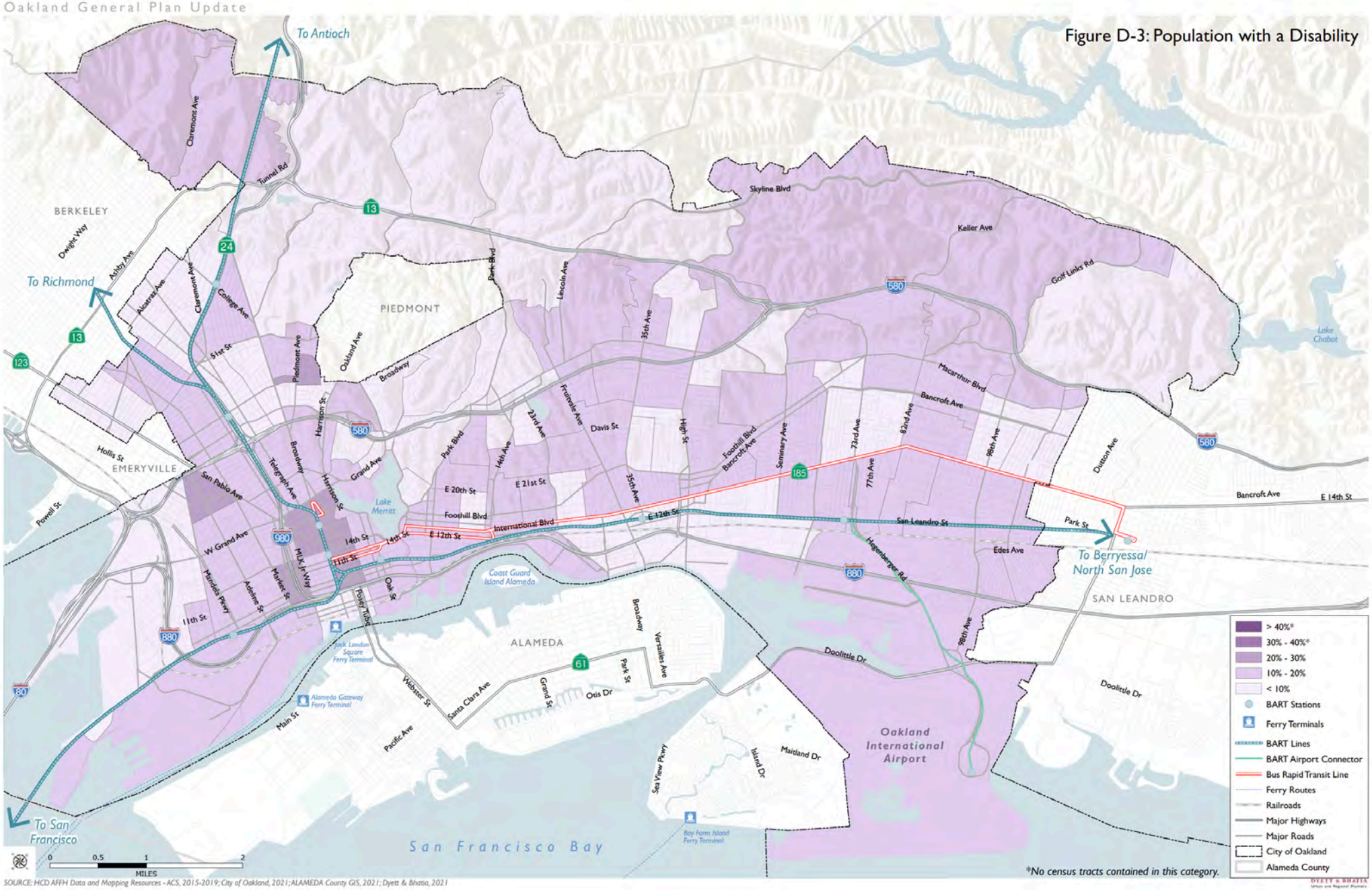
PERSONS WITH DISABILITIES

According to the 2019 ACS five-year estimates, approximately 49,362 or 11.7 percent of Oakland residents were living with a disability. This is slightly higher than in Alameda County (9.2 percent) and in the Bay Area (9.6 percent).

Per 2019 ACS five-year estimates compiled by HCD, Figure D-3 indicates that there is a moderate concentration of people living with a disability (20-30 percent) in some tracts in Downtown Oakland, including Chinatown, plus a tract in West Oakland and a tract in the Piedmont Ave neighborhood. Otherwise, there is a dispersal of persons with disabilities throughout the city. According to the 2020 AI, persons with disabilities are overrepresented in publicly assisted housing (which, as indicated on upcoming Figure D-20, is concentrated in Downtown Oakland.)

Given the barriers faced by persons with disabilities, the provision of affordable and barrier-free housing is essential to meet their housing needs. There are two approaches to housing design for residents with disabilities: adaptability and accessibility. Adaptable housing is a design concept in which a dwelling unit contains design features that allow for accessibility and use by mobility-impaired individuals with only minor modifications. An accessible unit has the actual special features installed in the house (grab bars, special cabinetry). To address these needs, the State requires design or accessibility modifications, such as access ramps, wider doorways, assist bars in bathrooms, lower cabinets, elevators, and the acceptance of service animals. Appendix B, Housing Needs, further addresses details about the population with disabilities in Oakland as well as their housing needs.

Figure D-3: Population with a Disability



*No census tracts contained in this category.

SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2015-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

FAMILIAL STATUS

Discriminatory housing practices based on familial status, including discrimination against families with children, may influence where families are able to live and lead to geographic concentrations within a jurisdiction. Female householders with children may especially be targets of discrimination. Table D-3 indicates that more than half of all children in Oakland (60.8 percent) are living in married-couple family households. There are 25,112 children (29.8 percent) living in female-headed households.

Table D-3: Children Under 18 Years in Oakland Households, 2019

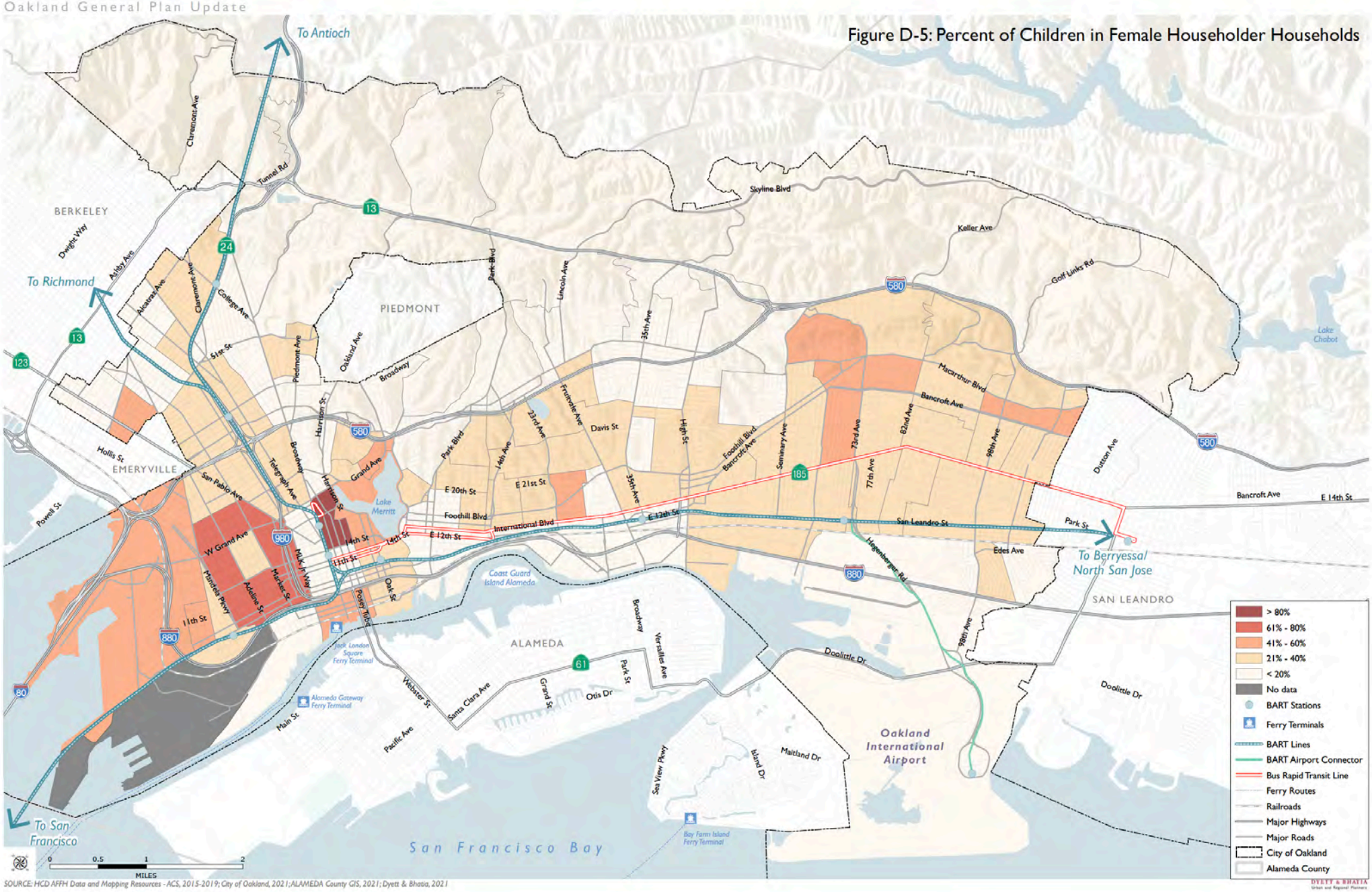
Household Type	Number	Percent
Married-Couple	51,201	60.8%
Male Householder, No Spouse Present	7,174	8.5%
Female Householder, No Spouse Present	25,112	29.8%
Other	707	0.8%
Total	**84,194**	**100.0%**

Note: All households with children are considered family households.

Source: U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates (TableID: S0901)

Figures D-4 through D-6 below indicate there are patterns of geographic concentration based on familial status. Figure D-4 shows that the proportion of children in married-couple families tends to be higher in the eastern part of the city, adjacent to and in the hills, plus some scattered concentrations along the western edge of the city. Figure D-5, on the other hand, indicates that there is a higher proportion of children in female householder households in West Oakland and in one specific tract in the downtown area. There is a higher percentage of adults living alone (Figure D-6) in the downtown area, as well as in other mixed-use neighborhoods north and south of downtown, and surrounding Lake Merritt. Additionally, in one tract near Mills College more than 20 percent of adults live alone.

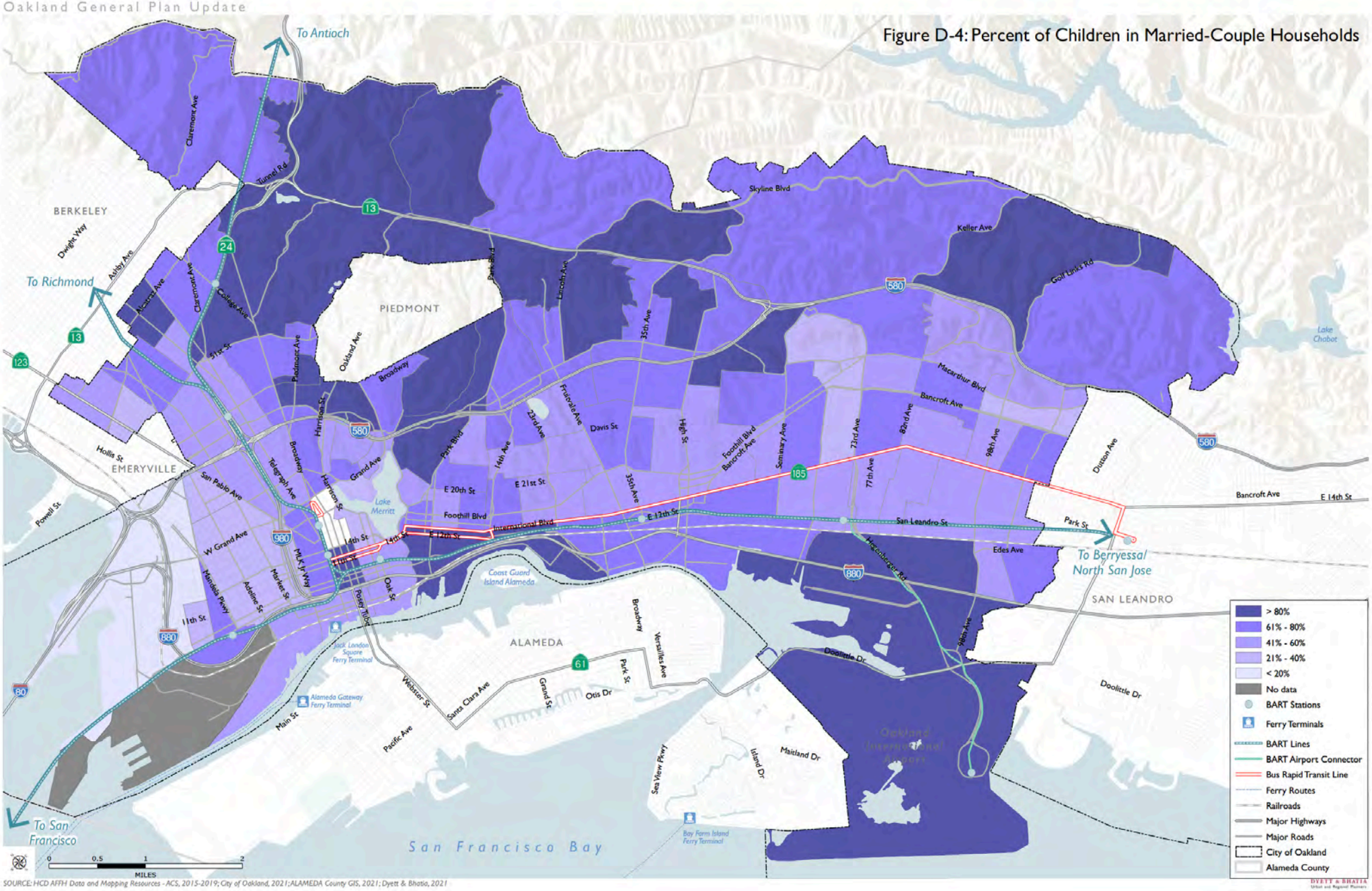
Figure D-5: Percent of Children in Female Householder Households



SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2015-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

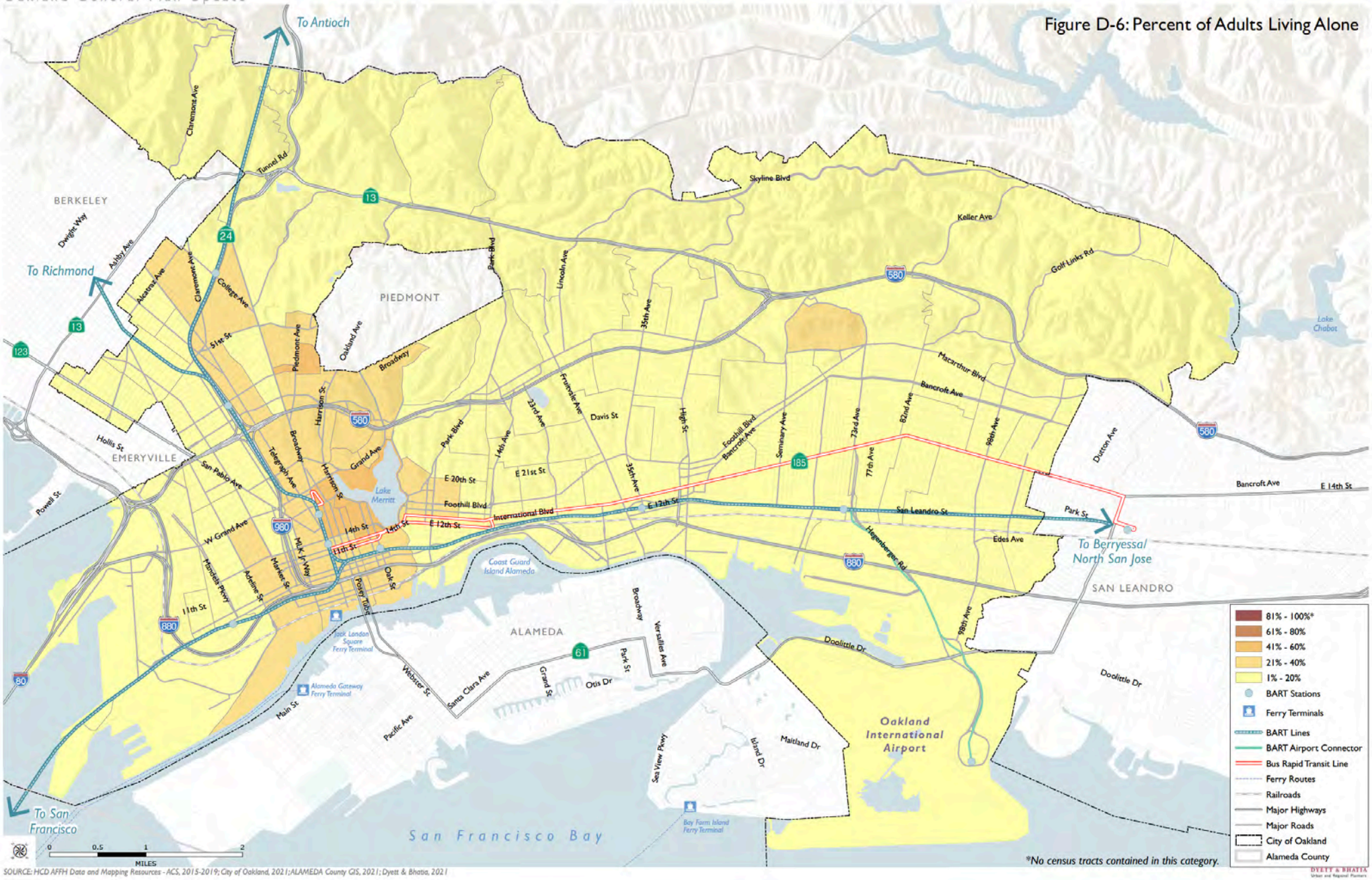
DYETT & BHATIA
Urban and Regional Planners

Figure D-4: Percent of Children in Married-Couple Households



SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2015-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

Figure D-6: Percent of Adults Living Alone



*No census tracts contained in this category.

SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2015-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

DYETT & BHATIA
Urban and Regional Planners

INCOME LEVEL

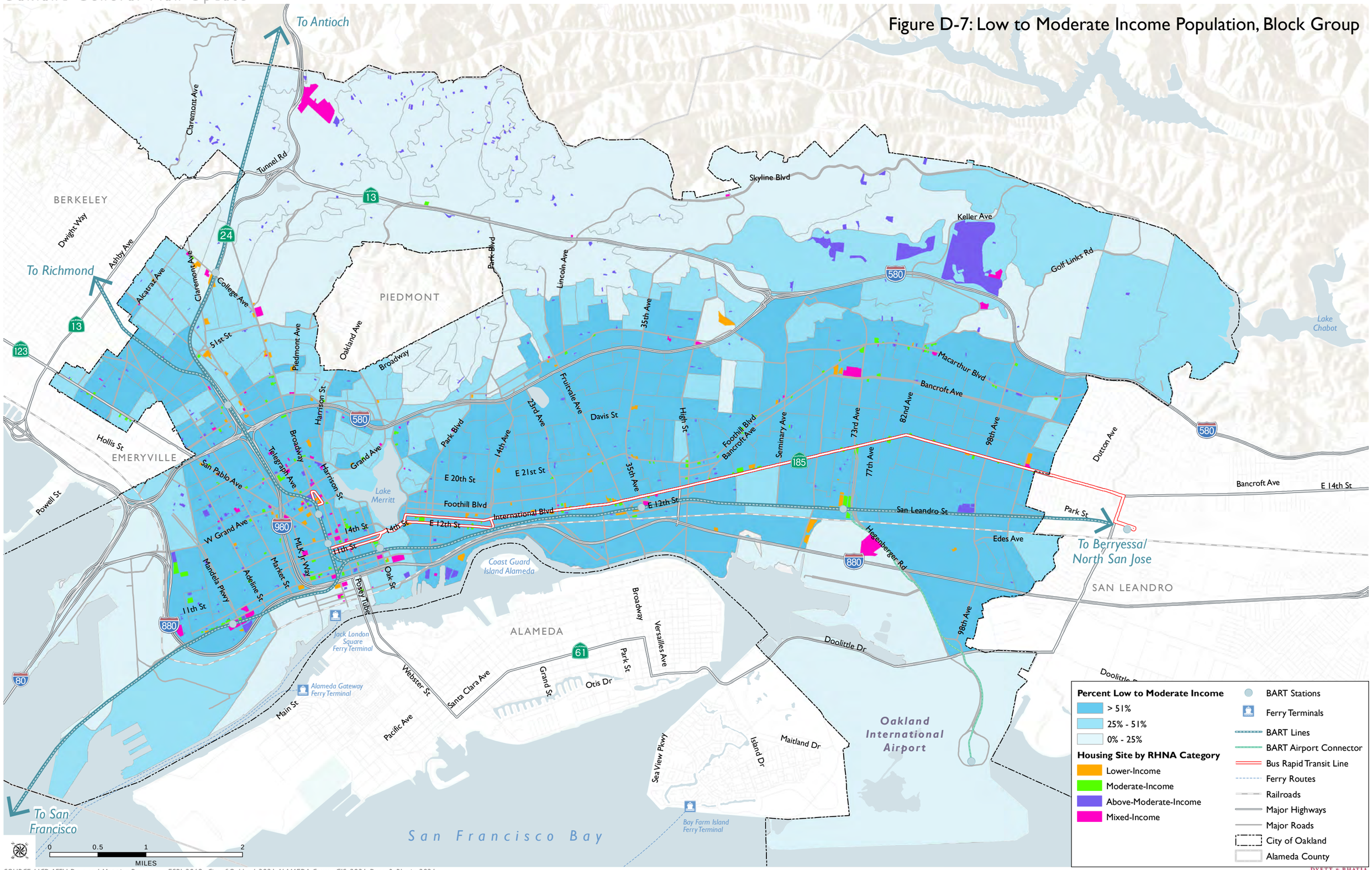
Geographic concentration by income, including concentration of poverty, is another type of segregation that exists in Oakland. HUD defines low income as 50-80 percent area median income (AMI), and moderate as 80-120 percent AMI. An LMI area (where low- or moderate-income individuals are concentrated) is a census tract or block group where over 51 percent of the population is LMI. Figure D-7 illustrates income segregation across Oakland with the distribution of LMI block groups in 2018. Except for the Port and the Laney College area, LMI block groups in Oakland formed almost a continuous spine through the flatlands. The North Hills and block groups immediately south of the City of Piedmont had the lowest concentrations of LMI individuals, and the South Hills had no tracts where over 50 percent of the population is LMI.

Compared to other Bay Area jurisdictions on average, Oakland in 2015 had a significantly higher rate of between-neighborhood segregation for very low-income individuals, while its segregation rates for other income groups (low, moderate, and above moderate) were similar compared to the region; also, when comparing lower-income individuals to higher-income individuals using a dissimilarity index, income segregation was higher in Oakland than the Bay Area region.[14]

Changing poverty rates over time can provide an insight into the economic wellbeing of households and individuals in Oakland. According to ACS five-year estimates, the poverty rate for individuals in Oakland decreased from 21 percent in 2014 to 16.7 percent in 2019. The poverty rate is higher for families with children in Oakland: 24.5 percent in 2014 and 19.9 percent in 2019. A decrease in the poverty rate during this timeframe was a trend in Alameda County, as well, with 12.9 percent living in poverty in 2014 and 9.9 percent in 2019. Figure 3-8 demonstrates the spatial decrease in poverty from 2014 to 2019, with higher poverty tracts reclassified into lower poverty categories. No tracts had more than 40 percent of the population living in poverty in 2019, while nine tracts did in 2014 (Eastmont, Fitchburg, East Peralta, one tract in San Antonio, one in Downtown, and four in West Oakland). In two cases, tracts with more than 40 percent living in poverty went down to as low as 10-20 percent living in poverty (one tract in West Oakland and the East Peralta tract), which prompts further investigation. While this might be partly a result of a rebounding economy post-Great Recession, it may also signify displacement, which is explored later in this chapter. It is also important to note that poverty disproportionately impacts Oakland residents by race and ethnicity. As shown in Table D-4, all racial and ethnic groups except for white and Native Hawaiian and Pacific Islander populations face higher than average poverty rates.

[14] UC Merced Urban Policy Lab and ABAG-MTC Staff, *AFFH Segregation Report: Oakland*, March 6, 2022

Figure D-7: Low to Moderate Income Population, Block Group



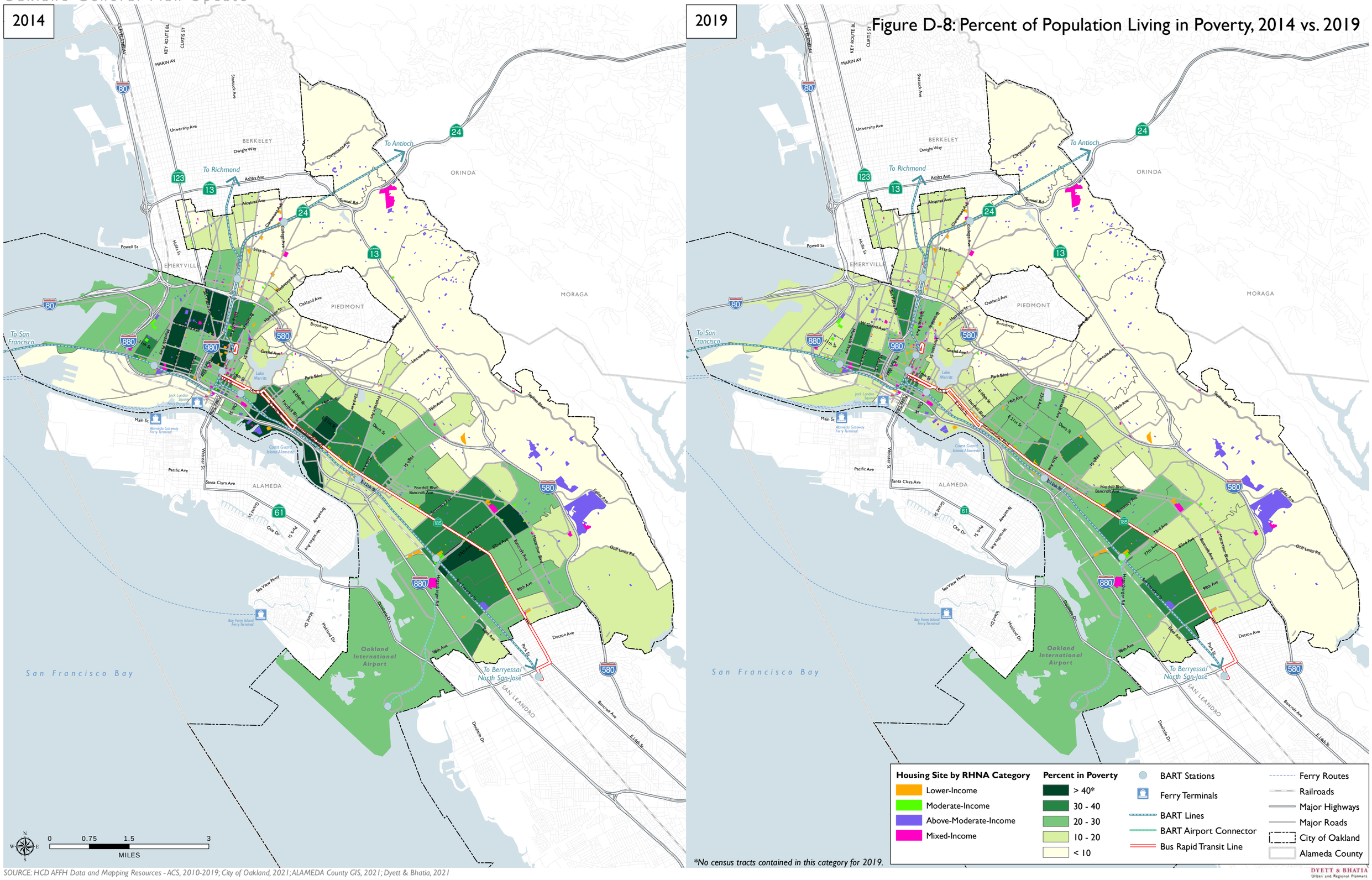
SOURCE: HCD AFFH Data and Mapping Resources - ESRI, 2018; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

DYETT & BHATIA
Urban and Regional Planners

Figure D-8: Percent of Population Living in Poverty, 2014 vs. 2019

2014

2019



*No census tracts contained in this category for 2019.

SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2010-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

DYETT & BHATIA
Urban and Regional Planners

Table D-4: Population Poverty Rates in Oakland, 2019

Race/Ethnicity	Total Population		Population Below Poverty Level	
	Number	Percent	Number	Percent
White alone	148,963	**35.4%**	14,242	9.6%
Black or African American alone	99,868	**23.8%**	23,735	23.8%
American Indian and Alaska Native alone	3,820	**0.9%**	833	21.8%
Asian alone	65,138	**15.5%**	11,277	17.3%
Native Hawaiian and Other Pacific Islander alone	2,294	**0.5%**	316	13.8%
Some other race or two or more races	100,144	**23.8%**	19,955	19.9%
Hispanic or Latino origin (of any race)	113,402	**27.0%**	23,383	20.6%
White alone, not Hispanic or Latino	118,953	**28.3%**	9,168	7.7%
Total	**420,227**	**-**	**70,358**	16.7%

Source: U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates (TableID: S1701)

D.3 Racially/Ethnically Concentrated Areas of Poverty and Affluence

Racially or ethnically concentrated areas of poverty (R/ECAPs) are defined by HUD as census tracts with a non-white population of 50 percent or more, and a poverty rate that exceeds 40 percent or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever is lower. It serves as a measure of neighborhoods that are experiencing both high racial and ethnic concentration as well as high rates of poverty. The 2020 AI notes that displacement, lack of public and private investment in specific neighborhoods, and the type and location of affordable housing all contribute to R/ECAPs. In Oakland (Figure D-9), there are four clusters of R/ECAPs: in/around Downtown and West Oakland, in/around Fruitvale/Jingletown, and two along International Boulevard near the Coliseum.

Recalling Figure D-1B, which shows where predominant concentrations of various racial/ethnic groups live in Oakland, individual R/ECAPs can be linked to census tracts with predominant populations of each of the largest non-Hispanic white racial/ethnic groups in Oakland: Black/African American (West Oakland), Asian (Downtown-Chinatown), and Hispanic/Latinx (Fruitvale/East Oakland). In Oakland, 37 percent of R/ECAP residents are Hispanic, 37 percent are black, 15 percent are Asian or Pacific Islander, and 11 percent fall within other racial categories. According to the 2020 AI, about 13 percent of Oakland's population lives in R/ECAPs.

Figure D-9 also shows R/ECAPs throughout the region. R/ECAPs in nearby jurisdictions include, but are not limited to, five tracts in Berkeley surrounding the UC Berkeley campus (which, as noted in the 2020 AI, is likely skewed by no- or low-income students), and a few in San Francisco. There are none in the neighboring Cities of Alameda, Emeryville, or San Leandro. Oakland has more R/ECAPs than any of its neighboring jurisdictions, and the majority of R/ECAPs in Alameda County. In the Bay Area region, there is a more even distribution of races within R/ECAPs: 19 percent are white, 23 percent are black, 29 percent are Hispanic, and 26 percent are Asian or Pacific Islander.

Racially~~/Ethnically~~ Concentrated Areas of Affluence (RCAAs) are not formally defined by HUD or State HCD but are generally considered to be areas with high concentrations of wealthy, white residents. State HCD's working RCAA metric reflects a Location Quotient (LQ), which represents the percentage of total white population (White Alone, Not Hispanic or Latino) compared to the average percentage of total white population for all census tracts in each COG region. Census tracts with an LQ of more than 1.25 and a median income 1.5 times higher than the COG AMI (or 1.5 times the State AMI, whichever is lower) were ~~assigned a numeric score of 1 (Is an RCAA).~~designated as RCAAs. Based on this methodology, RCAAs are present in Rockridge, Montclair, and the North Oakland hills; the Trestle Glen, Crocker Highlands, and Glenview neighborhoods; and the Jack London District. Appendix C and the Housing Action Plan~~, actions X, Y, and Z,~~ action 3.4.1 specifically addresses location of sites available to lower incomes and zoning changes in the Rockridge area to address this existing segregation. Housing Action Plan 3.4.2 directs further study of zoning changes citywide as part of the Land Use and Transportation Element (LUTE) update. As described in Appendix C, the entirety of the North Oakland hills is within a Very High Fire Hazard Severity Zone, and a majority of the land is sloped with grades above 30 percent.

Regionally, other Bay Area jurisdictions have RCAAs, including, but not limited to, many tracts in Marin and San Mateo Counties as well as some tracts in Santa Clara and San Francisco Counties. In Alameda County, there are RCAAs in the neighboring jurisdictions of Berkeley~~, Alameda, Dublin,~~ (adjacent to Rockridge and in North Berkeley), Alameda (the southeastern potion of the city across the tidal canal from Jingletown), and Piedmont (entirety), as well as in Pleasanton, Livermore, and ~~small~~smaller portions of Albany, Dublin and Fremont ~~in Alameda County.~~. There are no RCAAs in ~~the~~ neighboring ~~jurisdictions of~~ Emeryville and San Leandro. In Contra Costa County, the entirety of the Orinda, Moraga, and Lafayette city limits are ~~RCAA.~~

RCAAs. A significant portion of unincorporated Alameda and Contra Costa Counties adjacent to the Oakland border are also RCAAs.

Figure D-9a: Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) and Racially Concentrated Areas of Affluence (RCAA) Locations (ACS)

Regional Setting NOT TO SCALE

Pacific Ocean

0 1 2 4
MILES

Racially/Ethnically Concentrated Areas of Poverty (R/ECAP)

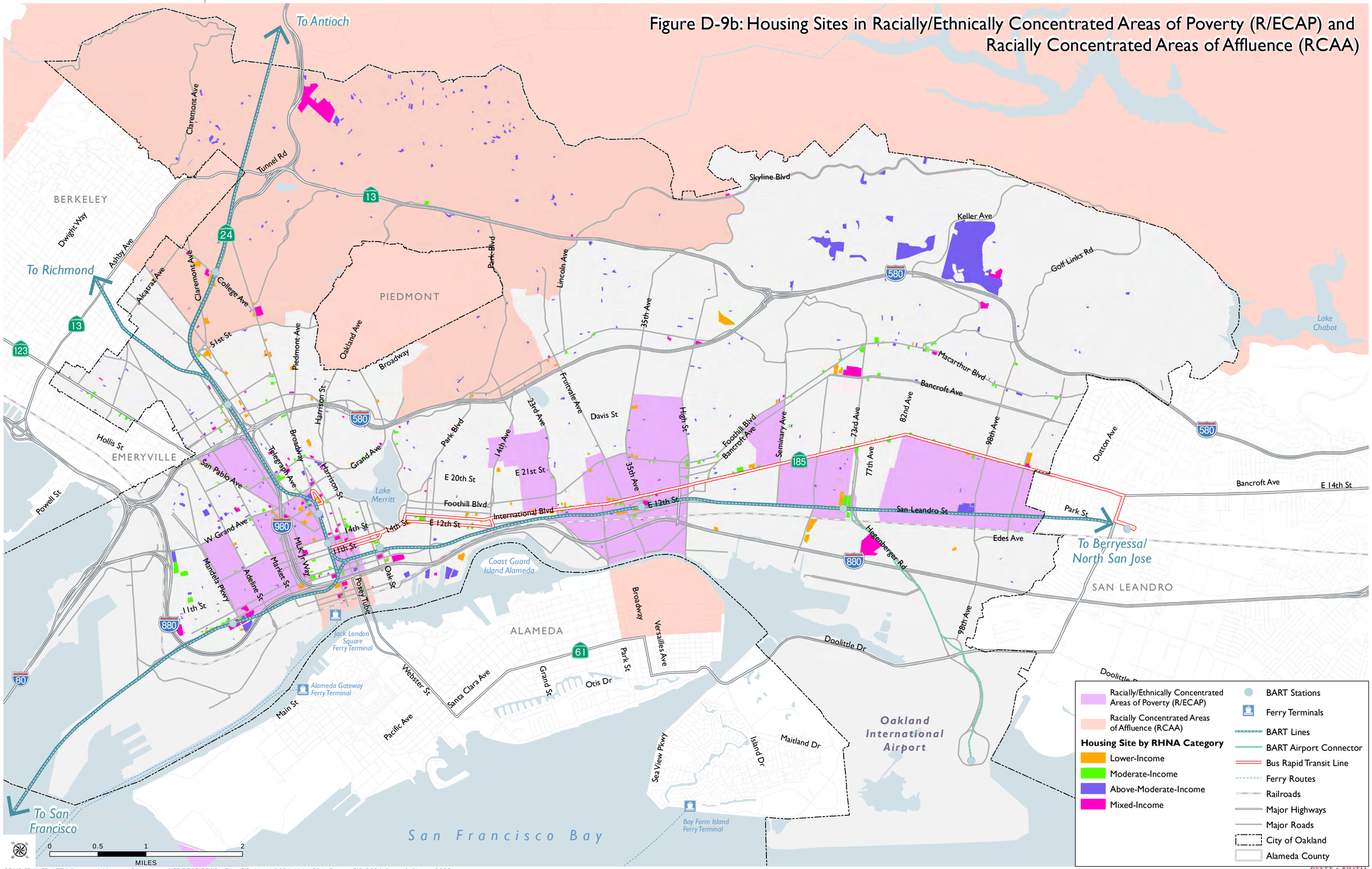
Racially Concentrated Areas of Affluence (RCAA) Locations

City of Oakland

SOURCE: HCD AFFH Data and Mapping Resources - ACS, 2015-2019; Esri, 2022; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

DYETT & BHATIA
Urban and Regional Planners

Figure D-9b: Housing Sites in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) and Racially Concentrated Areas of Affluence (RCAA)



SOURCE: HCD AFFH Data and Mapping Resources - ACS 2015-2019; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022