



March 14, 2022

Paul Peninger
Baird + Driskell Community Planning
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Dear Mr. Peninger:

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) is pleased to present the attached proposed scope of work, including budget and schedule, to Baird + Driskell Community Planning for contemplated fair housing technical assistance services for the members of the Santa Clara County Cities Association's Planning Collaborative. The Lawyers' Committee is a national, nonprofit, nonpartisan legal organization that was founded in 1963 at the request of President John F. Kennedy to engage the leadership and resources of the private bar in fighting racial discrimination and the resulting inequality of opportunity. The Lawyers' Committee's Fair Housing & Community Development Project is one of the organization's most active.

Our team has unparalleled expertise in the development of high-quality fair housing plans, including Assessments of Fair Housing and Analyses of Impediments to Fair Housing Choice. We have worked with dozens of jurisdictions across the country and have extensive experience in California, including in Santa Clara County. The U.S. Department of Housing and Urban Development (HUD) itself has turned to us for our expertise, frequently deploying our team to provide technical assistance. We have written extensively about the duty to affirmatively further fair housing and have appeared on countless of panels and webinars. We are excited to share our expertise and passion with the cities of Santa Clara County in a new role.

If you or the members of the Planning Collaborative have any questions regarding the attached scope of work, please do not hesitate to let me know.

Sincerely,

Thomas S. Silverstein

Thomas Silverstein
Associate Director, Fair Housing & Community Development Project

Scope of Work: Assessment of Fair Housing

This proposed Scope of Work describes the technical assistance services that the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) would provide to the cities participating in the Santa Clara County Planning Collaborative (Planning Collaborative) as a subcontractor to Baird + Driskell Community Planning (BD Planning). The Lawyers' Committee is a national nonprofit civil rights legal organization that was founded in 1963 at the request of President John F. Kennedy to engage the leadership and resources of the private bar in combatting racial discrimination and the resulting inequality of opportunity. Through its Fair Housing & Community Development Project, the Lawyers' Committee has engaged in extensive work relating to the Fair Housing Act's affirmatively furthering fair housing (AFFH) duty, writing dozens of high-quality Assessments of Fair Housing (AFHs) and serving as a technical assistance subcontractor to the U.S. Department of Housing and Urban Development (HUD). The Lawyers' Committee is excited to draw upon this experience – much of it developed and refined working in California – to provide technical assistance regarding compliance with the new California state AFFH mandate that was created through the passage of A.B. 686 in 2018.

As a result of A.B. 686, all entities in California that are required to prepare a Housing Element for their General Plan now must include an AFH in that Housing Element. This requirement applies to all municipalities in California, including Santa Clara County and all 15 of the County's cities. AFHs must be consistent with both the requirements that HUD articulated in its 2015 AFFH rule and the assessment tool templates that followed and with guidance from the California Department of Housing and Community Development (HCD). The current Housing Element cycle may mark the first time that many California cities – particularly those that are not direct recipients of HUD grant funds – will have engaged in robust fair housing planning. Undertaking this process effectively requires knowledge of relevant data sources, expertise in interpreting housing and demographic data, the ability to analyze current public policies and private industry practices and propose changes, and a commitment to inclusive community engagement practices. The Lawyers' Committee has unmatched expertise with all of these facets of effective fair housing planning.

Under this Scope of Work, the Lawyers' Committee would be available as an on-demand technical assistance provider for the participants in the Planning Collaborative and will develop selected template data tables with accompanying analysis for the participants in the Planning Collaborative. When cities come to BD Planning with substantive, technical, or process-oriented questions regarding the development of their AFHs, BD Planning will refer those cities to the Lawyers' Committee, and the Lawyers' Committee will provide responsive, individually tailored technical assistance. Direct technical assistance will be available under this scope of work through December 31, 2022. The Lawyers' Committee anticipates that the technical assistance will largely fall into the following categories:

- **Goal Setting and Strategy Development:** The most important and most difficult part of any AFH is determining what a city will do to address the barriers identified through the analysis. The Lawyers' Committee has the capacity to assess proposed goals and strategies to determine whether they are specific, measurable, achievable, relevant, and time-bound. The Lawyers' Committee can also assess the degree to which proposed goals and strategies logically flow from the analysis contained in the AFH. Lastly, the

Lawyers' Committee can recommend goals and strategies based on national best practices and past fair housing planning experience in California.

- **Policy Analysis:** The Lawyers' Committee can aid in the analysis of existing public policies and private industry practices – referred to in the AFH process as “contributing factors” – to ensure that cities are looking at these potential drivers of fair housing issues in a manner that is consistent with the principles of the Fair Housing Act. In particular, the Lawyers' Committee is an expert in zoning and land use laws, tenant screening practices, systems for allocating affordable housing resources, efforts to provide independent housing and community-based supportive services for persons with disabilities, and much more.
- **Data Analysis and Identification:** The Lawyers' Committee can help cities make sense of data provided by HCD and the Association of Bay Area Governments (ABAG) and identify supplemental data that is relevant to required areas of analysis and is not provided by HCD and ABAG.
- **Community Engagement Best Practices:** The Lawyers' Committee can provide best practices for robust community engagement in fair housing planning processes. Where initial efforts are not successful, the Lawyers' Committee can help cities troubleshoot why their community engagement processes may not be succeeding in reaching marginalized communities.

Additionally, the Lawyers' Committee will develop template tables and accompanying analysis addressing the following topics for each of the participants in the Planning Collaborative:

- Disability status by race, ethnicity, and national origin.
- Overcrowding and severe overcrowding for homeowners and renters by income level.
- Prevalence of substandard housing by race and ethnicity, familial status, income level, and disability status.
- Displacement as seen through three processes: movement of people, public policies and investments (such as capital improvements and planned transit stops), and flows of private capital.
- Construction data.

The Lawyers' Committee will provide one-on-one direct technical assistance to cities in response to requests relating to the four categories identified above and will develop tables and maps, as relevant, for the topics above, and corresponding narrative analysis for each of the cities in the Planning Collaborative. The production of the tables, maps, and accompanying analysis will cost a total of \$15,000. Additionally, direct technical assistance services will be provided at a rate of \$175 per hour, not to exceed a total expenditure of \$35,000 without prior authorization. Thomas Silverstein, Associate Director of the Lawyers' Committee's Fair Housing & Community Development Project, and Diane Glauber, Director of the Fair Housing & Community Development Project, will be the primary technical assistance providers under this Scope of Work. Thomas Silverstein will serve as Project Lead. Both of their experience is described in more detail below.

Thomas Silverstein, Associate Director in the Fair Housing & Community Development Project, has led efforts to develop AIs for the District of Columbia, Contra Costa County,

California, San Luis Obispo County, California, and the State of Louisiana. He is currently spearheading the Lawyers’ Committee’s work on the production of a regional AFH for Contra Costa County, California, and its entitlement cities. He has been a primary drafter for all of the AIs and AFHs that the Lawyers’ Committee has developed. As a HUD technical assistance provider, he has helped guide grantees in the Kansas City metropolitan region through the collection and analysis of supplemental data regarding access to proficient schools. Thomas is a frequent panelist on topics relating to HUD’s AFFH rule. He has published articles on the subject in the ABA Journal of Affordable Housing & Community Development Law, the University of Baltimore School of Law’s Journal of Land and Development, and The Hill. In addition to providing technical assistance and consulting services, he litigates high impact Fair Housing Act cases, writes amicus curiae briefs on cutting-edge issues in civil rights and housing law, and participates in federal, state, and local policy advocacy efforts. He has significant expertise with respect to both the use of data and geospatial mapping to analyze fair housing issues and best practices for leveraging federal housing programs to foster meaningful community integration for persons with disabilities. Thomas earned his J.D. from the University of Virginia School of Law and his B.A. in English from the College of William & Mary. He is an adjunct professor at the Fair Housing Clinic at the University of Maryland School of Law.

Diane Glauber, Director of the Fair Housing & Community Development Project, has led efforts to develop AFHs and AIs for the City of Los Angeles and the Housing Authority of the City of Los Angeles; the City of Santa Monica and the Santa Monica Housing Authority, Orange County, the City of Ontario, California (twice), Fall River, Massachusetts, the Greater Attleboro/Taunton, Massachusetts HOME Consortium. As a HUD technical assistance provider, she has helped grantees overcome major barriers with respect to community engagement and the development of effective goals and strategies in Philadelphia and the Kansas City metropolitan region. With the support of a major philanthropic foundation, she helped streamline the AFH drafting process in New Orleans, the very first grantee to have its AFH accepted by HUD under the 2015 AFFH rule. Diane’s work has intersected with HUD programs in a variety of ways that combine to give her a 360° view of how to effectively increase access to opportunity for members of historically marginalized communities in a resource-constrained environment. In addition to working as a civil rights lawyer, she has been a high-ranking city official, an affordable housing developer, a grant maker, and a HUD employee. Diane earned her J.D. from the University of Maryland School of Law, her M.P.A. from the Wagner School of Public Service at New York University, and her B.A. in History from Emory University. She is a clinical professor at the Community Development Clinic at the University of Baltimore School of Law.

The schedule below will guide the work to produce the tables, maps, and accompanying analysis described above. Technical assistance services will be provided on an ongoing basis upon request.

Timeframe	Task
March 2-16, 2022	Development of full set of tables and maps for one example jurisdiction.

March 17-24, 2022	Jurisdiction and B+D Planning review of and feedback on example tables and maps.
March 17-24, 2022	Draft accompanying narrative analysis for example jurisdiction.
March 25-April 1, 2022	Jurisdiction and B+D Planning review of and feedback on accompanying narrative analysis for example jurisdiction.
March 25-April 22, 2022	Rolling production of tables, maps, and accompanying narrative analyses for all participating cities.

The budget below reflects the cost of producing the maps, tables, and narrative analyses described above. As noted, the cost for direct technical assistance will be \$175 per hour, not to exceed \$35,000 without prior authorization.

Task	Cost
Production of example tables and maps for one jurisdiction	\$3,000
Draft narrative analysis of tables and maps for one jurisdiction	\$2,000
Production of tables and maps for all remaining jurisdictions	\$6,000
Draft narrative analyses of tables and maps for all remaining jurisdictions	\$4,000
Total	\$15,000