



**TOWN OF LOS GATOS
DIVERSITY, EQUITY, AND INCLUSION COMMISSION AGENDA
JULY 11, 2024
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
5:00 PM**

*Gordon Yamate, Chair
Diane Fisher, Vice Chair
Carmen Lo, Commissioner
Varily Isaacs, Commissioner
Dominic Broadhead, Commissioner
Folake Phillips, Commissioner
Michael Kane, Commissioner
Dornaz Memarzia, Arts and Culture
Commissioner
Pradeep Khanal, Community Health and
Senior Services Commissioner
Pravin Balasingham, Youth Commissioner
Ryan Idemoto, Youth Commissioner*

HOW TO PARTICIPATE

The Town of Los Gatos strongly encourages your active participation in the public process. If you are interested in providing oral comments during the meeting, you must attend in-person, complete a speaker's card, and return it to the staff. If you wish to speak to an item on the agenda, please list the item number on the speaker card. The time allocated to speakers may change to better facilitate the meeting. If you are unable to attend the meeting in-person, you are welcome to submit written comments via email to clerk@losgatosca.gov.

This meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3). Commissioner Varily Isaacs will be participating from a teleconference location at 5705 Ward Ave NE, Bainbridge Island, WA 98110. Commissioner Dornaz Memarzia will be participating from a teleconference location at Wildwood Shopping Center, 10251 Old Georgetown Rd, Bethesda, MD 20814. Vice Chair Diane Fisher will be participating from a teleconference location at 20114 Glen Brae Drive, Saratoga, CA 95070. The teleconference locations shall be accessible to the public and the agenda will be posted at the teleconference location 72 hours before the meeting.

Public Comment During the Meeting:

When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Town meeting.

Speakers at public meetings may be asked to provide their name and to state whether they are a resident of the Town of Los Gatos. Providing this information is not required.

Deadlines to Submit Written Comments:

If you are unable to participate in person, you may email clerk@losgatosca.gov with the subject line "Public Comment Item #_" (insert the item number relevant to your comment). Persons

wishing to submit written comments to be included in the materials provided to the Commission must provide the comments as follows:

For inclusion in the agenda packet: by 11:00 a.m. the Monday before the Commission meeting.

For inclusion in the agenda packet supplemental materials: by 11:00 a.m. on the day of the Commission meeting.

For inclusion in a desk item: by 11:00 the day of the commission meeting.

Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email to clerk@losgatosca.gov by 3:00 p.m. the day of the meeting.

CALL MEETING TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Diversity, Equity, and Inclusion Commission on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Commission. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to three minutes or such time as authorized by the Chair.)*

CONSENT ITEMS *(Items appearing on the Consent are considered routine Town business and may be approved by one motion. Members of the public may provide input on any Consent Item(s) when the Chair asks for public comment on the Consent Items.)*

1. Approve the Draft Minutes of the June 13, 2024 DEIC Meeting.

COMMISSIONER/STAFF LIAISON REPORTS

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

2. Discuss Participation in the Town's Screen on the Green Event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).
3. Continue Discussion of Goal B, Items 3.a. and b. Develop a Community Learning Opportunity on Historic Inequities and Develop Diversity, Sensitivity, and Awareness Training.
4. Continue Discussion of Work Plan Goal D, Item 1.a. Annual Communications Campaign.

- [5.](#) Continue Discussion of Work Plan Goal C, Item 1.a. Collaboration with Community Organizations and Goal C, Item 2.a. Community- and School-Based Programming and Consider Next Steps.

ADJOURNMENT

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354- 6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS
DEIC COMMISSION
AGENDA REPORT**

MEETING DATE: 07/11/2024

ITEM NO: 1

**DRAFT
Minutes of the Diversity, Equity, and Inclusion Commission Meeting
June 13, 2024**

The Diversity, Equity, and Inclusion (DEI) Commission of the Town of Los Gatos conducted a meeting in person in the Town Council Chambers on Thursday, June 13, 2024, at 5:00 p.m.

CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

ROLL CALL

Present: Chair Gordon Yamate, Vice Chair Diane Fisher, and Commissioners Varilly Isaacs, Dominic Broadhead, Folake Phillips, D. Michael Kane, Dornaz Memarzia, and Pradeep Khanal. Commissioner Carmen Lo participated by telephone pursuant to the Brown Act.

Absent: Commissioners Pravin Balasingam and Ryan Idemoto.

Town Staff Present: Town Manager Laurel Prevetti, Senior Management Analyst Holly Young, Economic Vitality Manager Monica Renn, and Events and Marketing Specialist Jessica Ertell.

VERBAL COMMUNICATIONS

Opened public comment.

No one spoke.

Closed public comment.

CONSENT ITEMS

1. Approve the Minutes of the May 9, 2024 Diversity, Equity, and Inclusion Commission Regular Meeting.

Commissioner Kane identified a correction on page 1 of the Minutes.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Commissioner Kane to approve the consent calendar with the noted correction. **Seconded** by Commissioner Issacs.

VOTE: Motion passed unanimously.

COMMISSIONER/STAFF LIAISON REPORTS

Commissioner Memarzia announced that the Los Gatos Monte Sereno Police Department Foundation launched a new corporate match donation program.

Chair Yamate worked with the Chamber of Commerce to select the artist for a new street pole banner campaign to run later this summer. He also attended a City of Antioch Council meeting in which an art program called “This Way In” was discussed regarding gathering information to see if underground tunnels still exist that were purportedly built by people of Chinese ancestry because of “sundown laws” in the area.

Commissioner Kane reached out to friends and clients to inform them of the DEI Commission.

Commissioner Phillips announced the success of the Africa Day celebration in Los Gatos and spoke with Director Regina Celeste Williams and Professor Scott Meyers regarding the Silicon Valley Pain Index.

Vice Chair Fisher brought copies of the Library’s Summer Program to highlight the cultural recognitions each month.

Commissioner Khanal announced the Community Health and Senior Services Commission is involved in the Interim Community Center development process and there is a community meeting for input on a new Community Center on June 20, 2024 from 5:00 to 8:00 p.m. at the Masonic Lodge as well as an online survey.

Commissioner Lo announced that she attended the Africa Day celebration in Los Gatos.

Commissioners Broadhead and Isaacs had no reports.

The staff liaison (Senior Management Analyst Young) announced that there will be an upcoming Brown Act Training open to all Commissioners and Councilmembers, and the Clerk will be sending out an email soon with the details.

OTHER BUSINESS

2. Update on the Housing Element.

Town Manager Prevetti gave a verbal update.

Opened public comment.

No one spoke.

Closed public comment.

The Commission discussed the item.

3. Discuss Potential Participation in the Town's 4th of July and/or Screen on the Green Events (Work Plan Item Regarding Town Events, Goal B, Item 1.a.) and Determine Potential Outreach Materials for Future Commission Outreach Activities.

Opened public comment.

No one spoke.

Closed public comment.

The Commission discussed the item, expressing interest in participating in the Town Screen on the Green event.

MOTION: Motion by **Commissioner Broadhead** to purchase the tablecloth option 1 as presented in the staff report. **Seconded** by **Commissioner Kane**.

VOTE: Motion passed unanimously.

MOTION: Motion by **Chair Yamate** to purchase 500 Diversity, Equity, and Inclusion Commission business cards as presented in the staff report. **Seconded** by **Commissioner Kane**.

VOTE: Motion passed unanimously.

4. Begin Discussion of Goal B, Items 3.a. and b. Develop a Community Learning Opportunity on Historic Inequities and Develop Diversity, Sensitivity, and Awareness Training.

Opened public comment.

No one spoke.

Closed public comment.

The Commission discussed the item.

5. Continue Discussion of Work Plan Goal D, Item 1.a. Annual Communications Campaign.

Opened Public Comment.

No one spoke.

Closed public comment.

MOTION: Motion by **Commissioner Phillips** to create an ad hoc working group to work on a community learning opportunity event regarding historic inequities. **Seconded** by **Commissioner Broadhead**.

VOTE: Motion passed unanimously.

Commissioners Phillips, Lo, and Kane volunteered to be part of the Community Learning Opportunity Event Ad Hoc Working Group. The Commission discussed the item, including having the existing Outreach/Collaboration Ad Hoc Working Group (made up of Vice Chair Fisher and Commissioners Isaacs, Lo, and Broadhead) work on putting together a comprehensive Frequently Asked Questions (FAQ) document. The Commission also discussed Chair Yamate and Commissioner Lo working together on the framework for a community education campaign regarding how to have restrictive covenants redacted from property title documents.

6. Continue Discussion of Work Plan Goal C, Item 1.a. Collaboration with Community Organizations and Goal C, Item 2.a. Community- and School-Based Programming.

The Commission requested the item be continued to the July meeting agenda.

ADJOURNMENT:

The meeting adjourned at 7:05 p.m.

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SUBJECT: Draft Minutes of the DEI Commission Meeting of June 13, 2024

DATE: July 11, 2024

This is to certify that the foregoing is a true and correct copy of the minutes of the June 13, 2024, meeting as approved by the Diversity, Equity, and Inclusion Commission.

Holly Young, Senior Management Analyst



TOWN OF LOS GATOS
DEI COMMISSION REPORT

MEETING DATE: 07/11/2024

ITEM NO: 2

DATE: July 11, 2024
TO: Diversity, Equity, and Inclusion Commission
FROM: Holly Young, Senior Management Analyst
SUBJECT: Discuss Participation in the Town's Screen on the Green Event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).

RECOMMENDATION:

Discuss participation in the Town's Screen on the Green event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).

BACKGROUND:

At its May 9, 2024 meeting, the DEI Commission received a report regarding the Town's four annual events. The Commission was also invited to offer input regarding how to make Town events more welcoming and inclusive, and to participate in person with a table offering a craft, and/or activity at each of them.

At its June 13, 2024 meeting, the DEI Commission expressed interest in participating in the Town's upcoming Screen on the Green event taking place on September 20, 2024 at 6:30 p.m. at Oak Meadow Park. This event offers an outdoor movie with treats and is geared toward an audience of children and families. Ideas for the Commission's participation discussed at the meeting included hosting a table with giveaways and/or an activity and potentially also showing a short film featuring DEI themes.

Each year, the movie to be played for Screen on the Green is selected by the Mayor. This year, the Mayor has selected "Moana."

DISCUSSION:

Table

The DEI Commission is encouraged to participate in person at the event with a table featuring either giveaways, an activity, or a craft geared toward children and families. The Town can provide the table and there would need to be at least two Commission volunteers present to run the table.

PREPARED BY: Holly Young
Senior Management Analyst

DISCUSSION (continued):

Short Film

If a short film is played in addition to the main movie, it would need to be shown afterward due to the young ages and short attention spans of many of the attendees.

Vice Chair Fisher emailed staff a link (<https://youtu.be/AO4PrtAKu2E?si=0Pg7Mopf91BXFiQ0>) to “Crow: The Legend” as a suggestion. This film is not part of the library that the Town uses to secure the legal rights to show movies for this event. Staff also reached out directly to the film’s animation studio/producer multiple times but did not receive any information back regarding how to secure rights to show the film. It does not appear this film is a viable option that the Town will be able to secure rights to for the event.

Vice Chair Fisher also emailed staff a link (<https://filmshortage.com/shorts/the-wrong-rock/>) to “The Wrong Rock,” which is 15 minutes in length. This film is also not part of the library that the Town uses to secure the legal rights to show movies; however, staff was able to get in touch with the animation studio/producer. The cost to secure rights to show the film is \$90, which would come from the Commission’s budget. The movie is described by its animation studio/producer as follows:

Martin was born on the wrong rock. Martin is a mushroom and he overcomes enormous challenges to travel to a far away rock where he hopes to be accepted. This is a fantastic tale of the pure of heart overcoming bigotry. Anyone who's experienced, sexism, racism, ageism, political or religious persecution will relate to this story. A character who's passion is unlike the people who he grew up around, discovers a place he can be himself, but faces enormous obstacles to get there. Along the way he exposes the futility of the other character's bigotry and bias and puts it all in perspective so that they can finally deal with the bigger issues in life.

Staff also researched short films that are already available to the Town through its Library and came across two options that may work. The cost is \$90 each.

The first option is a five-minute film called “Boundin’” by Pixar (<https://www.youtube.com/watch?v=VkUi4qdZStQ>). It has themes of anti-bullying, overcoming barriers, and being true to yourself even if you are different. The movie is described on Pixar’s website as follows:

On a high mountain plain lives a lamb with wool of such remarkable sheen that he breaks into high-steppin' dance. But there comes a day when he loses his lustrous coat and his pride along with it. It takes a wise jackalope—a horn-adorned rabbit—to teach

DISCUSSION (continued):

the moping lamb that, woolly or not, it's what's inside that'll help him rebound from life's troubles.

The second option is a six-minute film called “Partly Cloudy” by Pixar (<https://www.youtube.com/watch?v=PfyJQEIsMt0>). It has themes around accepting differences and helping others. The movie is described on Pixar’s website as follows:

Gus, a lonely and insecure grey cloud, is a master at creating "dangerous" babies. Crocodiles, porcupines, rams, and more—but Gus' beloved creations are more than a handful for his loyal delivery stork partner, Peck. As Gus' creations become more and more rambunctious, Peck's job gets harder and harder. How will Peck manage to handle both his hazardous cargo and his friend's fiery temperament?

Staff looks forward to the Commission’s discussion.

FISCAL IMPACT:

The Commission would need to utilize its budget for any table giveaways, activities, crafts, or rights to a short film. There is \$2,155.18 currently in the Commission’s budget.



TOWN OF LOS GATOS
DEI COMMISSION REPORT

MEETING DATE: 07/11/2024

ITEM NO: 3

DATE: July 11, 2024
TO: Diversity, Equity, and Inclusion Commission
FROM: Holly Young, Senior Management Analyst
SUBJECT: Continue Discussion of Goal B, Items 3.a. and b. Develop a Community Learning Opportunity on Historic Inequities and Develop Diversity, Sensitivity, and Awareness Training.

RECOMMENDATION:

Continue discussion of Goal B, Items 3.a. and b. Develop a Community Learning Opportunity on Historic Inequities and Develop Diversity, Sensitivity, and Awareness Training.

REMARKS:

At its June 13, 2024 meeting, the DEI Commission began its discussion of Goal B, Items 3.a. and b. Develop a Community Learning Opportunity on Historic Inequities and Develop Diversity, Sensitivity, and Awareness Training.

The Commission unanimously voted to create an ad hoc working group to work on a community learning opportunity event regarding historic inequities. Commissioners Phillips, Lo, and Kane volunteered to be part of the Community Learning Opportunity Event Ad Hoc Working Group.

Also on June 13, 2024, the Commission discussed Chair Yamate and Commissioner Lo working together on the framework for a community education campaign regarding how to have restrictive covenants redacted from property title documents.

Commissioner Phillips requested that the Silicon Valley Pain Index resources below once again be shared with the Commission as related to this item:

- <https://www.sjsu.edu/hri/policy-projects/svpi/index.php>
- <https://www.youtube.com/watch?v=SHmdNn77grQ>

Chair Yamate and Commissioners Lo, Kane, and Phillips also submitted the following documents for the full Commission's consideration:

PREPARED BY: Holly Young
Senior Management Analyst

REMARKS (continued):

General Background Information

- Information pamphlet from the American Land Title Association about ways to address illegal covenants in land records. <https://www.alta.org/file/Housing-Discrimination-Addressing-Illegal-Covenants-in-Historic-Land-Records> (Attachment 1)
- Text of California Assembly Bill (AB) 1466, authorizing property owners, title and escrow companies, county recorders, and real estate professionals to process a Restrictive Covenant Modification to remove racially restrictive covenants from property records. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1466 (Attachment 2)
- California Land Title Association information page regarding removing racial covenants <https://www.clta.org/page/Consumer18> (Attachment 3)

Local Actions Implementing the Modification of Racial Covenants

- AB 1466 Implementation Plan - Santa Clara County Restrictive Covenant Modification Program (Attachment 4)
- City of La Canada-Flintridge webpage showing how homeowners can get racially restrictive covenants removed from their deeds. <https://cityoflcf.org/community-development/removal-of-discriminatory-racial-covenants/> (Attachment 5)

Reference Materials to Discuss Inequities

- 2024 Silicon Valley PAIN Index (Attachment 6)
- Scott Myers-Lipton, Professor of Sociology and Interdisciplinary Social Sciences from San Jose State University (Attachment 7)

Additionally, Commissioner Phillips requested that the Proclamation of the Town of Los Gatos Affirming the Town's Commitment to Stand in Solidarity with the Black Community be added to the report (Attachment 8) to support a discussion of a potential recommendation to the Town Council for a Town Proclamation regarding acknowledging discriminatory racially restrictive covenants, disavowing the language, and reaffirming a commitment to inclusivity and belonging.

Chair Yamate also requested that the Proposal for Los Gatos DEI Commission Effort to Educate Public on Restrictive Covenants (Attachment 9) be included with the report for the full Commission's consideration.

Staff looks forward to the Commission's discussion.

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SUBJECT: Community Learning Opportunities

DATE: July 11, 2024

ATTACHMENTS:

1. Housing Discrimination: Addressing Illegal Covenants in Historic Land Records
2. AB 1466
3. Discriminatory Racial Covenants and their Removal from Antiquated Real Property Records
4. Santa Clara County Clerk Recorder's Office Restrictive Covenant Modification Program Implementation Plan
5. City of La Cañada Flintridge Removal of Discriminatory Racial Covenants
6. 2024 Silicon Valley Pain Index
7. Scott Myers-Lipton Bio
8. Proclamation of the Town of Los Gatos
9. Proposal for DEI Commission Effort to Educate Public on Restrictive Covenants

HOUSING DISCRIMINATION

Addressing Illegal Covenants in Historic Land Records

DOCUMENTS IN THE LAND RECORDS provide public notice of property ownership and indicate when real estate is subject to a mortgage, judgment, or other encumbrance. These public records are accessed, reviewed, and used in every real estate transaction, including refinancing of home loans. A property's chain of title includes transfers of ownership and contains other important records impacting the property. Removal of documents or pertinent information from the land records creates breaks in the chain of title, which can result in ownership disputes, a loss of property rights or an inability to buy, sell, or refinance property.

IN THE EARLY PART OF THE 20TH CENTURY, discriminatory covenants barring the sale or lease of property based on race, ethnicity or religion were inserted in some property records as part of deeds, plats and covenants, conditions, and restrictions (CC&Rs). Two decades after the landmark US Supreme Court case *Shelley v Kraemer* established racially restrictive covenants were unenforceable under the 14th Amendment, the federal Fair Housing Act of 1968 made discriminatory covenants illegal and unenforceable.

Based on prohibitions in the Fair Housing Act on republication of discriminatory covenants, and on the advice of the Department of Justice, title insurers do not include discriminatory covenants in title reports. Title commitments and policies include a disclaimer that discriminatory covenants may exist but are not reprinted. The example below is taken from the 2021 ALTA policy forms.

"Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.

The American Land Title Association (ALTA) is strongly opposed to any form of housing discrimination and is committed to proactively working toward solutions that protect the property rights of all homebuyers.

Colleges, universities, and non-profits around the country are engaged in efforts to identify and document discriminatory covenants in land records for historic and educational purposes. These initiatives have resulted in maps and visualizations that enhance understanding of the impact and harm caused by discriminatory covenants. In 2021, legislation was introduced by US Senator Tina Smith (D-MN) would help fund the continuation of these initiatives.

Currently, there is no model law or uniform legislative approach to address previously recorded discriminatory covenants that still exist in public land records. However, state lawmakers have considered one or more of the following legislative approaches to address illegal and unenforceable discriminatory covenants in public land records. These legislative

approaches can be combined, and bill text authorizing research, education and awareness initiatives regarding discriminatory covenants can be included.

1. Notification posted by county offices on websites and at record access points indicating the historical land records may contain harmful content in illegal and unenforceable discriminatory covenants. These notices are general and do not identify specific recorded instruments.
2. Repudiation of identified discriminatory language by recording a declaration in the land records of the illegal and unenforceable nature of discriminatory covenant(s) associated with a particular property.
3. Modification, through judicial or public official action, of the land record(s) containing an identified discriminatory covenant, resulting in creation of a superseding document without the discriminatory language.
4. Redaction, through judicial or public official action, of discriminatory covenants in identified documents within the land records, resulting in removal of the discriminatory language from existing land records.

With each of these methods, lawmakers should consider the potential for inadvertent removal of enforceable records or content. Repudiation measures avoid this potential outcome. Modification approaches, with care to remove only the illegal and unenforceable content, minimize this risk. Other approaches, such as expungement of entire records containing illegal covenants threaten the chain of title and create gaps in land records that jeopardize consumer property rights and the ability to buy, sell or refinance property.

NOTIFICATION APPROACH

Notification posted by county offices on websites and at record access points indicating the historical land records may contain harmful content in illegal and unenforceable discriminatory covenants. These notices are general and do not identify specific recorded instruments.



1 The process begins with discovery of an illegal and unenforceable discriminatory covenant in the land records.



2 County officials post a notice of harmful content on websites and at various land record access points.



3 Property owners are educated about the covenants and informed they are illegal and unenforceable.

Key Components

- Authorization for county offices to post notice of harmful content on websites and at various land record access points.

PROs

- An expedient process with simple implementation at little to no cost for taxpayers or property owners.
- Maintains clarity in the chain of title regarding previously recorded covenants.

- By educating the ordinary reader that these covenants are void and unenforceable, this approach allows for identification of a discriminatory covenant without republication, which may violate state and federal fair housing laws.
- Addresses all discriminatory covenants existing in the land records.

CONs

- This approach, unless combined with other approaches, does not address discriminatory language in specifically identified documents.

REPUDIATION APPROACH

Repudiation of identified discriminatory language by recording a declaration in the land records of the illegal and unenforceable nature of discriminatory covenant(s) associated with a particular property.



1 The process begins with discovery of an illegal and unenforceable discriminatory covenant in the land records.



2 The property owner, HOA or other authorized party follows a process allowing them to record language repudiating the discriminatory covenant.



3 Land records identify, with context and without republication, the existence of a discriminatory covenant in the historic record.

Key Components

- Authorization of a uniform process and standardized forms allowing property owners and homeowners' associations (HOAs) to record language repudiating discriminatory covenants previously included in records pertaining to their property.
- Use of permissive language in the statute, so homeowners and HOAs are not required to act on repudiating discriminatory covenants that are often difficult to find or identify in historical records.
- Avoid any requirement causing reproduction or republication of the discriminatory covenant, which would violate the Fair Housing Act of 1968.

- Reference state and federal fair housing laws as a basis for action.

PROs

- Empowerment to take action to repudiate discriminatory covenants that violate equality.
- An expedient process with simple implementation at little to no cost for taxpayers or property owners.
- Clarity in the chain of title regarding previously recorded covenants.
- By educating the ordinary reader that these covenants are void and unenforceable, this approach allows for identification of a discriminatory covenant without republication that may violate state and federal fair housing laws.

- Identifies, with context and without republication, the existence of a discriminatory covenant in the historic record for organizations tracking the prevalence and impact of these covenants.

CONs

- This method does not provide for validation by a legal authority of whether a specific provision is in fact illegal under fair housing laws.

Example
Indiana

MODIFICATION APPROACH

Modification, through judicial or public official action, of the land record(s) containing an identified discriminatory covenant, resulting in creation of a superseding document without the discriminatory language.



Key Components

- Identify parties authorized to undertake the modification process, given the superseding document must exactly match the original record, except for the removed discriminatory covenant, in order to be used and referenced in future transactions:
 - Alternative 1: Create a judicial process for generation of a modified superseding document with the discriminatory covenant removed.
 - Alternative 2: Identify public officials authorized to create a superseding document with the discriminatory covenant removed (i.e., county attorney or state attorney general).
- Produce uniform state-wide standards for modification of documents:
 - Create a document modification request form
 - Require recording of a standard form that includes a list of amendments to documents in chain of title, reference the original document, the new document, and any court proceedings, along with pertinent information regarding the generation of the superseding document (i.e., dates, document preparer).
 - Set a standard for indexing updates and use of/reference to the modified document for future transactions.
- The original document should never be completely removed from the public record during the modification process.
- Lis pendens should be used to provide notice of court or modification activity.
- Documents recorded during the record modification process are not affected.
- The modified document is in effect only after it is recorded in the public land records.
- Allocate funds for implementation so there are reduced or no costs for processing and recording.
- Address liability for inadvertent removal of enforceable covenants or improper indexing of the modified document, likewise inadvertent failure to remove a specified document or inadvertent removal of an enforceable document.
- Conform to existing state laws relating to property (i.e., marketable title, constructive notice or document recording priority status).
- Authorizes HOAs and other groups to use this process with permission from or notice to the property owner(s).

PROs

- Modification can be done on records regardless of the medium they exist in at county offices (paper, digital, microfilm, etc.).
- The document modification process by an authorized party allows for certainty around the continued transfer of property and reliability of title.
- The standards provide a defined and narrowly tailored process that gives ample notice to those relying on information contained in the land records.
- Identifies, with context, the existence of a discriminatory covenant in the historic record for organizations tracking the prevalence and impact of these covenants.

CONs

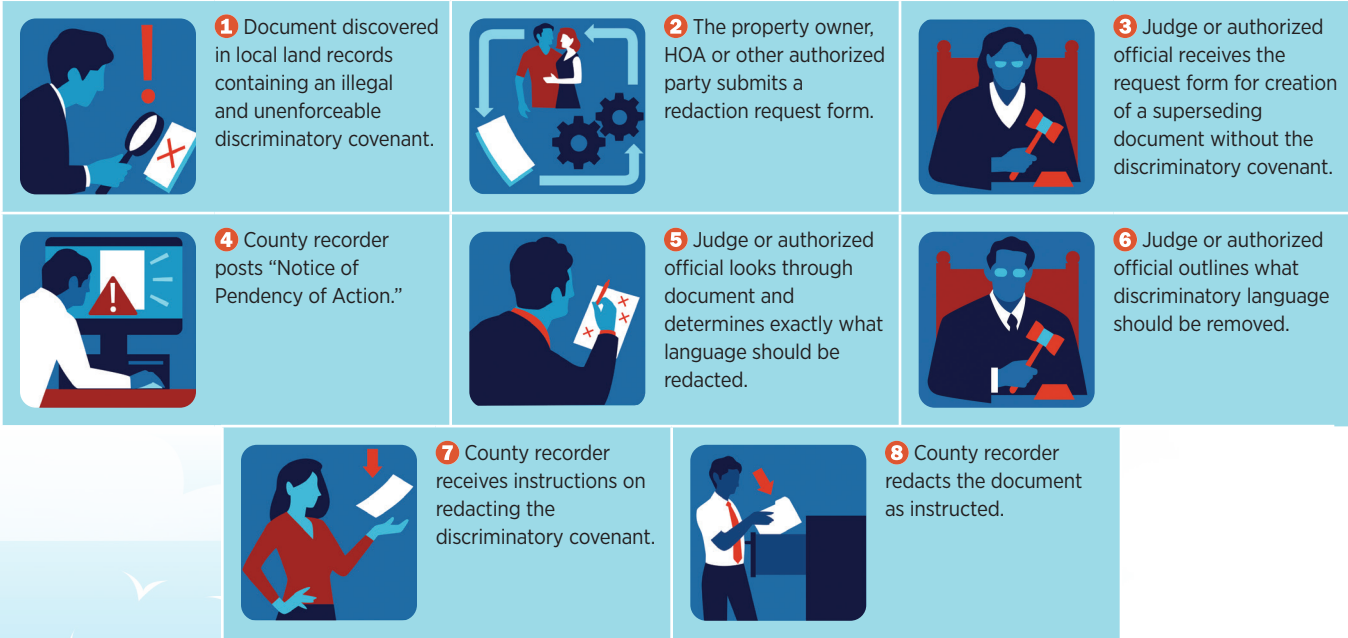
- Implementation costs for modifying and recording the superseding document.
- Multiple-step process, which may vary by state, to get the modified document recorded in the land records and inserted into the chain of title.
- Liability issues of inadvertent removal of enforceable covenants in the modified document or errors in the indexing updates.

Example

Texas

REDACTION APPROACH

Redaction, through judicial or public official action, of discriminatory covenants in identified documents within the land records, resulting in removal of the discriminatory language from existing land records.



Key Components

- Identify parties authorized to redact discriminatory covenants from the land records:
 - Alternative 1: Create a judicial process for redaction of discriminatory covenants.
 - Alternative 2: Identify the public officials authorized to redact discriminatory covenants (i.e., county attorney or state attorney general).
- Produce uniform statewide standards for redaction of documents:
 - Create a document redaction request form.
 - Establish a standard and process for determining what language should be redacted.
 - The original document should never be completely removed from the public record during the redaction process.
 - Lis pendens should be used to provide notice of redaction activity.
 - Outline procedures for managing redaction of covenants in various mediums (paper, digital, microfilm, etc.)
 - Documents recorded during the redaction process are not affected.
 - The redacted document is in effect only after it is recorded in the public land records.
- Address liability for inadvertent removal of enforceable covenants.
- Allocate funds for implementation so there are reduced or no costs for processing and recording.
- Conform to existing state laws relating to property (i.e., marketable title, constructive notice or document recording priority status).
- Identify ways to maintain the historic record by sending a copy of the unredacted document to state archives or separately maintain the unredacted document at the county level.

PROs

- Full elimination of the discriminatory covenant from the public land records.
- No effect to the recording of the original document, which still can be used and referenced once the discriminatory covenant is redacted.
- The document redaction process by an authorized party allows for certainty around the continued transfer of property and reliability of title.
- The standards provide a defined and narrowly tailored process that give ample notice to those relying on information contained in the land records.

CONs

- Implementation costs for redacting the document.
- Determining how to redact records in various mediums (paper, digital, microfilm, etc.) and addressing the inability to redact a document due to the archiving of certain records.
- Inability or inconsistency by land records officials in identifying all locations of recorded documents and determining which documents can or cannot be redacted.
- Higher risk of harm caused by inadvertent redaction of enforceable covenants.
- Liability issues of inadvertent removal of enforceable covenants.
- The need to maintain multiple databases in order to preserve the historical record for the purpose of tracking the prevalence and impact of these covenants.



AB-1466 Real property: discriminatory restrictions. (2021-2022)

SHARE THIS:



Date Published: 09/29/2021 02:00 PM

Assembly Bill No. 1466

CHAPTER 359

An act to amend Sections 12956.1, 12956.2, 27282, and 27388.1 of, and to add Sections 12956.3 and 27388.2 to, the Government Code, relating to real property.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1466, McCarty. Real property: discriminatory restrictions.

Existing law, the California Fair Employment and Housing Act, prohibits discrimination in housing based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information, and provides that discrimination in housing through a restrictive covenant includes the existence of a restrictive covenant, regardless of whether accompanied by a statement that the covenant is repealed or void. Existing law also provides that a provision in any deed of real property in California that purports to restrict the right of any person to sell, lease, rent, use, or occupy the property to persons having the characteristics specified above by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void, except as specified. Additionally, existing law provides that any deed or other written instrument that relates to title to real property, or any written covenant, condition, or restriction annexed or made a part of, by reference or otherwise, any deed or instrument, that contains any provision that purports to forbid, restrict, or condition the right of any person or persons to sell, buy, lease, rent, use, or occupy the property on account of any of characteristics specified above, is deemed to be revised to omit that provision.

Existing law requires a county recorder, title insurance company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed, to place a cover page or stamp on the first page of the previously recorded document stating that if the document contains any restriction that unlawfully discriminates based on any of the characteristics specified above, that document is void.

This bill would require a title company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed to a person who holds an ownership interest of record in property to also provide a Restrictive Covenant Modification form with specified procedural information.

Existing law authorizes a person who holds an ownership interest of record in property that they believe is the subject of an unlawfully restrictive covenant, as specified, to record a Restrictive Covenant Modification, which is required to include a copy of the original document with the illegal language stricken. Existing law requires the county recorder, before recording the modification document, to submit the modification document and the

original document to the county counsel who is required to determine whether the original document contains an unlawful restriction based on any of the characteristics specified above. Existing law requires the county counsel to return these documents and inform the county recorder of their determination, and requires the county recorder to refuse to record the modification document if the county counsel finds that the original document does not contain an unlawful restriction. Existing law requires the county recorder to make Restrictive Covenant Modification forms available to the public.

This bill would additionally authorize a title company, escrow company, county recorder, real estate broker, real estate agent, or other person to record a Restrictive Covenant Modification. The bill, beginning July 1, 2022, would require a title company, escrow company, real estate broker, or real estate agent that has actual knowledge of a declaration, governing document, or deed that is being directly delivered to a person who holds or is acquiring an ownership interest in property and includes a possible unlawfully restrictive covenant to notify the person of the existence of that covenant and their ability to have it removed through the restrictive covenant modification process. The bill would, beginning July 1, 2022, and upon request before the close of escrow, require the title company or escrow company that is directly involved in the pending transaction to assist in the preparation of a Restrictive Covenant Modification, as specified.

This bill would require the county counsel, after their review, to return the documents to the county recorder and inform the county recorder of their determination within a reasonable period of time, not to exceed 3 months, as provided. The bill would require a person who requests to record a modification document to provide a return address in order for the county recorder to notify this person of the action taken by the county counsel. The bill would require the county recorder to make Restrictive Covenant Modification forms available to the public onsite or online, as provided, and require the forms to permit the submission of a form that will correct unlawfully restrictive covenants for multiple dwellings within a subdivision, as specified.

This bill would require the county recorder of each county to establish a restrictive covenant program to assist in the redaction of unlawfully restrictive covenants. In this regard, the bill would require each county recorder to prepare an implementation plan by July 1, 2022, as specified, identify unlawfully restrictive covenants in the records of their office, and to redact unlawfully restrictive covenants, as specified. The bill would require the County Recorders Association of California to submit reports to the Legislature by January 1, 2023, and January 1, 2025, of the progress of each county's restrictive covenant program and to annually convene a best practices meeting to share concepts on the implementation of restrictive covenant programs, as specified.

Existing law imposes a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. Existing law exempts from this fee any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax, as provided, or with a transfer of real property that is a residential dwelling to an owner-occupier.

This bill would additionally exempt from this fee any real estate instrument, paper, or notice executed or recorded to remove a restrictive covenant that is in violation of specified provisions of the California Fair Employment and Housing Act.

This bill, subject to authorization from the county's board of supervisors and in accordance with applicable constitutional requirements, would authorize a county recorder to impose a fee of \$2 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded for the purpose of funding the restrictive covenant programs established under these provisions. The bill would exempt certain documents from a fee established pursuant to these provisions. The bill would prohibit a county recorder to charge the \$2 fee after December 31, 2027, unless the fee is reauthorized, as specified.

Existing law authorizes recordation of certain documents, including a release, discharge, or subordination of a lien for postponed property taxes, without acknowledgment, certificate of acknowledgment, or further proof.

This bill would authorize the recordation of any modification document, instrument, paper, or notice to remove a restrictive covenant that is in violation of specified provisions of the California Fair Employment and Housing Act without acknowledgment, certificate of acknowledgment, or further proof.

By imposing new duties upon counties with respect to the imposition of the recording fee and new duties upon local county officials with respect to the redaction of unlawfully restrictive covenants, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12956.1 of the Government Code is amended to read:

12956.1. (a) As used in this section.

(1) "Association," "governing documents," and "declaration" have the same meanings as set forth in Sections 4080, 4135, and 4150 or Sections 6528, 6546, and 6552 of the Civil Code.

(2) "Redaction" means the process of rerecording of a document that originally contained unlawful restrictive language, and when presented to the county recorder for rerecording, no longer contains the unlawful language or the unlawful language is masked so that it is not readable or visible.

(3) "Redacted" means the result of the rerecording of a document that originally contained unlawful restrictive language, and when presented to the county recorder for rerecording, no longer contains the unlawful language or the unlawful language is masked so that it is not readable or visible.

(b) (1) A county recorder, title company, escrow company, real estate broker, real estate agent, or association that provides a copy of a declaration, governing document, or deed to any person shall place a cover page or stamp on the first page of the previously recorded document or documents stating, in at least 14-point boldface type, the following:

"If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

(2) The requirements of paragraph (1) shall not apply to documents being submitted for recordation to a county recorder.

(3) A title company, escrow company, or association that delivers a copy of a declaration, governing document, or deed directly to a person who holds an ownership interest of record in property shall also provide a Restrictive Covenant Modification form with procedural information for appropriate processing along with the document.

(c) Any person who records a document for the express purpose of adding a racially restrictive covenant is guilty of a misdemeanor. The county recorder shall not incur any liability for recording the document. Notwithstanding any other provision of law, a prosecution for a violation of this subdivision shall commence within three years after the discovery of the recording of the document.

SEC. 2. Section 12956.2 of the Government Code is amended to read:

12956.2. (a) (1) A person who holds or is acquiring an ownership interest of record in property that the person believes is the subject of an unlawfully restrictive covenant in violation of subdivision (l) of Section 12955 may record a document titled Restrictive Covenant Modification. A title company, escrow company, county recorder, real estate broker, real estate agent, or other person also may record the modification document provided for in this section. The county recorder may waive the fee prescribed for recording and indexing instruments pursuant to Section 27361 in the case of a restrictive covenant modification document. The modification document shall include a complete copy of the original document containing the unlawfully restrictive language with the unlawfully restrictive covenant language redacted.

(2) Beginning July 1, 2022, if a title company, escrow company, real estate broker, or real estate agent has actual knowledge that a declaration, governing document, or deed that is being directly delivered to a person who holds or is acquiring an ownership interest in property includes a possible unlawfully restrictive covenant, they shall notify the person who holds or is acquiring the ownership interest in the property of the existence of that covenant and their ability to have it removed through the restrictive covenant modification process. There shall be no presumption that a party providing a document has read the document or has actual knowledge of its content.

(3) Beginning July 1, 2022, if requested before the close of escrow, the title company or escrow company directly involved in the pending transaction shall assist in the preparation of a Restrictive Covenant Modification pursuant to this section, but the title company or escrow company shall have no liability associated with the recordation of a Restrictive Covenant Modification that contains modifications not authorized by this section on behalf of the requester.

(b) (1) Before recording the Restrictive Covenant Modification document, the county recorder shall submit the modification document and the original document to the county counsel who shall determine whether the language in the original document contains an unlawful restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry. The county counsel shall return the documents and inform the county recorder of its determination within a period of time specified in paragraph (2). The county recorder shall refuse to record the modification document if the county counsel or their designee finds that the original document does not contain an unlawful restriction as specified in this subdivision or the modification document contains modifications not authorized by this section.

(2) For documents recorded pursuant to subdivision (a), the period of time shall be a reasonable period of time, not to exceed three months, from the date the request for recordation is made, unless extraordinary circumstances apply.

(c) If a person requests to record a modification document, that person shall provide a return address in order for the county recorder to notify this person of the action taken by the county counsel on the respective property. The notice required pursuant to this subdivision may be made on a postcard mailed by first-class mail.

(d) The modification document shall be indexed in the same manner as the original document being modified. It shall contain a recording reference to the original document in the form of a book and page or instrument number, and date of the recording.

(e) Subject to covenants, conditions, and restrictions that were recorded after the recording of the original document that contains the unlawfully restrictive language and subject to covenants, conditions, and restrictions that will be recorded after the Restrictive Covenant Modification, the restrictions in the Restrictive Covenant Modification, once recorded, are the only restrictions having effect on the property. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

(f) A Restrictive Covenant Modification form shall be prepared and accepted for submission and recordation in all counties in substantially the following form:

RESTRICTIVE COVENANT MODIFICATION:

The following reference document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in Section 12955 of the Government Code, or ancestry, that violates state and federal fair housing laws and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that

restrictive covenant as shown on page(s) ____ of the document recorded on _____(date) in book _____ and page _____ or instrument number _____ of the official records of the County of _____, State of California.

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document being modified, pursuant to subdivision (d) of Section 12956 of the Government Code.

The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

(Signature of submitting party)

____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or

____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

County Counsel

By:

Date:

(g) The county recorder shall make available to the public Restrictive Covenant Modification forms onsite in an appropriately designated area, or online on the county recorder's internet website, either of which shall be deemed to satisfy the requirement of paragraphs (1) and (2) of subdivision (b) of Section 12956.1 to provide a Restrictive Covenant Modification form if the procedural information for appropriate processing is attached to the form. Those forms shall permit multiple submissions on behalf of different homes and for processing homes in batches with respect to a modification document that affects multiple homes or lots. The forms shall also permit the submission of a restrictive covenant modification form for a homeowners' association or a common interest development to modify covenants, conditions, and restrictions that will correct unlawfully restrictive covenants for multiple dwellings within a subdivision.

(h) If a person causes to be recorded a modified document pursuant to this section that contains modifications not authorized by this section, the county recorder shall not incur liability for recording the document. The liability that may result from the unauthorized recordation is the sole responsibility of the person who caused the modified recordation as provided in subdivision (a).

(i) (1) A restrictive covenant modification that is approved by county counsel or their designee and recorded pursuant to this section removes the illegal covenant from all property affected by the original covenant regardless of who submits the modification.

(2) This section does not affect the obligations of the governing board of a common interest development as defined in Section 4100 or 6534 of the Civil Code if the board of directors of that common interest development is subject to the requirements of subdivision (b) of Section 4225 or of subdivision (b) of Section 6606 of the Civil Code.

(j) For purposes of this section, "redaction" and "redacted" mean the same as defined in Section 12956.1.

SEC. 3. Section 12956.3 is added to the Government Code, to read:

12956.3. (a) The county recorder of each county shall establish a restrictive covenant program to assist in the redaction of unlawfully restrictive covenants in violation of subdivision (l) of Section 12955.

(b) Each county recorder as part of their restrictive covenant program shall undertake all of the following:

(1) By July 1, 2022, prepare an implementation plan, which shall be publicly available and may be posted on the internet website of the county recorder, that does all of the following:

(A) Outlines how the county recorder will carry out the identification and redaction of unlawfully restrictive covenants.

(B) Provides timelines for when elements of their plan will be accomplished.

(C) Provides how the county recorder's office plans to track and maintain a record of homes with unlawfully restrictive covenants once they have been identified.

(2) Identify unlawfully restrictive covenants in violation of subdivision (l) of Section 12955 in the records of the county recorder's office.

(3) Beginning January 1, 2022, index a restrictive covenant modification document under the title of "Restrictive Covenant Modification" and shall make that index available in their office for the public, and if the county recorder has an index online, include the title in the online index.

(4) Redact unlawfully restrictive covenants in the records of the respective county recorder's office, subject to county counsel approval, by rerecording a copy of the original document with the unlawfully restrictive language redacted so that it is not readable or visible, using a Restrictive Covenant Modification Form substantially similar to the form set forth in subdivision (f) of Section 12956.2.

(c) The county recorder shall retain each nonredacted record for future reference and public request needs.

(d) (1) The County Recorders Association of California shall submit status reports on the progress of each county's restrictive covenant program established pursuant to this section by January 1, 2023, and January 1, 2025, to the Legislature. The report may describe the number of documents identified for redaction, and the implementation timelines for actions taken by each county recorder's office.

(2) The County Recorders Association of California shall convene a best practices meeting to share concepts on implementation of this section no later than December 31, 2022, with all California county recorder offices and meet annually thereafter until December 31, 2027.

(e) Nothing in this section shall be construed to restrict, delay, or modify access to any official record, or modify any existing agreements regarding access to any official record.

(f) For purposes of this section "redaction" and "redacted" mean the same as defined in Section 12956.1.

(g) The failure of a county recorder to identify or redact illegal restrictive covenants, as required by this section, or the county recorder's identification or redaction of any restrictive covenants that are later determined not to be illegal, shall not result in any liability against the county recorder or the county.

SEC. 4. Section 27282 of the Government Code is amended to read:

27282. (a) The following documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof:

(1) A judgment affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which the judgment was rendered.

(2) A notice of support judgment, an interstate lien, a release of lien, or any other document completed and recorded by a local child support agency or a state agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(3) A notice of location of mining claim.

(4) Certificates of amounts of taxes, interest and penalties due, notices of state tax liens and extensions thereof executed by the state, county, or city taxing agencies or officials pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.3, 2191.4, and 11495 of the Revenue and Taxation Code, and releases, partial releases, and subordinations executed pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.4, 11496, 14307, and 14308 of the Revenue and Taxation Code.

(5) Notices of lien for postponed property taxes executed pursuant to Section 16182.

(6) A release or discharge of a lien for postponed property taxes as authorized by Chapter 6 (commencing with Section 16180) of Part 1 of Division 4 of Title 2.

(7) A fixture filing as defined by paragraph (40) of subdivision (a) of Section 9102 of the Commercial Code.

(8) An order affecting title to or possession of real property issued by a court in an action subject to Section 12527, authenticated by the certificate of the clerk of the court in which the order was issued or a copy of that order authenticated by a declaration under penalty of perjury by the Attorney General or by an assistant or deputy of the Attorney General attesting that the contents of the copy are the same as the original order issued by the court.

(9) A court certified copy of a satisfaction of judgment.

(10) A certificate of correction filed pursuant to Sections 66470 and 66472.1.

(11) Any modification document, instrument, paper, or notice to remove a restrictive covenant that is in violation of Section 12955.

(b) Any document described in this section, from the time it is filed with the recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

SEC. 5. Section 27388.1 of the Government Code is amended to read:

27388.1. (a) (1) Commencing January 1, 2018, and except as provided in paragraph (2), in addition to any other recording fees specified in this code, a fee of seventy-five dollars (\$75) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225). "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps, and covenants, conditions, and restrictions.

(2) The fee described in paragraph (1) shall not be imposed on any of the following documents:

(A) Any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code.

(B) Any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

(C) Any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure).

(D) Any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state.

(E) Any real estate instrument, paper, or notice executed or recorded to remove a restrictive covenant that is in violation of Section 12955.

(b) The county recorder shall remit quarterly, on or before the last day of the month next succeeding each calendar quarterly period, the fees, after deduction of any actual and necessary administrative costs incurred by the county recorder in carrying out this section, to the Controller for deposit in the Building Homes and Jobs Trust Fund established by Section 50470 of the Health and Safety Code, to be expended for the purposes set forth in that section. In addition, the county shall pay to the Controller interest, at the legal rate, on any funds not paid to the Controller before the last day of the month next succeeding each quarterly period.

(c) If the Department of Housing and Community Development determines that any moneys derived from fees collected are being allocated by the state for a purpose not authorized by Section 50470 of the Health and Safety Code, the county recorder shall, upon notice of the determination, immediately cease collection of the fees, and shall resume collection of those fees only upon notice that the moneys derived from the fees collected are being allocated by the state only for a purpose authorized by Section 50470 of the Health and Safety Code.

(d) (1) Subparagraph (C) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, shall apply to any real estate instrument, paper, or notice executed or recorded by the federal government on or after

January 1, 2018, and the fee imposed by this section shall not be imposed or billed for any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure) on or after that date.

(2) The Legislature finds and declares that subparagraph (D) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, reflects the original intent of the Legislature in enacting this section and is therefore not a change in, but is declaratory of, existing law. Subparagraph (D) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, shall apply to any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state on or after January 1, 2018, and the fee imposed by this section shall not be imposed or billed for any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state on or after that date.

SEC. 6. Section 27388.2 is added to the Government Code, to read:

27388.2. (a) In addition to all other fees authorized by this section, a county recorder may charge a fee of two dollars (\$2) for recording the first page of every real estate instrument, paper, or notice required or permitted by law to be recorded per each single transaction per parcel of real property, except those expressly exempted from payment of recording fees, as authorized by each county's board of supervisors and in accordance with applicable constitutional requirements. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a restrictive covenants program pursuant to Section 12956.2. "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps, and covenants, conditions, and restrictions.

(b) The fee described in paragraph (1) shall not be imposed on any of the following documents:

(1) Any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax, as defined in Section 11911 of the Revenue and Taxation Code.

(2) Any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

(3) Any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure).

(4) Any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state.

(c) A county recorder shall not charge the fee described in this section after December 31, 2027, unless the county recorder has received reauthorization by the county's board of supervisors. A county recorder shall not seek reauthorization of the fee by the board before June 1, 2027, or after December 31, 2027. Any reauthorization period shall not exceed five years.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Discriminatory Racial Covenants and their Removal from Antiquated Real Property Records

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Discriminatory Racial Covenants and their Removal from Antiquated Real Property Records

Title Consumer Series

What are discriminatory racial covenants?

Discriminatory racial covenants were private covenants put into recorded documents attempting to prohibit persons of particular races or ethnic backgrounds from owning or occupying homes in certain areas, resulting in segregation within residential neighborhoods throughout the country.

Many homeowners and homebuyers are not aware that private discriminatory racial covenants were enforced until they were struck down in the 1940s by the United States Supreme Court as being illegal and unconstitutional.

Believe it or not, these offensive covenants were once promoted by the Federal Housing Administration and upheld and enforced by courts across the country until the U.S. Supreme Court decision.

Because these documents are illegal and unenforceable, they very rarely come to a consumer's attention unless someone goes looking for them in old California real property records.

Do I need to remove discriminatory covenants when buying, selling, or refinancing a home?

No. Discriminatory covenants are already illegal and unenforceable, so nothing requires homeowners or homebuyers to remove them from older county records when they are discovered.

However, California law does provide a way for consumers to initiate the removal of these discriminatory covenants through the use of a "Restrictive Covenant Modification" form (RCM), which can be completed and submitted to the county recorder to effectuate the redaction of discriminatory racial covenants.

What has changed with the law regarding these covenants?

Despite the fact that these covenants have long been illegal and unenforceable, they are nonetheless very offensive when found. For this reason, the California State Legislature recently passed AB 1466 (McCarthy), which provides for the restrictive covenant modification process to strike them entirely from public-facing documents.

How do I submit an RCM if I am aware of a discriminatory covenant and want to have it removed?

In the rare event a consumer finds a discriminatory racial covenant, the consumer may complete an RCM and submit it to the county recorder of the county in which the home is located, requesting that the discriminatory language be struck from the document on a go-forward basis.

An RCM is a simple form that allows a homeowner or homebuyer to identify the document and location of the discriminatory covenant they believe is illegal. Once filled out, the RCM can be submitted to the county recorder and county counsel for consideration, along with a complete copy of the document containing the discriminatory covenant with the covenant redacted.

If the county counsel determines that the RCM request has indeed located an illegal and discriminatory racial covenant as defined by law, the RCM and document containing the redacted covenant will be recorded in county records.

In the event county counsel determines that an RCM form is targeting a covenant that is not illegal or discriminatory, the RCM and modified document will not be recorded, and the covenant will not be struck.

Once recorded, only the redacted, public-facing document -- now devoid of the illegal and discriminatory covenant -- should be made available to future homebuyers and sellers for review. Therefore, only individuals doing historical research should be able to find these discriminatory covenants in the future.

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Click here to view past events and photos » (/events/event_list.asp?cid=&show=past)



(<https://www.naylornetwork.com/absolutebm/abmc.aspx?b=68405&z=687>)



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California Land Title Association

1215 K Street #1816 Sacramento, CA 95814-3905

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SANTA CLARA COUNTY CLERK-RECORDER'S OFFICE
RESTRICTIVE COVENANT MODIFICATION PROGRAM
IMPLEMENTATION PLAN

Background

The California Fair Employment and Housing Act prohibits discrimination in housing based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information. Government Code section 12956.2(a) provides that any deed or other recorded instrument that contains unlawfully discriminatory language forbidding or restricting the right of any person to sell, buy, lease, rent, use or occupy the property on account of any of the characteristics specified above, may be revised to remove such unlawful language. A person who holds an ownership interest in property that believes the property is the subject of an unlawfully restrictive covenant may submit for recordation a Restrictive Covenant Modification document. If the existence of unlawfully restrictive language is confirmed by County Counsel, the modification document is recorded with the unlawful restrictive covenant redacted.

Pursuant to the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the Santa Clara County Clerk-Recorder's Office (CRO) has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan). It has been developed on the principle of identifying any unlawful language contained within our records, most notably the restrictive covenants, and once located, we will record redactions consistent with AB1466.

Plan

A multi-faceted approach to this program is the most effective means to accomplishing compliance with the guidelines of AB1466. The initial facet is the location or identification of any documents with potential unlawful language contained in our records. The objective of locating the unlawful language in a document is not a quick nor simple task.

Milestones and Timeline

We determined that our office possess approximately 24 million documents in our records. Our goal is to complete the review of our existing 24 million records at a rate of 4 million documents per year, ending by December 2027.

YEARS	DOCUMENTS	# of IMAGES (approx. 3.5 images per document)
2022	2,400,000	8,400,000
2023	4,320,000	15,120,000
2024	4,320,000	15,120,000
2025	4,320,000	15,120,000
2026	4,320,000	15,120,000
2027	4,320,000	15,120,000
TOTAL	24,000,000	84,000,000

Approaches - Manual and Automated

While most of the 24 million records are in typed and digital (different from digitized) format, there are a significant number of the records that are handwritten and in books. They will require more labor-intensive review and process. The office, plan to review these records using technology capable of Optical Character Recognition (OCR); however, in order to utilize OCR, we must first have all of our images digitized. While the use of technology will significantly assist our efforts, we will not wait for the images to be digitized before proactively initiating our review of the records. Initially, our office has a manual process in place to locate and review the documents with the unlawful language. This process will be later refined through the use of technology. At a much later stage, the enhanced use of both the manual and automated processes will be utilized to achieve the optimum level of implementing this program.

Process

We have established a Restrictive Covenant Modification Program (RECOMP) Division in our office that will be responsible for the (1) location of the documents with potential unlawful language, (2) initiate the process for redaction, (3) review of the actual document to identify the unlawful language, (4) prepare the document for redaction, (5) present to County Counsel for review and approval of redaction, and, finally, (6) the recordation of the redacted restrictive covenant modification document.

While we believe that our RECOMP Division will move the process forward in the unlawful language redaction effort prior to and during the time it takes to digitize and OCR our records, we have been offered assistance from volunteers and student interns to assist us in our review. In addition to the RECOMP Division's responsibilities above, they will coordinate the work of the volunteers and student interns.

In summary, our approach to the process is as follows:

Step 1: Locating the document with unlawful language – this step may be initiated through the efforts of the RECOMP Division, volunteers/interns, the public, and/or technology.

Step 2: Preparation of Redacted Restrictive Covenant Modification Document including coversheet – this step may be performed by the RECOMP Division or a member of the public that may include the newly redacted language as well as a copy of the original document containing the unlawful language.

Step 3: Submission to County Counsel for review/approval – the Redacted Restrictive Covenant Modification Document and materials will be provided to County Counsel for review. The review period is up to 90 days.

Step 4: Upon County Counsel's approval, the RECOMP Division will record and index the Redacted Restrictive Covenant Modification.

Requests and Submissions from the Public

While the utilization of technology, RECOMP Division, and volunteers/student interns will make significant strides towards accomplishing the goals of AB 1466 (2021), we are also prepared to receive submissions of redacted restrictive covenants modifications from the public. In cases where a member of the public notifies our office of a potential restrictive covenant containing unlawful language, we will provide the template coversheet to be attached to the front of the redacted restrictive covenant document. We have also made the template coversheet on our website (or located below or hyperlinked here).

Once the proposed Redacted Restrictive Covenant Modification has been prepared/packaged by the RECOMP team, it will be submitted to County Counsel for review and/or approval for redaction. The review process may take up to 90 days. Upon the CRO receiving County Counsel's approval for the Redacted Restrictive Covenant Modification document, the RECOMP Division will record and index the approved Redacted Restrictive Covenant Modification document.

Tracking and Public Access

The newly recorded Redacted Restrictive Covenant Modification document will be tracked and available for review in our Official Records Index. It is identified in the index as RCMO.

The proposed Redacted Restrictive Covenant Modification documents that were not approved by County Counsel will be tracked and logged in the RECOMP Division's database.

Webpage Posting

This Implementation Plan is posted at the County Clerk-Recorder's webpage and can be found in the following link:

[Restrictive Covenant Modification Program \(Assembly Bill 1466\)](#)

Resources:

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

[COVERSHEET - Racially Restrictive Covenant Modification \(Template\)](#)



Search...



Removal of Discriminatory Racial Covenants

Program 22 of the 2021-2029 Housing Element

The City of La Cañada Flintridge is committed to being an inclusive city, making housing available to people of all races, ethnicities, abilities, and backgrounds.

In response, Program 22 of the City's Housing Element provides homeowners with the following instructions on how to remove antiquated, unlawful, and discriminatory restrictions that may still appear in older property records, titles, and grant deeds.

Community Development

Building & Safety

Code Enforcement

Planning Division

Historic Preservation

Housing

What are racially restrictive covenants?

"Covenants" are private contracts or conditions that appear in support of property grant deeds and titles. Not all covenants are bad – they typically regulate the use, access, or ongoing maintenance of a property, such as a shared driveway or utility line.

However, during the 1920s with the rise of segregation in the United States, property owners and real estate entities began inserting "racially restrictive covenants" (also known as "racial covenants") into property deeds to exclude minority groups from ownership or living in certain communities. These racial covenants would sometimes use subtle and veiled language promoting "exclusive" or "elite" residential communities. Other times, the language would be very direct and derogatory, listing specific people groups to be excluded. Sadly, these practices were once commonplace in California, including in La Cañada Flintridge, and sometimes, racial covenants still appear in property records.

What is the legal history?

In 1948, the U.S. Supreme Court (*Shelley v. Kraemer*) unanimously ruled that racial covenants were no longer legally enforceable, even if they were written into property deeds.

In 1968, the Federal Fair Housing Act formally classified all forms of discrimination in housing based on race, religion, national origin, sex, or familial status to be unconstitutional – further nullifying all racially restrictive covenants.

Today, all jurisdictions in California are responsible for working with their constituents to remove any racial covenant.

ConnectLCF
Application Portal

Business License
Application Process

ADU or JADU
Application Process

Master Fee Schedule

FAQs

Contact the Community Development Department

Call (818) 790-8881 or
email us below:



Name

First

Last

Email

Message

How do I remove a racial covenant from my property?

In September 2021, California enacted [Assembly Bill \(AB\) 1466](#), authorizing property owners, title and escrow companies, county recorders, and real estate professionals to process a Restrictive Covenant Modification to remove racially restrictive covenants from property records.

Steps to remove a racial covenant:

1. **[Request a copy of your Grant Deed from the Los Angeles County Recorder's website](#)** – requests can be made online, via mail, or in-person with an appointment.
2. **Determine if your property has a racially restrictive covenant?** Review your grant deed for any discriminatory language and exclusions (race, color, religion, age, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income). If you find restrictions but are not clear if they are lawful or not, please consult with the City's Planning Division.
3. **If a racial covenant or similar restriction is found:**
 - Highlight or underline the unlawful provision on the recorded document.
 - Complete this [Restrictive Covenant Modifications Form](#) – may be completed and signed digitally.
 - Submit the Restrictive Covenant Modification Form and the highlighted document to the LA County Recorder.

Submission Options:

CAPTCHA



I'm not a robot

SUBMIT



- **Email forms to:** RCM@rrcc.lacounty.gov
- **In-person:** [Book an appointment at the LA County Norwalk Office](#)
(only the Norwalk office has this service)
- **Mail – Send all documents to:**
Registrar-Recorder/County Clerk
Document Analysis and Recording
Section
P.O. Box 1250
Norwalk, CA 90651-1250

4. **How long will it take to process?**

Submissions will be reviewed by the LA County Counsel to determine if the language in the original document contains an unlawful restriction. If present, the County Counsel will sign the form and return it to the Recorder's office to complete the recording and indexing process.

The original recorded document will be returned to the submitting party listed in the top left corner of the Restrictive Covenant Modification Form.

No payment is required as these documents are free to revise and record.



Interested in further reading on this topic?

If you are interested to learn more about this topic and how the larger region is addressing past racial inequities, please see the **County of Los Angeles Racial Equity Strategic Plan**.

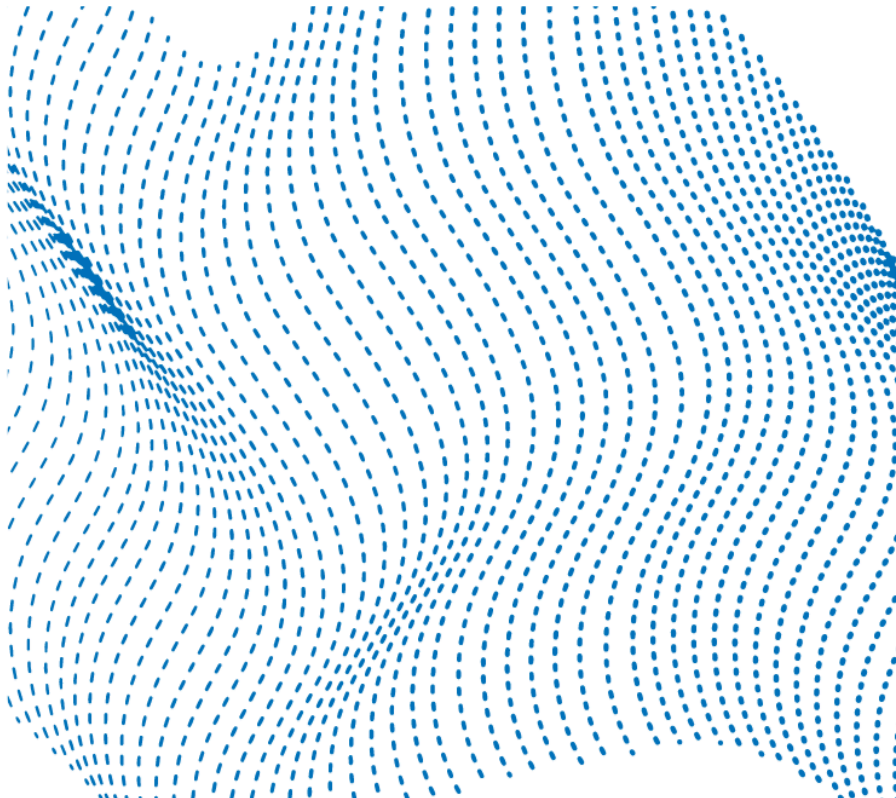
(<https://ceo.lacounty.gov/ardi/racial-equity-strategic-plan/>)

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2024 SILICON VALLEY PAIN INDEX

5 Years In – Inequality Worsens, Part of Structure

*Beloved Community NOT to be Attained
Without Significant Change*



2024 SILICON VALLEY PAIN INDEX

5 Years In – Inequality Worsens, Part of Structure Beloved Community NOT to be Attained Without Significant Change

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2024 SVPI Infographic: Eleana Paneda

SJSU HRI Website: <http://www.sjsu.edu/hri>

Introduction

The purpose of the Silicon Valley Pain Index (SVPI) report is to:

- (1) Provide an efficient, easily digestible, statistical overview of structured inequalities to inform policy and practice in “Silicon Valley.”¹
- (2) Serve to measure Santa Clara County’s performance as a “human rights county,” which it declared in 2018 in accordance with the International Bill of Human Rights and in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] in 2023.

¹ Generally speaking, “Silicon Valley” refers to Santa Clara and San Mateo Counties throughout the 2024 SVPI. However, for the statistics cited from our colleague’s report at Silicon Valley Joint Ventures, including those on wealth concentration, “Silicon Valley” is expanded eastward to include the cities of Fremont, Newark, and Union City (all in Alameda County), and southward to include Scotts Valley (Santa Cruz County). Data referring to specific counties or cities within the region of Silicon Valley will be described as such. Every effort has been made to access the most recent research findings and ensure the accuracy of information in the 2024 SVPI. Any errors brought to the attention of the lead author or the SJSU Human Rights Institute will be researched, and if verified, will be corrected via the HRI website and HRI social media accounts.

(3) Spark collaborations between scholars, students, stakeholders, communities, and policymakers to address inequality and achieve greater human rights practice.

Originally inspired by Professor Bill Quigley's *Katrina Pain Index* following the devastating 2005 hurricane and later by 2020 national protests in the wake of the police murders of George Floyd and Breonna Taylor, the 2020, 2021, 2022, and 2023 SVPIs illustrated the persistent racial discrimination in employment, education, and housing as well as the general wealth and income inequality that were exacerbated by the COVID-19 pandemic and continue to define our region.

The 5th Annual 2024 Silicon Valley Pain Index features new data that highlights the region's persistent inequalities, while at the same time showing that the following areas have worsened: **wealth and income inequality, housing and homelessness, food insecurity, chronically absent students, fentanyl deaths, gender wage and tech unemployment gaps, rape, and number of cases of domestic violence per prosecutor.** Below are some of the statistics from the full SVPI report that highlight these areas that have worsened:

- 0 Number of **affordable housing units** that the City of San José is proposing to have built at the El Paseo Mixed-Use Village, which is in a “high-resourced community”.
- .001 Percent of Silicon Valley households (9 households each with \$12 billion+) that hold \$110 billion in total liquid **wealth**, which is 12 times more than the wealth than that of the bottom 50% of the region, combined; up from 6x from previous year as a result of additional data on billionaires.
- 19.3 Percent of **chronically absent** students in Santa Clara County in the 2022-2023 school year, up from 19% in previous year, and 7.3% in 2020-2021.
- 46 Percent of the women **laid off in the tech sector** from January 2023 to April 2024, even though they make up 42% of overall tech employees.
- 50 Number of reported **rapes** per 100,000 people in Silicon Valley, with the rate tripling in the past decade and a 12% increase in 2022 (0% change in state).
- 82 Coefficient score of Silicon Valley on the Absolute Gini Index of **Income Inequality** (0 reflects perfect equality while 100 represents total inequality), up from 80 the previous year and from 38 in 1990.

- 205 Number of overdose deaths by **fentanyl** in Santa Clara County in 2023, up from 160 in 2022, 135 in 2021, 90 in 2020, and 29 in 2019.
- 2,230 Number of **homeless** people identified in Santa Mateo County's Point-In-Time (PIT) survey in January, 2024, an 18% increase from 2022, and a 70% increase since 2017; 4,297 new homeless households in Santa Clara County in 2023, up 24% from the previous year; 1,146 homeless K-8 and high school students in Alum Rock and East Side Union School Districts, up almost 3-fold since 2020.
- 6,668 Number of **domestic violence** cases in 2022 referred to the Santa Clara County's District Attorney's Office for possible prosecution, an increase from 4,286 cases in 2015, up 70% in past decade.
- 237,787 Amount in dollars for full-time male workers with a graduate degree, in comparison to \$172,546 for women with the same degree; the **gender wage gap** of \$65,361 is up \$17,747 since 2018.
- 500,000 Number of clients that Second Harvest of Silicon Valley provides groceries for each month, up 40,000 clients from the previous year's index; in the fiscal year of 2022-23, Second Harvest served more than 104 million meals.
- 2 million Amount in dollars of a median price for a single-family **home** in Santa Clara County in April, 2024, up from \$1.81 million (11.1% increase) in April 2023.

There were a few bright spots in the report dealing with a reduction of force complaints lodged against the San José Police Department, a reduction in suicide, an increase in the number of homeless people placed into temporary housing, the successful building of affordable housing units in Santa Clara County from Measure A, and the number of patents San José produces.

- 36 Number of **force complaints** lodged against the San José Police Department (out of 320 total complaints), which is down from 44 in 2022; at the same time, the San Jose Police Department is ranked #1 among Bay Area law enforcement agencies for their K-9 unit dog biting someone (167 bites) between 2018-2022, with 115 bites directed at Latinx and African Americans.
- 138 Number of people in Santa Clara County who died by **suicide** in 2023, which was a decrease from 181 in 2022.

- 716 Number of **affordable homes** approved by the Santa Clara County Board of Supervisors in December 2023; Measure A funding (2016 ballot measure) has mostly been exhausted, with a total of 4,749 affordable homes built, just 51 units shy of the County's stated goal.
- 1,521 Number of referrals to TRUST (Trusted Response Urgent Support Team) in the first 10-month trial in Santa Clara County, which connected people to **trained mental health** providers prepared to support de-escalation.
- 1,882 The cost in dollars in emergency financial assistance to at-risk families in Santa Clara County, which has shown to reduce **homelessness** by 81% within 6 months and 73% within 12 months.
- 2,509 Number of households that Santa Clara County placed into **temporary housing** and shelter, which was a record high; however, with 4,297 households becoming homeless, this means that for every 1 household housed, another 1.7 became homeless.
- 9,798 Number of **patents** that were generated in the San José metro area, making it the most innovative metro area in the nation.

The SJSU Human Rights Institute would like to thank the Silicon Valley Community Foundation (SVCF) and the Heising-Simons Foundation for providing funds to support the 2024 Silicon Valley Pain Index, which supported the work of Dr. Anji Buckner-Capone from the SJSU Department of Public Health and Recreation and Dr. Scott Myers-Lipton, Professor Emeritus, Sociology, as well as SJSU undergraduate students Eleana Paneda, Gisselle Escobar Quiroz, Jaylin Flores, and Vaishnavi Sunkari.

Organizations or public agencies in other cities, counties and/or states interested in developing a Pain Index for their region should please contact the SVPI co-principal investigators or the SJSU Human Rights Institute for information and potential support.

Solutions Inspired by the SVPI

By consistently exposing structured inequalities as a human rights crisis, the hope of the [SJSU Human Rights Institute](#) is that City Council members, County Supervisors, State Legislators, members of Congress, scholars, journalists, stakeholders, and community organizations will use the 2024 SVPI to inform future policy and practice. The SVPI principal investigators and SJSU HRI welcome and invite such policy proposals.

It is the belief of the SVPI co-principal investigators and the SJSU Human Rights Institute that unless significant change occurs, Dr. King’s Beloved Community will not be attained. For King, the Beloved Community is where there is enough sharing of the wealth so that “peoples everywhere can have three meals a day for their bodies, education and culture of their minds, and dignity, equality, and freedom for their spirits.”²

Since the publishing of the first Silicon Valley Pain Index in 2020, several policies have been put forward as a direct response to the annual report:

- *Senator Dave Cortese introduced Senate Bill (SB) 333: Success, Opportunity, & Academic Resilience (SOAR) Act, which would provide 15,000 high school seniors who have been defined as recently homeless (i.e., McKinney-Vinto) a guaranteed income of \$1,000 a month for six months. SB 333 passed the CA Senate on a 34-4 vote in May 2023, and passed 6-0 out of the Assembly Education Committee with bipartisan support in June 2024, and is now headed to the Assembly Appropriations Committee.*
- *Supervisor Susan Ellenberg introduced a Guaranteed Basic Income Pilot Project in Santa Clara County for 75 high school seniors and recent graduates identified as McKinney-Vento students or recently homeless. The pilot project, which is run by the Office of the County Executive, provides a guaranteed income of \$1,200 a month for twenty-four months beginning in the summer of 2024. Senator Dave Cortese secured funding for this pilot through a California grant.*
- *Congressmember Ro Khanna secured \$4.1 million for the Silicon Valley African American Cultural Center, which will provide 135 rental homes, 20% of which will be affordable, and an on-site health clinic, museum, performing arts theater, and athletic facility.*

² King, Martin Luther. “Text of Dr. King’s Speech.” *New York Times*, 11 Dec. 1964, <https://www.nytimes.com/1964/12/11/archives/text-of-dr-kings-speech.html>, accessed 9 June, 2024.

Clearly, more fundamental changes are needed. There will be little change in Silicon Valley unless the tech industry lives up to the calls that started in the 1990s and continued in the 2010s to hire more African Americans, other people of color, and women, at all levels (e.g., C-Suite, Board of Directors, middle-managers). In addition, much higher levels of venture capital funding for these groups needs to occur to start new tech businesses. Finally, unless something major is done to reduce the cost of housing for the majority of our community, King's Beloved Community will be a distant dream.

How to Read the 2024 Silicon Valley Pain Index

The 2024 Silicon Valley Pain Index is composed of 190 statistics from over 100 different studies and recent reports conducted on Silicon Valley, primarily published in the year since the release of the fourth report in June 2023. The 2024 statistics are laid out from the number 0 to 1.73 trillion and are designed to be read from start to finish. There is a power in reading it this way, as the inequality is dramatized as the numbers increase.

Readers should take note of how African American, Latinx, Indigenous, and various Asian American communities continue to receive considerably less of the economic, political, education, social and health-related rewards of Silicon Valley. In the 2024 SVPI, the racial inequalities noted in the 2020-2023 SVPI reports persist, and, in many cases, have worsened. To view the sources of the 2024 SVPI statistics, please see the endnotes.

As stated in the 2023 SVPI report, Dr. Martin Luther King used the concept of a “curious formula” to explain racism, which dates back to the “3/5ths compromise” in the US Constitution. According to King, the curious formula is the idea that Blacks receive about one-half of the good things in life and two times the bad when compared to Whites. The 2024 SVPI shows that a similar “curious formula” still exists today in Silicon Valley, whether it be in home ownership, infant mortality, poverty rates, income, and much more. In Silicon Valley, other people of color, particularly Latinx and Native Americans, and some Asian American groups (e.g., Vietnamese and Filipino Americans) also find themselves part of this curious formula, though with different historical roots relative to the history of white supremacist ideology and the imperial conquest of the American West.

Infographics

Selected highlights of the 2024 SVPI are displayed in the infographic below, with the full index beginning on the following page. In addition, there are other infographic at the conclusion of the full report focusing on Wealth, Race, Tech, Housing, Public Health, and Education.

INFOGRAPHIC:



2024 SILICON VALLEY PAIN INDEX

5 Years In– Inequality Worsens, Part of Structure Beloved Community NOT to be Attained Without Significant Change

- 0 Number of affordable housing units that the City of San José is proposing to have built at the El Paseo Mixed-Use Village, which is in a “high-resourced community”, even though when City Council approved the project, it was to have 15% of the of 994 residential units dedicated to affordable housing.¹
- .001 Percent of Silicon Valley households (9 households each with \$10 billion+) that hold \$110 billion in total liquid wealth (i.e., cash, CDs, and retirement accounts, with stocks not included for billionaires), which is 12 times more than that of the bottom 50% of the region or about 440,000 households, combined (holding \$9.2 billion of total wealth).²
- .01 Percent of Silicon Valley households (about 60 households each with \$1 billion+) that hold \$162 billion of the total liquid wealth, which is 18 times more wealth than that of the bottom 50%.³
- .1 Percent of households (about 960 households each with \$30 million+) that hold \$202 billion in wealth, which is 22 times more wealth than that of the bottom 50%.⁴
- .6 Percent of San Mateo County residents 200% below the federal poverty level who reported engaging in healthy behaviors that reduce the risk for cancer and cardiovascular disease.⁵
- 1 Percent (rest of) of Silicon Valley households (about 9,000) that hold \$598 billion in total wealth, which is 65 times more wealth than that of the bottom 50%.⁶
- 1 Ranking of Santa Clara County in the nation of the unsheltered homeless in the nation looking at the major Continuum of Care programs (9,903 people, 74% unsheltered); also ranked #1 in the percent of unsheltered, unaccompanied homeless youth (764 youth, 86% unsheltered).⁷
- 2 Ranking of Santa Clara County for highest home prices in the nation, with 16 zip codes among the top 100 most expensive in the USA.⁸
- 2.9 Percent of African Americans living in San José (28,120), down from 4.7% in 1990 (36,790).⁹
- 3 Ranking in tuberculosis rates of Santa Clara County among CA jurisdictions.¹⁰

- 3.6 Percent of San Mateo County residents in 2022 who had to live on the streets, in a car, or in a shelter in the past two years, an increase from 2.9% in 2018, 1.4% in 2013, and 1.1% in 2008.¹¹
- 4 Percent unemployment in Silicon Valley as of February 2024, up from 2.1% in May of 2023; in 2022, White and Asian unemployment is 4%, while for Latinx and Black, it is 5% and 7%, respectively.¹²
- 4.8 Number of square miles in San José that is zoned for multi-family housing (e.g., duplex, townhome, or apartment complex); multi-family housing is legal in just 2.7% of the city, which is 180.7 square miles.¹³
- 4.9 Number of days LGBTQ+ residents in Santa Clara County reported feeling sad, blue, or depressed in the preceding month.¹⁴
- 5 Number of court cases dismissed by the Santa Clara County District Attorney after discovering that Mark McNamara, a former San Jose police officer, had written racist texts tainting the credibility of the charges and convictions.¹⁵
- 6 Percent of White people in Silicon Valley who are poor (using federal poverty guidelines) compared to 17% for African American, 10% for Latinx and Vietnamese, 5% for Korean and Chinese, 4% for Taiwanese, and 3% for Asian Indian.¹⁶
- 7 Percent of Asian women working in the tech industry, with 3% African American women, and 2% Latina.¹⁷
- 7.9 Number of infant deaths for African Americans per 1,000 live births in Silicon Valley; 3% for Latinx, 2.2% for White, 2.1 for Asian infants.¹⁸
- 9 Percent of Latinx households that can afford to buy a median priced home in Silicon Valley; 7% African American, 18% White, and 27% Asian.¹⁹
- 10 Percent of the workforce in the 20 largest tech companies who are Latinx; 6% African American.²⁰
- 11 Number of deaths of White women in Silicon Valley related to pregnancy, childhood, and the postpartum period per 100,000; 58 deaths for Blacks, 14 deaths for Latinx and Asian or Pacific Islander.²¹

- 11.3 Percent decrease in Medi-Cal enrollment in Santa Clara County from July 2023 to February 2024.²²
- 11.8 Percent of Santa Clara County people living in poverty (216,400), with 12.5% children in poverty, using the California Poverty Measure (CPM), which accounts for the welfare benefits and the cost of living; 13% for San Mateo County (94,700) with 15.7% children in poverty.²³
- 12 Percent of Venture Capital funding for female-founded tech startups; 88% for men.²⁴
- 13 Percent of Filipino residents in Silicon Valley living 2x below the federal poverty level, in comparison to 25% for Vietnamese and 5% for Asian Indians.²⁵
- 16 Percent of people out of 8,041 who moved out of all shelter types in San José, including county-operated group shelters, and moved to lasting homes from July 2019 to March 2021.²⁶
- 16.1 Percent dropout rate of Native American high school students in Silicon Valley in 2023; 15% Latinx, 10% Black, 6% Pacific Islander, 3% White, 3% Filipino, and 2% Asian students; 25% were homeless and 23% were foster youth.²⁷
- 16.6 Percent of households in Silicon Valley that receive food from Second Harvest Food Bank every month, with 50% being children and seniors.²⁸
- 17 Percent of Latinx living in overcrowded rooms versus 3% for non-Latinx.²⁹
- 18 Percent of vacant commercial space in Silicon Valley, which is up 50% from pre-pandemic levels.³⁰
- 18.55 Dollar amount of Mountain View's minimum wage, compared to \$17.55 in San José, and \$16 in Saratoga and Los Gatos.³¹
- 18.9 Percent of American Indian or Alaska Native students in Santa Clara County who dropped out in 2022-2023 school year, up from 16.9% 2021-22 and 9.6% in 2020-2021; in 2022-2023, the dropout rate was 16.3% Latinx, 10.5% Black, 5.5% Native Hawaiian or Pacific Islander, 3.3 White, 3% 2+ races, and 1.3% Asian.³²
- 19.3 Percent of chronically absent students in Santa Clara County in the 2022-2023 school year, up from 19% in previous year, and 7.3% in 2020-2021.³³

- 19.5 Percent reduction of homes listed in San José in 2022 than the previous year; this was the highest drop in housing supply in the nation.³⁴
- 19.6 Percent of Silicon Valley buildings vacant in December of 2023, up 2% from the previous year.³⁵
- 19.8 Poverty rate for children in La Honda-Pescadero Unified School District in San Mateo County, compared to Menlo Park City Elementary, with a child poverty rate of 1%.³⁶
- 21 Percent increase in death rates when a trauma center closes and there's an increase in driving distance.³⁷
- 22 Ranking of San José among U.S. cities with the largest increase in food prices, up 25% since 2021.³⁸
- 22.8 Percent of adults (25-to-34 year-old) that are homeowners in the San José metro area³, ranking the region fourth lowest in the nation for homeownership.³⁹
- 23% Percent of women in C-Suite positions in the tech industry.⁴⁰
- 24 Percent of San Jose metro area Millennials (27 to 42) that live at home with their parents, while 74% of Gen Z lives at home (18 to 26).⁴¹
- 25 Percent of nonprofit board members that are people of color in the San José metro area, even though people of color make up 73% of the population.⁴²
- 25.4 Percent of older LGBTQ+ adults in Santa Clara County who were “not out” to healthcare providers and 24.3% did not feel safe around providers.⁴³
- 26.7 Percent of 3rd graders who did not meet or exceed standing testing/reading expectations in San Mateo County in 2022, which is the highest since 2015.⁴⁴
- 27 Percent of women in professional computing occupations, but 57% of the US workforce.⁴⁵
- 28 Percent of Silicon Valley households who were unable to meet their basic needs without public assistance; household self-sufficiency would be reduced by about 4% if households were given \$1,000 guaranteed income.⁴⁶

³ San José metro area is composed of San José, Sunnyvale, and Santa Clara.

- 28.6 Percent increase in PG&E's profit in Q1 of 2024 (\$732 million), up from \$569 million in the same quarter last year. Average monthly bill for a PG&E customer in 2024 was \$295, up 22.3%, making electricity costs 2nd highest in the nation. In May 2024, PG&E added another \$24.15 for Spring 2026.⁴⁷
- 29 Percent of total wealth in Silicon Valley that is controlled by the middle 40% of the population, compared to Western European countries where 40% of the total wealth is controlled by the middle 40%.⁴⁸
- 30 Percent tuition increase for SJSU students over the next five years (6% a year), with tuition increasing from \$5,742 in AY 2023-24 to \$7,682 in AY 2028-29 in order to cover a \$1.5 billion funding gap.⁴⁹
- 31 Percent of Silicon Valley teenagers experiencing anxiety and/or depression for four or more days per week; San Mateo County is the first in the nation to first declare loneliness as a health emergency.⁵⁰
- 33 Percent of Latinx high school graduates in Silicon Valley who meet the UC/CSU requirements for admission; 40% for Pacific Islanders, 42% for African Americans, 48% for Native Americans, 65% for Filipinos, 73% for Whites, and 85% for Asians.⁵¹
- 35 Percent of all incoming first-year SJSU students entering in the Fall of 2019 and graduating within four years, up from 11% in 2014. For the 181 African Americans, 23% graduated; for the 1,265 Latinx students, 29%; for the 444 White students, 39%, and for the 1,547 Asian students, 42%.⁵²
- 36 Number of force complaints lodged against the San José Police Department (out of 320 total complaints), which is down from 44 in 2022 and 54 in 2021.⁵³
- 37 Percent of Silicon Valley households with children who are not self-sufficient (i.e., cannot provide the basics without government or non-profit assistance).⁵⁴
- 38 Percent of Silicon Valley residents experiencing anxiety or depression more than 4 days of the week.⁵⁵
- 38.1 Percent of LGBTQ+ older adults in Santa Clara County who seriously thought about suicide or self-harm in the past 12 months.⁵⁶

- 39.9 Percent of workers who have returned to the office in the San José metro area as of April of 2024, ranking the region in the bottom 10 metro areas in the nation to return to their offices.⁵⁷
- 40 Number of SJSU students who utilized San Jose State's 12-emergency bed program in AY 22-23, with the average stay being 15 nights; African American students are highly overrepresented (4x).⁵⁸
- 41 Percent of Silicon Valley renters that are burdened (i.e., spend more than 30% of their gross income on housing, with 22% severely burdened (i.e., spend more than 50% of their gross income on housing)).⁵⁹
- 41 Percent of cities and counties that were in compliance with California's Housing Element as of February, 2024.⁶⁰
- 42 Percent of children in Silicon Valley at risk for food insecurity.⁶¹
- 44 Percent of chronically absent San Mateo County students who are Pacific Islander.⁶²
- 44.7 Percent of residents in San Mateo County who are considering relocating due to the cost of living; the group with the highest level is Native Hawaiian/Pacific Islanders (67.4%), and the group with the lowest level are residents who are 65 and older (22.5%)⁶³
- 46 Percent of the women laid off in the tech sector from January 2023 to April 2024 were women, even though they make up 42% of overall tech employees.⁶⁴
- 48.9 Percent of eligible voters in San Mateo County who voted in the 2022 General Election, which was higher than the state (41.5%) but lower than in 2016 (64.2%), 2018 (57.2%), and 2020 (69.7%). East Palo Alto had the lowest voter turnout (35.6%), and Portola Valley had the highest (75.9%).⁶⁵
- 50 Number of reported rapes per 100,000 people in Silicon Valley, with the rate tripling in the past decade and a 12% increase in 2022 (0% change in state).⁶⁶
- 50.5 Average age of Saratoga residents, which is 12 years older than the national average; in Santa Clara County, seniors will outnumber children (18 and under) in 2030.⁶⁷
- 52 Number of women in the tech industry that get promoted for every 100 men that get promoted.⁶⁸

- 54.2 Diversity score received by Santa Clara County for contract spending to diverse business enterprises (i.e., minority-, women-, LGBT-, and disabled veteran-owned businesses), which means that these groups are receiving about one-half of the amount of contract dollars spent by the County in comparison to their overall population.⁶⁹
- 56 Number of days African American students lost due to out of school suspension per 100 enrolled students at Morgan Hill Unified School District in Santa Clara, ranking it the 20th highest school district in California to suspend Black students. White students at Morgan Hill lost 6 days due to suspension per 100 enrolled students.⁷⁰
- 57 Percent of Silicon Valley residents who report that they are likely to move out of the region in the next few years.⁷¹
- 58 Percent of Whites in leadership roles in 20 of the largest tech companies (31% of civilian workforce), with African Americans and Latinx in 7% and 8% of tech leadership roles, respectively.⁷²
- 59 Amount in dollars per hour (\$122,560 per year) that a renter must earn in San José to afford the monthly rent of a 2-bedroom apartment.⁷³
- 60 Percent of Second Harvest Food Bank clients report they have less than \$100 of savings, with more than 60% worried that they cannot pay their rent or mortgage next month, and more than 90% feel that their financial situation is the same or worse than last year.⁷⁴
- 61 Percent of Silicon Valley judges who are White, which is double their population of 31%; 6% of the judges are African American, 9% are Latinx, and 15% are Asian American.⁷⁵
- 62 Percent of Pacific Islander mothers who received early and regular prenatal care; 64%--Latina, 72%--Native American, 75%--Black, 79%--White, and 80%--Asian.⁷⁶
- 63 Percent of all incoming first-year SJSU students entering in Fall 2017, and graduating within six years, with CSU system-wide goal being 70%. For the 191 African Americans, 45% graduate; for the 1,497 Latinx students, 55%; for the 555 White students, 62%, and for the 1,626 Asian students, 75% graduate.⁷⁷
- 65 Percent of family households in Silicon Valley headed by single mothers who are below the Self-Sufficiency standards.⁷⁸

- 69 Percent of White students in Santa Clara County that meets or exceeds the 3rd grade English standard; 79% Asian, 41% Pacific Islander, 38% African American, and 29% Latinx students.⁷⁹
- 70 Number of affordable households (i.e., 120% of the median income and below) per 10,000 residents that Morgan Hill builds versus San José, which builds 20 per 10,000 residents.⁸⁰
- 71 Percent of technical workers in the core working age group (25-44) in the tech industry who are Asian American; 1% Black, 4% Latinx, and 21% White.⁸¹
- 74 Percent of Silicon Valley's homeless population that is unsheltered.⁸²
- 75 Number of San José labor violations in the past year, a record high; in the past five years, companies have been fined \$1 million by the city for labor violations.⁸³
- 76 Percent of Native American students that graduate from high school in Silicon Valley, versus Latinx (78%), Black (86%), White and Filipino (93%), and Asian American (96%).⁸⁴
- 77 Percent of new SJSU undergraduate transfer students entering in Fall 2019, and graduating within four years, with CSU system-wide goal being 85%. Of the 133 African Americans, 66% graduate; of the 1,298 Latinx students, 74%; of the 745 White students, 78%, and of the 1,346 Asian students, 82% graduate.⁸⁵
- 78 Percent increase in breakfast and lunch programs served at Silicon Valley schools in 2022-23 than before the pandemic.⁸⁶
- 79 Percent of Bay Area residents who report they never visit downtown San José; however, downtown visits to San José jumped 28.6% by October 2023, ranking it 8th in the nation for people visiting a downtown city.⁸⁷
- 80 Percent of Asian students in Santa Clara County that meet or exceed the 8th grade math standard; 67% White, 21% Pacific Islander, 20% African American and 17% Latinx students.⁸⁸
- 80 Number of times a Santa Clara County Sheriff's Department K-9 unit dog bit someone, which ranks #3 among Bay Area law enforcement agencies from 2018-2022.⁸⁹
- 81 Number in dollars needed in an hourly wage for a single parent with two children to meet self-sufficiency in Silicon Valley.⁹⁰

- 82 Coefficient score of Silicon Valley on the Absolute Gini Index of Income Inequality (0 = all is equally shared and 100 = 1 person owns all); up from 80 in 2022 and 38 in 1990.⁹¹
- 82.6 Percent of Asian students who met or exceeded the benchmark for standardized testing in English Language Arts in San Mateo County, compared to 33% of Latinx; 34.3% Pacific Islander, 34.4% Black, 55.3% American Indian/Alaska Native, 62.9% Filipino, 76.6% multiracial, and 74.7% White who met or exceeded benchmark.⁹²
- 83 Percent of tech executives that are White.⁹³
- 84 Number of billionaires in Silicon Valley and San Francisco Bay Area, which ranks it third in the world for billionaires behind New York City (136) and Hong Kong (112).⁹⁴
- 90 Percent of Santa Clara County without a tree canopy.⁹⁵
- 91 Percent of Latinx residents in Santa Clara County who have not received the latest COVID-19 vaccine, in comparison to 89% African American, 81% Asian American, and 78% White.⁹⁶
- 96 Percent of Asian American students that graduate from high school in Silicon Valley, in comparison to 93% White and Filipino, 86% Black, 78% Latinx and 76% American Indian.⁹⁷
- 138 Number of people in Santa Clara County who died by suicide in 2023, which was a decrease from the previous three years: 166 in 2020, 154 in 2021, and 181 in 2022.⁹⁸
- 167 Number of times a San Jose Police Department K-9 unit dog bit someone from 2018-2022, which ranks #1 among Bay Area law enforcement agencies, with 92 bites directed at Latinx, 33 for Whites, 23 for African Americans, and 19 for Asian Americans.⁹⁹
- 175 Amount in dollars per hour that homebuyers must earn to buy a median-priced single-family home in San José (\$365,492 a year).¹⁰⁰
- 184 Number of cases of domestic violence per prosecutor in Santa Clara County's District Attorney's office in 2023, up from 74 cases per prosecutor in 2019, up 142%.¹⁰¹
- 185 Number of school staff who have completed the crisis response training across 17 districts in Santa Clara County, while an additional 2,069 staff and students have been trained in online mental health and suicide prevention, out of 32 districts with 11,666 teachers and 236,438 students.¹⁰²

- 205 Number of overdose deaths by fentanyl in Santa Clara County in 2023, up from 160 in 2022, 135 in 2021, 90 in 2020, and 29 in 2019.¹⁰³
- 208 Number of houseless people who died on the streets of Santa Clara County in 2023, with the average person who died on the streets being 50 years old, with the youngest being 20 and the oldest, 86. Overall deaths on the street for houseless people are down from 246 in 2022 and 250 in 2021, while in the past decade, deaths are up 61%.¹⁰⁴
- 211 Number of in-patient psychiatric care beds in Santa Clara County; 960 additional beds needed to effectively serve the Santa Clara County population.¹⁰⁵
- 246 Number of homeless K-8 students in the Alum Rock School District in May 2024, which is up from 179 in 2022-23 and 105 in 2021-22.¹⁰⁶
- 253 Number of homes that Portola Valley has committed to building as part of the Housing Element, which the state first certified, but now has decertified since the city has refused to rezone two zones to allow for townhouses and low-rise, mixed-use apartments. Portola Valley is 75% White with a median household income of \$250,000, and the average house is worth \$3.8 million.¹⁰⁷
- 290 Number of homes available for every 1,000 extremely low-income households (ELI) in the San José metro area (\$39,000 if single and \$49,000 if three in a household); since 2015, San José has achieved only 13% of its ELI housing goals.¹⁰⁸
- 320 Number of complaints lodged against San Jose Police officers in 2023, down from 358 in the previous year, with 24% of the complaints sustained , which means the complaint was found to be true by “a preponderance of the evidence” (highest rate in 6 years).¹⁰⁹
- 329 Number of evictions in Santa Clara County in September 2023. From the beginning of the year through August of 2023, the County had the largest increase in evictions in the State, with an eviction rate more than 35% higher than 2019.¹¹⁰
- 516 Amount in dollars of the weekly cost of infant child care in Silicon Valley.¹¹¹
- 547 Number of Black students at San José City College in 2022, which is down from 717 in 2019; Black full-time faculty decreased from 22 to 17, while Black adjunct faculty decreased from 66 to 54.¹¹²

- 716 Number of affordable homes approved by the Santa Clara County Board of Supervisors in December 2023; Measure A funding (2016 ballot measure) has mostly been exhausted, with a total of 4,749 affordable homes built, just 51 units shy of the County’s stated goal.¹¹³
- 800 Number of RVs parked on San José streets being used as housing; 200 RVs are parked on Mountain View streets.¹¹⁴
- 900 Number of homeless high school students in the East Side Union School District in December 2023, up from 300 in 2020.¹¹⁵
- 985 Number of homeless people identified in Santa Mateo County shelter in January, 2024, a 38% increase from 2022.¹¹⁶
- 1,050 Number of animals euthanized in San José (mostly cats and dogs) in 2022-23; the release rate in mid-2024 in San José was 78% for cats and 92% for dogs.¹¹⁷
- 1,276 Number of job vacancies for all schools in Santa Clara County in May 2024.¹¹⁸
- 1,521 Number of referrals to TRUST (Trusted Response Urgent Support Team) in the first 10-month trial in Santa Clara County, which connected people to trained mental health providers prepared to support de-escalation.¹¹⁹
- 1,882 Amount in dollars of emergency financial assistance given to at-risk families in Santa Clara County, which has been shown to reduce homelessness by 81% within 6 months and 73% within 12 months.¹²⁰
- 2013 Year that Santa Clara County Department of Public Health last conducted a health assessment for the LGBTQ+ population.¹²¹
- 2,130 Number of houseless people identified in Santa Mateo County’s Point-In-Time (PIT) survey in January, 2024, an 18% increase from 2022, and a 70% increase since 2017; more than one-half lived in places not meant for housing (outdoors, vehicles, etc.).¹²²
- 2,171 Number of juvenile arrests and citations in Santa Clara County in 2023, an increase from 1,967 in 2022 and 1,293 from 2021; the majority of arrests are in San José (57%), Latino (69%), African American (8.3) and male (75%).¹²³
- 2,300 Number of homeless individuals who live along the creeks and rivers in Santa Clara County, which is more than 20% of the overall houseless population.¹²⁴

- 2,708 Amount in dollars of the average rent in San José, with a 5.6% vacancy rate.¹²⁵
- 2,911 Amount in dollars of the average rent for a two-bedroom apartment in Silicon Valley.¹²⁶
- 3,068 Number of students in Santa Clara County experiencing homelessness in 2022. Despite making up 42% of the population, 82% of homeless students were Black, Latinx, or Native American.¹²⁷
- 3,178 Amount in dollars of the average rent in San Mateo; which is 4th highest in the nation; \$3,048 for Sunnyvale (8th highest); \$3,035–Redwood City (9th); \$3,014–Santa Clara (10th); \$2,952–Milpitas (13th); \$2,944–Mountain View(14th); \$2,867–San Bruno (20th), \$3,014–Daly City (21st); \$2,792–San José (25th).
- 3,504 Amount in dollars of the average monthly expenses for someone living in San José, which is 71% higher than the average city in the nation, making San José the most expensive city in the United States.¹²⁸
- 4,198 Number of patents that San José generated, ranking it first in the nation; this number of patents was 10.6% of the state share, and 3.1% of all patents generated in the nation.¹²⁹
- 4,297 Number of new homeless households in Santa Clara County in 2023, up 24% from the previous year; county providers placed 2,509 into temporary housing and shelter, which means that for every 1 household that becomes housed, another 1.7 becomes homeless.¹³⁰
- 5,115 Number of suspensions for violence without injury in all school districts in Santa Clara County in 2022-2023, 853 more than the previous year.¹³¹
- 5,200 Number of building permits for housing granted in Silicon Valley in 2023, which was a 52% drop from the previous year.¹³²
- 5,500 Number of evictions in Silicon Valley in 2023, which is a rate of 15 per day; this high level of evictions has not been seen for a decade.¹³³
- 5,800 Number of households in Silicon Valley with \$10 million+ of liquid assets, and they hold 38% of the total wealth.¹³⁴
- 6,427 Number of complaints by San José residents to the City’s 311 phone line in the first quarter of 2024 about illegal dumping; in addition, there were 5,666 calls complaining about graffiti, 769 calls about potholes, and 914 calls about homeless encampments.¹³⁵

- 6,668 Number of domestic violence cases in 2022 referred to the Santa Clara County's District Attorney's Office for possible prosecution, an increase from 6,266 cases in 2021 and 4,286 cases in 2015, up 70% in past decade.¹³⁶
- 7,775 Number of homes that San José is required to build each year until 2031 to meet its state mandated housing goal (62,000 total). Since 2019, the most homes that San José has built in one year was 1,710, with just 214 affordable (i.e., 120% below the area median income).¹³⁷
- 9,798 Number of patents that were generated in the San José metro area, making it the most innovative metro area in the nation.¹³⁸
- 11,391 Amount in dollars of the amount spent per high school student for the East Side Union School District, versus \$24,141 in Mountain View-Los Altos and \$18,805 for the Los Gatos-Saratoga Union School Districts.¹³⁹
- 12,000 Number of construction workers in Santa Clara County who have lost \$46 million to wage theft since 2001; since 2018, 59 unpaid-wage judgments have occurred in the county, with 23 judgments adding up to over \$1 million in San José.¹⁴⁰
- 16,097 Number of homes that Santa Clara County is required to build each year until 2031 to meet its state mandated housing goal (128,773 total), with 9,106 affordable homes being built each year (72,848 total). Since 2019, the most the County has built in one year was 5,329 in 2022, with 1,092 homes being affordable.¹⁴¹
- 18,800 Number of jobs lost in Silicon Valley's largest 20 tech companies in 2023, or 7% of their workforce; at the same time, overall job growth in Silicon Valley leveled off after 2 years of growth, and overall employment is still 1% higher than 2019 (pre-pandemic).¹⁴²
- 19,575 Number of homeless people in Santa Clara County placed in temporary housing and shelter in 2023.¹⁴³
- 20,000 Number of people in Silicon Valley that are unbanked and presumed to have 0 or negative wealth.¹⁴⁴
- 26,830 Amount in dollars of the average cost in child care per year in Silicon Valley (\$516 a week); 5.1% of residents in Santa Clara County are age 5 and under, with 20.3% under 18.¹⁴⁵
- 28,235 Number of homeless people in Santa Clara County that received homeless prevention assistance in 2023, up 24% from the previous year.¹⁴⁶

- 32,000 Amount in dollars of the yearly daycare cost for a Silicon Valley preschooler; the cost of daycare has quadrupled in the past 20 years, rising twice as much as inflation and doubling in price.¹⁴⁷
- 36,000 Number of children between the ages of 5-9 that declined in population in Silicon Valley between 2012 and 2022, which led to a 10% drop in public school enrollment.¹⁴⁸
- \$36,089 Average per capita income in dollars for Latinx workers, versus African Americans (\$49,492), Asian Americans (\$81,617), and Whites (\$101,421); percent increase adjusted for inflation from 2017-22: up 33% for Asians, Latinx (27%), Whites (19%), and Blacks (17%).¹⁴⁹
- 50,000 Average amount in dollars of bail someone has to pay in Santa Clara County for their freedom when detained pretrial (i.e., they have not been convicted of a crime).¹⁵⁰
- 54,390 Amount in dollars for a family of four in Santa Clara County to be considered “extremely low income”, which is the 30% mark of the median income.¹⁵¹
- 56,843 Number of calls received by the crisis and suicide prevention line (988) in Santa Clara County.¹⁵²
- 57,924 Amount in dollars for full-time male workers with a high school diploma, in comparison to \$45,823 for women; the gender wage gap of \$12,101 is up \$2,667 from 2018.¹⁵³
- 75,000 Households making \$75,000 and below have a significant group (29%) who do not have broadband internet access; 7% Black households, 6% Latinx households, and 1% of Asians households do not have high-speed internet access.¹⁵⁴
- 84,000 Average income in dollars for Latinx workers with a Bachelor's Degree, in comparison to \$85,000 for African Americans, \$140,000 for Asian Americans and \$155,000 for White.¹⁵⁵
- 101,520 Amount in dollars for a single person in Santa Clara County to be considered “low income” (80% of the area median income) and qualifies for affordable housing; \$145,000 for a family of four.¹⁵⁶
- 114,000 Amount of daytime population that dropped in Santa Clara County in 2021 when compared to 2019 due to the pandemic.¹⁵⁷
- 115,599 Amount in dollars a family of three (couple and toddler) needs to earn to live comfortably in Santa Clara County, with two-thirds going towards housing, child care, and taxes.¹⁵⁸

- 129,400 Number of households in Santa Clara County that struggle to afford their basic needs.¹⁵⁹
- 140,000 Number of millionaire households in Silicon Valley with \$1 million+ of liquid assets holding 16% of the wealth, which has doubled since 2015; in San Francisco, millionaire households hold 12% of investable assets, 11% in California, and 9% in the USA.¹⁶⁰
- 161,335 Amount in dollars for full-time male workers with an undergraduate degree, in comparison to \$112,510 for women.¹⁶¹
- 163,000 Amount in dollars of the annual salary needed to meet the basic needs for a single parent with 2 children living in San Mateo County.¹⁶²
- 181,300 Amount in dollars for a median income for a family of four in Santa Clara County.¹⁶³
- 201,330 Amount in dollars for full-time male workers with a college degree or higher, in comparison to \$141,778 for women with the same degree.¹⁶⁴
- 224,000 Number of people in Silicon Valley that have less than \$5,000 total wealth.¹⁶⁵
- 237,787 Amount in dollars for full-time male workers with a graduate degree, in comparison to \$172,546 for women with the same degree; the gender wage gap of \$65,361 is up \$17,747 since 2018.¹⁶⁶
- 240,000 Number of tech workers laid off in 2023, up 50% from the previous year, with women being laid off at higher rates than men.¹⁶⁷
- 252,788 Average amount in dollars of a tech worker's total salary in Silicon Valley in 2023. This total salary is the highest in the nation for tech workers in any metropolitan area, while at the same time, it decreased 15.25% from 2022, the largest drop in the nation.¹⁶⁸
- 468,252 Amount in dollars a household needs to make in the San José metro area to buy a house, making it the least affordable metro area in the nation; the average home value (for a wide variety of housing types) is \$1,477,444, up 11.8% in the past year.¹⁶⁹
- 500,000 Number of clients that Second Harvest of Silicon Valley provides groceries for each month, up 40,000 clients from the previous year's index; in the fiscal year of 2022-23, Second Harvest served more than 104 million meals.¹⁷⁰

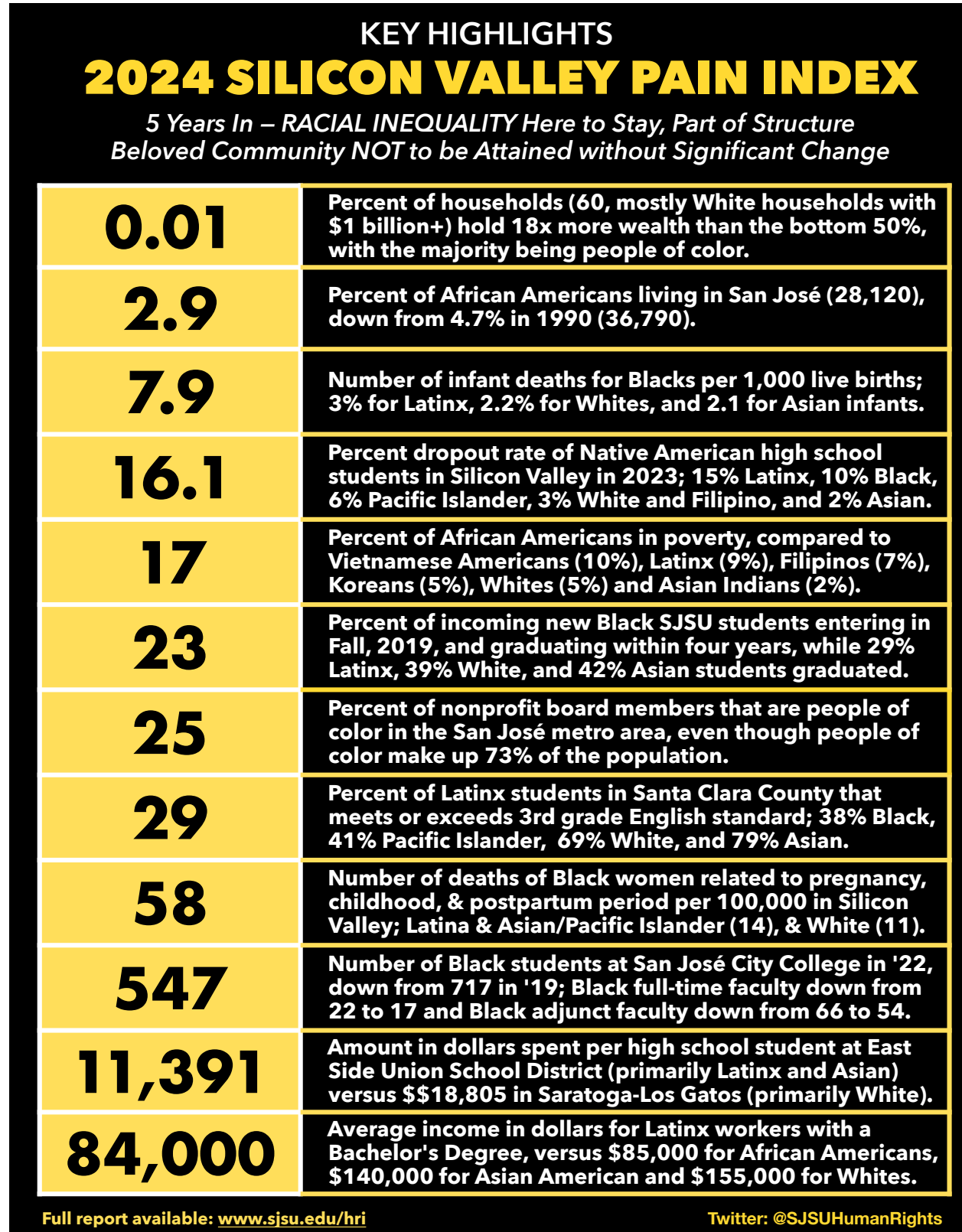
- 500,000 Amount in dollars that the Santa Clara Valley Transportation Authority had in damages on two dozen cases of copper wire theft in 2024.¹⁷¹
- 582,706 Amount in dollars that Crepevine has been fined by the federal government for labor violations, including child labor and back pay; Crepevine has five stores in the Bay Area, including San José.¹⁷²
- 1.03 million Number of people who work in Santa Clara County, with 48% being immigrants; immigrants in Santa Clara County, contributed \$5.6 billion to Social Security and \$1.8 billion to Medicare.¹⁷³
- 1.76 million Amount in dollars of a median price for a single-family home in Silicon Valley, while a condo costs \$990,000; 27% Asian and 18% White potential buyers can afford a home in Silicon Valley, compared to 9% Latinx and 7% African American potential buyers.¹⁷⁴
- 2 million Amount in dollars that each household would receive if the liquid wealth plus local residential real estate is divided equally in Silicon Valley.¹⁷⁵
- 2 million Amount in dollars of a median priced single-family home in Santa Clara County in April, 2024, up from \$1.81 million (11.1% increase) in April 2023.¹⁷⁶
- 2.2 million Amount in dollars of a median priced single-family home in Santa Mateo County in April, 2024, up from \$1.97 million (9.1% increase) in April 2023.¹⁷⁷
- 3.2 million Amount in dollars that Tesla has agreed to pay an African American employee who worked at the Tesla Factory, where he faced racial abuse constantly, including the use of the N-word and other slurs. While employees harassed this worker, Tesla's management team did little or nothing. In addition, the Equal Employment Opportunity Commission (EEOC) has filed a class action lawsuit claiming Tesla tolerated widespread racial harassment of Black employees and retaliated against them when they reported it.¹⁷⁸
- 3.3 million Amount in dollars that San José paid out in September of 2023 to a group of people over the injuries they received by the San Jose Police Department in the 2020 George Floyd protests.¹⁷⁹
- 5.9 million Amount in dollars of a median price, single-family home in Santa Clara County in April 2024.¹⁸⁰

- 7.7 million Amount in dollars of the median sale price of a single-family home in Atherton (San Mateo County) in 2022.¹⁸¹
- 20 million Amount in dollars that Santa Clara County paid out in mid-2023 to three people who were killed or injured by County sheriffs while in custody; one person was brain-damaged, and another was paralyzed, while a third person was killed. In the past eight years, the County has paid out an additional \$20 million to settle cases because of injury or death caused by County sheriffs.¹⁸²
- 21 million Amount in dollars of the deficit projected for Alum Rock Union School District.¹⁸³
- 63.2 million Amount in dollars received by Apple CEO Tim Cook in compensation in 2023 versus \$94,118 for the median annual compensation for Apple employees, making the CEO to median employee ratio 672 to 1.¹⁸⁴
- 300 million Amount in dollars on homeless spending that the City of San José failed to adequately track.¹⁸⁵
- \$554 million Amount in dollars of San Jose's Park infrastructure backlog in 2024, with many parks on the East Side in disrepair.¹⁸⁶
- 23.6 billion Amount in dollars of Apple profit in 1st Quarter of 2024 on \$90.8 billion in sales, a 2% and 4% drop from the previous first quarter, respectively.¹⁸⁷
- 110 billion Amount in dollars that it will cost Silicon Valley and other bay shoreline communities by 2050 to protect the homes, businesses, sewage treatment plants, highways and airports from sea rise.¹⁸⁸
- 306 billion Amount in dollars of Google's revenue, up from \$280 billion in 2022, \$258 Billion in 2021, and \$183 billion in 2020.¹⁸⁹
- 1.73 trillion Amount in dollars of aggregate household liquid wealth plus local residential real estate.¹⁹⁰

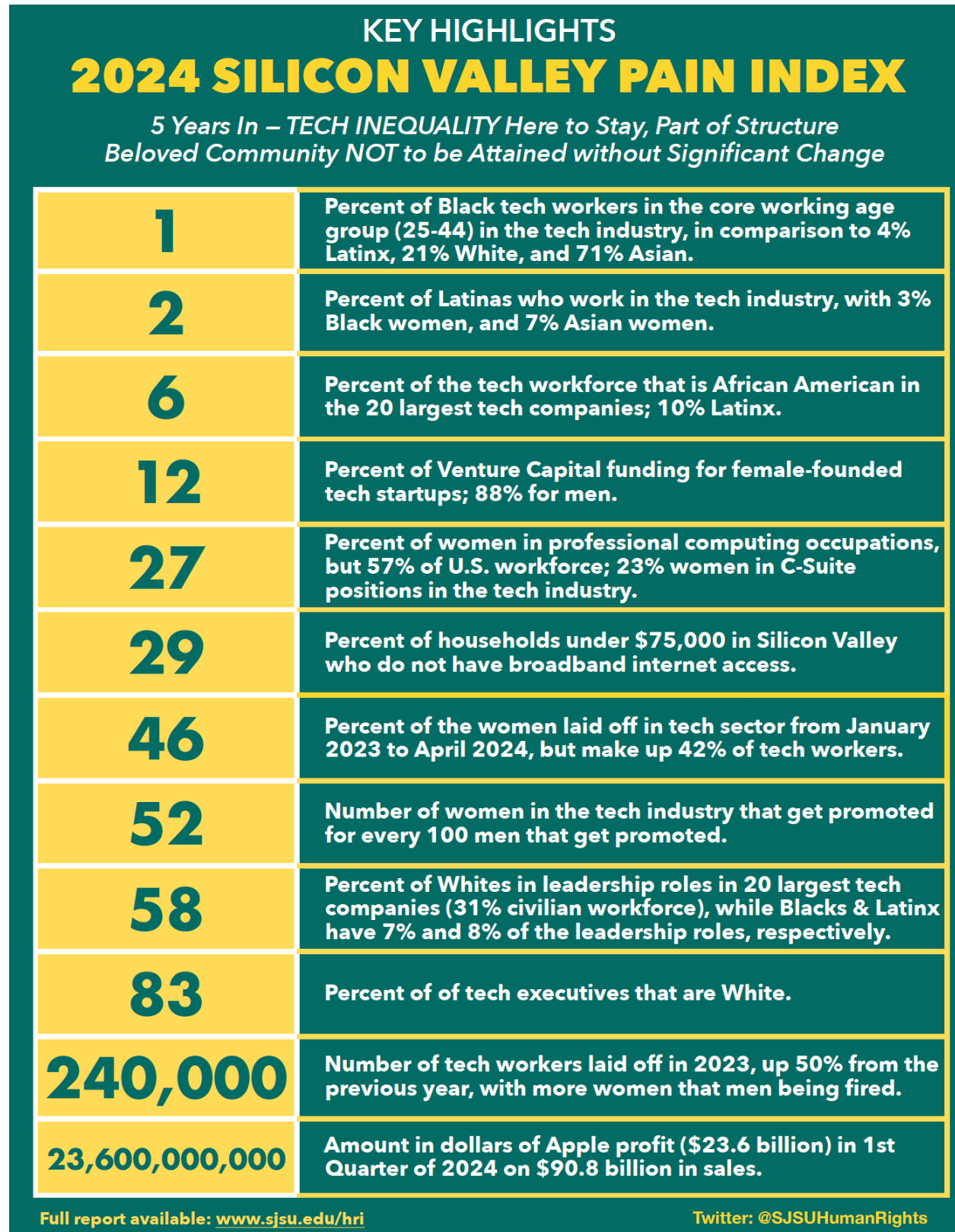
INFOGRAPHIC: *Wealth*



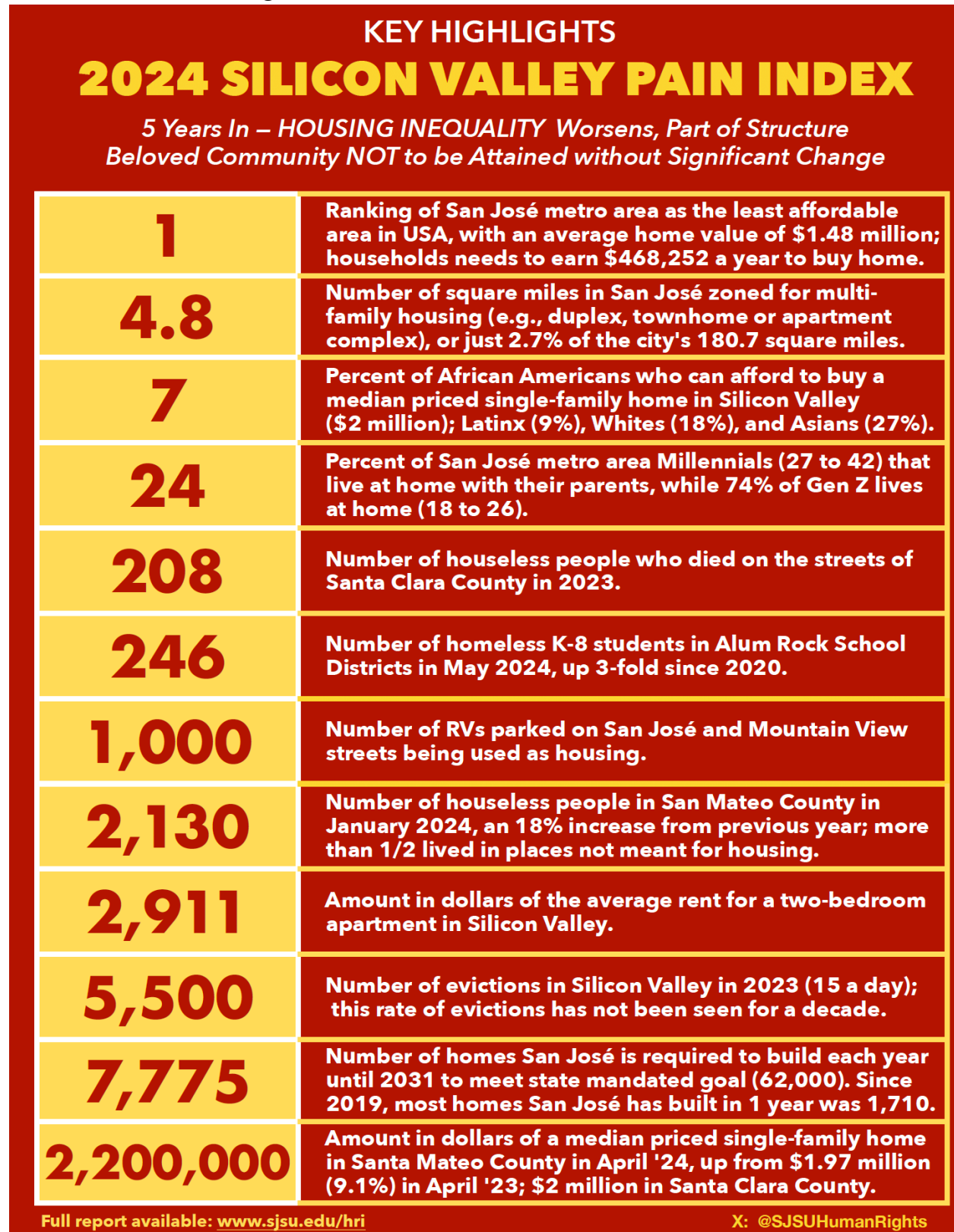
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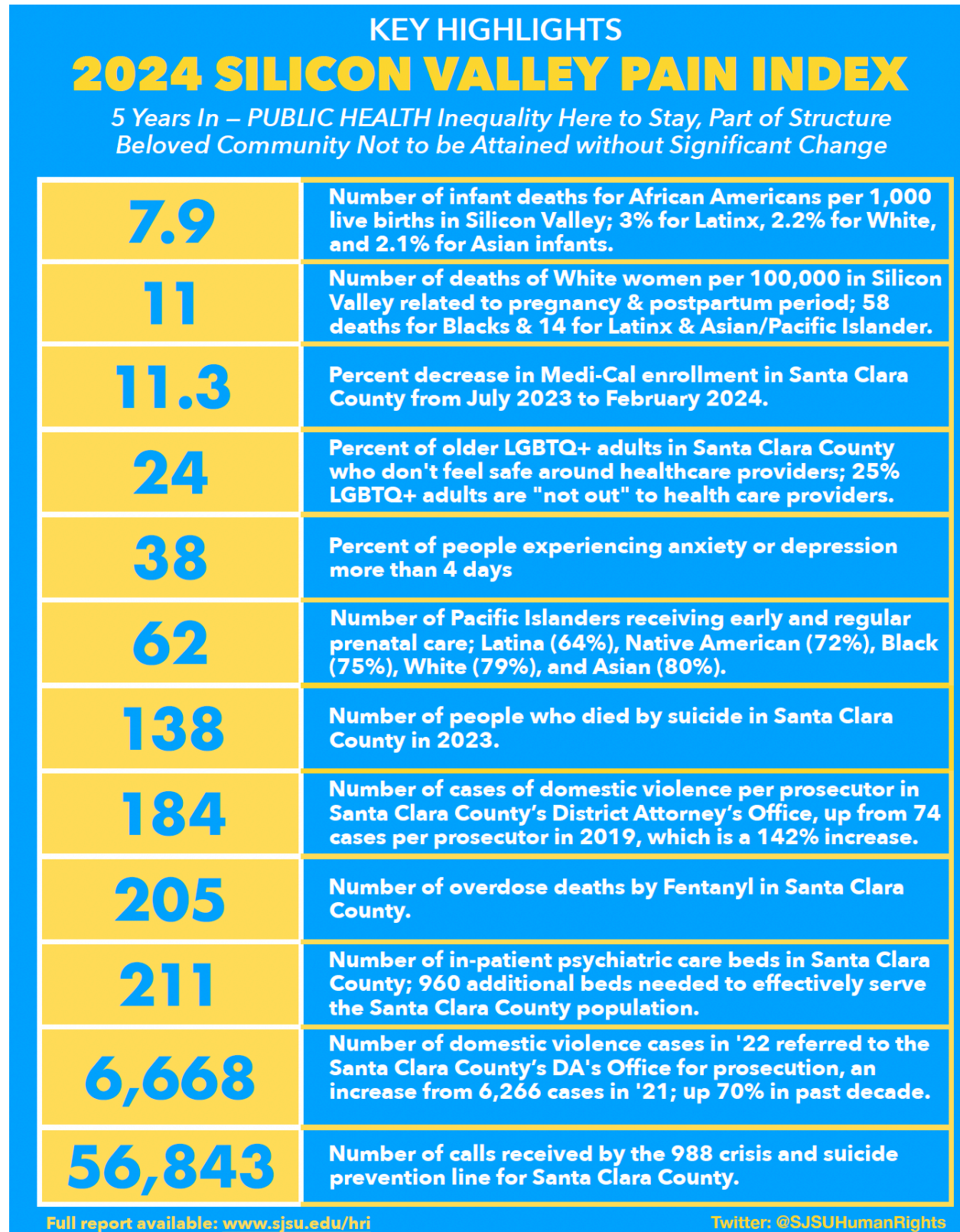
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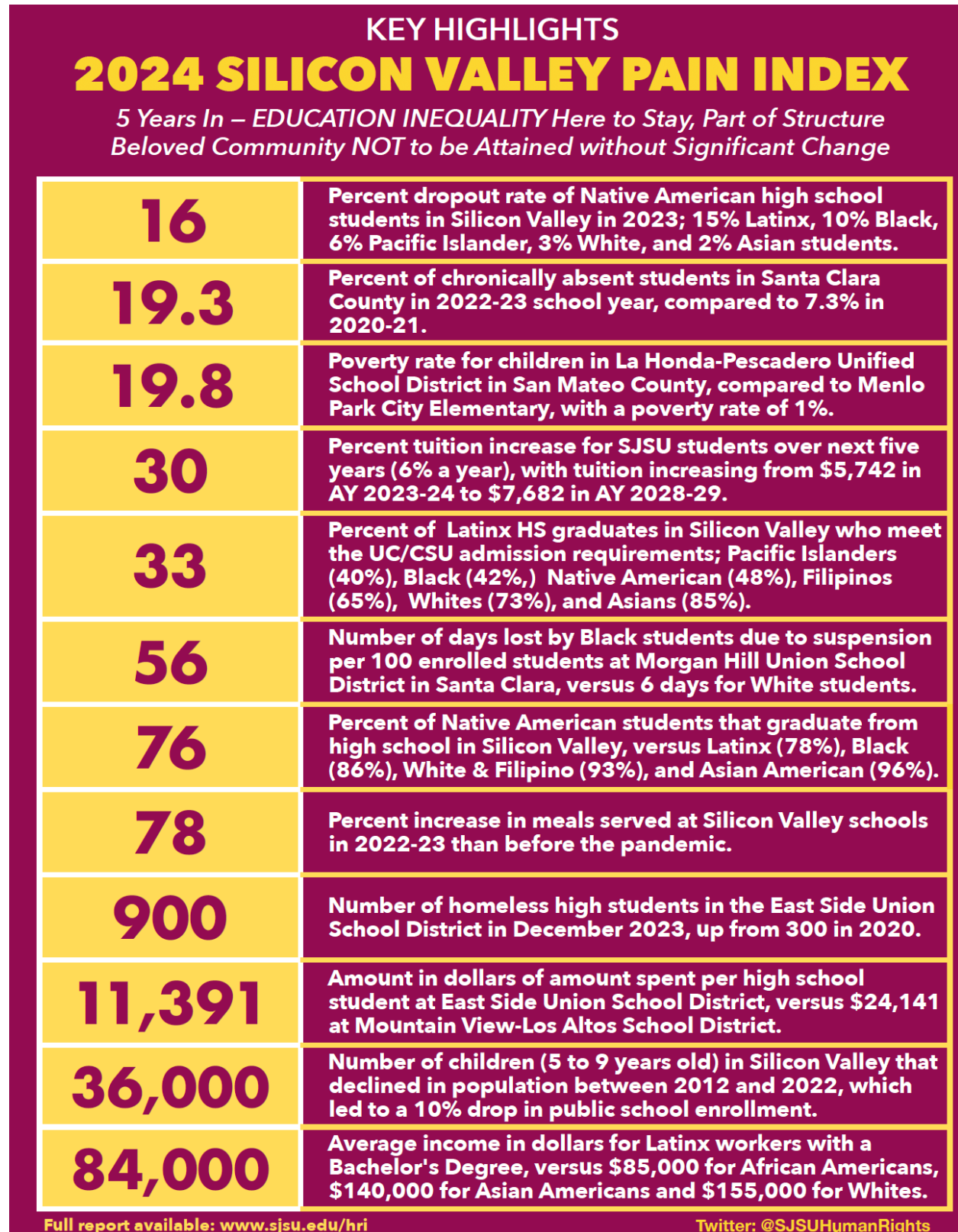
INFOGRAPHIC: Housing



INFOGRAPHIC: *Public Health*



INFOGRAPHIC: Education



- 1 <https://www.sanjoseca.gov/home/showpublisheddocument/107892/638381485126200000>
- 2 www.jointventure.org/siliconvalleyindex
- 3 www.jointventure.org/siliconvalleyindex
- 4 www.jointventure.org/siliconvalleyindex
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**Got any comments or want more clarity on the SVPI?
Contact the primary investigators below:**

Anji Buckner-Capone, Ed.D. (co-Principal Investigator)

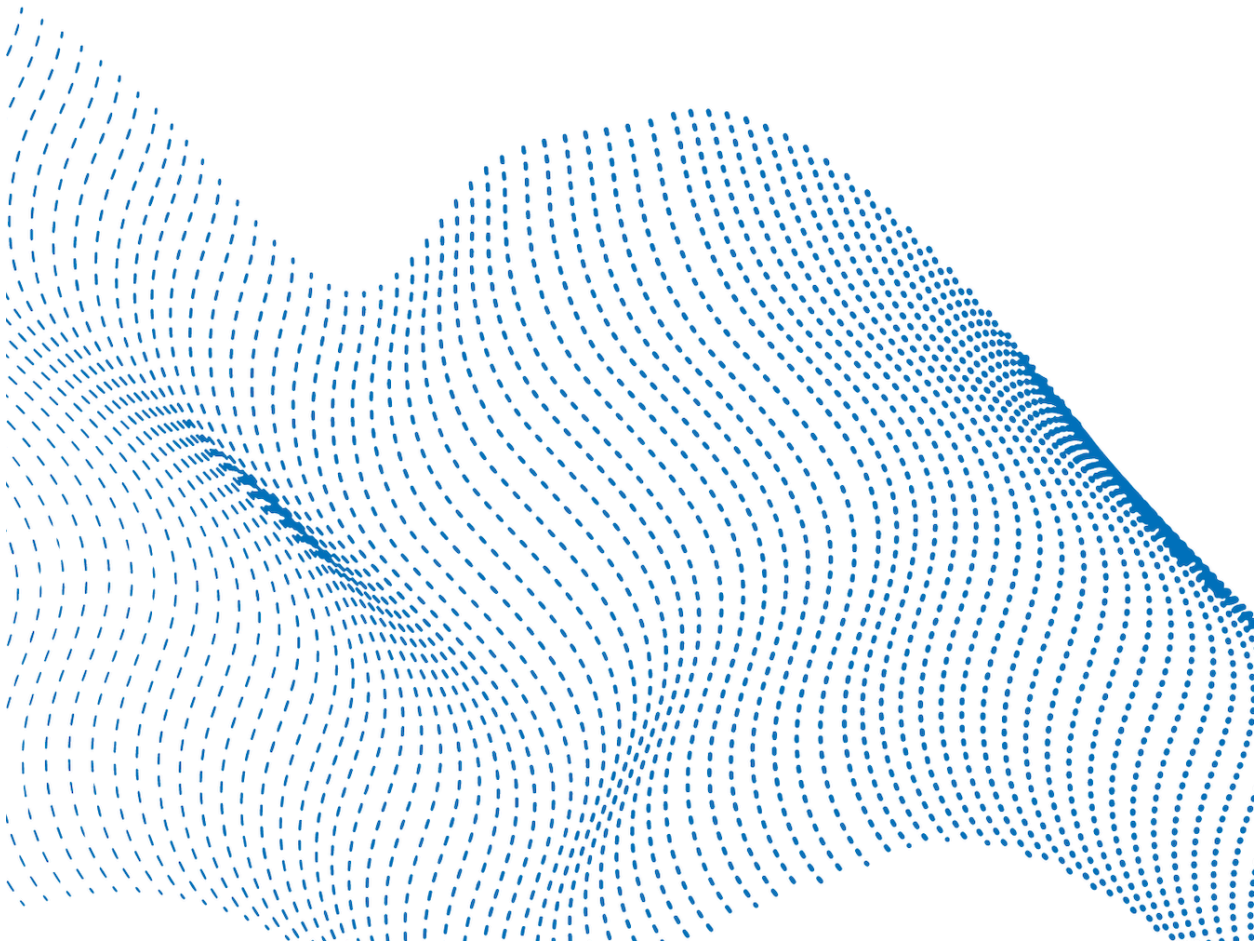
Assistant Professor, Public Health and Recreation Department, San José State University
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Myers-Lipton, Scott

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Myers-Lipton, Scott



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Interests

Social action, poverty and wealth, institutional racism and sexism, community change, and service-learning

Education

Doctor of Philosophy, Sociology, University Of Colorado at Boulder, 1994

Master of Arts, Humanities, San Francisco State University, 1989

Teaching Credential, Mills College, 1985

Bachelor of Arts, Political Science, University of San Diego, 1983

Bio

Dr. Scott Myers-Lipton, Professor Emeritus of Sociology at San José State University, is the author of five books, including:

- *CHANGE! A Student Guide to Social Action* (2023, Routledge, 2nd edition)
- *CHANGE! A Guide to Teaching Social Action* (2022, Routledge)
- *Ending Extreme Inequality: An Economic Bill of Rights Approach to Eliminate Poverty* (2015, Routledge)
- *Rebuild America: Solving the Economic Crisis through Civic Work* (2010, Paradigm)
- *Social Solutions to Poverty: America's Struggle to Build a Just Society* (2006, Paradigm)

In addition, Dr. Myers-Lipton is the lead author of the *Silicon Valley Pain Index* and the author of *Racial and Social Justice at San José University*.

Dr. Myers-Lipton is the Director of the *Teaching Social Action*. In addition Dr. Myers-Lipton serves as an Advisory Board Member of the SJSU Human Rights Institute.

Dr. Myers-Lipton was the faculty advisor for the SJSU students successful effort to raise the minimum wage in San José from \$8 to \$10. He was also the faculty advisor for the the Gulf Coast Civic Works Campaign, an initiative to develop 100,000 prevailing wage jobs for local and displaced workers after Hurricane Katrina. In total, he has supported his social action students as they have won 17 campaigns from 2006-2023. In addition, Dr. Myers-Lipton has worked to help students develop solutions to poverty and inequality by taking them to live at homeless shelters, the Navajo and Lakota nations, the US Gulf Coast, and Kingston, Jamaica.

Dr. Myers-Lipton is the recipient of the Manuel Vega Latino Empowerment Award, San José/Silicon Valley NAACP Social Justice Award, the Elbert Reed Award from the Dr. Martin Luther King Jr. Association of Santa Clara County, the Changer Maker Award from the Silicon Valley Council of Nonprofits, the Teaching Effectiveness Award from the SJSU College of Social Sciences, and the SJSU Distinguished Service Award.

He lives with his wife, Diane, in the Bay Area. In addition, Scott and Diane are the proprietors of the *The Sequoia*, an event center dedicated to individual and social transformation.

Links

- *Bonner Foundation: Social Action Initiative*

A PROCLAMATION OF THE TOWN OF LOS GATOS AFFIRMING THE TOWN'S COMMITMENT TO STAND IN SOLIDARITY WITH THE BLACK COMMUNITY

WHEREAS, our country is mourning the senseless killing of George Floyd that occurred in Minneapolis on May 25, 2020. The actions and inactions of the police officers involved were deplorable; and

WHEREAS, the most basic form of injustice and inequity occurs when a group of people feels their safety is placed into jeopardy by the very people entrusted with ensuring their safety; and

WHEREAS, police brutality and racism against the black community has been persistent in both our past and our present. Systemic injustices, racism, and dehumanization are deeply rooted in our society; and

WHEREAS, it was unquestionably unfair and unacceptable when the lives of George Floyd, Ahmaud Arbery, Breonna Taylor, Freddie Gray, Walter Scott, Tamir Rice, Michael Brown, Oscar Grant, and many others were taken as a result of discrimination and inequity. These lives mattered and black lives matter; and

WHEREAS, the unrest regarding racial injustice, particularly towards the black community, has been building for decades. Thoughtless violence by our own government only serves to incite more violence; and

WHEREAS, Los Gatos is blessed to be a multiracial community, and we decided long ago that mutual understanding and respect develops a much healthier, safer, and caring community; and

WHEREAS, it is important for the community as a whole to stand in solidarity with black communities across the country; and

WHEREAS, in 2017 the Town Council reaffirmed their commitment to a diverse, supportive, equitable, and inclusive community

NOW, THEREFORE, BE IT RESOLVED that the Town Council does hereby affirm its commitment to stand in solidarity with the black community and resolves as follows:

The Town of Los Gatos condemns racial inequity in general and violence against the black community by law enforcement in particular; and

The Town of Los Gatos does not tolerate discrimination, racial injustice, or police brutality; and

The Town of Los Gatos demands that black lives matter; and

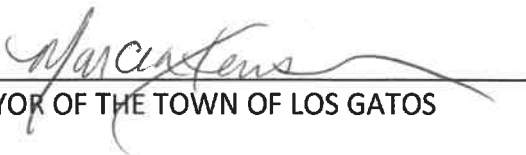
The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town—regardless of race; and

The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town officials and departments; and

The Town of Los Gatos encourages the community to stand together through peaceful exchange and discourse to enact change and move forward towards a future with more equity and inclusion in Los Gatos, California, and our country.

NOW, THEREFORE, BE IT RESOLVED, I, Marcia Jensen, by the virtue of the authority vested in me as Mayor of the Town of Los Gatos, do deem it appropriate and do hereby proclaim that the Town of Los Gatos condemns racial inequity

Proclaimed this 5th day of June in
the Town of Los Gatos, County of Santa Clara, State
of California


MAYOR OF THE TOWN OF LOS GATOS

Proposal for Los Gatos DEI Commission Effort to Educate Public on Restrictive Covenants

We have a challenge. We need to find creative ways to educate our community on DEI issues. Understanding the historical factors that have contributed to our Town’s unfortunate status of being among the “most segregated, heavily white cities in [Santa Clara County]”¹ would be a prudent starting point. While the Los Gatos Town Library maintains a “collection of historically valuable documents” regarding the Town’s history, information relating to Los Gatos residents who are members of BIPOC communities and/or other groups suffering discrimination are underrepresented in the Library’s collection.²

The practice of using restrictive covenants to prevent the transfer of property in Los Gatos to non-white persons might serve as an entry point and vehicle to shed light on how discriminatory practices historically started and evolved in the Town. These vestiges still exist today as a reminder of the Town’s racist past. While the California State Legislature has taken steps to remove these offensive provisions from the public record, an opportunity exists for Los Gatos residents to use that process to determine whether their own properties may contain restrictive covenants. We ask that the community actively participate in reporting whether restrictive covenants exist regarding their property. We will collect the results of this community effort and assist Los Gatos property owners on what they can do to get rid of these distasteful and obnoxious provisions.

What are restrictive covenants?

Restrictive covenants are provisions in title documents that prohibit the transfer of the property covered by that title document to non-white persons. Some restrictive covenants specifically reference particular races or ethnicities. California has a long well-documented history of prominent public and private leaders who advocated against the presence of Asians—mainly those of Chinese and Japanese ethnicity [add footnote]. But, these covenants can also apply to any Constitutionally-protected classes of individuals who have been discriminated against based upon gender, religion, age, sexual preference, and disability, among others.

When were these restrictive covenants used? Are they enforceable as a matter of law?

Although the U.S. Supreme Court in its 1926 decision *Corrigan v. Buckley* discusses the use of racially-based restrictive covenants, the practice dates back to at least the late 1800s, if not earlier. A reported California federal district court case in 1892 struck down the enforceability of a restriction on selling property to Chinese Americans, but surprisingly that case was ignored

by the courts and seldom cited. In the *Corrigan* decision, the Court actually upheld the mere existence of restrictive covenants in title documents on the grounds that such transactions were between private parties and involved no state action (e.g., no use of governmental agencies or tribunals to enforce such covenants). Twenty-two years later, the Court struck down the enforceability of these types of covenants in *Shelley v. Kraemer*. In *Shelley*, the seller of a parcel of real estate discovered that the purchaser of the property was not white and sought to prevent the purchaser from taking possession of the property. In finding the racial covenant violative of the Equal Protection Clause of the Fourteenth Amendment, the Court found state action present with the contemplated judicial enforcement of those covenants. Subsequent federal and state fair housing laws have also made such restrictive covenants and practices unlawful.

What has California done to deal with these restrictive covenants?

In 1999, California began creating ways for property owners, upon discovering the existence of a restrictive covenant in their title documents, to apply to the Fair Employment and Housing Commission (FEHC) to have the FEHC review the validity of the covenant and, if found invalid, request the county recorder to strike the unlawful covenant.³ In 2005, the law was streamlined to allow owners to file directly with the county recorder a Restrictive Covenant Modification (RCM) form to have such covenants redacted from title documents.⁴ However, these changes did not prevent restrictive covenants from appearing in title documents, and unsuspecting buyers might nevertheless be unduly influenced by such covenants and not proceed with the purchase.⁵

In 2022, California law was amended to require county recorders to develop plans to affirmatively identify and redact restrictive covenants.⁶ Santa Clara County has created a Restrictive Covenant Modification Program, where it has committed to devote staff and resources to the process of identifying restrictive covenants, evaluating their lawfulness and enforceability, and redacting the covenants from the public record.⁷ The DEI Commission is exploring ways that it may assist Santa Clara County in such redaction process as it relates to properties located within the Town of Los Gatos.

If the Santa Clara County Recorder is already underway to redact restrictive covenants from public records, why do I need to take any further action to get them removed?

We want to encourage Los Gatos property owners to affirmatively take steps to investigate whether their homes or other properties may be subject to these covenants and get them eliminated from their title deeds. In addition, we encourage property owners to share information about the covenants revealed in the title documents and, even if no such covenant is found, to report to the DEI Commission that information. We believe that such effort can help inform the Town about the extent of such discriminatory practices. While we understand that Santa Clara County will address the restrictive covenants through their Restrictive Covenant Modification Program, we also recognize the enormous undertaking of such program and anticipate that it will take longer than currently planned to ameliorate this problem. By

affirmatively undertakings steps to discover the existence of restrictive covenants, Town residents can denounce these practices and demonstrate our community's concern with eliminating these covenants.

The information gleaned from such action by Town residents may serve as part of an educational project for the Town, helping us understand how restrictive covenants have contributed to the highly segregated community in Los Gatos. When restrictive covenants are discovered, residents should look more deeply into the circumstances surrounding the recording of such covenant. Apart from identifying the source and nature of the covenant, residents are encouraged to consider the following:

- (1) What was going on in Los Gatos at the time such covenants were inserted or used? Do historical records reveal events, circumstances or thinking that may have given rise or influenced the use of these covenants? What was going on in areas beyond Los Gatos that may have explained these covenants?
- (2) What might have been the fears or concerns of the people who inserted the covenants in the title documents?
- (3) Who were the parties involved in transactions that included such covenants? Were they known community leaders or otherwise active in the community? Did other people voice concerns about using these covenants, both for and against?
- (4) Were other efforts undertaken to achieve the same result as the restrictive covenants?

What is the ultimate purpose and value of this project?

If you embrace and celebrate concepts of DEI and believe they are essential for creating a better community for Los Gatos, then you can demonstrate your support for DEI by investigating whether your property is subject to such restrictive covenants, and if so, taking steps to have that provision redacted from your title report. We admit that this is largely a symbolic effort, but it sends a message of your concern for critical values embraced by this community. Participating in our [Los Gatos Against Restrictive Covenants] program reaffirms our community's rejection of racist behavior, and strengthens Los Gatos' reputation for being a DEI community.

How Can the Los Gatos DEI Commission Help Los Gatos Residents Deal with Restrictive Covenants?

¹ https://www.losgatosca.gov/DocumentCenter/View/38848/3_Adopted-2023-2031-Housing-Element-Clean-Copy, p. A-3 of Appendix A, p. 61 of 331,

² <https://www.losgatosca.gov/2616/Represent-Los-Gatos>

³ SB 1148 (Burton), Chapter 589, Statutes of 1999

⁴ AB 394 (Niello), Chapter 297, Statutes of 2005

⁵ Senate Committee Report on AB 1466 <https://trackbill.com/s3/bills/CA/2021/AB/1466/analyses/senate-judiciary.pdf>

⁶ Assembly Bill 1466 (McCarty), Chapter 359, Statutes of 2021

⁷ Link to SCC program



TOWN OF LOS GATOS
DEI COMMISSION REPORT

MEETING DATE: 07/11/2024

ITEM NO: 4

DATE: July 11, 2024
TO: Diversity, Equity, and Inclusion Commission
FROM: Holly Young, Senior Management Analyst
SUBJECT: Continue Discussion of Work Plan Goal D, Item 1.a. Annual Communications Campaign.

RECOMMENDATION:

Continue discussion of Work Plan Goal D, Item 1.a. Annual Communications Campaign.

REMARKS:

At its May 9, 2024 meeting, the DEI Commission created three separate ad hoc working groups to discuss potential talking points that could be used in outreach and engagement efforts.

At its June 13, 2024 meeting, the DEI Commission discussed having the existing Outreach/Collaboration Ad Hoc Working Group (made up of Vice Chair Fisher and Commissioners Isaacs, Lo, and Broadhead) work on putting together a comprehensive Frequently Asked Questions (FAQ) document, synthesizing the talking points received from each of the three groups. The document the group put together is Attachment 1 to this report.

Staff looks forward to the Commission's discussion.

ATTACHMENTS:

1. FAQ Document

Prepared by: Holly Young
Senior Management Analyst

Adhoc Communications Subcommittee:
Consolidation of Communications

The function of the DEI Commission shall be:

- To serve in an advisory capacity to the Town Council regarding matters pertaining to increasing cooperation, understanding, and dialog among residents of diverse cultural, religious, socio-economic, racial, and ethnic backgrounds
- To promote inclusion, equitable opportunities and a sense of belonging within many diverse institutions and events, for people who live, work, go to school, participate in a faith community or visit.
- To help eliminate racial inequities, improve outcomes for all groups, and promote the benefits and enrichment that can be enjoyed by an inclusive town.
- To help drive the implementation of strategies and policies that realize the vision of a diverse, equitable, inclusive and welcoming culture in Los Gatos
- To derive the strategies and policies from collective processes that engage many different organizations, clubs and sub-communities throughout Los Gatos
- Create opportunities for diverse communities to facilitate learning and mutual engagement, particularly lifting up underrepresented members of the community.

Why was the Commission created?

Like many towns across the United States, Los Gatos has a history of systemic inequities, the effects and existence of which we continue to see today. We continue to grapple with the historic origins of the Town's racial segregation, and how certain laws, policies, and behaviors have shaped the composition and nature of the Town. Los Gatos is identified as among the ten most racially segregated communities in the Bay Area. Following the country's racial reckoning in the Summer of 2020, to confront its past and present, it was clear the Town needed to intensify its own efforts to look within and address its current conditions and practices, as well as developing of actions to advance organizational culture, equity, inclusion and a sense of belonging.

While this history is known to some but not all, the need to take local, concrete action came to a head in the fall of 2021, when multiple, overt instances of discrimination brought the town government to a standstill, and the LGPD was handling frequent attacks on minority communities. Racial and homophobic attacks were directed at the mayor of the Town, anti-Semitic graffiti was painted on the JCC and on sidewalks, and racist and homophobic incidents were reported in the local schools.

Diverse programs were initiated to begin to repair and create a welcoming environment. Over 30 Town partners joined together for the Los Gatos United Against Hate Walk on

November 14, 2021, with over 2,000 individuals walking with signs expressing unity. In 2022, the Council adopted the 2040 General Plan which included a new Racial, Social, and Environmental Justice Element. The Library joined the effort with a number of programs, such as the A to Z World Food food culture database, programming on affordable housing and the intersection of environmental sustainability and equity, and with the Represent Los Gatos Oral History Project to fill the gaps in the Local History Room's stories of Black, Indigenous, and People of Color. Parks and Public Works developed, with the help of the Arts and Culture Commission, utility box artwork that integrates DEI values.

Most extensively, the Town engaged in a year of work guided by American Leadership Forum Silicon Valley Insights from 2021-2022, which resulted in a set of recommendations that would integrate and grow these separate DEI initiatives. In responding to those recommendations, the Town Council sought an advisory body to guide in accomplishing the goals of integrating and growing these initiatives.

The Town Council and many of the Town's residents believe in the benefits and importance of creating a more diverse and welcoming community. We are focused on engaging with community members, and understanding what the Town must do to overcome such problems and to prepare the Town for a more diversified future. We believe that a more welcoming and inclusive environment lifts up the entire community, benefits all of its members and makes the Town of Los Gatos better.

The Work Plan to Achieve These Goals (speaks for itself):

The Commission adopted aspects of Goals A, B, C and D as defined by the Town Council for the DEI Commission. These are summarized as:

Goal A, 1a: Review the Community Grants Rubric through an equity lens

Goal B, 1a: Review the 4 Town Events with an equity lens

3a: Develop a community learning opportunity that explores historical inequities and the history of Los Gatos.

Goal C, 1a: Collaborate with community groups on equity activities

2a: Work with school and youth leadership to plan joint initiatives with community partners and the Town on equity issues.

Goal D, 1a: Develop a yearly communications campaign, eg signage, arts, etc. to promote equity ideas.

FAQs

Why does Los Gatos Need Affordable Housing?

From the CalMatters website, just more than half of the state's households own their homes — the third lowest rate in the country and the lowest rate within the state since World War II. And those homeowners skew significantly white. White Californians are twice as likely as Black Californians to own their home, according to 2019 Census data. The racial gap in homeownership has widened over the years, which also means Black Californians are less likely to build wealth over time.

De jure racism attitudes continue to create segregated communities, and thus California has legislated intentional efforts to change the situation by requiring the development of affordable housing. In PolicyLink's Bay Area Equity Atlas (see <https://bayareaequityatlas.org/mapping-segregation>), Los Gatos is listed as one of the 20 Most Segregated Neighborhoods of White Wealth. Segregation (re)produces social inequality, as residents in neighborhoods of concentrated wealth experience compounded advantage and those in concentrated poverty experience heightened disadvantage. To remedy the enduring legacy of segregation and create a region where all can participate and prosper, we must address restrictive land use policies that allow exclusionary neighborhoods to remain disproportionately rich and white. Communities can be enriched when essential workers in the community, especially those involved in supporting a community's infrastructure in schools, public services, law enforcement and other emergency services, first responders, healthcare services, restaurants and grocery stores, also live where they work.

Why are there restrictive covenants?

Restrictive covenants are limitations put in title deeds that restrict the use or sale of property by owners of the property. For example, in some areas of the Town of Los Gatos, homes can only be single story buildings. Historically, some landowners wanted to "preserve" the character of the neighborhood by inserting discriminatory covenants that prohibited selling the property to non-white buyers.

These restrictions date back to a 1926 Supreme Court case, *Corrigan v. Buckley*, which ruled that the racially-restrictive covenant of multiple residences in Washington DC was a legally-binding document that made the selling of a house to a black family a void contract. Soon after this ruling, racially restrictive covenants flourished around the

country. This racism was also supported by the FHA which lowered the risk estimates for properties with restrictive deed language. The FHA even demanded that developers who received construction loans include racially restrictive covenants in the whole subdivision's property deeds.

These covenants are illegal under state and federal fair housing laws and are unenforceable, but they are reminders of the Town's racist past. Property owners can have these covenants redacted from their title documents under procedures provided by state law.

Why do we need to talk about uncomfortable events in the Town's history that we are not proud of?

We are not separate from our past, it is crucial to understand current events in light of their history. We believe the adage spoken by Martin Luther King, Jr - "The arc of the moral universe is long, but it bends towards justice". If we understand our past and the challenges still facing our community, we can all be inspired to be part of the solutions.

There is still a lot to uncover regarding the historic origins of the Town's segregated status, and the challenge for the Commission will be how to uncover that history. Some general explanation can be found in the Town's housing element regarding the origin of housing and other discrimination statewide. While the Town Library maintains a "collection of historically valuable documents that help tell the story of the Town of Los Gatos," the library acknowledges the lack of historical information of BIPOC members of the community. To help develop a more complete history of Los Gatos, the library has initiated the Represent Los Gatos Oral History Project, and has posted online a handful of digital recordings of interviews with former and current members of the Los Gatos community. The DEI Commission should become more familiar with the program and could find ways to assist the Town Library in these efforts.

Without a firm grasp of the incidents of racism and discrimination in the Town's history and actions to grapple with these incidents, we continue to see recent examples of hate speech that remind us of the need to improve the climate of belonging. For example, in December 2023, Superintendent Sanderson wrote to the Los Gatos High School community: We are disappointed to share that this morning, graffiti containing racist slurs were found on the marquee at Los Gatos High School, as well as at neighboring businesses and community organizations on Main Street. On March 6, 2024, Saratoga High School Administration received a WeTip message that a student was imitating soldiers from Nazi Germany with actions and hate speech during class. The incident was investigated and school staff are working directly with the student and their family

on discipline and consequences. And, on May 25, 2024, while we cannot confirm if the youth involved were students of schools in Los Gatos, these youth came honking and blowing horns from the streets and from the steps leading into the building during a community event celebrating Africa Day for all in Los Gatos. The perpetrators tried everything to get into the main building to shut down the celebrations and asked when Africa Day will be over but participants and supporters of all hues at the event prevented them from doing so.

How can we make sure covenants and other exclusionary items don't happen again?

- Communication, Building awareness and OneCommunity mindset
- Formation of DEI commission should help
- Attitude of openness and speaking up - getting comfortable with openness.

How can the Town celebrate its diversity?

- From the DEIC perspective, executing on the work plan we've already agreed upon.
 - Acknowledging and organizing (where possible) diverse festivals from different ethnic backgrounds.
 - Highlighting/celebrating/promoting businesses owned by people from different backgrounds
 - Publishing diversity related 'positive' stats in the town - age, ethnicity, businesses etc - celebrate success and efforts of all the players who are making the difference.
 - Work with local schools and students directly on DEI initiatives and importance. eg . Fisher Middle has a DEI club. Unaware if LGHS, SHS have one.. Explore!

To celebrate the diversity of Los Gatos, it would be helpful to have the specific demographic information on which the HCD Draft Revised 2023-2031 Housing Element Figures 10-6 through 10-10 are based and be able to identify increases in the diversity of not only Town residents but also people working in the Town and visitors to the Town. Are there creative ways in obtaining this data outside of census data?

Questions to Pose When We Speak with Local Groups and Underrepresented Members of our Community

- Do you have concerns about the issues of diversity, equity, and inclusion in the Town of Los Gatos? What are you most hopeful for relative to these concerns?
- Do you see opportunities for the Town to do more to promote and ensure diversity, equity, and inclusion?

- What type of support could the Town and the DEI Commission provide to create a more inclusive community?



TOWN OF LOS GATOS
DEI COMMISSION REPORT

MEETING DATE: 07/11/2024

ITEM NO: 5

DATE: July 11, 2024
TO: Diversity, Equity, and Inclusion Commission
FROM: Holly Young, Senior Management Analyst
SUBJECT: Continue Discussion of Work Plan Goal C, Item 1.a. Collaboration with Community Organizations and Goal C, Item 2.a. Community- and School-Based Programming and Consider Next Steps.

RECOMMENDATION:

Continue discussion of Work Plan Goal C, Item 1.a. Collaboration with Community Organizations and Goal C, Item 2.a. Community- and School-Based Programming and Consider Next Steps.

REMARKS:

The Commission is welcome to continue its work on this item.

Prepared by: Holly Young
Senior Management Analyst
