## MANDATED ANTI-DISPLACEMENT AT THE CITY LEVEL

**Title VI of the Civil Rights Act-** While there are many statutes and Civil Rights provisions that govern equitable civic engagement practices at the state and local levels, Title VI of the Civil Rights Act provides a clear mandate for the eradication and prevention of race-based inequities in city making and public processes. Title VI prohibits racial discrimination in any program or activity that receives federal funding. More likely than not, this covers the bulk of fiscal resources associated with local infrastructure projects. California state regulations expand Title VI to contractors and encourage additional atonement-related steps to address the legacy of systemic racism.**[[1]](#footnote-1)**

**Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations -** In 1994, President Bill Clinton established an Executive Order that provided resources for “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,” requiring federal agencies to identify and address “disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low income populations.”[[2]](#footnote-2)

**AB 686 -** California Assembly Bill 686 was passed in 2018 and considerations within all state funded projects and programs to certify that they are affirmatively advancing fair housing.[[3]](#footnote-3)

**Executive Order 13166 -** Enacted by President Bill Clinton in 2000, Executive Order 13166–Improving Access to Services For Persons with Limited English Proficiency requires federal agencies to “develop and implement a system by which Limited English Proficiency persons can meaningfully access those services.” California Government Code § 7293 expands this and mandates every local agency “serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person.”[[4]](#footnote-4)

**City of Fresno Housing Element -** The Fresno Housing Element is a mandated chapter of its general plan and its purpose is to ensure decent and affordable housing for all persons in the City of Fresno. Adopted in 2016 and amended in 2017, it contains 28 programs designed to further the city’s housing goals. Program 12A of the Housing Element requires the establishment of an Anti-Displacement Task Force, annual gathering of data and reporting on displacement, identification of a set of actions (policies) that would allow residents and merchants to remain in their neighborhoods, and pursuit of funding for development of mixed income and affordable housing, along with posting of relevant information on the City’s website. The City established the Task Force in 2018 and produced its first annual report on Displacement in 2019. This report is intended to guide the Anti-Displacement Task Force’s future efforts in studying, reporting on, and preventing displacement.

## DEFINING THE ISSUE

The Thrivance Group conducted on the ground and virtual community engagement to fully understand the task we'd been given and how residents themselves define the issue of displacement in Fresno. We wanted our entire research plan to be based on how residents have experienced planning practices. We used our company’s prefered method for ground-truthing, called a Social Climate Analysis to arrive at a clear definition of the local issues associated with displacement and gentrification in Fresno.

### We Had a Few Limitations

There were several limitations that the Thrivance Group team identified before the Social Climate Analysis. These limitations had an impact on the Social Climate Analysis method, the interpretation of data, and the extent and scope of our observations.

#### LIMITATION: COVID-19

In March 2020, the United States began regional Stay-Home Orders as a result of a pandemic outbreak of Coronavirus disease 2019 (COVID-19). Our Social Climate Analysis was conducted in late-June 2020 and, while Fresno was not always under a complete Stay-Home Order, social distancing had become common practice. Social distancing meant the Thrivance Group team was limited in their access to person-to-person interactions and place-based observations were not consistent with what would be the “normal” flow, use, access, and capacity of the places being observed.

To that end, field observations took place in a socially distant manner with limited on-foot observations. The lack of in-person communication was supplemented by virtual ground-truthing conversations and the context from those conversations were added to the Social Climate Analysis. Staff interviews were conducted virtually as well.

An unanticipated benefit of this modification was that the Thrivance Group team was able to engage a broader network of community members through the virtual format. The Thrivance Group team did not find that the COVID-19 pandemic impacted the Social Climate Analysis to an extent that would cause major deviations or negative impacts on the completeness, accuracy, and reliability of the study.

#### LIMITATION: INACCESSIBILITY OF INFRASTRUCTURE DESIGN SCOPE

While the Thrivance Group team had a broad understanding of infrastructure design elements and their planned locations, the team did not have access to conceptual drawings for the Southwest Fresno project area. This limitation meant the team was limited in their ability to arrive at meaningful context and community engagement lacked complete, real-life connections to what was planned in the project area. The community members that were engaged through the Social Climate Analysis raised concerns about this limitation and the Thrivance Group team found this limitation to have a direct impact on perceptions about the project as well as trust between community members and implementing agencies.

This was a limitation the Thrivance Group team could not resolve during the deployment of the Social Climate Analysis. The Thrivance Group team conducted Transformative Justice Sessions (outside of the context of the Social Climate Analysis) in an effort to begin repairing the issue of mistrust–because this dynamic poses a threat to the viability of Transform Fresno and civic engagement in Fresno overall. It is possible that this issue could be either resolved, or heightened, once conceptual drawings are released to the public.

#### ASSUMPTION: PROJECT AREA DEMOGRAPHICS

##### Project Area Boundaries

The following description of project boundaries was included in the Displacement Avoidance Plan RFQ ([linked](http://www.transformfresno.com/wp-content/uploads/2019/12/TCC-Displacement-Avoidance-Plan-Consultant-RFQ-4.pdf)):

The Transform Fresno project area encompasses 4.9 total square miles within the Chinatown, Southwest Fresno and Downtown areas of the City. Fresno (pop. 538,300) is located on 114 square miles in the lush San Joaquin Valley in the heart of California, mid-way between San Francisco and Los Angeles. Fresno is the state’s fifth largest city and the San Joaquin Valley’s largest metropolitan city. Fresno is located 90 minutes from the famed Yosemite National Park as well as Kings Canyon and Sequoia National Parks.

##### Project Area Demographic Profile

The following demographic profile was included in the Transform Fresno Displacement Avoidance Plan RFQ:

The population of Fresno County is over one million residents and has access to a market draw of over 1.5 million people within a 30-minute drive. The City falls in the top 5% Disadvantaged Communities according to CalEnvironScreen 3.0 and 100% of the project area is categorized as low income census tracts as identified by AB1550[[5]](#footnote-5). The implications of these rankings means the project area faces a disproportionate share of environmental, health and economic burdens to include high pollution and asthma rates, low birth weights, increased cardiovascular disease rates, high exposure to toxins and pesticide rates. Compounding health and environmental burdens are high rates of linguistic isolation, low educational attainment and severe poverty.

##### The Need for an Alternative-Narrative

In several public-facing descriptions of the project area, the Thrivance Group team found indicators of implicit bias within prevailing demographic narratives regarding Fresno, and specifically the people living in the Southwest Fresno project area. Those indicators included:

* The use of deficit-based terms to describe a “future” or “potential” project area
* A disregard for community assets in project area descriptions
* Lack of demographic representation in the authorship of demographic narratives
* A lack of oral histories validating pervasive demographic narratives

In response to the signs of implicit bias, the Thrivance Group team developed a demographic alternative-narrative: ***a positive-skewing profile of social values, locations of freedom, community assets, social cohesion, and cultural fortitude.*** The intention was to create an alternative narrative for the Southwest Fresno portion of the Displacement Avoidance Plan project area to challenge the implicit bias and cultural discounting that may be contributing to or perpetuating disparity outcomes across the region. Here’s what we came up with:

##### Strengths-Based Demographic Profile

In the Cultural History (linked) sub-section of this report, we will describe the cultural history of Fresno which inspired our desire to establish a strengths-based demographic profile. Based on a preliminary analysis of that history, racial demographics and the corresponding origin stories, the Thrivance Group team developed this strengths-based demographic profile:

The population of Fresno County is over one million residents and serves as a site of connectivity for residents that represent 70 ethnicities, speaking 105 languages. Residents of the Southwest Fresno community have risen out of state-sanctioned forced labor, navigated generations of abrasive land-use practices, cultivated one of the nation’s most vital agricultural industries, survived the negative impacts of the Vietnam War, and have established frameworks for social justice that led to massive shifts in labor laws and police oversight.

Fresno is home to 262,260 Latinx people, 45,000 Black/African American people, 24,500 Mong/Hmong people, and 6,500 Indigenous people. Combined, these communities, whose legacies are pillars in the City of Fresno’s origin story, makeup 64% of the Fresno population. While the CalEnvironScreen 3.0 denotes these communities are experiencing massive levels of health, economic, and educational disparity, the City continues to be home to a vast network of interfaith farmers, artists, and community leaders thriving despite unfair disinvestments in their well being. Fresno, particularly Southwest Fresno, could easily become a hub for socio-cultural vitality, self-determination, freedom of movement, innovative community assets, exemplary social cohesion, and long term cultural fortitude should they be afforded access to participatory decision-making and anti-displacement investments.

##### Defining “Community” and Social Determinants

Given the interconnectedness of migration stories in the City of Fresno, the Thrivance Group team decided to establish a project-specific definition of the term community in an effort to shift away from implicit bias in the development of narratives and research methods. For the purposes of this research, references to community will imply the defined Southwest Fresno project area in addition to: common social linkages, coinciding experiences within a social movement, or a shared locality or psycho-spiritual connection to a place, institutions or to other people.

### Defining Displacement

#### THE CONNECTION BETWEEN DEVELOPMENT AND DISPLACEMENT

A key step in developing a set of policies that address displacement risks involves defining and understanding what we mean when we say “displacement.” In both the transportation and housing professions, cities and advocates are starting to converge around common definitions. This strategy considers types of displacement as well as the different phases of displacement.

#### TYPES OF DISPLACEMENT

##### Direct Displacement

**Direct Displacement occurs when residents, businesses, and cultural institutions are unable to remain in-place as a result of rising costs of living.** In addition to rent burden and cost of living pressures, deteriorating living conditions, lease non-renewals, and not-at-fault evictions rapidly force people out of their communities with very little time or opportunity to relocate within their neighborhood of origin. As direct displacement intensifies within communities, housing speculation alters affordable housing’s character and availability in the area. Housing speculation and real-estate profiteering are elements of harmful investment practices involving an influx of non-owner-occupied homes that are poorly maintained while inhabited by low-income residents and then rapidly renovated and surcharged in an effort to attract higher-income residents. Sometimes, well-intended community development (“opportunity” planning) leads to housing speculation; this is particularly the case when project timelines are accelerated and investment and planning processes are not developed in partnership with existing residents.

##### Investment-Induced Displacement

**Investment-induced displacement (displacement that is triggered by the economic and**

**speculative impacts of transformative infrastructure development)** is anecdotally known to be correlated with projects like: Transit-Oriented Development, Bus Rapid Transit, highway

expansions, light rail transit, and sometimes parks and open space development. Research

validating widely accepted assumptions linking transit development and displacement is still

new and limited; however, early findings validate this assumption. One important caveat is that the threat and perception of imminent displacement and/or gentrification poses a substantial enough risk to trigger residents to relocate as soon as relocation is feasible (as opposed to waiting and hoping costs and other displacement pressures don’t increase). As such, it is typically true that those residents remaining in place at the onset of full-blown gentrification are residents who are most at risk for being entirely unhoused; it can be deduced that, if those residents had the social or economic means to relocate, they likely would have.

##### Indirect Displacement

**Indirect Displacement is typically a drastic change in the cultural makeup of residents within a community.** This type of displacement can also be viewed as a socio-cultural shift in the character of a community. While housing speculation is a form of direct displacement that pushes out existing residents, it is also a form of indirect displacement because this behavior transforms the socio-cultural identity of an entire neighborhood. This is the case when high-income residents replace and exclude low-income residents, as well as when racial composition shifts as a result of speculative Investments.

Cultural Displacement is especially harmful because changes in the social and racial character of a neighborhood results in a degree of social death. Social death is the amalgamation of culturally harmful impacts like: erasure from civic process, hyper criminalization of Black and Brown people and culture, spatially hostile environments for elders and people with disabilities, destabilized social cohesion, erosion of business viability, and destabilization of demand-driven social and direct services. One of the earliest signs of social death is the re-marking or re-geographication of cultural centers. The use of a renaming system that centers the existing cultural identity of a community is one tool to prevent social death and to help ensure communities can remain in place.

#### PHASES OF DISPLACEMENT

Practitioners in both the housing and transportation planning fields are beginning to assess

displacement within the context of four phases of gentrification that share common definitions

across both fields. Particular consideration and attention should be given to the commonalities between the listed phases of displacement and the terminology used when we talk about histories of aggressive re-development.

##### Phase One - Pioneering

**During the pioneering phase of displacement and gentrification, existing residents are likely to have been experiencing displacement pressures for several years.** The lack of nuanced and equitable measures for addressing physical safety concerns, lack of equitable funding for public schools, cross-city transit access, limited access to healthy food options, reductions in the availability and access to jobs, predatory enrollment of youth into the military and/or militaristic extra-curricular programming, and real or perceived scarcity are some of the pressures that trigger displacement. These pressures also contribute to a breakdown in social cohesion and spur intra-community conflicts that are responded to in reactionary and hyper-criminalizing ways; municipalities rarely respond to these tensions by way of addressing the displacement pressures that trigger them.

These dynamics of destabilization attract new residents to the neighborhood. These new residents typically have access to finances and political capital that exceed that of the existing/prior residents. Using private capital and niche funding/investments (like artist housing stipends), the new residents of the pioneering phase usually take up space in vacant structures and lots that people assume to be underused–so displacement trends are difficult to spot at this phase.

##### Phase Two - Speculation

During the speculation phase, displacement pressures compound quickly and unpredictably.

Push-out (residents acting on the feeling they have no choice but to move) is commonly

triggered by volatile policing, inter-community violence, death or illness of a family member, and loss of access to food and economy. The head of household may decide to relocate given the

imminence of aggressive displacement or they could be swayed by a significant mass of neighbors and folks in their communities deciding to move out.

**As residents begin to move away, predatory realtors begin to market the area to potential**

**investors.** Large-scale investors and developers begin to invest in ways that are high risk while

placing the majority of available housing stock in limbo (vacant, yet off the market). This leads to

rapid and drastic increases in the market rate for rents. During this phase, landlords and

investors literally wait for old residents to move out and withhold renovations and maintenance

until there is an opportunity to appeal to high-income renters and buyers.

##### Phase Three - Settling

The third stage of displacement is known as settling. During this phase, gentrifiers and those who’ve been displaced, undergo a process of settling in. The land-use planning field sometimes refers to this phase as “adolescent gentrification.” What often goes unacknowledged is that people who’ve been displaced experience long-term instability by way of survivalistic migration. The experiences and the trauma that unfolds during these times tend to have long-lasting impacts on quality of life, health, and economic stability. People migrating as a result of displacement pressures are susceptible to cycles of poverty and vulnerability that ruin and, sometimes, end lives. It’s important to keep this cycle in mind as typical mitigation efforts include the incorporation of “affordable” or “low-income” housing. While an influx of affordable housing is well-meaning, it rarely replaces the original supply of affordable housing and is hardly ever occupied by residents with origins in the community. This creates a scarcity dynamic in urban centers where residential density creates false cover for the lack of access to housing, jobs, resources, and quality of life destinations.

**As communities are marketed as “more-safe” and “improved,” gentrifiers create new systems of consensus-building and political-will that amplify the values of new residents while ostracizing the original residents.** Many gentrifiers who arrived during the pioneering phase join these efforts under the guise of neighborhood preservation, leading to an increase of historical preservation groups, business improvement districts, and tenant associations. Transformative changes to the physical environment also increase during this phase and the class struggle grows while worsening racial tensions.

##### Phase Four - Multilateral Gentrification

**The fourth phase of displacement, multilateral gentrification, involves the complete social death of a community. While those who’ve been displaced begin to re-establish community and livelihood in new areas (housed and unhoused), gentrifiers produce substantial profits for investors who are typically located out of town.** Structures that were initially unmaintained and unhoused due to speculation are injected into the housing market and, at this point, original residents and initial gentrifiers are entirely displaced. At this phase, businesses (large and small) have been displaced or have disinvested and new businesses move in.

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1. [Title VI, Civil Rights Act of 1964](https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#:~:text=No%20person%20in%20the%20United,activity%20receiving%20Federal%20financial%20assistance.) [↑](#footnote-ref-1)
2. [Presidential Executive Order 12898 concerning Environmental Justice, dated February 11, 1994.](https://www.epa.gov/environmentaljustice/federal-actions-address-environmental-justice-minority-populations-and-low) [↑](#footnote-ref-2)
3. [California Assembly Bill 686](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686)  [↑](#footnote-ref-3)
4. [Executive Order 13166](https://www.justice.gov/crt/executive-order-13166) [↑](#footnote-ref-4)
5. [According to Fresno Displacement Avoidance Plan RFQ](http://www.transformfresno.com/wp-content/uploads/2019/12/TCC-Displacement-Avoidance-Plan-Consultant-RFQ-4.pdf)  [↑](#footnote-ref-5)