



City Hall
3300 Capitol Ave, PO Box 5006, Fremont, CA 94537-5006
www.fremont.gov

Human Relations Commission Agenda

The Human Relations Commission (HRC) is a citizen commission appointed by the Fremont City Council. Human Relations Commission business is conducted in a public forum and operates within the provisions of the Brown Act. Information on the Brown Act may be obtained from the City Clerk's office at 3300 Capitol Avenue (phone 284-4060).

General Order of Business

- | | | |
|-------------------------------|---------------------------|--------------------------|
| 1. Secretary Check for Quorum | 6. Written Communications | 11. Commission Referrals |
| 2. Call to order – 7:00 p.m. | 7. Announcements | 12. Commission Reports |
| 3. Roll call | 8. Consent Items | 13. Staff Reports |
| 4. Approval of Minutes | 9. Old Business | 14. Referral to Staff |
| 5. Oral Communications | 10. New Business | 15. Adjournment |

Order of Discussion

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Human Relations Commissions questions, inquiries or discussion. The applicant, authorized representative, or interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Commission and action taken.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under Oral Communications. The Human Relations Commission will take no action on an item which does not appear on the agenda. The item will be agendaized for the next regular meeting or at a special meeting called in accordance with the terms of the Brown Act. The Human Relations Commission may establish time limits of presentations.

Information

Regular scheduled meetings of the Human Relations Commission are conducted at 3300 Capitol Avenue in City Council Chambers. Meetings are held at 7:00pm on the third Monday of the month. Meetings may be tape recorded at the discretion of the Chair.

Copies of the Agenda are available at the Human Services Department at 3300 Capitol Avenue three days preceding the regularly scheduled meeting.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the American Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting Human Services Department at (510) 574-2050.



Information about the City or items scheduled on the Agenda may be referred to:

Suzanne Shenfil, Director
Human Services Department
3300 Capitol Ave
Fremont, CA 94538
(510) 574-2051

Arquimides Caldera, Deputy Director
Human Services Department
3300 Capitol Ave.
Fremont, CA 94538
(510) 574-2056

Your interest in the conduct of your City's business is appreciated.

Human Relations Commission	City Staff
Feda Almaliti Dharminder Dewan - Vice Chair Tejinder Dhami Dr. Sonia Khan Lance Kwan Patricia Montejano Julie Moore - Chair Shobana Ramamurthi Cullen Tiernan	Suzanne Shenfil, Human Services Director Arquimides Caldera, Deputy Human Services Director Laurie Flores, Recording Secretary

Mission Statement

The City of Fremont's Human Relations Commission (HRC) strives to prevent discrimination and ensure that the rights of all individuals and groups in Fremont are protected under the law. The HRC promotes, supports, and helps create a compassionate community environment where diversity is honored and respected, neighbors reach out and support each other, and the most vulnerable receive services; to allow all a high quality of life in a community where we live, learn, work, and play in peace and harmony.

AGENDA
HUMAN RELATIONS COMMISSION
REGULAR MEETING
MONDAY, FEBRUARY 24, 2020
TRAINING ROOM
3300 CAPITOL AVE., BUILDING B
FREMONT, CALIFORNIA
7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**

2. **CALL TO ORDER**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

Approve January 27, 2020 Minutes

5. **ORAL COMMUNICATIONS**

6. **WRITTEN COMMUNICATIONS**

7. **ANNOUNCEMENTS**

7.1 Compassionate Fremont Social, Wednesday March 4, 2020 at Sisters of the Holy Family

8. **CONSENT ITEMS**

9. **OLD BUSINESS**

10. **NEW BUSINESS** (Items on which the Commission has not yet had an agendized discussion or taken action)

10.1 AC Transit Proposed Bus Services Changes

BACKGROUND: AC Transit is proposing two scenarios for a frequent transit network (i.e. service every 15 minutes or better) to serve parts of Fremont and Newark. In doing so, AC Transit is proposing to alter and/or discontinue two bus stops (service) which will greatly impact the following:

1. Eliminate direct bus service and the bus stop in front of the Fremont Senior Center at Central Park. Elimination of this stop will also impact many families and youth who use this stop to access Central Park activities, such a teen programs, summer camps, concerts in the park and many other special events. Below is a postcard message being sent by senior center users to AC Transit Board members.

2. Eliminate bus service along Mission Blvd which impacts a bus stop adjacent to the Sikh Gurdwara. Several years ago with much community engagement, a signal light was installed on Mission to specifically allow the bus to make this stop so elderly worshippers at the Gurdwara would have easy and safe access during the week to their place of worship. The State legislature helped finance the signal and the Gurdwara contributed.

Removing the Fremont Senior Center bus stop will create significant transportation barriers for older adults and impact their ability to access the Center's vital services, including:

- a. Hot, affordable, nutritious lunch meals and food pantry programs
- b. Health care, dental and vision services
- c. Free tax preparation assistance, senior Clipper Cards, caregiver support, legal assistance, and other essential social services
- d. Socialization programs that serve a myriad of ethnic community groups
- e. Wellness classes, recreational and volunteer opportunities

In addition, the removal of the senior center bus stop will significantly impact the City of Fremont's Travel Training Program. Since 2008, this program has trained over 2,100 seniors and people with disabilities on AC Transit and other regional transit systems, a majority of whom have participated in the monthly travel training workshop at the Fremont Senior Center.

In 2010, Fremont's aging population grew 28.5% outstripping the county-wide aging increase of 13.7%. We believe the 2020 census will show a substantial growth in older adults, all potential AC transit users.

AC Transit is again holding a public input period to determine a final decision. Information on the proposed routes and community meetings are available at: www.actransit.org/redesignfremontnewark.

RECOMMENDATION: Make a referral to Council to take action to oppose the elimination of the bus stops that service the Senior Center/Central Park area and maintain the bus service that provides access to the Gurdwara.

Enclosure: 10.1.1 Proposed Change in Bus Service Flyer

11. **COMMISSION REFERRALS** (Referrals from the City Council to the Commission)

12. **COMMITTEE REPORTS**

12.1 **Financial Resources Committee to fund HRC sponsored events**

COMMITTEE BACKGROUND: Chair Moore, Vice-Chair Dewan, and Ramamurthi work to create and implement a sustainable fundraising strategy for HRC sponsored events.

RECOMMENDATION: Schedule a meeting to discuss outreach to fundraisers regarding MADD 2020 program.

12.2 LGBTQ Committee

COMMITTEE BACKGROUND: The LGBTQ Committee includes Commissioners Kwan, Montejano and Dhami.

At the October 21, 2019 HRC meeting, the Commission approved the following criteria put forth by the LGBTQ Committee, in order to proceed with the 2020 Pride Parade as an HRC project:

1. Pride Parade 2020 will happen if the following 3 criteria are met:
 - i. Committed community team buy-in by December 25, 2019.
 - ii. Committed working space secured by February meeting that is accessible to said community team
 - iii. Committed storage space for all current materials and future materials by February meeting

At the January 24, 2020 meeting, the LGBTQ Committee shared they had community buy-in and directed staff to provided options for storage and decorating space for the floats. After reaching out to City Departments and HRC Commissioners, the following spaces were identified:

1. Commissioner Almaliti's house
2. Partnering with Union City HRC and exploring their options

If all criteria for Pride 2020 have been met, the HRC also needs to decide whether or not to link the Pride and 4th of July parade as one project or consider them as separate projects. The Committee will provide a status update on whether these criteria were met.

RECOMMENDATION: determine whether criteria to proceed have been met and if the parades are one project or two separate projects.

12.3 Ad Hoc Committee Reports

12.4 Liaison Reports

12.4.1 Union City HRC: Commissioner Tiernan is the HRC's liaison for the Union City HRC.

RECOMMENDATION: Receive update

12.4.2 FRC CAEB: Vice-Chair Dewan is the HRC's liaison for the FRC CAEB.

RECOMMENDATION: Receive update

12.4.3 FUSD: Commissioner Khan is the HRC's liaison for FUSD.

RECOMMENDATION: Receive update

13 **STAFF REPORTS**

13.1 **Attendance Summary (Enclosure 13.1.1)**

13.2 **Calendar (Enclosure 13.2.1) of HRC regular/special meetings and events.**

13.3 **Safe Parking**

BACKGROUND: On February 18, 2020, City Staff gave a presentation to Council on the progress the city has made since the April 2017 Council Study Session on Homelessness. The presentation then outlined the different types of safe parking programs. Staff will return to Council in May of 2020 with further research on municipal safe parking programs in the Bay Area. In March, staff will also hold a meeting with representatives from Fremont, Newark and Union City, discussing ways to collaborate to address Tri City challenges with homelessness.

Enclosure: 13.3.1 - February 18, 2020 Safe Parking Presentation to Council

RECOMMENDATION: Receive update

13.4 **Tobacco Retail License Program Implementation**

BACKGROUND: On December 13, 2019, police volunteers (VIPS) began personally delivering the enclosed packet, to tobacco retailers in Fremont. The packet outlines the new regulations, provides definitions, and includes the FAQ's. The Tobacco Retail License Ordinance became effective on November 8, 2019 and enforcement started on January 1, 2020. The Code Enforcement Division has provided a report on the implementation of the Tobacco Retail License Ordinance

Enclosure: 13.4.1 - Update on TRL Outreach and Enforcement

RECOMMENDATION: Receive update

13.5 Accessory Dwelling Unit Incentive Program

BACKGROUND: On February 16, 2020, Staff and the HRC received a written communication about an incentive program for homeowners with Accessory Dwelling Units (ADUs) to rent to Section 8 voucher holders, for a period of 3-5 years. The attached communication posed the question of how it could be implemented in Fremont.

The program, LA Más Section 8, was recently implemented in Los Angeles. Upon further discovery, City Staff found that the incentives offered for homeowners were architectural design assistance and technical assistance. Although LA receives over 1,000 applications for ADU's per year, only 19 homeowners applied for this program and currently 3 ADU's are under construction. The City of Fremont receives about 65 applications for ADU construction annually. Based on this information, this program design might not be appropriate for Fremont.

Enclosure: 13.5.1 – Email re: Affordable ADUs- LA Más Section 8

RECOMMENDATION: Receive update

13.6 BORTAC Teams Deployed with ICE

BACKGROUND: Based on a recent a New York Times article about the increased immigration enforcement measures taken by the Trump Administration, include , commissioners had questions for Fremont Police Department about current approaches with ICE. The article is enclosed.

Enclosed is the Police Department's response: The Fremont Police Department's Policy and Procedure protocols, specifically, section 423.5 of the Immigration Violation policy states, "The Fremont Police Department will not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes." Captain John Harnett, Acting Chief, goes on to say, "unless there is a critical incident or emergency request for assistance by a 'tactical unit,' and a Watch Commander clears the request, Fremont Police Department personnel will not be part of any federal arrest operation. Generally speaking, any outside agency doing work within our city would notify us of their presence and location for safety purposes. We would not assist in any civil immigration enforcement. If there were some sort of criminal investigation, and we were asked to assist, a Watch Commander would assess the circumstances in order to determine whether it would be appropriate for us to assist."

Enclosure: 13.6.1 - Excerpt of City of Fremont Immigration Violation Policy
13.6.2 New York Times Article – “Border Patrol will Deploy Elite Tactical Agents to Sanctuary Cities”

RECOMMENDATION: Receive update

13.7 **Supreme Court Public Charge Decision**

BACKGROUND: On January 27, 2020 the Supreme Court allowed the Trump Administration’s immigration policy to expand the government's ability to refuse green cards or visas for legal immigrants determined to be a dependent on public assistance. Those using or likely to use Medicaid, food stamps and other safety net programs would face greater scrutiny from immigration officials. The ruling did not impact eligibility requirements for those applying for benefits with legal resident status or qualifying immigration statuses.

Immediately after the decision, on January 28, 2020, the Alameda County Social Services Agency and Health Care Services Agency issued a joint memo to employees and local agencies and distributed FAQs and Infographics to the community to explain the decision and share legal resources. The Memo and infographic/FAQ sheet are enclosed.

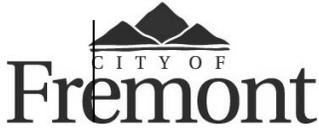
FRC Partners were all sent the memo and accompanying information documents, copies of FAQ sheets are available in both lobbies. Many advocacy groups and service providers have communicated updates and information to clients and partners as well.

Enclosure: 13.7.1 ACSSA Public Charge Memo to Staff
13.7.2 ACSSA Public Charge Infographic and FAQ

RECOMMENDATION: Receive update

14. **REFERRALS TO STAFF** (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).

15. **ADJOURNMENT**



City Hall
 3300 Capitol Ave, PO Box 5006, Fremont, CA 94537-5006
 www.fremont.gov

MINUTES
 HUMAN RELATIONS COMMISSION
 REGULAR MEETING
 MONDAY, JANUARY 27, 2020
 TRAINING ROOM
 3300 CAPITOL AVE., BUILDING B
 FREMONT, CALIFORNIA
 7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**
2. **CALL TO ORDER**
3. **ROLL CALL**

Present: Chair Moore, Vice Chair Khan, Commissioners Montejano, Kwan, Ramamurthi, Tiernan, and Dhami
 Commissioner Tiernan: Remotely via Grand Slam Pizza, 472 S Main St, Manchester, NH 03102

Excused Absence: Commissioner Almaliti

4. **APPROVAL OF MINUTES**

October Minutes: Commissioner Dhami motioned to approve Minutes from October 21, 2019 with corrections to Item 15 to note that Commissioners Kwan and Tiernan were absent. Commissioner Dewan seconded the motion. Vice-Chair Khan stated she would be voting ‘no’ because she felt that her comments on some items had not been entered into the minutes. Staff explained that minutes typically reflect Commission actions except where staff is trying to record public comments on matter. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
	Khan		
		Kwan	
Montejano			
Moore			
Ramamurthi			
		Tiernan	

November Minutes: Commissioner Kwan motioned to approve Minutes from November with corrections to item 10.3 to correct the year to 2020; and item

12.4.1 to change “Commission” to “Convention” and clarify that the Union City HRC comprises 7 Commissioners and 2 alternates. Montejano seconded the motion. Commissioner Vice-Chair Khan stated she would be voting ‘no’ because the minutes for Item 10.3 did not include the background information provided in the original Agenda Item. Staff explained that minutes typically reflect Commission actions except where staff is trying to record public comments on matter. **The motion passed as follows:**

Yes	No	Abstain	Absent
			Almaliti
		Dewan	
		Dhami	
	Khan		
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

5. ORAL COMMUNICATIONS

Desiree Campbell spoke regarding Measure L, a \$296 parcel tax on the March 3rd ballot, which would raise \$18M a year for the school district.

6. WRITTEN COMMUNICATIONS

7. ANNOUNCEMENTS

7.1 Harmony Day, an HRC sponsored event, is scheduled for Saturday, February 1, 2020.

8. CONSENT ITEMS

8.1 Nominations for HRC Chair and Vice Chair

Commissioner Kwan removed item 8.1 from the consent calendar, and asked that staff correct the first sentence of the item to read “January 14, 2020” instead of “January 14, 2019.”

The HRC Nominating Committee for 2020, comprised of Commissioners Tiernan, Ramamurthi and Dhami, provided their nominations of Julie Moore for Chair and Dharminder Dewan for Vice Chair.

At Commissioner Kwan’s request, Commissioner Ramamurthi explained the Committee’s rationale for their nominations. She stated that they had considered several candidates for Vice-Chair, including Commissioner

Montejano, and that Commissioner Dewan had shown the ability to provide calm, collected, well informed leadership. She also stated that their recommendation was not a negative reflection on Vice-Chair Khan, but instead provided an opportunity for others to step up and show leadership. Commissioner Tiernan concurred with Commissioner Ramamurthi's statements.

Current Vice-Chair Khan, objected to the Vice-Chair nomination. She stated that it was an honor and a privilege to work and serve as Vice-Chair. However, she felt that the recommendation was unprecedented action as she was eligible for a second term, and asserted that the wording in the November agenda item or action by others may have unfairly swayed the Committee's decision. Members of the Committee reiterated that they had made their decision independently and free of any outside influence and had been clear on their task as a committee.

Commissioner Kwan motioned to accept the Nominating Committee's recommendations. Ramamurthi seconded the motion. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
	Khan		
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

9 OLD BUSINESS

9.1 **FY 2019-2020 Social Services Grant Mid-Year Evaluation Process**

The following Commissioners agreed to go on site visits to grantee agencies:

- DCARA – Chair Moore
- EBAC-Healthy Start – Vice-Chair Dewan
- Family Paths – Chair Moore
- Kidango – Vice-Chair Dewan

9.2 Census 2020

Ashleigh Howick, Census 2020 Volunteer Coordinator, and Candice Rankin, Management Fellow, updated the commission on the City’s Census 2020 recruitment and outreach efforts:

- The Census Bureau will be tabling at World Interfaith Harmony Day
- The Census Bureau and local officials are still discussing how best to reach the homeless population
- “Gender” is listed as binary and may be skipped.
- You can skip up to 3 out of 9 questions and still have a valid response
- The County is providing translated materials in 16 languages
- Check your mail in mid-March for Census announcement postcard
- Sikh has been added to the Census form

Commissioners suggested outreach to the Gurdwara.

9.3 MADD 2020

Based on prior HRC discussions, Make a Difference Day event was to be scheduled for the spring of 2020. The Housing Navigation Center is scheduled to open in mid-summer 2020 and would also provide community volunteer opportunities.

Commissioner Kwan motioned to narrow the scope of MADD 2020 to the Housing Navigation Center. Commissioner Dewan seconded the motion. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

Staff agreed to provide the Finance Committee with a list of items required by the Housing Navigation Center so that the Committee could meet and discuss.

10 NEW BUSINESS (Items on which the Commission has not yet had an agendized discussion or taken action)

11. COMMISSION REFERRALS (Referrals from the City Council to the Commission)

12. COMMITTEE REPORTS

12.1 Financial Resources Committee to fund HRC sponsored events

The Committee referred to previous items above as their update.

12.2 LGBTQ Committee

Commissioner Khan retired from the Committee. Commissioners Kwan, Montejano and Dhami will continue on the Committee.

The Commission previously approved three criteria put forth by the LGBTQ Committee, in order to proceed with the 2020 Pride Parade as an HRC project:

- i. Committed community team buy-in by December 25, 2019.
- ii. Committed working space secured by February meeting that is accessible to said community team
- iii. Committed storage space for all current materials and future materials by February meeting

Commissioner Kwan stated that criterion i. had been met and that committee had a community team in place that had agreed to participate/lead the Pride Parade effort. Staff had no further leads on item ii, but will continue looking.

12.3 Ad Hoc Committee Reports

12.4 Liaison Reports

12.4.1 Union City HRC

Commissioner Tiernan announced that Union City had closed down Fire Station 30, and that the Supreme Court had voted to allow the Trump Administration to go forward with its new Public Charge rules, which penalizes some immigrants in the U.S. for receiving basic benefits. There is free legal help at the library.

12.4.2 FRC CAEB

Commissioner Ramamurthi removed herself as the HRC's liaison to the FRC CAEB. Vice-Chair Dewan agreed to be the new Liaison.

12.4.3 FUSD

Commissioner Khan informed the Commission about the Parent Special Education Committee Equity Team and suggested Commissioner Almaliti as a great candidate for the committee. Unfortunately the committee may meet at the same time as the HRC. She is also providing anti-vaping messaging down to 3rd grade.

13 STAFF REPORTS

13.1 Attendance Summary (Attachment 13.1)

13.2 Calendar (Attachment 13.2) of HRC regular/special meetings and events.

13.3 Homeless Services Update

Staff updated the Commission on Homeless efforts

13.4 Tobacco Retail License (TRL) Program Implementation

On December 13, 2019, VIPS (police volunteers) began personally delivering TRL packets to tobacco retailers in Fremont.

Mr. Brian Davis informed the Commission that a group of volunteers observed 20 Fremont tobacco retailers between January 17th and 27th, 2020. Five of those stores appeared to be out of compliance with the new TRL. Mr. Davis provided staff with the list and staff agreed to forward this list to Code Enforcement.

14. REFERRALS TO STAFF (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).

15. ADJOURNMENT

Commissioner Montejano motioned to adjourn. Commissioner Kwan seconded the motion. The motion passed as follows and the meeting adjourned at 9:31PM.

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

Please Join Us

Wednesday, March 4, 2020

6:30-8:00 pm

Compassionate Fremont is hosting an evening to meet, chat, connect, share experiences, and support each other as community activists, justice warriors, influencers, disruptors, but most importantly as friends.

There will be food and beverages including wine

Please note this is not a political event. No speeches!



Steering Committee: Laurie, Beth, Linda, Marsha, Canice, Ann, Srs. Elaine and Annette

RSVP via CF Facebook Page or to laurie at kidniles@aol.com

Location: Sisters of the Holy Family Office,
43543 Mission Blvd., Fremont, CA 94539

AC TRANSIT'S PROPOSALS TO CHANGE BUS SERVICE IN FREMONT & NEWARK COULD IMPACT YOU!

AC Transit is proposing two scenarios for a frequent transit network (i.e. service every 15 minutes or better) to serve parts of Fremont and Newark, along with other network improvements. In an effort to improve frequency of service, AC Transit is proposing to alter and/or discontinue certain bus lines in Fremont and Newark.

**Service to the Fremont Senior Center and the Sikh Gurdwara
will be eliminated under both proposals.**

VISIT AC Transit's redesign: **fremont/newark** project page at **actransit.org/redesignfremontnewark** to see maps of the draft proposed network alternatives, how the plan was developed, and how the draft proposed alternatives might impact your travel.

HOW TO COMMENT: Attend a community meeting or public hearing; or submit written comment via email, phone, and/or U.S. Mail.

Community Meeting #1:

February 25, 2020 (Tuesday)

4:30pm to 7:30pm

CENTERVILLE LIBRARY

3801 Nicolet Avenue, Fremont, CA 94536

Community Meeting #2:

February 26, 2020 (Wednesday)

4:30pm to 7:30pm

NEWARK COMMUNITY CENTER

35501 Cedar Blvd., Patio Room, Newark, CA 94560

Community Meeting #3:

February 27, 2020 (Thursday)

5:00pm to 8:00pm

WARM SPRINGS ELEMENTARY SCHOOL

47370 Warm Springs Blvd., Flex Room 23, Fremont, CA 94538

Public Hearing:

March 26, 2020

2:00pm and 6:00pm

Fremont Main Library

2400 Stevenson Blvd., Fukaya Room, Fremont, CA 94538

If you cannot attend any of the above meetings, verbal or written comments can be submitted via email, phone, and/or U.S. Mail.

Submit comments no later than March 26, 2020.

Email: planning@actransit.org

Phone: English (510) 891-7277
Chinese (510) 891-7296
Spanish (510) 891-7293

TDD: Call 711 and specify (510) 891-4700

Fax: (510) 891-7157

Mail: AC Transit Board of Directors
1600 Franklin St, Oakland CA 94612

CITY OF FREMONT
Boards, Commissions, and Committees Attendance Record

HUMAN RELATIONS COMMISSION

Suzanne Shenfil

Member	Meeting Dates					
	1/27/2020	2/24/2020	3/16/2020	4/20/2020	5/18/2020	6/15/2020
MEETING TYPE	R	R	R	R	R	R
Feda Almaliti	E					
Dr. Sonia Khan	P					
Dharminder Dewan	P					
Shobana Ramamurthi	P					
Lance Kwan	P					
Patricia Montejano	P					
Tejinder "TJ" Dhami	P					
Julie Moore	P					
Cullen Tiernan	P					

Attendance Codes

P - Present A - Absent E - Excused Absence

Meeting Codes

R - Regular Meeting S - Special Meeting L - Lack of Quorum C - Cancelled Meeting for lack of business

*** Due to lack of Quorum, absence does not affect eligibility.**

Commissioners can not have two unexcused meetings in a row in a one year time frame AND

Commissioners can not have three unexcused meetings in a 6 month time period. Jan - June and July - December

Attachment 13.1

2020 HRC Calendar

January 27, 2020	Regular Meeting	7:00 PM –HR Training Room
February 24, 2020	Regular Meeting	7:00 PM –HR Training Room
March 16, 2020	Regular Meeting	7:00 PM –HR Training Room
April 20, 2020	Regular Meeting	7:00 PM –HR Training Room
May 18, 2020	Regular Meeting	7:00 PM –HR Training Room
June 15, 2020	Regular Meeting	7:00 PM –HR Training Room
June 27, 2020	Float Decoration	
June 28, 2020	SF Pride Parade	
July 4, 2020	Fourth of July Parade	
July 20, 2020	Regular Meeting	7:00 PM –HR Training Room
August 17, 2020	Regular Meeting	7:00 PM –HR Training Room
September 21, 2020	Regular Meeting	7:00 PM –HR Training Room
October 19, 2020	Regular Meeting	7:00 PM –HR Training Room
November 16, 2020	Regular Meeting	7:00 PM –HR Training Room
December 21, 2020	Regular Meeting	7:00 PM –HR Training Room

February 18, 2020 Staff
Presentation to Fremont City
Council

Safe Parking Informational Update

City Council Meeting
February 18, 2020

1

Agenda

- Previous homeless policy actions
- City investments for the homeless
- What is Safe Parking
- Considerations of a safe parking program

2

Homeless Policy Actions

City Council Meeting Date	Outcomes
April 17, 2018	Introduced the scope and urgency of addressing the growing homeless crisis in Fremont
July 17, 2018	Provide additional information and more detail on some potential options, which City Council directed staff to pursue contingent on funding availability
September 18, 2018	"Shelter Crisis" declared in Fremont and other actions taken to allow for more short-term and temporary places for homeless residents to sleep safely
April 16, 2019	Authorization provided to the City Manager to implement Fremont's HNC for the homeless and take immediate and emergency actions to implement the program

3

Homeless Policy Actions (cont.)

City Council Meeting Date	Outcome
June 18, 2019	City Council reaffirmed prior Council direction and provided additional policy direction regarding HNC criteria and locating a safe parking site
July 9, 2019	Staff presented potential HNC sites. Council narrowed HNC sites to two locations and directed additional analysis and outreach
September 10, 2019	Staff presented additional analysis of HNC sites and public outreach summary. Council unanimously approved the City Hall back parking lot for the HNC location and appropriated \$1.1 million for the HNC development and operation

4

City Investments for the Homeless

- Converted Warming Center into Seasonal Winter Shelter
- Expand the Drop-in Day Wellness Center for Homeless
- Islander Motel Temporary Shelter
- Launched the Mobile Hygiene Unit
- Selected a site and beginning development of temporary Housing Navigation Center

5

Outreach to Homeless Encampments

- Began encampment outreach program in March 2018
- Human Services and Code Enforcement partnership
- Provides outreach and case management to those impacted
 - Bus passes
 - Food cards
 - Transition plans

6

2019 Successes for Human Services

- 84** total households
- 169** total unduplicated individuals
- 93** individuals assisted by Human Services Case Managers
- 46** individuals assisted through Home Match
- 30** individuals assisted through Stay Housed



7

2019 Successes for Human Services

- 29** found permanent housing
- 16** found temporary shelter
- 12** reunited with their family
- 4** entered into a treatment facility
- 64** were diverted from entering homelessness



8

Fremont's Homeless Point-in-Time Count

Those experiencing homelessness were asked, "If new money came into Alameda County to end homelessness, how should it be spent?"

- 51%** Affordable Rental Housing
- 43%** 24/7 Basic Sanitation
- 32%** Permanent help with rent/subsidy
- 31%** Emergency Shelter
- 30%** Employment training
- 10%** Safe parking for persons living in vehicles

9

What is Safe Parking

Safe parking programs are a safe and legal homelessness intervention to stabilize and connect to resources for people who are living in their vehicles.

10

Types of Safe Parking

- Rotating sites
- Fixed small (4-10 vehicles)
- Fixed large (20+ vehicles)
- Multiple sites, single spots
- Population specific
- Types of vehicles

11

Bay Area Examples

Government Initiated Programs

- Staff researched 7 programs that are operating or approved
- The first in the Bay Area started in late 2018.
- These programs operate on city controlled property.

Community Initiated Programs

- Staff researched 4 local programs
- Operate on privately owned property. Often associated with faith-based institutions or nonprofits.
- Variety in level of public funding and regulation.

12

Bay Area Examples (cont.)

Variety in Service Provision

- Type of vehicle permitted
- 24/7 vs Overnight
- Size and number of lots
- Case management and service provision

13

Assisting those living in vehicles in Fremont

Of the **485** unsheltered homeless individuals...



29% live in RVs



20% live in cars/vans

Nearly half of Fremont's unsheltered live in a vehicle

14

Encampment Abatement Survey

Goal: Determine which resources or services may be appropriate and if a safe parking program would be useful.

- Demographics
- Permanent residence
- Last housed location
- Employment
- Veteran & Disability status
- Fremont affiliation

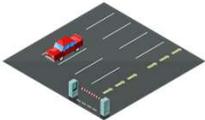


If the City could provide a regular place to safely park, what amenities do you think are important?

15

Safe Parking Amenities

Most Useful Amenities <ul style="list-style-type: none">• Restrooms• Shower/Laundry• Electrical Hook Up• Barbeque pits• Access to garbage	Additional Amenities Requested <ul style="list-style-type: none">• Access to black/grey water disposal• Water hook-up• Pet waste station
--	---



16

Safe Parking Considerations

<ul style="list-style-type: none">• Location• Infrastructure• Oversight and Accountability	<ul style="list-style-type: none">• Funding Availability• Regional Partnerships
--	--

17

Enclosure 13.4.1

City of Fremont Code Enforcement report on implementation of the Tobacco Retail License (TRL) Ordinance (FMC Chapter 8.75)

Prepared by Code Enforcement Manager Leonard Powell on 2/21/2020

Fremont Code Enforcement has been working on TRL enforcement every week this year. Efforts have included preparing/updating/refining the database, processing TRL license applications, and field compliance checks, and enforcement where violations are discovered. The following is a summary of the actions taken up to 2/21/2020.

Licenses issued:

73 out of 124 retailers have applied for and issued a City TRL.

Beginning this week, code enforcement staff began issuing administrative citations to those retailers who have not yet applied for a required TRL.

Field inspections:

Inspections have been completed at the following classes of tobacco retailers:

- Liquor stores
- Smoke/Tobacco stores
- Vape stores
- Retailers who have been reported by the public at large, and
- Retailers who have been reported by other City departments, commissions, or other bodies

Many of the tobacco retailers visited so far have been found to be in compliance. Most retailers found out of compliance took immediate corrective measures to correct and comply. For those who did not, the following enforcement actions were taken:

Citations:

Code Enforcement issued 8 administrative citations to retailers for violations of the TRL.

Seizures:

Code Enforcement seized unlawful tobacco products at two retailers. Fremont Police were present at the seizures and took custody of the products seized. The locations were the following:

985 containers of flavored tobacco products (vials of liquid for vaping) were seized from “The Art of Vapor” store at 34241 Fremont Blvd.

150 items were seized from the “Fremont Smoke Shop” at 40796 Fremont Blvd, including the following items:

- 7 cartons of flavored little cigars
- 20 packs of flavored little cigars
- 10 packs of menthols
- 3 strawberry cigarillos
- 5 mini cigars
- 4 packs of mini cigars

- 1 pack of menthol cigarettes
- 16 single cigars
- 55 flavored cigars
- 1 can of flavored tobacco
- 27 bags of flavored tobacco
- 1 bag of menthol tobacco

Code enforcement is also preparing Notices of Violation to the two retailers where the seizure actions occurred and will impose additional orders intended to remedy the problems.

Beginning next week Code Enforcement will continue performing as described above, with the inspections moving to hookah lounges, convenience stores, gas stations, grocery stores, and big box stores.

Laurie Flores

To: Julie Moore
Subject: RE: Affordable ADUs — LA Más Section 8

From: Beth Hoffman [redacted]
Date: Sunday, February 16, 2020 at 12:14 PM
To: Suzanne Shenfil <SShenfil@fremont.gov>
Cc: Julie Moore [redacted], Elaine Sanchez [redacted]
Subject: Affordable ADUs — LA Más Section 8

Hi Suzanne and Julie,

In my work as a mortgage broker, I am in the midst of helping clients obtain financing to build their ADU's. The spirit of the CA ADU law is to provide more and affordable housing. The result, so far, may be more housing but not so much affordable as it is at least \$200K to build an ADU.

One of my clients told me about this program in L.A. which seems like it would be important to implement in Fremont. Please check it out. I know the two of you could make this happen. (copying Elaine Sanchez of Compassionate Fremont as she's been involved in affordable housing in Fremont for years.)

Accessory Dwelling Unit (ADU) in exchange for renting their unit out to a Section 8 voucher holder for a minimum of 5 years.

In May 2017, LA-Más was awarded a HUD Section 4 Capacity Building Grant for Community Development and Affordable Housing from the Los Angeles Local Initiatives Support Corporation (LA LISC). This grant has supported LA-Más in laying the groundwork for The Backyard Homes Project. LA-Más held a series of focus groups throughout LA in late 2017 and early 2018 as well as convened an advisory committee of housing, financing, and government experts to inform this program. Check out our presentation [here](#). In total, we heard from over 100 homeowners and professionals. With the support of [Wells Fargo Foundation](#) + [Los Angeles Local Initiatives Support Corporation \(LA LISC\)](#) LA-Más is able to support program management and architecture services.

<https://www.mas.la/affordable-adus>

Beth Hoffman Broker/Owner

13.5.2 - Excerpt of City of Fremont Immigration Violation Policy

Fremont Policies regarding use of Customs Border Patrol (CBP) Agents being deployed to Sanctuary Cities

According to the Police Department, it has not seen any evidence of this type of enforcement occurring in our City. They are not aware of this type of enforcement occurring in other jurisdictions in our region. The police department response would follow policy as outlined in Policy and Procedure protocols, specifically, section 423.5 of our Immigration Violation policy.

To summarize, the policy states, “The Fremont Police Department will not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.”

The policy further identifies eight (8) additional guidelines where Fremont Police personnel will not assist federal immigration enforcement. These guidelines include:

- a. Make or intentionally participate in arrests based on civil immigration warrants.
- b. Assist immigration authorities in border patrol activities.
- c. Perform the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.
- d. Place officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal officers for purposes of immigration enforcement. All officers remain subject to California law governing conduct of peace officers and the policies of the Fremont Police Department.
- e. Provide office space exclusively dedicated for immigration authorities to use within a city law enforcement facility.
- f. Contract with the federal government for use of Fremont Police Department law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with section 7310) (Gov. Code Section 7284.6 (a)(6)).
- g. Rely on an officer’s suspicion about any person’s immigration status as a basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to the investigation of a crime under California law, such as, but not limited to, trafficking, smuggling, harboring, and terrorism.
- h. Inquire about a person’s immigration status during the arrest procedure, unless such status is reasonably relevant to the investigation of a crime under California law, such as, but not limited to, trafficking, smuggling, harboring, and terrorism. **Staff will not participate in ICE organized sweeps to locate and detain undocumented residents.** This does not preclude staff from assisting ICE during critical incidents or emergency requests for assistance. Each level of assistance will be evaluated by the on-scene supervisor to ensure the Fremont Police Department’s level of participation remains consistent with this order and California law while protecting human life and property.
- i. Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

To summarize, unless there is a critical incident or emergency request for assistance by a “tactical unit,” and a Watch Commander clears the request, Fremont Police Department personnel will not be part of any federal arrest operation. Generally speaking, any outside agency doing work within our city would notify us of their presence and location for safety purposes. We would not assist in any civil immigration enforcement. If there were some sort of criminal investigation, and we were asked to assist, a Watch Commander would assess the circumstances in order to determine whether it would be appropriate for us to assist.

Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities

Agents from a special tactical team that normally confronts smugglers on the border are being sent to sanctuary cities across the country.



By Caitlin Dickerson and Zolan Kanno-Youngs

Feb. 14, 2020

The Trump administration is deploying law enforcement tactical units from the southern border as part of a supercharged arrest operation in sanctuary cities across the country, an escalation in the president's battle against localities that refuse to participate in immigration enforcement.

The specially trained officers are being sent to cities including Chicago and New York to boost the enforcement power of local Immigration and Customs Enforcement officers, according to two officials who are familiar with the secret operation. Additional agents are expected to be sent to San Francisco, Los Angeles, Atlanta, Houston, Boston, New Orleans, Detroit and Newark, N.J.

The move reflects President Trump's persistence in cracking down on so-called sanctuary cities, localities that have refused to cooperate in handing over immigrants targeted for deportation to federal authorities. It comes soon after the Justice Department and Department of Homeland Security announced a series of measures that will affect both American citizens and immigrants living in those places.

Lawrence Payne, a spokesman for Customs and Border Protection, confirmed that the agency was deploying 100 officers to work with ICE, which conducts arrests in the interior of the country, "in order to enhance the integrity of the immigration system, protect public safety, and strengthen our national security."

The deployment of the teams will run from February through May, according to an email sent to C.B.P. personnel, which was read to The New York Times by one official familiar with the planning.

Among the agents being deployed to sanctuary cities are members of the elite tactical unit known as BORTAC, which acts essentially as the SWAT team of the Border Patrol. With additional gear such as stun grenades and enhanced Special Forces-type training, including sniper certification, the officers typically conduct high-risk operations targeting individuals who are known to be violent, many of them with extensive criminal records.

The unit's work often takes place in the most rugged and swelteringly hot areas of the border. It can involve breaking into stash houses maintained by smuggling operations that are known to be filled with drugs and weapons.

In sanctuary cities, the BORTAC agents will be asked to support interior officers in run-of-the-mill immigration arrests, the officials said. Their presence could spark new fear in immigrant communities that have been on high alert under the stepped-up deportation and detention policies adopted after Mr. Trump took office.

In a statement, ICE's acting director, Matthew T. Albence, said the deployment comes in response to policies adopted by sanctuary cities, which have made it harder for immigration agents to do their jobs.

“As we have noted for years, in jurisdictions where we are not allowed to assume custody of aliens from jails, our officers are forced to make at-large arrests of criminal aliens who have been released into communities,” he said. “When sanctuary cities release these criminals back to the street, it increases the occurrence of preventable crimes, and more importantly, preventable victims.”

But Gil Kerlikowske, the former commissioner of C.B.P., which oversees tactical units along the border, said sending the officers to conduct immigration enforcement within cities, where they are not trained to work, could escalate situations that are already volatile. He called the move a “significant mistake.”

“If you were a police chief and you were going to make an apprehension for a relatively minor offense, you don’t send the SWAT team. And BORTAC is the SWAT team,” said Mr. Kerlikowske, who is a former chief of police in Seattle. “They’re trained for much more hazardous missions than this.”

It was a gun-wielding BORTAC agent who, in April 2000, seized Elian Gonzalez — a Cuban boy who was embroiled in an international asylum controversy — from his uncle’s arms after agents had forced their way into the home where the boy was staying.

The Border Patrol squads will be charged with backing up ICE agents during deportation operations and standing by as a show of force, the officials said.

ICE agents typically seek out people with criminal convictions or multiple immigration violations as their primary targets for deportation, but family members and friends are often swept up in the enforcement net in what are known as “collateral” arrests, and many such people could now be caught up in any enhanced operations.

ICE leadership requested the help in sanctuary jurisdictions because agents there often struggle to track down undocumented immigrants without the help of the police and other state and local agencies. Law enforcement officers in areas that refuse to cooperate with ICE and the Border Patrol — which include both liberal and conservative parts of the country — often argue that doing so pushes undocumented people further into the shadows, ultimately making cities less safe because that segment of the population becomes less likely to report crimes or cooperate with investigations.

The goal of the new joint operation, one of the officials said, was to increase arrests in the sanctuary jurisdictions by at least 35 percent.

The operation reflects an increasingly hawkish approach to immigration enforcement, following the firings and resignations of leaders who have been viewed in the White House as unwilling to take the harsh steps Mr. Trump and his advisers view as necessary to slow illegal immigration.

Other recent attempts at aggressive enforcement by ICE have faltered, such as a series of raids targeting more than 2,000 migrant families that were planned during the summer of 2019. Mr. Trump’s advance warnings on Twitter led many of those who were targeted to refuse to open their front doors, and ultimately, only 35 of those who had been targeted were arrested in the operation’s first several weeks.

Even with the added show of force from BORTAC, agents will be limited in their abilities compared to the police or sheriff’s deputies. Unlike operations on the border, where BORTAC agents may engage in armed confrontations with drug-smuggling suspects using armored vehicles, immigration agents in cities are enforcing civil infractions rather than criminal ones. They are not allowed to forcibly enter properties in order to make arrests, and the presence of BORTAC agents, while helpful in boosting the number of agents on the ground, may prove most useful for the visual message it sends.

The agents will not be busting down doors or engaging in shootouts, said one official with direct knowledge of the operation, who like the other official would not be identified because he was not authorized to discuss it.

Some C.B.P. agents are permitted certain enforcement powers, including setting up immigration checkpoints, within 100 miles of a land or coastal port.

Naureen Shah, senior advocacy and policy counsel for the American Civil Liberties Union, questioned whether the teams would use that authority in the targeted cities, most of which are within that 100-mile zone.

“This is about further militarizing our streets,” Ms. Shah said. “It could actually have deadly effects. We could see C.B.P. officers who aren’t trained for interior enforcement using aggressive force.”

Many ICE agents say their jobs have become increasingly difficult, three years into Mr. Trump’s presidency, because of robust campaigns by immigrant advocacy organizations seeking to safeguard undocumented immigrants by educating them on the legal limitations that ICE officers face. As a result, in many communities where undocumented immigrants live, people now turn immediately to their phones when ICE agents are spotted to alert neighbors that they should stay inside.

Mr. Trump campaigned on a promise to crack down on sanctuary cities. Within a few months of taking office, the Justice Department moved to withhold certain federal funds from the jurisdictions. Last week, the department filed suit against state and local governments in California, New Jersey and Washington State over sanctuary policies there. Also this month, the Department of Homeland Security announced it would ban New Yorkers from enrolling in programs that allow travelers to speed through customs checkpoints in airports and at the border as a result of the state’s decision to offer driver’s licenses to undocumented immigrants and bar Homeland Security agencies from accessing the state’s motor vehicle database.

The president again highlighted the issue in his State of the Union address, arguing that sanctuary cities “release dangerous criminal aliens to prey upon the public.”

In January, a New York City Council member wrote an open letter for his fellow councilors expressing concern about increasing ICE activity in the region, including collateral arrests. Last week, an acquaintance of a man in New York who was being arrested by ICE was shot in an incident that the agency later blamed on sanctuary policies.

The aggressive immigration enforcement tactics being implemented around the country are not limited to any one agency. In a widely circulated video recorded in El Paso on Tuesday night, Border Patrol agents are shown subduing and using a Taser to apprehend a man in a Burger King restaurant.

The video shows the man pleading repeatedly with the agents while shouting that he had done nothing wrong. A bystander asks the agents to leave the restaurant, as she cries while witnessing the episode. While the man was writhing in pain on the floor after being stunned repeatedly, another woman in the video approached the agents and asked, “Why are you still hitting him?”

A Border Patrol spokesman said in a statement that the apprehended man was a “suspected alien smuggler,” without offering any evidence to support that assertion. The spokesman did not respond to a request for the man’s name and nationality.

“The man refused to cooperate with the verbal instructions and attempted to avoid being handcuffed and a struggle ensued,” the Border Patrol spokesman said.

In the same statement, the spokesman said that a “citizen” had notified law enforcement of a suspicious vehicle parked on his property. The Border Patrol said the man apprehended by the agents on Tuesday was the driver of the vehicle and that “record checks indicated that the man was in the country illegally and had a positive criminal history.”

An ICE spokesman declined to comment on the specifics of the latest effort in sanctuary cities, citing the agency's policy against sharing information about enforcement operations before they have taken place. However, the spokesman added that the agency had "made it abundantly clear for years that, in jurisdictions where we are not allowed to assume custody of aliens from jails, our officers would be redirected to make at-large arrests."

Simon Romero, Miriam Jordan and Annie Correal contributed reporting.



MEMORANDUM

TO: All Staff

FROM: Lori A. Cox, Director, Alameda County Social Services Agency
Colleen Chawla, Director, Alameda County Health Care Services Agency

RE: UPDATE: Supreme Court Ruling: "Public Charge"

DATE: January 28, 2020

The Alameda County Social Services Agency (SSA), Health Care Services Agency (HCSA), and the Board of Supervisors strongly oppose the Trump Administration's changes to an outdated and unnecessary federal administrative rule known as "public charge".

Nationwide Injunction Lifted

Yesterday the [Supreme Court](#) lifted a nationwide injunction that had paused the implementation of the public charge rule. This was the last of the three-district court nationwide injunctions standing, which means that the Department of Homeland Security (DHS) rule can go into effect nationwide, except in Illinois where it is blocked by a statewide injunction. The DHS has not yet announced a timeline for implementation. We will continue to track closely and will update you as soon as we know the effective date.

Important details to know

As a reminder, the rules for California's public assistance benefits have not changed. This includes all eligibility guidelines and access to benefits for legal permanent residents and clients with qualifying immigrant status remain intact. We want to help our clients continue to receive the assistance they and their families are eligible to receive.

The County of Alameda supports services to immigrants

We remain committed to and supportive of access to services of all individuals and families living in the County of Alameda County, including immigrants. We want to continue to educate and empower our community to actively engage with an immigration attorney should they have any questions or concerns about their individual case. For additional information, view the [Public Service Announcement on public charge](#).

Connections to Immigration Legal Services

Anyone concerned about applying for benefits or considering removal from benefits should consult an immigration attorney. Please provide clients with the following info on free community-based legal assistance:

- Asian Pacific Islander Legal Outreach (510) 251-2846
- Bay Area Legal Aid (510) 663-4744
- Catholic Charities of the East Bay (510) 437-1554
- Centro Legal De La Raza (510) 437-1554
- East Bay Community Law Center (510) 548-4040
- International Institute of the East Bay (510) 451-2846

For updated information please visit the SSA Immigration Resources webpage at:

<https://immigration.alamedasocialservices.org>, or contact your Assistant Agency Director if you are an SSA employee, or EileenNg@acgov.org if you are a HCSA employee.

— All are Welcome in the County of Alameda —

Immigration: Understanding “Public Charge”



Know Your Rights!

Community Resources:

- Bay Area Legal Aid (510) 663-4744
- Catholic Charities of the East Bay (510) 768-3100
- East Bay Community Law Center (510) 548-4040
- International Institute of the East Bay (510) 451-2846



Does “Public Charge” in the Immigration Process Apply to Me? Not If You Are:

- A Citizen
- A Legal Permanent Resident
- A Refugee
- An Asylee
- A T-Visa Applicant
- Applying for or holding a U-Visa
- A self petitioner under VAWA
- Applying or re-registering for TPS
- An Afghan and Iraqi Special Immigrant
- A Special Immigrant Juvenile
- An Individual Granted Relief Under:
 - CAA, NACARA, HRIFA

Additional categories of immigrants are exempt. The final rule maintains these exemptions. This is a partial list for informational purposes only.



What Does This Mean for My Family?

- The federal government does not access public benefits systems for immigration enforcement.
- Information you’ve shared for public benefits is ONLY used for eligibility determination.
- It is important that you continue to receive the support that helps your family be healthy, fed, and secure in your housing.



What is the New Public Charge Rule?

Updated: January 2020

The White House Administration published a final rule that expands the definition of “public charge” used during the immigration process. A “public charge” is someone that is likely to become primarily dependent on the government for support. The list in yellow below details which programs the federal administration now considers when making a determination. On January 27, 2020, the Supreme Court lifted a nationwide injunction that had paused the implementation of the final rule. An effective date will be known soon.

Public Charge and Public Benefits: What Does This Mean?



The programs in the green box are **NOT** considered in the public charge test. Please continue to use the programs that support your family.



We encourage you to speak with a trusted lawyer to better understand the impact of accessing the listed public benefits below in yellow:



Health:

- Medi-Cal (for Children & Pregnant Women)
- Medicare
- Disability



Nutritional Support:

- WIC
- School Breakfast & Lunch



Children’s Services:

- Head Start
- Child Care
- Public Education



Employment Services:

- Unemployment
- Worker’s Compensation
- Federal & State Retirement



Income Support:

- General Assistance
- CalWORKs
- SSI



Health:

- Medi-Cal (for Adults)



Nutritional Support:

- CalFresh



Housing Assistance:

- Section 8 Voucher Rental Assistance
- Section 8 Project-Based Rental Assistance
- Public Housing

NOTE: The Department of Justice is considering a separate new rule related to “public charge” and deportation. This proposal has not been released, and does not apply to the information here. We are closely monitoring this issue with advocates across the nation, and will provide updated information as soon as more is known.

Frequently Asked Questions: Final Public Charge Rule and Public Benefits

This information is current and accurate as of January 27, 2020.

1. What is public charge and when does the final public charge rule go into effect?

On January 27, 2020, the [Supreme Court](#) lifted a nationwide injunction that had paused the implementation of the public charge rule. This was the last of the three-district court nationwide injunctions standing, which means that the Department of Homeland Security (DHS) rule can go into effect nationwide, except in Illinois where it is blocked by a statewide injunction. As of today, the DHS has not yet announced a timeline for implementation. We will continue to track closely and will update you as soon as we know the effective date.

“Public charge” is a test used by US Citizenship and Immigration Services (USCIS) to decide who they will allow into the United States, who can renew certain temporary visas, and who can get Lawful Permanent Residency (LPR)—also known as a green card. **NOTE: Public charge does not apply to LPRs petitioning to become naturalized U.S. citizens.**

2. What is changing under the final public charge rule?

Under the final rule, the Department of Homeland Security has redefined public charge as someone who is “more likely than not” to receive public benefits for more than 12 months within any 36-month period.

The following is a list of public benefits that are now included to be considered:

- CalWORKs
- General Assistance (GA)
- Supplemental Social Security (SSI)
- Long-Term Care
- Medi-Cal
- CalFresh
- Public Housing
- Section 8 Assistance

3. Are there any benefits that are not considered in the final rule?

Yes, the following is a list of benefits that are excluded from being considered:

- Medi-Cal for children and pregnant women
- Disaster Relief
- School Nutrition Programs
- Women, Infants, and Children (WIC)
- Foster Care and Adoption
- Head Start
- Earned Income Tax Credit (EITC)
- Child Tax Credit (CTC)

4. When will the final public charge rule be applied?

The new public charge rule will apply at certain points of the immigration pathway:

- When an individual applies to enter the United States
- When an individual applies to become Lawful Permanent Residents (LPR) through a family member or employer

5. Does the final public charge rule apply to all immigrants?

No, the following is a list of categories that are exempt:

- Naturalized U.S. Citizens
- Lawful Permanent Residents
- Refugees and Asylees
- Special Immigrant Juvenile Status
- U-Visa and T-Visa Holders
- Violence Against Women Act (VAWA) Self-Petitioners
- Deferred Action Childhood Arrivals (DACA)
- Temporary Protected Status (TPS)
- Afghan and Iraqi Special Immigrants
- Individuals granted relief under:
 - CAA
 - NACARA
 - HRIFA

Frequently Asked Questions: Final Public Charge Rule and Public Benefits



6. I have questions about my immigration status and whether to apply for public benefits. Who should I talk to about my questions?

The Social Services Agency encourages individuals and families to seek advice from reputable non-profit immigration service providers including but not limited to the following referrals:

- Asian Pacific Islander Legal Outreach (510) 251-2846
- Bay Area Legal Aid (800) 551-5554
- Catholic Charities of the East Bay (510) 437-1554
- Centro Legal De La Raza (510) 437-1554
- East Bay Community Law Center (510) 548-4040
- International Institute of the East Bay (510) 451-2846

7. Has eligibility for public benefits changed?

No. The rules for California's public benefits and services have not changed. Eligibility requirements remain the same for individuals and families. The Social Services Agency will continue to process all applications and renewals and provide benefits to eligible individuals and families just as they did prior to the new public charge rule.

8. What does this mean to individuals and families who are currently receiving public benefits and have pending immigration cases? What should they do?

Each immigration case has a unique set of circumstances, no two cases are the same. Individuals and families should be referred to speak with a reputable immigration attorney. **At no time should the Social Services Agency staff provide any legal guidance to individuals and families.**

9. Individuals and families are concerned about the privacy of their information. How is the information they provide used by the Social Services Agency?

The Social Services Agency uses the information provided only to see if individuals and families are eligible for benefits. The federal government does not have access the Agency's systems for immigration enforcement action. The Social Services Agency may need to verify the information provided on a public benefit application with the federal government, but only to confirm eligibility to receive services. The Agency does not share any information about household members who are not applying for benefits, just the information provided about a financial sponsor.

10. Will discontinuing benefits remove case information from the CA Department of Social Services computer systems?

No. State and local computer systems keep a record of all cases, so the Social Services Agency will continue to have the information on file.

11. Where can individuals find additional information on public charge?

- [California Department of Social Services](#)
- [County Welfare Directors Association of California](#)
- [National Immigration Law Center](#)
- [CA Immigrant Policy Center](#)

12. Will more information on the new public charge rule be shared?

Yes. Visit the Office of Policy, Evaluation and Planning website for updated [immigration resources](#). View the [Public Service Announcement on public charge](#) for additional information.