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CITY OF SAN JOSE and BLACK ALLIANCE FOR JUST IMMIGRATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CITY OF SAN JOSE, a municipal corporation; and BLACK ALLIANCE FOR JUST IMMIGRATION, a California nonprofit corporation, Plaintiffs, vs.	3:18-cv-02279-RS **DECLARATION OF KRISTEN CLEMENTS**

WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; U.S. DEPARTMENT OF COMMERCE; RON JARMIN, in his official capacity as Acting Director of the U.S. Census Bureau; U.S. CENSUS BUREAU,

Defendants.

I, Kristen Clements, declare under penalty of perjury pursuant to 28 U.S.C. § 1747 that the below is true and correct:

1. I am the Division Manager for the City of San Jose's Department of Housing, overseeing the Policy and Planning Team, the Grants Management team, and the Housing & Community Development Commission. I submit this declaration in support of Plaintiff San Jose's motion for summary judgment in the above-referenced matter.

2. I have been in my current position for approximately 1.5 years, and with the Housing Department for over 13 years.

3. As part of my official duties, I administer grant programs in which the City of San Jose awards federal, State, and local funding to local nonprofits, developers, and other City departments to undertake a range of capital projects and service activities.

4. Among the grant programs that I oversee for the City of San Jose are the Community Development Block Grant program ("CDBG") and the Home Investment Partnerships Program ("HOME").

5. The CDBG and HOME programs are administered by the United States Department of Housing and Urban Development ("HUD").

6. HUD awards the City of San Jose, as an entitlement jurisdiction, an annual allocation of CDBG and HOME funding.

7. I regularly communicate with HUD officials regarding the CDBG and HOME programs.

8. Funding provided to San Jose by HUD under the CDBG program is allocated by one of two Federal formulas: Formula A or Formula B.

9. Formula A is based on a jurisdiction's share of population, poverty rate, and housing overcrowdedness relative to all entitlement jurisdictions.

10. Formula B is based on each jurisdiction's weighted relative share of poverty, housing built before 1940, and the lag in population growth rate relative to the total for all entitlement communities.

11. HUD reports that San Jose's funding is allocated pursuant to Formula A.

12. The population, poverty rate, and housing overcrowdedness of Formula A are calculated based on data reported by the United States Census Bureau ("Census") based on the census conducted every ten years (the "Decennial Census") and the subsequent American Community Survey ("ACS").

13. Funding provided to San Jose by HUD under the HOME program is based on the following factors:

13.1 A jurisdiction's relative inadequacy of housing supply,

13.2 A jurisdiction's supply of substandard rental housing,

13.3 The jurisdiction's number of low-income families in rental housing units likely to be in need of rehabilitation,

13.4 The cost of producing housing in the jurisdiction,

13.5 The incidence of poverty in the jurisdiction, and

13.6 The fiscal incapacity to carry out housing activities without Federal assistance in the jurisdiction.

14. The jurisdiction's relative inadequacy of housing supply, its supply of substandard rental housing, its number of low-income families in rental housing units likely to be in need of rehabilitation, and its incidence of poverty are calculated based on data reported by the United States Census Bureau ("Census") based on the census conducted every ten years (the "Decennial Census") and the subsequent American Community Survey ("ACS").

15. In 2015, San Jose received $8,259,253.00 in CDBG funding and $2,381,725.00 in HOME funding.

16. In 2016, San Jose received $8,389,991.00 in CDBG funding and $2,573,775 .00 in HOME funding.

17. In 2017, San Jose received $8,196,038.00 in CDBG funding and $ 2,512,787.00 in HOME funding.

18. In 2018, San Jose received $8,927,311.00 in CDBG funding and $ 3,550,726.00 in HOME funding.

19. The City of San Jose uses federal funding to pay for community-serving priorities in four areas identified as priorities in its current Consolidated Plan cycle 2015-2020, as follows:

19.1 To increase housing opportunities,

19.2 To respond to homelessness and its effects on the community;

19.3 To strengthen neighborhoods; and

19.4 To promote fair housing.

20. The City of San Jose recently has used CDBG for a range of uses including the following:

20.1 Providing services to homeless people, seniors, low-income renters, job trainees, and neighborhood leaders, among other groups,

20.2 Improving neighborhood infrastructure, including by adding upgrades such as curb cuts and LED lighting,

20.3 Targeted code enforcement, and 'green' alleyway improvements to promote safety, walkability and sustainability in low-income neighborhoods;

20.4 Building community-serving capital projects such as community gardens, libraries, and community centers;

20.5 Rehabilitating homes for low-income homeowners;

20.6 Rehabilitating nonprofit facilities such as homeless shelters and services spaces; and,

20.7 Acquiring land and infrastructure supporting affordable housing creation.

21. The City of San Jose recently has used HOME for the following purposes:

21.1 Developing new affordable rental housing,

21.2 Acquiring and rehabilitating existing market-rate housing to create newly affordable rental housing,

21.3 Making loans to low-income homebuyers to encourage home ownership,

21.4 Providing tenant-based rental subsidies to vulnerable populations including formerly homeless individuals and families.

22. The population, poverty rate, and housing overcrowdedness of San Jose as reported by the Decennial Census are an elements in the funding calculation for CDBG allocations.

23. Therefore, if the Decennial Census underreports the population of San Jose relative to other Participating Jurisdictions receiving funds from HUD by formula, the City will receive less CDBG funding.

24. The inadequacy of housing supply relative to San Jose's population, San Jose's supply of substandard rental housing, San Jose's number of low-income families in rental housing units likely to be in need of rehabilitation, and San Jose's incidence of poverty—as reported by the Decennial Census—are elements in the funding calculation for HOME allocations.

25. Therefore, if the Decennial Census underreports the population of San Jose relative to other Participating Jurisdictions receiving funds from HUD by formula, the City will receive less HOME funding.

26. If the City of San Jose receives less CDBG funding, it will not be able to provide as many of the services described in paragraph 20 above.

27. If the City of San Jose receives less HOME funding, it will not be able to provide as many of the services described in paragraph 21 above.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1747 that the foregoing is true and correct:

Dated November 2, 2018

Kristen Clements

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