

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982

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7. Even when income is held constant, families with children are more often inadequately housed than childless renters. Among moderate and upper income renters, the rate of inadequate housing is twice as great for families with children as for those without children.

8. In all cities studied and for the state as a whole, approximately half of all renter families with children are inadequately housed. Between 81 and 98 percent (varies by city) of very low income renters with children are inadequately housed.

9. Holding number of persons per household constant, families with children are inadequately housed more often than other renters. In all cities studied and for the state as a whole, among two-person renter households, families with children are inadequately housed nearly twice as often as families without children.

10. When family size and income are simultaneously held constant for the state as a whole, two-person middle and upper income renter households with children are inadequately housed 10 times more often than their childless counterparts.

11. In all 5 cities, minority and especially female-headed families with children are renters significantly more often than non-minority or male-headed families with children, and thus are affected more severely by all renter housing problems. (It should be noted that although minorities are disproportionately affected by rental housing problems, the majority of inadequately housed renters with children are "white."¹)

12. Exclusion of renters with children from a major portion of the rental market is, in effect, excluding most minorities and women.

13. While minority renter households with children are inadequately housed to a significantly greater degree, minority renters without children do not face housing problems any more often than "white" renters of comparable income.

Similarly, female-headed renter households with children tend to

¹"White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

be ill-housed to a greater extent than all other renters with children, while female-headed renter households without children have a level of housing problems identical to other childless renters.

14. Renters with children are concentrated in a number of neighborhoods in each city. These concentrations correlate with concentrations of minorities and women, demonstrating that "no-children" housing tends to reinforce, if not create, segregated living patterns by age, race, and sex.

15. Since families with children make up less than a third of the renter household population, a non-discriminatory housing market would mean that in a representative building, childless renters would outnumber renters with children by at least 2 to 1, thus eliminating the undesirably high concentrations of children revealed by this study.

16. With respect to landlord concerns about decreased property values, the presence or absence of children is not a factor in determining a building's market value.

17. No empirical evidence was found to show that operating and maintenance costs are higher for buildings that allow children.

18. The presence of children in rental buildings does not affect liability or property insurance rates.

19. Building code and safety standards are identical for apartment buildings with and without children. Swimming pool fencing ordinance; apply to all buildings whether or not children are in residence.

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* Source:

1970 U. S. Census of Housing and Population
Bureau of the Census/HUD Annual Housing Surveys (1975, 1977, 1978)
1979 Housing Assistance Plans for the Cities of Fresno, Los Angeles,
San Diego, San Francisco, and San Jose
1979 California Statewide Housing Plan

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"Children's issues are not 'kiddie' issues--they are issues of social justice and the wider social welfare of the nation."

--Kenneth Keniston

INTRODUCTION

This report presents the results of a 1979 study on the extent and effects of discrimination against families with children in rental housing in California. Five cities were selected for study: Fresno, Los Angeles, San Diego, San Francisco and San Jose.¹ These cities represent all areas of the state and together comprise more than 30 percent of the state's population. In addition, data for the state as a whole were extensively analyzed.

The data presented are based on analysis of U.S. census materials, local "mid-decade" censuses, local housing surveys and plans, and original survey research.

¹ At the time of the study, San Francisco was the only city of these 5 that prohibited housing discrimination against families with children. Los Angeles passed a similar fair housing law in 1980.

Originally this project covered 6 cities, but Redding was dropped because census and housing survey information necessary to develop the tabulations shown in the report are not available for cities of that size outside Standard Metropolitan Statistical Areas (SMSA's).

THE HOUSING SHORTAGE FOR RENTERS WITH CHILDREN

Several factors have contributed to the housing crisis facing California renters with children. Among these are: 1) low vacancy rates; 2) high cost of home ownership; 3) exclusion of families from existing rentals; and 4) exclusion of families from newly-constructed rentals.

Low Vacancy Rates

A healthy rental vacancy rate is considered to be between 5 and 6 percent. Such a rate is high enough to allow people opportunities to move and to allow for the absorption of population growth and new household formation, but is low enough to allow owners of rental property to meet their costs.

Table 1 shows vacancy rates for the State of California and the 5 target cities. The state overall has an extremely low vacancy rate, less than half the "healthy" 5 percent. The low vacancy situation in rentals has been exacerbated by the low level of new construction of rental units and by condominium conversions, which reduce the available rental stock.

In such low vacancy situations renters must compete for available units, with the result that "less desirable" tenants, such as families with children, are excluded from major portions of the market. This exclusion cuts the true vacancy rate for the excluded class to a fraction of the overall vacancy rate. In Los Angeles, for example, where the overall renter vacancy rate is 2.6%, the effective vacancy rate for families with children is less than eight-tenths of one percent.

In San Jose, where the renter vacancy rate is at a healthy level (5.4%), the effective vacancy rate for families with children is only 1.6%.

High Cost of Homeownership

An ever-increasing percentage of families with children in California are renters. To a large degree this shift toward renting is a result of the high cost of homeownership.

Table 1

VACANCY RATES

	<u>Overall</u>	<u>Owner</u>	<u>Renter</u>
State of California	3.2%	N.A.	N.A.
City of Fresno	1.6%	1.3%	2.0%
City of Los Angeles	2.5%	2.3%	2.6%
City of San Diego	3.9%	4.1%	3.7%
City of San Francisco	2.4%	0.4%	3.4%
City of San Jose	3.5%	2.6%	5.4%

Source: 1979 Housing Assistance Plans for the five cities
1979 California Statewide Housing Plan

According to the California Department of Housing and Community Development, in 1979 the median sales price of a single-family home in California was between \$90,000 and \$100,000. Few families can afford the traditional option of buying a home in which to raise a family because although the median value of a home rose by 220 percent in the past 9 years, the median income of a household rose by only 98 percent during the same period.

In another example, the SCAG¹ Regional Housing Element found that while a middle-income family (\$10,000/year) in 1970 could afford to buy about half the homes in the state, in 1977 the equivalent-income family (\$15,000/year) could afford less than 15 percent of those homes.

Exclusion of Families with Children from Existing Rental Units

Data Sources and Methods - To document the problem of exclusion of families with children, a survey of 5 California cities was used. The survey was conducted on two dates, approximately one month apart, in each city. Using rental listings in the major newspapers in each city, surveyors called the available rentals as if they were seeking to rent the units and asked whether children were allowed. The results were tallied by rent levels, by number of bedrooms, by whether the apartment was furnished or unfurnished, and by number of units in the building. A copy of the survey instruments are included in Appendix A. The results were used to determine child-exclusion rates and types of age restrictions.

In addition to this survey, an earlier survey of 10,000 Los Angeles rentals was used to compare rents on apartments which allow children to those which prohibit children.

Newspaper surveys have been used by a variety of agencies to determine rental rates, costs and availability. The Southern California Association of Governments, U.S. Department of Housing and Urban Development, public housing agencies and city planning departments are among the groups who have found newspaper rental listings to be an excellent source of housing market data. Furthermore, not only are newspaper advertisements

¹ Southern California Association of Governments

the most frequently used information source for active searchers, they also prove to be the most effective means for most who obtain housing.¹

Findings - The survey conducted for this study found that children are excluded from the majority of rental units in every city studied, except San Francisco where "adults only" rentals are prohibited by local ordinance:

	<u>Accept Children</u>	<u>No Children</u>	<u>Age Restrictions</u>
Fresno	24%	53%	23%
Los Angeles	14%	71%	15%
San Diego	23%	65%	13%
San Francisco	86%	12%	2%
San Jose	22%	70%	8%

Thus, in all of the cities where exclusion of children is allowed, less than one-fourth of all rentals allow children of any age. Even including buildings with age restrictions, less than one-half of the units surveyed allow children.

The problem is most severe in San Jose, San Diego, and Los Angeles, where 70, 65, and 71 percent, respectively, of rentals allow no children of any age.

In contrast, the same type of survey in San Francisco, where local ordinance prohibits "no-kids" rentals, found that only about 12 percent of rentals surveyed banned all children, and only 2 percent placed age restrictions on tenant children.

The San Diego survey results are matched almost perfectly by a study performed by the San Diego Apartment Owners Association which found that only 34 percent of San Diego City rentals allow children.

¹ Kevin F. McCarthy, Housing Search and Mobility, The Rand Corporation, R-2451-HUD, September 1979. (Note: The Rand study suggests that illegal racial discrimination may cause some low-income searchers in racially mixed areas to depend more on friends and relatives as information sources rather than on newspapers. That theory, if true, would only apply to one survey--San Francisco's--because discrimination against children is neither illegal nor covert in the other 4 cities studied.)

Table 2 shows the same survey results tabulated by number of bedrooms in the unit. The exclusion rate remains high even in the units which by any standard should be large enough to accommodate families with children. The vast majority (about 75%) of renter families with children have only one or two children, and would therefore need a two-bedroom or smaller unit. Yet only about one-fourth of the two-bedroom units surveyed accept children without restrictions. In San Jose and Los Angeles over 70 percent of the two-bedroom rentals prohibit children of any age.

Even among three or more bedroom units, which should accommodate families, the majority of available rentals in every city studied, except San Francisco, either accepted no children or imposed age restrictions. In San Jose, Fresno, and Los Angeles, only 38, 35, and 24 percent, respectively, of three-bedroom rentals allow children.

The argument is often made that many buildings must exclude children because the available units are not appropriate for family use. The results of the survey indicate that, while the larger rentals do allow children somewhat more often than the smaller units, the exclusion rate is high even among rentals which would be considered "appropriate" for family tenancy. In this regard it is also interesting to note that in 3 of the 5 cities surveyed efficiency (or zero-bedroom) units are more likely to be available to families with children than are one-bedroom units, a situation which clearly does not support the "appropriateness" argument.

Exclusion of Families from Newly-Constructed Rentals

The argument is often made that the housing problems of families with children could be solved by simply building more rental units. While more rental construction is clearly a partial solution in that it eases pressure on the rental market, it does not appear to be the answer, or even a major component of the answer to the problem.

A survey was conducted of newly completed rentals in Los Angeles City, using building permits issued in 1977 to insure that the units involved had been completed and were occupied at the time of the survey in September 1979.

Table 2

ACCEPTANCE OF CHILDREN BY NUMBER OF BEDROOMS

<u>No. of Bedrooms</u>	<u>Accept Children</u>		<u>No Children</u>		<u>Age Restricted</u>		<u>Total</u>	
	#	%	#	%	#	%	#	%
<u>Fresno</u>								
0	1	7.7%	12	92.3%	0	0	13	100.0%
1	18	9.9%	133	73.5%	30	16.6%	181	100.0%
2	99	32.4%	125	40.8%	82	26.8%	306	100.0%
3+	6	35.3%	6	35.3%	5	29.4%	17	100.0%
Total	<u>124</u>	<u>24.0%</u>	<u>276</u>	<u>53.3%</u>	<u>117</u>	<u>22.6%</u>	<u>517</u>	<u>100.0%</u>
<u>Los Angeles</u>								
0	6	12.2%	38	77.6%	5	10.2%	49	100.0%
1	34	9.0%	283	74.7%	62	16.4%	379	100.0%
2	64	17.4%	264	71.9%	39	10.6%	367	100.0%
3+	26	24.3%	54	50.5%	27	25.2%	107	100.0%
Total	<u>130</u>	<u>14.4%</u>	<u>639</u>	<u>70.8%</u>	<u>133</u>	<u>14.7%</u>	<u>902</u>	<u>100.0%</u>
<u>San Diego</u>								
0	18	20.5%	63	71.6%	7	8.0%	88	100.0%
1	76	17.0%	306	68.6%	64	14.3%	446	100.0%
2	90	27.9%	198	61.3%	35	10.8%	323	100.0%
3+	19	45.2%	17	40.5%	6	14.3%	42	100.0%
Total	<u>203</u>	<u>22.6%</u>	<u>584</u>	<u>65.0%</u>	<u>112</u>	<u>12.5%</u>	<u>899</u>	<u>100.0%</u>
<u>San Francisco</u>								
0	72	90.0%	8	10.0%	0	0	80	100.0%
1	145	78.8%	33	17.9%	6	3.3%	184	100.0%
2	110	92.4%	9	7.6%	0	0	119	100.0%
3+	41	95.3%	0	0	2	4.7%	43	100.0%
Total	<u>368</u>	<u>86.4%</u>	<u>50</u>	<u>11.7%</u>	<u>8</u>	<u>1.9%</u>	<u>426</u>	<u>100.0%</u>
<u>San Jose</u>								
0	5	9.4%	47	88.7%	1	1.9%	53	100.0%
1	17	18.1%	72	76.6%	5	5.3%	94	100.0%
2	37	25.2%	103	70.1%	7	4.8%	147	100.0%
3+	12	37.5%	6	18.8%	14	43.8%	32	100.0%
Total	<u>71</u>	<u>21.8%</u>	<u>228</u>	<u>69.9%</u>	<u>27</u>	<u>8.3%</u>	<u>326</u>	<u>100.0%</u>

Source: Fair Housing Project Survey, 1979

A total of 3,148 units were surveyed, representing a sample of one-third of the rental building permits issued by Los Angeles in 1977. They include permits issued from all district offices. The findings are as follows:

Total Units Surveyed	3,148
Number converted to condominium	354
Condominiums allowing children	79 (22%)
Adults-only condominiums	275 (78%)
Number available for rent	2,794
Rentals allowing children	728 (26%)
Adults-only rentals	2,066 (74%)

Thus only about one-fourth of the new rental units in Los Angeles are available to families with children. The exclusion of families with children in the rental market is being perpetuated in new construction. New units are therefore not alleviating the problems faced by renters with children in Los Angeles.

By contrast, in San Francisco a study of 493 units revealed that only 10 percent of new units prohibited children. Also, none of the condominium conversions in San Francisco excluded children, as compared to 78 percent in Los Angeles. The findings were:

Total Units Surveyed	493
Number converted to condominiums	147
Condominiums allowing children	147 (100%)
Adults-only condominiums	0
Number available for rent	346
Rentals allowing children	311 (90%)
Adults-only rentals	35 (10%)

Clearly, San Francisco's ban on rental discrimination against children has had a positive effect on the availability of new rental units to families. A secondary effect appears to be the carry-over of nondiscriminatory policies from apartments to condominiums.

ECONOMIC IMPACT OF DISCRIMINATION
AGAINST RENTERS WITH CHILDREN

Renters with children, as a class, are in the curious position of paying the price of their own exclusion. As explained by economist Claude Elias, "...the fact that families with children are arbitrarily excluded from certain units represents a limitation to their choice of units, and so to that extent, they pay the cost of that arbitrary restriction."¹

Higher Rents

The same survey discussed earlier found that rentals which allow children tend to command a higher rent than those which exclude children.

Table 3 shows the survey results in each rent category. With the exception of San Francisco where an ordinance prohibits discrimination against families with children in rental housing, the most expensive units (rents of \$450 per month and over) are most likely to rent to families with children.

Table 4 shows the median rent by bedroom size for rentals which allow, exclude, or restrict children. No clear pattern is evident for units that restrict children. However, comparing units which accept children to those which absolutely exclude children, in every case except San Francisco, median rents are higher for equivalent sized units that allow children. Rents are generally between \$20 and \$30 more per month higher for equivalent units that allow children, with the smaller difference being in one-bedroom rentals in Fresno, where buildings which allow children had the same median rents as "no-children" buildings. The biggest difference is in three-or-more bedroom units in Los Angeles where rentals that allow children have median rents \$97 higher than similar sized units which exclude children.

¹ Testimony of Dr. Claude Elias, Jr., President, Real Estate Research Council of Southern California, in the case of Marina Pt. Ltd. vs. Wolfson, Culver City Municipal Court, June 16, 1979.

Table 3
ACCEPTANCE OF CHILDREN BY RENT CATEGORY

Rent Category	Accept Children		No Children		Age Restricted		Total	
	#	%	#	%	#	%	#	%
Fresno								
0 - 149	5	12.8%	33	84.6%	1	2.6%	39	100%
150 - 249	96	25.7%	191	51.2%	86	23.0%	373	100%
250 - 349	17	20.5%	44	53.0%	22	26.5%	83	100%
350 - 449	6	27.2%	8	36.4%	8	36.4%	22	100%
450+	0	-	0	-	0	-	0	-
Total	124	24.0%	276	53.3%	117	22.6%	517	100%
Los Angeles								
0 - 149	3	60.0%	2	40.0%	0	-	5	100%
150 - 249	16	13.2%	87	71.9%	18	14.3%	121	100%
250 - 349	32	10.2%	246	78.1%	37	11.7%	315	100%
350 - 449	42	14.6%	192	66.9%	53	18.5%	287	100%
450+	37	21.3%	112	64.4%	25	14.4%	174	100%
Total	130	14.4%	639	70.8%	133	14.7%	902	100%
San Diego								
0 - 149	1	9.1%	10	90.9%	0	-	11	100%
150 - 249	122	23.0%	318	59.9%	91	17.1%	531	100%
250 - 349	64	21.3%	217	72.1%	20	6.6%	301	100%
350 - 449	12	27.9%	30	69.8%	1	2.3%	43	100%
450+	4	30.8%	9	69.2%	0	-	13	100%
Total	203	22.6%	584	65.0%	112	12.5%	899	100%
San Francisco								
0 - 149	10	100.0%	0	-	0	-	10	100%
150 - 249	52	83.9%	8	12.9%	2	3.2%	62	100%
250 - 349	96	94.1%	6	5.9%	0	-	102	100%
350 - 449	81	91.0%	8	9.0%	0	-	89	100%
450+	129	79.1%	28	17.2%	6	3.7%	163	100%
Total	368	86.4%	50	11.7%	8	1.9%	426	100%
San Jose								
0 - 149	0	-	1	100.0%	0	-	1	100%
150 - 249	19	19.4%	74	75.5%	5	5.1%	98	100%
250 - 349	40	23.8%	120	71.4%	8	4.8%	168	100%
350 - 449	9	17.3%	30	57.7%	13	25.0%	52	100%
450+	3	42.9%	3	42.9%	1	14.3%	7	100%
Total	71	21.8%	228	69.9%	27	8.3%	326	100%

Source: Fair Housing Project Survey, 1979

Table 4

MEDIAN RENTS BY NUMBER OF BEDROOMS*

<u>No. of Bedrooms</u>	<u>Accept Children</u>	<u>No Children</u>	<u>Age Restricted</u>
Fresno			
0	N.A.	\$125	N.A.
1	\$185	\$185	\$187
2	\$218	\$226	\$207
3+	\$337	\$275	\$200
Overall Median	\$214	\$209	\$207
Los Angeles			
0	N.A.	\$404	\$313
1	\$338	\$328	\$297
2	\$366	\$347	\$411
3+	\$515	\$418	\$438
Overall Median	\$380	\$348	\$371
San Diego			
0	\$232	\$183	\$217
1	\$233	\$222	\$221
2	\$273	\$248	\$239
3+	\$325	\$316	\$316
Overall Median	\$246	\$239	\$228
San Francisco			
0	\$218	\$263	N.A.
1	\$339	\$463	N.A.
2	\$455	\$525	N.A.
3+	\$514	N.A.	N.A.
Overall Median	\$381	\$460	N.A.
San Jose			
0	\$204	\$225	N.A.
1	\$267	\$246	\$239
2	\$309	\$298	\$292
3+	\$375	\$366	\$382
Overall Median	\$296	\$276	\$352

*unfurnished units

Source: Fair Housing Project Survey, 1979

It is noteworthy that in San Francisco, where over 85 percent of all units surveyed allow children, rents tended to be higher for buildings that prohibit children, placing the cost of illegal discrimination on those practicing discrimination rather than on the excluded class.

The findings of this survey are further supported by earlier surveys of more than 10,000 units in Los Angeles. Table 5 compares average rents for restricted vs. not-restricted buildings from that survey. Again, particularly among the larger bedroom sites, rentals which allowed children were significantly more expensive than those which did not.

Inadequate Housing Conditions

Having established that there is widespread discrimination against families with children in rental housing and that the restricted market is forcing families to pay higher rents, the study sought to examine additional effects of this discrimination. For example, if families with children could afford to pay more for housing or if the available stock, although limited, was sufficient to accommodate the need for family rental housing, then the discrimination problem could be said to have insignificant economic impacts. Consequently, the study compared inadequate housing conditions for renter families with children to those without children using federal and California state definitions of inadequate housing:

- overpaying: paying more than 25% of gross income for rent
- overcrowding: more than 1.01 persons per room
- substandard: living in a unit which lacks one or more essential systems (plumbing, heating, etc.) or has a major defect or combination of defects which make the unit unsafe or unsanitary

The study found consistently that renters with children are inadequately housed more often than those without children.

Data Sources & Methods - The study of the effects of discrimination is based on analysis using the following data sources:

- U.S. Census of Housing and Population, special cross-tabulations
- local "mid-decade" censuses and housing surveys to update census materials in each of the 5 cities

Table 5

"HOMES UNLIMITED" SURVEY
(LOS ANGELES)

	1976 1746 Listings			1977 2689 Listings			1978 6059 Listings			Total 10,494 Listings		
	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent
"ACCEPT CHILDREN"	440	25.2%	\$390	985	36.6%	\$468	1817	29.9%	\$471	3242	30.9%	\$460
Single	7		204	25		181	59		201	91		196
1 Bedroom	73		223	93		257	182		292	348		268
2 "	223		365	520		463	960		454	1703		445
3 "	119		500	327		561	560		559	1006		553
4 "	13		690	20		635	53		753	86		716
5+ "	5		775	-		-	3		875	8		813
"NO CHILDREN"	678	38.8%	\$252*	1077	40.0%	\$321	2529	41.7%	\$331	4284	40.8%	\$316
Single*	170		157	234		193	520		205	924		193
1 Bedroom	242		206	439		282	1077		301	1758		283
2 "	245		350	372		431	864		434	1481		419
3 "	18		406	31		561	66		472	115		486
4 "	3		423	-		-	2		380	5		405
5+ "	-		-	-		-	-		-	-		-
"WILL CONSIDER"***	409	23.4%	\$375	495	18.4%	\$395	1271	20.9%	\$425	2175	20.7%	\$418
Single	5		177	17		182	51		200	73		194
1 Bedroom	90		229	68		288	263		300	421		283
2 "	217		371	295		433	695		435	1202		423
3 "	100		524	108		562	251		560	459		552
4 "	2		425	7		639	11		758	20		683
5+ "	-		-	-		-	-		-	-		-

* The average rents shown on the Table includes all sizes of apartments; but because some "singles" are not suitable for families, rents have been refigured for averages without singles: 1976 - \$284; 1977 - \$357; 1978 - \$363; Total - \$349. Even not counting singles, average rents for apartments refusing children are significantly lower than those accepting.

** A small number of listings (5 - 7%) indicate that they will accept or will consider children on an age-restricted basis, usually infants or older teenagers.

SOURCE: Brief of Amicus Curiae Fair Housing for Children Coalition, Wolfson v. Marina Point, Ltd., Los Angeles County Superior Court, September 18, 1978.

-- The Census/HUD Annual Housing Survey for San Francisco, San Diego, and Los Angeles

-- The California Statewide Housing Plan and other materials supplied by the California Department of Housing and Community Development (HCD)

Findings - For the State of California as a whole, 45% of renters with children are inadequately housed, as compared to 32% of renters without children.¹

A similar comparison held true for each of the five cities studied. To summarize:

<u>City</u>	<u>Percent of Renters Inadequately Housed</u>	
	<u>With Children</u>	<u>Without Children</u>
State of California	45%	32%
Fresno	46%	35%
Los Angeles	49%	35%
San Diego	48%	42%
San Francisco ²	50%	38%
San Jose	51%	41%

Holding income constant, the results are even more striking. Table 6 compares inadequate housing by income group. Low income is here defined as income below \$15,000 per year (or about 80% of the statewide median); moderate income is \$15,000 - \$22,499 (or 80 - 120% of the statewide median); and upper income is defined as \$22,500 and up. These are standard State of California definitions.

¹ Note that in this comparison and all subsequent comparisons of inadequate conditions the data presented are for households with two or more persons. Since single-person households do not have children, they do not provide a valid comparison to households with children, and therefore were excluded from the analysis.

² Please note that statistics on inadequate housing for San Francisco are not current enough to reflect any changes caused by the local anti-discrimination ordinance, and in any case the ordinance has not been in effect long enough to affect the overall living patterns in that city as reflected in this analysis.

Table 6

PERCENT OF INADEQUATELY-HOUSED RENTERS BY INCOME LEVEL
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	<u>Low Income</u>	<u>Moderate Income</u>	<u>Upper Income</u>
<u>State of California</u>			
With Children	63%	13%	12%
Without Children	53%	6%	5%
<u>City of Fresno</u>			
With Children	56%	12%	6%
Without Children	47%	3%	*
<u>City of Los Angeles</u>			
With Children	65%	22%	14%
Without Children	56%	7%	4%
<u>City of San Diego</u>			
With Children	62%	16%	8%
Without Children	49%	5%	2%
<u>City of San Francisco</u>			
With Children	68%	21%	13%
Without Children	64%	11%	5%
<u>City of San Jose</u>			
With Children	71%	20%	12%
Without Children	65%	6%	2%

* Less than 1%.

As Table 6 shows, the majority of low income renters in California face some housing inadequacies. However, it is consistently found that all income renters with children are more often inadequately housed than those without children.

Among moderate and upper income renters who should be able to function adequately in the housing market, a substantial percentage of families with children continue to be inadequately housed, while less than half as great a percentage of renters without children face these problems. In three of the 5 cities, Los Angeles, San Jose and San Francisco, more than 20 percent of moderate income renters with children are inadequately housed. Even for upper incomes, for the state as a whole and for three of the 5 cities surveyed, more than 12 percent are inadequately housed. This compares to between 2 and 5 percent of renters without children.

It is evident, therefore, that insufficient rentals are available to families with children at all incomes, and that even those families who, by virtue of their income, could be expected to be able to obtain decent housing at affordable rents, are forced to overpay or overcrowd in order to be housed.

Table 7 details the findings by income group. It shows that holding income constant, families with children are consistently more often inadequately housed than renters without children.

Inadequate housing conditions were also compared holding family size constant in order to investigate whether renters with children were overpaying and overcrowding more often than childless renters because of the greater number of people in the household. Table 8, therefore, shows inadequate housing conditions by number of persons per household. Consistently, renters with children are less well-housed than other renters. For the state as a whole, among two-person households, renter families with children are inadequately housed nearly twice as often as those without children, as shown by Table 8a:

Table 7

INADEQUATE HOUSING CONDITIONS FOR TWO OR MORE PERSON HOUSEHOLDS BY INCOME
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	Renters With Children			Renters Without Children		
	Total (In Thousands)	Inadequately Housed (In Thousands)	Percent Inadequately Housed	Total (In Thousands)	Inadequately Housed (In Thousands)	Percent Inadequately Housed
<u>State of California</u>						
Income						
\$0-\$ 7,499	292.4	284.0	97%	282.8	232.6	82%
\$ 7,500-\$14,999	431.8	173.4	40%	394.0	127.8	32%
\$ 15,000-\$22,499	270.7	35.9	13%	300.5	16.6	6%
\$ 22,500-\$34,999	98.0	12.3	12%	158.1	9.2	6%
\$ 35,000 and up	29.1	2.9	10%	63.6	2.6	4%
Total	1122.0	508.5	45%	1199.0	388.8	32%
<u>City of Fresno</u>						
Income						
\$0-\$ 7,499	5.7	4.6	81%	4.9	3.8	78%
\$ 7,500-\$14,999	6.0	2.0	33%	5.8	1.2	21%
\$ 15,000-\$22,499	2.5	0.3	12%	2.6	0.1	3%
\$ 22,500-\$34,999	0.8	*	5%	0.8	*	1%
\$ 35,000 and up	0.4	*	7%	0.5	0.0	0%
Total	15.4	7.0	46%	14.6	5.1	35%
<u>City of Los Angeles</u>						
Income						
\$0-\$ 7,499	50.5	46.6	92%	47.4	41.2	87%
\$ 7,500-\$14,999	72.3	33.8	47%	65.1	21.4	33%
\$ 15,000-\$22,499	42.5	9.5	22%	46.0	1.4	3%
\$ 22,500-\$34,999	17.1	2.5	14%	18.9	6.8	36%
\$ 35,000 and up	17.2	1.2	7%	13.7	0.4	3%
Total	122.7	93.6	76%	191.1	67.2	35%
<u>City of San Diego</u>						
Income						
\$0-\$ 7,499	12.7	12.3	97%	13.2	12.4	94%
\$ 7,500-\$14,999	19.4	8.3	43%	25.0	10.0	40%
\$ 15,000-\$22,499	9.7	1.6	16%	11.0	0.6	5%
\$ 22,500-\$34,999	2.7	0.2	7%	3.8	0.1	2%
\$ 35,000 and up	1.8	0.1	7%	2.2	0.1	2%
Total	46.8	22.5	48%	55.2	23.2	42%
<u>City of San Francisco</u>						
Income						
\$0-\$ 7,499	10.8	10.5	96%	15.1	13.6	90%
\$ 7,500-\$14,999	16.1	9.3	57%	23.1	10.8	47%
\$ 15,000-\$22,499	12.2	2.7	22%	18.0	2.0	11%
\$ 22,500-\$34,999	5.6	0.9	15%	9.4	0.6	6%
\$ 35,000 and up	3.6	0.4	11%	6.0	0.1	2%
Total	48.3	23.9	50%	71.6	27.0	38%
<u>City of San Jose</u>						
Income						
\$0-\$ 7,499	6.5	6.4	98%	5.5	5.3	96%
\$ 7,500-\$14,999	11.4	6.7	59%	8.9	4.0	45%
\$ 15,000-\$22,499	8.0	1.6	20%	5.8	0.3	6%
\$ 22,500-\$34,999	2.7	0.4	14%	2.1	*	2%
\$ 35,000 and up	1.4	0.1	6%	1.0	*	2%
Total	29.9	15.2	51%	23.4	9.7	42%

* less than 0.1%

Table 8
 PERCENT OF INADEQUATELY HOUSED RENTERS BY NUMBER OF PERSONS PER HOUSEHOLD
 (RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

Household Size	Renters With Children			Renters Without Children		
	Total Households (In 1000's)	Inadequately Housed (In 1000's)	Percent	Total Households (In 1000's)	Inadequately Housed (In 1000's)	Percent
<u>State of California</u>						
2 persons	88.5	57.1	65%	1009.1	338.8	34%
3-4 persons	664.2	248.7	37%	175.5	42.3	24%
5 or more persons	369.3	202.7	55%	14.4	7.7	54%
Total	1122.0	508.5	45%	1199.0	388.8	32%
<u>City of Fresno</u>						
2 persons	1.1	0.8	74%	11.7	4.5	39%
3-4 persons	7.9	3.1	39%	2.7	0.5	20%
5 or more persons	6.4	3.1	48%	0.2	0.1	46%
Total	15.4	7.0	46%	14.6	5.1	35%
<u>City of Los Angeles</u>						
2 persons	19.0	12.4	65%	165.2	57.3	35%
3-4 persons	114.7	45.4	40%	24.5	9.2	38%
5 or more persons	59.0	35.8	61%	1.4	0.7	51%
Total	192.7	93.6	49%	191.1	67.2	35%
<u>City of San Diego</u>						
2 persons	2.8	2.0	71%	32.5	13.2	41%
3-4 persons	20.8	9.1	44%	6.0	2.7	44%
5 or more persons	9.8	5.0	51%	0.9	0.5	50%
Total	33.4	16.1	48%	39.4	16.4	42%
<u>City of San Francisco</u>						
2 persons	4.2	3.2	77%	59.0	22.4	38%
3-4 persons	27.8	12.3	44%	11.7	4.1	35%
5 or more persons	16.3	8.5	53%	0.9	0.5	50%
Total	48.3	23.9	50%	71.6	27.0	38%
<u>City of San Jose</u>						
2 persons	1.7	1.3	73%	18.5	7.2	39%
3-4 persons	17.7	7.7	43%	4.3	2.1	48%
5 or more persons	10.5	6.3	60%	0.6	0.3	50%
Total	29.9	15.2	51%	23.4	9.6	41%

Note: Totals and percents may not compute exactly as shown due to rounding.

Table 8a
SUMMARY OF STATE PERCENTAGES FROM TABLE 8

<u>Persons per Household</u>	<u>Percent Inadequately Housed Renters</u>	
	<u>With Children</u>	<u>Without Children</u>
2	65	34
3-4	37	24
5+	<u>55</u>	<u>54</u>
Total	45	32

These results are consistent among the 5 cities studied. Clearly, therefore, the greater problem faced by families with children does not result from their larger size. In this regard it is also noteworthy that two-person renter families with children are ill-housed (65% statewide) more often than large (5+ person) families with children (55% inadequately housed statewide).

Finally, Table 9 holds both income and family size constant for renters with and without children. At every income and for all areas studied, renters with children are more often inadequately housed. Again, the most striking comparison is among middle and upper income households. For the state as a whole, Table 10 shows that of two-person households with incomes above \$15,000 per year, families who should, by income and family size standards, have available to them the majority of rental units, experience inadequate housing 10 times as often as the percentage of renters with no children.

With all other factors held constant, the renter with a child is, therefore, much more likely to overpay, overcrowd, or live in substandard conditions than the all-adult household.

Table 9

PERCENT OF INADEQUATELY HOUSED TWO-PERSON HOUSEHOLDS BY INCOME
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	\$0 to <u>\$7,499</u>	\$7,500 to <u>\$14,999</u>	\$15,000 to <u>\$22,499</u>	\$22,500 to <u>\$34,999</u>	\$35,000 or more	<u>Total</u>
<u>State of California</u>						
Two-Person Renters						
With Children	95%	44%	33%	30%	17%	64%
Without Children	87%	36%	4%	3%	1%	34%
<u>City of Fresno</u>						
Two-Person Renters						
With Children	83%	34%	8%	0%	0%	65%
Without Children	78%	22%	1%	1%	0%	39%
<u>City of Los Angeles</u>						
Two-Person Renters						
With Children	89%	62%	18%	12%	2%	65%
Without Children	85%	30%	6%	3%	1%	35%
<u>City of San Diego</u>						
Two-Person Renters						
With Children	89%	50%	40%	13%	0%	71%
Without Children	86%	25%	2%	6%	2%	40%
<u>City of San Francisco</u>						
Two-Person Renters						
With Children	100%	50%	40%	12%	2%	77%
Without Children	90%	45%	9%	5%	0%	38%
<u>City of San Jose</u>						
Two-Person Renters						
With Children	100%	60%	8%	0%	0%	73%
Without Children	84%	46%	3%	*	0%	39%

*less than 1%

SOCIAL AND PSYCHOLOGICAL IMPACT

In addition to economic burdens, there are other negative effects associated with housing discrimination against children. Among these are psychological damage to children, de facto discrimination against a large percentage of women and minorities,¹ and segregation by age, race, and sex.

Effect on Children

"Since every human being depends upon his cumulative experiences with others for cues as to how he should view and value himself, children who are consistently rejected understandably begin to question and doubt whether they, their family, and their group really deserve no more respect from the larger society than they receive."

--Kenneth B. Clark, Dark Ghetto:
Dilemmas of Social Power, 1965

"The problems children face as public liabilities are related directly to the way our larger economic and political system operates. It is a system that is making life harder in our schools, our communities, and our families. It threatens not only our children's humanity, but the possibilities of their being able to live as citizens in a political democracy."

--Will Riggan, "Children as Social
Liabilities: Working Paper #9,"
Childhood and Government Project,
UC Berkeley, 1976

¹ California's Unruh Civil Rights Act and Rumford Fair Housing Act collectively protect renters from discrimination based on race, religion, national origin, ancestry, sex, marital status, and physical disability. The courts have extended these protections to unmarried couples, homosexuals, men with long hair, and persons of "unusual" political views. However, as now interpreted, it is perfectly legal under state law to refuse to rent to any person who has a child. This legal loophole is being challenged by a couple who were evicted for having a baby in an adults-only complex. Their case, *Wolfson v. Marina Point, Ltd.*, is on appeal before the California Supreme Court.

According to sociology researcher Dr. Susan Robbins, "It is clear from these and other psychological and sociological studies that discrimination against children can result in grave damage to the essential social structures upon which society depends--the family, the socialization of the young, and the integrated social structure as a whole."

Impact on Minority and Female-Headed Households

Black, Hispanic and female-headed families with children are renters more often than "white"¹ or male-headed families with children. Consequently, they are more deeply affected by any problems related to rental housing. Charts 1-3 show that, statewide, a major percentage of minority renters (41% for Blacks, 54% for Hispanics) and female-headed renter families (62%) have children.²

Table 10 compares minority and female-headed households to total and "white" households with children as to the percent who are renters. So, for example, in Fresno where 36% of all families with children are renters and only 30% of "white" families with children are renters, as many as 57% of Black, 47% of Hispanic, and 72% of female-headed families with children are renters. Thus, in Fresno, Blacks with children rent nearly twice as often as "whites," and female-headed households are renters twice as often as families with children overall.

In all 5 cities, a far greater percentage of minority and female-headed families with children are renters than is true of non-minority or male-headed families.

From this data alone it is apparent that exclusion of families with children also tends to exclude minorities and female-headed families.

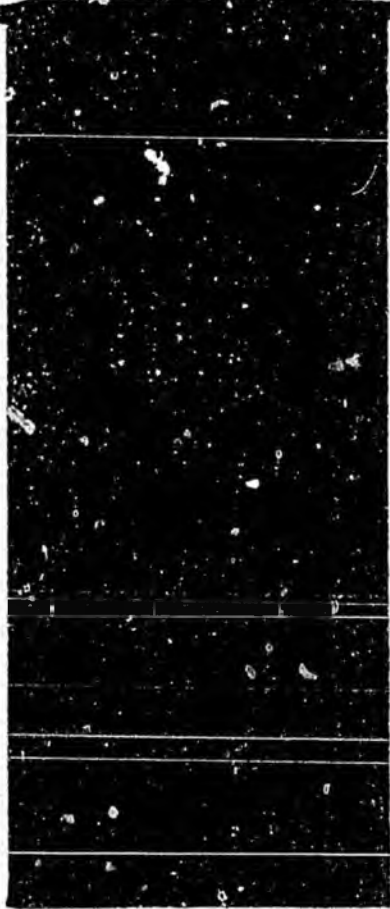
¹ "White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

² Although each chart includes all households which fit the category description, some households fall into more than one category, e.g., some Black renter households are also female-headed. Therefore, the categories cannot be added together to obtain a grand total.

CALIFORNIA RENTERS

FEMALE
TOTAL

FEMALE
WITH
CHILDREN



616,200



384,800

CALIFORNIA RENTERS

HISPANIC
TOTAL

HISPANIC
WITH
CHILDREN



517,000



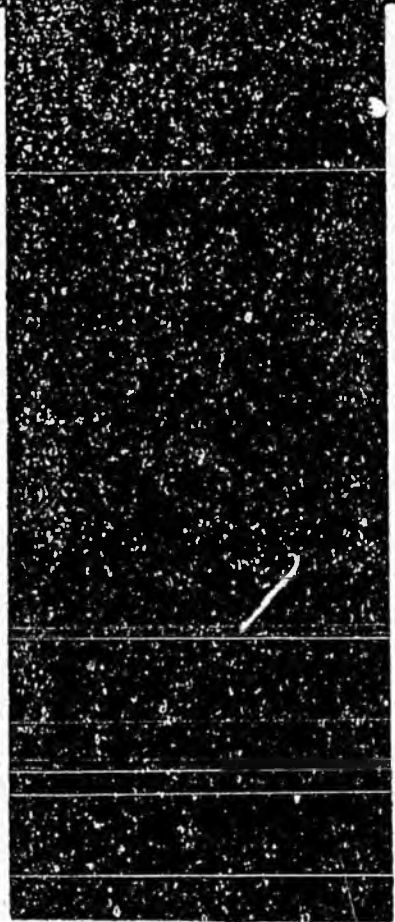
278,000

Source: California Department of Housing & Community Development, July 1978

CALIFORNIA RENTERS

BLACK
TOTAL

BLACK
WITH
CHILDREN



399,000



165,000

Table 10

RENTERS WITH CHILDREN AS A PERCENT OF TOTAL HOUSEHOLDS WITH CHILDREN
BY RACIAL, ETHNIC AND FEMALE-HEADED HOUSEHOLDS

<u>City</u>	<u>Total Households With Children</u>	<u>Black Households With Children</u>	<u>Spanish Surname Households With Children</u>	<u>"White" Households With Children</u>	<u>Female-Headed Households With Children</u>
Fresno	36%	57%	47%	30%	72%
Los Angeles	49%	62%	69%	38%	73%
San Diego	41%	57%	50%	37%	65%
San Francisco	55%	65%	66%	46%	75%
San Jose	28%	47%	42%	24%	60%

Table 11 summarizes an analysis of inadequate housing conditions for minority and female-headed as compared to "white" families with children. The table shows that among all groups studied, renter families with children have worse housing than renters without children.

In addition, minority and female-headed households are consistently inadequately housed more often than "white" households with children, even holding income constant.

More importantly, while minority and female-headed renter families with children are inadequately housed to a significantly greater degree, minority renters without children do not appear to face housing problems any more often than "white" renters of similar income.

Thus, to the extent that discrimination against minorities and women exists in the California housing market, it appears to be directed at families with children. When racial and sex discrimination lead to inadequate living conditions, it appears that they are confined to families with children.

These findings further suggest that exclusion of renters with children from a major portion of the rental market is in effect excluding minorities and women. They certainly show a disproportionately large impact on minority and female-headed households even when income is taken into consideration.

Clustering/Segregation

To quote economist Claude Elias, "...the results of arbitrary exclusion will be (the) clustering (of) families with children and that would impose certain social problems, such as the need for additional schooling facilities, transportation patterns, differential traffic controls, more police protection, more recreational facilities--and these costs are borne by the general taxpayer, by society as a whole."¹ Dr. Elias concludes that clustering does not strike housing economists as an economic method for solving the housing allocation problem.

Renters with children do tend to become clustered as a result of their exclusion from the majority of the housing market. In California, families

¹ Elias, Ibid., June 20, 1979.

Table 11

PERCENT INADEQUATELY HOUSED MINORITY AND FEMALE-HEADED RENTERS
 COMPARED TO TOTAL "WHITE" RENTERS WITH AND WITHOUT CHILDREN BY INCOME

	<u>"White" * Renters</u>		<u>Black Renters</u>		<u>Hispanic Renters</u>		<u>Female-Headed Renters</u>	
	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>
<u>State of California</u>								
With Children	77%	17%	99%	29%	95%	30%	98%	31%
Without Children	72%	9%	89%	17%	94%	16%	95%	15%
<u>City of Fresno</u>								
With Children	69%	11%	73%	33%	75%	33%	97%	38%
Without Children	67%	4%	69%	4%	61%	4%	61%	5%
<u>City of Los Angeles</u>								
With Children	68%	20%	76%	25%	74%	32%	95%	38%
Without Children	61%	10%	66%	5%	61%	13%	93%	20%
<u>City of San Diego</u>								
With Children	76%	15%	72%	21%	74%	31%	97%	51%
Without Children	74%	7%	73%	4%	70%	10%	96%	26%
<u>City of San Francisco</u>								
With Children	86%	20%	75%	26%	83%	29%	97%	63%
Without Children	79%	14%	74%	11%	80%	12%	97%	6%
<u>City of San Jose</u>								
With Children	88%	20%	89%	35%	83%	34%	98%	59%
Without Children	82%	9%	82%	13%	75%	10%	97%	7%

* "White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

with children comprise just over 30 percent of all renters. The availability surveys of rental ads done in 1979 by the Fair Housing Project indicate that between 26 and 35 percent of all rental buildings allow children. Consequently, virtually all renters with children must be concentrated in those buildings to the exclusion of families without children. Such buildings then become "children's ghettos."

Further, by mapping renter families with children by census tract, it was found that they are concentrated in certain areas of each of the cities studied. Maps 1-5 show these clusters. (See Appendix B)

The study also found a correlation between "children clustering" and "racial clustering." Each of the census tracts identified as having a concentration of renters with children was examined for racial composition and proportion of female-headed households. It was found that in the majority of census tracts with high concentrations of renters with children, there were also more minority families and more female-headed households than the citywide norm.

Table 12 summarizes these results. In every city studied there was a correlation between renters with children and minority households. In all but Fresno there was a correlation with female-headed households. The correlation between the isolation of children and minorities was strongest in Los Angeles (78%). The correlation between the isolation of children and female-headed households was strongest in San Jose (93%) with a very strong correlation (83%) also appearing in San Diego.

These correlations occur partly because minority and female-headed households with children tend to be renters more often than "white" male-headed families with children. However, the clustering does demonstrate that "no-children" housing tends to reinforce, if not create, segregated living patterns by age, race and sex.

Not surprisingly, a recent study found that discrimination against children intensifies racial imbalances in schools. "Both the exclusion of middle class white renters from the city and the exclusion of poor minority renters from the suburban housing markets intensify the problem of school segregation."¹ "Jurisdictions which permit discrimination

¹ Dr. Gary Orfield, "Desegregation Principles for Los Angeles: A Report to the Superior Court of the State of California for the County of Los Angeles," November 1, 1978, p. 79.

Table 12

CONCENTRATIONS OF RENTERS WITH CHILDREN CORRELATED WITH
CONCENTRATIONS OF MINORITIES AND FEMALE-HEADED HOUSEHOLDS

<u>City</u>	<u>Census Tracts With Concentrations of Renters With Children</u>				
	<u>Total Number</u>	<u>Tracts with Greater than Citywide Percentage of Black/Hispanic Households</u>		<u>Tracts with Greater than Citywide Percentage of Female-Headed Households</u>	
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Fresno	5	3	60%	2	40%
Los Angeles	69	54	78%	52	75%
San Diego	18	11	61%	15	83%
San Francisco	8	5	63%	6	75%
San Jose	15	9	60%	14	93%

against children in the rental or sale of housing should be asked to examine its impact on school segregation and the future enrollment in their local public schools. This discrimination almost certainly produces 'white flight' of families with school children from the city and some suburbs."¹

Finally, the adverse effects of age segregation are not limited to children and their families. A recent study of housing preferences of the elderly strongly recommended that "...alternatives should be provided that allow older persons to live in age-integrated environments if they so desire. The vast majority of the community elderly stated a preference for age-integrated surroundings, if given a choice."² A related manual on house-sharing explained the benefits of age-integration: "It appears that intergenerational contact, providing it is under favorable conditions, can promote more positive attitudes toward the young and greater willingness to share with them."³

¹ Orfield, p. 81.

² Fernando Torres-Gil, et al., Housing: The Diverse Aged, Project MASP, Andrus Gerontology Center, University of Southern California.

³ "Intergenerational House-Sharing: A Feasibility Study and Resource Manual," Project MASP, Andrus Gerontology Center, University of Southern California.

LANDLORD CONCERNS

Concern is often expressed that the presence of children in apartment buildings may lower property values, increase operating costs, and require owners to make substantial "safety" improvements.

Research under this project found no empirical data to support these claims. In any case, the results of the survey of available rentals (see Tables 3-5) show that even if it is true that it is more expensive to rent to families with children, it is also true that rentals which allow children command higher rents.

Property Values

According to the California State Savings and Loan Commissioner and two major savings and loan institutions,¹ there is no known policy in the industry that would result in underappraisal of property because of the presence of children. In fact, the Society of Real Estate Appraisers (SREA) indicates that member appraisers do not even record whether or not buildings accept children when determining the value of a building--it simply is not an important factor.

Maintenance Costs

The following agencies were contacted in an effort to determine whether or not maintenance costs were higher in buildings which accept children as compared to those that were adults-only: Real Estate Research Council of Southern California, U.S. Department of Housing & Urban Development/Los Angeles Area Office, and the Society of Real Estate Appraisers. None of these sources was able to provide us with data on maintenance cost comparisons of buildings with and without children, nor could they refer us to any agency which had this information.

In addition to the above inquiries, questionnaires were sent to the following associations requesting information on any such studies they

¹ Home Federal Savings and Great Western Savings & Loan Association

might have done: 1) Apartment Association/Los Angeles-Western Cities; 2) Apartment House Association Consolidated, San Francisco; 3) Fresno Apartment Association; 4) Tri-County Apartment Association; 5) California Apartment Association; 6) San Diego Apartment & Rental Owners Association; 7) San Fernando Valley Apartment Association; 8) Foothills/Pasadena Apartment Association; 9) Affiliated Cities Apartment Association; and 10) California/Southern Cities Apartment Association. The first five associations responded, but other than a suggestion to contact individual apartment owners, none was able to supply the information requested.

A request for maintenance data was also made of a witness in a child-
eviction case who testified that, "Basically, the presence of children in
an apartment project tends to cause the operating cost of that project
to be greater than they would otherwise be and also tend to cause the
ability of the project to command premium rent from other tenants to be
less than what might otherwise be."¹ No supporting data for this
statement was introduced as evidence during the trial, and subsequent
inquiries have also failed to produce back-up data.

Finally, a review of the available published literature regarding
discrimination against children revealed only one reference to higher
maintenance costs in buildings which accept children. However, that
claim was based on an interview with one apartment owner and, again, no
supporting data was cited.²

It appears that there is no empirical data which compares maintenance
costs in buildings which do and do not allow children. Should this type
of study be made, care should be taken to hold constant such factors as
building age, location, amenities, and so forth, as these will clearly
affect maintenance costs. Also, the percentage of renters with children
in the sample should not exceed their percentage in the general renter
population in order to avoid any distortion caused by "ghettoization."

¹ Stephen Roulac, Questor Associates, in the case of Marina Point,
Ltd., v. Wolfson, Culver City Municipal Court, October 6, 1977.

² Dennis Shaw, Journal of Family Law, V. 16, 1977-78.

Finally, in assessing the importance of maintenance cost studies as a rationale for child-discrimination, it should be determined whether or not comparisons of this sort could be used to discriminate against other classes of renters if it were found that buildings occupied solely by these other classes had higher maintenance costs. In both cases, it can reasonably be argued that other factors are involved.

Insurance Rates

According to the California State Department of Insurance, "It has been this Department's experience...that an apartment's liability and property rates are not affected by whether or not children are residing in the apartment building. Also, we have never received a rating complaint regarding the residence of children in an apartment building."¹

Additional information was received from the Transamerica Insurance Group, stating that although "some apartment building features do influence premiums," that was due to "the inherent hazard of such features, not the presence of children."² The fact that children do not raise insurance rates for apartment buildings was also confirmed by representatives for the Kemper Insurance Company and Farmer's Insurance Company, both in Los Angeles.

The findings of this study are that the insurance industry, with its enormous amounts of data on claims, does not consider the presence of children a significant factor in setting rates for apartment buildings.

Building Modifications/Safety Standards

Information was obtained from building departments in the 5 cities studied. In all cases, owners of dwellings are subject to either state or local housing codes, building codes--and their amendments--and various

¹ Letter from Janet S. Galiley, Insurance Rate Analyst, California Department of Insurance, to Eden Council for Housing Opportunities, April 24, 1978.

² Letter from E. J. Cogan, Transamerica Insurance Group, December 14, 1979, to Fair Housing Project.

swimming pool codes, irrespective of whether or not children are in residence. According to a representative of the Los Angeles Building Department, if an adults-only building were inspected and found to be safe and up to code, and a child subsequently moved in, no modifications would be required.¹ One of the California legislative proposals emphasized this point by declaring that protecting families from rental discrimination shall not "be construed to require a landlord to make an improvement to a housing accomodation beyond the minimum standards established by building codes and regulations approved by a state or local agency which has the responsibility to approve building plans and designs."²

None of this has been interpreted as disregard for the safety of children, but rather an acknowledgement of the fact that living in an apartment instead of a house presents no special high-risk situations for children. Sadly, Los Angeles County statistics confirm this observation. In 1979, of the 35 children under 12 years of age who drowned in swimming pools, 32 (or 91%) were found in private home pools. One child was found in an apartment house pool. In other types of drownings, three children under the age of 10 died in bathtubs, one in a river, and one in a lake.³

It is clear that a variety of situations, including taking a bath, can be dangerous to young, unsupervised children and that parents have the ultimate responsibility for their children's safety -- whether inside or outside of a dwelling unit.

In denying a family shelter for "safety reasons" (e.g., pools, stairways, balconies, parking lots), it may be that the real safety issue is missed. As documented elsewhere in this report, many families are living in dilapidated, substandard, and overcrowded housing. These are dangerous conditions over which their parents have little control because they are deprived of choice in the housing market.

¹Interview with John Feliciello, Assistant Superintendent of Building and Safety, City of Los Angeles, August 21, 1979.

²Senate Bill 440 (Roberti, et al.), February 22, 1979, amended April 25, 1979.

³Letter from Los Angeles County Department of Chief Medical Examiner-Coroner to Fair Housing Project, April 22, 1980.

"A decent home and a suitable living environment for every American family."

--a national goal since 1949

--a state goal since 1970

CONCLUSIONS AND RECOMMENDATIONS

It is apparent from this study that the basic human need for adequate shelter is not being met for a large percentage of California's renters with children. Part of the problem is caused by an insufficient supply of units, but a significant part is caused by the arbitrary exclusion of families with children from those units which do meet their needs.

In order to lessen the burden of this housing shortage-within-a-shortage for families with children, and to encourage intergenerational housing patterns in the future, serious consideration should be given to the following actions:

1. Enactment of a statewide law, similar to those in effect in 7 other states, prohibiting housing discrimination against renters based exclusively on age, parenthood, pregnancy, or the potential or actual tenancy of a minor child.¹

2. Adoption of local ordinances in the absence of statewide protection for renter families with children.

3. An increase in public incentives to private industry to meet the housing needs of families--especially those with 3 or more children--i.e., expansion of all federal rental programs and increases in rent limits to realistic levels.

4. Enforcement of existing regulations which prohibit discrimination against families with children in publicly financed or publicly insured housing projects.

5. Adoption of local regulations and plans that give incentives for construction of developments which offer a mix of 2 or more bedroom

¹ Although such protections normally cover only rentals, their expansion to owner-occupied units may be necessary to deal with the growing child-exclusion problem in the sale of condominiums, cooperatives, mobile homes, and "planned communities."

units with 0-1 bedroom units and which include amenities for all age groups.

Note: These actions deal mainly with the unavailability of housing for families with children. For a broader look at the housing problem, please see the California Statewide Housing Plan, 1979 Update, especially Section II, "Policies and Action Items," and Section III, "Farmworker Housing Plan Update." Available from the Department of Housing and Community Development, 921 Tenth Street, Sacramento, CA 95814.

6. At the federal level, serious consideration should be given to amending civil rights legislation so that it will protect families with children from housing discrimination.

A P P E N D I X

"A"

Survey Forms

Compiled by: _____

Apartment Survey

City: _____

Newspaper/Date: _____

"AGE RESTRICTIONS"

Rent per Month	\$0-99	\$100-149	\$150-199	\$200-249	\$250-299	\$300-349	\$350-399	\$400-449	\$450-499	\$500 up
UNFURNISHED UNITS										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										
FURNISHED UNITS										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										

-45-

TOTAL NO. OF UNITS IN EACH BUILDING CONTACTED (office use)

RESTRICTIONS: (e.g., teens only, infants only, etc.) _____

(cont. on back)

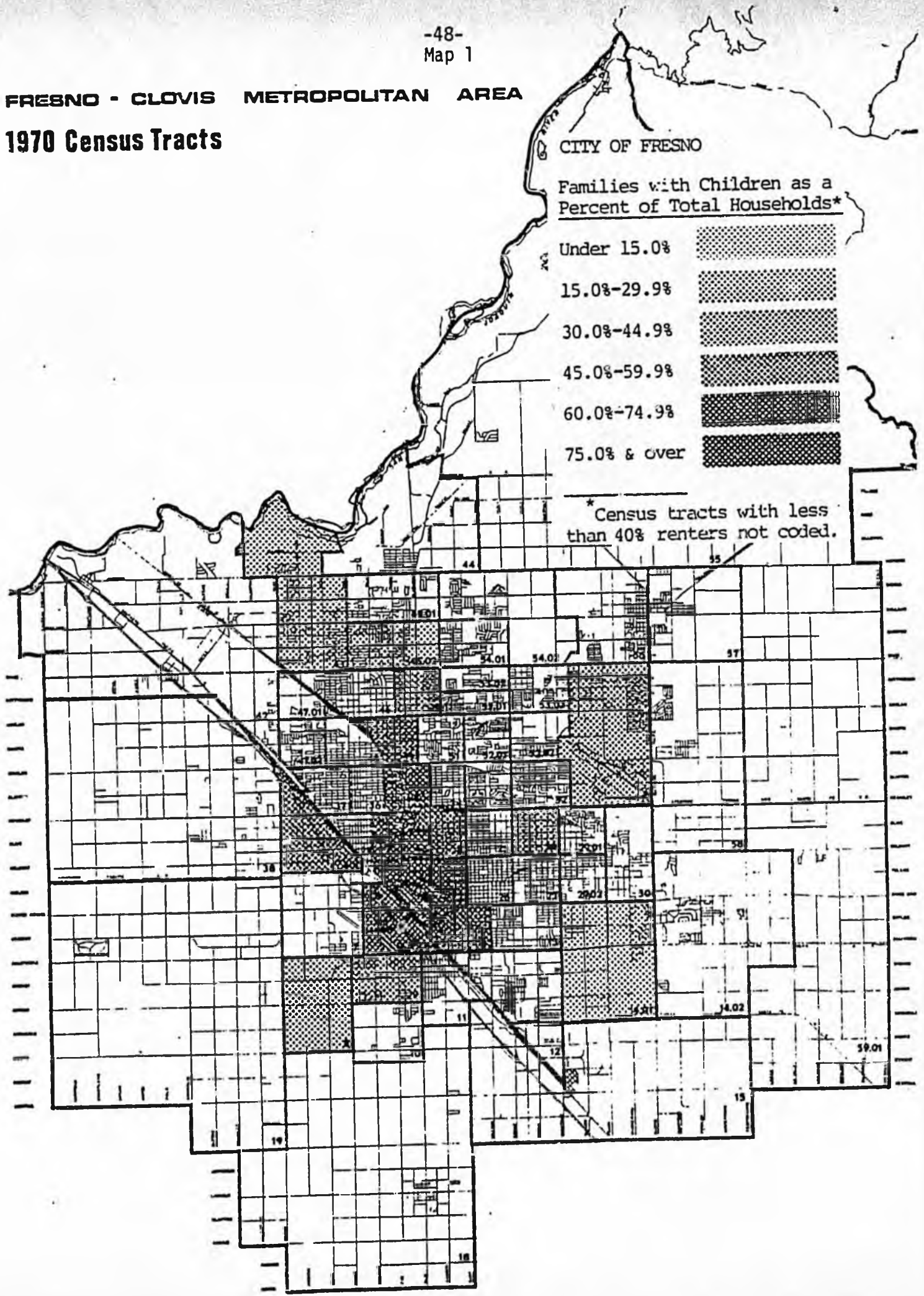
A P P E N D I X

"B"

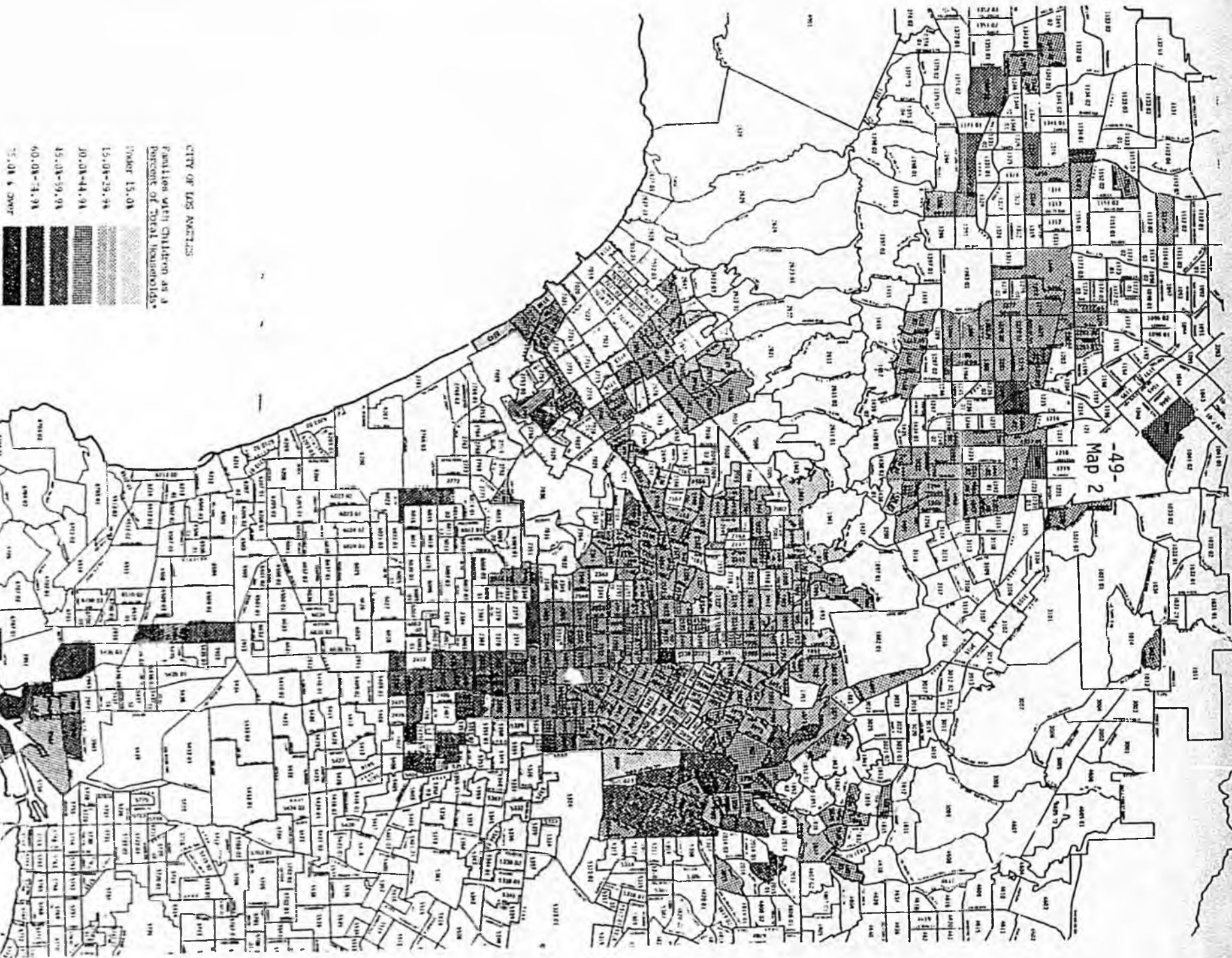
Age Clustering Maps

FRESNO - CLOVIS METROPOLITAN AREA

1970 Census Tracts



-49-
Map 2

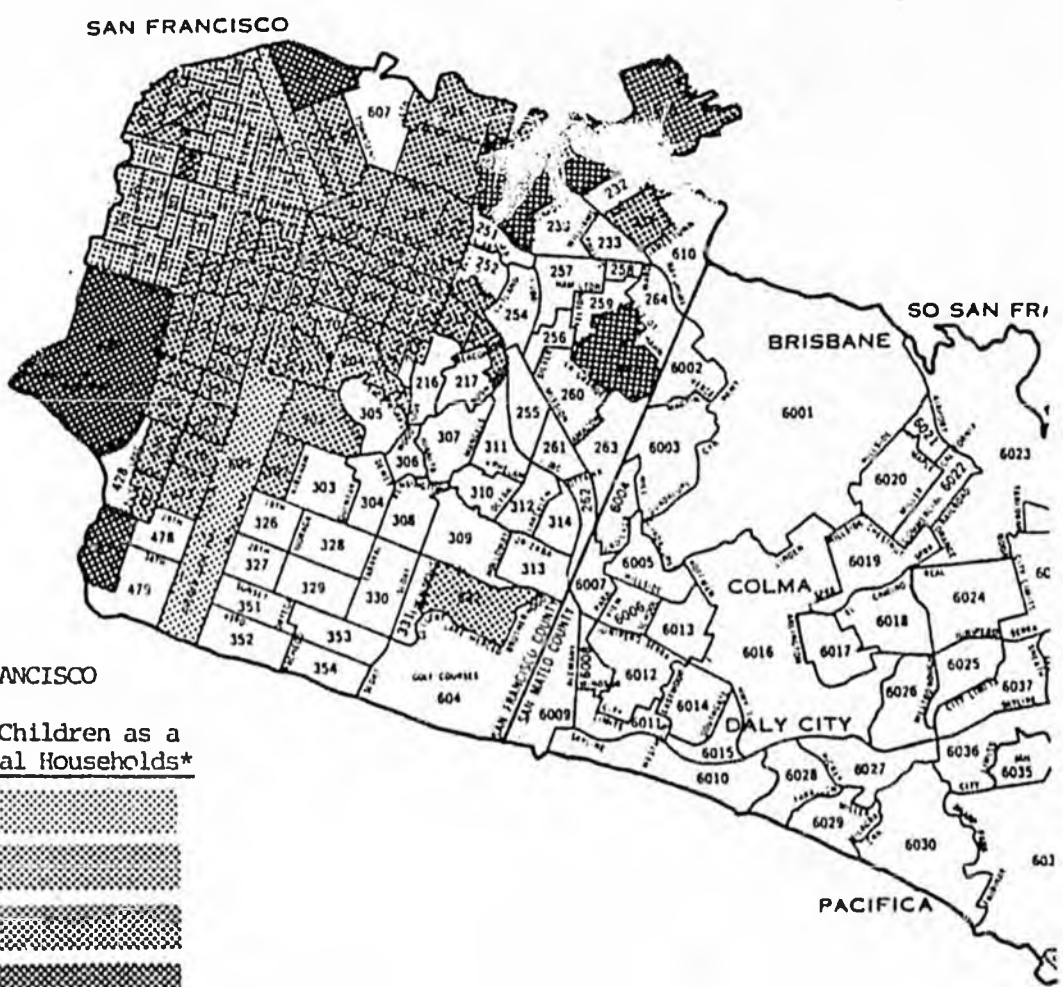


CITY OF LOS ANGELES

Families with Children as a
Percent of Total Households*

- Under 15.0%
- 15.0%-19.9%
- 20.0%-44.9%
- 45.0%-59.9%
- 60.0%-74.9%
- 75.0% & Over

*Groups tracts with less
than 50% children are coded.

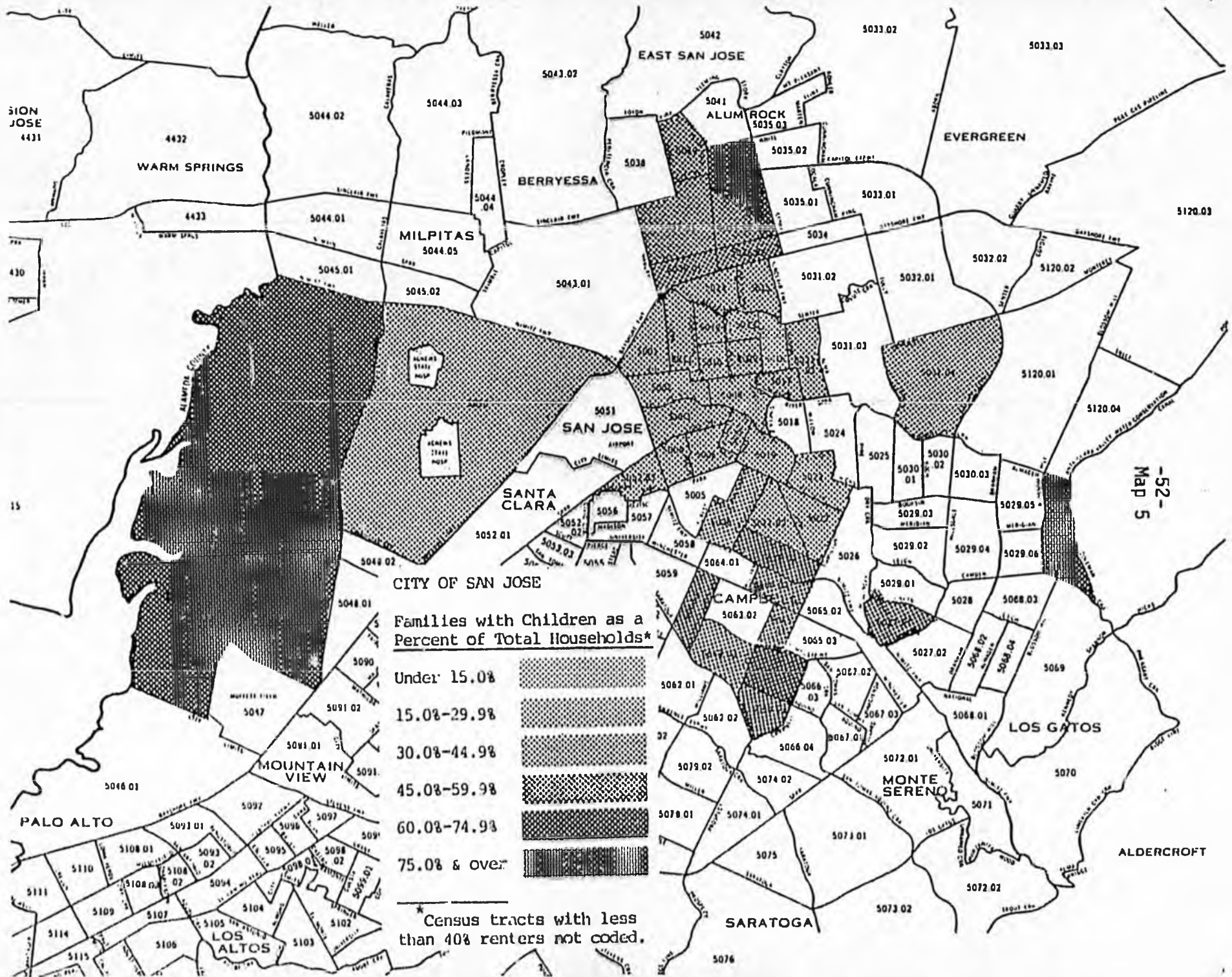


CITY OF SAN FRANCISCO

Families with Children as a Percent of Total Households*

Under 15.0%	
15.0%-29.9%	
30.0%-44.9%	
45.0%-59.9%	
60.0%-74.9%	
75.0% & over	

* Census tracts with less than 50% renters not coded.



-52-
Map 5

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(Effective January 1, 1980)

tobacco to a minor if he knowingly sells, exchanges, or gives cigarettes, cigars, or tobacco to a person under 16 years of age.

(b) Selling or giving tobacco to a minor is a violation. (§ 9 ch 166 SLA 1978)

Sec. 11.76.110. Interference with constitutional rights. (a) A person commits the crime of interference with constitutional rights if

(1) he injures, oppresses, threatens, or intimidates another person with intent to deprive that person of a right, privilege, or immunity in fact granted by the constitution or laws of this state;

(2) he intentionally injures, oppresses, threatens, or intimidates another person because that person has exercised or enjoyed a right, privilege, or immunity in fact granted by the constitution or laws of this state; or

(3) under color of law, ordinance, or regulation of this state or a municipality or other political subdivision of this state, he intentionally deprives another of a right, privilege, or immunity in fact granted by the constitution or laws of this state.

(b) In a prosecution under this section, whether the injury, oppression, threat, intimidation, or deprivation concerns a right, privilege, or immunity granted by the constitution or laws of this state is a question of law.

(c) Interference with constitutional rights is a class A misdemeanor. (§ 9 ch 166 SLA 1978)

Chapter 81. General Provisions.

Article

1. General Purposes (§ 11.81.100)
2. Applicability of Criminal Statutes (§§ 11.81.200 — 11.81.220)
3. Classification of Offenses (§ 11.81.250)
4. General Principles of Justification (§§ 11.81.300 — 11.81.450)
5. General Principles of Criminal Liability (§§ 11.81.600 — 11.81.640)
6. Definitions (§ 11.81.900)

Effective date of chapter. — Section 25, ch. 166, SLA 1978, provides: "This Act takes effect January 1, 1980."

Editor's note. — Section 23, ch. 166, SLA 1978, effective January 1, 1980, provides in subsection (a) that, except as otherwise provided, this chapter governs the construction of any offense committed on or after January 1, 1980, as well as the construction and application of any defense to a prosecution for an offense.

Section 23 of ch. 166, in subsection (f), provides that this chapter does not apply to

or govern the construction of and punishment for any offense committed before January 1, 1980, or the construction or application of any defense to a prosecution for the offense, and that an offense shall be construed and punished according to the law existing at the time of the commission of the offense in the same manner as if this chapter had not become law.

Legislative history report. — For report on ch. 166, SLA 1978 (HB 661), see 1978 Senate Journal Supplement, No. 47.

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ANCHORAGE CITIZENS ARBITRATION AND MEDIATION PROJECT

An Introduction

The Anchorage Citizens Arbitration and Mediation Project (ACAMP) was recently formed as a non-profit corporation. This summary provides background about the method of resolving disputes known as mediation/arbitration, and describes how ACAMP will work.

WHAT IS MEDIATION/ARBITRATION?

In recent years there has been increased interest in mediation and arbitration as informal, inexpensive, community based nongovernmental approaches to resolving conflicts.

Mediation and arbitration are methods used to help people resolve their disputes. People with a dispute--a consumer complaint, a landlord-tenant dispute, a neighborhood problem with barking dogs--meet at a convenient time and place with a panel of three persons who are trained to help the disputing parties reach a settlement.

During the mediation/arbitration session, persons involved in the dispute tell their versions of the story. The panelists encourage disputants to talk about the problem, what they would do to solve it, and how to prevent it from happening in the future.

Finally, the panelists help the disputing parties negotiate a binding solution to the problem. If a negotiated settlement is not possible, a binding decision will be made by the panel.

Since 1974, roughly 100 community projects for the mediation and/or arbitration of minor civil and criminal disputes have been developed in approximately 28 states. States with the largest number of existing or developing programs include Florida, Ohio, New Jersey, Massachusetts and California.

Why the trend toward this method of dispute resolution? Historically, minor disputes were often resolved with the assistance of the extended family, local leaders and other community groups. Today, the influence of these groups has waned, and the courts are more frequently called upon to fill this role.

In the absence of adequate alternatives, the court is expected to resolve these matters. Yet many disputes require compromises not readily achieved by the winner-takes-all approach of adjudication. Extensive court delays, high costs and attorney fees, inconvenience, complex procedures and language, and high dismissal rates are further barriers to effective case resolution. Moreover, formal processing of minor disputes clearly adds to the burden of the courts, reducing the resources available to handle the remaining civil and criminal matters.

WHAT IS ACAMP?

Informal dispute resolution was endorsed by the American Bar Association in 1976. A year later, the Alaska Bar Association formed a committee to explore the development of a center in Anchorage where mediation and arbitration could be employed to help solve neighborhood problems. The Bar Association wanted to open a new route through the justice system, a route without the expensive toll of attorney fees. As a result, the Anchorage Citizens Arbitration and Mediation Project was incorporated in early 1981 as an independent, private, non-profit community dispute resolution project.

The Anchorage Community Arbitration and Mediation Project will focus on disputes which offer possibility of compromise, and where the parties are interested in arriving at a joint settlement.

The Project will receive referrals from many sources, including police, the courts, social service agencies, community groups, and individual citizens. Disputes will be limited to \$3,000. Once a dispute is brought to the project, persons involved in the dispute will be notified by mail. If they agree to use the services of the Project, a hearing date will be set. Each party must be willing to sign an agreement stating that the decision reached will be legally binding. The parties represent themselves, without attorneys.

Hearings may range in length from 30 minutes to several hours and will be conducted by a panel of mediators. Each panel will consist of a lawyer, a layperson, and a business person. All arbitrators will go through training, which will include lectures, role-played hearings and co-mediation with experienced hearing panelists.

Panelists will encourage resolution through discussion and agreement. Arbitration will be imposed only when all mediation attempts have failed. Mediation and arbitration resolutions will be signed as arbitration awards, which are final and binding in court. It is anticipated that enforcement of the award in court rarely will be needed. People tend to live up to the agreements which they help fashion.

ACAMP needs money and people to make the Project a reality. Prospective office volunteers, arbitrators, organizers, candidates for membership on the Board of Directors, and fundraisers can contact Elaine Andrews at 272-8401 (days) or Connie Sipe at 279-7917 (evenings) for more information.

ANCHORAGE CITIZENS' ARBITRATION AND MEDIATION PROJECT

PROPOSED BUDGET

Director's salary	\$25,000 plus benefits at 5,000
Office supplies	1,500
Telephone line	200
Office equipment (typewriter)	1,000
Training	4,000
Publicity	2,000
Miscellaneous	500
TOTAL	<hr/> \$39,200

In kind contributions:

Office space & furniture	Alaska Bar Association
Copy machine	Use of Bar Ass'n machine

FEB 10 1961

ARTICLES OF INCORPORATION
OF ANCHORAGE CITIZENS ARBITRATION AND MEDIATION PROJECT

DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

ARTICLE I

The name of the corporation is Anchorage Citizens Arbitration and Mediation Project.

ARTICLE II

This corporation shall commence upon the execution of these Articles of Incorporation and shall continue in perpetuity.

ARTICLE III

The purposes for which this corporation is organized are:

(a) To provide fair, impartial, and efficient means for the resolution of disputes by providing an alternate forum for dispute resolution that is simpler, faster, and more economical than the courts.

(b) To provide education to the community about dispute resolution.

(c) For any purpose permitted non-profit corporations under the laws of Alaska and also permitted to tax-exempt corporations by the Internal Revenue Code of the United States.

ARTICLE IV

The affairs of this corporation shall be managed by a Board of Directors. The number of directors shall be at least four (4). The number of directors shall be set forth in the corporation bylaws. The names and addresses of the initial directors who shall serve until their successors are duly elected are:

Karla L. Forsythe	SRA Box 76W Anchorage, AK 99507
Elaine M. Andrews	900 W. 5th Ave., Suite 700 Anchorage, AK 99501
Connie J. Sipe	420 L Street, Suite 100 Anchorage, AK 99501
Holly I. Ploog	1300 W. 7th Avenue Anchorage, AK 99501
Michael Jungreis	330 L Street Anchorage, AK 99501
Doug Barry	c/o University of Alaska Justice Center 3211 Providence Drive Anchorage, AK 99504
James S. Crane	SRA Box 76W Anchorage, AK 99507

The manner of electing directors shall be set forth in the corporation bylaws. Directors shall elect from their numbers a president, vice president, treasurer, and secretary. The duties of these officers shall be specified in the corporation bylaws. Officers shall serve terms of one year but may succeed themselves.

ARTICLE V

The address of the initial registered office of the corporation is 360 K Street, Suite 105, Anchorage, AK, 99501, and the name of the initial registered agent at such address is Randall P. Burns.

ARTICLE VI

The Board of Directors shall have the power to adopt, alter, amend or repeal the bylaws and these Articles of Incorporation.

ARTICLE VII

There shall be no members of the corporation. The Board of Directors may provide in the bylaws for honorary membership without voting rights.

ARTICLE VIII

In the event of termination, dissolution, or winding up of this corporation in any manner or for any reason whatsoever, its remaining assets, if any, shall be distributed for one or more of the purposes set forth in Sections 501(c)(3) or 501(c)(4) of the Internal Revenue Code, and any amendments thereto, and the rules and regulations promulgated thereunder.

ARTICLE IX

The names and addresses of the incorporators are

as follows:

James S. Crane	SRA Box 76W Anchorage, AK 99507
Michael Jungreis	330 L Street Anchorage, AK 99501
Karla L. Forsythe	SRA Box 76W Anchorage, AK 99507

DATED this 5 day of February, 1981.

James S. Crane
James S. Crane

Michael Jungreis
Michael Jungreis

Karla L. Forsythe
Karla L. Forsythe

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on February 5, 1981, 1981, before me, a Notary Public in and for Alaska, personally appeared JAMES S. CRANE, MICHAEL JUNGREIS, and KARLA L. FORSYTHE, known to me and to me known to be the identical individuals who executed the within and foregoing ARTICLES OF INCORPORATION and they acknowledged to me, separately, under oath, that they executed the within and foregoing document for the uses and purposes therein mentioned and they did so of their own free and voluntary act and deed.

WITNESS my hand and official seal.

Connie J. [Signature]
Notary Public in and for Alaska.
My commission expires: 12-4-83

State of Alaska



Department of Commerce and Economic Development

Certificate

The undersigned, as Commissioner of Commerce and Economic Development, of the State of Alaska, hereby certifies that duplicate originals of the Articles of Incorporation of Anchorage Citizens Arbitration and Mediation Project

duly signed and verified pursuant to the provisions of the Alaska Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Commissioner of Commerce and Economic Development, and by virtue of the authority vested in him by law hereby issues this Certificate of Incorporation of

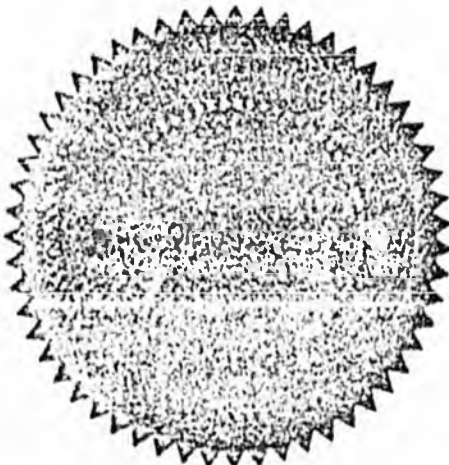
Anchorage Citizens Arbitration and Mediation Project

and attaches hereto a duplicate original of the Articles of Incorporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed my official seal, at Juneau, the Capital, this
10th day of February A.D. 1981

A handwritten signature in cursive script that reads "Charles R. Webber".

CHARLES R. WEBBER
COMMISSIONER OF COMMERCE
AND ECONOMIC DEVELOPMENT



BYLAWS
OF
ANCHORAGE CITIZENS ARBITRATION AND MEDIATION PROJECT

ARTICLE I. Purpose

Section 1. The purposes for which this corporation is organized is set forth in the Articles of Incorporation and shall be defined as educational, charitable and for social improvement according to Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1954 (or corresponding provision of any future United States Internal Revenue Law).

Section 2. No part of the net earnings of the corporation shall inure to the benefit of or be distributable to its members, Board of Directors, officers, or other private persons, except the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Section 1 hereof. Notwithstanding any other provision of these Bylaws, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Sections 501(c)(3) and 501(c)(4) of the Internal Revenue

Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Section 4. To do and engage in any and all lawful activities that may be incidental or reasonably necessary to the foregoing purposes and to have and exercise all other powers and authority now or hereafter conferred upon non-profit corporations under the laws of the State of Alaska.

ARTICLE II. Place of Business

Section 1. The principal office of the corporation shall be located at 360 K Street, Suite 105, Anchorage, Alaska, 99501.

Section 2. Other offices for the transaction of business may be located at such places as the Board of Directors may from time to time determine.

ARTICLE III. Dissolution

Section 1. Upon the dissolution of the corporation, the Board of Directors shall, after making provision for the payment of all of the liabilities of the corporation, dispose of all assets of the corporation exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or

organizations under Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1954 (or corresponding provisions of any future United States Revenue Law), as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Superior Court for the State of Alaska, Third Judicial District, Anchorage, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

ARTICLE IV. Directors'

Section 1. The business and property of Anchorage Citizens Arbitration Mediation Project shall be managed by the Board of Directors, which shall be, at most, fifteen (15) in number. Directors shall serve for one (1) year or until the election and taking of office of their successors.

Section 2. Meetings of the Board of Directors shall be held at such time and place as may be designated from time to time by the Board of Directors or other person calling the meeting.

Section 3. Regular meetings of the Board of Directors may be held, without notice, at such time and place, as shall be from time to time determined by the Board.

Section 4. Special meetings of the Board of

Directors for any purpose or purposes may be called at any time by the President and in his absence by the Vice President, and shall be called by this President, any Vice President, or Secretary upon the written request of any three (3) or more Directors. Notice of the time and place of special meetings shall be given orally or delivered in writing personally or by mail or telegram at least twenty-four (24) hours before the meeting. Notice shall be sufficient if actually received at the required time or if mailed or telegraphed not less than forty-eight (48) hours before the meeting. Notice mailed or telegraphed shall be directed to the address shown on the corporate records or to the Director's actual address ascertained by the person giving the notice. Notice of the time and place of holding an adjourned meeting need not be given if such time and place be fixed at the meeting adjourned.

Section 5. The Board of Directors shall elect Directors. An annual meeting of the Board of Directors shall be held during the month of March of each year for the purpose of electing Directors.

Section 6. Any Director may be removed with or without cause by a majority vote of the Board of Directors.

Section 7. Full authority to administer all properties, monies, and affairs of the corporation shall be vested in the Board of Directors and those responsibilities may in turn be transferred or delegated by the Board of Directors to such committees as the Board of Directors may see fit from time to time to appoint.

Section 8. A quorum for the transaction of business shall consist of a majority of the Directors.

ARTICLE V. Notices and Waivers

Section 1. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where such attendance is done for the express purpose of objecting to transaction of any business because the meeting is not lawfully called or convened.

Section 2. Whenever any notice whatever is required to be given under the provisions of the Statutes, of the Articles of Incorporation, or of these Bylaws, a waiver thereof in writing, signed by the person entitled to said notice either before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 3. Any action which the applicable law, the Articles of Incorporation or the Bylaws require or permit the Directors to take at a meeting may be taken without a meeting if a consent in writing setting forth the action so taken is signed by all of the Directors entitled to vote with respect to the subject matter thereof. The consent, which shall have the same effect as a unanimous vote of the Directors, shall be filed in the records of the minutes of the corporation.

ARTICLE VI. Officers

Section 1. The President shall be the principal executive officer of the corporation. She shall preside at all meetings of the Board of Directors and of the Executive Committee, if any. She shall sign with the Secretary, Treasurer, or other proper officer of the corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed.

Section 2. The Vice President shall carry out the duties of the President in the absence or incapacitation of the President.

Section 3. The Secretary shall issue notices for all meetings and shall keep the minutes thereof, have charge of the seal and the corporate books, and sign with the President such instruments as require their joint signatures.

Section 4. The Treasurer shall have care and custody of all funds, money and property of the corporation. Any officer of the Board, or such other person as designated by the Board, shall sign all checks, notes and other orders for the payment of monies. The Treasurer shall at reasonable times exhibit her books and accounts to any Director of the corporation at the place or site of such records.

Section 5. In addition to the above assigned duties, officers shall make such reports and perform such other duties as are incident to their respective offices or are properly required of them by the Board of Directors.

ARTICLE VII. Fiscal Year

The fiscal year for the corporation shall be January 1 to December 31.

ARTICLE VIII. Contracts, Deposits and Funds

Section 1. Contracts for this corporation shall be made on behalf of the corporation and upon such terms as the Board of Directors or other authorized representatives of the corporation shall in each case determine. The Board of Directors may contract for or employ an Executive Director or other employees or agents and define her duties as they see fit and may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these Bylaws to enter into any contract or execute and deliver any instrument in the name of or on behalf of the corporation and such authority may be general or confined to specific instances.

Section 2. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such bank, trust company or other depository as the Board of Directors may select.

Section 3. All revenues shall be devoted to the general purposes of the corporation.

ARTICLE IX. Amendments

Section 1. These Bylaws may be amended at a Board of Directors meeting called for that purpose. A vote of not less than a majority of the Board shall be required for such amendments.

ARTICLE X. Indemnification

Section 1. Subject to the provisions of Sections 2, 4, and 5 below, the corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the corporation) by reason of or arising from the fact that he is or was a director or officer of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, or trustee of another corporation, partnership, joint venture, trust or other enterprise, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if (i) he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and, with respect to any

criminal action or proceeding, did not know his conduct was unlawful, or (ii) his act or omission giving rise to such action, suit or proceeding is ratified, adopted or confirmed by the corporation or the benefit thereof received by the corporation. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation and, with respect to any criminal action or proceeding, did not know that his conduct was unlawful, and settlement shall not constitute any evidence of any of the foregoing.

Section 2. Subject to the provisions of Sections 4 and 5 below, indemnification under Section 1 of this article automatically shall be made by the corporation unless it is expressly determined by a majority vote of a quorum of the Board of Directors consisting of directors who were not parties to such action, suit or proceeding, that indemnification of the person who is or was an officer or director, or is or was serving at the request of the corporation, as an officer, director, partner, or trustee of another corporation, partnership, joint venture, trust or other enterprise, is not proper in the circumstances because he has not met the applicable standard of conduct set forth in Section 1.

Section 3. In the event any person not included with the group of persons referred to in Section 1 of this article was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding of a type referred to in Section 1 of this article by reason of or arising from the fact that he is or was an employee or agent of the corporation, or is or was serving at the request of the corporation, or is or was serving at the request of the corporation as an employee or agent of another corporation, partnership, joint venture, trust or other enterprise, the Board of Directors of the corporation by a majority vote of a quorum (whether or not such quorum consists in whole or in part of directors who are parties to such action, suit or proceeding), but shall not be required to, grant to such person a right of indemnification to the extent described in Section 1 of this article as if he were an officer or director referred to therein, provided that such person meets the applicable standard of conduct set forth in such section.

Section 4. Notwithstanding any other provision of Sections 1, 2, or 3 of this article, but subject to the provisions of Section 5 below, if a director, officer, employee or agent is successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 1 or 3 of this article, or in defense of any claim, issue or matter therein, he shall be indemnified against

expenses (including attorney fees) actually and reasonably incurred by him in connection therewith.

Section 5. Any person who desires to receive the benefits otherwise conferred by Section 1 or 4 of this article shall notify the corporation reasonably promptly that he has been named a defendant in an action, suit or proceeding of a type referred to in Section 1 or 2 and that he intends to rely upon the right of indemnification described in Section 1 or 4 of this article. The notice shall be in writing and mailed via registered or certified mail, return receipt requested, to the President of the corporation at the executive offices of the corporation or, in the event the notice is from the President, to the registered agent of the corporation. Failure to give the notice required hereby shall entitle the Board of Directors of the corporation by a majority vote of a quorum (consisting of directors who, insofar as indemnity of officers or directors is concerned, were not parties to such action, suit or proceeding but who, insofar as indemnity of employees or agents is concerned, may or may not have been parties) in their sole discretion, that such failure was prejudicial to the corporation in the circumstances and that, therefore, the right to indemnification referred to in Section 1, 2, or 5 of this article shall be denied in its entirety or reduced in amount.

Section 6. At the discretion of the Board of Directors, the corporation may purchase and maintain insurance

on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

Section 7. At the discretion of the Board of Directors, the indemnification provisions of this article or each or any of said provisions individually may extend to a person who has ceased to be a director, officer, employee or agent and may inure to the benefit of the heirs, executors, and administrators of such a person.

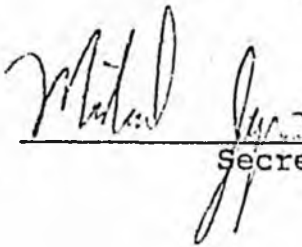
Section 8. The indemnification referred to in the various sections of this article shall be deemed to be in addition to and not in lieu of any other rights to which those indemnified may be entitled under any statute, rule of law or equity, agreement, or otherwise. The purpose of this article is to augment, pursuant to AS 10.20.011(14) the other provisions of AS 10.20.001(14).

ARTICLE XI. Miscellaneous

As used herein, the singular shall include the

plural and vice versa; the feminine gender shall include the masculine and vice versa.

I, the undersigned, being the Secretary of the Anchorage Citizens Arbitration Mediation Project, do hereby certify the foregoing to be the Bylaws of said corporation, as adopted by the Board of Directors on the 14 day of March, 1981.



Secretary

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John Hoff

ME.

PLEASE DON'T HESITATE TO CONTACT

IF I CAN BE OF FURTHER ASSISTANCE

INITIATIVE BEGIN ON PAGE 4.

HIS OPINIONS REGARDING THE

REGARDING ANILCA.

THE JOINT BOARDS OF FISH & GAME

ATTORNEY GENERALS REPORT TO

IS A PARTIAL TRANSCRIPT OF THE

GOOD MORNING! ATTACHED

RAMONA,

12-17-81

Bill -
Ramona
want you
to read
this -
comments, Dave

Joint Board of Fisheries

Anchorage Westward Hilton

December 1, 1981

Portion of Transcription Tape 3A

Clint Buckmaster: This morning we are going to have a report from the Attorney General's office in regards to current status of the State and ANILCA. I believe Mr. Condon that you are giving that report to us this morning.

Wilson Condon: Mr. Chairman and members of the Boards my name is Wil Condon and I am the Attorney General. With me is Larri Spengler and hopefully, soon to join me will be Liza McCracken. I am going to make some brief introductory remarks about ANILCA and then go into some detail on a number of topics relating to that piece of legislation. My introductory remarks are going to be essential the same as the remarks we made when we discussed ANILCA yesterday in the Executive Session relating to possible legal problems and litigation. Although the Department of Interior is going to be very sympathetic to the positions that the State wants to take and that the Boards want to take with respect to Fish and Game management they are going to view the Law as they correctly have to as something that mandates that they do certain things and they will be generous in their applications of the Law with respect to the State of Alaska I believe. But they are going to insist on a number of things and any perceptions that we have that they are our friends, which they are, any perceptions that that friendship will lead

to our aggravation of the Law should simply be discarded because they are not going to throw the Law away, they are going to enforce it one way or another. A number of the points that I think are important to know as you begin to make your own policy decisions about what you are going to do about State policy as it interfaces with ANILCA are that first its clear that the Department of the Interior, the Solicitor's office and the Secretary's office are going to insist on the State looking at subsistence on a community by community basis. They are going to be happy and prove what we do if we do what the Board of Fish has done with respect to the Cook Inlet fishery and they are going to be very unhappy and they are not going to approve our plan if the Boards do something along the lines of what the Board of Game has done with respect to the Nelchina caribou herd. You are going to have to figure out some boundaries, have to set up definite boundaries for the Regional Advisory Boards and again I could go on and on, but the point I really want to make is that the Department of Interior will go as far as they think they can go and in the two areas that I think are critical, I've told you how far I think they will go and there is one last item that needs to be brought up. Today is December 1, tomorrow is December 2 and if we do not have regulations in place, and statutes in place and so on tomorrow, what are they going to do. I do not think they are going to charter a 747 and fly around and pick up people from the Fish and Wildlife Service all over the county and bring them up here and put them into the fisheries management and the game management business tomorrow, but they are going to do something if the Boards do not take

action in this meeting. If they wait until the March or April meetings they will do something and so if the Boards carefully deliberate on what they want to do and how they want to do between now and December 20 I do not think we will be in any trouble as long as we get the pieces of paper submitted that we will have to submit tomorrow which says we are working on it, but if we wait until March or April then I think we will have problems and that's what I have to say by way of introduction. Perhaps members of the Boards have specific questions they want to ask me and if so I will answer them otherwise I will let Larri go on and talk about specifically what the State's submission is going to be.

Jim Beaton: All this thing as far as the law itself, I just familiarize myself. You may have talked about this yesterday but like the Board of Fisheries did I am certainly happy to see that the Department of Interior recognized how direct the Board of Fisheries was over the Board of Game. But with that in place if you go ahead and do this--you know-- like village by village it really doesn't matter then--you know-- as far as our relationship with the Department of Interior what happens to the Law really. And you know that's what Mr. Katz told us I think, two years ago or three years ago is that we really don't have, you know we banter about this law there for years, we used to sit in these joint sessions and the press and everybody else would quote everything out of context even when you explored an idea about it. But if indeed the law either stays or goes down or is amended or modified as long as the Board of Fisheries or

the Board of Game comes up with a system that addresses their concerns then it really doesn't matter what happens to the Law, am I correct in that?

X Condon: Well let me, we talked a bit about this yesterday and I had to clarify what I said yesterday. If the law, if the subsistence law were just flat repealed and the Board of Fisheries and the Board of Game, both those boards were to adopt management policies they could adopt management policies which fit with ANILCA and we wouldn't have any problems. On the other hand if the initiative passes which prohibits and thats the way the initiative thats probably going to go on the ballet is worded, if that passes and it prohibits preferences among uses then we do have a problem. Or if the legislature were to pass something like that then we would have a problem because you couldn't implement cause it would take that discretion away from the Boards.

Jim Beaton: In other words we couldn't do business as usual we would actually have our hands tied?

Condon: Thats Right:

Jim Beaton:: We couldn't function then. We be in a catch-22 we'd be in the opposite extreme of what we are now?

Condon: That's my view yes.