Rural Voices

THE MAGAZINE OF THE HOUSING ASSISTANCE COUNCIL
Winter 2009 - 2010 • Volume 14 / Number 1

BUILDING A BRIGHTER FUTURE IN THE COLONIAS
ADVOCATING FOR EQUITY IN CALIFORNIA’S RURAL COMMUNITIES

By Phoebe Seaton and Ilene J. Jacobs

California Rural Legal Assistance, Inc. (CRLA) is a nonprofit legal services organization working to ensure access to justice and human rights for California’s lowest income, most marginalized rural communities. CRLA, a statewide law firm with a multilingual and multicultural staff, provides no-cost legal representation, community education, and outreach in the areas of housing, civil rights, employment, health, and family security. CRLA opened its doors in 1966 and has been a strong advocate, seeking to overcome the effects of rural poverty and injustice for more than 40 years. Today, it serves clients and community members from 23 offices between the US-Mexico border and northern California.

CRLA’s Community Equity Initiative (CEI), a collaborative project with PolicyLink and California Rural Legal Assistance Foundation, advocates for equitable development, good governance, and democratic decision-making to create a just and equitable California. The CEI works with community leaders from unincorporated areas throughout the San Joaquin Valley to ensure that members of California’s most vulnerable communities enjoy safe places to walk and play, clean drinking water, reliable infrastructure and services, and a robust democracy that represents all residents.

The “New” Colonias

Throughout the San Joaquin Valley, hundreds of thousands of low-income Californians live in communities that are similar to colonias in every respect other than their proximity to the Mexican Border. They often lack many elements critical to healthy and sustainable communities, including potable water, sewer systems, parks, sidewalks, community centers, storm water drainage, and streetlights. These disadvantaged, unincorporated communities rely on local districts with limited resources or neighboring cities for discreet services, such as water, and in some circumstances, sewer services and streetlights. Often, geographically remote and unresponsive county governments provide the only local political representation for these unincorporated communities.

Like colonias, disadvantaged, unincorporated communities in the San Joaquin Valley are disproportionately communities of color. Throughout the 20th century, low-wage agricultural and industrial employment drew African-Americans and Latinos into communities that offered proximity to jobs. Unfortunately, the communities lacked rudimentary infrastructure and political representation.

Economic, social, and political factors have contributed to the demographic characteristics of these unincorporated areas and the lack of services. In particular, sunset laws, realtor steering, and even restrictive covenants discouraged African-Americans and Latinos from living in historically white communities. Local governments, desperate to protect their resources, perpetuated the political, social, and economic isolation of these communities. The local governments, in turn, fail to provide basic services to these communities that were intentionally excluded them from planning and infrastructure investment.

Disadvantaged unincorporated communities can be:

- islands, which are completely or substantially surrounded by one or more cities,

Continued page 16
Advocating for Equity continued from page 15

- fringe communities that they are adjacent to a city or, within the area in which a city has land planning authority, or
- legacy communities that are geographically remote from cities and have been settled communities for decades.

Currently, there are hundreds of disadvantaged, fringe, and legacy communities throughout the San Joaquin Valley. The following short narratives of two communities illustrate the phenomenon of disadvantaged, unincorporated communities and their concomitant infrastructure and service deficits.

**Lanare, California**

Lanare, California is a community of between 500 and 600 residents (almost exclusively African American and Latino) in Fresno County. Census data show that the median income in the community in 2000 was just over $26,000 a year. Unemployment and poverty rates in the community hover around 40 percent. It is a legacy community, located approximately three miles from another unincorporated community. Decades ago, the community was settled by African-American farmworkers. There is no sewer system, and many members of the community wash clothes and dishes outside because their septic tanks are insufficient. There are no sidewalks or streetlights and the streets flood after even a light rain.

The community organized a Community Services District in the early 1970s to provide water to community members. Each household pays $46 per month for drinking water that is contaminated with arsenic and manganese. The community services district is over $100,000 in debt. Twice during the sweltering summer, the water system failed and the community was without any running water for almost 48 hours on one occasion. The Community Services District, which is funded exclusively from this low-income community’s property taxes and user fees, do not have the resources to repair the water system, let alone provide other needed services, such as, a sewer system, streetlights, sidewalks, or storm water drainage. Fresno County does not have jurisdiction, authority, or the responsibility to repair the water system. The State of California does not have any duty to run the Community Services District or repair the water system. Both the county and the state were adamant that the community is solely responsible for ensuring that families could count on a reliable water supply.

Members of the community drew attention to the community’s needs by addressing the Fresno County Board of Supervisors. Their persistent advocacy led California to release approximately $30,000 in emergency drinking water funds to make urgently needed repairs to the system.

**No Man’s Land, California**

No Man’s Land in Stanislaus County, also known as Hatch-Midway and Parklawn, is an almost exclusively Latino community on the edge of the city of Modesto and completely within the City of Modesto’s sphere of influence. The community receives water from the city of Modesto but has no sewer system; and, like Lanare, community members often must release their dishwasher and laundry water outside because septic systems are failing due, in part, to soil composition and population density. The community also lacks sidewalks, storm water drainage, and adequate garbage removal. The community is one of four similar communities that is currently the subject of litigation, led by CRLA, Inc., the Lawyers Committee for Civil Rights, and Brian Brosnahan, a private attorney from a pro bono law firm.

There are myriad causes for Hatch-Midway’s circumstances; however, the city of Modesto’s failure to annex the area stands out. Exclusion from the city means that basic services, such as sewer treatment, are missing. In addition, there is disagreement between the involved parties as to who is responsible for service provision. That is, the county government wants the city to provide sewer extensions. Meanwhile the city government wants the county and low-income residents to provide services such as curbs, gutters, sidewalks, and streetlights, in order make the community consistent with Modesto’s municipal code, before it will provide an extension of sewer services.

Housing Assistance Council 19 Rural Voices • Winter 2009 - 2010
Until local and state governments take responsibility for the widespread disadvantages that they have allowed and perpetuated, our neighbors will live without the most basic elements of a healthy community.

Heretofore, the County has not financed the needed infrastructure improvements for lack of interest, for lack of resources and due to the potential loss of most of the community's property taxes to the City in the event of annexation. The City, in turn, will not extend sewer service until the infrastructure improvements are made. Through the American Recovery and Reinvestment Act (ARRA) millions of dollars in grants became available to improve or extend sewer service; however, neither the city nor the county of Stanislaus has applied for this funding.

CRLA, Inc is working with community members from Hatch Midway as well as California Rural Legal Assistance Foundation and Self Help Enterprises to bring ARRA funding to the community.

Conclusion

The circumstances and experiences of these two communities are paradigms. They illustrate the circumstances and experiences of disadvantaged unincorporated communities throughout the San Joaquin Valley: betwixt and between, neglected by cities and counties, and unable finance needed infrastructure improvements for themselves. Until local and state governments take responsibility for the widespread disadvantages that they have allowed and perpetuated, our neighbors will live without the most basic elements of a healthy community.

~Phoebe Seaton is the Community Equity Initiative Program Director and Ilene J. Jacobs is the Director of Litigation, Advocacy and Training with the California Rural Legal Assistance, Inc.