

December 20, 2018

Stanford University statement on litigation regarding single-entity county housing ordinance

Facing an expiring legal deadline, Stanford University reluctantly filed lawsuits in state and federal court today challenging the constitutionality of a county housing ordinance – applying only to Stanford, among all entities in Santa Clara County – that was recently approved by the Santa Clara County Board of Supervisors.

Stanford recognizes the critical affordable housing challenges in our region, which is why the university is a major supporter and developer of affordable housing. Stanford is a leader in Santa Clara County in this respect, having built many hundreds of affordable units and proposed hundreds more as part of its next General Use Permit.

The issue in the litigation is not about Stanford's commitment to more affordable housing, but rather that it is unlawful for Stanford to be singled out for unequal treatment in a county ordinance. Santa Clara County's studies determine that all new housing, anywhere in the county, generates demand for affordable housing. However, the county's new ordinance applies only to a single entity, unreasonably targeting Stanford and violating constitutional equal protection principles.

The ordinance was adopted by the Board of Supervisors on September 25, 2018. To preserve its legal options, Stanford faced a deadline of December 24, 2018, to challenge in court its unequal treatment under the ordinance. The university sought an agreement with Santa Clara County to extend this deadline while discussions toward a collaborative solution continued, which would make the filing of a lawsuit unnecessary. However, the county rejected any extension.

Irrespective of the lawsuits, Stanford intends to continue working constructively and collaboratively with Santa Clara County to negotiate a long-term development agreement as part of a new General Use Permit that would include significant additional amounts of affordable housing. The university recognizes that the new county ordinance allows for its terms to be suspended or amended if such an agreement is reached.

While contesting its unequal treatment under the ordinance, Stanford is not taking a broad position opposing inclusionary housing ordinances. Stanford also is not seeking to stop the

construction of affordable housing; on the contrary, the university supports and is a major participant in the development of affordable housing, both for members of the university community and for local residents. Since 1999, Stanford has built 1,550 affordable rental units, representing a large percentage of the affordable housing built in surrounding jurisdictions. The university has contributed \$26 million so far to Santa Clara County's affordable housing fund under the current General Use Permit, funding the creation or preservation of additional affordable housing in the broader community.

The university also is currently building the Escondido Village Graduate Residences project, which is anticipated to bring 1,300 more affordable housing units to the Stanford campus within the next two years, allowing more graduate students who live off campus to move onto campus and free up housing in the communities around Stanford.