

COUNTY OF MARIN

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

IMPLEMENTATION PLAN

(As approved by the Marin County Board of Supervisors on October 11, 2011)

Most of the recommendations in this Implementation Plan are based on the recommendations in the Executive Summary of the draft Analysis of Impediments to Fair Housing Choice, which can be found at www.marincdbg.com. Some of the recommendations listed in the Implementation Plan emerged from the testimony and discussion that occurred in the course of the public hearing process. (Public hearings were held on the Analysis of Impediments on March 29, May 11, May 23, May 24, May 31, July 25, July 27, August 24, September 12, and October 11, 2011.)

This document is organized in two sections:

- (1) Actions for the County government to undertake.
- (2) Actions for other agencies to undertake.

While the focus of many policy items is on the County government, and the commitment for performance falls primarily on the County, many of the recommendations also apply to some or all of the other local jurisdictions (cities and towns). To avoid unnecessarily complicating the Implementation Plan, we have not posted details on the status of each community on each recommendation. Information in the Time Frame column applies to the County, rather than other local jurisdictions. The general approach is that the County government will take the lead on implementation. The County's implementation of recommendations within the designated timeframes will be dependent upon the availability of funding and staff resources.

The Community Development Block Grant (CDBG) Countywide Priority Setting Committee currently consists of one member of the Marin County Board of Supervisors and one member of each City/Town Council, except for the Town of Ross, which participates in the program but not the Committee. For the local hearings in the six Planning Areas, the Local Area Committee

consists of all the Council appointees to the Priority Setting Committee from the cities and towns in the Planning Area plus a County Supervisor whose supervisorial district most closely coincides with the Planning Area. In the case of Novato and San Rafael, the City Councils have the option to substitute for the Local Area Committee. In most years, the Priority Setting Committee has met once or twice to make CDBG and HOME Program budget recommendations to the Board of Supervisors. The Board of Supervisors and all the City/Town Councils in Marin have signed Cooperation Agreements that will make it possible to expand the Priority Setting Committee and its local area subcommittees to add community members who represent classes protected under federal civil rights laws.

The expanded Priority Setting Committee will have an oversight and communications role in relation to the Implementation Plan, and will add extra meetings to its annual schedule to perform these functions. In its communications role, the Priority Setting Committee will be a public forum for mutual discussion of progress being made by the County, Cities, and Towns on the items included in the Implementation Plan, the obstacles they have encountered, and ways they have found to overcome obstacles. In its oversight role, the Priority Setting Committee will receive reports from staff about progress on the items listed in the Implementation Plan.

In addition, as a condition of the County's receipt of urban county CDBG and HOME funds, HUD requires the County to be aware of actions the cities and towns are taking, and to be prepared to take sanctions (including excluding a city from the CDBG and HOME programs) if a city's actions interfere with the County's annual certification to HUD that Marin localities are collectively acting to affirmatively further fair housing.

A Note on the Difference between Affordable Housing and Fair Housing

The draft Analysis of Impediments identifies barriers to fair housing choice in Marin County. We should be clear that "fair housing" means the ability to buy or rent housing without being subject to discrimination on the basis of race, ethnicity, age, disability, gender, the presence of children, or other categories protected under the law. As the Analysis of Impediments points out, lack of affordable housing can be a barrier to fair housing, so there is much overlap between affordable housing and fair housing issues. Still, it is useful to keep in mind that affordable housing and fair housing are separate concepts, and to distinguish between state and federal requirements.

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IMPLEMENTATION PLAN

SECTION 1: ACTIONS FOR IMPLEMENTATION BY COUNTY GOVERNMENT					
Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
1. County will adopt a compliant Housing Element by 2013 for the 2007-14 cycle, and within 18 months after adoption of the Regional Transportation Plan (RTP) for the 2014-21 cycle.	County	May require additional funding	High	Medium	
<i>1. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. Completion of this action is dependent upon State certification of the County's Housing Element Update for the 2014-2022 Housing Element Cycle.</i>					
2. Explore opportunities to establish "Welcoming Community" programs or expand existing programs that may be well suited to providing welcoming services to make Marin residents from protected classes feel more welcome in the community. Provide information and tools for these new residents to connect and become part of the community. Connect long-time Marin residents with protected class residents.	County; Nonprofits	Will require additional funding	Medium	Short	

SECTION 1: ACTIONS FOR IMPLEMENTATION BY COUNTY GOVERNMENT

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<p><i>2. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process.</i></p>					
<p>3. Expand diversity program for County staff, and explore ways to include elected officials and planning commissioners in diversity programs.</p>	<p>County</p>	<p>Will require additional funding</p>	<p>Medium</p>	<p>Medium</p>	
<p><i>3. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. Marin County Human Resources Department, Marin County Health and Human Services Cultural Competence Committee, and Marin County Human Rights Commission are potential resources.</i></p>					
<p>4. Make fair housing and equal opportunity criteria a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process by screening all CDBG and HOME applications for compliance with fair housing and equal opportunity criteria and including an analysis of equal opportunity impact in staff reports recommending projects for funding.</p>	<p>County</p>	<p>Existing budget</p>	<p>Medium</p>	<p>Short</p>	
<p><i>4. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. The CDBG application form will include a specific question about the applicant's plans for affirmative marketing or affirmatively furthering fair housing. In addition, when distributing application forms and when providing information to prospective applicants, County staff will take steps to alert potential applicants to the importance of their response to this question and their compliance with affirmative marketing requirements.</i></p>					

SECTION 1: ACTIONS FOR IMPLEMENTATION BY COUNTY GOVERNMENT

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<p>5. Expand CDBG Priority Setting Committee to include non-elected community representatives of protected classes.</p>	<p>County; Cities; Community Groups; Nonprofits</p>	<p>Existing budget</p>	<p>High</p>	<p>Short</p>	
<p><i>5. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. The County-City cooperation agreements have been amended to allow for expanded representation. CDBG staff will send letters to all Cities and Towns to inform them that, although each City/Town traditionally appoints a Councilmember as its representative on the CDBG Priority Setting Committee, they have an option to select a person who is not a Councilmember as their representative on the CDBG Priority Setting Committee, and this could be used to increase the number of members who represent protected classes.</i></p>					
<p>6. Hold additional meetings of CDBG Priority Setting Committee to discuss AI implementation by County and Cities/Towns, report on fair housing actions each jurisdiction has accomplished, and discuss obstacles they face in the community to affirmatively furthering fair housing.</p>	<p>Priority Setting Committee</p>	<p>Existing budget</p>	<p>High</p>	<p>Short</p>	
<p><i>6. Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. Each Town/City should consider assigning a staff person to support this activity. The County will work with local nonprofits with connections to minority communities to publicize these meetings.</i></p>					

SECTION 1: ACTIONS FOR IMPLEMENTATION BY COUNTY GOVERNMENT

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
7. Assign CDBG Priority Setting Committee an oversight role for the Implementation Plan. The Priority Setting Committee will track actions localities take to affirmatively further fair housing. The Priority Setting Committee will lead a process of peer evaluation of each community's efforts to affirmatively further fair housing.	Priority Setting Committee	Existing budget	Medium	Short	
7. <i>Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process.</i>					
8. Sponsor workshops on civic participation and recruitment of minorities for board and commission positions.	County; Grassroots Leadership Network	Will require additional funding	Medium	Short	
8. <i>Notes: This recommendation emerged from testimony and discussion in the course of the public hearing process. The County will work with local nonprofits with connections to minority communities to coordinate these efforts.</i>					
9. Adopt design guidelines for multi-family developments as a means to permitting affordable housing projects either ministerially or through a streamlined process of discretionary design review.	County	Will require additional funding	High	Medium	

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<p><i>9. Notes: Design guidelines would entail a community planning process at a cost estimated to be between \$75,000 and \$100,000. Increasing densities may require CEQA analysis to evaluate environmental impacts.</i></p>					
<p>10. Expand overlay zones, with increased density standards and minimum density requirements for affordable housing.</p>	<p>County</p>	<p>Will require additional funding</p>	<p>High</p>	<p>Medium</p>	
<p><i>10. Notes:</i></p>					
<p>11. Rezone a sufficient number of suitable sites to accommodate the lower-income Regional Housing Need Allocation (RHNA) for higher density affordable multi-family housing by December 31, 2013.</p>	<p>County</p>	<p>Will require additional funding</p>	<p>High</p>	<p>Short</p>	
<p><i>11. Notes: Increasing densities above the potential maximum levels of housing development allowed by the current Countywide Plan will require CEQA analysis to evaluate environmental impacts. In the interest of efficiency and economy, this work should be conducted as part of the environmental review of the current (2007-2014) Housing Element update. County will attempt to complete this item ahead of schedule according to the Housing Element update work program previously adopted by the Board of Supervisors.</i></p>					
<p>12. In areas where the mixed-use policies of the Countywide Plan promote mixed-use with ground-floor retail, continue policy to exempt affordable housing from this requirement.</p>	<p>County</p>	<p>Existing budget</p>	<p>High</p>	<p>Medium</p>	

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Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<i>12. Notes:</i>					
13. Implement and consider strengthening inclusionary zoning requirements. Where they exist, review criteria for allowing inclusionary units to be developed off-site. Amend zoning ordinance to consider allowing inclusionary units to be built off-site only when an analysis of the fair housing implications has been prepared, in addition to applying other relevant criteria. For example, the analysis could address whether the receiving site is located in a less diverse neighborhood than the project.	County	May require additional funding	Medium	Short	
<i>13. Notes: The County is currently in the process of implementing this recommendation through pending changes to its Development Code which seek to clarify inclusionary zoning requirements and the criteria for requesting waivers.</i>					
14. Pursue additional local funding options to support affordable housing.	County, Marin Workforce Housing Trust	Will require additional funding	Medium	Ongoing	
<i>14. Notes: The County currently funds affordable housing through a variety of means including in-lieu fees, impact fees, commercial linkage fees, general funds, and the Marin Workforce Housing Trust.</i>					

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Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<p>15. Diversify development of affordable housing with multiple strategies and types of housing. For example, do not depend solely or primarily on second units as an affordable housing production strategy. Require commercial development to include affordable housing.</p>	<p>County</p>	<p>May require additional funding</p>	<p>High</p>	<p>Ongoing</p>	
<p><i>15. Notes: The County's 2009 Draft Housing Element includes a number of programs related to this recommendation which are scheduled for implementation during the current housing element cycle (2007-2014), including "Establish Minimum Densities on Housing Element Sites," "Require Multi-family Residential Development in Multi-family Zones," and "Zone and Provide Appropriate Standards for SRO Units." The County's current Development Code already requires commercial developments to include affordable housing.</i></p>					
<p>16. Encourage and facilitate the development of more subsidized and affordable housing for families with children outside areas of minority concentration. Consider acquisition and shared housing. Screen and prioritize applications for CDBG and HOME funds for housing projects that will serve families and are located outside areas of minority concentration.</p>	<p>County; Marin Housing Authority</p>	<p>May require additional funding</p>	<p>Medium</p>	<p>Ongoing</p>	

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Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<p><i>16. Notes: The County completed a program from the 2009 Draft Housing Element (“Conduct a Comprehensive Affordable Housing Sites Inventory”) to identify and designate sites for multifamily housing development to meet the housing needs of Marin’s workforce, seniors, and special needs populations. These sites will be evaluated for the potential to increase densities which will facilitate multifamily affordable housing developments. Locating sites outside areas of minority concentration is a weighted factor being considered when identifying sites. The majority of sites identified thus far meet this standard.</i></p>					
<p>17. In funding and selecting sites for affordable housing designed for people with disabilities, consider the need for such housing in diverse geographic locations, as well as the need for services such as retail and public transit in close proximity.</p>	<p>County</p>	<p>May require additional funding</p>	<p>Low</p>	<p>Ongoing</p>	
<p><i>17. Notes: The County will seek to address this recommendation when implementing programs, including, “Encourage Housing for Special Needs Households,” from the 2009 Draft Housing Element. However, the County does not build affordable housing, and most affordable housing funding prioritizes development close to services and transportation.</i></p>					
<p>18. Conduct regular surveys of privately developed affordable housing projects which are subject to local government restrictions on household income, to determine racial and ethnic demographics of residents.</p>	<p>County</p>	<p>May require additional funding</p>	<p>High</p>	<p>Short term for instituting tracking system; ongoing for data collection</p>	
<p><i>18. Notes: This is required by the Voluntary Compliance Agreement between HUD and the County.</i></p>					

SECTION 1: ACTIONS FOR IMPLEMENTATION BY COUNTY GOVERNMENT

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
19. Reword guiding principles in zoning ordinances and development regulations that may be a pretext for discrimination; add language noting intention to expand housing opportunities for all.	County	May require additional funding	Medium	Short Term	
<i>19. Notes: The County does not foresee the need for additional funds to make these changes and is in the process of reviewing and amending the Development Code to implement this recommendation. County is in the process of making these changes to the Affordable Housing chapter of its Development Code. Other chapters of the Development Code could be reviewed and clarified where needed.</i>					
20. Provide assistance for property owners to make old residential properties accessible. Consider giving priority in the Rehabilitation Loan Program to hardship cases where accessibility improvements are needed.	County; Marin Center for Independent Living (MCIL); Housing Authority	Will require substantial additional funding	Low	Long Term	
<i>20. Notes:</i>					
21. Support legislation to prevent predatory lending practices, to set standards for assisting homeowners seeking loan modifications, and to provide recourse to victims of improper foreclosures.	County; Advocates; Fair Housing of Marin	Existing budget	Low	Long Term	

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Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<i>21. Notes: Consult with County’s legislative analysts and request to add to County’s legislative platform through the Office of the County Administrator.</i>					
22. County will track development of affordable housing towards Regional Housing Needs Allocation (RHNA).	County	Existing budget	Medium	Ongoing	
<i>22. Notes: Local governments are required to track development of housing toward RHNA needs and report annually to the Department of Housing and Community Development (HCD) on or before April 1st of each year.</i>					
23. Rank recommendations from Analysis of Impediments and add to Consolidated Plan.	County	Existing budget	High	Short Term	
<i>23. Notes: The “Priority” column in this document shows the ranking of each recommendation.</i>					
24. Publicize Analysis of Impediments public hearing process to raise awareness of barriers to fair housing choice.	County; Fair Housing of Marin	Existing budget	High	Short Term	
<i>24. Notes: In process.</i>					
25. Incorporate community recommendations in Analysis of Impediments.	County	Existing budget	High	Short Term and Ongoing	
<i>25. Notes: Recommendations from the community hearing process are included in this Implementation Plan.</i>					

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26. Ensure that one County department monitors and tracks progress on Analysis of Impediments recommendations.	County	May require additional resources	High	Ongoing	
<i>26. Notes: County needs to quantify the cost implications. Monitoring of fair housing actions is eligible as a CDBG administrative expense. However, the cost of monitoring may exceed the 20% limit on use of CDBG funds for administration.</i>					
27. Provide more information in Spanish and Vietnamese, including tenants' housing rights information and services provided to protected classes.	County; Nonprofits	May require additional funding	High	Short	
<i>27. Notes: The County's responsibility for implementing this recommendation is based on the Voluntary Compliance Agreement.</i>					
28. Update Analysis of Impediments every two to five years, or as necessary to reflect data from the decennial Census. Revisit Implementation Plan, which is part of the AI, at the same time.	County	Will require additional resources	High	Ongoing	
<i>28. Notes: Use a Request for Qualifications (RFQ) process or similar procedure to select a contractor to update the Analysis of Impediments.</i>					

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Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
29. County will establish local procedures to monitor all County government programs that receive state or federal funding for compliance with Title VI and other federal and state requirements, including fair contracting, hiring, and job training opportunities.	County	Will require additional resources	Medium	Medium	
<p><i>29. Notes: This will require coordination among at least six County Departments. Staff will work with the County Administrator's Office on determining the feasibility, timeline and budget for carrying out these actions.</i></p>					

SECTION 2: ACTIONS FOR IMPLEMENTATION BY OTHER AGENCIES:

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<p>30. Use the Marin County Task Force on Housing Discrimination as a forum to address fair housing issues and encourage broader involvement from the community in addressing these fair housing issues. Seek to expand the membership of the Task Force to engage impacted communities, local government, and area businesses.</p>	<p>Fair Housing of Marin</p>	<p>Existing Budget</p>	<p>Medium</p>	<p>Short</p>	
<p>30. Notes:</p>					

SECTION 2: ACTIONS FOR IMPLEMENTATION BY OTHER AGENCIES:

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<p>31. Pursue expanded opportunities to use additional transit funds to address the transportation needs of low-income communities and low-income households. Consider increasing transportation options in higher-income, less impacted communities to increase housing options for transit-dependent people. Encourage transit hubs with affordable housing outside areas of minority concentration. Increase transit so more sites will qualify for low income housing tax credits. Develop transit hubs where high-density housing is permitted, outside areas of minority concentration.</p>	<p>Transportation Authority of Marin; Marin Transit District</p>	<p>Assumes increased resources for public transit</p>	<p>Pending consultation with transit agencies</p>	<p>Pending consultation with transit agencies</p>	
<p>31. Notes:</p>					
<p>32. Assess the effectiveness of the Housing Authority's communications with non-English-speaking clients.</p>	<p>Marin Housing Authority</p>	<p>Pending consideration by Marin Housing Authority</p>	<p>Pending consideration by Marin Housing Authority</p>	<p>Pending consideration by Marin Housing Authority</p>	
<p>32. Notes:</p>					

SECTION 2: ACTIONS FOR IMPLEMENTATION BY OTHER AGENCIES:

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
33. When Housing Authority waiting lists are open, place public service announcements in English, Spanish, and Vietnamese media.	Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	
<i>33. Notes:</i>					
34. Collaborate to encourage broader landlord participation in Section 8. Include public outreach program, publicity, variable rent standard, etc.	Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	
<i>34. Notes:</i>					
35. Assess effectiveness of various approaches to pre- and post-purchase counseling and education for below-market-rate homebuyers.	Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	Pending consideration by Marin Housing Authority	
<i>35. Notes:</i>					
36. Fair lending testing and investigations to determine if mortgage lenders are discriminating.	Financial institution regulators; Funders	Will require additional funding	Low	Long Term	

SECTION 2: ACTIONS FOR IMPLEMENTATION BY OTHER AGENCIES:

Recommendations	Responsibility	Potential Funding	Priority	Time Frame	Status
<i>36. Notes:</i>					
37. Expand financial literacy and counseling programs.	Fair Housing of Marin; Legal Aid of Marin; Marin Housing Authority; Marin Family Action; Fundors	Will require additional funding	High	Short	
<i>37. Notes:</i>					

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