

COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

May 7, 2019

Brian C. Crawford
DIRECTOR

Marin County Board of Supervisors
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San Rafael, CA 94903

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SUBJECT: Voluntary Compliance Agreement with the U.S. Department of Housing and Urban Development

Dear Board Members,

RECOMMENDATIONS:

1. Review and approve the 2019 Voluntary Compliance Agreement between the U.S. Department of Housing and Urban Development and the County of Marin.
2. Authorize Board President to sign, in substantially the form attached, subject to County Counsel review, and submit to the U.S. Department of Housing and Urban Development.

SUMMARY:

The Community Development Agency (CDA) has been in negotiations with the U.S. Department of Housing and Urban Development (HUD) on entering into a new Voluntary Compliance Agreement (VCA) and is requesting your Board review and consider signing the Agreement. The specific provisions of the VCA reflect the County's commitment for ongoing compliance with federal Fair Housing laws and in particular, that the County's policies and programs affirmatively further fair housing in Marin. In general, the specific provisions outlined in the VCA are either consistent with CDA's current housing goals and work plan or will be funded through the County's existing grants from HUD through the Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME).

DISCUSSION:

As Marin's lead grant recipient for federal grants, including CDBG and HOME funds, the County is required to take meaningful actions through its policies and programs to combat discrimination, overcome patterns of segregation, and foster inclusive communities free from barriers that restrict access to opportunities for protected classes. Cities and towns that benefit from federal grants are expected to support these efforts when opportunities arise. These federal grants, which provide funding to support affordable housing programs and services for our most vulnerable residents, are administered by HUD and are allocated by the Board of Supervisors after considering recommendations from the Countywide Priority Setting Committee (the Committee is comprised of elected officials from all participating cities and towns as well as community representatives). Over the last five years, the County has received over \$7.5 million dollars in CDBG and HOME grants. Recent examples of funding recipients include:

- Habitat for Humanity's Mt. Burdell Place project - \$205,282 to acquire land for development and provide down payment assistance to 10 families purchasing newly built homes in Novato.

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- Homeward Bound of Marin’s King Street project - \$300,000 to support the conversion of a former convent into 11 units of affordable, supportive housing for low-income and formerly homeless seniors in Larkspur.
- EAH’s Walnut Place project - \$482,489 to support the rehabilitation of a 24 unit affordable, senior housing complex in Point Reyes.
- City of San Rafael’s Pickleweed Park project – currently under contract for \$200,000 to replace play structures and renovate the park serving the Canal neighborhood.
- Fair Housing Advocates of Northern California’s program – \$60,000 in 2018-19 to provide 10 fair housing programs contributing to serving over 400 low, very low, and extremely low-income individuals across Marin county.
- Childcare programs and services - \$82,460 in 2018-19 to provide childcare scholarships, therapeutic services, and transportation assistance to low-income families in Marin City, San Rafael, Fairfax, and Novato.

Background:

In 2009, HUD initiated a routine compliance review of the County’s CDBG and HOME programs for the Consolidated Planning cycle of 2005-2010. On September 18, 2009, HUD issued a letter stating the review disclosed that the County’s programs were generally in compliance with federal laws and regulations; however, HUD identified several program areas where improvement was necessary to ensure future compliance: (1) the County’s Analysis of Impediments to Fair Housing Choice (“AI”)¹ was outdated and substantially incomplete; (2) the County’s Citizen Participation Plan had not been successful in promoting meaningful public participation in CDBG and HOME-funded programs; and (3) the County had not consistently monitored sub-recipients to ensure accurate protected class data collection.

Subsequently, the County elected to voluntarily accept HUD’s invitation to enter negotiations to resolve all of the concerns by identifying program enhancements.

The Board of Supervisors entered into the original VCA with HUD on November 30, 2010. A copy is attached as Attachment B. In the 2010 VCA, the County committed to a robust public process to develop a new comprehensive AI. The resulting [Analysis of Impediments](#) was unanimously approved by the County’s Board of Supervisors at a public meeting held on October 11, 2011. Among the impediments to fair housing choice identified in the AI were: (1) the relative lack of affordable housing options outside of areas of minority concentration (i.e., Marin City, San Rafael Canal neighborhood, and southern Novato); (2) a disproportionate unmet need for affordable housing options by families with children and non-elderly people with disabilities, and need for accessible units. These findings are based in part on HUD’s conclusion that much of the affordable housing developed in Marin has been reserved for seniors. While a lack of diversity in housing types was identified, HUD did not find that federal grant funds had been allocated in a manner that perpetuated patterns of racial segregation in Marin. Rather, HUD pointed out the importance of creating greater opportunity and choice for low-income residents, and particularly families, to live outside racially concentrated communities.

The original VCA was in effect for a 5-year period, expiring on December 22, 2015. However, prior to the expiration date, HUD requested the County update and renew

¹ The AI is a planning process for local governments to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

a VCA for three additional years. While acknowledging the County's success in addressing the areas of improvement set out in the expired VCA, as well as accomplishments in utilizing HUD funds, HUD emphasized continued concern with developing affordable housing outside of areas of minority concentration and concern that only a small percentage of the units approved or under construction were identified as affordable, permanent rental housing for families with children. Since that time, CDA staff has been working with HUD staff on the attached proposed VCA (Attachment A). Subsequent to expiration of the 2010-2015 VCA, progress has been made in creating at least 117 affordable housing units with the potential to accommodate families.

The Proposed New VCA:

This proposed VCA would supersede and replace the original VCA dated December 22, 2010 between HUD and the County of Marin. The new VCA incorporates many of the County's recent accomplishments and ongoing projects, and the County also affirms the following key commitments during the 3-year term of the proposed agreement:

- Encourage and facilitate the increase of at least 100 units of affordable housing available to families with children outside areas of racial or ethnic concentration (applies to acquisition and conversion as well as new construction within unincorporated county and cities and towns)².
- Allocate \$4.1 Million in general funds for affordable housing.
- Issue a Notice of Funding Availability (NOFA) for the construction or acquisition of affordable housing for families with children outside of areas of minority concentration.
- Enhance the multi-family housing inspection program.
- Consider Development Code amendments to expedite the permit process for affordable housing.
- Evaluate the potential for multi-family zoning outside areas of racial or ethnic concentration.
- Continuation of the Marin Community Foundation/County joint funding partnership for affordable housing.
- Continued funding for the Landlord Partnership Program.
- Provide funding to Fair Housing Advocates of Northern California for public outreach and education regarding tenant protection measures.
- Assist other Marin cities and towns to adopt tenant protections including Mandatory Mediation, Source of Income, and Just Cause for Eviction.
- Expand and enhance affirmative marketing and community engagement practices for both the County's Housing and Federal Grants Division and sub-recipients.

The VCA also acknowledges that nothing contained in this VCA shall be construed as admissions of liability or violations of the original 2010 VCA, nor does it create any rights for third parties to enforce its terms.

² The proposed VCA acknowledges that the County is unable to dictate the number, type, and location of all affordable housing proposals filed for processing during the term of the VCA. It also recognizes that approved housing units attributed to this provision of the VCA may not progress to the construction phase within the 3-year timeframe.

Outreach completed:

Staff has conducted outreach to inform our partner cities and towns and interested members of the public about the fair housing requirements and the contents of the proposed VCA, providing opportunities to comment and provide feedback.

- County Staff briefed the Countywide Priority Setting Committee (PSC), which is made up of a Board Member, City and Town Council members, and community members, at their hearing on September 21, 2017, April 5, 2018, April 4, 2019. These meetings were open to the public.
 - PSC meetings were noticed in the Marin Independent Journal, through community partners, and sent to 443 subscribers of the County's list serve.
- County Administrator briefed City managers at their March 2019 meeting.
- County Staff briefed the Marin Community Development Directors group at their April 2019 meeting.

Most of the commitments set out in the proposed VCA involve programs and budget decisions that have been and will be vetted in public hearings (for example, the availability of sites for affordable housing received a good deal of attention during the most recent Housing Element updates approved by all jurisdictions in the county).

FISCAL/STAFFING IMPACT:

No impact on the General Fund is anticipated.

REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:

Leelee Thomas
Planning Manager

Brian C. Crawford
Director

Attachments:

1. Attachment A: Draft Voluntary Compliance Agreement between HUD and the County of Marin, 2019
2. Attachment B: Original Voluntary Compliance Agreement between HUD and the County of Marin, 2010

The Board letter and all attachments are available online at:
www.marincounty.org/depts/cd/divisions/federal-grants

**AGREEMENT FOR
VOLUNTARY COMPLIANCE
WITH
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF
1974, AS AMENDED**

**AND
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

**AND
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED**

**BETWEEN THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**

**AND THE
COUNTY OF MARIN
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME PROGRAM
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA 94903**

ORIGINAL VCA CASE NUMBERS:

09-09-R003-9 (Section 109)

09-09-R008-6 (Title VI)

09-09-R009-4 (Section 504)

Effective Date of this Agreement: _____

Expiration Date of this Agreement: _____

This Voluntary Compliance Agreement (hereinafter: VCA, or Agreement) supersedes and replaces the provisions of the original Voluntary Compliance Agreement numbered 09-09-R003-9, 09-09-R008-6, 09-09-R009-4-6 dated December 22, 2010.

I. INTRODUCTION

The United States Department of Housing and Urban Development (hereinafter, the Department or HUD), pursuant to its law enforcement and compliance responsibilities under Section 109 of the Housing and Community Development Act of 1974, as amended; Title VI of the Civil Rights Act of 1964, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended, notified the County of Marin, California (hereinafter, County, County of Marin, or Recipient) in a letter dated May 6, 2009 of the commencement of a compliance review of the County's Community Development Block Grant and HOME programs concerning activities conducted within the Consolidated Planning cycle of 2005-2010, but focusing most specifically on program years 2007, 2008, and 2009. In response to the Department's notification and data request letter, the County provided a timely and complete response to certain data and documents requested. In addition to review of data and documents provided by the County, the Department conducted an onsite component of the review during the week of June 29 – July 2, 2009, wherein County staff involved in the administration of its CDBG and HOME programs were interviewed, the County's monitoring files for these programs were reviewed, and the County provided additional data and documents in response to the Department's requests.

On September 18, 2009, the Department issued to the County of Marin a letter stating the Department's review disclosed that the County administered the CDBG program in general compliance with the regulations implementing Section 109 (24 CFR Part 6), Title VI (24 CFR part 1) and Section 504 (24 CFR Part 8); however, the review also found the County in preliminary non-compliance with certain civil rights related program requirements of the regulatory provisions of Title VI, Section 109, Section 504. Among the more-important findings, the Department noted are that the County of Marin had an outdated and substantially incomplete Analysis of Impediments to Fair Housing Choice (AI) document; that the County's Citizen Participation Plan had not been successful in promoting meaningful public participation in relation to the planning and funding decisions related to CDBG and HOME-funded programs; and that the County had not consistently monitored sub-recipients to ensure accurate collection of participation by protected classes to enable analysis of the need for affirmative outreach and marketing to promote equitable participation.

Although the letter advised the County of Marin of its right to appeal certain of the findings, the County instead voluntarily accepted the Department's invitation to enter into negotiations to identify corrective actions that would, if implemented by the County of Marin, resolve all of the findings and concerns identified in the Department's September 18, 2009 letter. Over the months that followed, there occurred multiple meetings between representatives of the County of Marin and the Department, to identify mutually-agreeable corrective actions ultimately reduced to a draft Voluntary Compliance Agreement (VCA). The draft VCA was subsequently presented at a scheduled meeting of the County of Marin's Board of Supervisors, wherein the Board voted to enter into the agreement. The VCA was subsequently signed into full

execution by HUD-FHEO Director Charles Hauptman, and became effective on December 22, 2010.

Provision V.A of the VCA stated that the agreement was to remain in effect for a period of five years (i.e., from December 22, 2010 through December 22, 2015), “unless the Department determines that the Agreement must be revised or extended based on its review of the County’s performance under the Agreement and notifies the County to this effect prior to the expiration date.” Under the VCA, the County of Marin also committed to making periodic reports to the Department, to communicate progress that it had made in fulfillment of the corrective actions identified in the VCA.

Among the corrective actions to which the County of Marin committed was the requirement to meaningfully engage the public in the production of a comprehensive, new AI. Even before the final execution of the VCA, but based upon the findings in the Department’s letter of September 18, 2009, the County of Marin had contracted with an experienced private agency within the County to produce a revised AI, and including a robust citizen participation requirement in that process. Following a series of public meetings that occurred following widespread notice to the public, held at various accessible locations throughout the County and with the offer of interpreters to facilitate involvement by persons who were Limited English Proficient, a draft AI was produced. The AI was unanimously approved by the County’s Board of Supervisors at a public meeting held on October 11, 2011. The Department’s review of the County’s new AI determined that it satisfactorily fulfilled the requirement for a revised AI under provision III.E of the VCA.

Among the impediments to fair housing choice identified in the AI were: (1) the relative lack of affordable housing options outside of areas of minority concentration¹ (i.e., Marin City, San Rafael Canal neighborhood, southern Novato); (2) a disproportionate unmet need for affordable housing options by families with children and non-elderly people with disabilities, and need for accessible units.

Through its periodic reports required pursuant to the terms of the VCA, as well as through a succession of Annual Action Plans and Consolidated Annual Performance and Evaluation Reports, the County of Marin reported to the Department its development of new units of affordable housing, including information regarding the demographics of the residents who came to occupy those units.

¹ “Area of minority concentration”, as used in this VCA, is any neighborhood in which: (1) the percentage of households of a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County; (2) the neighborhood’s total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the County as a whole, or (3) the neighborhood’s total percentage of minority persons exceeds 50% of its population. For purposes of this definition, a neighborhood can be a census tract.

However, believing that it lacked a comprehensive list of affordable housing units developed by the County of Marin during the five-year timeframe of the VCA², the Department wrote to the County in an October 18, 2015 letter to ask for a complete listing of affordable housing units developed, by address.

Through the County's response to the Department dated November 14, 2015, and subsequent exchanges of additional information that followed, the Department concluded that the County had within the five-year timeframe of the VCA completed construction, where HUD funds were involved, of approximately 106 units of affordable housing, with another 24 units under construction, and 88 units proposed for funding. None of these units are located in areas of minority concentration and less than a third of the units are located in census tracts adjacent to areas of minority concentration. The Department also observed that 74 of the 106 completed units were senior housing. Of the 24 units under construction and of the 88 units proposed for funding, 13 were identified as affordable, permanent rental housing for families with children.

Based upon this information, the Department notified the County of Marin in a letter dated December 22, 2015 that the Department lacked sufficient information from the County in demonstration of its actions to address the impediments identified in its AI, specifically to increase affordable housing outside of areas of concentration nor of actions to increase the availability of affordable housing for families with children. The Department's letter also informed the County that Hispanics and people with disabilities still appeared to be significantly under-represented as participants of the County's community planning processes leading to funding decisions of programs or activities utilizing HUD CDBG/HOME funds. The Department's letter proposed a three-year extension to the VCA to allow the County of Marin additional time to address these impediments and demonstrate to the Department full compliance with the terms of the VCA.

Through a series of meetings between the Department and the County of Marin that have followed, the two agencies have jointly agreed to execute this VCA to replace the original, 2010 VCA. The Department acknowledges through the execution of this VCA the County of Marin's accomplishments in fulfillment of many of the terms of the original VCA, notably including but not limited to:

- Implementation of methodology to ensure accurate collection of demographic information for CDBG/HOME-funded activities, including careful monitoring by County staff of this to promote compliance (original VCA provision III.B);

² On December 9, 2014, the County adopted the Marin County Housing Element 2015-2023, which listed a substantially larger number of new, affordable rental housing units than information previously made available to the Department had acknowledged. HUD sought to know the location and type (family, elderly, disabled) of all forms of affordable housing created, not just that with HUD funded which had already been reported pursuant to the VCA.

- Implementation of affirmative outreach and marketing that has been demonstrably effective in increasing diversity in CDBG/HOME funded activities (original VCA provision III.C);
- Conduct of a four-factor analysis of language needs leading to adoption of a Language Access Plan to promote participation by persons who are LEP (VCA provision III.H;
- Monitoring of CDBG/HOME-funded sub-recipient service providers to promote greater compliance with the physical and programmatic accessibility requirements of Section 504 (original VCA provision III.F, K & L);
- To address concerns with outreach, the County revised the membership of the Priority Setting Committee and added Community Members to include more representation by members of the protected classes;
- Affirmatively offering and providing, upon request, the availability of translation services for public meetings.

The Department further acknowledges the County's progress toward addressing impediments to fair housing identified in its AI, including:

- A Fair Housing Program Specialist/Social Equity Program and Policy Coordinator was hired to focus on furthering fair housing and supporting equity programs through the implementation of the AI, the County's Social Equity Working group, and a new AI.
- The Priority Setting Committee, which includes elected officials from all cities and towns participating in the CDBG and HOME programs, has reaffirmed their commitment to prioritize funding for family rental housing located outside areas of minority concentration when considering funding requests for housing development.
- According to new cooperative agreements between the County and cities and towns, the number of planning areas has been reduced to three, rather than the six planning areas that existed previously. This change will allow the committee to make more strategic funding recommendations which can prioritize projects which will affirmatively further fair housing and serve members of the protected classes.
- In 2014, the Board of Supervisors adopted the 2015-2023 Housing Element which was certified by the State Department of Housing and Community Development on March 20, 2015.³ The Housing Element demonstrates more than 200% zoning capacity for low

³ The 2014-2022 Regional Housing Needs Allocation for the unincorporated County, cities and towns in Marin prospectively identifies the need for construction of 2,298 new units of affordable housing within this period, including units within the county's eleven incorporated cities and the unincorporated areas of the county (an excerpt of the relevant portion of ABAG's 2014-2022 RHNA, as it applies to the county of Marin, forms Attachment A to this VCA)

income housing when compared to the State Regional Housing Needs Allocation for unincorporated Marin.

- 100% of the CDBG and HOME funds allocated for housing within the 2015-2016 and 2016-2017 funding cycles were granted to projects located outside areas of minority concentration;
- Based on data provided by the Marin Housing Authority, 88% of the 2,133 Housing Choice Vouchers (Section 8) available in Marin County are being used for rental housing located outside areas of minority concentration.
- Fair housing and equal opportunity criteria are a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process, and the application includes a section for sponsors to detail how their projects affirmatively further fair housing.
- With the support of the Board of Supervisors, diversity programs have been expanded for County staff through the establishment of affinity groups for African American, Asian-American and Latino employees, among others.
- The County Planning and Human Rights Commissioners has increased its numbers of African American, Latino and younger demographic groups.
- In 2015 the BOS adopted the 5-Year Business plan which includes a Focus Area to "create an inclusive organization." Goals include developing and delivering cultural competency training for all County employees; increase gender and ethnic diversity on every selection and oral board panel; and create a diversity hiring tool kit for hiring managers and departments.
- In 2016, the Board of Supervisors allocated \$1 million dollars to support the creation of affordable family rental housing outside areas of minority concentration.
- In 2016, the Board of Supervisors allocated \$450,000 to support landlord incentives aimed at expanding landlord participation in the Marin Housing Authority's Section 8 Voucher Program. To date, the program has resulted in 75 additional landlords participating in the program.
- In 2017, the Board of Supervisors adopted development code amendments to reduce the regulatory barriers, and permit processing time and costs, for creating accessory dwelling units and junior accessory dwelling units (the Board removed a long-standing owner occupancy requirement for accessory dwelling units).
- In 2017, the Board of Supervisors adopted a source of income protection ordinance prohibiting landlords in unincorporated communities from rejecting prospective tenants based solely on the use of a housing choice voucher.

- In 2017, the Board of Supervisors adopted a mandatory mediation ordinance requiring mediation at the request of the tenant or landlord if rents are increased more than 5% during any 12-month period.
- In December 2018, the Board of Supervisors adopted a just cause for evictions ordinance.
- In 2018, the Board of Supervisors approved enhancements to the County's multi-family housing inspection program to improve enforcement of environmental health regulations protecting tenants.
- County staff continues to work on community education and outreach around affordable housing, for example in the past year staff have spoken at a number of events, including, Municipal Management Association of Northern California, Marin Organizing Committee meetings, Rotary Clubs, First Five Marin, San Rafael Chamber, Citizens Advisory Committee on Economic Development and Affordable Housing, Fairfax Town Council, Marin Managers Association, and the San Geronimo Valley Affordable Housing Association

This Agreement supersedes and replaces *all* of the terms of the original VCA between the Department and the County of Marin dated December 22, 2010. Provisions of the original VCA that are not modified or addressed with substituted actions identified within paragraph III below in this VCA are regarded as having been satisfactorily completed by the County.

The County of Marin, through the signing of this VCA, and as a reflection of its prior accomplishments, reaffirms its commitment to existing statutory and regulatory requirements set forth for participation in the Department's programs, including all civil rights related program requirements under the Federal Fair Housing Act (and the Department's implementing regulations at 24 CFR 100, et. seq.); Title VI of the Civil Rights Act of 1964 (24 CFR 1, et seq.); Section 504 of the Rehabilitation Act of 1973 (24 CFR 8, et seq.); and Section 109 of the Housing & Community Development Act of 1974 (24 CFR 6, et seq.).

The parties agree that nothing contained in this VCA shall be construed to be a final finding or determination by the Department that the Recipient or any of its agents or employees intentionally engaged in unlawful practices that may have had the effect of illegally discriminating on the basis of race, color, national origin, religion, sex, familial status, or disability. The parties agree that nothing contained in this VCA shall be construed as an admission of liability or an admission of having acted in violation of the original, 2010 VCA.

Nothing in this VCA is intended to confer on any non-signatory third party a right to sue for an alleged breach of either the original 2010 VCA or this VCA, and the parties expressly intend to preclude the interference of any alleged third-party beneficiary rights.

The Department and the Recipient hereby agree that this VCA does not increase or diminish the ability of any person or class of persons to exercise their rights under Title VI, Section 504, Section 109, the Fair Housing Act, or any other Federal, State or local civil rights statute or authority with respect to any current, on-going or future actions. This VCA does not create any private right of action for any person or class of persons not a party to this VCA or the original VCA upon which it is based.

The Department and the Recipient, having agreed to settle and resolve voluntarily the Department's preliminary findings without the necessity of formal evidentiary hearings or other judicial processes, hereby agree and consent to the terms of this VCA.

II. GENERAL PROVISIONS

With respect to any housing accommodations, facilities, services, financial aid, or other benefits related to the Recipient's programs conducted with HUD funds, the Recipient, its officers, trustees, directors, agents, employees, successors, and all persons in active concert or participation with any of them, agree to continue to uphold the Fair Housing Act by refraining from any acts that have the purpose of subjecting qualified persons to discrimination on the basis of race, color, national origin, religion, sex, familial status or disability, in violation of the Fair Housing Act, Title VI, Section 109, Section 504, and their respective implementing regulations at 24 CFR Parts 100, 1, 6 and 8.

This VCA applies to Recipient's programs funded in whole or in any part with funding from the Department, and shall be binding upon the Recipient, its successors, and assigns or beneficiaries who own, control, operate or sponsor said programs. The County of Marin, in administration of its programs conducted with HUD funds, acknowledges its un-delegable responsibility to monitor sub-recipients administering these programs, in efforts to ensure the full compliance of sub-recipients with all relevant statutory and regulatory fair housing requirements, duties and obligations.

The Department may conduct an on-site review of the Recipient's compliance with the provisions of this VCA, and the Recipient will grant the Department's employees access to its premises, records, and personnel with reasonable notice during normal business hours, during the duration of this VCA.

III. SPECIFIC PROVISIONS:

A. Affordable Housing:

1. The Department acknowledges that the County has during the years subsequent to expiration of the original 2010 VCA, including in 2015-2016 and 2016-2017, funded at least 117 new and converted affordable housing units which are available to families with

children, and that none of these units was located in an area of minority concentration (units in table below are identified by eligibility categories):

TABLE 1: Housing Available to families with children

Address/ (Demographics)	# of homes	Type (eligibility)	Tenure	Income	Source of funds	Amount of funds
1112 Fourth Street, Novato (elevated, but non-concentrated)	10	Families	New ownership	Low and very low	CDBG	\$120,281
5394 Nave Drive, Novato (elevated, but non-concentrated)	14	Families	New rental	Very low – extremely low	HOME	\$1,868,629
Waldo Point Harbor, Sausalito (non-concentrated)	38	Unrestricted*	Converted ownership	Low and very low	CDBG	\$742,190
6690 Sir Francis Drake Blvd, Forest Knolls (non-concentrated)	20	Unrestricted*	Converted ownership	Low and very low	County Housing Trust	\$617,000
101-171 Piper Court, Fairfax (non-concentrated)	27	Families	Converted rental	Low, very low and extremely low	County Housing Trust	\$675,00
21 Calle Del Embarcadero, Stinson Beach (non-concentrated)	8	Unrestricted*	Converted rental	Low and very low	County Housing Trust	\$1,000,000
TOTALS	117					

* These units were converted to deed restricted affordable housing and many residents were at time of conversion not families with children. However, when there are vacancies, the County is requiring that the housing providers do affirmative marketing to members of the protected classes, especially families with children.

2. The Department acknowledges that the County has, during the years subsequent to expiration of the original 2010 VCA, including in 2015-2016 and 2016-2017, also funded 5 new or rehabilitated existing, accessible housing units for people with disabilities and that none of these units was located in an area of racial or ethnic concentration:

Table 2: Housing available to people with disabilities

Address	# of homes	Type	Tenure	Income levels	Source	Amount
1032 Sir Francis Drake Blvd, San Anselmo (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$16,800
627 Wilson Ave, Novato (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$10,000
210 Laurel Place, San Rafael (elevated, but non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$82,250
1333 Seventh Street, Novato (elevated, but non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$54,783
16 Porteous Ave, Fairfax (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$20,000
TOTAL	5					

3. During the 3-year term of the this VCA, the County commits to take the following actions to encourage and facilitate an increase of at least 100 affordable housing units outside areas of minority concentration that are available to families with children. Consistent with County’s intention to provide funding for affordable housing on a multi-jurisdictional basis, these units may be located in the unincorporated county, cities and towns in Marin.
 - a. The County has committed one million dollars of general funds for the construction or acquisition⁴ of affordable rental housing for families with children outside areas of minority concentration. To the maximum extent possible, these funds will be leveraged to obtain additional sources of funding such as the County’s Housing Trust Fund, CDBG and HOME funds, and funding from the Marin Community Foundation.

⁴ “Acquisition”, as used in this VCA, means the County acquiring existing, market-rate housing units and converting those units to affordable levels.

- b. The County has transferred \$4.1 million from the County’s General Fund to the Housing Trust Fund to assist in creating new affordable housing units.
 - c. The County and the Marin Community Foundation will continue their joint funding partnership for construction and acquisition of affordable housing. To the maximum extent possible, these funds will be leveraged to obtain additional sources of funding such as the County’s Housing Trust Fund, CDBG and HOME funds.
 - d. The County has issued a Notice of Funding Availability (NOFA) announcing the availability of the one million dollars referred to in paragraph III.A.3.a. above for the development of affordable rental housing outside areas of minority concentration that is available to families with children. The County will endeavor to leverage other funds to supplement the one million dollars via the funding sources noted in paragraph III.A.3.a. above.
 - e. To encourage submission of competitive housing applications, the aforementioned NOFA includes the following information.
 - i. Identification of housing site inventories located outside areas of minority concentration that are included in the current 2015-2023 Housing Elements and were adopted respectively by the County and cities in towns in Marin.
 - ii. Statement(s) that application processing will be expedited, which will be accomplished by dedicating sufficient staff resources, proactively managing the review process with other reviewing agencies, and implementing state permit streamlining laws for housing.
 - iii. Statement(s) that there will be a waiver or reduction in the application processing fees proportionate to the percentage of proposed dwelling units which meet the County criteria for low and very low-income levels and which exceed the County’s inclusionary housing requirement.
4. Implement the recently adopted just cause for eviction ordinance to provide neighborhood stability for renter households. Implementation will include, but not necessarily be limited to:
- a. Requiring landlords to file Notices of Termination if and when tenants are evicted. Such Notices shall include the reason for the termination in addition property location and ownership information.
 - b. Creating a rental registry to collect data annually on the amounts of rent charged for each tenant residing on properties subject to the ordinance.
 - c. Encouraging cities and towns in Marin to consider adopting the just cause for eviction ordinance.
5. In regard to the above provisions, it is understood that:
- a. The County will pursue a balanced approach of: 1) preserving affordable housing available to current and future low-income families with children

outside areas of minority concentration; 2) acquiring existing multi-family developments that are outside areas of minority concentration and converting units from market rate to affordable levels and making those units available to families with children; and 3) encouraging and facilitating the construction of new, affordable rental housing units outside areas of minority concentration that are available to families with children.

- b. While the County will take actions to encourage and facilitate the construction and acquisition of affordable rental housing for families with children outside areas of minority concentration, the County is unable to dictate the number, type and location of all affordable housing development proposals filed for processing with the County during the term of this VCA.
 - c. Pursuant to Housing Element Program 2.p (*Expedite Permit Processing of Affordable and Special Needs Housing Projects*) and state law, the County commits to the efficient processing of development applications for affordable housing.
 - d. Construction of new housing approved by Planning entitlements issued by the County, cities and towns within this timeframe may not be completed during the 3-year period of this VCA.
6. Within 220 days after issuing the NOFA, the County will report to HUD the number of applications or proposals received; the proposed locations of affordable housing developments; and the number of units proposed by location.
7. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD pursuant to paragraphs III.A.3. and III.4. above:
- a. The addresses of all units for which final certificates of occupancy have been issued during the preceding 12-month period, for very-low and low level of affordability units;
 - b. The addresses of accessible housing units created or modified; and
 - c. Eligibility criteria (i.e., income level, age, disability, other special category) of housing units created or modified.

B. Other Actions:

Studies and/or processes to affirmatively further fair housing that the County commits to undertaking within the term of this amended Agreement with the goal of increasing the supply or availability of affordable housing units outside areas of minority concentration include the following:

1. Implement recently adopted code amendments that provide greater flexibility for parking requirements applicable to affordable multifamily housing, special needs

housing, and second units. An analysis and recommendations for revised parking standards were adopted by the Board of Supervisors in December 2018.

2. Present and recommend the adoption of Development Code amendments to expedite permit processing of affordable and special needs housing projects, including processes for fast-tracking and establishment of milestones for expedited permit processing for affordable housing projects. The County will schedule this recommendation for a Board of Supervisors hearing by December 2020;
3. Publish the aforementioned expedited permit processing in all NOFAs for affordable housing;
4. Evaluate existing multifamily Land Use Designations within the unincorporated county to determine whether zoning is appropriate to allow for additional affordable housing development beyond existing areas of racial or ethnic concentration. The evaluation will be completed by July 2019.
5. Within 6 months of the aforementioned evaluation of multifamily Land Use Designations, County staff will report the outcome of the evaluation, including any recommendations, to the Planning Commission and Board of Supervisors.
6. Through at least 2020, the County will fund the contract that supports the Landlord Partnership Program, which takes steps to encourage expanded landlord partnership in the Housing Choice Voucher program.
7. Work with Marin Cities and Towns to encourage all municipalities in the county to adopt source of income protection ordinances prohibiting landlords from rejecting prospective tenants based solely on the use of a housing choice voucher.
8. Work with Marin Cities and Towns to encourage all municipalities in the county to adopt a mandatory mediation ordinance requiring mediation of rent increases greater than 5% upon request of either the tenant or landlord.
9. Work with the City of San Rafael and City of Novato to consider aligning their respective multi-family housing inspection programs with the program enhancements approved by the Board of Supervisors in 2018.
10. Sponsor a workshop on Fair Housing and the County's Assessment of Fair Housing for Board of Supervisors and City Council members.
11. Continue to provide funding to Fair Housing Advocates of Northern California for assistance with public outreach and education regarding tenant protection measures,

such as the source of income protection ordinance, mandatory mediation program and just cause for evictions ordinance; and

12. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD a report and sufficient evidence supporting that it has carried out all actions identified pursuant to paragraph III. B. On an annual basis, for three years from the effective date of this Agreement, the County will report to HUD on any and all other actions it has taken to affirmatively further fair housing and increase the supply and availability of affordable housing.

C. Affirmative Marketing:

During the 3-year term of this VCA, the County commits to collecting demographic data for CDBG/HOME-funded, direct-benefit programs and affirmative outreach and marketing to promote under-participation by protected classes;

1. For all units of affordable housing developed subject to the provisions of paragraph III.A.3 above, the County agrees to contractually obligate the developer, owner, management agent or other individual responsible for advertising or marketing of the property to:
 - a. Affirmatively market the property to protected classes that analysis suggests would be least likely to apply or benefit from the housing without affirmative outreach and marketing. The county may prescribe use of HUD Form 935.2A “Affirmative Fair Housing Marketing Plan (AFHMP) – Multifamily Housing” or something similar, and will include a requirement that the completed form be submitted to the County for review and approval prior to commencement of advertising or marketing of the completed housing; and
 - b. Report to the County, on an annual basis, demographic information about the current tenants of all units created pursuant to paragraph III.A.3 above, including at a minimum the head-of-household member’s race, ethnicity, sex, presence of minor children, presence of any household member with a disability, and if the household resides in an accessible unit;
2. Subject to sufficient federal funding, the County agrees to monitor, on at least an annual basis, those housing developments subject to the affirmative outreach and monitoring provisions outlined above, to ensure data was accurately collected, that the need for affirmative outreach and monitoring was analyzed and undertaken.
2. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD a summary of the demographics reported to the County in paragraph C.1.b.

D. Community Participation:

1. The County agrees to take the following actions to promote increased participation by “low- and moderate-income persons...particularly those living in areas that may be designated by the local jurisdiction as a revitalization area, slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominately low- and moderate-income neighborhoods as defined by the jurisdiction.” (24 CFR§91.105) The County agrees to take “actions that are appropriate to encourage the participation of all its citizens, including minorities, non-English speaking persons, as well as persons with disabilities” and the advocacy groups representing their interests (24 CFR §5.158), in the planning and funding processes related to CDBG/HOME-funded activities, including:
 - a. Establishing community participation goals as to the minimum number of participants at public meetings and/or consultations during the three-year term of this VCA leading to the adoption of the County’s:
 - (1.) AI,
 - (2.) Consolidated Plan, and
 - (3.) Successive Annual Action Plans;
 - b. Undertaking outreach to low- and moderate-income persons and members of the protected classes at least 30 days prior to meetings, and to work with community-based organizations and to provide translated materials in those languages identified in the County’s Language Access Plan as vital documents subject to translation requirements; and
 - c. Posting meeting announcements in locations frequently accessed by low- and moderate-income persons, such as libraries, laundromats, community-based organizations and local news outlets.
2. The County agrees to submit to HUD on or before January 30, 2020 a copy of the AI as adopted by its Board of Supervisors, and developed pursuant to paragraph III.F.1. and applicable regulations.
3. The County agrees to make, for the duration of this Agreement, bi-annual reports to the Department, with the first report due six months following the execution date of this agreement, that:
 - a. contain information regarding the number of persons who attended planning meetings, and/or consultations conducted (naming the agencies), pursuant to the goals identified in paragraph III.F.1.a. (1.-3.) above;
 - b. if the actual number of attendees or consultations missed the participation goals, to provide a statement of actions taken to improve participation in subsequent meetings.

IV. SUBMISSION OF REPORTS AND DOCUMENTATION

A. All reports, certifications and other documents identified for submission to HUD in the preceding sections are to be submitted to the following address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity, Region IX
Attn: Anné Quesada, Regional Director
One Sansome Street, 12th Floor
San Francisco, CA 94104-4430

B. Pursuant to the provisions set forth in paragraph III above, Recipient agrees to make reports to HUD-FHEO, in accordance with the timeframes established above.

C. For reports the Recipient has obligated itself to make to the Department pursuant to the provisions of paragraph III above, the Department will grant to the Recipient, for good cause, extensions of up to 30 days upon telephonic request of the Recipient. If for good cause the Recipient believes that it will be unable to complete activities or submit monitoring reports even with a 30-day extension, then the Recipient shall submit to the Department a written justification for such delays, setting forth the activities that it has taken to comply, identifying the reasons that the Recipient will not be able to comply pursuant to the timeframes established in the VCA, and proposing a revised deadline for completion or submission. The Department has sole discretion to make determinations as to whether the Recipient has shown good faith in complying with the terms of this VCA, and determining whether requests for extension are justified.

V. EFFECTIVE DATE AND DURATION

A. The effective date of this VCA is the date of the last signature on the signature page. **This VCA shall remain in effect for a three (3) year period following the date of execution**, unless the Department determines that the VCA must be revised or extended based on its review of the Recipient's performance under the VCA and notifies the Recipient to this effect prior to the expiration date.

B. Failure to carry out the terms of this will not alter federal enforcement actions authorized by law.

C. This VCA may be modified or amended only by written agreement, executed by all parties. Waiver of any one provision of this VCA shall not be deemed to be a waiver of any other provision.

Attachments:

- A. ABAG 2014-2022 RHNA Plan for the Bay Area, Marin county. The full report is available at: <http://www.abag.ca.gov/planning/housingneeds/>
- B. ABAG Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA). The full report is available at: http://www.abag.ca.gov/files/RHNAProgress2007_2014_082815.pdf
- C. Phase II Work Plan for Assessment of Fair Housing

DRAFT

SIGNATURE PAGE
HUD FAIR HOUSING ACT, TITLE VI, SECTION 109, SECTION 504
COMPLIANCE REVIEW – MARIN COUNTY CDBG/HOME PROGRAM

This VCA for voluntary compliance with the Fair Housing Act, Title VI, Section 109 and Section 504 is entered into by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, and the County of Marin.

Kate Sears, President, Board of Supervisors
County of Marin

Date

Approved as to Form:

Marin County Counsel

Date

Anné Quesada, Director
Office of Fair Housing & Equal Opportunity

Date

Copy to:
Director, Office of Community Planning & Development, San Francisco

Attachment A: 2014-2022 Regional Housing Need Allocation (Marin County)

2014-2022 Regional Housing Need Allocation

(from p. 23 of ABAG's 2014-2022 RHNA Plan for the Bay Area)

	Very Low 0-50%	Low 51-80%	Moderate 81-120%	Above Mod 120%+	Total
Belvedere	4	3	4	5	16
Corte Madera	22	13	13	24	72
Fairfax	16	11	11	23	61
Larkspur	40	20	21	51	132
Mill Valley	41	24	26	38	129
Novato	111	65	72	167	415
Ross	6	4	4	4	18
San Anselmo	33	17	19	37	106
San Rafael	240	148	181	438	1,007
Sausalito	26	14	16	23	79
Tiburon	24	16	19	19	78
Unincorporated Marin County	55	32	37	61	185
Marin County Total	618	367	423	890	2298

Attachment B: San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

RHNA	Permits Issued	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met		
Belvedere	5	2	40%	4	5	125%	4	2	50%	4	11	275%	17	20	118%
Corte Madera	68	64	94%	38	30	79%	46	4	9%	92	165	179%	244	263	108%
Fairfax	23	-	0%	12	-	0%	19	5	26%	54	8	15%	108	13	12%
Larkspur	90	25	28%	55	10	18%	75	9	12%	162	92	57%	382	136	36%
Mill Valley*	74	23	31%	54	50	93%	68	23	34%	96	67	70%	292	163	56%
Novato	275	72	26%	171	13	8%	221	118	53%	574	119	21%	1,241	322	26%
Ross	8	1	13%	6	3	50%	5	3	60%	8	1	13%	27	8	30%
San Anselmos	26	12	46%	19	15	79%	21	1	5%	47	8	17%	113	36	32%
San Rafael	262	32	12%	207	26	13%	288	-	0%	646	109	17%	1,403	167	12%
Sausalito	45	8	18%	30	17	57%	34	3	9%	56	20	36%	165	48	29%
Tiburon*	36	-	0%	21	3	14%	27	-	0%	33	9	27%	117	12	10%
Marin County*	183	11	6%	137	84	61%	169	51	30%	284	209	74%	773	355	46%
County Totals	1,095	250	23%	754	256	34%	977	219	22%	2,056	818	40%	4,882	1,543	32%

Attachment C: Phase II Work Plan for Assessment of Fair Housing

Assessment Of Fair Housing Work Plan – 2018 - 2022			
	Task	Activity	Goal
Winter 2018	Approval of Fair Housing Work Plan Phase II	CDA staff presents second phase of the fair housing community engagement work plan to the Board of Supervisors.	Board approves fair housing work plan for 2018-2022.
	Initiate Community Advisory Group Application	Staff invites residents of Marin to participate on the Community Advisory Group to engage in discussions related to fair housing topics including disparities in access to transportation, education, employment, healthy communities and other community assets including banking and financial services, grocery stores and other retail businesses and broadband services. Members of the protected classes, residents who have not previously participated in County housing discussions and residents from low opportunity communities are encouraged to apply.	Select 10-12 representatives, with priority given to members from the protected classes, from all areas of the County to serve on the Community Advisory Group to work collaboratively, engage in inclusive and diverse discussions and provide advice and feedback to CDA staff on fair housing topics; assist in developing recommendations and solutions to overcome barriers to community assets and fair housing choice. CDA Director appoints members of the Community Advisory Group.
	Initiate Steering Committee	Staff invites County partners and stakeholders to serve on the Fair Housing Steering Committee and to participate in fair housing discussions related to disparities in access to transportation, education, employment, healthy communities, and other community assets including banking and financial services, grocery stores and other retail businesses and broadband services.	Select 15-18 representatives and stakeholders from housing, legal, faith-based, senior, philanthropy and business organizations; those that represent individuals and families from the protected classes, and representatives from cities and towns to serve on the Fair Housing Steering Committee. CDA Director to appoint members of the Steering Committee.
	Identify Youth Groups	Staff to identify and engage with individual and youth groups to participate in fair housing discussions related to disparities in access in transportation, education, employment healthy communities and other community assets including banking and financial services, grocery stores and other retail businesses and broadband services.	Engage youth, youth groups and local colleges in fair housing discussions to elicit comments, feedback and recommendations that address barriers in access to transportation, employment, education, healthy neighborhoods and other community assets including banking and financial services, grocery stores and other retail businesses, and broadband service particularly for members of the protected classes, youth and young adults in Marin.

Task	Activity	Goal
Community Listening / Community Outreach	Staff to meet with members and residents of the community and community groups, County employees, businesses and others to listen and engage in discussions about disparities in access in transportation, education, employment, healthy communities and other community assets including banking and financial services, grocery stores and other retail businesses and broadband services.	Improve citizen engagement with communities; elicit comments, feedback and recommendations that address barriers to access in transportation, employment, education, healthy neighborhoods and other community assets including banking and financial services, grocery stores and other retail businesses and broadband services, particularly for members of the protected classes.
Enlist Technical Support and Assistance	Staff identifies resources to provide local knowledge and expertise to the Community Advisory Group and Steering Committee on specific topics related to fair housing.	Provide Community Advisory Group and Steering Committees with pertinent background information and current developments on issues related to fair housing topics.
Data Acquisition and Analysis	Staff will acquire and analyze local data on fair housing issues related to community assets, transportation, healthy neighborhoods, employment and education, utilizing data sources that include Race Counts, County Equity Dashboard, Health & Human Services, Healthy Marin, Marin County Office of Education, Transportation Authority of Marin, and Marin Economic Forum.	Present aggregated and disaggregated data in a format that is accessible to members of the community, the Community Advisory Group and Steering Committee to ensure data reflects local conditions and is relevant to the decision-making/recommendation process.
Convene Community Advisory Group and Steering Committee	Provide overview of the fair housing assessment process and goals, including fair housing laws, history of the fair housing assessment and the County's Voluntary Compliance Agreement (VCA); provide County demographics, including information from Phase I of the community engagement process.	Obtain individual and group commitment to the fair housing assessment process and timeline.
Winter / Spring 2019	Community Outreach Fair Housing Topic: Disproportionate Access to Community Assets	Staff to conduct targeted meetings with individuals, local community representatives, groups and nonprofits to identify disproportionate community assets including access to banking/financial services; grocery stores and other retail business; public parks and open spaces, and public services.
		Identify any existing barriers, elicit comments, feedback and recommendations for presentation and discussion with the Community Advisory Group and Steering Committee.

	Task	Activity	Goal
	Community Advisory Group and Steering Committee Fair Housing Topic: Disproportionate Access to Community Assets	Utilizing local and regional data, analyze and identify whether specific neighborhoods lack access to banking/financial services, grocery stores and other retail business, internet access, public parks and open spaces, and public services.	Incorporate community input and recommendations in the review, analysis and discussion on barriers to community assets, particularly for members of the protected classes and from low-opportunity communities. Develop strategies and recommendations for consideration by the Board of Supervisors.
	Community Outreach Fair Housing Topic: Transportation	Staff to conduct targeted meetings with individuals, local community representatives, youth, nonprofits, and County employees to engage in discussions that identify policies, attitudes and behaviors that may create and maintain disparities in access to transportation.	Identify any existing barriers, elicit comments, feedback and recommendations for presentation and discussion with the Community Advisory Group and Steering Committee.
	Community Advisory Group and Steering Committee Meetings Fair Housing Topic: Transportation	Utilizing local and regional data and expertise from transportation representatives and organizations, discuss, analyze and determine whether specific neighborhoods or populations lack access to reliable, affordable transportation between where they live and work, shop, and access other services and opportunities; analyze transportation routes, costs and services to determine the effects on low-opportunity communities and populations.	Incorporate community input and recommendations that address factors and contributing factors that contribute to disparities in access to reliable transportation, particularly for members of the protected classes and from low-opportunity communities. Develop strategies and recommendations for consideration by the Board of Supervisors.
Summer 2019	Analysis of Impediments to Fair Housing Choice (AI)	Staff to prepare, develop and write draft of the AI for County review.	Produce an AI for submission to HUD in January 2020 and in preparation of the County's Consolidated Plan, the Housing Element and for requirements under California Assembly Bill 686.
Fall / Winter 2019	Board of Supervisors Hearing and Workshop	<ol style="list-style-type: none"> 1. Hold hearing for public comment on the Analysis of Impediments to Fair Housing Choice (AI) 2. Hold Board workshop on staff recommendations related to disproportionate access to community assets and transportation. 	<ol style="list-style-type: none"> 1. Approve the Analysis of Impediments to Fair Housing Choice for submission to HUD in January 2020. 2. Provide an update on the community engagement process and the proposed recommendations from the Community Advisory Group and Steering Committee; hear public comments.

Task	Activity	Goal
Winter – Summer 2020 Community Outreach Fair Housing Topic: Healthy Neighborhoods	Staff to meet with residents, community groups, youth groups, local health agencies and others to listen and engage in discussions about disparities in health outcomes, proximity to health hazards, access to health centers, health insurance, healthy foods, parks and recreation facilities.	Identify any existing barriers, elicit comments, feedback and recommendations for presentation and discussion with the Community Advisory Group and Steering Committee.
Community Advisory Group and Steering Committee Fair Housing Topic: Healthy Neighborhoods	Utilizing local data and expertise from local health clinics, Health & Human Services, County Parks, disability organizations and others, discuss, analyze and identify disparities in life expectancy, health outcomes, effects of poverty, access to health insurance, healthy foods, parks and recreation.	Incorporate community input and recommendations to address disparities in health outcomes for communities, particularly for members of the protected classes and from low-opportunity communities. Develop strategies and recommendations for consideration by the Board of Supervisors.
Community Outreach Fair Housing Topic: Employment	Staff to meet with residents, community groups, youth groups, groups representing the disabled, seniors, County employees, businesses and others to listen and engage in discussions about disparities in access to and opportunities for employment, particularly for members of the protected classes and from low-opportunity communities.	Identify any existing barriers, elicit comments, feedback and recommendations for presentation and discussion with the Community Advisory Group and Steering Committee.
Community Advisory Group and Steering Committee Meetings Fair Housing Topic: Employment	Utilizing local and regional data and expertise from local economic organizations, businesses and County Human Resources Department, discuss, analyze and identify any disparities in a person's ability to seek or gain employment based on where they live, their race/ethnicity, national origin, disability or family status.	Incorporate community input and recommendations on how to address employment and job-related barriers that contribute to disparities in access to employment, particularly for members of the protected classes and from low-opportunity communities. Develop strategies and recommendations for consideration by the Board of Supervisors.
Fall 2020 - Spring 2021 Board of Supervisors Workshop	Hold Board workshop on staff recommendations related to healthy neighborhoods and employment.	Provide an update on the community engagement process and the proposed recommendations from the Community Advisory Group and Steering Committee; hear public comments.

	Task	Activity	Goal
	Community Outreach Fair Housing Topic: Education	Staff to meet with residents, community groups, youth groups, local colleges and others to engage in discussions about disparities in education from preschool to high school, and college enrollment.	Identify any barriers, elicit comments, feedback and recommendations that address barriers to academic achievement particularly for members of the protected classes and for low-opportunity communities.
	Community Advisory Group and Steering Committee Meetings Fair Housing Topic: Education	Utilizing local data and expertise from local nonprofit organizations, discuss, analyze and identify any disparities in access to proficient schools, including school-related policies and drop-out, suspension and expulsion rates, based on race/ethnicity, national origin, and family status. Housing-education partnerships, access to technology	Incorporate community input and recommendations to address education related factors that contribute to disparities in access to academic success, particularly for members of the protected classes and for low-opportunity communities. Develop strategies and recommendations for consideration by the Board of Supervisors.
Summer 2021	Fair Housing Topic: Fair Housing Enforcement, Outreach Capacity and Resource Analysis	Working with local fair housing agency, analyze the capacity to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights.	Identify ways to increase collaborative partnership with Fair Housing Advocates of Northern California.
Fall / Winter 2021	Board of Supervisors Workshop	Hold Board workshop on staff recommendations related to education and fair housing enforcement.	Provide an update of the community engagement process and the proposed recommendations from the Community Advisory Group and Steering Committee; hear public comments.
	Recommendations	Staff develops process for identifying and reporting recommendations from the AI and Phase I (2016 – 2018) and Phase II (2018 – 2021) of the community engagement process; reviews accumulated recommendations and develops process for prioritization.	Create timeline and process for consolidating recommendations from the AI and from the 2016 – 2021 community engagement process related to disparities in segregation/Integration and disproportionate housing needs, publicly-supported housing, disability and access analysis, community assets, transportation, employment, healthy neighborhoods and education; prepare meetings with Community Advisory Group and Steering Committee to prioritize and identify specific recommendations to present to the Board of Supervisors.

Task	Activity	Goal
Community Advisory Group and Steering Committee	Convene Advisory Group from Phase I (2016-2018) and Phase II (2018-2021); review accumulated recommendations and process for prioritization.	Identify recommendations to present to the Board of Supervisors for addressing disparities related to for disparities in segregation/Integration and disproportionate housing needs, publicly-supported housing, disability and access analysis, community assets, transportation, employment, healthy neighborhoods and education, particularly for members of the protected classes and for low-opportunity communities.
Spring / Summer 2022	Board of Supervisors Workshop Staff to submit final report for the community outreach process from 2016 - 2021, including all Community Advisory Group and Steering Committee recommendations for Phase I and Phase II, and for preparation of the County's Housing Element and California Bill 686	Board accepts consolidated report and proposed recommendations from the Community Advisory Groups and Steering Committees from Phase I and Phase II; hears public comments; provides direction to staff on proposed recommendations and implementation plan to address identified impediments to fair housing choice.



U.S. Department of Housing and Urban Development
 Office of Fair Housing and Equal Opportunity – Region IX
 600 Harrison Street, 3rd Floor
 San Francisco, California 94107-1300
 Voice: (800) 347-3739 (415) 489-6400
 TTY: (415) 489-6564 Fax: (415) 489-6560

DEC 21 2010

CERTIFIED MAIL – Return Receipt Requested

Mr. Roy Bateman
 Community Development Coordinator
 Marin County Community Development Agency-Federal Grants Division
 3501 Civic Center Drive, Room 308
 San Rafael, CA 94903-4157

Dear Mr. Bateman:

SUBJECT: Voluntary Compliance Agreement

Please find enclosed two original copies of the fully executed Voluntary Compliance Agreement (VCA) between this Department and the County of Marin that resolve matters that arose from the recent Civil Rights Compliance Review of the County’s administration of its CDBG/HOME Programs. As you know, the VCA contains specific actions that the Housing Authority has agreed to undertake, as well as timeframes and reporting requirements. Please submit the reports to:

U.S. Department of Housing and Urban Development
 Attn: Sharon Chan (Correspondence Code 9AEHPP)
 Office of Fair Housing and Equal Opportunity
 600 Harrison Street, 3rd Floor
 San Francisco, CA 94107-1300

I would like to take this opportunity to express my sincere appreciation for the cooperation shown by you, Mr. Reid Thaler, and other county staff such as Ms. Lili Thomas, who provided data and suggestions to us during the conduct of the review, as well as in crafting mutually-agreeable terms of this Voluntary Compliance Agreement. In the event you have any questions or concerns about the agreement or other issues, please feel free to telephone Ms. Sharon Chan at 415/489-6529, or Program Compliance Branch Chief Jeff Jackson at 415/489-6538.

Very sincerely yours,

Charles E. Hauptman
 Director
 Office of Fair Housing and
 Equal Opportunity

Original Signed by Charles E. Hauptman

Enclosure

**AGREEMENT FOR
VOLUNTARY COMPLIANCE
WITH
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT
OF 1974, AS AMENDED
AND
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED
AND
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED
BETWEEN THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY
AND THE
COUNTY OF MARIN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA 94903**

**CASE NUMBERS: 09-09-R003-9 (Section 109)
09-09-R008-6 (Title VI)
09-09-R009-4 (Section 504)**

I. INTRODUCTION

The United States Department of Housing and Urban Development (hereinafter referred to as the Department or HUD) pursuant to its law enforcement responsibilities under Section 109 of the Housing and Community Development Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended, conducted a compliance review of the Community Development Block Grant (CDBG) program administered by the County of Marin (hereinafter referred to as the County or Recipient). The purpose of the review was to determine whether the CDBG program managed by the County is administered in compliance with the nondiscrimination provisions of Section 109, Title VI, and Section 504.

The Department conducted an on-site review of the Recipient during the period June 29-July 2, 2009. The areas reviewed included Citizen Participation; Benefits, Services and Methods of Administration; Section 504 programmatic requirements; and a limited physical accessibility survey.

The review disclosed that the program is administered in general compliance with regulations implementing Section 109 (24 CFR Part 6), Title VI (24 CFR Part 1), and Section 504 (24 CFR Part 8). However, the Department found that the County was in preliminary non-compliance with: 24 CFR §6.6, citizen participation; 24 CFR §§1.6, 6.10, and 8.55, record-keeping; 24 CFR §§1.4, 6.4, and 8.4, meaningful participation; 24 CFR §8.6, communications; 24 CFR §§1.4 and 6.4, affirmatively furthering fair housing; and, 24 CFR §§8.20 and 8.21, program and physical accessibility. The Department identified a number of programmatic concerns regarding the Recipient's administration of the program in areas that were reviewed, as well.

The parties agree that nothing contained in this Agreement shall be construed to be a final finding or determination by the Department that the Recipient or any of its agents or employees intentionally engaged in unlawful practices that may have had the effect of illegally discriminating on the basis of race, color, national origin, gender or disability. The parties agree that nothing contained in this document shall be construed as an admission of liability or an admission of having acted in violation with respect to the Department's preliminary findings by the Recipient or any of its agents or employees.

Nothing in this Agreement is intended to confer on any non-signatory third party a right to sue for an alleged breach of this Agreement, and the parties expressly intend to preclude the interference of any alleged third-party beneficiary rights.

The Department and the Recipient hereby agree that this Agreement does not increase or diminish the ability of any person or class of persons to exercise their rights under Section 109, Title VI, Section 504, the Fair Housing Act, or any other Federal, State or local civil rights statute or authority with respect to any current, on-going or future actions. This Agreement does not create any private right of action for any person or class of persons not a party to this Agreement.

The Department and the Recipient, having agreed to settle and resolve voluntarily the Department's preliminary findings without the necessity of formal evidentiary hearings or other judicial processes, hereby agree and consent to the terms of this Agreement.

II. GENERAL PROVISIONS

- A. With respect to any housing accommodations, facilities, services, financial aid, or other benefits related to the Recipient's CDBG program, the Recipient, its officers, trustees, directors, agents, employees, successors, and all persons in active concert or participation with any of them, agree to refrain from any acts that have the purpose of subjecting qualified persons to discrimination on the basis of race, color, national origin, gender, or disability, in violation of Section 109, Title VI, Section 504, and their respective implementing regulations at 24 CFR Parts 6, 1, and 8.
- B. This Agreement applies to Recipient's programs funded in whole or in any part with CDBG funds, and shall be binding upon the Recipient, its agents, successors, and assigns or beneficiaries who own, control, operate or sponsor said program.
- C. The Department may conduct an on-site review of the Recipient's compliance with the provisions of this Agreement, and the Recipient will grant the Department's employees access to its premises, records, and personnel with reasonable notice during normal business hours, during the duration of this Agreement.

III. SPECIFIC PROVISIONS

The Recipient agrees to take the following specific actions within the timeframes stipulated.

ISSUES OF NON-COMPLIANCE

- A. Citizen Participation (24 CFR §6.6)
 - (1) Within 90 days from the effective date of this Agreement, the Recipient shall create an outreach plan to provide for inviting citizens to all public meetings, particularly to those living in local planning areas, held during every phase of the planning process and to encourage the participation of low-income residents, particularly to include those who are disabled, racial and ethnic minorities, and single parent householders living in areas where Federal funds are most likely to be spent. The outreach plan to reach groups least likely to participate shall (a) identify those groups who are disabled, racial and ethnic minorities, and single parent householders that are least likely to participate; (b) state the type of media to be used to advertise public meetings, identify the

names of the newspapers/publications and/or call letters for radio or television stations, and identify the circulation or audience of the media (e.g. White, Black, Hispanic, Asian, persons with disabilities, etc.); and (c) list the organizations to be contacted, such as neighborhood, minority and women's organizations, grass roots faith-based or community based organizations, labor unions, employers, public and private agencies, disability advocates, school and community leaders associated with organizations, that are familiar with the local planning areas and serve groups that are least likely to participate and identify the group (e.g. White, Black, Hispanic, Asian, persons with disabilities, etc.) associated with each organization listed.

- (2) Within 120 days from the effective date of this Agreement, the Recipient shall provide a copy of the outreach plan to HUD.
- (3) On an annual basis for five years from the effective date of this Agreement, the Recipient shall include a report on attendance at public planning meetings to HUD. The attendance report shall include the time and date of the meeting, where the meeting was held, the number of attendees, the race and ethnicity of attendees, which shall be requested on sign-in attendance sheets at the meeting, and the disability status of attendees. The Recipient's notes from the meeting shall be relied upon to provide the disability status of attendees and when attendees did not self-identify race and/or ethnicity on the sign-in sheets.

B. Collection of Racial, Ethnic, Gender and Disability Data (24 CFR §§6.10, 1.6, and 8.55)

- (1) Within 60 days from the effective date of this Agreement, the Recipient shall ensure all future contracts between the Recipient and sub-recipients involving the use of CDBG and HOME monies contain a requirement for sub-recipients to collect and report data on the race, ethnicity/national origin (Hispanic/Latino or Non-Hispanic/Latino), gender and disability characteristics of waiting list applicants and participants or beneficiaries.
- (2) Within 90 days from the effective date of this Agreement, the Recipient shall develop and implement a written procedure consistent with "OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines" (dated August 13, 2002) for gathering and maintaining the race and ethnicity of waiting list applicants for and participants or beneficiaries in each of its CDBG and HOME assisted or supported programs and activities, including those administered by sub-recipient agencies and organizations.
- (3) Within 90 days from the effective date of this Agreement, the Recipient shall revise its CDBG Demographic Report form to include collecting and maintaining the disability characteristics of waiting list applicants for and participants or beneficiaries in each of its CDBG and HOME assisted or

supported programs and activities, including those administered by sub-recipient agencies and organizations.

- (4) Within 90 days from the effective date of this Agreement, the Recipient shall revise the CDBG Demographic Report form, used to report race and ethnicity characteristics of waiting list applicants for and participants or beneficiaries in its CDBG and HOME assisted or supported programs and activities, by removing the “Others” and “Balance/Other” columns.
 - (5) Within 120 days from the effective date of this Agreement, the Recipient shall arrange training for County staff who are involved in the administration of its CDBG-funded activities, and for sub-recipients providing programs and activities with CDBG funds, to ensure their understanding of the data collection and reporting requirements and familiarity with the Recipient’s CDBG Demographic Report form.
 - (6) Within 150 days from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of the instructions to the CDBG Demographic Report form and a copy of its CDBG Demographic Report form.
 - (7) Within 150 days from the effective date of this Agreement, the Recipient shall provide HUD certification that training for staff and sub-recipients was completed with respect to collection of racial, ethnic, gender, and disability characteristics of waiting list applicants for and participants in its CDBG and HOME assisted or supported programs and activities.
- C. Analysis of Participation in Funded Programs and Activities (24 CFR §§1.4, 6.4, and 8.4)
- (1) Within 60 days from the effective date of this Agreement, the Recipient shall revise its instructions to the CDBG Demographic Report to include requiring its sub-recipients to analyze participation based on race, ethnicity, gender and disability and require, if under-representation is identified, the development of affirmative marketing and outreach strategies targeting under-represented groups. “Under-representation” is defined for purposes of compliance with this Agreement as a participation rate in any funded activity wherein the participation rate by a particular minority group is less than that minority’s representation among the general population of the County.
 - (2) Within 90 days from the effective date of this Agreement, the Recipient shall develop a written policy to conduct an analysis, at least on an annual basis, of the rates of participation by minority racial and ethnic groups, persons with disabilities, and female-headed householders in CDBG funded housing activities and public service programs. The analysis shall include identifying potential causes of any under-participation and devising remedies to overcome

any under-participation, including affirmative outreach to those groups least likely to apply to funded programs and activities.

- (3) Within 180 days from the effective date of this Agreement, and consistent with Department's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" dated January 22, 2007 (attachment 1), the Recipient shall conduct a survey of the special needs of persons with Limited English Proficiency, particularly among its Asian and Hispanic populations, and develop a Language Assistance Plan to ensure viable and effective outreach and communication to these two groups, as a means of increasing their participation in affordable housing programs and public service activities.
- (4) Within 180 days from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of its revised instructions to the CDBG Demographic Report; a copy of its written policy; and a copy of its survey of persons with Limited English Proficiency and Language Assistance Plan.
- (5) On an annual basis for five years from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of the affirmative marketing plans for any newly developed, constructed and/or assisted housing developments receiving CDBG and HOME funding.

D. Communications Policy (24 CFR §8.6)

- (1) Within 90 days from the effective date of this Agreement, the Recipient shall develop a written policy for internal use and applicable to all CDBG supported or assisted programs and activities to assure that all written materials related to its administration of CDBG-funded activities and programs contain contact information to include either a Telecommunication Device for the Deaf (TDD) number or the number for the California Relay System. The policy shall provide for a monitoring mechanism to assure that all sub-recipients comply with it.
- (2) Within 120 days from the effective date of this Agreement, the Recipient shall provide a copy of its policy to HUD in accordance with paragraph IV, below.

E. Affirmatively Furthering Fair Housing (AFFH) (24 CFR §§1.4 and 6.4)

- (1) Within 150 days of the effective date of this Agreement, the Recipient shall complete an Analysis of Impediments to Fair Housing Choice (AI) using HUD's Fair Housing Planning Guide as a reference, submit a copy of its draft AI to HUD in accordance with paragraph IV, below, and provide HUD a

minimum of 30 days to review the draft AI before issuing the AI in final form.

(2) The AI shall:

- (a) include participation and input of racial and ethnic minority citizens and person with disabilities throughout the public planning process;
- (b) be used in the 2010-2014 Consolidated Plan to address AFFH;
- (c) commit to collecting data and undertaking actions necessary to facilitate the implementation of this Agreement; and
- (d) identify and analyze,
 - 1. the impediments to fair housing within its jurisdiction, including those based on race and ethnicity and municipal resistance to the development of affordable housing and those impediments identified by the Department during the course of its compliance review, which form attachment 2;
 - 2. the causes of lower racial and ethnic minority residency in the County relative to adjacent counties; and,
 - 3. the actions the Recipient will take to address those impediments.

(3) As part of its obligations to AFFH, the Recipient shall:

- (a) directly or by contracting with a non-profit agency solicit input from community leaders, public interest groups, and others during the CDBG planning cycle;
- (b) directly or by contracting with a non-profit agency advertise to community members their rights to fair housing and to redress allegations of housing discrimination, including that complaints may be filed with HUD, a state government agency or any local fair housing agency;
- (c) directly or by contracting with a non-profit agency refer housing discrimination complaints and any inquiries about possible violations of fair housing laws to HUD, a state government agency or any local fair housing agency;
- (d) implement actions to address impediments to the development of affordable housing as identified in the AI;
- (e) directly or by contracting with a non-profit agency educate realtors, condominium and cooperative boards, and landlords with respect to fair housing requirements;
- (f) as a supplement to the AI, assess whether a pattern in the past ten years or more exists in the development of CDBG and HOME affordable housing that perpetuates segregation of racial and/or ethnic minority groups and if such a pattern exists,
 - 1. take actions as necessary to promote, overcome barriers to, and cause the development of new units of affordable rental and homeownership housing outside of areas of minority concentration in the County, and to report specific actions and accomplishments in its Annual Plan and

- CAPER reports (for purposes of this Agreement, “areas of minority concentration” (also known as racially/ethnically-impacted areas) is any neighborhood in which: (i) the percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County of Marin; (ii) the neighborhood’s total percentage of minority persons is at least 20 percentage points higher than the total percentage of all minorities for the County as a whole, or (iii) the neighborhood’s total percentage of minority persons exceeds 50% of its population);
- (g) make reasonable efforts to collect and maintain race, ethnicity, gender, and disability data of residents of any affordable housing (defined as those housing units subject to local government restrictions on household income), including single-family housing units, developed and constructed after the adoption of the Agreement with or without federal financial assistance; analyze the data to determine if there are any under-representations of any racial and ethnic groups and/or persons with disabilities; and if, overall, any under-representations exist,
 - 1. take specific forms of affirmative action to promote interest in residency in the County by under-represented racial and ethnic groups or persons with disabilities, especially those living in adjacent counties and those who commute into the County for work, educational, social or recreational opportunities. Specific actions may include:
 - a. encouraging the inclusion of provisions within all funding contracts or funding agreements between the County and housing developers, whether or not any forms of federal funding will be directed to these new affordable housing developments, that the developers undertake affirmative marketing to promote greater interest in such housing by members of any under-represented racial and ethnic groups, and persons with disabilities;
 - b. undertaking actions that would lead to the County’s Board of Supervisors declaring that it is the policy of the County to encourage private developers of affordable housing units to undertake analysis of expected participation rates, and to affirmatively market to those protected classes including racial or ethnic minorities, persons with disabilities, and female-headed households who have been identified through such analysis as least likely to apply;
 - c. promoting a collaborative relationship between county officials and agencies involved in the development of affordable housing, and private developers of affordable housing, with the goal of ensuring that both CDBG/HOME-funded and non-funded affordable housing in the County will be affirmatively marketed to protected classes least likely to apply; and
 - d. giving priority to future funding of CDBG or HOME funds to those activities, affordable housing development or preservation, and

community services projects and activities, that will address impediments identified in the County's AI;

- (h) directly or by contracting with a non-profit agency provide comprehensive information that is readily available to the public, including through community-based organizations and the County's website, on rental and homeownership housing programs and affordable housing projects funded by CDBG and HOME as well as those developed by the Housing Authority of the County of Marin and privately through other incentive programs of the County. The information shall include, but not be limited to:
 - 1. identification of affordable housing developments and those under construction in the County, and their locations, and
 - 2. identification of homebuyer counseling and down payment assistance programs.
- (4) On an annual basis for five years from the effective date of this Agreement, the Recipient shall provide to HUD a report on actions taken to promote, overcome barriers to, and cause the development of affordable rental and homeownership housing into non-racially/ethnically-impacted areas of the County.
- (5) The Recipient certifies by signing this Agreement that future updates to its AI occur in conjunction with 5-Year Consolidated Planning Cycle, commencing with the 2015-2019 plan.

F. Program Accessibility and Site Accessibility (24 CFR §§8.20 and 8.21)

Within 180 days from the effective date of this Agreement, the Recipient shall certify that all facilities, associated with the administration of CDBG funds during the citizen participation process and the review of CDBG-related documents prior to public meetings, to the maximum extent feasible, are fully accessible to people with disabilities and in compliance with the California Building Standards Code, ADA Accessibility Guidelines or the Uniform Federal Accessibility Standards.

CONCERNS

G. Citizen Participation (24 CFR §§1.4, 6.4 and 8.4)

- (1) Within 120 days from the effective date of this Agreement, the Recipient shall:
 - (a) take steps to ensure future notices of public hearings, particularly handouts or flyers, will display information necessary for persons to obtain or view records, e.g. Consolidated Plan, CAPERs, and Annual Action Plans, pertinent to the use of CDBG funds; will inform persons

with vision impairments of the availability of those records in alternate formats, upon request; and will include, for persons with hearing impairments, a telephone contact number of the person responsible for receiving requests for the provision of reasonable accommodations during the CDBG citizen participation process;

- (b) revise its Citizens Participation Plan to specify how reasonable notice and opportunity for public comment will be provided with respect to the reprogramming of CDBG funds and that the noticing of public hearings and the comment period shall not be a period less than 30 days of the hearing; and
- (c) submit to HUD in accordance with paragraph IV, below, a copy of its revised Citizens Participation Plan.

H. Citizen Participation and Persons with Limited English Proficiency (LEP) (24 CFR §§1.4 and 6.4)

- (1) Within 210 days from the effective date of this Agreement, the Recipient will:
 - (a) undertake and complete a four factor analysis of LEP needs, pursuant to the Department's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" dated January 22, 2007, to determine if a need for expanded services to LEP populations in its jurisdiction is warranted;
 - (b) develop a written Language Assistance Plan and modify its outreach plan in part A of this Agreement to notify persons with LEP of public hearings and of the review and comment periods for the administration of the CDBG program, if the four-factor analysis identifies a need for additional efforts; and
 - (c) submit to HUD in accordance with paragraph IV below, a summary of the results of its four-factor analysis and a copy of its Language Assistance Plan, if required pursuant to its four-factor analysis.

I. Methods of Administration (24 CFR §§1.4, 6.4 and 8.4)

Within 150 days from the effective date of this Agreement, the Recipient shall develop and implement a procedure for evaluating sub-recipient applications for funding. The procedure shall include, but will not be limited to, evaluating the nexus between the proposed activity or program and the priority housing, community and service needs as identified in pertinent planning area documents, reports and studies, e.g. the Analysis of Impediments to Fair Housing Choice. The Recipient shall not be required to use a point ranking system as part of the procedure. The Recipient will provide to HUD in accordance with paragraph IV, below, a copy of its procedure.

J. Monitoring Sub-recipients (24 CFR §§1.4, 6.4 and 8.4)

- (1) Within 180 days from the effective date of this Agreement, the Recipient shall:
 - (a) take steps to ensure compliance with its own policy of conducting risk assessments for sub-recipients and performing on-site monitoring of sub-recipients deemed to be high risk;
 - (b) revise its sub-recipient Monitoring Report form to include the gathering of information to assist in assessing compliance with civil rights laws. The Recipient shall establish monitoring procedures for the routine review of civil rights related records, including the collection and maintenance of accurate race, ethnicity, gender and disability characteristics of applicants and participants or beneficiaries; records pertaining to the analysis conducted to determine if particular groups were under-represented as beneficiaries; and records of affirmative marketing and outreach conducted to address the identified under-representations; and
 - (c) provide to HUD in accordance with paragraph IV, below, a copy of its revised sub-recipient Monitoring Report form and monitoring procedures.

K. Program and Physical Accessibility of Funded Programs and Activities (24 CFR §§8.21 and 8.32)

Within 90 days from the effective date of this Agreement, the Recipient shall certify that the curb cuts completed for the city of San Rafael project in program year 2008 and the accessible routes at Pickleweed Park are in compliance with the California Building Standards Code, ADA Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS).

L. Development or Modernization of Accessible Housing Units (24 CFR §8.20)

- (1) Within 120 days from the effective date of this Agreement, the Recipient shall:
 - (a) establish a written procedure to collect and maintain the number of UFAS or (ADAAG) compliant accessible units created or modified as a result of receiving CDBG or HOME funding for affordable housing programs or activities;
 - (b) gather and maintain data, for each program year of the 2005-2009 Consolidated Plan, on the number of UFAS or ADAAG compliant accessible units created or modified as a result of receiving CDBG or HOME funds;
 - (c) submit to HUD in accordance with paragraph IV, below, a copy of its written procedure and the data on the number of accessible units created or modified in program years 2005-2009; and
 - (d) provide to HUD a report on the number of accessible units created or modified during the program year.

IV. SUBMISSION OF REPORTS AND DOCUMENTATION

- A. All reports, certifications and other documents identified for submission to HUD in the preceding sections are to be submitted to the following address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity, Region IX
Attn: Chuck Hauptman, Regional Director
600 Harrison St., 3rd Floor
San Francisco, CA 94107


- B. Pursuant to the provisions set forth in paragraph III above, Recipient agrees to make reports to HUD-FHEO, in accordance with the timeframes established, above.
- C. For monitoring reports the Recipient obligates itself to make to the Department pursuant to the provisions of paragraph III of this Agreement, the Department will grant to the Recipient, for good cause, extensions of up to 30 days upon telephonic request of the Recipient. If for good cause the Recipient believes that it will be unable to complete activities or submit monitoring reports even with a 30-day extension, then the Recipient shall submit to the Department a written justification for such delays, setting forth the activities that it has taken to comply, identifying the reasons that the Recipient will not be able to comply pursuant to the timeframes established in the Agreement, and proposing a revised deadline for completion or submission. The Department has sole discretion to make determinations as to whether the Recipient has shown good faith in complying with the terms of this Agreement, and determining whether requests for extension are justified.

V. EFFECTIVE DATE AND DURATION

- A. The effective date of this Agreement is the date of the last signature on the signature page. This Agreement shall remain in effect for a five year period following the date of execution, unless the Department determines that the Agreement must be revised or extended based on its review of the County's performance under the Agreement and notifies the County to this effect prior to the expiration date.
- B. Failure to carry out the terms of this Agreement may result in suspension or termination of or refusal to grant or to continue Federal financial assistance, or other actions authorized by law.
- C. This Agreement may be modified or amended only by written agreement, executed by all parties. Waiver of any one provision of this agreement shall not be deemed to be a waiver of any other provision.

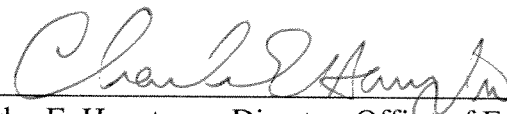
SIGNATURE PAGE
HUD SECTION 109, TITLE VI, AND SECTION 504
COMPLIANCE REVIEW

This agreement for voluntary compliance with Section 109, Title VI, and Section 504, consisting of twelve (12) pages, is entered into by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, and the County of Marin, California.



Judy Arnold, President, Board of Supervisors
County of Marin

11/30/10
Date



Charles E. Hauptman, Director, Office of Fair
Housing and Equal Opportunity, San Francisco HUB

12/22/2010
Date

Attachments:

- (1) "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons", dated January 22, 2007.
- (2) List of prospective impediments identified by the Department during the course of this compliance review.

APPROVED AS TO FORM:



Marin County Counsel

Date: 11/19/10