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**County of Marin**  
Analysis of Impediments to Fair Housing Choice  
January 2020

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Prepared by the  
Marin County Community Development Agency



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## **Executive Summary**

As a recipient of Federal funds from the U.S. Department of Housing and Urban Development (HUD), and as one of the provisions of the County of Marin's 2019 Voluntary Compliance Agreement with HUD, the County of Marin is required to conduct an Analysis of Impediments to Fair Housing Choice (AI).

This AI is one of several ways in which the County fulfills its obligation to affirmatively further fair housing, and to help inform the County's Consolidated Plan which is due in May 2020, the County's Housing Element which is due in December 2022, and to serve as the foundation for the reporting requirements for California Assembly Bill 686, which requires public agencies to administer programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, which is also due in December 2022.

### **Defining the Analysis of Impediments**

The AI is a review of impediments to fair housing choice in the County of Marin, and involves:

- A comprehensive review of the County's laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing;
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes;
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

### **Purpose of the Analysis of Impediments**

The purpose of an AI is to review and analyze a full range of public policies, practices, and procedures affecting housing choice. The AI:

- Serves as the substantive, logical basis for fair housing planning;
- Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates;
- Assists in building public support for fair housing efforts both within the County and beyond.

In addition, the AI includes a review of conditions in the County that may impact the ability for households to freely choose housing without regard to race, ethnicity, religion, gender, national origin, source of income, age, disability, or other protected status. The AI reviews current fair housing law, the enforcement of fair housing law, efforts to promote fair housing, access to credit for the purpose of housing, and general constraints to the availability of housing.

An AI examines the affordability of housing in the County with an emphasis on housing affordable to households with annual incomes classified as low income and less. (Low income is defined as equal to or less than 80 percent of the adjusted Area Median Income as most recently published by the U.S. Department of Housing and Urban Development.)

### **Definition of Impediments**

To affirmatively further fair housing, a community must work to remove impediments to fair housing choice. Impediments to fair housing choice are defined as:

- Any action, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

In addition, according to HUD's Fair Housing Planning Guide (1996), "policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments".

Impediments to fair housing choice also include actions or omissions in the County that:

- Constitute violations, or potential violations, of the Fair Housing Act;
- Are counterproductive to fair housing choice, such as:
  - Community resistance when minorities, persons with disabilities and/or low-income persons first move into white and/or moderate- to high-income areas;
  - Community resistance to housing facilities for persons with disabilities because of the persons who will occupy the housing;
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

### **Identification of Impediments**

Marin County is committed to the promotion of fair housing choice, and to affirmatively further fair housing. The County's goal is to increase, expand and maintain its affordable housing inventory and to increase opportunities for housing choice for low income residents, people of color, people with disabilities and residents who have specifically been impacted by historic government policies and practices that created segregated communities in Marin and who continue to be marginalized today.

According to HUD's Fair Housing Planning Guide, "equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment, or other goals. Because housing choice is so critical, fair housing is a goal that Government, public officials, and private citizens must achieve if equality of opportunity is to become a reality".

The County of Marin's Analysis of Impediments to Fair Housing Choice provides information on the current population and housing needs of the County, with an emphasis and focus on the needs of racial and ethnic minorities, families with children, persons with disabilities, and other members of the protected classes. To that end, after years of community engagement and changes in the County's development codes, zoning policies, funding strategies and collaborations with cities and towns, this analysis has identified four overarching impediments to fair housing choice:

#### Community Opposition

Community opposition has been identified as the number one reason for the lack of affordable housing development in the County, particularly for families and in areas outside of minority concentration.

### Cost of Developing Affordable Housing and the Lack of Available Land for Development

The cost of developing affordable housing in Marin is prohibitive even after accounting for funding from grants, loans, direct and indirect subsidies, tax credits and private donors. Many Marin communities require that developers of multi-unit housing set aside a percentage of units as affordable housing, however some cities and towns do not have inclusionary policies or affordable housing impact fees, and for some jurisdictions, the housing trust account balances are too low to be useful. In addition, in-lieu fees do not reflect the actual cost of building affordable housing in the County.

### Lack of Affordable Housing

Developers and members of the community are unaware of potential affordable housing sites across the County. Because of this lack of knowledge, opportunities to purchase land or properties may reduce the availability for affordable housing development.

### Lack of Homeownership, Particularly for African Americans

The price of housing in Marin is unaffordable for most residents, but because of historic, discriminatory practices and government policies, African Americans – in particular, people who lived in Marin City during the Marinship years -- have been particularly affected by policies that have created segregated communities with limited access to opportunities.

A complete description of the identified impediments to fair housing choice and the specific recommendations to address the identified barriers are presented in Section 9 of this document, “Summary of Conclusions and Recommendations.”

## I. Introduction and General Summary of The Analysis

*“The Analysis of Impediments (AI) is a review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. The AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative County staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.”*

- U.S. Department of Housing and Urban Development

### I.1 Purpose of The Analysis of Impediments to Fair Housing Choice

Fair housing laws prohibit discrimination in the sale, rental, lease or negotiation for real property based on race, color, religion, sex, national origin, familial status and disability. The Analysis of Impediments involves the following:

- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes;
- A review of the jurisdictions laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, etc. affect the location, availability and accessibility of housing; and
- An assessment of availability of affordable, accessible housing.

### I.2 Affirmatively Furthering Fair Housing

The U.S. Department of Housing and Urban Development (HUD) requires jurisdictions receiving Federal grant funds for housing and community development to certify that they are taking actions to affirmatively further fair housing (AFFH). Marin County receives Federal grant funds from the Community Development Block Grant (CDBG) program and the Home Investment Partnership (HOME) program that provide funding for housing, community facilities, and public services for low and moderate-income households. Under both programs, the County is required to certify it is taking actions and documenting those actions that affirmatively further fair housing.

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) requires recipients of HUD funding to affirmatively further fair housing, which means, according to HUD, "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." Specifically, affirmatively furthering fair housing means taking meaningful actions that, when taken together,

- Addresses significant disparities in housing needs and in access to opportunities;
- Replaces segregated living patterns with truly integrated and balanced living patterns;
- Transforms racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Fosters and maintains compliance with civil rights and fair housing laws.

In an effort to attain this goal of affirmatively furthering fair housing, HUD requires jurisdictions to engage in fair housing planning. This planning process requires Marin County to:

- I. Conduct and update an Analysis of Impediments to Fair Housing Choice (AI);



2. Develop appropriate actions to overcome the effects of the identified impediments; and
3. Develop a system for record keeping and monitoring the activities undertaken to reduce or overcome the identified impediments.

The purpose of the planning process is to identify and eliminate discrimination and segregation in housing on the basis of race, color, religion, sex, age disability, familial status or national origin and to expand housing choice for all residents in Marin.

### 1.3 Definition of Impediments

Impediments to fair housing choice are identified as:

- Any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions that have the effect of restricting housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

### 1.4 Protected Classes

The Fair Housing Act makes it unlawful to “refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a selling to any person” because of their:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status (families with children under 18 or who are expecting or adopting a child)
- Disability

In addition to Federal law, California state laws have added the following protected classes:

- Age
- Ancestry
- Sexual orientation
- Medical Condition
- Marital Status
- Arbitrary Characteristics

#### 1.4.1 Race and Ethnicity

For purposes of this analysis, and for consistency in reporting, race and ethnicity are defined utilizing the U.S. Census Bureau’s definitions, per HUD’s guidelines, and which are detailed below. Data reported in this analysis do not always include individuals reporting multiple races.

- Race is not an inherent physical or biological quality, but rather an idea about identity that is based on rules made by a society. Racial groups are populations of people based on physical characteristics, such as skin color, hair, or eyes. The U.S. Census Bureau defines race as “a person’s self-identification with one or more social groups. An individual can report as White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, or some other race.”

- Ethnicity refers to cultural factors, including nationality, regional culture, ancestry, and language. The U.S. Census Bureau defines ethnicity as follows: “Ethnicity determines whether a person is of Hispanic origin or not. For this reason, ethnicity is broken out in two categories, Hispanic or Latino and Not Hispanic or Latino. Hispanics may report as any race.” For the purposes of this document, the categories of Hispanic and Latino will be used interchangeably with the category of Latinx to refer to a gender-neutral alternative to Latino or Latina.
- Nationality is the country which a person is a citizen of, and often gets confused with the term ethnicity.
- The methodology for the race and ethnicity data reported by the U.S. Census Bureau is described as follows:
  - “The data on race were derived from answers to the question on race that was asked of individuals in the United States. The Census Bureau collects racial data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB), and these data are based on self-identification.”
  - “The racial categories included in the census questionnaire generally reflect a social definition of race recognized in this country and not an attempt to define race biologically, anthropologically, or genetically. In addition, it is recognized that the categories of race include racial and national origin or sociocultural groups. People may choose to report more than one race to indicate their racial mixture, such as “American Indian” and “White.” People who identify their origin as Hispanic, Latino, or Spanish may be of any race, and represent those who classify themselves in one of the specific Hispanic or Latino categories listed on the US Census questionnaire. These terms include Mexican, Puerto Rican or Cuban, as well as those who indicate that they are “other” Spanish, Hispanic, or Latino. People who do not identify with one of the specific origins listed on the census questionnaire, but do indicate that they are Spanish, Hispanic, or Latino, are those whose origins are Spain, the Spanish speaking countries of Central or South America, the Dominican Republic or people identifying themselves generally as Spanish, Spanish-American, Hispanic, Hispano, and Latino.”

### 1.5 Methodology and Data Collection

The County of Marin conducted the following activities in order to fulfill the guidelines and requirements of the HUD Fair Housing Guide for data collection:

- Identification and review of current studies, articles and statistical materials.
- Collection and review of public documents to identify existing impediments, including HUD’s Final Investigative Report of Marin County’s CDBG program in 2009, Marin County’s Voluntary Compliance Agreement with the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity in 2010 and 2019, and the 2015-2023 Marin County Housing Element.
- Research of available data sources to explore housing, demographic, economic patterns and community resistance.
- The completion of over 2,700 interviews, one-on-one meetings, written surveys and emails with individual community members and groups representing a variety of interests, including different ethnicities, races, incomes, goals, and perspectives.
- Review of Marin County’s Analysis of Impediments to Fair Housing Choice 2010, describing a variety of existing conditions and trends, and identifying

impediments to fair housing choice with conclusions and recommendations.

In order to place issues that significantly affect local fair housing choice in its proper context, this analysis looked not only at Marin County, but also within the regional context of the North Bay and the San Francisco Bay Area generally. The conditions faced by Marin do not exist in a demographic, social or economic vacuum. Rather, rising rents and home prices, the lack of affordable housing, lengthy commutes and gentrification of neighborhoods are strongly influenced by demographic, social and economic trends in the Bay Area and in the state as a whole.

In addition, this analysis examines not only data documenting current conditions, but also examines long-term policies and practices that continue to affect housing disparities and community resistance to land development.

The analysis for Marin County incorporates quantitative data from a variety of sources, including:

- A Portrait of Marin, Marin County Human Development Report
- Advancement Project, Race Counts
- American Community Survey
- Association of Bay Area Governments
- Bay Area Census
- Bay Area Council
- California Department of Education
- California Department of Fair Employment and Housing
- Canal Alliance
- Children Now
- County of Marin, Office of Education
- County of Marin, Community Development Agency
- County of Marin, Housing and Federal Grants Division
- Department of Housing and Urban Development
- Fair Housing Advocates of Northern California
- First 5 Marin
- Golden Gate Transit
- Healthy Marin, Marin County Health & Human Services
- Home Mortgage Disclosure Act
- Kidsdata.org
- Marin Center for Independent Living
- Marin County Food Policy Council
- Marin County Health and Human Services
- Marin County Homeless Count and Survey 2019
- Marin County Housing Element 2015-2023
- Marin County Residential Housing Survey
- Marin Economic Forum
- Marin Environmental Housing Collaborative
- Marin Housing Authority
- Marin Promise Partnership
- Marin Transit

- Marin Transportation Commission
- Office of Health Equity, California Department of Public Health
- PolicyLink
- The California Schools Dashboard
- The Trust For Public Land
- Transportation Authority of Marin
- United States Census
- United Way
- Urban Habitat
- US Bureau of Labor Statistics
- US Department of Commerce, Bureau of Economic Analysis

Whenever possible, this AI presents the most recent available data on market, demographic, and economic conditions.

## **2. Jurisdictional Background Information**

### **2.1 County Demographics**

This chapter identifies and analyzes Marin County's demographics for state and Federally protected classes. The demographic analysis considers the current population, income, education, employment, poverty rates, population trends, zoning and land available for development. To more effectively address impediments to fair housing choice, it is essential to view Marin County in the context of its communities and its history, as well as in context of the surrounding Bay Area counties. This allows for identifying impediments that may be within the control of Marin County, and the regional demographic and economic factors, policies and actions that can influence those impediments.

### **2.2 Consolidated Metropolitan Statistical Area**

Marin County is one of nine counties comprising the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area ("CMSA"). The CMSA, with a population of 7,629,975 experienced an increase from 7,002,425 in 2010 and is racially and ethnically diverse. According to American Community Survey estimates, in 2017 the population of the Bay Area was 40% percent White, 25% percent Asian, 24% percent Latinx, and 6% percent African American.

### **2.3 Geography**

Marin County is located in the San Francisco Bay Area of California, north of the Golden Gate Bridge. The County has a total area of 828 miles, of which 520 square miles, or 62.8% is land and 308 square miles, or 37.2% is water. Marin contains 11 incorporated cities and towns: Belvedere, Corte Madera, Fairfax, Mill Valley, Larkspur, Novato, Ross, San Anselmo, San Rafael, Sausalito and Tiburon. These incorporated cities and towns are primarily located along the County's urban east side. The County's unincorporated areas include residential, agricultural and open spaces that are mostly regulated by the County of Marin. West Marin is the largest rural area of the County and includes 7 unincorporated communities. The City of San Rafael is the County seat.

### **2.4 Available Land for Development**

Marin County is bound by the Pacific Ocean to the west, San Pablo Bay and San Francisco Bay to the east, and the city of San Francisco to the south. Adjacent counties are Sonoma to the north and northeast, Contra Costa to the southeast, and San Francisco to the south. More than 80% of Marin County is protected, open space or agricultural land. The lack of land available for development has been a major contributor to high housing prices and few new housing developments. In addition, Marin County has a very strong and organized anti-development and pro-open space coalition that is supported by residents and nonprofit organizations. Today, based on the amount of land that is held in agriculture, parkland, open space (public and private), watershed, and tidelands, the Marin County Community Development Agency has ascertained that only 16% of the total county is suitable for development – 11% has already been developed primarily within cities and towns, near services and along major transportation corridors, and only 5% remains available for development.

## 2.5 Zoning

Zoning refers to regulations related to the use of land and land development in specific areas within a city, town or county. Zoning regulates building density and height restrictions, property lot sizes and the placement of buildings on lots. They also designate residential, commercial and industrial districts and determine the type of housing allowed within communities. Exclusionary zoning practices, including those that limit where, how, or if affordable housing can be developed, can result in creating and maintaining segregated communities.

According to Richard Rothstein, the author of *The Color of Law, A Forgotten History of How Our Government Segregated America*, “To prevent lower-income African Americans from living in neighborhoods where middle-class whites resided, local and Federal officials began in the 1910s to promote zoning ordinances to reserve middle-class neighborhoods for single-family homes that lower-income families of all races could not afford.”

While originally intended to regulate property, some residential zoning laws were established as a result of economic and safety concerns. The proximity of businesses near residential homes and the inclusion of high-density housing were believed to have a negative impact on residential property values. Today, due to the high cost of housing in Marin, the selection of where people live is often dependent on the neighborhoods they can afford, and zoning policies can determine access to housing based on income and wealth. While current laws and ordinances do not specifically mention race, they can have the same effect as racial and economic zoning. According to the 2019 Hass Institute for A Fair And Inclusive Society report, *Roots, Race, & Place - A History of Racially Exclusionary Housing in the San Francisco Bay Area*, some zoning ordinances were based on “a belief that neighborhoods without apartments, low-income residents, or people of color would successfully maintain high property values and/or appreciate the most over time.”

Controlling the type and size of housing and where high-density housing is allowed can have the effect of creating separate residential zones for single-family homes and for apartments and condos. These ordinances contribute to allowing some populations to live in certain areas while keeping others out. Policies that require minimum lot sizes or communities that are primarily zoned for single-family residences can disproportionately impact people of color. Most renters live in multi-family housing, and according to the 2017 American Community Survey, in Marin, people of color are more likely to be renters rather than homeowners. Large-sized lots combined with limited available land can drive up the cost of housing which further decreases access to housing opportunities in certain communities for people of color and people who are low-income. According to the American Community Survey in 2017, those who could least afford single-family homes in Marin were African American and Latinx households. Inequitable zoning policies that have the effect of segregating communities based on race can also reduce the value of and equity in minority-owned homes, which contributes to disparities in wealth and generational wealth for people of color.

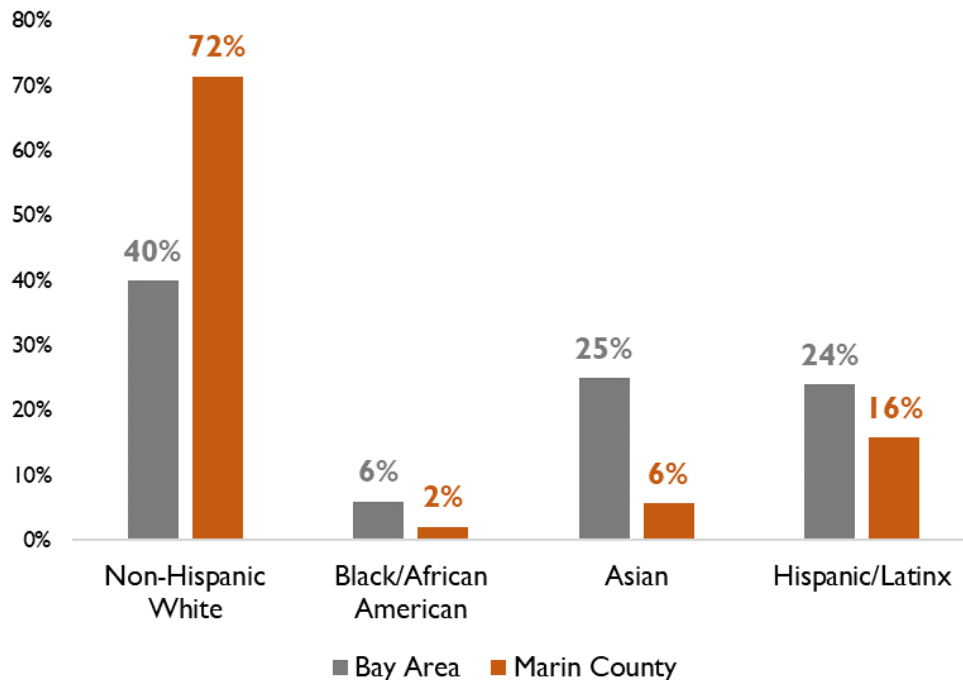
## 2.6 Marin County Populations

### 2.6.1 Demographic Profile

According to the 2017 American Community Survey, Marin County had a population of 260,814 residents. The largest cities in Marin were San Rafael, with a population of 59,180 and the city of Novato with a population of 55,378. Overall, the County has experienced a total population gain of 3.2% since 2010. According to the Marin Economic Forum, “Marin grew faster in 2017 in terms of percentage than some of its North Bay neighbors in part because of wildfires that forced people to move, according to new population estimates released by the state Department of Finance. Between 2010 and 2018 the county has grown from 252,409 to the present 263,886, an increase of 4.5 percent, according to state figures.” In 2017:

- 71.5% of the County’s residents were White. This represents a 1.4% increase since 2010;
- Asians were 5.7% of the County’s population, which was an increase of 8.7% since 2010;
- Latinos represented 15.9% of Marin’s population, which was an increase of 5.9%; and
- African Americans were 2.1% of the County’s population, which represents a decrease of 17.5% from 2010.
- The largest population increase in the County were residents who identified as two or more races, representing 3.6% of the County and an increase of 29.5%.

**Figure 1: Racial Distribution in the Bay Area and Marin County**



Source: 2017 American Community Survey, 5-year estimates

### 2.6.2 People with Disabilities

According to the World Health Organization (WHO), people with disabilities are often left out of conversations about equity, and barriers for people with disabilities are often

more frequent and have greater impact than for those without disabilities. These barriers are more than just physical obstacles, and include “Factors in a person’s environment that, through their absence or presence, limit functioning and create disability. These include aspects such as:

- a physical environment that is not accessible,
- lack of relevant assistive technology (assistive, adaptive, and rehabilitative devices),
- negative attitudes of people towards disability,
- services, systems and policies that are either nonexistent or that hinder the involvement of all people with a health condition in all areas of life.”

According to the American Community Survey, in 2017, 9.2% of Marin’s total population had a disability:

- 9.7% of White residents were disabled;
- 7.7% of Asian residents;
- 10.1% of Latinx residents; and
- 14% of African American residents had a disability.

Of Marin residents who were disabled:

- 39% were 75 years of age or older;
- 15.9% were between the ages of 65 – 74; and
- 2.2% were children under the age of 18.

According to Integrated Community Services, a Marin County organization that creates programs and opportunities for people with disabilities, “the average person with a disability would need 200% of their monthly Social Security income to afford a one-bedroom apartment in Marin.”

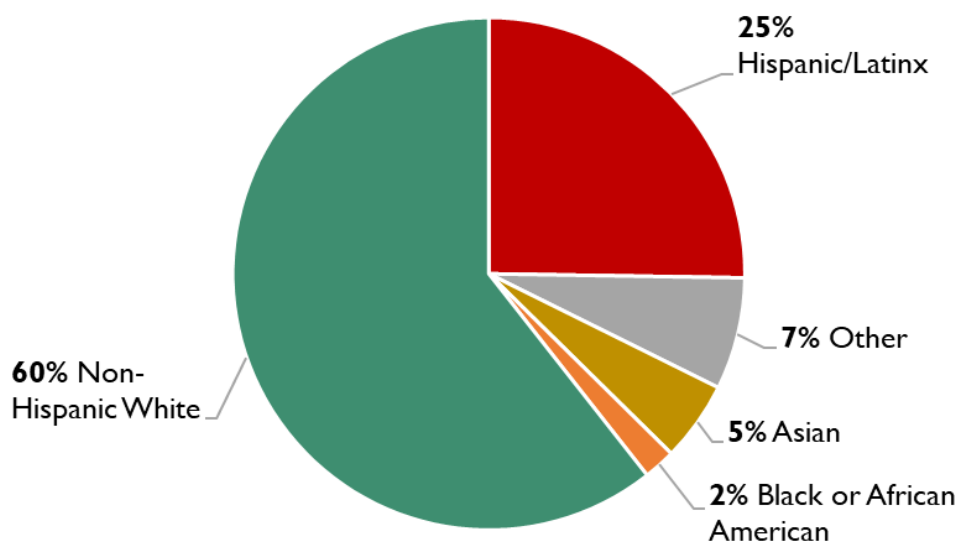
### 2.6.3 Children and Families in Marin

According to Marin County’s Superintendent of Schools, 30.4% of households in Marin have children at home. In 2017, 28% of Marin’s households had children under the age of 18 living with them; 76.7% of those children lived with two parents; 15.3% lived with their mothers only, and 8% lived with only their fathers. Thirty-six percent (36%) of Marin’s children lived with one or more immigrant parents; 23% were living below two times the Federal poverty level, as defined by the Department of Health and Human Services, and 712 students were experiencing homelessness.

The 2018-19 California County Scorecard of Children’s Well-Being provides information about the health, education, and welfare of children by county. According to their 2018-2019 report, there were 52,222 children living in Marin.



**Figure 2: Racial Distribution of Children Under 18 in Marin County**



Source: 2018-19 California County Scorecard of Children's Well-Being

#### 2.6.3.1 The Cost of Childcare

Quality childcare for all children can better prepare children for school and life. Children who participate in early childhood education programs have better outcomes later in life, including increased education and earnings, and fewer interactions with the criminal justice system. In Marin, the opportunity for childcare relies heavily on a parents' ability to pay the cost of childcare. According to the California Child Care Resource and Referral Network in 2016, the cost of childcare for an infant in Marin was \$20,105 per year, and \$15,551 for a preschooler.

#### 2.6.4 Seniors, Agricultural Workers and People Experiencing Homelessness

While these populations do not fall under Federal and state protected classes, they represent many of the County's underserved populations who often reside in some of the County's low-income communities and have specific challenges to housing and other community resources.

##### 2.6.4.1 Seniors

According to Marin County's Adult and Aging Services, "the County's older adult population is increasing at a rate that surpasses the national rate. Residents age 60 and above total 70,0631 which represents 27% of the total population. At 45 years, Marin's median age is the oldest in the Bay Area and the 14<sup>th</sup> oldest in California." According to Marin County's Grand Jury Report entitled, "Marin Is Aging - Are We Ready", dated April 2018, the percentage of residents age 60 and above is expected to increase to 34% by 2030.

Marin County's Aging and Adult Services reports that the cost of living in Marin is one of the highest in the state. According to the Marin Independent Living Center, a recent study conducted by Justice in Aging found that the basic cost of living for a single, older adult in California is \$23,760 per year. For a single older adult in Marin County, the

basic cost of living goes up to \$31,172 per year. For an older, adult couple with a mortgage, the cost of living in California is \$44,256, but if living in Marin County, the cost goes up to \$50,040 per year.

According to The Marin Community Foundation. “Seniors also struggle to make ends meet in Marin, with thousands falling through the cracks of the public system because they have too much income to qualify for help, but not enough to get by in such an expensive county.”

According to HealthyMarin, in 2017, 5.4% of Marin’s 65+ population were living below the Federal poverty level and in some of the County’s wealthier communities. The following is a sample of poverty rates for seniors in some Marin communities:

**Table 1: Poverty Rate Amongst Older Adults in Marin Communities**

	Poverty Rate (65+ population)
Point Reyes Station	20.3%
Fairfax	13.1%
Bolinas	11.7%
Stinson Beach	10.0%
Larkspur	7.9%
Greenbrae	7.9%
Tamalpais-Homestead Valley	7.3%
San Rafael	6.5%
Marin City	6.1%
Kentfield	5.4%
Belvedere	4.5%

Source: 2017 HealthyMarin, County of Marin Health & Human Services

In 2018, the Marin County Board of Supervisors proclaimed 2018 as the “Year Of The Older Adult,” with the following goals:

- Promote Marin as a great place to age.
- Bring all ages together to understand and celebrate the social, cultural, and economic contributions of Marin’s older adults.
- Raise community awareness of ageism affecting the opportunities that an older population brings to Marin.
- Align and showcase collaborations between and among neighbors, businesses, government, education, and community organizations to expand opportunities for older adults.
- Identify new strategies, programs, and resources to support and address the needs of Marin’s older population.

#### 2.6.4.2 Agricultural Workers

Agriculture is and has been an important part of Marin's history and culture, particularly in the coastal and inland rural areas of the County. According to the Marin County Housing Element 2015-2023, the County's farms and ranches encompass approximately 170,876 acres, or about 50% of the County's total land area.

West Marin, which is part of the County's unincorporated area, consists of 7 unincorporated communities and surrounding villages including Dillon Beach, Tomales, Marshall, Inverness, Inverness Park, Point Reyes Station, Nicasio, Olema, Forest Knolls, Woodacre, Lagunitas, San Geronimo, Bolinas, Stinson Beach and Muir Beach. Cattle ranches, dairies, organic farms, poultry, mariculture and tourism are a significant part of West Marin's economy. The majority of the agricultural industry are family owned and according to University of California Cooperative Extension, Facts About Marin County Agriculture, "Agriculture in Marin contributes over \$49 million annually to the local economy."

According to the County's Housing Element, there are an estimated 1,072 agricultural workers living in West Marin, many of whom are believed to be undocumented and the majority of whom are not seasonal workers. According to the Community Land Trust Association of West Marin's (CLAM), "a farmer in Marin is likely to earn an annual salary of no more than \$28,000." In 2017, the median household income for Marin County was \$104,703.

While the lack of affordable housing exists throughout the County, the challenges of housing permanent, agricultural workers is further complicated because housing is often provided on-site by employers/ranchers and ties the workers' housing to their employment with the owner/rancher. Similar to other low-income populations in the County, the lack of affordable housing options may force many agricultural families to live in compromised conditions, including substandard housing units and overcrowded living situations.

#### 2.6.4.3 People Experiencing Homelessness

In 2019, the County conducted its annual Point-In-Time Count utilizing the HUD definition of homelessness for individuals and families. Those included were people:

- Living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangement; or
- With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

According to the 2019 Point in Time Count and Survey, the number of individuals experiencing homelessness in Marin were 1,034, which represents a 7% decrease from 2017. "In the weeks following the count, an in-depth survey was also administered to 360 unsheltered and sheltered individuals of all ages who were homeless the night of the count. The survey gathered basic demographic details as well as information on service needs and utilization."

Of those experiencing homelessness:

- 19% were under 25 years of age;
- 50% were between the ages of 25 and 49; and
- 31% were 50 years of age or older.

Men represented 67% and women represented 33% of those experiencing homelessness.

At the time of the count, 54 families with children were identified as experiencing homelessness, which represented a 28% decrease in family homelessness since 2017. However, families with children “were more likely to be people of color than the general population of Marin County. Twenty-two percent (22%) of individuals in families experienced homelessness identified as Black or African American, compared with 2% of the general Marin County population. Those identifying as Hispanic or Latinx remained similar to 2017, with 44% identifying as Hispanic/Latinx, significantly higher than the 16% of the general Marin population.”

There were a total of 107 unaccompanied children and transition-age youth (age 18-24) identified in 2019, which represents a decrease of 16% since 2017. Sixty-one percent (61%) of homeless unaccompanied children and transition-age youth identified as men/boys, and 39% identified as women/girls. No individuals identified as transgender or gender non-conforming.

In 2019, Marin County’s Health and Human Services Department declared a goal of ending chronic and veteran homelessness by the end of 2022.

## 2.7 Household Income

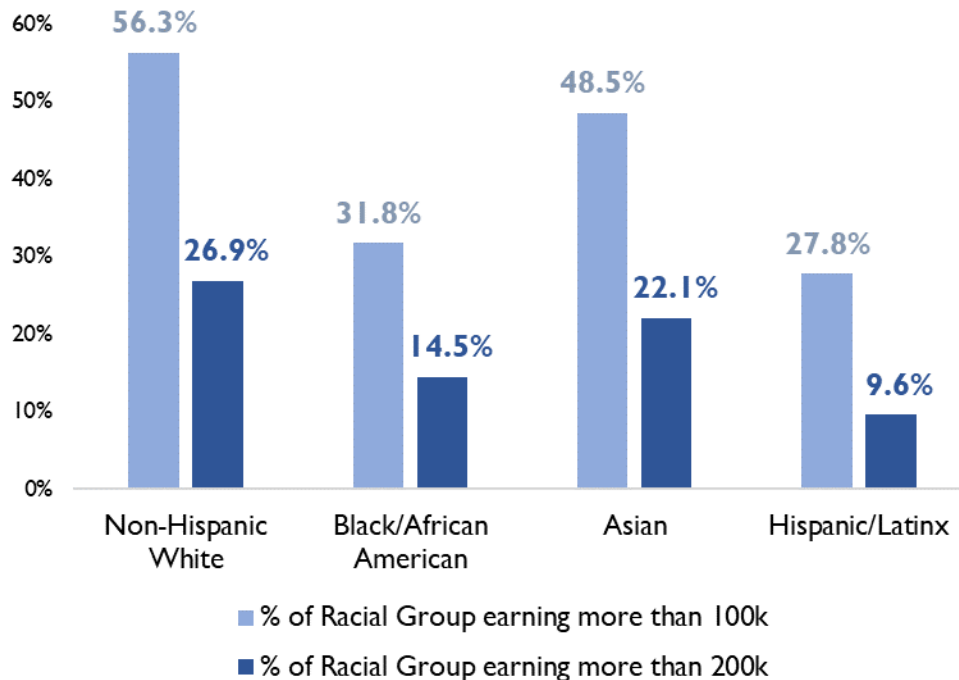
In 2017, the median household income in Marin County was \$104,703. In 2018, Marin County had the highest per capita personal income of any county in California according to the Workforce Alliance of the North Bay, and in 2019, the Department of Housing and Urban Development (HUD) estimated median family income for the San Francisco Metro Area, which includes Marin County, to be \$136,800.

For 2017, the median household income for Marin households was:

- \$115,373 for White households;
- \$96,831 for Asian households;
- \$60,849 for African American households, and
- \$58,639 for Latinx households.

Despite HUD’s 2019 estimated family income for the San Francisco Metro Area of \$136,800, most residents of Marin have a median household income of less than \$100,000 per year.

**Figure 3: Marin Households Earning Over 100k/200k a Year by Racial Group**



Source: 2017 American Community Survey, 5-year estimates

For families with children in Marin, in 2017 the median household income was \$153,522, and for families without children, the median household income was \$127,614. As noted above, the cost of childcare for an infant in Marin in 2016 was \$20,105 per year, and \$15,551 for a preschooler.

## 2.8 Education

In 2018, Marin County ranked #1 in high school graduates compared to all counties in the Bay Area. According to the National Center for Education Statistics at the U.S. Department of Education, “high school graduates are more likely to be employed and earn more than individuals who do not have a high school education. Graduates are less likely to engage in criminal behavior or require social services; have better health and longer life expectancies; are qualified to serve in the military.”

Marin County ranks among the highest in the nation in both educational enrollment and attainment. According to the U.S Census Bureau, in 2017, 93.2% of County residents had a high school degree or higher, and 57.5% had a bachelor’s degree or higher.

In 2016, the 12<sup>th</sup> grade students who graduated high school on time included:

- 94% of White students;
- 91% of Asian students;
- 78% of African American students; and
- 75% of Latinx students graduated high school on time.

A common belief among educators is that through third grade, children are learning to read; after third grade, students read to learn. According to The Children’s Reading Foundation, a nonprofit focused on early childhood education, “by the end of third grade, 74 percent of struggling readers won’t ever catch up. In fact, one of the most important predictors of graduating from high school is reading proficiently by the end of third grade.”

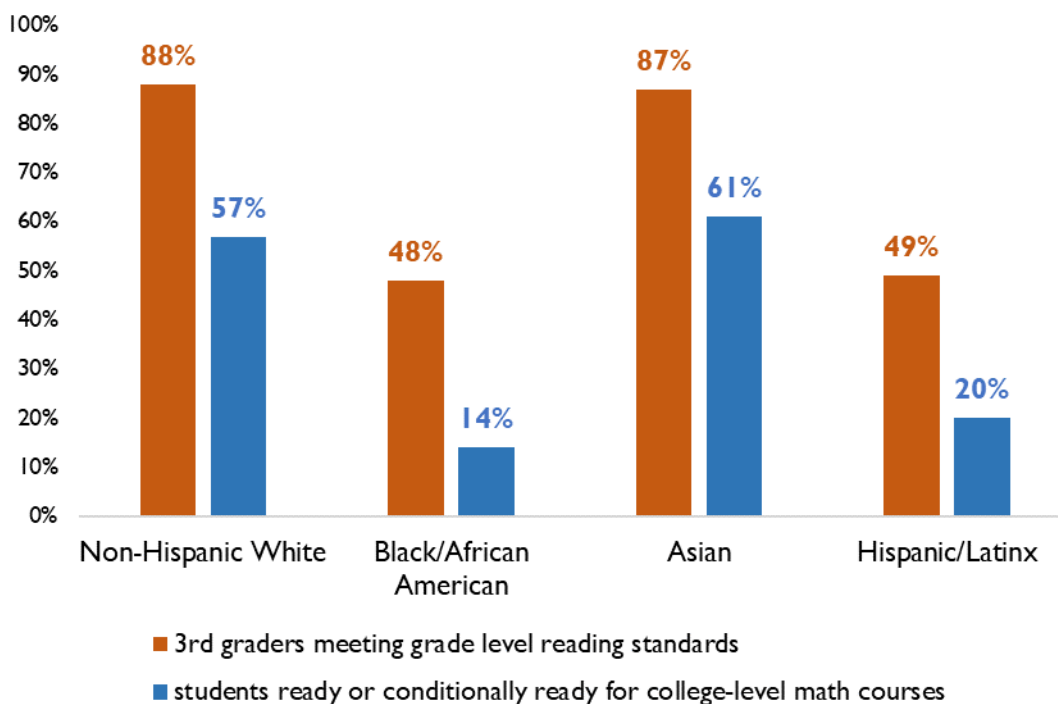
In 2016 in Marin, 3<sup>rd</sup> grade students who read near or above grade level standards represented:

- 88% of White students;
- 87% of Asian students;
- 49% of Latinx students; and
- 48% of African American students.

In 2016, Marin students who were ready or conditionally ready for college-level math courses included:

- 57% of white students;
- 61% of Asian students;
- 20% of Latinx students; and
- 14% of African American students.

**Figure 4: Student Readiness in Reading and Math**



Source: 2016, Children’s Reading Foundation

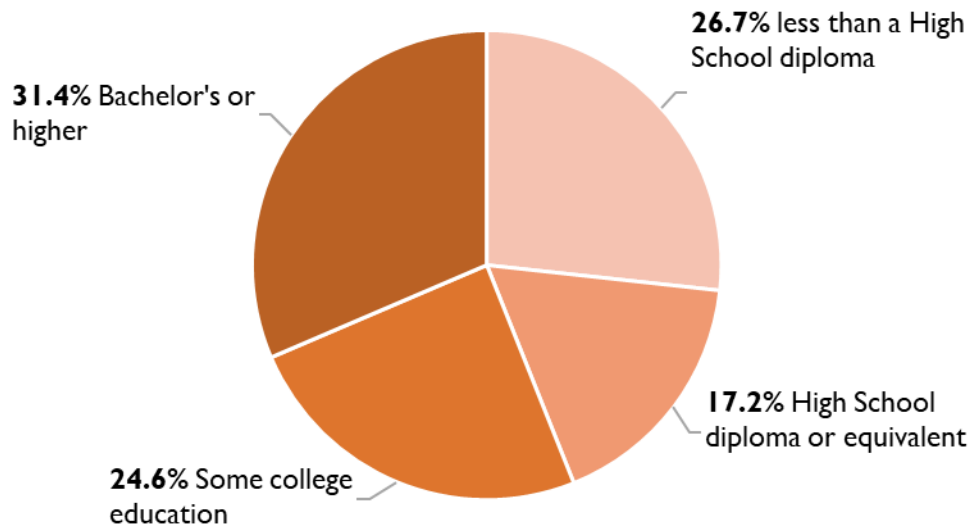
In 2016, 74% of White students felt connected to their school; 83% of Asian students, 55% of Latinx and 0% of African American students in Marin felt connected to their school.

While the County’s overall high school graduation rates are among the highest in the nation, according to Marin Promise, a nonprofit of education and nonprofit leaders, Marin County, “has the greatest educational achievement gap in California.” According to their data, from 2017 – 2018, 78% of White students in Marin met or exceeded common core standards for 3<sup>rd</sup> Grade Literacy, while only 42% of students of color met or exceeded those standards. Seventy-one percent (71%) of White students met or exceeded common core standards for 8<sup>th</sup> grade math, while only 37% of students of color met or exceeded those standards. Sixty-four percent (64%) of White students met or exceeded the college readiness standards, defined as completing course

requirements for California public universities, while only 40% of students of color met or exceeded those requirements.

Despite the high level of educational attainment in Marin, there are still many who live below the Federal poverty level. For those residents in Marin over the age of 25 who live below the Federal poverty level, 31.4% have a bachelor's degree or higher; 24.6% had some college education; 17.2% had a high school diploma or equivalency, and 26.7% had less than a high school education.

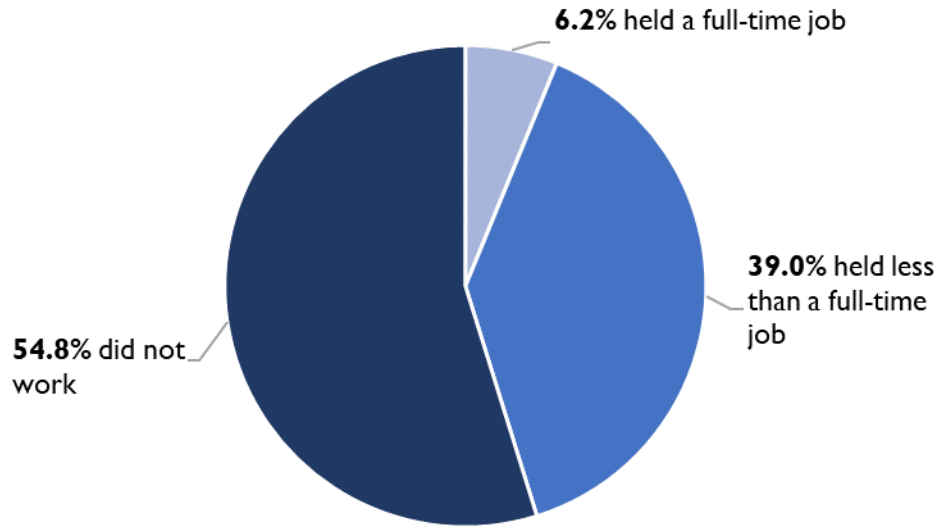
**Figure 5:** Educational Attainment for those Below the Federal Poverty Level in Marin



Source: 2017 American Community Survey, 5-year estimates

Of those residents in Marin over the age of 16 who fell below the Federal poverty level in 2017, 6.2% had a full-time job in the prior 12 months; 39% held less than a full-time job in the prior 12 months, and 54.8% did not work in the prior 12 months.

**Figure 6:** Employment Status for those Below the Federal Poverty Level in Marin



Source: 2017 American Community Survey, 5-year estimates

## 2.9 Employment

In 2017, Marin County had approximately 128,000 employees, which was a 2.5% decline from 2016. Professional, scientific and technical services accounted for 15.9% of all jobs, followed by 13.4% in the health care and social assistance sector, and 8.4% in educational services. In May of 2019, Marin County had an unemployment rate of 1.9%.

According to the 2015 Longitudinal Employer-Household Dynamics through the U.S. Census, over 62% of the County's workforce lives outside of Marin, and 24.2% of the County's population is between 18-34 years of age.

The County of Marin is one of the largest employers in Marin. In 2017, the County had a workforce of 2,112 regular employees of which:

- 65.3% were White;
- 17.2% were Latinx;
- 9.5% were Asian; and
- 5.4% were African American.
- 56.6% identified as female, and
- 43.3% identified as male.

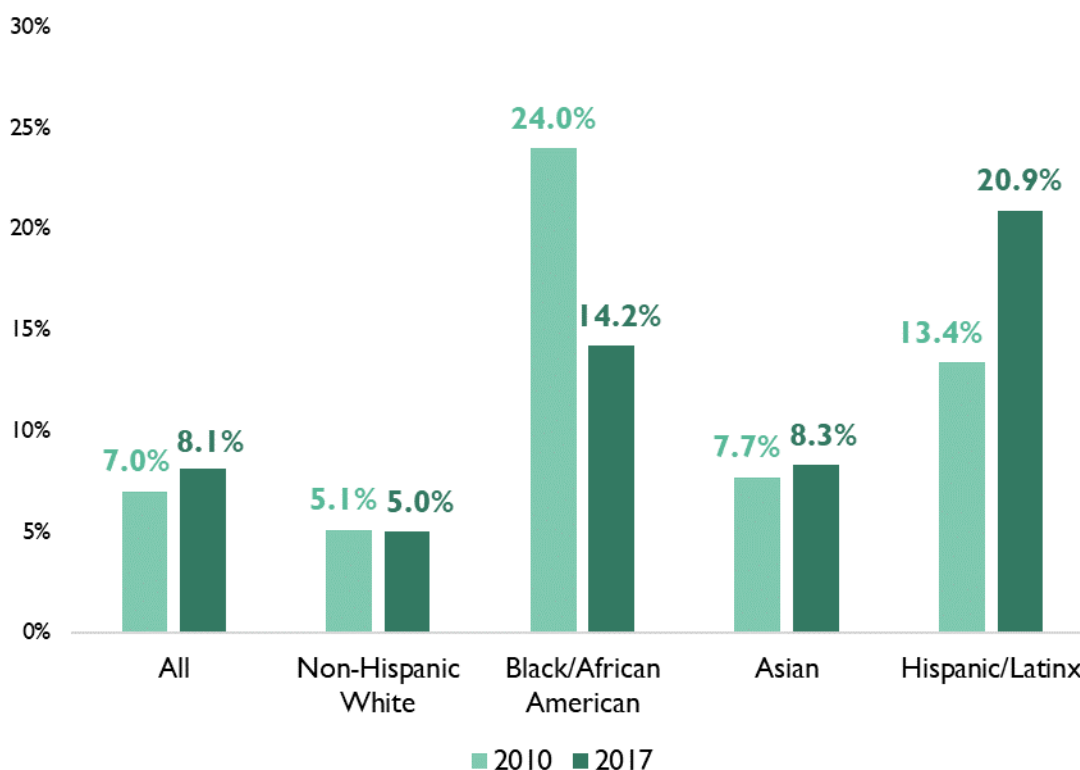
## 2.10 Poverty

The Federal poverty level is a measure of income used by the U.S. government to determine who is eligible for subsidies, programs, and benefits. According to the U.S. Census Bureau in 2017, the poverty level for a family of four with two children was \$24,858. Based on that threshold, 8.1% of Marin residents lived below the Federal poverty level.

Between 2010 and 2017, the poverty rate for White and African American residents in Marin decreased by 1.7% and 47.7% respectively, while the poverty rate for Asian and Latinx residents increased by 13.5% and 80% respectively.



**Figure 7: Poverty Rate by Racial Group in Marin County**



Source: 2017 American Community Survey, 5-year estimates

In 2017, 14.3% of residents living in poverty were between the ages of 18-34; 12.2% were under the age of 5; and 9.7% were under the age of 18.

### 2.11 Concentrations of Race and Ethnicities

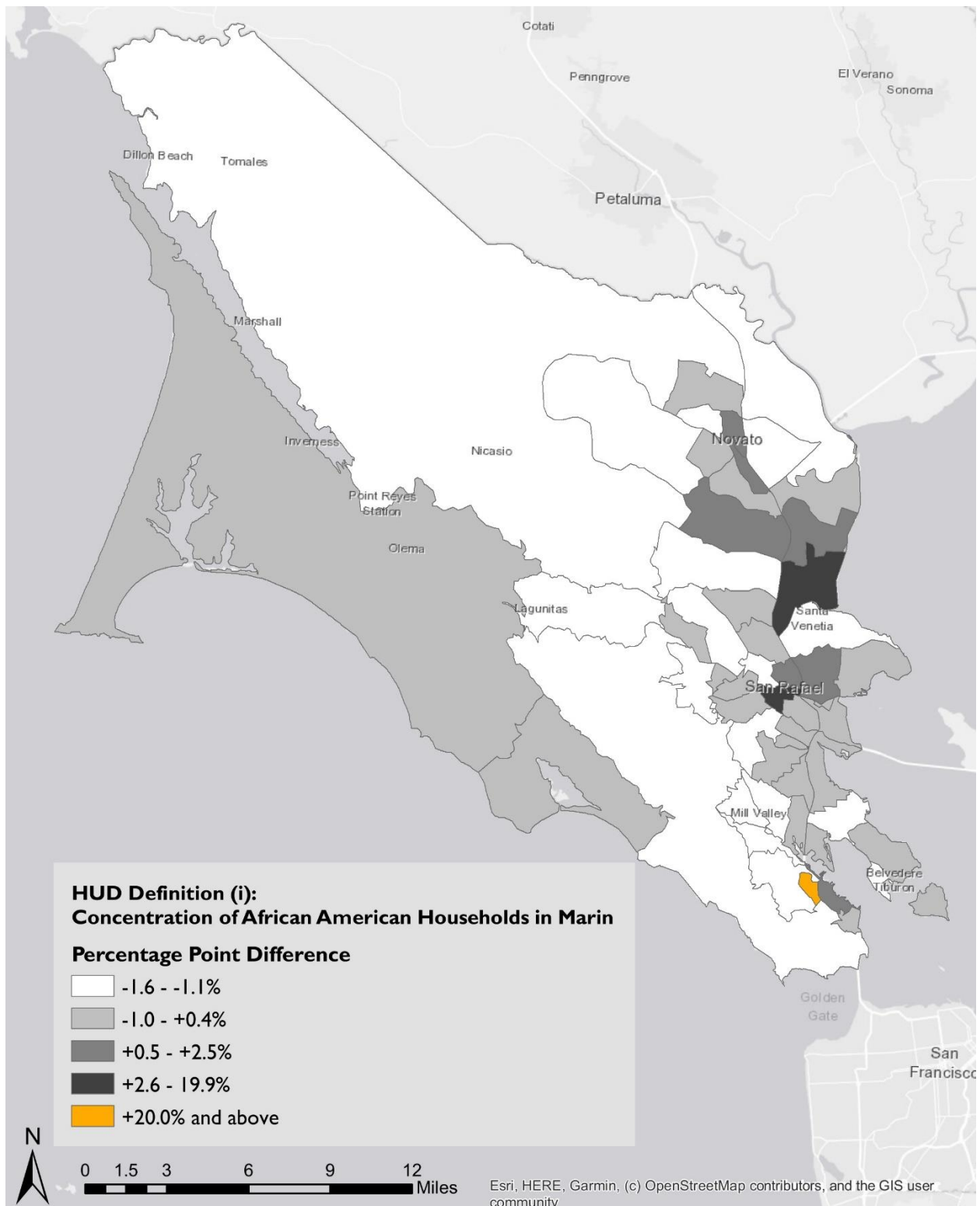
Neighborhoods with a disproportionately high number of minorities are defined as areas of minority concentration; areas with a disproportionately high percentage of White residents are defined as areas of non-minority concentration.

The Department of Housing and Urban Development (HUD) defines an area of minority concentration as 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 County percentage; or
- (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; or
- (iii) The neighborhood's total percentage of minority persons exceeds 50 percent of the County's population.

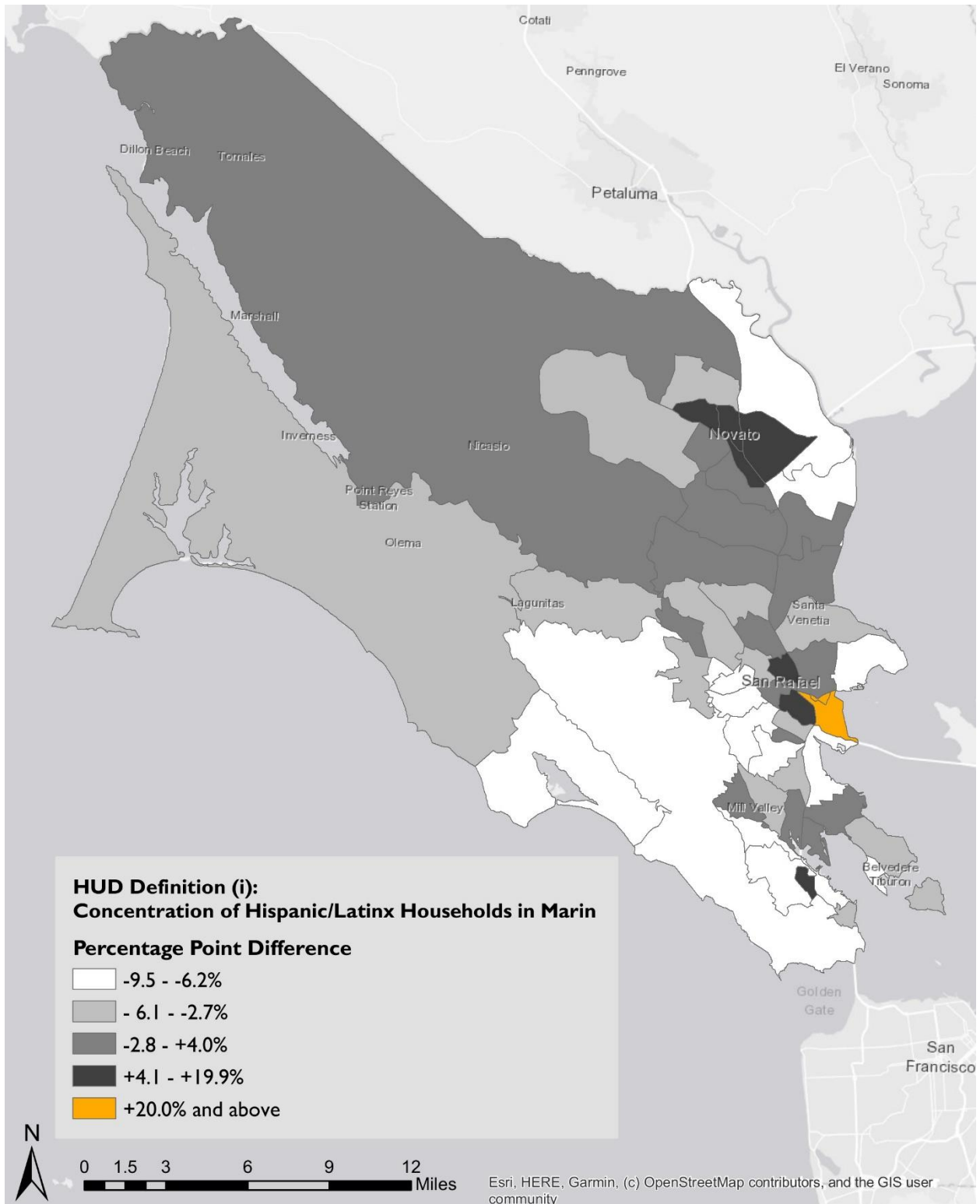
According to HUD's definition, in Marin County, Marin City and the Canal Area of San Rafael ("the Canal") are considered areas of minority concentration. Those communities with high numbers of minority residents are the same areas that have higher concentrations of low-income residents

**Figure 8: HUD Definition of Minority Concentration African American Households**



Source: 2017 American Community Survey, 5-year estimates

**Figure9: HUD Definition of Minority Concentration Latinx Households**



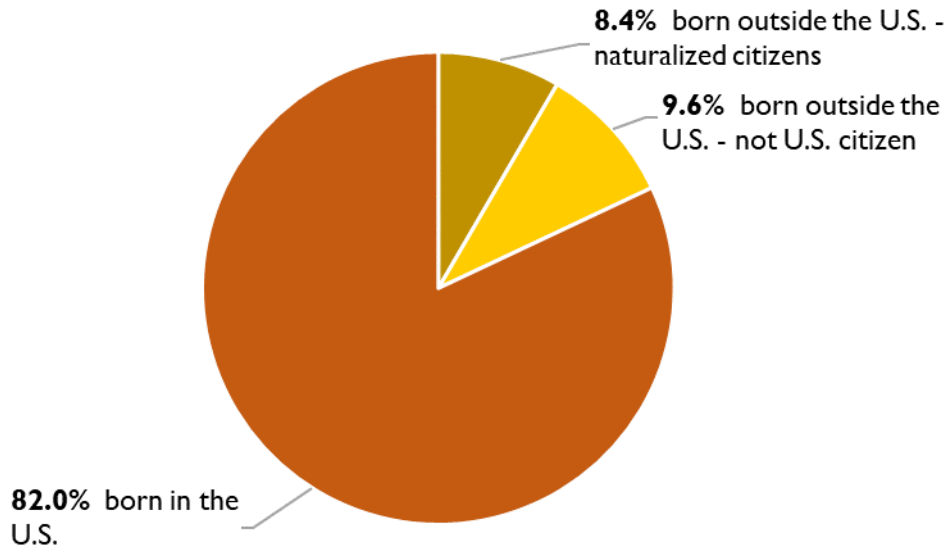
Source: 2017 American Community Survey, 5-year estimates

## 2.12 Citizenship Status

The benefits of being a U.S. citizen affect individuals, families and communities in a variety of ways including access to housing, employment and public benefits.

According to the 2017 American Community Survey, the majority of Marin County residents were born in the United States:

**Figure 10: Citizenship Status in Marin**



Source: 2017 American Community Survey, 5-year estimates

The percentage of residents who were not U.S. citizens broken down by communities in 2017 included:

- 46.8% of residents in the Canal area of San Rafael, an area identified as an area of minority concentration;
- 16.7% of residents in the Terra Linda;
- 10.4% of residents in Novato; and
- 14.8% of residents in Marin City, another community identified as an area of minority concentration.

## 2.13 Healthy Local Foods

Marin County consistently ranks as the healthiest county in California, yet there are many challenges for Marin residents who live in areas of minority concentration. Research has found that neighborhoods with decreased economic and social resources have higher rates of obesity. According to the Marin Food Policy Council, in 2016, “Marin County’s highest rates of obesity, sugar sweetened beverage consumption, diabetes, and other chronic diseases are found in our communities of color, which also are the communities that lack access to healthy, affordable food and have an abundance of unhealthy food and beverage options.” In 2016, the obesity rate in Marin City, the County’s most racially diverse community, was 75.1%; the obesity rate in the Canal, a predominantly Latinx community, was 36.6%.

According to the County’s Department of Health and Human Services, in 2013, Marin City, an identified area of minority concentration, did not have a full-service grocery store for its

residents. There were no small markets, grocery stores, convenient stores or farmer's markets. In 2017, Target moved into Marin City and now provides an assortment of groceries to local residents.

According to the Marin Food Policy Council, in 2016, the Canal, another area of minority concentration in the County, had several small convenience stores but with limited healthy options and an abundance of unhealthy options, including junk food, sugar-sweetened beverages, alcohol, and tobacco. Within the Canal and in the surrounding San Rafael area, there were 3 supermarkets, 7 convenience stores, 7 fast food establishments and no farmer's markets. None of the 3 supermarkets were convenient to public transportation.

#### 2.14 Parks and Open Spaces

Marin County Parks and Open Space Department is an expansive system that includes regional and community parks, neighborhood parks, and 34 open space preserves that encompass 19,300 acres and 190 miles of unpaved public trails.

In 2007, 500 Marin County residents participated in a telephone survey, and more than 60% of interviewees perceived parks and open space agencies favorably, regardless of geographic area, age, ethnicity, or income. However, from 1990 to 2015, Marin City, which had the highest African American population in the County and according to the Marin Food Policy Council, one of the highest obesity rates, did not have an outdoor recreational space. It was in 2015 when the Trust for Public Land, in collaboration with the Marin City Community Services District, designed and opened Rocky Graham Park in Marin City. While the park contains "a tree-house-themed play structure, drought-resistant turf lawn, adult fitness areas, and a mural showcasing scenes from Marin City's history", Marin City continues to have limited access to surrounding open spaces and hiking trails.

The Albert J. Boro Community Center, formerly known as Pickleweed Park Community Center, opened in 1984 for residents in the Canal area of San Rafael, a community with over 77% Latino residents. Today, park projects for Canal residents are supported by Federal Community Development Block Grants (CDBG) Program.

In 2019, the Parks Department conducted a Community Survey and identified the cost of entrance and fees to be obstacles for access to County parks. As a result, in July of 2019, entry fees were reduced from \$10 to \$5 for 3 popular parks in the County, and admission to McNears Beach Park pool, located in San Rafael, was free beginning on August 1.

#### 2.15 Access to Transportation

All nine Bay Area counties are connected via public transportation. Marin Transit Authority (MTA) operates all bus routes that begin and end in the County. Golden Gate Transit provides connections from Marin to San Francisco, Sonoma and Contra Costa County.

In 2017, MTA conducted an onboard survey of their ridership and reported the following conclusions:

- 72% of riders were White; 52% were Latinx; 6% were Asian and 2% were African American.

- 11% of MTA riders were under the age of 18; 80% were between the ages of 18 and 65 years of age; and 9% were 65 and older.
- 35% of riders made less than \$25,000 per year; 24% made between \$25,000 - \$49,999; 12% made between \$50,000 - \$74,999; and 16% made more than \$75,000 per year.
- 37% of riders had 3 or more working people in their homes;
- 39% did not have access to a vehicle;
- 15% had 5 or more people living in their household; 11% had 6 or more people living in their household; and
- 38% spoke Spanish in their homes.

The Canal District of San Rafael was identified as having a high rating of a “typical” transit rider. That typical rider was described as, “42% of households have annual income of less than \$25,000, 90% of individuals identify as Hispanic or Latino, 19% of households have no vehicle, 17% have three or more workers in their homes, 30% have five or more workers living with them, and Spanish is spoken in 84% of households.”

According to the survey, residents in the Canal area had the highest percentage of trips that began or ended in routes provided by Marin Transit.

Fare categories within Marin County on Marin Transit and Golden Gate Transit services are as follows:

- Adults - \$2.00
- Youth (Ages 5 – 18) - \$1.00
- Senior (65+) - \$1.00
- People with Disabilities - \$1.00
- Children Under 5 – Free
- Discounted fares are available for those using Clipper Cards or purchasing 1-day, 7-day and 31-day passes.

In addition to its fixed routes, MTA offers several other transportation options and some that are available for specific populations:

- Novato Dial-A-Ride - designed to fill gaps in Novato's local transit service and connects service with Marin Transit and Golden Gate Transit bus routes.
- West Marin Stage – provides public bus service from West Marin to Highway 101 corridor which connects with Marin Transit and Golden Gate Transit bus routes.
- ADA Paratransit Service – provides transportation for people unable to ride regular bus and trains due to a disability. It serves and operates in the same areas, same days and hours as public transit.
- Discount Taxi Program – called Marin-Catch-A-Ride, it offers discount rides by taxi and other licensed vehicles if you are at least 80 years old; or are 60 and unable to drive; or you are eligible for ADA Paratransit Service.

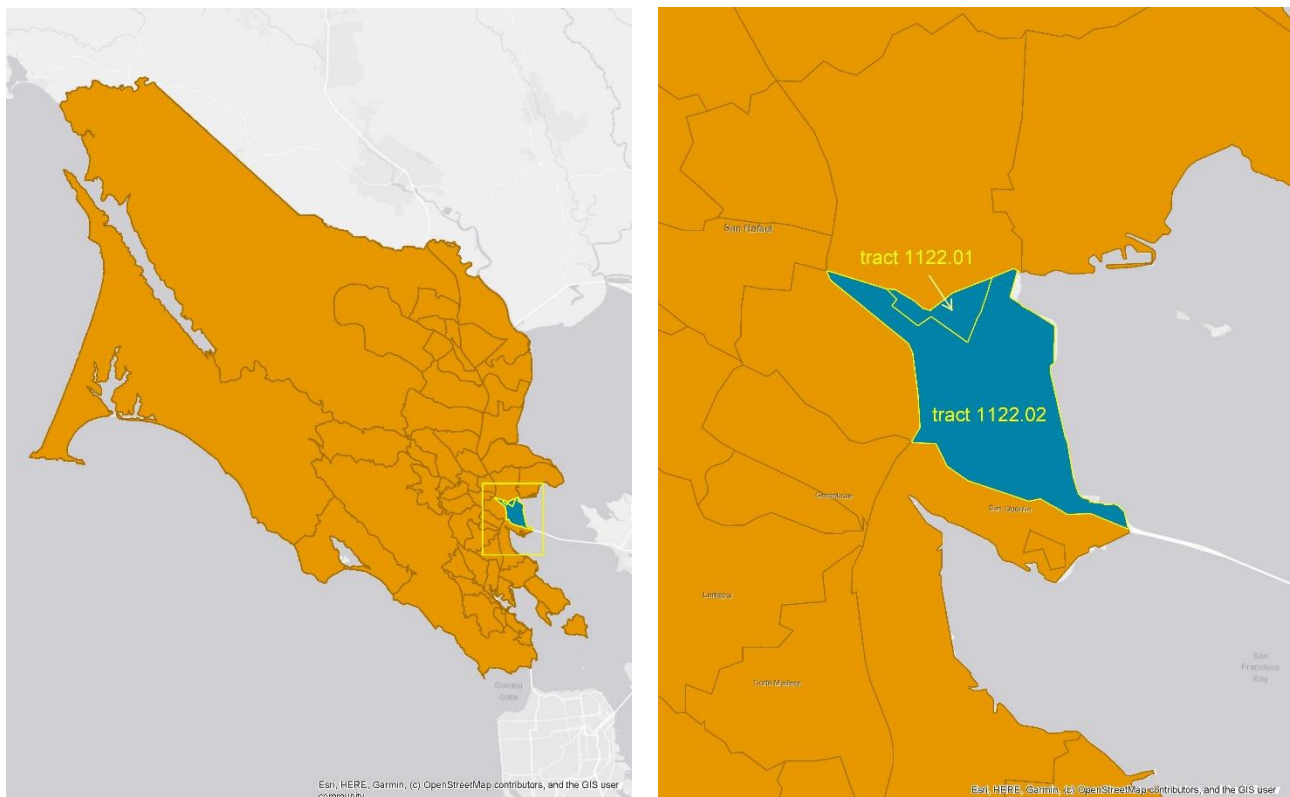
## 2.16 Marin's Vulnerable Communities

According to HUD's definition, two communities in Marin have been defined as areas of minority concentration: The Canal area of San Rafael and Marin City.

### 2.16.1 San Rafael's Canal District

Originally developed in the 1950's, the Canal area of San Rafael is a residential and industrial neighborhood that gets its name from the canal that was dredged along San Rafael Creek. The Canal (located within census tracts 1122.01 and 122.02) has an area of two square miles and is governed by the City of San Rafael and is not in the unincorporated area of the County. Tom Wilson, the former executive director of the Canal Alliance, says the Canal area was first developed in the 1950s and 1960s as apartments for young couples and new college graduates on their way to the American dream. "The housing stock was largely studios and small apartments not really intended for families," says Wilson.

**Figure 11:** Map of the Canal District

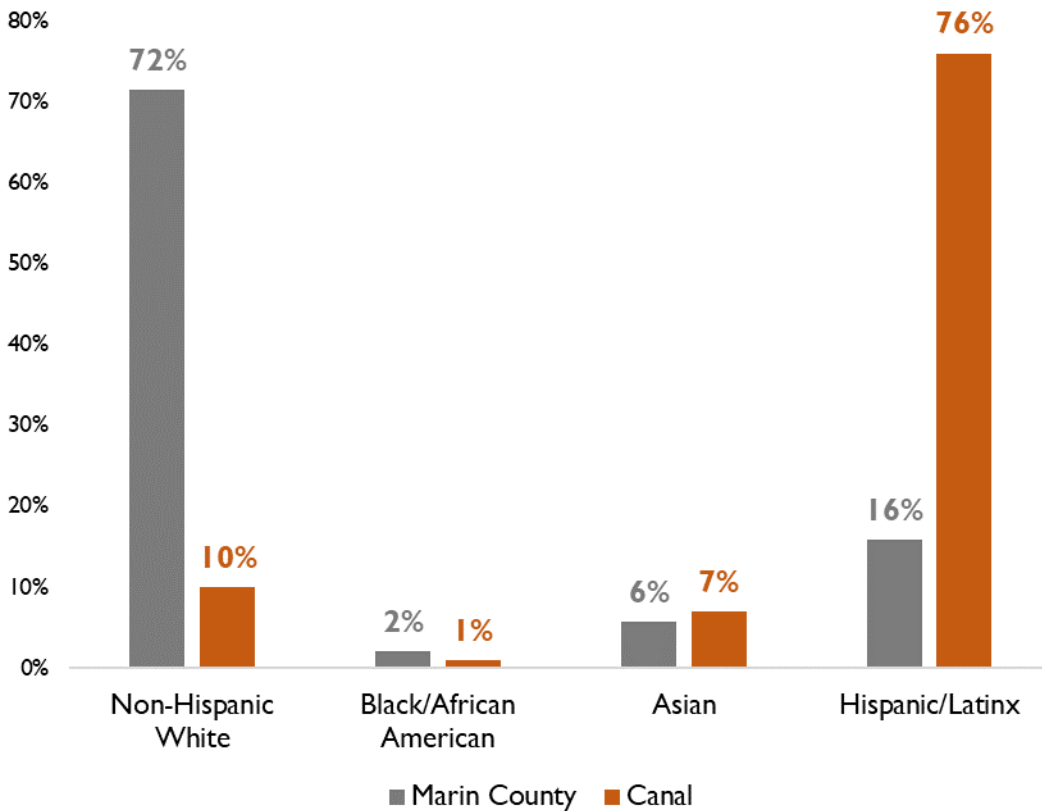


After the Vietnam War, many refugees from Vietnam, Laos, and Cambodia arrived in California and lower-end service jobs drew them to Marin. In addition, the civil wars in both El Salvador and Guatemala created a new flow of refugees to the County, and many settled in the Canal area. In 25 years, the Canal went from almost no immigrants to a population of almost 90% who are either immigrants or their parents were. According to the Canal Alliance's 2014 Voces Del Canal, 52% of the respondents were from Guatemala, 33% were from Mexico, 9% were from El Salvador and 6% were from other areas.

The Canal was also one of the first communities in Marin that was receptive to African American renters in the late 1970s, primarily due to growth in the Section 8 voucher program. Today, the Canal is home to many low-income workers - 51% of whom work within 10 miles from their homes.

According to the American Community Survey, in 2017, 77.5% of all residents in the Canal were Latinx; 9.9% White; 6.8% Asian; and 1 percent African American. Because many residents in the Canal are believed to be undocumented, community advocates believe the population is significantly undercounted.

**Figure 12: Racial Distribution in Marin County and the Canal**



Source: 2017 American Community Survey, 5-year estimates

In 2017, the median household income for Marin residents was \$104,703, and 9.7% of Marin residents had a household income between \$100,000 and \$124,999. In the Canal, only 4.2% of residents earned within that range.

Of the County’s 2018 high school graduates, Latinx students represented the highest number of students who did not complete high school in Marin. Twenty-five percent (25%) of Latinx students did not complete high school compared with 7% of White students.

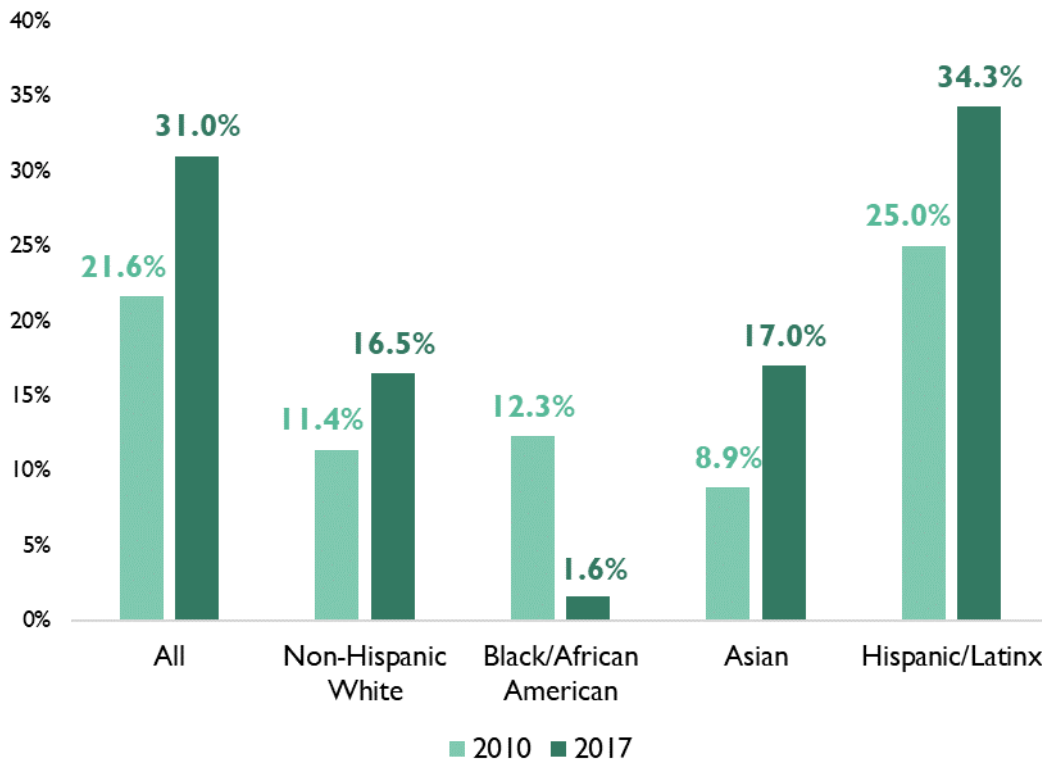
In the Canal, 37.2% of households are considered Limited English Proficient, or LEP. In general, these are individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English. In the Canal, 79.9% of



households speak a language other than English, and 66.4% are considered Spanish speaking only. In the entire County of Marin, only 4.3% of households are considered LEP, 23.3% speak a language other than English, and 10.5% are Spanish speaking only.

The number of Canal residents experiencing poverty in 2017 was 31%, which was an increase of 60.2% since 2010. Asian residents in the Canal experienced the greatest increase in poverty rates representing an 84.4% increase, followed by Latinx residents with an increase of 54%, and White residents increased by 31.4%. African Americans living in the Canal showed a decrease in poverty rates by 64.3%.

**Figure 13: Poverty Rate by Racial Group in the Canal**



Source: 2017 American Community Survey, 5-year estimates

Marin County’s Health & Human Services Department reports that the life expectancy for residents in Marin County in 2015 was 85.1 years. For residents in the Canal, the life expectancy was 76.2 years.

Canal residents rely heavily on public transportation to get them to work, school and for access to other services, and 10.4% of Canal households do not have a car.

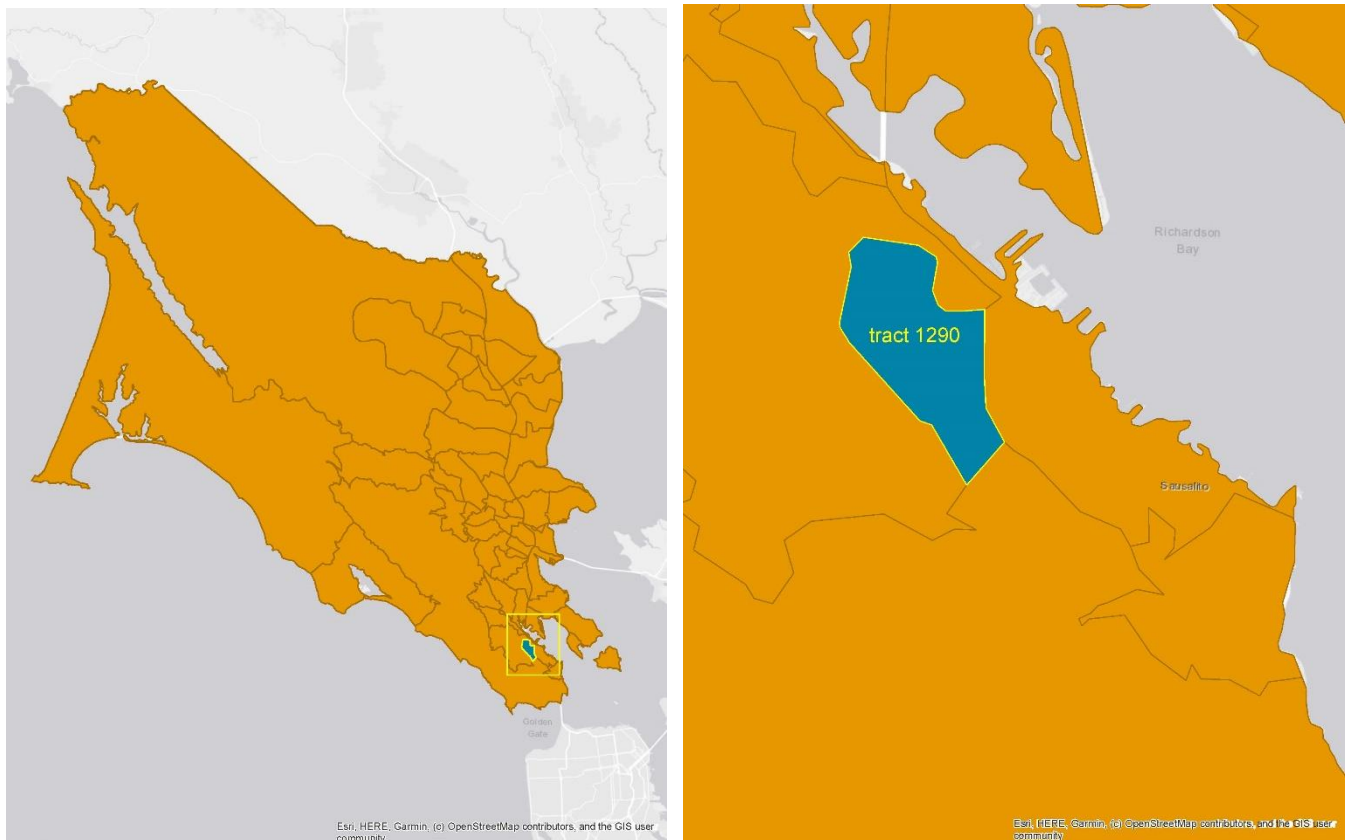
While most residents in the Canal are low income, have families and live close to their place of employment, most of the rental apartments are neither subsidized nor less expensive than comparable apartments in other parts of San Rafael. When comparing rental units in the Canal with the rest of the County, according to the Marin County Consolidated Plan for 2010 – 2014, because the Canal has rental units that are moderately priced in comparison to other areas in the County, it “has a very high degree of overcrowding (defined as over one person per room),” and that during the past ten years,

“overcrowding in the Canal has increased dramatically as rental prices have skyrocketed.” According to the 2017 American Community Survey, 46.9% of residents living in the Canal were living in overcrowded conditions. The Canal is also the location for much of San Rafael’s industrial area and for one of Marin’s residential and commercial waste management facilities.

### 2.16.2 Marin City

Marin City is part of the unincorporated area of the County (census tract 1290), located about 5 miles north of San Francisco from the Golden Gate Bridge.

**Figure 14:** Map of Marin City



#### 2.16.2.1 History of Marin City

Marin City was once considered the most integrated community in the County – and the County. And while it continues to have a more diverse population than most Marin communities, concerns about gentrification and the displacement of African Americans is a source of concern for many residents.

The history of Marin City and its contribution to Marin County is a local example of how historic government policies and practices helped create the segregated communities that continue to exist today.

Until the start of American involvement in World War II in 1941, there were few African Americans living in Marin County. In 1942, Kenneth Bechtel, an industrial builder, signed a contract with the U.S. government to construct transport vessels

for the U.S. Navy. It created Marinship, which during World War II built nearly 100 liberty ships and tankers. The Bechtel Company was also given permission to develop a community to house some of its workers, and the unincorporated community of Marin City was constructed as a temporary housing facility.

Since Marinship faced a shortfall in local, available workers, Bechtel overlooked the workplace exclusions that were standard at the time and recruited African Americans from southern states such as Louisiana, Arkansas, Texas and Oklahoma. At its peak in 1944, Marinship employed 22,000 workers from every state in the Union, and Marin City had a population of 6,500 people, including over 1,000 school-aged children, and was home to Midwestern Whites (85%), southern Blacks (10%), and Chinese immigrants (5%). Marin City was the country's first integrated Federal housing project, and eventually would be hailed as a model city for the company's workers and a bold social experiment in race relations. During an era when segregation was widely practiced in California as well as across the country, Marin City was a diverse, racially integrated community.

At the end of the war, military veterans returned in droves. Housing was in short supply and families were doubling up. With a large civilian housing shortage, the National Housing Act of 1949 was created.

Under the National Housing Act, the Federal Housing Administration (FHA) guaranteed bank loans to housing developments that were designed to move Whites out of integrated, urban areas into all-White subdivisions in the suburbs. FHA loan guarantees were made to developers on the condition that homes could be sold only to Whites. Racially restrictive covenants were used to prevent people of color from purchasing homes in White communities in Marin, and the Federal Housing Administration's Underwriting Manual recommended the use of restrictive covenants to "provide the surest protection against undesirable encroachment and inharmonious use." While the Civil Rights Act of 1969 prohibited such transactions, many of these covenants still remain in property deeds in Marin.

White veterans and their families returning from World War II were able to purchase homes with mortgages that were guaranteed by the Federal Government. Many homes in Marin in the late 1940s were selling for \$7,000 to \$8,000 and families often got mortgages with 0% to 5% down payments. In some cases, the monthly cost to purchase a home was less than what a family would pay for rent in public housing.

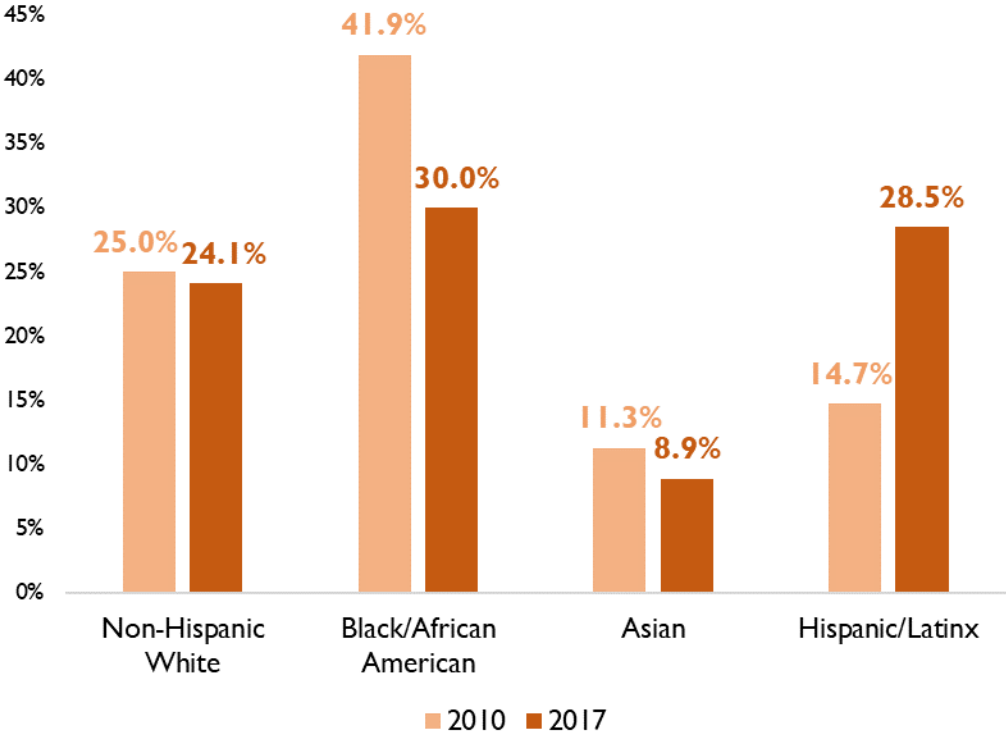
In 2017, the median household income for Marin residents was \$104,703. Today's wealth inequality was created, in part, after World War II when explicit policies and programs of the Federal government provided Whites the opportunities for home ownership with very affordable prices and financing, while African Americans were prohibited from participating in the same programs. Today, the home equity appreciation for families who were able to purchase homes after the war has allowed those families to use their accumulated wealth to finance college educations, fund retirement, bequeath money, and to support their children's

home ownership. For generations, African Americans have not had those same opportunities.

**2.16.2 Marin City Today**

According to the 2017 American Community Survey, the population of Marin City was 30% African American, 28% Latinx, 24% White, and 9% Asian. Between 2010 and 2017, the population of Marin City increased from 2,359 to 2,686, a 13.9% increase. The Latinx population represented the largest growth rate of 121.1%, followed by a 9.8% increase in White residents. Asian residents decreased by 9.8% and African American residents decreased by 18.5%. Thirty-two percent (32%) of the residents speak a non-English language and 85.2% are U.S. citizens. In 2017, 14% of Marin City residents were identified as Limited English Proficient, or LEP, compared to 4% of the entire County.

**Figure 15: Racial Distribution in Marin City in 2010 and 2017**

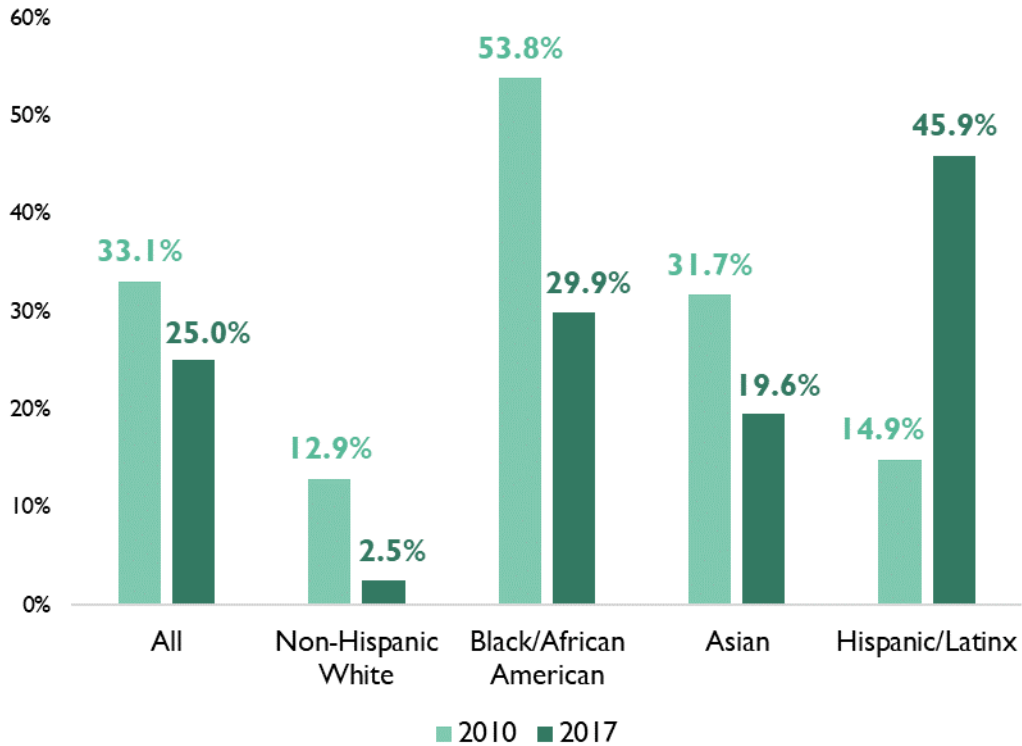


Source: 2017 American Community Survey, 5-year estimates

In 2017, the median household income for Marin County residents was \$104,703, with 9.7% of residents having a median household income between \$100,000 and \$124,999. In Marin City, only 5% of residents earned within that range.

The overall poverty rate for Marin City households in 2017 was 25%, which is a decrease of 19.5% since 2010. White household poverty rates in Marin City decreased by 68%, and the poverty rates for African Americans went down by 59.4%. During that same period of time, the poverty rate for Asian households in Marin City increased by 46.9% and the poverty rate for Latinx households increased by 743.9%.

**Figure 16: Poverty Rate by Racial Group in Marin City**



Source: 2017 American Community Survey, 5-year estimates

The life expectancy of Marin City residents in 2015 was 80.9 years as compared with 85.1 years for the County overall.

Many Marin City residents rely on public transportation for work, access to grocery stores, and other services. Eleven percent (11%) of Marin City residents do not have a car, compared to 4.9% of County households.

### 2.16.3 Marin City Schools

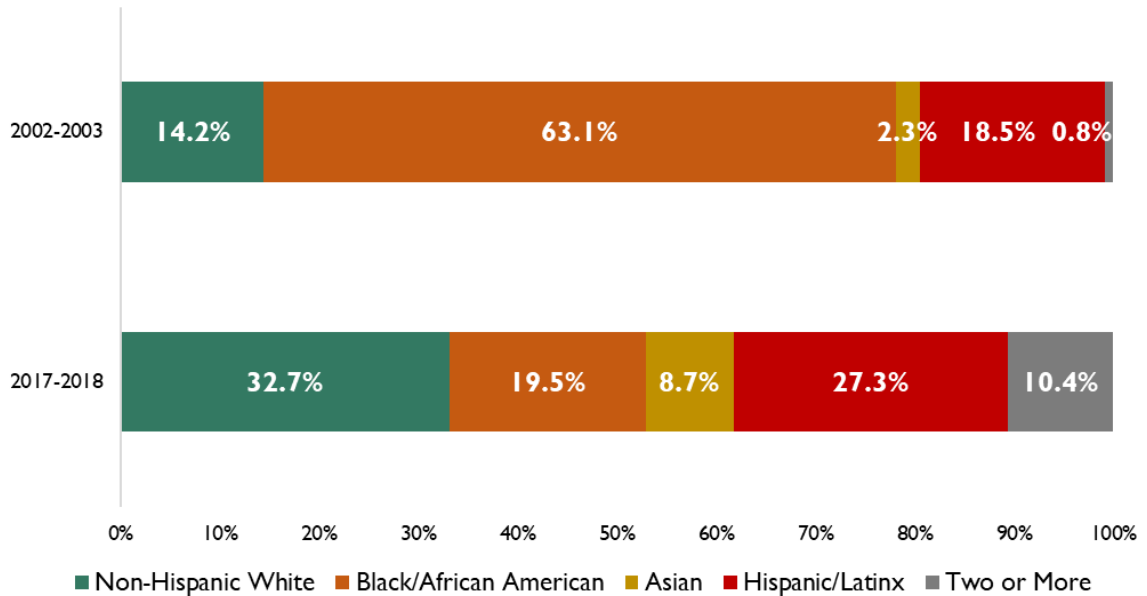
The Sausalito Marin City School District serves residents of Marin City, an unincorporated community in Marin County, and nearby Sausalito.

There are two K-8 elementary schools in the Sausalito Marin City School District: Bayside Martin Luther King Jr. Academy, located in Marin City which is the only public school in the District, and Willow Creek Academy, a charter school located in nearby Sausalito. The majority of students from both Bayside MLK and Willow Creek attend Tamalpais High School in nearby Mill Valley.

In 2017, 3.9% of the students in Bayside MLK were White while 41.6% of students at Willow Creek were White; 27.6% of students at Bayside MLK were Latinx and 27.3% of students at Willow Creek were Latinx; 7.1% of students identified as Asian at Bayside MLK while 9.2% identified as Asian at Willow Creek; and 50.4% of students at Bayside MLK identified as African American while only 10% of students at Willow Creek, the charter school, identified as African American.

Over the years, student enrollment in the Sausalito Marin City School District has changed significantly. White student enrollment has increased by 375.7% from 2003 – 2018. Latinx student enrollment has increased by 206.3%, and Asian student enrollment has increased by 683.3%. African Americans were the only race that showed a decrease in enrollment by 36%.

**Figure 17: Racial Distribution of the Sausalito-Marín City School District**



Source: 2017-18 and 2002-03 California Department of Education

Tamalpais High School is a public high school located in the neighboring city of Mill Valley. Most students who reside in Marin City and Sausalito and who attend Bayside MLK and Willow Creek, continue to high school at Tamalpais High in nearby Mill Valley. The difference in the racial composition of Marin City, Sausalito and Mill Valley is noteworthy.

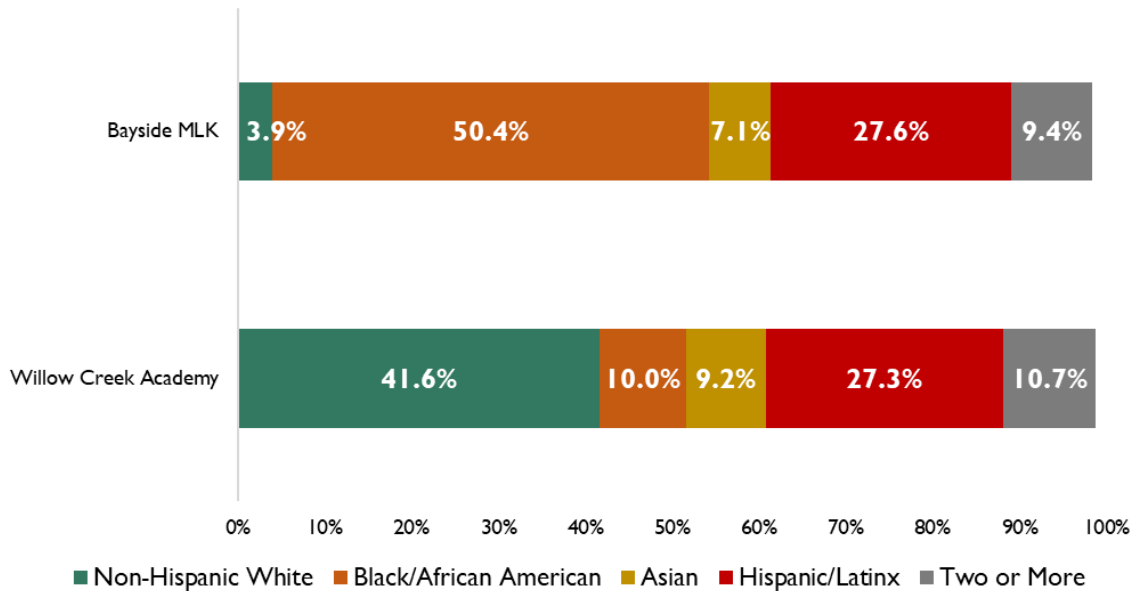
According to the American Community Survey, Marin City’s population in 2017 was 24.1% White, 28.5% Latinx, 8.9% Asian and 30% African American. In Sausalito, 84.9% of the population was White; 8.5% were Latinx, 2.4% Asian and 2.6% African American. The racial composition of Mill Valley in 2017 was 83.4% White, 7.4% Latinx, 4.6% Asian, and .0625% were African American.

In the 2017-2018 school year, 127 students were enrolled in Bayside MLK of which 5.5% were White, 27.6% were Latinx, 7.1% were Asian, 9.4% identified as two or more races and 50.4% were African American. In the 2017-2018 school year, Willow Creek, the charter school located in nearby Sausalito, had a student enrollment of 411 students; 41.6% were White, 27.3% Latinx, 9.2% were Asian, 10.7% identified as two or more races, and 10% were African American. In the 2017-2018 school year, 70% of students enrolled in Tamalpais High School were White, 10% were Latinx, 7.3% were Asian, 3.2% were African American, and 1.3% identified as two or more races.

In the 2017-2018 school year, 30.7% of students at Bayside MLK and 17.8% of students at Willow Creek were English learners, defined as students who do not speak, read, write

or understand English well as a result of English not being their home language, while only 2.3% were English learners at Tamalpais High School.

**Figure 18: Racial Distribution at Willow Creek Academy and Bayside MLK**



Source: 2017-18 California Department of Education

The differences in the racial composition of students from the Sausalito Marin City School District when moving from Bayside MLK and Willow Creek with an African American student population in 2017 of 50.4% and 10% respectively, and a Latinx student population of 7.1% at Bayside MLK and 27.3% at Willow Creek, to Tamalpais High School’s African American student population of 3.2% and a Latinx student population of 10% during that same year, have consistently been identified as one of the barriers to academic achievement for students from Marin City. Students of color from Marin City who attend Tamalpais High School in Mill Valley consistently report not feeling welcomed or included, and as reported above, in 2016, 0% of African American students in Marin felt connected to their school.

**2.16.3.1 Sausalito Marin City School District Desegregation Plan**

After a 2-year investigation, in August of 2019, the California State Justice Department concluded that the Sausalito Marin City School District had “knowingly and intentionally maintained and exacerbated” existing racial segregation and deliberately established a segregated school and diverted County staff and resources to Willow Creek while depriving the students at Bayside MLK an equal educational opportunity.

As part of the settlement the school district will develop a desegregation plan that will be implemented starting in 2020 and will provide reparations to graduates in the form of long-term academic and career counseling and support higher education applications and skilled workforce employment.

### **3. Community Participation**

One of the criticisms from communities about the County's Analysis of Impediments to Fair Housing Choice (AI) that was submitted to the Department of Housing and Urban Development in 2011, was that there was not enough community engagement, involvement and input from Marin's communities of color during the process of completing the AI.

To address those concerns, specific recommendations that directly related to community engagement were included in the AI Implementation Plan that was approved by the Marin County Board of Supervisors on October 11, 2011. Those recommendations included:

- Explore opportunities to establish “Welcoming Community” programs or expand existing programs that may be well suited to providing welcoming services to make Marin residents from protected classes feel more welcome in the community. Provide information and tools for these new residents to connect and become part of the community. Connect long-time Marin residents with protected class residents.
- Publicize Analysis of Impediments public hearing process to raise awareness of barriers to fair housing choice.
- Incorporate community recommendations in Analysis of Impediments.
- Provide more information in Spanish and Vietnamese, the County's two most spoken languages after English, including tenants' housing rights information and services provided to protected classes.
- Assess the effectiveness of the Housing Authority's communications with non-English-speaking clients.
- When Housing Authority waiting lists are open, place public service announcements in English, Spanish, and Vietnamese media.
- Assign CDBG Priority Setting Committee an oversight role for the Implementation Plan. The Priority Setting Committee will track actions localities take to affirmatively further fair housing. The Priority Setting Committee will lead a process of peer evaluation of each community's efforts to affirmatively further fair housing.
- Sponsor workshops on civic participation and recruitment of minorities for board and commission positions.

#### **3.1 Assessment of Fair Housing Work Plan**

In December 2015, the Department of Housing and Urban Development (HUD) replaced the Analysis of Impediments to Fair Housing Choice with the Assessment of Fair Housing (AFH). This new approach to identifying and analyzing barriers to fair housing choice allowed jurisdictions to set locally-determined fair housing priorities and goals. The final AFH report for Marin County was required to be submitted to the Federal Department of Housing and Urban Development (HUD) by October 5, 2019. While the Assessment of Fair Housing replaced the Analysis of Impediments to Fair Housing Choice (AI), County staff continued to work on outstanding items from the County's AI that was approved in 2011 with plans to incorporate the outstanding AI items into the final AFH report to be submitted in October 2019.



In July 2016, the Marin County Board of Supervisors approved an AFH Work Plan with oversight by the County's Community Development Agency. The approved work plan provided a process by which the County would identify barriers to fair housing choice for all members of the protected classes in Marin, and to make recommendations to address those barriers. The work plan contained an extensive and comprehensive community engagement component with the intent of reaching a broad range of interested parties, especially those who had historically not participated and were least likely to participate in County-wide activities. The following is a summary of the goals for the Assessment of Fair Housing Work Plan:

- County staff in partnership with the Marin Housing Authority, initiated a robust community engagement process that over the course of 20 months and with a focus on communities most impacted by barriers to fair housing choice, connected with more than 1,400 individuals, groups, nonprofits, youth, and County employees, among others, to gather information on the challenges to housing and fair housing in all areas in Marin.
- A Fair Housing Community Advisory Group was created that consisted of individual residents, community representatives, nonprofit organizations, and youth. Notices of the public invitation to participate on the Community Advisory Group were posted on the County website in English, Spanish and Vietnamese, in press releases, and emailed to individuals on the County's mailing list. The notice and applications were made available in English, Spanish and Vietnamese.

The Community Advisory Group was charged with:

- Providing advice and feedback to County staff on citizen engagement and communication strategies;
- Working collaboratively and participating in inclusive and diverse discussions on fair housing topics;
- Identifying fair housing issues and factors that significantly contribute to those identified issues;
- Assisting in developing action plans and solutions to overcome barriers to fair housing choice; and
- Making recommendations for an implementation plan.

Additional responsibilities included:

- An 18-month commitment to complete the process;
- Attending, to the best of their ability, all Community Advisory Group meetings which were expected to be between 6 – 8 meetings over an 18-month period;
- Representing members of the protected classes by providing insight and community perspectives;
- Reviewing and analyzing data;
- Participating constructively and listening respectfully to all other Community Advisory Group members; and
- Providing input and recommendations to the Community Development Agency within the allotted time frame.

In addition to the Community Advisory Group, County staff created an Assessment of Fair Housing Steering Committee that consisted of 20 people representing housing organizations, faith-based organizations, the Marin Housing Authority, cities and towns within Marin, business,

members of the disabled community, children, Legal Aid of Marin, people experiencing homelessness, African American, Asian and Latinx communities and a philanthropic organization.

The role of the Steering Committee was to:

- Provide strategic oversight, advice and feedback on the citizen engagement strategies;
- Identify specific barriers and contributing factors to fair housing choice and disparities in access to opportunities;
- Review and analyze data, incorporate community input and feedback, and provide knowledge and input on a variety of fair housing related topics;
- Develop action plans and solutions to overcome barriers to fair housing on topics such as:
  - Segregation/Integration and disproportionate housing needs;
  - Publicly supported housing;
  - Disability and access; and
  - Disparities in access and opportunities.
- Make recommendations to the Board of Supervisors with specific actions and an implementation plan.

Qualities for members of the Steering Committee included:

- Experience working with disadvantaged and low-opportunity individuals and communities;
- Track record in partnering with residents, neighborhood groups and local agencies with diverse interests to achieve goals;
- Strong track record of fostering a solid foundation of trust, common understanding and vision, with all those involved in the engagement process; ensuring all individuals and interests are respected and given due consideration; participating in effective and on-going communication in the group processes.
- Demonstrated success in creative and productive ways to manage conflicts, foster trust and build relationships.
- Ability to establish community engagement goals and strategies and identify and measure outcomes.
- Experience creating an environment conducive for solving complex issues with plausible and realistic solutions.

The Steering Committee was asked to participate for up to 24 months on the community engagement and outreach process.

### 3.1.1 Community Engagement - Assessment of Fair Housing Work Plan (2016-2018)

In 2016, County staff invited residents of Marin to serve on a Community Advisory Group to help identify barriers to housing and to develop recommendations that addressed those barriers. The invitation to join the Community Advisory Group was prepared both in English and Spanish and was sent out through the County's email system as well as to local groups, organizations, individual residents and nonprofits who had expressed interest in housing-related policies and programs. Sixteen applications were received. A key component for selection was to identify individuals who had not previously had a seat at the table for public policy development. The eleven selected residents represented communities from San Rafael, Marin City/Sausalito, Novato, Larkspur, West Marin and San Anselmo. Members of the group included females, males, and LGBTQ; White, African American, and Latinx residents; a member of the disabled community, and a high school student. Meetings began in December 2016 and continued through June 2018 and were

held in the evening. Members were provided with meals and a small stipend for their participation.

County staff also created a Steering Committee to provide oversight for the fair housing community engagement process. As with the composition of the Community Advisory Group, the selection of committee members was based in part on intentional outreach to individuals who had not previously participated in County conversations. The Steering Committee consisted of 20 people representing public housing residents, faith-based organizations, the Housing Authority, cities and towns within Marin, business, members of the disabled community, children, legal aid, people experiencing homelessness, Latino, African American and Asian communities and philanthropy. The Steering Committee was formed in January 2017 and met regularly with County staff through June 2018 to develop recommendations to address barriers to fair housing choice in Marin.

Both the Community Advisory Group and the Steering Committee analyzed local, demographic data and engaged in comprehensive discussions about race, segregation and integration patterns in the County, and why where you live matters. The groups reviewed and discussed data and subjects including homeowners and renters in Marin, legal and illegal housing advertisement, the cost of housing in Marin, household incomes, the results of the County's 2015 Rental Housing Survey, and anticipated housing needs as the number of adults age 60 and over in Marin continues to grow.

Throughout the community engagement process, both groups became more familiar with and educated about disability and ableism, fair housing laws, publicly supported housing programs including the various Marin Housing Authority programs, shared and received additional resources including updates to County policies, articles about housing in Marin, reading recommendations and other information about housing-related topics. The Steering Committee reviewed and discussed the April 2017 Grand Jury Report - Overcoming Barriers to Housing Affordability and gained knowledge and insight through discussions about the effects of racism and gentrification in African American communities.

Youth groups were also engaged. Students from the Marin School of Environmental Leadership (MarinSEL) made a presentation to the Community Advisory Group, which included a video they created that presented transportation challenges for residents in the Canal neighborhood of San Rafael. The Marin County Youth Commission's Housing Subcommittee facilitated focus groups to collect information on how renting and evictions affect youth and prepared a presentation on Just Cause for Eviction for the Board of Supervisors.

In addition to regular meetings with the Community Advisory Group and Steering Committee, from 2016 – 2018 County staff attended community meetings, participated in working groups, and gathered information from those groups and individuals about their needs, concerns and their visions for their communities and for the County as a whole. Conversations included discussions about a wide range of issues, including:

- Community resistance and institutional racism;
- Challenges and complexities with planning/zoning/land use;

- Myths and perceptions about affordable housing and the people who live in affordable and subsidized housing;
- Financial resources and the cost of building in Marin;
- Communication, information and community engagement processes; and
- Other topics including transportation, employment, education, people with disabilities and disparities in health outcomes.

In July 2017, County staff presented both the Community Advisory Group and Steering Committee with a list of 131 recommendations, comments and perceptions provided by individual residents, community representatives, County employees, nonprofit organizations, and from attendees at numerous community meetings in Marin City, the Canal, Mill Valley, San Rafael, and West Marin. County staff organized those recommendations, comments and perceptions into actionable items, which resulted in 37 specific recommendations for review. From September 2017 through March 2018, the Community Advisory Group and Steering Committee reviewed, deliberated and identified five recommendations as priorities. Of the five recommendations, two were identified to present to the Marin County Board of Supervisors:

1. Request the Board of Supervisors to vote on a Just Cause for Eviction ordinance in 2018 to reinforce and complement renter protection measures already adopted by the Board for residents in unincorporated areas of Marin. Upon approval of a Just Cause for Eviction ordinance, County staff should provide public education for the ordinance and administrative support to cities and towns to help them implement a Just for Cause Eviction ordinance.
2. Develop a Housing Oversight Committee that includes members of the public, representatives from all cities and towns, mayors, Aides to the Board of Supervisors, professional realtors and investors, Marin Housing Authority, Marin Community Foundation, Office of Education, Marin Economic Forum, homeowners and renters, and members of the protected classes to affirmatively further fair housing, increase affordable housing in Marin and develop model ordinances for cities and towns. Utilize and include existing housing-related organizations including Marin Chronic Homelessness Action Taskforce (MCHAT), the Landlord Incentive Program, the Marin Community Foundation Acquisition team, among others, to develop policies, programs and practices with an equity and racial equity lens that address housing challenges in Marin. This recommendation is consistent with the Grand Jury Report's recommendation for the creation of a County Regional Housing Coordinator.

In addition to the above recommendations, members of the Community Advisory Group were also asked to identify a priority for their specific communities. The recommendations from the Community Advisory Group were to:

- Develop a Community Land Trust in Marin City;
- Regulate, tax, license and/or limit the number of short-term rentals allowed in West Marin;
- Review how the County's parking and traffic policies disproportionately affect low-income residents and people of color, and develop alternate ways for payment of fees; and
- Develop ways to increase the County's ability to attract affordable housing in Marin.

### 3.2 Affirmatively Furthering Fair Housing (AFFH) Rule Suspension

In December 2015 as part of the U.S. Department of Housing and Urban Development (HUD) AFFH rule, HUD replaced the Analysis of Impediments to Fair Housing Choice (AI) with the Assessment of Fair Housing (AFH). The rule required local governments that receive Federal grants, including Community Block Grants (CDBG) and HOME Investment Partnerships (HOME) funds to submit an Assessment to Fair Housing that would identify how local governments comply with fair housing laws; assess, identify and evaluate barriers to fair housing choice and contributing factors that exist within their communities; and set locally-determined fair housing priorities and goals.

On May 18, 2018, HUD suspended the 2015 Affirmatively Furthering Fair Housing (AFFH) rule and the AFH reporting requirements until at least after October 31, 2020. It further removed the Assessment of Fair Housing (AFH) tool required to be used by local governments. The County last completed its AI on October 11, 2011 and as part of the 2019 Voluntary Compliance Agreement with HUD, is required to submit an update of the AI by January 30, 2020.

While HUD's requirement to submit an Assessment of Fair Housing Choice was suspended, Marin County continued to participate in its community engagement process to analyze barriers to fair housing choice. The community engagement process which began in 2016, prior to the AFH suspension, and the recommendations from the community have been incorporated into this document.

### 3.3 Community Engagement – 2018 – Present

In May 2018, HUD suspended the Assessment of Fair Housing, and while the County continued its commitment to community engagement and analysis of barriers to fair housing choice, under the County's Voluntary Compliance Agreement with HUD, it agreed to submit an Analysis of Impediments to Fair Housing Choice to HUD by January 2020. The following community engagement process will, therefore, refer to the Assessment of Fair Housing (AFH) and the Analysis of Impediments (AI) interchangeably.

In June 2018, County staff presented a progress report on the Assessment of Fair Housing Work Plan to the Marin County Board of Supervisors, which included three specific recommendations that were developed jointly by members of community, the Community Advisory Group, and Steering Committee. The progress report and recommendations reflected work completed from July 2016 to March 2018 during the community engagement and outreach process outlined in the Assessment of Fair Housing Work Plan, and included an analysis of data and other information about historic segregation and integration policies, racially and ethnically concentrated areas of poverty, and significant contributing factors that are related to publicly supported housing, disability and access issues.

In December 2018, the Marin County Community Development Agency recommended the Marin County Board of Supervisors approve the continuation of the community engagement and outreach process that started in July 2016 and continued through July 2018. The proposed Phase II of the Assessment of Fair Housing Work Plan, in addition to identifying barriers to housing,

outlined the process for identifying disparities in transportation, education, employment, environmentally healthy neighborhoods and community assets for certain populations and communities in Marin County. During the proposed 3 1/2-year work plan period, County staff recommended three Board of Supervisor workshops to be held which would include hearings for public comment and for County staff to provide an update on the work plan and proposed recommendations from the Community Advisory Group and Steering Committees. In addition, as part of the work plan, County staff would prepare for the Board's approval, an Analysis of Impediments to Fair Housing Choice for submission to HUD by January 2020. On December 4, 2018, the Marin County Board of Supervisors approved Phase II of the Assessment of Fair Housing work plan, including the submission of the Analysis Impediments of Fair Housing Choice by 2020.

In December 2018, County staff convened a new Community Advisory Group and Steering Committee. County staff invited residents of Marin to participate on the Community Advisory Group to identify barriers to housing in Marin and to develop recommendations that address those barriers. The invitation to join the Community Advisory Group was prepared both in English and Spanish, and 13 applications were received. A key component for selection was to identify individuals who had not previously had a seat at the table for public policy development. Selected residents for the Community Advisory represent communities from Marin City, San Rafael, Novato, Mill Valley, Fairfax, Inverness, Tiburon, Corte Madera, Larkspur and Lagunitas. In addition to addressing challenges with housing, potential members were asked to address disparities in community conditions that affect access to and opportunities for:

- Transportation
- Education
- Employment
- Environmentally healthy neighborhoods
- Community assets, including banking and financial services, grocery stores and other retail businesses, and broadband services.

Beginning in 2019, the Community Advisory Group and Steering Committees met regularly to discuss specific disparities in the County, and to develop recommendations to address those disparities. Those recommendations were part of the process for determining final recommendations that were presented to the Marin County Board of Supervisors and are included in this analysis.

In December 2019, a draft of this AI was submitted to the CDBG Priority Setting Committee for review and the Staff Report and this AI was translated in Spanish and Vietnamese and was submitted for public comment.

At the January 14, 2020 Board of Supervisors meeting, the public was invited to comment on the draft AI, the fair housing community engagement process and proposed recommendations. Translation was available in both Spanish and Vietnamese, and those who were not able to participate at the Board meeting were encouraged to submit their written comments by email.

## **4. Housing Programs in Marin**

Marin County has a broad range of publicly supported housing for low-income residents that are located in the unincorporated parts of the County as well as in Marin's cities and towns.

### **4.1 Marin Housing Authority**

The Marin Housing Authority (MHA) is a public corporation that administers the public housing properties for Marin County and currently provides assistance to over 4,000 families in the County. It operates as a separate agency from the County and is governed by a board of commissioners that include the five Marin County Board of Supervisors who, as explained by MHA, "generally serve in the same capacity as the directors of a corporation. MHA's Board of Commissioners consists of 7 people, including 2 tenant commissioners. Tenant commissioners are MHA Public Housing residents and / or Housing Choice Voucher holders, and they serve 2-year terms."

In addition to a Board of Commissioners, Golden Gate Village, one of the public housing properties that is operated by MHA, and the only family public housing development in the County, has a Resident Council made up of residents of Golden Gate Village.

In addition to administering public housing properties, MHA operates housing programs that include Mainstream Housing, Housing Opportunities for Persons with AIDS, Supportive Housing, Rental Allowance and Partnership Rental Housing.

Public housing is available only to individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status, and is limited to low-income families and individuals. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of housing assistance.

The Marin Housing Authority operates and administers 496 property units that are overseen by the Department of Housing and Urban Development (HUD), and are located in 6 locations throughout the County:

- Golden Gate Village in Marin City – 296 units for occupancy by families;
- Venetia Oaks in San Rafael – 36 units for occupancy by elderly and disabled persons;
- Homestead Terrace in Mill Valley – 28 units for occupancy by elderly and disabled persons;
- Casa Nova in Novato – 40 units for occupancy by elderly and disabled persons;
- Golden Hinde in San Rafael – 40 units for occupancy by elderly and disabled persons; and
- Kruger Pines in Mill Valley – 56 units for occupancy by elderly and disabled persons.

All the above public housing properties are located close to bus transportation and with the exception of Golden Gate Village, none of the public housing properties are located in areas of minority concentration.

MHA also administers non-HUD properties that include 37 units in San Anselmo and Fairfax, 43 units in Tiburon and San Rafael, and one property located in the Canal district of San Rafael. The Canal district has been identified as an area of minority concentration.

#### 4.1.1 Public Housing Wait List

Due to the overwhelming demand for public housing and the lack of affordable rental units in the County, the Marin Housing Authority closed their public housing wait list in 2014. According to one of MHA's managers, in 2017 "There are more than 4,000 applicants on the waiting list, with applicants sitting on the waiting list for the last nine years."

According to MHA's Agency Plan, in 2019 there were 1,053 families on the wait list for public housing in Marin:

- 79.5% qualified as extremely low income, 14.3% qualified as very low income, and 3.8% qualified as low income.
- 45.6% were families with children, 26% were elderly families, and 43.2% were families with disabilities.
- 42.6% of families on the public housing wait list were White, 36.9% were African American and 7.3% were Asian.
- 27.6% requested a studio residence, 26.7% requested a 1 bedroom, 34.8% requested a 2-bedroom, 8.7% requested a 3 bedroom, and 2.1% requested a 4-bedroom residence.

#### 4.1.2 Below Market Rate (BMR) Home Ownership Program

The BMR Home Ownership program offers low and moderate-income, first-time homebuyers the opportunity to purchase specific condominium units in Marin County at less than market value. The Marin Housing Authority coordinates BMR sales for most local jurisdictions in Marin County. The City of Novato's BMR program is coordinated by Hello Housing of San Francisco. In 2019 under MHA, there were approximately 340 homes in the BMR program.

#### 4.1.3 Golden Gate Village

MHA oversees the County's only family public housing development, known as Golden Gate Village, which is located approximately 5 miles north of the Golden Gate Bridge in Marin City. For purposes of public housing, family, as defined by HUD, includes "a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person". In addition to the HUD definition for family, MHA's definition also includes "two or more individuals who are not related by blood, marriage, adoption or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family."



Golden Gate Village is a 296-unit development complex consisting of one, two- and three-bedroom apartments. The property is located on 29.8 acres of land, and includes 29 buildings with one to five stories, and a single one-story office and maintenance facility for MHA. Golden Gate Village is located in Marin City and is part of the unincorporated area of the County.

According to the HUD definition, Marin City has been identified as an area of minority concentration. In addition, Marin City is considered a food desert. According to the U.S. Department of Agriculture, “Food deserts are defined as parts of the country vapid of fresh fruit, vegetables, and other healthful whole foods, usually found in impoverished areas. This is largely due to a lack of grocery stores, farmers’ markets, and healthy food providers”. According to Marin County’s Department of Health and Human Services, in 2013, Marin City did not have a full-service grocery store for its residents. There were no small markets, grocery stores, convenient stores or farmer’s markets. In 2017, Target moved into Marin City and now provides an assortment of groceries.

According to the Marin Housing Authority, in May 2019, there were 667 people living in Golden Gate Village with an average of 3 people living in each residence. At the time of this report:

- 55.7% of residents self-identified as African American;
  - 20.8% self-identified as Latinx;
  - 8.6% self-identified as Asian; and
  - 8.6% self-identified as White.
- 
- 1 resident in Golden Gate Village was over 91 years of age;
  - 2.1% of residents were between the ages of 74 and 91;
  - 14.2% were between the ages of 55 and 73;
  - 16.3% were between the ages of 39 and 54;
  - 22.3% were between the ages of 23 and 38; and
  - 44% of Golden Gate Village residents were 22 years of age and under.
- 
- 13.6% of residents were disabled;
  - 2.6% of disabled residents were seniors; and
  - 58.8% of the disabled residents were women.

#### 4.1.3.1 Golden Gate Village Revitalization

HUD mandates that every five years MHA complete a Physical Needs Assessment (PNA) of its properties. In 2015, a PNA was conducted and determined that for Golden Gate Village, “MHA would need to make a minimum of \$16 million dollars of short term-investments in the property to bring existing building and site components up to HUD minimum standards. This short-term investment would only replace certain existing building and site components that have exhausted their useful life and does not include substantial items that would exhaust their useful life over the next twenty years. A site-wide complete rehabilitation to provide modern systems using

energy-saving, green building concepts would require approximately \$50 million. This amount is further increased to roughly \$63 million when costs for legal, other professional fees, and contingency are added (otherwise known as soft costs).”

Due to the lack of funding from HUD to meet the complete rehabilitation requirements, MHA developed a strategy to identify options for the revitalization of Golden Gate Village. In 2015, MHA engaged consultants and began Phase I of the Golden Gate Village Revitalization.

As part of Phase I, MHA developed a Community Working Group (CWG) comprised of Golden Gate Village residents and community stakeholders. According to MHA’s 2017 Golden Gate Village Community Working Group Final Report, the CWG “acts as a public body created by the Marin Housing Authority and charged with creating a collective and innovative vision for the future of Golden Gate Village and Marin City. That vision includes sustainable and improved affordable housing, services that support residents and families, and a vibrant business community. The CWG builds on the work of the 2009 Advisory Group and addresses the need to design and execute an innovative and sustainable vision for Golden Gate Village and Marin City. That vision includes a plan for how it approaches creating opportunities that invest in and enhance the lives of residents by making sure they can access:

- Affordable housing
- Employment that sustains themselves and their families
- Education that leads to training, advanced education, or employment
- Services that meet their needs and support their growth and development”

The Community Working Group adopted the following list of Guiding Principles to serve as the foundation for any revitalization efforts for Golden Gate Village:

1. Protect Existing Golden Gate Households
2. Restore Golden Gate Village Economic Sustainability
3. Assure Resident Participation Throughout the Planning and Revitalization Process
4. Preserve Historic Marinship Heritage
5. Promote High Quality Open Space
6. Collaborate with the Marin County Community to Expand Economic Development and Job Training/Education Opportunities for Golden Gate Village Residents

The number one priority of the Community Working Group was to ensure that Golden Gate Village residents were not displaced from their homes and their community. Many residents who lived in Marin City during the Marinship years were not allowed to move from Marin City to other parts of the County because of discriminatory housing and lending policies and practices. For those residents, Marin City has been the only place where they have felt welcomed and safe in the County. Many residents believe that African Americans are not welcomed in other parts of Marin and redevelopment would displace them from the only place they and their families have been able to call home.

According to MHA’s Golden Gate Village Community Working Group Final Report, “The process also included a survey of resident attitudes around revitalization. Findings from the survey indicate that Golden Gate Village residents are open to some

kind of revitalization process, and this ranges from a new unit with modern design and appliances (57%) to a unit with some improvements (35%), but that most of them would not want to leave the development or community as it occurs.”

At the end of Phase I, the Community Working Group identified 2 possible options for the revitalization -- a mixed-income housing model, and an Historic Preservation model. Residents have asked for MHA to look into the viability of creating a community land trust.

In 2017, Golden Gate Village received notification that it had been granted national historic status from the National Register of Historic Places, and in 2018, MHA contracted with a developer to oversee its development plans. The overall revitalization process has been challenged by many residents who live in Golden Gate Village and in Marin City, and there continues to be community resistance to MHA's redevelopment plans.

#### 4.1.3.2 Marin County Civil Grand Jury Report on Golden Gate Village

The Marin County Civil Grand Jury released a report in 2018 entitled, “Golden Gate Village, The Clock is Ticking,” which stated that “The people living in this housing project suffer from a unique trauma stemming from multiple sources, including poverty, living conditions in these communities, a high level of unemployment, a mistrust of public policy, and a fear of displacement.”

The following are recommendations proposed by the Marin County Civil Grand Jury:

1. Within 90 days, the Marin Housing Authority should create and communicate an accelerated timeline, against which progress can be measured, for the rehabilitation of GGV based upon approved Scenario B. This timeline should include milestones for the selection of a developer, the completion of a development plan, a plan for funding, the submission of a RAD application, and the beginning of construction.
2. Within six months, the Marin County Board of Supervisors should appoint and empower a coordinator independent of the Marin Housing Authority to lead the efforts to improve GGV in conjunction with the Marin Housing Authority and other agencies. These would include the physical construction and social programs at GGV as well as the coordination of public and private resources.
3. The Marin Housing Authority should proceed to develop alternative financial plans, as the RAD conversion and other aspects of the plan envisioned by the consultants carries great risk in terms of financial execution.
4. The Marin County Board of Supervisors should proceed immediately to engage an established firm with experience in resolving mistrust issues who can work to create an atmosphere of trust between the residents of GGV and the Marin Housing Authority.
5. The Marin County Board of Supervisors, in conjunction with the Marin Housing Authority and GGV residents, should develop high priority programs that go

beyond the housing needs of the community. These include job programs, a strong commitment to youth in the area, and help in establishing local leadership on issues that involve the GGV community.

6. Although there are provisions in the law, and assurances in the plan to provide certain rights to tenants, the Marin Housing Authority should pass a binding resolution addressing GGV tenants' rights to remain in GGV during and after renovation and what it means to be a tenant in "good standing."
7. MHA should develop HUD compliant but compassionate best practice programs to assist residents in resolving the issues such as being over-housed, off-lease, or in rent arrears to minimize displacement as GGV residents' transition to new housing

#### 4.1.4 Housing Choice Voucher Program - Section 8

Marin County's Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the Department of Housing and Urban Development (HUD) and administered by the Marin Housing Authority (MHA). According to MHA, their "goal is to expand housing opportunities for Housing Choice Voucher Program families in quality neighborhoods that have not traditionally featured strong participation in the program. This goal includes improving rental assistance in the county's many residential and multi-unit neighborhoods where our participant families will be able to benefit from Marin's award-winning schools, open spaces, and close-knit communities."

Under the Housing Choice Voucher Program, a family is generally required to pay approximately 30% of adjusted monthly income toward rent and utilities. In January 2019, there were 2,162 families receiving vouchers and 271 project-based vouchers located at nineteen properties.

The Section 8 Housing Choice Voucher wait list is a separate list from the wait list for public housing, which is currently closed. The Section 8 Housing Choice Voucher wait list has been closed since 2008. According to MHA's Annual Update, in 2019 there were 870 families on the Section 8 Voucher Program wait list. Of the 870 families on the wait list:

- 34.4% of families were White;
- 50.7% were African American, and
- 7.8% were Asian.
- 75.6% qualified as extremely low income;
- 17% qualified as very low income, and
- 5.5% qualified as low income.
- 45.2% were families with children;
- 22.1% were elderly families, and
- 36.8% were families with disabilities.

#### 4.1.4.1 Section 8 - Landlord Partnership Program

In 2015, with the support and funding from the Marin County Board of Supervisors, the Marin Housing Authority initiated the Landlord Partnership Program. According to MHA, this program, "aims to expand rental opportunities for families holding

housing choice vouchers by making landlord participation in the program more attractive and feasible, and by making the entire program more streamlined.”

Benefits to participating in the Landlord Partnership Program include:

- Security Deposits - Up to \$2,500 per family to be paid to the owner. Deposits will be returned to MHA once family moves out (if no damages)
- Loss Mitigation - Up to \$3,500 per family to be paid to the owner once family vacates and it is determined the family caused damages beyond normal wear and tear. Owner has 21 days to submit claim form to MHA along with photos and estimates.
- Vacancy Loss - Provides up to one’s month of rent to a landlord/property owner while repairing excessive damage to the unit with the commitment to rent to another rental assistance participant. Maximum per unit is \$3,000.
- Building and Planning Permit Fees - Owners with properties in the County Unincorporated areas that participate in rental assistance programs with 50% of their units would be allowed to have building permit fees waived on a prorated basis for work done at the rental site for repairs or improvements.
- Landlord Liaison Project - Access to a dedicated landlord liaison 24-hour hotline to address immediate issues; rapid response to landlord concerns through collaborative partnerships with County Departments and other community based nonprofit providers; Landlord Advisory Committee; landlord workshops and trainings; online landlord portal.
- Exemption from the County’s Just Cause for Eviction Ordinance and the Rental Housing Dispute Resolution Ordinance.

It is estimated that from June 2015 when the Landlord Partnership Program began to June 2018, the number of available rental units for Section 8 vouchers has increased by more than 22%.

#### 4.1.5 Project Based Section 8

In 2019 MHA used approximately 10% of their budget, or 266 units, for project-based Section 8 vouchers with contracts for periods of 10 to 15 years. The MHA Project Based apartment complexes include:

- Fairfax Vestpocket in Fairfax - 5 apartments
- Fireside Affordable Housing Associates in Mill Valley - 33 apartments
- Hamilton Continuum Partners I in Novato - 10 apartments
- Hamilton Continuum Partners II in Novato - 8 apartments
- Isabel Cook in San Anselmo - 17 apartments
- Point Reyes Affordable Homes in Point Reyes – 10 apartments
- Toussin Senior Apt. in Kentfield - 13 apartments
- Warner Creek Senior Housing in Novato - 58 apartments
- Victory Village in Fairfax - 53 apartments
- Jarrett Bayless under a Partnership Agreement with Joshua Szarek - 2 apartments
- EAH- Piper Court in Fairfax - 6 apartments
- EAH- Edgewater Place in Larkspur - 6 apartments
- EAH- Farley Place in Belvedere - 11 apartments
- Community Land Trust Association of West Marin (CLAM) - 2 apartments
- EAH- Turina House in San Rafael – 7 apartments
- EAH- Drakes Way in Larkspur - 6 apartments

- EAH- San Clemente in Corte Madera - 19 apartments

#### 4.2 Marin County's Affordable Housing Special Revenue Fund

The Marin County In-Lieu Affordable Housing Special Revenue Fund, also referred to as the County's Housing Trust Fund, was created to increase the stock of permanently affordable housing units in the County. The Housing Trust Fund provides a local funding source for financial and technical assistance to help affordable housing developers produce and preserve affordable housing. According to Marin County's Community Development Agency, "Housing Trust monies should advance the values of a balanced community, by providing support for a variety of housing types available for households at a range of income levels. The Housing Trust should be used to increase the stock of homes affordable to low and very-low income families and individuals, local workers and people with special needs, by leveraging local, State and Federal assistance to the fullest extent possible."

There are currently three dedicated sources of funds for the County's Housing Trust Fund including:

- Fees paid by market-rate developers of multi-unit developments in-lieu of constructed units or fractional units pursuant to the County's inclusionary housing policy;
- Affordable Housing Impact fees paid by property owners upon constructing or remodeling single family homes, representing an increase in demand for affordable housing due to low paid jobs associated with this new development; and
- Jobs Linkage Fee paid by developers of commercial buildings and non-housing developments, representing an increase in demand for affordable housing due to low-paid jobs associated with the new development.

Since 1980, the Housing Trust Fund has provided financial and technical assistance to help affordable housing developers create and preserve affordable housing for low- and very-low-income households. From 2016 – 2019, the County invested over \$5,897,000 of Housing Trust Funds in a variety of affordable housing developments that will result in up to 241 affordable homes.

In 2018, the County announced a Notice of Funding Availability of "\$1,000,000 of grant funding to spur the creation of affordable family rental housing in High Opportunity Areas of the County, defined as outside areas of Minority Concentration. These funds are being made available through a commitment by the Marin County Board of Supervisors to encourage the development and preservation of family rental housing in both unincorporated and incorporated areas of the County. Nonprofit housing developers that have not previously worked in Marin County are especially encouraged to apply."

In January 2019, the Board of Supervisors approved \$4,100,000 to be transferred from the County's General Fund to the Housing Trust Fund to support housing acquisition, preservation and development.

## 5. Impediments to Fair Housing Choice

While there are barriers to housing in Marin County that affect many residents who live and wish to live in the County, people of color are more likely to be affected by those barriers. People of color are more likely to be priced out of their neighborhoods, live in substandard housing and forced to live in communities that lack quality community resources. According to PolicyLink, in 2018, “More than eight in 10 low-income households cannot afford their rent (i.e., they pay more than 30 percent of their income in rent), and close to 60 percent of Black and Latino renters have unaffordable housing costs, versus just less than half of their White counterparts.”

The following are identified barriers to fair housing choice in Marin.

### 5.1 Cost of Housing

The lack of affordable housing in Marin often results in many households having to struggle to pay for housing, especially for rental housing. Often decisions about other basic necessities are compromised or gone without in order to avoid evictions. Over the past five years, the sale price for a home and monthly rents have skyrocketed in all parts of the Bay Area, and Marin was no exception.

People of color in Marin are more likely to rent than to own their own homes. According to the Marin Economic Forum, beginning in 2019, rent prices started increasing at a faster pace than for home prices – and renters do not get the advantages as homeowners do when interest rates are lower, they do not receive multiple tax deductions, and they do not receive appreciation and equity over time.

According to the American Community Survey, in 2017, there were a total of 112,270 housing units in the County:

- 80,952 were single-family homes;
- 8,302 were multifamily homes that consisted of 2-4 units;
- 21,594 were multifamily homes that consisted of 5 or more units, and
- 1,422 were mobile homes.

The median sales price for a single-family home in Marin County in 2017 was \$1,046,450. Assuming a 20% down payment of \$209,290 and approval for a 30-year fixed mortgage with an interest rate of 4.6%, purchasing a home in 2017 would have required an annual income of over \$220,000.

The median sales price to purchase a condo or a townhouse in Marin in 2017 was \$695,600. Assuming a 20% down payment of \$139,000 and approval for a 30-year fixed mortgage with an interest rate of 4.6%, the purchase of a townhouse or condo would require an annual income of over \$160,000. While this amount is considerably less than the required income to purchase a single-family home in Marin, in 2017 the median income for an owner of a single-family home or for a condo/townhouse owner was \$134,996.

The median price to rent a house in Marin in 2017 was \$4,594 per month. This did not include any amounts associated with rental deposits which can often be up to two times the amount of the monthly rental, or an additional \$9,188. Assuming an affordability rate of no more than 30% of household income, it would require an annual income of over \$184,000 to afford to rent the

median priced house in Marin in 2017. The median price to rent an apartment in 2017 was \$3,268 per month, again, not including any rental deposits which could be up to an additional \$6,536. Assuming an affordability rate of no more than 30% of household income, it would require an annual income of over \$130,000 to afford the median apartment rental. The median income for a renter of a house or of an apartment in Marin in 2017 was \$63,331.

## 5.2 HUD Income Limits

The Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted housing programs including Public Housing, Section 8 project-based, Section 8 Housing Choice Voucher, Section 202 housing for the elderly, and Section 811 housing for persons with disabilities programs.

Eligibility for these assisted housing programs is based on three income levels — extremely low income (less than 30 percent of the median family income), very low (less than 50 percent of the median family income), and low (less than 80 percent of the median family income).

Income limits for Marin County are determined based on HUD’s Median Family Income (MFI) for the San Francisco, CA HUD Metro Fair Market Rent (FMR) Area. For 2019, the median family income limit for Marin was \$136,800.

**Table 2: Marin County Income Limits**

Household Size	Extremely Low 30% MFI	Very Low 50% MFI	Low 80% MFI	Median (MFI)
1	33,850	56,450	90,450	
2	38,700	64,500	103,350	
3	43,550	72,550	116,250	
4	48,350	80,600	129,150	136,800
5	52,250	87,050	139,500	
6	56,100	93,500	149,850	
7	60,000	99,950	160,150	
8	63,850	106,400	170,500	

Source: HUD Income Limits

## 5.3 Changes in Home Ownership

Despite the high cost of housing in Marin, according to the American Community Survey, between 2010 and 2017, the number of Marin County households still increased by 2.1%. In 2017, 70.6% of Marin households owned their homes. 70.1% of White households owned their homes; 61% of Asian households, 29.3% of Latinx households and 25.3% of African American households in Marin owned their homes in 2017. White and Asian households increased homeownership from 2010 – 2017 by 1.9% and 7.5% respectively. Homeownership for Latinx and African American households, however, declined from 2010-2017 by .5% for Latinx households and by 16.1% for African American residents.

There were also changes in Marin’s rental population. In 2017, 35.8% of households rented their homes, which was a 1.5% increase since 2010.

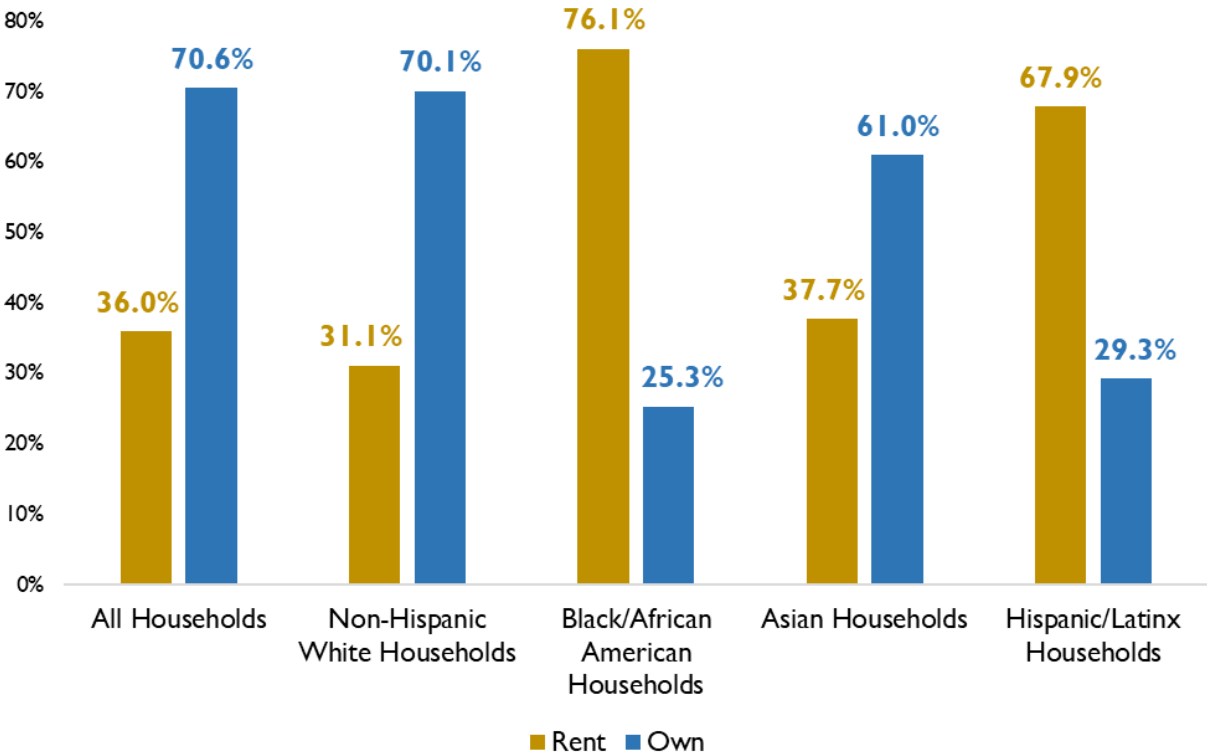
- 70.7% of Latinx residents were renters in the County, which was an increase of 13.4% since 2010;
- 39% of Asian households were renters, which was a 13.3% increase since 2010;



- 29.9% of White households were renters in the County, which was a decrease of 3.5% since 2010; and
- 74.7% of African American households were renters, which was a decrease of 21.9% since 2010.

In general, in the County between 2010 and 2017, White and Asian homeownership increased while Latinx and African American homeownership decreased; and Latinx and Asian renters increased, while White and African American renters decreased. Overall there was a decrease in African American homeowners and renters between 2010 and 2017.

**Figure 19: Housing Tenure by Racial Group**



Source: 2017 American Community Survey, 5-year estimates

Looking more specifically at Marin City and the Canal area of San Rafael – both of which have been identified as areas of minority concentration, according to HUD’s definition -- from 2010 – 2017, there were additional demographic changes that affected households in those communities.

While there was an overall increase in the total population in Marin City, the number of actual households decreased. In 2017, 19.7% of households in Marin City owned their homes, which was a 16.5% decline since 2010; 80.3% of households rented in 2017, which was a 4.3% decline since 2010.

In addition to the changes in household populations, there was also a significant change in those who owned their homes in Marin City from 2010 – 2017. The number of Latinx households that owned homes in Marin City increased by 177.9% and the number of Asian households who

owned their homes increased by 60.3%. The number of White homeowners in Marin City decreased by 17.5% and the number of African American homeowners decreased by 40.5%

In the Canal, from 2010 – 2017, there was a 12.6% increase in the Canal's overall population, however the household population decreased by 8.9%. In 2017, 20.1% of Canal households owned their homes, which was a decrease of 24.9%; and 79.9% of householders were renters, which was a decrease of 3.7%.

African Americans and Asian household populations increased in the Canal, while White and Latinx households decreased. In 2017, there was a 277.3% increase in African American households living in the Canal since 2010, which reflects the small number of African American households who live in the Canal, and a 19% increase in Asian households. White households decreased by 28.3% and Latinx households decreased by 3.8%.

#### 5.4 Lack of New Affordable Housing Developments

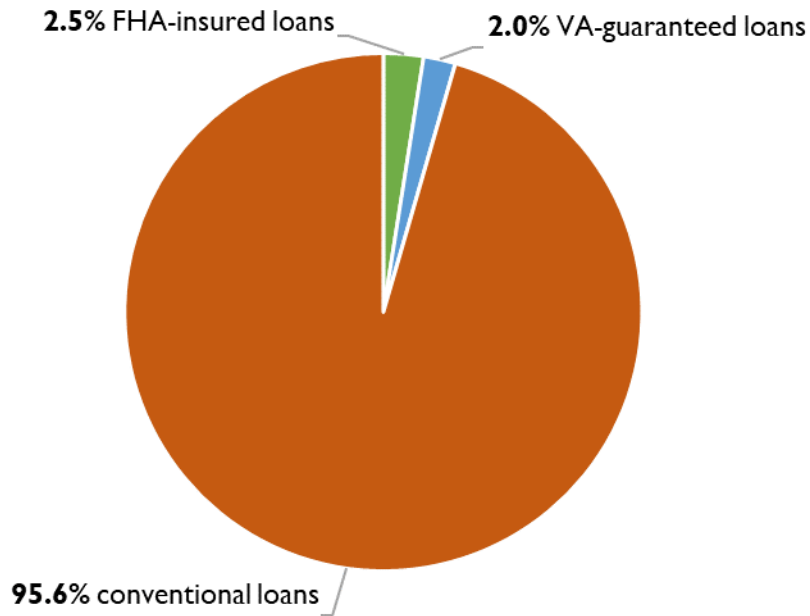
Marin County's last Analysis of Impediments to Fair Housing Choice was submitted in 2011. From 2010 until 2017, 117 new and converted affordable housing projects for families with children have been funded. None of these family residences are in areas of minority concentration. In addition, during that same time period, the County funded 5 new or rehabilitated existing, accessible housing units for people with disabilities. None of those residences were located in areas of minority concentration.

#### 5.5 Mortgage Access

The Home Mortgage Disclosure Act (HMDA) is a Federal act approved in 1975 that requires mortgage lenders to keep records of certain key pieces of information regarding their lending practices. In general, the primary purposes of the Home Mortgage Disclosure Act are to monitor the geographic targets of mortgage lenders, provide an identification mechanism for any predatory lending practices, and to provide reporting statistics on the mortgage market to the government.

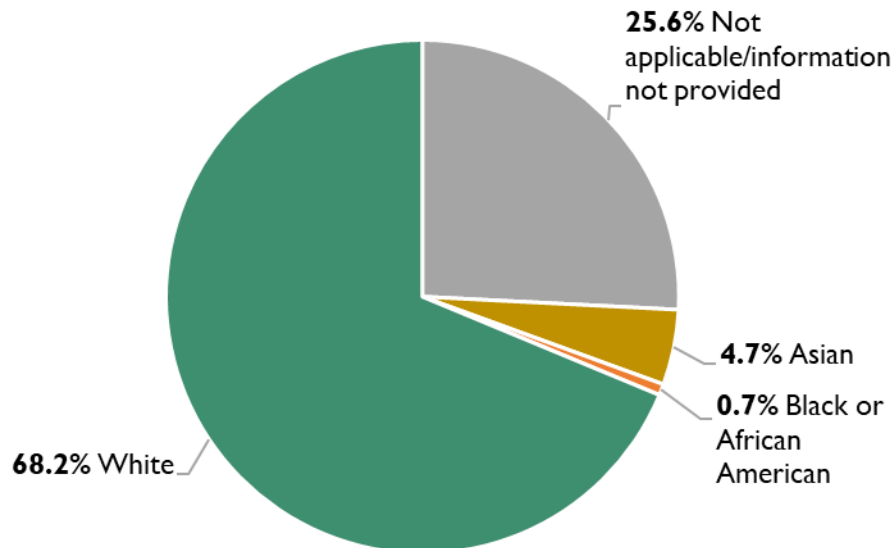
According to HMDA, in 2017, there were a total of 11,688 loans originated for Marin properties.

**Figure 20: Types of Loans Originated in Marin**



Source: 2017 Home Mortgage Disclosure Act

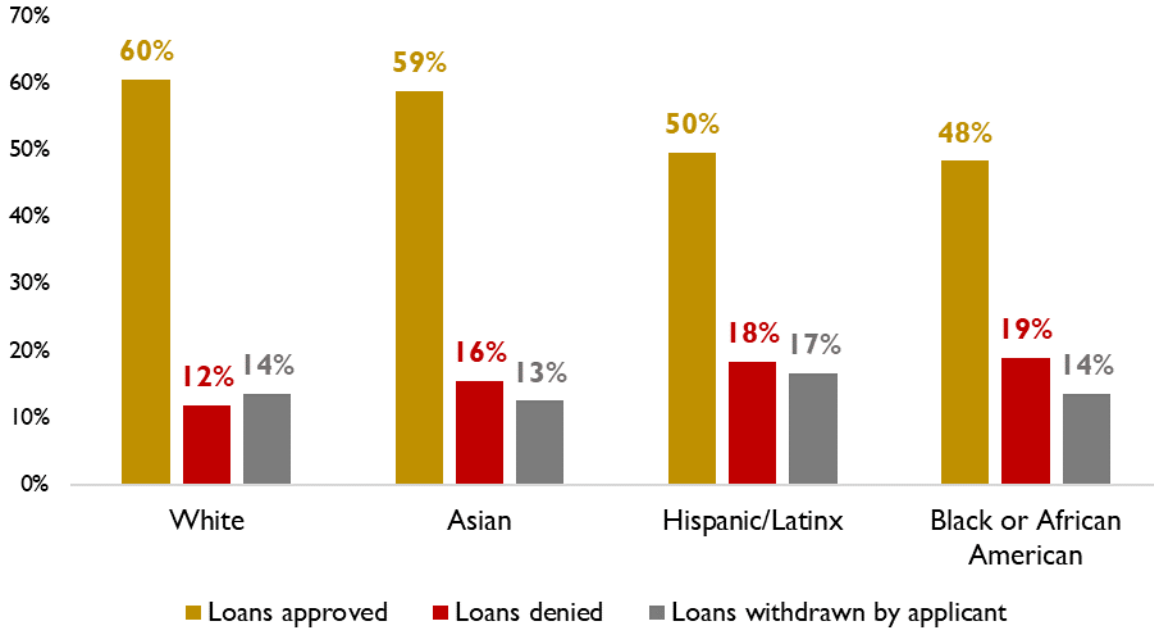
**Figure 21: Racial Identity of Mortgage Loan Applicants in Marin**



Source: 2017 Home Mortgage Disclosure Act

Of the 11,688 original loan applications, 6,534 loans were approved, representing 55.9% of all applications. There were 1,320 loans denied, representing 11.3% of the total applications, and there were 1,555 applicants who withdrew their applications, which represents 13.3% of all applications.

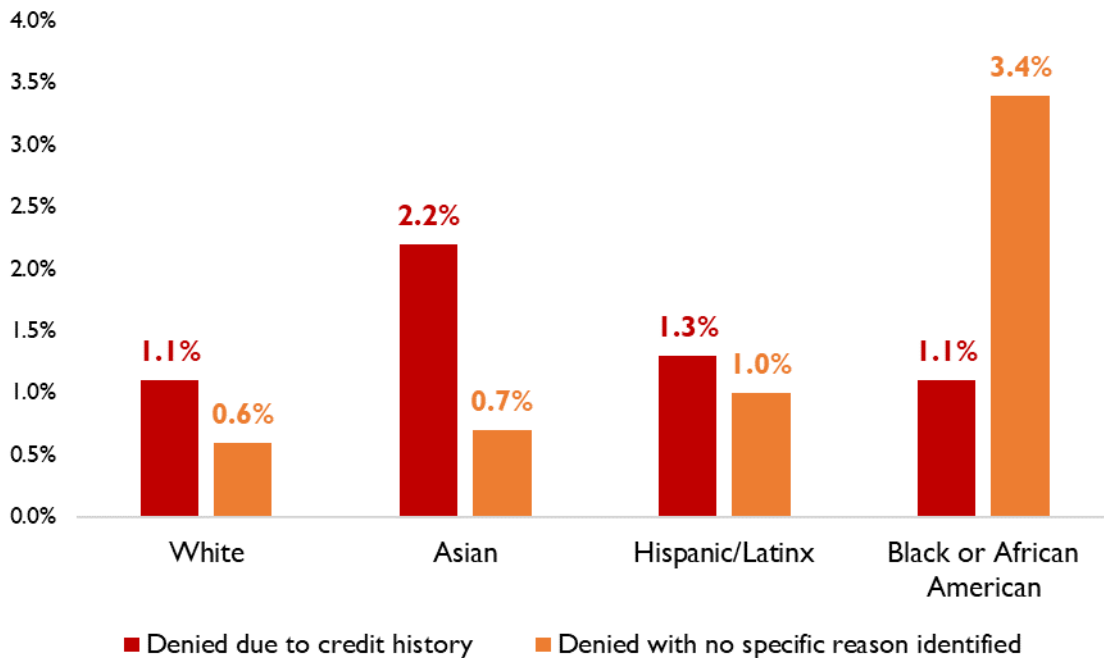
**Figure 22: Loan Approval, Denial and Withdrawal by Race in Marin**



Source: 2017 Home Mortgage Disclosure Act

There were several categories for reasons loans were denied. Under the category, “Loan Denial Reason: insufficient cash - down payment and closing costs,” African Americans were denied .7% more than White applicants. Denial of loans due to credit history significantly affected Asian applicants more than others; and under the category of “Loan Denial Reason: Other”, the numbers are starkly higher for African American applicants.

**Figure 23: Denial Reasons for Mortgage Loans by Race in Marin**



Source: 2017 Home Mortgage Disclosure Act

Between 93 – 98% of White, Asian and Latinx applications were for conventional loans while 85.1% of African American applications were for conventional loans. However, African American applicants were three times more likely to apply for VA-guaranteed loans.

### 5.6 Community Opposition

While public opposition to affordable housing continues to be identified as the number one barrier to housing development in the County, the amount of public opposition appears to have declined over the past 10 years.

Reasons given for the long-standing community resistance to development are concerns about traffic congestion, a desire for the preservation of open spaces, loss of local control and the impact on schools. Other concerns not only limit development of new housing, but they are often expressed in coded language such as “maintaining the character of their communities”. These concerns also contribute to the continued segregation and concentration of African American and Latinx residents to just a few neighborhoods.

Long-term residents, particularly African Americans living in Marin City, remember the history of African Americans who attempted to move into Marin’s White communities only to be met with hostility and feelings of not being welcomed. African Americans who live in Marin City today still do not have access to a local grocery store or to a financial institution in their community, and many residents have shared experiences of animosity and being treated differently when they are in majority White communities in the County.

Latinx residents have recently expressed an increase in being targeted and harassed which has resulted in restricting their mobility into White neighborhoods, not only for housing but for access to shopping, grocery stores and banking institutions. These apprehensions further highlight the difficulties in replacing segregated living patterns with truly integrated and balanced living patterns.

### 5.7 Gentrification

Marin’s neighborhoods that have experienced decades of discrimination and marginalization are the same neighborhoods where many residents are low-income and people of color.

The effects of historic discriminatory housing policies including redlining, restrictive covenants, targeting areas of economic neglect and disinvestment, have resulted in maintaining segregated communities where residents have limited access to community resources including access to healthy foods, healthy neighborhoods, financial services and good schools. Marin’s current competitive housing market, the increased cost of housing, the lack of affordable housing and community resistance create the perfect combination for gentrification of these communities. These residents who have been denied housing in other parts of the County and have been forced to live in less resourced communities, are now being displaced from the only neighborhoods they have been able to call home.

## **6. Compliance**

### **6.1 Voluntary Compliance Agreement**

From June 29 to July 2, 2009, the Department of Housing and Urban Development (HUD) conducted a comprehensive review of the County's Community Development Block Grant (CDBG) program and HOME Investment Partnership Program to determine whether it was in compliance with HUD's fair housing and equal opportunity regulations.

On September 18, 2009, HUD issued a letter stating the Department's review disclosed that the County's programs were generally in compliance with Federal laws and regulations. HUD, however, did conclude that the County had certain shortcomings including: (1) an outdated and substantially incomplete Analysis of Impediments to Fair Housing Choice ("AI") document; (2) the County's Citizen Participation Plan had not been successful in promoting meaningful public participation in CDBG and HOME-funded programs; (3) that the County had not consistently monitored sub-recipients to ensure accurate protected class data collection; and (4) there was not a written policy for internal use and activities to assure that all written materials to include either a Telecommunication Device for the Deaf (TDD) number or the number for the California Relay System.

The County elected to voluntarily accept HUD's invitation to negotiate and identify corrective actions to resolve all of HUD's concerns, and the Board of Supervisors entered into a Voluntary Compliance Agreement (VCA) with the Department of Housing and Urban Development on November 30, 2010.

The VCA included a process for compliance activities, monitoring reports, analysis of the demographics of beneficiaries of the County's Federal grant projects, a review of the affirmative marketing for fair housing choice, the completion of an Analysis of Impediments to Fair Housing Choice (AI), and ongoing activities that address issues raised by the AI.

The VCA was in effect for a 5-year period, expiring on December 22, 2015. However, on the expiration date, HUD requested that the County agree to extend the VCA for three additional years. While noting the County's 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 underway were identified as affordable, permanent rental housing for families with children. County Staff worked with HUD's San Francisco Staff to negotiate terms for a new VCA and on May 7, 2019, the Board of Supervisors approved the 2019 Voluntary Compliance Agreement between the U.S. Department of Housing and Urban Development and the County of Marin, which will expire in May 2022.

### **6.2 Prior AI Accomplishments**

As part of the 2010 Voluntary Compliance agreement with HUD, the County was required to complete of an Analysis of Impediments to Fair Housing Choice (AI). An 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.

On October 11, 2011, the Board of Supervisors approved the Analysis of Impediments to Fair Housing Choice and the Implementation Plan for the AI that identified 37 specific recommendations to address barriers to fair housing choice in Marin. One of the recommendations was for the County to assign a Community Development Block Grant Priority Setting Committee to provide oversight for the Implementation Plan.

In addition to creating an oversight committee for the AI, the following actions were taken to address the other recommendations:

- In 2012 the County established a 10-Year Community Homeless Plan to prevent and end homelessness. All cities and towns, along with the County, committed to a three-year funding commitment that established a “Community Homeless Fund.”
- The DREAM (Diversity, Respect, Encouragement, Acceptance, Marin) collaborative, which was started by a group of County employees interested in promoting diversity and inclusion in the workforce, was expanded to include representatives from five affinity groups - for African Americans, Asian-Americans, Latinos, LGBT employees, and people with disabilities - and several employee resource groups.
- The County’s Planning Commission, Parks and Open Space Commission, and Human Rights Commission increased its representation by women and people of color.
- The County’s Federal Grants program that oversees the Community Development Block Grants (CDBG) program and the HOME Investment Partnership Program (HOME), expanded the Priority Setting Committee (PSC) to include non-elected, community representatives of the protected classes. The PSC assists in setting funding priorities, provides recommendations for and reviews applications from local non-profit and public agencies for Federal CDBG and HOME Investment Partnerships Program funds, and oversees the implementation of the AI.
- In 2014, the County increased density standards and minimum density requirements for affordable housing. Development Code changes resulted in sites being rezoned to 20 units per acre, consistent with State legislation, AB 1537.
- In 2015, the County established \$13 living wage for County contractors.
- The County contracted with a vendor to provide translation services for public announcements, surveys, and interpretation services for public meetings for all County departments.
- The Marin Housing Authority (MHA) developed a Language Assistance Program that provides free language assistance for clients including applicants, recipients and/or persons eligible for public housing, Section 8 Housing Choice Vouchers, homeownership and other MHA programs. MHA’s Affirmative Marketing Plan includes postings in Spanish and Vietnamese newspapers, telephone menus in Spanish and Vietnamese, and notices in non-English radio and television stations, and language selection on their website.
- The Board of Supervisors adopted the 5-Year Business Plan, with a Focus Area for Diversity and Inclusion, and a goal of increasing diversity in the County’s Human Resources Department’s candidate pool and interview panels.
- The County sponsored 23 people, representing County employees and residents from across different sectors and economies, to attend PolicyLink’s Equity Summit in Los Angeles in October 2015. The group participated in issue-based sessions on topics such as housing, health, regional planning, infrastructure investments, financial security, and education, to advance conversations about equity in the County.

- A Fair Housing Program Specialist, with the title of Social Equity Program and Policy Coordinator, was hired in 2015 with the focus on furthering fair housing and was also empowered to advance equity programs within and throughout the County.
- The Board of Supervisors used County Affordable Housing Funds to support the acquisition of two-family complexes in Forest Knolls and Fairfax. CDBG and HOME funding was used to support affordable housing for individuals with disabilities, including Marin Center for Independent Living's Home Modification Program, Buckelew Programs, Novato House, and Lifehouse Inc.'s DelGando property. CDBG and HOME funds were also used for new family housing in Homeward Bound's Oma Village and Habitat for Humanity's Mt. Budell Place.

In December 2015, when the Voluntary Compliance Agreement (VCA) with HUD expired and County staff entered into negotiations with HUD to extend the VCA for 3 additional years, the County continued to make progress on the specific recommendations identified in the AI that addressed barriers to housing and other disparities in Marin, including:

- The Board of Supervisors allocated \$1 million dollars to support the creation of affordable family housing.
- 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.
- The County sponsored its first group of County staff in 2016 to participate in the Government Alliance on Race and Equity (GARE) to develop a Racial Equity Plan for Marin and to work with other jurisdictions to advance racial equity throughout the Bay Area. A second cohort was added in 2017.
- The County Administrator's Office identified equity as a priority for the next budgeting cycle, which will allocate resources and funding to advance equity within the County organization and in communities countywide.
- The Board of Supervisors approved a source of income ordinance that precludes landlords from discriminating against certain sources of income – including Section 8 voucher holders, or from charging higher deposits based on a person's source of income, and from treating a person differently based on their source of income.
- The County sponsored a community engagement and education event with famed author and educator, Richard Rothstein, who wrote *THE COLOR OF LAW, The Forgotten History of How Our Government Segregated America*. Marin property owners were encouraged to review their property deeds to identify any racially restricted covenants.
- The County participated in Race Matters: A Dialogue and Educational Series on Race and How Racism Has Served to Divide People and Maintain Systems of Inequalities. Discussions included housing, with recommendations, strategies and solutions to address racial inequities in the County.
- The County sponsored the 2017, 2018 and 2019 Fair Housing Conference in Marin.
- Amendments to the County's Development Code were adopted to encourage property owners to develop Junior Accessory Dwelling Units and Accessory Dwelling Units, on their property. More recently, the Board of Supervisors voted to waive building and planning fees up to \$1,500 for the creation of the Junior Accessory Dwelling Units.
- The Board of Supervisors approved the County's first Racial Equity Action Plan and a Diversity Hiring Took Kit.



- A Rental Housing Dispute Resolution ordinance (known as “Mandatory Mediation”) was established to help resolve disputes when an annual rent increase of more than 5 percent in a 12-month period is being sought by a landlord.
- A Just Cause for Eviction Ordinance was adopted in December 2018 designed to prevent displacement and to provide stability to households who rent.

### 6.3 Cities and Towns

During the 2010 AI community engagement process, the County was encouraged to engage Marin’s cities in towns to advance fair housing policies and programs and to support the County’s efforts to affirmatively further fair housing.

Since 2010, the following actions have been taken:

- The CDBG Priority Setting Committee (PSC) which consists of a member of the Board of Supervisors, city and town council members and non-elected members of the community, advises the Marin County Board of Supervisors on the CDBG and HOME funding allocation process and provides input on the County’s implementation of the Analysis of Impediments to Fair Housing Choice. Addressing the fair housing concerns in Marin County requires a concerted effort on behalf of County Staff, the Board of Supervisors, cities and towns, and Priority Setting Committee members. Working together has created a better alignment of Federal funding sources with the County’s fair housing strategies and goals.
- 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 Section 8 Housing Choice Voucher. From 2018-2019, County staff worked with Fairfax, Novato, San Anselmo and San Rafael to adopt a Source of Income Protection ordinance for their cities and towns.
- In December 2018, the Board of Supervisors adopted a Just Cause for Evictions ordinance and a Rental Dispute Resolution ordinance, also known as Mandatory Mediation, intended to provide stability for households that rent by regulating the grounds for eviction while retaining the rights of landlords to terminate rental agreements based on clearly defined and reasonable justification. In 2019, Staff worked with the cities of Fairfax and San Rafael to adopt Just Cause and Mandatory Mediation ordinances and worked with Larkspur and Novato to consider tenant protection policies.
- 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 are working with the cities of Novato and San Rafael to consider better coordination and best practices for ensuring high quality multi-family rental housing.
- From 2017 -2019, County staff continued to work on community engagement, education and outreach around affordable housing. 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
- From 2018-2019, County staff convened the Housing Working Group with the Planning Directors of all the Marin cities and towns to coordinate around affordable housing policy. In 2019, all Marin jurisdictions applied jointly for SB 2 grant dollars intended to increase the production of housing.

#### 6.4 Community Development Block Grant and Home Investment Partnership Program

The Community Development Block Grant (CDBG) program and Home Investment Partnership Program (HOME) are Federally funded programs of the U.S. Department of Housing and Urban Development (HUD) that provide funding for housing, community facilities, and public services for low and moderate-income households. Examples of CDBG and HOME funded projects throughout the County include site acquisition for affordable housing; development of affordable housing; rehabilitation of affordable housing, group homes, and childcare centers; and a wide range of public services.

CDBG funds are divided into three activity categories consisting of: 1) housing, 2) capital projects, and 3) public services. Federal regulation stipulates at least 75% of the County's net CDBG allocation must be spent on housing and capital projects, and up to 15% of the gross allocation may be spent on public services. HOME funds are designed to provide affordable housing options for people with lower incomes.

One of the recommendations from the Analysis of Impediments to Fair Housing Choice and the Implementation Plan that was approved by the Board of Supervisors in 2011 was to “assign CDBG Priority Setting Committee an oversight role for the Implementation Plan. The Priority Setting Committee will track actions localities take to affirmatively further fair housing. The Priority Setting Committee will lead a process of peer evaluation of each community's efforts to affirmatively further fair housing.”

The CDBG Priority Setting Committee (PSC) advises the Marin County Board of Supervisors on the CDBG and HOME funding allocation process and provides input on the County's implementation of the Analysis of Impediments to Fair Housing Choice.

Another recommendation from the AI Implementation Plan was to “expand CDBG Priority Setting Committee to include non-elected community representatives of protected classes” with the goal of bringing greater diversity to the PSC and in 2012, the PSC was expanded to include a community member for each of the County's Planning Areas who is not an elected official and who represents a targeted population/community. The recruitment of community members

focused specifically on individuals who are members of a racial and ethnic minority and/or people with disabilities, or those who represent these interests.

Representatives on the PSC have included a member of the Board of Supervisors and city and town council members. The PSC now also includes community members representing members of the protected classes from various regions of Marin, and an at-large community member representing the County. The regions are:

- Countywide (All Marin County)
- Larkspur, Corte Madera, and adjacent unincorporated communities, including Kentfield and Greenbrae
- Novato and adjacent unincorporated communities
- Sausalito, Tiburon, Belvedere, Mill Valley, and adjacent unincorporated communities, including Marin City and Tam Valley
- San Rafael including the Canal neighborhood, and adjacent unincorporated communities
- San Anselmo, Fairfax, Ross, and adjacent unincorporated communities
- West Marin consisting entirely of unincorporated communities

On September 20, 2018, the PSC established the following local funding priorities for public services and reaffirmed requirements for all categories which are used by County Staff in evaluating applications and making funding recommendations. These funding priorities were, in part, a result of the recommendation in the 2011 AI Implementation Plan to “Make fair housing and equal opportunity criteria a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process by screening all CDBG and HOME applications for compliance with fair housing and equal opportunity criteria and including an analysis of equal opportunity impact in County staff reports recommending projects for funding.”

#### 6.4.1 Affirmatively Furthering Fair Housing

In response to the Analysis of Impediments to Fair Housing Choice that was approved by the Board of Supervisors in 2011, the County received criticism for its lack of affordable housing, especially for rental housing for families, and for the significant gaps in the availability of affordable housing for members of the protected classes. Since the 2011 AI, Federal grant funding decisions have been consistent with supporting the AI goals. This funding strategy is in alignment with the recommendation that states, “Make fair housing and equal opportunity criteria a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process by screening all CDBG and HOME applications for compliance with fair housing and equal opportunity criteria and including an analysis of equal opportunity impact in County staff reports recommending projects for funding”. In the 2020-2021 cycle and beyond, projects which are aligned with the 2020 Analysis of Impediments to Fair Housing Choice will be prioritized.

Addressing the fair housing concerns in Marin County requires a concerted effort on behalf of County Staff, the Board of Supervisors, cities and towns, and Priority Setting

Committee members. One of the first steps was to align Federal funding sources with the County's fair housing plans and educate and communicate the strategy and goals of the County's partners to create a more unified effort. This strategy for funding affordable housing developments is in alignment with the recommendation from the AI Implementation Plan that states, "Encourage and facilitate the development of more subsidized and affordable housing for families with children outside areas of minority concentration. Consider acquisition and shared housing. Screen and prioritize applications for CDBG and HOME funds for housing projects that will serve families and are located outside areas of minority concentration".

#### 6.4.2 Supporting Projects that Serve Members of the Protected Classes

In addition to identifying projects that affirmatively furthering fair housing as a funding priority, the Priority Setting Committee also highlights projects that serve members of the protected classes. Funding applications require that data be provided which specifically identify how and what members of the protected classes are being served and how a housing or service provider will market their services to those least likely to apply. This data is used in making funding recommendations and evaluating whether projects predominantly serve members of protected classes.

#### 6.4.3 Affirmative Marketing

All projects are required to affirmatively market their services and to submit an affirmative marketing plan. It is not enough for projects to represent that they do not discriminate; the project must show the assertive steps taken to reverse historical trends and discriminatory patterns are experienced by groups that have historically been disadvantaged. The affirmative marketing plan specifies what special efforts the project will make to reach out to potential applicants who might not normally seek housing or services. This requires a study of the market area, knowledge of the target population, and design methods to reach out to the target population. The goal of the plan is to identify and increase choices for open and fair access to housing and services where an individual or family is free to live, work, and recreate where they choose. Affirmative marketing does not include specific goals or quotas; however, quantitative data and analysis are essential to planning and monitoring the affirmative marketing program effectiveness over time.

To better support organizations, County Staff provides affirmative marketing planning templates as well as technical assistance to increase successful planning by projects. In addition, Fair Housing Advocates of Northern California offers training for public service providers to increase capacity around conducting affirmative marketing.

#### 6.4.4 Prioritizing Applications

The Department of Housing and Urban Development (HUD) has requested that Marin County reconsider the numerous small allocations that have been made and consider funding fewer projects. This recommendation was based on multiple conversations with the San Francisco HUD office on ways to utilize funds more efficiently and effectively so

that more funding could be directed to larger projects that address the priorities established by the Priority Setting Committee. Most recently, this included comments on the 2016 Consolidated Plan Amendments requesting that the County consider funding larger projects, identified by HUD as a minimum of \$10,000 per project.

#### 6.4.5 Funding Fewer Housing Projects

The Priority Setting Committee also recommended prioritizing housing projects that are prepared and ready to utilize funds. Funding fewer projects per year could allow more substantial funding commitments instead of funding many projects for multiple years. Funding in larger amounts may assist housing projects to meet a timelier completion schedule. However, this may not always be feasible due to the lengthy approval processes common in Marin and HUD's strict timely spending requirements.

#### 6.4.6 Priorities for Public Services

##### 6.4.6.1 Basic Health Services

The Priority Setting Committee established this priority to address the urgent medical need for individuals living in the region who are un-insured, under-insured, working poor, newly unemployed, or people with low incomes who cannot afford their deductible. Services may include medically necessary emergency health services, inpatient and outpatient hospital services, short-term outpatient evaluative and crisis intervention mental health services, medical treatment and referral services for the abuse of or addiction to alcohol and drugs; diagnostic laboratory and diagnostic and therapeutic radiologic services, home health services, and preventative health services including immunizations, well-child care from birth, periodic health evaluations for adults, voluntary family planning services, infertility service, and children's eye and ear examinations conducted to determine the need for vision and hearing correction.

##### 6.4.6.2 Senior Services

As noted in the Commission on Aging's Older Adult Housing Report in Marin Planning for 2030, "Marin County is already among the oldest counties in California in median age, and older residents will increase by another 35% by 2030." Some cities in Marin will experience a 50% increase in residents 60 and older by 2030. Public services projects that benefit seniors are targeted to address the low-income and isolated senior populations throughout the County. Programs and services include nutritional meals and grocery delivery services, case management services, free and discounted medical services, and social programs.

##### 6.4.6.3 Fair Housing and Legal Services

Providing fair housing services is consistent with HUD's requirement to serve protected classes under Federal fair housing law and to affirmatively further fair housing. Services may include counseling victims of housing discrimination, investigating potential complaints, mediating settlements where appropriate,

referring cases to Federal and state enforcement agencies, monitoring complaints, helping people with disabilities request reasonable accommodations, conducting training seminars for the housing industry, and providing community education on fair housing rights. Additional services may include assistance with unlawful rent increases and eviction defense for extremely low-, very low-, and moderate-income renters.

Federal grants funding for legal services must be accessible, affordable, and provide quality legal services that offer advocacy assistance to help individuals gain or maintain economic security, preserve safe housing, prevent domestic violence, and maintain other basic needs. Services may include direct legal representation, legal advice, self-help or community education.

#### 6.4.6.4 Early Childhood Education, Childcare and Parenting Services

According to First 5 Marin, between 2012-2016, 22.5% of 3-4-year-old children in Marin did not attend preschool. At the same time, basic family costs in Marin have increased, and childcare costs have increased by over 16%.

Programs targeting low-income families to address disparities in access to early childhood education and the high costs of childcare in the County will be prioritized. Programs and services that support early childhood education and basic childcare costs include but are not limited to supporting childcare scholarships, therapeutic services, teacher's salaries, transportation, and home visitations. Priority is given to services in locations which are likely to result in increased racial and ethnic diversity with an emphasis on high-need neighborhoods.

## **7. Fair Housing Enforcement**

### **7.1 Fair Housing Advocates of Northern California**

Fair Housing Advocates of Northern California (FHANC), formerly known as Fair Housing of Marin, is the only fair housing agency in Marin County and the only housing counseling agency in Marin County certified by the U.S. Department of Housing and Urban Development (HUD). FHANC provides free, comprehensive fair housing counseling, complaint investigation, and assistance in filing housing discrimination complaints with the U.S. Department of Housing and Urban Development (HUD) or the California Department of Fair Employment and Housing (DFEH). Services to their clients are available in both English and Spanish and are at no charge.

FHANC provides free comprehensive fair housing counseling, complaint investigation, and assistance in filing housing discrimination complaints based on race, color, national origin, religion, gender, disability, familial status, sexual orientation, marital status, source of income, or any other arbitrary characteristic such as age or occupation. These free services are available for renters, people with disabilities, seniors, members of the LGBT community, and victims of domestic violence and/or sexual harassment.

In addition to counseling and complaint investigation, FHANC offers a variety of workshops, in both English and Spanish, that educate tenants on their rights and responsibilities under fair housing law, and cover other topics such as basics of fair housing law, how to detect discriminatory practices, protections for immigrants, people with disabilities and families with children, occupancy standards, and differences between fair housing and landlord-tenant laws. FHANC also hosts a Fair Housing conference in Marin during Fair Housing Month in April of each year.

From 2018 - 2019, FHANC received 211 complaints of discrimination from Marin County residents. “The most common protected class cited by complainants was disability (69%), followed by national origin (14%) and race (9%). The table below identifies the number of complaints in Marin from 2018-2019 that were received by FHANC, the Department of Housing and Urban Development, and the Department of Fair Employment and Housing by protected class.

**Table 3:** Number of Complaints Received by FHANC and HUD/DFEH by Protected Class

Protected Class	# of complaints FHANC received 7/1/18-6/30/19	Percentage of Total FHANC Complaints	# of complaints HUD/DFEH received 7/1/18-6/30/19	Percentage of Total HUD/DFEH Complaints
Disability	146	69%	8	57%
National Origin	30	14%	4	29%
Race	18	9%	3	21%
Gender	16	8%	2	14%
Familial Status	13	6%	1	7%
<b>TOTAL</b>	<b>211</b>		<b>14</b>	

*\*Note: Some complaints allege discrimination on the basis of multiple protected classes.*

Source: FY 2018-19 Fair Housing Advocates of Northern California

“Other complaints FHANC received were religion (4), source of income (7), age (5), marital status (3), and sexual orientation (1). Of these last five protected classes, all but religion is protected under state but not Federal law.”

## 7.2 Reasonable Accommodations and Modifications

According to FHANC, “A “reasonable accommodation” is a change, exception or modification to a housing rule, policy, practice, or service that will allow a qualified tenant or applicant with a disability to participate fully in a housing program or to use and enjoy a dwelling, including public and common use spaces.” From 2018-2019, FHANC “formally requested 35 reasonable accommodations on behalf of clients with disabilities in Marin County, of which 33 were granted. In addition, County Staff gave advice to numerous clients on how to write letters requesting reasonable accommodations or helped in drafting requests.”

According to FHANC, a reasonable modification, “is a structural change made to the interior or exterior of existing premises, including public and common use areas, to allow a qualified tenant or applicant with a disability to fully use and enjoy a dwelling.” The Marin Center for Independent Living (MCIL) is a nonprofit organization in Marin that provides services “To assist persons with all types of disabilities to achieve their maximum level of sustainable independence as contributing, responsible and equal participants in society.” MCIL’s services include assistive technology, attendant referral/personal assistance services, benefits planning, breast cancer benefits planning and assistance, independent living skills, individual advocacy, home modifications, housing assistance, peer counseling and information and referral.

Since 2017, FHANC “has provided funding to MCIL for 13 modifications, and MCIL reported a total of 18 total funding requests for residential modification services, of which 13 were completed.”



### 7.3 FHANC's 2018-2019 Audit

The following findings were provided by Fair Housing Advocates of Northern California. FHANC's audit evaluated its email as well as in-person site and phone testing throughout Marin County.

#### 7.3.1 Email Testing

FHANC's investigation coordinators emailed a number of people to "test the assumption of what ethnicity or race the average person would associate with each of the names proposed." Sixty email tests, or 30 pairs of tests, were conducted in jurisdictions in Marin County with local ordinances protecting tenants with housing subsidies from discrimination, with the following results:

- Eight paired tests (27%) showed clear differential treatment favoring the White tester.
- 19 paired tests (63%) conducted in jurisdictions with local source of income ordinances showed discrimination based upon source of income.
- 3 paired tests revealed discrimination based upon both race and source of income.
- 2 paired tests (7%) revealed discriminatory statements in rental advertisements on the basis of familial status.

In 24 out of 30 tests (80%), there was at least some discrepancy or disadvantages in treatment for the African American tester and/or for testers using Housing Choice Vouchers (HCV) in cities and towns with local source of income ordinances.

#### 7.3.2 In-Person Site and Phone Testing

For the in-person site and phone tests, a pair of testers consisted of an African American tester and a White tester. "Each tester was matched to their counterpart as closely as possible in age, gender and temperament and none of the testers had a visible or obvious disability or disabilities."

The results were as follows:

- 5 paired tests (50%) showed differential treatment favoring the White tester.
- 6 paired tests (60%) conducted in jurisdictions with local Source of Income ordinances included at least some discrepancies or disadvantages in treatment for testers using Section 8 Housing Choice Vouchers, most often a refusal to rent and discriminatory statements.
- 3 paired tests (30%) revealed discrimination based upon both race and source of income.
- 1 paired test that revealed clear race and source of income discrimination also indicated clear discrimination on the basis of familial status and disability.

#### 7.3.3 Housing Provider Response

In the email testing, a number of housing providers failed to respond to the African American and/or the White tester's multiple contacts, despite the advertisement

continuing to run, and testers with names that were clearly identifiable as African American received a lower rate of return than their White counterparts.

On site and phone test responses from housing providers who were unwilling to consider HCVs or who offered inferior terms/conditions to HCV recipients, made it clear that they either were unaware of the existing ordinance or were willfully ignoring it, and sometimes comments contained racial undertones. One housing provider told the White tester with a HCV that he hasn't rented to Section 8 before but was open to it; he said that the ads used to say "No Section 8" but now that the law has changed they don't do that anymore, but as the tester is probably aware they don't have the best reputation. He noted that at another complex in the past, Section 8 renters were 'riff raff' who destroyed the place and had lots of family members crashing, some who were straight out of prison.

#### 7.3.4 Familial Status

In the email and site/phone tests conducted, approximately 8% (or 5 out of 60 pairs) indicated differential treatment on the basis of familial status. In at least five tests, housing providers initiated discussion regarding the presence of children at the property, or the advertisement for the unit included a discriminatory statement on the basis of familial status.

#### 7.3.5 FHANC 2019 Audit Conclusions

Despite having local Source of Income ordinances in the unincorporated areas of the County and in other local jurisdictions, housing providers continue to discriminate on the basis of a renter's source of income.

- Housing providers make exceptions for White Housing Choice Voucher recipients, particularly in high opportunity areas with low poverty.
- Email testing revealed significant evidence of discrimination, with 27% of tests showing clear differential treatment favoring the White tester and 63% of tests showing at least some level of discrimination based upon source of income.
- Phone/site testing also revealed significant instances of discrimination: 50% of discrimination based upon race and 60% based on source of income.

## **8. Fair Housing Enforcement Since 2011**

### **8.1 Impediments to Fair Housing Choice 2011**

The following summarizes progress since the last report on the Analysis of Impediments to Fair Housing Choice and provides an update on the recommendations made at that time.

#### **Impediment #1**

The Marin County Task Force on Housing Discrimination was established in 1998 by the Marin County Supervisors and Fair Housing of Marin. Since its inception, the Task Force has analyzed a number of different housing discrimination issues. In recent years there has been some loss of momentum; FHOM has continued to present fair housing issues to any of the players wanting to participate, but without the consistent involvement of community representatives. Given the County's mandate to affirmatively further fair housing, the Supervisors and other advocates can use the Task Force as a forum to address some of the impediments identified in this document and encourage broader involvement from the community in addressing these impediments.

#### **Update**

The Marin County Task Force on Housing Discrimination no longer exists, however the goals and some of the issues raised by the Task Force continue today. Since 2011, several community organizations have been engaged in addressing housing and barriers to fair housing in Marin. Those organizations include:

- Bolinas Community Land Trust
- Canal Alliance
- Community Land Trust of West Marin
- Fair Housing Advocates of Northern California
- Gilead House
- Habitat for Humanity
- Homeless Policy Steering Committee
- Homeward Bound of Marin
- Housing Crisis Action Group
- Legal Aid of Marin
- Lifehouse, Inc. Agency
- Marin Center for Independent Living
- Marin Commission on Aging
- Marin Environmental Housing Collaborative
- Marin Housing Solutions
- Marin Interfaith Council
- Marin Organizing Committee
- NextGen Marin
- Ritter Center
- Stinson Beach Affordable Housing Committee

In 2012, The County's Federal Grants program that oversees the Community Development Block Grants (CDBG) program and the HOME Investment Partnership Program (HOME), expanded the Priority Setting Committee (PSC) to include non-elected, community representatives of the

protected classes. The PSC assists in setting funding priorities, provides recommendations for and reviews applications from local non-profit and public agencies for Federal CDBG and HOME Investment Partnerships Program funds, and oversees the implementation of the AI.

In addition to engaging more community organizations, in 2016, the County established a Fair Housing Community Advisory Group that consisted of individual residents, community representatives, nonprofit organizations, and youth was created to identify barriers to fair housing choice, particularly for those in the protected classes and from areas of minority concentration. The Community Advisory Group was charged with:

- Providing advice and feedback to County staff on citizen engagement and communication strategies;
- Working collaboratively and participating in inclusive and diverse discussions on fair housing topics;
- Identifying fair housing issues and factors that significantly contribute to those identified issues;
- Assisting in developing action plans and solutions to overcome barriers to fair housing choice; and
- Making recommendations for an implementation plan.

In addition to the Community Advisory Group, County Staff created a Fair Housing Steering Committee that consisted of 20 people representing public housing, faith-based organizations, the Marin Housing Authority, Asian communities, cities and towns, African American communities, business, the disabled community, children, legal aid, people experiencing homelessness, Latino communities and philanthropy.

The role of the Steering Committee was to:

- Provide strategic oversight, advice and feedback on the citizen engagement strategies;
- Identify specific barriers and contributing factors to fair housing choice and disparities in access to opportunities;
- Review and analyze data, incorporate community input and feedback, and provide knowledge and input on a variety of fair housing related topics; and
- Develop action plans and solutions to overcome barriers to fair housing on topics such as:
  - Segregation/Integration and disproportionate housing needs;
  - Publicly supported housing;
  - Disability and access; and
  - Disparities in access and opportunities.
- Make recommendations to the Board of Supervisors with specific actions and an implementation plan.

## **Impediment #2**

Additional affordable rental housing is needed, but for some sites, current zoning ordinances do not offer enough regulatory flexibility to facilitate affordable multi-family housing at minimum densities necessary to support the financial feasibility of such projects. In its analysis of efforts at residential development in commercial zones, Public Advocates found that zoning regulations related to density, height, parking, and limitations of ground-floor space to commercial uses act as a significant hurdle to development of affordable housing. The County and other local jurisdictions should undertake comprehensive reviews of zoning regulations, taking into consideration research already conducted on the matter. The County and other local

jurisdictions should consider adopting design guidelines for multi-family developments that could be used to review and permit affordable housing projects either “by right” (meaning ministerial review) or through a streamlined process of discretionary design review limited to design aspects of the site and the proposed improvements. Local jurisdictions should consider the creation of affordable housing overlay zones. Local jurisdictions can establish a list of sites where affordable developments may benefit from increased residential density standards, fee waivers, and relaxation of other development standards such as parking requirements. Further, all jurisdictions should ensure that within the overlay zone, the general zoning code permits either “by right” development of multifamily dwellings or allows such development through a streamlined discretionary review process that is limited to site and building design considerations based upon multi-family design guidelines. Marin can look to the Town of Corte Madera’s Affordable Housing Overlay (AHO) zone and San Rafael’s Transit Overlay District as successful exemplars. None of the jurisdictions with high-density multifamily “by right” zoning districts currently has a minimum density requirement; the effect is that sites zoned to permit higher-density residential use may instead be used to develop low-density housing. Local jurisdictions should consider imposing zoning restrictions that include a density floor to prevent lower-density development of a site.

#### Update

- The Marin County Board of Supervisors adopted Multifamily Design Guidelines on December 12, 2013, intended to simplify and streamline the development of multifamily housing. Funding was received for multifamily design guidelines through ABAG’s Focusing Our Vision Program grant.
- In 2013, changes were made in the County’s Development Code, and sites were rezoned at 30 units per acre, in compliance with the existing Housing Element legislation. Then in 2014, sites were rezoned to 20 units per acre, consistent with State legislation, AB 1537.
- Sites sufficient to accommodate and exceed the County’s Regional Housing Need Allocations (RHNA) densities were included in the Housing Element in 2013.
- In 2013 the Marin County Planning Commission considered eliminating single-family residences as a permitted use in multi-family zoning districts within the unincorporated part of the County. The impetus for this zoning change was the past trend of allowing multi-family zoned areas to be developed with low-density, single family subdivisions, thereby reducing zoning capacity for housing. The Planning Commission decided against this zoning change.

#### **Impediment #3**

Countywide, most jurisdictions have inclusionary zoning, which requires a percentage of new development to be set aside as below-market-rate housing. A number of jurisdictions still do not have inclusionary policies, while others have policies that are in need of updating to ensure they are promoting fair housing. The jurisdictions that do not have inclusionary zoning policies should evaluate the potential effects of adopting inclusionary zoning ordinances as a strategy for developing more affordable housing. Current inclusionary zoning regulations should be studied and changed if necessary, to remove policies which may act as a barrier to increasing housing options for low income and minority households. For example, in the County, inclusionary units

may be allowed to be developed off-site if they do not fit with the “overall project character.” This exception may be exercised as a pretext for discrimination against very-low and low- income residents, predominantly people of color, families, and people with disabilities. Local jurisdictions should define “overall project character” and develop clear criteria for determining when inclusionary units would not fit with overall project character and therefore may be built off-site, so that the regulation is applied consistently and not in a manner as to disparately impact minorities, families, and people with disabilities. Finally, in-lieu fees should be assessed in direct proportion to the cost to construct a unit.

#### Update

In 2012, the County updated its Inclusionary Policy, including Section 22.22.060 that was amended to state “Any proposed alternative means of compliance must include an analysis of fair housing implications to ensure that any proposed off-site location will promote diversity.”

#### **Impediment #4**

Inclusionary zoning requirements are only effective at creating affordable housing during times when substantial market-rate development takes place; inclusionary zoning requirements are, however, ineffective during a real estate downturn. Other options for providing affordable housing and funding for local housing trusts should be explored, including considering adopting affordable housing impact fees, similar to the County’s fee. More generally, local schedules of in-lieu fees and impact fees should be periodically reviewed to determine whether they should be adjusted.

#### Update

The County established a Community Advisory Group and a Steering Committee in 2016 to identify barriers to fair housing choice and to develop recommendations to address those barriers. In 2019, one of the barriers identified was the cost of developing affordable housing in Marin. Recommendations from both the Community Advisory Group and Steering Committee included:

- Work with cities and towns to pool in-lieu fees to increase funds available for affordable housing, and increase the amount of in-lieu fees to reflect the actual cost of affordable housing development; and
- Work with cities and towns to adopt inclusionary housing policies to bolster funds available to support affordable housing.

#### **Impediment #5**

Second units can supply only a limited portion of needed affordable housing, as the units are often small. Some second units are not broadly marketed, and those that are on the rental market are often inadequate housing for people with disabilities and the elderly, as many units do not meet accessibility standards or cannot pass Section 8 housing choice voucher inspection requirements. While second units are a viable option in some neighborhoods, they should not be relied upon as the sole source of affordable housing in Marin. The County and other local jurisdictions must diversify development of affordable housing beyond second units.

#### Update

The County does not rely solely on Accessory Dwelling Units (ADU’s or Second Units) to meet its affordable housing needs, under the State Regional Housing Need Allocation (RHNA).

- ADU's are counted toward no more than 25% of each income category.
- The County seeks to promote the development of a variety of housing types to serve a range of income and family configurations, including multifamily housing, as well as ADUs and JADUs (Junior Accessory Dwelling Units).
- Recently enacted State laws relax local restrictions for ADUs, such as floor area, building height and on-site parking standards (California Assembly Bill 68 and Senate Bill 13).

### **Impediment #6**

Redevelopment funds are often committed to project areas that are already highly segregated, which might perpetuate the concentration of minorities in certain communities. However, redevelopment funds have also been used for projects which increase neighborhood diversity. Further, affordable housing is disproportionately senior housing. Senior housing comports with the idea of a “deserving poor,” whereas housing for minorities and families does not. Finally, affordable housing development tends to be studios and one-bedroom units – generally inappropriate for families with children. The County and its jurisdictions should encourage and facilitate the development of more subsidized and affordable housing for families with children, particularly in areas with low concentrations of minorities. Substantial investment in acquisition and rehabilitation may also be a successful strategy for developing more affordable housing for families outside impacted areas; the County and other local jurisdictions should also consider working with community advocates and developers to develop non-traditional housing arrangements such as shared housing. However, the market for shared housing may be limited to tenants who prefer more involvement with their neighbors than occurs in traditional housing.

### **Update**

Redevelopment Agencies were dissolved in 2012, so those funds are no longer available. Under the County's VCA with HUD, the County has prioritized funding housing for families outside impacted census tracts.

- CDBG and HOME funds are not used for housing in impacted census tracts, and housing for families is prioritized.
- The County issued a notice of funding availability (NOFA) in 2018 for affordable housing for families outside impacted census tracts.
- The County has continued to fund acquisition and preservation of housing opportunities for families, including the Forest Knolls Mobile Home Park in 2015, the Ocean Terrace Apartments in Stinson Beach and Piper Court Apartments in Fairfax in 2016 and the Coast Guard Housing Facility in Point Reyes Station. None of these housing developments are in areas of minority concentration.

### **Impediment #7**

Almost all properties identified as appropriate for people with disabilities are at capacity, and many properties have closed their waiting lists completely. Additionally, many properties for people with disabilities are not wheelchair accessible. Further, the properties for people with disabilities are concentrated in certain localities; only two properties exist in West Marin. The Housing Authority should review information it provides regarding accessibility to ensure accuracy. Funders and the County should devote resources to developing more housing for

persons with disabilities in diverse geographic locations, especially underserved communities such as West Marin.

#### Update

In 2015-2016, County staff proposed the following for CDBG funding:

- Marin Center for Independent Living
- Buckelew – Novato House;
- Lifehouse: Sunrise I, Sunrise II, and Fairfax/Comita House.

For HOME funding:

- DelGando Apartments (Lifehouse and Marin Housing for Handicapped).

The above organizations support identifying housing for people with disabilities.

#### **Impediment # 8**

Local public transportation service is concentrated in low-income communities where current demand and current ridership are greatest, but this can perpetuate the segregation of minorities in those neighborhoods. A way forward would be the pursuit of transit-rich development in non-impacted neighborhoods (for example, the “Green Hubs” concept), but that would require local governments to allow development at densities high enough to create sufficient demand for public transportation. The Transportation Authority of Marin should approve and implement the Marin City transportation plan it commissioned in 2007. The Transportation Authority of Marin should work with local public transit providers to increase transportation options in higher-income, less impacted communities as well as to broaden opportunity for all residents.

#### Update

- In 2015 after community outreach and engagement and with the Marin City Community Services District Board, the County of Marin and TAM accepted an update to the Marin City Community Based Transportation Plan.
- In 2017, the Sonoma-Marín Area Rail Transit (SMART) was launched to expand transit from and between Marin and Sonoma County. It features 10 stations from Sonoma County Airport to downtown San Rafael, with a connection to the Larkspur Ferry service to San Francisco scheduled for December 2019. SMART is accessible to passengers with disabilities and has accessible restrooms and seating.

#### **Impediment #9**

The County does not regularly update data collected on the race or ethnicity of residents of affordable housing projects, and therefore cannot measure whether these developments have the long-term effect of further concentrating racial minorities in certain localities. Marin County should institute a system for tracking the racial and ethnic demographics of residents of all housing developed with County funds and Federal funds that pass through the County. The County should consider conducting regular surveys of those privately developed affordable housing properties which are subject to local government restrictions on household income, to determine racial and ethnic demographics of residents.

#### Update

Sponsors of CDBG, HOME and Housing Trust projects are required to submit Affirmative Marketing Plans.

- Project sponsors are asked to document and evaluate the results of their affirmative marketing efforts.



- The application form includes questions about the sponsors' plans for affirmative marketing and consideration of race, ethnicity, disability and other demographic factors in their affirmative marketing analysis.

Community Members of the Countywide Priority Setting Committee made recommendations to the CDA County Staff to:

- Improve outreach, streamline and make the grant making process more transparent;
- Engage with groups that have fair housing as part of their main initiatives;
- Provide capacity building and education workshops that address application and funding barriers; and
- Recommend outcome reports for all grant recipients.
- The County sponsored the first Fair Housing of Marin Conference in 2015 and has continued to sponsor Fair Housing Conferences in 2016, 2017, 2018 and 2019.
- Fair Housing of Marin collaborated with the CDA County Staff and community members to provide affirmatively marketing training in 2015, in the 2016-2017 Federal Grant Workshops and in 2019.

### **Impediment #10**

All tenants in Marin Housing Authority properties must sign a lease before they can live in public housing; the dwelling lease sets forth rules and requirements for tenancy. MHA should ensure that its public housing lease and rental notices are translated into Spanish and Vietnamese and should make them available on a consistent basis when needed. MHA should have a procedure to access interpreters if oral discussion is necessary.

### **Update**

The Marin Housing Authority's website contains information on:

- Public Housing, including reasonable accommodations, grievance procedures, transfer policies, Section 3, maintenance service charges, fraud and abuse, resident newsletters, forms and other resources;
- Housing Choice Vouchers, including for landlords, participants, fraud and abuse and voucher payment standards;
- Waitlist information and updates;
- Resident Services, including the Supportive Housing Program and Resident Advisory Board;
- Homeownership including Below Market Rate Homeownership Program, Residential Rehab Loan Program, Mortgage Credit Certification Program and the Section 8 Homeownership Program.
- Announcements and news articles, Agency reports and calendar of events.
- All information on the website is available in 103 languages.

### **Impediment # 11**

When the Section 8 Housing Choice Voucher or Public Housing wait lists are open, MHA should affirmatively market the availability of units to all families within the jurisdiction by placing a public service announcement in English, Spanish, and Vietnamese in local circulation language-specific newspapers, radio, and/or television.

### Update

The Public Housing Wait list has been closed since 2014 and the Section 8 Choice Voucher wait list has been closed since 2008. Information on the Section 8 Housing Choice Voucher program, as well as all program eligibility, reasonable accommodations, informal reviews and hearings, portability, fair housing, the move-in process and forms are all available at the MHA website in 103 different languages.

### **Impediment #12**

Section 8 voucher holders are disproportionately represented in localities with higher than-average proportions of minorities, which may perpetuate patterns of residential segregation. However, these are also the localities where there are higher-than-average concentrations of rental housing and greater availability of public transit service. As many Section 8 voucher holders are people of color, people with disabilities, and families with children, this perpetuates patterns of segregation. Some landlords are reticent to participate in the program, in part due to negative stereotypes about race, ethnicity, and recipients of public assistance, which exacerbates the concentration of protected classes in certain neighborhoods and communities. The County and other local jurisdictions should collaborate with the Housing Authority and community housing advocates to strategize ways to encourage landlord participation and expand housing choice.

### Update

In 2015, with the support and funding from the Marin County Board of Supervisors, the Marin Housing Authority initiated the Landlord Partnership Program. According to MHA, this program, “aims to expand rental opportunities for families holding housing choice vouchers by making landlord participation in the program more attractive and feasible, and by making the entire program more streamlined.”

Benefits to participating in the Landlord Partnership Program include:

- Security Deposits - Up to \$2,500 per family to be paid to the owner. Deposits will be returned to MHA once family moves out (if no damages)
- Loss Mitigation - Up to \$3,500 per family to be paid to the owner once family vacates and it is determined the family caused damages beyond normal wear and tear. Owner has 21 days to submit claim form to MHA along with photos and estimates.
- Vacancy Loss - Provides up to one’s month of rent to a landlord/property owner while repairing excessive damage to the unit with the commitment to rent to another rental assistance participant. Maximum per unit is \$3,000.
- Building and Planning Permit Fees - Owners with properties in the County Unincorporated areas that participate in rental assistance programs with 50% of their units would be allowed to have building permit fees waived on a prorated basis for work done at the rental site for repairs or improvements.
- Landlord Liaison Project - Access to a dedicated landlord liaison 24-hour hotline to address immediate issues; rapid response to landlord concerns through collaborative partnerships with County Departments and other community based nonprofit providers; Landlord Advisory Committee; landlord workshops and trainings; online landlord portal.
- Exemption from the County’s Just Cause for Eviction Ordinance and the Rental Housing Dispute Resolution Ordinance.

It is estimated that from June 2015 to June 2018, the number of available rental units for Section 8 vouchers has increased by more than 22%.

### **Impediment # 13**

Disproportionately high numbers of Black residents receive Section 8 housing voucher subsidies or reside in Marin City Public Housing. In fact, the majority of Marin City public housing tenants are Black. Although public housing applicants with families express the desire to live outside Marin City, there is no other family public housing in the county. Public housing effectively perpetuates segregation based on race and familial status, although there has been some increase in racial diversity in the family public housing in the last 15 years, and the most recent redevelopment project has made Marin City a more diverse community. The County and other local jurisdictions should devote resources to developing more subsidized housing outside impacted areas. Given current funding patterns, new subsidized housing is unlikely to be public housing, and instead will most likely be owned or sponsored by non-profit organizations.

#### Update

As part of the County's Voluntary Compliance Agreement with the Department of Housing and Urban Development, "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 the 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 acquisition 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 the funding from the Marin Community Foundation and the Tamalpais Pacific Foundation.
- 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 for the development of affordable rental housing outside areas of minority concentration that is available to families with children
- 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 County 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.

#### **Impediment # 14**

The MHA's "One-Strike" Policy, if implemented as written, could disproportionately affect Black residents, women who are victims of domestic violence, and people with mental disabilities, jeopardizing their tenancies and destabilizing housing opportunities. The Marin Housing Authority should consider modifying its written policy to make it clear that only residents who present a direct threat to the health or safety of others will be evicted from public housing or terminated from public housing assistance, and that there will be an opportunity for case-by-case review of specific circumstances. The MHA should include specific language in its lease alerting victims of domestic violence to their rights under the Violence Against Women Act (VAWA). The administration of the One-Strike Policy should be monitored to ensure that it does not disparately impact any protected classes.

#### **Update**

MHA reported that they have modified their policies to look at illegal activity on a case by case basis. They reported that both their Administrative Plan and Admissions and Continued Occupancy Requirement Policy have been updated to address the need to review case by case, and their lease was amended in 2014 to allow for more discretion regarding illegal activity and terminations. In addition, MHA provides VAWA documentation/information as part of its annual recertification.

#### **Impediment #15**

BMR homeowners may fall prey to predatory lending and may ultimately lose their homes for failure to abide by their deed provisions restricting additional encumbrances. BMR owners need advocacy and education. Local jurisdictions with BMR programs should be sensitive to this issue and assure that BMR homeowners receive adequate pre-purchase and post-purchase counseling and education.

#### **Update**

- The Affordable Housing and Homebuyer Readiness Program is a financial coaching series offered through the Marin Housing Authority. It is designed to help individuals and families overcome obstacles, learn to set goals, and devise a plan to reach them. The Affordable Housing and Homebuyer Readiness Program is open to the public.
- Marin City Community Development Corporation, located in Marin City, offers the Affordable Housing and Homebuyer Readiness Program to help prepare potential homebuyers to buy or rent an affordable home by strengthening their personal finances, credit score, debt and money management. Participants:
  - Learn how to purchase a Below Market Rate properties in Marin City and Marin County;
  - Learn how to Improve credit scores;
  - Develop strategies to avoid and reduce debt;
  - Get help preparing the Affordable Home Purchase Application; and
  - Determine Section 8 Homebuyers Eligibility.

- Fair Housing Advocates of Northern California (FHANC), in collaboration with Marin Housing Authority offers a Homebuying Certification Workshop. Topics covered in the workshop include:
  - Financial and credit management
  - Housing affordability and expenses
  - Home loans and predatory lending
  - The home buying process
  - BMR (Below Market Rate) programs and down payment assistance
 The FHANC workshop is a HUD Certification Workshop and it fulfills the certification requirement needed to apply for Below Market Rate (BMR) units with Marin Housing Authority and other programs. Applicants for Marin Housing Authority units need to be first time home buyers and need to not have owned a home in the prior 3 years.
- Marin Family Action are advocates for affordable housing in all eleven cities in Marin County, who “Provide services to low-income families and individuals so they may better themselves financially in today’s world as well as for their survival in case of emergencies. They provide monthly workshops for financial literacy.”

### **Impediment #16**

Few resources exist to assist precariously housed persons with finding stable, permanent housing. Funders and local jurisdictions should consider providing funding for improved housing information and referral services, which might include reviving the Housing Assistline.

### **Update**

Currently in Marin, there are several organizations that provide housing and financial support and referral services. They include:

- Ambassadors of Hope and Opportunity
- Bolinas Community Land Trust
- Community Action Marin
- Fair Housing Advocates of Northern California (FHANC)
- Gilead House
- Homeward Bound of Marin
- Marin Center for Independent Living
- Marin Family Action
- Marin Housing Authority
- Sparkpoint
- St. Vincent de Paul

### **Impediment #17**

Outreach to English as a Second-Language communities is insufficient. Large numbers of Spanish-speaking and Vietnamese-speaking households could benefit from Housing Authority programs, yet information about those programs is not always easily accessible in a language other than English. For example, the MHA should include Spanish and Vietnamese translations on [www.marinhousing.org](http://www.marinhousing.org), list contact information for County staff fluent in Spanish and Vietnamese in prominent locations, and ensure compliance with Federal regulations by publishing all relevant or vital documents relating to tenancy in Spanish, Vietnamese, and any other language as needed. Other housing and service providers should review whether their services are accessible in multiple languages as needed.

### Update

Information on public housing, the Section 8 Voucher program including eligibility, reasonable accommodations, informal reviews and hearings, portability, fair housing, the move-in process and forms, are all available at the MHA website in 103 different languages.

### **Impediment #18**

Developers cannot always take advantage of the available Low-Income Housing Tax Credit because of poor proximity of developments to public transportation. Further, commercial development is more appealing to many municipalities than residential development because of the increased sales tax revenue. Local jurisdictions should continue their inclusionary zoning policies to ensure that commercial developments include affordable housing units. The Transportation Authority of Marin should also secure more resources for developing transportation hubs outside racially-impacted areas so that properties located near those hubs which are suited for higher-density housing can qualify for the Low-Income Housing Tax Credit. Other public transportation improvements which would qualify infill housing opportunity sites for tax credits would facilitate the financing of needed affordable housing.

### Update

In 2015, the County accepted the Marin City Community-Based Transportation Plan, which identified 19 transportation solutions identifying strategies, lead agencies, estimated costs, potential funding sources, and timeframes for the top 8 strategies.

### **Impediment #19**

Some of the stated purposes of local jurisdictions' development codes may be interpreted as potentially conflicting with affirmatively furthering fair housing. For example, the County's Development Code includes language to "protect the character and social and economic stability" and maintain "community identity and quality development." The County should consider amending its Development Code to limit the language that could be used as a pretext for discrimination against minorities, people with disabilities, and families with children, and add clarifying language noting that the code is intended to expand housing opportunities for all people, regardless of their membership in a protected class, as well as to implement other public policy objectives. Other local jurisdictions should undertake similar amendments where needed.

### Update

The Development Code was amended to clarify and narrow the use of "community character" by defining that a new development be harmonious and in character with existing and future developments with phrases such as, "The project design includes cost-effective features that foster energy and natural resource conservation while maintaining compatibility with the prevailing architectural character of the area."

Clarifying the phrase, "preserve the character and integrity of neighborhoods," has resulted in phrases such as "Landscaping should be utilized to enhance and preserve the characteristics which give a neighborhood its identity and integrity by providing a prescribed selection of trees and plant materials which are compatible with those existing in the neighborhood."

### **Impediment #20**

The aging housing stock limits accessibility of units to people with disabilities, despite new construction's compliance with contemporary building codes. The County and other local jurisdictions should consider providing incentives for property owners to make residential properties constructed before 1991 accessible, thus increasing the available housing stock for people with disabilities and the elderly. Incentives could take the form of financial rebates or credits, or education and outreach.

#### **Update**

- The County uses HOME and CDBG funds for the rehabilitation and repair of existing housing and requires compliance with all applicable ADA standards.
- The Rehabilitation Loan program is used to renovate single family homes owned by low income homeowners, frequently this includes ADA improvements to allow elder adults to stay in their homes.
- The County awards CDBG funds to Marin Center for Independent Living to provide ADA improvements in rental housing.

### **Impediment #21**

Given higher denial rates for Blacks and Latinos, it is important that consumer protection groups within Marin County work with County officials and Fair Housing of Marin County staff to target marketing of responsible loan products and counseling targeted to communities and borrowers experiencing unequal access to loans, tapping into the expertise of organizations such as the California Reinvestment Coalition whenever possible.

#### **Update**

Currently in Marin, there are several organizations that provide housing and financial housing support and referral services. They include:

- Ambassadors of Hope and Opportunity
- Bolinas Community Land Trust
- Community Action Marin, Sparkpoint
- Fair Housing Advocates of Northern California (FHANC)
- Gilead House
- Homeless Policy Steering Committee
- Homeward Bound of Marin
- Marin Center for Independent Living
- Marin Family Action
- Marin Housing Authority

### **Impediment #22**

Further fair lending investigations/testing into the disparities identified through the HMDA data analysis is crucial to understanding and addressing the inequities in lending across races and ethnicities. More generally, HMDA data for Marin County should be monitored on an ongoing basis to analyze overall lending patterns in the county. In addition (and what has not been studied for this AI), lending patterns of individual lenders should be analyzed, to gauge how effective the CRA programs of individual lenders are in reaching all communities to ensure that people of all races and ethnicities have equal access to loans.

### Update

Information related to HMDA data and the data analysis for Marin is included in Section 5.5 in this reporting of the Analysis of Impediments.

### **Impediment # 23**

There is currently one certified HUD Housing Counseling agency in Marin County, Fair Housing of Marin, which employs a bilingual part-time foreclosure counselor. FHOM holds workshops and investigates possible predatory lending to ascertain if there are fair housing violations. Other agencies provide foreclosure assistance: Marin Family Action provides foreclosure advocacy, Legal Aid provides legal advice, and the District Attorney's office investigates criminal activity. The County should take a leadership role in encouraging collaboration among these agencies, particularly those focusing on protected classes targeted by predatory lenders. This includes outreach through the agencies serving the Latino and Black communities. Existing financial literacy education programs should incorporate predatory lending education, and the organizations offering those programs should become versed in recognizing predatory lending practices.

### Update

The following agencies in Marin provide financial literacy education programs that include predatory lending services, for specific populations in the County:

- Ambassadors of Hope and Opportunity serves homeless teens and young adults ages 18 – 25.
- Marin City Community Development Corporation, located in Marin City, offers the Affordable Housing and Homebuyer Readiness Program to help prepare potential homebuyers to buy or rent an affordable home by strengthening their personal finances, credit score, debt and money management.
- Community Action Marin “helps individuals and families with low incomes increase their self-sufficiency and quality of life.” Through their Sparkpoint program they offer financial empowerment workshops to help people transform their overall finances through one-on-one coaching with a minimum commitment of six months.
- Habitat for Humanity provides financial education and is required as part of the homeownership process.
- Marin Center for Independent Living that provides support to persons with various types of disabilities and offers assistance to individuals accessing and managing public benefits.
- Marin Family Action offers monthly workshops for financial literacy.

### **Impediment #24**

Currently, there are not enough legitimate and affordable resources for all victims of predatory loans to have their needs addressed, starting with negotiating and analyzing the confusing stacks of loan documents. Enforcement – prosecuting offenders after investigating them – is therefore difficult, particularly as many agencies and attorneys, purporting to be consumer advocates, further victimize borrowers desperate to save their homes by charging exorbitant rates to accomplish little. The return for the enormous investment of time makes it economically prohibitive for many attorneys to represent clients in these cases. It becomes extremely important, therefore, for consumer advocates to join with local and state enforcement agencies to coordinate an effective strategy to address predatory lenders.



### Update

The County's Community Advisory Group and Steering Committee charged with identifying barriers to fair housing and fair housing choice, reviewed, analyzed and assessed the alternative financial resources, including check cashing outlets, payday loan institutions, money transmitters, auto loans and insurance companies, pawnshops and rent-to-own stores in Marin.

The recommendation to address predatory financial was to decrease the reliance on alternative financial services by increasing options for residents who otherwise have no other financial options; utilize County libraries as places for financial education, for connecting people to financial resources and providing payment options for utility bills.

### **Impediment # 25**

The County should join consumer advocates in supporting any legislation that would help clarify the outreach, notice, and process that homeowners seeking loan modifications are due, as well as provide recourse to homeowners whose homes are foreclosed on improperly. In addition, the County and advocates should support legislation to prevent lending practices which can lead to abuse: prepayment penalties which trap borrowers in unaffordable loans; unsuitable loans that borrowers cannot afford to repay; extra payments that lenders make to brokers for giving borrowers higher interest rate loans; and loans that do not require proof of actual income.

### Update

According to Marin County's District Attorney's Consumer Protection Unit, "The Unit's enforcement section prosecutes civil and criminal violations of California's consumer and environmental protection laws, including, but not limited to, the Unfair Competition Law, the False Advertising Law, the Consumer Legal Remedies Act, the Contractors License Law, and Proposition 64. The enforcement section works with a multitude of state and local agencies to achieve effective enforcement of California law. Some of these agencies include: the California Department of Consumer Affairs; Contractors State License Board; California Department of Food and Agriculture, Division of Measurement Standards; County Weights and Measures departments; Certified Unified Program agencies; and the California Attorney General's Office."

### **Impediment #26**

The County, in cooperation with funders and consumer groups, should support local studies of foreclosure data in Marin County, to analyze foreclosures according to race and ethnicity, as well as neighborhoods. Such an analysis should also include the number of loan modifications across race and ethnic lines so as to better understand the fair lending implications of foreclosure trends in Marin.

### Update

Information related to Home Mortgage Disclosure Act (HMDA) data, which includes the number of Marin loans that were originated, withdrawn, approved and denied by race, is included in Section 5.5 of this Analysis of Impediments.

### **Impediment #27**

The County and local funders should support the expansion of financial literacy and counseling programs. Nonprofit home loan counselors are on the front line for staving off foreclosures,

working with borrowers and negotiating with lenders to modify unaffordable loans. These agencies need consistent financial resources to educate the public about financial matters. Most importantly, services should be available in languages other than English, particularly Spanish. The County should work with community groups to target neighborhoods of color in education efforts.

#### Update

The following agencies in Marin provide financial literacy education programs that include predatory lending services, for specific populations in the County:

- Ambassadors of Hope and Opportunity serves homeless teens and young adults ages 18 – 25.
- Marin City Community Development Corporation, located in Marin City, offers the Affordable Housing and Homebuyer Readiness Program to help prepare potential homebuyers to buy or rent an affordable home by strengthening their personal finances, credit score, debt and money management.
- Community Action Marin “helps individuals and families with low incomes increase their self-sufficiency and quality of life.” Through their Sparkpoint program they offer financial empowerment workshops to help people transform their overall finances through one-on-one coaching with a minimum commitment of six months.
- Habitat for Humanity provides financial education and is required as part of the homeownership process.
- Marin Center for Independent Living that provides support to persons with various types of disabilities and offers assistance to individuals accessing and managing public benefits.
- Marin Family Action offers monthly workshops for financial literacy.

#### **Impediment # 28**

The County of Marin and other local jurisdictions should track the development of affordable housing towards meeting RHNA needs. Further, the County should require municipalities to report on actions they have taken to affirmatively further fair housing (AFFH). To ensure compliance, the County should be prepared to implement enforcement measures such as withholding funding from municipalities that it deems to be failing to affirmatively further fair housing.

#### Update

The County and all Marin cities and towns report annually, on or before April 1, on progress on their Housing Elements, including status on meeting their RHNA at all income levels. The County has worked closely with cities and towns on adopting policies which affirmatively further fair housing, including encouraging and facilitating additional housing production and passing tenant protection policies, and continues to do so.

#### **Impediment #29**

The County of Marin should rank recommendations contained within the 2010 Analysis of Impediments and amend its Consolidated Plan 2010-2014 to incorporate those prioritized recommendations as part of its action plan.

### Update

The Marin County Board of Supervisors approved the Analysis of Impediments to Fair Housing Choice on October 11, 2011. Public hearings were held on the Analysis of Impediments on March 29, May 11, May 23, May 24, May 31, July 25, July 27, August 24, September 12, and October 11, 2011. From the comments and recommendations resulting from the public hearing process, an implementation plan consisting of 37 specific recommendations was created. The newly expanded Priority Setting Committee (PSC) was designated as having oversight of the Implementation Plan. Updates to the Implementation Plan, as well as ongoing updates to the Fair Housing laws and requirements is part of the PSC's ongoing work with the County.

### **Impediment #30**

Marin County should undertake to update its AI within two years of the release of the 2010 Census data.

### Update

In 2010, Marin County entered into a Voluntary Compliance Agreement with the Department of Housing and Urban Development. The VCA was in effect for a 5-year period, expiring on December 22, 2015. In 2010, the Board of Supervisors also approved the Analysis of Impediments to Fair Housing Choice. An Implementation Plan was created, and the County's Priority Setting Committee was charged with overseeing the Implementation Plan. On the expiration date of the VCA in 2015, HUD requested that the County agree to extend the VCA for three additional years. Since that time, CDA County staff worked with HUD's San Francisco office to negotiate terms for a new VCA, and on May 7, 2019 the Board of Supervisors approved the 2019 Voluntary Compliance Agreement between the U.S. Department of Housing and Urban Development and the County of Marin. As part of the 2019 Agreement, the County agreed to submit a new Analysis of Impediments to Fair Housing Choice to HUD on or before January 30, 2020.

### **Impediment #31**

The County should utilize the public hearing and AI adoption process to raise community awareness of the barriers to fair housing choice by publicizing the hearing and inviting all segments of the community to participate.

### Update

Since the last Analysis of Impediments to Fair Housing Choice that was submitted in October 2011, the County has increased its community engagement process significantly. Public hearings are held regularly, they are often held in the evening when those who are directly affected by housing policies can better attend, and translation services are provided. The result of these efforts has been a more diverse population who attend the hearings, and communities are more aware and informed of the County's housing policies and programs.

### **Impediment #32**

The County should include the community as part of the solution to fair housing rights education and monitoring and should incorporate community recommendations in the final version of the AI.

### Update

See Community Engagement section in the reporting of this Analysis of Impediments to Fair Housing Choice in Section 3 of this report.

### **Impediment #33**

The County should explore the expansion of the Marin County Task Force on Housing Discrimination to include fair housing advocates, governmental representatives, community and business leaders, Realtors, lenders, and academics to explore and lend urgency to fair housing issues and their potential effect on Marin County's economic and social future.

### Update

The County's Community Advisory Group and Steering Committees who are working on identifying barriers to fair housing choice identified the need for building County-wide collaborations to develop strategies to address challenges to affordable housing. Acknowledging the need to expand and preserve affordable housing in the County and develop model ordinances for cities and towns, several committees, working groups and housing related organizations have been created including the Marin Housing Authority, Marin Community Foundation, Office of Education, Marin Economic Forum, Opening Doors Marin, Marin Council of Mayors and Cities, and the Housing Working Group.

### **Impediment #34**

The County should ensure that one County department consistently monitors and tracks progress in meeting the AI recommendations.

### Update

The County's Community Development Agency oversees the Federal Grants Programs, which includes the Community Development Block Grant and Home Investment Partnership Programs, and Fair Housing policies. The Priority Setting Committee (PSC) is a public forum for mutual discussion of progress being made by the County, Cities, and Town. The PSC is responsible for the review and evaluation of community efforts to affirmatively further fair housing, for the review of grant recipients and for the approval of the recommendations to the County for funding. The Federal Grants Program is required to provide the Priority Setting Committee with reports from County staff about progress on the items listed in the 2011 AI Implementation Plan.

### **Impediment #35**

As the 2010 AI is considerably more comprehensive than the 1994 AI, the AI should be updated every two to five years, with updates to be funded such that they do not detract from resources for fair housing counseling and enforcement.

### Update

In accordance with the County's 2019 Voluntary Compliance with the Department of Housing and Urban Development, the County is required to submit to HUD on or before January 30, 2020, a copy of the new AI as adopted by the Board of Supervisors.

## **9. Summary of Key Findings, Conclusions and Recommendations**

### **9.1 Impediments to Fair Housing Choice**

The last Analysis of Impediments to Fair Housing Choice (AI) submitted by the County of Marin was in October 2011. Many of the recommendations in the 2011 AI have been addressed, and Section 8 of this report provides an update on the recommendations that were submitted.

This 2020 Analysis of Impediments to Fair Housing Choice provides information on the current population and housing needs of Marin County, with an emphasis and focus on the needs of racial and ethnic minorities, families with children, persons with disabilities, and other members of the protected classes.

The general conclusion is that whether its national, regional or local, where you live matters - particularly for people of color, those with disabilities, families and other members of the protected classes. A person's zip code can predict their life expectancy, their ability to attend good schools, opportunities for employment, transportation options and quality housing.

That said, many new challenges have developed in Marin since the last AI was submitted.

### **9.2 Economic Developments**

There have been many changes since the County of Marin's last submission of the Analysis of Impediments to Fair Housing Choice in 2011, especially in the Bay area's economy. According to the U.S. National Bureau of Economic Research, the last recession in the U.S. began in December 2007 and ended in June 2009. From 2008 – 2011, the Bay area saw a decline of between 20 – 60% in home values. Those hardest hit by the recession were those in the least affluent areas, while those least affected were those living in more affluent areas.

Since 2009, the Bay area was able to recover more quickly from the recession than other areas in the country due to low unemployment and high job growth. Yet, despite the economic indicators and continued economic growth in the Bay area, housing continues to be the leading factor in determining an individual or family's ability to be self-sustainable.

### **9.3 Marin's Changing Landscape**

There are have been several changes and developments within the County's organization since the last AI reported in 2011, including:

- Three new Board of Supervisors were elected in the County and one new Supervisor was appointed;
- A new Executive Director was hired for the Marin Housing Authority;
- A new Federal Grants and Affordable Housing Manager was hired; and
- A Social Equity Program and Policy Coordinator was hired to work on fair housing issues in the County.

In addition to internal changes within the County, there have been several developments since 2011 that have changed the context of this AI's reporting and analysis:

- There has been a significant increase in housing costs and shortage of affordable housing options in the County;
- The similarity in rent and housing costs for lower and middle-income workers has increased the housing burden for low-income workers;

- Housing costs, as a percentage, take up a greater portion of the monthly income for low-income families;
- High-income earners who own their homes have become much more advantaged economically;
- There has been a 48% increase in the cost of living in the County in the last four years; and
- The Marin County 2018 Resident Survey revealed that 77% of respondents identified the need for affordable housing as an essential or very important priority for the Board of Supervisors.

Demographic changes since 2011 include:

- An increase in the overall population in the County with the largest percentage increase in Latinx and mixed-race residents;
- A significant decrease in the African American population in the County and in the Bay area in general;
- An increase in the County's older population;
- A decrease in the number of individuals and families experiencing homelessness;
- Latinx and Asian poverty levels increased;
- Disparities in life expectancy rates for Latinx and African American residents as compared to White and Asian residents.

#### 9.4 Housing Costs

There was a time when housing served as a basic form of shelter and as an investment for individuals and communities. Over time, this basic necessity has been transformed into not only a form of shelter, but a financial instrument and source of wealth. With the increase in housing costs and the disparity in who is able to afford the purchase of a house in Marin, housing inequality has become a major contributor to wealth inequality in the County.

- From 2009 through August 2017, Marin's housing prices were up 93.49%;
- The median sales price for a single-family home in Marin County in 2017 was \$1,046,450; in 2017 that would have required an annual household income of over \$220,000 and an average down payment of over \$200,000;
- The median price to rent a house in Marin in 2017 was \$4,594 per month, which would have required an annual household income of over \$130,000;
- According to the California Housing Partnership's 2016-2018 Housing Need Report for Marin County, the County needs 9,465 more affordable rental homes to meet the current demand.

#### 9.5 Affirmatively Furthering Fair Housing

While the County has identified and addressed many housing and equity issues since the last AI, several challenges remain:

- There continues to be segregated communities within Marin. Marin City and the Canal area of San Rafael continue to be areas of minority concentration and areas with the highest disparities in income, education and access to healthy foods as compared to other communities in the County;
- Golden Gate Village, the only family, public housing development in Marin, located in Marin City, requires substantial investment -- a minimum of \$16 million dollars of short term-

investments in the property -- to bring existing building and site components up to HUD minimum standards;

- Disparities in education continue to exist, with the recent conclusion from the California State Justice Department that the Sausalito-Marín City School District had “knowingly and intentionally maintained and exacerbated” existing racial segregation and deliberately established a segregated school and diverted County staff and resources to Willow Creek while depriving the students at Bayside MLK an equal educational opportunity;
- African Americans, particularly those living in Marin City where there have been clear, discriminatory housing policies and practices, continue to lack access to opportunities for home ownership; and
- Despite indicators showing a decrease in some disparities in the County, people of color continue to be more likely to be impacted than the general population in the County.

The intersection between race, income and housing choice requires specific actions to increase opportunities and decrease barriers for low income residents, people of color and people with disabilities.

## 9.6 Recommendations

Marin County is committed to the promotion of fair housing choice, and to affirmatively further fair housing. The County’s goal is to increase, expand and maintain its affordable housing inventory and to increase opportunities for housing choice for low income residents, people of color, people with disabilities and residents who have specifically been impacted by historic government policies and practices that created segregated communities in Marin and who continue to be marginalized today. To that end, after years of community engagement and changes in the County’s development codes, zoning policies, funding strategies and collaborations with cities and towns, there are 4 overarching priorities that have been identified to address impediments to fair housing choice:

- Community opposition;
- Cost of developing affordable housing and the lack of available land for development;
- Lack of affordable housing, particularly family rental housing;
- Lack of homeownership, particularly for African Americans.

### **9.6.1 Impediment #1 - Community Opposition to Affordable Housing**

Community opposition has been identified as the number one reason for the lack of affordable housing development in the County, particularly for families and in areas outside of minority concentration. Opposition to new housing developments can arise in all neighborhoods of the County, but it is especially the case in majority White neighborhoods. The opposition is often based primarily on common growth issues such as traffic congestion, water demand versus supply, and increased school enrollment. However, opposition can also reflect underlying fears of reduced property values, the misperceptions of the type of housing that would be created, the stereotyped impressions of the people who will occupy the housing, and safety.

An increased understanding about affordable rental housing and the positive impact it has on individuals, families, and the community at large is instrumental to gaining wide support. The more informed the public, local government County staff, and elected officials are about the need for affordable rental housing and the benefits of avoiding housing insecurity and homelessness, the more leverage supporters will have to advance the development of affordable rental homes.

### Recommendations

1. Provide ongoing community engagement to educate, include and inform residents about the challenges with housing in Marin, and to highlight the County's prior achievements in developing affordable housing and addressing racial disparities in housing choice.
2. Develop strategies and talking points to address opposition for development including the impact on schools, water, transportation and traffic.
3. Include and expand the number of participants who engage in discussions about barriers to fair housing and disparities in access and opportunities in Marin's communities, and provide opportunities to advance recommendations to address housing challenges in the County.
4. In keeping with the County's 2019 Voluntary Compliance Agreement with the Department of Housing and Urban Development, prioritize the development and funding for rental housing for families, particularly in areas outside of minority concentration.

### **9.6.2 Impediment #2 - The Cost of Developing Affordable Housing**

The cost of developing affordable housing in Marin is prohibitive even after accounting for funding from grants, loans, direct and indirect subsidies, tax credits and private donors. Many Marin communities require that developers of multi-unit housing set aside a percentage of units as affordable housing, and the County's Housing Trust Fund provides financial assistance to help affordable housing developers create and preserve affordable housing for low and very-low income households. Some cities and towns do not have inclusionary policies or affordable housing impact fees, and for some jurisdictions, the housing trust account balances are too low to be useful. In addition, in-lieu fees do not reflect the actual cost of building affordable housing in the County.

### Recommendations

1. The County should consider ways to provide a local dedicated source of funding for affordable housing. Options could include bonds, local sales tax, transit occupancy tax, vacant home tax or other measure to create and preserve local affordable housing for low-income households, veterans, seniors, teachers, first responders, persons with disabilities, and those experiencing homelessness.
2. The County should work with cities and towns to pool in-lieu fees to increase funds available for affordable housing and increase the amount of all in-lieu fees to reflect the actual cost of affordable housing development.
3. The County should consider a sub-regional approach to share resources and possibly units to increase collaboration and production of housing.
4. The County should work with cities and towns to adopt inclusionary housing policies to bolster funds available to support affordable housing.
5. The County should encourage cities and towns to reduce developer fees for affordable housing.

### **9.6.3 Impediment #3 - Lack of Affordable Housing Sites**

Developers and members of the community are unaware of potential affordable housing sites across the County. Because of this lack of knowledge, opportunities to purchase land or properties may reduce the availability for affordable housing development.



## Recommendations

1. Prepare and publicize available and easily obtainable maps of all incorporated and unincorporated vacant and underutilized parcels in Marin. Housing sites identified by the County, cities and towns in their respective Housing Elements could be the basis for this information. Additional potential housing sites should also be considered when preparing the maps.
  - Provide public updates and market to affordable housing developers, and
  - Prioritize the VCA commitment to 100 units for family housing for these parcels.
2. Identify underutilized parcels in the County to acquire, convert and develop into affordable housing.
  - Post/advertise information on the County's website and update ongoingly.
  - Identify whether parcels are privately or publicly held and if there are any public right of ways.
3. Create a public database of potential sites that can be updated regularly.
4. As part of the County's next Housing Element, consider rezoning sites for affordable housing in areas outside of areas of minority concentration to further local housing goals and to comply with State housing law, and consider objective development and design standards for housing development projects that qualify for streamlined permit review.

### **9.6.4 Impediment # 4 - Lack of Opportunities for Home Ownership by People of Color and On-going Concerns of Gentrification**

The price of housing in Marin is unaffordable for most residents, but because of historic, discriminatory practices and government policies, African Americans – in particular, people who lived in Marin City during the Marinship years -- have been particularly affected by policies that have created segregated communities with limited access to opportunities.

In addition, gentrification of some Marin communities is forcing people of color and low-income residents to be priced out of their own neighborhoods. Designating land for the purpose of developing affordable housing that will remain affordable in perpetuity will create opportunities for home ownership while acknowledging and affirmatively furthering fair housing. Transforming racially and ethnically concentrated areas of poverty into areas of opportunity can preserve existing affordable housing and protect existing residents from displacement.

## Recommendations

Work with communities to develop a community land trust for low income residents of Marin that create opportunities for affordable housing and home ownership, with specific inclusion for African Americans with historic connections to Marin City. Model after the Community Land Trust of West Marin (CLAM) to ensure long-term housing affordability.