

# COMMUNITY DEVELOPMENT AGENCY

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June 12, 2018

Board of Supervisors  
County of Marin  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT:** Progress Report on Assessment of Fair Housing Work Plan to Identify Barriers to Fair Housing Choice.

Dear Board Members:

**RECOMMENDATION:** Receive staff updates and allow opportunity for public input on Assessment of Fair Housing Work Plan, including Community Advisory Group and Steering Committee recommendations.

**SUMMARY:**

Since initiating Marin County's Assessment of Fair Housing in the fall of 2016, staff has conducted an extensive community engagement process reaching over 1,400 people from all areas of Marin, with a focus on communities most impacted by barriers to fair housing choice. The 131 initial comments and suggestions that came from this process were evaluated by a Community Advisory Group and a Steering Committee and were further distilled down to 37 recommendations. Given the breadth of the recommendations, these two groups independently identified priorities for your Board's consideration in the near term.

The recommendations addressed in this update reflect work completed to date on the first phase of the community engagement and outreach process for the Assessment of Fair Housing which 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. Following this update to your Board, staff will continue the community engagement and outreach process to discuss barriers to fair housing choice as it relates to disparities in access to services and opportunities, including in education, employment, transportation and environmentally healthy communities.

**DISCUSSION:**

*Assessment of Fair Housing Work Plan*

In August 2015, the federal Department of Housing and Urban Development (HUD) announced a new approach to affirmatively furthering fair housing to help connect housing and community development policy and investment planning with meaningful actions and required all recipients of federal grants to prepare an Assessment of Fair Housing (AFH). The goal of the AFH is to identify and evaluate barriers to fair housing choice and contributing factors that exist within communities. Key to implementing an effective AFH process is community participation, consultation and coordination. In

addition, County staff established a partnership with the Marin Housing Authority to develop coordinated solutions to address fair housing choice in Marin.

In June 2016, the Board of Supervisors approved the Assessment of Fair Housing Work Plan, which identified specific community engagement efforts to address barriers to fair housing choice in Marin. A detailed update on the AFH Work Plan is discussed below.

As part of the first part of the work plan in July 2016, staff, in partnership with the Marin Housing Authority, initiated a robust community engagement process over the course of 20 months, connecting with more than 1,400 individuals, groups, nonprofits, youth, and County employees, among others.

Staff invited residents of Marin to work with the County and created a Community Advisory Group. This group worked with staff to identify barriers to housing in Marin and to develop recommendations that addressed those barriers. The invitation to join the Community Advisory Group was prepared both in English and Spanish, and 16 applications were received. A key component for selection was individuals who had not previously had a seat at the table for public policy development. Of the 10 residents selected by staff, four are from San Rafael, two from Marin City/Sausalito, two from Novato, one from West Marin, one from Larkspur, and one from San Anselmo. Five members of the group are female, six are male; five are white, three are African-American, and three are Latino. The Community Advisory Group began meeting in December 2016 and continued to work through May 2018. Meetings were held in the evening, and members were provided with meals and a small stipend for their participation. Most members had not previously engaged in group discussions with the County.

Staff also created a Steering Committee to provide oversight for the AFH Work Plan. 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, faith-based organizations, the 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 Steering Committee was formed in January 2017 and met regularly through May 2018. RDJ Enterprises, a professional facilitator, was engaged to assist the group from January to December 2017.

In addition to regular meetings with the Community Advisory Group and Steering Committee, staff attended community meetings, participated in working groups, and listened to what residents, community representatives, advocates, housing organizations and others, had to say about housing in Marin. 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.

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 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 Grand Jury Report - Overcoming Barriers to Housing Affordability, dated April 6, 2017, 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 prepared a presentation on Just Cause for Eviction and facilitated focus groups to collect information on how renting and evictions affect youth.

In July 2017, 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. 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 Board of Supervisors:

1. Request the Board of Supervisors 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. If the Board decides to approve 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.

By way of background, a Just Cause for Eviction ordinance is included in a comprehensive list of affordable housing policy options the Board of Supervisors has been working on in a phased manner since late 2015. As reported to the Board at their May 8, 2018 meeting (staff updates on Mandatory Mediation program and other housing related initiatives), staff anticipates the

Board will revisit a Just Cause for Eviction ordinance in a workshop format during the fall of 2018.

- 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 are:

- 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.

History of the Assessment of Fair Housing

The Fair Housing Act 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 2009, HUD conducted a comprehensive review of the County’s compliance with its fair housing and equal opportunity regulations, which concluded with an agreement between the County and HUD, known as a Voluntary Compliance Agreement (VCA).

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

In 2011, the Board of Supervisors (BOS) approved the Implementation Plan for the AI that identified 29 specific recommendations to address barriers to fair housing choice in Marin. In response to those recommendations, the following actions were taken:

- 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 Community Development Block Grants (CDBG) program expanded the Priority Setting Committee (PSC) to include non-elected, community representatives of protected classes. The PSC reviews applications from local non-profit and public agencies for federal CDBG and HOME Investment Partnerships Program funds. These community representatives assist in the funding decisions for CDBG grant recipients.
- 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 Housing Trust funds for the acquisition of two family complexes in Forest Knolls and Fairfax. CDBG and HOME funding was used for affordable housing for individuals with disabilities, including: Marin Center for Independent Living, Buckelew, Novato House, and Lifehouse DelGando. CDBG and HOME funds were also used for new family housing in Oma Village and Mt. Budell Place.

The VCA expired in December 2015, and County and HUD staff are currently discussing a new VCA that acknowledges the County's progress in addressing issues identified in the expired VCA and AI and demonstrates the County's commitment to comply with federal fair housing laws and to create affordable housing in Marin.

Since 2015, the County has not only continued to address specific requirements identified in the VCA and AI, but has further advanced the overall objective of identifying and addressing 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 Federal Grants Programs, including the CDBG and HOME Program, now require applicants to demonstrate how their proposed projects affirmatively further fair housing.
- 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 advertising or 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 and 2018 Fair Housing Conference in Marin.
- Amendments to the County's Development Code were adopted to allow property owners to have 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 is being sought by a landlord.

In January 2018, the Board of Supervisors identified the goal of developing solutions that promote equity as one of its highest priorities and included their commitment to address disparities and rectify a historic record of institutional exclusion. Board President Damon Connolly has said "With its partners in the community, the County is dedicated to delivering services to the people who need the help the most and removing real or perceived barriers to receiving those services."

**BACKGROUND:**

*A Disturbing History of Our Nation's Past*

Our country has a long history of federal, state and local policies that have created residential segregation. Beginning with Franklin Roosevelt's New Deal, a series of government laws, programs and regulations, combined with real estate and banking policies and practices were designed and implemented to separate communities based on race. Today, while there are laws against housing discrimination and progress has been made, nearly 6 in 10 African Americans still live in segregated neighborhoods.

Marin County is no exception to the effects of historic racial segregation in housing. The history of Marin City is a local example of how government policies and practices created 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, and Marinship Corporation was created. During World War II, Marinship 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 its temporary housing facility.

Since Marinship faced a shortfall in available local workers, Bechtel overlooked the standard workplace exclusions which prevented employment of African Americans for skilled positions and instead recruited African Americans from southern states such as Louisiana, Arkansas, Texas and Oklahoma. Many of these workers were eager to migrate from states where Jim Crow laws and lynching of African Americans still occurred. Marinship offered employment and economic opportunities, free from the sharecropping system of the South, and these opportunities gave hope to African Americans for a better life.

At its peak in 1944, Marinship employed 22,000 workers from every state in the Union, and Marin City had grown to a population of 6,500 people, which included over 1,000 school-aged children. It was home to Midwestern whites (85%), southern blacks

(10%), and Chinese immigrants (5%). Marin City became the country's first integrated federal housing project, and eventually would be hailed as a model community 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, harmonious and racially integrated community. At the end of the war, military veterans returned in droves all over the country. Housing was in short supply and families doubled up so that two or more families often shared a single home. In order to address a large civilian housing shortage, Congress passed the National Housing Act of 1949.

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 white people. 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 ultimately prohibited such transactions, many of these covenants remain in property deeds in Marin.

Through utilizing the programs established under the National Housing Act, white people returning from World War II were able to purchase homes with mortgages that were guaranteed by the federal government. Because of the National Housing Act, many homes in Marin in the late 1940s sold for \$7,000 to \$8,000 and white families were able to secure 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.

Today's wealth inequality was created, in part, after World War II when explicit policies and programs of the federal government provided white people with 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. As a direct result of government policies and practices, generations of African Americans have not had those same opportunities.

*Work Still To Be Done*

While the County has done a great deal to acknowledge its history and develop policies and programs to address equity, there is plenty of room to improve as reflected by recent reports highlighting the challenges that Marin faces. In February 2017, KQED News published an article entitled, "Why is Marin County So White?", which asked the question, "The Bay Area is one of the most diverse places in the country. Within the Bay Area, why is Marin County the least diverse?"

That same year, the Marin County Civil Grand Jury produced a report entitled, *Overcoming Barriers to Housing Affordability*, which identified, "Perhaps the most challenging barrier to tackle is that of altering long held misperceptions of a community." Also, in 2017, HUD released its income limits for determining eligibility for its assisted housing programs, and determined that, in Marin County, a family of four



with an income of \$105,350 per year is considered "low income," because it is 80 percent of the \$115,300 median income for the area. At the end of 2017, the Advancement Project identified Marin County as the Number One Most Racially Disparate County in California in areas that include economic opportunity, culture and education, "showing us that a rising tide does not lift all boats." And most recently in January 2018, the L.A. Times article entitled, "Marin County has long resisted growth in the name of environmentalism. But high housing costs and segregation persists," highlights a history of community opposition to affordable housing development.

**CONCLUSION:**

Many African Americans came to Marin County to seek employment and economic opportunities and to start a better life. As a result of federal programs and policies, those opportunities were denied once again despite the contributions African Americans made to this country. The legacy of discriminatory housing policies has help to create the current wealth disparity and racial segregation in our communities.

Staff requests that your Board consider the community recommendations to address barriers to fair housing choice and to provide direction to staff on implementation. Next, utilizing the same community engagement process as discussed above, staff will propose a work plan to address additional AFH topics including disparities in access to education, healthy communities, transportation and employment. Staff will prepare and present a work plan to the Board of Supervisors in Fall 2018.

**FISCAL/STAFFING IMPACT:** Funding for the Analysis of Fair Housing was set aside by the Board for the 2018-2019 fiscal year. The fiscal and staffing impacts of the Housing Oversight Committee will be evaluated in conjunction with the Board Subcommittee and County Administrator's Office.

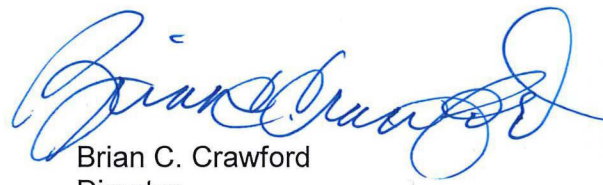
**REVIEWED BY:**

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| <input type="checkbox"/> Auditor Controller        | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A            |
| <input type="checkbox"/> Human Resources           | <input checked="" type="checkbox"/> N/A |

Respectfully submitted,



Liz Darby  
Social Equity Program Policy Coordinator



Brian C. Crawford  
Director

**ATTACHMENTS:**

1. 2016 Assessment of Fair Housing Work Plan
2. Proposed Recommendations
3. Just Cause for Eviction Recommendation
4. Housing Oversight Committee Recommendation
5. Administrative record (comments received)

## 2016 Assessment of Fair Housing Work Plan

Task	Activity	Goal
<b>Summer / Fall 2016</b>		
Initiate Board of Supervisors Subcommittee For AFH	Identify two Board members to provide oversight of the AFH process.	Inform and provide guidance to Staff and make recommendations to the full Board of Supervisors.
<b>Board of Supervisors Hearing</b>	CDA Staff presents AFH work plan to the Board of Supervisors.	Board provides direction to Staff on timeline and process, and adopts AFH work plan and budget.
Initiate Advisory Group	Staff identifies representatives of protected classes, communities and other stakeholders; delineates roles, guidelines and expectations; identifies and reserves meeting locations.	Select 12-14 representatives from the protected classes, nonprofit organizations, cities and towns, and elected officials to serve on the AFH Advisory Group. The Advisory Group will provide strategic advice and feedback to CDA Staff on citizen engagement and communication strategies, and on topics related to the AFH process; will work collaboratively to conduct inclusive and diverse discussions on AFH topics, and will assist in developing action plans and solutions to overcome barriers to fair housing choice. CDA Director appoints members of the Advisory Group.
Hire AFH Intern	Staff initiates hiring an intern to work with Staff throughout the AFH process.	Provide administrative support to Staff and the Advisory Group; calendar, post notifications and take minutes at community and public meetings; develop and maintain database and record keeping for community engagement and outreach.

Task	Activity	Goal
Identify AFH Facilitator	Staff to release request for qualifications and quotes, and will initiate hiring a grant-funded facilitator to participate in and conduct Advisory Group and community outreach meetings. Advisory Group will select AFH Facilitator.	Ensure meetings are conducted and managed effectively and efficiently to maximize participation and productivity of Advisory Group and community outreach meetings; facilitate public engagement training for CDA Staff and Emerging Leaders. Engage youth in the AFH process and train Emerging Leaders to become facilitators at community meetings.
Recruit Emerging Leaders	Staff identifies local youth from low-income communities, nonprofit organizations, high schools, community colleges and universities and develops roles, expectations, timelines, and guidelines for civic engagement in the AFH process. Develop curriculum and goals to educate youth and young adults on AFH topics; provide data and information for analysis and discussion.	Improve, educate, and encourage new voices to the AFH process; create new approaches to citizen engagement; Emerging Leaders will present ideas, feedback and recommendations to the Advisory Group.
Community Outreach Efforts	Advisory Group and Staff identifies community groups, organizations, nonprofit agencies, and County departments and employees to participate in the AFH process; develop timelines, and reserve time on community/organization calendars.	Improve citizen engagement with communities; create inclusive and diverse opportunities for collective discussions on AFH related issues; develop action plans and solutions to overcome barriers to fair housing choice.
Enlist Technical Support and Assistance	Staff identifies resources to augment current Staff to provide local knowledge and expertise to the Advisory Group on specific topics related to the AFH.	Provide Advisory Group with pertinent background information and current developments on community issues related to AFH topics.
Develop Communications Strategy	Staff to initiate a communications strategy for community outreach, public engagement and ongoing communications throughout the AFH process.	Improve communication, community notifications, and outreach by utilizing existing databases, County website, newspapers and social media; communicate community outreach and engagement in several languages.

Task	Activity	Goal
Data Acquisition and Analysis	Staff will analyze HUD-provided data and, if available, acquire recent, local data to supplement HUD data for each AFH topic. Data will provide analysis and information about neighborhoods and areas for the purpose of analyzing features and characteristics that are relevant to a fair housing analysis.	Present aggregated and disaggregated data in a format that is accessible by all, to the community and Advisory Group to ensure data reflects local conditions, and ensure information is relevant to the decision-making/recommendation process.
Convene Advisory Group	Instruct Advisory Group on the AFH and the Assessment Tool for managing the AFH process; develop discussion topics for community outreach and public engagement; select local experts and technical assistance for topic discussions; develop agendas for public workshops; identify specific talking points for community engagement on AFH Topic #1.	Define roles and responsibilities of the Advisory Group and obtain commitment to the AFH process and timeline.
CDA Staff Training	In conjunction with the Davenport Institute, provide training for County Staff on how to effectively involve the public in areas of community engagement.	Develop positive engagement campaigns, including understanding attitudes and behaviors; learn tools for engaging constructively with the public, especially from underrepresented communities.
Public Meetings	Prepare a draft public outreach plan and receive input from the Advisory Group. Schedule public meetings and community workshops; post notifications in various formats, media and in several languages.	Elicit comments and feedback on specific AFH issues.

Task	Activity	Goal
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Fall / Winter  
2016

Community Outreach  
AFH Topic #1

**AFH Topic #1: Segregation/Integration and Disproportionate Housing Needs**

Staff to conduct targeted meetings with local community representatives and groups, nonprofits, and County employees to engage in discussions that identify perceptions about policies, attitudes and behaviors that may create and maintain segregated communities. Identify other determinants that impact current housing patterns, including housing cost burdens and the current supply of available housing – particularly for families; discuss additional factors that contribute to disproportionate housing needs.

Elicit feedback, insight and recommendations for review by the Advisory Group.

Advisory Group Meeting  
AFH Topic #1

**AFH Topic #1: Segregation/Integration and Disproportionate Housing Needs**

Utilizing HUD and local data, with supporting local knowledge and expertise from community representatives and organizations, discuss, analyze and identify relevant characteristics that set specific neighborhoods or Racially/Ethnicity-Concentrated Areas of Poverty (R/ECAP) communities apart from other areas; discuss current changes and trends in how racial/ethnic groups are disproportionately represented in R/ECAP areas; discuss how neighborhoods have changed, persisted or emerged over time and identify contributing factors; discuss the impact of current housing patterns, including housing cost burdens and the current supply of available housing, particularly for families.

Provide recommendations on how to address any identified contributing factors that perpetuate segregation and contributing factors that significantly create, contribute to, perpetuate or increase the severity of barriers to fair housing choice; provide recommendations to Staff on how to address barriers; identify specific topics and outreach for community engagement for AFH Topic #2.

Task	Activity	Goal
<p>Community Outreach AFH Topic #2</p>	<p><b>AFH Topic #2: Publicly-Supported Housing</b> Staff to meet with local community representatives and groups, Resident Councils, nonprofits and County employees to engage in discussions around the history and future of Publicly Supported Housing.</p>	<p>Elicit feedback, insight and recommendations for review by the Advisory Group.</p>
<p>Advisory Group Meeting AFH Topic #2</p>	<p><b>AFH Topic #2: Publicly-Supported Housing</b> Discuss and analyze patterns in housing locations and occupancy; ethnic and racial composition of residents in publicly-supported housing; current publicly-supported housing policies, including admission policies; community support for new public housing development and voucher programs. Discuss the determinants and contributing factors for any impediments to fair housing.</p>	<p>Identify contributing factors that significantly create, contribute to, perpetuate or increase the severity of barriers which act to limit fair housing choice for people in publicly-supported housing; assess and analyze areas where public housing is located to determine whether the housing is located in segregated or integrated areas, in R/ECAPs, or in areas with disparities in access to opportunities; provide specific recommendations on how to address barriers; identify specific topics and outreach for community engagement for AFH Topic #3.</p>
<p><b>Spring /Summer 2017</b></p>		
<p>Community Outreach AFH Topic #3</p>	<p><b>AFH Topic #3: Disability and Access Analysis</b> Staff to meet with local community representatives and groups, nonprofits and County employees to analyze issues related to persons with disabilities including access, housing and transportation.</p>	<p>Elicit feedback, insight and recommendations for the Advisory Group.</p>
<p>Advisory Group Meeting AFH Topic #3</p>	<p><b>AFH Topic #3: Disability and Access Analysis</b> Discuss the current range of options of affordable units with accessibility features; determine whether units are geographically dispersed or in concentrated areas; analyze access to buildings, services, programs and transportation by persons with different disabilities; identify disparities in access to communi-</p>	<p>Identify contributing factors that significantly create, contribute to, perpetuate or increase the severity of barriers which act to limit fair housing choice for persons with disabilities that are distinct from the barriers experienced by individuals without disabilities; provide recommendations to Staff on how to address</p>

Task	Activity	Goal
	ty assets and exposure to adverse community factors; review current policies and practices that affect fair housing choice.	barriers; identify specific topics and outreach for community engagement for AFH Topic #4.
<b>Board Workshop #1</b>	Hold Board workshop on Staff recommendations related to the first three topics: Segregation/Integration and Disproportionate Housing Needs, Publicly-Supported Housing, and Disability and Access Analysis.	Provide feedback and direction on community engagement process and Advisory Group recommendations on first three AFH topics.
Community Outreach AFH Topic #4	<b>AFH Topic #4: Disparities In Access to Community Assets and Exposure to Adverse Community Factors</b> Staff to meet with local community representatives and groups, nonprofits and County employees to engage in discussions around disparities in access to opportunities in schools; employment; public transportation; environmental healthy neighborhoods, including access to grocery stores, health care and parks, by race, ethnic, national origin or other groups, communities or neighborhoods.	Elicit feedback, insight and recommendations for the Advisory Group.
Advisory Group Meeting AFH Topic #4	<b>AFH Topic #4: Disparities In Access to Community Assets and Exposure to Adverse Community Factors</b> Analyze and discuss disparities to opportunities in schools; employment; public transportation; environmentally healthy neighborhoods, including access to grocery stores, health care, and parks, by race, ethnic, national origin or other groups; compare and analyze access to opportunities by specific neighborhoods and compare to the County as a whole; identify laws, policies and practices that may contribute to any differences; determine other impacts that factor into disparities to access	Identify contributing factors that create, contribute to or perpetuate any disparities in access to proficient schools and educational opportunities; jobs and labor markets; transportation or environmentally health neighborhoods, based on race/ethnicity, national origin, and/or family status. Develop specific recommendations to address such barriers.

Task	Activity	Goal
<b>Fall / Winter 2017</b>		
Fair Housing Enforcement, Outreach Capacity, and Resources Analysis	Working with Fair Housing of Marin, Staff to analyze fair housing enforcement, outreach capacity, and resources.	Identify issues and contributing factors that are in non-compliance with Fair Housing laws.
<b>Board Workshop #2</b>	Hold Board workshop on Staff recommendations related to the last two topics: Disparities in Access to Community Assets and Exposure to Adverse Community Factors and Fair Housing Enforcement.	Board to provide feedback and direction on community engagement process and Advisory Group recommendations.
<b>Board Report</b>	Staff to submit preliminary AFH Report to include community outreach process, Advisory Group and community recommendations, and proposed implementation plan to address identified impediments to fair housing choice.	Board approval of Staff 's work and implementation plans to address barriers to fair housing choice.
<b>Spring 2018 - Spring 2019</b>		
AFH Implementation	Staff to prepare implementation plan for Board-approved recommendations for addressing impediments to fair housing choice.	Determine priorities and timelines for the implementation plan/process.
<b>Draft Final Report</b>	Staff to present AFH report to Board of Supervisors; report to include community engagement process, recommendations from the Advisory Board; Board-approved implementation plan, and actions/status of the analysis of impediments to fair housing choice.	Board approval of the AFH Report; Board authorizes Staff to submit report to HUD.



## **Proposed Recommendations**

1. Acknowledge historical and institutionalized racism in the County.
2. Create a Housing Czar position at the County level reporting to the Board of Supervisors.
3. Develop a Community Land Trust in Marin City.
4. Develop a Community Living Fund to support aging in place and community placement alternatives for individuals who may otherwise require care within an institution.
5. Develop a public database that identifies vacant and underutilized parcels in the County; develop programs that allow developers to quickly identify available affordable housing properties.
6. Develop a Rental Deposit Program that helps renters who work for and/or in the County.
7. Develop a Housing Oversight Committee that includes members of the public, all the cities and towns, mayors, Board of Supervisors, professional realtors and investors, homeowners and renters.
8. Develop and expand home ownership programs.
9. Develop consistent permitting throughout the County.
10. Develop junior accessory dwelling unit policies that encourage renting to people of color.
11. Develop renter protections including source of income and Just Cause evictions.
12. Develop strategies that preserve existing affordable housing stock.
13. Develop ways in which individual residents can get involved with affordable housing development.
14. Develop ways to address traffic congestion.
15. Eliminate in-lieu fees and require new developments and all newly purchased housing properties to provide affordable housing units.
16. Eliminate Airbnb and short-term rentals in the County.
17. Expand and enhance homeless programs and policies.
18. Fast track affordable housing development process.
19. Increase funding in Affordable Housing Trust, including making annual contributions.
20. Increase the amount of affordable housing in the County.
21. Make Marin a more welcoming place.
22. Provide more housing and housing support services for persons with disabilities.
23. Provide more legal support services for low-income residents with housing discrimination complaints.
24. Provide more public housing oversight to ensure programs and policies serve residents.
25. Purchase available land for affordable housing.

26. Put a sales tax initiative on the ballot for affordable housing.
27. Reduce the amount of restricted open space for housing development.
28. Review and enforce, with more regularity, Code Enforcement policies.
29. Review County policies and communications for dog whistle language.
30. Review effects of affordable housing on property values.
31. Review how County's tax policies disproportionately affect low-income residents and people of color.
32. Review of Affordable Housing Development by each town/city including disproportionate number of developments in certain cities and towns; ensure that all communities are sharing the responsibility for affordable housing development.
33. Review school policies that affect high school students who are displaced because of housing costs.
34. Review the County's Housing Element.
35. Review the effects of gentrification in the County, including if there is disproportionate displacement for people of color.
36. Review why different schools in different communities have different outcomes.
37. Utilize Teacher Housing Act of 2016 to Develop School Staffing Housing.

## **Just Cause for Eviction Recommendation**

Board of Supervisors to vote in 2018 on a Just Cause for Eviction ordinance to provide renter protections and education for renters, landlords, realtors and businesses in Marin; and to provide support to cities and towns for local implementation of Just Cause for Eviction ordinances.

### **Goal:**

In 2018, adopt a Just Cause for Eviction ordinance to increase stability and promote fairness for renter families in Marin County.

### **Overview:**

A Just for Cause ordinance states that in order to evict a tenant from a rental unit covered by the Rent Ordinance, a landlord must have a "just cause" reason that is the dominant motive for pursuing the eviction. A Just Cause for Eviction ordinance was first considered by the Board of Supervisors in 2015 as part of a suite of renter protections considered to increase stability in the rental market and preserve affordable housing options for renters in Marin. Since that time, Just Cause for Eviction has been considered by the Board of Supervisors at four workshops.

Under Just Cause for Eviction ordinances, landlords fully retain their right to terminate a lease for a valid reason, such as non-payment of rent or for lease violations. And while Just Cause for Eviction ordinances do not prevent landlords from raising rents to unaffordable levels, they can help prevent evictions of responsible tenants, while providing them with greater security.

The combination of a Just Cause for Eviction ordinance and the County's Rental Housing Dispute Resolution ordinance, more commonly known as mandatory mediation, that requires mediation of rent increases over 5%, may provide additional stability for families and individuals who rent in Marin.

As renter protection policies such as Just Cause for Eviction ordinances generally rely on the judicial system for enforcement, it is essential that education and outreach programs be implemented for both landlords and tenants to be effective.

Finally, the Ellis Act (California Government Code sections 7060 through 7060.7) places limitations on both the ability of local governments to require a landlord to continue to rent units as well as tenant protections. A landlord is always entitled to permanently remove a rental unit from the housing market, but a Just Cause for Eviction ordinance can provide a tenant with a right to return to the unit if the property owner decides to rent it again in the future.

## **Housing Oversight Committee Recommendation**

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, landlords, Marin Housing Authority, Marin Community Foundation, Marin Economic Forum, Office of Education, Fair Housing of Northern California, homeowners and renters, and members of the protected classes, to develop policies and practices that affirmatively further fair housing, and to develop model ordinances for cities and towns. Utilize existing committees including Marin Community Housing Action Team (MCHAT), the Landlord Incentive Program, the Marin Community Foundation Acquisition team, among others, to develop a collaborative process for the Housing Oversight Committee.

### **Goal:**

Work with cities and towns to increase the amount of affordable housing in Marin County, including:

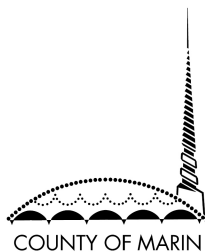
- Increasing the number of rental units throughout the County outside of areas of minority concentration, focusing on family housing, workforce housing and senior/disabled housing, with priority given to members of the protected classes;
- Creating opportunities, policies and programs that incent the development of affordable housing in Marin;
- Provide better communication and education about affordable housing, and affordable housing programs, policies and practices to the residents, real estate professionals, businesses and landlords, among others in Marin; and
- Collectively affirmatively further fair housing.

### **Responsibilities:**

The Housing Oversight Committee will be responsible for, but not limited to:

- Acknowledging historic and institutionalized racism in the County and working with the Office of Education to develop a curriculum to include the history of our County;
- Developing consistent permitting throughout the County;
- Developing strategies that preserve existing affordable housing stock;
- Develop an affordable housing website that:
  - Provides data and mapping information that is accessible to residents, business, landlords, developers, among others;
  - Includes existing, identified affordable housing development sites in the County;
  - Markets to potential developers and includes incentives and specific programs for developers;
  - Includes opportunities for individual residents to be involved in learning more about affordable housing and affordable housing programs and policies in Marin.
- Develop incentives for development of additional affordable housing, and review and update existing policies to:
  - Increase the percentage of inclusionary housing for new housing development;
  - Develop better and more strategic ways to utilize in-lieu fees received by cities and towns;
  - Increase incentives for Project Based Section 8 Housing;
  - Expand and enhance programs and policies for people experiencing homelessness;
  - Fast track affordable housing development process;
  - Providing more public housing oversight to ensure programs and policies serve public housing residents;

- Purchase available County land for affordable housing;
- Review and enforce, with more regularity, code enforcement policies, including worker housing structures;
- Review all County policies and communications with an equity lens to combat dog whistle language;
- Review the effects of gentrification and identify ways to address disproportionate displacement for people of color;
- Provide targeted housing and housing support for people with disabilities;
- Expand community education and legal support for all housing-related complaints – not just for housing discrimination complaints;
- Develop and enhance translation services for all housing related meetings; and
- Advance legislation to promote affordable housing development.



# COMMUNITY DEVELOPMENT AGENCY

Brian C. Crawford  
DIRECTOR

## **Administrative Record**

Marin County Civic Center  
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Suite 308  
San Rafael, CA 94903  
415 473 6269 T  
415 473 7880 F  
415 473 2255 TTY

This attachment includes all public correspondence received as of 12:00 p.m., June 6, 2018 for the June 12, 2018 Board of Supervisors meeting regarding the County's Assessment of Fair Housing Work Plan update and identified recommendations, including a Just Cause for Eviction ordinance and the establishment of a Housing Oversight Committee.

Building and Safety  
Environmental Health Services  
Planning  
Environmental Review  
Housing  
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GIS  
Federal Grants

[www.marincounty.org/cda](http://www.marincounty.org/cda)



# Fair Housing Advocates of Northern California

1314 Lincoln Ave., Ste. A, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922  
[www.fairhousingnorcal.org](http://www.fairhousingnorcal.org) ▼ [fhanc@fairhousingnorcal.org](mailto:fhanc@fairhousingnorcal.org)

May 30, 2018

BY EMAIL ONLY (DLaRue@marincounty.org)

Board of Supervisors  
County of Marin  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

RE: Proposed Residential Landlord and Tenant Relations (“Just Cause for Eviction”) Ordinance

Dear Board Members,

On August 1, 2017, the Board of Supervisors referred a policy option identified in the work plan to preserve housing affordability and prevent displacement back to the Board Subcommittee for further consideration: Just Cause for Eviction. The Just Cause for Eviction ordinance would prevent the termination of renter’s leases without cause, providing greater security and stability for responsible tenants while retaining landlords’ rights to terminate a lease for valid reasons, such as non-payment of rent or any other violation of a lease agreement. Tenants would no longer have to fear that reporting unsafe housing conditions would result in reprisals that would cause them to lose their housing and require them to leave their community.

Fair Housing Advocates of Northern California (FHANC) wholeheartedly supports a Just Cause for Eviction Ordinance in Marin County and urges the Board to adopt a Just Cause ordinance as part of an integrated approach that supports other policies already in place, such as the Mandatory Mediation ordinance. FHANC believes this is a crucial step to preserving affordable housing for the most vulnerable populations in the county who are protected under federal and state fair housing law. There is recognition that just cause for eviction is needed across the state; AB 2925 (Bonta) is such a bill and is currently before the California legislature.

We have previously addressed the fact that the burden of unaffordability in Marin County is borne by tenants who are harmed by the current lack of affordable housing, and that many devote half or more of their monthly income towards their rent in order to live in the County. At worst, they are forced out of the County altogether or face homelessness. We continue to see those tenants at our agency. For those who choose to stay near the jobs, schools, or support systems that sustain them, the choice is sometimes living in a car or couch-surfing. For families with children or people with disabilities, staying housed becomes exponentially more difficult.

FHANC’s complaint-based investigations and systemic investigations during the last several years have uncovered discriminatory practices in Marin County, such as offering fewer units, quoting higher rents, refusing to rent and/or falsely denying the availability of units, and stating more burdensome

*A local non-profit helping communities eliminate housing discrimination*



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qualification requirements for Latinos, Blacks, families with children, and persons with disabilities. Some clients who received no-cause termination notices or excessive rent increases felt that the issuance of the notice was due to discriminatory reasons, particularly if they were the only family, or African-American, or Latino at the complex who received such a notice. As housing providers are permitted to give significant rent increases and terminate a tenancy for no reason at all, members of protected classes increasingly feel as though they have been discriminated against.

Implementing a Just Cause for Eviction ordinance that could operate with the existing Mandatory Mediation ordinance would limit excessive rent increases and would provide responsible tenants with assurances that they can have a stable home so long as they abide by the terms of the lease, or the housing provider doesn't have other cause to end a tenancy. Limiting the basis for which tenancies can be terminated will help reduce discrimination against in-place tenants and displacement of members of protected classes.

Until there is a Just Cause for Eviction ordinance, a housing provider can terminate a tenancy for no reason at all for month-to-month tenants, providing only 30, 60, or 90 days' notice (depending on the length of tenancy and whether a housing subsidy is used). Moving with limited notice poses a number of difficulties for people with physical disabilities, whose homes may have been modified to meet their needs or have other attributes that are necessary because of a disability, such as being located on a ground floor. In addition, families with children face additional challenges, as the location of their home is often tied to a school district or possibly a specific school that meets the disability-related needs of a child. The tight rental market magnifies these problems, particularly as there is a dearth of units with more than 1 bedroom. When there is a lack of rental protections for tenants, it is members of protected classes who are targeted and/or suffer disproportionately, contributing to the County's segregated housing patterns.

The county has put significant resources toward the robust community process required in the Assessment of Fair Housing (AFH) mandated by HUD's 2015 Affirmatively Furthering Fair Housing rule, inviting input through its AFH Community Group and Steering Committee. The many recommendations made by the two groups were narrowed down to two, *one of which was to pass a Just Cause Eviction Ordinance. Tenant protections such as just cause for eviction are often the most effective way to affirmatively further fair housing.*

This county has provided and supported opportunities to educate the community on the history of segregation in Marin County (e.g. inviting Richard Rothstein, author of *The Color of Law*) and the lack of equity in Marin (e.g. inviting the Advancement Project to present findings from their *Race Counts* study which showed Marin County has the highest performance and the highest racial equity disparity in the state). Now it must act to address segregation, to address racial disparities. *We must do more to keep people housed in this county and to affirmatively further fair housing.*

Though we currently have a Mandatory Mediation program, without a Just Cause Eviction Ordinance also in place, a landlord can terminate someone's tenancy and subsequently charge any rental amount desired rather than issuing a rent increase that will trigger mandatory mediation. Passing the Mandatory Mediation ordinance was the right thing to do. We applaud the Board of Supervisors for considering the Just Cause for Eviction ordinance and urge you to implement it without delay. It is an important step toward making housing more affordable in Marin County, and positively impact people of color, families with children, and people with disabilities.

Please don't hesitate to contact us with any questions you have.

Sincerely,



Caroline Peattie  
Executive Director



Casey Epp  
Supervising Attorney



From: Nicole Vigeant <[nicolemvigeant@sonic.net](mailto:nicolemvigeant@sonic.net)>

Sent: Tuesday, June 05, 2018 6:13 PM

To: BOS <[BOS@marincounty.org](mailto:BOS@marincounty.org)>

Subject: comments for AFH Workshop June 12

Dear Marin County Board of Supervisors,

I have been a member of the Fair Housing Advisory Committee for the last 18 months. You will be hearing about our formal recommendations, but since I cannot be at the meeting, I wanted to express my personal concerns in regards to housing in West Marin, where I am a resident. As you may or may not know, West Marin faces many of the same challenges as other incorporated areas of the county (general lack of housing, extreme lack of affordable housing), but with some unique twists. What I, and other people who live here see as a disruption in some of the market, is the proliferation of temporary rentals - IE, Air Bnb, etc... I think the county needs to take a good look at how this temporary rental market is effecting our small towns, and consider taking some kind of action. It's clear the situation merits a careful consideration.

I thoroughly enjoyed my position on the Fair Housing Advisory Committee and learned a great deal about how our communities face different challenges. I appreciated the opportunity to involve West Marin in the conversation.

Thank you for your time.

Nicole Vigeant

Tomales