

COMMUNITY DEVELOPMENT AGENCY

December 4, 2018

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SUBJECT: Assessment of Fair Housing

Dear Board Members,

RECOMMENDATION:

Accept Phase II of the Assessment of Fair Housing Work Plan

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

www.marincounty.org/cda

BACKGROUND

The County initiated the Assessment of Fair Housing (AFH) work plan in the fall of 2016. As part of the County's responsibility to comply with fair housing laws, it is required to assess, identify and evaluate barriers to fair housing choice and contributing factors that exist within our communities and to set locally-determined fair housing priorities and goals. Fair housing choice means that people have enough information about realistic housing options to live where they choose without unlawful discrimination and other barriers. For people with disabilities, it also means accessible housing in the most integrated setting appropriate to the person's needs, including disability-related services needed to live in the housing. Fair housing contributing factors mean anything that may create contribute to, perpetuate, or increase the severity of one or more fair housing issues.

This requirement to assess, identify and evaluate barriers to fair housing choice applies to all local governments receiving federal grants including Community Block Grant and HOME Investment Partnerships funds. And while the County is responsible for leading the AFH process, the assessment findings and recommendations may relate to cities and towns in Marin that benefit from federal grant funds.

From 2016 to 2018 staff conducted an extensive community engagement process to solicit recommendations, comments and opinions from over 1,400 individual residents, community groups, nonprofits, youth, and County employees, among others, to develop a comprehensive understanding of housing challenges in Marin and to hear recommendations for addressing those challenges. In addition to meeting with individuals and groups, County staff invited residents of Marin to work with the County by participating on a Community Advisory Group to develop recommendations for the County and for those specific to the communities they represented. Staff also created a Steering Committee, composed of County partners and stakeholders, to provide oversight for the AFH work plan.

In June 2018, staff presented an update to the Board of Supervisors on the progress of the County's AFH and presented the recommendations from the Community

Advisory Group and Steering Committee. The June 12, 2018 staff presentation to the Board of Supervisors as well as the staff report which is available in English, Spanish and Vietnamese can be viewed at the following link:

<https://www.marincounty.org/depts/cd/divisions/housing/fair-housing/assessment-of-fair-housing>

Since commencing work on the AFH in 2016, the U.S. Department of Housing and Urban Development (HUD) suspended the AFH process until no sooner than October 31, 2020 to consider improvements with a new assessment tool created by HUD to facilitate data collection. According to a HUD notice published in the Federal Register in May 2018, local governments and other federal grant participants are now required to prepare an Analysis of Impediments to Fair Housing Choice (AI) to inform their federal grant allocations. The AI is a precursor to the AFH which, like the AFH, identifies barriers to fair housing choice and recommendations to overcome those barriers. The County last completed its AI in 2010. The October 28, 2011 Analysis of Impediments to Fair Housing Choice, including the Implementation Plan that was approved by the Board of Supervisors can be viewed at the following link:

https://www.marincounty.org/-/media/files/departments/cd/federal-grants/analysis_of_impediments_to_fair_housing_choice.pdf

In light of the AFH suspension, staff recommends a two-step approach going forward to meet both federal and state mandates for fair housing assessments:

1. Continue the fair housing assessment according to the revised work plan in Attachment 1 to facilitate the completion of an update of the County's next AI to be filed with HUD by January 2020. The January 2020 AI will rely in large part on the fair housing assessment completed to that date and may be supplemented by additional information to ensure the AI meets federal rules. At the request of HUD staff, the AFH will be retitled as the Analysis of Impediments of Fair Housing Choice (AI) to reflect the suspension of the AFH process by HUD.
2. Following the January 2020 submission of the County's AI, continue work on the fair housing assessment according to the proposed work plan. This ongoing work will allow additional community and stakeholder outreach beyond the January 2020 AI to help the County comply with recent state legislation (Assembly Bill 686) requiring fair housing assessments to be included in the next Housing Element update in 2023. Continued work on the fair housing assessment may also be beneficial if HUD decides to reinstate the Fair Housing Assessment process.

The Board of Supervisors hearing to consider approving the January 2020 AI will also provide an opportunity for staff and the Board to reconsider if the remaining assessment of fair housing work is warranted in advance of the 2023 Housing Element.

The attached work plan continues the community engagement work that was started in 2016 and includes the convening of a new Community Advisory Group and Steering Committee which will provide the basis for additional recommendations to address identified barriers to fair housing choice. In addition to identifying barriers to housing, the Community Advisory Group and Steering Committees will identify any

disparities in transportation, education, employment, environmentally healthy neighborhoods and community assets for certain populations and communities. During the 3 1/2-year work plan period, staff recommends three Board workshops where there will be a hearing for public comment and for staff to provide an update on the work plan and proposed recommendations from the Community Advisory Group and Steering Committee. A consolidated report of all recommendations, including those from the 2016 – 2018 community engagement process, is expected to be presented for the Board's consideration in 2022.

DISCUSSION

Research has shown that where you live matters. Your address can determine your economic success, access to public transportation, grocery stores and other necessities. It can affect whether you live in a neighborhood that is connected to good employment and business opportunities, a home free from environmental hazards, public parks for exercise, safe streets and exposure to violence.

Though laws prohibit overt discriminatory policies and practices, historic patterns of racial discrimination, particularly in housing, continue to determine where people of color live and their access to opportunities. In Marin most people of color live in concentrated areas of poverty and in low-opportunity areas that may lack access to basic essentials including affordable grocery stores and regulated banking services, and where individuals and families often experience compromised living conditions. The disparity in educational, health and economic outcomes for those who live in some of our communities is in stark contrast with communities whose population is predominately white. Moreover, a person's ability to access community assets, including retail business, financial and broadband services and access to parks and open spaces, is often determined by the community in which they live.

For public policy to begin to address the effects of concentrated areas of poverty – and the devastating effects of intergenerational poverty – it is critical to acknowledge the intersection of race and health, housing, transportation, education and employment.

Beginning in 2016, staff initiated the Assessment of Fair Housing (AFH) work plan and engaged with over 1,400 members of the community to discuss and identify barriers to housing choice in the County. Working with a Community Advisory Group and a Steering Committee, conversations included discussions about a wide range of issues, including:

- Community resistance and institutional racism;
- Challenges and complexities with planning/zoning/land use;
- Publicly supported housing, the Section 8 Voucher program, and myths and perceptions about affordable housing and the people who live in affordable and subsidized housing; and
- Financial resources and the cost of building 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, legal and illegal housing advertisement, the cost of housing in Marin, household incomes, 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.

Beginning in October 2018, staff will commence with Phase II of the Assessment of Fair Housing work plan and will continue to engage in targeted conversations with residents, members of all communities, people who work in the County and youth, among others, to identify barriers and challenges to essential community assets and to develop recommendations to address those barriers. Specifically, staff will work with the Community Advisory Group, Steering Committee and members of the public to develop strategies to identify and 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.

Department of Housing and Urban Development – AFH Update

Under the 1968 Fair Housing Act, federal grant recipients must certify that they will affirmatively further fair housing as a condition of receiving federal funds.

Affirmatively furthering fair housing means taking meaningful actions that, when taken together:

- Address significant disparities in housing needs and in access to opportunity,
- 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 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 initial due date when the County was required to submit the AFH to HUD was October 5, 2019.

On January 5, 2018, HUD suspended the 2015 affirmatively furthering fair housing regulation and HUD deferred the obligation of local governments to file plans until after 2020. The extended AFH deadline created room in Phase I of the work plan necessary for public outreach and engagement beyond the projected completion dates indicated in the initial AFH completion schedule. According to HUD, until program participants are required to submit an AFH, they must continue to follow the current Analysis of Impediments to Fair Housing Choice (AI) process¹. The AI is a precursor to the AFH and similar insofar as both studies identify barriers to fair housing choice and recommend steps to overcome those barriers. Staff plans to produce an AI for submission to HUD in January 2020, in advance of developing and submitting the County's Consolidated Plan. The Consolidated Plan is prepared every five years to help the County identify its affordable housing and community development needs and to inform the Community Development Block Grant and HOME Partnership grant allocation process. Phase II of the AFH work plan in combination with the AI will provide support for the County's Consolidated Plan which is due in 2020 and the Housing Element which is due in 2023.

California Assembly Bill 686

Effective January 1, 2019, AB 686 requires public agencies, including any state or local agency, regional transportation agency or council of governments, to administer programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, and to not take any action that is inconsistent with this obligation. Failure to meet this standard would be a discriminatory act under the California Fair Employment and Housing Act.

In addition to analyzing policies and identifying goals that affirmatively further fair housing, the Bill requires an assessment of fair housing for housing elements submitted after January 1, 2021. Phase II of this AFH work plan in combination with the AI will provide support for the reporting requirements under this bill and the County's next housing element due in 2023.

CONCLUSION

Staff recommends the acceptance of Phase II of the Assessment of Fair Housing Work Plan, including the submission of the AI by January 2020.

FISCAL IMPACT

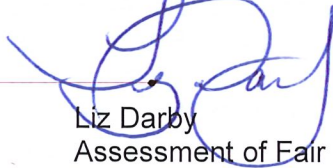
Estimated annual funding of \$200,000 for Phase II of the work program, consistent with prior years, will be addressed as part of the FY 2019-2020 budget.

¹ According to a HUD Notice published in the Federal Register in May 2018 [Docket No. FR-5173-N-19], as a condition of receiving federal funds, a program participant is required to conduct an AI in conjunction with its Consolidated Plan to certify it will continue to affirmatively further fair housing choice within its jurisdiction.

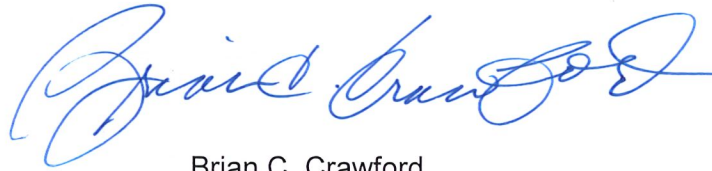
REVIEWED BY: *(These boxes must be checked)*

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

SIGNATURE:



Liz Darby
Assessment of Fair Housing Coordinator



Brian C. Crawford
Director

ATTACHMENTS:

1. Proposed Phase II Work Plan
2. Staff Report – July 19, 2016
3. Staff Report – June 12, 2018
4. 2016 Assessment of Fair Housing Work Plan