

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 23, 2023

Matthew H. Hymel, County Administrator  
County of Marin  
3501 Civic Center Drive, Suite 325  
San Rafael, CA, 94903

Dear Matthew H. Hymel:

**RE: Marin County's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the County of Marin's (County) housing element that was adopted January 24, 2023 and received for review on February 1, 2023 along with technical modifications on March 22, 2023 as authorized by Resolution Number 2023-10. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Jenny Silva, Steven Mavromihalis and Amy Skewes-Cox pursuant to Government Code section 65585, subdivision (c).

The adopted housing element, with modifications, addresses most statutory requirements described in HCD's October 17, 2023 review; however, additional revisions are necessary to substantially comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

*Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

The element generally describes some areas of the County are higher resourced and higher median income and concentrated areas of affluence and other areas are generally lower resourced or relatively lower income and concentrated areas of poverty. Further, the County is generally higher resourced and higher median income, among other factors, compared to the broader Bay Area region. As a result, the element should include a robust suite of actions to promote housing mobility or more housing choices and affordability across greater geographies throughout the County, regardless of the RHNA and place-based strategies toward community revitalization and mitigating displacement risk.

While the element includes meaningful actions, these actions should increase numeric targets and actions should be modified or added to promote housing mobility and enhance place-based strategies toward community revitalization. For example, several housing mobility actions geographically target high resource areas (a limited single category) but targeting should be expanded to relatively higher resource and higher income and concentrated areas of affluence. Also, several targets should be added or increased toward significant outcomes. For example, Programs 4 (Accessory Dwelling Units), 5 (SB 9) and 7 (Religious and Institutional Overlay). For place-based strategies, while the element commits to a community plan update in Marin County, place-based strategies should be broadened to other areas of concentrated lower-income households or poverty and actions should be specific with clear objectives and targets such as improving infrastructure, streetscapes, complete streets, safe routes to school and other neighborhood improvements or maintenance. Finally, the element should consider a mid-term evaluation of the effectiveness of affirmatively furthering fair housing (AFFH) strategies and adjustments as appropriate within a specific time. For more information on potential actions, please see HCD's AFFH Guidance Memo (starting on p. 72) at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted, if necessary, to comply with the above requirements.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill

(SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication that the housing element team, particularly Leelee Thomas and Jillian Nameth Zeiger, provided throughout the housing element update and review. The County has made tremendous strides toward addressing the housing needs of the communities of Marin County and complying with housing element law. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law and look forward to working with the County. If you have any questions or need additional technical assistance, please contact Reid Miller, of our staff, at [Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Senior Program Manager