

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 88-53

A RESOLUTION ADOPTING GUIDELINES FOR USE OF IN-LIEU PARTICIPATION FEES FOR LOW AND VERY LOW INCOME HOUSING (EXHIBIT A)

- I. WHEREAS the Board of Supervisors adopted an Inclusionary Housing Ordinance in January 1981 which provides for inclusion of low-moderate income housing in housing projects of 15 units or greater or the contribution of fees in-lieu of units provided, and
- II. WHEREAS the County of Marin has received fees and has entered into agreements with project developers to receive fees in-lieu of providing low and very low income units, and
- III. WHEREAS the use of these in-lieu fees will be exclusively dedicated to the production of housing units for low and very low income families in Marin County, and
- IV. WHEREAS the Board of Supervisors finds it necessary to establish guidelines which establish priorities, criteria, and administrative processes for in-lieu fee distribution and project selection.

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Board of Supervisors hereby adopts Guidelines for Use of In-Lieu Participation fees for Low and Very Low Income Housing as set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 23rd day of February, 1988, by the following vote to-wit:

AYES: SUPERVISORS Giacomini, Stockwell, Roumiguere, Aramburu

NOES: --

ABSENT: SUPERVISOR Brown

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

Margaret Council
Clerk of the Board

ADMINISTRATION OF FUNDS:

1. **Staff:** The Planning Director or a designated member of the Planning Department shall administer this program.
2. **Budget and Finance:** Funds received and repaid will be placed in a trust fund. A separate budget unit will be established and trust funds will be allocated to that budget and appropriated by the Board of Supervisors prior to disbursement as grants or loans. Loan repayments will be made to the trust fund.
3. **Application for Funds:** Applications for grants or loans will be accepted whenever the available funding is at or above \$50,000. The Planning Director will maintain a list of potential applicant organizations and will notify them when funds are available. Applications will be made directly to the Planning Director.
4. **Review and Approval of Funding Requests:** The Planning Director will evaluate proposals and make recommendations to the Board of Supervisors on funding. Recommendations will be made on the application's conformity with priorities established in these guidelines, on the relative merits of the application and on any other special or pressing housing needs of the County. Final decision on funding will be made by the Board of Supervisors.
5. **Monitoring the Funds:** The Planning Director will maintain financial records as required by the Auditor-Controller, will monitor the status of projects, and will provide the Board of Supervisors with an annual report on the status of funds and projects.
6. **Redirecting Funds:** If funds allocated to a project are not spent within one year of the award, the Planning Director shall report to the Board of Supervisors on the status of the project, with recommendations as to whether those funds should be reallocated to another project or returned to the trust fund.

CRITERIA FOR FUNDS DISTRIBUTION:

1. **Eligible Applicants:** Non profit organizations and public agencies alone or in joint ventures with for-profit developers are eligible to apply for funding. For profit developers are not specifically excluded from applying for funds, but applications by for-profit developers for funding to carry out an activity already required by law will not be eligible for funding.
2. **Form of Subsidy:** A funding commitment for more than one year may be made based on anticipated future income of the fund.
3. **Eligible Use of Funds:** Any costs associated with new construction of housing or acquisition or rehabilitation of existing housing units for low or very low income households in Marin County are eligible for funding. Projects located anywhere in the County are eligible to apply for funding, but projects in unincorporated communities will be given preference over projects in cities.

All funded projects must demonstrate adequate provisions for continued affordability. Rental projects must be reserved for low or very low income occupancy for at least 20 years. Ownership projects must include either controls over resale price affordability or an adequate mechanism (such as a second deed of trust) for the recapture of public subsidy upon resale.