



# COMMUNITY DEVELOPMENT AGENCY

Brian C. Crawford  
DIRECTOR

February 9, 2016

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**SUBJECT:** Confirm direction to staff on policy options for preserving housing affordability and preventing displacement. This is the fourth meeting to continue the discussion from previous workshops held on October 13, November 17 and December 15, 2015.

Dear Board Members:

**RECOMMENDATION:** Staff recommends that your Board confirm the timing and next steps for policy options for preventing displacement and preserving housing affordability.

**SUMMARY:** A comprehensive set of policy options to address the County's affordable housing needs was first presented to your Board through a series of three public workshops between October and December 2015. At the December workshop the Board provided direction to staff as to which policy options should be pursued.

The purpose of the February 9 hearing is to confirm the timing and next steps for the policy options selected by your Board including: Acquisition for preservation and conversion, just cause for evictions, source of income protection, second unit amnesty, landlord incentives, voluntary rent guidelines, short-term rental regulations, and Development Code amendments, including those for second units and junior second units.

Policy options are proposed for implementation in three phases, based on staff's estimate of the time and staffing necessary for each option. Phase one includes options that can be implemented in the short term, i.e. 6 to 8 months, phase two includes options that could be implemented within 8 to 12 months, and phase three includes options that would take 12 to 18 months to implement. Also included here for reference is a summary of the steps necessary to implement each option.

**Phase One (6 to 8 months to implement):**

- A. Acquisition of multi-family rental properties for preservation as affordable housing.** This strategy is already in progress. The Community Development Agency (CDA) is collaborating on a task force with the Marin Community Foundation, Marin Housing Authority, Tamalpais Pacific Foundation, and the City of San Rafael to seek out opportunities for acquisition of multi-family rental properties in Marin’s cities and the unincorporated area. This strategy will require ongoing funding and support from the Board of Supervisors.
- B. Development Code amendments for junior second units.** CDA staff will draft Development Code amendments to improve and enhance the implementation of existing regulations allowing room rentals otherwise known as “junior second units.” The proposed code amendments will be presented to the Planning Commission followed by the Planning Commission’s recommendation being presented to the Board of Supervisors. If adopted, the amendments will apply to junior second units in unincorporated Marin County.

**Phase Two (8 to 12 months to implement):**

- A. Landlord incentives program.** Marin Housing Authority (MHA) staff will draft a “landlord incentives” program offering a variety of incentives to landlords who rent to low income tenants, including those with Section 8 vouchers. The proposed program will be presented to the Board of Supervisors for consideration at a public hearing. If approved by the Board, the program will managed by MHA.
- B. Voluntary rent guidelines.** MHA staff will begin by collaborating with stakeholders in the community to draft a set of voluntary rent guidelines. The proposed guidelines will then be presented to the Board of Supervisors for consideration at a public hearing. If approved by the Board, the guidelines will apply as a voluntary policy for the unincorporated county.
- C. Ordinance to require just cause for evictions.** CDA staff will draft an ordinance establishing criteria that constitute a “just cause” for eviction of rental housing tenants. The proposed ordinance will be presented to the Board of Supervisors for consideration. If adopted by the Board, the ordinance will apply to all rental housing in the unincorporated county.
- D. Ordinance to establish source of income protection.** CDA staff will draft an ordinance establishing source of income protection for renters with third-party rental subsidies, including section 8 voucher holders. The proposed ordinance will be presented to the Board of Supervisors for consideration. If adopted by the Board, the ordinance will apply to all rental housing in the unincorporated county.

**Phase Three (12 to 18 months to implement):**

- A. Development Code amendments for second unit regulations.** CDA staff will draft Development Code amendments to help improve the approval process for second units. Concurrently, the CDA will collaborate with the Department of Public Works to conduct a parking study to evaluate parking needs for second units and other types of housing, so that any resulting recommendations can be incorporated into the proposed amendments. The proposed amendments will be presented to the Planning Commission followed by the Planning Commission’s recommendation being presented to the Board of Supervisors. If adopted as an ordinance by the Board, the amendments will apply to second units in the unincorporated county.
- B. Short-term rental regulations.** CDA staff will draft an ordinance regulating short-term rentals (i.e. “vacation rentals”) initially for the Marin County Coastal Zone. The proposed ordinance will be presented to the Planning Commission followed by the Planning Commission recommendation being presented to the Board of Supervisors at a public hearing. If adopted by the Board, the regulations will be filed with the California Coastal Commission (CCC) for review and certification. If certified by the CCC, the regulations will be brought back to the Board to be considered for applicability to the non-coastal area of unincorporated Marin. If adopted by the Board, the regulations will apply to rental housing in the unincorporated county.
- C. Second Unit Amnesty.** CDA staff will draft an ordinance re-establishing the second unit amnesty program to create opportunities for existing, unpermitted second units in unincorporated Marin to be brought into compliance with County standards and to become a legal, permitted unit. The proposed ordinance will be presented to the Board of Supervisors for consideration. If adopted by the Board, the program will commence and CDA staff will begin outreach to communities throughout unincorporated Marin.
- D. Evaluate multi-family land use designations** (Housing Element Program 1.b, scheduled for 2016). CDA staff will analyze existing multi-family land use designations in unincorporated Marin County, consistent with Housing Element Program 1.b. If opportunities for rezoning are identified, then any proposed changes will be presented to the Planning Commission followed by the Planning Commission’s recommendation being presented to the Board of Supervisors for consideration. The Board will review the recommendation and provide staff with direction on next steps.
- E. Re-evaluate the Housing Overlay Designation (HOD) policy** (Housing Element Program 1.c, scheduled for 2016). CDA staff will analyze the effectiveness of the Housing Overlay Designation (HOD) in the unincorporated county, consistent with Housing Element Program 1.c. If opportunities for amending the HOD policy are identified, then any proposed changes will be presented to the Planning Commission followed by the Planning Commission’s recommendation being presented to the Board of Supervisors for consideration.

The Board will review the recommendation and provide staff with direction on next steps.

**CONCLUSION**

The timeframes for implementation provided in this report are based on staff's estimate of approximate time needed to complete the implementation of each policy option. However, the actual amount of time needed to complete the initiatives may be affected by various factors, such as the extent of community engagement and the number of public hearings for ordinances and code amendments, possible changes in staff resources, opportunities to complete work ahead of schedule and competing workload demands associated with the CDA's performance plan to be considered by the Board in March 2016.

**REVIEWED BY:**

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

Respectfully Submitted,



Leelee Thomas  
Principal Planner



Brian C. Crawford  
Director

**Attachments:**

1. Administrative Record (comments received)

This Board letter and all attachments are available online at:

<http://www.marincounty.org/depts/cd/divisions/planning/housing/affordable-housing>

A full reference copy is available for public review at the Board of Supervisors office, 3501 Civic Center Drive, Suite 329 (8:00 am to 5:00 pm, Monday through Friday) and at the Community Development Agency, Planning Division, 3501 Civic Center Drive, Suite 308 (8:00 am to 4:00 pm, Monday through Thursday, closed Fridays).