

**Report Title: Financing Affordable Housing:
Local In-Lieu Fees and Set-Aside Funds**

Report Date: June 30, 2003

Response by: Town of Tiburon Title: Town of Tiburon Town Council

FINDINGS

- I (we) agree with the findings numbered: 1, 2, 3, 4, 5, 6, 7, 8, 9
- I (we) disagree wholly or partially with the findings numbered: 10
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered 5 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered 2, 3 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered 1, 4 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/18/03 Signed: _____

Number of pages attached 4

September 18, 2003

The Honorable Lynn O'Malley Taylor
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Conrad Kloh
Foreperson
Marin County Civil Grand Jury
3501 Civic Center Dr., Room 303
San Rafael, CA 94903

**Re: Response to Grand Jury Report 2002-2003 – Financing
Affordable Housing: Local In-Lieu Fees and Set-Aside Funds**

Dear Honorable Judge Taylor and Foreperson Kloh:

This letter explains in detail the Town of Tiburon's response to the Grand Jury Report dated June 30, 2003. The Report directs all city and town councils to respond to all Findings and Recommendations.

Findings Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9:

- The Tiburon Town Council agrees with Findings 1, 2, 3, 4, 5, 6, 7, 8, and 9.

With respect to Finding 3, which states that "small amounts of in-lieu fees, held in special accounts in some jurisdictions in the county, are not large enough to be particularly useful in promoting that jurisdiction's affordable housing goals," the Town Council does not consider the Finding to apply to Tiburon, which is second only to the County of Marin in available affordable housing funds.

Finding No. 10:

- Finding No. 10 states that "local affordable housing information is not easily accessible to the general public." The Tiburon Town Council partially disagrees with this Finding. The Town's adopted budget includes a line item for the Low & Moderate Housing Fund and the Redevelopment Agency's Housing Set-Aside Fund, including current balances of each fund. In addition, the budget, which is available on the Town's website, provides a description of each of the housing funds.

This information, when considered with the Town's Housing Element, provides clear, easily-accessible information about Tiburon's affordable housing programs and the resources available to implement those programs. The Town Council agrees that detailed, comprehensive information regarding expenditures and

revenues over the years must be compiled and is not available to the public in a ready-made format, but will be provided expeditiously upon request.

Recommendation No. 1:

As a preliminary matter, the Town notes that it is not in a position to implement Recommendation 1, which would require action by the Marin County Board of Supervisors. Moreover, the Town questions the practicability of the recommendation. Recommendation 1 calls for the Board of Supervisors to request that ABAG and/or the California Department of Housing and Community Development treat the County of Marin as a single housing market for purposes of establishing affordable housing goals.

It is the Town's belief that the California State Legislature is the only body with the authority to change the state law in order to make this recommendation possible. A request to Marin County's state Assemblyman and state Senator would be a more direct approach.

The Tiburon Town Council understands the desire of the Grand Jury to promote a county-wide approach to affordable housing issues, particularly because many jurisdictions, such as Tiburon, have limited staff resources. However, consolidating the establishment of affordable housing goals for the entire county is problematic.

As the Grand Jury Report indicates, under current law a local government's regional housing need that is developed by ABAG must be accommodated within the government's housing element, which is part of its General Plan. Each jurisdiction is required to identify an adequate supply of land to accommodate its housing need, and designate the land to allow for the appropriate number of housing units. This is a land use planning process which local governments must undertake. Consolidating the housing goals would make it unclear which local government is responsible for identifying the necessary land to accommodate housing, or worse, shift the responsibility to the county, which would not be accountable to local residents.

Recommendation Nos. 2 and 3:

Recommendation 2 urges the Board of Supervisors and the cities and towns to establish an appropriate mechanism for the coordination of all affordable housing activities in the County. Recommendation 3 calls for the inter-governmental coordination that was used to develop the Marin Housing Workbook to be used for ongoing implementation of the recommendations contained therein.

Among the primary recommendations included in the Workbook was to implement an inter-jurisdictional strategic action plan for housing in Marin and to create a countywide housing assistance team (HAT).

The Town of Tiburon supports the continued coordination of housing activities among the county and the cities and towns and will participate in inter-jurisdictional efforts to facilitate affordable housing in Marin.

With respect to the sharing of funds, the Town has historically made loans to the Marin Housing Authority for the construction of affordable housing units in Tiburon. This has provided a benefit for Tiburon because of the construction of new affordable units within the Town and for the Housing Authority because it freed resources the Authority could use on other projects. The Town will continue to be willing to fund county projects which also have a benefit for Tiburon.

Recommendation No. 4:

Recommendation 4 is directed at the Board of Supervisors, urging them to support and cooperate with the various nonprofit housing agencies and developers within the County by including them in the implementation of the countywide housing programs. As with Recommendation 1, the Town has no power to implement this recommendation.

Although this recommendation is not directed at the Town, Tiburon is committed to working with nonprofit housing agencies and developers to implement its housing programs and to meet its housing goals.

Recommendation No. 5:

Recommendation 5 calls on all local governments to assure that their housing programs and funding are fully disclosed to the public. As described in the discussion of Finding 10 above, the Town's budget includes line items and descriptions of both the Low & Moderate Housing Fund and the Redevelopment Agency Housing Set-Aside Fund. In addition, the Housing Element, which describes the Town's housing programs, is also available. The Town believes that it has implemented this recommendation.

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The Tiburon Town Council reviewed and approved this response on September 17, 2003. If you have further questions on this matter, please do not hesitate to call.

Very truly yours,

ALEX D. McINTYRE
Town Manager

c: Town Council
Town Attorney
Director of Community Development