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BY ELECTRONIC MAIL

May 20, 2011

Mr. Charles E. Hauptman
Director, Office of Fair Housing and Equal Opportunity
San Francisco Regional Office
U.S. Department of Housing and Urban Development
600 Harrison Street, Third Floor
San Francisco, CA 94107

Re: County of Marin Analysis of Impediments

Dear Mr. Hauptman:

I am writing on behalf of a group of long-time leaders of color in Marin County, as well as their philanthropic partner, the Marin Community Foundation, to provide you with a copy of our recent comments on the County's draft Analysis of Impediments to Fair Housing Choice (AI).

These leaders include members of public boards and commissions, non-profit heads, and several national leaders of color, and represent a diverse and influential group of organizations working in Marin County. (See the attached list of leaders and their affiliations.) They bring to this work a wealth of knowledge about Marin: both the challenges it faces (including stark racial segregation patterns and deep resistance to affordable housing) and thoughtful solutions to these challenges. In short, they share HUD's commitment to creating open, inclusive communities in Marin.

As you know, Marin is in the process of preparing a revised AI and Action Plan, as required by HUD's Voluntary Compliance Agreement (VCA) with the County. Pursuant to its obligations under the VCA, Marin must analyze the impediments to fair housing, both public and private, that exclude minority and lower-income households from housing opportunities, and develop specific actions to remedy these impediments. More than a paper exercise, this provides a unique opportunity for the County to work closely with community members to better understand the fair housing challenges it faces, identify the affirmative steps needed to overcome these challenges, and incorporate this analysis into its planning processes.

The final product, as required under the VCA, is a plan that, when implemented, will begin to reverse the patterns that have excluded low-

income families of color from housing opportunities in Marin's vibrant communities, particularly those that serve as gateways to good schools and good jobs.

The County's draft AI is an important first step in this process: it identifies a wide range of barriers that confront people of color and members of other protected classes in Marin. Yet it falls short in two key respects. First, it was developed without adequate input from the County's residents, particularly communities of color. Second, the identification of impediments has no corresponding set of remedial actions. Without meaningful public engagement to inform the County's AI and Action Plan, and a commitment to take action, the AI cannot serve its function as a meaningful planning tool and will not comply with the VCA.

In response to the County's draft, this group of community leaders submitted the attached comment letter. They also worked together to prepare a matrix linking impediments to proposed actions, to provide constructive solutions as the County begins to finalize the AI for submission to HUD. For your convenience, key points from their comments are summarized below:

- **Public Participation:** The draft AI was developed without a sufficient public process, excluding community leaders of color and their constituents from meaningful engagement. The process provided no opportunity for the broader community to engage at the early analysis stage and, even after the release of the draft AI, the County failed to give residents sufficient time and information to provide thoughtful input on the draft. The community leaders recommend that the County complete this draft and additionally update its AI by October 2012 after an open and inclusive public participation process in which protected-class members play a leading role.
- **Zoning, Site Selection, and Funding:** HUD's investigation found that protected classes are disproportionately impacted by Marin's lack of affordable housing, and that exclusionary zoning practices and inadequate public funding exclude affordable housing opportunities. The draft AI acknowledges these challenges. As a result, the County must include in its AI specific actions to address zoning, site selection, and funding impediments, actions that existing state law obligations already require. In particular, the AI should include actions to ensure that every Marin jurisdiction promptly adopts a long-overdue affordable housing plan (Housing Element) for accommodating its regional fair share of affordable housing at each income level; adopts zoning code amendments as needed to promote affordable housing development at appropriate densities; and rezones all sites necessary to accommodate its fair share of affordable housing, in areas near jobs, transit, good schools, and other opportunities.
- **Creating Welcoming Communities:** As recognized by both HUD and the County's draft, there is a pervasive sense among Marin's minority residents and workers that they are not welcome in many of Marin's communities. These sentiments are supported by vocal organized community opposition to affordable housing in some communities and evidence that opposition by white homeowners is driven by unfounded fears of people with different backgrounds and different life experiences. The County should take concrete actions to address these exclusionary barriers, including development and implementation of "welcoming committees" and a marketing campaign illustrating the

populations served by affordable workforce housing and depicting the racial diversity of the County's workforce.

- **Public Transportation:** The draft AI recognizes that local transit service in Marin is concentrated in a few densely populated, segregated communities, thereby perpetuating the concentration of minorities, women with children, and the disabled in certain neighborhoods. The County proposes one appropriate solution: a partnership between the Transportation Authority of Marin and local public transit providers to increase transportation options in higher-income, less impacted communities and to implement the Marin City transportation plan. Additionally, the County must, in cooperation with Golden Gate Transit and Marin Transit, conduct an equity analysis of local bus service cuts relative to ferry service expansion, and create and implement an action plan to provide increased local bus service, as required by FTA Title VI guidance.
- **Review and Monitoring of Federal Title VI Compliance:** Compliance with Title VI requires that all public agency programs and activities be monitored to determine whether their benefits and burdens are shared fairly by racial and ethnic minorities. The County's AI Action Plan should ensure that steps are in place to monitor such programs and activities in receipt of federal and state funds for compliance with Title VI.
- **Implementation and Oversight Monitoring:** As part of HUD's requirement that the County monitor the planning, analysis, and performance of municipalities in its funding consortium, the County should appoint a standing committee made up of protected-class leaders and representatives, to oversee the implementation of both the AI Action Plan and all other actions required by the VCA.

We appreciate the opportunity to share with you these leaders' comments on Marin County's draft AI. We encourage HUD to use their analysis of the draft's shortfalls and matrix of potential solutions in the assessment of Marin's compliance. In addition, they would like to offer their collective knowledge, experience, and ideas as a resource to HUD. To that end, we would like to set up a meeting with you and your colleagues to allow these leaders to discuss the County's draft AI and the VCA implementation process. We will contact your office to find a mutually convenient time.

Thank you for your consideration and for HUD's commitment to building a more open and inclusive Marin.

Sincerely,



Richard A. Marcantonio
Managing Attorney

Mr. Charles E. Hauptman
May 20, 2011

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Cc: The Hon. Ron Sims, Deputy Secretary
The Hon. John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity
The Hon. Mercedes Márquez, Assistant Secretary for Community Planning and
Development
Ms. Ophelia Basgal, Regional Administrator, Region IX
Ms. Anné Quesada, Director of San Francisco FHEO Program Center
Mr. Jeff Jackson, Chief of San Francisco FHEO Program Compliance Branch
Community leaders of color and allies
Dr. Thomas Peters, President, Marin Community Foundation

Enclosures: May 16, 2011 Comment letter
Matrix of impediments, and associated actions and HUD findings
List of signatory leaders and their affiliations