

Draft AI Impediments/ Additional Impediments	Draft AI Recommended Actions/ Additional Actions	HUD Findings
I. GENERAL IMPEDIMENTS: CONCENTRATION/EXCLUSION OF MINORITIES		
A. Concentration of Minorities		
<ul style="list-style-type: none"> ➤ County’s Latino population doubled from 1980 to 1990 and may have given rise to anti-immigration sentiment, which in turn may have led to segregation of Latino and some Asian families, with many settling in Canal Area of San Rafael (1994 Impediment listed in Ch. 6, p. 2) ➤ Marin City’s population is 59 percent Black and 47 percent of Canal Area residents are Latino; both areas are racially segregated; Marin City’s has shown historic patterns of racial segregation dating back to World War II (1994 Impediment listed in Ch. 6, p. 2) ➤ As identified by MHA Director, Blacks in Marin City resisted MHA’s attempt to place non-Blacks in what had been historically Black developments (1994 Impediment listed in Ch. 6, p. 2) ➤ County and city redevelopment funds are often committed to redevelopment project areas that are already highly segregated, perpetuating the concentration of minorities in certain neighborhoods and cities (Executive Summary, p. ii) <p>[Aforementioned impediments are also listed in Section V(B) on Public Housing]</p>	<p><i>See Recommendations in Parts II-X, Below</i></p>	<p>FINDINGS FROM HUD FINAL INVESTIGATIVE REPORT:</p> <p>Concentration of Black and Hispanic families: “[T]wo census tracts within Marin . . . are severely impacted with Blacks comprising over 59% of residents of Marin City, and Hispanics comprising over 47% of the residents of the Canal Area.” (e/p.65)</p> <p>Segregation of Black families: The “segregation of the county’s Black population in Marin City has perpetuated or even accelerated historic patterns of racial segregation in Marin City that date back to World War II.” (e/p.65)</p> <p>Clustering or segregation of Hispanic and Asian families: The “doubling of the county’s Hispanic population . . . while the county’s overall population grew by just 3.4% during this same period, may have sparked anti-immigration sentiment in the county, and has possibly promoted the clustering or segregation of Hispanic and some Asian families to the Canal Area of San Rafael where concentrations of others like them may insulate them from forms of housing discrimination and anti-immigrant sentiment.” (c/p.65)</p> <p>Even among its relatively small minority population, persons of Black race and Hispanic ethnicity are largely clustered in two minority-impacted census tracts. Of the county’s population of 7,142 Blacks, 16% of those live in</p>

		<p>the unincorporated area of southeast Marin known as Marin City (census tract 1290), where Blacks make up 1,150 or 46% of the total residents. The Marin Housing Authority’s largest low income public housing developments are located in Marin City, as well as several other forms of HUD-subsidized housing. Of the county’s population of 27,351 persons of Hispanic ethnicity, 13,070 or 48% of those live in the city of San Rafael, primarily in an area of that city known as the canal zone (located within census tract 1122), its oldest section and the area of most concentrated poverty.</p> <p>(FIR, pp. 58-59)</p>
<p>B. Exclusion of Minorities</p>		
<ul style="list-style-type: none"> ➤ Interviews of Blacks, Latinos, and Asians revealed following: Blacks perceived that they would experience discrimination in housing if they were to move outside Marin City; Latinos and Asians had similar perceptions if they were to move out of Canal Area; all groups were unlikely to search in other areas even if they could find better quality housing at comparable prices <p style="text-align: right;">(1994 Impediment listed in Ch. 6, p. 2)</p> ➤ Hispanic, Asian, and particularly Black households are not moving into Marin County in appreciable numbers <p style="text-align: right;">(Executive Summary, p. i)</p> ➤ Black and Latino renters experience differential treatment in the housing market <p style="text-align: right;">(Executive Summary, p. i)</p> 	<p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Establish a target of increasing their respective shares of minority population by 10 percent by 2020. <p style="text-align: center;"><i>See additional Recommendations in Parts II-X, Below</i></p>	<p>FINDINGS FROM HUD FINAL INVESTIGATIVE REPORT:</p> <p>The former Director of the Marin Housing Authority “has had trouble placing non-Black LIPH Program participants in the severely racially-impacted Marin City LIPH developments, because of perception that the predominate Black residents view the Marin City developments as ‘historically theirs’, and have been unwelcoming of persons of other races or ethnicity into these developments.”</p> <p style="text-align: right;">(FIR, p.66)</p> <p>Anti-immigration sentiment:</p> <p>The “doubling of the county’s Hispanic population . . . while the county’s overall population grew by just 3.4% during this same period, may have sparked anti-immigration sentiment in the county.”</p> <p style="text-align: right;">(FIR, p. 65)</p> <p>Examples of anti-immigration sentiment:</p> <p>Fair Housing of Marin has received “angry comments from citizens expressing the attitude that taxpayer money should not be spent conducting outreach or advocating for the rights of people presumed to be, though in many cases not actually, living in the country illegally. Even among immigrant families</p>

that are living in this country, many of these families would prefer to avoid confrontations with landlords who would 'threaten to call INS' if the tenants complain or try to advocate for their fair housing or other legal rights as a tenant.”

(FIR, p.69)

Race/ethnicity discrimination:

A 1993 audit conducted by Fair Housing of Marin “revealed that racial and ethnic minorities were as much as 71% likelier to receive less favorable treatment or suffer housing discrimination relative to non-Hispanic Whites, suggesting that while the percentage increase of CDBG funding to fair housing enforcement and education to Fair Housing of Marin had increased from 1% to 2% of the CDBG grant in the past year (1993-1994), the funding provided by the county remained inadequate to allow Fair Housing of Marin to combat the significant problem of racial and ethnic discrimination that persists in the county.”

(FIR, p.66)

Individuals of Black and Asian races, and Hispanic ethnicity, who were interviewed, “believe they will be subjected to instances of housing discrimination if moving outside of traditional areas of their residency in the county (Marin City for Blacks, Canal Area of San Rafael for Hispanics and Vietnamese), thus deterring them from searching in non-traditional areas even when the quality of comparably-priced housing might be better.”

(FIR, p.66)

Underrepresentation

In summary, if FHEO were analyzing the collective housing market of Marin County as it would an affirmative fair housing marketing plan, we would identify Blacks, Asians and Hispanics as the three racial and ethnic groups “least likely to apply” for housing in Marin without affirmative marketing and outreach to attract their interest. All three groups are significantly under-represented relative to their populations in adjacent counties, especially those counties to the south and east.

(FIR, p. 62)

<p>II. RENTAL HOUSING – NEW CONSTRUCTION</p>		
<p>A. Zoning Regulations, Site Zoning, Development Code</p>		
<p>1. Failure to Adopt and Implement Housing Elements:</p> <ul style="list-style-type: none"> ➤ Adoption by Statutory Deadline: “California law requires every community to develop a Housing Element that identifies a sufficient number of sites to accommodate that jurisdiction’s fair share of regional housing need, and to ensure that these sites are appropriately zoned for affordable multi-family housing. None of the jurisdictions in Marin currently have State-approved Housing Elements.” (Ch. 4, p. 4) ➤ Implementation: Under California Housing Element law, sites must be rezoned to meet shortfalls in very low- and low-income housing needs at recommended minimum densities. ‘In Marin, that means a minimum density of 30 units per acre for the unincorporated County and its two largest cities, San Rafael and Novato. Remaining cities and towns must zone sites at a minimum density of 20 units per acre to meet the shortfall in the lower-income portion of their regional housing need.’ (Quoting Public Advocates report.) Current zoning regulations, however, provide that housing may be developed at a lower density. To wit, in Marin County, ‘two-story apartments can be built at densities of 15 to 5 units per acre.’ (Ch. 4, pp. 5-6) 	<p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Adopt a compliant housing element, within six to twelve months, that accommodates in full the assigned need for affordable housing at each income level (ELI, VLI, LI, MI). Timing shall be based on the following considerations and include the following benchmarks: <ul style="list-style-type: none"> ○ Jurisdictions that will conduct site rezoning concurrent with, or prior to, housing element adoption, shall <ul style="list-style-type: none"> ▪ Begin the EIR process by Oct. 1, 2011, and certify the EIR within 12 months; and ▪ Adopt a compliant housing element within 9 months of certifying the EIR. ○ Jurisdictions that will conduct site rezoning following adoption of the housing element shall adopt the element: <ul style="list-style-type: none"> ▪ within six months if a draft has previously been submitted to HCD for its review; ▪ within 12 months if no draft has previously been submitted to HCD for its review. • Fully implement all housing element actions required to accommodate the affordable housing need before the planning period ends in 2014. 	<p>“California enacted in 1969 a Housing Element Law that recognized the vital role that local governments play in the supply and affordability of housing. It requires that each governing body (city council or board of supervisors) of a local government in the state to adopt a comprehensive, long-term general plan for the physical development of its jurisdiction, and mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. California’s Housing Element Law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. California’s Housing Element Law is overseen by its state Department of Housing and Community Development. In 2007, Housing Element Law was amended to require local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including a zone or zones where emergency shelters would be allowed as a permitted use without conditional use permits.</p> <p>“More specifically, the California Housing Element Law requires the development of a Regional Housing Needs Allocation (RHNA) process to address the need for housing throughout the state. As part of the RHNA, the State requires each jurisdiction to plan for its share of the region’s housing need, for people of all income categories. In northern California, the Association of Bay Area Governments (ABAG) functions to organize nine metropolitan counties of the San Francisco Bay Area and, through means of a joint planning process, to identify each county’s apportioned share of the region’s overall housing needs. Each jurisdiction must then plan for that need in their local housing elements, which are eventually certified by the California Department of Housing and Community Development.”</p>

2. Production Shortfalls:

- Based on 2008 data, Marin County jurisdictions are falling short of meeting RHNA needs
 - ❖ 4 jurisdictions did not develop any very low- or low-income housing in 2008: Belvedere, Corte Madera, Fairfax, and Unincorporated County
 - ❖ 4 jurisdictions developed only one or two very low- or low-income units in 2008: San Anselmo, San Rafael, Sausalito, and Tiburon
(Ch. 6, p. 8)
- Jurisdictions not on track to meet their housing needs allocations are least racially integrated jurisdictions within County
(Ch. 6, p. 8)
- Due to limited housing availability, individual tenant screening processes are employed by non-profit developers, which may make it difficult for some people with mental disabilities and single mothers with children to secure housing
(Ch. 4, p. 13)
- There exists a deficit in workforce housing
(Ch. 4, p. 21) (examples of commutes of Marin residents and Marin workforce are included)
- People in the middle- and lower-income levels working within the county are more likely to live outside the county because of the high cost of housing, and this is more likely to impact racial and ethnic minorities
(1994 Impediment listed in Ch. 6, p. 2)

Recommendation ES 29:

- County and Local Jurisdictions: Track development of affordable housing towards meeting RHNA needs
- Require municipalities to report on actions they have taken to affirmatively further fair housing

See also additional Recommendations below.

Additional Actions Needed:

The County of Marin and each municipality shall:

- **Rezone enough sites for lower-income housing at moderate densities (25-30 units per acre) to accommodate any portion of the lower-income need that was not accommodated during the prior planning period, in addition to the new need, as required by AB 1233.**

“Considering median incomes by racial/ethnic group depicted in the tables above in this segment, one can readily see that Blacks and Hispanics, and to a lesser degree Asians, would have disproportionately greater need of affordable housing units in Marin than non-Hispanic White families, if these groups sought to live in Marin.”

(FIR, p. 61)

“[A] shortage of rental units within the county, which drives up demand and prices, and results in competition, can lead to housing providers employing discriminatory screening methods, and which may have particular negative consequences for minorities, families with children, and persons on fixed incomes such as elderly persons and those with disabilities.”

(FIR, p.64)

There exists a “[l]ack of workforce housing or preferences for persons commuting into the county for jobs, but who cannot afford to live within the county due to high cost of housing.”

(FIR, p.70)

“The County should conduct ongoing analysis, on at least a semi-annual basis, of the rates of minority race and ethnicity participation in all of its affordable housing developments and programs. However, it is *compelled* by Title VI, Section 109, and Section 504 to do so for any affordable housing development activity or program involving federal funds from the Department. If identifying under-participation by any racial or ethnic group, the county’s analysis should endeavor to identify the possible causes of that under-participation, and devise remedies to overcome that, specifically including affirmative outreach and marketing to those groups “least likely” to apply without it. Such analysis of participation rates should not be limited to existing residents of the county of Marin, but should be conducted on a regional basis

		<p>and reflective especially of the workforce commuting into Marin from adjacent counties, or those who might seek work or residency in the county, but do not because of the paucity of affordable housing within Marin County.”</p> <p>(FIR, p. 95, Required Corrective Action for Preliminary Finding of Non-compliance #3b)</p>
<p>3. Exclusionary Zoning Regulations:</p> <ul style="list-style-type: none"> ➤ Current zoning ordinances impose onerous restrictions on development of high-density, multi-family housing <ul style="list-style-type: none"> ❖ Majority of zoning does not permit residential development (Ch. 4, p. 4) ❖ Sites identified in Housing Elements have not been zoned for multi-family housing “by right.” (Ch. 4, p. 4) ❖ County GP must permit residential use (Ch. 4, p. 5, fn 20) ➤ Zoning regulations related to density, height, parking, and limitations of ground-floor space to commercial uses act as significant hurdle to affordable housing development <ul style="list-style-type: none"> ❖ Maximum height standard (Ch. 4, p. 5) ❖ Failure to rezone at higher minimum density standards pursuant to AB 1233 (Ch. 4, pp. 5-6) ➤ Small parcels pose difficulties for non-profit builders (Ch. 4, p. 6) ➤ Much of county is zoned as open space or for agriculture, or is not suitable terrain for building, leaving very little land for residential development, mostly around major transportation (Ch. 4, pp. 1, 4 and 1994 Impediment listed in Ch. 6, p. 3) ➤ According to anecdotal reports, nonprofit developers are reticent to undertake projects in Marin because of tedious and unpredictable permitting process in the County (Ch. 4, p. 9) 	<p>Recommendation ES 2:</p> <ul style="list-style-type: none"> ➤ Undertake comprehensive reviews of zoning regulations ➤ Ensure that zoning code permits ‘by right’ development of multifamily dwellings or allows such building design considerations based upon multi-family design guidelines ➤ <u>Impose</u> zoning restrictions that include a density floor to prevent lower-density development of a site ➤ Engage in site zoning where affordable developments may benefit from increased residential density standards, fee waivers, and relaxation of other development standards (ex. parking requirements) <p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Adopt zoning code amendments as needed to allow residential densities sufficient to produce affordable multi-family housing development, including density floors and an affordable housing overlay zone, by Oct. 31, 2011. • Rescind any code provisions that impede a jurisdiction’s ability to affirmatively further fair housing. 	<p>The “predominate zoning in the county is open-space or agricultural, or topographically unbuildable, leaving only a small percentage of land primarily centered around the major transportation corridors open to residential development.”</p> <p>(FIR, p.66)</p>

<p>4. Design Review:</p> <ul style="list-style-type: none"> ➤ According to anecdotal reports, nonprofit developers are reticent to undertake projects in Marin because of tedious and unpredictable permitting process in the County (Ch. 4, p. 9) <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • Permitting and Design Review processes are burdensome and unpredictable, adding cost, delay and uncertainty to efforts to build affordable housing, and providing opportunities for NIMBY opposition. 	<p>Recommendation ES 2:</p> <ul style="list-style-type: none"> ➤ Adopt design guidelines for multi-family developments that <u>shall</u> be used to review and permit affordable housing projects either ‘by right’ or through a streamlined process of <u>non-discretionary</u> design review limited to design aspects of the site and proposed improvements <p>Additional Actions Needed:</p> <ul style="list-style-type: none"> • The County of Marin shall develop a set of model design review guidelines that comply with Gov’t Code § 65583.2 (i), no later than Oct. 31, 2011. • The County and each municipality shall adopt a permitting process and design review standards and procedure for affordable housing that complies with Cal. Gov. Code § 65583.2 (i), no later than Dec. 31, 2011. 	
<p>5. Failure to Zone Adequate Sites for Affordable Housing:</p> <ul style="list-style-type: none"> ➤ Much of county is zoned as open space or for agriculture, or is not suitable terrain for building, leaving very little land for residential development, mostly around major transportation (1994 Impediment listed in Ch. 6, p. 3) <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • None of Marin’s local jurisdictions implemented all of the site rezoning in its last Housing Element; six of Marin’s local jurisdictions did not rezone any of their Housing Element sites for affordable housing during the prior planning period, as they committed to do. • Many of the sites that were rezoned were too small to make affordable housing feasible, were not supplied with adequate development standards, or were rezoned too late to develop during the planning period. 	<p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Rezone all sites necessary to accommodate the assigned affordable housing need at each income level by Dec. 31, 2011; • Zone sites for new affordable housing in neighborhoods with high performing schools. 	<p>“[T]he predominate zoning in the county is open-space or agricultural, or topographically unbuildable, leaving only a small percentage of land primarily centered around the major transportation corridors open to residential development” (FIR, p. 66)</p> <p>“[T]he county’s development of approximately 1,084 units of affordable housing within the 2005-2009 period appears to site the majority of such housing in or immediately adjacent to areas of historic racial or ethnic segregation within the county, thus promoting these patterns of segregation of minorities and having the effect of denying protected classes, especially Blacks and Hispanics, the benefits of integration into the wider community, despite its successive annual certifications to HUD that it has undertaken actions to affirmatively further fair housing choice.” (FIR, p.82)</p>

<p>6. Competition from Market Rate Developers for Multifamily Sites:</p> <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • Less than 12% of 179 sites that were identified for affordable housing in the prior planning period produced any affordable units at all, mostly in small amounts, and only seven percent yielded five or more lower-income units. Many of these sites were consumed by market development. 	<p>Recommendation ES 2:</p> <ul style="list-style-type: none"> ➤ Engage in site zoning where affordable developments may benefit from increased residential density standards, fee waivers, and relaxation of other development standards (ex. parking requirements) ➤ Consider creation of affordable housing overlay zones <p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Adopt incentive-based zoning, along the lines of Corte Madera’s Affordable Housing Overlay Zone, that provides development incentives (density, parking reduction, fee waivers, etc.) in exchange for a high proportion of deed-restricted affordable housing, no later than Oct. 31, 2011, and apply it to a broad range of developable sites, including all sites within ½ mile of transit, no later than Dec. 31, 2011. • Apply the new zoning to developable sites, no later than Dec. 31, 2011. 	
<p>7. NIMBY/Neighborhood Opposition to Affordable Housing:</p> <ul style="list-style-type: none"> ➤ Neighborhood opposition to specific affordable housing proposals is pervasive in Marin County (Ch. 4, pp. 14-15) (examples provided) ➤ Residential development in Marin has slowed down drastically (in 1980’s and even more in 1990’s) because anti-development sentiment either leads to litigation or there is a threat of litigation, which not only has a dampening effect on building, but also drives up cost of doing so (1994 Impediment listed in Ch. 6, p. 3) ➤ Some residents have posted inflammatory or discriminatory responses to local newspaper articles about civil rights and fair housing issues (Ch. 3, p. 9) (examples provided) 	<p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall adopt and implement, no later than Oct. 31, 2011, an anti-NIMBY program that includes the following elements:</p> <ul style="list-style-type: none"> ➤ Adoption of a reasonable and streamlined permitting process that does not impose extraneous conditions on affordable housing, as required in Cal. Gov. Section 65583.2 (i). ➤ At the outset of each jurisdiction's housing element process, the jurisdiction shall prepare its required needs analysis (per state housing element requirements), with input from the 	<p>“NIMBYism. Cited as examples was strong resident opposition of Tiburon residents to the development of four units of affordable housing by Habitat for Humanity. The housing was architect-designed, unique in character, and Habitat had gone to great lengths to make the housing consistent with other local development, yet the residents of Tiburon were still vocally opposed, and the issues drew media attention. Other examples of NIMBYism were cited in Strawberry and Marinwood.” (FIR, p. 67.)</p> <p>“[A]nti-development sentiment within the county frequently results in, or produces fears of possible litigation which further drives up residential development costs and deters development.” (FIR, p.67)</p>

➤ In 2008, FHOM expanded its public website to include Spanish-language pages with information about fair housing rights. FHOM also conducted a public service outreach campaign in Spanish, and published a newsletter with describing services available in Spanish. FHOM received what it characterized as hate mail from some Marin residents

(Ch. 3, p. 9)

community, and present this publicly.

- **Early in the jurisdiction's housing element process, it shall host a tour of local developments that provide 100% deed-restricted affordable housing.**
- **Each jurisdiction shall publish an updated yearly report on the local need for affordable housing and make this available to the press.**

The County of Marin shall:

- **Develop and launch a marketing campaign illustrating who is served by affordable workforce housing and depicting the racial diversity of the County's lower-income workforce. This campaign will be ongoing. It will also include examples of existing affordable housing developments in the county, as well as information about how the county is stronger when it affordably houses its workforce. Examples of similar marketing campaigns include:**
 - **a campaign prepared by the Marin County Workforce Housing Consortium between 1996 and 2000 (print ads, bus billboards, and PSAs);**
 - **a publicity campaign by the Maine State Housing Authority that explicitly targeted NIMBY-ism through educational newspaper ads, posters and a video in 2001;**
 - **a media campaign in 2008 by the New York State Division of Housing and Community Renewal (DHCR) featuring radio and TV PSAs (“*This is affordable housing today*”) and a video called *Affordable Housing Works!***

Despite the fact that Habitat for Humanity housing was “architect-designed, unique in character, and Habitat had gone to great lengths to make the housing consistent with other local developments,” residents of Tiburon were “still vocally opposed” to the development of the four units of affordable housing in question.

(FIR, p.67)

“[W]hen the number of units becomes too severely limited, development simply isn’t profitable enough for a developer to proceed, and the county develops a reputation for being a place where development is next to impossible, and developers may shy away from projects in the county because of a perception that development obstacles are insurmountable.”

(FIR, p.67)

While an affordable housing development – San Clemente – “ultimately came to be embraced by the residents of Corte Madera, the city has since come to oppose the development of more units of affordable housing there because it believes it has already done its ‘fair share’ by allowing San Clemente, and so doesn’t want to allow more affordable housing to be constructed there.”

(FIR, p.68)

“[T]here continue to be many landlords unwilling to participate in the [Section 8] program. . . . Some of this resistance to accepting Section 8 voucher-holders could be a presumption that Section 8 voucher tenants would be like residents of public housing projects who are thought to not take care of their units, or who are associated with drug or gang activities, and attitudes may also be reflective of deeper prejudices against racial or ethnic minorities.”

(FIR, p.68)

	<ul style="list-style-type: none"> ▪ a TV-oriented campaign in Chicago (“We need the people who need affordable housing”). 	
<p>8. Development Code Discrimination:</p> <ul style="list-style-type: none"> ➤ Two stated purposes of Development Code are: <ul style="list-style-type: none"> ❖ “To protect the character and social and economic stability of agriculture, residential, commercial, industrial, and other areas within the County and ensure the orderly and beneficial development of those areas as part of a well-coordinated community” and ❖ To “provide a diversity of areas characterized by differing land use activity, scale and intensity, while maintaining a community identity and quality development.” <p style="text-align: right;">(Ch. 4, p. 49)</p>	<p>Recommendation ES 19:</p> <ul style="list-style-type: none"> ➤ Amend Development Code to limit language that could be used as pretext for discrimination against minorities, people with disabilities, and families with children ➤ Add clarifying language that Code intended to 1) expand housing opportunities for all people, regardless of membership in protected class, and 2) implement other public policy objectives <p><u>Other Local Jurisdictions</u></p> <ul style="list-style-type: none"> ➤ Undertake similar amendments where needed 	
<p>B. Inclusionary Zoning, Funding, and Second Units</p>		
<p>1. Over-reliance on Inclusionary Zoning:</p> <ul style="list-style-type: none"> ➤ Inclusionary housing policies do not create deeply affordable housing (i.e. housing affordable for extremely low- and very low-income people) <p style="text-align: right;">(Ch. 4, p. 9)</p> <ul style="list-style-type: none"> ➤ Inclusionary zoning alone is insufficient to produce the amount of affordable housing needed in the County, especially during economic downturns when there is little market-rate development and an increased need for affordable housing <p style="text-align: right;">(Executive Summary, p. ii)</p>	<p>Recommendation ES 3:</p> <ul style="list-style-type: none"> ➤ Belvedere, Fairfax, Sausalito, and Ross: Evaluate potential effects of adopting inclusionary zoning ordinances as strategy for developing more affordable housing ➤ Study current IZ regulations and change if necessary to remove policies which may act as barriers to increasing housing options for low income and minority households <ul style="list-style-type: none"> ▪ Define “overall project character” ▪ Develop clear criteria for determining when IZ units would not fit with overall project character ▪ Assess in-lieu fees in direct proportion to cost to construct a unit 	

<p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • Public actions (including zoning) create significant added value in landowners, yet development is not assessed to determine whether communities will share in that added value by ensuring that development will provide benefits, such as affordable housing. 	<p>Recommendation ES 4:</p> <ul style="list-style-type: none"> ➤ Periodically review local schedules of in-lieu fees and impact fees to determine whether they should be adjusted <p>Recommendation ES 18:</p> <ul style="list-style-type: none"> ➤ Local Jurisdictions: Continue IZ policies to ensure commercial developments include AH units <p>Additional Actions Needed:</p> <p>The County and each municipality shall</p> <ul style="list-style-type: none"> ▪ Require for-profit developers to complete an Equity Impact Review (EqIR) 	
<p>2. Inadequate Public Funding for Affordable Housing:</p> <ul style="list-style-type: none"> ➤ Because of the high cost of land and development, federal subsidy formulas and limits are not enough for development of new subsidized housing units, and this particularly impacts minorities, families with children, and persons on fixed incomes (1994 Impediment listed in Ch. 6, p. 2) ➤ The Housing Trust permits funding in jurisdictions outside the unincorporated County. However, given the limited resources available, the County Board of Supervisors may be reticent to fund projects in incorporated areas (Ch. 4, p. 18) <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • State and federal sources of funding affordable housing require local matching funds, but Marin’s sources of local affordable housing funding are inadequate. 	<p>Recommendation ES 4:</p> <ul style="list-style-type: none"> ➤ Explore other options for providing affordable housing and funding for local housing trusts, including considering adopting affordable housing impact fees, similar to County’s fee <p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Create a dedicated local revenue source for affordable housing (in addition to the 20% tax increment set-aside required in redevelopment areas) within one year that generates at least \$20 per capita in annual revenues. Pool all funds in a countywide affordable housing trust fund. Potential revenue sources may 	<p>“[F]ederal subsidy formulas and limits are insufficient to make viable the development of new units of subsidized housing units in Marin County owing to the extremely high cost of land and development in the county, with particular impact on minorities, families with children, elderly and disabled who have disparate need.” (FIR, p.66)</p>

	<p>include:</p> <ul style="list-style-type: none"> ➤ a jobs-housing linkage fee for new commercial properties; ➤ a large home impact fee (modeled after Marin County's); ➤ application of inclusionary in-lieu fees to residential developments of all sizes; and ➤ as necessary to make up any annual shortfall, a yearly General Fund transfer. <ul style="list-style-type: none"> ▪ Ensure transparency about the spending and uses of public funds for affordable housing, including funds in the Housing Trust Fund. 	
<p>3. Over-reliance on Second Units:</p> <ul style="list-style-type: none"> ➤ Many second units may be rented to family members, who may or may not be low income (Ch. 4, p. 10) ➤ Second units may be less likely than units in conventional apartment buildings to be broadly marketed, such that they may have limited availability to those who need affordable housing, particularly minorities (Ch. 4, p. 10) ➤ Many second units that are on the rental market are inadequate housing for minorities, people with disabilities, and the elderly, as many units do not meet accessibility standards or cannot pass Section 8 housing choice voucher inspection requirements (Executive Summary, p. ii) <p>Additional Detail and Related Impediments:</p> <p>Some Marin jurisdictions count second units toward meeting their fair share need of very-low income housing without adequate safeguards to ensure that they are available for rent to very-low income persons of color.</p>	<p>Recommendation ES 5:</p> <ul style="list-style-type: none"> ➤ Diversify development of affordable housing beyond second units <p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> ▪ Adopt and enforce legislation to require the owners of new second units to ensure (through deed-restriction or other actions) that those units are rented to persons of very-low income, and are affirmatively marketed to potential renters throughout Marin, and in Sonoma and Contra Costa Counties; and ▪ Shall not count any new second unit as affordable without first certifying that these requirements have been met. 	

C. Other Impediments		
<p>1. Prop 13 and the “Fiscalization of Land Use”:</p> <ul style="list-style-type: none"> ➤ Proposition 13 has put communities in fiscal competition for retail development that generates sales tax revenues, and may result in more land being zoned for retail development than is needed, thereby reducing amount of land zoned for housing <p style="text-align: right;">(Ch. 4, p. 49)</p>	<p>Additional Actions Needed:</p> <ul style="list-style-type: none"> ▪ The County of Marin and each municipality shall engage in a countywide planning process regarding the siting of future sales-tax generating development, and execute a countywide sales-tax sharing compact governing future commercial development. 	
<p>2. Low Income Housing Tax Credit:</p> <ul style="list-style-type: none"> ➤ Developments not within required proximity to public transportation do not qualify for a federal Tax Credit, which is a serious and recurrent problem in Marin <p style="text-align: right;">(Ch. 4, p. 48)</p> <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • Local funding sources for affordable housing sometimes set funding criteria that are at odds with the requirements of federal and state sources. 	<p>Recommendation ES 18:</p> <ul style="list-style-type: none"> ➤ Transportation Authority of Marin: Secure resources for developing transportation hubs outside racially-impacted areas so that properties located near those hubs suited for higher-density housing can qualify for Low-Income Housing Tax Credit <p>Additional Actions Needed:</p> <ul style="list-style-type: none"> ▪ Ensure that requirements for local funding of affordable housing are consistent with the criteria adopted by the California Tax Credit Allocation Committee (TCAC) for the allocation of federal Low-Income Housing Tax Credit financing. 	

III. OWNERSHIP HOUSING – NEW CONSTRUCTION		
<p>1. Impediments to Production of BMR Units:</p> <p><i>See Part II.A., above</i></p>	<p>Additional Actions Needed:</p> <p>The County of Marin shall</p> <ul style="list-style-type: none"> ▪ Establish an urban land trust for Marin City. <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> ▪ Work with private lenders to develop strategies for uses of Community Reinvestment Act (CRA) funds to support greater housing choice for protected groups. ▪ Adopt and implement a program for making and keeping REO (foreclosed) properties affordable, such as those that have piloted in Novato and San Rafael. <p>See additional actions under Section B, new rental housing.</p>	<p>“Blacks and Hispanics collectively comprise fewer than 5% of the county’s homeowners” (FIR, p. 65)</p> <p>“In addition, racial/ethnic characteristics of owner-occupied housing, as is true for characteristics of the general population, reflect notably lower representations of racial/ethnic minorities. There are slightly higher percentages of Asian owner-occupied units in the cities of Novato and San Rafael. The percentage of Hispanic owners is slightly higher in the city of Novato as well.” (FIR, p. 9)</p> <p>“While even the median-income non-Hispanic White families living in Marin could not qualify for this mortgage of a median-priced house there, the income/homeownership gap is much further still for Black and Hispanic families living in Marin, or living in adjacent counties.” (FIR, p. 60)</p>
<p>2. Impediments to Affordability of BMR/ownership Units:</p> <ul style="list-style-type: none"> ➤ MHA’s BMR program may need strengthening (Ch. 4, p. 45) ➤ Hostility of Homeowner Associations toward BMR owners (Ch. 4, p. 46) 	<p>Additional Actions Needed:</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> ▪ Establish a homeowner mortgage assistance program (to include more options than ADDI funds which are currently limited to BMR units); ▪ Initiate homeowner lending services to include loan packaging, down payment assistance, closing cost assistance, first mortgage lending, rehabilitation or home improvement loans, and foreclosure rescue loans (that meets 	

	<p>industry standards);</p> <ul style="list-style-type: none"> ▪ Initiate a formal homeownership education and counseling program (that meets industry standards); ▪ Expand the affordable realty services available in the county. 	
<p>3. Other Impediments:</p> <ul style="list-style-type: none"> ➤ Some municipalities have attempted to utilize locality preferences to select residents for lower-income housing developments (Ch. 4, p. 13) ➤ There exists a deficit in workforce housing (Ch. 4, p. 21) (details about Marin residents' and workers' commutes are included) <p>Additional Detail and Related Impediments:</p> <ul style="list-style-type: none"> • Protected class members who work in Marin but are unable to live here are excluded by preferences that exclude members of the local workforce. 	<p>Action Taken:</p> <ul style="list-style-type: none"> ➤ Fair Housing Marin broached the possibility of an administrative complaint or other legal action, and effectively persuaded each of three referenced developments to either substantially limit application of the locality preference, or expand the preference parameters to include areas with large non-White populations (Ch. 4, p. 13) <p>Additional Actions Needed:</p> <ul style="list-style-type: none"> ▪ The County and municipalities shall ensure that preferences for BMR and affordable units prioritize members of the local workforce who do not live in Marin. 	<p>“Lack of workforce housing or preferences for persons commuting into the county for jobs, but who cannot afford to live within the county due to high cost of housing. Commute patterns across area bridges suggest that Marin County’s high-income residents are somewhat likelier to commute out of the county for employment (primarily into San Francisco or Alameda counties, or south), than those who are employed in the county’s lower-paying service area jobs which are more typically filled by people living outside the county (especially minorities), and who commute into Marin for employment. While each of the six Local Planning Areas would like to adopt residency preferences for the affordable housing development created within their respective jurisdictions, an alternative would be to adopt workforce preferences for people living outside the county but commuting in for work. Such a preference would tend to increase the eligibility of racial and ethnic minorities, who comprise a disproportionate share of the service sector jobs in the county, but who cannot afford to live in the county in which they are working.”</p> <p style="text-align: right;">(FIR, p. 70)</p>

IV. EXISTING HOUSING		
A. Familial Status		
<p>1. Scarcity of Housing for Large Families:</p> <ul style="list-style-type: none"> ➤ Where subsidized housing is sold, even if MHA has a relocation plan for displaced residents, it may prove very difficult to implement in practice given the scarcity of apartments suitable for large families in Marin County (Ch. 4, p. 48) ➤ Affordable housing development tends to be studios and one-bedroom units (Ch. 4, p. 53) ➤ There is a dearth of larger rental units, which are traditionally desirable to many Asian and Latino households with more children or multi-generational households (1994 Impediment listed in Ch. 6, p. 1) ➤ “Families with minor children encounter many obstacles in finding suitable rental units, including lack of units with more than two bedrooms such as would be needed by larger families, [and] lack of affordability. But a particular problem results when families secure housing in these modestly-constructed buildings, and then find that neighbors begin to complain about noise problems from the children’s presence in the units. This can result in threats or actual evictions, with disproportionate impact on families with minor children (Ch. 2, p. 18) ➤ Although discrimination against families with children was outlawed by state fair housing law even before passage of the FHA amendments in 1988, there is still some lingering discrimination against families with minor children in these historically-adults complexes, who may now know that law requires that they rent to families with children, but then look for justifications such as noise complaints as grounds to limit the number of families with children living in those complexes.” (Ch. 3, p. 21) 	<p>Recommendation ES 6:</p> <ul style="list-style-type: none"> ➤ Encourage and facilitate development of more subsidized and affordable housing for families with children, particularly in areas with low concentrations of minorities ➤ Substantially invest in acquisition and rehabilitation to develop more affordable housing for families outside impacted areas <p>Recommendation from Chapter 3 (Not in ES):</p> <ul style="list-style-type: none"> ➤ Target discriminatory housing practices impacting families with children with community education and enforcement efforts ➤ Offer incentives and/or adopt requirements to housing providers to insulate walls to remedy inadequate sound barriers in older multi-family housing stock 	<p>“[A] shortage exists of larger, multiple-bedroom rental units which are likelier to be sought by Asian and Hispanic households with more children or multiple generations living within a single household.” (FIR, p.64)</p> <p>“Families with minor children encounter many obstacles in finding suitable rental units, including lack of units with more than two bedrooms such as would be needed by larger families, [and] lack of affordability. But a particular problem results when families secure housing in these modestly-constructed buildings, and then find that neighbors begin to complain about noise problems from the children’s presence in the units. This can result in threats or actual evictions, with disproportionate impact on families with minor children. . . . Although discrimination against families with children was outlawed by state fair housing law even before passage of the FHA amendments in 1988, there is still some lingering discrimination against families with minor children in these historically-adults complexes, who may now know that law requires that they rent to families with children, but then look for justifications such as noise complaints as grounds to limit the number of families with children living in those complexes.” (FIR, p.69)</p>

<p>2. Need for Shared Housing:</p> <ul style="list-style-type: none"> ➤ Older single adults continue to reside in multi-bedroom units well after their children move out, thus limiting availability of larger units for families in need of housing (Ch. 4, p. 30) 	<p>Recommendation ES 6:</p> <ul style="list-style-type: none"> ➤ Work with community advocates and developers to develop non-traditional housing arrangements such as shared housing 	
<p>3. Loss of Existing Affordable Housing Stock:</p> <ul style="list-style-type: none"> ➤ The aging housing stock limits accessibility of many privately-owned units to people with disabilities, despite new construction’s compliance with contemporary building codes (Executive Summary, p. iii) 	<p>Additional Actions Needed:</p> <p>The County and each municipality shall</p> <ul style="list-style-type: none"> ▪ Adopt and enforce building and housing codes to ensure that substandard and unhealthy housing is brought into code compliance ▪ Ensure that residents of low-cost substandard housing are protected against retaliatory rent increases and eviction for requesting code inspection and compliance. 	<p>The “rapidly increasing price of housing in Marin in recent years [] resulted in the owners of some of affordable and/or subsidized housing stock electing to prematurely pay off mortgages from government agencies that contained affordability restrictions in them, and subsequent loss of those affordable housing units from the county’s inventory.” (FIR, p. 68)</p> <p>“The aging stock of existing affordable housing in Marin. Cited as an example Golden Gate Village, a public housing project of the Housing Authority of Marin, located in Marin City. Fair housing complaints have been filed regarding lack of physical accessibility and reasonable accommodation issues. The GGV development was built shortly after WWII, and that much of Marin City’s Black population is related to the historic Marinship factory that built liberty ships in WWII, which employed many Black workers who, with their families, remained in the Marin City area after the war. None of the GGV units were accessible to wheelchair users at time of their development, and the buildings (multi-story) also lack elevators.” (FIR, p. 68)</p>
<p>4. Scarcity of Housing for Single Parents</p> <ul style="list-style-type: none"> ➤ Single female-headed households are particularly impacted by the high cost of housing in the county because they have half the mean incomes of male-headed households and only a third of the income in married households. (1994 Impediment listed in Ch. 6, p. 2) 		<p>“That single-female headed households, and not just those with minor children, had a mean household income only half that of male-headed households, and only one-third that of married couples, and so single-female households are particularly impacted by the high cost of housing in Marin (page 4).” (FIR, p. 65)</p>

B. Disability and Accessibility		
<p>1. Insufficient Housing for Persons with Disabilities:</p> <ul style="list-style-type: none"> ➤ Reliance by MHA on affordable housing providers to update list of subsidized housing facilities for persons with disabilities (Ch. 4, p. 16) ➤ More than one-third of total complexes identified as appropriate for persons with disabilities are located in San Rafael. More than 70% of buildings for persons with disabilities are concentrated in San Rafael, Mill Valley, Marin City, and Novato (Ch. 4, pp. 17-18) ➤ As identified by MHA Director, 30 units supported by Shelter-plus-Care were completely insufficient to serve needs of persons with disabilities in Marin (1994 Impediment listed in Ch. 6, p. 2) ➤ Even if tenant can secure permission from landlord to undertake modifications, these tenants often cannot afford to make renovations themselves (Ch. 3, p. 7) ➤ Almost all affordable rental properties identified as appropriate for people with disabilities are at capacity and many properties have closed their waiting lists completely (Executive Summary, p. iii) ➤ Many properties for people with disabilities are not wheelchair accessible (Executive Summary, p. iii) ➤ In a minority of instances, landlord resistance reflected an unwillingness to bear eventual costs associated with restoration of rental units when they become vacant (Ch. 3, p. 6) ➤ With the County’s historic opposition to new housing development, few new multifamily housing units that would incorporate the FHA’s new construction design accessibility requirements (4/more units) are being 	<p>Recommendation ES 7:</p> <ul style="list-style-type: none"> ➤ MHA: Review information it provides regarding accessibility to ensure accuracy ➤ Devote resources to developing more housing for persons with disabilities in diverse geographic locations, especially underserved communities such as West Marin <hr style="width: 20%; margin: 10px auto;"/> ➤ Adopt HUD “visitability” standards to increase ability of disabled person to independently visit with others (Ch. 4, p. 50) 	<p>“Disabled often paying more than 30% of income in rent results in severe restriction of housing choice for disabled.” (FIR, p. 74)</p> <p>“Lack of new housing development/non-creation of new units with accessible features of design: With the county’s historic opposition to new housing development, few new multifamily housing units that would incorporate the FHA’s new construction design accessibility requirements (4/more units) are being constructed, making it difficult for people with mobility impairments to find suitable housing in Marin. Anecdotal evidence suggests that people seeking accessible housing most generally accomplish that by way of making modifications to existing structures. However, even if the tenant can secure permission from the landlord to undertake the modifications, these tenants often cannot afford to make the renovations themselves. Fair Housing of Marin has provided fair housing training to over 3,000 people within the past 10 years, and it is felt that the landlords who have participated are now fairly well aware of their obligation to permit reasonable modifications under the FHA.” (FIR, p. 69)</p> <p>“[T]his same Director of MHA noted that the agency’s inventory of just 30 Shelter-plus-Care supported units was massively inadequate to serve the needs of the county’s large population of persons with disabilities.” (FIR, p. 66)</p>

<p>constructed, making it difficult for people with mobility impairments to find suitable housing in Marin (Ch. 2, p. 17)</p>		
<p>2. Unaffordable Housing for Elderly Persons: ➤ Marin’s elderly population is growing by 23 percent, far more rapidly (seven times more) than the national increase. The elderly and persons with disabilities, both groups more likely to be on fixed incomes, will be impacted by the rising cost of housing and put at risk of homelessness. (Ch. 6. p. 2)</p>		<p>“That the county’s elderly population is increasing at a particularly rapid rate, by 23% between 1980 and 1990, seven times the rate of national increase of this age group. And, that those elderly persons, and persons with disabilities, who are likelier to subsist on fixed incomes, are disparately impacted by the high cost of housing in Marin, and are often made at risk of homelessness because of it (pages 6, 7, 22).” (FIR, p. 65)</p>
<p>3. Access to Housing for Elderly Persons: ➤ As the generation of baby boomers ages, there is an increasing demand for a limited number of beds in residential care facilities for the elderly (RCFEs) (Executive Summary, p. i) ➤ Studies have shown that people with disabilities, particularly people of color, have unequal access to senior housing, RCFEs, and continuing care facilities (Executive Summary, p. i)</p>		

C. LEP		
<p>1. Public Housing Leases/Rental Notices/Access to MHA:</p> <ul style="list-style-type: none"> ➤ Large number of Latino and Vietnamese immigrants in Marin County have limited English proficiency and are low- or very-low income, the very population most in need of public housing assistance and benefits (Ch. 4, p. 38) ➤ LEP persons are often least likely to apply for a benefit (Ch. 4, p. 38) ➤ Legal service providers and housing advocates report that many LEP persons encounter language accessibility barriers in communications with MHA (Ch. 4, p. 38) (examples provided) ➤ MHA publishes a list of subsidized housing throughout County and has a goal of updating that list monthly, but the list on its website does not appear to meet that standard (Ch. 4, p. 43) ➤ MHA’s website navigation and most links are only available in English (Ch. 4, p. 39) 	<p>Recommendation ES 10:</p> <ul style="list-style-type: none"> ➤ Ensure that public housing lease and rental notices are translated into Spanish and Vietnamese ➤ Make them available on consistent basis when needed ➤ Have a procedure to access interpreters if oral discussion is necessary <p>Recommendation ES 17:</p> <p><u>MHA:</u></p> <ul style="list-style-type: none"> ➤ Include Spanish and Vietnamese translations on Marin Housing website ➤ Provide contact information for fluent staff in prominent locations ➤ Ensure compliance with federal regulations by publishing relevant/vital documents relating to tenancy in Spanish, Vietnamese, and any other language as needed <p><u>Other Housing/Service Providers:</u></p> <ul style="list-style-type: none"> ➤ Review whether services are accessible in multiple languages as needed 	<p>“The predominant share of the LEP population in the recipient’s jurisdiction is composed of persons who speak Spanish and Asian/Pacific Islander languages not well or not at all. There are significant percentages of the Spanish speaking population who do not speak English well or not at all residing in the cities of Novato and San Rafael. Of the Asian/Pacific Islander languages, Chinese, Japanese and Korean are the most common languages spoken at home for the population age 5 and over. The review included an assessment as to whether the recipient or its sub-recipients undertook efforts to assure equitable participation by Hispanic applicants and beneficiaries who are limited English proficient.” (FIR, p. 10)</p>
<p>2. Discrimination</p> <ul style="list-style-type: none"> ➤ Limited proficiency in English increases an immigrant’s vulnerability to discrimination in housing. Fair Housing of Marin’s voice-identification audits reveal such discrimination (Ch. 3, p. 12) 		

D. Other Race and Ethnicity Impediments

- Fair Housing of Marin’s audits, including voice-identification audits, have indicated that national origin discrimination against Latino renters and race discrimination against Blacks occurs all too frequently (Ch. 3, pp. 12, 29)
- Interviews of Blacks, Latinos, and Asians revealed following: Blacks perceived that they would experience discrimination in housing if they were to move outside Marin City; Latinos and Asians had similar perceptions if they were to move out of Canal Area; all groups were unlikely to search in other areas even if they could find better quality housing at comparable prices (1994 Impediment listed in Ch. 6, p. 2)
- HUD’s HDS2000 Nationwide Audit of discriminatory practices in the rental and sale of residential property showed that Black and Hispanic renters face significant discrimination (Ch. 3, p. 11)
- 1999 Fair Housing of Marin’s sales audit revealed racial discrimination (Ch. 3, p. 13)

Additional Actions Needed:

The County shall direct County Counsel and the District Attorney to coordinate an effective and high-profile public enforcement campaign to seek appropriate civil, criminal and/or injunctive remedies against public or private actions which discriminate in violation of the federal Fair Housing Act, or California’s Fair Employment and Housing Act.

- The County of Marin shall:**
- **Conduct outreach for and convene a multi-racial, multi-ethnic and mixed-income group of residents from across Marin who are interested in creating a welcoming environment for people of all backgrounds and demographics to learn about the goals, principles and activities of a group like Welcoming America, with the goals of**
 - **Raising the level of discourse concerning race and immigration; and**
 - **Promoting understanding of the positive effects of community diversity, and challenging common myths and stereotypes regarding minority groups.**
 - **Support the creation of one or more Welcoming Committees in unincorporated communities by:**
 - **Providing public space for meetings;**
 - **Organizing quarterly meetings with County and municipal elected officials and representatives of Welcoming Committees across Marin to discuss ways in which the committees’ work could be advanced through public policy change;**

A 1993 audit conducted by Fair Housing of Marin “revealed that racial and ethnic minorities were as much as 71% likelier to receive less favorable treatment or suffer housing discrimination relative to non-Hispanic Whites, suggesting that while the percentage increase of CDBG funding to fair housing enforcement and education to Fair Housing of Marin had increased from 1% to 2% of the CDBG grant in the past year (1993-1994), the funding provided by the county remained inadequate to allow Fair Housing of Marin to combat the significant problem of racial and ethnic discrimination that persists in the county.”

(FIR, p.66)

Black, Asian and Hispanic individuals who were interviewed, “believe they will be subjected to instances of housing discrimination if moving outside of traditional areas of their residency in the county (Marin City for Blacks, Canal Area of San Rafael for Hispanics and Vietnamese), thus deterring them from searching in non-traditional areas even when the quality of comparably-priced housing might be better.”

(FIR, p.66)

Growing immigrant population “may have sparked anti-immigration sentiment in the county, and has possibly promoted the clustering or segregation of Hispanic and some Asian families to the Canal Area of San Rafael where concentrations of others like them may insulate them from forms of housing discrimination and anti-immigrant sentiment”

(FIR, p. 65; see also p. 69)

Fair Housing of Marin has received “angry comments from citizens expressing the attitude that taxpayer money should not be spent conducting outreach or advocating for the rights of people presumed to be, though in many cases not actually, living in the country illegally. Even among immigrant families that are living in this country, many of these families

	<ul style="list-style-type: none"> ○ Providing financial resources to the county Welcoming Committee for media outreach, including the development of videos, advertisements or editorials; and ○ Coordinating events that feature speakers or trainers who can share the experiences and best practices of Welcoming Committees from other places. • Develop or obtain a toolkit that municipalities can use in creating their own Welcoming Committees, including: <ul style="list-style-type: none"> ○ Model objectives, principles and bylaws to guide the work of the Welcoming Committee; ○ A guide to available literature and resources; and ○ A suggested plan of action, based on the County’s experience in promoting Welcoming Committees in its jurisdiction. <p>Each municipality shall:</p> <ul style="list-style-type: none"> • Conduct outreach for and convene a multi-racial, multi-ethnic and mixed-income group of residents from across Marin who are interested in creating a welcoming environment for people of all backgrounds and demographics to learn about the goals, principles and activities of a group like Welcoming America, with the goals of <ul style="list-style-type: none"> ○ Raising the level of discourse concerning race and immigration; and ○ Promoting understanding of the positive effects of community diversity, and challenging common myths and stereotypes regarding minority groups. • Support the creation of one or more 	<p>would prefer to avoid confrontations with landlords who would ‘threaten to call INS’ if the tenants complain or try to advocate for their fair housing or other legal rights as a tenant.”</p> <p style="text-align: right;">(FIR, p.69)</p>
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	<p>Welcoming Committees in its jurisdiction by:</p> <ul style="list-style-type: none"> ○ Providing public space for meetings; ○ Participating in quarterly meetings with County and municipal elected officials and representatives of Welcoming Committees across Marin to discuss ways in which the committees' work could be advanced through public policy change; and ○ Providing financial resources to the Welcoming Committee for media outreach, including the development of videos, advertisements or editorials. 	
V. SUBSIDIZED AND PUBLIC HOUSING		
A. Section 8 Vouchers		
<p>1. Availability of Section 8 Vouchers/Public Housing:</p> <ul style="list-style-type: none"> ➤ Large number of Latino and Vietnamese immigrants in Marin County have limited English proficiency and are low- or very-low income, the very population most in need of public housing assistance and benefits (Ch. 4, pp. 36-39) ➤ LEP persons are often least likely to apply for a benefit (Ch. 4, pp. 36-39) ➤ Legal service providers and housing advocates report that many LEP persons encounter language accessibility barriers in communications with MHA (Ch. 4, pp. 36-39) ➤ MHA publishes a list of subsidized housing throughout County and has a goal of updating that list monthly, but the list on its website does not appear to meet that standard (Ch. 4, p. 43) 	<p>Recommendation ES 11:</p> <ul style="list-style-type: none"> ➤ Affirmatively market availability of units to all families within jurisdiction by placing public service announcement in English, Spanish, and Vietnamese in local circulation language-specific newspapers, radio, and/or television 	

<ul style="list-style-type: none"> ➤ Both Section 8 and public housing waiting lists remain closed (Ch. 4, p. 26) ➤ Housing Assist line was defunded (Ch. 4, p. 43) 		
<p>2. Landlord Participation:</p> <ul style="list-style-type: none"> ➤ Landlords may be reticent to participate in Section 8 program based on negative stereotypes about Section 8 tenants, stereotypes which may be rooted in underlying prejudices about race, ethnicity, or economic class. Sometimes, concerns about economic class may be proxy for prejudice on basis of race or ethnicity (Ch. 4, p. 46) ➤ Marin’s high cost of housing made it difficult for Marin Housing Authority’s Section 8 voucher-holders to find housing within authorized rental ranges, often resulting in ‘porting’ vouchers to other counties with more affordable housing; and because number of Blacks and Latinos in Section 8 program had grown due to MHA’s affirmative marketing, this meant that county was becoming less, rather than more, diverse (1994 Impediment listed in Ch. 6, p. 2) 	<p>Recommendation ES 12:</p> <ul style="list-style-type: none"> ➤ Collaborate with Housing Authority and community housing advocates to strategize ways to encourage landlord participation and expand housing choice 	<p>“The former Director of the Marin Housing Authority has recognized that “the exceedingly high cost of housing in Marin was an impediment to her agency’s Section 8 voucher-holders, who often could not locate housing in Marin County within the rental ranges authorized by the program, and so were forced to return their unused vouchers, or to ‘port’ the vouchers to other counties where housing was more affordable.” Moreover, MHA’s affirmative marketing efforts have resulted in “out-migration” of Blacks and Hispanics, already under-represented in Marin, to other counties, “thus working against diversification within the county.” (FIR, p. 66)</p> <p>“[I]t continues to be a challenge to find rental units offered within the price range authorized by the voucher.” (FIR, p.68)</p> <p>“[T]here continue to be many landlords unwilling to participate in the [Section 8] program. . . . Some of this resistance to accepting Section 8 voucher-holders could be a presumption that Section 8 voucher tenants would be like residents of public housing projects who are thought to not take care of their units, or who are associated with drug or gang activities, and attitudes may also be reflective of deeper prejudices against racial or ethnic minorities.” (FIR, p.68)</p>
<p>3. Concentration of Minorities:</p> <ul style="list-style-type: none"> ➤ Disproportionately high numbers of Black residents receive Section 8 housing voucher subsidies or reside in Marin City Public Housing 		

B. Public Housing

1. Concentration of Minorities:

- MHA “Fair Housing and Reasonable Accommodation Policy” states that Housing Authority “may” take affirmative steps to reduce racial and national origin concentrations by enforcing tenant selection and assignment plans, but no information is publicly available on whether MHA actually takes such affirmative steps

- Even if MHA affirmatively acted to reduce racial concentrations, institutional limitations would hinder its efforts, as all public housing for non-disabled, non-elderly residents is located in Marin City

- County’s Latino population doubled from 1980 to 1990 and may have given rise to anti-immigration sentiment, which in turn may have led to segregation of Latino and some Asian families, with many settling in Canal Area of San Rafael
(1994 Impediment listed in Ch. 6, p. 2)

- Marin City’s population is 59 percent Black and 47 percent of Canal Area residents are Latino; both areas are racially segregated; Marin City’s has shown historic patterns of racial segregation dating back to World War II
(1994 Impediment listed in Ch. 6, p. 2)

- Interviews of Blacks, Latinos, and Asians revealed following: Blacks perceived that they would experience discrimination in housing if they were to move outside Marin City; Latinos and Asians had similar perceptions if they were to move out of Canal Area; all groups were unlikely to search in other areas even if they could find better quality housing at comparable prices
(1994 Impediment listed in Ch. 6, p. 2)

- As identified by MHA Director, Blacks in Marin City resisted MHA’s attempt to place non-Blacks in what had been historically Black developments
(1994 Impediment listed in Ch. 6, p. 2)

Recommendation ES 13:

- Devote resources to developing more subsidized housing outside impacted [segregated] areas.

<ul style="list-style-type: none"> ➤ In 2004, nearly 72 percent of public housing residents in Marin City were Black. Black families in Marin City public housing face “significant neighborhood-related social problems, particularly related to unemployment and substance abuse” (Ch. 4, p. 29) 		
<p>2. One-Strike Policy:</p> <ul style="list-style-type: none"> ➤ MHA policy, as written, does not preclude evictions for criminal activity which is neither drug-related nor violent (Ch. 4, pp. 34-35) ➤ Domestic violence victim exemption is not referenced in dwelling lease itself (Ch. 4, p. 36) ➤ If implemented as written, the “One-Strike” policy could disproportionately affect Black residents, women who are victims of domestic violence, and people with mental disabilities, jeopardizing their tenancies and destabilizing housing opportunities (Executive Summary, p. iii) 	<p>Recommendation ES 14:</p> <ul style="list-style-type: none"> ➤ Consider modifying MHA written policy to clarify that 1) only residents who present direct threat to health or safety of others will be evicted from public housing or terminated from public housing assistance and 2) there will be opportunity for case-by-case review of specific circumstances ➤ Include specific language in lease alerting victims of domestic violence to their rights under Violence Against Women Act ➤ Monitor One-Strike Policy to ensure that it does not disparately impact any protected classes 	
<p>3. Deterrents:</p> <ul style="list-style-type: none"> ➤ The reasonable accommodation request form may have the effect of increasing barriers to accommodation, in part by deterring medical providers from attesting to the true extent of a patient’s disability (Ch. 4, p. 33) 		

VI. FAIR LENDING		
<p>1. BMR Predatory Lending:</p> <ul style="list-style-type: none"> ➤ Interviews conducted by Fair Housing of Marin revealed that many borrowers had loans with predatory features, and some borrowers were unaware of the high cost of their loans (Ch. 5, p. 6) ➤ Predatory lenders target the poor, the elderly, and people of color for higher cost home loans (Ch. 5, p. 6) 	<p>Recommendation ES 15:</p> <ul style="list-style-type: none"> ➤ BMR jurisdictions should be “sensitive” to issue of predatory lending and need for advocacy and education ➤ Ensure BMR homeowners receive adequate pre-purchase and post-purchase counseling and education <p>Additional Actions Needed:</p> <p>The County shall publish and regularly update data on lending practices and an analysis of potential discriminatory practices.</p>	
<p>2. Funding for Housing Services:</p> <ul style="list-style-type: none"> ➤ Increase from one percent to two percent granted by CDBG from 1993 to 1994 was insufficient for Fair Housing of Marin to combat significant racial and ethnic discrimination existing in country (1994 Impediment listed in Ch. 6, p. 2) 	<p>Recommendation ES 16:</p> <ul style="list-style-type: none"> ➤ Consider providing funding for improved housing information and referral services (potentially including Housing Assistline) <p>Recommendation from Chapter 3 (Not ES):</p> <ul style="list-style-type: none"> ➤ Continue funding FHOM’s educational programs 	

	<p>to all protected classes and particularly to housing providers and new immigrants</p> <ul style="list-style-type: none"> ➤ Publicize fair housing events ➤ Publicize successful fair housing enforcement efforts 	
<p>3. Fair Lending: Marketing</p> <ul style="list-style-type: none"> ➤ Many banks flooded neighborhoods of predominantly Black and Latino residents with high-cost, possibly predatory loans during the subprime explosion in 2006, failed at preventing foreclosures, then returned to disparately high rates of loan denial for applicants of color in 2008 <p style="text-align: right;">(Ch. 5, p. 7)</p>	<p>Recommendation ES 21:</p> <ul style="list-style-type: none"> ➤ Consumer protection groups within Marin County should work with County officials and Fair Housing of Marin to target marketing of responsible loan products and counseling targeted to communities and borrowers experiencing unequal access to loans, tapping into expertise of organizations such as California Reinvestment Coalition wherever possible 	
<p>4. Fair Lending: Investigations/Testing</p> <ul style="list-style-type: none"> ➤ CRC study in 2006 reported that HMDA data revealed Black and Latino borrowers pay more than other borrowers, as do residents of minority and low-income neighborhoods. Statewide, residents of minority neighborhoods were nearly four times as likely as residents of White neighborhoods to receive higher-cost home purchase loans. Latino homebuyers account for a significant portion of new and resale home purchases <p style="text-align: right;">(Ch. 5, p. 6)</p>	<p>Recommendation ES 22:</p> <ul style="list-style-type: none"> ➤ Further fair lending investigations/testing into disparities identified through HMDA data analysis is crucial to understanding and addressing inequities in lending across races and ethnicities 	
<p>5. Analysis of Lending Patterns:</p> <ul style="list-style-type: none"> ➤ In 2006, Hispanics received 7.8 percent of all prime loans issued that year in Marin County. Yet, the same borrower group also received a disproportionate number of high-cost loans: as many as 29.9 percent of all high cost loans issued in Marin County in 2006 went to Hispanic borrowers, which is more than four times their share of Marin County’s households <p style="text-align: right;">(Ch. 5, p. 9)</p> <ul style="list-style-type: none"> ➤ Blacks, who comprised approximately 1.6 percent of Marin County’s population, received a disproportionately small share of prime loans, as compared to their share of Marin County’s households. Blacks received less than 0.4 	<p>Recommendation ES 23:</p> <ul style="list-style-type: none"> ➤ Monitor HMDA data on ongoing basis to analyze overall lending patterns in county ➤ Analyze lending patterns of individual lenders to gauge effectiveness of CRA programs of individual lenders in reaching all communities to ensure equal access to loans by people of all races and ethnicities 	

<p>percent of all prime loans issued in Marin County in 2008 and about 0.8 percent of all prime loans issued in Marin County in 2006 (Ch. 5, p. 9)</p> <p>➤ Home lending trends in Marin County in 2008 and 2006 show that lenders seemed to favor middle- and upper-income borrowers over low- and moderate-income borrowers (Ch. 5, p. 10)</p> <p>➤ In 2006, low- and moderate-income borrowers received 1.7% and 5.9% of all prime loans in Marin County, respectively (Ch. 5, p. 10)</p> <p>➤ In 2006, borrowers residing in predominantly minority tracts received a disproportionate number of high-cost loans (Ch. 5, pp. 11, 14)</p> <p>➤ Non-Latino whites and Asians account for most of Marin’s homeowners, while Blacks and Latinos together represent less than five percent of homeowners (1994 Impediment listed in Ch. 6, p. 2)</p> <p>➤ Latinos face greater risk of defaulting on their loans, particularly during an economic downturn (Executive Summary, p. iii)</p> <p>➤ Black and Latino borrowers pay more than other borrowers, as do residents of minority and low-income neighborhoods (Ch. 5, p. 6)</p> <p>➤ Prime lenders are not serving low-income communities, communities of color and seniors, and subprime lenders are targeting elderly and minority borrowers and communities (Ch. 5, p. 6)</p> <p>➤ Denial rates in 2006 and 2008 were notably higher for Hispanic and Black borrowers than Non-Hispanic Whites to receive a home loan (Ch. 5, p. 14)</p>		
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<ul style="list-style-type: none">➤ In 2006 and 2008, low-income borrowers were more likely to receive a denial of their home loan applications compared to upper-income borrowers (Ch. 5, pp. 14-15) ➤ In 2008, residents of predominantly minority tracts were approximately 1.5 times more likely than residents of predominantly Non-Hispanic White tracts to receive a denial (Ch. 5, pp. 14-15)		
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6. Foreclosure/Predatory Lending Protection:

- Interviews conducted by Fair Housing of Marin revealed that many borrowers had loans with predatory features, and some borrowers were unaware of the high cost of their loans
(Ch. 5, p. 6)
- Predatory lenders target the poor, the elderly, and people of color for higher cost home loans
(Ch. 5, p. 6)

Recommendation ES 24:

- Take leadership role in encouraging collaboration among these agencies, particularly those focusing on protected classes targeted by predatory lenders (including outreach through agencies serving Latino and Black communities)
- Incorporate predatory lending education in existing financial literacy education programs
- Organizations offering those education programs should become versed in recognizing predatory lending practices

Recommendation ES 25:

- Consumer advocates must join with local and state enforcement agencies to coordinate effective strategy to address predatory lenders

Recommendation ES 26:

- Join consumer advocates in supporting legislation that would help clarify outreach, notice, and process that homeowners seeking loan modifications are due
- Provide recourse to homeowners whose homes are foreclosed on improperly
- Support legislation to prevent lending practices which can lead to abuse (prepayment penalties which trap borrowers in unaffordable loans; unsuitable loans that borrowers cannot afford to repay; extra payments that lenders make to brokers for giving borrowers higher interest rate loans; and loans that do not require proof of actual income)

<p>7. Foreclosure Analysis:</p> <ul style="list-style-type: none"> ➤ Blacks and Latinos receive fewer loan modifications and fewer originations in prime loans than other populations (Ch. 5, p. 7) ➤ In 2009, CRC and other consumer groups across country issued a report indicating that higher-cost lending remains concentrated in communities of color. But which protected classes of people in Marin County are most impacted by foreclosures – and to what extent – is unclear (Ch. 5, p. 7) 	<p>Recommendation ES 27:</p> <ul style="list-style-type: none"> ➤ Support, in cooperation with funders and consumer groups, local studies of foreclosure data in Marin County, to analyze foreclosures according to race, ethnicity and neighborhoods (including number of loan modifications across race and ethnic lines) 	
<p>8. Financial Literacy and Counseling Programs:</p> <ul style="list-style-type: none"> ➤ Nonprofit home loan counselors are on the front lines for staving off foreclosures, working with borrowers, and negotiating with lenders to modify unaffordable loans. These agencies need consistent financial resources to educate the public about financial matters (Ch. 5, p. 18) 	<p>Recommendation ES 28:</p> <ul style="list-style-type: none"> ➤ Support, along with local funders, expansion of financial literacy and counseling programs ➤ Make financial services available in non-English languages, particularly Spanish ➤ Work with community groups to target neighborhoods of color in education efforts 	
VII. PUBLIC TRANSPORTATION		
<p>1. Local Public Transportation Concentrated in Minority Neighborhoods:</p> <ul style="list-style-type: none"> ➤ San Rafael’s Canal neighborhood is physically isolated from other parts of San Rafael by both Canal waterway and Highway 101/Interstate 580 (Ch. 4, p. 22) ➤ Available services are limited in Canal, and travel to other locations for services is constrained by poor bicycle, pedestrian, and motor vehicle connections (Ch. 4, p. 22) ➤ Canal residents are especially reliant on public transportation, and two bus routes serving Canal are most heavily used routes in Marin County (Ch. 4, p. 22) 	<p>Recommendation ES 8:</p> <ul style="list-style-type: none"> ➤ Transportation Authority of Marin: Approve and implement Marin City transportation plan commissioned in 2007 ➤ Transportation Authority of Marin: Work with local public transit providers to increase transportation options in higher-income, less impacted communities and to broaden opportunity for all residents <p>Additional Actions Needed:</p> <p>The County of Marin, in cooperation with Golden Gate Transit and Marin Transit, shall conduct an equity analysis of local bus service cuts relative to ferry service expansion, and create and implement an</p>	<p>The county transportation director’s statement that a lack of public transportation is not a significant impediment in the county because public transportation “is focused in the areas with multi-family housing that services minorities, single mothers with children, and the disabled’ . . . fail[s] to recognize the effects of perpetuating segregation and clustering that is implicit in the statement.” (FIR, p. 65)</p> <p>“Data on employment centers are important for FHP and should focus on: . . . The need for accessible public transportation, including train or bus service, and subsidized low- or no-cost van pools to link job centers with lower-income housing locations (transportation services are essential where employment opportunities are not near lower-income</p>

<p>➤ Local public transportation service is concentrated in low-income communities where current demand and current ridership are greatest (Ch. 4, p. 23)</p> <p>➤ Public transportation subsidies are potentially limited</p> <p>➤ Transportation Authority of Marin identified 6 high priority projects: 1) adjustments to bus transit service to include increased frequency and capacity of service; 2) crosswalk and lighting improvements; 3) a pedestrian/bicycle connection from the Canal to downtown, San Rafael High School, and shopping districts; 4) increased safety measures on routes to schools; 5) additional bus shelters; and 6) undertaking a neighborhood safety and streetscape improvement project (Ch. 4, p. 22)</p> <p>➤ Marin’s transportation director at the time had stated that public transportation “is focused in the areas with multi-family housing that serves minorities, single mothers with children, and the disabled,” and therefore is not a significant impediment in the county. HUD noted in its FIR that “this comment appears to fail to recognize the effects of perpetuating segregation and clustering that is implicit in the statement.” (1994 Impediment listed in Ch. 6, p. 2)</p> <p>Additional Detail and Related Impediments:</p> <p>According to the Metropolitan Transportation Commission’s “2006 Transit Passenger Demographic Survey”, 81 percent of Golden Gate Transit ferry riders are white and 69 percent have annual household income greater than \$75,000 (26 percent have income above \$200,000). By contrast, 56 percent of the District’s local bus riders are racial minorities and 75 percent have annual income below \$74,999 (41 percent have income under \$24,999). Nearly half (44 percent) of local riders are transit dependent, compared with only 13 percent of ferry riders. During the period 1994-95 to 2008-09, the District’s bus revenue vehicle miles declined 35.5 percent while their ferry revenue vehicle miles increased 34.5 percent.</p>	<p>action plan to provide increased local bus service, as required by Federal Transit Administration guidance.</p> <p>The County of Marin and each municipality shall:</p> <ul style="list-style-type: none"> • Conduct or cause to be conducted an equity analysis of each program and activity of any agency operating in Marin County that receives any state or federal funds (including school districts, police departments, transportation agencies, park districts, and so on), to determine whether people of color are receiving a fair share of the benefits of those programs or activities; • Report publicly on the data collected and the results of each equity analysis; and • Take all actions necessary to correct any inequities or imbalances found. 	<p>housing supplies).” (HUD FHPG, p. 2-27)</p> <p>Public impediments include: “Planning, financing, and administrative actions related to the provision and siting of public transportation and supportive social services that may inhibit or concentrate affordable housing opportunities for persons with disabilities.” (HUD FHPG, p. 4-6)</p>
<p>VIII. DEMOGRAPHICS AND RECORD KEEPING</p>		

<p>1. Racial and Ethnic Demographics:</p> <ul style="list-style-type: none"> ➤ County does not regularly update data collected on race or ethnicity of residents of affordable housing projects, therefore it cannot measure whether these developments have long-term effect of furthering (Executive Summary, p. ii) 	<p>Recommendation ES 9:</p> <ul style="list-style-type: none"> ➤ Institute system for tracking racial and ethnic demographics of residents of all housing developed with County funds and federal funds that pass through County ➤ Consider conducting regular surveys of privately developed affordable housing properties subject to local government restrictions on household income, to determine racial and ethnic demographics of residents <p>[Listed in both Chapters 4 and 6]</p>	
<p>IX. TESTING AND EDUCATION</p>		
<ul style="list-style-type: none"> ➤ There are too few rental units in Marin County, driving up prices and demand and increasing competition, which can lead to discriminatory practices with potentially negative consequences, particularly for minorities, families with children, or persons on fixed incomes (elderly, people with disabilities) (1994 Impediment listed in Ch. 6, p. 1) [Applicable to all discriminatory housing practices categories below] ➤ Some residents have posted inflammatory or discriminatory responses to local newspaper articles about civil rights and fair housing issues (examples provided) (Ch. 3, p. 9) [Applicable to all discriminatory housing practices categories below] ➤ In 2008, FHOM expanded its public website to include Spanish-language pages with information about fair housing rights. FHOM also conducted a public service outreach campaign in Spanish, and published a newsletter with describing services available in Spanish. FHOM received what it characterized as hate mail from some Marin residents (Ch. 3, p. 9) 	<p>Recommendation from Chapter 3 (Not in ES):</p> <ul style="list-style-type: none"> ➤ Target discriminatory housing practices impacting Latino and Black households with community education and enforcement efforts, primarily in the area of rentals, but also sales, insurance, and residential care facilities for the elderly <p>Recommendation from Chapter 3 (Not in ES):</p> <ul style="list-style-type: none"> ➤ Target discriminatory housing practices impacting seniors through community education and enforcement 	

<ul style="list-style-type: none"> ➤ Combined with a lack of knowledge of housing law and fear of reprisals, immigrants are often unlikely to exercise their fair housing landlord/tenant rights (Ch. 3, p. 9) ➤ Fair Housing of Marin’s audits have indicated that national origin discrimination against Latino renters and race discrimination against Blacks occurs all too frequently (Ch. 3, p. 29) ➤ Fair Housing Marin’s audits have indicated that racial discrimination against Blacks has occurred in residential care facilities for the elderly (Ch. 3, p. 15) ➤ A Fair Housing of Marin audit has indicated disability discrimination in a continuing care retirement community and independent living situations has occurred (Ch. 3, pp. 16-18) 	<p style="text-align: center;">Additional Actions Needed:</p> <p>The County and each municipality shall</p> <ul style="list-style-type: none"> ▪ Assess and meet training needs of developers, owners and electeds on Fair Housing laws, Title VI, Environmental Justice, the Violence Against Women Act, and other applicable laws; and ▪ Provide information to renters and homebuyers regarding Fair Housing Laws and protections. 	
<ul style="list-style-type: none"> ➤ Many tenants are not well-versed in how to request a reasonable accommodation (Ch. 3, p. 5) ➤ Some housing providers are not familiar with what information they may or may not request about a tenant’s disability (Ch. 3, p. 5) ➤ Some housing providers are unaware that law requires consideration of each accommodation on individual, case-by-case basis (Ch. 3, p. 5) ➤ Some housing providers lack adequate training on compliance with building regulations 	<p>Recommendation from Chapter 3 (Not in ES):</p> <ul style="list-style-type: none"> ➤ Target discriminatory housing practices and accessibility violations in new construction impacting people with disabilities with community education and enforcement efforts (including fair housing accessibility training for code enforcement officials, developers, and architects) ➤ Marin County Community Development Agency (as well as the cities and towns within Marin) and Fair Housing of Marin should enter into an arrangement where FHOM is notified regarding new building permits of new multi-family units so that FHOM can offer information to the builders regarding Fair Housing Act construction 	

<p style="text-align: right;">(Ch. 3, p. 8)</p> <ul style="list-style-type: none"> ➤ Some housing providers refuse to do more than absolute minimum unless person requesting reasonable modification has vocal advocate (Ch. 3, p. 8) ➤ Fully 65% of 20 enforcement proposals FHOM referred to HUD involved disability discrimination as a component, corresponding to percentage of disability related complaints FHOM received in 2009 (Ch. 3, p. 8) ➤ Fair Housing of Marin’s audits indicate that there are accessibility violations among multi-family units built after 1991 (Ch. 3, pp. 19, 29) 	<p style="text-align: center;">requirements</p>	
<ul style="list-style-type: none"> ➤ Testing as an enforcement activity has at times been limited due to shrinking funding sources (Ch. 3, p. 29) 	<p>Recommendation from Chapter 3 (Not in ES):</p> <ul style="list-style-type: none"> ➤ Expand funding to include other types of fair housing audit testing ➤ Help fair housing groups garner Congressional support regarding importance of funding fair housing work and affirmatively furthering fair housing <hr style="width: 20%; margin-left: 0;"/> <ul style="list-style-type: none"> ➤ Support larger employers in creating programs through which employees might be offered release time to pursue volunteer opportunities, such as acting as testers (Ch. 3, p. 30) <p>The County and each municipality shall identify non-compliant housing developments to ensure equal access to families with children and persons with disabilities.</p>	

<p>➤ Fair Housing of Marin monitoring, beginning in 2005, revealed discriminatory advertisements, particularly against families with children. Monitoring in 2008 also revealed race-based discrimination as to responses to internet advertisements</p> <p>(Ch. 3, p. 23)</p>	<p>Recommendation from Chapter 3 (Not in ES):</p> <p>➤ Take leadership role in encouraging business community to support fair housing enforcement activities with assistance of lenders, media and real estate professionals, and public schools</p>	
	<p>Recommendation from Chapter 3 (Not in ES):</p> <p>➤ Enter into collaborative arrangement with building departments of Marin cities and FHOM to distribute brochure outlining Federal Fair Housing Act Accessibility Requirements in New Construction to any new construction building permit for multi-unit housing</p>	
	<p>Recommendation from Chapter 3 (Not in ES):</p> <p>➤ Sponsor continuing education for attorneys in conjunction with Marin County Bar Association to broaden pool of attorneys with fair housing experience willing to provide pro bono work</p>	
	<p>Recommendation from Chapter 3 (Not in ES):</p> <p>➤ Evaluate District Attorney Consumer Protection program for effectiveness in managing new influx of landlord-tenant calls since Mediation Services has been de-funded</p> <p>➤ Take steps as needed to address transition issues or training needs in program</p>	
<p>X. MONITORING, OVERSIGHT, AND ENFORCEMENT</p>		
<p>1. Create an Action Plan to Address Identified Impediments:</p>	<p>Recommendation ES 30:</p> <p>➤ Rank recommendations in 2010 AI and amend Consolidated Plan 2010-2014 to incorporate those prioritized recommendations as part of action plan</p> <p>Additional Actions Needed:</p> <p>The County shall update its Action Plan no later</p>	<p>“A stylistic weakness of the 1994 Marin AI is that it lacks any kind of a concise summary of the county’s impediments. FHEO believes that a well-written AI will contain a “bullet-ized” summary of impediments. Those concisely-stated impediments can then readily be associated with specific actions to remediate them identified in the companion Consolidated Plan.”</p> <p>(FIR, p. 63)</p> <p>“On the final pages of the AI, where FHEO would</p>

	<p>than Oct. 1, 2012, using the process set forth in Part X (4), below.</p>	<p>normally expect to see a series of bullets summarizing the major impediments that had been identified with corresponding remedies (to be transferred later into the Consolidated Plan), there is only a two-paragraph narrative . . .”</p> <p>(FIR, p. 64)</p>
<p>2. County Tracking and Enforcement:</p>	<p>Recommendation ES 29:</p> <ul style="list-style-type: none"> ➤ Be prepared to implement enforcement measures (ex. withholding funding from municipalities that it deems to be failing to affirmatively further fair housing). <p>Recommendation ES 35:</p> <ul style="list-style-type: none"> ➤ Ensure that one County department consistently monitors and tracks progress in meeting AI recommendations <p>Additional Actions Needed:</p> <p>The County shall:</p> <ul style="list-style-type: none"> ▪ Appoint a standing steering committee, made up of protected-class leaders and representatives, to oversee the process of implementing both the AI Action Plan and the actions required by the Voluntary Compliance Agreement; and ▪ Take all actions necessary and appropriate to ensure that each municipality in the consortium meets its obligations under the AI and Action Plan in a timely and effective manner, including, if necessary, enforcing the consortium’s Cooperation Agreement. <p>The County and each municipality shall:</p> <ul style="list-style-type: none"> ▪ Timely and effectively carry out each requirement of the Action Plan and the Voluntary Compliance Agreement; ▪ Report quarterly on all actions taken, and all outcomes achieved; 	

	<ul style="list-style-type: none"> ▪ Monitor all programs and activities of each public entity or agency that receives federal or state funds from any source to ensure full compliance with Title VI and other federal and state requirements of fund recipients. 	
<p>3. Marin County Task Force:</p>	<p>Recommendation ES 1:</p> <ul style="list-style-type: none"> ➤ Supervisors and advocates can use Task Force as forum to address some of impediments identified in this document and encourage broader involvement from community in addressing these impediments <p>Recommendation ES 34:</p> <ul style="list-style-type: none"> ➤ Explore expansion of Marin County Task Force on Housing Discrimination to include fair housing advocates, governmental representatives, community and business leaders, realtors, lenders, and academics to explore and lend urgency to fair housing issues and their potential effect on Marin County’s economic and social future 	
<p>4. AI Update:</p>	<p>Recommendation ES 31:</p> <ul style="list-style-type: none"> ➤ Update AI within two years of release of 2010 Census data <p>Recommendation ES 36:</p> <ul style="list-style-type: none"> ➤ Update AI every 2 to 5 years (with updates to be funded such that they do not detract from resources for fair housing counseling and enforcement) <p>Additional Actions Needed:</p> <p>The County shall, within 90 days, launch a process for preparing and adopting, no later than Oct. 1, 2012, a new AI and action plan, and a new outreach plan. That process shall be inclusive, transparent and participatory, and shall include the following components:</p>	<p>“The core analysis of the 1994 Marin AI is just 25 pages long, though the entire document containing appendices, maps, demographics charts, interviews summaries and articles regarding housing discrimination studies conducted by Fair Housing of Marin grows the overall document to a total length of approximately 75 pages.... The AI’s 25 pages of core narrative, though useful, is largely a recitation of the experience of Fair Housing of Marin ...” (FIR, pp. 63-64)</p>

	<ul style="list-style-type: none"> ▪ a steering committee, made up of protected-class leaders and representatives, will be appointed by the County to oversee the process and select any consultant(s); ▪ outreach to protected-class members, including those who work in Marin but live in other counties; ▪ community education about the purposes of the AI, and the importance of promoting acceptance and diversity within the county; ▪ a facilitated process that will allow protected-class members to participate meaningfully in identifying impediments and actions to address them; ▪ the allocation of sufficient public resources to support the needs and process identified by the steering committee (e.g., for community education, facilitation, public outreach, interpretation and translation, and drafting of the AI and action plan); and ▪ a comprehensive survey of protected class members (including those who work in Marin but live in other counties), to determine what barriers they have experienced, and what actions are needed to address those barriers. <p>The County and municipalities shall:</p> <ul style="list-style-type: none"> ▪ Conduct a housing needs study to determine the needs and aspirations of protected communities; and ▪ Ensure the participation of representatives of protected groups on Local Area Committees. 	
<p>5. Public Hearing and AI Adoption Process:</p>	<p>Recommendation ES 32:</p> <ul style="list-style-type: none"> ➤ Use public hearing and AI adoption process to raise community awareness of barriers to fair housing choice by publicizing hearing and inviting all segments of community to participate 	

	<p>Additional Actions Needed:</p> <p>See actions in Sec. 4, above.</p>	
<p>6. Fair Housing Education and Monitoring:</p>	<p>Recommendation ES 33:</p> <ul style="list-style-type: none"> ➤ Include community as part of solution to fair housing rights education and monitoring ➤ Incorporate community recommendations in final version of AI 	<p>“Preliminary Finding of Non-Compliance #5: Under Title VI and HUD’s implementing regulations at 24 CFR 1.4, 24 CFR 91.225 and 24 CFR 570.601, the county has failed to revise 1994 Analysis of Impediments to Fair Housing Choice document, despite identification of numerous new impediments to fair housing choice that have developed during two successive Consolidated Planning cycles.</p> <p>Required Corrective Action: Undertake preparation of a new AI, including more vigorous consultation with racial and ethnic minorities, and persons with disabilities throughout the public planning/consultation process, to develop a new AI in time for the 2010-2015 Consolidated Plan. A draft AI should be submitted to FHEO for review within 150 days of execution of a VCA. The county will provide FHEO a minimum of 30 days to review the draft AI, and respond to any concerns identified, before issuing it in final form.”</p> <p style="text-align: right;">(FIR, p. 94)</p>
<p>7. Data and Record keeping</p>	<p>The County and each municipality shall document activities designed to eliminate impediments and report quarterly on all activities and progress toward those goals.</p>	<p>“The county altered the data on the demographic report by subtracting Hispanic ethnic beneficiaries from their respective races, reducing the beneficiary count and reported the new count/demographics in IDIS. However, the demographic report had already captured participation by race and ethnicity and the county’s manipulation further tainted the data.”</p> <p style="text-align: right;">(FIR, p. 50)</p> <p>“FHOM’s pattern of reporting inaccurate race, ethnicity, and sex data on its CDBG participants is a violation of Title VI and Section 109 and is cited as Preliminary Finding on Non-Compliance in subsection II-B-4 below.”</p> <p style="text-align: right;">(FIR, p. 52)</p>