

OFFICE OF THE
COUNTY ADMINISTRATOR

Matthew H. Hymel
COUNTY ADMINISTRATOR

September 13, 2022

Daniel Eilerman
ASSISTANT COUNTY
ADMINISTRATOR

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, California 94903



SUBJECT: Response to 2021-22 Grand Jury Report "Affordable Housing: Time for Collaboration in Marin" (June 24, 2022)

Dear Board Members:

Marin County Civic Center
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RECOMMENDATION: Concur in and adopt the attached proposed response to the FY 2021-22 Marin County Civil Grand Jury Report regarding affordable housing collaboration in Marin and authorize the Board President to forward the response to the Presiding Judge of the Marin County Superior Court.

SUMMARY: The 2021-22 Civil Grand Jury Report published a report entitled "Affordable Housing: Time for Collaboration in Marin" (June 24, 2022). The report included a request for response from your Board. Attached for your consideration, in accordance with §933 of the California Penal Code, is a proposed response. A copy of the Grand Jury report is also attached for your information.

FISCAL IMPACT: None.

ALTERNATIVE: The Board may amend any suggested response.

REVIEWED BY:

☒	County Counsel	☐	N/A
☐	Human Resources	☒	N/A
☐	Dept. of Finance	☒	N/A

Respectfully Submitted,

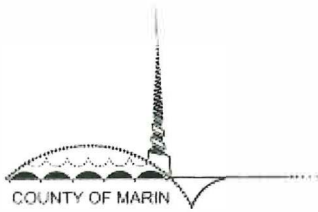
Daniel Eilerman
Assistant County Administrator

Reviewed By,

Matthew Hymel
County Administrator

Attachments: Report

CC: Tom Lai, Director, Community Development Agency (CDA)
Sarah Jones, Assistant Director, CDA
Leelee Thomas, Deputy Director, CDA



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN"
REPORT DATE: June 24, 2022
RESPONSE BY: County of Marin Board of Supervisors

GRAND JURY FINDINGS

- We agree with the findings numbered: **F1-F7, and F9-F10**
- We disagree wholly or partially with the finding numbered: **F8**

GRAND JURY RECOMMENDATIONS

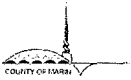
- Recommendation numbered **R1** will not be implemented because it is not warranted or reasonable in the recommended timeframe.

Date:

9-13-2022

Signed:

President, Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations
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RESPONSE TO GRAND JURY FINDINGS

F1. Marin County lacks sufficient affordable and workforce housing.

Response: Agree.

F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.

Response: Agree.

F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.

Response: Agree.

F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.

Response: Agree.

The County supports using the Regional Housing Needs Allocation (RHNA) as a means of identifying sites for housing, but the current allocation of 3,569 units for the 2023-2031 planning period represents an increase of almost 1,900% above the 185 units that were allocated for the most recent planning period (2015-2023). Whether this amount of housing can be built within the eight-year timeframe will depend on many factors that are outside the County's control, such as owner interest, availability of land, financing, and other market forces.

F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.

Response: Agree.

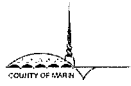
F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.

Response: Agree.

F7. A countywide approach to housing development would enhance Marin's ability to meet affordable and workforce housing needs.

Response: Agree.

Marin County collaborates and coordinates housing programs with the towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.



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F8. Large affordable housing developments in Marin require subsidies to be financially feasible.

Response: Partially disagree.

Regardless of size, all affordable housing developments require subsidies. In fact smaller developments are more expensive, more difficult to fund, and cost more per unit than larger developments.

F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.

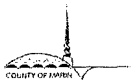
Response: Agree.

The Vivalon Healthy Aging Campus and Senior Housing currently under construction in San Rafael is an example of successful countywide partnership. Eden Housing and Vivalon are collaborating on a mixed-use project with studios and 1-bedroom apartments on the upper floors, which will be available to low-income seniors. The City of San Rafael and County of Marin provided funding, and the Marin Housing Authority provided project-based vouchers.

F10. A countywide approach to housing development would enhance Marin's ability to secure funding for affordable and workforce housing.

Response: Agree.

Marin County collaborates and coordinates housing programs with the towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.



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RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin’s city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

This recommendation will not be implemented in the recommended timeframe because it is not warranted or reasonable.

Although the County agrees that more collaboration on housing policy with the cities and towns would be beneficial, the creation of a regional authority by December 31, 2022 is not achievable. In fact, it would likely impair our shared efforts to meet statutory deadlines and to submit our housing elements by January 31, 2023. In future years, however, the County remains open to additional collaboration and/or more formal arrangements depending upon interest among Marin’s cities and towns.

Below is a brief summary of existing and recommended new pursuits for strengthening interjurisdictional coordination and planning around affordable and workforce housing:

Existing collaboration

The County has long spearheaded housing collaboration with its cities and towns, beginning in 2008 with the development of the countywide Housing Element Workbook, which provided a shared template, background information and model programs and policies for development of the 2009 Housing Element. This effort resulted in all Marin municipalities receiving certified housing elements, which in turn made more housing funds available.

In 2019, County staff reconvened a countywide working group of Planning Directors and planning staff to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The working group meets once monthly and has evolved from briefings and discussions regarding state housing legislation into collaboration on projects to facilitate the development of more housing in Marin County. The working group applied jointly for SB2 planning grants in the summer and fall of 2019 and has started to collaborate on these grant projects, including Objective Design and Development Standards, an ADU Workbook and Website, and inclusionary housing program updates. The group received funds from ABAG to work collaboratively on shared Housing Element deliverables including translation dollars, Affirmatively Furthering Fair Housing products, visualizations, and a countywide website.

Future collaboration

The County intends to expand collaboration with its cities and towns in the following ways:

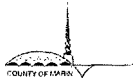
1. **Commit to collaboration:** In the County’s draft 2023-2031 Housing Element, a proposed new program would “*Collaborate with Marin County, cities and towns to address regional planning and housing issues*”
 - This would require the County, and each city and town, to commit resources to collaboration and hold a public hearing annually to report on progress to the



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respective decision-making body and report to the State through the Annual Progress Report (APR).

2. **Implementation of Housing Element programs:** During implementation of the 2023-2031 Housing Element, the County, cities and towns will collaborate on program implementation, especially those related to Affirmatively Furthering Fair Housing and tenant protections. This will include:
 - *Model ordinances:* developing model ordinances to be considered by the Board of Supervisors and City Councils.
 - *Outreach and community engagement:* Conducting shared outreach and community engagement.
3. **Housing Element Collaboration:** Develop a deeper and more formalized collaboration on the Housing Element in the future. This could include:
 - *One Housing Element:* Develop one document with shared background, outreach, programs and policies. This would provide consistency, save funds and improve accessibility for stakeholders and housing developers.
 - *Consider a Subregional approach:* The County and cities and towns will consider developing a subregional approach to meeting the Regional Housing Need Allocation in the next housing element cycle.
 - *Shared consultants* to conserve resources and develop more consistent policies and programs, the County, cities and towns will seek to hire the same consultants to prepare parts of the housing element, conduct regional outreach and conduct any needed environmental review.
4. **Funding collaboration:** explore ways to more effectively collaborate on shared funding for affordable housing. This could include:
 - *Inclusionary policies:* Developing more consistent policies and fees to encourage and facilitate more affordable housing as part of new market rate developments and increase funding for affordable housing.
 - *Regional housing trust fund:* Consider the establishment of a regional housing trust fund which would make state applications more competitive and lower the administrative burden for cities and towns.
 - *Community Development Block Funds:* Continue to collaborate as an entitlement community on using CDBG funds to fund affordable housing and leverage other State and Federal Sources.
 - *Permanent Local Housing Allocation (PLHA):* Continue to collaborate as an entitlement community to use PLHA funds on housing-related projects and programs that assist in addressing the unmet housing needs of our local communities.
 - *The Bay Area Housing Finance Authority (BAHFA):* Actively participate and support the efforts of BAHFA to raise funds to help address affordable housing and housing stability.
5. **Shared staffing:** With the exceptions noted above, the County, and cities and towns address most housing issues individually, and often with limited staff and financial resources. Programs and policies in the Housing Element require concrete goals and



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deliverables which will be difficult for smaller jurisdictions to achieve with all of the other obligations associated with their work. Shared staffing initiatives would encourage coordination and working together to tackle the housing crisis on a larger scale through shared housing staff to provide expertise and local knowledge to support affordable housing developers. This would also result in consistency throughout the county and adoption of best practices.