

COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

www.marincounty.org/cda

DATE: Friday, March 22, 2019

TO: Countywide Priority Setting Committee

FROM: Jillian Zeiger, Planner
Molly Kron, Planner
Leelee Thomas, Planning Manager

SUBJECT: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) Funding Recommendations for FY 2019-20

MEETING LOCATION: Marin County Civic Center, Board of Supervisors Chambers
3501 Civic Center Drive, Room 330, San Rafael, CA 94903

MEETING DATE: Thursday, April 4, 2019

REQUEST:

Consider funding recommendations for Community Development Block Grant (CDBG) for the County Other Planning Area and HOME program for the 2019-20 fiscal year and approve recommendations.

Consider funding recommendations provided by the Novato City Council regarding the Novato Planning Area and from the San Rafael City Council for the San Rafael Planning Area for the 2019-20 fiscal year and approve recommendations.

RECOMMENDATION:

Consider and Recommend CDBG and HOME funding for fiscal year 2019-20 to the Marin County Board of Supervisors.

DISCUSSION:

The Community Development Block Grant (CDBG) program and Home Investment Partnership Program (HOME) are federally-funded programs of the U.S. Department of Housing and Urban Development (HUD) that provide funding for housing, community facilities, and public services for low and moderate-income households. Examples of CDBG and HOME funded projects throughout the County include site acquisition for transitional housing; development of affordable housing; rehabilitation of affordable housing, group homes, and child care centers; and a wide range of public services. CDBG funds are divided into three activity categories consisting of: 1) housing, 2) capital projects, and 3) public services. Federal regulation stipulates at least 85% of the CDBG funds must be spent on housing and capital projects, and up to 15% may be spent on public services. HOME funds are designed to provide affordable housing options for people with lower incomes.

Subject to approval by the Marin County Board of Supervisors on May 7, 2019, the funding recommendations in this report, which include recommendations adopted by the Novato City Council and the San Rafael City Council for their respective planning areas, will be submitted to the U.S. Department of Housing and Urban Development (HUD). These funding recommendations will be included in the Annual Action Plan, which is an amendment to the five-year Consolidated Plan for Fiscal Years 2015-2019 and serves as a plan and budget for the use of CDBG and HOME funds.

Federal Funding Update

Funds for Marin County's 2019-20 CDBG and HOME program come from the federal budget for Fiscal Year 2019, which is from October 1, 2019 to September 30, 2020. This coming year, Marin County's CDBG allocation is estimated at \$1,493,285 while the HOME allocation is estimated at \$668,261. Estimates for funding are determined based on prior years' funding allocations, as well as the proposed budget for HUD programs, and are subject to change in accordance with the federal budget approved by Congress.

Historically, the CDBG and HOME Programs have seen a decline in funding. Less money means less impact, and unless other funding sources fill the gap, it means fewer and/or smaller projects. This year, we are estimating our funding to remain flat for CDBG as opposed to the slight increase in funding we saw during the last fiscal year. For HOME we expect a decrease from last fiscal year, bringing the total in line with FY17 funding levels.

If Marin's grant amount differs from these assumptions, to avoid the need for an additional hearing, staff recommend the grant amounts approved by the Priority Setting Committee be subject to revision. At that time, staff would recalculate the amounts available for each planning area, and for each activity category. To the extent that cuts are needed staff would adjust the preliminary project grant amounts and make funding recommendations to the Board of Supervisors consistent with the PSC and City Councils' recommendations. If additional funds are available, the adjustment would be limited so that no project receives more than the amount the sponsor agency requested.

CDBG Program Spending Deadlines

HUD regulations stipulate that projects utilize funds in a timely manner and that unspent funds should be reallocated and used in communities that can meet timely spending guidelines. HUD takes sanctions if, on the annual test date in late April a community has unspent CDBG funds that exceed 1.5 times its annual CDBG grant amount. If a community's unspent CDBG balance exceeds the 1.5 standard on the test date, HUD will designate the community as a "high-risk" grantee and may also take funds away. The reduction of grant awards is done through an automated process, so there is no opportunity to request a waiver or extension. If the CDBG grant declines, the amount of unspent funds permitted also declines. Therefore, we must be careful to target CDBG funds to projects that are ready to proceed.

Current HUD regulations and policy trends suggest increased scrutiny on entitlement communities and the administration of their federal dollars. Funding should therefore be prioritized for projects which can meet timely spending requirements, avoiding funding agencies with unspent balances or agencies lacking the administrative capacity to execute their spending in a timely manner.

HOME Program Spending Deadlines

In January 2019, HOME spending deadlines were modified by the passage of the Consolidated Appropriations Act of 2019. This legislation suspends the 24-month commitment requirement for Community Housing Development Organization (CHDO)¹ set-aside funds, as well as continues the suspension of the 24-month commitment requirement for regular HOME Investment Partnerships Program (HOME) funds. Both deadline requirements are suspended through December 31, 2021.

Prior to the passage of this Bill, the County was required to enter into a contract with a CHDO project sponsor, committing the HOME funds to a specific project within 2 years of the HUD allocation. The requirement that HOME funds be placed under contract within two years, is extremely difficult to implement in Marin County. This change will ease some burden and risk of losing funds due to projects involved in prolonged entitlement processes and securing additional funding. The County is not permitted to enter into a contract to provide a project sponsor with HOME funds unless all other necessary financing has been secured, and there is a reasonable expectation that the project can start construction or rehabilitation within 1 year of the contract date. If the project involves acquisition, there must be a reasonable expectation that acquisition will occur within six months. In practice, the sponsor needs to have secured all local planning approvals before they can obtain the required funding commitments for the entire cost of the project.

Although the 24-month commitment has been suspended, there remains a 9-year expiration on funds. If this deadline is not met, HUD can cancel that portion of the community's HOME grant. HUD can also require repayment of funds, even if the County has already spent the money on a project, regardless of whether the project is eventually completed.

The most challenging aspect of HOME funds is the requirement that all other financing must be secured prior to the County entering into a contract to provide a project with HOME funds. Most sponsors of affordable housing find that they need a significant commitment of HOME funds in order to leverage commitments from other sources of funding, particularly if those sources are not local. For example, in order for an affordable housing development project to successfully compete for low-income housing tax credits, it needs a substantial commitment of local funding, which often includes HOME funds.

Local Funding Priorities

Locally, there has been an increasing emphasis on the extent to which members of the protected classes are served by CDBG and HOME projects, and the quality and effectiveness of each project sponsor's affirmative marketing plan.

At the September 20, 2018 meeting, the Priority Setting Committee (PSC) established local funding priorities for public services and reaffirmed requirements for all categories, discussed below, which are used by staff in evaluating applications and making funding recommendations. As required by HUD, staff also focus more on monitoring and measurable outcomes.

¹ A CHDO is a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves.

Threshold Requirements for all Funding Recommendations:

Affirmatively Furthering Fair Housing:

Marin County has received criticism for its lack of affordable housing as well as significant gaps in the availability of affordable housing for members of the protected classes. In 2011, the County submitted an Analysis of Impediments to Fair Housing Choice (AI) to HUD which identified 37 specific barriers to fair housing choice. While many of the items have been addressed, several goals are still outstanding. Federal grant funding will be used in a manner consistent with supporting the goals of furthering fair housing choice in Marin County. This will align with recommendation four (4) from the Implementation Plan of the Analysis of Impediments:

Make fair housing and equal opportunity criteria a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process by screening all CDBG and HOME applications for compliance with fair housing and equal opportunity criteria and including an analysis of equal opportunity impact in staff reports recommending projects for funding.

In the 2019-20 cycle and beyond, projects which are aligned with Fair Housing goals that have been laid out in the Consolidated Plan and the Assessment for Fair Housing will be prioritized. Addressing the fair housing concerns in Marin County will require a concerted effort on behalf of County staff, Board of Supervisors, Cities and Towns, and Priority Setting Committee members. One of the first steps is to align our federal funding sources with these fair housing plans and educate and communicate our strategy and goals to our partners to create a more unified effort. An example of this would be considering recommendation 16 from the Implementation Plan of the Analysis of Impediments when funding affordable housing developments:

Encourage and facilitate the development of more subsidized and affordable housing for families with children outside areas of minority concentration. Consider acquisition and shared housing. Screen and prioritize applications for CDBG and HOME funds for housing projects that will serve families and are located outside areas of minority concentration.

Supporting projects that serve members of the protected classes:

The PSC also opted to prioritize projects that serve members of the protected classes. The funding application requires that data be provided which specifically identify how and what members of the protected classes are being served, and that this data be used in making funding recommendations and evaluating whether projects predominantly serve members of protected classes.

All funded projects will be required to affirmatively market their services. In this context it means to market services and give special assistance to groups that have historically been disadvantaged. It is not enough to simply not discriminate; assertive steps aimed at reversing historical trends and discriminatory patterns must be taken. The affirmative marketing plans are one part of that effort. The purpose of the affirmative marketing plan requirement is to promote a condition in which individuals of similar income levels in the same area have available to them a range of choices in housing and services regardless of their race, religion, color, national origin, sex, disability or familial status. Through an affirmative marketing plan, a grantee indicates what special efforts they will make to reach

out to potential applicants who might not normally seek housing or services. This requires that the provider study the market area, learn the target population and design methods to reach out to the target population. Affirmative marketing does not limit choices; it expands choices by actively seeking to reverse the patterns of the past and provide for open and fair access to housing and services where the individual is free to live, work, and recreate where they choose. Affirmative marketing does not include specific goals or quotas. However, quantitative data and analysis are essential to planning and monitoring affirmative marketing program effectiveness.

To better support organizations conduct affirmative marketing, County staff have updated affirmative marketing planning templates and continues to provide technical assistance to increase successful planning by projects. In addition, Fair Housing Advocates of Northern California recently offered a training for public service providers to increase capacity around conducting affirmative marketing.

Prioritizing fewer applications:

HUD requested that Marin reconsider the numerous small allocations that have been made and consider funding fewer projects. More funds could be directed to larger projects that address a priority as established by the Priority Setting Committee. This recommendation was based on multiple conversations with the HUD office on ways to utilize funds more efficiently and effectively. Most recently this included comments on the 2016 Consolidated Plan Amendments requesting that we consider funding larger projects; identified by HUD as \$10,000 per project.

Funding fewer housing projects per year:

The PSC also recommended that one or two housing projects that are prepared and ready to utilize funds be prioritized. Funding fewer projects per year could allow more substantial funding commitments instead of funding many projects for multiple years. Funding in larger amounts may assist housing projects to meet a timelier completion schedule. However, this may not always be feasible due to the lengthy approval processes common in Marin and HUD's strict timely spending requirements.

Priorities for Public Services:

Basic Health Services

Defined as medically necessary emergency health services, inpatient and outpatient hospital services, short-term outpatient evaluative and crisis intervention mental health services, medical treatment and referral services for the abuse of or addiction to alcohol and drugs; diagnostic laboratory and diagnostic and therapeutic radiologic services, home health services, and preventative health services including immunizations, well-child care from birth, periodic health evaluations for adults, voluntary family planning services, infertility service, and children's eye and ear examinations conducted to determine the need for vision and hearing correction. The PSC established this priority to address the urgent medical need for individuals living in the region who are un-insured, under-insured, working poor, newly unemployed, or people with low-incomes who cannot afford their deductible.

Senior Services

As noted in the Commission on Aging's Older Adult Housing Report in Marin Planning for 2030, "Marin County is already among the oldest counties in California in median age, and older residents will increase by another 35% by 2030." Some cities in Marin will exhibit a 50% increase in residents 60 and older by 2030. Public services that may benefit seniors

include programs that are targeted to address the low-income and isolated senior populations throughout the County of Marin. Programs and services include nutritional meals and grocery delivery services, case management services, free and discounted medical services, and social programs.

Fair Housing Services and Legal Services

This priority is two-pronged. Fair housing services is consistent with the HUD's requirement to serve protected classes under federal fair housing law and to affirmatively further fair housing. Services may include counseling victims of housing discrimination, investigating potential complaints, mediating settlements where appropriate, referring cases to federal and state enforcement agencies, monitoring complaints, helping people with disabilities request reasonable accommodations, conducting training seminars for the housing industry, and providing community education on fair housing rights. Additional services may include assistance with unlawful rent increases and eviction defense. These services aim to address extremely low-, very low-, and moderate-income renters.

Legal services should be accessible, affordable, quality, legal and advocacy assistance to help individuals gain or maintain economic security, preserve safe housing, prevent domestic violence, and maintain other basic needs. Nationally 80% of individuals in poverty and the majority of moderate-income individuals do not have access to or receive the meaningful legal help they need. Examples of legal service include direct legal representation, legal advice, and self-help and community education.

Child Care and Parenting Services

Early childhood education is critical to success in school, and according to First Five Marin, 27% of 3-4 year old children in Marin do not attend preschool. Basic family costs have increased in the last five years, including child care costs that have increased by over 16%. PSC and staff emphasized child care and parenting services that are in locations which are likely to result in increased racial and ethnic diversity Countywide with an emphasis on high-need neighborhoods. Examples of funding could include supporting child care scholarships, therapeutic services, teacher's salaries, and transportation.

ANALYSIS:

Funding recommendations for CDBG

Based on projections, the County Other Planning Area is expected to receive a total CDBG allocation of approximately \$388,529 in FY 2019-20. A minimum of \$225,348 is designated for housing projects, a maximum of \$102,262 may be applied to public services, and the remaining \$60,920 can be applied to either capital projects or housing. A total of 31 applications were received for the County Other Planning Area—7 Countywide projects and 24 serving the County Other Planning Area only. The total funding request for the County Other Planning Area is \$1,778,621. Project summaries for all FY 2019-20 County Other Planning Area requests can be found in Attachment 1.

COUNTY OTHER PLANNING AREA HOUSING PROJECTS

The County Other Planning Area is expected to receive an allocation of approximately \$247,298 for housing projects in FY 2019-20. A total of seven applications were received for the County Other Planning Area—two Countywide projects and five serving the County Other Planning Area

only. The two projects serving the entire County have a total funding request of \$530,000, with \$299,000 earmarked for the County Other Planning Area. This allocation is based on the percentage of housing services provided for the County Other Planning Area. The combined requests for both the area specific projects and the County Other portion of the Countywide projects is \$956,115.

Funding recommendation

Staff recommend allocating a total of \$247,298, to support funding five of the seven housing projects (bolded in the chart below). Through these recommendations the County Other Planning Area will contribute to:

- Creating up to 3 affordable housing units.
- Make energy upgrades and accessibility improvements at two affordable housing complexes serving 23 low-income residents.
- Provide up to 20 home rehabilitation loans for low-income homeowners.
- Offer up to 10 home modifications for low-income individuals at risk of losing their independence.
- Rehabilitate three affordable shared residences housing six low-income seniors.

Unfortunately, with the limited funding available, it will not be possible to provide needed funding for many valuable projects.

Organization	Request	FY 19-20 Recommendation	FY 18-19 Funding
430 Aspen Lots Bolinás Community Land Trust	\$150,000	\$51,450	N/A
Ocean Terrace Apts & Mesa Apts Community Land Trust Association of West Marin	\$148,000	\$50,000	\$14,000
Corte Madera House Renovation <i>Lifehouse Inc.</i>	\$40,500	\$0	\$0
Residential Accessibility Modification Program * Marin Center for Independent Living	\$30,000*	\$3,000 (Expected funding across all planning areas: \$30,000)	\$13,500 (Funding allocated from all planning areas: \$30,000)
Rehabilitation Loan Program * Marin Housing Authority	\$500,000*	\$116,817** (Expected funding across all planning areas: \$310,026)	\$185,738** (Funding allocated from all planning areas: \$391,988)
Marin City Community Development Corporation <i>Tiny SMART Homes Pilot</i>	\$263,220	\$0	N/A
Sage Lane Senior Affordable Housing Improvements San Geronimo Valley Affordable Housing Association	\$65,395	\$26,031	\$40,105
Housing Subtotal		\$247,298	

N/A – funds were not requested for this project in previous year

* Countywide request

** Recommendation includes newly allocated entitlement funding and program income from 2017

COUNTY OTHER PLANNING AREA CAPITAL PROJECTS

The County Other Planning Area is expected to receive an allocation of approximately \$38,968 for capital projects in FY 2019-20. A total of seven applications were received for the County Other Planning Area—one Countywide project and six serving the County Other Planning Area only. The project serving the entire County has a total funding request of \$150,000 with \$114,000 earmarked for the County Other Planning Area. This allocation is based on the percentage of clients residing in the County Other Planning Area. The combined requests for both the area specific projects and the County Other portion of the Countywide project is \$565,900.

Funding recommendation

Staff recommend allocating a total of \$138,282, to support funding three of the seven capital projects (bolded in the chart below). This total includes the \$38,968 available for capital and \$99,313 in additional funds reprogrammed from previous years projects. Through these recommendations the County Other Planning Area will contribute to:

- Constructing a new health clinic serving low-income residents from protected classes.
- Rehabilitating and converting three community center bathrooms to be accessible under the Americans with Disabilities Act (ADA).
- Complete dry rot and ADA improvements to the deck and improvements to the gym floor of a community center serving low-income residents from protected classes.

Unfortunately, with the limited funding available, it will be not be possible to provide needed funding for many important projects.

Organization	Request	FY 19-20 Recommendation	FY 18-19 Funding
Galilee Marine Service Harbor <i>Galilee Harbor Community Association</i>	\$112,500	\$0	\$0
Creating Healthy Environments Through Infrastructure <i>Marin City Community Service District</i>	\$150,000	\$20,000	N/A
Family Resource One-Stop Shop <i>Marin City Family Resource Center</i>	\$98,000	\$0	\$0
New Marin City Mixed-Use Health Hub * <i>Marin City Health & Wellness Center</i>	\$150,000*	\$88,282** (Expected funding across all planning areas: \$124,282)	\$38,282***
Community Center Bathroom Upgrade <i>San Geronimo Valley Community Center</i>	\$30,000	\$30,000**	N/A
Kay Park Playground Replacement Project <i>Tamalpais Community Services District</i>	\$33,400	\$0	N/A
Town Hall-Rehabilitation <i>Tomales Town Hall</i>	\$28,000	\$0	\$0
Capital Projects Subtotal		\$138,282***	

N/A – funds were not requested for this project

* Countywide request

** Recommendation includes reprogrammed funding from previous year

*** Grant funds relinquished due to change in project scope

COUNTY OTHER PLANNING AREA PUBLIC SERVICES

The County Other Planning Area is expected to receive an allocation of approximately \$102,262 for public service projects in FY 2019-20. A total of 17 applications were received for the County Other Planning Area, with 15 of them fitting the local priorities identified by the Priority Setting Committee in August 2018. The total funding request for public services is \$354,606. \$47,880 of this request represents four projects serving the entire County. The funding request for these four applications is proportional to the number of clients served from the County Other Planning Area.

Funding recommendation

Staff recommend allocating a total of \$102,262, to support funding 11 of 17 public service projects (bolded in the chart below). Through these recommendations the County Other Planning Area will contribute to providing the following services: access to trauma informed services for vulnerable low, very low, and extremely low-income young children and their families; support afterschool transportation for children to ensure access to afterschool care; provide children with daycare, summer camp, and afterschool enrichment opportunities, and deliver home visitations for families living on ranches to enhance parent engagement. In addition, older adults will receive supports allowing them to remain at home and scholarships for day program care will be provided to individuals suffering from memory loss. Moreover, residents will receive fair housing services including counseling, discrimination investigation, and legal representation; individuals and their children will be able to access domestic violence services and legal support. Unfortunately, with the limited public service funding available, it will not be possible to provide needed funding for many important services.

Organization	Request	FY 19-20 Recommendation	FY 18-19 Funded Amount
Intensive Academic and Social-emotional Intervention for Marin City Youth <i>Bridge the Gap College Prep</i>	\$15,000	\$0	N/A
Therapeutic Services for Marin Learning Center <i>Community Action Marin</i>	\$10,000	\$0	\$10,000
After School Transportation Program <i>Fairfax-San Anselmo Children's Center</i>	\$16,500	\$10,000	\$15,000
Fair Housing Services * <i>Fair Housing Advocates of Northern CA</i>	\$75,000*	\$24,500 (Expected funding across all planning areas: \$63,917)	\$24,600 (Funding allocated from all planning areas: \$60,000)
Domestic Violence Legal Services * <i>Family & Children's Law Center</i>	\$12,500*	\$2,214 (Expected funding across all planning areas: \$11,855)	\$2,200 (Funding allocated from all planning areas: \$10,000)
Skyview Day Club Financial Aid * <i>Jewish Family and Children's Services (Formerly Senior Access)</i>	\$33,350*	\$3,500 (Expected funding across all planning areas: \$12,500)	\$3,722 (Funding allocated from all planning areas: \$18,722)

Eviction Defense Program * Legal Aid of Marin	30,000*	1,000 (Expected funding across all planning areas: \$27,702)	N/A
Operation Enterprise Program <i>Marin City Community Development Corporation</i>	\$29,992	\$0	N/A
Seniors Living Every Moment Active and Healthy <i>Marin City Community Services District</i>	\$30,000	\$0	N/A
Marin City Family Resource and Youth Development Center Becomes Independent <i>Marin City Family Resource and Youth Development Center</i>	\$30,000	\$0	N/A
Horizon Community School Family and Child Community Support Services Marin Horizon School	\$30,000	\$11,048	N/A
Assistant Preschool Teacher Nicasio Preschool	\$28,740	\$10,000	N/A
After School and Summer Programs Performing Stars of Marin	\$15,000	\$10,000	\$10,000
San Geronimo Valley Housing Assistance and Support San Geronimo Valley Affordable Housing Association	\$15,000	\$0	N/A
Human Services/Food Pantry San Geronimo Valley Community Center	\$39,000	\$10,000	N/A
Home Visitation Program Shoreline Acres Inc.	\$17,764	\$10,000	N/A
Care Management Services West Marin Senior Services	\$30,000	\$10,000	\$10,000
Public Services Subtotal		\$102,262	

N/A – funds were not requested for this project

* Countywide request

NOVATO PLANNING AREA RECOMMENDATIONS

On Tuesday March 12, 2019 the Novato City Council passed a resolution approving CDBG funding recommendations for the 2019-20 fiscal year. Staff recommend the Priority Setting Committee adopt the City of Novato’s recommendations, listed below, in accordance with the 2017 Cooperation Agreement governing the administration of the Novato Planning Area.

Organization	Request	FY 19-20 Recommendation
HOUSING PROJECTS		
Residential Accessibility Modification Program * <i>Marin Center for Independent Living</i>	\$30,000*	\$9,000 (Expected funding across all planning areas: \$30,000)

Rehabilitation Loan Program * <i>Marin Housing Authority</i>	\$500,000*	\$108,209** (Expected funding across all planning areas: \$310,026)
Housing Subtotal		\$116,209
CAPITAL PROJECTS		
New Marin City Mixed-Use Health Hub * <i>Marin City Health & Wellness Center</i>	\$150,000*	\$7,500 (Expected funding across all planning areas: \$124,282)
Elevator Modernization <i>North Marin Community Services</i>	\$77,500	\$61,000
Capital Projects Subtotal		\$68,500
PUBLIC SERVICE PROJECTS		
Biotech Academy at San Marin HS <i>Biotech Partners</i>	\$15,000	\$0
NIEP/Marin Senior Resources <i>Covia Foundation</i>	\$26,000	\$20,000
Fair Housing Services * <i>Fair Housing Advocates of Northern CA</i>	\$75,000	\$7,584 (Expected funding across all planning areas: \$63,917)
Domestic Violence Legal Services * <i>Family & Children's Law Center</i>	\$12,500	\$3,541 (Expected funding across all planning areas: \$11,855)
Skyview Day Club Scholarships * <i>Jewish Family Services (Formerly Senior Access)</i>	\$33,350	\$1,000 (Expected funding across all planning areas: \$12,500)
Eviction Defense Program * <i>Legal Aid of Marin</i>	\$30,000	\$3,500 (Expected funding across all planning areas: \$27,702)
Childcare Scholarships <i>North Bay Children's Center</i>	\$20,000	\$15,000
Childcare Scholarships <i>North Marin Community Services</i>	\$15,000	\$15,000
Public Services Subtotal		\$65,625
TOTAL Planning Area Allocation		\$250,334

* Countywide request

** Recommendation includes reprogrammed funding from previous year(s)

SAN RAFAEL PLANNING AREA RECOMMENDATIONS

On Monday, March 18, 2019 the San Rafael City Council Staff passed a resolution approving CDBG funding recommendations for the 2019-20 fiscal year. Staff recommend the Priority Setting Committee adopt these recommendations, listed below, in accordance with the 2017 Cooperation Agreement governing the administration of the San Rafael Planning Area.

Organization	Request	FY 19-20 Recommendation
HOUSING PROJECTS		
AWD Affordable Housing Electrical Upgrade <i>Artworks Downtown, Inc.</i>	\$450,000	\$143,420**

Residential Accessibility Modification Program * <i>Marin Center for Independent Living</i>	\$30,000*	\$18,000 (Expected funding across all planning areas: \$30,000)
Rehabilitation Loan Program * <i>Marin Housing Authority</i>	\$500,000*	\$85,000 (Expected funding across all planning areas: \$309,026)
Housing Subtotal		\$246,420
CAPITAL PROJECTS		
New Marin City Mixed-Use Health Hub * <i>Marin City Health & Wellness Center</i>	\$150,000*	\$28,500 (Expected funding across all planning areas: \$124,282)
Pickleweed Park and Playground Improvements <i>City of San Rafael DPW</i>	\$138,000	\$72,899
Capital Projects Subtotal		\$101,399
PUBLIC SERVICE PROJECTS		
University Prep (UP!) <i>Canal Alliance</i>	\$15,000	\$10,110
Pickleweed Preschool <i>City of San Rafael</i>	\$33,499	\$30,000
Fair Housing Services * <i>Fair Housing Advocates of Northern CA</i>	\$75,000	\$31,833 (Expected funding across all planning areas: \$63,917)
Domestic Violence Legal Services * <i>Family & Children's Law Center</i>	\$12,500	\$6,100 (Expected funding across all planning areas: \$11,855)
<i>Skyview Day Club Scholarships *</i> Jewish Family Services (Formerly Senior Access)	\$33,350	\$8,000 (Expected funding across all planning areas: \$12,500)
<i>Eviction Defense Program *</i> Legal Aid of Marin	\$30,000	\$23,202 (Expected funding across all planning areas: \$27,702)
Public Services Subtotal		\$109,245
TOTAL Planning Area Allocation		\$457,064

N/A – funds were not requested for this project

* Countywide request

** Recommendation includes reprogrammed funding from previous year(s)

RECOMMENDATIONS FOR REPROGRAMMING FUNDS

At its January 1992 meeting, the Priority Setting Committee decided that unspent CDBG balances allocated to projects two or more years prior be considered for reallocation or “reprogramming” to other projects which may be able to more quickly spend the funds and/or be in greater need of the funds. In compliance with this policy, CDBG staff sent the required 30-day notice to all project sponsors with unspent balances so that the Committee would have the option of reprogramming these resources.

Staff prioritize reprogramming funds in the planning area the funds originated from to ensure continuity and equity across planning areas. For FY 2019-20 staff recommend a total of \$142,313 in CDBG funds be reprogrammed. In the County Other Planning Area staff

recommended \$10,000 be reprogrammed to the Marin City Community Services District for dry-rot and ADA improvements from the Marin City Health and Wellness Center (\$10,000 from 2015). In addition, staff recommend \$88,282 be reprogrammed from two previous projects of the Marin City Health and Wellness Center to the new Marin City Health and Wellness Center Health Hub project (\$50,000 from 2017 and \$38,282 from 2018). Finally, \$1,031 is identified to be reprogrammed to the San Geronimo Valley Community Center for the bathroom rehabilitation from the Fairfax-San Anselmo Children's Center-Deer Park School (\$1,031 from 2009-2016). For the Novato Planning Area staff recommend a total of \$1,000 be reprogrammed to the Marin Housing Authorities Rehabilitation Loan Program from Habitat for Humanity, Mount Burdell Place project (\$1,000 from 2014). In the San Rafael Planning Area \$42,000 is recommended for reprogramming from Art Works Downtown's plumbing project to their electrical project (\$42,000 from 2017). A detailed account of reprogrammed funds can be found in Attachment 2.

RECOMMENDATIONS FOR PROGRAM INCOME

When the CDBG program receives revenue from a completed project, this amount is considered program income, which must be made available to fund new CDBG activities. The opportunity for revenue generation is created by a lien agreement or a deed of trust recorded on a property funded by CDBG for either acquisition or major rehabilitation of real estate. In 2017, staff projected program income from one project (Rotary Valley Apartments); anticipated to be \$12,854. The actual program income received for the year totaled \$13,940, an increase of \$1,086. Staff recommend \$1,952 of additional program income be allocated to Public Services, \$5,576 to Capital Projects, \$3,624 to Housing, and the remaining \$2,788 be allocated to administration.

Funding recommendations for Countywide HOME Program

Based on estimates, the Countywide HOME Investment Partnership Program is projected to receive a total allocation of approximately \$668,261 in FY 2019-20. After accounting for the 10% administration costs, it is expected that \$601,435 will be available for projects. Historically, a minimum of 15% or \$100,239 must be allocated to a Community Housing Development Organization (CHDO). However, through the passage of the Consolidated Appropriations Act of 2019 this requirement is suspended until 2021. A total of 4 applications were received for the Countywide HOME program totaling \$2,183,212. Project summaries for all FY 2019-20 HOME requests can be found in Attachment 3.

Funding recommendation

Staff recommend allocating a total of \$709,149, to support funding two housing projects, bolded in the chart below. This total includes \$107,714 in reprogrammed funds and program income funds from prior years. Through these recommendations the Countywide HOME program will contribute to developing 54 units of affordable housing for low-income seniors with up to 16 of those units designated for individuals transitioning out of homelessness and rehabilitate 60 units of housing for families earning between 50-60% of Area Median Income (AMI).

Organization	Request	FY 19-20 Recommendation	HOME FY 18-19 Funded Amount
Aspen/Overlook Limited Equity Housing Cooperative <i>Bolinas Community Land Trust</i>	\$400,000	\$0	N/A

Centertown Apartments BRIDGE Housing + EAH Housing	\$500,000	\$471,908*	N/A
Mill Street Center Affordable Housing Units Homeward Bound of Marin	\$833,212	\$0	N/A
Victory Village Resources for Community Development	\$450,000	\$237,241*	\$441,291
HOME Subtotal		\$709,149*	

N/A – funds were not requested for this project

* Funding recommended in prior years is reprogrammed for other projects ready to spend funds down

RECOMMENDATIONS FOR REPROGRAMMING FUNDS

In order to meet the timely spending requirements for HOME, staff recommend reprogramming \$96,681 to Resources for Community Development’s Victory Village from EAH Housing’s Walnut Place project (\$83,077 from 2014) and Marin Housing Authority’s Fairfax Vest Pocket project (\$13,604 from 2015). A detailed account of reprogrammed funds can be found in Attachment 4.

RECOMMENDATIONS FOR PROGRAM INCOME

When HOME program receives revenue from a completed project or repayment of a loan this amount is considered program income, which must be made available to fund new HOME activities. In 2017, staff projected program income from one project (Fireside Apartments) would generate \$12,259. Staff recommend allocating \$11,033 to Centertown and the remaining \$1,226 be provided to administration. A list of new program income distributions can be found in Attachment 4.

A list of all the applications that were submitted for the County Other Planning Area, Countywide projects serving the County Other Planning Area, and HOME projects are provided in Attachments 5, 6, and 7. The attachments also include staff recommendations for allocating funds. Attachment 8 provides a comprehensive list of CDBG and HOME funding requests and recommendations covering all Planning Areas. The applications for the County Other Planning Area, Countywide projects serving the County Other Planning Area, and HOME projects can be accessed in Attachments 9, 10, and 11, and online via these links:

CDBG County Other Planning Area applications:

https://www.marincounty.org/-/media/files/departments/cd/federal-grants/2019_20/2019-applications/cdbg-20192020-county-other-funding-applications.pdf?la=en

CDBG Countywide applications:

https://www.marincounty.org/-/media/files/departments/cd/federal-grants/2019_20/2019-applications/cdbg-20192020-countywide-funding-applications.pdf?la=en

HOME Countywide applications:

https://www.marincounty.org/-/media/files/departments/cd/federal-grants/2019_20/2019-applications/cdbg-20192020-countywide-funding-applications.pdf?la=en

FISCAL IMPACT: There is no direct cost or revenue impact generated by the recommended action as the Priority Setting Committee is directing HUD funds to specific projects. Allocating funds to

projects may allow County and City general and capital funds to be allocated to other priorities.

OPTIONS:

- 1. Make allocations of CDBG and HOME funding as recommended by staff.
- 2. Make different allocations of CDBG and HOME funding. (Funds may be shifted between CDBG categories, but the Public Service category cannot exceed \$102,262 for the County Other Planning Area or \$277,132 for the entire CDBG budget. In addition, the Housing category cannot be less than \$225,348 for the County Other Planning Area or \$491,106 for the entire CDBG budget.)
- 3. Provide direction to staff.

ACTION REQUIRED:

- 1. Adopt recommendations for CDBG and HOME project funding for the FY 2019-20 to be presented to the Marin County Board of Supervisors.

ATTACHMENTS:

- Attachment 1 CDBG County Other Project Summaries
- Attachment 2 CDBG Reprogrammed Funding, Program Income, and Additional Entitlement Allocations
- Attachment 3 HOME Project Summaries
- Attachment 4 HOME Reprogrammed Funding, Program Income, and Additional Entitlement Allocations
- Attachment 5 CDBG County Other Housing and Capital Project Allocations
- Attachment 6 CDBG County Other Public Service Project Allocations
- Attachment 7 HOME Project Allocations
- Attachment 8 CDBG and HOME Requests and Recommendations for all Planning Areas
- Attachment 9 CDBG County Other Applications
- Attachment 10 CDBG Countywide Applications
- Attachment 11 HOME Project Applications

CDBG Project Write-ups

Housing Funding Requests

1. 430 Aspen - Bolinas Community Land Trust

Bolinas Community Land Trust (BCLT), an organization dedicated to creating, preserving, and sustaining long-term affordable housing in Bolinas, requests \$150,000 of CDBG funding for the rehabilitation of 430 Aspen including a new septic system, new foundation and Wildlands Urban Interface (WUI) compliant updates. 430 Aspen will be composed of three rental homes: the main house includes one bedroom, a loft/den, and a room rental that includes a bedroom, bathroom and utility room with a wet bar. In addition, the property contains a separate Accessory Dwelling Unit (ADU). The units will house low-income, very low-income, and extremely low-income rental tenants. Staff recommends funding \$51,450 for the project. BCLT is encouraged to create a Capital Improvements Plan for their properties to prioritize housing rehabilitation projects in the future.

2. Mesa and Ocean Terrace Apartments - Community Land Trust Association of West Marin

Community Land Trust of West Marin (CLAM), an organization committed to creating and sustaining permanently affordable homes in West Marin, requests \$148,000 of CDBG funding for energy upgrades and ADA conversions at two affordable housing apartment complexes, Mesa Apartments in Point Reyes Station and Ocean Terrace Apartments in Stinson Beach. The Mesa Apartments require weatherization and energy efficiency upgrades, including replacing the building's wood siding, vapor barrier, and insulation. Ocean Terrace requires replacing doors and windows with Title 24 compliant products. Both buildings necessitate conversion of units to make them ADA-compliant in order to be eligible for Project Based Section 8 vouchers, increasing the financial security of residents and perspective residents. Staff recommends funding of \$50,000 to support energy upgrades and ADA conversions at Mesa Apartments and Ocean Terrace. CLAM is encouraged to create a Capital Improvements Plan for all properties to prioritize housing rehabilitation projects in the future.

3. Corte Madera House Renovation - Lifehouse, Inc.

Lifehouse Inc. (LI), a provider of personalized support services and housing opportunities for adults with developmental disabilities, requests \$40,500 of CDBG funding to remodel the kitchen in their Corte Madera home. The request would support the demolition of the kitchen, upgrades to the electrical and plumbing systems, and installation of new cabinets, countertops, and appliances. The home currently houses four extremely low-income men with autism and other related developmental disabilities. All clients are referred to LI by the Golden Gate Regional Center, a contractor of the California Department of Developmental Services. Given the unspent balances and limited funding available from CDBG, staff does not recommend funding for LI at this time. Moving forward LI is encouraged to spend down funds currently available and apply for additional resources as other projects progress.

4. Residential Access Modification Program - Marin Center for Independent Living

Marin Center for Independent Living (MCIL), a provider of services to assist persons with all types of disabilities achieve their maximum level of sustainable independence, requests \$30,000 of CDBG funding to provide home modifications to increase accessibility for clients. The request would provide 9 to 13 home modifications for low, very low, and extremely low-income individuals ranging from grab bars and ramps to stair lifts and kitchen lowering. Through these enhancements and minor remodeling efforts, individuals who are at risk of losing their independence and being confined in nursing homes can remain in place. Most clients served are renters who do not have the ability to take out loans against the property to finance such improvements. Although landlords are required to make reasonable accommodations for disabled tenants, they are not obligated to finance those modifications. MCIL staff work with clients to garner approval from landlords, determine project specifications, build out workplans, solicit bids, and oversee the work done. MCIL has nearly 30 years of experience providing this critical service in Marin County. An average of 3 to 5 people have been served yearly in the County Other Planning Area. Staff recommend funding of \$3,000, which represents 10% of the total project request. The total funding recommendation across all planning areas is \$30,000.

5. Tiny SMART Homes Pilot - Marin City Community Development Corporation

The Marin City Community Development Corporation (MCCDC), a provider of job training and affordable housing for Marin City residents, requests \$263,220 of CDBG funding for their Tiny SMART Homes Pilot Project. The request would fund the development of two self-sustaining, off-the-grid tiny SMART homes that provide two rental units open to low-income and extremely-low income populations and do not require connections to existing water, sewage and electrical utilities. MCCDC would incorporate the construction of these tiny homes into the curriculum of their Construction Trades Program. In addition, MCCDC would partner with other local nonprofits to market to initial residents of the Tiny SMART Homes. In 2009 HUD conducted a programmatic review and found the County was in preliminary non-compliance with certain civil rights related program requirements; and asked the County to enter into a Voluntary Compliance Agreement with provisions to address these concerns. Based on the Voluntary Compliance Agreement with HUD, the County committed to not use federal housing funds to develop housing in areas of minority concentration¹. Therefore, consistent with the directive from HUD, staff not recommending funding for this project because it is located in an area of minority concentration per HUD regulations.

¹ “Area of minority concentration”, is any neighborhood in which: (1) the percentage of households of a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County; (2) the neighborhood’s total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the County as a whole, or (3) the neighborhood’s total percentage of minority persons exceeds 50% of its population. For purposes of this definition, a neighborhood can be a census tract.

6. Rehabilitation Loan Program - Marin Housing Authority

Marin Housing Authority (MHA), a public corporation created to provide decent, safe and sanitary housing for low and moderate-income people, requests \$500,000 of CDBG funding to provide rehabilitation loans to low, very low, and extremely low-income homeowners in Marin County. The request includes funds to administer the program and provide additional capital to increase the number of loans. The program is available to owner-occupants of single family homes, condominiums, floating homes docked in approved berths, mobile homes located within a mobile home park, and non-profit group homes serving special populations. These funds are specifically designated for urgent home repairs, correcting substandard housing conditions, eliminating health and safety hazards, and legalizing and/or creating second units within an existing house where permitted by local ordinance. New loans range from \$5,000 to \$35,000, with the average being \$25,000. The program offers different loan structures based on a borrower's ability to pay including amortized loans, interest-only loans, and deferred payment loans. Borrowers with very low and extremely low-incomes benefit most from deferred loans where principal and accrued interest are due upon sale of the property. MHA's long-standing role administering this loan program has resulted in over \$15 million in capital investments to improve living conditions for lower income homeowners in Marin County. Staff recommend funding of \$116,817 from the County Other Planning Area, \$100,000 of this recommendation is specifically designated to provide capital to increase the number of loans. The total recommended amount represents 38% of the total project request, which is the percentage of projects MHA expects to complete in County Other. The total funding recommendation across all planning areas is \$310,026.

7. Sage Lane Senior Affordable Housing Rehabilitation - San Geronimo Valley Affordable Housing Association

San Geronimo Valley Affordable Housing Association (SGVAHA), an organization dedicated to creating, preserving, and managing affordable housing in the San Geronimo Valley, requests \$65,395 of CDBG funding to rehabilitate three affordable shared housing residences on Sage Lane in San Geronimo. The request would support the conversion of the three buildings to "all electric", exterior painting, dry rot repair, and insulated window coverings. SGVAHA has owned and operated the three Sage Lane units, rented to six low-income seniors living on fixed incomes, for 17 years. Historically SGVAHA did not establish a robust financial reserve for the properties. Although they have been well maintained, as the properties age, significant deferred maintenance needs have arisen. In 2015 SGVAHA acquired the Forest Knolls Mobile Home Park which hosts 19 owner occupied spaces and one rental unit. As part of this acquisition SGVAHA received technical assistance around financial modeling and established a system to maintain sufficient reserves. Staff recommend funding of \$26,031 to support the rehabilitation of the affordable housing units. Staff encourage SGVAHA to produce a Capital Improvements Plan for all properties to prioritize short- and long-term repairs for all real estate assets.

Capital Funding Requests

1. Galilee Marine Service Harbor - Galilee Harbor Community Association

Galilee Harbor (GH), a live aboard, artist and maritime worker cooperative, requests \$112,500 of CDBG funding for public access improvements and to support the development of a new two-story Marine Service Building (MSB). The request will replace a 14-ft. wide by 420-ft. long path with permeable hardscape materials in compliance with ADA standards, as well as fund the refinement of building designs and costs to obtain permits for the MSB. The MSB, which has received a Conditional Use Permit from the Town of Sausalito, will include work spaces, restrooms, laundry room, harbor office, and a community room. GH is home to 38 households with 85% of them being low-income. Of the 38 berths, a minimum of 25 are reserved for marine workers with the remaining 13 available for artists. GH is dedicated to preserving Sausalito's traditional working waterfront and the creation of diverse public access opportunities. GH currently has unspent funds totaling over \$100,000 designated for paving the parking lot adjacent to Dunphy Park; resurfacing public access paths; installing security improvements; improvements to metal pilings for the docks; other eligible public facility improvements; eligible planning, architectural, engineering, legal, and predevelopment costs, general project management expenses; and costs to renew Bay Conservation and Development Commission permits. Given the unspent balance and limited funding available from CDBG, staff does not recommend funding for GH at this time. Moving forward GH is encouraged to spend down funds currently available and apply for additional resources as other projects progress. In addition, GH would be more competitive with the development and implementation of a detailed affirmative marketing plan.

2. Creating Healthy Environments Through Infrastructure - Marin City Community Services District

The Marin City Community Services District (MCCSD), a California special district providing recreation programs, street lighting, and refuse collection in unincorporated Marin City, requests \$150,000 for the maintenance and repairs of the administrative office, senior center and gymnasium. This funding would address health and safety hazards including plumbing issues, dry rot, and ADA improvements to the deck and porch. Repairs to these buildings would benefit all age groups in Marin City, from youth to seniors. This funding is especially needed as it is the only community building that serves Marin City. Staff recommends \$10,000 in funds from the 2019-2020 fiscal year and \$10,000 in reprogrammed funds from previous years, totaling in \$20,000. Staff encourage MCCSD to leverage funding from other sources to complete the project.

3. Family Resource One-Stop Shop - Marin City Family Resource and Youth Development Center

Marin City Family Resource Center (MCFRC), an emerging program committed to addressing the continuum of childhood poverty and needs of families, requests \$98,000 of CDBG funding to establish a permanent space to operate. The request would fund the purchase, relocation, rehabilitation, and utility connections for a used or new modular building. The site location for the permanent modular building is

behind the Cornerstone Community Church in the heart of Marin City. The MCFRC has evolved out of the Marin City Parent Academy (MCPA), which provides home visits and support groups for parents in Marin City. Given the limited funding available from CDBG, and the temporary nature of this solution, staff do not recommend funding at this time. MCFRC is encouraged to reapply for funding following the identification of ongoing operational funding and a plan to create a permanent operational space or strategic partnership with a Marin City organization that has a permanent building.

4. New Marin City Mixed-Use Health Hub - Marin Health and Wellness Center

Marin City Health and Wellness Center (the Center) a non-profit, federally qualified health center, requests \$150,000 of CDBG funds for construction of a new health clinic that is part of a larger, mixed-use, community-based health hub. The Center offers healthcare services available to the general public with a focus on low-income patients and the growing homeless population. Over 80% of the center's patients access care using Medi-Cal. The new health hub would provide expanded square footage for exam rooms including primary medical care, dental care, behavioral health, and Medication-Assisted Treatment (MAT) services. Health education programs, recovery support groups and "Healthy Eating Active Living" programs for all age groups would also be housed in the health hub. These improvements would expand access to care as the community's healthcare needs significantly exceed the Center's ability to provide services in the limited space available at the current clinic site. Staff recommend assigning \$88,282 in reprogrammed funds from previous years. The total funding recommendation across all planning areas is \$124,282.

5. Community Center Bathroom Upgrade - San Geronimo Valley Community Center

The San Geronimo Valley Community Center (SGVCC), a community center providing services to the San Geronimo Valley and Nicasio communities, requests \$30,000 of CDBG funding to rehabilitate and modernize the bathrooms. The existing bathrooms at SGVCC include a single user bathroom and two bathrooms that were designed for preschool use. SGVCC provides services including food assistance, health and nutrition education, senior activities, after-school child care and tutoring and job training programs. With the growth of these services, the bathroom modernization is necessary to adequately meet demand. SGVCC is proposing to renovate the two preschool bathrooms and transform them into gender-inclusive, fully accessible bathrooms. Staff recommends \$30,000, the full funding request for the bathroom renovations, which includes \$1,031 in reprogrammed funds. SGVCC is encouraged to implement a data collection system to more accurately track demographics of patrons benefiting from the facility.

6. Kay Park Playground Replacement Project - Tamalpais Community Services District

The Tamalpais Community Service District (TCSD) a California special district providing recreation programs, street lighting, and refuse collection in unincorporated Tamalpais Valley, requests \$33,400 of CDBG funding for their Kay Park Playground Replacement Project. The request would fund new equipment and hardscape repair

for the playground at Kay Park, one of two parks in the TCSD. The playground serves children of all ages and includes a climbing structure, infant and child swings, and “pour and play” surface transition areas that would make this portion of the park fully accessible. Given CDBG cannot retroactively fund capital projects, staff do not recommend funding at this time.

7. Rehabilitation & Preservation of Town Hall 2019-2020 - Tomales Town Hall

Tomales Town Hall (TTH), the center of social and civic life for the Town of Tomales and neighboring communities, requests \$28,000 for the rehabilitation and preservation of the building. The request will support the demolition and reconstruction of the south portion of the foundation, as well as construction of a new patio area, kitchen remodel, and expansion of the dining hall. Over the past 144 years TTH has hosted meetings, clubs, civic groups, weddings, quinceañeras, concerts, classes, workshops, art shows, readings, and screenings. Today, TTH is the hub of social service provision in the area with a weekly food pantry where West Marin service providers are able to meet with current clients and identify new clients. In addition, Marin County Health and Human Services provides seasonal health and immunization clinics at TTH. In the past few years TTH has been working to professionalize its operations and has built out both a strategic planning and finance committee to guide the operations of the facility. TTH operates primarily using volunteer support with only one part-time staff member managing bookings. TTH is also able to leverage this volunteer support for their ongoing rehabilitation of the facility. Given the unspent balance and limited funding available from CDBG, staff does not recommend funding for the TTH at this time. Moving forward TTH should spend down funds currently available and apply for additional resources as other projects progress. TTH is encouraged to implement a data collection system to more accurately track demographics of patrons benefiting from the facility.

Public Service Funding Requests

1. Fair Housing Services - Fair Housing Advocates of Northern California

Fair Housing Advocates of Northern California (FHANC), a provider of fair housing services, requests \$75,000 of CDBG funding to support administration and operations of their Marin programs. FHANC operates 10 core programs serving over 900 low, very low, and extremely low-income individuals in Marin annually. FHANC is the HUD-certified Housing Counseling Agency in Marin County, and provides fair housing testing program throughout the county. Their services include counseling victims of housing discrimination, investigating potential complaints, mediating settlements where appropriate, referring cases to federal and state enforcement agencies, monitoring complaints, helping people with disabilities request reasonable accommodations, conducting training seminars for the housing industry, and providing community education on fair housing rights. Given Marin County’s history of discrimination and segregation, FHANC’s services have been particularly beneficial to African-Americans, Latinos, people with disabilities, immigrants, families with children, female-headed households, senior citizens, and LGBT individuals; with approximately 90% of clients being lower-income. Staff recommend funding of

\$24,500 from the County Other Planning Area to support fair housing services. The total funding recommendation across all planning areas is \$63,917.

2. Domestic Violence Legal Services - Family & Children's Law Center

Family & Children's Law Center (FCLC), a provider of high-quality, low-cost legal services to children and families, requests \$12,500 of CDBG funding to expand their domestic violence legal services program. FCLC serves an average 100 domestic violence victims and their children annually. Last year, FCLC saw an increase in domestic violence cases and served an additional 50 very low-income clients. Through this funding they expect to maintain that increased service level. The organization provides full legal representation and assists victims of domestic violence obtain restraining orders, by preparing paper work and accompanying clients to court. If and when clients are ready, FCLC also assists with divorce proceedings. FCLC has a 98% success rate in garnering protective orders for clients. All services are free of charge to domestic violence victims. Fees for these services typically cost \$400 per hour. In addition to legal support, the organization provides warm referrals to partner organizations providing emergency shelter services, food assistance, down payment assistance, and other community services. Staff recommend funding of \$2,214 to support Domestic Violence Legal Services. The total funding recommendation across all planning areas is \$11,855.

3. Legal Aid of Marin Eviction Defense Program - Legal Aid of Marin

Legal Aid of Marin (LAM), a provider of high-quality, low-cost legal services to low-income individuals, requests \$30,000 of CDBG funding to support the increased demand for eviction defense services. Formed in 1958, LAM provides low-income, vulnerable and otherwise underserved residents of Marin County with direct representation, pro per assistance, pro bono services, outreach, policy advocacy, and serves their interests through impact litigation. In 2018, LAM closed over 1,000 cases representing over 2,000 household members. As Marin County's rental crisis has continued to escalate in recent years, housing cases, several of them involving landlord-tenant disputes, represent approximately 35% of the case work LAM staff members handle. The housing crisis in Marin and the need to keep families in their homes continues to be a high priority. In 2019, LAM will handle approximately 350 clients through their walk-in clinics and 95 individuals through their Mandatory Settlement Conference clinics. Staff recommend \$1,000 from the County Other Planning Area to support LAM's Eviction Defense Program. The total funding recommendation across all planning areas is \$27,702.

4. Skyview Day Club - Seniors at Home, A Division of Jewish Family and Children's Services (Formerly Senior Access)

Seniors at Home (SH) formerly known as Senior Access, a provider of services to persons dealing with Alzheimer's, Dementia, and memory loss, requests \$33,350 of CDBG funding to provide adult day care programming to clients participating in the Skyview Day Club (The Club). The Club engages clients in art and music programs, stimulating brain games, group exercise, and lunch. The program provides caregivers valuable respite where they can work, care for themselves, and allow them to maintain

their loved ones at home for as long as possible. The adult day program serves approximately 135 individuals annually with 65 being low, very low, and extremely low-income. In addition to the day program, SH provides free memory wellness classes, memory screenings, and caregiver support groups reaching approximately 550 people throughout the County. Staff recommend funding of \$3,500. The total funding recommendation across all planning areas is \$12,500.

5. Intensive Academic and Social-emotional Intervention for Marin City Youth - Bridge the Gap College Prep

Bridge the Gap College Prep (BTGCP), a provider of comprehensive educational and social-emotional support, requests \$15,000 of CDBG funding for their Marin City Scholars Afterschool Academic Intervention Program focused on 4th -8th graders and the 9th-12th grade High School Program. Established in 1995, BTGCP serves approximately 240 Marin City youth annually with the goal that every Marin City child completes high school and graduates from college. BTGCP programs for kindergarten through college age youth include: One-on-One Evening Tutoring Programs, College and Career Success Programs, and summer programs including Little Readers & Mathletes Program. These programs provide additional support for students and parents including pick up from school, drop off after programs, regular meals, and a consistent, caring adult presence. These wrap-around services help alleviate parental stress, and provide what BTGCP calls “deeply enriched child caregiving.” These programs aim to help students overcome academic skill gaps, stay current with their classwork, develop college aspirations and plans, and develop socio-emotional competencies needed to succeed. They have achieved a 100% graduation and post-secondary matriculation rate for the students in this program. Given the competitive nature of the Public Service grant proposals in the County Other Planning Area, staff do not recommend funding at this time.

6. Therapeutic Services for Marin Learning Center - Community Action Marin

Community Action Marin, a nonprofit dedicated to alleviating poverty in Marin County, requests \$10,000 of CDBG funding to support therapeutic services for children at the Marin Learning Center (MLC) in Marin City. The request would support the provision of music therapy as well as individual and small group social skill therapy. The individual and small group therapeutic component is based on a play therapy model and staffed by a licensed therapist. In addition to working directly with the children, the therapist meets with parents and trains staff to work with children who are having challenges. The curriculum focuses on kindergarten readiness, social and emotional development, self-regulation, language and character development, community building, and cultural and environmental awareness. MLC is moving towards a more trauma informed care service delivery model to address the dynamic needs of clients that include: increased stress levels of migrant populations, economic and racial discrimination, food insecurity, and community gentrification. In the past year the building MLC has operated out of for nearly 30 years sold to the Marin City Health and Wellness Clinic. MLC maintains a temporary lease of the space at which point it will need to relocate. MLC currently has two modular units located on the Marin City Community Services District land and is working with community partners to secure

additional space to operate out of. MLC provides care to 42 low, very-low, and extremely low-income children, 28% of those reside in Marin City. Given that the program serves a low percentage of children in the County Other Planning Area, and the limited funding available from CDBG, staff do not recommend funding at this time. Staff encourage Community Action Marin to apply next year in the Countywide category so that funding allocations can accurately represent planning areas served.

7. After School Transportation Program - Fairfax-San Anselmo Children's Center

Fairfax-San Anselmo Children's Center (FSACC), a child care provider serving infants through fifth grade, requests \$16,500 of CDBG funding for their afterschool transportation program. The request supports three part-time driver salaries as well as supplement the cost to operate, maintain, and insure a fleet of five vans. FSACC's transportation program provides transit services for approximately 70 school-age children, picking them up from Manor, Brookside, Hidden Valley, Wade Thomas, and Ross Valley Charter and bringing them to the FSACC so they may participate in after-school programs. This program allows lower-income parents to continue working or training beyond the end of the school day and ensures their children have access to comprehensive, high-quality child care. Staff recommend \$10,000 to support transportation services for lower-income children participating in afterschool programming.

8. Operation Enterprise Program - Marin City Community Development Corporation

The Marin City Community Development Corporation (MCCDC), a provider of job training and affordable housing for Marin City residents, requests \$29,992 of CDBG funding to launch their Operation Enterprise Program. The request would support direct administrative costs associated with this project including the Executive Director, a Project Consultant, rent, supplies, and marketing. The Operation Enterprise Program is a new program that teaches individuals how to develop targeted and strategic plans to launch micro-businesses. MCCDC would recruit program participants for a 15-week course after an application and interview process. Each entrepreneur would be paired with business mentors who will assist and guide them through the business development curriculum. Given the competitive nature of the Public Service grant proposals in the County Other Planning Area, and that this program does not fall within this year's funding priorities, staff do not recommend funding at this time. Staff encourage the applicant to apply for funding when the local funding priorities align with the program.

9. Seniors Living Every Moment Active and Healthy - Marin City Community Services District

The Marin City Community Services District (MCCSD), a California special district providing recreation programs, street lighting, and refuse collection in unincorporated Marin City, requests \$30,000 of CDBG funding for their Seniors Living Every Moment Active and Healthy Program. The senior programs at the MCCSD service 150

individuals annually. The request would support the salary of a driver and two class instructors, supplies, and travel expenses for group trips. The funding would enhance the current program offerings including weekly mid-day tea times, lunches, exercises and field trips. Additionally, MCCSD would use this funding to introduce new programs including establishing virtual programs that seniors could participate in remotely from their homes and computers. Given the limited funding available from CDBG and the competitive nature of the Public Service grant proposals in the County Other Planning Area, staff do not recommend funding at this time. Staff encourage MCCSD to partner with other senior organizations, including the Covia Foundation, who have established free and low-cost virtual programs that promote health and well-being for seniors.

10. Marin City Family Resource and Youth Development Center Becomes Independent - Marin City Family Resource and Youth Development Center

Marin City Family Resource Center (MCFRC), an emerging program committed to addressing the continuum of childhood poverty and needs of families, requests \$30,000 of CDBG funding to reorganize and launch as an independent entity. MCFRC's main program is "The Parent Academy" that engages approximately 50 families on an annual basis through weekly sessions on topics such as child development and positive parenting. The request would support the Program Director, Case Managers, and Parent Advocate's salaries. MCFRC provides free childcare and dinner, allowing parents to consistently participate in the program. Parents are also assigned to coaches who conduct home visits and recommend services based on family needs outside of the program. Given the emerging nature of the MCFRC, ongoing development of the strategic plan, uncertainty of operational funding, and limited funding available from CDBG, staff do not recommend funding at this time. MCFRC is encouraged to reapply for funding following the completion of their strategic plan and identification of ongoing operational funding.

11. Horizon Community School Family and Child Community Support Services - Marin Horizon School

Horizon Community School (HCS), an early childhood education program that promotes social justice and educational equity for low-income families in Marin City, requests \$30,000 of CDBG funding to support a program manager salary to improve wraparound services for participants. This would allow HCS to increase the number of mental health clinical hours, provide additional speech therapy and occupational therapy consultation, and offer services for families including parent advocacy training. The Horizon Community School was founded as a partnership between Marin Horizon School and Marin County organizations including Marin City Community Services District and Community Action Marin. Several years before HCS was established, families in Marin City did not have access to a 2-3-year-old preschool program and the general demand for childcare exceeded availability. HCS bridges the gap between existing preschool curriculum in Marin City and the needs of its residents. HCS currently serves 24 two to four year old children and their families who live in Marin City. Staff recommend funding \$11,048 for this program and encourage Horizon Community School to work with partners including Golden Gate Regional Center to

provide complementary speech and occupational therapy for children who are under three years of age.

12. Assistant Preschool Teacher - Nicasio Preschool

The Nicasio School District, an independent district educating students from preschool to 8th grade, requests \$28,740 of CDBG funding to support salaries for an Assistant Preschool Teacher and the Executive Director at the newly formed Nicasio Preschool. The Nicasio School District is establishing a State Funded Preschool Program for the 2019-2020 school year. Once operating, this preschool will be the only state funded, subsidized preschool in the region spanning San Geronimo Valley and Nicasio. Their mission is to ensure that children in poverty receive equal access and opportunity for a preschool educational program, commensurate with their peers in the community, in an environment that celebrates diversity and academic development. The school will also provide afterschool care for preschool and kindergarten students. Based on outreach to solicit interest in the program, 9 of the new preschool students will come from low-, very low-, and extremely low-income families. Staff recommend funding \$10,000 for the inaugural preschool program. Staff encourage the school district to have a robust affirmative marketing plan so that those least likely to apply are made aware of this new program, and to solicit funding from other sources to ensure long term sustainability.

13. After School and Summer Programs - Performing Stars of Marin

Performing Stars of Marin (PSM), a provider of arts, recreation, and enrichment opportunities for low-income, primarily minority children, requests \$15,000 of CDBG funding for the after school and summer programs. This request would support the administrative staffing of the programs. PSM has been a core provider of extracurricular services to help children develop strong work habits, positive social skills, enhance critical thinking, and improve communication skills for young people in Marin City for 28 years. PSM serves an average of 150 young people through their afterschool and summer programs annually. PSM staff work with families to identify program offerings that best suit the needs of the child. The PSM afterschool program includes girls modern dance, boys reading program, digital literacy, and a civic education drama troupe. In 2017, the summer camp program provided 70 scholarships and transportation for children to attend camps hosted throughout Marin and San Francisco. Camp partners include Presidio Trekker & Junior Rangers, Marin Shakespeare Company, Stapleton Ballet, Marin Theater Company, Nature Bridge-Coastal Camp, Sailing Education Adventures, and Branson High School Dance Camp. In addition to youth programming, PSM hosts and partners on several community events annually including the Martin Luther King Jr. Day celebration and the Veteran's Day celebration. Staff recommend funding of \$10,000 to support the provision of youth programs.

14. San Geronimo Valley Housing Assistance and Support - San Geronimo Valley Affordable Housing Association

San Geronimo Valley Affordable Housing Association (SGVAHA), an organization dedicated to creating, preserving, and managing affordable housing in the San

Geronimo Valley, requests \$15,000 of CDBG funding to support the program director, marketing and supplies for the San Geronimo Valley Housing Assistance Support Program. This program aims to provide services to residents of SGAVAHA's affordable housing properties, all of whom are low-income. The program would also provide guidance and assistance to low-income renters in securing affordable housing through the Real Community Rental Program in collaboration with CLAM. Given the limited funding available from CDBG, staff do not recommend funding at this time. Staff encourage SGVAHA to continue to cultivate their partnership with CLAM in the Real Community Rental Program and work to utilize existing services and resources to support their residents.

15. Human Services Food Pantry - San Geronimo Valley Community Center

The San Geronimo Valley Community Center (SGVCC) serves communities within the San Geronimo Valley and Nicasio by providing food assistance, health and nutrition education, senior activities, after-school child care and tutoring and job training programs. SGVCC is requesting \$39,000 for their Human Services/Food Pantry program. The request supports the program director, and direct project related expenses including the senior lunch and food bank supplies. Families, children and seniors utilize this program twice a week. Seniors are offered a complementary lunch and access to the Food Bank following their lunch once a week. Staff recommend \$10,000 to support the senior lunch and their access to the food pantry. SGVCC is encouraged to implement a data collection system to more accurately track demographics of patrons benefiting from this program.

16. Home Visitation Program - Shoreline Acres, Inc.

Shoreline Acres, a cooperative preschool located on the Tomales Elementary School campus, serving children ages 3 and 4, requests \$17,764 of CDBG funding for their Home Visitation Program. The Home Visitation Program is specifically designed to address the needs of many agricultural working families in West Marin. The request would fund the Executive Director and Home Visitor's salaries, supplies, transportation, and marketing. The ranches and farms of West Marin are geographically separated and often very isolated with most of the agricultural workers and their families not having the transportation and English language skills needed to navigate the educational system. This program provides activities and materials that promote literacy, language, social-emotional, cognitive, and motor development through play. The experienced home-visitor meets families at their homes and brings materials that are commonly used in preschool classrooms. The home-visitor works with the families to explain the importance of the activity and provides access to other educational resources. Staff recommend \$10,000 to fund the Home Visitation Program. Staff encourage Shoreline Acres to solicit funding from other sources to ensure long term sustainability, and to develop a system that allows the program manager to track the project participants who reside in Marin County.

17. Care Management Services - West Marin Senior Services

West Marin Senior Services (WMSS), a provider of in-home and community based supportive services for seniors who wish to age in place, requests \$30,000 of CDBG

funding to provide case management services to low-income seniors. WMSS has four Care Managers who provide in home assessments and develop care plans to ensure clients have food, medication, a safe living environment, and the social-emotional support to remain at home. The Care Managers provide critical safety-net services for approximately 250 seniors that span 15 unincorporated towns and over 325 square miles. WMSS leverages considerable volunteer resources, partnerships with other service providers, and Marin County Health and Human Services to deliver no-cost programs for low-income, isolated, and vulnerable seniors in West Marin. The key programs older adults are connected with through Care Management include home care referrals, transportation assistance, three nutrition programs, durable medical equipment loans, community education and wellness programs, and information and referrals to other agency services. Given the lack of basic services and public transportation in these rural communities WMSS provides a critical link to clients who are increasingly frail and secluded. Staff recommend funding of \$10,000 to support care management services for older adults in West Marin, with the provision that WMSS continue to develop and implement a detailed affirmative marketing plan.

Community Development Block Grant Recommended Reprogramming (CDBG) - Capital

Project #	Amount	Project Sponsor	Project Name	Reprogrammed Amount	PROJECT SPONSOR	2019-20 PROJECT NAME	Project #
40CDBG09-4612	1,031	Fairfax-San Anselmo Children's Center	Fairfax-San Anselmo Children's Center Rehabilitation	1,031	San Geronimo Valley Community Center	Community Center Bathroom Upgrade	40CDBG09-5028
40CDBG15-4792	10,000	Marin City Health and Wellness Center	Marin City HWC Rehab	10,000	Marin City Community Services District	Creating Health Environments Through Infrastructure	40CDBG15-5029
40CDBG17-4792	50,000	Marin City Health and Wellness Center	Marin City HWC Rehab	50,000	Marin City Health and Wellness Center	New Marin City Mixed-Use Health Hub	40CDBG17-5030
40CDBG18-4792	38,282	Marin City Health and Wellness Center	Marin City HWC Rehab	38,282	Marin City Health and Wellness Center	New Marin City Mixed-Use Health Hub	40CDBG18-5030
				99,313			

Community Development Block Grant Recommended Reprogramming (CDBG) - Housing

Project #	Amount	Project Sponsor	Project Name	Reprogrammed Amount	PROJECT SPONSOR	2019-20 PROJECT NAME	Project #
40CDBG14-4802	1,000	Habitat for Humanity Greater SF	Mt. Burdell Place	1,000	Marin Housing Authority	Rehab Loan Program	40CDBG14-4409
40CDBG17-5007	42,000	Art Works Downtown	Plumbing Upgrade	42,000	Artworks Downtown	Electrical Upgrade	40CDBG17-5031
				43,000			

HOME Project Write-ups

1. Aspen/Overlook Limited Equity Housing Cooperative - Bolinas Community Land Trust

Bolinas Community Land Trust (BCLT), an organization dedicated to creating, preserving, and sustaining long-term affordable housing in Bolinas, requests \$400,000 of HOME funding for the construction of the Aspen and Overlook Limited Equity Housing Cooperative. The proposed project would develop two existing lots with four buildings consisting of six housing units. BCLT would deed restrict the properties to create a Limited Equity Housing Cooperative (LEHC) that would offer home ownership opportunities for low-income families, a rare opportunity in West Marin. Both lots are now owned by BCLT, one of which was purchased with 2018-2019 CDBG funds. BCLT is requesting initial construction funds for the septic systems, foundations, and framing of each of the structures. Given the limited funding availability from HOME and requirements for securing funding, staff do not recommend funding this project.

2. Centertown Apartments - BRIDGE Housing & EAH Housing

BRIDGE Housing, one of the largest developers of affordable and workforce housing on the West Coast, and EAH, one of the oldest and most experienced nonprofit housing management and development organizations in the western United States, request \$500,000 of HOME funding to support the rehabilitation of the Centertown Apartments. Centertown, located in downtown San Rafael, was built in partnership between BRIDGE and EAH in 1991. The apartment building contains 60 units of housing for families earning between 50-60% of Area Median Income (AMI), all of which are currently occupied. The rehabilitation of Centertown will provide necessary capital improvements to the property and enhance the quality of life for residents of the building. The rehabilitation scope of work includes: renovation of the existing exterior façade, upgrading six units to meet the California Tax Credit Allocation Committee's accessibility compliance, installing a new manager's office, adding a new bathroom for manager and guests use, upgrading laundry facilities, and the renovation of the two-level courtyard and community garden. Staff recommend funding of \$471,908 to support the rehabilitation of 60 affordable family units, which includes \$11,033 of reprogrammed funds from previous years.

3. Victory Village - Resources for Community Development

Resources for Community Development (RCD), a housing developer with a commitment to create and preserve affordable housing for low and very low-income individuals and families, requests \$450,000 of HOME funding to support the construction of Victory Village (VV). When completed, VV will provide 54 affordable apartments for low and extremely-low income residents aged 62 and older. The \$37 million project has previously received commitments from HOME totaling \$1,196,452 and leveraged a \$1 million predevelopment grant from the Marin Community Foundation, \$1.1 million commitment from the County In-Lieu Housing Trust Fund (Housing Trust), \$1.4 million commitment from County Mental Health Service Act funds, and 53 Project Based Section 8 Vouchers, among others. Construction commenced at Victory Village in December 2018 and is expected to be complete in Summer 2020. RCD is a Community Housing Development Organization (CHDO). Traditionally, under HOME regulations, 15% of a jurisdiction's grant must be allocated to a CHDO. Staff recommend funding of \$237,241 to support the construction of 54 new housing units for low-income seniors, which includes \$96,681 of reprogrammed funds from previous years.

4. Mill Street Center Affordable Housing Units- Homeward Bound of Marin

Homeward Bound of Marin (HBM), a provider of housing and support services for homeless families and individuals, requests \$833,212 of HOME funding for 32 affordable housing units above the Mill Street Center Emergency Shelter (MSC). The MSC is the County's only permanent emergency shelter for homeless adults which serves all of Marin County. The proposed project will include 32 units of permanent supportive housing as well as shared kitchen, bathroom, and service spaces. The target population for these units will be chronically homeless disabled adults selected through the County's Coordinated Entry program. At least 50% of those adults have serious mental illnesses. Additionally, one of the units will be set aside for homeless Transition Age Youth (TAY). The MSC serves as the point of entry for all of HBM's adult homeless services and is an important component of the Marin County homeless safety-net. HBM is in ongoing conversation with the City of San Rafael on entitlements for the property, has identified over \$8 million in potential funding sources, and garnered significant support from local and state level politicians representing Marin. Currently, over \$6,000,000 has been committed to the project including over \$141,000 in past CDBG funds for pre-development. In 2009 HUD conducted a programmatic review and found the County was in preliminary non-compliance with certain civil rights related program requirements; and asked the County to enter into a Voluntary Compliance Agreement with provisions to address these concerns. Based on the Voluntary Compliance Agreement with HUD, the County committed to not use federal housing funds to develop housing in areas of minority concentration¹. Therefore, consistent with the directive from HUD, staff not recommending funding for this project because is it located in an area pf minority concentration per HUD regulations.

¹ "Area of minority concentration", is any neighborhood in which: (1) the percentage of households of a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County; (2) the neighborhood's total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the County as a whole, or (3) the neighborhood's total percentage of minority persons exceeds 50% of its population. For purposes of this definition, a neighborhood can be a census tract.

Attachment 4 -- HOME Reprogrammed Funding, Program Income, and Additional Entitlement Allocations

HOME Entitlement Reprogramming

Project #	Amount	Project Name	Project Sponsor	Reprogrammed Amount	PROJECT SPONSOR	2019-20 PROJECT NAME	Project #
40HOME14-4902	83,077	Liquidated Marin Housing for Handicapped Del Ganado Apts. (CHDO)	Lifehouse, Inc.	83,077	RCD	Victory Village	40HOME14-4800
40HOME15-4433	13,604	Fairfax Vest Pocket	EAH Housing	13,604	RCD	Victory Village	40HOME15-4800

96,681

HOME Additional Entitlement and Loan Program Income

Project #	Amount	Project Name	Project Name	Programmed Amount	PROJECT SPONSOR	2019-20 PROJECT NAME	Project #
		Program Income		11,033	BRIDGE Housing and EAH Housing	Centertown Apartments	40HOME19-5032

11,033

Attachment 5 – CDBG County Other Housing and Capital Project Allocations

TYPE	PROJECT #	PROJECT SPONSER	PROJECT NAME	COUNTYWIDE REQUEST	COUNTY OTHER REQUEST	RECOMMENDED FUNDS
Housing	CH - 1	Marin Center for Independent Living	Residential Access Modification Program	\$30,000	\$9,000	\$3,000
	CH - 2	Marin Housing Authority	Residential Rehabilitation Loan Program	\$500,000	\$280,000	\$116,817
	OH - 1	Bolinas Community Land Trust	430 Aspen		\$150,000	\$51,450
	OH - 2	Community Land Trust Association of West Marin	Mesa and Ocean Terrace Apartments		\$148,000	\$50,000
	OH - 3	Lifehouse, Inc.	Corte Madera House Renovation		\$40,500	\$0
	OH - 4	Marin City Community Development Corporation	Tiny SMART Homes Pilot		\$263,220	\$0
	OH - 5	San Geronimo Valley Affordable Housing Association	Sage Lane Senior Affordable Housing Rehabilitation		\$65,395	\$26,031
Capital	CC - 1	Marin City Health and Wellness Center	New Marin City Mixed-Use Health Hub	\$150,000	\$114,000	\$88,282*
	OC - 1	Galilee Harbor Community Association	Galilee Marine Service Harbor		\$112,500	\$0
	OC - 2	Marin City Community Service District	Creating Healthy Environments Through Infrastructure		\$150,000	\$20,000*
	OC - 3	Marin City Family Resource and Youth Development Center	Family Resource One-Stop Shop		\$98,000	\$0
	OC - 4	San Geronimo Valley Community Center	Community Center Bathroom Upgrade		\$30,000	\$30,000*
	OC - 5	Tamalpais Community Services District	Kay Park Playground Replacement		\$33,400	\$0
	OC - 6	Tomales Town Hall	Rehabilitation & Preservation of Town Hall 2019-2020		\$28,000	\$0
					\$680,000	\$1,522,015

* Recommendation includes funding allocated from past year(s)

<u>ESTIMATED FUNDS 2018-2019</u>	
Total new funds available for County Other Planning Area	\$388,529
Total Housing and Capital funds available for County Other Planning Area	\$286,267
Minimum funds required for Housing	\$225,348
Reprogrammed Funds Available for Capital Projects	\$99,313
Reprogrammed Funds Available for Housing Projects	\$43,000

Attachment 6 – CDBG County Other Public Service Project Allocations

TYPE	PROJECT #	PROJECT SPONSER	PROJECT NAME	TOTAL COUNTYWIDE REQUEST	COUNTY OTHER REQUEST	RECOMMENDED FUNDS
Public Services	CS-1	Fair Housing Advocates of Northern California	Fair Housing Counseling and Education	\$75,000	\$26,250	\$24,500
	CS-2	Family & Children's Law Center	Domestic Violence Legal Services for Low Income Families	\$12,500	\$2,625	\$2,214
	CS-3	Jewish Family and Children's Services (Formerly Senior Access)	Skyview Day Club (Senior Access) Financial Aid	\$33,350	\$10,005	\$3,500
	CS-4	Legal Aid of Marin	Legal Aid of Marin Eviction Defense Program	\$30,000	\$9,000	\$1,000
	OS-1	Bridge the Gap College Prep	Bridge the Gap's Intensive Academic and Social-emotional Intervention for Marin City Youth		\$15,000	\$0
	OS-2	Community Action Marin	Marin Learning Center, Therapeutic Program		\$10,000	\$0
	OS-3	Fairfax-San Anselmo Children's Center	After School Transportation Program		\$16,500	\$10,000
	OS-4	Marin City Community Development Corporation	Operation Enterprise Program		\$29,992	\$0
	OS-5	Marin City Community Services District	Seniors Living Every Moment Active and Healthy		\$30,000	\$0
	OS-6	Marin City Family Resource and Youth Development Center	Marin City Family Resource and Youth Development Center Becomes Independent		\$30,000	\$0
	OS-7	Marin Horizon School	Horizon Community School Family and Child Community Support Services		\$30,000	\$11,048
	OS-8	Nicasio Preschool	Assistant Preschool Teacher		\$28,740	\$10,000
	OS-9	Performing Stars of Marin	After School Summer Enrichment Programming		\$15,000	\$10,000
	OS-10	San Geronimo Valley Affordable Housing Association	San Geronimo Valley Housing Assistance and Support		\$15,000	\$0

OS-11	San Geronimo Valley Community Center	Human Services/Food Pantry		\$39,000	\$10,000
OS-12	Shoreline Acres Inc.	Home Visitation Program		\$17,764	\$10,000
OS-13	West Marin Senior Services	Care Management Services for Rural Seniors		\$30,000	\$10,000
			\$150,850	\$354,606	\$102,262

ESTIMATED FUNDS 2018-2019

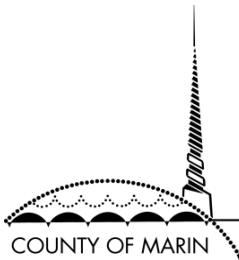
Total new funds available for County Other Planning Area	\$388,529
Maximum funds available for Public Services	\$102,262

Attachment 7 – HOME Project Allocations

TYPE	PROJECT #	PROJECT SPONSER	PROJECT NAME	COUNTYWIDE REQUEST	RECOMMENDED FUNDS
Housing	H - 1	Aspen/Overlook Limited Equity Housing Cooperative	Bolinas Community Land Trust	\$400,000	\$0
	H - 2	BRIDGE Housing + EAH Housing	Centertown Apartments	\$500,000	\$471,908*
	H - 3	Homeward Bound of Marin	Mill Street Center Affordable Housing Units	\$833,212	\$0
	H - 4	Resources for Community Development	Victory Village	\$450,000	\$237,241*
				\$2,183,212	\$709,149*

* Recommendation includes funding allocated from past year(s)

<u>ESTIMATED FUNDS 2018-2019</u>	
Total funds available after administration expenses	\$601,435
Minimum funds available for CHDO	\$100,239
Reprogrammed funds available for HOME projects	\$107,714



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

Brian C. Crawford
DIRECTOR

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

www.marincounty.org/cda

DATE: Thursday, April 4, 2019
TO: Countywide Priority Setting Committee
FROM: Leelee Thomas, Planning Manager
SUBJECT: Review Draft Voluntary Compliance Agreement
MEETING LOCATION: Marin County Civic Center
Board of Supervisors Chambers
3501 Civic Center Drive, Room 330
San Rafael, CA 94903

RECOMMENDATIONS:

1. Review and provide feedback on the Draft Voluntary Compliance Agreement between HUD and the County of Marin.

DISCUSSION:

As the lead grant recipient for federal grants, including Community Block Grants (CDBG) and HOME Investment Partnerships (HOME) funds, the County is required to take meaningful actions that combat discrimination, overcome patterns of segregation, and foster inclusive communities free from barriers that restrict access to opportunities for protected classes. Cities and towns that benefit from federal grants are expected to contribute to these efforts. These federal grants, which provide funding to support affordable housing programs and services for our nonprofits and most vulnerable residents, are administered by , the United States Department of Housing and Urban Development (“HUD”). Over the last five years, the County has received over \$7.5 million dollars in CDBG and HOME grants.

Background: In 2009, HUD, pursuant to federal housing and civil rights law, initiated a compliance review of the County’s Community Development Block Grant and HOME programs for the Consolidated Planning cycle of 2005-2010. On September 18, 2009, HUD issued a letter stating the Department’s review disclosed that the County’s programs were generally in compliance with federal laws and regulations; however, HUD concluded that the County had certain shortcomings including: (1) an outdated and substantially incomplete *Analysis of Impediments to Fair Housing Choice (“AI”) document*; (2) the County’s Citizen Participation Plan had not been successful in promoting meaningful public participation in CDBG and HOME-funded programs; and (3) that the County had not consistently monitored sub-recipients to ensure accurate protected class data collection. The AI is a planning process for local governments to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

Subsequently, the County elected to voluntarily accept the Department's invitation to enter into negotiations to identify corrective actions to resolve all of HUD's concerns. The Board of Supervisors entered into the VCA with HUD on November 30, 2010. A copy is attached as Attachment A. In the 2010 VCA, the County committed to a robust public process to develop a new comprehensive AI. [The resulting AI](#) was unanimously approved by the County's Board of Supervisors at a public meeting held on October 11, 2011. Among the impediments to fair housing choice identified in the AI were: (1) the relative lack of affordable housing options outside of areas of minority concentration (i.e., Marin City, San Rafael Canal neighborhood, and southern Novato); (2) a disproportionate unmet need for affordable housing options by families with children and non-elderly people with disabilities and need for accessible units, findings based in large part on the fact that the majority of affordable housing developed in Marin has been senior housing.

The VCA was in effect for a 5-year period, expiring on December 22, 2015. However, on the expiration date, HUD requested that the County agree to extend the VCA for three additional years. While noting the County's accomplishments in utilizing HUD funds, HUD emphasized continued concern with developing affordable housing outside of areas of minority concentration and concern that only a small percentage of the units underway were identified as affordable, permanent rental housing for families with children. Since that time, CDA staff has been working with HUD staff on the attached (Attachment B) proposed extension to the VCA.

The Proposed New VCA:

This proposed VCA would supersede and replace the original VCA dated December 22, 2010 between the Department and the County of Marin. The new VCA lists many of the County's recent accomplishments and ongoing projects, and the County also makes the following key commitments during the 3-year term of the proposed agreement:

- Encourage and facilitate the creation of at least 100 units of affordable housing available to families outside areas of racial or ethnic concentration (applies to acquisition and conversion as well as new construction within unincorporated county and cities and towns)¹
- Allocate \$4.1 Million in general funds for affordable housing
- Issue a Notice of Funding Availability (NOFA) for the construction or acquisition of affordable housing for families with children outside of areas of minority concentration
- Enhance multi-family housing inspection program
- Consider Development Code amendments to expedite the permit process for affordable housing
- Evaluate the potential for multi-family zoning outside areas of racial or ethnic concentration
- Continuation of Marin Community Foundation/County joint funding partnership for affordable housing
- Continued funding for Landlord Partnership Program

¹ The Draft VCA acknowledges that the County is unable to dictate the number, type, and location of all affordable housing proposals filed for processing during the term of the VCA

- Provide funding to Fair Housing Advocates of Northern California for public outreach and education regarding tenant protection measures
- Assist other Marin Cities and Towns to adopt tenant protections including Mandatory Mediation, Source of Income, and Just Cause for Eviction.
- Expand and enhance affirmative marketing and community engagement practices for both the County's Housing and Federal Grants Division and sub-recipients.

The VCA provides that the County and HUD agree that nothing contained in this VCA shall be construed as an admission of liability or an admission of having acted in violation of the original, 2010 VCA. The VCA also provides that it does not create any rights for third parties to enforce its terms.

Next Steps:

- County Administrator briefed City managers at their March 2019 meeting
- Staff anticipates bringing the Draft VCA to the Board of Supervisors for review and approval this Spring
- County Staff will brief the Marin Community Development Directors group prior to the Board hearing

ACTIONS REQUIRED:

1. Review and provide feedback on the Draft Voluntary Compliance Agreement

ATTACHMENTS:

Attachment A: Original Voluntary Compliance Agreement between HUD and the County of Marin, 2010

Attachment B: *Draft* Voluntary Compliance Agreement between HUD and the County of Marin, 2019



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity – Region IX
600 Harrison Street, 3rd Floor
San Francisco, California 94107-1300
Voice: (800) 347-3739 (415) 489-6400
TTY: (415) 489-6564 Fax: (415) 489-6560

DEC 21 2010

CERTIFIED MAIL – Return Receipt Requested

Mr. Roy Bateman
Community Development Coordinator
Marin County Community Development Agency-Federal Grants Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Bateman:

SUBJECT: Voluntary Compliance Agreement

Please find enclosed two original copies of the fully executed Voluntary Compliance Agreement (VCA) between this Department and the County of Marin that resolve matters that arose from the recent Civil Rights Compliance Review of the County's administration of its CDBG/HOME Programs. As you know, the VCA contains specific actions that the Housing Authority has agreed to undertake, as well as timeframes and reporting requirements. Please submit the reports to:

U.S. Department of Housing and Urban Development
Attn: Sharon Chan (Correspondence Code 9AEHPP)
Office of Fair Housing and Equal Opportunity
600 Harrison Street, 3rd Floor
San Francisco, CA 94107-1300

I would like to take this opportunity to express my sincere appreciation for the cooperation shown by you, Mr. Reid Thaler, and other county staff such as Ms. Lili Thomas, who provided data and suggestions to us during the conduct of the review, as well as in crafting mutually-agreeable terms of this Voluntary Compliance Agreement. In the event you have any questions or concerns about the agreement or other issues, please feel free to telephone Ms. Sharon Chan at 415/489-6529, or Program Compliance Branch Chief Jeff Jackson at 415/489-6538.

Very sincerely yours,

Charles E. Hauptman
Director
Office of Fair Housing and
Equal Opportunity

Original Signed by Charles E. Hauptman

Enclosure

**AGREEMENT FOR
VOLUNTARY COMPLIANCE
WITH
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT
OF 1974, AS AMENDED
AND
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED
AND
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED
BETWEEN THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY
AND THE
COUNTY OF MARIN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA 94903**

**CASE NUMBERS: 09-09-R003-9 (Section 109)
09-09-R008-6 (Title VI)
09-09-R009-4 (Section 504)**

I. INTRODUCTION

The United States Department of Housing and Urban Development (hereinafter referred to as the Department or HUD) pursuant to its law enforcement responsibilities under Section 109 of the Housing and Community Development Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended, conducted a compliance review of the Community Development Block Grant (CDBG) program administered by the County of Marin (hereinafter referred to as the County or Recipient). The purpose of the review was to determine whether the CDBG program managed by the County is administered in compliance with the nondiscrimination provisions of Section 109, Title VI, and Section 504.

The Department conducted an on-site review of the Recipient during the period June 29-July 2, 2009. The areas reviewed included Citizen Participation; Benefits, Services and Methods of Administration; Section 504 programmatic requirements; and a limited physical accessibility survey.

The review disclosed that the program is administered in general compliance with regulations implementing Section 109 (24 CFR Part 6), Title VI (24 CFR Part 1), and Section 504 (24 CFR Part 8). However, the Department found that the County was in preliminary non-compliance with: 24 CFR §6.6, citizen participation; 24 CFR §§1.6, 6.10, and 8.55, record-keeping; 24 CFR §§1.4, 6.4, and 8.4, meaningful participation; 24 CFR §8.6, communications; 24 CFR §§1.4 and 6.4, affirmatively furthering fair housing; and, 24 CFR §§8.20 and 8.21, program and physical accessibility. The Department identified a number of programmatic concerns regarding the Recipient's administration of the program in areas that were reviewed, as well.

The parties agree that nothing contained in this Agreement shall be construed to be a final finding or determination by the Department that the Recipient or any of its agents or employees intentionally engaged in unlawful practices that may have had the effect of illegally discriminating on the basis of race, color, national origin, gender or disability. The parties agree that nothing contained in this document shall be construed as an admission of liability or an admission of having acted in violation with respect to the Department's preliminary findings by the Recipient or any of its agents or employees.

Nothing in this Agreement is intended to confer on any non-signatory third party a right to sue for an alleged breach of this Agreement, and the parties expressly intend to preclude the interference of any alleged third-party beneficiary rights.

The Department and the Recipient hereby agree that this Agreement does not increase or diminish the ability of any person or class of persons to exercise their rights under Section 109, Title VI, Section 504, the Fair Housing Act, or any other Federal, State or local civil rights statute or authority with respect to any current, on-going or future actions. This Agreement does not create any private right of action for any person or class of persons not a party to this Agreement.

The Department and the Recipient, having agreed to settle and resolve voluntarily the Department's preliminary findings without the necessity of formal evidentiary hearings or other judicial processes, hereby agree and consent to the terms of this Agreement.

II. GENERAL PROVISIONS

- A. With respect to any housing accommodations, facilities, services, financial aid, or other benefits related to the Recipient's CDBG program, the Recipient, its officers, trustees, directors, agents, employees, successors, and all persons in active concert or participation with any of them, agree to refrain from any acts that have the purpose of subjecting qualified persons to discrimination on the basis of race, color, national origin, gender, or disability, in violation of Section 109, Title VI, Section 504, and their respective implementing regulations at 24 CFR Parts 6, 1, and 8.
- B. This Agreement applies to Recipient's programs funded in whole or in any part with CDBG funds, and shall be binding upon the Recipient, its agents, successors, and assigns or beneficiaries who own, control, operate or sponsor said program.
- C. The Department may conduct an on-site review of the Recipient's compliance with the provisions of this Agreement, and the Recipient will grant the Department's employees access to its premises, records, and personnel with reasonable notice during normal business hours, during the duration of this Agreement.

III. SPECIFIC PROVISIONS

The Recipient agrees to take the following specific actions within the timeframes stipulated.

ISSUES OF NON-COMPLIANCE

- A. Citizen Participation (24 CFR §6.6)
 - (1) Within 90 days from the effective date of this Agreement, the Recipient shall create an outreach plan to provide for inviting citizens to all public meetings, particularly to those living in local planning areas, held during every phase of the planning process and to encourage the participation of low-income residents, particularly to include those who are disabled, racial and ethnic minorities, and single parent householders living in areas where Federal funds are most likely to be spent. The outreach plan to reach groups least likely to participate shall (a) identify those groups who are disabled, racial and ethnic minorities, and single parent householders that are least likely to participate; (b) state the type of media to be used to advertise public meetings, identify the

names of the newspapers/publications and/or call letters for radio or television stations, and identify the circulation or audience of the media (e.g. White, Black, Hispanic, Asian, persons with disabilities, etc.); and (c) list the organizations to be contacted, such as neighborhood, minority and women's organizations, grass roots faith-based or community based organizations, labor unions, employers, public and private agencies, disability advocates, school and community leaders associated with organizations, that are familiar with the local planning areas and serve groups that are least likely to participate and identify the group (e.g. White, Black, Hispanic, Asian, persons with disabilities, etc.) associated with each organization listed.

- (2) Within 120 days from the effective date of this Agreement, the Recipient shall provide a copy of the outreach plan to HUD.
- (3) On an annual basis for five years from the effective date of this Agreement, the Recipient shall include a report on attendance at public planning meetings to HUD. The attendance report shall include the time and date of the meeting, where the meeting was held, the number of attendees, the race and ethnicity of attendees, which shall be requested on sign-in attendance sheets at the meeting, and the disability status of attendees. The Recipient's notes from the meeting shall be relied upon to provide the disability status of attendees and when attendees did not self-identify race and/or ethnicity on the sign-in sheets.

B. Collection of Racial, Ethnic, Gender and Disability Data (24 CFR §§6.10, 1.6, and 8.55)

- (1) Within 60 days from the effective date of this Agreement, the Recipient shall ensure all future contracts between the Recipient and sub-recipients involving the use of CDBG and HOME monies contain a requirement for sub-recipients to collect and report data on the race, ethnicity/national origin (Hispanic/Latino or Non-Hispanic/Latino), gender and disability characteristics of waiting list applicants and participants or beneficiaries.
- (2) Within 90 days from the effective date of this Agreement, the Recipient shall develop and implement a written procedure consistent with "OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines" (dated August 13, 2002) for gathering and maintaining the race and ethnicity of waiting list applicants for and participants or beneficiaries in each of its CDBG and HOME assisted or supported programs and activities, including those administered by sub-recipient agencies and organizations.
- (3) Within 90 days from the effective date of this Agreement, the Recipient shall revise its CDBG Demographic Report form to include collecting and maintaining the disability characteristics of waiting list applicants for and participants or beneficiaries in each of its CDBG and HOME assisted or

supported programs and activities, including those administered by sub-recipient agencies and organizations.

- (4) Within 90 days from the effective date of this Agreement, the Recipient shall revise the CDBG Demographic Report form, used to report race and ethnicity characteristics of waiting list applicants for and participants or beneficiaries in its CDBG and HOME assisted or supported programs and activities, by removing the “Others” and “Balance/Other” columns.
 - (5) Within 120 days from the effective date of this Agreement, the Recipient shall arrange training for County staff who are involved in the administration of its CDBG-funded activities, and for sub-recipients providing programs and activities with CDBG funds, to ensure their understanding of the data collection and reporting requirements and familiarity with the Recipient’s CDBG Demographic Report form.
 - (6) Within 150 days from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of the instructions to the CDBG Demographic Report form and a copy of its CDBG Demographic Report form.
 - (7) Within 150 days from the effective date of this Agreement, the Recipient shall provide HUD certification that training for staff and sub-recipients was completed with respect to collection of racial, ethnic, gender, and disability characteristics of waiting list applicants for and participants in its CDBG and HOME assisted or supported programs and activities.
- C. Analysis of Participation in Funded Programs and Activities (24 CFR §§1.4, 6.4, and 8.4)
- (1) Within 60 days from the effective date of this Agreement, the Recipient shall revise its instructions to the CDBG Demographic Report to include requiring its sub-recipients to analyze participation based on race, ethnicity, gender and disability and require, if under-representation is identified, the development of affirmative marketing and outreach strategies targeting under-represented groups. “Under-representation” is defined for purposes of compliance with this Agreement as a participation rate in any funded activity wherein the participation rate by a particular minority group is less than that minority’s representation among the general population of the County.
 - (2) Within 90 days from the effective date of this Agreement, the Recipient shall develop a written policy to conduct an analysis, at least on an annual basis, of the rates of participation by minority racial and ethnic groups, persons with disabilities, and female-headed householders in CDBG funded housing activities and public service programs. The analysis shall include identifying potential causes of any under-participation and devising remedies to overcome

any under-participation, including affirmative outreach to those groups least likely to apply to funded programs and activities.

- (3) Within 180 days from the effective date of this Agreement, and consistent with Department's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" dated January 22, 2007 (attachment 1), the Recipient shall conduct a survey of the special needs of persons with Limited English Proficiency, particularly among its Asian and Hispanic populations, and develop a Language Assistance Plan to ensure viable and effective outreach and communication to these two groups, as a means of increasing their participation in affordable housing programs and public service activities.
- (4) Within 180 days from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of its revised instructions to the CDBG Demographic Report; a copy of its written policy; and a copy of its survey of persons with Limited English Proficiency and Language Assistance Plan.
- (5) On an annual basis for five years from the effective date of this Agreement, the Recipient shall provide to HUD in accordance with paragraph IV, below, a copy of the affirmative marketing plans for any newly developed, constructed and/or assisted housing developments receiving CDBG and HOME funding.

D. Communications Policy (24 CFR §8.6)

- (1) Within 90 days from the effective date of this Agreement, the Recipient shall develop a written policy for internal use and applicable to all CDBG supported or assisted programs and activities to assure that all written materials related to its administration of CDBG-funded activities and programs contain contact information to include either a Telecommunication Device for the Deaf (TDD) number or the number for the California Relay System. The policy shall provide for a monitoring mechanism to assure that all sub-recipients comply with it.
- (2) Within 120 days from the effective date of this Agreement, the Recipient shall provide a copy of its policy to HUD in accordance with paragraph IV, below.

E. Affirmatively Furthering Fair Housing (AFFH) (24 CFR §§1.4 and 6.4)

- (1) Within 150 days of the effective date of this Agreement, the Recipient shall complete an Analysis of Impediments to Fair Housing Choice (AI) using HUD's Fair Housing Planning Guide as a reference, submit a copy of its draft AI to HUD in accordance with paragraph IV, below, and provide HUD a

minimum of 30 days to review the draft AI before issuing the AI in final form.

(2) The AI shall:

- (a) include participation and input of racial and ethnic minority citizens and person with disabilities throughout the public planning process;
- (b) be used in the 2010-2014 Consolidated Plan to address AFFH;
- (c) commit to collecting data and undertaking actions necessary to facilitate the implementation of this Agreement; and
- (d) identify and analyze,
 - 1. the impediments to fair housing within its jurisdiction, including those based on race and ethnicity and municipal resistance to the development of affordable housing and those impediments identified by the Department during the course of its compliance review, which form attachment 2;
 - 2. the causes of lower racial and ethnic minority residency in the County relative to adjacent counties; and,
 - 3. the actions the Recipient will take to address those impediments.

(3) As part of its obligations to AFFH, the Recipient shall:

- (a) directly or by contracting with a non-profit agency solicit input from community leaders, public interest groups, and others during the CDBG planning cycle;
- (b) directly or by contracting with a non-profit agency advertise to community members their rights to fair housing and to redress allegations of housing discrimination, including that complaints may be filed with HUD, a state government agency or any local fair housing agency;
- (c) directly or by contracting with a non-profit agency refer housing discrimination complaints and any inquiries about possible violations of fair housing laws to HUD, a state government agency or any local fair housing agency;
- (d) implement actions to address impediments to the development of affordable housing as identified in the AI;
- (e) directly or by contracting with a non-profit agency educate realtors, condominium and cooperative boards, and landlords with respect to fair housing requirements;
- (f) as a supplement to the AI, assess whether a pattern in the past ten years or more exists in the development of CDBG and HOME affordable housing that perpetuates segregation of racial and/or ethnic minority groups and if such a pattern exists,
 - 1. take actions as necessary to promote, overcome barriers to, and cause the development of new units of affordable rental and homeownership housing outside of areas of minority concentration in the County, and to report specific actions and accomplishments in its Annual Plan and

- CAPER reports (for purposes of this Agreement, “areas of minority concentration” (also known as racially/ethnically-impacted areas) is any neighborhood in which: (i) the percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County of Marin; (ii) the neighborhood’s total percentage of minority persons is at least 20 percentage points higher than the total percentage of all minorities for the County as a whole, or (iii) the neighborhood’s total percentage of minority persons exceeds 50% of its population);
- (g) make reasonable efforts to collect and maintain race, ethnicity, gender, and disability data of residents of any affordable housing (defined as those housing units subject to local government restrictions on household income), including single-family housing units, developed and constructed after the adoption of the Agreement with or without federal financial assistance; analyze the data to determine if there are any under-representations of any racial and ethnic groups and/or persons with disabilities; and if, overall, any under-representations exist,
 - 1. take specific forms of affirmative action to promote interest in residency in the County by under-represented racial and ethnic groups or persons with disabilities, especially those living in adjacent counties and those who commute into the County for work, educational, social or recreational opportunities. Specific actions may include:
 - a. encouraging the inclusion of provisions within all funding contracts or funding agreements between the County and housing developers, whether or not any forms of federal funding will be directed to these new affordable housing developments, that the developers undertake affirmative marketing to promote greater interest in such housing by members of any under-represented racial and ethnic groups, and persons with disabilities;
 - b. undertaking actions that would lead to the County’s Board of Supervisors declaring that it is the policy of the County to encourage private developers of affordable housing units to undertake analysis of expected participation rates, and to affirmatively market to those protected classes including racial or ethnic minorities, persons with disabilities, and female-headed households who have been identified through such analysis as least likely to apply;
 - c. promoting a collaborative relationship between county officials and agencies involved in the development of affordable housing, and private developers of affordable housing, with the goal of ensuring that both CDBG/HOME-funded and non-funded affordable housing in the County will be affirmatively marketed to protected classes least likely to apply; and
 - d. giving priority to future funding of CDBG or HOME funds to those activities, affordable housing development or preservation, and

community services projects and activities, that will address impediments identified in the County's AI;

- (h) directly or by contracting with a non-profit agency provide comprehensive information that is readily available to the public, including through community-based organizations and the County's website, on rental and homeownership housing programs and affordable housing projects funded by CDBG and HOME as well as those developed by the Housing Authority of the County of Marin and privately through other incentive programs of the County. The information shall include, but not be limited to:
 - 1. identification of affordable housing developments and those under construction in the County, and their locations, and
 - 2. identification of homebuyer counseling and down payment assistance programs.
- (4) On an annual basis for five years from the effective date of this Agreement, the Recipient shall provide to HUD a report on actions taken to promote, overcome barriers to, and cause the development of affordable rental and homeownership housing into non-racially/ethnically-impacted areas of the County.
- (5) The Recipient certifies by signing this Agreement that future updates to its AI occur in conjunction with 5-Year Consolidated Planning Cycle, commencing with the 2015-2019 plan.

F. Program Accessibility and Site Accessibility (24 CFR §§8.20 and 8.21)

Within 180 days from the effective date of this Agreement, the Recipient shall certify that all facilities, associated with the administration of CDBG funds during the citizen participation process and the review of CDBG-related documents prior to public meetings, to the maximum extent feasible, are fully accessible to people with disabilities and in compliance with the California Building Standards Code, ADA Accessibility Guidelines or the Uniform Federal Accessibility Standards.

CONCERNS

G. Citizen Participation (24 CFR §§1.4, 6.4 and 8.4)

- (1) Within 120 days from the effective date of this Agreement, the Recipient shall:
 - (a) take steps to ensure future notices of public hearings, particularly handouts or flyers, will display information necessary for persons to obtain or view records, e.g. Consolidated Plan, CAPERs, and Annual Action Plans, pertinent to the use of CDBG funds; will inform persons

with vision impairments of the availability of those records in alternate formats, upon request; and will include, for persons with hearing impairments, a telephone contact number of the person responsible for receiving requests for the provision of reasonable accommodations during the CDBG citizen participation process;

- (b) revise its Citizens Participation Plan to specify how reasonable notice and opportunity for public comment will be provided with respect to the reprogramming of CDBG funds and that the noticing of public hearings and the comment period shall not be a period less than 30 days of the hearing; and
- (c) submit to HUD in accordance with paragraph IV, below, a copy of its revised Citizens Participation Plan.

H. Citizen Participation and Persons with Limited English Proficiency (LEP) (24 CFR §§1.4 and 6.4)

- (1) Within 210 days from the effective date of this Agreement, the Recipient will:
 - (a) undertake and complete a four factor analysis of LEP needs, pursuant to the Department's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" dated January 22, 2007, to determine if a need for expanded services to LEP populations in its jurisdiction is warranted;
 - (b) develop a written Language Assistance Plan and modify its outreach plan in part A of this Agreement to notify persons with LEP of public hearings and of the review and comment periods for the administration of the CDBG program, if the four-factor analysis identifies a need for additional efforts; and
 - (c) submit to HUD in accordance with paragraph IV below, a summary of the results of its four-factor analysis and a copy of its Language Assistance Plan, if required pursuant to its four-factor analysis.

I. Methods of Administration (24 CFR §§1.4, 6.4 and 8.4)

Within 150 days from the effective date of this Agreement, the Recipient shall develop and implement a procedure for evaluating sub-recipient applications for funding. The procedure shall include, but will not be limited to, evaluating the nexus between the proposed activity or program and the priority housing, community and service needs as identified in pertinent planning area documents, reports and studies, e.g. the Analysis of Impediments to Fair Housing Choice. The Recipient shall not be required to use a point ranking system as part of the procedure. The Recipient will provide to HUD in accordance with paragraph IV, below, a copy of its procedure.

J. Monitoring Sub-recipients (24 CFR §§1.4, 6.4 and 8.4)

- (1) Within 180 days from the effective date of this Agreement, the Recipient shall:
- (a) take steps to ensure compliance with its own policy of conducting risk assessments for sub-recipients and performing on-site monitoring of sub-recipients deemed to be high risk;
 - (b) revise its sub-recipient Monitoring Report form to include the gathering of information to assist in assessing compliance with civil rights laws. The Recipient shall establish monitoring procedures for the routine review of civil rights related records, including the collection and maintenance of accurate race, ethnicity, gender and disability characteristics of applicants and participants or beneficiaries; records pertaining to the analysis conducted to determine if particular groups were under-represented as beneficiaries; and records of affirmative marketing and outreach conducted to address the identified under-representations; and
 - (c) provide to HUD in accordance with paragraph IV, below, a copy of its revised sub-recipient Monitoring Report form and monitoring procedures.

K. Program and Physical Accessibility of Funded Programs and Activities (24 CFR §§8.21 and 8.32)

Within 90 days from the effective date of this Agreement, the Recipient shall certify that the curb cuts completed for the city of San Rafael project in program year 2008 and the accessible routes at Pickleweed Park are in compliance with the California Building Standards Code, ADA Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS).

L. Development or Modernization of Accessible Housing Units (24 CFR §8.20)

- (1) Within 120 days from the effective date of this Agreement, the Recipient shall:
- (a) establish a written procedure to collect and maintain the number of UFAS or (ADAAG) compliant accessible units created or modified as a result of receiving CDBG or HOME funding for affordable housing programs or activities;
 - (b) gather and maintain data, for each program year of the 2005-2009 Consolidated Plan, on the number of UFAS or ADAAG compliant accessible units created or modified as a result of receiving CDBG or HOME funds;
 - (c) submit to HUD in accordance with paragraph IV, below, a copy of its written procedure and the data on the number of accessible units created or modified in program years 2005-2009; and
 - (d) provide to HUD a report on the number of accessible units created or modified during the program year.

IV. SUBMISSION OF REPORTS AND DOCUMENTATION

- A. All reports, certifications and other documents identified for submission to HUD in the preceding sections are to be submitted to the following address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity, Region IX
Attn: Chuck Hauptman, Regional Director
600 Harrison St., 3rd Floor
San Francisco, CA 94107


- B. Pursuant to the provisions set forth in paragraph III above, Recipient agrees to make reports to HUD-FHEO, in accordance with the timeframes established, above.
- C. For monitoring reports the Recipient obligates itself to make to the Department pursuant to the provisions of paragraph III of this Agreement, the Department will grant to the Recipient, for good cause, extensions of up to 30 days upon telephonic request of the Recipient. If for good cause the Recipient believes that it will be unable to complete activities or submit monitoring reports even with a 30-day extension, then the Recipient shall submit to the Department a written justification for such delays, setting forth the activities that it has taken to comply, identifying the reasons that the Recipient will not be able to comply pursuant to the timeframes established in the Agreement, and proposing a revised deadline for completion or submission. The Department has sole discretion to make determinations as to whether the Recipient has shown good faith in complying with the terms of this Agreement, and determining whether requests for extension are justified.

V. EFFECTIVE DATE AND DURATION

- A. The effective date of this Agreement is the date of the last signature on the signature page. This Agreement shall remain in effect for a five year period following the date of execution, unless the Department determines that the Agreement must be revised or extended based on its review of the County's performance under the Agreement and notifies the County to this effect prior to the expiration date.
- B. Failure to carry out the terms of this Agreement may result in suspension or termination of or refusal to grant or to continue Federal financial assistance, or other actions authorized by law.
- C. This Agreement may be modified or amended only by written agreement, executed by all parties. Waiver of any one provision of this agreement shall not be deemed to be a waiver of any other provision.

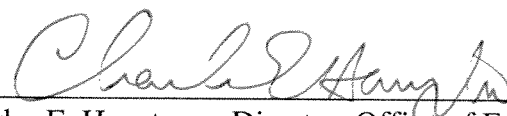
SIGNATURE PAGE
HUD SECTION 109, TITLE VI, AND SECTION 504
COMPLIANCE REVIEW

This agreement for voluntary compliance with Section 109, Title VI, and Section 504, consisting of twelve (12) pages, is entered into by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, and the County of Marin, California.



Judy Arnold, President, Board of Supervisors
County of Marin

11/30/10
Date




Charles E. Hauptman, Director, Office of Fair
Housing and Equal Opportunity, San Francisco HUB

12/22/2010
Date

Attachments:

- (1) "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons", dated January 22, 2007.
- (2) List of prospective impediments identified by the Department during the course of this compliance review.

APPROVED AS TO FORM:



Marin County Counsel

Date: 11/19/10

**AGREEMENT FOR
VOLUNTARY COMPLIANCE
WITH
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF
1974, AS AMENDED**

**AND
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

**AND
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED**

**BETWEEN THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**

**AND THE
COUNTY OF MARIN
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME PROGRAM
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA 94903**

ORIGINAL VCA CASE NUMBERS:

09-09-R003-9 (Section 109)

09-09-R008-6 (Title VI)

09-09-R009-4 (Section 504)

Effective Date of this Agreement: _____

Expiration Date of this Agreement: _____

This Voluntary Compliance Agreement (hereinafter: VCA, or Agreement) supersedes and replaces the provisions of the original Voluntary Compliance Agreement numbered 09-09-R003-9, 09-09-R008-6, 09-09-R009-4-6 dated December 22, 2010.

I. INTRODUCTION

The United States Department of Housing and Urban Development (hereinafter, the Department or HUD), pursuant to its law enforcement and compliance responsibilities under Section 109 of the Housing and Community Development Act of 1974, as amended; Title VI of the Civil Rights Act of 1964, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended, notified the County of Marin, California (hereinafter, County, County of Marin, or Recipient) in a letter dated May 6, 2009 of the commencement of a compliance review of the County's Community Development Block Grant and HOME programs concerning activities conducted within the Consolidated Planning cycle of 2005-2010, but focusing most specifically on program years 2007, 2008, and 2009. In response to the Department's notification and data request letter, the County provided a timely and complete response to certain data and documents requested. In addition to review of data and documents provided by the County, the Department conducted an onsite component of the review during the week of June 29 – July 2, 2009, wherein County staff involved in the administration of its CDBG and HOME programs were interviewed, the County's monitoring files for these programs were reviewed, and the County provided additional data and documents in response to the Department's requests.

On September 18, 2009, the Department issued to the County of Marin a letter stating the Department's review disclosed that the County administered the CDBG program in general compliance with the regulations implementing Section 109 (24 CFR Part 6), Title VI (24 CFR part 1) and Section 504 (24 CFR Part 8); however, the review also found the County in preliminary non-compliance with certain civil rights related program requirements of the regulatory provisions of Title VI, Section 109, Section 504. Among the more-important findings, the Department noted are that the County of Marin had an outdated and substantially incomplete Analysis of Impediments to Fair Housing Choice (AI) document; that the County's Citizen Participation Plan had not been successful in promoting meaningful public participation in relation to the planning and funding decisions related to CDBG and HOME-funded programs; and that the County had not consistently monitored sub-recipients to ensure accurate collection of participation by protected classes to enable analysis of the need for affirmative outreach and marketing to promote equitable participation.

Although the letter advised the County of Marin of its right to appeal certain of the findings, the County instead voluntarily accepted the Department's invitation to enter into negotiations to identify corrective actions that would, if implemented by the County of Marin, resolve all of the findings and concerns identified in the Department's September 18, 2009 letter. Over the months that followed, there occurred multiple meetings between representatives of the County of Marin and the Department, to identify mutually-agreeable corrective actions ultimately reduced to a draft Voluntary Compliance Agreement (VCA). The draft VCA was subsequently presented at a scheduled meeting of the County of Marin's Board of Supervisors, wherein the Board voted to enter into the agreement. The VCA was subsequently signed into full

execution by HUD-FHEO Director Charles Hauptman, and became effective on December 22, 2010.

Provision V.A of the VCA stated that the agreement was to remain in effect for a period of five years (i.e., from December 22, 2010 through December 22, 2015), “unless the Department determines that the Agreement must be revised or extended based on its review of the County’s performance under the Agreement and notifies the County to this effect prior to the expiration date.” Under the VCA, the County of Marin also committed to making periodic reports to the Department, to communicate progress that it had made in fulfillment of the corrective actions identified in the VCA.

Among the corrective actions to which the County of Marin committed was the requirement to meaningfully engage the public in the production of a comprehensive, new AI. Even before the final execution of the VCA, but based upon the findings in the Department’s letter of September 18, 2009, the County of Marin had contracted with an experienced private agency within the County to produce a revised AI, and including a robust citizen participation requirement in that process. Following a series of public meetings that occurred following widespread notice to the public, held at various accessible locations throughout the County and with the offer of interpreters to facilitate involvement by persons who were Limited English Proficient, a draft AI was produced. The AI was unanimously approved by the County’s Board of Supervisors at a public meeting held on October 11, 2011. The Department’s review of the County’s new AI determined that it satisfactorily fulfilled the requirement for a revised AI under provision III.E of the VCA.

Among the impediments to fair housing choice identified in the AI were: (1) the relative lack of affordable housing options outside of areas of minority concentration¹ (i.e., Marin City, San Rafael Canal neighborhood, southern Novato); (2) a disproportionate unmet need for affordable housing options by families with children and non-elderly people with disabilities, and need for accessible units.

Through its periodic reports required pursuant to the terms of the VCA, as well as through a succession of Annual Action Plans and Consolidated Annual Performance and Evaluation Reports, the County of Marin reported to the Department its development of new units of affordable housing, including information regarding the demographics of the residents who came to occupy those units.

¹ “Area of minority concentration”, as used in this VCA, is any neighborhood in which: (1) the percentage of households of a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the County; (2) the neighborhood’s total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the County as a whole, or (3) the neighborhood’s total percentage of minority persons exceeds 50% of its population. For purposes of this definition, a neighborhood can be a census tract.

However, believing that it lacked a comprehensive list of affordable housing units developed by the County of Marin during the five-year timeframe of the VCA², the Department wrote to the County in an October 18, 2015 letter to ask for a complete listing of affordable housing units developed, by address.

Through the County's response to the Department dated November 14, 2015, and subsequent exchanges of additional information that followed, the Department concluded that the County had within the five-year timeframe of the VCA completed construction, where HUD funds were involved, of approximately 106 units of affordable housing, with another 24 units under construction, and 88 units proposed for funding. None of these units are located in areas of minority concentration and less than a third of the units are located in census tracts adjacent to areas of minority concentration. The Department also observed that 74 of the 106 completed units were senior housing. Of the 24 units under construction and of the 88 units proposed for funding, 13 were identified as affordable, permanent rental housing for families with children.

Based upon this information, the Department notified the County of Marin in a letter dated December 22, 2015 that the Department lacked sufficient information from the County in demonstration of its actions to address the impediments identified in its AI, specifically to increase affordable housing outside of areas of concentration nor of actions to increase the availability of affordable housing for families with children. The Department's letter also informed the County that Hispanics and people with disabilities still appeared to be significantly under-represented as participants of the County's community planning processes leading to funding decisions of programs or activities utilizing HUD CDBG/HOME funds. The Department's letter proposed a three-year extension to the VCA to allow the County of Marin additional time to address these impediments and demonstrate to the Department full compliance with the terms of the VCA.

Through a series of meetings between the Department and the County of Marin that have followed, the two agencies have jointly agreed to execute this VCA to replace the original, 2010 VCA. The Department acknowledges through the execution of this VCA the County of Marin's accomplishments in fulfillment of many of the terms of the original VCA, notably including but not limited to:

- Implementation of methodology to ensure accurate collection of demographic information for CDBG/HOME-funded activities, including careful monitoring by County staff of this to promote compliance (original VCA provision III.B);

² On December 9, 2014, the County adopted the Marin County Housing Element 2015-2023, which listed a substantially larger number of new, affordable rental housing units than information previously made available to the Department had acknowledged. HUD sought to know the location and type (family, elderly, disabled) of all forms of affordable housing created, not just that with HUD funded which had already been reported pursuant to the VCA.

- Implementation of affirmative outreach and marketing that has been demonstrably effective in increasing diversity in CDBG/HOME funded activities (original VCA provision III.C);
- Conduct of a four-factor analysis of language needs leading to adoption of a Language Access Plan to promote participation by persons who are LEP (VCA provision III.H);
- Monitoring of CDBG/HOME-funded sub-recipient service providers to promote greater compliance with the physical and programmatic accessibility requirements of Section 504 (original VCA provision III.F, K & L);
- To address concerns with outreach, the County revised the membership of the Priority Setting Committee and added Community Members to include more representation by members of the protected classes;
- Affirmatively offering and providing, upon request, the availability of translation services for public meetings.

The Department further acknowledges the County's progress toward addressing impediments to fair housing identified in its AI, including:

- A Fair Housing Program Specialist/Social Equity Program and Policy Coordinator was hired to focus on furthering fair housing and supporting equity programs through the implementation of the AI, the County's Social Equity Working group, and a new AI.
- The Priority Setting Committee, which includes elected officials from all cities and towns participating in the CDBG and HOME programs, has reaffirmed their commitment to prioritize funding for family rental housing located outside areas of minority concentration when considering funding requests for housing development.
- According to new cooperative agreements between the County and cities and towns, the number of planning areas has been reduced to three, rather than the six planning areas that existed previously. This change will allow the committee to make more strategic funding recommendations which can prioritize projects which will affirmatively further fair housing and serve members of the protected classes.
- In 2014, the Board of Supervisors adopted the 2015-2023 Housing Element which was certified by the State Department of Housing and Community Development on March 20, 2015.³ The Housing Element demonstrates more than 200% zoning

³ The 2014-2022 Regional Housing Needs Allocation for the unincorporated County, cities and towns in Marin prospectively identifies the need for construction of 2,298 new units of affordable housing within this period, including units within the county's eleven incorporated cities and the unincorporated areas of the county (an excerpt

capacity for low income housing when compared to the State Regional Housing Needs Allocation for unincorporated Marin.

- 100% of the CDBG and HOME funds allocated for housing within the 2015-2016 and 2016-2017 funding cycles were granted to projects located outside areas of minority concentration;
- Based on data provided by the Marin Housing Authority, 88% of the 2,133 Housing Choice Vouchers (Section 8) available in Marin County are being used for rental housing located outside areas of minority concentration.
- Fair housing and equal opportunity criteria are a more visible and comprehensive part of the Community Development Block Grant (CDBG) and HOME Program project selection process, and the application includes a section for sponsors to detail how their projects affirmatively further fair housing.
- With the support of the Board of Supervisors, diversity programs have been expanded for County staff through the establishment of affinity groups for African American, Asian-American and Latino employees, among others.
- The County Planning and Human Rights Commissioners has increased its numbers of African American, Latino and younger demographic groups.
- In 2015 the BOS adopted the 5-Year Business plan which includes a Focus Area to "create an inclusive organization." Goals include developing and delivering cultural competency training for all County employees; increase gender and ethnic diversity on every selection and oral board panel; and create a diversity hiring tool kit for hiring managers and departments.
- In 2016, the Board of Supervisors allocated \$1 million dollars to support the creation of affordable family rental housing outside areas of minority concentration.
- In 2016, the Board of Supervisors allocated \$450,000 to support landlord incentives aimed at expanding landlord participation in the Marin Housing Authority's Section 8 Voucher Program. To date, the program has resulted in 75 additional landlords participating in the program.
- In 2017, the Board of Supervisors adopted development code amendments to reduce the regulatory barriers, and permit processing time and costs, for creating accessory dwelling units and junior accessory dwelling units (the Board removed a long-standing owner occupancy requirement for accessory dwelling units).

of the relevant portion of ABAG's 2014-2022 RHNA, as it applies to the county of Marin, forms Attachment A to this VCA)

- In 2017, the Board of Supervisors adopted a source of income protection ordinance prohibiting landlords in unincorporated communities from rejecting prospective tenants based solely on the use of a housing choice voucher.
- In 2017, the Board of Supervisors adopted a mandatory mediation ordinance requiring mediation at the request of the tenant or landlord if rents are increased more than 5% during any 12-month period.
- In December 2018, the Board of Supervisors adopted a just cause for evictions ordinance.
- In 2018, the Board of Supervisors approved enhancements to the County's multi-family housing inspection program to improve enforcement of environmental health regulations protecting tenants.
- County staff continues to work on community education and outreach around affordable housing, for example in the past year staff have spoken at a number of events, including, Municipal Management Association of Northern California, Marin Organizing Committee meetings, Rotary Clubs, First Five Marin, San Rafael Chamber, Citizens Advisory Committee on Economic Development and Affordable Housing, Fairfax Town Council, Marin Managers Association, and the San Geronimo Valley Affordable Housing Association

This Agreement supersedes and replaces *all* of the terms of the original VCA between the Department and the County of Marin dated December 22, 2010. Provisions of the original VCA that are not modified or addressed with substituted actions identified within paragraph III below in this VCA are regarded as having been satisfactorily completed by the County.

The County of Marin, through the signing of this VCA, and as a reflection of its prior accomplishments, reaffirms its commitment to existing statutory and regulatory requirements set forth for participation in the Department's programs, including all civil rights related program requirements under the Federal Fair Housing Act (and the Department's implementing regulations at 24 CFR 100, et. seq.); Title VI of the Civil Rights Act of 1964 (24 CFR 1, et seq.); Section 504 of the Rehabilitation Act of 1973 (24 CFR 8, et seq.); and Section 109 of the Housing & Community Development Act of 1974 (24 CFR 6, et seq.).

The parties agree that nothing contained in this VCA shall be construed to be a final finding or determination by the Department that the Recipient or any of its agents or employees intentionally engaged in unlawful practices that may have had the effect of illegally discriminating on the basis of race, color, national origin, religion, sex, familial status, or disability. The parties agree that nothing contained in this VCA shall be construed as an admission of liability or an admission of having acted in violation of the original, 2010 VCA.

Nothing in this VCA is intended to confer on any non-signatory third party a right to sue for an alleged breach of either the original 2010 VCA or this VCA, and the parties expressly intend to preclude the interference of any alleged third-party beneficiary rights.

The Department and the Recipient hereby agree that this VCA does not increase or diminish the ability of any person or class of persons to exercise their rights under Title VI, Section 504, Section 109, the Fair Housing Act, or any other Federal, State or local civil rights statute or authority with respect to any current, on-going or future actions. This VCA does not create any private right of action for any person or class of persons not a party to this VCA or the original VCA upon which it is based.

The Department and the Recipient, having agreed to settle and resolve voluntarily the Department's preliminary findings without the necessity of formal evidentiary hearings or other judicial processes, hereby agree and consent to the terms of this VCA.

II. GENERAL PROVISIONS

With respect to any housing accommodations, facilities, services, financial aid, or other benefits related to the Recipient's programs conducted with HUD funds, the Recipient, its officers, trustees, directors, agents, employees, successors, and all persons in active concert or participation with any of them, agree to continue to uphold the Fair Housing Act by refraining from any acts that have the purpose of subjecting qualified persons to discrimination on the basis of race, color, national origin, religion, sex, familial status or disability, in violation of the Fair Housing Act, Title VI, Section 109, Section 504, and their respective implementing regulations at 24 CFR Parts 100, 1, 6 and 8.

This VCA applies to Recipient's programs funded in whole or in any part with funding from the Department, and shall be binding upon the Recipient, its successors, and assigns or beneficiaries who own, control, operate or sponsor said programs. The County of Marin, in administration of its programs conducted with HUD funds, acknowledges its un-delegable responsibility to monitor sub-recipients administering these programs, in efforts to ensure the full compliance of sub-recipients with all relevant statutory and regulatory fair housing requirements, duties and obligations.

The Department may conduct an on-site review of the Recipient's compliance with the provisions of this VCA, and the Recipient will grant the Department's employees access to its premises, records, and personnel with reasonable notice during normal business hours, during the duration of this VCA.

III. SPECIFIC PROVISIONS:

A. Affordable Housing:

1. The Department acknowledges that the County has during the years subsequent to expiration of the original 2010 VCA, including in 2015-2016 and 2016-2017, funded at least 117 new and converted affordable housing units which are available to families with children, and that none of these units was located in an area of minority concentration (units in table below are identified by eligibility categories):

TABLE 1: Housing Available to families with children

Address/ (Demographics)	# of homes	Type (eligibility)	Tenure	Income	Source of funds	Amount of funds
1112 Fourth Street, Novato (elevated, but non-concentrated)	10	Families	New ownership	Low and very low	CDBG	\$120,281
5394 Nave Drive, Novato (elevated, but non-concentrated)	14	Families	New rental	Very low – extremely low	HOME	\$1,868,629
Waldo Point Harbor, Sausalito (non-concentrated)	38	Unrestricted*	Converted ownership	Low and very low	CDBG	\$742,190
6690 Sir Francis Drake Blvd, Forest Knolls (non-concentrated)	20	Unrestricted*	Converted ownership	Low and very low	County Housing Trust	\$617,000
101-171 Piper Court, Fairfax (non-concentrated)	27	Families	Converted rental	Low, very low and extremely low	County Housing Trust	\$675,00
21 Calle Del Embarcadero, Stinson Beach (non-concentrated)	8	Unrestricted*	Converted rental	Low and very low	County Housing Trust	\$1,000,000
TOTALS	117					

* These units were converted to deed restricted affordable housing and many residents were at time of conversion not families with children. However, when there are vacancies, the County is requiring that the housing providers do affirmative marketing to members of the protected classes, especially families with children.

2. The Department acknowledges that the County has, during the years subsequent to expiration of the original 2010 VCA, including in 2015-2016 and 2016-2017, also funded 5 new or rehabilitated existing, accessible housing units for people with disabilities and that none of these units was located in an area of racial or ethnic concentration:

Table 2: Housing available to people with disabilities

Address	# of homes	Type	Tenure	Income levels	Source	Amount
1032 Sir Francis Drake Blvd, San Anselmo (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$16,800
627 Wilson Ave, Novato (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$10,000
210 Laurel Place, San Rafael (elevated, but non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$82,250
1333 Seventh Street, Novato (elevated, but non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$54,783
16 Porteous Ave, Fairfax (non-concentrated)	1	Disabled	Rehabilitated rental	Very low	CDBG	\$20,000
TOTAL	5					

3. During the 3-year term of the this VCA, the County commits to take the following actions to encourage and facilitate an increase of at least 100 affordable housing units outside areas of minority concentration that are available to families with children. Consistent with County’s intention to provide funding for affordable housing on a multi-jurisdictional basis, these units may be located in the unincorporated county, cities and towns in Marin.
 - a. The County will commit at least one million dollars of general funds for the construction or acquisition⁴ of affordable rental housing for families with children outside areas of minority concentration. To the maximum extent possible, these funds will be leveraged to obtain additional sources of funding such as the County’s Housing Trust Fund, CDBG and HOME funds, and funding from the Marin Community Foundation.

⁴ “Acquisition”, as used in this VCA, means the County acquiring existing, market-rate housing units and converting those units to affordable levels.

- b. The County will transfer \$4.1 million from the County's General Fund to the Housing Trust Fund to assist in creating new affordable housing units.
 - c. The County and the Marin Community Foundation will continue their joint funding partnership for construction and acquisition of affordable housing. To the maximum extent possible, these funds will be leveraged to obtain additional sources of funding such as the County's Housing Trust Fund, CDBG and HOME funds.
 - d. The County has issued a Notice of Funding Availability (NOFA) announcing the availability of the one million dollars referred to in paragraph III.A.3.a. above for the development of affordable rental housing outside areas of minority concentration that is available to families with children. The County will endeavor to leverage other funds to supplement the one million dollars via the funding sources noted in paragraph III.A.3.a. above.
 - e. To encourage submission of competitive housing applications, the aforementioned NOFA includes the following information.
 - i. Identification of housing site inventories located outside areas of minority concentration that are included in the current 2015-2023 Housing Elements and were adopted respectively by the County and cities in towns in Marin.
 - ii. Statement(s) that application processing will be expedited, which will be accomplished by dedicating sufficient staff resources, proactively managing the review process with other reviewing agencies, and implementing state permit streamlining laws for housing.
 - iii. Statement(s) that there will be a waiver or reduction in the application processing fees proportionate to the percentage of proposed dwelling units which meet the County criteria for low and very low-income levels and which exceed the County's inclusionary housing requirement.
4. Implement the recently adopted just cause for eviction ordinance to provide neighborhood stability for renter households. Implementation will include, but not necessarily be limited to:
- a. Requiring landlords to file Notices of Termination if and when tenants are evicted. Such Notices shall include the reason for the termination in addition property location and ownership information.
 - b. Creating a rental registry to collect data annually on the amounts of rent charged for each tenant residing on properties subject to the ordinance.
 - c. Encouraging cities and towns in Marin to consider adopting the just cause for eviction ordinance.
5. In regard to the above provisions, it is understood that:
- a. The County will pursue a balanced approach of: 1) preserving affordable housing available to current and future low-income families with children outside areas of minority concentration; 2) acquiring existing multi-family

developments that are outside areas of minority concentration and converting units from market rate to affordable levels and making those units available to families with children; and 3) encouraging and facilitating the construction of new, affordable rental housing units outside areas of minority concentration that are available to families with children.

- b. While the County will take actions to encourage and facilitate the construction and acquisition of affordable rental housing for families with children outside areas of minority concentration, the County is unable to dictate the number, type and location of all affordable housing development proposals filed for processing with the County during the term of this VCA.
 - c. Pursuant to Housing Element Program 2.p (*Expedite Permit Processing of Affordable and Special Needs Housing Projects*) and state law, the County commits to the efficient processing of development applications for affordable housing.
 - d. Construction of new housing approved by Planning entitlements issued by the County, cities and towns within this timeframe may not be completed during the 3-year period of this VCA.
6. Within 180 days after issuing the NOFA, the County will report to HUD the number of applications or proposals received; the proposed locations of affordable housing developments; and the number of units proposed by location.
 7. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD pursuant to paragraphs III.A.3. and III.4. above:
 - a. The addresses of all units for which final certificates of occupancy have been issued during the preceding 12-month period, for very-low and low level of affordability units;
 - b. The addresses of accessible housing units created or modified; and
 - c. Eligibility criteria (i.e., income level, age, disability, other special category) of housing units created or modified.

B. Other Actions:

Studies and/or processes to affirmatively further fair housing that the County commits to undertaking within the term of this amended Agreement with the goal of increasing the supply or availability of affordable housing units outside areas of minority concentration include the following:

1. Implement recently adopted code amendments that provide greater flexibility for parking requirements applicable to affordable multifamily housing, special needs

housing, and second units. An analysis and recommendations for revised parking standards were adopted by the Board of Supervisors in December 2018.

2. Present and recommend the adoption of Development Code amendments to expedite permit processing of affordable and special needs housing projects, including processes for fast-tracking and establishment of milestones for expedited permit processing for affordable housing projects. The County will schedule this recommendation for a Board of Supervisors hearing by December 2020;
3. Publish the aforementioned expedited permit processing in all NOFAs for affordable housing;
4. Evaluate existing multifamily Land Use Designations within the unincorporated county to determine whether zoning is appropriate to allow for additional affordable housing development beyond existing areas of racial or ethnic concentration. The evaluation will be completed by July 2019.
5. Within 6 months of the aforementioned evaluation of multifamily Land Use Designations, County staff will report the outcome of the evaluation, including any recommendations, to the Planning Commission and Board of Supervisors.
6. Through at least 2020, the County will fund the contract that supports the Landlord Partnership Program, which takes steps to encourage expanded landlord partnership in the Housing Choice Voucher program.
7. Work with Marin Cities and Towns to encourage all municipalities in the county to adopt source of income protection ordinances prohibiting landlords from rejecting prospective tenants based solely on the use of a housing choice voucher.
8. Work with Marin Cities and Towns to encourage all municipalities in the county to adopt a mandatory mediation ordinance requiring mediation of rent increases greater than 5% upon request of either the tenant or landlord.
9. Work with the City of San Rafael and City of Novato to consider aligning their respective multi-family housing inspection programs with the program enhancements approved by the Board of Supervisors in 2018.
10. Sponsor a workshop on Fair Housing and the County's Assessment of Fair Housing for Board of Supervisors and City Council members.
11. Continue to provide funding to Fair Housing Advocates of Northern California for assistance with public outreach and education regarding tenant protection measures,

such as the source of income protection ordinance, mandatory mediation program and just cause for evictions ordinance; and

12. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD a report and sufficient evidence supporting that it has carried out all actions identified pursuant to paragraph III. B. On an annual basis, for three years from the effective date of this Agreement, the County will report to HUD on any and all other actions it has taken to affirmatively further fair housing and increase the supply and availability of affordable housing.

C. Affirmative Marketing:

During the 3-year term of this VCA, the County commits to collecting demographic data for CDBG/HOME-funded, direct-benefit programs and affirmative outreach and marketing to promote under-participation by protected classes;

1. For all units of affordable housing developed subject to the provisions of paragraph III.A.3 above, the County agrees to contractually obligate the developer, owner, management agent or other individual responsible for advertising or marketing of the property to:
 - a. Affirmatively market the property to protected classes that analysis suggests would be least likely to apply or benefit from the housing without affirmative outreach and marketing. The county may prescribe use of HUD Form 935.2A “Affirmative Fair Housing Marketing Plan (AFHMP) – Multifamily Housing” or something similar, and will include a requirement that the completed form be submitted to the County for review and approval prior to commencement of advertising or marketing of the completed housing; and
 - b. Report to the County, on an annual basis, demographic information about the current tenants of all units created pursuant to paragraph III.A.3 above, including at a minimum the head-of-household member’s race, ethnicity, sex, presence of minor children, presence of any household member with a disability, and if the household resides in an accessible unit;
2. Subject to sufficient federal funding, the County agrees to monitor, on at least an annual basis, those housing developments subject to the affirmative outreach and monitoring provisions outlined above, to ensure data was accurately collected, that the need for affirmative outreach and monitoring was analyzed and undertaken.
3. On an annual basis, for three years from the effective date of this Agreement, the County will provide to HUD a summary of the demographics reported to the County in paragraph C.1.b.

F. Community Participation:

1. The County agrees to take the following actions to promote increased participation by “low- and moderate-income persons...particularly those living in slum and blighted areas and in areas where CDBG funds are likely to be used, and by residents of predominately low- and moderate-income neighborhoods as defined by the jurisdiction...(and including) “actions that are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities” (see also 24 CFR §91.105) and the advocacy groups representing their interests (24 CFR §5.158), in the planning and funding processes related to CDBG/HOME-funded activities, including:
 - a. Establishing community participation goals as to the minimum number of participants at public meetings and/or consultations during the three-year term of this VCA leading to the adoption of the County’s:
 - (1.) AI (300),
 - (2.) Consolidated Plan (50), and
 - (3.) Successive Annual Action Plans (30);
 - b. Undertaking outreach to low- and moderate-income persons and members of the protected classes at least 30 days prior to meetings, and to work with community-based organizations and to provide translated materials in those languages identified in the County’s Language Access Plan as vital documents subject to translation requirements; and
 - c. Posting meeting announcements in locations frequently accessed by low- and moderate-income persons, such as libraries, laundromats, community-based organizations and local news outlets.
2. The County agrees to submit to HUD on or before January 30, 2020 a copy of the AI as adopted by its Board of Supervisors, and developed pursuant to paragraph III.F.1. and applicable regulations.
3. The County agrees to make, for the duration of this Agreement, bi-annual reports to the Department, with the first report due six months following the execution date of this agreement, that:
 - a. contain information regarding the number of persons who attended, and/or consultations conducted (naming the agencies), pursuant to the goals identified in paragraph III.F.1.a. (1.-3.) above;
 - b. if actual attendees or consultations missed goals, to provide a statement of actions taken to improve participation in subsequent meetings; and

IV. SUBMISSION OF REPORTS AND DOCUMENTATION

A. All reports, certifications and other documents identified for submission to HUD in the preceding sections are to be submitted to the following address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity, Region IX
Attn: Anné Quesada, Regional Director
One Sansome Street, 12th Floor
San Francisco, CA 94104-4430

B. Pursuant to the provisions set forth in paragraph III above, Recipient agrees to make reports to HUD-FHEO, in accordance with the timeframes established above.

C. For reports the Recipient has obligated itself to make to the Department pursuant to the provisions of paragraph III above, the Department will grant to the Recipient, for good cause, extensions of up to 30 days upon telephonic request of the Recipient. If for good cause the Recipient believes that it will be unable to complete activities or submit monitoring reports even with a 30-day extension, then the Recipient shall submit to the Department a written justification for such delays, setting forth the activities that it has taken to comply, identifying the reasons that the Recipient will not be able to comply pursuant to the timeframes established in the VCA, and proposing a revised deadline for completion or submission. The Department has sole discretion to make determinations as to whether the Recipient has shown good faith in complying with the terms of this VCA, and determining whether requests for extension are justified.

V. EFFECTIVE DATE AND DURATION

A. The effective date of this VCA is the date of the last signature on the signature page. **This VCA shall remain in effect for a three (3) year period following the date of execution**, unless the Department determines that the VCA must be revised or extended based on its review of the Recipient's performance under the VCA and notifies the Recipient to this effect prior to the expiration date.

B. Failure to carry out the terms of this will not alter federal enforcement actions authorized by law.

C. This VCA may be modified or amended only by written agreement, executed by all parties. Waiver of any one provision of this VCA shall not be deemed to be a waiver of any other provision.

Attachments:

- A. ABAG 2014-2022 RHNA Plan for the Bay Area, Marin county. The full report is available at: <http://www.abag.ca.gov/planning/housingneeds/>
- B. ABAG Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA). The full report is available at: http://www.abag.ca.gov/files/RHNAProgress2007_2014_082815.pdf
- C. Phase II Work Plan for Assessment of Fair Housing

DRAFT

SIGNATURE PAGE
HUD FAIR HOUSING ACT, TITLE VI, SECTION 109, SECTION 504
COMPLIANCE REVIEW – MARIN COUNTY CDBG/HOME PROGRAM

This VCA for voluntary compliance with the Fair Housing Act, Title VI, Section 109 and Section 504 is entered into by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, and the County of Marin.

Kate Sears, President, Board of Supervisors
County of Marin

Date

Approved as to Form:

Marin County Counsel

Date

Anné Quesada, Director
Office of Fair Housing & Equal Opportunity

Date

Copy to:
Director, Office of Community Planning & Development, San Francisco

Attachment A: 2014-2022 Regional Housing Need Allocation (Marin County)

2014-2022 Regional Housing Need Allocation

(from p. 23 of ABAG's 2014-2022 RHNA Plan for the Bay Area)

	Very Low 0-50%	Low 51-80%	Moderate 81-120%	Above Mod 120%+	Total
Belvedere	4	3	4	5	16
Corte Madera	22	13	13	24	72
Fairfax	16	11	11	23	61
Larkspur	40	20	21	51	132
Mill Valley	41	24	26	38	129
Novato	111	65	72	167	415
Ross	6	4	4	4	18
San Anselmo	33	17	19	37	106
San Rafael	240	148	181	438	1,007
Sausalito	26	14	16	23	79
Tiburon	24	16	19	19	78
Unincorporated Marin County	55	32	37	61	185
Marin County Total	618	367	423	890	2298

Editorial Note: Delete or insert updated table

Attachment B: San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

RHNA	Permits Issued	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued
Belvedere	5	2	40%	4	5	125%	4	2	50%	4	11	11
Corte Madera	68	64	94%	38	30	79%	46	4	9%	92	165	165
Fairfax	23	-	0%	12	-	0%	19	5	26%	54	8	8
Larkspur	90	25	28%	55	10	18%	75	9	12%	162	92	92
Mill Valley*	74	23	31%	54	50	93%	68	23	34%	96	67	67
Novato	275	72	26%	171	13	8%	221	118	53%	574	119	119
Ross	8	1	13%	6	3	50%	5	3	60%	8	1	1
San Anselmos	26	12	46%	19	15	79%	21	1	5%	47	8	8
San Rafael	262	32	12%	207	26	13%	288	-	0%	646	109	109
Sausalito	45	8	18%	30	17	57%	34	3	9%	56	20	20
Tiburon*	36	-	0%	21	3	14%	27	-	0%	33	9	9
Marin County*	183	11	6%	137	84	61%	169	51	30%	284	209	209
County Totals	1,095	250	23%	754	256	34%	977	219	22%	2,056	818	818