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PacificSun
MARIN'S BEST ONLINE

Huffman opens door on housing

by Jason Walsh

Marin Assemblyman Jared Huffman introduced a bill in the state legislature Friday intended to make it easier for towns to meet their state-imposed affordable housing requirements.

The bill, AB 1103, would allow for "creative and innovative"ways for cities and counties to provide affordable housing, according to a statement from Huffman's office. The workforce and affordable housing quotas called for by the Association of Bay Area Governments (ABAG) have come under increasing fire, as local governments struggle to project the lower-income housing numbers needed to qualify for additional funds from the state.

The issue brought down the house, so to speak, last fall in Novato, when affordable housing plans met with a community backlash where some neighbors complained that residents weren't being consulted about planning decisions; others argued that dense housing would bring an undesirable element to town.

"The challenges currently being faced in Novato highlight a need to provide more flexibility and common sense in our housing element law," says Huffman, "while preserving our commitment to affordable housing and sustainable, transit-oriented planning."

Huffman's bill would allow local governments to petition ABAG for a new "density designation"—which characterizes regions as either metropolitan, suburban or nonmetropolitan—making it possible for towns to change their designation to more accurately reflect their community—even if the designation differs from the one assigned the larger region.

The bill would also let towns and counties count converted units—such as Habitat for Humanity projects—toward their affordable housing goals. Additionally, AB 1103 would try to curb sprawl by providing incentives for towns to plan their lower-income housing around transportation hubs, thus encouraging public transit.

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Huffman proposes bill to make affordable housing law more flexible

By Richard Halstead
Marin Independent Journal

Posted: 04/04/2011 06:10:09 PM PDT

Assemblyman Jared Huffman has introduced legislation that would give cities and counties more flexibility to comply with a state law that requires them to provide affordable housing.

State law requires that regional planning agencies, such as the Association of Bay Area Governments, periodically determine the projected housing need for an area and assign each local government a share in meeting that need. The law also requires cities and counties to update housing policies to identify sites with zoning satisfying the housing allocation targets.

The process ignited a fiery debate in Novato last June when proposed affordable housing sites were identified throughout the city. Residents living near the sites immediately voiced their opposition and the controversy has not abated. A revised list of sites is expected to be released later this week.

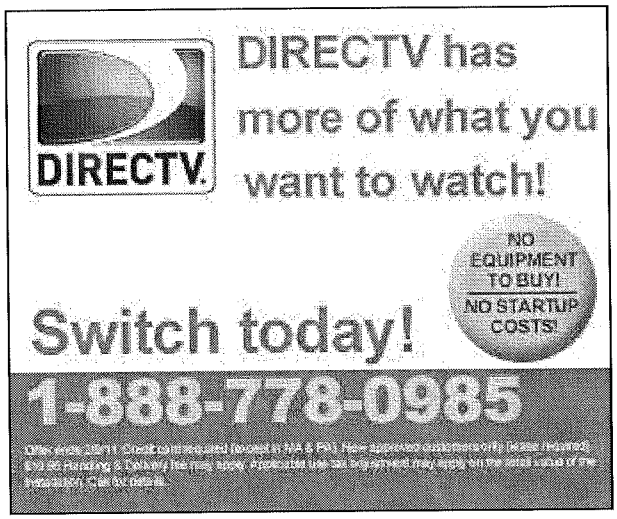
"The challenges currently being faced in Novato highlight a need to provide more flexibility and common sense in our housing element law, while preserving our commitment to affordable housing and sustainable, transit-oriented planning," said Huffman, D-San Rafael, announcing his new bill, AB 1103. He also mentioned that Marin Supervisor Judy Arnold, whose district includes Novato, provided valuable "input."

One of the principal objections raised by opponents of Novato's affordable housing plan is that it calls for "high density" housing. The density levels are a result of the state classifying

Novato as a metropolitan area, rather than a suburban or nonmetropolitan area. The classification means Novato planners must zone properties for a minimum of 30 living units per acre or else provide the Association of Bay Area Governments with a detailed analysis demonstrating the project's financial viability.

Huffman's bill addresses this issue by allowing local governments to petition their regional governing body — which in Novato's case is ABAG — for a lower density designation.

Novato's community development director, Dave Wallace, said Novato could ask ABAG to re-classify the city as a suburban area, which is Petaluma's classification. The change would reduce Novato's default density to 20 units per acre, Wallace said.



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But this is just one way in which Huffman's bill would change state law.

The legislation would also allow local governments to count converted housing, including foreclosed housing converted with long-term affordability covenants, toward meeting their affordable housing planning goals. In addition, AB 1103 would give local governments extra credit for creating new affordable housing that meets "smart growth" goals by encouraging the development of housing close to places of work or regional transportation hubs.

Thomas Peters, chief executive of the Marin Community Foundation, called the bill "an eminently reasonable look for appropriate flexibility."

"The foundation is tremendously interested in finding points of common ground and points of flexibility so that we can move forward with getting this workforce, affordable housing actually built," Peters said. The foundation has made boosting the county's supply of affordable housing one of its strategic initiatives.

Supervisor Susan Adams, Marin County's representative on ABAG's governing body, said, "While I think this is a good first step, there is a long road ahead." Adams said she would like local governments to also get credit for senior/assisted living and farmworker housing.

But Dave Coury, executive director of the Marin Continuum of Housing and Services, a collaboration of 32 Marin organizations providing housing and related services to the community, said he opposes relaxing the density requirement.

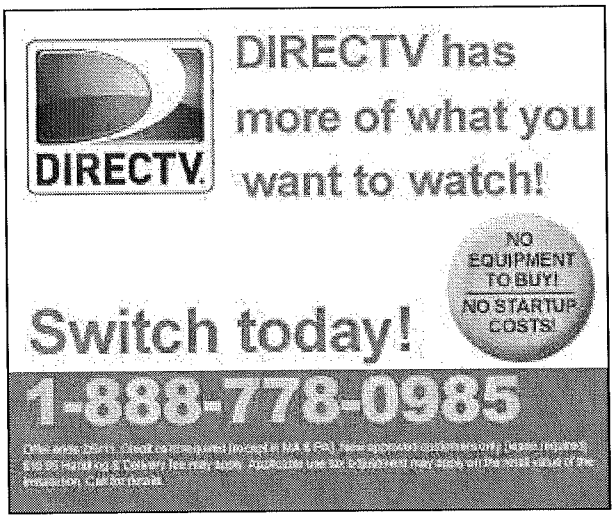
Coury said under existing state law the density requirements only come into play when local governments are already failing to meet their targets.

"At that point, it's clear the jurisdictions have been reluctant to provide the necessary zoning for affordable housing," Coury said.

Coury said local governments should get only partial credit for converting existing market rate housing to affordable housing.

"Because they require a rob-Peter-to-pay-Paul situation," Coury said. "You're taking away existing units but granting them to people with lower income."

Coury said now is a particularly bad time to propose a law that would give Marin jurisdictions extra credit for developing new affordable housing near transit hubs. That is because in January the U.S. Department of Housing and Urban Development issued a report finding that Marin County had failed to comply with the 1964 Civil Rights Act by



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segregating most of the county's poor in Marin City and the Canal area of San Rafael.

"Both of those places, the Canal and Marin City, happen to be close to transportation," Coury said.

Contact Richard Halstead via e-mail at rhalstead@marinij.com

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Report targets Marin's NIMBY culture

By Nels Johnson
Marin Independent Journal

Posted: 04/02/2011 05:49:00 PM PDT

Marin County must welcome more minority, low-income and disabled residents by easing zoning restrictions, allowing low-income apartments in suburban neighborhoods, boosting public transit to accommodate multifamily development and making related moves to eliminate housing discrimination, according to a new report.

The report, prepared by Fair Housing of Marin, outlines the impediments to providing homes for minorities, low-income families, the disabled and the aged in affluent Marin.

Unlike similar analyses in the past by various agencies, this one carries the clout of possible loss of federal grant money; the report itself is part of a settlement agreement with the federal government in which the county has pledged to do more to house the poor.

Rather than segregate the poor in Marin City and the Canal area, "the county and its jurisdictions should encourage and facilitate development of more subsidized and affordable housing for families with children, particularly in areas with low concentrations of minorities," the draft report asserts. Further, housing for the disabled should be developed in "diverse geographic locations."

In addition, the county should revise its development code to eliminate language that may conflict with fair housing goals, the report said, citing passages such as protecting "the character and social economic stability" of neighborhoods and maintaining "community identity and quality development."

The

report by the nonprofit group was commissioned by the county's Community Development Agency after a damning policy review by the U.S. Department of Housing and Urban Development, which said Marin County "failed to meet its fair housing obligations" in allocating block grant and related housing funds. The Fair Housing report on the problems and potential solutions was part of actions the county agreed to take in a settlement agreement with the federal agency.

At stake are about $3.5 million a year in community development "block grants" the federal agency could pull if the county doesn't shed its not-in-my-backyard attitude.

"This agreement increases Marin's accountability to its residents and to HUD to



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carry out its fair housing obligations and document that its programs serve everyone, regardless of race, ethnicity, or disability," John Trasviña, HUD assistant secretary for fair housing, said of the settlement earlier this year.

But doing that won't be easy, according to the new Fair Housing analysis, which cites "substantial impediments to housing choice across the rental, sale and lending markets throughout Marin County." Minority households "are not moving into Marin County in appreciable numbers" and those that do face discrimination and limited housing choices, it adds. Further, county policies nurture discrimination by funneling minorities into poor, highly segregated neighborhoods, Fair Housing analysts observed.

According to the most recent census figures, Marin, population 252,409, is 80 percent white, 15.5 percent Latino and the balance Asian and other minorities.

The Fair Housing document calls for a host of actions, including data collection, outreach, revival of a county housing task force, creation of financial literacy and language translation programs, as well as monitoring practices of landlords and lenders, among other things.

The report, saying "inclusionary zoning" and "second unit" programs aren't adequate, and that "affordable housing is disproportionately senior housing," calls for:

• Easing development restrictions, drafting "affordable housing overlay zones" allowing increased housing densities, and improving transit options in white neighborhoods to accommodate multifamily housing for minorities and the disabled. "A way forward w ould be the pursuit of transit-rich development in nonimpacted neighborhoods ... that would require local governments to allow development of densities high enough to create sufficient demand for public transportation."

• Eliminating fair housing "barriers" in county Housing Authority policies, including easing eviction rules and providing communication in English, Vietnamese and Spanish. Although progress has been made, "public housing effectively perpetuates segregation based on race and familial status."

• "Belvedere, Fairfax, Sausalito and Ross should evaluate the potential effects of adopting inclusionary zoning ordinances (promoting low-income housing) as a strategy." Affordable housing fees should be imposed and assessed "in direct proportion to the cost to construct a unit."

• Redvelopment funds, which perpetuate segregation when used to boost housing in



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poor neighborhoods, should be spread elsewhere to encourage diversity.

Roy Bateman, community development coordinator overseeing Marin's HUD program, said the report and its recommendations will be reviewed by county supervisors May 10. In the meantime, people may addess concerns to Bateman at the county Community Development Agency at the Civic Center. A committee of officials serving on a countywide block grant panel, including Supervisor Judy Arnold, San Rafael City Councilman Greg Brockbank, Mill Valley Mayor Ken Wachtel, and Novato City Councilwoman Denis Athas are reviewing the draft report and may suggest revisions.

Bateman noted that parts of the plan may be eliminated, others revised. "We won't be able to do everything immediately, and some we may never do," he noted.

Supervisor Arnold said her committee will "review the report in

depth, address the impediments and prioritize recommendations. Staff

will then identify implementation."

Dan Nackerman, head of the county Housing Authority, noted the agency is proud of serving 9,000 low-income people in the county. While the report is "spot on in many cases," it takes a "parochial, inner-circle, anecdotal approach" and needs "much more work in our view," he said.

Nackerman noted the authority has translated all key documents into Spanish and Vietnamese since 2008 and is moving to eliminate language barriers. He took special exception to a proposal to ease eviction policies, saying "we vehemently disagree that criminal households should be protected from eviction," saying the agency promptly evicts tenants involved in violence or felony drug activity.

Nackerman called for an "outside look from regional or national experts" at the report to get an independent assessment.

Nancy Kenyon, executive director of Fair Housing of Marin, called the report a "vital document" backed by the "power and millions of Housing and Urban Development dollars" as well as "a commitment by the county."

She said that while the county has made progress, including locating recent affordable projects away from "impacted" areas like Marin City and the Canal area, more must be done to accommodate minorities, low-income people and the disabled, including zoning changes, revision of subsidy allocations, increased outreach, and more public transportation.



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PRELIMINARY

HOUSING ELEMENT TASK FORCE AGENDA

May 23, 2011
5:30 p.m.
City Council Conference Room
City Hall at 420 Litho Street

Each agenda item will be considered in the following manner: 1) Staff will provide a presentation/overview; 2) the Housing Element Task Force will discuss the item; 3) the public may comment on the item; and 4) the Task Force will discuss the item and take action.

***

The Task Force may, at its discretion, consider agenda items out of the order in which they are listed. The public may comment on any item on the agenda that has not previously been subject to public comment. To give everyone an opportunity to be heard and to ensure the presentation of different points of view, the Task Force requests that members of the audience who speak: 1) Always address the Chair; 2) State his or her name and address; 3) State views succinctly, and; 4) Limit comments to three minutes.

1. **CALL TO ORDER**

Chair Stan Bair (Planning Commission Rep)
Mike Kelly (City Council Rep)
Susan Cleveland-Knowles (City Resident)
Kim Stoddard (City Resident)
Ray Withy (City Resident)
Vice-Chair Joan Cox (Planning Commission Rep)
Linda Pfeifer (City Council Rep)
Steve Flahive (City Resident)
Chris Visher (City Resident)

2. **PUBLIC COMMENT ON ITEMS NOT ON AGENDA**

3. **WELCOME OF NEW TASK FORCE MEMBERS**

4. **APPROVAL OF MINUTES** – March 28, 2011 and April 25, 2011

5. **SITE INVENTORY TECHNICAL REPORTS**
   a. Liveaboards
      Document: Draft Technical Report
      Recommended Action:

6. **HOUSING OPPORTUNITIES & SITE INVENTORY CHAPTER**
   a. "Menu" of Options
      Recommended Action:

7. **SECOND COMMUNITY WORKSHOP**

8. **COMMUNICATIONS**
   a. Staff
   b. Task Force Members

9. **AGENDA TOPICS FOR NEXT MEETING**

10. **ADJOURN** – Next Meeting- June 27, 2011

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