



TOWN OF FAIRFAX

STAFF REPORT

TOWN COUNCIL MEETING

October 20, 2021

TO: Mayor and Town Council

FROM: Ben Berto, Planning Director
Ande Flower, EMC Planning Group

SUBJECT: Receive Countywide Fair Housing Initiatives and Restrictive Covenant Presentation by Marin County Social Equity Program and Policy Coordinator Liz Darby and Senior Planner Jillian Zeiger, and receive Housing/Safety Element Status Update

RECOMMENDATION

Receive the presentation and the status update on the Housing and Safety Elements; provide comments to staff.

BACKGROUND

The State of California has mandated since 1969 that local jurisdictions plan for their future housing needs by updating their General Plan's Housing and Safety Elements in a process called the Regional Housing Needs Allocation (RHNA – pronounced reenah) planning process. The Town is currently nearing the end of its 5th RHNA cycle, and has been working since April on the 6th Regional Housing Needs Allocation (RHNA), which will take effect in 2023 and run to 2031.

The Town Council and Planning Commission conducted a joint study session on September 22, 2021 on the Housing Element Update. At that time, staff and EMC Planning Group presented the work undertaken to date including unveiling the preliminary list and map of housing opportunity sites. Council and Commission comments and direction were requested on the preliminary housing opportunity sites and the following topical areas:

- Update on Public Outreach and Engagement
- Compliance with AB686 (Affirmatively Furthering Fair Housing)
- Evacuation & Safety Concerns re: Fires/Floods
- “Missing Middle” Housing Approach
- Introduction to Balancing Act Tool

Following completion of the meeting, staff and EMC took the comprehensive feedback they received from the public, the Commission, and the Council and are applying it to the work program going forward. Areas for further attention include: increasing public engagement and outreach through a variety of media and methods including the fairfaxspeaks.com website and

a new Balancing Act portal, and providing additional information on the housing opportunity site selection process.

EMC will be making a presentation on the Safety Element to the Council on November 3rd, along with a status update. We are also preparing for the Housing Element community workshop on Saturday afternoon, November 20th.

DISCUSSION

The focus of this item is an important part of the Housing Element update effort – affirmatively furthering fair housing, as required by the State’s passage of AB 686. Liz Darby and Jillian Nameth Zeiger from the County of Marin will be making an in-depth presentation, followed by a brief Fairfax-focused presentation by Ande Flower from EMC.

AB 686

This key aspect of the Housing Element update is imbued within 5 core parts of our update process: outreach, the assessment of fair housing, contributing factors, site inventory, and goals, policies and actions.

The Fair Housing Act was passed in 1968 to combat a history of racial housing discrimination, segregation, and unequal access to opportunity. The Fair Housing Act which prohibits discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status. However, in the nearly 50 years since the Fair Housing Act was enacted, housing inequality, lack of access to opportunity, and racial and socio-economic segregation have persisted.

Assembly Bill 686 (2018) attempts to address persisting inequities. It defines Affirmatively Furthering Fair Housing (AFFH) as:

“taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.

ACTIONS

Outreach: The Housing Element process needs to hear from more and a wider diversity of people.

Actions taken: surveys, in-person and online; community education at public events; multi-marketing materials throughout community; regular presence at commission and committee meetings.

Next steps: phase two online engagement; direct outreach at places of employment; multi-language education and announcements

Assessment of fair housing: Public input and local knowledge must be incorporated into our Assessment of Fair Housing. The Association of Bay Area Governments (ABAG) and the state department of Housing and Community Development (HCD) have and will continue to provide tools and data to help us with our assessment of:

1. Fair Housing Outreach and Enforcement
2. Segregation and Integration Patterns

3. Disparities in Access to Opportunity
4. Disproportionate Housing Need and Displacement

Actions taken: review and incorporation of ABAG and HCD data into initial draft Housing Element.

Next steps: continue to reach out to learn from the community about potential contributing factors; share draft documents on the website, further engage the public and receive feedback.

Site inventory: The site inventory to accommodate the RHNA must now assess whether opportunity sites selected for potential future housing contribute toward replacing segregated living patterns with truly integrated and balanced living patterns. Based on outreach results, assessment of fair housing, and site inventory, we will determine what factors contribute to the creation and perpetuation of fair housing issues. Examples of such factors could include: community opposition to development, exclusionary zoning codes, lack of funding and resources.

Goals, policies and actions: The Town must identify policies and programs with a schedule of actions to advance fair housing. These must be connected to the fair housing issues and contributing factors. Policies and actions can vary widely, depending on the fair housing issues identified. EMC has initiated its analysis of existing policies and programs and will continue to work with staff to consider what will be recommended to be retained, updated, or removed from the existing set of policies. An example of this could include the Town's current consideration of modifying General Plan language to address potential bias.

CONCLUSION:

The Housing Element update needs to meaningfully incorporate all the actions outlined above in order to meet HCD's requirements for AB 686 Affirmatively Furthering Fair Housing efforts. The consultants have already evaluated numerous Housing Elements conducted in southern California, where the RHNA schedule precedes the SF Bay Area schedule by a year, and AB 686 is the number one compliance issue that has been flagged. Listening and learning from those who call Fairfax home, and incorporating those results into AB 686 efforts will inform and strengthen the Town's Housing Element and its future.

FISCAL IMPACT

None at this time.