

## **Appendix E (Redline)**

### **Assessment of Fair Housing**

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## E. Assessment of Fair Housing

In 2017, California Assembly Bill (AB) 686 amended California Government Code Section 65583 to require all public agencies to affirmatively further fair housing (AFFH), defined as “taking meaningful actions, in addition to combat discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for persons of color, persons with disabilities, and other protected classes. AB 686 requires the Housing Element to assess fair housing, which includes the following components: a summary of fair housing issues and assessment of the Town’s fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities; an assessment of contributing factors; and an identification of fair housing goals and actions.

Fairfax is located within the Bay Area Region and is a part of the San Francisco-Oakland-Berkeley Core Based Statistical Area (CBSA) which includes Marin County (where Fairfax located), Alameda County, Contra Costa County, San Francisco County, and San Mateo County. Marin County is located north of the Golden Gate Bridge, and contains 11 incorporated cities and towns: Belvedere, Corte Madera, Fairfax, Mill Valley, Larkspur, Novato, Ross, San Anselmo, San Rafael, Sausalito and Tiburon. These incorporated cities and towns are primarily located along the County’s urban east side. The County’s unincorporated areas include residential, agricultural and open spaces that are mostly regulated by the County of Marin. West Marin is the largest rural area of the County and includes seven unincorporated communities. The City of San Rafael is the County seat.

Conducting a regional analysis helps to identify fair housing issues in a broader context, setting jurisdictions up to address regional issues with scale-appropriate solutions. This assessment will contextualize its analysis of Fairfax with an analysis of Marin County and the Bay Area region, when applicable, for fair housing patterns and trends.

### DATA/RESOURCES CONSULTED

This document relies on work prepared by the University of California Merced Urban Policy Lab for the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the County of Marin Analysis of Impediments to Fair Housing Choice from January 2020 (2020 AI), the AFFH Mapping and Data Resources provided by the State Department of Housing and Community Development (HCD), and the Sixth Cycle Marin County Housing Element.<sup>1234</sup> Where necessary, additional regional and local data sources are used and cited to provide an assessment of fair housing in Fairfax. Public outreach within Fairfax was also conducted during the preparation of this document.

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<sup>1</sup> <https://mtcdrive.app.box.com/s/d0kki6p26idiq81h5vxgqf77a5hsisdw>

<sup>2</sup> <https://www.marincounty.org/depts/cd/divisions/housing/fair-housing/analysis-of-impediments>

<sup>3</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=4d43b384957d4366b09aeae3c5a1f60>

<sup>4</sup> <https://www.marincounty.org/-/media/files/departments/cd/housing/housing-element/2024-2032-he-docs/draft-he/adopted-version/marin-county-he-adopted-01242023.pdf?la=en>

## E.I Fair Housing Enforcement and Capacity

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Fair housing services ensure that housing options are accessible to State and federally protected groups, including those based on race, color, gender, religion, national origin, familial status, disability, age, marital status, ancestry, source of income, sexual orientation, genetic information, or other arbitrary factors. Fair housing enforcement and outreach capacity also relates to the ability of a locality and fair housing entities to disseminate information related to fair housing and provide outreach and education to ensure community members are aware of fair housing laws and their rights under those laws. Enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

### FAIR HOUSING SERVICES

HUD has several programs that fund State and local agencies to conduct fair housing services and activities, including the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). These groups communicate with housing providers, conduct investigations, perform testing to help determine if someone has experienced discrimination, and provide information and assistance. The FHAP contributes funding to the California Department of Fair Employment and Housing (DFEH), which uses these funds to enforce Federal fair housing laws in California.

Fair Housing Advocates of Northern California (FHANC), a non-profit agency whose mission is to actively support and promote fair housing through education and advocacy, is an FHIP with an office in San Rafael, approximately four miles from Fairfax. FHANC provides fair housing services, including fair housing counseling, complaint investigation, and discrimination complaint assistance, to Marin County residents. FHANC also hosts fair housing workshops in English and Spanish, which educate tenants on fair housing law and provide information on discriminatory practices, protections for immigrants, people with disabilities, and families with children, occupancy standards, and landlord-tenant laws, and provide information on home buying and affordable homeownership.

Marin County works in close partnership with the Fair Housing Advocates of Marin (FHAM) (a subdivision of FHANC). FHAM is the only HUD-certified Housing Counseling Agency in the County, as well the only fair housing agency with a testing program in the County. FHAM provides free services to residents protected under federal and state fair housing laws. FHAM helps people address discrimination they have experienced, increasing housing access and opportunity through advocacy as well as requiring housing providers to make changes in discriminatory policies. FHAM services include:

- Housing counseling for individual tenants and homeowners;
- Mediations and case investigations;
- Referral of and representation in complaints to state and federal enforcement agencies;
- Intervention for people with disabilities requesting reasonable accommodations and modifications;
- Fair housing training seminars for housing providers, community organizations, and interested individuals;

- Systemic discrimination investigations;
- Monitoring Craigslist for discriminatory advertising;
- Education and outreach activities to members of protected classes on fair housing laws;
- Affirmatively Furthering Fair Housing (AFFH) training and activities to promote fair housing for local jurisdictions and county programs;
- Pre-purchase counseling/education for people in protected classes who may be victims of predatory lending; and
- Foreclosure prevention.

FHANC reports they worked with 46 clients in Fairfax between 2015 and 2021. Of ~~thethis total~~, 39 cases based on disability (84.8 percent of all cases), with 29 cases were based on disability alone and ten in combination with another form of discrimination. ~~Three cases were based on source of income alone and one in combination with race, six cases were based on gender alone or in combination with disability, one case was based on race alone, one was based on familial status in combination with disability, and three cases were based on age alone or in combination with disability.~~ The other seven cases were based on age alone (1), familial status alone (2), source of income alone (2), gender alone (1), and race alone (1). Of the ten disability cases in combination with another form of discrimination, one case was based in combination with source of income, four cases were based in combination with gender, one case was based in combination with familial status, one case was based in combination with gender, marital status, and national origin, two cases were based in combination with age, and one case was based in combination with sexual orientation. Of the Fairfax clients served between 2015 and 2021, 17.4 percent were Latinx, 4.3 percent were Asian, 4.3 percent were Black, and 71.7 percent were non-Hispanic ~~white~~White. All other races did not report any cases. Forty-three of the clients were extremely low income, very low income, or low income (93.5 percent). Three clients were moderate or above moderate income.

Comparatively, 42.8 percent of FHANC's clients throughout all of Marin County were non-Hispanic ~~white~~White and 87.8 percent were extremely low income, very low income, or low income. Disability combined and alone accounted for 73.4 percent of all cases, 11.4 percentage points lower than in Fairfax.

Housing discrimination complaints are one method to evaluate the extent of fair housing issues in a community. Complaints can be filed directly with HUD or with the California Department of Fair Employment and Housing (DFEH), or with local housing providers such as FHANC. The primary basis for complaints nationally was disability (55 percent). In Marin County this basis was represented at a much higher rate (73.4 percent) and even higher in Fairfax (84.8 percent). Familial status represented eight percent of complaints nationally, similar to the 6.3 percent of cases in the County, and 6.5 percent of cases in Fairfax.

## FAIR HOUSING TESTING

Fair housing testing is a technique the Department of Justice's Civil Rights Division began using in 1991. Fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws.

During the 2018-2019 FY, FHANC conducted email testing, in-person site testing, and phone testing for the County. Sixty email tests were conducted to “test the assumption of what ethnicity or race the average person would associate with each of the names proposed.” Email testing showed clear differential treatment favoring the ~~white~~White tester in 27 percent of tests, discrimination based on income in 63 percent of tests, and discrimination based on familial status in seven percent of tests. Three paired tests (six tests total) also showed discrimination based on both race and source of income. In 80 percent of tests (24 of 30 paired tests), there was some discrepancy or disadvantage for Black testers and/or testers receiving Housing Choice Vouchers (HCVs). In-person site and phone tests consisted of a Black tester and a ~~white~~White tester; of the ten paired in-person site and phone tests conducted, 50 percent showed differential treatment favoring the ~~white~~White tester, 60 percent showed discrepancies in treatment for HCV recipients, and 30 percent showed discrimination on the basis of race and source of income.

The FHANC fair housing tests in the Marin County AI showed that:

- Housing providers make exceptions for ~~white~~White HCV recipients, particularly in high opportunity areas with low poverty;
- Email testing revealed significant evidence of discrimination, with 27 percent of tests showing clear differential treatment favoring the ~~white~~White tester and 63 percent of tests showing at least some level of discrimination based upon source of income; and
- Phone/site testing also revealed significant instances of discrimination: 50 percent of discrimination based upon race and 60 percent based on source of income.

During the same period, FHAM led systemic race discrimination investigations in addition to complaint-based testing, with testing for race, national origin, disability, gender, and familial status discrimination. Additionally, FHAM monitored Craigslist for discriminatory advertising and notified 77 housing providers in Marin County during the year regarding discriminatory language in their advertisements.

The 2020 State AI did not report any findings on fair housing testing. However, the AI concluded that community awareness of fair housing protections correlates with fair housing testing as testing is often complaint-based, like it is for FHAM in Marin County. According to the 2020 State AI, research indicates that persons with disabilities are more likely to request differential treatment to ensure equal access to housing, making them more likely to identify discrimination. The 2020 State AI highlighted the need for continued fair housing outreach, fair housing testing, and trainings to communities across California, to ensure the fair housing rights of residents are protected under federal and state law and recommended increased fair housing testing to better identify housing discrimination.

The 2020 State AI also reported findings from the 2020 Community Needs Assessment Survey. Respondents felt that the primary bases for housing discrimination were source of income, followed by discriminatory landlord practices, and gender identity and familial status. These results differ from the most cited reasons for discrimination in complaints filed with DFEH and FHANC. The State survey also found that most (72 percent) respondents who had felt discriminated against did “nothing” in response. According to the 2020 State AI, “fair housing education and enforcement through the complaint process are areas of opportunity to help ensure that those experiencing discrimination know when and how to seek help.”

## OUTREACH AND CAPACITY

The 2020 State AI concluded that fair housing outreach and education is imperative to ensure that those experiencing discrimination know when and how to seek help. FHANC organizes an annual fair housing conference and resource fair for housing providers and advocates, and provides housing rights workshops for landlords, property managers, and community members that present information on federal and state fair housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability.

A small percentage of the population in Fairfax five years and over speak English “Not well” or “Not at all” (3.4 percent or 243 residents), similar to the percentage in the County (3.9 percent or 9,402 residents). Although a small population, these residents can benefit from inclusive language options when communicating about housing resources. Currently, the Marin County Housing Authority website includes information about public housing, supportive housing programs, HCVs, and below market rate homeownership programs in 103 languages to close the language gap.

Marin County established a Fair Housing Community Advisory Group (CAO) in 2016. The Community Advisory Group provided advice and feedback on citizen engagement and communication strategies to County staff, participated in inclusive discussions on fair housing topics, identified fair housing issues and contributing factors, and assisted in developing solutions to mitigate fair housing issues. The County also established a Fair Housing Steering Committee consisting of 20 members representing public housing, faith-based organizations, the Marin County Housing Authority, Asian communities, cities and towns (there were only two Councilmembers selected for this Committee one was a Fairfax Councilmember), Black communities, business, persons with disabilities, children, FHANC, legal aid, persons experiencing homelessness, Latinx communities, and philanthropy. The Steering Committee advised on citizen engagement strategies, identifies factors contributing to fair housing impediments, incorporates community input and feedback, and provided information on a variety of housing topics to inform actions and implementation plans.

From 2017 to 2018, FHAM educated 221 prospective homebuyers and trained 201 housing providers on fair housing law and practice, a 28 percent increase from the previous fiscal year. From 2017 to 2018, FHAM also reached 379 tenants and staff from service agencies through fair housing presentations and 227 community members through fair housing conferences (a 37 percent increase); distributed 4,185 pieces of literature; had 100 children participate in an annual Fair Housing Poster Contest and 16 students participate in a Fair Housing Poetry Contest; and offered storytelling shows about diversity and acceptance to 2,698 children attending 18 storytelling shows.

As of 2021, FHAM’s outreach to those least likely to apply for services included:

- Translating its website and most of its literature into Spanish and some in Vietnamese;
- Continuing to advertise all programs/services in all areas of Marin, including the Canal, Novato, and Marin City, areas where Latinx and Black populations are concentrated and live in segregated neighborhoods;
- Maintaining bilingual staff, with capabilities in Spanish, Mandarin, and Portuguese;
- Maintaining a TTY/TDD line to assist in communication with clients who are deaf/hard of hearing



- Offering translation services in other languages when needed;
- Conducting outreach and fair housing and pre-purchase presentations in English and Spanish;
- Collaborating with agencies providing services to all protected classes, providing fair housing education to staff and eliciting help to reach vulnerable populations – e.g., Legal Aid of Marin, the Asian Advocacy Project, Canal Alliance, ISOJI, MCIL, Sparkpoint, the District Attorney’s Office, Office of Education, and the Marin Housing Authority.

Marin County’s Cycle 6 Housing Element states FHANC events are targeted at protected classes rather than specific jurisdictions. FHANC selects the location of their events by tracking the emergence of concentrations of groups using census data. FHANC utilizes connections with community-based organizations to ensure the target audience is in attendance. FHANC also focuses its outreach in areas with known violations by putting up posters and sending mailers and emails to those living in the areas. FHANC presented at Fairfax’s Community Workshop targeted toward low income renters and local workforce on September 10, 2022.

### **FAIRFAX FAIR HOUSING PROGRAMS COMPLIANCE**

~~Fairfax has not adopted ordinances to comply with many of the State laws that were enacted to promote fair and affordable housing by expanding housing opportunities for all economic segments of the community except for mandates for accommodating Accessory Dwelling Units and enacting regulations to implement SB 9.~~

~~Fairfax has, however, California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) FEHA Regulations (California Code of Regulations (CCR), title 2, sections 12005-12271) Government Code section 65008 covers actions of a city, county, city and county, or other local government agency, and makes those actions null and void if the action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or other land use in the state because of membership in a protected class, the method of financing, and/or the intended occupancy.~~

- ~~• Government Code section 8899.50 requires all public agencies to administer programs and activities relating to housing and community development in a manner to affirmatively further fair housing and avoid any action that is materially inconsistent with its obligation to affirmatively further fair housing.~~
- ~~• Government Code section 11135 et seq. requires full and equal access to all programs and activities operated, administered, or funded with financial assistance from the State, regardless of one’s membership or perceived membership in a protected class.~~
- ~~• Density Bonus Law (Gov. Code, § 65915.)~~
- ~~• Housing Accountability Act (Gov. Code, § 65589.5.)~~
- ~~• No-Net-Loss Law (Gov. Code, § 65863)~~
- ~~• Least Cost Zoning Law (Gov. Code, § 65913.1)~~
- ~~• Excessive subdivision standards (Gov. Code, § 65913.2.)~~
- ~~• Limits on growth controls (Gov. Code, § 65302.8.)~~

- Housing Element Law (Gov. Code, § 65583, esp. subds. (c)(5), (c)(10).)

The Town of Fairfax does not receive direct federal funding allocations; instead, Community Block Development Grants (CDBG) and other federal funds are provided to Marin County by the U.S. Department of Housing and Urban Development (HUD) on an annual formula basis for use within constituent jurisdictions. The County acts as the administrative jurisdiction for these funds that are available to support various services and activities, including housing related activities, that would benefit residents of urbanized areas. As a recipient of CDBG and HOME funds, the County is required to maintain Affirmatively Furthering Fair Housing (AFFH) certification and to demonstrate compliance through its Consolidated Plan and Annual Action Plans, which are submitted to HUD for approval prior to receipt of the CDBG and HOME funds. To the extent that funds are federal or State funds are directed to Fairfax in the future, compliance will be demonstrated and maintained through that mechanism.

The Town of Fairfax also complies with the Housing Accountability Act (Gov. Code, § 65589.5.) and the No-Net-Loss Law (Gov. Code, § 65863). Density bonus (State Density Bonus Law Gov. Code, § 65915.) provisions consistent with State law will be finalized in the first year of RHNA Cycle 6 as described in Program 2-E of the Housing Action Plan (Chapter 4). The Town has not denied any affordable housing project in its jurisdiction, and through its Housing Element, the Town is implementing a plan to ensure adequate sites to accommodate its RHNA obligations at all times during the planning period, and to comply with other legal requirements. In the course of preparing this Housing Element, the Town has conducted a review of the Zoning Code to identify and address potential constraints to housing development. As a result of this review, Program H1.2d (Revise ADU Ordinance); Program H2.3a (Modify Local Regulations to Permit Additional ADUs on Properties Exceeding Two Acres); Program H1.3b (Modify Local Regulations to Remove Barriers to Constructing ADUs and JADUs); Program H2.1a (Establish Higher Density Zoning Near Freeway Access; Program H2.1b (Revisit SB9 Unit Development Standards); Inform Residents of Program; H2.1c (Increase SB9 Density Limits); Program H3.2a (Rezone Sites Identified in the Housing Element, Table 3-4); Program H3.2b (Amend MFRD Zone Maximum Lot Size to 2,200 Square Feet=20 du/ac); Program H4.1b (Amend Zoning Ordinance to Expand Exceptions for People with Disabilities to Include ADUs); Program H4.1c (Group Home Permitting Procedures); Program H4.2b (Employee Housing); Program H4.2c (Workforce Housing); Program H4.3b (Amend Muni Coe for Supportive Housing in MFRD Zone); Program H4.3c (Amend Muni Code for Low Barrier Navigation Centers); Program H4.3d (Amend Muni Code for SRO Units in Commercial Zone); and Program H4.3e (Amend Muni Code to Allow Farmworker Housing have been added to the Housing Action Plan in Chapter 3 of this Housing Element to remove identified constraints.

Additionally, Fairfax has enacted several local ordinances that may help fair housing efforts by protecting renters. In 2018, Fairfax adopted a source of income ordinance designed to prohibit discrimination against renters holding Section 8 or other 3<sup>rd</sup> party rent voucher. Fairfax was the first town in the County to adopt this type of ordinance, which is based on the ordinance the county adopted in 2017.

In 2019, Fairfax introduced 'Just Cause' regulations prohibiting landlords from evicting tenants without cause. The law requires landlords to deliver a Notice of Termination to the tenant identifying reasons for eviction and provide notice to the Town of Fairfax within ten days. Fairfax Town Council also adopted a mandatory mediation program in 2019 to respond to escalating rent increases, promote

community accountability, and support housing instability. Tenants and landlords who are party to rent increases greater than 5 percent over a one-year period were eligible for mandatory mediation.<sup>5</sup> Fairfax was the first town in the County to adopt these ordinances, which are based on the ordinances the county. The Just Cause and Mandatory Ordinances (No. 870 and No. 871, respectively) were amended in 2022 to further expand renter protections in Fairfax by capping annual rent increases at 60 percent of the increase in the regional consumer price index and limiting the annual adjustment to be no greater than 5 percent. Additionally, the updated ordinances strengthen protections for elderly, disabled, and other vulnerable populations. The protections they provide are described in greater detail below.

The Town has taken measures to protect those impacted by COVID-19. In 2021 and 2022, the Town temporarily prohibited residential evictions due to financial distress caused by COVID-19. Also, in 2021 and related to the pandemic, the Town created a rental assistance program for low-income residents to supplement the County's rental assistance program. Community-based organizations were utilized to distribute funds quickly and ensure renters met criteria.

In November 2022, Fairfax adopted the following new rent stabilization ordinance which included the following measures (this ordinance replaced the 2019 mandatory mediation for rent increases ordinance):

- Establishment of Town Council as the local Rent Control Board to ensure local enforcement
- Assure broad community education about the program for both tenants and landlords contracting with Legal Aid of Marin, including information that can be downloaded from the Town's website
- Landlords of eligible units shall be required to register their units and pay a business license fee and a Rental Housing Registration Fee
- A base rent for eligible units shall be the rent in effect at a previous date to adoption, or, if tenancy started after that date, the rent at the start of the tenancy
- There will be an Annual General Adjustment of rent established by the Rent Board; the rent adjustment stated in the model ordinance is equal to approximately 60% of the percentage increase in the Consumer Price Index for the local region; the Annual General Adjustment shall not be less than zero percent or more than 5%
- Landlords and Tenants can petition for adjustments up or down to the Annual General Adjustment
- A petition process via contract with a profession "Hearing Examiner", and appeal process to the Fairfax Rent Board, are cited for considering and acting on the petitions; a 30-day notice requirement by a landlord to a tenant is required for actions involving increases upwards of Maximum Allowable Rents before the increased rent becomes effective

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<sup>5</sup> "Renter Protections", 2022, Town of Fairfax, [<https://www.townoffairfax.org/renter-protections/>]

- Landlords have the right to a Reasonable Return on their Investment – considerations include, but are not limited to, increases in property taxes; unavoidable increases in maintenance and operating expense; etc.

Fairfax also recently adopted a Just Cause Eviction ordinance (which replaced the 2019 just cause ordinance) to prohibit arbitrary evictions and enhance renter protections in the following areas:

- Establishing Right to Return, which entitles evicted renters to the right to return to the unit under certain circumstances, if that unit ever again becomes available for rent;
- Incorporating additional eviction protections, including protections for Elderly, Disabled, or Terminally Ill Tenants; School Year Eviction Protections for Educators and Students; and Ellis Act Withdrawal Protections;
- Relocation Payments, for tenants evicted for substantial repairs, the ordinance provides for relocation payments in the amount of two months' rent, with additional payments of up to \$3,000 for seniors (62 years or older) and for people with a disability, a terminal illness, or minor children in the household; and
- Short-Term Relocation Payments for Temporary Displacement, for tenants temporarily displaced for 30 days or less due to the need for substantial repairs, the ordinance provides for payments covering accommodations, meals, laundry and pets for each day of displacement.

The Rent Stabilization and Just Cause Evictions Ordinances went into effect on December 2, 2022, demonstrating meaningful actions on the part of the Town of Fairfax against the risk of displacement for at risk residents, including older adults, people with disabilities, students, and low-income residents.

## **BROKERAGE SERVICES**

Real estate brokers or salespersons in the Fairfax area may belong to one of several associations, but most belong to the Marin Association of REALTORS (MAR). Like all real estate associations, MAR has a Multiple Listing Service (MLS)—MLSListings Inc—and is part of the NORCAL MLS ALLIANCE, an MLS data integration project across the seven leading MLSs in Northern California. MAR is bound by the Code of Ethics and Standards of Practice of the National Association of REALTORS (NAR), which explicitly states in Article 10 that members shall not discriminate against any person on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. In addition to adopting the ethics standards set by the NAR, the state branch promotes its own diversity and inclusion programs, such as the Latino Initiative Voices in Action program, which provides educational materials for members on homeownership opportunities and fraud prevention.

## E.2 Segregation and Integration

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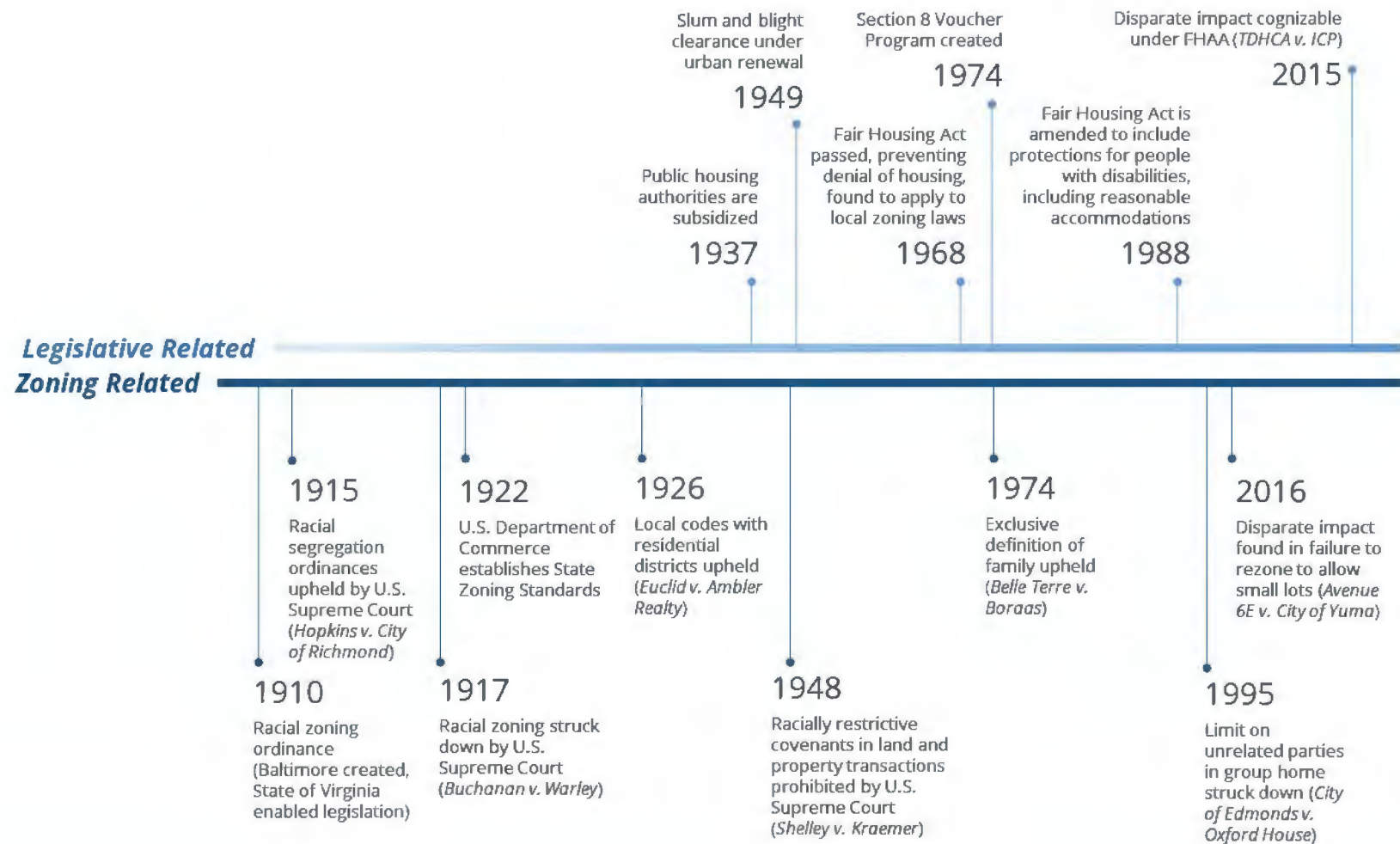
The United States' oldest cities have a history of mandating segregated living patterns—and Northern California cities are no exception. ABAG, in its recent Fair Housing Equity Assessment, attributes the segregation in the Bay area to historically discriminatory practices—highlighting redlining and discriminatory mortgage approvals—as well as “structural inequities” in society, and “self-segregation” (i.e., preferences to live near similar people).

Researcher Richard Rothstein's 2017 book *The Color of Law: A Forgotten History of How Our Government Segregated America* chronicles how the public sector contributed to the segregation that exists today. Rothstein highlights several significant developments in the Bay area region that played a large role in where the region's non-~~white~~White residents settled. Throughout Marin County and the Bay Area in general, neighborhood associations and city leaders have historically attempted to thwart integration of communities. An investigation by Marin County found that more than 10 percent of the 3,101 parcels in Fairfax had restrictive covenants such as the restrictions recorded in 1929 with the Cascades Estate subdivision forbidding occupancy by any “person of African, Asiatic or Mongolian descent.”<sup>6</sup> It was also not uncommon for neighborhood associations to require acceptance of all new buyers. Builders with intentions to develop for all types of buyers (regardless of race) found that their development sites were rezoned by planning councils, required very large minimum lot sizes, and/or were denied public infrastructure to support their developments or charged prohibitively high amounts for infrastructure. See Chart E-1 for a more detailed timeline of segregation's history in relation to fair housing practices.

Marin County had one of the first integrated housing projects built for workers and their families during the latter part of World War II. Market rate development boomed in Marin County during the post-war years, but it largely benefitted ~~white~~White homebuyers due to federally guaranteed developer loans that allowed race-restricted covenants in subdivisions and FHA policies that promoted restricting mortgages to exclude non-~~white~~White buyers. In the 1960s, Marin County's environmental activists successfully restrained residential growth—just when the national civil rights movement outlawed discrimination in housing transactions. As such, intentional segregation was reinforced through growth restriction policies imposed by Marin County and most local jurisdictions. Many recent examples of higher density affordable housing projects in Marin County have been met with strong opposition, attributed to concerns about environmental impacts, traffic, and change more generally, but which may have racial undertones. Marin County has been working with HUD to advance racial equality in housing policies, including increased funding for low-income housing in traditionally ~~white~~White majority areas. Yet community concerns around parking, traffic congestion, and preservation of the County's aesthetic have complicated and constrained development of higher density and affordable housing.

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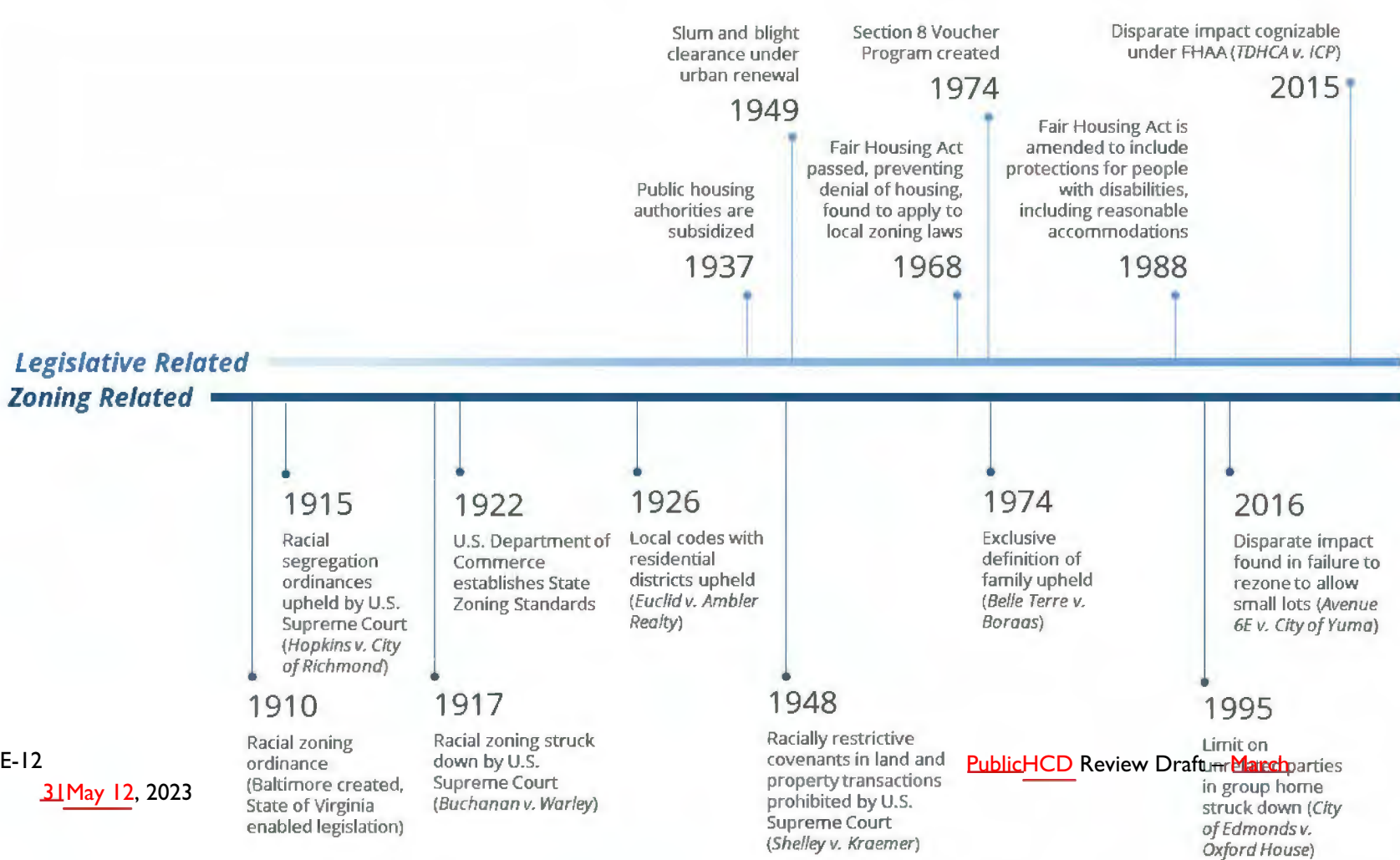
<sup>6</sup> Marin County, Restrictive Covenants Time Progression,  
<https://storymaps.arcgis.com/stories/f7cd3f8331fc4a7bbf72c9a59b028729>

**Chart E-1: Timeline of Segregation Policies in United States**



RACE AND ETHNICITY

Racial and ethnic patterns of segregation in Fairfax should be understood in the context of changing regional and local demographics. As shown in Table E-1, the Black and Asian populations increased while the proportion of Black population declined and increased at a much slower rate in the County between 2010 and 2021. In the County, the most notable change was between the Two or More Races and Other categories (108.0 percent and 310.8 percent increases, respectively). All other groups saw decreases in their populations at a smaller scale except for the Asian population which saw a 13.0 percent increase. Fairfax saw the Two or More Races population decrease by 35.8 percent while all other groups saw increases except for the non-Hispanic white population (6.4 percent decrease). As shown by Table E-2, as of 2019, Fairfax had the sixth highest share of white residents of ten neighboring cities in Marin County (82.4 percent).



**Table E-1: Change in Race and Ethnicity, 2010-2021**

Race/Ethnicity	Fairfax			Marin County		
	2010	2021	Percent Change	2010	2021	Percent Change
White (NH*)	6,735	6,303	-6.4%	184,58	182,830	-1.0%
Hispanic/Latinx	621	660	6.3%	35,829	43,043	20.1%
Black (NH)	58	71	22.4%	7,054	5,508	-21.9%
Native American (NH)	0	0	0.0%	386	274	-29.0%
Asian (NH)	111	291	162.2%	13,885	15,693	13.0%
Native Hawaiian and OPI** (NH)	0	53	n/a	455	423	-7.0%
Other (NH)	0	51	n/a	632	2,596	310.8%
Two or More Races (NH)	274	176	-35.8%	5,777	12,020	108.1%

\*NH stands for Non-Hispanic

\*\*OPI stands for Other Pacific Islander

Source: U.S. Census Bureau, American Community Survey 5-Year Data, Table A04001

**Table E-2: Racial Composition in Neighboring Cities, 2019**

Race/Ethnicity	Fairfax	Belvedere	Corte Madera	Larkspur	Mill Valley	Novato	Ross	San Anselmo	San Rafael	Tiburon
White (NH*)	82.3%	92.3%	78.5%	77.9%	86.2%	63.5%	89.1%	85.9%	57.0%	86.7%
Black (NH)	0.4%	0.0%	2.3%	0.7%	0.7%	3.4%	3.0%	0.8%	1.3%	0.9%
American Indian and Alaska Native (NH)	0.0%	0.0%	0.0%	0.4%	0.0%	0.2%	0.0%	0.0%	0.1%	0.2%
Asian (NH)	4.3%	2.0%	6.1%	5.4%	5.0%	7.7%	3.8%	3.3%	6.7%	3.2%
Native Hawaiian and Other Pacific Islander (NH)	0.4%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Some other race (NH)	0.0%	0.0%	1.6%	0.5%	0.5%	2.3%	0.0%	0.3%	0.4%	0.6%
Two or more races (NH)	3.2%	0.6%	4.4%	4.0%	3.8%	3.9%	0.5%	3.6%	3.4%	0.4%
Hispanic or Latino	9.4%	5.1%	7.1%	11.0%	4.2%	18.9%	3.5%	7.1%	31.0%	8.1%
Total	7,578	2,134	9,838	12,319	14,330	55,642	2,290	12,525	58,775	7,116

\*NH stands for Non-Hispanic

Source: Sources: American Community Survey, 2015-2019 (5-Year Estimates). ABAG Housing Needs Data Package.

## **RACE AND ETHNICITY**

Racial and ethnic patterns of segregation in Fairfax should be understood in the context of changing regional and local demographics. As shown in Table E-1, the Black and Asian populations increased between 2010 and 2021, while, in the County, the proportion of Black population declined and increased at a much slower rate. In the County, the most notable change was between the Two or More Races and Other categories (108.0 percent and 310.8 percent increases, respectively). All other groups saw decreases in their populations at a smaller scale except for the Asian population which saw a 13.0 percent increase. Fairfax saw the Two or More Races population decrease by 35.8 percent while all other groups saw increases except for the non-Hispanic White population (6.4 percent decrease). As shown by Table E-2, as of 2019 Fairfax had the sixth highest share of White residents of ten neighboring cities in Marin County (82.4 percent).



One method to gauge the extent of segregation in a jurisdiction is the dissimilarity index. The dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used tool for assessing residential segregation between two groups. The dissimilarity index provides values ranging from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured. According to HUD, dissimilarity index values between 0 and 39.99 generally indicate low segregation, values between 40 and 54.99 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. It is important to note that the dissimilarity index uses non-Hispanic ~~white~~White residents as the primary comparison group. Dissimilarity index values compare racial and ethnic groups against the distribution of non-Hispanic ~~white~~White residents in a community and do not directly measure segregation between minority groups.

Table E-3 shows dissimilarity indices for Marin County (dissimilarity data is available only at the County level, not the town level). County data for the last two decades suggests that the County had only moderate ~~discrimination-segregation~~ until 2020 when it became high. Similarly, the non-~~white/white~~White/White segregation had been low until 2020 when it increased to moderate. The Hispanic/~~white~~White scores have mostly increased over time too, starting as low in 1990 and now moderate in 2020. The lowest dissimilarity is between the Asian or Pacific Islander/~~white~~White group. Although there has been an overall increase, the score still indicates low segregation in 2020. This data indicates that Black and ~~white~~White residents are the least likely to live near each other, Hispanic and ~~white~~White residents also experience a moderate amount of segregation, and Asian and ~~white~~White residents are more likely to live near each other with low segregation scores. According to the ~~County HE, Othering and Belonging Institute located in Berkeley, CA~~ three Counties in the Bay Area were more segregated in 2020 than 2010: Napa, Sonoma, and Marin. Marin was the most segregated of the three. ~~The high cost of housing drives racial segregation in the region.~~

**Table E-3: Dissimilarity Indices for Marin County, 1990-2020**

	1990	2000	2010	2020
<b>Marin County</b>				
Non-White/White	31.63	34.08	35.21	42.61
Black/White	54.90	50.87	45.61	57.17
Hispanic/White	36.38	44.29	44.73	49.97
Asian or Pacific Islander/White	19.64	20.13	18.55	25.72

Source: HUD Dissimilarity Index, 1990-2020

~~Also according to the County HE racial segregation is an outcome of the high cost of housing, leading to the County using its sites inventory to reduce segregation. In tracts where minorities make up less than 20 percent of the population, the County is placing 26 percent of its sites inventory (940 units). Of these units, 452 are lower income, 218 are moderate income, and 270 are above moderate income.~~

The shortcoming of the dissimilarity index is that it may not capture the nuances of segregation between minority groups within the Town. To capture these nuances, HCD has provided neighborhood segregation typologies developed by the UDP. These typologies identify tracts based on which racial/ethnic groups have more than 10 percent representation within a given census tract. The typologies consider five racial/ethnic groups including Black, Latinx, White, Asian, and Other.

Fairfax has two census tracts and, as shown in Map E-1, the tract to the south and making up most of the Town is labeled by UDP as Mostly White and the tract forming the northeast corner of the Town ~~is labeled as Latinx-White. is labeled as Latinx-White. Because these two groups are the two most populous in Fairfax, as presented in Table E-2, it is fitting they make up at least near ten percent of each census tract while other groups which are much less populous are distributed throughout the Town. According to a five-year ACS estimate for 2021, the northeast tract is 10.3 percent Latinx while the other tract is 7.3 percent Latinx. As indicated by these data, there are no over concentrations of any minority group within the Town (none exceed ten percent in either census tract).~~

Another tool available to understand the geographical distribution of race and ethnicity over time is the 2010 and 2018 ESRI Diversity Indices. Each year of the index captures the racial and ethnic diversity of a geographic area in a single number, from 0 to 100 determined by the likelihood that two people selected at random are of the same race. The most diverse block groups have scores 85 or greater while the least diverse have scores of 55 or less. In 2010, all of Fairfax (all block groups) are labeled as Lower Diversity (a score below 40) and in 2018 the score still fell below 40 (see Map E-2). Comparatively, the surrounding areas are also between 2010 and 2018 labeled as Low Diversity. Heading east, diversity increases starting in San Rafael.

## LENDING PRACTICES

Discrimination in lending practices can be a major contributor to fair housing issues in a community, as this limits the ability of individuals to live in a location of their choosing. Loan denial rates can be derived from data provided by lending institutions in compliance with the Home Mortgage Disclosure Act (HMDA).

The 2020 AI examined lending practices across Marin County. According to HMDA, in 2017, there were a total of 11,688 loans originated for Marin properties. Of the 11,688 original loan applications, 6,534 loans were approved, representing 56 percent of all applications, 1,320 loans denied, representing eleven percent of the total applications, and there were 1,555 applicants who withdrew their applications, which represents 13 percent of all applications. Hispanic and Black residents were approved at lower rates and denied at higher rates than all applicants in the County.

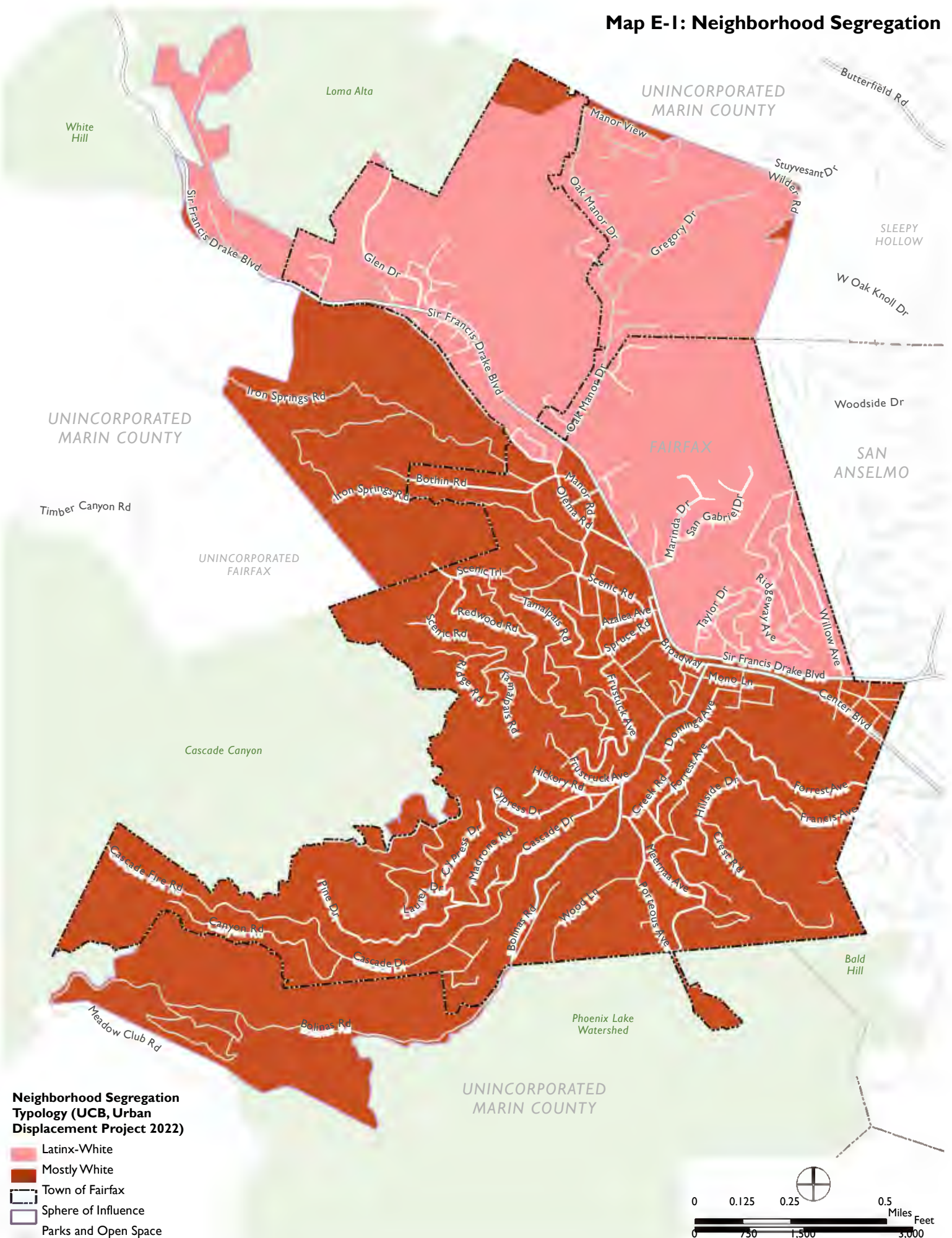
According to the 2020 AI, there were several categories for reasons loans were denied. Under the category, “Loan Denial Reason: insufficient cash - down payment and closing costs,” Black applicants were denied 0.7 percent more than White applicants. Denial of loans due to credit history significantly affected Asian applicants more than others; and under the category of “Loan Denial Reason: Other”, the numbers are starkly higher for Black applicants.

The 2020 AI also identified many residents who lived in Marin City during the Marinship years<sup>7</sup> were not allowed to move from Marin City to other parts of the County because of discriminatory housing

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<sup>7</sup> Marinship is a community of workers created by the Bechtel Company which during World War II built nearly 100 liberty ships and tankers. Since Marinship faced a shortfall in local, available workers, Bechtel overlooked the workplace exclusions that were standard at the time and recruited African Americans from southern states such as Louisiana, Arkansas, Texas and Oklahoma. A thorough history of Marin City and Marinship is found in the local knowledge section.

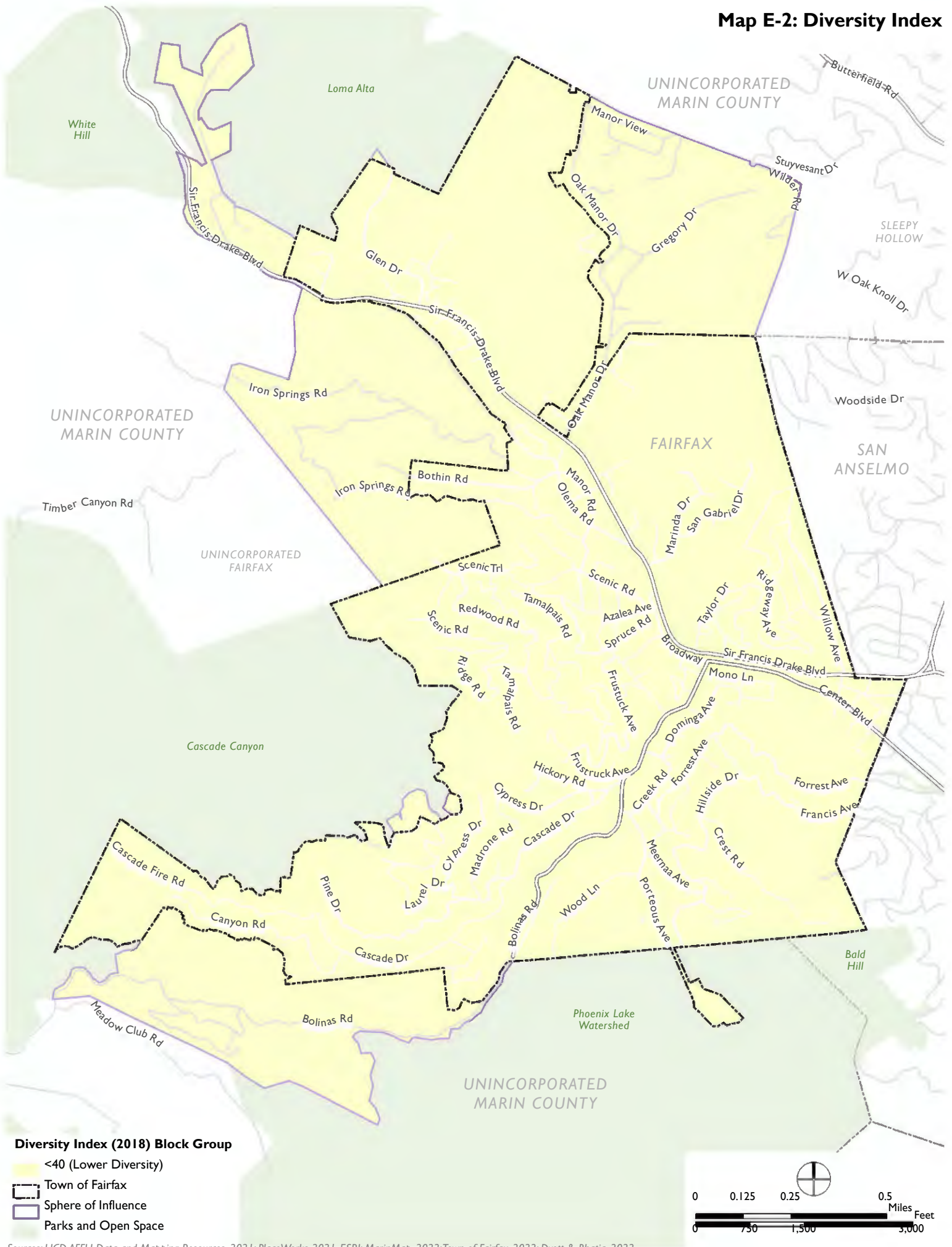
**Map E-1: Neighborhood Segregation**



Sources: HCD AFFH Data and Mapping Resources, 2021; California Urban Displacement Project, 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



**Map E-2: Diversity Index**



and lending policies and practices. For those residents, Marin City has been the only place where they have felt welcomed and safe in the County.

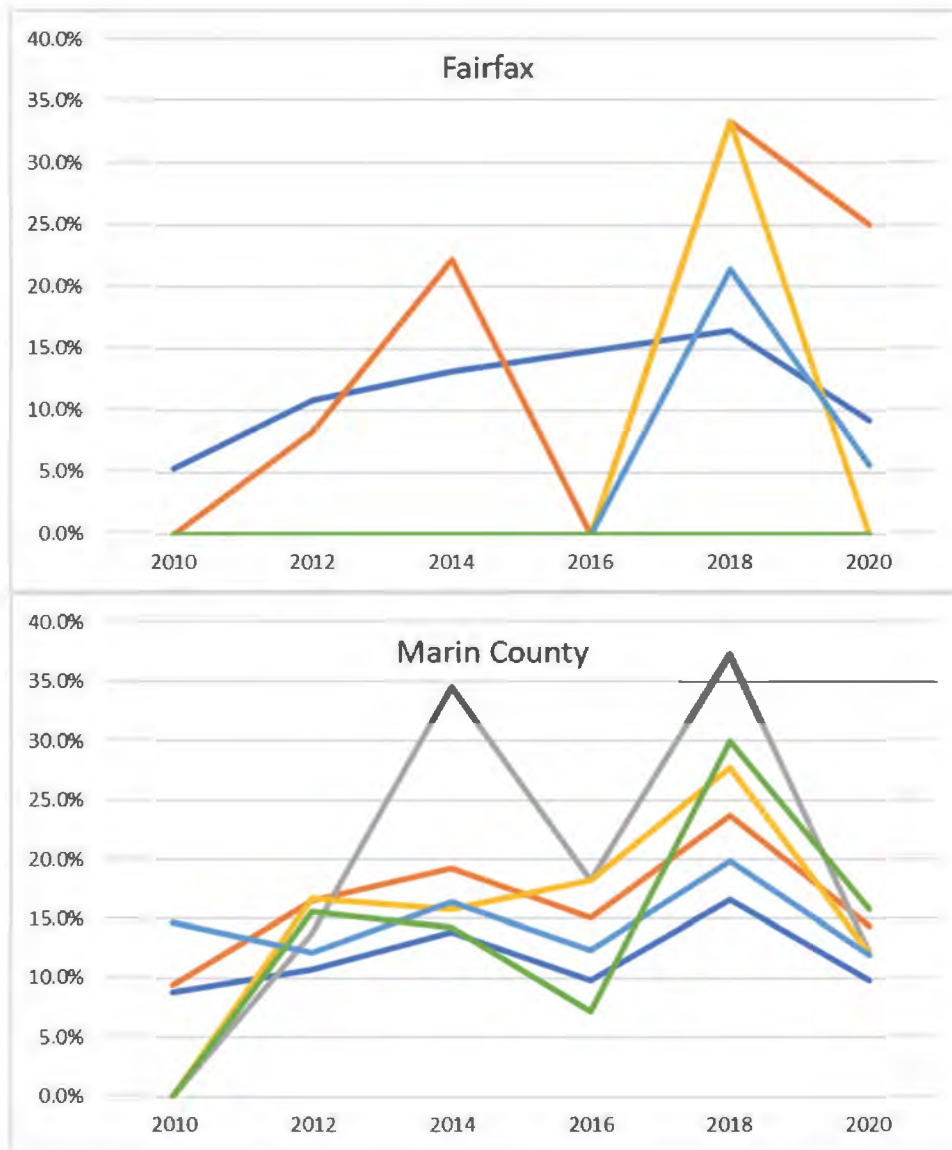
Based on the identified disparities of lending patterns for residents of color and a history of discriminatory lending practices, the AI recommended further fair lending investigations/testing into the disparities identified through the HMDA data analysis. More generally, it recommended that HMDA data for Marin County should be monitored on an ongoing basis to analyze overall lending patterns in the County. In addition (and what has not been studied for this AI), lending patterns of individual lenders should be analyzed, to gauge how effective the Community Reinvestment Act (CRA) programs of individual lenders are in reaching all communities to ensure that people of all races and ethnicities have equal access to loans.

Chart E-2 illustrates the loan denial trend of both Marin County and Fairfax between 2010 and 2020. Not all groups follow a similar pattern between Fairfax and Marin County. As shown in the Marin County section of Chart E-2, non-Hispanic ~~white~~White applicants have the lowest denial rates over time. Non-Hispanic Black applicants had higher denial rates in specific years (2014, 2016, 2018) in the County. Although the Fairfax portion of the chart shows no denials for Black applicants, an extremely small sample size for the Fairfax data mean that one or two applications in a year can look like a huge impact. These charts are useful insofar as they indicate that Fairfax and the County can both focus on improving loan outreach and education specifically to non-~~white~~White groups that had less consistent low loan denial rates in Fairfax or higher loan denial rates than the non-Hispanic ~~white~~White group in the County.

In summary, Fairfax has moderate segregation and low diversity. Although the availability of data to understand segregation is limited for within the Town, data on segregation for Marin County suggests segregation is moderate and levels are rising relative to all other counties except for other North Bay counties such as Napa and Sonoma. The high share of non-Hispanic ~~white~~White residents (82.3 percent) indicates the Town has low diversity. Compared to some of its surrounding cities, Fairfax has either a lower or higher percentage of non-Hispanic ~~white~~White residents and other groups, indicating it is neither the least nor the most diverse jurisdiction within Marin. During the last ten years, the Asian and Black populations have grown at much faster rates in Fairfax than in the rest of Marin, while the rates of the other groups between the Town and County are more similar. The second largest racial group behind non-Hispanic ~~white~~White in Fairfax is the Hispanic or Latinx population (9.4 percent). This group is distributed somewhat evenly throughout Fairfax. The northeast corner has greater than ten percent Latinx residents, indicating it is a ~~white~~White-Latinx tract (81.3 percent ~~white~~White and 11.8 percent Latinx) while the rest of Fairfax has almost the same percentage of non-Hispanic ~~white~~White residents but fewer Latinx residents (82.1 percent White and 7.6 percent Latinx).

~~Map E-1:~~

**Chart E-2: HMDA Loan Denial Rates by Race/Ethnicity, Fairfax** ~~Neighborhood Segregation~~



**Race and Ethnicity:**



\*Fairfax's data is from census tracts 1141 and 1142 which extends beyond the Town's boundary

\*\*chart only includes stated races and ethnicities

Source: HCD AFFH Data and Mapping Resources (ESRI, 2018) Home Mortgage Disclosure Act Data, 2010-2020

## PERSONS WITH DISABILITIES

Persons with disabilities have special housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limits their housing options. Persons with disabilities also tend to be more susceptible to housing discrimination due to their disability status and required accommodations associated with their disability.

As discussed in the Housing Needs Assessment and according to 2019 American Community Survey (ACS) estimates, 736 persons (9.7 percent of the non-institutionalized population) in the Town had a disability, compared to 23,346 (9.1 percent) of residents in Marin County and 9.6 percent of residents in the Bay Area. Fairfax has one census tract where the population of persons with disabilities is between 10 percent and 20 percent, with the remaining tracts having less than 10 percent (see Map E-3). Victory Village and Bennett House, subsidized housing projects designed for low-income seniors and formerly homeless individuals, are located in this census tract, as is Creekwood, a group home for adults with developmental disabilities. No single census tract contains a population with a disability that exceeds 20 percent of the tract's total population, which is the threshold typically used by HCD as an indicator of overconcentration.

Black, American Indian/Alaska Native, and non-Hispanic ~~white~~White populations experience disabilities at the highest rates in both the Bay Area and in Marin County (16 percent, 18 percent, and 11 percent in the Bay Area and 15 percent, 12 percent, and 10 percent in Marin County, respectively). In Fairfax, American Indian/Alaska Native, Asian, Two or More Races, and Hispanic or Latino populations experience disabilities at the highest rates (100.0 percent, 17.3 percent, 14.3 percent, 13.6 percent respectively). In Fairfax, 47.7 percent of the population aged 75 and older have at least one disability and 16.4 percent of the population aged between 65 and 74 years do. Nearly 37 percent of Marin County's population aged 75 and older and 14.6 percent aged 65 to 74 have one or more disability, lower shares than in the Bay Area but higher than in Fairfax. Ambulatory and independent living difficulties are the most common disability types in Fairfax, Marin County, and Bay Area.

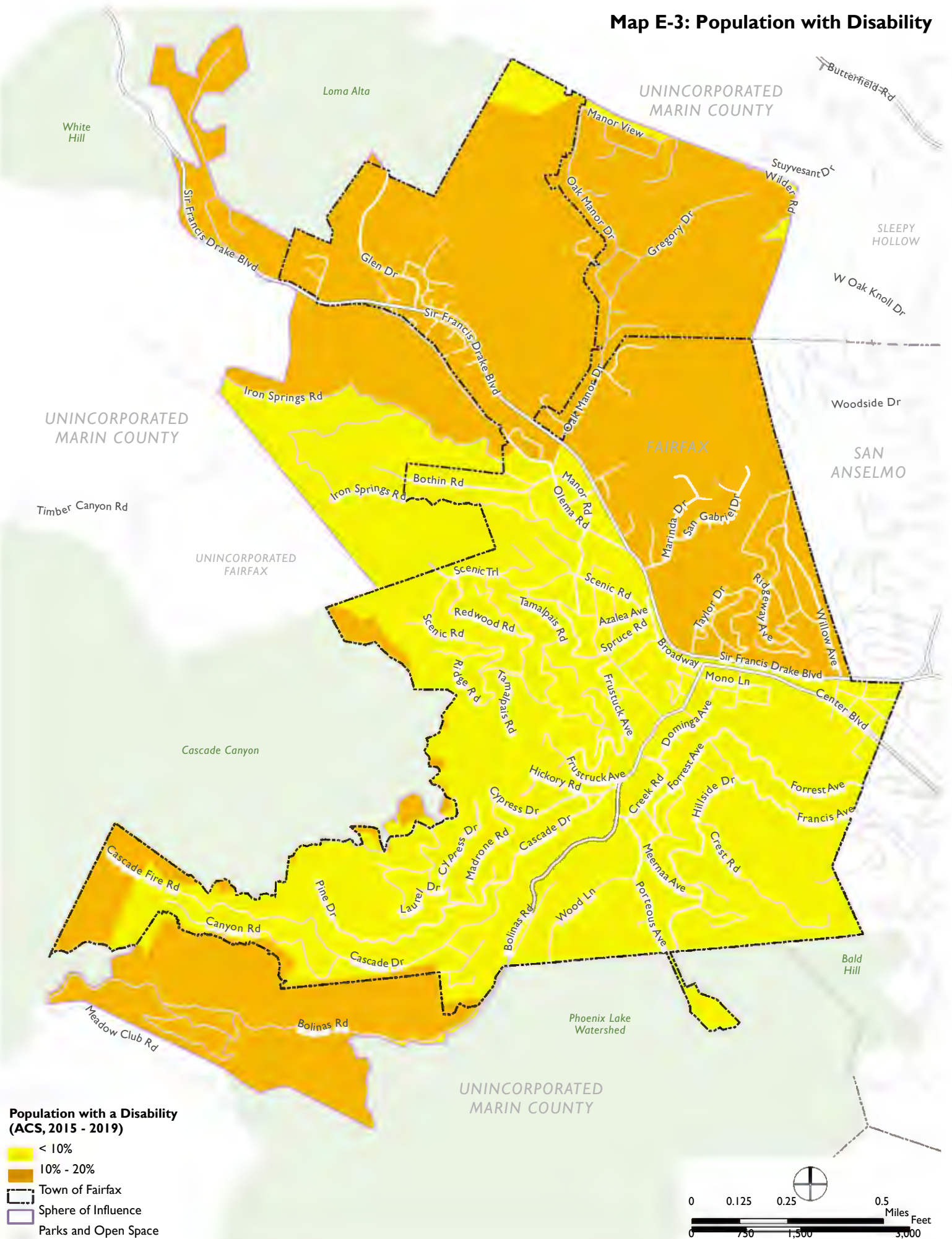
## FAMILIAL STATUS

Federal and State fair housing laws prohibit housing providers from discrimination because of familial status. Familial status covers the presence of children under the age of 18, pregnant persons, any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (e.g., through birth, adoption, or custody), or requiring families with children to live on specific floors or in specific buildings or areas. Single parent households are also protected by fair housing law.

Fairfax's households are comprised of one-person households (30 percent), two-person households (36 percent), 3-4 person households (32 percent), and 5+ person households (two percent). Fairfax's proportion of two-person households mirrors Marin County's (35 percent) and is slightly higher than the Bay area (32 percent). However, Fairfax has significantly fewer 5+ person households than both the Bay area (11 percent) and Marin County (seven percent).



**Map E-3: Population with Disability**





Married couple family households (48 percent) and single-person households (30 percent) make up most Fairfax's households. (see Table E-4). Only a quarter of households have one or more children under the age of 18 (25 percent); 75 percent have no children living in the home. Fairfax and Marin County have a similar share of single-person households (30 percent) which is five percentage points higher than the Bay Area (25 percent). These statistics are probably related to an increase in the older population, which has changed from a higher number of residents aged 35-54 to a greater share of older residents since 2010.

Married couples tend to own houses in Fairfax rather than rent, at approximately a six-to-one rate (married couples comprise 62 percent of Fairfax homeowners). Approximately 57 percent of homeowners reside in 3 and 4-bedroom homes, more than all other housing types. Renters in Fairfax are fairly split between 1 bedroom (415 renters) and 2-bedroom housing units (618 renters).

Female householders with children may be targets of discrimination. Female householders are less common in Fairfax (6.7 percent) than in the County (7.7 percent). As shown in Map E-4, there are no tracts in Fairfax with an overconcentration of female householders with children under 18 years. Meanwhile, all census tracts have 60 to 80 percent of children living in married-couple households (Map E-5).

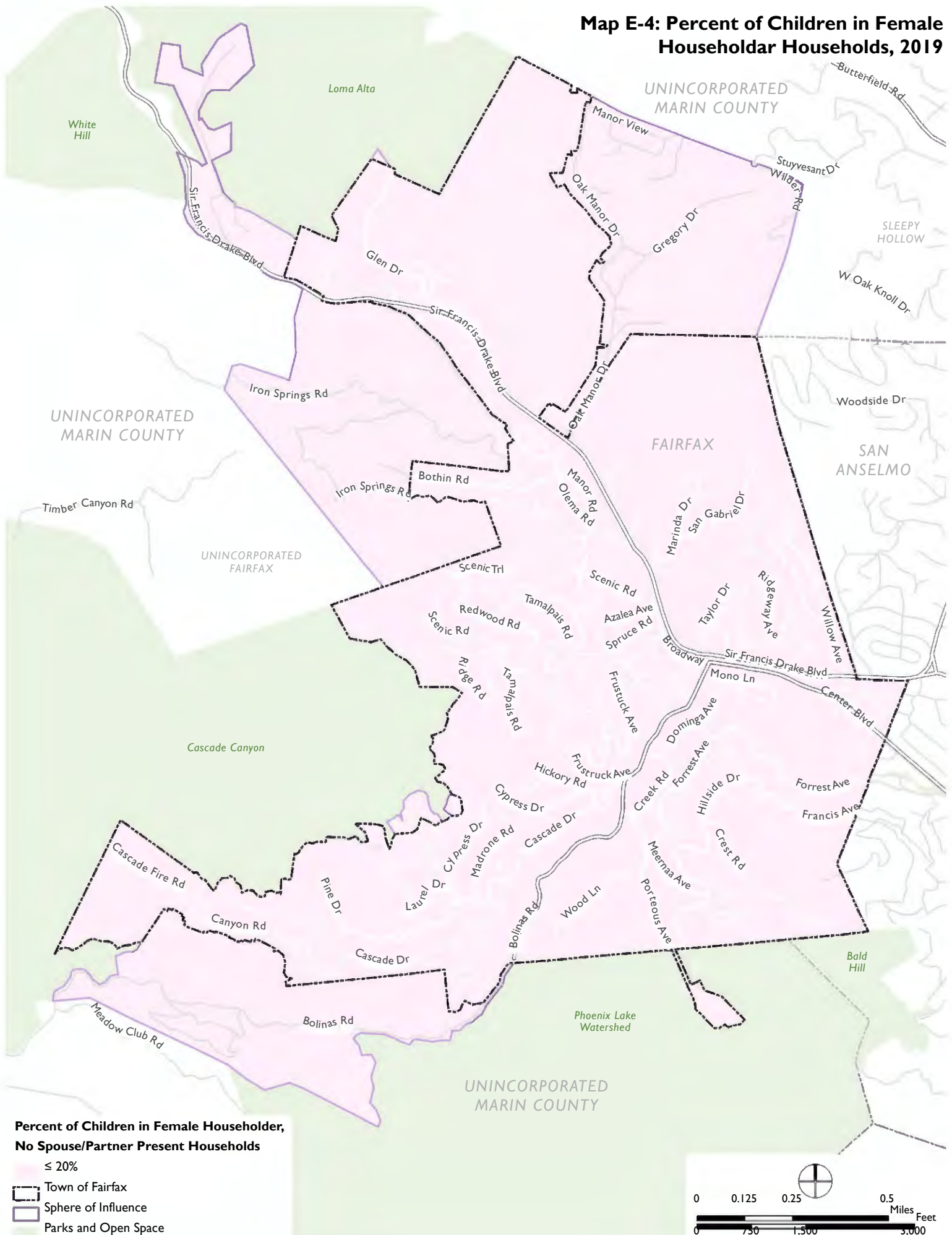
**Table E-4: Households by Type, 2019**

<i>Household Type</i>	<i>Fairfax</i>		<i>Marin County</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Married-Couple Family Households	2,622	60.0%	53,367	51.4%
Householders Living Alone	1,014	23.2%	31,548	29.9%
Female-Headed Family Households	295	6.7%	8,102	7.7%
Male-Headed Family Households	192	4.4%	3,776	3.6%
Other Non-Family Households	251	5.7 %	7,832	7.4%
Total	4,374	100.0%	65,764	100.0%

*Notes: For data from the Census Bureau, a "family household" is a household where two or more people are related by birth, marriage, or adoption. "Non-family households" are households of one person living alone, as well as households where none of the people are related to each other.*

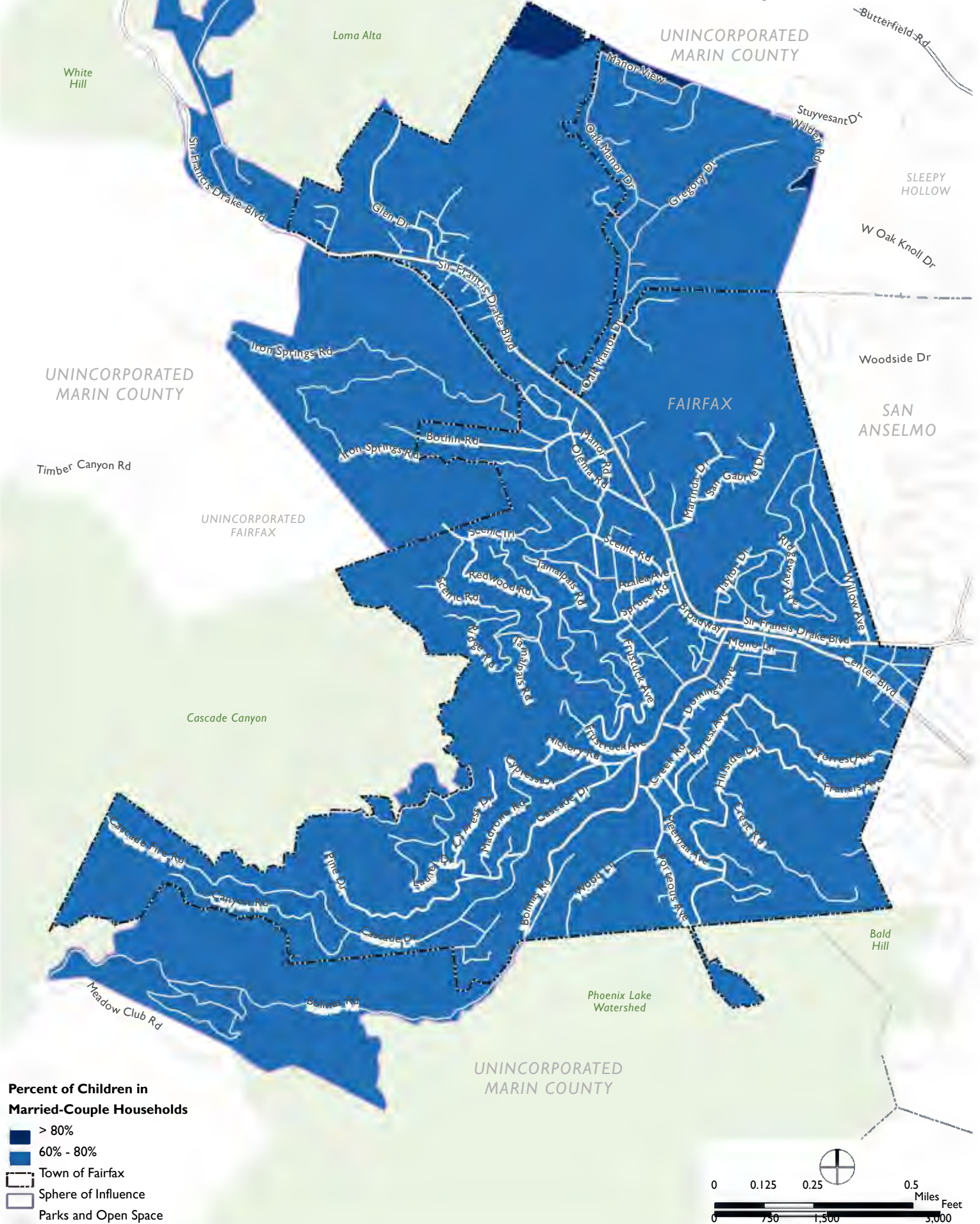
*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25011*

**Map E-4: Percent of Children in Female Householdar Households, 2019**





**Map E-5: Percent of Children in Married Couple Households, 2019**



## INCOME LEVEL

Geographic concentration by income, including concentration of poverty, is another indication that segregation may exist within a jurisdiction, and the concentration of low- or moderate-income (LMI) individuals provides another method to gauge the extent of segregation. HUD defines an LMI area as a census tract or block group where over 51 percent of the population is LMI, based on the HUD income definition of up to 80 percent area median income (AMI). Map E-6 shows the distribution of LMI block groups across Fairfax. It also shows that in most of the block groups, 25 percent to 51 percent of the population have a low- or moderate-income. In the most northwestern part of the Town, the share of the population experiencing low- or moderate-income is greater than 51 percent. As already identified, this area is also less White than the rest of the Town and is where two subsidized senior housing complexes are located. Compared to the region, Fairfax has less of a range in the share of LMI. Further east in areas around San Rafael a greater percentage of the population is LMI but there are also areas such as Ross and San Anselmo with lower percentages.

Poverty rates and the concentration of poverty over time can provide an insight into the economic wellbeing of households and individuals in the County and in the Town. As of 2021, the Town had a poverty rate of 10.1 percent and the County had a poverty rate of 6.9 percent, both of which are lower than the State poverty rate of 12.6 percent. Poverty is also unevenly distributed by race/ethnicity in both jurisdictions (see Table E-5). Also, poverty rates are lower in Fairfax than they are in the County across race and ethnicities except for the non-Hispanic ~~white~~White group. Between 2014 and 2019, poverty in the Town shifted and increased as seen in Map E-7 and Map E-8. In 2014, no tracts had poverty rates greater than 20 percent, but a few tracts had rates greater than 10 percent; by 2019, all tracts had poverty rates lower than 10 percent, indicating that concentration of poverty lessened over time.

**Table E-5: Poverty Status in the Past 12 Months by Race/Ethnicity, 2021**

<i>Race/Ethnicity</i>	<i>Marin</i>	<i>Fairfax</i>
White (NH*)	5.2%	11.9%
Black	15.9%	1.6%
American Indian or Alaska Native	16.6%	0.0%
Asian	6.7%	0.3%
Native Hawaiian or Other Pacific Islander	16.0%	3.8%
Some Other Race	17.9%	0.0%
Two or More Races	8.8%	3.7%
Hispanic or Latinx (of any race)	13.0%	2.0%

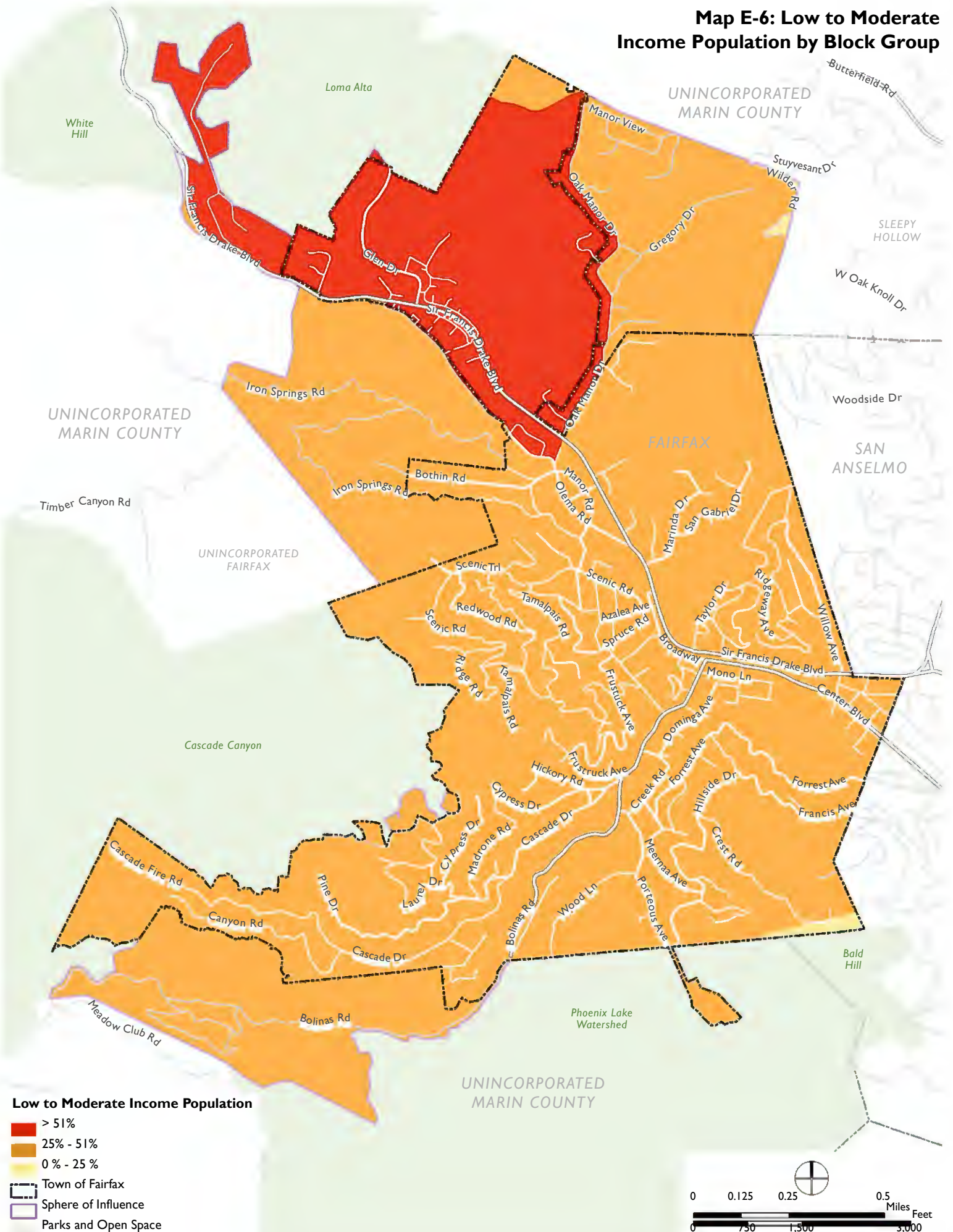
\*NH stands for Non-Hispanic

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2017-2021), Table A13005 (A-G)

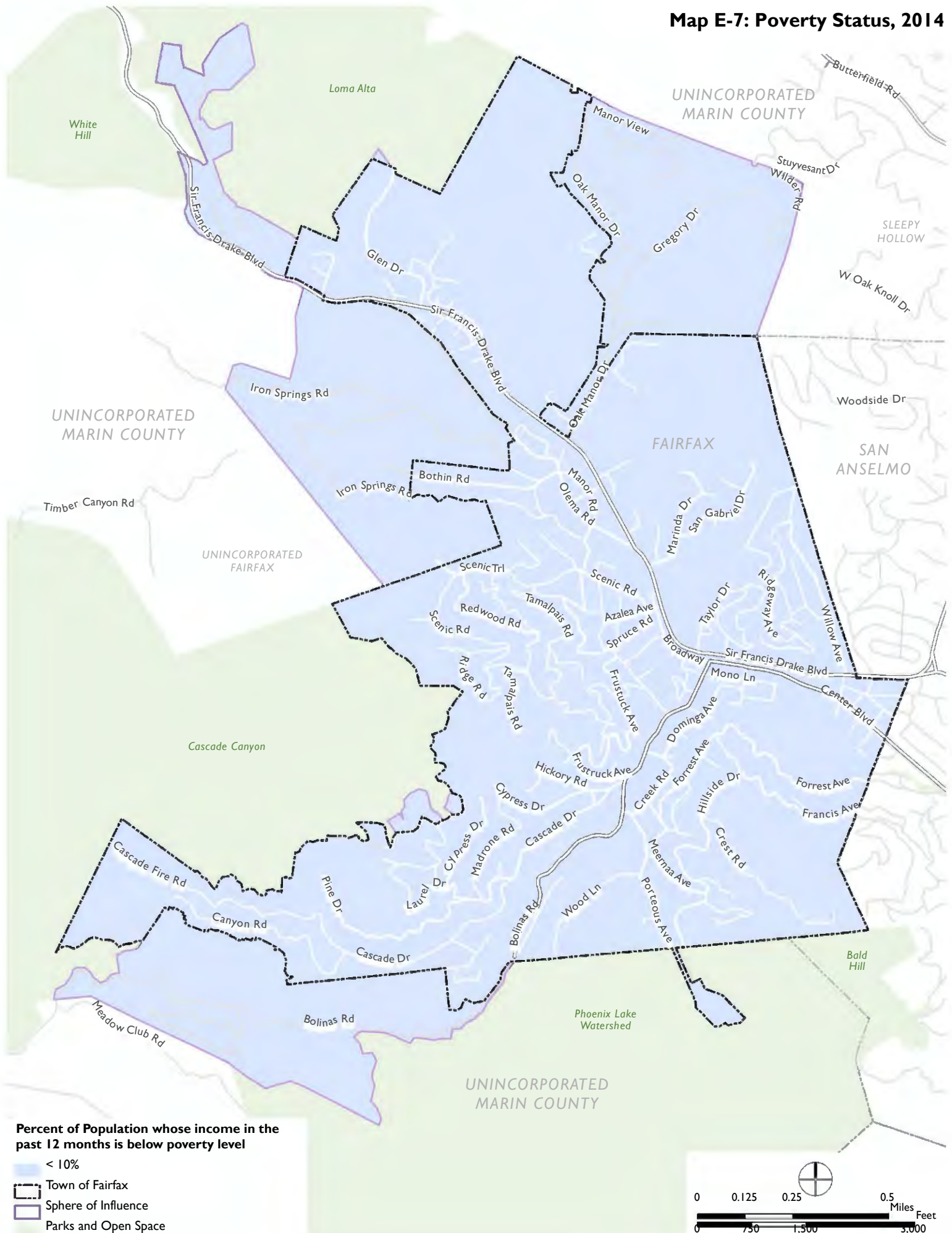
Fairfax households earning more than 100 percent of AMI have incomes about three percent lower than the Bay Area (49 percent and 52 percent, respectively) and two percent lower than Marin County (51 percent). Households earning less than 80 percent of the median income (considered low-income) make up 38.3 percent of Fairfax, 40.5 percent of Marin County, and 38.6 percent of Bay Area households. A smaller percentage of Fairfax and Marin County households (36.9 percent and 36.3 percent, respectively) are renters than in the Bay Area (43.9 percent). Renters as a group have lower incomes and a higher level of housing insecurity. ~~According the AFFH Data Viewer, Fairfax's median income increases from less than \$125,000 to greater than \$125,000 moving South and West. There are no areas showing block groups making less than a median income \$87,000 in Fairfax.~~



**Map E-6: Low to Moderate Income Population by Block Group**

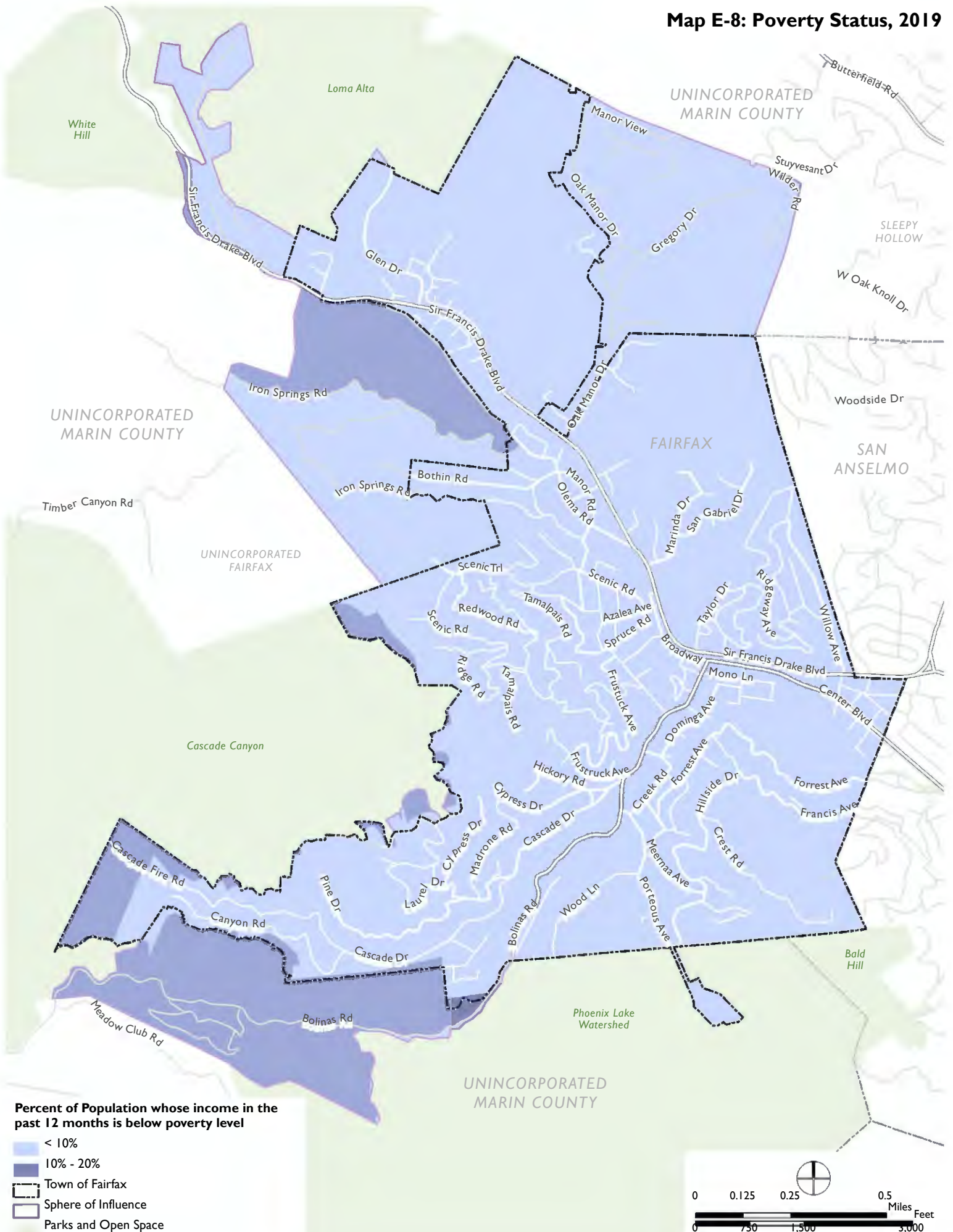


**Map E-7: Poverty Status, 2014**





**Map E-8: Poverty Status, 2019**



According to the AFFH Data Viewer, Fairfax's median income increases from less than \$125,000 to greater than \$125,000 moving South and West. There are no areas showing block groups making less than a median income \$87,000 in Fairfax.

## HOUSING CHOICE VOUCHERS

An analysis of the trends in use of housing choice vouchers (HCV) concentration can be useful in making sense of segregation and integration within a community. The HCV program aims to encourage participants to avoid high-poverty neighborhoods and promote the recruitment of landlords with rental properties in low poverty neighborhoods. A study prepared by HUD's Development Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration and a negative association between rent and neighborhood poverty<sup>8</sup>, indicating that HCV use was concentrated in areas of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

HCV programs are managed by Public Housing Agencies (PHAs), and the programs assessment structure (SEMAPS) includes an "expanding housing opportunities" indicator, that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration<sup>9</sup>. In Marin County, the Landlord Partnership Program aims to expand rental opportunities for families holding housing choice vouchers by making landlord participation in the program more attractive and feasible, and by making the entire program more streamlined.

Overall, Marin County has a relatively low proportion of renters using housing vouchers in comparison to the Bay Area, with no tracts in the county having greater than 15 percent renters using vouchers. In all Fairfax Census tracts, between five and fifteen percent of renters use housing vouchers. Comparatively, other jurisdictions in Marin County have similar or fewer housing voucher users as a percentage of renters. Based on data from the AFFH Data Viewer, only a few tracts in North Bay counties have greater than 15 percent of renters using housing vouchers while tracts in San Francisco, the East Bay and South Bay have tracts with 15 to 60 percent of renters using housing vouchers and some reaching between 60 and 100 percent (San Francisco and San Jose). As of December 2020, 2,100 Marin households were receiving HCV assistance from the Marin Housing Authority (MHA). HCV use is concentrated in tracts in North Marin (Hamilton and the intersection of Novato Boulevard and Indian Valley Road). In these tracts, between 15 and 30 percent of the renter households are HCV holders. In most Central Marin tracts and some Southern Marin tract (which are more densely

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<sup>8</sup> Devine, D.J., Gray, R.W., Rubin, L., & Taghavi, L.B. (2003). *Housing choice voucher location patterns: Implications for participant and neighborhood welfare*. Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Division of Program Monitoring and Research.

<sup>9</sup> For more information of Marin County's SEMAP indicators, see: the County's Administrative Plan for the HCV Program. <https://irp.cdn-websites.com/4e4dab0f/files/uploaded/Admin%20Plan%20Approved%20December%202021.pdf>



populated), between 5 and 15 percent of renters are HCV recipients. As presented in Map E-9, both census tracts in Fairfax have 5-15 percent of renters using vouchers (102 households total). Most of the surrounding jurisdictions also fall within this range. A census tract to the east within San Anselmo had fewer voucher users with 3.7 percent of its renters using vouchers (16 households).

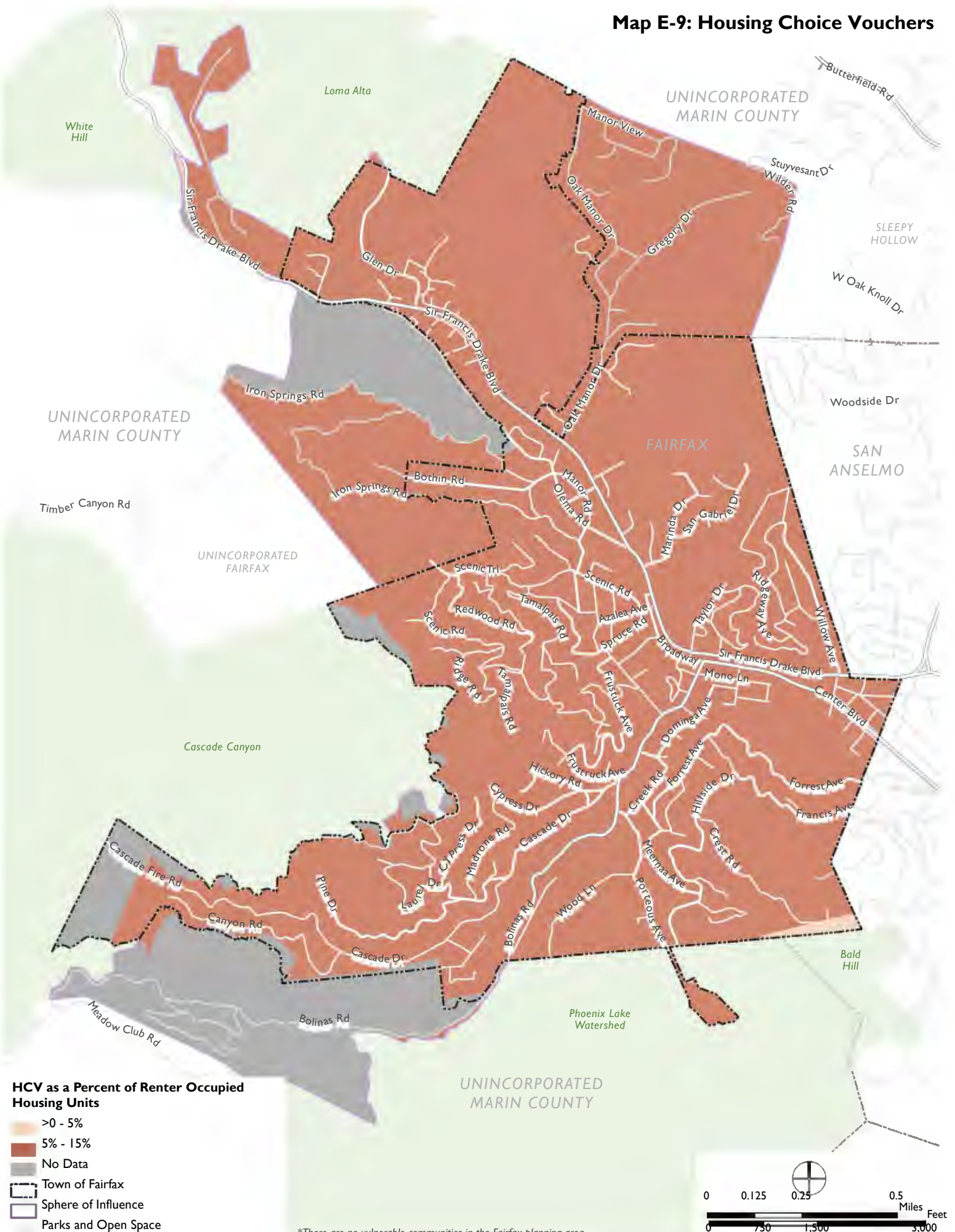
## SUBSIDIZED HOUSING

The Marin Housing Authority (MHA) serves both the unincorporated area and Marin cities. Funded primarily by HUD, MHA operates and administers 496 property units in six locations. It is a public corporation authorized to provide decent, safe, and sanitary housing for low-income people. Approximately five percent (6,125 units) of the County's total housing units are affordable housing units that have received a combination of local, federal, or State assistance. Nearly 3,000 of the units use MHA's Section 8 and public housing programs. As of October 2021, the Section 8 (Housing Choice Voucher) waiting list had 793 active applicants. Only 124 applicants were housed between 2019 and 2021. Some Marin County Cycle 6 Housing Element focus group participants identified the need for additional Section 8 housing as an issue, particularly in West Marin.

There are five subsidized housing developments in the northern part of Fairfax, three of which are restricted to seniors and disabled persons. Rents in this housing is usually 30 percent of adjusted monthly income, 10 percent of unadjusted monthly income, or, if receiving welfare assistance, the housing costs portion of this assistance, whichever is highest.

- **Vest Pocket.** Fairfax Vest Pocket is a group of six homes in the town of Fairfax. They provide shared living (Single Room Occupancy) to persons with disabilities, single parents, and senior citizens. Residents of each community home share a kitchen, living room, dining room and bathroom.
- **Victory Village.** Victory Village provides 54 independent living, affordable homes for Seniors aged 62 and older. There are 53 one-bedroom apartments (all Section 8) and one two-bedroom apartment, which is a staff unit. Twenty-eight apartments are designed for residents with mobility impairments and three of these are also designed for residents with auditory or visual impairments. It opened in 2020.
- **Piper Court Apartments.** Piper Court is in the Oak Manor section of Fairfax and is an affordable housing community for families. It is conveniently close to public transportation, a public library, schools, shopping and downtown. The property consists of 27 two- and three-bedroom units. It opened in 2018.
- **Creekwood.** Adults with developmental disabilities live in a group home setting at Creekwood. The property has 12 bedrooms, and tenants share common areas. All units are rented through Buckelew Programs. Since this property was built or renovated using funding from HUD's Section 202 Supportive Housing for the Elderly program, residency is usually restricted to households earning 50% of the Area Median Income (AMI) or less with at least one member age 62 years or older.
- **Bennett House.** Bennett House is an Independent Living (IL) senior housing community with programming from both Mercy Housing staff and other 3rd party agencies. Staff conduct outreach to all residents to assess needs and connect to resources that enable residents to live independently. It has 70 units all of which are Section 8.

**Map E-9: Housing Choice Vouchers**



### E.3 Racially/Ethnically Concentrated Areas of Poverty and Affluence

To help communities identify racially or ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition: R/ECAPs must have a non-~~white~~White population of 50 percent or more, and the poverty rate must exceed 40 percent or be three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. According to HUD estimates provided by HCD, during the 2009-2013 period there were no R/ECAPs in Fairfax and based on 2020 HUD AFFH data, there were no R/ECAPs in Fairfax. As shown on Map E-10, as of 2020, there is one R/ECAP in the County located in Marin City.

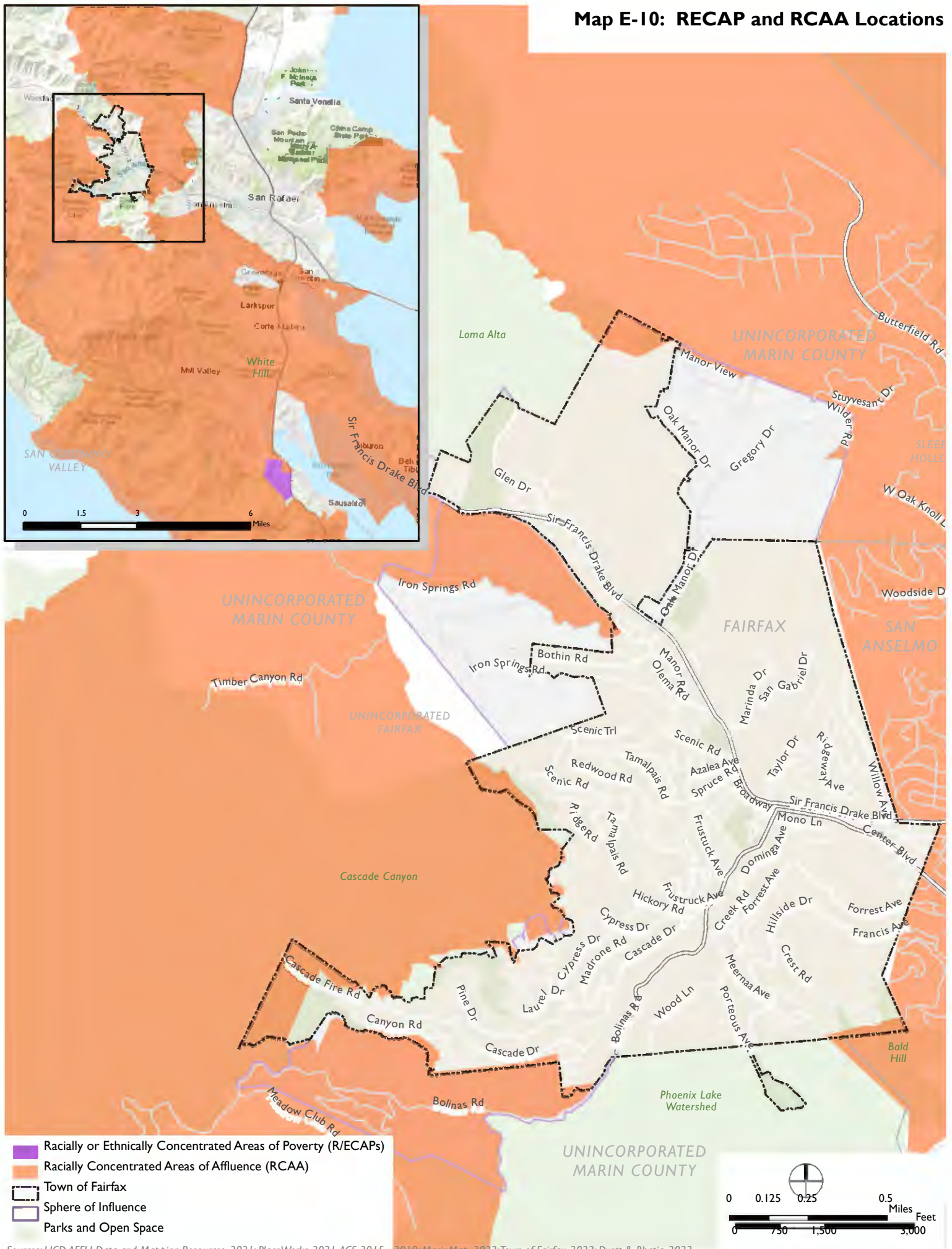
The R/ECAP in Marin City is west of State Highway 101. The Marin City CDP tract is characterized by a concentration of Black residents. Approximately 22 percent of Marin City's residents are Black, which is significantly higher than in Marin County overall and in unincorporated Marin County (two percent and three percent, respectively). Marin City residents also earn lower median incomes (less than \$55,000), especially compared to neighboring jurisdictions where median incomes are higher than \$125,000. Marin City, which has Marin County's only family public housing, also has the highest share of extremely low-income households in the County; about 40.0 percent of households earn less than 30 percent the Area Median Income, compared to only 14.0 percent of unincorporated County households who are extremely low income.

There are no census tracts identified as high segregation and poverty tracts in Fairfax or the County on the TCAC/HCD Composite Opportunity Map (Map E-11). Instead of a threshold for race, the TCAC/HCD approach uses a location quotient for racial segregation. The poverty threshold is 30 percent of the population living below the poverty line and the location quotient is essentially a measure of the concentration of race in a small area compared to the County level. For this study, the poverty threshold used to qualify a tract as an R/ECAP was three times the average census tract poverty rate countywide, or 21.6 percent.

Racially/Ethnically Concentrated Areas of Affluence (RCAAs) are not formally defined by HUD or the State HCD but are generally considered to be areas with high concentrations of wealthy, ~~white~~White residents. An RCAA is defined as a census tract in which 80 percent or more of the population is non-Hispanic ~~white~~White and has a median income of at least \$125,000. There are a few tracts with an over 80 percent non-Hispanic ~~white~~White population located throughout the County, primarily in Southern Marin, parts of Central Marin, coastal North Marin, and central West Marin. The cities of Belvedere, Mill Valley, Fairfax, Ross, and some areas of San Rafael and Novato are also predominantly non-Hispanic ~~white~~White. However, of all these predominantly non-Hispanic ~~white~~White areas (incorporated jurisdictions and unincorporated communities), only Belvedere, Mill Valley, Tam Valley, Black Point- Green Point and the eastern tracts of Novato are census tracts with a median income over \$125,000. Although not all census tracts have the exact relationship of over 80 percent non-Hispanic ~~white~~White and median income over \$125,000 to qualify as "RCAAs," throughout the County, tracts with higher non-Hispanic white populations tend to have greater median incomes. White and median income



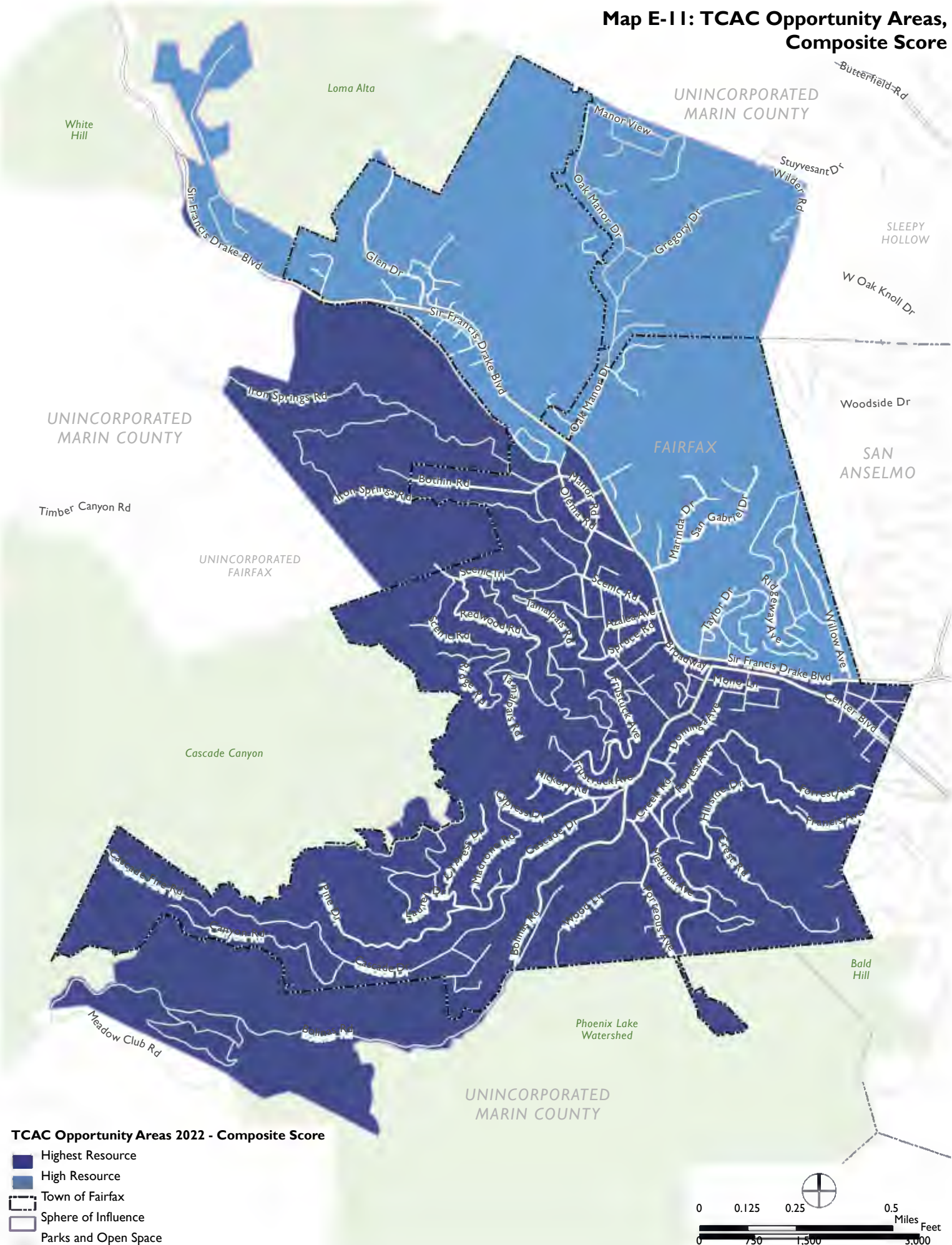
### Map E-10: RECAP and RCAA Locations



Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, ACS 2015 - 2019; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



Map E-11: TCAC Opportunity Areas, Composite Score



Sources: HCD AFFH Data and Mapping Resources, 2022; TCAC 2022, PlaceWorks 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

over \$125,000 to qualify as “RCAAs,” throughout the County, tracts with higher non-Hispanic White populations tend to have greater median incomes.

No census tract in Fairfax is designated as an RCAA. However, it is important to note that Fairfax is still an area of advantage and exclusion, predominantly non-Hispanic ~~white~~White overall, and surrounded by RCAAs in other cities. Fairfax does not meet the RCAA threshold because most of the Town does not have a median income of at least \$125,000; according to the United States Census Bureau, the median income for Fairfax residents in 2019 (the year RCAAs were designated by HCD) was \$104,112, below the HCD’s definition of a RCAA. This fact is likely tied to the number of Fairfax residents who are older and retired households living on fixed incomes in single-family detached homes worth considerably more than their original purchase price (and the high percentage of renters in Fairfax who tend to be lower income).

## E.4 Disparities in Access to Opportunity

To help quantify access to opportunity within a jurisdiction, HCD and the California Tax Credit Allocation Committee (TCAC) convened the California Fair Housing Task Force to “provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD).” The Task Force developed a series of Opportunity Maps to determine areas with the highest and lowest resources by census tract. Highest resource tracts are the top 20 percent of census tracts with the highest index scores relative to the region, while high resource tracts are the next 20 percent. The remaining tracts are then evenly divided into the low resource and moderate resource categories. Index scores are compiled by domain, as outlined in Table E-6 below. The economic, environmental and education domains were further aggregated to create a composite index, which determines each tract’s resource level.

**Table E-6: Domain and Indicators for HCD/TCAC Opportunity Maps**

<i>Domain</i>	<i>Indicator</i>
Economic	Poverty Adult Education Employment Job Proximity Median Home Value
Environmental	CalEnviroScreen 4.0 indicators
Education	Math Proficiency Reading Proficiency High School Graduation Rates Student Poverty Rate
Filter	Poverty and Racial Segregation

*Source: California Fair Housing Task Force, Methodology for the 2022 TCAC/HCD Opportunity Map, December 2021*

Understanding disparities in access to opportunity within a community requires an assessment of the regional as well as the local context. The following section provides a summary of regional opportunity at the County and the greater Bay Area region when applicable, in addition to opportunity in Fairfax. Town-wide opportunity is broken down into the distinct categories of educational, economic, and environmental opportunity based on metrics provided by HCD shown in Table E-6.

TCAC composite scores categorize the level of resources in each census tract. Categorization is based on percentile rankings for census tracts within the region. The highest concentrations of highest resource areas are in the counties of Sonoma and Contra Costa. Marin and San Francisco counties also have a concentration of high resource tracts. High segregation and poverty tracts are most prevalent in the cities of San Francisco and Oakland. There is only one census tract in Marin County considered an area of high segregation and poverty in Central Marin within the Canal neighborhood of the City of San Rafael.

HCD provides data for the entire County that explores the distribution of five types of opportunity: educational, employment, transportation, access to low poverty neighborhoods, and access to environmentally healthy neighborhoods. Analysis is based on indices provided by the HUD AFFH tool. The higher the index score, the better an area's access to opportunity. Throughout the sections below on local opportunity, the County indices are incorporated to give regional context. HUD AFFH data for Fairfax is not available because the tool did not include it as a jurisdiction. The indices are defined as follows:

- Environmental Health — Summarizes potential exposure to harmful toxins at a neighborhood level;
- Jobs Proximity — Quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a Core Based Statistical Area (CBSA);
- Labor Market — Provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood;
- Low Poverty — A measure of the degree of poverty in a neighborhood, at the census tract level;
- Low Transportation Cost — Estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the region;
- School Proficiency — School-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing schools; and
- Transit — Trips taken by a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters.

According to the 2022 TCAC Opportunity Areas composite score (see Map E-11), Fairfax has no census tracts that are low resource, high segregation and poverty, or moderate resource. There is one tract in the southwestern half of town classified as Highest Resource while the other tract is classified as High Resource adjacent to unincorporated Marin and San Anselmo. There is only one census tract in Marin County considered an area of “high segregation and poverty” located in Central Marin in the Canal neighborhood of the City of San Rafael. In the County, low resource areas are concentrated in West Marin, from Dillon Beach to Nicasio including the communities of Tomales, Marshall,

Inverness, and Point Reyes Station. In Central Marin, low resource areas are concentrated in San Rafael. All of Southern Marin is considered a highest resource area, except for Marin City, which is classified as moderate resource.

### **Economic Opportunity**

The 2022 TCAC Opportunity Areas economic score, as shown in Map E-12, summarizes access to economic opportunity in Fairfax. Indicated by the AFFH viewer data, the Town experiences higher economic opportunity scores while the areas to the east experience lower economic opportunity scores in Marin County. All census tracts in Fairfax have moderate levels of economic opportunity (0.5 – 0.75). In the region, the lowest economic scores are in San Pablo, Richmond, San Leandro, and Hayward as well as in southern Sonoma County and Solano County. In Marin County, the lowest economic scores are in northern West Marin and North Marin, as well as some census tracts in Central Marin and at the southern tip of the County (Marin Headlands). The highest TCAC economic scores are in Southern Marin and parts of Central Marin including the cities of Larkspur, Mill Valley, Corte Madera, Sausalito, and Tiburon.

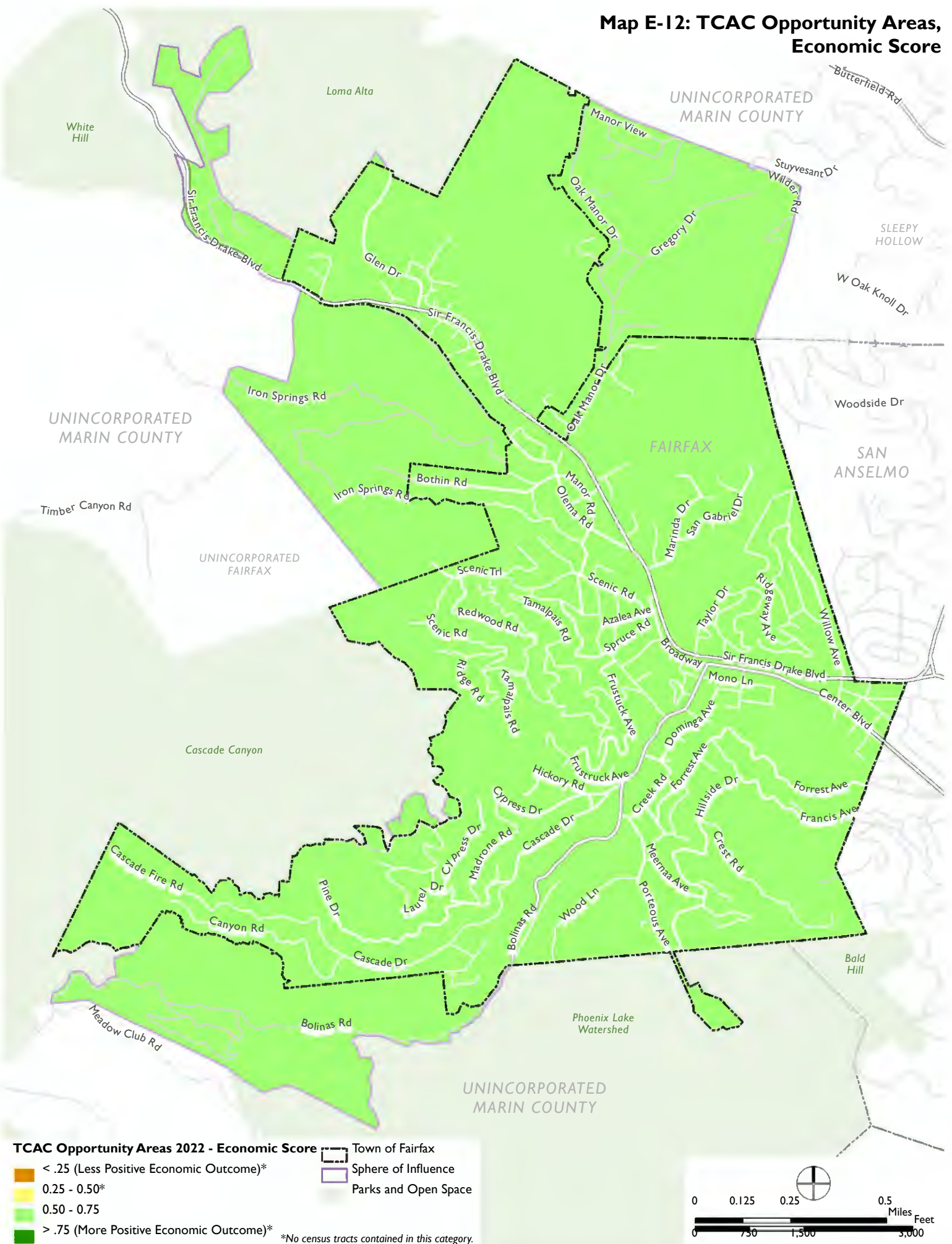
Jobs to household ratio is lower in Fairfax than in Marin County and the Bay Area but has steadily increased since 2015. While the Bay Area has 1.5 jobs per worker, Marin County has 1.1 job per household. Fairfax, lower still, has approximately 0.6 jobs per household. Most job holders in Fairfax work in Health and Education Services (top industry in Fairfax), Arts, Recreation, and Other Services, and Professional and Managerial Services. In 2002, the Finance and Leasing industry was the second highest employing industry in Fairfax; since 2005, the industry has witnessed a drop in nearly 1,000 jobs.

In terms of wage range, the jobs to worker ratio has remained stable for higher wages (more than \$3,333/month) indicating that workers have been consistently able to afford to live in the Town. While there has been more variation in lower wage jobs, the jobs to workers ratio for wages \$1,250-\$3,330/month have consistently increased since 2015 and the ratio for wages less than \$1,250/month slightly increased between 2017 and 2018. These trends are indicative of a housing market that is becoming more challenging for low wage workers to afford. Unemployment in Fairfax spiked significantly in 2020, but less than in the Bay Area and Marin County. This trend is expected; however, unemployment rates have not reached pre-pandemic levels.

HUD's jobs proximity index quantifies the accessibility of a neighborhood to jobs in the region. Index values can range from 0 to 100 and a higher index value indicates better the access to employment opportunities for residents in a neighborhood. County jobs proximity index values range from 65 to 75 and are highest for Hispanic and Black residents. Regionally, tracts along the northern San Pablo Bay shore and northern San Francisco Bay shore (Oakland and San Francisco) have the highest job proximity scores. In Marin County, the highest values are in Central Marin at the intersection of Highway 101 and Highway 580 from south San Rafael to Corte Madera. Some census tracts in North and Southern Marin along Highway 101 also have high jobs proximity values, specifically in south Novato and Sausalito. The City of Tiburon in Southern Marin also has the highest scoring census tracts. Western North and Central Marin and some West Marin tracts, including the unincorporated Valley community (west of Highway 101) have the lowest jobs proximity scores.



### Map E-12: TCAC Opportunity Areas, Economic Score



There are groups within the County that aim to stimulate business activity, particularly the Marin Economic Forum, which enables Marin's economic stakeholders to collaborate on improving the County's economic vitality, focusing on Marin's targeted industries while enhancing social equity and protecting the environment. Services they offer include original, independent research and data on information for local governments and business that support economic development. Members of the forum include private sector companies, chambers of commerce, County and municipal governments, educational institutions, organizations, housing and similar economic-related activities and consumer groups.

In conclusion, Fairfax is in a **County** with ~~less economic activity~~ fewer employment opportunities than ~~the rest of~~ other parts of the Bay Area, ~~with a~~ and housing ~~market~~ prices that ~~limits~~ limit the ~~ability of lower~~ range of income ~~workers~~ capable of affording employed in the county to live there. Over the last ten or so years, while the ratio of high wage workers and jobs has been stable, there are increasingly fewer low wage workers for how many low wage jobs are available in Fairfax. Economic opportunity within Fairfax is not concentrated in one census tract, indicating no geographical discrepancy to accessing economic opportunity. But variation in economic opportunity between areas in the County is present, primarily influenced by proximity to freeways that enable access to job centers such as San Francisco.

## Educational Opportunity

The 2022 TCAC Opportunity Areas education score, which quantifies access to educational opportunity, is provided in Map E-13. The education score is based on a variety of indicators including math proficiency, reading proficiency, High School graduation rates, and student poverty rates. The education scores range from 0 to 1, with higher scores indicating more positive education outcomes. Fairfax experiences the highest score range possible (More Positive Educational Outcome) in all Town tracts. As discussed in Marin County's Cycle 6 Housing Element, there are concentrations of both low and high education scores in the Counties surrounding the San Francisco Bay. In San Francisco County, the western coast has a concentration of high education scores while the eastern coast has a concentration of low education scores. In Marin County, low education scores are concentrated in Novato and San Rafael along the San Pablo Bay and along the western coast.

Marin County has some of the highest graduation rates in the Country but according to the 2020 AI, Marin County "has the greatest educational achievement gap in California." Discrepancies between the success of students of color and ~~white~~ White students is indicated by data from the nonprofit Marin Promise. According to the nonprofit, 71 percent of ~~white~~ White students met or exceeded common core standards for 8th grade math, while only ~~37 percent of students exceeded common core standards for 3rd Grade Literacy, while only~~ 42 percent of students of color met or exceeded those standards. ~~And, About~~ 64 percent of ~~white~~ White students met or exceeded the college readiness standards, defined as completing course requirements for California public universities, while only 40 percent of students of color met or exceeded those requirements.

Fairfax is served by the Tamalpais High School District and Ross Valley Elementary School District. The High School District is approximately 70 percent ~~white~~ White and 14 percent Hispanic. Asian students account for five percent of students and Black students account for less than two percent. The Elementary School District, which draws from a smaller area, is less diverse, with ~~white~~ White students accounting for 77 percent of total students, Hispanic ten percent, and Two or More Races six percent. Remaining students identifying as Asian, Black, or Native American.



Map E-13: TCAC Opportunity Areas, Education Score



make up less than one percent of the student population. Table E-87 compares the scores of relevant schools for Fairfax to the County and California using 2022 California Assessment of Student Performance and Progress (CAASP) scores. For both Math and English, the elementary and high school score higher than the County and California indicating high educational opportunity in Fairfax.

Although Fairfax students of color on average received higher test scores than the State average and similar scores to the County average, students of color in Fairfax scored lower than ~~white~~White students. At Tamalpais High, 83.2 percent of ~~white~~White students met or exceeded the English language arts test and 66.1 percent of ~~white~~White students met or exceeded the Mathematics test while 69.5 percent of students of color met or exceeded the English language arts test and 46.9 percent of students of color met or exceeded the Mathematics test. At Ross Valley Elementary, 78.9 percent of ~~white~~White students met or exceeded the English language arts test and 69.0 percent of ~~white~~White students met or exceeded the Mathematics test while 64.8 percent of students of color met or exceeded the English language arts test and 53.9 percent of students of color met or exceeded the Mathematics test.

The barriers to access at the County level and the lower scores at the Town level indicate access to educational opportunity within the Town is affected by race and ethnicity. Because access is spread evenly by census tract, other barriers such as language, economic factors, and other educational resources may be needed to close the educational gap between ~~white~~White students and students of color in Fairfax.

**Table E-87: CAASP Scores, 2022**

District/Region	Percent Met or Exceeded Standard	
	English Language Arts	Mathematics
State of California	47.1%	33.4%
Marin County	62.1%	51.3%
Tamalpais High School	78.7%	59.7%
Ross Valley Elementary	74.6%	64.8%

Source: California Department of Education, CAASPP, Smarter Balanced Summative Assessments, 2021-2022

### Transportation Opportunity

The Bay Area struggles with a mismatch between employment growth relative to housing supply, resulting in a disconnect between where people live and work. Since 1990, the Bay Area has added nearly two jobs for each housing unit built. Slow building of housing and rapid job growth has led to high-income communities along the Peninsula and Silicon Valley and less housing for lower- and middle wage workers. Freeway congestion and crowding on transit systems in the Bay Area is another symptom of this disconnect.

HUD's opportunity indicators the transit index and low transportation cost scores provide an understanding of transit use and access in Marin County. Index values range from zero to 100 and are reported per race. In the County, transit index values range from 61 to 69. White residents received the lowest scores while Black and Hispanic residents scored highest. Regardless of income, ~~white~~White residents have lower index values for both transit and low transportation cost.

Transit in the County is found throughout North, Central, and South Marin along the City Centered Corridor from Novato to Marin City/Sausalito. Eastbound connections extend from San Rafael to Contra Costa County via the 580 Richmond Bridge and from Novato towards Vallejo via the 101 and 37. In Marin, public transit is offered along Sir Francis Drake Boulevard from Olema to Greenbrae. In Fairfax, Marin Transit Authority (MTA) offers a stop between the Canal and Downtown Fairfax. The stop is located on Sir Francis Drake Boulevard and Claus Drive in the commercial center of the Town. ~~BC – What about GG Transit – they go to SF and other places (think it's the 24 bus, there may be others)~~

In addition to its fixed routes, MTA offers other transportation options and some that are available for specific populations:

- **Marin Access** – A program run by MTA to enhance independence through mobility. The program offers applications to become clients of Marin Access. Clients must be residents of Marin County that are 65 or older or a person with a disability who cannot independently use regular Marin Transit or Golden Gate Transit bus service. Services they offer include teaching how to ride the fixed route bus or sign up for alternative transportation services.
- **ADA Paratransit Service** – provides transportation for people unable to ride regular bus and trains due to a disability. It serves and operates in the same areas, same days and hours as public transit.
- **Discount Taxi Program** – called Marin-Catch-A-Ride, it offers discount rides by taxi and other licensed vehicles if you are at least 80 years old; or are 60 and unable to drive; or you are eligible for ADA Paratransit Service.

## Environmental Opportunity

The environmental opportunity score in the TCAC Opportunity Map is based on CalEnviroScreen 4.0 pollution indicators and values (see Map E-14). CalEnviroScreen 4.0 is a mapping tool that helps identify areas in the state that are most impacted by various sources of pollution. The score considers four major indicators: exposure (e.g., air quality, lead risk, etc.), sensitive populations (e.g., cardiovascular disease, asthmas, etc.), environmental effects (e.g., cleanup sites, groundwater threats, etc.), and socioeconomic factors (e.g., poverty, unemployment, etc.). There are no disadvantaged communities as defined by CalEnviroScreen 4.0 data in Marin County. As such, neither Fairfax nor the County are required to adopt an environmental justice element.

Within Fairfax, as shown in Map E-14, some areas of the Town experience more positive environmental outcomes (majority of the Town), while small areas, mostly in the Sphere of Influence (SOI), experience a positive environmental outcome but with a score between .50 and .75 rather than .75 and 1. Regionally, environmental scores are lowest in the tracts along to the San Pablo and San Francisco Bay shores, except for the coastal communities of San Rafael and Mill Valley in Marin County. Inland tracts in Contra Costa and Solano County also have low environmental scores. In Marin County, environmental scores are lowest in the West Marin areas of the unincorporated County from Dillon Beach in the north to Muir Beach in the South, east of Tomales Bay and Shoreline Highway. Census tracts in Black Point-Green Point, Novato, and south San Rafael have “less positive environmental outcomes.” More positive environmental



Map E-14: TCAC Opportunity Areas, Environmental Score



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

outcomes are located in tracts in the City-Centered Corridor along Highway 101, from North Novato to Sausalito.

The Healthy Places Index (HPI) is a tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the state and combined 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate lower conditions. In Marin County, most tracts are above 80 percent except in Southern San Rafael and Marin City. Fairfax is ranked higher than 96 percent of other California tracts in the HPI.

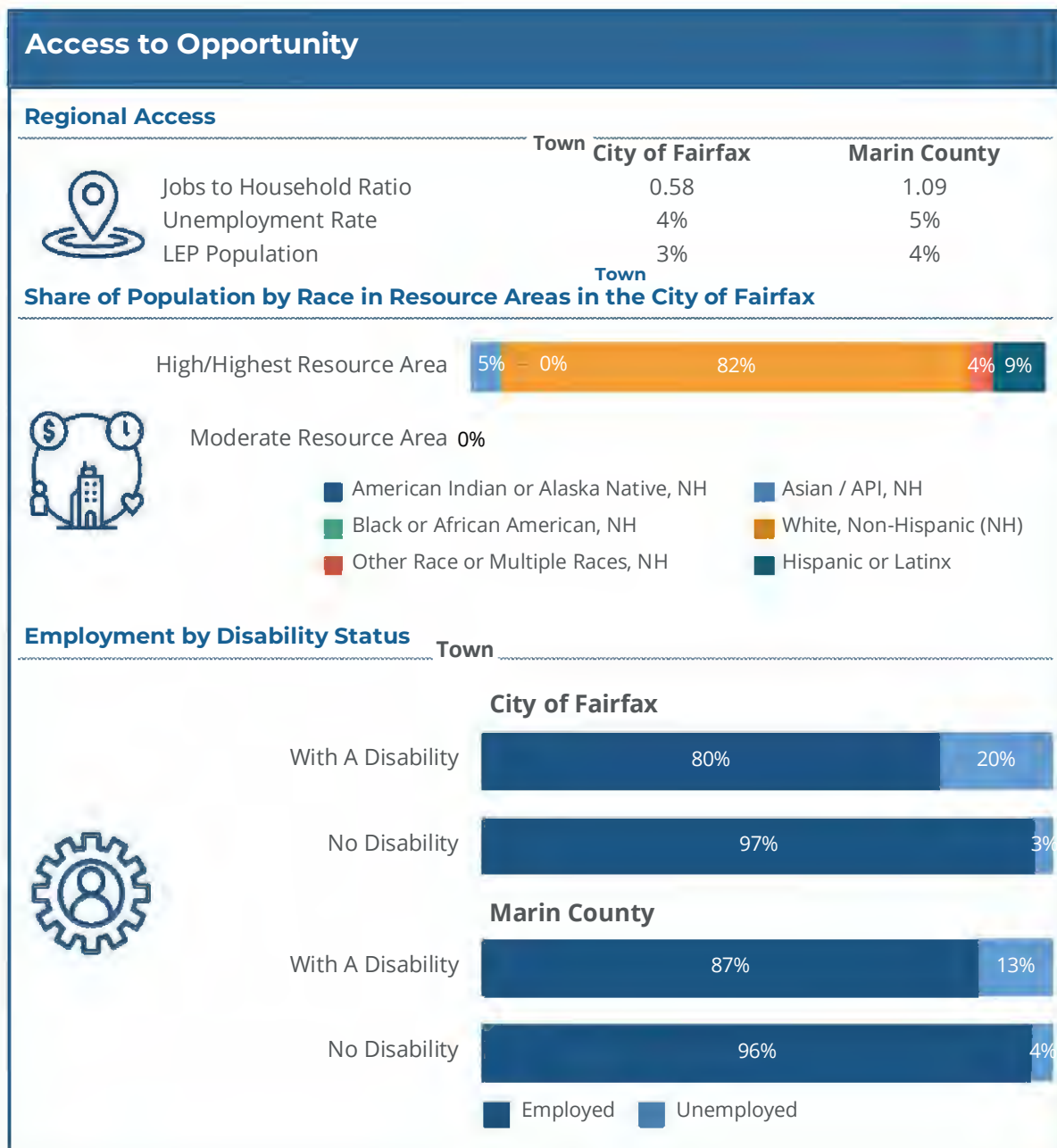
### **Other Disparities in Access to Opportunity**

The Social Vulnerability Index (SVI) provided by the Center for Disease Control (CDC)—ranks census tracts based on their ability to respond to a disaster. It includes four themes of socioeconomic status, household composition, race or ethnicity, and housing and transportation. Fairfax and all of Marin County have no “disadvantaged communities.” As defined under SB 535 disadvantaged communities are “the top 25 percent scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and low populations.”

As discussed in Section A.2, ten percent of Fairfax’s population is living with at least one disability. Twenty percent of Fairfax residents with a disability are unemployed, significantly higher than unemployed residents without a disability (3 percent). Overall, Fairfax has a higher rate of unemployment for persons with disabilities than Marin County which is approximately 13 percent. Higher concentrations of residents with a disability (10 percent to 20 percent) are above Sir Francis Drake Boulevard, where subsidized senior housing is located.

Chart E-3 summarizes key findings related to access to opportunity in Fairfax and protected groups.



**Chart E-3: Access to Opportunity Summary**

Source: HCD AFFH Data and Mapping Resources (HCD & TCAC Opportunity Areas Mapping Analysis, 2022)

## E.5 Disproportionate Housing Needs & Displacement Risk

According to HCD's AFFH Guidance Memo, disproportionate housing need "generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area." Consistent with HCD guidance, this analysis evaluates disproportionate housing need in Fairfax through the assessment of cost burden, overcrowding, and displacement risk. These needs are analyzed within Fairfax and compared to Marin County and the Bay Area region when applicable.

### COST BURDEN AND SEVERE COST BURDEN

According to the HCD, cost burden is the fraction of a household's total gross income spent on housing costs. There are two levels of cost burden: (1) "Cost Burden" refers to the number of households for which housing cost burden is greater than 30 percent of their income; and (2) "Severe Cost Burden" refers to the number of households paying 50 percent or more their income on housing.

Approximately 37.7 percent of households in Marin County experience cost burden of some type. Renters experience cost burden at a higher rate than owners (47.7 percent compared to 32.2 percent), regardless of race. Among renters, American Indian and Pacific Islander households experience the highest rates of cost burden (62.5 percent and 85.7 percent, respectively). In Fairfax, 38.5 percent of households experience cost burden of some type. Renters experience cost burden at a higher rate than owners in Fairfax and at similar rates as the County (48.7 percent and 32.6 percent, respectively).

Cost burden is not distributed evenly across race and ethnicity in Fairfax. As presented in Table E-98, the Asian/API (NH) group experiences much greater cost burden (76.9 percent) than most other groups other than the Hispanic or Latinx group (67.4 percent).

**Table E-98: Cost Burden by Race/Ethnicity, Fairfax**

<i>Race/Ethnicity</i>	<i>0%-30% of Income</i>	<i>30%-50% of Income</i>	<i>50%+ of Income</i>	<i>Total</i>
White (NH*)	66.3%	14.0%	19.8%	2,830
Asian/API (NH)	23.1%	15.4%	61.5%	130
Black (NH)	100.0%	0.0%	0.0%	15
American Indian or Alaska Native (NH)	0.0%	0.0%	0.0%	0
Other Race or Multiple Races (NH)	72.7%	0.0%	27.3%	110
Hispanic or Latinx	32.7%	42.9%	24.5%	245

*\*NH stands for Non-Hispanic*

*Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*

Cost burden is not distributed completely evenly across Marin or Fairfax. Cost burdened renter households are concentrated in census tracts in North and Central Marin in Novato and San Rafael.

Cost burdened homeowner households are more prevalent in census tracts in Larkspur and Tiburon. In both Fairfax tracts, between 40 and 60 percent of renter households experience cost burden while between 20 and 60 percent of homeowner households experience cost burden. As shown in Map E-15, the census tract northwest of Sir Francis Drake Boulevard experiences greater cost burden than the census tract to the south for homeowners (40 to 60 percent and 20 to 40 percent, respectively). Renters experience high cost burden evenly across the Town (see Map E-16).

Seniors are a particular protected group affected by cost burden. 75.3 percent of renters above the age of 62 (305 of 475) are in the 0 percent to 30 percent AMI income group. Of these seniors, 43.2 percent of them use 50 percent or more of their income for housing. This indicates the seniors might benefit from targeted measures to ease the cost of modifying their homes to accommodate age related disability or increased support for senior resources within Fairfax.

## OVERCROWDING

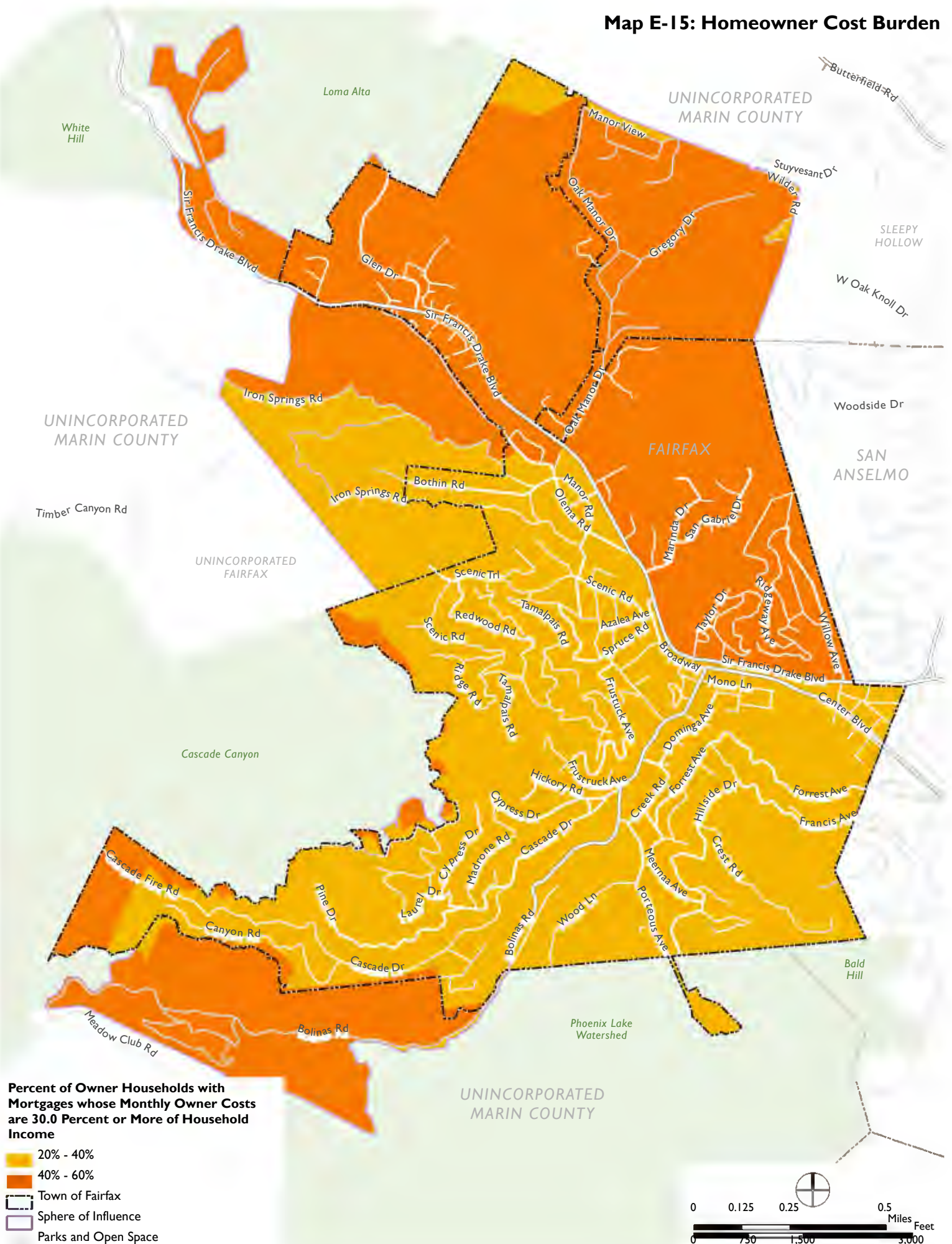
According to HUD, households having between 1.0 to 1.5 persons per room are considered overcrowded and those having more than 1.5 persons per room are considered severely overcrowded. The person per room analysis excludes bathrooms, porches, foyers, halls, or half-rooms, but includes rooms like living rooms and dining rooms.

According to the County Housing Element, about 6.5 percent of households in the Bay Area region are living in overcrowded conditions. Around 11.0 percent of renter households are living in overcrowded conditions in the region, compared to three percent of owner households. Rates of overcrowding in Marin County are lower than the Bay Area (four percent and 6.5 percent, respectively) and like regional trends, Marin County has a higher proportion of renters experiencing overcrowded conditions compared to renters. Overcrowded households in the region are concentrated in Richmond, Oakland, and San Francisco.

The majority of households (98.0 percent) in Fairfax are not overcrowded, which is defined as more than one occupant per room. According to Comprehensive Housing Affordability (CHAS) data, 1.5 percent of owners are overcrowded (1.0 and 1.5 occupants per room) and 0.8 percent are severely overcrowded (more than 1.5 occupants per room). For renters, 0.7 percent are overcrowded and none are severely overcrowded. In Fairfax, renters are less likely to be overcrowded than owner households (0.0 percent vs. 1.5 percent).

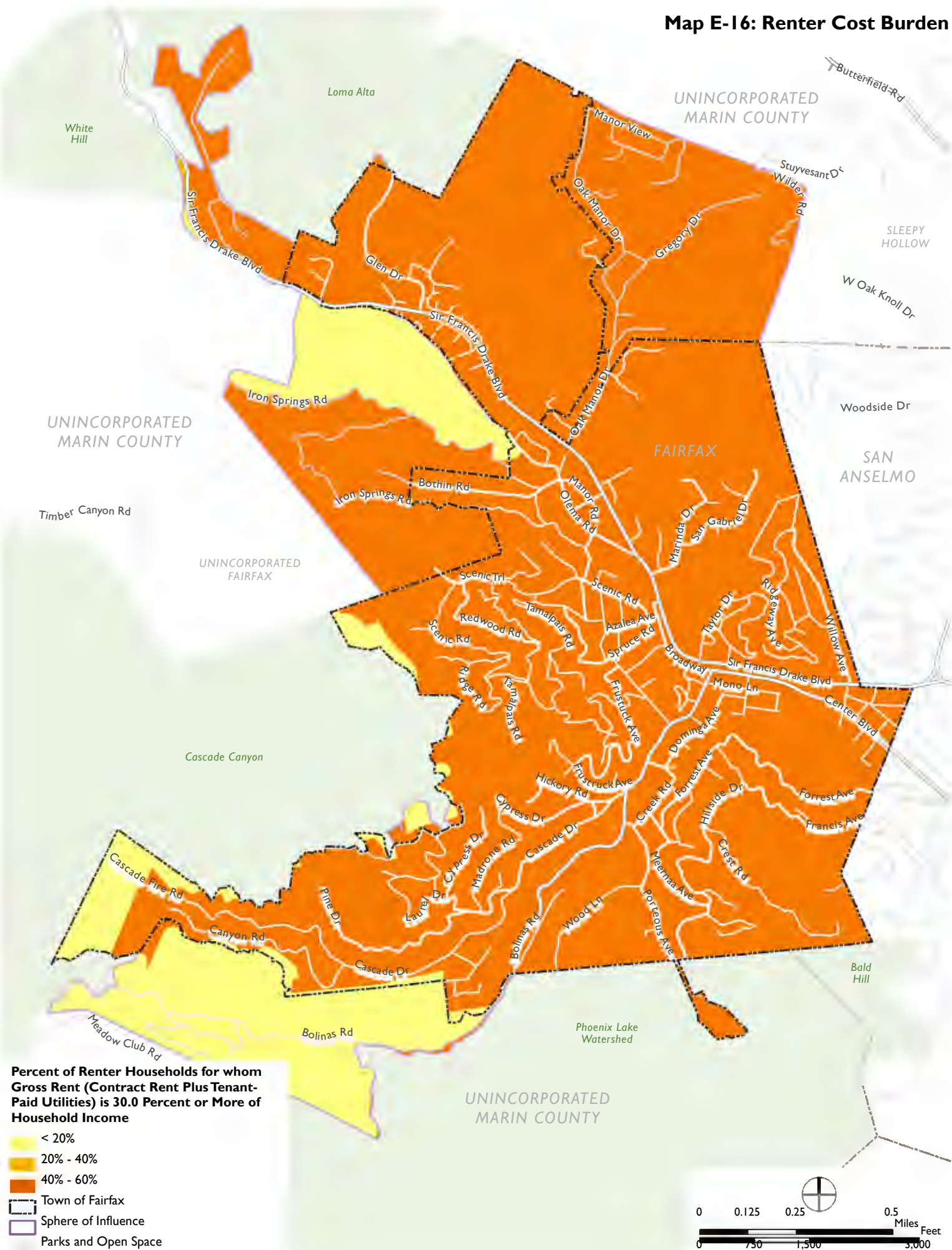
Rates of overcrowding are unevenly distributed by race and ethnicity in the Town. Hispanic or Latinx residents experience more overcrowding (6.5 percent) while non-Hispanic ~~white~~White residents experience 1.4 percent overcrowding and all other groups do not experience any overcrowding. The Town's wealthiest households (100 percent+ AMI) experience moderate overcrowding, but the residents earning 51 percent to 80 percent AMI experience the most overcrowding overall (3.6 percent). No where in Marin County overall or Fairfax does overcrowding reach a rate above 8.3 percent which was the statewide average in 2019. As presented in Map E-17, there is no overconcentration of overcrowded households in Fairfax. Nearby cities in Marin County also do not have concentrations of overcrowded households with the exception of San Rafael which has one census tract with greater than 20 percent of households experiencing overcrowded conditions.

**Map E-15: Homeowner Cost Burden**



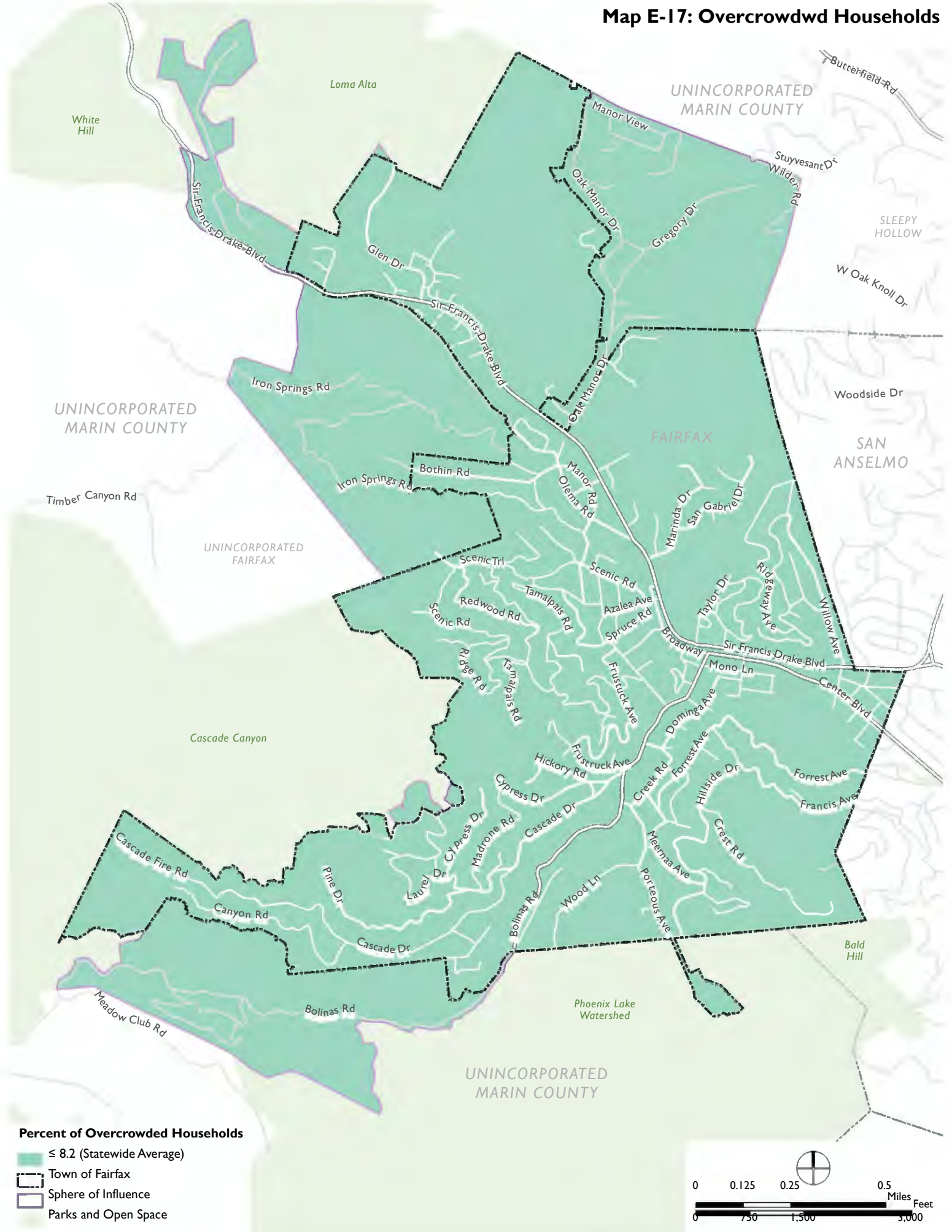


Map E-16: Renter Cost Burden



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-17: Overcrowdw Households



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

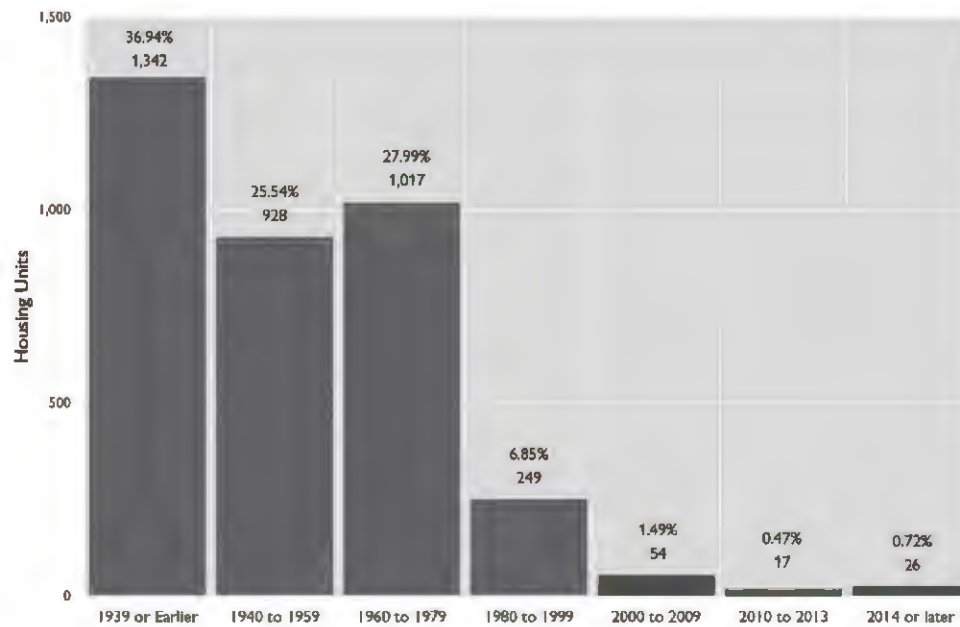


Large families, defined as households of five or more related individuals, are a special need category under State law because they are at higher risk for overcrowding if the jurisdiction's housing stock doesn't have sufficient larger units with an adequate number of rooms. According to the 2019 ACS, there are 59 large households with five or more members (1.8 percent) in the Town, including 50 owner-occupied households and nine renter-occupied households. About 2.4 percent of owner-occupied households and 0.7 percent of renter-occupied households were considered large households. This is compared to 7,157 (6.9 percent) large households in the County. Of the large families within Fairfax, 100 percent are considered above moderate income. This is greater than the proportion for all other household types at 47.1 percent. All other household types have a similar proportion of extremely-low and very-low-income households at 18.0 and 18.9 percent, respectively. This is expanded upon and presented in charts and tables in the Housing Needs Assessment.

## **SUBSTANDARD HOUSING**

A high proportion of older buildings, especially those built more than 30 years ago, may indicate that substandard housing conditions may be an issue. In general, residential structures over 30 years of age require minor repairs and modernization improvements, while units over 50 years of age are likely to require major rehabilitation such as roofing, plumbing, and electrical system repairs. Housing is considered substandard when physical conditions are determined to be below the minimum standards of living, as defined by Government Code Section 17920.3. Chart E-4 presents potential substandard housing in Fairfax based on age of housing. A building is considered substandard if any of the following conditions exist:

- Inadequate sanitation;
- Structural hazards;
- Nuisances;
- Faulty weather protection;
- Fire, safety or health hazards;
- Inadequate building materials;
- Inadequate maintenance;
- Inadequate exit facilities;
- Hazardous wiring, plumbing or mechanical equipment;
- Improper occupation for living, sleeping, cooking, or dining purposes;
- Inadequate structural resistance to horizontal forces; or
- Any building not in compliance with Government Code Section 13143.2.

**Chart E-4: Age of Fairfax Housing Stock, 2019**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

Incomplete plumbing or kitchen facilities can be used as a proxy to measure substandard housing conditions through data available from 2015-2019 ACS.

According 2015-2019 ACS estimates, shown in Table E-109, only about one percent of households in the Bay Area and Marin County lack complete kitchen and plumbing facilities. In both the Bay Area and Marin County renter households are more likely to live with incomplete kitchen facilities than owner households. In Marin County, one percent of households lack complete kitchen facilities and 0.4 percent lack complete plumbing facilities. More than two percent of renters lack complete kitchen facilities, compared to less than one percent of renter households lacking plumbing facilities.

**Table E-9: Substandard Housing Indicators by Tenure, 2019**

	<i>Bay Area</i>		<i>Marin County</i>	
	<i>Lacking complete kitchen facilities</i>	<i>Lacking complete plumbing facilities</i>	<i>Lacking complete kitchen facilities</i>	<i>Lacking complete plumbing facilities</i>
<i>Owner</i>	<i>0.3%</i>	<i>0.2%</i>	<i>0.2%</i>	<i>0.3%</i>
<i>Renter</i>	<i>2.6%</i>	<i>1.1%</i>	<i>2.4%</i>	<i>0.6%</i>
<i>All Households</i>	<i>1.3%</i>	<i>0.6%</i>	<i>1.0%</i>	<i>0.4%</i>

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034



Like overcrowding, ACS data may not reflect the reality of substandard housing conditions in Fairfax and the broader County. Low rates for substandard housing within Fairfax are generally echoed in other available data, including the ABAG Housing Needs data, but Town staff has heard unofficial comments on substandard conditions relating to lack of landlord upkeep/care (e.g. moldy carpets, delays in getting hot water repaired), especially from the Latinx community.

In the County, 86.0 percent of the housing stock was built prior to 1990, including 58.0 percent built prior to 1970. Ross, Fairfax, and San Anselmo have the oldest housing in the County, while Novato, Black Point-Green Point, Nicasio, Muir Beach, and Marin City have the most recently built housing.

## HOMELESSNESS

Individuals and families experiencing homelessness have the most immediate housing need of any group. They also have one of the most difficult sets of housing needs to meet, due to both the diversity and complexity of the factors that lead to homelessness, and to community opposition to the siting of housing that serves homeless clients. Homelessness is a countywide issue that demands a strategic, regional approach that pools resources and services.

A common method to assess the number of homeless persons in a jurisdiction is through a Point-in-Time (PIT) Count. The PIT Count is a biennial census of sheltered and unsheltered persons in a Continuum of Care (CoC) completed over a 24-hour period in the last ten days of January. The unsheltered PIT Count is conducted annually in Marin County and is a requirement to receive homeless assistance funding from HUD. The PIT Count does not function as a comprehensive analysis and should be considered in the context of other key data sources when assessing the state of homelessness in a community.

Homelessness in Marin County increased from 1,034 people in 2019, to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census. In the 2019 PIT Count, there were 326 sheltered homeless persons and 708 unsheltered persons in Marin County including 94 homeless youth and children. In Fairfax, there were five unsheltered persons in 2019 and 13 in 2017 while in Central Marin there were 363 total, with 318 in San Rafael, 39 in Corte Madera, 17 in unincorporated Central Marin, and 0-2 in all other Central Marin jurisdictions. Central Marin compared to other Marin County areas had the highest count with North Marin the next highest. At the time of the 2019 County Homeless Count, 73 percent of the individuals experiencing homelessness in Marin County reported living in Marin at the time of their most recent housing loss. Table E-10 presents that people with and without children take advantage of available housing or are unsheltered. Notably, there is a significantly greater number of unsheltered people than people in emergency shelters or transitional housing indicating Marin County could increase availability and access to shelters.

**Table E-10: Homelessness by Household Type and Shelter Status in Marin County, 2019**

<i>Shelter Status</i>	<i>People in Households Composed Solely of Children Under 18</i>	<i>People in Households with Adults and Children</i>	<i>People in Households without Children Under 18</i>	<i>Total</i>
Sheltered - Emergency Shelter	0	32	140	172
Sheltered - Transitional Housing	0	98	56	154
Unsheltered	8	17	683	708

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019).*

The PIT Count can be further divided by race or ethnicity, which can illuminate whether homelessness has a disproportionate racial impact within a community. The data from HUD on Hispanic/Latinx ethnicity for individuals experiencing homelessness does not specify racial group identity. Accordingly, individuals in either ethnic group identity category (Hispanic/Latinx or non-Hispanic/Latinx) could be of any racial background. Homelessness in Marin County increased from 1,034 people in 2019, to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census.

The racial/ethnic breakdown of Marin County's homeless population is shown in Table E-11. In Marin County, ~~white~~White (Hispanic and Non-Hispanic) residents represented the largest proportion of residents experiencing homelessness and accounted for 66.2 percent of the homeless population, while making up 77.8 percent of the overall population. Notably, those who identify as Black (Hispanic and non-Hispanic) represent 16.7 percent of the unhoused population in the County, but only 2.1 percent of the overall population. Additionally, those who identify as Other Race or Multiple Races are represented disproportionately among the unhoused population, as they make up 10.5 percent of the homeless Marin County residents, but only 4.7 percent of its overall population.

**Table E-11: Racial/Ethnic Group Share of General and Homeless Population in Marin County**

<i>Racial/Ethnic Group</i>	<i>Number of Homeless Population</i>	<i>Percent of Homeless Population</i>
American Indian or Alaska Native (Hispanic and Non-Hispanic)	36	3.48%
Native Hawaiian or Other Pacific Islander (Hispanic and Non-Hispanic)	15	1.45%
Asian (Hispanic and Non-Hispanic)	17	1.64%
Black (Hispanic and Non-Hispanic)	173	16.73%
White (Hispanic and Non-Hispanic)	684	66.15%
Other Race or Multiple Races (Hispanic and Non-Hispanic)	109	10.54%
Hispanic/Latinx	194	18.76%
Non-Hispanic/Latinx	840	81.24%

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports, 2019*

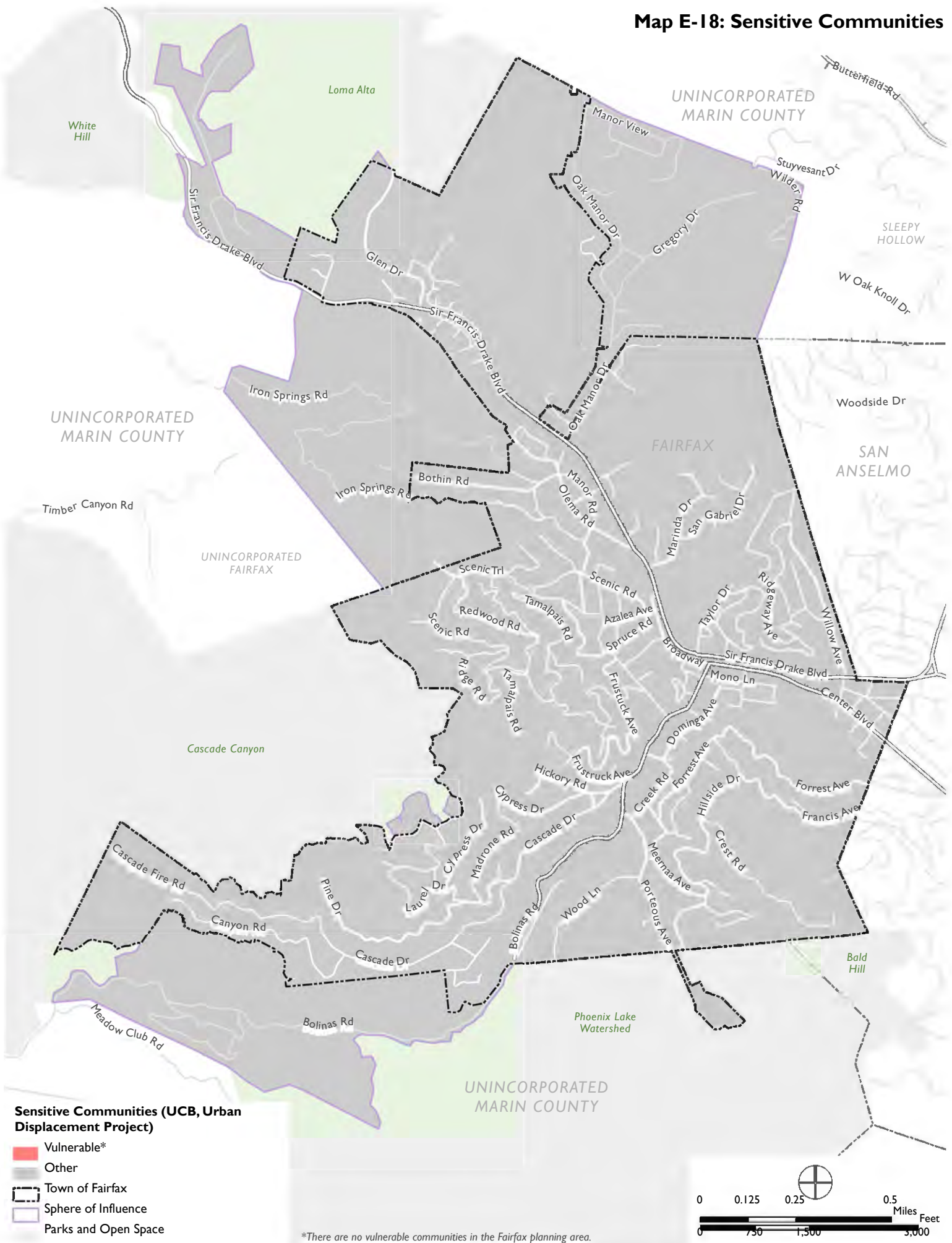
## DISPLACEMENT RISK

UC Berkley's Urban Displacement Project (UDP) defines residential displacement as "the process by which a household is forced to move from its residence or is prevented from moving into a neighborhood that was previously accessible to them because of conditions beyond their control." As part of this project, the research has identified populations vulnerable to displacement (named "sensitive communities") in the event of increased redevelopment and drastic shifts in housing cost. They defined vulnerability based on the share of low-income residents per census tract and other criteria share of renters above 40 percent; share of people of color more than 50 percent; share of low-income households severely rent burdened; and proximity to displacement pressures. Displacement pressures were defined based on median rent increases and rent gaps. Using this methodology, sensitive communities in Marin County were identified in the cities of Novato and San Rafael, and the unincorporated areas of Marin City, Strawberry, Northern and Central Coastal West Marin and Nicasio in the Valley.

Gentrification pressures, including increased risk of displacement, are a central component of the Bay Area housing market. Fairfax is not identified by UDP as a vulnerable community (see Map E-18) but nearby San Rafael is identified as one in addition to cities of Novato and San Rafael, and the unincorporated areas of Marin City, Strawberry, Northern and Central Coastal West Marin and Nicasio in the Valley. In addition to the sensitive communities typology, UDP has also produced displacement typologies that more precisely describe the risk of displacement based on 2019 ACS data. The California Estimated Displacement Model (EDR) identifies varying levels of displacement risk for low-income renter households in all census tracts in California. Displacement risk means that in 2019 a census tract had characteristics which, according to the model, are strongly correlated with more low-income renter population loss than gain. In other words, the model estimates that more low-income households left these neighborhoods than moved in. As presented in Map E-19, Fairfax is classified as having Lower Displacement Risk for overall displacement. Meanwhile, parts of some nearby cities such as San Rafael are classified as at risk of Probable Displacement and High Displacement. Because the model uses 2015-2019 data, the correlations between tract characteristics and low-income renter population loss are only based on this time period. Tracts are assigned to one of the following categories:

- **Low Data Quality:** the tract has less than 500 total households or the census margins of error were greater than 15% of the estimate (shaded gray).
- **Probable Displacement:** the model estimates there is potential displacement of the given population in these tracts.
- **Elevated Displacement:** the model estimates there is a moderate amount of displacement (e.g., 10%) of the given population.
- **High Displacement:** the model estimates there is a relatively high amount of displacement (e.g., 20%) of the given population.
- **Extreme Displacement:** the model estimates there is an extreme level of displacement (e.g., greater than 20%) of the given population.

### Map E-18: Sensitive Communities



\*There are no vulnerable communities in the Fairfax planning area.

Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, UC Berkley Urban Displacement Project; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



**Map E-19: Estimated Displacement, Overall Risk**



Another risk of displacement concerns the potential of assisted units being converted to market rate properties. As described by HCD, the conversion of federally-and-state-subsidized affordable rental developments to market-rate units can constitute a substantial loss of housing opportunity for low-income residents. There are approximately 149,000 units of privately owned, federally assisted, multifamily rental housing, as well as tax-credit and mortgage revenue bond properties, often with project-based rental assistance. As the subsidy contracts or regulatory agreements expire, a large percentage of these units may convert to market-rate. These at-risk units are home to seniors and families with low incomes who are at risk of displacement if the developments convert. Fairfax reports there are 160 units in the Town and all are at low risk of conversion, with no units at moderate, high, and very high risk. Low risk is defined as affordable homes that are at-risk of converting to market rate in ten plus years and/or are owned by a large/stable non-profit, mission-driver developer.

Natural hazards in California can also cause significant displacement, and some communities are at greater risk than others. As described below, Fairfax is at relatively high risk to several natural hazards, due to its proximity to forested areas, multiple fault lines, and bodies of water.

- **Earthquake:** According to the 2018 Marin County Local Hazard Mitigation Plan, in the event of a major earthquake, all single and multifamily structures in Fairfax could be lost; according to the Marin County Sheriff's Office, there is a 70% probability of at least one magnitude 6.7 or greater quake, capable of causing widespread damage, striking the San Francisco Bay region before 2030.
- **Flood:** In the event of a major flood, up to 10 percent of single-family homes and up to 15 percent of multi-family homes could be lost. Corte Madera Creek has a history of flooding and causing severe damage in Marin County; during a major flood event in January, 2006, Fairfax, San Anselmo, Ross, and Mill Valley were heavily impacted: power outages impacted 10,000 customers; nine schools were closed due to mud, water, and road damages; over 20 major roads were closed; and over a thousand homes, apartments and businesses were damaged or destroyed. Flood Zone 9 conducts actions to mitigate floods. The recent opening of Sunnyside Detention Basin in unincorporated Fairfax paid for by residents of Ross Valley through property taxes should help ease the potential damage from a flood event.
- **Wildfire:** In the event of an uncontrolled wildfire, up to 88 percent of single-family homes and up to 84 percent of multi-family homes could be lost. The State classifies Fire Hazard Severity Zones (FHSZ) into three classifications: moderate, high, and very high; according to the November 2021 FHSZ map, parts of Fairfax are classified as moderate and high fire severity areas. And to the west and south of Fairfax, there are large very high severity zones near Pine Mountain Ridge and Alpine Lake, east of Bolinas Ridge, which could lead to stronger nearby blazes that are more difficult to contain. Recently enacted by voters in March 2020, the 17 member Marin Wildfire Agency (of which Fairfax is a member) is provided with approximately \$20 million a year for 10 years to take mitigation actions to prevent wildfires.
- **Landslide:** A major landslide could cause the loss of up to 20 percent of single-family homes and up to eight percent of multi-family homes; much of the Town is built on steeply-sloped hillsides.

## E.6 Summary and Conclusions

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State law requires that jurisdictions identify fair housing issues as well as contributing factors and priority levels for each factor. Further, a jurisdiction must identify specific goals and actions it will take to reduce the severity of fair housing issues within that jurisdiction. This section fulfills these requirements based on the assessment provided above, ~~as well as relevant information from the 2020 AI and 2022 County HE.~~ Goals and actions related to AFFH are incorporated into the broader Housing Action Plan contained within Chapter 4 of this Housing Element.

Disparities in housing choice and access to opportunity between non-Hispanic ~~white~~White and non-~~white~~White groups are present in Fairfax and stem from historical actions, socioeconomic factors that limit employment and growth, broad barriers to open housing choice and, resources to respond to needs. One of the most pressing issues is the low production of homes for a variety of incomes in Fairfax. According to the Housing Needs Data Report completed by ABAG for Fairfax, the number of new homes in Fairfax has not kept pace with demand, resulting in longer commutes, increased prices, and issues of displacement and homelessness. Fairfax's high desirability, combined with its limited housing production, creates a challenging environment for furthering housing choice. Although the Town has remained relatively affordable compared to the County overall, lack of housing production will compromise affordability in the future.

Based on the findings of this Assessment, Table E-12 presents a summary of existing fair housing issues and their contributing factors, as well as a description for each. Issues that are primarily related to environmental justice or economic development and do not have a direct bearing on fair housing will be addressed in these respective elements when the General Plan is updated. Priority levels were assigned as follows:

- **High** – Designates contributing factors that limit or deny fair housing choice (i.e., has the potential to violate the Fair Housing Act).
- **Medium** – Designates contributing factors which should be addressed in the near term. These issues do not violate the Fair Housing Act but may increase fair housing issues in the Town. These factors may be beyond the Town's immediate capabilities to address.
- **Low** – Designates contributing factors that either do not need to be or cannot be addressed immediately by the Town, but should be addressed later on during the eight-year planning period.

Table E-12: Fair Housing Issues and Contributing Factors

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics
High	Enforcement and Outreach	<ul style="list-style-type: none"><li>Projects can be dismissed on subjective rather than objective standards.</li></ul>	<ul style="list-style-type: none"><li>The Zoning Code establishes vague findings as a basis for review and approval of use permits (Chapter 17.032, Use Permits) and requires design review of all construction projects other than minor additions based on a series of subjective design review criteria (Chapter 17.020, Design Review).</li></ul>	<ul style="list-style-type: none"><li>Adopt objective design and development standards and ensure all design guidelines applicable to residential or mixed-use development are objective to meet State requirements (2-C).</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Zoning Code amendments drafted by end of 2023 for review and adoption by Town Council by June 2024.</li></ul>
Medium	Enforcement and Outreach	<ul style="list-style-type: none"><li>Voucher holders, who are disproportionately members of protected classes, often face significant barriers to housing opportunity, including discrimination based on race and other protected characteristics. In 80 percent of tests (24 out of 30 paired tests) conducted by FHANC in Marin County, there was some discrepancy or disadvantage for Black testers and/or testers receiving HCVs.</li></ul>	<ul style="list-style-type: none"><li>Source of income discrimination</li></ul>	<ul style="list-style-type: none"><li>Make information available on the Town website and at the Planning and Building public counter about fair housing requirements, fair housing program such as Project Sentinel, and agencies where they can report cases of suspected discrimination (Program 4-F)</li><li>Provide information to owners and managers of rental property and real estate agents located in or active in the community about fair housing laws. Encourage owners and real estate professionals to provide tenants with brochures on their rights and establish procedures for tenants to report discrimination and programs offering anti-discrimination training to anyone involved in managing or renting property (Program 4-F)</li><li>Make sure Planning and Building staff are aware of fair housing requirements and resources in order to help them recognize and respond to possible instances of discrimination (Program 4-F)</li><li>Encourage landlords to accept payment for housing regardless of source or type of income or housing subsidy per the state law (Program 4-B)</li><li>Assist in the effective use of rental assistance programs (Programs 4-B and 4-C)</li><li>Expand inspections for HCV program and promote the MHA Landlord Partnership Program</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Number of people informed of their right to pay for housing regardless of source of income</li><li>Number of landlords informed they must accept payment for housing regardless of its source</li><li>Number of staff informed of fair housing requirements and resources</li><li>Increase of HCV participants in Fairfax.</li><li>Increase of HCV participants in Fairfax.</li><li>Increase of HCV participants in Fairfax.</li></ul>



Table E-12: Fair Housing Issues and Contributing Factors

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics
Medium	Enforcement and Outreach	<ul style="list-style-type: none"><li>Non-Hispanic White applicants have the lowest loan application denial rates over time in Fairfax. Non-Hispanic Black applicants have higher denial rates in specific years (2014, 2016, 2018) in the County and in Fairfax, however, extremely small sample sizes within the Fairfax data mean that one or two applications in a year can look like a huge impact.</li></ul>	<ul style="list-style-type: none"><li>Lending discrimination patterns</li><li>Lack of outreach targeted at protected groups</li></ul>	<ul style="list-style-type: none"><li>Partner with Community Action Marin and Marin City Health and Wellness Center or other local organizations focused on racial justice to target outreach on fair housing education and financial literacy programs in the County (Program 4-D)</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Number of workshops/seminars offered and participants.</li></ul>
Medium	Segregation	<ul style="list-style-type: none"><li>Although there are no RECAPS or RCAAs present in Fairfax, the Town is close to meeting the RCAA standard (in 2019 its median income was \$104,122 while the RCAA standard is \$125,000) and is a part of a region of RCAAs. Fairfax is more non-Hispanic White (82.9 percent) than Ross Valley overall (77.1 percent).</li></ul>	<ul style="list-style-type: none"><li>Countywide affordability issues</li><li>Lack of inclusionary zoning practices that mandate or incentivize the creation of affordable units</li></ul>	<ul style="list-style-type: none"><li>Study an affordable housing impact fee</li><li>Support the County’s regional affordable housing fund program</li><li>Allow more residential development by right and subject to minor use permit (Programs 1-M, 2-B, 3-A)</li><li>Codify requirements for SB35 projects with applicable objective design and development standards (Program 2-C)</li><li>Enact regulations to implement the State density bonus law (Program 2-E)</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Provide finding on affordable housing impact fee.</li><li>Creation of regional affordable housing fund.</li></ul>
Medium	Disproportionate Housing Needs	<ul style="list-style-type: none"><li>Cost burden is higher for renters (28 percent) than owners (19 percent) and lower-income households: 0 percent-30 percent AMI households are 66 percent burdened, compared to 0 percent of 81 percent-100 percent+ AMI households. Since 2010, Fairfax has added 87 housing units, which is less than one percent to the overall housing stock; of the 116 residential permits issued in Fairfax since 2015, only 15 percent were given to low-income units and five percent for very low-income households.</li></ul>	<ul style="list-style-type: none"><li>Availability of affordable units in a range of sizes</li><li>Land use and zoning laws</li><li>Loss of affordable housing</li><li>Lack of renter assistance resources</li></ul>	<ul style="list-style-type: none"><li>Create a local tenant commission. A tenant commission or advisory committee may be an avenue through which renters can bring policy discussions that highlight tenant interests to the jurisdiction. While the proportion of renter-occupied units in the jurisdiction is growing, there is currently no body within the Town where their unique concerns can be raised.</li><li>Offer residents the option to use pre-approved ADU plan to expedite permit processing (Program 1-I).</li><li>Provide technical assistance related to ADU development by complementing existing ADU Marin resources (Program I-J).</li><li>Incentivize the building of ADUs (Programs I-K and I-L).Incentivize the building of ADUs by offering tax relief (Program 3-B).</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Number of participants in commission</li><li>Newsletters, pop-ups and seminars</li><li>Construction of 20 new ADUs/JADUs in Fairfax annually</li><li>Creation of 32 new ADUs/JADUs for lower income households over the planning period</li></ul>

Table E-12: Fair Housing Issues and Contributing Factors

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics
.Medium	Disproportionate Housing Needs	<ul style="list-style-type: none"><li>75.3 percent of renters above the age of 62 (305 of 475 renters) are in the 0%-30% of AMI income group. And of the seniors in this income group, 43.2 percent of them use 50 percent or more of their income for housing. This indicates the seniors in Fairfax are cost burdened and might benefit from targeted measures to ease the cost of modifying their homes to accommodate age related disability or increased support for senior resources within Fairfax.</li></ul>	<ul style="list-style-type: none"><li>Aging population</li><li>Lack of awareness of countywide programs and assistance</li><li>Economic factors</li><li>Lack of housing available to accommodate disabilities common among seniors</li></ul>	<ul style="list-style-type: none"><li>Partner with Marin Health and Human Services, Marin Housing Authority, Fair Housing Advocates of Northern California, and other relevant senior organizations to better inform Fairfax seniors of resources offered countywide (Program 1-F)</li><li>Promote the Marin Center for Independent Living’s Dignity at Home program funded by the Marin Agency on Aging. This program is available to qualified low-income Marin County individuals with a disability or over the age of 60 who are at risk of at-home falls (Program 4-E)</li><li>Explore expansion of home match services to help match over-housed seniors with potential lower income tenant (Program 1-F)</li><li>Revise Zoning Code to include a definition of residential care facilities consistent with State law and objective standards for facilities with seven or more persons (Program 3-A)</li><li>Revise zoning code to show residential care is allowed in all residential use districts (Program 3-A)</li><li>Enact regulations establishing procedures for persons with disabilities seeking “reasonable accommodation” (Program 3-D)</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Number of Fairfax seniors connected to services</li><li>Number of Fairfax seniors participating in the Living Dignity at Home Program</li><li>Number of participants in home match services</li><li>Revised use regulations and development standards consistent with State law by end of 2023</li></ul>
	Disproportionate Housing Needs	<ul style="list-style-type: none"><li>Rates of overcrowding are not evenly distributed by race and ethnicity in Fairfax. Hispanic households experience greater overcrowding than all other groups (6.5 percent), compared to non-Hispanic White (1.4 percent) and all other groups (0 percent).</li></ul>	<ul style="list-style-type: none"><li>Economic factors</li><li>Lack of affordable units in a range of sizes</li></ul>	<ul style="list-style-type: none"><li>Initiate a program to promote the development of ADUs including email blasts and newsletters advertising incentives and events to raise awareness within the Town (Program 1--H).</li><li>Offer residents the option to use pre-approved ADU plan to expedite permit processing (Program 1-I).</li><li>Provide technical assistance related to ADU development by complementing existing ADU Marin resources (Program I-J).</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Newsletters, pop-ups and seminars</li><li>Construction of 20 new ADUs/JADUs in Fairfax annually</li><li>Creation of 32 new ADUs/JADUs for lower income households over the planning period</li></ul>

Table E-12: Fair Housing Issues and Contributing Factors

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics
				<ul style="list-style-type: none"><li>Incentivize the building of ADUs (Programs I-K and I-L).</li></ul>		
Low	Disproportionate Housing Needs	<ul style="list-style-type: none"><li>Asian households face a higher level of cost burden than other groups (62 percent of Asian residents are cost burdened compared to 24 percent of Hispanic households, 27 percent of other race/multiple race households, and 20 percent of non-Hispanic White households).</li></ul>	<ul style="list-style-type: none"><li>Rising rents and housing unaffordability regionally</li><li>Awareness of and ability to access rental assistance</li><li>Potential language barriers when trying to access financial assistance</li><li>Economic factors</li></ul>	<ul style="list-style-type: none"><li>Create a “fair housing” landing page on Town website with resources on addressing cost burden such as County and local rental assistance programs. Include languages spoken by Town residents other than English (Program 4-F)</li><li>Affirmative marketing of affordable housing opportunities (Program 4-A)</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Creation of new landing page dedicated to educating residents on fair housing</li></ul>
Low	Segregation	<ul style="list-style-type: none"><li>Female householders with children may be targets of discrimination. Female householders are less common in Fairfax (6.7 percent) than in the County (7.7 percent) and in both jurisdictions, female householders with no husband present are more common than male householders with no wife present. But, no Fairfax census tract has an overconcentration (greater than 20 percent) of female householders.</li></ul>	<ul style="list-style-type: none"><li>Lending discrimination patterns</li><li>Awareness of and ability to access rental assistance</li><li>Rising rents and housing unaffordability</li></ul>	<ul style="list-style-type: none"><li>Make information available on the Town website and at the Planning and Building public counter about fair housing requirements, fair housing program such as Project Sentinel, and agencies where they can report cases of suspected discrimination (Program 4-F)</li><li>Provide information to owners and managers of rental property and real estate agents located in or active in the community about fair housing laws. Encourage owners and real estate professionals to provide tenants with brochures on their rights and establish procedures for tenants to report discrimination and programs offering anti-discrimination training to anyone involved in managing or renting property (Program 4-D)</li><li>Make sure Planning and Building staff are aware of fair housing requirements and resources in order to help them recognize and respond to possible instances of discrimination (Program 4-D)</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Published information on fair housing</li><li>Number of workshops offered to owners, property managers, and other community members</li><li>Number of staff made aware of fair housing requirements and resources</li></ul>
Low	Access to Opportunity (Economic)	<ul style="list-style-type: none"><li>The jobs to household ratio is lower in Fairfax than the county and Bay Area, indicating there are fewer jobs available within the Town than in nearby jurisdictions.</li></ul>	<ul style="list-style-type: none"><li>Location of employers</li><li>Land use and zoning laws</li><li>Lack of regional coordination with business development groups</li></ul>	<ul style="list-style-type: none"><li>Amend the zoning code to allow for shopkeeper housing and live work units (Programs 1-D and 1-E)</li><li>Promote development of work-force housing focused on teachers, health care workers and other essential workers by amending the zoning code and offering</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Increase of Fairfax workers living within Fairfax</li><li>Five live-work units by 2031</li></ul>

Table E-12: Fair Housing Issues and Contributing Factors

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics
				development incentives for units meant for those earning less 180 percent of AMI (Programs 1-A, 1-B, and 2-A) <ul style="list-style-type: none"><li>Develop a plan to allow for more intense development of the Town Center (Program 1-A)</li></ul>		<ul style="list-style-type: none"><li>The adoption of the Town Center Plan</li></ul>
Low	Access to Opportunity (Education)	<ul style="list-style-type: none"><li>Although Fairfax students of color on average received higher test scores than the State average and similar scores to the County average, students of color in Fairfax and in the County scored lower than White students. At Tamalpais High, 83.2 percent of White students met or exceeded the English language arts test and 66.1 percent of White students met or exceeded the Mathematics test while 69.5 percent of students of color met or exceeded the English language arts test and 46.9 percent of students of color met or exceeded the Mathematics test. At Ross Valley Elementary, 78.9 percent of White students met or exceeded the English language arts test and 69.0 percent of White students met or exceeded the Mathematics test while 64.8 percent of students of color met or exceeded the English language arts test and 53.9 percent of students of color met or exceeded the Mathematics test.</li></ul>	<ul style="list-style-type: none"><li>Economic factors</li><li>Lack of education options offered in Town in languages other than English</li><li>Awareness and ability to access local resources for literacy programs</li></ul>	<ul style="list-style-type: none"><li>Support and promote the local library’s existing offering of literacy and homework help programs</li><li>Town is limited in meaningful actions it can take to increase test scores among non-white groups; the school districts are responsible for implementing measures to create greater access to opportunity within their schools</li></ul>	<ul style="list-style-type: none"><li>Townwide</li></ul>	<ul style="list-style-type: none"><li>Number of participants in the library’s literacy and homework help programs</li></ul>