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Cities flout affordable housing rules

Richard Halstead
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For more than six years, Sausalito and Fairfax have failed to abide by a state law requiring them to provide affordable housing plans, and now they join other Marin cities facing new housing goals.

The county and Marin cities have a year to adjust their policies to foster the creation of 4,882 new housing units by 2014 and to ensure that 1,849 of them are priced affordably.

To be affordable by federal standards, housing must cost no more than 30 percent of a household's annual income. In Marin, the median income for a household of four is \$95,000.

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

Marin jurisdictions have a spotty record when it comes to complying. Five Marin municipalities were at least three years delinquent in complying with requirements the last time the targets were issued in 1999. Sausalito and Fairfax remain out of compliance.

"I think there was some community concern about the changes that the state had asked for, and the City Council decided not to take that step," said Jeremy Graves, Sausalito's director of community development.

Ann Welsh, Fairfax's planning director, said her town is still trying to get the state to

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approve its housing plan. Welsh said the state wants Fairfax to rezone certain areas to allow for bigger populations and taller buildings. She said the Town Council will discuss a proposal for doing that on June 18.

"This is the past housing element," Welsh said. "We still have to make some changes to that document if it gets certified to address the 2009 requirement."

Belvedere, Fairfax, Ross and San Anselmo failed to issue a building permit for an affordable housing unit between 1999 and 2006. During the previous cycle, which began in 1989, eight of Marin's 11 cities - Corte Madera, Ross, Mill Valley, Tiburon, Larkspur, Novato, Fairfax and Belvedere - failed to

comply with the law.

The only penalty for jurisdictions that flout the law is that they become ineligible for some state housing and infrastructure grants.

Affordable housing in Marin

A look at affordable housing goals for each city from 1999-2006, the number of affordable housing permits issued during that period and the updated goals through 2014.

City/area	1999-2006 target	1999-2006 permits issued	2014 target
Belvedere	2	0	9
Corte Madera	46	80	104
Fairfax	19	0	35
Larkspur	85	13	145
Mill Valley	61	97	128
Novato	718	824	445
Ross	5	0	14
San Anselmo	45	0	45
San Rafael	652	112	469
Sausalito	53	22	75
Tiburon	40	7	57
Unincorporated	133	204	320

Source: Association of Bay Area Governments

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"We've never been able to put additional teeth into the state law," said Dianne Spaulding, executive director of the San Francisco-based Nonprofit Housing Association.

But Linda Wheaton, assistant director of the state's Department of Housing and Community Development, points out that cities and counties must get their housing plans approved by the state to have a "legally valid general plan." Those who don't leave themselves vulnerable to legal challenges.

In 1998, Legal Aid of Marin sued Corte Madera for failing to adopt a housing element by 1990 that was acceptable to the state. Legal Aid has taken no action against Sausalito or Fairfax.

Legal Aid of Marin's Executive Director Paul Cohen said his organization is weighing its options.

"I don't think there is anybody wielding a stick at this point," Cohen said.

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