

**TOWN OF CORTE MADERA  
RESPONSE  
TO PRELIMINARY HCD COMMENTS OF MAY 16, 2023**

**Comment 1**

City should include a program to comply with AB 2339.

**Response 1**

The following text was added to page 100:

Pursuant to AB 2339 which went into effect on January 1, 2023, and is applicable to local governments that submit a Housing Element draft to HCD after April 1, 2023, the Housing Element includes program H-1.9.b Zoning for Emergency Shelters. The program directs the Town to amend the Zoning Code to identify one or more zoning districts that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and are suitable for residential uses. The identified zoning districts must have sufficient capacity to accommodate the need for emergency shelters pursuant to Government Code Section 65583(a)(4).

The following program was added on page 155:

*Implementation Program H-1.9.b Zoning for Emergency Shelters*  
Amend the Zoning Code to comply with Government Code Section 65583(a)(4) and to identify one or more zoning districts that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and are suitable for residential uses. The identified zoning districts must have sufficient capacity to accommodate the Town's need for emergency shelters pursuant to Government Code Section 65583(a)(4).

<u>Responsibility:</u>	<u>Community Development Department</u>
<u>Financing:</u>	<u>Staff time</u>
<u>Objective:</u>	<u>Amend the Zoning Code</u>
<u>Timeframe:</u>	<u>Within one year of adoption of the Housing Element</u>

**Comment 2**

Program 3.2.b should take out words such as “explore,” “exploration” and commit to a specific outcome and timeline.

**Response 2**

Program 3.2.b on pages 167-168 was revised as follows:

*Implementation Program H-3.2.b Tenant Protection Strategies*  
Work with the County of Marin and other Marin jurisdictions to ~~explore and~~ develop strategies that protect tenants from rapidly rising rents and displacement. These may include:

- Rent stabilization: Currently, the State imposes rent caps on some residential rental properties (AB 1482) through 2030. Consider adopting a permanent policy and/or expansion to units not covered by AB 1482, as permitted by law.

- Just cause for eviction: AB 1482 also establishes a specific set of reasons that a tenancy can be terminated. These include: 1) default in rent payment; 2) breach of lease term; 3) nuisance activity or waste; 4) criminal activity; 5) subletting without permission; 6) refusal to provide access; 7) failure to vacate; 8) refusal to sign lease; and 9) unlawful purpose. Consider expanding on these protections or extending if State protections expire.
- Local relocation assistance: Consider developing a countywide relocation assistance program that provides greater relocation assistance to special needs groups (e.g., seniors, disabled, female-headed households) and reasonable accommodation for persons with disabilities.
- Right to Purchase: When tenants are being evicted due to condominium conversion or redevelopment, offer first right to purchase to displaced tenants to purchase the units.
- Right to Return: When tenants are being evicted due to rehabilitation/renovation of the property, offer first right to displaced tenants to return to the improved property.
- Tenant Bill of Rights: Adopt a tenant's bill of rights that considers extending protections for subletters and family members and addresses severe habitability issues and market pressures. This provision could also provide anti-retaliation protection for tenants that assert their rights and a right to legal representation in the case of evictions.

The Town will take the following actions:

1. Participate in countywide meetings with planning staff from all Marin jurisdictions to review best practices and develop model ordinances for the tenant protection strategies identified above in 2024. Work with Fair Housing of Northern California and Legal Aid of Marin to develop strategies and prepare model ordinances.
2. Conduct study sessions with the Planning Commission and Town Council to understand needs and best practices for the tenant protection strategies identified above in 2025. Invite Fair Housing of Northern California and Legal Aid of Marin to present at and participate in the study sessions.
3. Prepare ordinances at Town Council direction and bring forward for Planning Commission recommendation and Town Council adoption in 2025.

Responsibility:	Community Development Department
Financing:	Regional Early Action Planning (REAP) grants; staff time
Objectives:	<del>Exploration of and possible action on</del> <u>Adopt ordinance for tenant protection strategies</u>
Timeframe:	<del>Explore</del> <u>Develop</u> options with Marin jurisdictions in 2024 and <del>bring forward for Council direction, including possible</del> <u>adopt</u> ordinance in 2025.

**Comment 3**

The element should include additional placed based strategies.

**Response 3**

Two additional place-based strategies were added to Table 32 AFFH Action Matrix on pages 187-188:

Fair Housing Issue	Contributing Factor	Action Area(s)	Implementation Action (see program in Section 5.3 for additional details)	Geographic Targeting	Priority
<u>Neighborhood Improvements</u>	<u>Equitable distribution of funding for neighborhood improvements</u>	<u>Place-based strategies</u>	<u>Prioritize the Capital Improvement Plan, the Town's annual budget, and available grants and funding sources according to areas of high need and ensure equitable distribution of funds. Focus neighborhood improvement projects in areas where new construction of lower income housing occurs, enhancing mobility and connectivity to higher income areas, access to services and amenities, safe routes to school, climate resiliency (e.g., planting of street trees and flood mitigation), etc. Identify and complete at least 10 improvement projects by 2030 in areas identified in the Site Inventory for lower income housing.</u>	<u>Areas where lower-income housing is expected to occur on housing opportunity sites</u>	<u>High</u>
<u>Access to transportation</u>	<u>Equitable access to transportation alternatives</u>	<u>Place-based Strategies</u>	<u>Require all residential projects on housing opportunity sites to provide a transportation demand management program and include measures to enhance equitable access to transportation such as 1) subsidizing transit passes for residents of affordable housing, and 2) providing car-sharing, bike sharing, or scooter sharing programs. Target 130 transit pass subsidies and three car-sharing, bike sharing, or scooter sharing programs.</u>	<u>Areas where lower-income housing is developed on housing opportunity sites</u>	<u>High</u>

**Comment 4**

Housing for Persons with Disabilities: The reasonable accommodation finding: “*design and location of the accommodation is done in a way to minimize impacts on neighboring properties and the design character of the neighborhood to the extent feasible,*” is subjective and is a constraint for reasonable accommodation. The element should include a program mitigate this constraint.

**Response 4**

The text on page 140 was revised as follows:

The Town analyzed the criteria noted above and determined that five of the six criteria are not a constraint to the approval of reasonable accommodation requests. Specifically However, ~~criteria five is not a~~ is subjective and could be a constraint to development ~~because this criterion only requires a homeowner to explore alternatives to the design and location of the accommodation to minimize impacts on neighboring properties. In instances where this is not feasible and the accommodation will result in impacts, the Town would nonetheless approve the request.~~ The Housing Element contains program H-1.6.d Reasonable Accommodation Ordinance to provide objective criteria and remove this constraint.

The following program was added to page 154:

Implementation program H-1.6.d Reasonable Accommodation Ordinance  
Amend the Zoning Code to provide objective criteria to make findings regarding “the design and location of the accommodation is done in a way to minimize impacts on neighboring properties and the design character of the neighborhood to the extent possible” (subsection E of CMMC Section 18.25.050).

Responsibility: Community Development Department  
Financing: Staff time  
Objective: Amend Reasonable Accommodation Ordinance  
Timeframe: By the end of 2024

**Comment 5**

Nonvacant Sites: If nonvacant sites accommodate 50 percent or more of the lower- income No Net Loss Program: Though it is the law we recommend including a No Net Loss program.

**Response 5**

The following program was added to page 173:

Implementation Program H-4.4.c No Net Loss Law  
In compliance with the No Net Loss Law and Government Code 65863, the Town will identify new housing opportunity sites as development occurs in order to ensure the remaining sites are sufficient to accommodate the remaining RHNA at all income levels.

Responsibility: Community Development Department  
Financing: Staff time  
Objective: Ensure adequate sites and housing capacity sufficient to accommodate RHNA at all income levels  
Timeframe: Complete any necessary rezonings as required by State law or within one year, whichever is applicable