

August 2, 2022

Mayor Dan Hillmer
Vice Mayor Gabe Paulson
Councilmember Scot Candell
Councilmember Kevin Haroff
Councilmember Catherine Way

Re: Agenda Item 8.1, August 3, 2022

Dear Elected Officials:

Legal Aid of Marin was established in 1958 as the only free civil legal services provider based in Marin County. Our mission is to create an equitable Marin by empowering the community through legal representation, advocacy, and education. Legal Aid of Marin tailors its programs based on the needs of the communities we serve. It is no surprise then that the majority of our cases involve defending low-income Marinites from eviction.

Larkspur Tenants Need Anti-Displacement Policies Now

We appreciate the Council's consideration of this important measure to help address Marin's affordable housing crisis. This Council considered similar measures in 2019 but took no action, instead relying on state law. However, almost 3 years after the state's Tenant Protection Act of 2019 ("TPA") went into effect, tenants continue to experience unsustainable rent increases, arbitrary evictions, and a severe shortage of affordable housing options. It is clear that the TPA did not go far enough. Under the protections of the TPA, allowable rent increases are currently 10% based on the increasing CPI. Further limiting the rent increase caps enacted by the state is a crucial program to address the historical segregation and displacement of Marin's low-income renters.

Unincorporated Marin, cities, and towns also face a changed environment as the 6th cycle of the housing element comes due with a new emphasis on enacting policies and programs that, in part, preserve naturally occurring affordable housing. The Skylark and the Marin Park mobile home park serve as prime examples of naturally occurring affordable housing under threat, negatively effecting the city's ability to meet low-income housing mandates. A general plan that commits to strong tenant protection measures such as rent stabilization to address the needs of low-income community members, seniors, people of color, and protected classes at risk of displacement, are an important way to meet state statutory requirements to Affirmatively Furthering Fair Housing (AFFH).

Larkspur demographics, like the rest of Marin, is considered a high segregation area by UC Berkeley's Othering and Belonging Institute.¹ Larkspur's tenant population disproportionately represents Larkspur's very small BIPOC community.² A deeper look into the ACS data shows where Larkspur stands out from most other areas of Marin. In particular, Larkspur's population is now majority renters (51.5%).³ Out of the 3,000+ renter households in Larkspur, over 1,400 of those households pay more than 30% of their income for their housing costs.⁴ Finally, what really shows the need for rent stabilization is that an astounding 82% of Larkspur tenants are considered long-term – having resided in the same rental unit for 8+ years.⁵ What this tells us is that Larkspur tenants are invested in the community and have presumably contributed in large part to the beautiful community Larkspur is today. What this also tells us is that 82% of tenants most likely reside in naturally occurring affordable housing as the largest, market-rate rent increases can only happen when a unit is vacated. Loss of naturally occurring affordable housing is further evidenced by ABAG's rent increase map, showing that Larkspur has had some of the highest rent increases in Marin (up to 40%) between 2011 and 2016.⁶ Now, due to market conditions brought on by a failure to build units⁷, inadequate anti-displacement policies, and a pandemic, Larkspur faces not only a significant loss of affordable units, but the loss of long-time, valuable members of the community, representing the majority of Larkspur's BIPOC population.

Collaborate with Community Partners to Address Capacity Issues

Legal Aid of Marin serves Marin's most vulnerable populations in our housing practice - predominately low-income, Latino, BIPOC, seniors, and other classes of residents protected under fair housing law who are disproportionately impacted by the current housing crisis. It is with this in mind that we are committed to supporting Marin communities willing to take bold and creative actions to protect these populations from displacement and homelessness.

We can commit to provide the following services in collaboration with this Council and City staff to create a program that meets the specific needs of Larkspur residents.

- Support tenants and landlords to complete Individual Rent Adjustment (IRA) petition forms and any other tenant/landlord forms that may be required for administration of the rent stabilization program. Please note that no legal advice will be given and participants will be required to acknowledge their understanding prior to consultation that no attorney-client relationship will be created between participants and Legal Aid of Marin.
- Organize and conduct community workshops and infosections on the Annual General Adjustment (AGA), rent stabilization, and just cause eviction protections.
- Organize and conduct community clinics to address individual process questions and concerns from tenants and landlords.

¹ [Segregation Map](#)

² [ACS Data, 2020](#)

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ [ABAG Rent Increase Map](#)

⁷ Larkspur's 5th Cycle of the housing element only produced or permitted 17.5% of housing required for very low-income households while producing 178% of market rate units. [HCD Housing Element Update Dashboard](#)

- Provide access by phone, email, and virtual technology to address individual process questions and concerns from tenants and landlords.
- Collaborate with City staff to produce informational materials, guidelines, and forms for the purpose of facilitating the rent stabilization program.
- Send letters to landlords who attempt unlawful rent increases or evictions.
- Conduct legal intake for direct legal services with income-qualifying tenants in disputes with landlords.
- Provide quarterly reports on rent stabilization program metrics.
- Attend quarterly check-in meetings with City staff, Councilmembers, and any other contractors and supportive services helping to administer the rent stabilization program.

Legal Aid of Marin will not request any funding from the City of Larkspur in exchange for the services during an 18-month pilot period. Upon completion of this pilot period, funding requirements may become necessary to maintain services, depending on program metrics and potential collaborations with other Marin jurisdictions.

We are committed to being partners in a rent stabilization program, and are happy to provide draft ordinance language, research assistance, or aid in seeking outside resources. We look forward to working together to protect Marin's most vulnerable residents.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lucie Hollingsworth', with a long horizontal flourish extending to the right.

Lucie Hollingsworth
Senior Attorney