

Response to Grand Jury Report Form

Report Title: Affordable Housing: Monitoring and Compliance
Report Date: June 14, 2022
Response by: Sam Salmon Title: Mayor
Agency/Department Name: Town of Windsor

FINDINGS:

F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11

I (we) agree with the findings numbered: F3, F4, F5, F6, F7, F8, F9, F10, and F11

I (we) disagree wholly or partially with the findings numbered: F1 and F2

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

RECOMMENDATIONS:

R1, R2, R3, R5, R6, R7, R8

- Recommendations numbered: R2 and R8 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered: R1, R2, R5, R6, and R7 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered: _____ require(s) further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. ***This timeframe shall not exceed six months from the date of publication of the Grand Jury report.***)
- Recommendations numbered: R3 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 09/12/2022 Signed: [Signature]

Number of pages attached: 3

(See attached Civil Grand Jury Response Requirements)

SONOMA COUNTY GRAND JURY REPORT 2022

Affordable Housing: Monitoring and Compliance

Town of Windsor Response to Findings

The Town of Windsor agrees with the findings numbered: F3, F4, F5, F6, F7, F8, F9, F10, and F11

The Town of Windsor disagrees wholly or partially with the findings numbered: F1 and F2

F1. Monitoring of compliance with Affordable Housing regulations has been inconsistent and often inadequate.

The Town of Windsor disagrees partially with this finding. While it is true that economic pressures and competing priorities have made it difficult at times for the Town to dedicate in-house staff to monitoring of compliance of affordable housing regulations, to the best of Town staff's knowledge, all of the affordable housing developments in Windsor have regulatory agreements with at least one other State or Federal housing agency that conducts robust monitoring, including regular on-site inspections. These State and Federal housing agencies include the California Tax Credit Allocation Committee or "TCAC" and Housing and Urban Development or "HUD." The Grand Jury Report does not reference or acknowledge the compliance monitoring that these agencies perform. All but one of the affordable housing developments in the Town of Windsor are operated by Burbank Housing, which in its June 29, 2022, letter to the Sonoma County Civil Grand Jury attests that the "vast majority" of the rent-restricted apartments in Sonoma County are "scrupulously and continuously monitored through tenant file audits and physical site visits by state agencies, federal agencies, public and institutional lenders, and equity investors."

F2. The use of self-reported data in monitoring is the accepted norm.

The Town of Windsor partially disagrees with this finding. While this may have been true in the past for properties where the affordability covenants rest with individual cities and towns, this is not true of monitoring performed by TCAC and HUD, both of which conduct regular on-site monitoring in addition to auditing of documentation.



Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492-0100
Phone: (707) 838-1000
Fax: (707) 838-7349
www.townofwindsor.com

Mayor
Sam Salmon

Vice Mayor
Esther Lemus

Councilmember District 3
Debora Fudge

Councilmember
Rosa Reynoza

Councilmember
Mike Wall

Town Manager
Jon Davis

September 12, 2022

The Honorable Shelly Averill
Presiding Judge
County of Sonoma, Superior Court
Hall of Justice
600 Administration Drive
Santa Rosa, CA 94503

**Re: Grand Jury Reports: Affordable Housing: Monitoring and Compliance
Affordable Housing: Past, Present and Future**

Dear Honorable Judge Averill:

On behalf of the Town of Windsor, the attached forms serve as responses to the Grand Jury Reports: *Affordable Housing: Monitoring and Compliance Affordable and Housing: Past, Present and Future* of the Sonoma County Civil Grand Jury. In accordance with Section 933.05 of the California Government Code, the Town is responding as required to the Recommendations and is outlined within each attached form letter.

Sincerely,


Sam Salmon
Mayor

Cc: Town Council
Sonoma County Civil Grand Jury

Town of Windsor Response to Recommendations

R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine Cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing. (F7, F8)

The Town of Windsor intends to implement this recommendation by December 31, 2022. The Town is supportive of working with the Sonoma County Community Development Commission (CDC) and the other Sonoma County cities to address strategies for collaboration on monitoring affordable housing units. The CDC and the Town have committed to facilitating and participating in future meetings of this nature.

R2. The Sonoma County Community Development Commission and the nine Cities resume on-site monitoring by October 1, 2022. (F3, F4)

This recommendation has not yet been implemented but will be implemented in the future. The Town intends to include on-site monitoring of projects for which the Town is the only oversight agency as early as October 1, 2022, but more practically in 2023 as new affordable projects currently under construction are completed and begin receiving tenants. The Town's Building Division and Code Enforcement Division are presently prepared to conduct on-site investigations in response to complaints or concerns about non-compliance.

R3. By January 1, 2023, the Sonoma County Community Development Commission and the nine Cities review and ensure that they have sufficient personnel to conduct onsite monitoring and process self-reported monitoring data to meet future Regional Housing Needs Allocations. (F1, F2, F3, F5, F6, F11)

The recommendation will not be implemented because it is not reasonable or warranted. The Town does not presently have sufficient personnel to conduct onsite monitoring and process self-reported data. The Regional Housing Needs Allocations (RHNA) is a tool to plan and zone for local housing needs but does not guarantee that the units will be built nor does it establish a timeframe in which the units may be built. For this reason, it would not be reasonable or warranted to require sufficient personnel to conduct on-site monitoring of units that are not yet in development and may never be constructed. Most Sonoma County jurisdictions do not anticipate having an adopted and certified housing element in place before January 1, 2023.

R5. By January 1, 2023, the nine Cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects. (F8)

This recommendation has not been implemented but will be implemented in the future. As discussed in earlier responses, the Town of Windsor is committed to participating in the County-led meetings to discuss developing a collaborative compliance monitoring program with

the County and other participating cities. The result of this work is expected to include informational documents and policies to provide upfront and ongoing training in the monitoring and compliance procedures for developers and managers of affordable housing projects. These deliverables are expected by or before January 1, 2023.

R6. By November 1, 2022, the nine Cities meet and discuss to jointly or individually utilize Affordable Housing monitoring software. (F9)

This recommendation has been implemented. The County has already scheduled these meetings. The City of Petaluma and the City of Rohnert Park are presently utilizing affordable housing monitoring software and are expected to share their experiences with the other Sonoma County jurisdictions.

R7. By November 1, 2022, the nine Cities meet and discuss pooling resources to fulfill their monitoring responsibilities, through either a consultant or designated employees. (F11)

This recommendation has not yet been implemented but will be implemented in the future. The Town of Windsor has participated in County-initiated meetings over the past year to discuss how the County and cities can collaborate on monitoring affordable housing units. This has included a discussion of pooling resources. At least one additional meeting to specifically discuss this topic is anticipated to take place before November 1, 2022.

R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine Cities should update and maintain their inventory of Affordable houses within their jurisdictions and verify that all their property titles are flagged for restricted sale. (F10)

This recommendation has been implemented in the Town of Windsor. The Town intends to continue to work with the CDC to ensure that records are consistent and accurate.