

From: Sophia Heidrich <sophia@mapf.org>
Sent: 5/21/2024 2:55:43 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: Legal Committee Agenda Item No. 4, 5.22.24
Attachments: [MAP Comments_TRPA Legal Committee_Deed Restriction Enforcement_5.22.24.pdf](#)

Hello TRPA Staff,

On behalf of Mountain Area Preservation, please find the attached comments regarding Legal Committee Agenda Item No. 4, Deed Restriction Compliance Procedures, for tomorrow's meeting. Please distribute them to the Legal Committee members and include them as part of the record.

Thank you,


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Sophia Heidrich
Advocacy Director

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May 21, 2024

TRPA Legal Committee
Tahoe Regional Planning Agency
128 Market Street, Stateline, NV
Submitted via Email

Re: Legal Committee Agenda Item No. 4, Deed Restriction Compliance
Procedures

Dear TRPA Legal Committee,

Thank you for the opportunity to provide comments on a potential amendment to the Rules of Procedure, Article 9, Compliance Procedures, to document compliance procedures for violations of income- or employment-related deed restrictions. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, the protection of open space and natural resources, and the preservation of mountain character in Truckee Tahoe since 1987.

We are advocates of deed-restricted affordable and workforce housing with a proven track record of working collaboratively with our non-profit partners, local jurisdictions, and developers to get workforce housing units built. Since 1987, we have helped to bring over 700 workforce housing units to Truckee and have also successfully advocated for deed-restriction audits to ensure that workforce housing is being utilized for its intended purpose. In one particular instance, an audit found that $\frac{1}{3}$ of the units in a housing development were out of



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compliance, so it is critical that strong enforcement provisions are put in place to improve public trust, create accountability, and ensure that land-use advantages are not exploited.

We appreciate the TRPA's commitment to increasing audits of deed restrictions as outlined during the Phase 2 Housing Amendments process. Additionally, Attachment B to this agenda item indicates that because there are still few units in the compliance monitoring program, staff plans to audit 100% of these units in 2024. MAP encourages the TRPA to continue to audit 100% of the units moving forward as regulations are only as strong as their enforcement and the TRPA must ensure that these units are going to those who truly need them. On that note, Legal Committee Agenda Item No. 4 outlines potential deed-restriction compliance provisions and seeks input and direction from the Legal Committee. According to the staff report, TRPA has communicated that penalties may be imposed in the amount of up to \$5,000 per day in accordance with the Bi-State Compact for non-compliance. However, the proposed compliance provisions outline a penalty schedule of \$5,000 for the first year, \$10,000 for the second year, \$15,000 for the third year, and \$20,000 per year for all subsequent years.

This is a large diversion from the existing \$5,000 per day penalty. While we understand that the TRPA has not likely been implementing fines in the amount of \$5,000 per day, the penalty must serve as a strong deterrent for non-compliance. With such a small penalty schedule in place, we are concerned that the incentive to comply with deed-restrictions will not be sufficient. We urge you to consider a more robust penalty schedule that will provide assurance to the community that deed-restrictions will be honored and that critical affordable and workforce housing will be utilized by those who truly need it.



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Thank you for your consideration,

A handwritten signature in blue ink that reads "Sophia Heidrich". The signature is written in a cursive, flowing style.

Sophia Heidrich, MAP Advocacy Director