



County of Monterey

Item No.48

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

Legistar File Number: A 26-167

May 12, 2026

Introduced: 4/28/2026

Current Status: Housing & Community
Development - Consent

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize Amendment No. 2 to the Lori G. Ducoing and Richard F. Ducoing Inclusionary Housing Agreement to allow conveyance of their inclusionary unit into a revocable living trust; and
- b. Approve and authorize the Housing and Community Development Director or his designee to execute the approved Amendment No. 2 to the Inclusionary Housing Agreement.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize Amendment No. 2 to the Lori G. Ducoing and Richard F. Ducoing Inclusionary Housing Agreement to allow conveyance of their inclusionary unit into a revocable living trust; and
- b. Approve and authorize the Housing and Community Development Director or his designee to execute the approved Amendment No. 2 to the Inclusionary Housing Agreement.

SUMMARY:

Inclusionary Housing Program homeowners, Lori G. Ducoing and Richard F. Ducoing, purchased this inclusionary unit on August 28, 1998, and only Lori G. Ducoing executed a 30-year Inclusionary Housing Agreement (“Agreement”) (as a married woman to Richard F. Ducoing) with the County that was recorded on September 22, 1998. Richard F. Ducoing has been added to the Inclusionary Housing Agreement via a Memorandum and Reaffirmation of Inclusionary Housing Agreement where he has accepted the terms and conditions of the Inclusionary Housing Program.

The owners informed us with their 2026 monitoring that they had transferred their inclusionary unit into a Trust without the County’s approval. Our office informed the owners that their transfer was unauthorized by the County, and they’ve been working with their attorney since then to get it corrected.

Now, these inclusionary unit homeowners have submitted all the required documents and are requesting approval to transfer title of their Inclusionary Housing Unit into a revocable living trust as part of their estate planning. Lori G. Ducoing and Richard F. Ducoing own the inclusionary unit in the Las Palmas Ranch Subdivision, Phase II, and their unit is designated as a 120% moderate-income unit. Under the terms of the recorded Owners’ Agreement with the County, transfers of title between owner-spouses and to eligible purchasers (i.e., new income qualified owner-occupants) are the only permitted transfers of title. Per the terms of the Agreement, any other transfer of property title, including into a trust, is not allowed without Board of Supervisors (“Board”) approval.

The current Inclusionary Housing Program does allow transfers of title by Owner into an inter vivos trust in which Owner is the beneficiary is allowed, provided, however, that Owner shall provide written notice of such transfer to the County. However, this provision of the Inclusionary Housing Agreement requires Board approval. The Board has previously approved requests by other inclusionary homeowners to transfer their inclusionary unit into a revocable living trust.

DISCUSSION:

Owners of inclusionary units who purchased their home after July 12, 2011, are allowed to transfer their homes into trusts under Section 3.E. TITLE CHANGES AND PROPERTY INHERITANCE of the Inclusionary Housing Program Administrative Manual previously amended and adopted by the Board. The amendment, however, did not provide for retroactive application of this provision for existing homeowners who had entered into an agreement prior to July 12, 2011. As previously stated, Lori G. Ducoing and Richard F. Ducoing purchased their inclusionary unit in 1998.

The proposed amendment to the Agreement enables the homeowners to transfer title of their property to a trust by expanding the Agreement’s definition of “Permissible Transfer” to include conveyance to a revocable living trust for estate planning purposes. The amendment will allow the County to preserve its affordable housing program by requiring homeowners: (1) specifically acknowledge the continuing conditions of the Inclusionary Housing Program; (2) include specific language in the Deed transferring title into the trust; and (3) include specific language in the homeowners’ trust documents. The proposed amendment will not affect the Inclusionary Housing Program’s restrictions regarding the resale of home to income-and-asset qualified buyers and is consistent with the Inclusionary Housing Ordinance.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:

The County Counsel Office has reviewed this report and The Ducoing Family 2006 Revocable Trust, Restatement of Trust, dated July 28, 2020 and the Grant Deed submitted by the homeowners with the required language. The County Counsel Office has approved the Amendment No. 2 to Inclusionary Housing Agreement as to form.

HOUSING IMPACTS:

- Reduces constraints on Housing Development
- Increases constraints on Housing Development
- Neutral
- Not applicable [N/A]

FINANCING:

There is no fiscal impact on the General Fund or on revenues. Staff time to prepare this report is included in the FY2025-26 Adopted Budget for Housing and Community Development Appropriation Unit HCD001, Unit 8542.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

The County’s Inclusionary Housing Program provides homeownership opportunities in the unincorporated areas of Monterey County to very low-, low-, or moderate-income households.

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

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Approved by: Craig W. Spencer, Director of Housing & Community Development, x5233

Attachments:

Attachment A - Ducoing Inclusionary Housing Agreement.pdf

Attachment B - Amendment No. 2 Transfer to Trust PRE 2002 Ducoing.pdf