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Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
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MarinCounty.gov/board

November 2, 2026

Deputy Under Secretary George M. Cook
U.S. Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Re: Comments on the Census Bureau's Proposed Rule on 15 CFR Parts 60 and 70: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions
(Docket USBC-2026-0628)

Dear Deputy Under Secretary Cook:

On behalf of the Marin County Board of Supervisors, I respectfully write to share our comments regarding the Census Bureau's proposed rule to add Parts 60 and 70 to 15 CFR published in the Federal Register on September 10, 2026 ("Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," Docket USBC-2026-0628).

The decennial census serves the core constitutional purpose of apportioning seats in the U.S. House of Representatives. It also provides essential data about the U.S. population for funding formulas and eligibility thresholds. This data guides the distribution of more than $2.8 trillion in federal funding each year across hundreds of programs administered by state and local governments that reach millions of constituents.

The proposed rule would change both how the decennial census count is done and who is counted. Specifically, the rule would statutorily define "usual residence" as the residence at which an individual has lawfully spent the greatest number of days during a new enumeration period, which would run from January 3 to April 1. Additionally, the rule incorporates new reliance on tax-return information and other administrative records to verify residency. The rule also would create new residence criteria and exclude questions about race, ethnicity and sexual orientation. It also would restrict the use of disclosure avoidance techniques, a long-standing statistical tool used to protect personally identifiable information in small communities, which may prevent the release of important demographic data.

The County of Marin administers federal funds for many programs that rely on census counts. These programs support critical services including Medi-Cal administration, CalFresh nutrition assistance, CalWORKs, child welfare and foster care, Older Americans Act services, WIC and public health, behavioral health, HUD Continuum of Care homelessness funding, Community Development Block Grants, and transportation and emergency management grants. **The proposed rule could result in undercounting the actual population that counties serve each day and that federal programs rely on to ensure services are delivered as intended.**

We raise our questions and concerns below:

Usual Residence Definition [§ 60.2]

In Marin County, seasonal population shifts are significant. In West Marin, this includes seasonal residents in coastal communities such as Stinson Beach, Bolinas and Dillon Beach, and seasonal agricultural workers that dairies, ranches and oyster farms rely upon. A January

3 to April 1 window falls in the off-season for tourism and a lower-activity period for agriculture. Improperly identifying the residency of these individuals would lead to an undercount.

- How will the strict residency window affect counties with high seasonal population shifts, such as college towns, second home/tourist-based economies and agricultural communities?
- How many non-citizens, including those lawfully present in a non-permanent status, will be excluded from the census count compared to previous years? How will this undercount affect population-based formulas to determine federal funding for counties?
- How will residency verification through tax documents impact areas with high transient or low-income populations who may not have such documents readily on file?
- Which specific administrative record sources will be used to determine legal status, and what is the error rate of each when matched to individual residents?
- What recourse does a county resident have if an administrative record wrongly excludes them from the count?
- Will counties be asked to supply local records, and if so, under what authority and at whose cost?

Reduced Residency Categories [§ 60.3, § 60.4, § 60.5, § 60.6 § 60.7, § 60.8, § 60.9, § 60.10]

Marin County has high populations in several of the removed residency categories, including incarcerated individuals at San Quentin Rehabilitation Center and students at Dominican University of California and the College of Marin. With one in four residents age 65 or older, Marin also has a large population in skilled nursing, assisted living and residential care facilities and the County serves over 1000 people experiencing homelessness. Together, these groups make up thousands of individuals in our county, and removing specific guidelines on where they should mark their residency could skew Marin County's census count. This lack of guidance could lead to confusion and non-responses from parts of our community, also contributing to an undercount that affects population-dependent federal funding for Marin County.

- How will populations in the removed categories be counted differently? How could this change affect funding for counties?
- For the new "Dependents" category, how will "provider" be defined for children in shared custody, foster placements or kinship care arrangements that the county administers? Could children in county foster placements be counted away from the county that bears the placement cost, reducing the Title IV-E and child welfare funding tied to that population?

Restrictions on Demographic Questions [§ 70.3]

Questions regarding a resident's race or ethnicity have existed in some form on the census questionnaire since the first decennial census in 1790. The collection of race and ethnicity data is crucial for counties to monitor civil rights compliance with federal law, specifically the Voting Rights Act, which prohibits districting that discriminates on the basis of race, color or membership in a language minority group. The County also uses census race and ethnicity data to redraw supervisorial districts in compliance with the Voting Rights Act.

- How will states and counties obtain race and ethnicity data they currently use for Voting Rights Act compliance, Section 203 language assistance, redistricting defense and civil rights reporting?
- Will age data remain available at the county and tract level with enough reliability to support programs keyed to specific age groups, such as Older Americans Act services and childcare allocations?

- If demographic responses are optional, what item non-response rate does the Census Bureau anticipate, and how will partial responses affect the county's population total?
- What residence questions will be mandatory, and how will the county explain to residents which questions they must answer and which they may decline?

Data Disclosure and Avoidance [§ 70.3]

For small and rural communities, disclosure avoidance protects individuals' privacy by masking their identifiable information. While Marin's total population is about 254,000, rural West Marin spans hundreds of square miles of ranchland and parkland, with unincorporated communities where a single census block may contain only a handful of households. Small, distinct communities such as Marin City face similar re-identification risks.

- How will removing disclosure avoidance protections potentially expose individually identifiable information, especially in small or sparsely populated counties?
- Will the Population Estimates Program base be the apportionment count or a separate resident count, and which will federal funding formulas use?

Marin County remains deeply committed to conducting an accurate census count. An undercount would directly limit our ability to provide services to our county by providing us with fewer federal dollars to deliver the same level of services for all residents. This rule would impose increased financial burdens on counties to maintain these services that rely on population-based federal formulas and threshold funding. We appreciate the opportunity to provide input on this important policy and request that you consider the conditions in our community and provide responses to the questions outlined above.

Sincerely,



Eric Lucan, President
Marin County Board of Supervisors

CC: Congressman Jared Huffman
Senator Adam Schiff
Senator Alex Padilla