

RESOLUTION NO. _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING AN INCREASE TO THE PUBLIC SERVICES FUNDING CAP
IN THE BELOW MARKET RATE AFFORDABLE HOUSING FUND**

WHEREAS, the City Council has implemented Section 19.172 through the adoption of the City's Below Market Rate Housing Mitigation Program Procedural Manual (BMR Housing Mitigation Manual), which was last amended on July 2, 2024; and

WHEREAS, the BMR Housing Mitigation Manual established the Below Market Rate Affordable Housing Fund (BMR AHF) and identifies permitted use of fees, which includes Fair Housing; and

WHEREAS, in accordance with Resolution 18-035, BMR AHF funding for public service type activities has been limited to \$50,000 per year starting in FY 2018-19; and

WHEREAS, Project Sentinel was awarded in FY 25-26 \$50,000 for Fair Housing investigation, education, and dispute moderation services; and

WHEREAS, on March 26, 2026 the Housing Commission recommended that the City Council approve a funding increase for a BMR AHF award to Project Sentinel for increased outreach and education to tenants and landlords on new and emerging housing laws, which would require an additional \$8,974 starting in FY 2026-27.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve an increase to annual the public service funding cap in the BMR AHF to \$75,000 starting in FY 2026-27.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with

certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action (increasing the funding cap public services awards from the BMR AHF) would have no or only a de minimis effect on the environment because it has no potential for resulting in physical change in the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of April, 2026 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Kitty Moore, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Lauren Sapudar, City Clerk	 _____ Date