

RESOLUTION NO. 16-07

A RESOLUTION OF THE HOUSING COMMISSION OF THE CITY OF CUPERTINO REGARDING THE APPEAL OF MS. KIMBERLY SANDSTROM

WHEREAS, the City of Cupertino (the "City") administers a Below Market-Rate (BMR) housing program; and

WHEREAS, the City contracts with West Valley Community Services ("WVCS") to manage the BMR program, including the determination of eligibility of potential applicants;

WHEREAS, the *Policy and Procedures Manual for Administering Deed-Restricted Affordable Housing Units* (the "BMR Manual"), adopted by the City Council, serves as the day-to-day operational manual for both City staff and WVCS in administering the BMR program; and

WHEREAS, applicants who desire to rent or purchase a BMR unit in the City must complete an application demonstrating that the applicant's annual gross income does not exceed the maximum published limit for the BMR unit; and

WHEREAS, WVCS maintains a waiting list of qualified applicants who wish to rent or purchase a BMR unit; and

WHEREAS, Kimberly Sandstrom applied to purchase a BMR unit that became available; and

WHEREAS, based on the BMR Manual, WVCS determined that Ms. Sandstrom's annual gross income exceeded the established income limit to purchase the BMR unit; and

WHEREAS, Ms. Sandstrom has completed three levels of appeal at WVCS; and

WHEREAS, Ms. Sandstrom has further appealed to the Housing Commission, which will make a recommendation to the City Council for the final decision.

NOW, THEREFORE, BE IT RESOLVED, after careful consideration of the facts, exhibits, staff report, testimony and other evidence submitted in this matter, that the Housing Commission recommends that the City Council affirm the determination that Kimberly Sandstrom was ineligible to purchase a BMR unit because her income exceeds

the established income limit, as calculated consistent with the BMR Manual in effect at the time of the determination of her income; and

BE IT FURTHER RESOLVED that, because the appeal procedures then in place did not allow Ms. Sandstrom to complete her appeal before the affected BMR unit was sold, the Housing Commission further recommends that the City Council permit Ms. Sandstrom to retain her current position on the BMR waiting list.

PASSED AND ADOPTED this 11th day of August 2016 at a regular meeting of the Housing Commission of the City of Cupertino by the following roll call vote:

Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:



Ben Fu
Assistant Dir. of Community Development

APPROVED:



Harvey Barnett, Chair
Housing Commission

the established income limit, as calculated consistent with the BMR Manual in effect at the time of the determination of her income; and

BE IT FURTHER RESOLVED that, because the appeal procedures then in place did not allow Ms. Sandstrom to complete her appeal before the affected BMR unit was sold, the Housing Commission further recommends that the City Council permit Ms. Sandstrom to retain her current position on the BMR waiting list.

PASSED AND ADOPTED this 11th day of August 2016 at a regular meeting of the Housing Commission of the City of Cupertino by the following roll call vote:

Vote:

AYES: Chair Barnett, Vice Chair Raman, Commissioner Bose

NOES: Commissioner Daruwalla

ABSENT: none

ABSTAIN: none

ATTEST:

APPROVED:

/s/Ben Fu

/s/Harvey Barnett

Ben Fu
Assistant Dir. of Community Development

Harvey Barnett, Chair
Housing Commission