

# Milpitas: Council approves 45-day moratorium on demolition permits for affordable housing structures

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*The owner of the Sunnyhills Apartments, located at 1724 Sunnyhills Drive seen here on May 26, has told residents they need to vacate their affordable housing units by March 2018 so he can build market rate townhomes in the complex. Photo by Stan Olszewski/SOSKIphoto*

In a first step toward addressing the production and preservation of affordable housing in Milpitas, the City Council voted unanimously Tuesday to approve a 45-day moratorium on demolition permits for below-market rate units.

That night, residents of one of the city's affordable housing complex's — Sunnyhills Apartments at 1724 Sunnyhills Drive — as well as others from the public packed city hall's Council Chambers asking the panel to pass the moratorium and help Milpitas residents who have nowhere to go, especially if existing affordable housing is demolished to make way for market rate developments.

An extension on the moratorium — passed as an urgency ordinance that took effect Wednesday — can be extended for 10 months and 15 days initially, and then for one more year after that, according to Deputy City Attorney Katherine Wisinski.

At the meeting, Wisinski told the council that 33.3 percent of households in Milpitas are rentals and there is only a 3 percent rental vacancy in the city. She added 44 percent of renters in Milpitas spend more than 30 percent of their income on housing.

Wisinski said the issue facing the council was how to best serve the community's housing needs given the low vacancy rates, increasing rental rates, oversized burdens borne by households of limited means and ongoing work to create more affordable housing.

Saying the purpose of the moratorium is to preserve existing affordable housing units that may otherwise be lost, Wisinski said affordable housing was defined as units with rental rates restricted to extremely low, very low, low or moderate incomes or units that were subsidized by the state or federal government.

The council also voted that narrow exceptions and relief could be sought by property owners with approval from the council. Exceptions would be limited to previously approved projects, unsafe/nuisance structures or demolitions where there will be no loss in affordable housing units.

Many residents also spoke at the meeting.

“We need to protect the vulnerable and have a balance between property right and human rights. If low-income housing is demolished it will leave people with no place else to turn,” Allysson McDonald told the council.

Residents from the Sunnyhills Apartments — young and old alike who have been told by the property owner to vacate their low-income housing units by Spring 2018 so that he can build market rate townhomes — also addressed the council. Many told the council how difficult it is to find affordable housing in the county let alone in Milpitas with waitlists for affordable housing units ranging from two to six years.

“We don’t want to become homeless, we need your help,” one resident said, a sentiment echoed by others.

Resident Tom Valore said and the council agreed the moratorium was not a solution to the problem and that the whole community would have to get behind a solution to increase affordable housing in the city.

“It is not going to be a simple solution or one that can be started overnight, but we need to start immediately if we want to” get it done in the time allowed by the moratorium, Valore said.

For his part, Councilman Bob Nunez, who has prioritized the issue and the plight of residents at Sunnyhills Apartments, said he was hoping the council will continue to work with city staff and the county during the July recess to bring back some “skeleton of a plan in August.”

As part of the same agenda item on Tuesday, the council decided to not hear a proposed just cause eviction urgency ordinance suggested as an option by City Attorney Christopher Diaz and Wisinski because, as Nunez said, “just cause eviction was a separate issue from wanting to preserve and create more affordable housing in the city.”

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