

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS  
AUTHORIZING AND DIRECTING AGENCY STAFF TO RELEASE THE RESALE RESTRICTIONS  
ON TWO AFFORDABLE HOUSING UNITS**

**WHEREAS**, California Redevelopment Law authorizes the Milpitas Redevelopment Agency (“Agency”) to set aside at least twenty percent (20%) of all tax increment revenue generated from the project area for the purpose of increasing, improving and preserving the community’s supply of low and moderate-income housing; and

**WHEREAS**, California Redevelopment Law requires that fifteen percent (15%) of the housing units within the redevelopment project area shall be affordable to low and moderate-income households. Nine percent (9%) of the units are to be affordable to low and moderate-income households, and six percent (6%) are to be very low-income households; and

**WHEREAS**, the Housing Element of the General Plan for the City has been certified by the Department of Housing and Community Development and identifies a Regional Housing Needs Allocation of 2,487 dwelling units for the City, of which 1,551 dwelling units are needed for very low, low, and moderate-income households; and

**WHEREAS**, currently nineteen percent (19%) of the units that have been approved for development or have been constructed in the project area are designated as affordable, ten percent (10%) for low and moderate income households, and nine percent (9%) for very-low income households. This represents 100 more low and moderate income units in the project area than the minimum amount required; and

**WHEREAS**, the existing housing market conditions over the past year have made it extremely difficult for low-income households to obtain credit with stricter lending requirements, which limit the opportunity for low-income households to achieve homeownership, there is currently no market for low-income one bedroom units and moderate-income buyers are purchasing market-rate units; and

**WHEREAS**, the owners of affordable housing units at 1101 South Main Street, Unit 219, and 79 Parc Place Drive in Milpitas, California, have contacted the Agency regarding their desire to resell their affordable housing units, which total two (2) units collectively; and

**WHEREAS**, under the Resale Restriction Agreements and Options to Purchase (“Resale Restriction Agreements”) to which those two (2) properties are subject, if the existing property owners cannot sell their units as affordable housing units to qualified buyers, the Agency must purchase those properties within ninety (90) days or allow them to be sold at fair-market value, thereby eliminating the affordable restrictions on the properties and removing said properties from the affordable housing pool; and

**WHEREAS**, since February 2009, the Redevelopment Agency has released nine moderate- and two low-income affordable units from the resale restriction agreements.

**NOW, THEREFORE** the Board of the Redevelopment Agency of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The Milpitas Redevelopment Agency Board has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The resale restrictions under the Resale Restriction Agreements for the properties at 79 Parc Place Drive and 1101 South Main Street, Unit 219, in Milpitas, California are hereby released.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, Agency Secretary

\_\_\_\_\_  
Robert Livengood, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, Agency Counsel