

THE FRESNO BEE

Clovis lacks affordable housing. Why leaders say they'll appeal court ruling for new plan

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The Clovis City Council voted unanimously Monday to appeal a court ruling handed down last month that said the city's plan for building affordable housing was not good enough.

Fresno County Superior Court Judge Kristi Culver Kapetan ordered Clovis on April 30 to implement a new housing program in the next 120 days to include 4,425 low-income housing units.

Clovis was found to be not in compliance with the state Housing Element Law, which requires all local governments to "adequately plan to meet the housing needs of everyone in the community."

City officials argue they have made land available for high-density housing throughout the city, but it takes interested developers to make those projects move. The city also struggles to pull down state and federal subsidies that could be used to entice developers, officials say.

"We disagree with the court's decision, and after consulting with our city attorney's office, we are confident that we have a strong case to have the decision overturned," Clovis Mayor Jose Flores said.

More than 1,100 units were built in Clovis in 2020 and not a single one fits the state standard of low-income affordable, despite the city being sued in 2019 for years of lacking affordable housing.

Officials also say they have worked with the state to ensure they remain up to the state's standards. They also pointed to a new project called Butterfly Gardens that broke ground May 14 as an example that they are trying.

The \$18 million project will be a 75-unit complex in the city's southwest, spearheaded by low-income housing developers UPHoldings and Self-Help Enterprises.

It's considered a "supportive" housing project — meaning the units are available to people who are homeless and struggle with mental health, drug addiction and other issues. It is the first of its kind in town.

"Butterfly Gardens is proof-positive that this private-public partnership can and will work in the city of Clovis," Flores said. "Other developers are in talks right now to build additional affordable housing in our city. ... We have followed the plan approved by the state. It is essential that we be allowed to stay the course."

COURT RULES NOT RACIST OR DISCRIMINATORY

The court ruled in the city's favor in at least one aspect of the lawsuit in that the judge did not find any racist or discriminatory practices in the city's Housing Element.

Regional Housing Needs Allocation does not require municipalities to actually develop low-income housing, but does require municipalities to have sites available.

Kapetan's ruling that highlighted Clovis's violation of state housing laws was viewed as a victory by lawyer Patience Milrod, executive director of Central California Legal Services, which filed the lawsuit on behalf of Desiree Martinez and Maria De Jesus Sanchez.

The women sued Clovis, claiming in their lawsuit that the city did not comply with state housing law and discriminated against low-income people and people of color by not properly zoning or planning affordable housing.

Milrod said the lawsuit is not a settled matter, and the city's plan to appeal is premature and lacks any real teeth without a final decision from the court.

Clovis has a history of zoning for the high-density housing needed to build affordable housing but also zoning the same land for single-family homes, leaving it up to the developers to choose.

"It's much more profitable for them to build single-family homes," Milrod said. "When they say, 'Gosh, we tried,' that's not actually true."

The city of Clovis has lacked affordable housing for decades, and Milrod said that's not an accident.

"The zoning which they say is compliant is a charade," she said. "They're saying low-income people need not apply, and the law says you can't do that."