

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

April 1, 2024

AGENDA ITEM:

First Reading of Ordinance #4, 2024 Regarding Proposed Changes to the Permanent Moderate Housing Regulations

PRESENTED BY:

Betsy Crum, Housing Director
Jeff Conklin, Town Attorney

BACKGROUND:

In 2023, the Town Council requested an opportunity to discuss various requirements of the Permanent Moderate Housing Regulations. The existing Regulations were last revised and updated in 2018 and enforce Chapter 17 of the Municipal Code and are incorporated by reference in that Code, which reads:

Sec. 17-11 **Regulations.** The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code.

At the June 5, July 17, September 11, November 20, 2023, January 2, 2024, January 16, 2024, and March 4, 2024 Town Council meetings, we reviewed the current rental and ownership housing programs in detail and discussed many of the provisions and nuances of the current Regulations. **Consensus was reached on the following changes to TOSV Regulations – changes from the March 4th meeting are noted in red:**

17.3.4.1 Employment Qualifications:

Change the working requirement to either 1400 hours and 80% of income in Snowmass Village or 1600 hours and 70% of income earned in Snowmass Village. **We have clarified this option throughout the Regulations to ensure consistency.**

17.3.5 Restriction on Ownership of Other Real Property

Change the language to also prohibit ownership of other properties in region by using trusts, LLCs or other mechanisms to disguise ownership. **This section has been**

amended to incorporate an exception for people who purchase and own property as part of a remodeling or similar business, provided the home is not occupied and it is sold within 6 months of completion.

17.3.4.2 In Complex Priority

Clarifies that in-complex priorities are only available to owners who currently work full-time for a Snowmass Village business. This has been our practice but needs to be explicitly stated.

17.3.6 Local Priority

This is a new section that would grant additional benefit to qualified applicants who graduated from the Aspen School District. Provided they lived in Snowmass Village for at least 8 consecutive years prior to high school graduation and had an absence from TOSV following graduation for not more than 6 years. These applicants would be given credit for **five** years of employment in the lottery.

17.4.1 Housing Unit Inspection

Change the language to state that we will engage a third-party inspector to perform home inspections when listed for sale.

17.4.2 Notice of Intent to Sell

Increase the resale fee from \$1,000 to \$2,000 to better reflect the actual costs of advertising the sale.

17.4.3.1 Energy Efficiency Improvements

Add improvements that measurably reduce carbon emissions to the list of eligible improvements in this category.

17.5.2 Biennial Requalification

Add the above language prohibiting acquiring interest in a residential property in the Roaring Fork Drainage

17.6.2 Housing Unit Rental

Add the ability to rent to a seasonal employee and require the homeowner to work with the Housing Office on setting a rental rate if they rent a bedroom in their home.

17.7.2. A new section has been added to ensure that a minor child may remain in the home in the event of the death of their parents. The ownership will be transferred to the surviving child, who may remain in the home with a guardian until they reach the age of 22, at which time the home will be sold.

These updates will necessitate updates to both the Permanent Moderate Housing Regulations and to Chapter 17 of the Municipal Code. The latter requires that changes be made by Ordinance.

FINANCIAL IMPACT:

Not applicable.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following housing goals:

Providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community. Town Council remains committed to implementing the 2021 Housing Master Plan.

Understanding that Village residents are served by local governmental organizations that are physically outside of the town, TOSV will work closely with those partner entities to create a more inclusive workforce housing framework that will integrate additional people/positions/organizations into our housing program. TOSV will endeavor to leverage additional financial resources from these partners to help meet our respective housing needs.

The TOSV Housing Program provides the foundation for this goal and has set us apart from most Colorado ski communities since its inception.

RECOMMENDATION

It is the recommendation of Town Staff, that the Council, by motion, Approve Ordinance 4, 2024, on first reading and that second reading of the ordinance be set for the Council's regular meeting to be held on May 6, 2024.

ATTACHMENTS:

Attachment A: Regulations – CHANGES from 3.4 meeting. This shows the changes made based on the Council's direction at the 3.4 meeting as a comparison to the prior version.

Attachment B: Regulations – Consolidated changes. This shows all of the changes proposed at the 3.4 meeting as amended by the Council's direction at the 3.4 meeting. In other words, it incorporates all of the changes.

Attachment C: Regulations – clean version of Regulations incorporating these changes.

Attachment D: Ordinance to amend the Code and adopt the Regulations – There are just a few minor changes from the last version, based on Council’s direction. This is not redlined.



Permanent Moderate Housing Regulations

- 17.1 Purpose
- 17.2 Definitions
- 17.3 Application
- 17.4 Resale Procedure
- 17.5 Mandatory Resale
- 17.6 Rental
- 17.7 Exempt Transactions
- 17.8 Release of Restrictions
- 17.9 Remedies of the Town
- 17.10 No Guaranty or Warranty Disclosure

17.1 Purpose. It is the goal of the Town of Snowmass Village to support a viable workforce and to continue a commitment to workforce housing opportunities that best balance the character and resources of the Town. These ~~rules and r~~egulations effectuate the provisions of Chapter 17, Article I of the Municipal Code and shall be enforceable as if enacted as a part thereof.

17.2 Definitions

As used in these ~~r~~egulations, the following words shall be construed to have the meanings defined below:

Active employment means a minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year.

Disabled Employee Prioritization is available to a qualified applicant who personally has or who resides ~~snts~~ with a dependent who has a physical impairment that substantially limits the ability of the person to walk and/or climb stairs, as documented in writing by a medical doctor licensed in the State of Colorado.

Disabled housing unit means a housing unit that complies with the accessibility provisions of the Americans with Disabilities Act (ADA) and Chapter 18 of the Town of Snowmass Village Municipal Code.

Proposed 11/2023

Home occupation means a business that complies with the requirements of Sec. 16A-3-240 of the Town of Snowmass Village ~~Land Use~~Municipal Code.

Employee means an adult who is actively employed by a licensed employer, as defined herein.

Employer is a business licensed:

- a. Pursuant to ~~Section 4.2 of~~ the Town of Snowmass Village Municipal Code with a principal place of business in Snowmass Village for a minimum of three (3) years; or
- b. To do business within Pitkin County, and having a principal place of business within Pitkin County.

Housing Manager is the individual designated by the Snowmass Village Town Manager to implement these Regulations, or his or her designee.

Housing unit means a dwelling unit that is subject to the provisions of these Regulations.

Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. To qualify for purchase, a minimum of eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

Maximum resale price means the maximum price for which a housing unit may be sold. The maximum resale price is computed in accordance with the resale price procedures established for each project under section 17.4 of these Regulations.

Owner means the fee simple owner of a housing unit.

Pre-sale inspection means an inspection of the housing unit to confirm that the housing unit has been kept and maintained in a clean and orderly condition, normal wear and tear excepted, in a manner determined by the Housing Manager.

Qualified applicant means all adult applicants who collectively meet the qualifications for purchase of a housing units, as established from time to time by the Housing Manager, and taking into consideration employment, income, net worth, unit size, dependents, and any other criteria established by the Housing Manager, as set forth in ~~47.2.4 of~~ these Regulations.

Resale fee means a fee collected upon the filing of a notice of intent to sell a housing unit, as determined by the Housing Manager, as set forth ~~under section 17.4.2. of in~~ these Regulations.

Requalified owner is an owner who, following the initial purchase of a housing unit, meets the qualifications for employment, income, net worth and residency established by the Housing Manager, as set forth ~~under this section in these Regulations~~

Residential dwelling unit means any residential property within the Roaring Fork River drainage situated in Eagle, Pitkin, or Garfield Counties, or within the communities along the Colorado River Drainage corridor from and including the unincorporated No Name area to and including the City of Rifle.

Unit size means a housing unit intended to be occupied by a minimum or maximum number of occupants as established by the Housing Manager.

17.3 Application. The Permanent Moderate Housing Regulations apply to the use, occupancy and sale of the following developments: Capitol Peak Condominiums, Coffey Place ~~(when completed)~~, Country Club Townhomes, Creekside Condominiums, Crossings at Horse Ranch, Daly Permanent Moderate Housing Townhomes, Mountain View Permanent Moderate Housing Condominiums, all phases of Rodeo Place, Sinclair Meadows, and all other Permanent Moderate Housing developments and housing units recognized by the Snowmass Village Town Council.

Commented [JJC1]: This will be relocated as part of the "consolidation" of the Regs and Code.

17.3.1 Application Procedure. On forms specified by the Housing Manager, an applicant shall provide information concerning employment, income, net worth, unit size, dependents and such other information deemed reasonably necessary to determine whether the applicant can be deemed a qualified applicant. All information provided by an applicant shall be considered confidential.

17.3.2 Procedures. Applications are available at the Housing Department office. Completed applications must be submitted with an application fee. An application is active for twelve (12) consecutive months. To apply for another housing unit, a Confirmation Affidavit shall be completed, with updated information, and a reapplication fee shall be paid. Incomplete applications will not be considered.

17.3.3 Verification of Application Information. The Housing Manager will verify all information contained in an application. If the Housing Manager determines that any information or statements in an application are not true or accurate, then the applicant may be permanently precluded from applying for the purchase of any housing unit or for applying to rent any Town apartment.

17.3.4 Qualified Applicant.

17.3.4.1 Employment Qualifications. To apply for a housing unit, an adult employee must ~~have been~~ meet one of the following qualifications: (a) active employment-actively employed for a minimum of one (1) year, and currently employed, by an employer licensed pursuant to ~~Section 4.2 of~~ the Snowmass Village Municipal Code with a principal place of business in the

Snowmass Village as defined in Section 17-3 of the Code for the minimum of one (1) year, ~~OR (b) worked 1600 hours and earned 70% of income earned in Snowmass Village for at the minimum of one (1) year, OR~~ or (c) active employment in Pitkin County for a minimum of three (3) years and currently employed in Pitkin County. ~~A minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year constitutes a year of active employment.~~

Commented [JJC2]: See definition of "active employment"

Licensed home occupations (as defined in the Town of Snowmass Village Land Use Code Sec. 16A-3-240) are qualified, provided they meet the definition of an employer in and derive a minimum of 80% of income from products, services or other direct benefits to the residents and/or businesses of the Town of Snowmass Village (if Snowmass Village applicant) or Pitkin County (if Pitkin County applicant). Applicants must provide proof of business license, a current Profit and Loss statement, a current list of clients, and any other information deemed necessary to verify eligibility, in addition to the other required application documents.

The following lottery tiers establish the priorities for applicants. All applicants must also meet employment, income, asset and occupancy requirements. After applicants are qualified, they will be entered into a lottery tier using the priorities listed below.

Lottery Tiers	Lottery Priorities
1st	In-Complex
2nd	Downsizing from one Permanent Moderate Housing unit to another unit, provided the downsized unit has fewer bedrooms than the current unit. In the case of new construction, no more than 25% of the initial units shall be made available for downsizing unless otherwise established by the Town Council.
3rd	Snowmass Village full-time employment with 3 or more years
4th	Snowmass Village full-time employment with 12-35 months
5th	Snowmass Village full-time employment with 3 or more years; 2 people may apply for a 3-bedroom unit
6th	Snowmass Village full-time employment with 12-35 months; 2 people may apply for a 3-bedroom unit
7th	Pitkin County full-time employment with 3 or more years

17.3.4.2. Maximum Income and Net Worth. The purchase price of a housing unit limits the income and net worth of an applicant to a maximum income and net worth. The maximum income and net worth applicable to a specific purchase price shall be established and made public annually by the Housing Manager.

Assets and liabilities shall be defined as generally accepted accounting standards for individuals, including all business equity for self-employed persons and business owners. Tax deferred retirement funds, college savings funds and contingent liabilities are not included in the net worth calculation. In the case of persons who wish to downsize from one Permanent Moderate Housing unit to another unit, the value of the primary home will not be included in the net worth calculation, provided the unit downsizing to has fewer bedrooms. Income is calculated by averaging the adjusted gross income shown on the last three (3) filed

Federal Income Tax returns. ~~Eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and~~ Applicant's qualifications, including income, must be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

17.3.4.3 Unit Size and Occupancy Requirements. In addition to the ~~above~~ Lottery Priorities ~~set forth in these Regulations~~ and to maximize the occupancy of housing units, an applicant can only apply to purchase a housing unit to accommodate the number of persons that will be residing with the applicant. The number of persons will include a dependent as defined in the Internal Revenue Code, or a minor child who resides on a part time basis of not less than one hundred twenty-one (121) days per calendar year as a result of an order of a court. A first priority applicant can only apply to purchase a housing unit with the number of bedrooms as follows:

First Priority Occupancy Table #1

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
1*	X	X		
2	X	X		
3		X	X	
4		X	X	X
4+			X	X

*One person is not eligible to purchase a detached single-family home.

Second Priority Occupancy Table #2

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
2	X	X	X	

After the first priority qualified applicants have been selected the Second Priority Occupancy Table will be used if necessary. This table will only be used for qualified Snowmass Village employee applicants in the 5th and 6th lottery tier from the 17.2.4.1 lottery procedures table.

Note: All Pitkin County employees in the 7th lottery tier must meet the requirements listed in the First Priority Occupancy Table #1.

17.3.5 Restriction on Ownership of Other Real Property. In order to qualify and to remain qualified, an applicant may not own any interest in a residential dwelling unit, as defined above. This includes any such interest held personally, by a member of the household, as a shareholder or member of a corporation, or as a partner, joint venture or a beneficiary of a

trust. Successful applicants who currently own a residential dwelling unit will be required to dispose of ~~thesuch~~ property within six months of closing on the ~~restricted~~ housing unit. Exceptions for employer-owned workforce housing may be granted upon request and will be subject to a Restricted Housing Agreement.

Notwithstanding, a residential dwelling unit in which an applicant has an ownership interest may be exempt from this restriction on the following conditions: (a) applicant is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by applicant; (c) applicant shall not own the residential dwelling unit for more than 6 months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) applicant shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

17.3.5 Applicant Super Priorities. Upon qualifying to purchase a housing unit, an applicant may qualify for a further, or “super”, priority that will rise above all other priorities.

17.3.5.1 Disabled Employee Prioritization. A qualified applicant who personally or who resides with a dependent who has a physical impairment that substantially limits the major life activity of walking and substantially limits the ability of the person to climb stairs as documented in writing by a medical doctor licensed in the State of Colorado shall be deemed the first priority qualified purchaser for the purchase of a disabled housing unit without regard to prioritization criteria. In the event that two or more qualified applicants desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.23.4.1 shall be utilized to determine the first priority qualified purchaser.

17.3.5.2 In Complex Priority. A qualified applicant (meets all employment, income, assets and occupancy requirements)-who currently works full-time for a Snowmass Village business and who has owned a housing unit in the project where a housing unit is offered for sale for longer than one (1) year shall be deemed the first priority qualified purchaser for the purchase of the housing unit without regard to other prioritization criteria. In the event that two or more such qualified applicant employee owners desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.23.4.1 shall be utilized to determine the first priority qualified purchaser. If more than one applicant is in the same employment tier, then a lottery will be held to select the qualified in complex purchaser.

17.3.6 Local Priority. Qualified applicants who graduate from Aspen High School, resided in TOSV for at least eight (8) consecutive years prior to high school graduation, and had an absence from TOSV following high school graduation for not more than six (6) years, shall be given credit for five (5) years of employment pursuant to Section 17.4.4.

17.4 Resale Procedure.

17.4.1 Housing Unit Inspection. As a condition precedent to filing a notice to sell a housing unit, the owner shall obtain an approved pre-sale inspection from an inspector approved by the

~~Housing Manager~~the Town shall inspect the property with an inspector approved by the Housing Manager. Upon successful completion of the inspection, an approved inspection report shall be issued, ~~and all cost of such report will be paid by the owner.~~

17.4.1.1 **Standards.** The inspection will disclose the physical condition of the housing unit. The housing unit must meet a minimum standard of maintenance and cleanliness. The ~~approved~~ inspector will grade the housing unit on a standard approved by the Housing Manager.

17.4.1.2 **Repairs.** If the pre-sale inspection discloses deficiencies, then the owner shall correct all deficiencies. The housing unit shall be re-inspected to confirm that all such deficiencies have been properly corrected.

17.4.2 **Notice to sell.** After receipt of the approved inspection report and the notice of intent to sell, the Housing Manager shall ~~calculate the maximum resale price. The Housing Manager shall then~~ collect a resale fee equal to ~~one percent (1%) of the maximum resale price of a condominium housing unit to a maximum of One Thousand Dollars (\$1,000.00), and one half of one percent (.5%) of the maximum resale price of a house to a maximum of One Two Thousand Five Hundred Dollars (\$2,45000.00),~~ ~~which may be adjusted on annual basis by the Housing Manager to reflect changes in costs.~~ Upon good cause shown, the Housing Manager may authorize alternate arrangements for the payment of the resale fee.

17.4.3 **Maximum resale price calculation.** The Housing Manager shall calculate the maximum resale price based upon the date the owner acquired the housing unit and upon the owner's purchase price, as further outlined below.

17.4.3.1 **Energy Efficiency, Carbon Reduction & Water Conservation Capital Improvements.** An energy efficiency, ~~carbon reduction~~ and water conservation capital improvements allowance of up to 10% ~~in aggregate~~ of the current resale price will be established for each new owner of a single-family home or a condominium unit. Only improvements that clearly demonstrate energy efficiency, ~~carbon reduction~~ and water conservation will be considered for this allowance. The utilization of sustainable green building materials may also be included in the 10% improvement allowance. All capital improvements will be depreciated on the depreciation schedule from the Marshall Swift Residential Handbook. This improvement allowance does not include the replacement or maintenance of existing fixtures, appliances, decorative items, or improvements necessary to maintain existing fixtures from the original construction. Only new replacement items which are recognized to provide a substantial amount of energy or water conservation greater than the original construction will be considered. An owner shall submit a complete improvement cost proposal listing the improvement items and documentation identifying the energy savings or water conservation benefits to the Housing Director prior to beginning the improvement work. The director will then decide if the requested improvements may be added to the resale price.

After receiving Housing Director approval, to substantiate the Energy, [Carbon Reduction](#) and Water Conservation Capital Improvement allowance amount, an owner shall provide the Housing Director an affidavit of owner setting forth the amounts expended for improvements with receipts to show actual expenses attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required. If a certificate of completion is not required, then a written statement from the Building Official identifying that the improvements installed did not require a building permit or a certificate of completion. Energy, [Carbon Reduction](#), and Water Conservation Capital Improvements that have not received preapproval from the Housing Director will not be considered for inclusion upon resale of the unit.

17.4.3.2 **Improvements.** Improvements may be included in the resale calculation only if approved by the Housing Manager and to the extent specified in these Regulations. Evidence of cost of eligible improvements and corresponding documentation from the Building Official must be submitted within six (6) months of issuance of a certificate of occupancy or other approval to be considered. In the case of existing housing improvements, evidence and documentation shall be submitted within six (6) months of adoption of these Regulations.

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17.4.3.3 **Condominium Housing Units Acquired before July 22, 1991.** For housing units located in the Creekside Condominiums and Country Club Townhomes that have been continuously owned by the same owner on and after July 22, 1991, the maximum resale price is computed as follows:

- a) the purchase price paid by the owner, plus an amount equal to:
 1. The purchase price paid by the owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner;
 - plus, the depreciated cost of improvements to the condominium unit which have been paid for by the owner and approved by the Town Council.
 - plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
 - plus, the actual cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.4 **Condominium Housing Units Acquired after July 22, 1991.** The maximum resale price shall be computed as the lesser of:

- a) the original price plus a three-percent annual increase in the purchase price, prorated from the date of the original purchase, or
- b) the purchase price paid by the owner, plus an amount equal to:
 1. The purchase price of the current owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner plus,
 - The depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
 - plus, the depreciated cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.5 **Crossings Housing Units.** The maximum resale price shall be computed as the lesser of:

- a) the base price as maintained in the records of the Housing Manager, plus the cost of the finishing of the basement from the date of completion in accordance with the description of the basement option not to exceed the cost of a standard basement option, plus a three-percent annual increase, or
- b) the purchase price paid by the owner, minus the cost of any house option which is installed after the issuance of the original certificate of occupancy plus the cost of the deck option, if it was subtracted from the calculation of the house base price, plus an amount equal to:
 1. The purchase price of the current owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States

Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;

- Divided by the CPI-W last published prior to the time of purchase by owner;
- plus, the cost of any house option, as approved by the Town Council as an option to the basic house design (as set forth in Exhibit "A" to the Horse Ranch Employee Housing Development Agreement entered into by and between the Town and Foresite Capital Facilities Corporation on April 22, 1994)
- plus, automatic sprinkler system, gutter and downspout, permanent landscaping and heat tapes) which was installed after the issuance of the original certificate of occupancy
- plus the cost of the deck option, if it was subtracted from the calculation of the house base price.

From the issuance of the original certificate of occupancy for the housing unit, the maximum amount shall be limited to ten percent (10%) of the house base price which shall escalate as follows:

- To five (5) years, five percent (5%) of the house base price;
- To six (6) years, six percent (6%) of the house base price;
- To seven (7) years, seven percent (7%) of the house base price;
- To eight (8) years, eight percent (8%) of the house base price;
- To nine (9) years, nine percent (9%) of the house base price; and
- To ten (10) years, ten percent (10%) of the house base price.

- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid for by the owner not to exceed 10% of the current resale price

To substantiate such amounts, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.6. Rodeo Place Single Family Housing Units. The maximum resale price shall be computed as the lesser of:

- a) the base price as maintained in the records of the Housing Manager, plus
 - the one-time actual cost of finishing the basement subject to a maximum allowance of \$70.00 per square foot from the date of

- completion in accordance with the square feet allocated to each home basement, plus
- The depreciated value of TOSV approved energy-efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price, plus
- The purchase price of the current owner;
- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
- Divided by the CPI-W last published prior to the time of purchase by owner;

To substantiate the finished basement option amount, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. The finishing of the basement improvements will be a one-time adjustment to the home base price from the certificate of completion date. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.7. Coffey Place Single Family and Condominium Housing Units. The maximum resale price shall be computed as the lesser of:

- a) the original price plus
 - a three-percent annual increase in the purchase price, prorated from the date of the original purchase, plus
 - the depreciated value of TOSV approved energy efficiency or water conservation capital improvements installed and paid by the owner, not to exceed 10% of the current resale price;
- OR
- b) the purchase price as maintained in the records of the Housing Manager,
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner, plus
 - The depreciated value of TOSV approved energy- efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price.

17.4.3.8 **Future Housing.** The regulations governing resale for future developments will be included in these Regulations.

17.4.3.9 **Publication.** The Housing Manager shall cause a notice of the availability of the housing unit purchase shall be published in [the Snowmass Village Suna local newspaper](#) once a week for four (4) consecutive weeks.

17.4.4 **Lottery Procedure.** At the end of the thirty (30) day Snowmass village employee priority period, lottery chances will be assigned by the Housing Manager to qualified applicants as follows:

Years Employed	Lottery Chances
1 or greater but less than 3	1
3 or greater but less than 7	2
7 or greater but less than 11	4
11 or greater but less than 15	6
15 or greater	8

Following the assignment of lottery chances to qualified applicants, the Housing Manager shall schedule and conduct a lottery to determine the priority of qualified purchasers. The lottery will be scheduled by the Housing Manager. If a chance of a qualified applicant is chosen more than one (1) time, all subsequent chances will be disregarded.

17.4.5 **Contract and sale procedure.** The first priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit. In the event that a contract is not timely entered into the next priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit, and so on until a sale occurs. The owner may not reject an offer from a qualified purchaser that is for the maximum resale price or the current resale price, as the case may be unless other terms and conditions of the offer are unreasonable. Thereafter, if the housing unit has not been sold, the owner may list it for sale with a real estate broker or negotiate a contract for its sale provided that the owner shall notify all prospective purchasers that they must be confirmed to be a qualified purchaser by the Housing Manager.

17.4.6 **Advertise housing unit for sale.** The owner shall advertise the housing unit for sale by the placement of a "for sale" sign meeting the requirements of Chapter 16A of the Snowmass Village Municipal Code at a conspicuous location.

17.4.7 **Confirmation of qualification.** At the closing of the sale, the Housing Manager shall confirm:

- a) The status of the qualified purchaser to purchase the housing unit;
- b) That the purchase price does not exceed the maximum resale price; and

- c) All monies owing to the Town have been fully paid.

17.5 Mandatory Resale.

17.5.1 An owner shall immediately offer the housing unit for sale in accordance with the provisions of section 17.4 upon the occurrence of any of the following events:

- a) If a non-qualified purchaser takes title to the housing unit; or
- b) The owner does not maintain residency at the housing unit; or
- c) The owner has not sold their residential dwelling unit ~~within the Roaring Fork River drainage~~ within six (6) months of the closing of the acquisition of the housing unit, or such period of time as approved by the Town Council upon good cause shown; or
- d) The owner acquires any interest in a residential dwelling unit ~~in the Roaring Fork Drainage~~ after the closing of the acquisition of a housing unit; or
- e) The owner purchases the housing unit for a purchase price greater than the maximum purchase price; or
- f) The owner fails to be a requalified owner.

17.5.2 **Biennial Requalification.** All owners must requalify biennially by completing and returning an affidavit within ninety (90) days of receipt. The affidavit will confirm that the following:

- a) The owner has been in physical residence in the housing unit for a minimum of eight (8) months each calendar year, is or is eligible to be a registered voter in the Town, possesses or is eligible to possess a valid Colorado driver's license; and files a Colorado income tax return; and
- b) The owner has been actively employed by an employer whose principal place of business is in Pitkin County for minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar; or have attained the age of sixty-two (62) after having been the owner of the housing unit for not less than ten (10) years. Verification of compliance with this requirement must be provided at the time of requalification.
- c) The owner does not own any interest a residential dwelling unit ~~has not acquired a residential dwelling unit within the Roaring Fork River drainage situated in Eagle, Pitkin or Garfield Counties, or within the Colorado River Drainage from and including the unincorporated No Name area to and including the City of Rifle, after the closing of the acquisition of a housing unit. This includes any such interest held personally, by a person's spouse, as a shareholder or member of a corporation, or as a partner, a joint venture or a beneficiary of a trust. Notwithstanding, a residential dwelling unit in which owner has an ownership interest may be exempt from this restriction on the following conditions: (a) owner is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at~~

any time while owned by owner; (c) owner shall not own the residential dwelling unit for more than 6 months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) owner shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

The Housing Department may, at its discretion, conduct a directed and random audit of continued compliance with ongoing qualification with the provisions of these Regulations.

17.5.3 Change in Ownership. Any proposed or contemplated additions or deletions to the owners listed on the warranty deed must be approved in writing by the Housing Manager. Any such changes will be required to comply with all requirements of these Regulations.

17.6 Housing Unit Rental.

17.6.1 For good cause shown and with the approval of the Housing Manager, an owner may rent the entire housing unit for a maximum of four months. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager. No short-term rentals will be allowed.

17.6.2 With written notice to the Housing Manager, the owner of a housing unit of not less than two (2) bedrooms may rent one (1) bedroom to a maximum of two (2) people, at least one (1) of whom is an employee. Full-time seasonal employees (minimum 700 hours per season) may qualify for a rental at the owner's discretion. Provided, however, the owner must maintain residency in the housing unit, must occupy a bedroom in the housing unit and must receive prior approval for any such rental from the association in which the housing unit exists. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager.

17.6.3 Where there exists a conflict between any limitation or requirement in this Code and any limitation or requirement contained in any applicable protective covenant, deed restriction, condominium declaration, homeowners or condominium association bylaws or rules and regulations, as the same may be adopted or amended from time to time, the more restrictive limitation or requirement shall prevail.

17.7 Exempt Transactions.

17.7.1 A one-time transfer by operation of law, by will or inheritance to a surviving spouse of an owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.

17.7.3 A one-time transfer by operation of law, by will or inheritance to a dependent minor child as the sole surviving member of owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the

Commented [JJC3]: Here's the APCA Section on death. Do we want to incorporate all of these?

C. Death of Qualified Employee

1. Rental Units

Any qualified household member in occupancy at the time of a qualified tenant's death is permitted to continue to occupy the respective rental unit for the balance of the lease term, or a minimum of six months if the lease expires earlier than the six-month period of time. Any such household member who meets the requirements of the applicable Deed Restriction and the APCA Regulations, including without limitation the minimum occupancy requirement, is entitled to a new lease for the unit as a qualified tenant.

2. Ownership Units

A. A qualified spouse and/or child in occupancy at the time of a qualified owner's death is not required to satisfy the requirements for the applicable category for the unit nor the minimum occupancy requirement. A relative other than a qualified spouse and/or child who is in occupancy of the unit at the time of a qualified owner's death will be permitted to continue to occupy the respective ownership unit only if such person is or becomes APCA-qualified within six months of the approved owner's death.

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B. A child of a deceased owner who is not in occupancy at the time of the qualified owner's death, must meet the following requirements in order to obtain title to the unit as a qualified buyer: i. Assets and income must be at or below the requirements for a category 5 unit as determined at the time of the owner's death;

ii. Applicable minimum occupancy requirement minus one (minimum occupancy may be waived if child can document a work history of 10 consecutive years in Pitkin County prior to point of transfer);

iii. The child must document his or her four-year work history in Pitkin County immediately prior to the qualified owner's death or document that he or she is currently enrolled in high school, college, or graduate degree program, or that the school requirement and the work requirement is at least the four years; and

iv. In order for a spouse of the qualified child to be added (but not substituted) to title by to a quitclaim deed or otherwise, such person must demonstrate proof of marriage as determined by APCA.

C. If a dependent minor (under age 18) is the sole surviving member of an approved household and opts to stay in the unit; the following conditions must be met by the dependent minor in order to remain in the unit: i. enrolled full-time in an accredited lower or high school program and/or thereafter such person enrolls in an accredited higher education program; and

Commented [JJC4]: Does the spouse have to qualify under the Regs?

Housing Manager providing information to support that an exempt transaction has occurred. In such case, the child may reside in the housing unit with a guardian as their primary residence until the child turns 22 years of age, at which time the housing unit must be sold pursuant to these Regulations.

~~An Owner of a housing units at The Crossings at Horse Ranch who purchased such housing unit prior to August 26, 2002, may transfer such housing unit one time by operation of law, by will, inheritance, or gift to one or more of their surviving children, provided that the person(s) who becomes vested with fee title to the housing unit meets the criteria of a qualified applicant. Such one-time transfer shall be exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.~~

17.8 Interpretations; Appeals. The Housing Manager shall make all interpretations of these Regulations. Any applicant or owner who feels that the Housing Manager has misinterpreted or improperly applied the provisions of the Chapter 17 of the Municipal Code or these Regulations may inform the Town Manager in writing and request a review. Any such request must be delivered to the Town Manager within fourteen (14) days of the date of such purported misinterpretation or improper application. The Town Manager shall investigate and take such actions as are necessary and proper to alleviate any actual noncompliance.



Permanent Moderate Housing Regulations

- 17.1 Purpose
- 17.2 Definitions
- 17.3 Application
- 17.4 Resale Procedure
- 17.5 Mandatory Resale
- 17.6 Rental
- 17.7 Exempt Transactions
- 17.8 Release of Restrictions
- 17.9 Remedies of the Town
- 17.10 No Guaranty or Warranty Disclosure

17.1 Purpose. It is the goal of the Town of Snowmass Village to support a viable workforce and to continue a commitment to workforce housing opportunities that best balance the character and resources of the Town. These Regulations effectuate the provisions of Chapter 17, Article I of the Municipal Code and shall be enforceable as if enacted as a part thereof.

17.2 Definitions

As used in these Regulations, the following words shall be construed to have the meanings defined below:

Active employment means a minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year.

Disabled Employee Prioritization is available to a qualified applicant who personally has or who resides with a dependent who has a physical impairment that substantially limits the ability of the person to walk and/or climb stairs, as documented in writing by a medical doctor licensed in the State of Colorado.

Disabled housing unit means a housing unit that complies with the accessibility provisions of the Americans with Disabilities Act (ADA) and Chapter 18 of the Town of Snowmass Village Municipal Code.

Home occupation means a business that complies with the requirements of Sec. 16A-3-240 of the Town of Snowmass Village Municipal Code.

Employee means an adult who is actively employed by a licensed employer, as defined herein.

Employer is a business licensed:

- a. Pursuant to the Town of Snowmass Village Municipal Code with a principal place of business in Snowmass Village for a minimum of three (3) years; or
- b. To do business within Pitkin County, and having a principal place of business within Pitkin County.

Housing Manager is the individual designated by the Snowmass Village Town Manager to implement these Regulations, or his or her designee.

Housing unit means a dwelling unit that is subject to the provisions of these Regulations.

Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. To qualify for purchase, a minimum of eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

Maximum resale price means the maximum price for which a housing unit may be sold. The maximum resale price is computed in accordance with the resale price procedures established for each project under section 17.4 of these Regulations.

Owner means the fee simple owner of a housing unit.

Pre-sale inspection means an inspection of the housing unit to confirm that the housing unit has been kept and maintained in a clean and orderly condition, normal wear and tear excepted, in a manner determined by the Housing Manager.

Qualified applicant means all adult applicants who collectively meet the qualifications for purchase of a housing unit, as established from time to time by the Housing Manager, and taking into consideration employment, income, net worth, unit size, dependents, and any other criteria established by the Housing Manager, as set forth in these Regulations.

Resale fee means a fee collected upon the filing of a notice of intent to sell a housing unit, as determined by the Housing Manager, as set forth in these Regulations.

Requalified owner is an owner who, following the initial purchase of a housing unit, meets the qualifications for employment, income, net worth and residency established by the Housing Manager, as set forth in these Regulations

Residential dwelling unit means any residential property within the Roaring Fork River drainage situated in Eagle, Pitkin, or Garfield Counties, or within the communities along the Colorado River corridor from and including the unincorporated No Name area to and including the City of Rifle.

Unit size means a housing unit intended to be occupied by a minimum or maximum number of occupants as established by the Housing Manager.

17.3 Application. The Permanent Moderate Housing Regulations apply to the use, occupancy and sale of the following developments: Capitol Peak Condominiums, Coffey Place, Country Club Townhomes, Creekside Condominiums, Crossings at Horse Ranch, Daly Permanent Moderate Housing Townhomes, Mountain View Permanent Moderate Housing Condominiums, all phases of Rodeo Place, Sinclair Meadows, and all other Permanent Moderate Housing developments and housing units recognized by the Snowmass Village Town Council.

17.3.1 Application Procedure. On forms specified by the Housing Manager, an applicant shall provide information concerning employment, income, net worth, unit size, dependents and such other information deemed reasonably necessary to determine whether the applicant can be deemed a qualified applicant. All information provided by an applicant shall be considered confidential.

17.3.2 Procedures. Applications are available at the Housing Department office. Completed applications must be submitted with an application fee. An application is active for twelve (12) consecutive months. To apply for another housing unit, a Confirmation Affidavit shall be completed, with updated information, and a reapplication fee shall be paid. Incomplete applications will not be considered.

17.3.3 Verification of Application Information. The Housing Manager will verify all information contained in an application. If the Housing Manager determines that any information or statements in an application are not true or accurate, then the applicant may be permanently precluded from applying for the purchase of any housing unit or for applying to rent any Town apartment.

17.3.4 Qualified Applicant.

17.3.4.1 Employment Qualifications. To apply for a housing unit, an adult employee must meet one of the following qualifications: (a) active employment for a minimum of one (1) year, and currently employed, by an employer licensed pursuant to the Snowmass Village Municipal Code with a principal place of business in the Snowmass Village as defined in Section 17-3 of

the Code , (b) worked 1600 hours and earned 70% of income in Snowmass Village for a minimum of one (1) year, or (c) active employment in Pitkin County for a minimum of three (3) years and currently employed in Pitkin County.

Licensed home occupations (as defined in the Town of Snowmass Village Land Use Code Sec. 16A-3-240) are qualified, provided they meet the definition of an employer in and derive a minimum of 80% of income from products, services or other direct benefits to the residents and/or businesses of the Town of Snowmass Village (if Snowmass Village applicant) or Pitkin County (if Pitkin County applicant). Applicants must provide proof of business license, a current Profit and Loss statement, a current list of clients, and any other information deemed necessary to verify eligibility, in addition to the other required application documents.

The following lottery tiers establish the priorities for applicants. All applicants must also meet employment, income, asset and occupancy requirements. After applicants are qualified, they will be entered into a lottery tier using the priorities listed below.

Lottery Tiers	Lottery Priorities
1st	In-Complex
2nd	Downsizing from one housing unit to another unit, provided the downsized unit has fewer bedrooms than the current unit. In the case of new construction, no more than 25% of the initial units shall be made available for downsizing unless otherwise established by the Town Council.
3rd	Snowmass Village full-time employment with 3 or more years
4th	Snowmass Village full-time employment with 12-35 months
5th	Snowmass Village full-time employment with 3 or more years; 2 people may apply for a 3-bedroom unit
6th	Snowmass Village full-time employment with 12-35 months; 2 people may apply for a 3-bedroom unit
7th	Pitkin County full-time employment with 3 or more years

17.3.4.2. Maximum Income and Net Worth. The purchase price of a housing unit limits the income and net worth of an applicant to a maximum income and net worth. The maximum income and net worth applicable to a specific purchase price shall be established and made public annually by the Housing Manager.

Assets and liabilities shall be defined as generally accepted accounting standards for individuals, including all business equity for self-employed persons and business owners. Tax deferred retirement funds, college savings funds and contingent liabilities are not included in the net worth calculation. In the case of persons who wish to downsize from one housing unit to another unit, the value of the primary home will not be included in the net worth calculation, provided the unit downsizing to has fewer bedrooms. Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. Applicant’s qualifications, including income, must be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

17.3.4.3 Unit Size and Occupancy Requirements. In addition to the Lottery Priorities set forth in these Regulations and to maximize the occupancy of housing units, an applicant can only apply to purchase a housing unit to accommodate the number of persons that will be residing with the applicant. The number of persons will include a dependent as defined in the Internal Revenue Code, or a minor child who resides on a part time basis of not less than one hundred twenty-one (121) days per calendar year as a result of an order of a court. A first priority applicant can only apply to purchase a housing unit with the number of bedrooms as follows:

First Priority Occupancy Table #1

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
1*	X	X		
2	X	X		
3		X	X	
4		X	X	X
4+			X	X

*One person is not eligible to purchase a detached single-family home.

Second Priority Occupancy Table #2

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
2	X	X	X	

After the first priority qualified applicants have been selected the Second Priority Occupancy Table will be used if necessary. This table will only be used for qualified Snowmass Village employee applicants in the 5th and 6th lottery tier from the 17.2.4.1 lottery procedures table.

Note: All Pitkin County employees in the 7th lottery tier must meet the requirements listed in the First Priority Occupancy Table #1.

17.3.5 Restriction on Ownership of Other Real Property. In order to qualify and to remain qualified, an applicant may not own any interest in a residential dwelling unit, as defined above. This includes any such interest held personally, by a member of the household, as a shareholder or member of a corporation, or as a partner, joint venture or a beneficiary of a trust. Successful applicants who currently own a residential dwelling unit will be required to dispose of such property within six months of closing on the housing unit. Exceptions for employer-owned workforce housing may be granted upon request and will be subject to a Restricted Housing Agreement.

Notwithstanding, a residential dwelling unit in which an applicant has an ownership interest may be exempt from this restriction on the following conditions: (a) applicant is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by applicant; (c) applicant shall not own the residential dwelling unit for more than 6 months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) applicant shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

17.3.5 Applicant Super Priorities. Upon qualifying to purchase a housing unit, an applicant may qualify for a further, or "super", priority that will rise above all other priorities.

17.3.5.1 Disabled Employee Prioritization. A qualified applicant who personally or who resides with a dependent who has a physical impairment that substantially limits the major life activity of walking and substantially limits the ability of the person to climb stairs as documented in writing by a medical doctor licensed in the State of Colorado shall be deemed the first priority qualified purchaser for the purchase of a disabled housing unit without regard to prioritization criteria. In the event that two or more qualified applicants desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.3.4.1 shall be utilized to determine the first priority qualified purchaser.

17.3.5.2 In Complex Priority. A qualified applicant who currently works full-time for a Snowmass Village business and who has owned a housing unit in the project where a housing unit is offered for sale for longer than one (1) year shall be deemed the first priority qualified purchaser for the purchase of the housing unit without regard to other prioritization criteria. In the event that two or more such qualified applicant employee owners desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.3.4.1 shall be utilized to determine the first priority qualified purchaser. If more than one applicant is in the same employment tier, then a lottery will be held to select the qualified in complex purchaser.

17.3.6 Local Priority. Qualified applicants who graduate from Aspen High School, resided in TOSV for at least eight (8) consecutive years prior to high school graduation, and had an absence from TOSV following high school graduation for not more than six (6) years, shall be given credit for five (5) years of employment pursuant to Section 17.4.4.

17.4 Resale Procedure.

17.4.1 Housing Unit Inspection. As a condition precedent to filing a notice to sell a housing unit, the Town shall inspect the property with an inspector approved by the Housing Manager. Upon successful completion of the inspection, an approved inspection report shall be issued.

17.4.1.1 Standards. The inspection will disclose the physical condition of the housing unit. The housing unit must meet a minimum standard of maintenance and cleanliness. The inspector will grade the housing unit on a standard approved by the Housing Manager.

17.4.1.2 **Repairs.** If the pre-sale inspection discloses deficiencies, then the owner shall correct all deficiencies. The housing unit shall be re-inspected to confirm that all such deficiencies have been properly corrected.

17.4.2 **Notice to sell.** After receipt of the approved inspection report and the notice of intent to sell, the Housing Manager shall collect a resale fee equal to Two Thousand Dollars (\$2,000.00), which may be adjusted on annual basis by the Housing Manager to reflect changes in costs. Upon good cause shown, the Housing Manager may authorize alternate arrangements for the payment of the resale fee.

17.4.3 **Maximum resale price calculation.** The Housing Manager shall calculate the maximum resale price based upon the date the owner acquired the housing unit and upon the owner's purchase price, as further outlined below.

17.4.3.1 **Energy Efficiency, Carbon Reduction & Water Conservation Capital Improvements.** An energy efficiency, carbon reduction and water conservation capital improvements allowance of up to 10% in aggregate of the current resale price will be established for each new owner of a single-family home or a condominium unit. Only improvements that clearly demonstrate energy efficiency, carbon reduction and water conservation will be considered for this allowance. The utilization of sustainable green building materials may also be included in the 10% improvement allowance. All capital improvements will be depreciated on the depreciation schedule from the Marshall Swift Residential Handbook. This improvement allowance does not include the replacement or maintenance of existing fixtures, appliances, decorative items, or improvements necessary to maintain existing fixtures from the original construction. Only new replacement items which are recognized to provide a substantial amount of energy or water conservation greater than the original construction will be considered. An owner shall submit a complete improvement cost proposal listing the improvement items and documentation identifying the energy savings or water conservation benefits to the Housing Director prior to beginning the improvement work. The director will then decide if the requested improvements may be added to the resale price.

After receiving Housing Director approval, to substantiate the Energy, Carbon Reduction and Water Conservation Capital Improvement allowance amount, an owner shall provide the Housing Director an affidavit of owner setting forth the amounts expended for improvements with receipts to show actual expenses attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required. If a certificate of completion is not required, then a written statement from the Building Official identifying that the improvements installed did not require a building permit or a certificate of completion. Energy, Carbon Reduction and Water Conservation Capital Improvements that have not received preapproval from the Housing Director will not be considered for inclusion upon resale of the unit.

17.4.3.2 **Improvements.** Improvements may be included in the resale calculation only if approved by the Housing Manager and to the extent specified in these Regulations. Evidence

of cost of eligible improvements and corresponding documentation from the Building Official must be submitted within six (6) months of issuance of a certificate of occupancy or other approval to be considered. In the case of existing housing improvements, evidence and documentation shall be submitted within six (6) months of adoption of these Regulations.

17.4.3.3 Condominium Housing Units Acquired before July 22, 1991. For housing units located in the Creekside Condominiums and Country Club Townhomes that have been continuously owned by the same owner on and after July 22, 1991, the maximum resale price is computed as follows:

- a) the purchase price paid by the owner, plus an amount equal to:
 1. The purchase price paid by the owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner;
 - plus, the depreciated cost of improvements to the condominium unit which have been paid for by the owner and approved by the Town Council.
 - plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
 - plus, the actual cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.4 Condominium Housing Units Acquired after July 22, 1991. The maximum resale price shall be computed as the lesser of:

- a) the original price plus a three-percent annual increase in the purchase price, prorated from the date of the original purchase, or
- b) the purchase price paid by the owner, plus an amount equal to:
 1. The purchase price of the current owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of

Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;

- Divided by the CPI-W last published prior to the time of purchase by owner plus,
- The depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
- plus, the depreciated cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.5 Crossings Housing Units. The maximum resale price shall be computed as the lesser of:

- a) the base price as maintained in the records of the Housing Manager, plus the cost of the finishing of the basement from the date of completion in accordance with the description of the basement option not to exceed the cost of a standard basement option, plus a three-percent annual increase, or
- b) the purchase price paid by the owner, minus the cost of any house option which is installed after the issuance of the original certificate of occupancy plus the cost of the deck option, if it was subtracted from the calculation of the house base price, plus an amount equal to:
 1. The purchase price of the current owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner;
 - plus, the cost of any house option, as approved by the Town Council as an option to the basic house design (as set forth in Exhibit "A" to the Horse Ranch Employee Housing Development Agreement entered into by and between the Town and Foresite Capital Facilities Corporation on April 22, 1994)
 - plus, automatic sprinkler system, gutter and downspout, permanent landscaping and heat tapes) which was installed after the issuance of the original certificate of occupancy

- plus the cost of the deck option, if it was subtracted from the calculation of the house base price.

From the issuance of the original certificate of occupancy for the housing unit, the maximum amount shall be limited to ten percent (10%) of the house base price which shall escalate as follows:

- To five (5) years, five percent (5%) of the house base price;
 - To six (6) years, six percent (6%) of the house base price;
 - To seven (7) years, seven percent (7%) of the house base price;
 - To eight (8) years, eight percent (8%) of the house base price;
 - To nine (9) years, nine percent (9%) of the house base price; and
 - To ten (10) years, ten percent (10%) of the house base price.
- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid for by the owner not to exceed 10% of the current resale price

To substantiate such amounts, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.6. Rodeo Place Single Family Housing Units. The maximum resale price shall be computed as the lesser of:

- a) the base price as maintained in the records of the Housing Manager, plus
 - the one-time actual cost of finishing the basement subject to a maximum allowance of \$70.00 per square foot from the date of completion in accordance with the square feet allocated to each home basement, plus
 - The depreciated value of TOSV approved energy-efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price, plus
 - The purchase price of the current owner;
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner;

To substantiate the finished basement option amount, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. The finishing of the basement improvements will be a one-time adjustment to the home base price from the certificate of completion date. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.7. Coffey Place Single Family and Condominium Housing Units. The maximum resale price shall be computed as the lesser of:

- a) the original price plus
 - a three-percent annual increase in the purchase price, prorated from the date of the original purchase, plus
 - the depreciated value of TOSV approved energy efficiency or water conservation capital improvements installed and paid by the owner, not to exceed 10% of the current resale price;

OR

- b) the purchase price as maintained in the records of the Housing Manager,
 - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
 - Divided by the CPI-W last published prior to the time of purchase by owner, plus
 - The depreciated value of TOSV approved energy- efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price.

17.4.3.8 Future Housing. The regulations governing resale for future developments will be included in these Regulations.

17.4.3.9 Publication. The Housing Manager shall cause a notice of the availability of the housing unit purchase shall be published in a local newspaper once a week for four (4) consecutive weeks.

17.4.4 Lottery Procedure. At the end of the thirty (30) day Snowmass village employee priority period, lottery chances will be assigned by the Housing Manager to qualified applicants as follows:

Years Employed	Lottery Chances
1 or greater but less than 3	1
3 or greater but less than 7	2
7 or greater but less than 11	4
11 or greater but less than 15	6
15 or greater	8

Following the assignment of lottery chances to qualified applicants, the Housing Manager shall schedule and conduct a lottery to determine the priority of qualified purchasers. The lottery will be scheduled by the Housing Manager. If a chance of a qualified applicant is chosen more than one (1) time, all subsequent chances will be disregarded.

17.4.5 Contract and sale procedure. The first priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit. In the event that a contract is not timely entered into the next priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit, and so on until a sale occurs. The owner may not reject an offer from a qualified purchaser that is for the maximum resale price or the current resale price, as the case may be unless other terms and conditions of the offer are unreasonable. Thereafter, if the housing unit has not been sold, the owner may list it for sale with a real estate broker or negotiate a contract for its sale provided that the owner shall notify all prospective purchasers that they must be confirmed to be a qualified purchaser by the Housing Manager.

17.4.6 Advertise housing unit for sale. The owner shall advertise the housing unit for sale by the placement of a "for sale" sign meeting the requirements of Chapter 16A of the Snowmass Village Municipal Code at a conspicuous location.

17.4.7 Confirmation of qualification. At the closing of the sale, the Housing Manager shall confirm:

- a) The status of the qualified purchaser to purchase the housing unit;
- b) That the purchase price does not exceed the maximum resale price; and
- c) All monies owing to the Town have been fully paid.

17.5 Mandatory Resale.

17.5.1 An owner shall immediately offer the housing unit for sale in accordance with the provisions of section 17.4 upon the occurrence of any of the following events:

- a) If a non-qualified purchaser takes title to the housing unit; or
- b) The owner does not maintain residency at the housing unit; or

- c) The owner has not sold their residential dwelling unit within six (6) months of the closing of the acquisition of the housing unit, or such period of time as approved by the Town Council upon good cause shown; or
- d) The owner acquires any interest in a residential dwelling unit after the closing of the acquisition of a housing unit; or
- e) The owner purchases the housing unit for a purchase price greater than the maximum purchase price; or
- f) The owner fails to be a requalified owner.

17.5.2 Biennial Requalification. All owners must requalify biennially by completing and returning an affidavit within ninety (90) days of receipt. The affidavit will confirm that the following:

- a) The owner has been in physical residence in the housing unit for a minimum of eight (8) months each calendar year, is or is eligible to be a registered voter in the Town, possesses or is eligible to possess a valid Colorado driver's license; and files a Colorado income tax return; and
- b) The owner has been actively employed by an employer whose principal place of business is in Pitkin County for minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar; or have attained the age of sixty-two (62) after having been the owner of the housing unit for not less than ten (10) years. Verification of compliance with this requirement must be provided at the time of requalification.
- c) The owner does not own any interest a residential dwelling unit. This includes any such interest held personally, by a person's spouse, as a shareholder or member of a corporation, or as a partner, a joint venture or a beneficiary of a trust. Notwithstanding, a residential dwelling unit in which owner has an ownership interest may be exempt from this restriction on the following conditions: (a) owner is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by owner; (c) owner shall not own the residential dwelling unit for more than 6 months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) owner shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

The Housing Department may, at its discretion, conduct a directed and random audit of continued compliance with ongoing qualification with the provisions of these Regulations.

17.5.3 Change in Ownership. Any proposed or contemplated additions or deletions to the owners listed on the warranty deed must be approved in writing by the Housing Manager. Any such changes will be required to comply with all requirements of these Regulations.

17.6 Housing Unit Rental.

17.6.1 For good cause shown and with the approval of the Housing Manager, an owner may rent the entire housing unit for a maximum of four months. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager. No short-term rentals will be allowed.

17.6.2 With written notice to the Housing Manager, the owner of a housing unit of not less than two (2) bedrooms may rent one (1) bedroom to a maximum of two (2) people, at least one (1) of whom is an employee. Full-time seasonal employees (minimum 700 hours per season) may qualify for a rental at the owner's discretion. Provided, however, the owner must maintain residency in the housing unit, must occupy a bedroom in the housing unit and must receive prior approval for any such rental from the association in which the housing unit exists. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager.

17.6.3 Where there exists a conflict between any limitation or requirement in this Code and any limitation or requirement contained in any applicable protective covenant, deed restriction, condominium declaration, homeowners or condominium association bylaws or rules and regulations, as the same may be adopted or amended from time to time, the more restrictive limitation or requirement shall prevail.

17.7 Exempt Transactions.

17.7.1 A one-time transfer by operation of law, by will or inheritance to a surviving spouse of an owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.

17.7.3 A one-time transfer by operation of law, by will or inheritance to a dependent minor child as the sole surviving member of owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred. In such case, the child may reside in the housing unit with a guardian as their primary residence until the child turns 22 years of age, at which time the housing unit must be sold pursuant to these Regulations.

17.8 Interpretations; Appeals. The Housing Manager shall make all interpretations of these Regulations. Any applicant or owner who feels that the Housing Manager has misinterpreted or improperly applied the provisions of the Chapter 17 of the Municipal Code or these Regulations may inform the Town Manager in writing and request a review. Any such request must be delivered to the Town Manager within fourteen (14) days of the date of such purported

misinterpretation or improper application. The Town Manager shall investigate and take such actions as are necessary and proper to alleviate any actual noncompliance.