

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
MISCELLANEOUS AMENDMENTS TO THE POLICY FOR ADMINISTERING TOWN-OWNED
EMPLOYEE HOUSING UNITS**

**Town of Basalt, Colorado
Resolution No. 10
Series of 2018**

RECITALS

Whereas, the Town currently owns eighteen (18) dwelling units for rental to employees.

Whereas, the Town Council adopted a policy in 2016 that was subsequently amended pursuant to Resolution No. 30, Series of 2016, by which the Town should follow with regards to renting the Town-owned employee housing units to ensure that occupants are selected in a fair and equitable manner.

Whereas, Basalt Affordable Community Housing (BACH) Committee members reviewed and recommended miscellaneous amendment to the Policy for Administering Town-owned Employee Housing Units at their February 22, 2018 meeting.

Whereas, the Policy attached hereto as Exhibit "A" contains the revisions suggested by BACH members.

Whereas, the Town Council considered Staff and BACH member recommendations, and the proposed policy at their meeting on May 8, 2018. Upon considering the BACH recommendation, the Town Council referred the proposed amendment back to BACH.

Whereas, BACH discussed revisions additional changes to the proposed policy at their meeting on May 10, 2018.

Whereas, the Town Council considered BACH's revised recommendations and the proposed policy at their meeting on May 22, 2018.

Whereas, The Town Council finds and determines it is in the best interests of the Town to adopt a policy for the Administration of Town-owned Employee Housing Units as attached hereto, and is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF BASALT, COLORADO:**

Based on the evidence, testimony, and comments from BACH members, the Basalt Town Council hereby amends the Policy for the Administration of Town-owned Employee Housing Units as attached hereto as **Exhibit "A"**.

RESOLUTION NO. 10, SERIES OF 2018, IS HEREBY ADOPTED by a vote of 6 to 0, this 22nd day of May, 2018.

TOWN OF BASALT, COLORADO

ATTEST:

by



Jacques R. Whitsitt, Mayor



Pamela K Schilling, Town Clerk



BACH's changes are in underline/~~strikethrough~~ text

Exhibit "A"

Administration of Town-Owned Employee Housing Units

Qualifications:

A Town employee is eligible for occupancy of a Town-owned unit and other individuals are also eligible as provided below. If an employee desires and is chosen to occupy a Town-owned employee housing unit, any housing allowance being paid to the Town employee shall be used to pay rent on the Town-owned employee housing unit. Only one person of a family must meet the employment requirements established in the Town's Community Housing Guidelines to qualify to rent a Town-owned employee housing unit. Deed restrictions on Town-owned employee housing units shall control where in conflict with this policy. ~~If income and asset requirements are not contained in an applicable deed restriction, then Priority 1 and 2 applicants are not required to meet income and asset limitations. Priority 3 and 4 applicants must meet the Category 3 income and asset requirements of the Community Housing Guidelines.~~

Occupancy Requirements and Limitations:

Unless waived by the Special Housing Evaluation Committee (SHEC), a minimum occupancy of one individual per bedroom must be met. The lessee may not rent space to a non-qualified employee. At such time the employee housing unit again becomes vacant, minimum occupancy requirements shall apply. Maximum occupancy shall not exceed the limitations set forth in the Town Code and Community Housing Guidelines.

A qualified person must not own developed residential real estate or a mobile home that has an address within the Roaring Fork Drainage situated in Eagle, Pitkin, Garfield or Gunnison Counties or within the Colorado River Drainage from and including the unincorporated No Name area to and including Rifle, and including but not limited to the incorporated areas of Aspen, Basalt., Carbondale, El Jebel, Glenwood Springs, Marble, Meredith, New Castle, No Name, Redstone, Rifle, Snowmass, Snowmass Village and Woody Creek.

Lease Terms and Requalification:

Maximum lease terms for renting a employee housing unit shall be one year. Compliance with all applicable qualification requirements must be maintained during the lease term. After the lease expires, occupants must re-qualify with the Town based on the applicable employment, income, assets, and occupancy restrictions in order to continue to occupy the unit. Such tenants have priority for continuing tenancy. After the one year lease expires, occupants must re-qualify with the Town based on the employment, income, assets, and occupancy restrictions in order to continue to occupy the unit. Each adult occupying a unit shall be listed on the lease filed with the Town. Subleases, including roommate situations shall require approval by the Town. An employee may remain in their unit until the earlier of: 1) ninety (90) days after their employment is terminated, or 2) their lease expires.

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Minimum Lease Terms:

Minimum lease terms shall be six (6) months unless reduced by the SHEC in the instance that such a reduction furthers the Town's housing goals, (e.g. housing Rocky Mountain Institute interns/employees). The same requirements apply as for one-year leases.

Responsibility for Employee Housing Unit Administration:

The Town Finance Director as a Town Staff liaison to SHEC shall work together to administer the advertising, qualifying, and placement of qualified individuals into employee housing units controlled by the Town based on the policies identified herein and in the Town's Community Housing Guidelines as they may be amended from time to time.

Maximum Rents:

Maximum rents shall be established first as set forth in the site-specific approvals for the individual units as appropriate; or second as set forth in the Town's Community Housing Guidelines.

Occupancy Priorities:

Unless defined in the site-specific approvals for a unit or an applicable deed restriction, the occupancy priorities for rental of a unit shall be as follows:

1. First Priority: Town of Basalt Employees: Full-time employees of the Town of Basalt. Income and asset requirements do not apply. Town Councilors are not considered full-time Town employees.
2. Second Priority: Category 2 Government, Special District, Non-Profit and Other Full-Time Employees within Basalt:
 - a. Full-time employees of Pitkin County, Eagle County, the RE-1 School District, the Basalt and Regional Library District, the Basalt Sanitation District, the Mid-Valley Metropolitan District, and the Basalt and Rural Fire Protection District (and other local and state government or special districts who have requested inclusion on the Town's AH notice list) employed in the "employment area" as defined in the Town's Community Housing Guidelines Town's 3-Mile Planning Area as identified in the Town's Master Plan that satisfy the Town's Category 2 income and asset requirements; and,
 - b. Full-time employees of 501(c)(3) non-profit entities employed in the Town's 3-Mile Planning Area as identified in the Town's Master Plan that satisfy the Town's Category 2 income and asset requirements; and,
 - c. Other full-time employees employed in the Basalt Town Limits meeting the Category 2 income and asset requirements.
3. Third Priority: Category 3 Government, Special District, and Other Qualifying Full-Time Employees:

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- a. Full-time employees of Pitkin County, Eagle County, the RE-1 School District, the Basalt and Regional Library District, the Basalt Sanitation District, the Mid-Valley Metropolitan District, and the Basalt and Rural Fire Protection District (and other local and state government or special districts who have requested inclusion on the Town's AH notice list) employed in the "employment area" as defined in the Town's Community Housing Guidelines- 3-Mile Planning Area as identified in the Town's Master Plan that satisfy the Town's Category 3 income and asset requirements; and,
- b. Non-governmental applicants employed in the "employment area" as set forth in the Town's Community Housing Guidelines- Basalt town limits that satisfy the Town's Category 3 income and asset requirements.

In order to be qualified, such applicants must meet all of the Category 3 requirements of the Town's Community Housing Guidelines. Within this Priority, the priorities in the Guidelines shall apply.

4. Fourth Priority: Non-qualified Full-Time Employees: If there are no interested and qualified applicants meeting the qualifications and occupancy priorities above after advertisement of a unit for a full sixty (60) days, then the unit may be rented as a free market unit to anyone wishing to rent the unit regardless of whether they are a qualified employee. Rental rates shall be set at market rates as determined by the Town. However, at the end of the lease of no longer than one year, the Town will advertise the unit for lease to a qualified applicant in accordance with the priorities referenced herein.

SHEC Tasks:

The Town Finance Director as a Town Staff liaison to SHEC shall establish a notebook and files containing pertinent documents for each unit, including but not limited to:

- 1) Development Approvals
- 2) Summary of Rules and Policies for Each Unit
- 3) Rent for Each Unit
- 4) Lease Expiration Schedules
- 5) Maintain contact information for local public entities seeking housing and inform those who wish to be contacted of vacancies
- 6) Enforce violations of this Policy. Violations of this Policy shall be enforceable subject to the State of Colorado laws and regulations regarding landlord/tenant disputes and issues.

TENANT SELECTION PROCESS

1. When a unit becomes available, it shall be advertised for a period not to exceed ~~two~~ three weeks as available for First Priority applicants.
2. At the end of the ~~two~~three-week period, if there are no qualified First Priority applicants, it shall be advertised for a ~~two~~three-week period for Second Priority

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applicants in a paper of general circulation at least one day per week for each of the three weeks.

3. At the end of the second ~~two~~ three-week period, if there are no qualified Second Priority applicants, it shall be advertised for a thirty-day period for Third Priority applicants, including in a paper of general circulation at least one day per week.
4. At the end of the thirty-day period, if there are no qualified Third Priority applicants, it shall be advertised for a thirty-day period and Fourth Priority applicants, including in a paper of general circulation at least one day per week.
5. If there is more than one qualified applicant within any of the above-referenced priorities, a lottery shall be conducted. Within the Second and Third Priority, the additional priorities of the Town's Guidelines shall also apply in determining if a lottery is necessary. The lottery shall produce a complete list of the applicants in order of priority.
6. The Town shall negotiate a lease with competing applicants in the order of their priority. If lease negotiations are unsuccessful, or if it is determined in negotiation that an applicant is not qualified, the Town shall negotiate with the next applicant in priority until a lease is entered into.
7. The availability of units shall be advertised on the Town's website and may be further advertised as determined by the Town in its discretion.
8. In addition to advertising, the Town shall maintain a list of all persons who have notified the Town of their interest in leasing Town-owned unit, and the persons of the list shall be notified of availability.