

**A RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY
ADOPTING A SECOND AMENDED TOWN OF MOUNTAIN VILLAGE HOUSING
AUTHORITY OPERATING DOCUMENT CLARIFYING THE RENTAL, RESALE,
OCCUPANCY, AND QUALIFICATION PROCEDURES FOR THE VILLAGE COURT
APARTMENTS AND COYOTE COURT CONDOMINIUMS AFFORDABLE HOUSING UNITS
BUILT BY THE HOUSING AUTHORITY**

RESOLUTION NO. 2022-0317-4

WHEREAS, the Town of Mountain Village Housing Authority (the "Housing Authority") adopted the Town of Mountain Village Housing Authority Operating Document on December 10, 2002 (the "2002 Operating Document"), and amended same on May 21, 2009 by Resolution 2009-0521-06 (the "2009 Amended Operating Document"), which sets forth the Housing Authority's guidelines related to certain affordable housing built by the Housing Authority; and

WHEREAS, the 2002 Operating Document and 2009 Amended Operating Document are only applicable to affordable housing units in the Coyote Court Condominiums ("Coyote Court"), a for-sale affordable housing project built by the Housing Authority, and the Village Court Apartments ("VCA"), which are long-term rental affordable housing units built by the Housing Authority; and

WHEREAS, the Housing Authority has determined that the 2009 Amended Operating Document eliminated the appreciation cap on the for-sale affordable housing units in Coyote Court, rendering many of the income qualification requirements and other procedures for said units impractical and unnecessary; and

WHEREAS, the Town Council desires to adopt a "Second Amended Town of Mountain Village Operating Document" ("Second Amended Operating Document") that amends and supersedes the 2002 Operating Document and the 2009 Amended Operating Document to clarify the resale and qualification requirements for affordable housing units in Coyote Court; and

WHEREAS, the Second Amended Operating Document eliminates income and asset qualifications for purchasing an affordable housing unit in Coyote Court and eliminates the requirement that a Coyote Court affordable housing unit be listed for sale with the Housing Authority upon resale; and

WHEREAS, the Second Amended Operating Document further clarifies the qualifications and procedures for rental of affordable housing in VCA and eliminates additional unnecessary or inapplicable provisions contained in the 2002 Operating Document and the 2009 Amended Operating Document; and

WHEREAS, at the duly noticed March 17, 2022 meeting of the Housing Authority, after public discussion, the Housing Authority voted to adopt the Second Amended Town of Mountain Village Housing Authority Operating Document.

NOW, THEREFORE, BE IT RESOLVED by the Town of Mountain Village Housing Authority, a political subdivision of the State of Colorado, that:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Housing Authority.


Section 2. Adoption of Second Amended Operating Document. The Housing Authority hereby adopts the Second Amended Town of Mountain Village Housing Authority Operating Document (Second Amended Operating Document") attached as Exhibit A. The Second Amended Document shall supersede the 2002 Operating Document and the 2009 Operating Document.


Section 3. Applicability. The Second Amended Operating Document shall only be applicable to affordable housing units in the Coyote Court Condominiums and the Village Court Apartments and shall not govern or be applicable to any other affordable housing units, including any affordable housing units that may be built by the Housing Authority in the future.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Housing Authority at a regular public meeting held on the 17th day of March, 2022.

TOWN OF MOUNTAIN VILLAGE HOUSING
AUTHORITY, a political subdivision of the State of
Colorado

By: 
Laila Benitez, President

ATTEST: 
Susan Johnston, Secretary


Approved as to Form:

Andrea Bryan, Assistant Town Attorney

Exhibit A

(Second Amended Town of Mountain Village Housing Authority Operating Document)

Second Amended Town of Mountain Village Housing Authority Operating Document

Affordable Housing Guidelines for Village Court Apartments and Coyote Court
Condominiums

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Affordable Housing Guidelines for Village Court Apartments and Coyote Court Condominiums

Purpose

To establish procedures and qualification requirements for the purchase, sale, rental, and occupancy of the Village Court Apartments (“VCA”) and the Coyote Court Condominiums (“Coyote Court”) affordable housing (“AH”) projects built by the Town of Mountain Village Housing Authority (“Housing Authority”).

These guidelines shall only be applicable to VCA and Coyote Court and shall not be applicable to any other AH units or project.

VCA Rental Guidelines

To qualify, be eligible and remain eligible to rent and reside in a long-term affordable housing unit in the VCA, a person/household must meet the following criteria set forth by the VCA Policies and Lease terms.

Occupancy Categories for Rental Properties

Unit Size	Persons
Studio	1-2
One bedroom	1-2, or family of 3
Two bedroom	2-4
Three bedroom	3-6

Initial Qualification to Rent

To determine that a person or household desiring to rent a VCA AH unit meets all the necessary criteria for income and employment, prior to occupancy, the person or household will follow the guidelines set forth by the VCA to verify residency, employment, income and assets.

Re-qualification for Rental

To determine that a person or household desiring to rent an AH unit meets all the necessary criteria for income and employment, upon lease renewal, the person or household will follow the guidelines set forth by the VCA to verify residency, employment, income and assets.

Coyote Court Purchase Guidelines

Qualifications to Purchase a Coyote Court AH Unit

To qualify and to be eligible to purchase in an AH unit in Coyote Court, a person or household must meet the following criteria:

1. Applicant shall be a qualified employee within the Telluride R-1 School District as defined by the Town of Mountain Village Employee Housing Restriction Ordinance 1997-05 ("1997 EHR Ordinance").
2. Upon purchase of the unit, employee(s) shall occupy the unit as the primary residence and maintain the work requirement until retirement age as defined by the 1997 EHR Ordinance. Police officers must work law enforcement positions for a minimum of 5 years and are exempt from the retirement age as defined by the 1997 EHR Ordinance. Employees of the Town of Mountain Village must work for the Town for a minimum of 5 years before qualifying for the retirement provisions per the 1997 EHR Ordinance.
3. Any individual or household who is under review for a possible non-compliance issue may not enter any new lotteries, including in-complex bids, until the non-compliance issue has been resolved to the satisfaction of the Housing Authority or its designee.

Initial Qualification to Purchase a Coyote Court AH Unit

To determine if a person or household attempting to purchase an AH unit in Coyote Court meets the criteria set forth herein, the Housing Authority, or its designated agent, will review and have on file specific documentation that provides proof of: residency and employment. The Housing Authority, or its designated agent, may request any or all of the following documentation. All information and documentation received will remain confidential.

- 1) Employment Verification
 - a) All W-2 forms from a minimum of the previous four (4) years.
 - b) Wage stubs (if W-2's are not available).
 - c) Employer(s) names, address, telephone and date of employment.
 - d) Housing Authority Employment Verification Form – signed by the employer(s).
 - e) Evidence of legal residency.
 - f) Landlord verification of residency, specific dates.
 - g) Valid Colorado drivers license.
 - h) Valid San Miguel County Voters Registration.
 - i) Verification of telephone service in San Miguel County.

If the above documentation is unavailable, the Applicant must provide other documentation as requested by the Housing Authority.

Note: Applicants for AH will verify on the application that all information provided is true and accurate. If any of the information is determined to be inaccurate or non-verifiable, as determined by the Housing Authority or its designee, the applicant may be subject to disqualification by the Housing Authority from the application and/or approval process.

Maintaining Eligibility for Ownership of a Coyote Court AH Unit

There is not a re-qualification requirement to meet guidelines for persons who have purchased and own an AH unit in Coyote Court. The individual must remain a qualified employee and continue to occupy the unit as his/her primary residence as defined in these Guidelines and by the 1997 EHR Ordinance. It shall be a requirement for an owner to provide documentation of working in the R-1 School District every two (2) years. A retiree must provide proof of having worked in the R-1 School District as defined by the 1997 EHR Ordinance.

Enforcement of Coyote Court Ownership Units

The Housing Authority will randomly audit all Coyote Court ownership units as to compliance with employment as defined in the 1997 EHR Ordinance. This is to ensure that all owners continue to meet the requirement of these Guidelines.

Housing Authority Responsibilities:

1. The Housing Authority shall endeavor to requalify each Owner at a minimum of every two years.
2. The Housing Authority will request of owners to provide documentation to the Housing Authority showing employment history.
3. The Housing Authority shall mail a letter and a form to be completed by the Owner requesting employment verification and tax returns.
4. There will be a \$30 fee for this re-qualification paid by the employee.
5. Once the documentation is received, The Housing Authority will review each file for compliance.
6. Should the Owner be in non-compliance of these regulations and/or 1997 EHR Ordinance, a second letter will be sent to the Owner stating the reasons of non-compliance, as determined by the Housing Authority or its agent, and requesting immediate action for the owner to list their unit for sale under the procedures detailed in this document.

Owner's Responsibilities:

1. Once the Owner receives the letter from the Housing Authority, the Owner will provide to the Housing Authority the required form and requested documentation.

2. Should the Owner be found in non-compliance or in violation of the 1997 EHR Ordinance, the Owner will be required to list the unit with the Housing Authority..
3. There are life circumstances that may be beyond the control of the Owner. The Owner has the opportunity to request a special review by the Housing Authority. Some examples of reasons for a special review include, but are not limited to: a death or illness in the family, an accident or illness requiring the inability of the owner to work, a single parent who is unable to work full-time, etc.

Bidding to Purchase a Coyote Court AH Unit

At its discretion, the Housing Authority will operate a lottery for the sale of affordable housing properties in Coyote Court. Lottery applications may be obtained from the Housing Authority or its designee. There is a \$50 application fee to enter the lottery process. Qualified applicants will be placed into a lottery that will be held within a reasonable amount of time following the deadlines for the bids. The results of the lottery will determine the applicants' place in the bid process; i.e., if the applicant draws number one in the lottery, that applicant will be the first to negotiate the offer on the property.

Emergency Workers will have priority in the lottery. Emergency workers are defined as follows: any volunteer or paid employee of the Telluride Fire Protection District and police departments of the Town of Mountain Village, who are responsible for responding to emergency calls within the R-1 School District. All other personnel of these entities are excluded from the Emergency Worker category.

If the terms of the proposed purchase contract, as initially presented to the owner, are unacceptable to the owner, then there shall be a mandatory negotiation period of three days. During this period, the owner and potential buyer shall endeavor to reach an agreement regarding said terms, including, but not limited to, the closing date and financing contingencies. If the owner and buyer have not reached an agreement at the end of the negotiation period, the next bidder's offer will then be presented to the owner for consideration. A new three-business day negotiating period will begin. All follow up qualified bids will be processed in like fashion until the unit is sold or all bids are rejected. If the owner rejects all bids, the unit shall be placed back on the market for new bids or withdrawn from sale.

Rental of an Ownership Unit

An ownership unit may, upon approval of the Housing Authority, be rented to a qualified individual in accordance with the 1997 EHR Ordinance, which qualification includes employment in the R-1 School District.

Procedures for the Sale of a Coyote Court AH Unit

- 1) An owner of an AH unit desiring to sell shall consult with the Housing Authority and review the deed restriction covering the unit to determine the applicable provisions concerning a sale.

Coyote Court Foreclosure Policies

In the event of foreclosure on any of the affordable for sale units in Coyote Court the Town will have the first right of refusal to repurchase the home. This fact will be noted in the deed restriction recorded upon purchase of the home.