

PART II.
RENTING AFFORDABLE HOUSING
SECTION 1

TENANT QUALIFICATIONS TO RENT AFFORDABLE HOUSING

1. To qualify, be eligible, and remain eligible to *rent and reside* in an affordable-housing unit (Category 1, 2, 3, 4, 5, 6, 7, RO, or long-term at Marolt & Truscott), except for approved seasonal housing units, a person/household may not exceed the following:

Maximum Incomes for RENTAL Units Only (See Income Verification, Part II, Section 2, No. 1)				
No. Of Adults	Category 1	Category 2	Category 3	Category 4
One Adult	\$33,000	\$50,000	\$82,000	\$133,000
Two Adults	47,000	75,000	123,000	198,000
Three Adults	56,000	88,000	143,000	232,000
Net Assets not in Excess of	100,000	125,000	150,000	175,000

2. To qualify for tenancy, a person/household must be a full-time employee working in Pitkin County for an employer whose business address is located within Aspen or Pitkin County, whose business employs employees within Pitkin County, whose business license is in Aspen or Pitkin County, and/or the business taxes are paid in Aspen or Pitkin County (if an employer is not physically based in Pitkin County, an employee must be able to verify that they physically work in Pitkin County a minimum of 1500 hours per calendar year for individuals, businesses or institutional operations located in Pitkin County); or be a retired person who has been a full-time employee in Pitkin County a minimum of four years immediately prior to his or her retirement (as further defined in the Definition section); or be a handicapped person residing in Pitkin County who has been a full-time employee for a Pitkin County employer a minimum of four years immediately prior to their disability as defined in these Guidelines.
3. The occupying qualified household, at the time of a qualified employee's death, are permitted to remain for the balance of the lease term. The remaining member of the household can remain in the unit beyond the lease term IF the qualified member worked as a qualified employee for at least four years or the remaining member of the household becomes a qualified employee.
4. In a two-person household of two adults only (no dependents as defined in the Guidelines), both adults must be working in Pitkin County to qualify for an additional bedroom.
5. Upon rental of the unit, employee(s) must occupy the unit as their primary residence.
6. The tenant must not own developed residential real estate or a mobile home, or have an interest in a LLC pertaining to such developed residential real estate or a mobile home, in those portions of the Ownership Exclusion Zone as defined in Part X, Definitions. If the tenant owns developed residential real estate or a mobile home in those specific areas defined in Part X, Definitions, the

tenant will have 180 days to sell said property. Documentation shall be provided to the APCA on how the property is to be disposed.

7. If vacant land is owned in the portions of the Ownership Exclusion Zone as defined in Part X, **Definitions**, while leasing an affordable-housing unit, the land must remain unimproved in order for the tenant to remain qualified. If the land is improved with a residence, the tenant must then relinquish the affordable-housing unit by vacating the rental unit. Upon approval of a building permit, such owner shall have three-years to build on such free-market lot. If the residential lot (whether free-market or deed-restricted) remains undeveloped after the three-year time frame, the owner must sell the lot within 180 days or list the deed-restricted unit according to their deed-restriction. **NOTE: Persons owning improved residential property within the Ownership Exclusion Zone, residing in affordable housing prior to May 1, 1994, will be allowed to retain ownership of that residential property and still be eligible to reside in affordable housing. However, once the residential property is sold, the person residing in affordable housing may not acquire additional residential property and still maintain eligibility to reside in deed-restricted housing. Persons owning in New Castle, No Name or Rifle prior to September 1, 2009, may retain ownership of such property; however, if property is sold, no other property can be purchased within those areas specified in the Ownership Exclusion Zone.**
8. Household income and assets may be no greater than the maximum amount specified for the applicable Category 1, 2, 3, 4, 5, 6, 7 or RO unit. Assets which have been assigned, conveyed, transferred or otherwise disposed of within the last two years without fair consideration in order to meet the net asset limitations shall be valued at fair market prices. Maximum net asset limits for households, which consist of at least one qualified employee of retirement age, shall be 150% of the applicable income category. Fair Market Value will be determined by an appraiser of APCA's choice and paid by tenant.
9. If the tenant's residency began prior to ownership by the City, County or Housing Office as a result of a "Buy down" situation, and the tenant's residency has been continuous since that time, the tenant must qualify *only* as a full-time employee. The tenant does not have to qualify under the income or asset provisions. The tenant will be required to pay rent commensurate with his or her household income regardless of the price category of the unit.
10. If a tenant or potential tenant is under review for a non-compliance issue, the tenant or potential tenant will not be approved and/or his or her lease will not be renewed until the non-compliance issue is satisfied.
11. An emergency worker may be placed in the top position of the rental sign-up list if approved as a qualified Emergency Worker through the Public Safety Council Committee review and as defined under the **Definitions** section herein. The applicant's supervisor must request the priority, in writing, to the Public Safety Council Housing Subcommittee. This Subcommittee will consist of members from any emergency worker department, and a member of the Public Relations Board (PRB). It is the responsibility of the supervisor to prove to the Public Safety Council that the employee is a required emergency response priority. The member of the PRB will not vote, but will comment on whether the individual should be allowed the priority. If the Public Safety Council Housing Subcommittee approves the individual for priority status, written verification must be

provided to the Housing Office. At such time, the Housing Office will place the individual at the top of the rental sign-up list for City-owned projects. They must verify their continued service (see **Definitions**) to that agency for their lease to be renewed. This requirement expires after two years of residency/service.

12. Roommates are permitted under the Guidelines. Individuals residing in two or three bedroom units must, at all times, have the unit filled with qualified tenants. In case of the vacancy of any bedroom, the remaining tenant(s) must find a new qualified person within forty-five (45) days. All tenants must be qualified through the Housing Office prior to occupancy within that unit's category requirements and must be part of the lease.
13. All qualification requirements must be verified every two years by the Housing Office staff unless the property has a yearly verification requirement.

SECTION 2 INITIAL QUALIFICATION TO RENT

In order to determine that a person or household desiring to rent an affordable housing unit meets all of the criteria set forth in Part II, Section 1, PRIOR to occupancy, the Housing Office must review and have on file specific documentation which provides proof of: residency, employment, income and assets. The Housing Office may request any or all of the following documentation. **(All information and documentation received will remain confidential.)** It is understood that applicants who are working in traditional jobs are able to provide traditional forms of documentation to verify eligibility. It is also understood that some applicants are working in non-traditional jobs whereby traditional documentation may not be available. In these circumstances, APCHA may require non-traditional forms of documentation to determine eligibility. If documents provided are still not to APCHA's satisfaction, the applicant may appeal to the Special Review Committee.

1. Income Verification:

- a. Copy of the previous year's (most current) completed, executed and filed tax return, including federal and state returns and any applicable schedules.
- b. Current income and financial statement verified by the applicant to be true and correct. If there is a variance of 20% or more between the last two years' tax returns, the two years' incomes will be averaged. This will establish the income category. If someone did not have to file an income tax return or just started working full-time, their current income (based on a full year) will be used to establish the household category.
- c. Social Security report of employer(s) and location(s).

If the above information is not available, the applicant must provide other documentation as requested by APCHA and to their satisfaction.

2. Employment Verification:

- a. All W-2 and/or 1099 forms from the current or previous year **(a potential tenant who has applied for a specific unit must provide documentation of employment for the full term that was specified on the Sign-Up sheet).**

- b. Recent paystubs (if W-2's are not available).
- c. Employer(s) name, address, telephone and dates of employment.
- d. Housing Office "Employment Verification Form" [signed by employer(s)].
- e. Evidence of legal residency.
- f. Landlord verification of residency, stating specific dates.
- g. Valid Colorado Driver License.
- h. Valid Pitkin County Voter Registration.
- i. Verification of telephone service in Pitkin County.
- j. Court-approved Divorce Decree or Separation Agreement, including alimony, division of assets, custody and child support. A copy must indicate that it has been entered in the record with all exhibits and supplements attached.
- k. A picture I.D. (driver's license, state issued ID card, passport, etc.) is required.

If the above information is not available, the applicant must provide other documentation as requested by the APCHA.

3. When someone is self-employed and works too few or no hours for an employer, then the number of hours worked in Pitkin County must be clearly documented by providing:
 - a. A complete copy of the applicant's most recent tax returns, including Federal tax returns, Schedule C (profit and loss statement) and all other completed schedules, and State tax returns and copies of most recent W2's and or 1099's for each job (if applicant received W2's and/or 1099's).
 - b. Copies of any paycheck stubs received by the employee or an up-to-date profit and loss statement.
 - c. A copy of a current Aspen business license.
 - d. Copy of a lease if the applicant rents office space located in Pitkin County.
 - e. The following documentation must be provided if a, b, c and d above does not verify the employment requirement and the residency requirement.
 - 1) A copy of a current detailed work log or appointment book for the last year (or at least the last quarter) listing hours worked each day for each job or appointment and clients' names and local addresses. Time spent in marketing, accounting and other administrative tasks in support of the business will also count towards the 1,500 hours per year employment requirement if the applicant can clearly demonstrate to the Housing Office that this is the case.
 - 2) Copies of invoices sent to clients, particularly if the invoices reflect the amount of time spent on the job invoiced (and copies of payment for invoiced work);
 - 3) A Client List, which would provide client names with local telephone numbers and local addresses, type of work done, and approximate time spent with client per appointments in a year.
 - 4) Any additional documentation the Housing Office may require to verify the applicant is employed in Pitkin County and occupying the unit as their primary residence, such as business and personal banking records, utility bills, payments received, etc.

It is the responsibility of the applicant to clearly demonstrate that he/she is meeting the full-time employment and residency criteria. If the household does not specifically fall under the current policy, the household may request a Hearing before the Housing Board for review.

Due to the need for an employer to house their employees on-site, for rental units owned by employers, if the deed-restricted housing is located on-site of the business, the employer may choose the tenant. If the income and/or assets are greater than the maximum allowed for that specific unit, that employee's income and/or assets shall be waived. All other qualifications must be adhered to.

Note: Applicants for Affordable Housing must attest on the application that all information provided is true and accurate. If any of the information is determined to be false or non-verifiable, the applicant may be subject to disqualification by the Housing Office. If any of the information is determined to be false or non-verifiable after the applicant has qualified, the lease will be terminated immediately. If such documentation is determined to be false, the applicant may be denied future participation in the affordable housing program.

SECTION 3 MAINTAINING ELIGIBILITY FOR RENTAL OF AFFORDABLE HOUSING

The status of Renters/Tenants of Affordable Housing Units shall be reviewed and verified every two years to ensure that they continue to meet the requirements of the Guidelines, including but not limited to: Minimum Occupancy, Income and Asset Requirements, and Employment. The Housing Office shall notify the landlord to provide the tenant written notice of the requalification at least thirty (30) days prior to the expiration of the two years. The Housing Office Rental Approval form should accompany this notice. The landlord shall disclose in the lease that the tenants must requalify every two years. Breach by the tenant and/or owner of the Guidelines or agreement/deed restriction will be considered a violation and result in denying any further participation in the affordable housing program. See Part VI, Compliance.

Housing Office Responsibilities:

1. If a complaint is received, it is forwarded to the Qualifications Specialist, who researches the complaint. If staff finds grounds to move forward, the first compliance letter will be mailed within 30 calendar days of receipt of the complaint. The bi-annual requalification request will be treated as a compliance letter.
2. If the client does not respond within two weeks to the initial compliance letter, a second compliance letter will be sent. The first and second compliance letters will be sent by regular mail.
3. If the client does not respond to the second compliance letter within two weeks, and/or if the compliance situation is not fully resolved within 60 calendar days from the date of the first letter, a Notice of Violation (NOV) letter will be sent to the landlord. The NOV will provide the landlord an option if they wish to dispute the violation by requesting a Housing Board Grievance Hearing in writing within 15 calendar days from the date of the NOV letter. The NOV letter will be sent by regular and certified mail. APCHA will also notify the APCHA Board when a NOV

letter is sent. For Board update purposes, the landlord situation will be referred to by a case number only, with no mention of client name or address, and will briefly outline the case.

4. If the landlord does not respond or does not request a Board hearing, or the landlord does not request a Board hearing within the specified deadline, APCHA will send a final letter to the landlord. For ownership units, the final letter will state the client has 30 days to list their unit with the Housing Office and that their appreciation has stopped. For rental units, the client will be notified their lease will terminate by a date agreed upon by the Housing Office and the Property Manager (end of lease term or the Property Manager may choose to pursue legal eviction). The final letter will be sent by regular and certified mail.
5. Should a tenant or owner be receiving unemployment benefits, the tenant or owner must still meet the 1500-hour per calendar year work requirement.

Landlord Responsibilities:

1. The landlord shall provide disclosure in the lease that tenants must be qualified every two years and must reapply in the second year.
2. The landlord shall provide the tenant written notice of the requirement for requalification at least thirty (30) days prior to the expiration of the two years. The Housing Office Rental Approval form should accompany this notice.
3. Provide the Housing Office a copy of the lease signed by both parties, prior to tenant occupancy.

Tenant Responsibilities:

1. Tenant must meet all of the Initial Qualifications stated previously in Part II, Section 1. Should a tenant not meet the income/asset requirements of the category unit, the tenant shall have one year to come into compliance or find another place to live. A tenant who has entered into the bidding process to purchase a deed-restriction unit and is looking for other rental opportunities has one additional year to reside in the unit. However, the rent shall be increased to the category that matches the tenant's income.
2. Once a tenant receives a letter from the Housing Office, the tenant must provide the completed form and/or any additional documentation requested by the deadline stated in the letter.
3. If a tenant wishes to dispute a NOV, the tenant must submit a written request for a Board Grievance Hearing within the deadline stated in the tenant's NOV letter.
4. Once a tenant receives a final letter, the tenant will be notified their lease will terminate by a date agreed upon between the Housing Office and the designated Property Manager.
5. If the client does not respond by the final deadline, legal counsel will follow-up with appropriate legal action.

6. The tenant must pay a requalification fee, as stated in the Fee Schedule adopted on a yearly basis, when the documentation is filed with the Housing Office.

SECTION 4 MANAGEMENT OF RENTAL UNITS

Private management companies manage most of the deed-restricted rental properties. Each specific complex may differ in its rental procedures. **Persons desiring to rent a Deed-Restricted unit must meet employment, income and asset requirements, as well as minimum occupancy.** *A list of the rental projects and managers is located in Appendix D.* Units managed by the Housing Office are Truscott Place Phase I and Phase II, Smuggler Mountain Apartments, Aspen Country Inn and Marolt Ranch Seasonal Housing. Please contact the Housing Office or individual property managers for specific rental information.

If a qualified tenant of a deed-restricted rental unit requests Alpine Legal Services (ALS) to resolve a housing dispute, ALS will contact the landlord to initiate mediation between the landlord and the tenant. If the landlord refuses to participate in the mediation process, ALS may directly assist the tenant to pursue their legal claim. If the parties are unable to resolve their dispute, ALS will refer the parties to private counsel, or for qualified tenants, ALS will attempt to place their case with a pro bono attorney for direct representation.

SECTION 5 RENTAL SIGN-UP POLICY

The APCA advertises any vacancies in the classified section of the local newspaper on Mondays and Tuesdays. Any interested party may sign up for that specific unit in the Housing Office. The sign-up for an advertised unit ends at 3:00 p.m. on Wednesday of the same week. Staff reviews the sign-up list and contacts the household with the most years worked full-time in Pitkin County. The interested applicant(s) must provide proof of their work history in Pitkin County for all the years stated on the sign-up sheet.

SECTION 6 SEASONAL HOUSING FOR STUDENTS AND INTERNS

Beginning September 1 of each year and ending May 31 (winter season) of each year, the units located at Marolt Ranch and Burlingame Seasonal Housing can accept students, as defined in the Guidelines. At the time of sign-up, each student shall provide to APCA documentation proving enrollment in a school, or documentation proving an internship with a Pitkin County business. Each student shall sign a lease for the appropriate time frame and provide first, last months and a security deposit as required from each seasonal housing project. See the **Definition** section for the definition of Accredited and Student.