

PART VII
INFORMATION FOR DEVELOPMENT OF
AFFORDABLE HOUSING

Private sector development is critical in order to meet our affordable housing goals. The APCA Operations Manager will track affordable housing zone projects through the Building Permit process in order to aid in communication between the developer and government. This tracking system will ensure that all affordable housing developments are treated as expeditiously as the City and County policies intend.

Part VII of the Guidelines contains information to be used by developers of affordable housing units in the City of Aspen and Pitkin County. This section applies to development applications for free-market development, residential subdivisions, under the Multifamily Housing Replacement Program, Chapter 26.530, of the City of Aspen Land Use Code, and in calculating the dedication fee (payment-in-lieu fee) for exempt single-family home and exempt duplex units, and for calculating mitigation requirements as stipulated under the growth management quota system.

Units developed by a private developer under the Affordable Housing Zone District will have the option to choose a qualified employee(s) for one-third of the deed-restricted units being developed. The one-third chosen by the developer must meet the minimum occupancy requirements, and all other top priority requirements for the specific category. All other units will be placed in the general housing lottery.

SECTION 1
PRIORITIES FOR AFFORDABLE HOUSING UNITS

The Board establishes the following equal priority unit types based on current needs.

The private sector priorities for development should be as follows:

1. For-sale type units whereby the average sales price is no higher than Category 3 and the units consist of one-bedroom and two-bedroom units, with associated RO units
2. Family-oriented sales units (Categories 3 and 4)

The public sector priorities for development should be as follows:

1. Entry-level rental units consisting of 1-bedroom Categories 1 and 2
2. For-sale units consisting of Categories 2 and 3 1-bedroom and two-bedroom
3. Family-oriented sales units consisting of Categories 3 and 4

The Board has established the following options, in order of preference depending on the site location, available to obtain credit for providing deed-restricted affordable housing units under the City's or County's Growth Management Quota System (mitigation units):

- On-Site Housing – Affordable housing units located either on the same site as or attached to the proposed development.
- Off-Site Housing – Affordable housing units located within the City of Aspen or the Aspen Metro Area, as defined by the Aspen Area Community Plan and approved by the APCA.

- Cash-in-Lieu or Land-in-Lieu – Payment of an affordable housing dedication fee or a donation of land. The preference of cash or land shall be determined on a case-by-case basis.

SECTION 2

AFFORDABLE HOUSING UNITS REQUIRED FOR MITIGATION

The following provisions shall apply to all affordable-housing units required as mitigation for residential or commercial development. All such affordable housing units must meet the size, type, income and occupancy requirements as contained in these Guidelines. Applicants are encouraged to schedule a pre-application conference with the APCA staff to obtain guidance regarding the application of these Guidelines to specific development projects. The following applies to, and credit shall be given for, Category 1, 2, 3, 4, 5, 6, 7 and Resident Occupied housing as defined in these Guidelines, and as amended from time to time.

1. **Mitigation Credit:** Credit under the Growth Management Quota system may be obtained by any of the following methods or combination thereof:
 - a. Production of new dwelling units deed restricted in perpetuity to rental and sale price terms as defined in these guidelines.
 - b. Conversion of existing dwelling units to deed restricted status by recording a deed restriction in perpetuity upon those units restricting them to the rental and sale price terms, qualification and occupancy requirements of these guidelines (such units may not already be deed restricted by APCA guidelines).
 - c. Payment or Land-in-Lieu may be accepted on a case-by-case basis. Payment shall be made to the City of Aspen for projects in the City, or Pitkin County, for projects in the County. Such payment shall be made prior to and on a proportional basis to the issuance of any building permits for the non-deed restricted dwelling units of the proposed development. Applicants may choose to prepay the affordable housing dedication fee prior to issuance of any building permits for the project and receive a discount on the fee, based on the present value index included within these Guidelines. Approval of the present value discount shall be at the option of the APCA and the City Council or Board of County Commissioners, depending on the location of the project.
 - d. Should a proposed development cause the displacement of housing units that are currently deed restricted to affordable housing guidelines, the Affordable housing mitigation credit of new free market development that is on a site where deed-restricted affordable housing was demolished is only given for the deed-restricted units that are constructed in excess of the deed-restricted units required to replace the deed-restricted units that were demolished.
 - e. The deed restrictions created to obtain credit for affordable housing may be amended by agreement between the property owner and the City Council upon the recommendation of the Planning and Zoning Commission.
2. **Unit Location:** Affordable housing units must meet the “Acceptance of Affordable Housing Units” policies set forth in the Housing Board Policy Statements.

3. Unit Size: Affordable housing units must meet the minimum size requirements set forth in Part VII, Section 8. Reductions in the minimum square footage shall be allowed based on the criteria specified.
4. Unit Price: Rental or sales prices shall be no greater than allowable under these Guidelines (Tables III and IV). Should a unit be proposed that is larger than the minimum sizes set forth in these Guidelines, the rental or sales price shall be no greater than the prices specified.
5. Buy-Down of Existing Units: If the affordable units are proposed to be provided off-site through the deed restriction of existing units, the applicant shall be required to document the feasibility of this off-site location by demonstrating that they have an interest in the property or dwelling units and by specifying the size and type of units to be provided and any physical upgrade to be accomplished. Future buy-down requests for deed-restricted units shall be accepted only in existing complexes at Category 3 or above, if at all, and shall be reviewed on a case-by-case basis. In any new projects that consist of free-market and deed-restricted units, the homeowners' assessments shall be based on the value of the free-market units compared to the deed-restricted units. This language shall be required in the approval and in the Covenants associated with the project. No changes to these requirements would be allowed without the APCA's approval.
6. Mitigation Requirements for Lodge Developments: Lodge developments shall not be restricted to housing employees of their own business, but shall also be required to house qualified employees of the community at large. It should be anticipated that the housing units proposed will be required to be restricted to Category 2 price and occupancy guidelines unless the housing unit is restricted to use by an owner or manager. The category requirement is subject to review of the APCA based on current community housing needs and wage rates.

SECTION 3 REQUIREMENTS FOR AFFORDABLE HOUSING UNITS IN RESIDENTIAL SUBDIVISIONS

The requirements relating to affordable-housing units in residential subdivisions relates to Section 26.470.080 4 & 5 of the City of Aspen Land Use Code.

SECTION 4 REQUIREMENTS FOR AFFORDABLE HOUSING UNITS UNDER THE MULTI-FAMILY HOUSING REPLACEMENT PROGRAM

Please see Section 26,530 of the City of Aspen Land Use Code.

- These requirements are not subject to any type of variance by Special Review.
- No Resident Occupied (RO) units are permitted in the affordable housing component.

SECTION 5
REQUIREMENTS FOR THE AFFORDABLE HOUSING ZONE DISTRICT

The requirements for the Affordable Housing Zone District are required by Section 26.710.110 of the City of Aspen Land Use Code.

SECTION 6
**DEDICATION FEE FOR EXEMPT SINGLE-FAMILY HOME
AND DUPLEX UNITS**

See Part VII, Section 12, *Affordable Housing Dedication Fee (aka Payment-in-Lieu or Cash-In-Lieu Fee)* under these Guidelines.

SECTION 7
RESIDENT OCCUPIED UNITS

This category was created to offer the private sector an incentive to produce affordable housing for the community. RO units shall be occupied by persons and families who qualify as stated below. RO units shall also be subject to their own deed restrictions recorded prior to the establishment of the RO Guidelines and are subject to their individual deed restrictions. This includes, but is not limited to, Smuggler Park Subdivision, Aspen Village, and the AABC Rowhouses. Williams Ranch contains 10 "RO Category 5" units, which limits gross income to \$199,000 and net assets to \$467,000.

RO Units shall meet the following criteria:

1. No income requirements, but the total net assets cannot exceed \$900,000.
2. Initial Sales Price will be set by the developer.
3. Maximum Resale Price/Appreciation: The maximum resale price is the purchase price plus appreciation of 3% or the Consumer Price Index (CPI), whichever is less (simple, not compounded) of the purchase price for each year or portion thereof, that the unit is owned.
4. Unit Size: A maximum of 2,200 gross square feet. In addition, a maximum 500 square foot garage and a maximum 800 square foot basement are permitted. If a larger garage or basement is constructed, then all square footage over 500 or 800 square feet, respectively, will be considered as a part of the 2,200 square feet of space allowed.
5. Employment Requirement: Applicants must demonstrate that they are qualified employees and that they have four years of consecutive full-time employment, as defined by the Guidelines, in Pitkin County immediately prior to application. Individuals who are retired are required to demonstrate that they were qualified employees based upon the definition in these Guidelines for four years immediately prior to their retirement.
6. Primary Residence: A RO unit must be the owner's primary residence. Proof of residency, including but not limited to, voter registration and automobile registration, shall be required.

7. **Income/Earnings:** Applicants must demonstrate that their income/earnings are earned primarily in Pitkin County (75%). Applicants must demonstrate that they pay Colorado Income Tax as a Colorado resident.
8. The owner cannot own any other developed residential property or mixed used property that contains residential units in what is defined as the OEZ, nor have any interest in a LLC or partnership in other developed residential property or mixed used property that contains residential units within the OEZ; said property must be listed for sale, at competitive prices, prior to or simultaneously with closing on the RO unit. Such other developed property must be sold to another buyer within 180 days, otherwise, said deed-restricted property must be sold as stipulated in the deed restriction.
9. **Sales and Marketing:** The APCA shall market all RO units the same as the category units, unless specifically specified in the respective deed restriction, with the exception of the sales fee. The sales fee charged will be 2% of the sales price.
10. All other qualification requirements as stated in Part III, Section 1, 1 through 4.
11. Each owner shall be required to prove compliance with their deed restriction as to employment, residency, and ownership of other property as specified in the Guidelines and as they are amended from time to time, by completing the Compliance Affidavit, and providing documentation when requested.

**SECTION 8
NET MINIMUM LIVABLE SQUARE FOOTAGE FOR
NEWLY DEED RESTRICTED AFFORDABLE HOUSING UNITS**

Table II sets forth the allowable Minimum Net Livable Square Feet (see Definitions) for each unit type and category. Developers may choose to construct larger units; however, allowable rent and sale prices for such larger units may not exceed the maximum set forth in Tables III and IV.

PLEASE NOTE: Subject to approval by the APCA, the minimum net livable square foot requirements may be reduced. It must be demonstrated that the development satisfies, or is required to adjust to other physical factors or considerations including, but not limited to, design for livability, common storage, other amenities, location or site designs.

**TABLE II
MINIMUM NET LIVABLE SQUARE FEET
FOR EACH UNIT TYPE AND INCOME CATEGORY**

<u>Unit Type</u>	<u>Categories 1 & 2 Square Feet</u>	<u>Categories 3 & 4 Square Feet</u>	<u>Categories 5 & 6 Square Feet</u>	<u>Category 7 Square Feet</u>
Studio	400	500	600	700
1 Bedroom	600	700	800	900
2 Bedroom	850	950	1,000	1,100
3 Bedroom	1,000	1,200	1,300	1,400
Single-Family Detached	1,100	1,400	1,700	1,900

In order to calculate mitigation requirements, 400 square feet of affordable housing units shall be used to equate to one full-time employee in determining the required affordable housing mitigation for the free-market residential component of a mixed use development. Net Livable Square Footage (see Definitions) calculations are required for the affordable housing component of a project. The Community Development Department prior to issuance of any building permits for either the free market or affordable housing component of the project must verify square footage. The Community Development Department shall retain a set of approved building permit drawings for the project. The Community Development Department or the APCHA may check the actual construction of the affordable housing units for compliance with the approved building permit plans.

The conditions under which reductions may be made are stated below. However, no reduction greater than 20% of the category minimum will be allowed.

- Significant storage – additional storage outside the unit;
- Above average natural light – more windows than the Code requires;
- Efficient and flexible layout – limit to space used for halls and staircases;
- Site amenities – pool, near to park or open space, etc.;
- Location within the project – above ground versus ground level or below ground;
- If the applicant can achieve higher density of deed restricted units with this variance.

Square footage adjustments will be subject to the APCHA approval. A written analysis and recommendation will be completed during the Development Review Committee referral. Staff comments will be used in developing the project's approval ordinance. Applicants will be allowed to appeal decisions to the Board, followed by City Council or the BOCC.

SECTION 9 MAXIMUM SALES PRICES FOR NEWLY DEED RESTRICTED AFFORDABLE LOTS AND HOUSING UNITS

Table III sets forth the maximum sales price for newly deed-restricted affordable housing units and affordable lots to the initial purchaser. The maximum resale price of a unit shall be controlled by the Deed Restriction covering the unit executed by the initial purchaser upon closing of the initial purchase.

TABLE III - MAXIMUM UNIT SALES PRICES

<u>Unit Type</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>	<u>Category 4</u>
Studio	\$39,000	\$89,000	\$148,000	\$252,000
1 Bedroom	\$49,000	\$107,000	\$162,000	\$269,000
2 Bedroom	\$60,000	\$133,000	\$193,000	\$300,000
3 Bedroom	\$69,000	\$161,000	\$224,000	\$330,000
SF Detached	\$84,000	\$192,000	\$254,000	\$357,000
SF Lot	N/A	N/A	N/A	N/A

<u>Unit Type</u>	<u>Category 5</u>	<u>Category 6</u>	<u>Category 7</u>	<u>Category RO</u>
Studio	\$351,000	\$392,000	\$440,000	N/A
1 Bedroom	\$381,000	\$421,000	\$470,000	N/A
2 Bedroom	\$412,000	\$453,000	\$501,000	N/A
3 Bedroom	\$440,000	\$480,000	\$528,000	N/A
SF Detached	\$471,000	\$511,000	\$558,000	N/A
SF Lot	\$101,000	\$140,000	\$146,000	\$179,000

NOTES:

1. Single-family lots shall be developed with homes of three bedrooms or larger and shall be prioritized for lottery as set forth in Part III, Section 6 herein.
2. Category 1, 2, 3 and 4 single-family lots are not allowed. Lot prices for Category 5 through RO include the cost of access and utilities for the lot as set forth in Part VII, Section 13 herein.
3. Sale units will be offered for sale through the APCA to all qualified persons under the procedures established by the Guidelines.
4. Persons employed by an owner/operator shall be given first priority to purchase affordable-housing units associated with a lodge, agricultural operation, or commercial development, when ownership has been retained by the owner/operator of the development. Employees must meet the APCA's Guidelines for occupancy, income and assets criteria in order to qualify to occupy the unit(s). In the event there are no persons directly employed by the owner who qualify, the unit shall then be offered to other qualified persons according to the Guidelines. (Affordable Housing [AH] Zone development is exempt from this section.) All resales will go into the general lottery and be sold by the APCA per the deed restriction.
5. Newly deed restricted affordable-housing sales units must be in marketable condition. Properties must comply with the International Building Code and all rules, regulations, and codes of all governmental utilities and agencies having jurisdiction. Prior to sale, the unit must be inspected and approved by a certified building inspector, architect or engineer approved by the APCA. Cost of such inspections shall be the responsibility of the applicant. The APCA must approve the results of the inspection.

SECTION 10
MAXIMUM MONTHLY RENTAL RATES FOR NEWLY DEED RESTRICTED
AFFORDABLE HOUSING UNITS

Table IV sets forth the maximum monthly rental rates for newly deed-restricted affordable housing units. The rental rates apply and shall be in effect for a twelve (12) month period from the commencement date of the initial lease. Thereafter, the maximum monthly rental rate may be increased only to the extent that the Guidelines then in effect permit.

TABLE IV
MAXIMUM MONTHLY RENT

<u>Unit Type</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>	<u>Category 4</u>	<u>RO</u>
Studio	\$474	\$842	\$1,258	\$1,668	\$2,288
1 Bedroom	584	989	1,401	1,831	2,448
2 Bedroom	692	1,135	1,549	1,979	2,595
3 Bedroom	802	1,270	1,700	2,126	2,744
SF Detached	915	1,433	1,845	2,197	2,817

NOTES:

1. Units constructed prior to the effective date of these Guidelines shall charge rents that do not exceed those set forth in Part VIII, Table VI.
2. Rental rates shall apply whether the units are provided furnished or unfurnished.
3. Rental rates in Table IV include, and may not be increased to pay for, the cost of utilities in common areas, condominium dues, management costs and taxes. In the event that utilities are commonly metered, a charge to the tenant may be made in addition to the maximum rents in Table IV for the tenant's share of such utilities attributable to the tenant's net living area. Tenants shall be responsible for individually metered utilities.
4. Prior to occupancy of a deed restricted rental unit, the APCHA must qualify the tenant. All verification required under these Guidelines must be provided. The tenant must provide the owner/landlord with proof of verification and qualification by the APCHA prior to occupancy. The owner shall be required to provide a copy of the lease agreement to the APCHA for approval. The APCHA will approve or deny the agreement within five working days. Leases shall meet occupancy standards and allowable rental rates, and shall be for a minimum term of six consecutive months. Tenant shall provide an executed copy of the lease to the APCHA prior to occupancy.
5. Persons employed by an owner/operator shall be given first priority to rent affordable housing units associated with a lodge, agricultural operation, or commercial development, when ownership has been retained by the owner/operator of the development. Employees must meet the APCHA's Guidelines for occupancy, income and assets criteria in order to qualify to occupy the unit(s). In the event there are no persons directly employed by the owner who qualify, the unit shall then be offered to other qualified persons according to the Guidelines. (Affordable Housing [AH] Zone development is exempt from this section.)

6. All newly deed restricted affordable housing rental units must comply with all rules, regulations and codes of all governmental bodies and agencies having jurisdiction. The owner of affordable housing rental units, at its cost and expense, must keep and maintain the interior and exterior of the total structure (including all residential units therein) and the adjacent open areas in a safe and clean condition and in a state of good order and repair, reasonable wear and tear and negligent or intentional damage by tenants excepted.

SECTION 11
REQUIREMENTS FOR DORMITORY/LODGE
(Seasonal Units)

Pursuant to the applicable City or County Land Use Codes, an applicant for a development may, under certain conditions and subject to certain requirements, satisfy the affordable housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. Acceptance of such dormitory/lodge units shall be at the sole discretion of the respective governing body at the recommendation of the APCA. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

1. Occupancy of a dormitory unit shall be limited to no more than eight persons.
2. There shall be 150 or greater net livable square feet of living area per person, including sleeping and bathroom. For purposes of this requirement, Net Livable square footage shall not include interior or exterior hallways, parking, patios, decks, cooking, lounge used in common, laundry rooms, mechanical areas, and storage. Rents for dormitory/lodge units and units developed for seasonal occupancy pursuant to a plan approved by the APCA shall be calculated on the net livable square footage as described in Table II and computed at the rates set forth on a case-by-case basis.
3. Notes 3, 4, 5 and 6 under Table IV, Part VII, Section 10, apply to Dormitory/Lodge units.
4. At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one water closet, one lavatory, one bathtub with a shower, and a total area of at least 60 net livable square feet.
5. A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the APCA's approval and determination that the facilities are adequate in size to service the number of persons using the facility.
6. Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.
7. A manager's or assistant manager's rent shall be calculated based on the income category of the respective manager.
8. Rents for dormitory units will be set by Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue.

SECTION 12
AFFORDABLE HOUSING DEDICATION FEE
(aka Payment-In-Lieu or Cash-in-Lieu Fee)

1. Pursuant to the applicable City or County Land Use Codes, an applicant for a development may, under certain conditions and subject to certain requirements, satisfy the affordable housing requirement by payment of an affordable housing dedication fee (payment-in-lieu fee). The number of employees (affordable housing residents) required to be housed is determined by the Employee Generation schedules contained in the applicable City and County Codes, or included herein. The time of payment of the fee is prior to the issuance of a building permit. Acceptance of the payment-in-lieu fee shall be at the sole discretion of the respective governing body at the recommendation of the APCHA.

2. All County fees shall be paid to the Pitkin County Finance Director and all City fees shall be paid to the City Finance Director. A receipt shall be issued by the Finance Directors to the applicant for submission to the Community Development Director as verification of payment, with a copy of the receipt supplied by the developer to the APCHA prior to issuance of a building permit. The number of employees generated will be dictated by the applicable City and County codes or included herein. The City and County Codes will prevail in any conflict between the Guidelines and the Codes. The Employee Generation Table is included in the City Code for the specific zone districts.

3. Payment-In-Lieu Fee:

<i>Category 1</i>	<i>\$283,864</i>
<i>Category 2</i>	<i>\$237,500</i>
<i>Category 3</i>	<i>\$224,094</i>
<i>Category 4</i>	<i>\$139,890</i>

The fee required for the construction of an exempt single-family home or duplex unit shall be calculated as follows:

Average of the Category 2 and Category 3 payment-in-lieu fees as specified above, divided by 3,000 square feet X the net increase in FAR of the new structure will equal the payment-in-lieu payment for replacement structures. The formula assumes that for every 3,000 square feet of new single-family or duplex floor area, the public will be required to provide housing for one moderate income employee. Currently, that amount is $\$237,500 + \$224,094 \div 2 = \$230,797 \div 3,000 = \76.93 per square foot of new structure.

When any other payment-in-lieu fee is required and the category is not specified, an average of Category 2 and 3 will be used to calculate the amount owed.

4. Deferral of the Affordable Housing Impact Fee: If the owner of a single-family or duplex unit for which an affordable housing impact fee is due is a qualified working resident, as that term is defined in the Guidelines, the obligation to pay the impact fee may be deferred, at the owner's request, until such time as the dwelling unit is sold to a buyer who is not a qualified working resident. Furthermore, the amount of the impact fee that was deferred shall be recalculated at the time of sale based on the Guidelines in effect at the time of sale. The obligation for the fee and the procedures for calculating the fee shall be set forth in a written document, signed by the owner or owners of the subject dwelling unit, approved by an APCHA representative and the Community Development Department Director, and recorded in the records of the Pitkin County Clerk and Recorder prior to the issuance of a Certificate of Occupancy.

5. For the purposes of calculating payment-in-lieu fee, the following occupancy standards shall apply:

**TABLE V
OCCUPANCY STANDARDS BY UNIT TYPE**

<u>UNIT TYPE</u>	<u>OCCUPANCY</u>
Dormitory/Lodge	1.00 employee/150 sq. ft.
Studio	1.25 employees
One Bedroom	1.75 employees
Two Bedrooms	2.25 employees
Three Bedrooms	3.00 employees

For each bedroom in excess of three, the occupancy standard increases by .5 employees.

**SECTION 13
CONVEYANCE OF VACANT LOTS**

Pursuant to the applicable City or County Land Use Codes, an applicant for a development, under certain conditions and subject to certain requirements, may satisfy the affordable-housing requirement by the conveyance of vacant lots. Acceptance of the lots shall be at the sole discretion of the respective governing body upon recommendation of the APCHA.

1. All lots must be fully developed and ready for construction, i.e., improved lots with water or well, sewer or septic, roads, and telephone, electricity and gas (if available) in place to the property line. A soils report, prepared by a qualified engineer and based upon test holes within the building envelope of each lot, stipulating that the lot is suitable for construction of the intended dwelling type without requiring unusual excavation, foundation work or accommodation of other unusual conditions shall accompany the conveyance.
2. All lots shall be conveyed to the APCHA concurrent with recordation of final plat for the project.
3. At the time of conveyance, the developer shall establish an escrow account in an amount sufficient to cover 125% of the estimated costs required to complete the improvement of the lots in accordance with number 1 above. Improvements as noted in number 1 above, shall be completed within one year from the date of conveyance of the property to the APCHA.
4. The Subdivision Improvements Agreement and the Protective Covenants shall incorporate the conditions stated in 1, 2 and 3, directly above this paragraph.

SECTION 14
DEED RESTRICTING EXISTING DWELLING UNITS

1. Pursuant to the applicable City or County Land Use Codes, an applicant for a development, under certain conditions and subject to certain requirements, may satisfy the affordable housing requirement by deed restricting existing unrestricted housing to comply with the Guidelines. Acceptance of existing units shall be at the sole discretion of the respective governing body upon recommendation of the APCHA.
2. If accepted by the City or County, existing units must be upgraded in accordance with the following criteria, (unless a variance from these requirements is approved by the applicable governing body upon the recommendation of the APCHA):
 - a. The interior walls of all units must be freshly painted.
 - b. The interior Appliances must be purchased within the last five years and be in good and working condition.
 - c. Carpet must be less than five year old and be in good condition and repair, or be replaced.
 - d. The exterior walls shall be freshly painted within one year of dedication.
 - e. A general level of upgrade to yards and landscaping shall be provided.
 - f. Windows, heating, plumbing, electrical systems, fixtures and equipment shall be in good and working order.
 - g. The roof must have a remaining useful life of at least ten (10) years.
 - h. All units shall meet the International Building Code minimum standards, any applicable housing code or, in the absence of an adequate code, the housing code acceptable to the APCHA.
 - i. All units shall be approved by the APCHA and verified by a qualified Building Inspector accepted and approved by the APCHA.
 - j. Applicant shall bear the costs and expenses of any required upgrades to meet the standards stated in Part VII, Section 14, a through i, as well as any structural/engineering reports required by the APCHA to assess the suitability for occupancy and compliance with the APCHA standards of the proposed units.

SECTION 15
EXECUTION OF DEED RESTRICTIONS BY APPLICANTS

Deed Restrictions must be submitted by the applicant to the APCHA according to the following time schedule:

1. **Conditional Use Applications** - Prior to issuance of a final building inspection or certificate of occupancy for a caretaker or accessory dwelling unit , the APCHA shall have an approved, executed and recorded Deed Restriction for the required commitment by the applicant. For any other projects, specifically new subdivisions, new affordable-housing projects, new developments requiring filing a condominium plat, the deed restriction must be recorded simultaneously with the Final Plat, but prior to Certificate of Occupancy.
2. **Growth Management Plan Applications** - Prior to issuance of a final building inspection or certificate of occupancy for a project, the APCHA shall have an approved, executed and recorded Deed Restriction for the required commitment by the applicant. A copy of the recorded Land Use Code and Resolution and Deed Restriction shall be sent to the APCHA. Prior to issuance of any Certificate of Occupancy, the Deed Restriction shall be amended, if necessary. The amendment shall reflect changes approved by the APCHA and governing bodies that may have occurred during construction or conversion of the unit(s), (i.e., net livable square footage). The amendment will then be executed and recorded, with the original returned to the APCHA.
3. **Others** - Prior to issuance of a final building inspection or certificate of occupancy for a project, the APCHA shall have an approved, executed and recorded Deed Restriction for the required commitment by the applicant. A copy of the recorded Land Use Code Resolution and Deed Restriction shall be sent to the APCHA. Prior to issuance of any Certificate of Occupancy, the Deed Restriction shall be amended, if necessary. The amendment shall reflect changes approved by the APCHA that may have occurred during construction or conversion of the unit(s) (i.e., net livable square footage). The amendment will then be executed and recorded, with the original returned to the APCHA for their files.

SECTION 16 MAXIMUM VACANCY

Deed restricted rental units are required to be occupied. They may be vacant between tenancies for a maximum period of forty-five (45) days, unless authorized by the APCHA. If the owner exceeds the forty-five day limit without the APCHA approval, then the APCHA will place a qualified employee by advertising the vacancy in the classified section of the local newspaper on Mondays and Tuesdays. Any interested party may sign up for that unit in the APCHA office. The sign-up for an advertised unit ends at 3:00 p.m. that following Wednesday. Staff reviews the sign-up list and contacts the household with the most years worked full-time in Pitkin County. The interested applicant must provide proof of their work history in Pitkin County for all the years stated on the sign-up sheet.