

## AGENDA

APCHA Board Special Meeting

July 28, 2021 (Postponed from July 21, 2021)

**5:00 PM, In-person or Zoom Meeting (see instructions below)**

**For Public Comment, please see below to schedule**



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**Rules of Decorum** - APCHA Board meetings shall be conducted in a fair and impartial manner that allows the business of APCHA to be effectively undertaken. Citizens, APCHA staff and APCHA Board members alike must be allowed to state their positions in a courteous atmosphere that is free of intimidation, profanity, personal affronts, threats of violence, or the use of APCHA as a forum for politics. All remarks shall be directed to the APCHA Board as a whole, not to APCHA staff or to the public in attendance. Members of the public shall not approach the dais without first seeking and obtaining the permission of the Chairperson or presiding officer. Warnings may be given by the Chair at any time that a speaker does not conduct himself or herself in a professional and respectful manner, and anyone whose language or behavior impedes the orderly conduct of an APCHA Board meeting shall, at the discretion of the presiding officer, be barred from speaking further and may be ejected from the meeting.

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**You can attend in person or online through Zoom Meeting below:**

**START TIME: 5:00 PM – SPECIAL START TIME**

**[Join Meeting](#) or call: (US) +1 (669) 900 6833. Meeting ID: 865 6820 7767; Meeting password APCHA0721 (If calling in, the password is: 441213369)**

- 4:45 – 4:55      Team Intention Setting – Located in the Roaring Fork Room at the Pitkin County Building (**Optional**)
- 5:00 PM          **Call to Order, Chairperson Skippy Mesirow**
- ROLL CALL**
- 5:05 – 5:15      **Public Comment (3-minute limit) – Public must request to make public comment at least 15 minutes prior to this meeting by calling 970-920-5455 or e-mail [cindy.christensen@cityofaspen.com](mailto:cindy.christensen@cityofaspen.com)**
- 5:15 – 5:20      **Executive Director’s Comments/Staff Update**
- Update on Executive Director
- 5:20 – 5:25      **Consent Calendar** (may be adopted together by a single motion)
- Minutes of the July 7, 2021 Regular Meeting
- 5:25 – 6:10      **Discussion of Amendments to the APCHA Employee Housing Regulations**
- Modification of Retirement and Disability Work History
  - Dependent Age Modification
  - Lottery Chances Modification
- 6:10 – 6:20      APCHA Board of Director’s Comments (Optional)
- 6:20 – 7:00      **Executive Session**
- Pursuant to CRS 24-6-402(4) (a), to discuss the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest and pertaining to the property at 53 Forge Road

Adjourn

**NEXT MEETING: AUGUST 18, 2021 In-Person and/or via Zoom**

*NOTE: Times are approximate. Agenda items may be heard prior or after the estimated times shown.*



*Strengthening Community Through Workforce Housing*

## ***FUTURE LONG-TERM AGENDA ITEMS***

***As of July 28, 2021***

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***Below are tentative dates for discussion on the specific items. This is subject to change.***

August 4, 2021 – 4 p.m. – BBQ for the Board and Staff as a meet and greet, and for the Board to tour the new office space at 18 Truscott Place

August 18, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- **First Reading (45 minutes)**
  - Removal of Special Review
  - Transfer Outside Bid Process
  - Limit Up-bid One Category
  - Retirement Work History (10 years prior to point of retirement and/or a certain length of time within 5 years to IRS retirement age)
  - Disability Work History (10 years prior to point of disability and/or a certain length of time)
  - Dependent Age (count for a bedroom)
  - Lottery Chances
  - Alignment with Deed Restriction
- **Energy Efficiency Standards (20 minutes)**
- **Deed Restriction Review (45 minutes)**

September 1, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- **Review annual work plan**
- **2<sup>nd</sup> Reading**
  - Removal of Special Review
  - Transfer Outside Bid Process
  - Limit Up-bid One Category
  - Retirement Work History (10 years prior to point of retirement and/or a certain length of time within 5 years to IRS retirement age)
  - Disability Work History (10 years prior to point of disability and/or a certain length of time)
  - Dependent Age (count for a bedroom)
  - Lottery Chances
  - Alignment with Deed Restriction
- **Sellers Standards**

September 15, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- **Election of officers**
- **Standards for Sellers**

October 6, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- **History OEZ Initial presentation, discussion, and questions (1<sup>st</sup> Reading and 2<sup>nd</sup> Reading)**

October 20, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- **History Right Sizing First Discussion and Discussion**



*Strengthening Community Through Workforce Housing*

November 3, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- History Right Sizing First Discussion and Discussion

November 17, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- Right Sizing 1<sup>st</sup> Reading

December 1, 2021 – 4 p.m. – In-Person or Hybrid Meeting (Zoom)

- Right Sizing 2<sup>nd</sup> Reading

**Next Discussion Items:**

- Capital Repairs
- Potential Regulation Changes Including:
  - Affordability
    - Minimum Earned Income
    - Income Variation Policy – difference of 20% or more, between two years – should they be averaged
    - Review fee schedule
  - Expanding OEZ
  - HOA - Financial stability at beginning – requiring developers to provide seed money for capital reserves, require on one developer's choice, payment of 2% sales fee (or current sales fee at the time)
  - Amendment of the Ownership Exclusion Zone
  - Right Sizing



**MINUTES OF THE JULY 7, 2021  
REGULAR MEETING OF THE  
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

**CALL TO ORDER:** Chairperson Skippy Mesirow called the Regular Meeting to order at 4:00 p.m. The July 7, 2021 Regular Meeting was held through Zoom Meetings.

**ROLL CALL:** Rachael Richards, Kelly McNicholas-Kury, Carson Schmitz, Rick Head, John Ward, and Alternates David Laughren and Skippy Mesirow were present. Director Francie Jacober was absent.

Staff Members in Attendance: Diane Foster, Assistant City Manager and Interim Executive Director; Cindy Christensen, Deputy Director; Bethany Spitz, Compliance, Systems & Policy Manager; Maddie Feder, Administrative Assistant II; and Tom Smith, Attorney for the APCHA Board.

**PUBLIC COMMENT:** Chairman Mesirow opened the regular meeting to Public Comment for items not on the agenda.

- Michael Sailor addressed the Board in relation to his property in W/J. He is seeking guidance from the Board about the future of his place. He would like to tear it down and build two units on the property. Christensen stated that this is something APCHA would probably support as long as both units have a deed restriction. The Board recommended Sailor go to the County Community Development Department to see what the first steps should be.

There being no more, public comment was closed.

**EXECUTIVE DIRECTOR COMMENTS:** Interim Executive Director Foster updated the Board on the following:

- Foster stated she is happy to see everyone's faces and to be in this hybrid style meeting. Tomorrow (Thursday 7/8) the County and City will put out a joint press release identifying the new executive director. Foster mentioned that staff was part of the Saturday Morning Market and it went well. Some Board members volunteered to join if there was another opportunity.

**CONSENT CALENDAR:** Director Head made a motion to approve the Minutes of the Regular Meeting held June 16, 2021, the Special Meeting held June 23, 2021, and Resolution No. 5 (Series of 2021), Appropriating Funds up to \$200,000 from the 632 APCHA Development Fund for Necessary Repairs to 53 Forge Road. Director Ward seconded the motion. **ROLL CALL VOTE:** Directors Schmitz, McNicholas-Kury, Head, Richards and Ward voted yes. Motion passed.

**DISCUSSION OF REVISED DEED RESTRICTION**

- Staff introduced proposed changes to the master deed restriction. The first change modifying the appreciation rate to a flat 2.5% rather than 3% or the Consumer Price Index (CPI) whichever is lower. The second change is when the new deed restriction is signed, they get a new 10% capital improvements cap based on that current maximum sales price on that date. The Board questioned the mythology on the 2.5%. Director Ward stated that he is worried that it doesn't incentivize people to keep up their units. The Board discussed possible alternatives to the deed restriction. Schmitz made the suggest that units that are older be awarded more capital improvement capabilities. These units need the most work and generally the price is lower since so it would benefit both APCHA and

them to be awarded more room for capital improvements. Foster summarized what the Board liked about the changes. Foster stated that the Board liked the idea of the capital improvements resetting, the addition of working “and as the Regulations are amended from time to time”, as well as putting in Schmitz and McNicholas-Kury suggestions to see what it would look like. Some additional examples will be brought back at a future meeting for further discussion.

**DISCUSSION OF AMENDMENTS TO THE APCA EMPLOYEE HOUSING REGULATIONS:**

1. Removal of the Special Review Regulations: The Board agreed to bring this back for first reading. Richards and Ward stated that they are worried that with removing this it might cause someone who may really need it not being able to get into the program. Foster stated that she understands that, but this organization does have a heart and that can be dealt with via staff. If staff feels like there is an issue that needs to be changed, they will do that.
2. Transfers outside the bid process: The Board agreed to move this to first reading with a few changes. They requested the language be cleaned up a bit in relation to education and requested that if someone is away at school and owns their unit, it needs to be rented out to a qualified employee/household.
3. Limiting applicants to only bid up one category: Spitz stated that staff is recommending a change so that households can only bid their category and one above. There are multiple factors that went into this, but the main reason is affordability and fairness. The Board agreed that it’s limiting but they agree that it should be changed based on the fact of affordability. The Board agreed to move this to first reading.

First Reading will be scheduled for August 18 with the Second Reading and Public Hearing to be held September 1.

**BOARD OF DIRECTORS COMMENTS:**

- Director Head stated that he enjoys in-person meetings. Ward agreed.
- Director Richards stated that she wants to thank staff on what is happening.
- Chairman Mesirow briefed the Board on the Future Long-term Agenda and that it is for the public to know what is going on now and in the future. Mesirow asked for feedback about the structure of the meeting.

**Director Head made a motion to adjourn the meeting at 6:50 p.m. Director Ward seconded the motion. ROLL CALL VOTE: Ward, Schmitz, Head, McNicholas-Kury, and Richards were in favor. Motion passed. Meeting adjourned at 6:50 p.m.**

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY

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Skippy Mesirow, Chairperson

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Diane Foster, Secretary



## MEMORANDUM

TO: APCHA Board of Directors

FROM: Bethany Spitz and Cindy Christensen

DATE OF MEETING: July 28, 2021 (moved from July 21, 2021)

SUBJECT: Proposed Changes to Transfers Outside the Bid Process and Bid Submission from APCHA Regulations (Proposed)

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**DISCUSSION:** APCHA staff is recommending that the retirement age, requirement of work history prior to point of disability, and the dependent age in the APCHA Regulations be amended.

### **1. Modification of Retirement and Disability Work History**

APCHA Staff is recommending that the work requirement for retirement be modified to 10 years instead of 4 prior to point of retirement. Additionally, staff is recommending the addition of a sliding scale where if an individual can document a 30-year work history they could retire 5 years earlier than normally allowed.

#### **A. Proposed Changes: Retired or Disabled former Pitkin County Employees**

An individual who was a full-time employee/worker in Pitkin County for a **minimum of ten years (instead of 4)** immediately prior to disability, or retirement age as defined in Part VIII of these Regulations, shall be allowed to rent and/or own such housing. **An individual is allowed to retire 5 years early than the Retirement Age defined in the definitions if they can document a 30-year work history with 15 of those years immediately preceding retirement age residing in APCHA housing.**

**Qualified Retiree in APCHA Housing** – A person who has reached the retirement age as defined below and who has for at **least ten (10) (instead of 4)** consecutive years immediately prior to retirement met the requirements of an “Employee” and who has owned or leased a deed restricted unit for at least four (4) consecutive years immediately prior to retirement. **An individual who has worked in Pitkin County for 30 years can retire 5 years before the defined age below (15 of these years prior to retirement must have been years residing in APCHA Housing).**

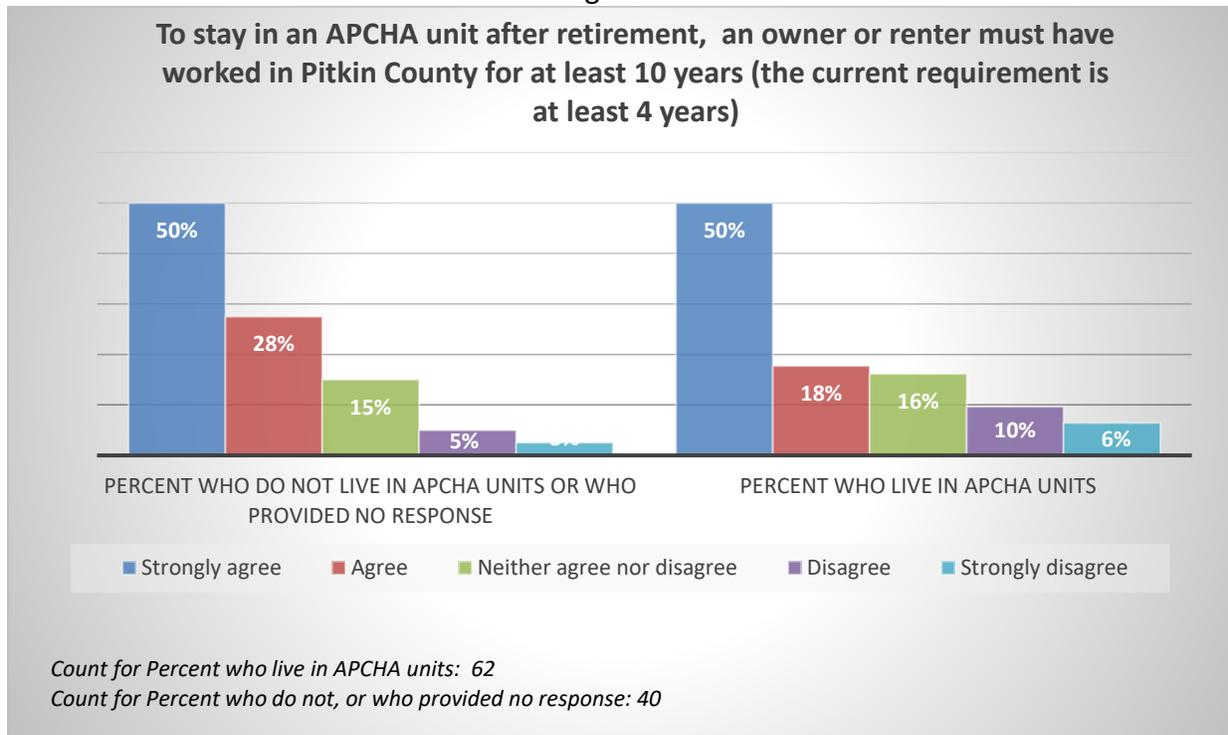
**Retirement Age for APCA Housing** – A current tenant or owner can qualify to become an APCA qualified retiree at such time he/she reaches the age to receive full (100%) benefits as determined by the U.S. Social Security Administration (see below), or as otherwise stipulated in the applicable deed restriction. Any change of the full retirement age approved by the U.S. Social Security Administration will not automatically apply to the APCA program. Any change in full retirement age will require review and approval by the APCA Board, City Council and the BOCC.

<u>Year of Birth</u>	<u>Full Retirement Age</u>
1942 and Earlier	65
1943 – 1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

**B. APCA 2021 Survey Results**

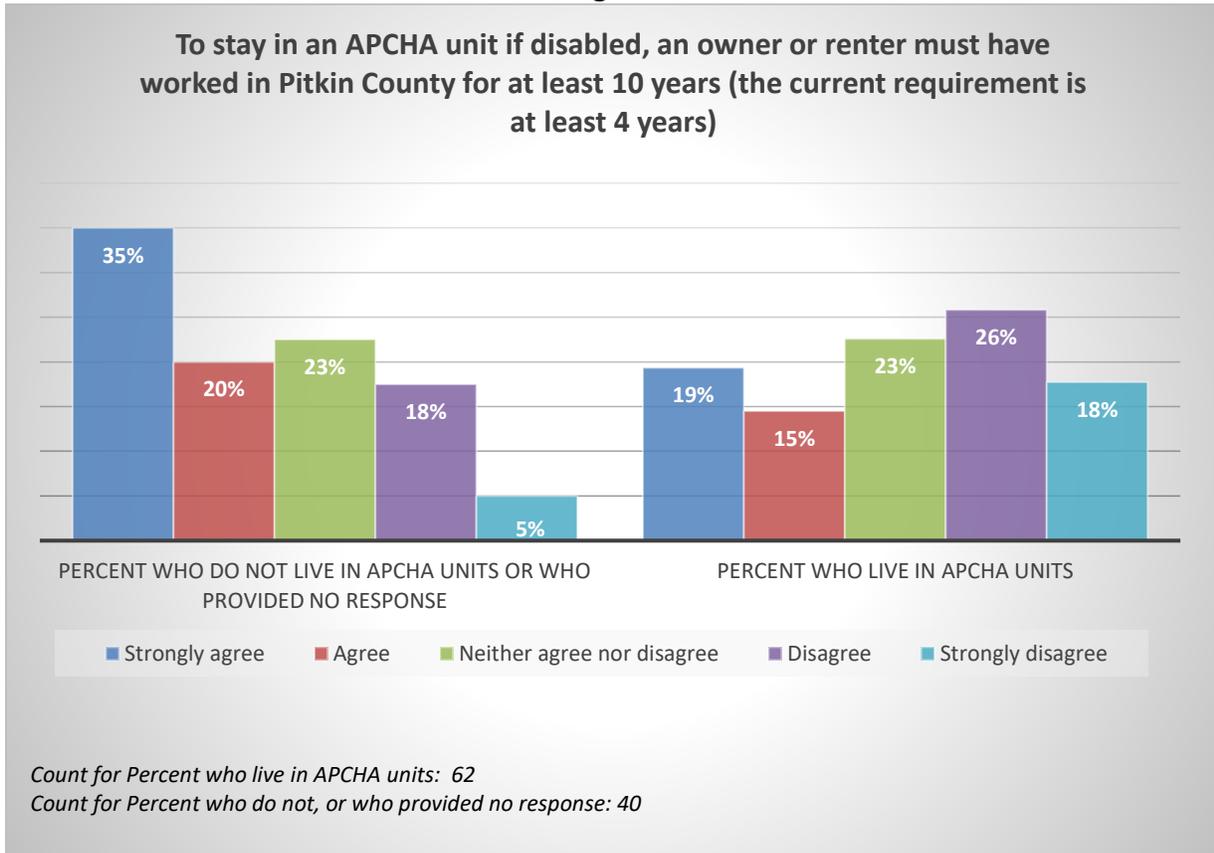
While the same proportion of APCA residents and nonresidents “strongly agree” that owners or renters should have worked in Pitkin County for a least 10 years to retire in a unit, a higher proportion of nonresidents also “agree” with the same statement (28% vs 18%). (Figure 4)

Figure 4.



When it comes to persons with disabilities, APCHA nonresidents are much more likely to “strongly agree” or “agree” that such persons must have worked in the County for at least 10 years to be eligible to stay in their unit, in comparison with current APCHA residents. (Figure 5)

**Figure 5.**



## 2. Dependent Age Modification

APCHA Staff is recommending the dependent age be changed from 24 to 19 to qualify for a bedroom.

### A. Proposed Changes

Dependent – A “dependent” is either a “qualifying child” or a “qualifying relative.”

A member of a household or family other than the head, spouse, or co-head, who is under 18 years of age or is a person with disabilities or a full-time student. For the purposes of these regulations, a foster child, a foster adult, or a live-in aide may never be a dependent regardless of age or disability.



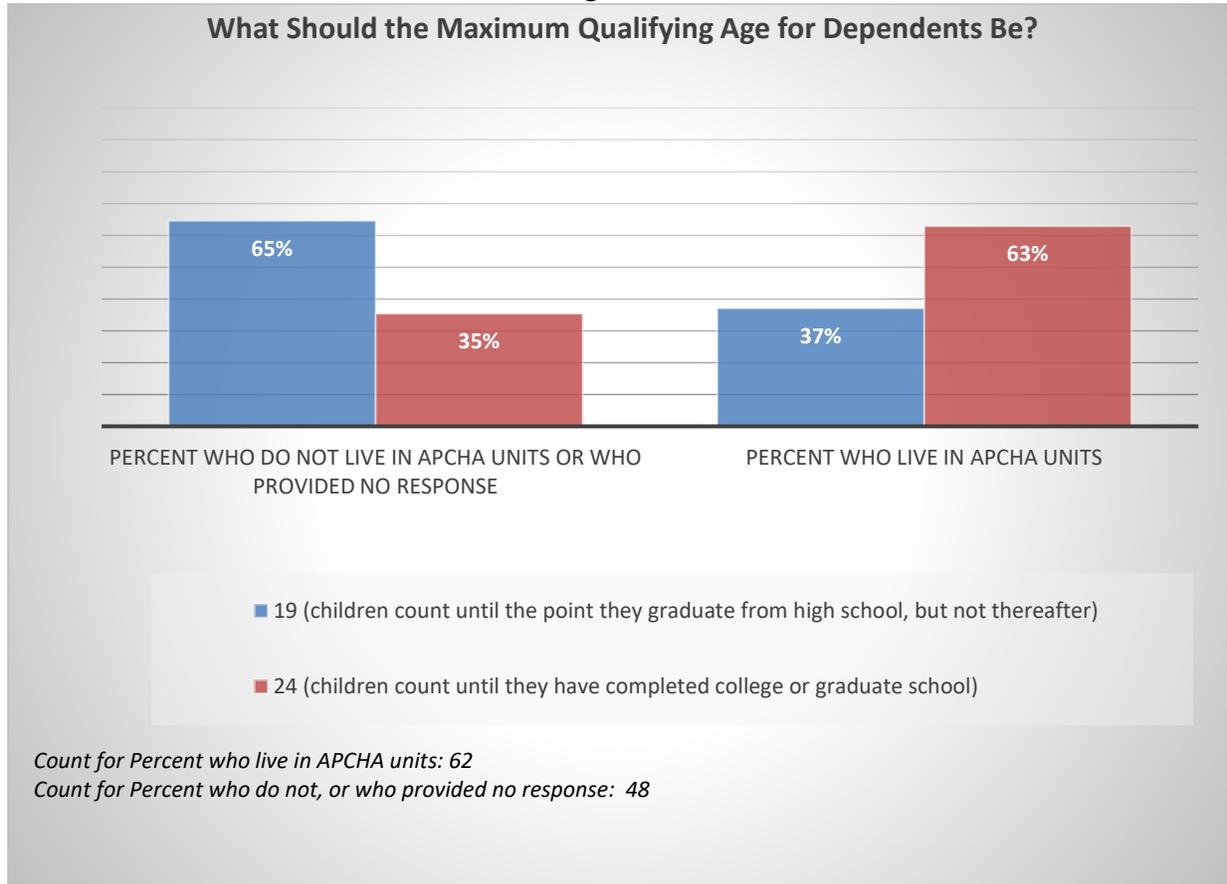
A “qualifying child” is a child (including stepchild, adopted child, or eligible foster child, i.e. minors), or a sibling (or stepsibling) of the taxpayer, or a descendant of either; who has resided in the principal abode of the taxpayer for at least 100 days out of a calendar year; who has not attained age ~~19~~24; and who has not provided more than half of his or her own financial support for that year.

A "qualifying relative" is an individual who (a) is a sibling (including stepsiblings), the taxpayer's father or mother or an ancestor of either of them, a stepparent, a niece or nephew, an aunt or uncle, or an individual, other than a spouse, who resides in the principal abode of the taxpayer and is a member of the household; (b) has gross income in that calendar year not exceeding the exemption amount; (c) receives more than half of his/her support for the year from the taxpayer; and (d) is not a qualifying child of any other taxpayer for the calendar year. Said “qualifying relative” must be listed **as a dependent on a tax return to be classified as a valid dependent.**

**B. APCHA 2021 Survey Results**

In general, nonresident respondents appear more likely to want certain restrictions on who can qualify to live in APCHA housing than those who are already residents. For example, those who are non-resident respondents are much more likely to want to restrict the eligibility of children in comparison with people who reside in an APCHA unit. Nearly 2/3 of those outside of APCHA units would restrict eligible children to the age of 19, whereas a similar proportion of current occupants would set the age of eligibility at 24. (Figure 2) Similarly, nonresidents are more likely to favor increasing the on-site tenancy requirement for children to at least half the year. (Figure 2)

Figure 2.



### 3. Lottery Chances Modification

APCHA Staff has prepared changes to the lottery chances as requested by the Board. APCHA Staff is recommending changing the number of chances based upon an applicant's work history but NOT providing extra chances based upon number of bids. Increasing chances based on the number of bids is problematic for the following reasons:

1. How many bids would qualify for an additional chance? We have varying number of units in each category that become available every year.
2. Do they need to be in the top priority?
3. Do they have to want to the unit? They might just place bids to receive extra bids.
4. What happens if they turn down a unit?



**A. Proposed Changes**

Table VIII

**NUMBER OF APCHA LOTTERY CHANCES FOR PRIORITY BIDS**

<i>Years employed/worked in Pitkin County</i>	<i>Number of lottery chances</i>
more than 4 years, less than 8	5
more than 8 years, less than 12	6
more than 12 years, less than 16	7
more than 16 years, less than 20	8
more than 20 years	9

Table VIII

**NUMBER OF APCHA LOTTERY CHANCES FOR PRIORITY BIDS**

<i>Years employed/worked in Pitkin County</i>	<i>Number of lottery chances</i>
more than 4 years, less than 8	1
more than 8 years, less than 12	2
more than 12 years, less than 16	3
more than 16 years, less than 20	4
more than 20 years	5

**B. Statistics**

<b>Years Employed/Worked in Pitkin County</b>	<b>Number of Current Chances</b>	<b>Current Chances of Winning</b>	<b>Proposed Chances</b>	<b>Proposed Chances of Winning</b>	<b>Proposed Change in % from Current</b>
more than 4 years, less than 8	5	10%	1	6%	-4%
more than 8 years, less than 12	6	12%	2	11%	-1%
more than 8 years, less than 12	6	12%	2	11%	-1%
more than 8 years, less than 12	6	12%	2	11%	-1%
more than 8 years, less than 12	6	12%	2	11%	-1%
more than 8 years, less than 12	6	12%	2	11%	-1%
more than 12 years, less than 16	7	14%	3	17%	3%
more than 16 years, less than 20	8	16%	4	22%	6%
<b>Total Entries in the Lottery</b>	<b>50</b>	<b>100%</b>	<b>18</b>	<b>100%</b>	

### C. APCHA 2021 Survey Results

#### Allocation of Lottery Chances

The survey presented three questions related to how many lottery chances applicants should receive. The questions explored attitudes toward:

- Work longevity
- Length of time someone had bid unsuccessfully
- How many times someone had bid unsuccessfully, regardless of time involved

Those within an APCHA unit felt very strongly (79% strongly agree) that ACPCHA should continue using length of work history in assigning additional lottery chances to bidders. Slightly more than half (56%) of nonresidents also strongly agreed. (Figure 7)

Opinions were less clustered regarding whether to provide more lottery chances based on how long someone had bid unsuccessfully. (Figure 8) However, nonresidents were more likely to “strongly agree” that people who bid unsuccessfully over a time should be provided with more chances (35% vs 26%). As well, nonresidents more strongly favored providing additional chances to people who had unsuccessfully bid a certain number of times (Figure 9)

Figure 7.

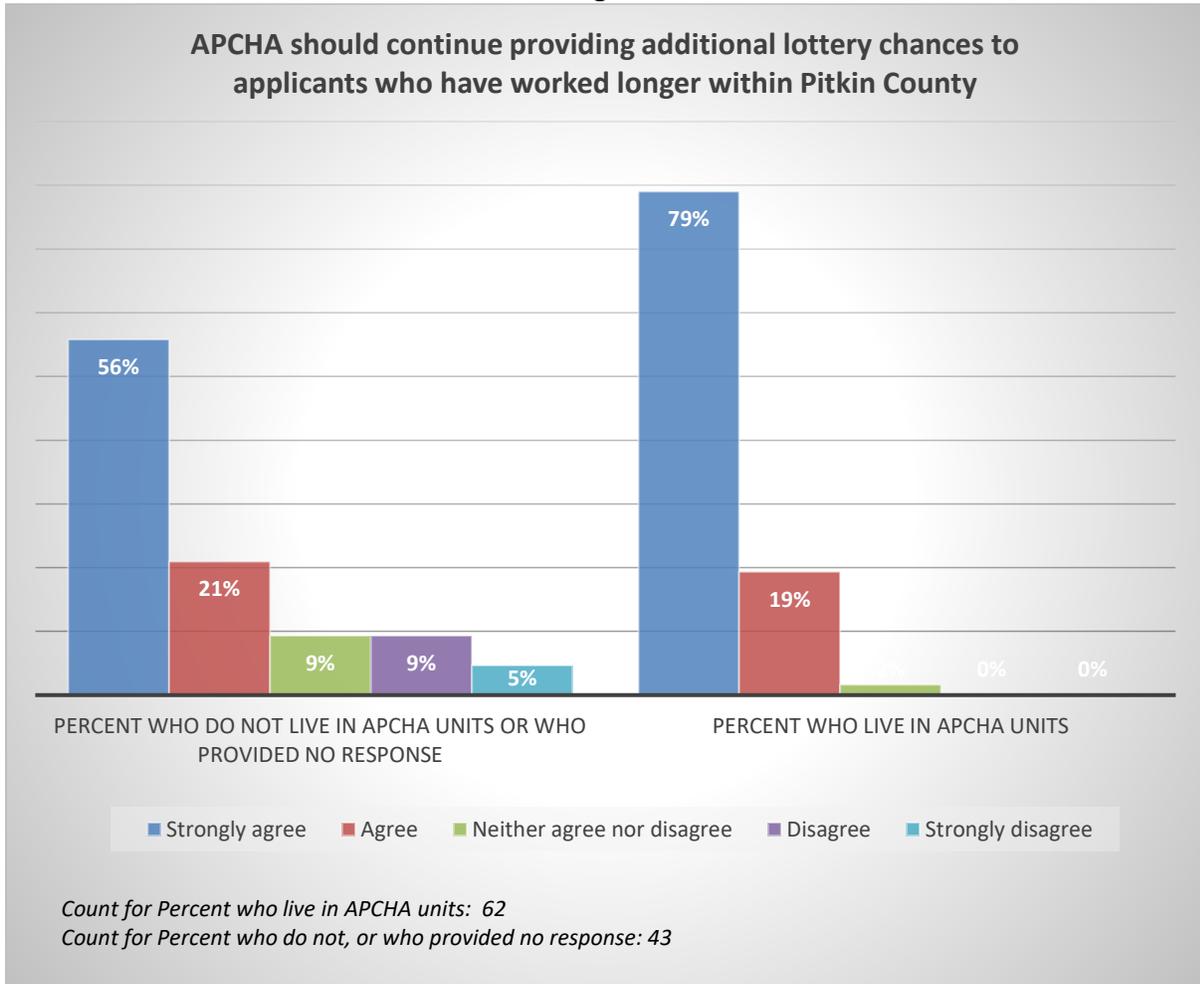


Figure 8.

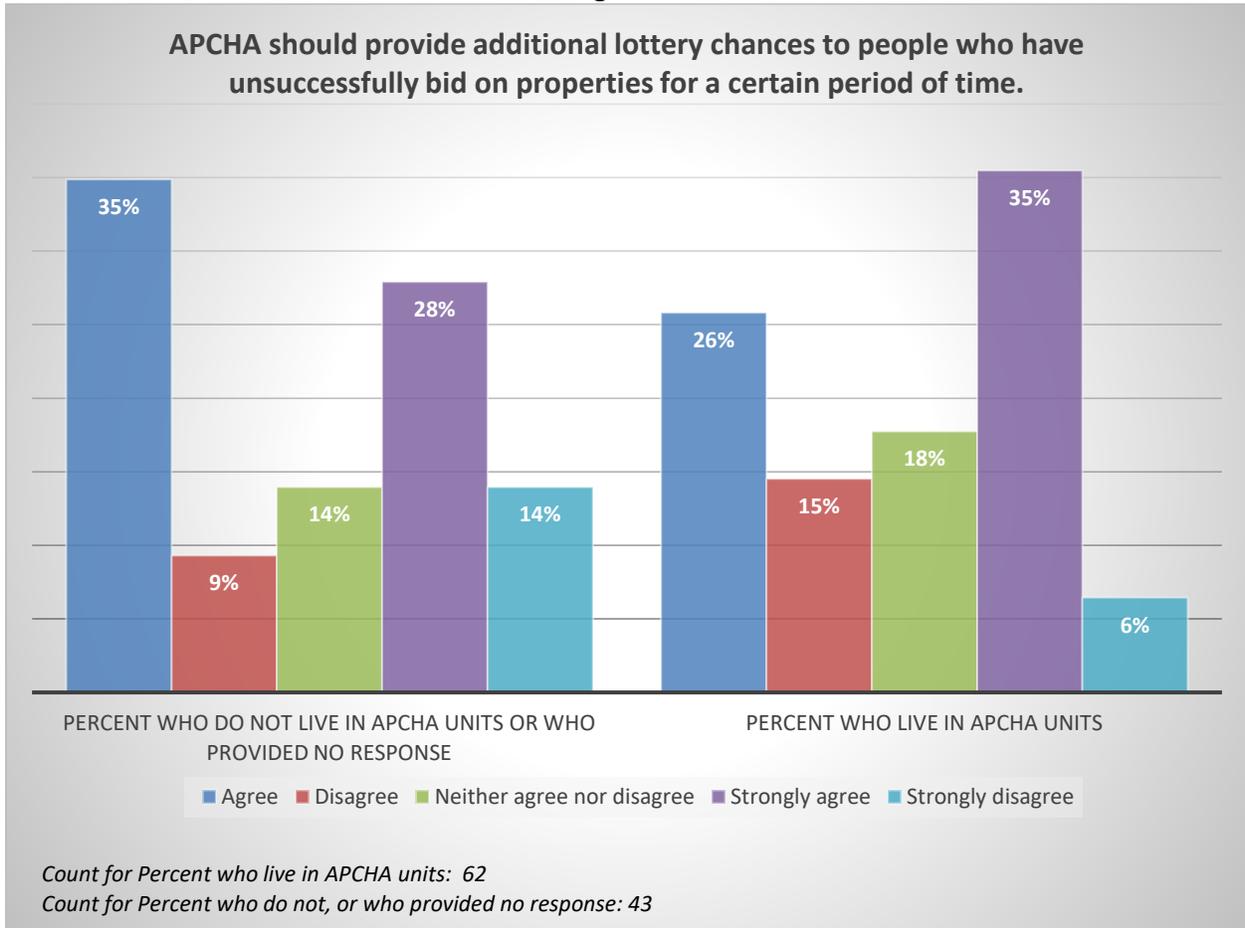
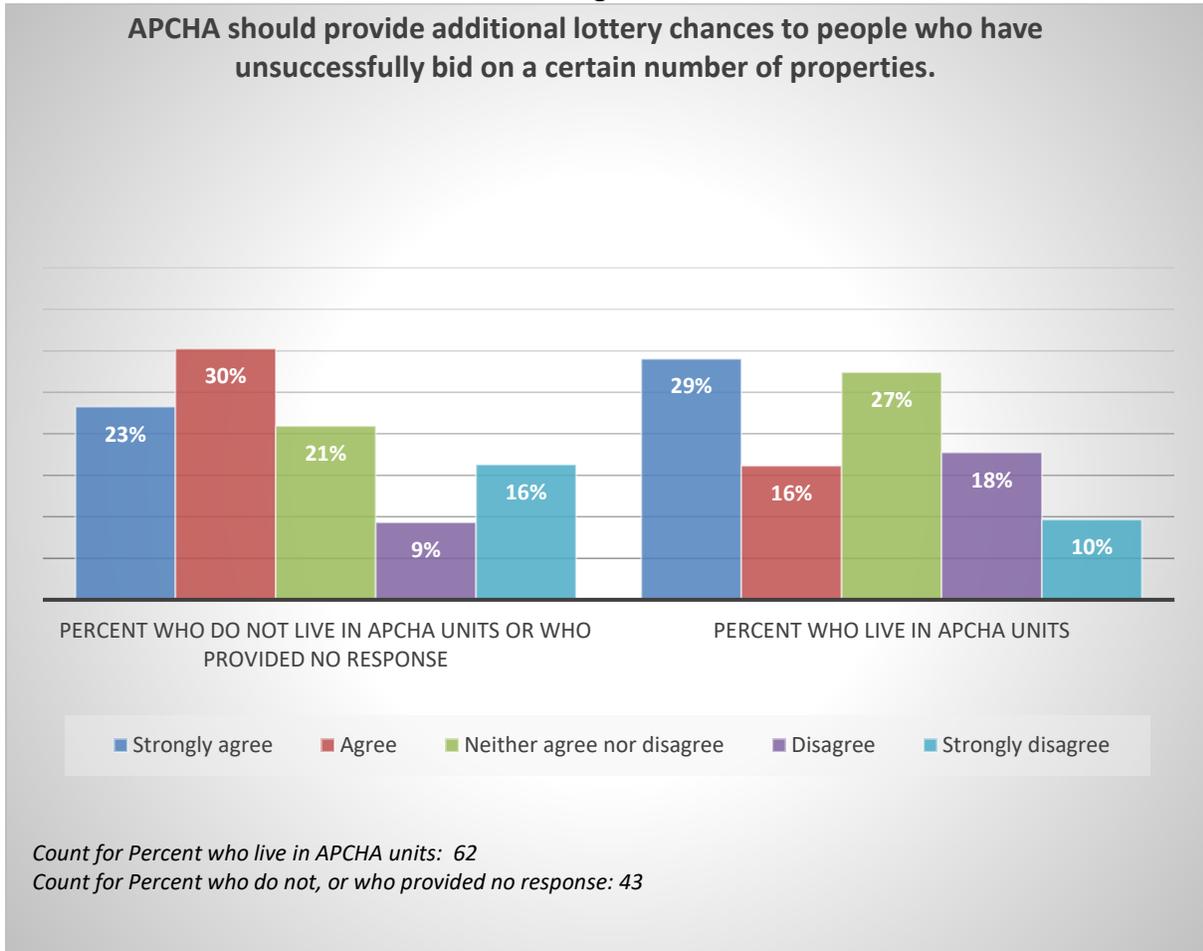


Figure 9.



**RECOMMENDATION:** Staff recommends that the APCHA discuss these proposed changes and provide feedback to staff as to whether they move forward to a first reading.