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THE ASPEN PITKIN COUNTY EMPLOYEE HOUSING GUIDELINES HAVE BEEN RENAMED TO APCHA REGULATIONS. ALL DOCUMENTS THAT REFER TO APCHA GUIDELINES NOW REFER TO APCHA REGULATIONS.

2024 REGULATIONS

PART I

APCHA HOUSING BOARD POLICIES

Section 1. Mission Statement

The goal of APCHA is to provide affordable housing opportunities through rental and sale to persons who are or have been actively employed or self-employed within Aspen and Pitkin County, and that provide or have provided goods and services to individuals, businesses or institutional operations within Aspen and Pitkin County (prior to retirement and/or any disability), and other qualified persons as defined in these Regulations, and as they are amended from time to time.

Section 2. Affordable Housing Governance and Deed Restriction Policies

Affordable housing is deed-restricted housing for qualified employees as stated in these Regulations. Rental and ownership are restricted by terms ensuring Housing Board policies are met.

APCHA rental and ownership housing is developed by the county and city authority and managed according to APCHA Regulations. APCHA rental properties are leased and managed both by APCHA and by the private sector in the form of a property management company or the owner. The majority of APCHA’s ownership units are sold through APCHA and managed by a not-for-profit Homeowners’ Association (HOA) specific to the property. The HOA is responsible for maintaining common elements of the property with the power to assess owners as necessary. APCHA tenants and owners qualify with APCHA and occupy units under the terms of the respective lease or HOA and in compliance with deed restrictions.

Section 3. APCHA Regulations

In keeping with state regulations, the Housing Board publishes Regulations establishing the operation of the housing program, along with creating policies and procedures for APCHA operations. Regulations are reviewed and amended periodically. Amended Regulations are published annually. Amendments can be made between publication dates due to city ordinances or county resolutions or for administrative purposes. APCHA keeps on file all editions of the Regulations that are located at www.apcha.org.

Section 4. Affordable Housing Unit Types and Categories

APCHA rental and ownership units, including Resident-Occupied (RO) units, are located throughout the City of Aspen and Pitkin County in public and private all-affordable housing properties and units designated as affordable housing within private sector property developments.

Qualification for APCHA housing is determined in part according to the applicant’s household size and Maximum Gross Income and Net Assets per category. Asset caps test an applicant’s (tenant or buyer)
need to rent or purchase a deed restricted unit. They are intended to prioritize competition for scarce affordable housing units.

APCHA housing categories are established according to household income levels. See Table I APCHA Target Household Income Levels per Category.

Categories are further defined according to household size:

- The number of TOTAL PERSONS in a household determines household size.

See Table II for Maximum Gross Income and Net Assets per Household and Category.

**TABLE I ADOPTED JUNE 21, 2017, APCHA RESOLUTION NO. 2 (SERIES OF 2017) WENT INTO EFFECT MAY 14, 2018**

**TABLE I**

<table>
<thead>
<tr>
<th><strong>APCHA Housing</strong></th>
<th><strong>Target Household Income Level</strong></th>
<th><strong>AMI Percentage Range</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>Low-Income</td>
<td>Below 50% AMI</td>
</tr>
<tr>
<td>Category 2</td>
<td>Lower Moderate Income</td>
<td>50.1 - 85% AMI</td>
</tr>
<tr>
<td>Category 3</td>
<td>Upper Moderate Income</td>
<td>85.1 - 130% AMI</td>
</tr>
<tr>
<td>Category 4</td>
<td>Middle Income</td>
<td>130.1 - 205% AMI</td>
</tr>
<tr>
<td>Category 5 and RO</td>
<td>Upper Middle Income</td>
<td>205.1 - 240% AMI</td>
</tr>
</tbody>
</table>

For the purpose of qualification, Categories 6 and 7, as described in earlier versions of the APCHA Regulations have been eliminated. The change will not affect the maximum sales price for Category 6 and 7 units. Maximum sales prices are never guaranteed. The units will continue to appreciate as permitted under their respective deed restrictions (in most cases, 3% or the consumer price index, whichever is less, per year).
The Area Median Income (AMI) for 2024 was released on April 1, 2024. The new rates which began April 18, 2024, are listed below. Net Assets stated below were increased on January 1, 2024, by 2.6%.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Category 1 (50% AMI)</th>
<th>Category 2 (85% AMI)</th>
<th>Category 3 (130% AMI)</th>
<th>Category 4 (205% AMI)</th>
<th>Category 5* (240% AMI)</th>
<th>RO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-person</td>
<td>$44,000</td>
<td>$74,800</td>
<td>$114,400</td>
<td>$180,400</td>
<td>$211,200</td>
<td>No income limit</td>
</tr>
<tr>
<td>2-person</td>
<td>$50,300</td>
<td>$85,510</td>
<td>$130,780</td>
<td>$206,230</td>
<td>$241,440</td>
<td>No income limit</td>
</tr>
<tr>
<td>3-person</td>
<td>$56,550</td>
<td>$96,135</td>
<td>$147,030</td>
<td>$231,855</td>
<td>$271,440</td>
<td>No income limit</td>
</tr>
<tr>
<td>4-person</td>
<td>$62,850</td>
<td>$106,845</td>
<td>$163,410</td>
<td>$257,685</td>
<td>$301,680</td>
<td>No income limit</td>
</tr>
<tr>
<td>5-person</td>
<td>$67,900</td>
<td>$115,430</td>
<td>$176,540</td>
<td>$278,690</td>
<td>$325,920</td>
<td>No income limit</td>
</tr>
<tr>
<td>6-person</td>
<td>$72,900</td>
<td>$123,930</td>
<td>$189,540</td>
<td>$298,890</td>
<td>$349,920</td>
<td>No income limit</td>
</tr>
<tr>
<td>Net Assets not to Exceed</td>
<td>$155,000</td>
<td>$356,000</td>
<td>$471,000</td>
<td>$666,000</td>
<td>$1,040,000</td>
<td>$2,583,000</td>
</tr>
</tbody>
</table>

*Categories 6 & 7 have been rolled into Category 5

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Based on (50% AMI)</th>
<th>Household Size</th>
<th>Based on (60% AMI/HERA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-person</td>
<td>$44,000</td>
<td>1-person</td>
<td>$60,780</td>
</tr>
<tr>
<td>2-person</td>
<td>$50,300</td>
<td>2-person</td>
<td>$69,420</td>
</tr>
<tr>
<td>3-person</td>
<td>$56,550</td>
<td>3-person</td>
<td>$78,120</td>
</tr>
<tr>
<td>4-person</td>
<td>$62,850</td>
<td>4-person</td>
<td>$86,760</td>
</tr>
<tr>
<td>5-person</td>
<td>$67,900</td>
<td>5-person</td>
<td>$93,720</td>
</tr>
<tr>
<td>6-person</td>
<td>$72,900</td>
<td>6-person</td>
<td>$100,680</td>
</tr>
<tr>
<td>Net Assets not to Exceed</td>
<td>$471,000</td>
<td>Net Assets not to Exceed</td>
<td>$356,000</td>
</tr>
</tbody>
</table>
Section 5. Affordable Housing Rental and Ownership

A. Rental Units

Rental units are administered by APCHA and available in Categories 1 through 5 and RO, as studio units, one-, two- and three-bedroom units and as on-site employee dormitories and units. As provided in the applicable deed restriction, rental units are managed and leased by both APCHA and the private sector. Qualification for all rentals in the APCHA Inventory must be approved by APCHA. See Part III for APCHA eligibility and qualification and Part IV for rental policies and procedures.

B. Ownership Units

Ownership units administered by APCHA are available in Categories 1 through 5, and in the RO category, as provided in the applicable deed restriction. The majority of the ownership units are marketed by and sold through APCHA. Qualification for all ownership units in the APCHA Inventory must be approved by APCHA. Bid results are prioritized and awarded by lottery where applicable. See Part III for APCHA eligibility and Part V for purchase and sale policies and procedures.

C. Resident-Occupied Ownership (RO) Units

The RO category offers qualified higher income households the opportunity to own affordable housing FOR the benefit of the community. RO ownership policies and procedures are subject to land use approvals and the deed restrictions specific to each property. RO units predating the publication of these Regulations are subject to deed restrictions recorded with the property title at the time of purchase. Other RO units are subject to deed restrictions specific to the property as recorded, and to these Regulations.

For RO ownership qualification, Maximum Household Gross Income levels are unlimited and the Maximum Household Net Assets level is higher than other APCHA categories or unlimited as stated in the applicable deed restriction.

Section 6. APCHA Eligibility – Rental and Ownership

A. APCHA Application and Qualification

To be eligible for APCHA housing, all persons must submit a written application and documentation required to verify employment/work history, household size, income and assets, and other necessary information. History of employment/work, special needs, and other factors may affect bid priority for ownership units. See Regulations Part III for qualification policies and procedures.

B. Maximum Household Income and Assets

APCHA adjusts Maximum Gross Income levels per category annually according to the change in Pitkin County Area Median Income (AMI) using Tables I and II. The Maximum Net Assets allowed per category will increase annually based on the lesser of the percentage change in Consumer Price Index (Urban Wage Earners) from July of one year to July of the following year, or 3%, whichever is less. See Table II for Maximum Gross Income and Net Assets per Household for APCHA Categories.
C. **Non-discrimination Policy**

APCHA does not discriminate on the basis of race, color, religion (creed), gender, age, national origin (ancestry), disability, marital status, sexual orientation, military status, genetic information, or any other characteristic protected under applicable federal, state or local law in any of its activities or operations. We are committed to providing an inclusive and welcoming environment.

D. **Receiving a Public Benefit**

APCHA will follow current Colorado State law in regard to receiving a public benefit. Pursuant to 8 USC 1621(d), a State may override the federal prohibition on aliens not lawfully present in the US receiving State or local public benefits. CRS 24-76.5-103 is such a law, and it provides that lawful presence is not a requirement for eligibility for state or local public benefits, which are defined to include “public or assisted housing.”
PART II
APCHA AFFORDABLE HOUSING DEVELOPMENT OVERVIEW

Section 1. APCHA Housing Development Policy

The City of Aspen, Pitkin County and APCHA are actively involved in affordable housing development and redevelopment throughout Pitkin County to provide housing opportunities for full-time employees. All deed restrictions for newly constructed units must be approved by APCHA prior to issuance of a Certificate of Occupancy (CO). See APCHA Affordable Housing Development Policy for further information and requirements.

Section 2. Maximum Sales Price and Maximum Rental Rates

TABLE III
MAXIMUM MONTHLY RENTAL RATES FOR DEED-RESTRICTED RENTAL UNITS
Effective January 1, 2024

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
<th>Category 4</th>
<th>Category 5</th>
<th>RO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$586</td>
<td>$1,044</td>
<td>$1,560</td>
<td>$2,070</td>
<td>$2,548</td>
<td>$2,839</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>726</td>
<td>1,226</td>
<td>1,737</td>
<td>2,273</td>
<td>2,769</td>
<td>3,037</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>860</td>
<td>1,410</td>
<td>1,922</td>
<td>2,456</td>
<td>2,961</td>
<td>3,220</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>996</td>
<td>1,576</td>
<td>2,109</td>
<td>2,639</td>
<td>3,145</td>
<td>3,406</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>1,089</td>
<td>1,660</td>
<td>2,167</td>
<td>2,693</td>
<td>3,179</td>
<td>3,461</td>
</tr>
<tr>
<td>SF Detached</td>
<td>1,134</td>
<td>1,776</td>
<td>2,290</td>
<td>2,724</td>
<td>3,233</td>
<td>3,495</td>
</tr>
</tbody>
</table>

Table III sets forth the Maximum Monthly Rental Rates for deed-restricted affordable housing units. The rental rates apply and will be in effect for at least a 6-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 Regulations in effect permit. If there is a conflict between the Regulations and the deed restriction on the rental property, the most restrictive document will prevail. Section 3.D.1.a, below, for additional criteria.

TABLE IV
MAXIMUM SALE PRICES FOR NEWLY DEED-RESTRICTED OWNERSHIP UNITS
Effective January 1, 2024

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
<th>Category 4</th>
<th>Category 5</th>
<th>RO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$48,000</td>
<td>$110,000</td>
<td>$185,000</td>
<td>$313,000</td>
<td>$544,000</td>
<td>N/A</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>63,000</td>
<td>134,000</td>
<td>202,000</td>
<td>333,000</td>
<td>582,000</td>
<td>N/A</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>74,000</td>
<td>164,000</td>
<td>240,000</td>
<td>370,000</td>
<td>624,000</td>
<td>N/A</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>85,000</td>
<td>201,000</td>
<td>279,000</td>
<td>410,000</td>
<td>657,000</td>
<td>N/A</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>97,000</td>
<td>215,000</td>
<td>292,000</td>
<td>422,000</td>
<td>666,000</td>
<td>N/A</td>
</tr>
<tr>
<td>SFH Detached</td>
<td>111,000</td>
<td>237,000</td>
<td>315,000</td>
<td>442,000</td>
<td>693,000</td>
<td>N/A</td>
</tr>
<tr>
<td>SFH Lot</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>181,000</td>
<td>$218,000</td>
</tr>
</tbody>
</table>

TABLE V
2024 PAYMENT IN LIEU/IMPACT FEE SCHEDULE

Schedule can be found in City Ordinance No. 1 (Series 2024) / Effective Date 04/4/2024
Section 3. Occupancy Policies for Newly Deed-restricted Units

Deed restricted affordable housing units must comply with the occupancy standards of city or county land use regulations and codes, these Regulations and applicable deed restrictions. All new affordable housing development must include a capital reserve study as part of the initial HOA documents, as well as a separate capital reserve fund. All HOA documents must provide that a capital reserve fund be established and maintained. In addition, for projects which include both free-market and deed-restricted ownership residential units, the HOA documents must ensure the long-term affordability of the deed-restricted units by including provisions acceptable to APCHA for the control of general and special assessments, such as separation of common elements, establishing separate free market and affordable sub-associations, and determining allocated interests based on assessed valuation, square footage, or other measures.

A. Pre-occupancy Inspection

Upon the completion of construction of new units or conversion of existing units and prior to issuance of a CO for rental units or ownership units, such units must be inspected and approved by a certified building inspector, architect and/or engineer for compliance with applicable codes, regulations and APCHA Regulations. A written inspection report of inspection approval must be submitted to APCHA.

B. Livability Standards

Newly constructed deed-restricted affordable housing ownership units must be in marketable condition at the time of the sale. See Part V for ownership unit sale policies and procedures.

Converted units must be in marketable condition and approved by APCHA prior to rental or sale.

The developer will bear the costs and expenses of any required upgrades to meet the standards listed below, as well as any deficiencies noted in structural/engineering reports required by APCHA to assess the suitability for occupancy, as follows:

- All interior walls must be freshly painted;
- Interior appliances must be less than five years old and in good condition and repair;
- Carpets must be less than five years old, in good condition and repair, or replaced if in lesser condition;
- Windows, heating, plumbing and electrical systems, fixtures and equipment must be in good condition and working order and brought up to the current code utilized by the Community Development Department;
- All exterior walls must be freshly painted within the previous year;
- Landscaping and yard must be in satisfactory condition;
- Roof must be in good repair with remaining useful life of at least ten (10) years; and
- HOA documents; e.g., Articles of Incorporation, By-Laws, and Condominium Declarations, must be approved by APCHA.

Developer/permit applicants will bear the cost of any repairs, replacements and upgrades required to meet APCHA standards.

C. Occupant Qualification and Priority in Newly Deed-restricted Units

Unless tenant or buyer qualification and priority is otherwise established by the applicable land use approval, newly deed-restricted units will be marketed and leased or sold through APCHA according to these Regulations.
See Part III for APCHA Eligibility and Qualification.  
See IV for Rental Policies and Procedures.  
See Part V for Purchase and Sale Policies and Procedures.

1. **Priority of Displaced Residents**

Notwithstanding the priorities set forth in Part V, Section 2.C, APCHA tenants and owners who are displaced by new construction or conversion of existing APCHA units will have priority for purchasing (owners) or renting (tenants) a similar APCHA unit of the same size, type and category. Displaced resident priority is determined on a case-by-case basis.

2. **Priority of Qualified On-site Employees in Employer-owned Dormitories or Rental Units**

In consideration of the need of employers to house employees on site, including but not limited to lodging enterprises, agricultural operations and other businesses, employers owning on-site affordable housing rental units may, with the prior approval of APCHA, designate their APCHA-qualified employees as tenants.

In such cases, employees must meet all APCHA qualifications except income and asset maximums, which are waived.

If no person directly employed by the business owner of an Employer-owned unit is APCHA-qualified, the on-site dormitory space or other units must be made available to other qualified tenants who may be designated by APCHA.

3. **Priority of Qualified Tenants and Owners Selected by Developer**

Private sector developer/owners of deed-restricted affordable housing units will be permitted to choose from among APCHA-qualified tenants and/or owners to occupy one-third of their affordable housing units in compliance with APCHA occupancy standards for the initial sale or lease only. All households chosen by the developer/owner must meet the top priority criteria; (i.e., four-year minimum work requirement, minimum occupancy requirement, category, not owning other property within the OEZ, see Definitions), including no ownership of other deed-restricted property unless their deed-restricted unit comes available for sale through the lottery. The developer must make their choice within 30 days of the issuance of the Certificate of Occupancy (CO). The remaining units, including any units for which the developer/owner does not choose occupants, will be marketed, leased, and sold through APCHA. For those units where the buyers are chosen by the developer, a 1% sales fee based on the purchase price is due to APCHA at the time of closing. For all other sales through APCHA, the 2% sales fee will be due at closing.

D. **Rental and Sale of Newly Deed-restricted Units**

1. **Rental**

   a. **Maximum Rental Rates for Deed Restricted Units**

   Beginning rental rates for newly deed-restricted rental units will remain in effect during the entire lease period. After that time, rental rates may be increased in accordance with the current Maximum Annual Rental Rate Adjustment, a percentage adjustment revised annually. See Table VI.
Table III sets forth the maximum monthly rental rates for deed restricted affordable housing units. The rental rates apply and will be in effect for at least a 6-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 Regulations then in effect permit. If there is a conflict between the Regulations and the deed restriction on the rental property, the most restrictive document will prevail. The following additional criteria will be followed:

- Maximum rental rates WILL apply whether the units are provided furnished or unfurnished.

- Tenants may not be charged for the following, either as rent or in addition to rent:
  - Cost of electricity, gas, water and sanitation in common areas
  - Condominium dues/assessments
  - Management costs
  - Property taxes
  - Landscaping costs
  - Snow plowing/shoveling
  - Condominium Insurance

- Additional costs that can be charged to the tenant, but must be verified by APCHA, are:
  - Electricity, gas and/or water if not separately metered – metered costs must be based on the tenant’s share of such utilities attributable to the tenant’s net livable area. Tenants will be responsible for individually metered utilities.
  - Trash, but proportionally based on the tenant’s net livable area.
  - Other operational costs only when reviewed by APCHA and approved to be charged, must be based on the tenant’s share attributable to the tenant’s net livable area.

- Prior to occupancy of a deed-restricted rental unit, APCHA must qualify the tenant. All documentation required under these Regulations must be provided. The tenant must provide the owner/landlord with proof of documentation and qualification by APCHA prior to occupancy. Prior to occupancy, the owner will be required to provide a copy of the lease agreement to APCHA for approval. Leases must meet allowable rental rates and will be for a minimum term of six (6) consecutive months. The unit must meet occupancy standards, one person per bedroom at all times. Owner must provide a copy of an executed lease to APCHA prior to occupancy.

- Persons employed by an owner/operator are given first priority to rent on-site affordable housing units associated with a lodge, agricultural operation, or commercial development when ownership has been retained by the owner/operator of the development (i.e., employer-owned units). Employees must meet APCHA’s Regulations 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 must then be offered to other qualified persons according to the Regulations. (Affordable Housing [AH] Zone development is exempt from this section.)

- All deed-restricted affordable housing rental units must comply with these Regulations, and the regulations and codes of all governmental bodies and agencies having jurisdiction. The owner/operator 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.

- A rental unit vacant for more than forty-five (45) days must be made available for tenants selected through APCHA.

b. Lease Approval by APCHA

The review period for APCHA is five (5) business days. All leases must provide for a minimum lease term of six (6) months and will be renewed for consecutive six-month periods. Month-to-month leases are not permitted. Prior to occupancy, landlords must provide a copy of an executed lease to APCHA prior to occupancy.

2. Sale

a. Maximum Sale Prices for Newly Deed-restricted Units

Maximum Sale Prices for Newly Deed-restricted Affordable Housing Units, Single Family Units and Single-Family Lots must be as specified in Table IV of these Regulations and must be identified in applicable deed restrictions and maximum resale prices.

RO unit sale prices are determined in accordance with the applicable deed restriction on a case-by-case basis. The developer generally sets the initial sale price of a newly deed-restricted RO unit. If another affordable housing ownership unit is developed in association with a RO unit, the average sale price of both units must no higher than the Category 3 maximum sale price for a newly deed-restricted unit.

b. Sales Through APCHA

Newly deed-restricted affordable housing ownership units, single-family homes and vacant lots must be offered for sale through APCHA.

After initial sale, all APCHA ownership units will be marketed and sold through APCHA bid and lottery process and/or according to deed restrictions specific to the property and these Regulations. See Part V.

Section 4. APCHA Approval and Execution of Deed Restrictions

APCHA will work with developers of affordable housing to draft and approve deed restrictions to ensure compliance with development approvals, these Regulations, city and county land use regulations and codes, and governing Colorado and federal legislation.

APCHA will approve the deed restrictions for housing units before such deed restrictions are ready for recordation and prior to issuance of a CO. No occupancy is permitted without the executed deed restriction and issuance of a CO.
A. Growth Management Plan Applications

1. Mixed-use Developments – Free Market and Affordable Housing

In mixed-use developments, where a deed-restricted unit is located in a private sector condominium or subdivision that consists primarily of free market units, Homeowners’ Association (HOA) assessments are typically based on the square footage of the unit. In an effort to ensure that affordable housing remains affordable, deed-restrictions for affordable units in mixed-use developments must state that HOA assessments on the affordable housing units must be pro-rated according to the value of an affordable housing unit relative to the value of the free-market units in the development. Additionally, HOA special assessments must be pro-rated in the same manner as the monthly HOA assessments. The governing documents must specify that any change in HOA assessment policy is subject to APCHA approval.

2. Caretaker and Accessory Dwelling Units (CDUs and ADUs)

If a caretaker or accessory dwelling unit is constructed or converted for mitigation purposes, the developer must submit required deed restrictions to APCHA for approval and execute and record such deed restrictions prior to the final building inspection and/or issuance of a CO.

B. Amendments to Deed Restrictions

Deed restrictions recorded prior to the issuance of the applicable CO must be amended to include any changes necessary as a result of new legal requirements imposed by city or county regulations or codes. Deed restrictions may also be amended by agreement between a private sector property developer and Aspen City Council (Council) or the Pitkin County Board of County Commissioners (BOCC) and then approved by APCHA.

Upon final approval by APCHA, amended deed-restrictions must executed and recorded prior to issuance of a CO, where applicable. Copies of executed and recorded deed-restrictions must be provided to APCHA by the developer within 60 days of filing.
PART III

APCHA ELIGIBILITY AND QUALIFICATION

APCHA does not guarantee workforce housing to an applicant. APCHA may deny access to any applicant who APCHA finds would pose a risk to the use and enjoyment of workforce housing to other qualified persons, or whose record as an occupant of deed restricted housing otherwise justifies a conclusion by APCHA that it would be in the best interest of APCHA to reject the application. In making any determination under this provision APCHA may consider among other things, an applicant’s criminal record, past non-compliance under any prior housing regulations, and past business relationships with APCHA.

Fraud Warning

Signatures on documents submitted to APCHA constitute verification that all information provided is true and accurate. If any such information is determined to be false or non-verifiable, such person may be disqualified by APCHA and referred to law enforcement for investigation and/or prosecution.

A disqualified APCHA owner may be forced to list his/her ownership unit for sale as specified in the deed restriction within thirty (30) days of disqualification. A disqualified tenant’s lease will be terminated within thirty (30) days of disqualification.

Disqualified persons may be denied future participation in the affordable housing program. Mortgage fraud may be referred to FBI for investigation.

For the purposes of these Regulations, APCHA shall not recognize a sham marriage as a valid marriage. A sham marriage is a purported marriage between two persons who: 1) are not legally married, and/or 2) do not live together as husband or wife, and/or 3) whose marriage is not made in good faith but for the purpose of obtaining rental or ownership housing in APCHA’s inventory (APCHA Resolution 5-2022).

Section 1. Eligibility

To be eligible to rent or purchase a unit in the APCHA inventory, unless an applicable deed restriction otherwise requires, applicants must:

- Work full-time, 1,500 hours per calendar year and for a Pitkin County employer; and each member of the household whose income is used to determine compliance with the income limitations must meet the following employment requirements:
  - Employer Located In Pitkin County - W2 Employee / 1099 Worker:
    - 75% Income must be earned in Pitkin County
  - Employer Located Outside Pitkin County:
    - 75% of income earned must be from goods and services provided to Pitkin County Residents / Businesses / Operational Institutions.
  - Self-Employed:
    - 75% of income earned must be from goods and services provided to Pitkin County Residents / Businesses / Operational Institutions.
  - Remote Workers and Workers who work less than 1,500 hours a year in Pitkin County do not qualify.
• Occupy APCHA unit as a primary residence and occupy the unit at least nine (9) months per calendar year;
• Own no other developed residential property within the Ownership Exclusion Zone (OEZ) in accordance with Part III, Section 5; this prohibition includes ownership by a spouse or member of a household;
• Meet the applicable income and asset limits; and
• Satisfy all other applicable requirements of these Regulations.

Applicants for workforce housing in the APCHA inventory must submit applications and documents required to verify compliance with the above referenced requirements, including without limitation, employment and work history, income and assets, household size, and such other information deemed necessary by APCHA to qualify an applicant as a Qualified Tenant or Qualified Buyer. Approval must be granted by APCHA prior to signing a lease, taking title to a unit, occupying a unit, adding a name to the title of an ownership unit or a lease, or submitting a bid on an ownership unit.

All residents in workforce housing in the APCHA inventory have a continuing obligation to remain qualified as required by these Regulations and the applicable deed restriction. This includes providing updated information related to changes in employment, household members, and personal communication methods: e.g., email address, telephone number, mailing address, etc. APCHA reserves the right to request information and documentation as needed to determine compliance with these Regulations and the deed restriction.

Applicants for workforce housing in the APCHA inventory will only be allowed to have one qualification packet on file at any given time and it must include their entire household (see Part III, Section 2.B. 3&4). Any change in household will not be approved until point of requalification.

Section 2. Qualification Rules

In addition to the information referred to above, applicants must submit original picture IDs, affidavits and signed legal documents, as well as copies (not originals) of all required documents for APCHA files. Applicants will be charged for copies made in APCHA offices.

APCHA charges fees for applications, bid submissions, handling transactions, various filings and other services. Fees are payable to City of Aspen upon submission of documents or as specified in these Regulations. See Appendix B for APCHA fees.

All APCHA application materials and documents will remain confidential except as required by the Colorado Open Records Act, C.R.S. 24-72-201, et seq.

A. Application

1. Application for Rental Units

Rental units managed by APCHA are advertised by APCHA and applicants may apply for an advertised unit at the APCHA office (18 Truscott Place, Aspen, Colorado). For units managed by the private sector, applicants should contact the property manager or owner of an advertised rental unit directly. See www.apcha.org for a list of APCHA rental units and complexes.
A rental applicant must submit a Long-Term Rental Application with all required information, documentation, and fees after a rental unit is offered to him/her and prior to signing a lease or occupying a unit. See Part IV for rental policies and procedures.

All persons who may occupy a unit, regardless of marital or legal status, or whether their name is on the original lease, are included for the purpose of determining the members of the household size and the category based on income and assets. As such, all members of the household must be qualified by APCHA prior to occupancy.

2. Application for Ownership Units

Sales applicants desiring to purchase a deed-restricted ownership unit in the APCHA inventory, including category and RO units, must first submit a Qualification Application and required documentation to APCHA to determine qualification and for approval. A bid may be submitted with the application or after the application has been approved. Each Qualification Application, after approved by APCHA, will be valid for up to one year and will need to be updated with new information. Updated tax information is requested after January 31st and April 15th. APCHA will review a Qualification Application once a year and will only accept a new application during that year if there is a household change (APCHA Resolution No. 5-2022).

All persons who may occupy a unit, regardless of marital or legal status, and regardless of whether they are on the title to the property, are included for the purpose of determining the members of the household size and the category based on income and assets. As such, all members of the household must be qualified by APCHA prior to occupancy. Married persons are considered as members of a single household whether they both will occupy the unit or not. Married couples may submit only one joint bid for a unit and may not submit separate bids.

B. Qualification - Verification Documents

An applicant is qualified to rent or purchase workforce housing only when all eligibility requirements stated above are verified by information and documentation timely submitted to APCHA.

The applicant has the burden to credibly demonstrate to APCHA’s satisfaction that the applicant meets all qualification requirements for workforce housing contained in these Regulations and any applicable deed restriction.

All applicants must submit the following:

1. Personal Identification Documents

   All applicants must present original personal identification documents to APCHA for approval and copies for APCHA records, including the following:

   - Photo ID: Valid Colorado driver license passport or state-issued photo ID card (Colorado Driver License is required for APCHA Managed Long Term Rentals and Sales Units)

2. Documents Verifying Employment/Work

   APCHA qualification requires that all applicants work full-time, 1,500 hours in Pitkin County as defined herein. Individual and household income must be verified to establish eligibility for
housing categories. RO applicants not subject to income limits must demonstrate that at least seventy-five percent (75%) of an individual’s income is earned in Pitkin County.

Work in Pitkin County is further defined according to the manner of employment. Each type of worker identified below will be required to provide documentation necessary to verify the worker meets the relevant criteria for work in Pitkin County.

- All applicants must verify income earned in Pitkin County by submitting copies of filed (with evidence of the filing date) Federal and State Income Tax Returns (personal and/or business) including all schedules, and W-2 or 1099 forms.
  - Rental applicants must submit documents for the two (2) tax years preceding application;
  - Ownership applicants must submit documents for at least two (2) tax years preceding application, or more as required to establish priority.
- APCHA does not accept extensions for federal or state returns.

a. Standard Documents Required:
- Recent paycheck stub(s)
- Employment and Income Verification Form
- Last 2 years W2s or 1099s
- Last 2 years income tax returns (federal, state and all schedules)
- Last 2 years 1120s for corporations (if applicable)
- Bank statement(s) for all assets and all liabilities
- Appraisal or Assessor Notice of Value for Property Owned
- Divorce Decree, Separation Agreement and/or Custody Agreement (if applicable)
- Additional information as required

b. Additional Documents Required for Self-Employed
- Business and personal banking records.
- Proof of operating expenses, such as: insurance, tax payments, rents, utilities, etc.
- Proof of hours worked for service-based businesses, such as a copy of a detailed work log or appointment book for the last year showing hours worked daily on each job or appointment, with clients’ names and local addresses. (Hours spent in administrative work such as marketing or accounting in support of business will count toward the work-hour requirement if demonstrated to and approved by APCHA).
- Copies of client invoices showing hours on a job and payment receipts for invoiced work.
- Client list providing addresses, description of type of work performed, and approximate hours spent working for a client during the year
- City of Aspen home occupancy license (required for offices located in residential dwellings; the license is to ensure that the home occupation is clearly incidental and secondary to the residential character of the home). Home office, if allowed, must conform to the deed restriction and a letter confirming that you comply with the Aspen/Pitkin County home occupancy requirements.
- City of Aspen business license (required for any entity doing business within the city limits either directly or indirectly; this includes businesses making retail sales and businesses that provide services only).
- A detailed Business Plan describing costs and revenue and Profit-Loss Statements.
- Other documentation as deemed necessary.
c. Employed Applicants

   (1) Applicants employed by a Pitkin County Employer

   - Copies of most recent Federal and State Income Tax Returns (personal and/or business) and all schedules and amendments;
   - Copies of W-2s and/or 1099 forms;
   - Copies of most recent paycheck stubs for a three-month period to verify current employment and income;
   - APCHA Employment and Income Verification form signed by employer(s); and
   - Other documentation required by APCHA to verify applicant meets the definition of work as outlined above.

   (2) Applicants employed by an Employer located outside of Pitkin County

   - Copies of most recent Federal and State Income Tax Returns (personal and/or business) and all schedules and amendments.
   - Copies of W-2s and/or 1099 forms;
   - Copies of most recent paycheck stubs for a three-month period to verify current employment and income;
   - Documentation that 1,500 hours work is performed for residents, businesses or institutional operations in Pitkin County;
   - APCHA Employment and Income Verification form signed by employer(s); and
   - Other documentation required by APCHA to verify applicant meets the definition of work, outlined above.

   d. Self Employed Applicants

   - Copies of most recent Federal and State Income Tax Returns (personal and/or business) and all schedules and amendments;
   - Copies of W-2s and/or 1099 forms;
   - Documentation that 1,500 hours work is performed for residents, businesses or institutional operations in Pitkin County;
   - Documentation including description of the goods and services that are provided in Pitkin County;
   - APCHA Employment and Income Verification form signed by self-employed applicant;
   - Copies of all invoices issued (if applicable);
   - Copies of payments received (if applicable);
   - Current Business Plan and Profit and Loss statement (where applicable); and
   - Verification of working or doing business in Pitkin County.

   (3) Retired or Disabled former Employees who worked within Pitkin County Full-Time

   An individual who worked full-time in Pitkin County for a minimum of ten (10) years immediately prior to retirement age, as defined in Part VII of these Regulations, and who has resided in APCHA housing a minimum of four (4) years immediately prior to retirement, may be allowed to continue to rent and/or own such housing.

   In addition to the foregoing, an individual may retire at age 62 and remain in APCHA housing if they can document a 30-year full-time work history in Pitkin County with 15 of those years immediately preceding retirement residing in APCHA housing.
An owner or tenant who becomes disabled, as defined by applicable provisions of federal and Colorado law, during such ownership or tenancy, and who has owned or rented the unit continuously for at least four (4) years prior to the determination of disability, and who has been in compliance with the applicable Deed Restriction and these Regulations throughout such period of time, shall be exempt from the employment requirements of Part II, Section 1, during the period of disability. All other eligibility requirements shall apply during the period of disability. An owner or tenant whose disability status is removed must notify APCHA of any such change in status, and thereafter the exception provided by this provision shall no longer apply.

5. Verification of Qualified Household Size

The total number of persons in a household, including qualified adults and dependents (See Part VII Definitions), are counted in determining the unit size for which an APCHA applicant may qualify. The occupancy requirement for any unit is at least one person per bedroom. For dependents, proof of custody is required. Two (2) adults that share custody of children are allowed in total the number of bedrooms of all individuals plus one. (For example, if there are two (2) children, the household would be allowed to have at most five (5) bedrooms combined.)

If at the time of application, a household is expecting the birth of a child, such child will be counted as a member of the household upon APCHA’s receipt of a letter from a doctor stating the due date and receipt of a custody order agreement, if applicable.

In establishing household size, all individuals who will be occupying a unit regardless of legal or marital status must be parties to or named in the application and must submit all verification documents.

6. Verification of Household Gross Income and Net Assets

The gross income and net assets of all members of a household must be included in determining qualification and category for which the household qualifies. Rental and ownership applicants must provide the required income and asset information for APCHA review and approval as specified below. See Table II for Maximum Gross Income and Net Assets per Household for rental and ownership unit sizes and categories.

a. Income Verification

Applicants must submit copies of their most recently filed tax returns, including federal and state returns and all schedules and business tax returns, if applicable. If applicants do not have copies of their W-2 forms, Form 1099s, or tax returns, they must request and obtain earnings and tax information from the Social Security Administration (SSA) and/or the IRS.

- All applicants must submit required tax documents for the past two (2) years.
- All applicants must submit an APCHA Employment and Income Verification form signed by the applicant’s employer(s), if applicable.

b. Income Calculation

After February 1 of each year, households must provide updated W2’s/1099’s, etc. After April 15 of each year, households MUST provide updated federal and state tax returns.
APCHA will determine, in the absence of other information, an individual’s income must equal at least Colorado minimum wage times 1,500 (hours). **IN 2024, THAT MINIMUM VALUE IS 1500 x $14.42 PER HOUR OR $21,630.**

APCHA’s Adjusted Income is derived from the net income as reported on the tax return. APCHA arrives at the Adjusted Income for a self-employed individual by taking the net profit/loss and adding back values for depreciation, depletion, amortization, nonrecurring losses, loss carry-overs, capital equipment, travel, meals, entertainment and personal expenses (such as phone bill), office-in-home expenses, interest on business debt, charitable contributions, and self-employment tax.

APCHA must calculate personal and household income in order to qualify applicants, determine category, and to determine compliance. There is no exact formula for determining annual income because every person or household’s sources of income and documentation of such income may be different. Therefore, APCHA can only identify and evaluate the sources of income based on the totality of the documentation provided by the applicant. The applicant has the burden to credibly demonstrate to APCHA’s satisfaction that the applicant has satisfied applicable income limitations.

The information below relates to how APCHA determines income for APCHA’s requirements, not Low-Income Housing Tax Credit (LIHTC) requirements.*

1. **Sources of income and documentation of such income must include:**
   - Employees. Wages (largest amount from W-2s/Form 1099s or income tax returns)
   - Business/Self Employed.
   - Regular payments or distributions received from annuities, insurance policies, retirement funds, pensions, disability benefits, and death benefits.
   - Social Security Income (gross amount).
   - Dividend/Interest paid or received.
   - Rental Income (gross amount less utilities, maintenance/repairs, advertising, interest portion on mortgage payments, taxes and insurance).
   - Unemployment
   - Capital Gain (unless a one-time event, for example the sale of a house).
   - Child Support/Alimony paid or received.
   - Gift Received on an ongoing basis.
   - Trust Disbursement.
   - Two (2) years of income tax returns (personal and business), federal, state and all schedules.
   - Two (2) years W-2s and/or Form1099s.
   - YTD profit and loss statement (P&L).
   - Other documentation as requested for self-employed persons.
   - Other as requested by APCHA.

2. **Time period for which income must be documented**
   APCHA determines annual income by adding the sources of income for the entire household for the year immediately preceding the year in which the application is made.
Notwithstanding the foregoing, a two-year average is used if household income from the past two (2) calendar years immediately preceding the year in which the application is made shows a difference of twenty-percent (20%) or more. If less than 20% difference, household income from the year immediately preceding the application is used.

The current years’ income is not used in determining income except for special circumstances. (For example, such as when a household did not earn any income the previous year(s) or recently started receiving alimony and/or child support). APCHA does consider YTD income to verify if an individual is working and/or meeting the minimum hour requirement.

3. Households living in Low Income Housing Tax Credit Program (LIHTC) units must qualify with APCHA’s requirements in addition to the LIHTC requirements. The LIHTC requirements are detailed in CHFA’s Low Income Housing Tax Credit Program Compliance Manual. Annual income is the gross income a family anticipates it will receive in the 12-month period following the effective date of the certification of income. The effective date at move-in is the date the household takes possession of the unit. CHFA requires that, in subsequent years, the effective date is the first day of the move-in anniversary month. For qualifying residents, CHFA’s policy is to use the highest income (i.e., most conservative) scenario to determine household income. The maximum potential household income must be considered first to ensure the household qualifies for the unit. When maximum potential household income would put an applicant over the income limit, and there is credible documentation to confirm that the maximum estimate is unrealistic, a realistic amount that is less than the maximum potential may be used to qualify a household.

c. Assets Verification

All assets and liabilities, including but not limited to real and personal property, must be considered in calculating the net assets of an applicant or household. Applicants must submit current personal and/or business financial statement(s) for all household members, including:

- Statements, records, receipts, appraisals and any documents evidencing the value of all real and personal property and contract rights owned by the applicant and members of the applicant household.
- Current appraisals or tax valuations of real property and related loan obligations.
- Documents verifying applicant and applicant household debts and obligations pertinent to qualification including copies of all loan agreements and other financial statements verifying financial obligations.
- Copy of court-approved temporary orders and final financial orders, including maintenance, child support, and property settlements, and child custody orders with exhibits and supplements.
- Other documentation as deemed necessary.

Assets that have been assigned, conveyed, transferred, or otherwise disposed of for consideration below fair market value within the previous ten (10) years prior to application must, for APCHA qualification purposes, be valued at fair market value. Fair market value will be established by a certified appraiser approved by APCHA at the expense of applicant.
d. Income and Assets Exceptions
   - Income Variations Policy – Where there is a difference of twenty percent (20%) or more between the most recent two (2) years of income, they will be averaged to establish the APCHA housing category for which the household is qualified.
   - Retiree Asset Policy – Qualifying maximum net assets will be adjusted to one hundred fifty percent (150%) of the amount regularly applicable in the respective category. Regardless of applicant’s age, assets that are held in retirement accounts that are subject to an early withdrawal penalty will be adjusted to sixty (60) percent of present value.

e. Trusts
   - Applicant’s share of the trust assets (total assets/beneficiaries) will be included when considering the maximum net assets of an applicant, as seen in Table II. APCHA understands that trust assets may not be currently owned by the applicant but they are still counted toward qualification purposes as they are resources the applicant may draw upon either currently or in the future.
   - Applicants who are the beneficiary of a trust must submit:
     - A full and current executed copy of the trust, including all amendments;
     - Original copy of signed attorney opinion letter from either the attorney who drafted the trust or another attorney qualified to give a legal opinion, confirming the total assets of the trust, date/amount the trust fully distributes to the applicant, whether applicant is allowed to request distributions from the trust and if so, under what conditions (i.e., housing), and total number of living beneficiaries of the trust;
     - Signed 4506-T by trustee or authorized signer, as acceptable to APCHA and the IRS, on behalf of the trust;
     - Two (2) most recent tax returns of the trust; and
     - Statements and appraisals/description for all assets of the trust.
   - In no event may a trust be identified as the owner of an APCHA ownership property.

1. Restriction on Ownership of Other Real Property
   In order to qualify and to remain qualified as a tenant or owner, unless the deed restriction otherwise states, a person may not own any interest in improved real property or a mobile home (land and/or home) within the Ownership Exclusion Zone. This includes any such interest held personally, by a person’s spouse, as a shareholder or member of a corporation, or as a partner, a joint venture or a beneficiary of a trust.

   a. Ownership of Developed Property in Ownership Exclusion Zone (OEZ) - In order to qualify and to remain qualified as a tenant or owner, a person, a person’s spouse, or a member of a person’s household cannot own any interest in improved real property or a mobile home (land and/or home) within the OEZ. This includes any such interest held personally, as a shareholder or member of a corporation, or as a partner, or joint venture, or a beneficiary of a trust. Where a tenant or owner acquires such property by inheritance, such person will be permitted 180 days from the date of acquisition to transfer the property, after which time the tenant or owner will be found in violation of these Regulations. If the other developed property is one that is within the APCHA deed-restricted program, the property must be listed upon closing or prior to closing of any home. Any non-sale of the other property within 90 days requires the owner to list the most recently purchased property. This includes the ownership of week(s) in timeshares located in the OEZ.

   Rental applicants may not own any OEZ property unless the property is under an active sales contract or the applicant is party to a dissolution of marriage proceeding.
Ownership applicants must:

- List any OEZ property for sale at a competitive, free market price immediately upon closing on the affording housing unit;
- Sell such property within 180 days upon closing on the affordable housing unit;
- Such property will not be allowed to be placed into a trust, regardless of who the beneficiary is, or other legal entity or business arrangement; and
- Submit copies of closing documents to APCHA verifying sale.

If OEZ property is not sold or disposed of at fair market value within 180 days of closing, owner will be disqualified, and his/her ownership unit will be marketed and sold according to the deed restriction.

b. Ownership of Vacant Undeveloped Property in OEZ - Any unimproved real property owned by applicant (tenant or owner) in the OEZ must be reported as an asset at appraised value. APCHA tenants and owners are permitted to retain ownership of such property only as long as it remains unimproved.

c. Business Ownership of Developed Property in the OEZ.

An employer, as defined in Part VII, who also rents or owns a deed-restricted unit is permitted to maintain ownership of a developed OEZ property only if, upon agreement with APCHA, the employer places

- a deed restriction on the OEZ property requiring such unit to be used as a rental unit to be available to the business owners’ qualified employees, or any qualified employee.

An employer who also rents or owns workforce housing may purchase a free-market unit and convert the unit to deed-restricted housing by meeting the following requirements:

- Employer must inform APCHA that he/she has located a free-market unit for purchase and use by employees and demonstrate employee needs to APCHA;
- Employer and APCHA agree to the APCHA category and rental price for the unit; and
- Employer agrees to encumber the free-market unit with an APCHA-approved deed restriction that must be recorded in the County where the unit is located.

2. Employer Designated Units

a. Employer Owned Unit – For purposes of these Regulations an employee qualifying for an employer owned unit, who is employed full-time in Pitkin County by that employer as defined by these Regulations, does not have to qualify at the category of the unit until 2025. However, the rental rate charged by the employer must be the rental rate required by the category as prescribed in the deed restriction applicable to that unit. This does not apply to units that are rented on a seasonal basis.

b. Employer Qualification – An Employer interested in purchasing a unit designated as an employer owned unit must qualify as a Pitkin County Employer in order to qualify to purchase said unit.

3. Current APCHA Tenant or Owner in Good Standing – A current APCHA tenant or owner applying to rent or purchase a different APCHA unit must be in good standing under applicable lease terms and/or HOA policies, payment of HOA dues, deed restrictions and these Regulations, in addition to meeting all other requirements. Prior to applying for a new rental unit or submitting a new bid for an ownership unit, applicants must submit to APCHA all documents verifying such good standing as requested by APCHA.
PART IV

APCHA RENTAL POLICIES AND PROCEDURES

Section 1. Rental Priorities (APCHA Managed Properties)

For properties under APCHA management that are advertised for rent, priority is established according to the duration of employment/work history, unless one of the following applies:

A. Emergency Workers

- To qualify as an Emergency Worker, the applicant’s employer must verify Emergency Worker Status by completing the Emergency Worker Verification Form. The employer must provide the completed form to the APCHA Compliance Manager for final approval.
- A qualified Emergency Worker will be placed at the top of the priority list for APCHA managed properties.
- If the emergency worker verifies Emergency Worker status, they may renew the lease for an addition one-year term.
- This requirement expires after two (2) years of residency and service.
- Emergency Worker priority does not extend to APCHA rental units under private property management.

B. Mobility-disabled Applicants

A qualified mobility-disabled employee (See Part VII, Definitions) will have first priority in renting or purchasing a mobility-disability, Type A, APCHA unit if all other criteria are met (e.g., category, minimum occupancy).

C. Senior Applicants (applies only to Aspen Country Inn)

Qualified seniors will have rental priority for senior-designated units at the Aspen Country Inn. A qualified senior is someone who reaches the age of 65 or older as stated in Part VIII, Definitions, who is working in Pitkin County at the time of application or who has worked in Pitkin County full time (at least 1500 hours per year) for 10 years immediately prior to retirement or later. Second priority is granted to qualified applicants ages 55 to 64, working full time in Pitkin County at the time of application. Seniors must meet all other qualification requirements.

D. Residents Displaced by Affordable Housing Property Development

Tenants of deed restricted housing may be displaced by the construction of new affordable housing units or the conversion of existing free market dwelling units to deed restricted affordable housing units. Tenants residing in free-market rental units that are converted to deed restricted affordable housing will be permitted to continue occupancy if APCHA qualifications are met or, if qualified, they will have priority in renting a unit of the same size at another location as determined by APCHA.
Section 2. Rental Procedures

All tenant applicants for deed restricted rental units must qualify through APCHA prior to executing a lease and moving in. All leases are subject to APCHA approval. Available rental units may be advertised by the private sector property owners. Properties managed by APCHA are listed at www.apcha.org.

A. Rental Units under APCHA Management

For rental units advertised by APCHA, tenant applicants must sign up in the APCHA office during the time frame indicated on the advertisement.

B. Rental Units under Private Sector Property Management

Private sector owners and property management companies manage most of the deed-restricted rental units in the City of Aspen and Pitkin County. Available rentals under private sector control are advertised separately from APCHA listings and each such owner or property manager may follow a different rental procedure.

Tenant applicants for workforce housing units under private sector management must first inquire with the property owner or manager regarding availability of a rental unit. After being offered such unit, the applicant must then apply and qualify through APCHA. The new tenant must provide a copy of the fully executed lease to APCHA within the first 30 days of the lease term.

C. ADU and CDU Rental by Preference of Owner

All tenant applicants for deed-restricted rental units must qualify through APCHA prior to executing the lease and moving in. Tenants of Accessory Dwelling Units (ADU; located in the City of Aspen) or Caretaker Dwelling Units (CDU; located in Pitkin County) are subject to APCHA rental qualification requirements. The owner of any such unit is permitted to choose a tenant from among APCHA-qualified tenants.

D. Seasonal Rentals

All tenant applicants for deed-restricted rental units must qualify through APCHA prior to executing a lease and moving in. Persons who can verify employment in the city or county at least thirty (30) hours per week during the winter months (November - April) are eligible to rent APCHA seasonal rental units at designated properties.

These properties include, but may not be limited to, Marolt Ranch, Burlingame Ranch Seasonal Housing, and designated dormitory-type units located at Aspen Highlands Village.

A seasonal employee/worker, student, intern, or faculty member must submit an APCHA Seasonal Rental Application and additional documents as required, unless the unit is occupied by students and/or faculty of the Music Associates of Aspen (MAA).

Requalification and Retiring in APCHA Rental Housing

Tenants residing in deed-restricted units will be reviewed and verified at least every two (2) years to ensure that they continue to meet the requirements of these Regulations, including but not limited to:
• Minimum Occupancy;
• Income and Asset Requirements;
• Residency and employment; and
• Non-ownership of developed residential property in the Ownership Exclusion Zone

Tenants residing in deed-restricted housing who retire upon reaching retirement age (as defined in the Definitions) must continue to live in the unit at least nine (9) months out of the year, unless stated otherwise in the deed restriction, and not own any other developed property in the OEZ.
### TABLE VI

**MAXIMUM ANNUAL APCHA ADJUSTMENT**

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate Adjustment</th>
<th>Year</th>
<th>Rate Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978-1982</td>
<td>0.0%</td>
<td>2009</td>
<td>0.7%</td>
</tr>
<tr>
<td>1983</td>
<td>6.6%</td>
<td>2010</td>
<td>2.3%</td>
</tr>
<tr>
<td>1984</td>
<td>5.0%</td>
<td>2011</td>
<td>1.3%</td>
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<tr>
<td>1985</td>
<td>3.3%</td>
<td>2012</td>
<td>3.0%</td>
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<tr>
<td>1986-1988</td>
<td>0.0%</td>
<td>2013</td>
<td>1.7%</td>
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<tr>
<td>1989</td>
<td>4.7%</td>
<td>2014</td>
<td>1.1%</td>
</tr>
<tr>
<td>1990</td>
<td>3.0%</td>
<td>2015</td>
<td>1.1%</td>
</tr>
<tr>
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<td>2016</td>
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<td>1.7%</td>
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<td></td>
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<tr>
<td>2008</td>
<td>3.0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The increase is based on the lesser of the percentage change in the Consumer Price Index (Urban Wage Earners) from July of one year to July of the following year, or 3%, whichever is less. The index increased at the rate of 2.6% from July 2022 to July 2022; therefore, the annual increase in 2024 is 2.6%. Please contact the APCHA for the actual maximum rental rates available and/or the maximum rental rates for a specific deed-restricted property.
PART V
APCHA PURCHASE AND SALE POLICIES AND PROCEDURES

Section 1. Application and Qualification to Purchase Affordable Housing

Applicants for ownership of deed-restricted units must apply by submitting an APCHA Qualification Packet with copies of documents demonstrating qualification, as well as all applicable fees. Applicants are advised to apply and qualify with a lender in advance of submitting a bid for an ownership unit, however, bids may be submitted with the application documents.

All first-time ownership applicants must also include a Certificate of Completion of the Home Buyer On-Line Education Program and Review. Options can be found on APCHA’s website, https://www.apcha.org/223/Homebuyer-Education.

Bids are prioritized by APCHA according to the qualification criteria stated in Part III for eligibility and qualification.

Section 2. Bid Submission

Qualified ownership applicants must submit bids to APCHA on a Bid Submission form during the bid period and must include the applicable fee.

A. Bid Period

The initial bid period is usually two (2) weeks except for in-complex bids, bids from new applicants, and bids from households with expired packets; see Paragraph C.1 below.

If no bids are received for a unit during the initial bid period, the listed unit will continue to be advertised until the unit is sold or the listing is withdrawn.

B. Bid Submission

Only ownership applicants qualified by APCHA may submit bids on ownership units. Bids at a price higher than the listed sale price are not accepted. If otherwise qualified, ownership applicants may be permitted to bid for a unit in one category higher than the category for which they are approved. However, bidding in a lower category is not permitted.

Applicants for workforce housing in the APCHA inventory will only be allowed to have one ownership qualification packet on file at any given time and it must include their entire household (see Part III). Any change in household will be approved at the time of owner requalification with the Biennial Affidavit.
A member of a currently qualified APCHA household, whether on the deed or not, may not bid on another unit separately from his/her household unless legal verification of separation or divorce is submitted (if married) or a sworn statement of separation that is notarized is submitted (if unmarried) to APCHA in advance of bidding. Documentation of separated assets and income must also be provided in advance of bidding. At the end of the bid period, bids at the listed sale price that meet all top priority criteria are considered first and are placed into a lottery.

C. Conveyances Outside the Bid Process

Certain conveyances (fees simple title, joint tenancy, or tenancy in common) are not required to go through the bid process and lottery. Such conveyances must meet all other applicable requirements of these Regulations and the deed restriction as determined at the time of approval of the maximum sale price determined in accordance with the deed restriction and the Regulations notwithstanding the foregoing.

Transfers outside the bid process and lottery are not permitted if the owner or the property is subject to a pending compliance investigation or if the owner or the property is determined by APCHA to be out of compliance with these Regulations or the deed restriction, whether or not litigation regarding such compliance is pending.

1. Eligible Transferees:

A. Addition of an Owner to the Title – Spouse, Adult Child, and Sibling

Except as specifically provided herein, no conveyance outside the bid process is permitted. The following requirements must be met if the owner wishes to add a spouse of the owner, child of the owner, or sibling of the owner to the title to the property as a joint tenant or tenant in common. No other family member of the owner is entitled to obtain any interest in the property outside the bid process.

- **The current owner must provide the most recent year of Federal and State Income Tax Returns, W2s/1099s, etc., employment verification and most recent paystubs (APCHA Regulation 05-2022).**
- The individual to be the joint tenant or tenant in common must be qualified by APCHA prior to the conveyance. A qualified spouse, sibling and/or adult child does not have to meet the income and asset requirements of the applicable category of the unit but must meet all the other requirements of the applicable deed restriction and these Regulations. Status as a spouse, adult child, or sibling must be demonstrated by adequate proof as required by APCHA on a case-by-case basis.
- All individuals to be added must meet the requirements for a Qualified Buyer in accordance with Part I of these Regulations. A qualification packet demonstrating compliance is required for each person who is to become a joint tenant or tenant in common.
- **All such conveyances require a $1,000.00 transfer fee.**
A new deed restriction in a form approved by APCHA will be required at the time of the conveyance.

B. Changing title of an ownership unit by conveyance by an Owner(s) to a Child or Sibling in Fee Simple Title or by other interest that has the effect or relinquishment of title by the owner

A conveyance of an owner’s interest in a unit to a spouse is not permitted outside the bid process. A conveyance to an owner’s sibling outside the bid process under this subsection is not permitted unless the sibling has been a joint tenant or tenant in common for at least four years.

1. The grantee (child or sibling) of the owner’s interest in the unit must be qualified by APCHA prior to the conveyance.
   
   ▪ **Adult Child**
   
   ▪ An adult child of the owner must meet all the requirements of the applicable Deed Restriction and the APCHA Regulations for a Qualified Buyer subject to the following modifications:
     • Assets and income must at or below a category 5 unit; and
     • Minimum occupancy requirement minus one (minimum occupancy may be waived if a work history of 10 consecutive years in Pitkin County prior to point of transfer is documented).
     • In order for a child to add their spouse to the quitclaim deed, APCHA will require proof of marriage.
   
   ▪ **Sibling**
   
   ▪ A sibling of the owner must meet all the requirements of the applicable Deed Restriction and the APCHA Regulations for a Qualified Buyer including, but not limited to:
     • Minimum occupancy; and
     • Qualify under the Unit’s Category; and
     • Demonstrated work history of at least 4 consecutive years in Pitkin County immediately prior to the request for a transfer.

Additional criteria:

• *The current owner must provide the most recent year of Federal and State Income Tax Returns, W2s/1099s, etc., employment verification and most recent paystubs.*

• All such transfers require a $1,000 transfer fee.

• The maximum sales price is based on the date of the transfer and the new owner’s appreciation will begin at that amount.

• The qualified buyer(s) is also required to enter into a new deed restriction in a form approved by APCHA at the time of the conveyance.
C. **Changing title of an ownership unit by conveyance to any form of trust or corporate entity (e.g., LLC, Inc, PC, etc.) is not permitted.**

2. **Rightsizing Pilot Program:** Under this pilot program, the following criteria must be met:

   a. **Applications for Rightsizing.** Owners of deed restricted properties in APCHA’s inventory may apply to APCHA for the approval of an exchange of ownerships for the purpose of “rightsizing” the use and occupancy of their properties outside the bid process in accordance with the following requirements.

   b. **Rightsizing** means the voluntary purchase and sale of deed restricted properties between two owners as co-applicants for the purpose of increasing the number of bedrooms available to a qualified owner of a smaller property and decreasing the number of bedrooms available to the owner of a larger property.

   c. **Co-applicants.** Owners wishing to right size their properties are responsible for locating and obtaining the agreement of co-applicants. APCHA is not responsible for identifying matching co-applicants.

   d. **Review and Approval.** APCHA will review and approve (or disapprove) applications for rightsizing on a first come first serve basis. No more than five will be approved without further Board approval. Applications that are wholly within the Aspen Village Subdivision and wholly within the Lazy Glen Subdivision are exempt from this limitation.

   e. **Colorado law.** All approved exchanges must comply with all applicable requirements of Colorado law for the purchase and sale of residential real estate, including without limitation purchase and sale contracts and warranty deeds.

   f. **Information requirements.** Applications for the approval of a right sizing trade must be submitted to APCHA on forms as determined by APCHA staff. Co-applicants must submit all information reasonably required by APCHA staff.

   g. **Eligibility and qualification requirements.** Except as modified by this Resolution, all co-applicants must meet the eligibility and qualification requirements of Part III of the APCHA Regulations.

   h. **Purchase and sale policies.** All transactions which are approved in accordance with these provisions are exempt from the requirements for listing a property for sale, bid submissions, and the lottery process. All other requirements of Part V of the APCHA Regulations will apply, including without limitation, requirements applicable to inspections.
i. **Maximum sales price.** The maximum sales prices identified in an applicable purchase and sales contract is determined as of the date of such contract. The final sales price may be modified in accordance with Part V Section 5 of the APCHA Regulations and the negotiations of the parties.

j. **Deed Restrictions.** At the time of closing, all parties must execute new affordable housing deed restrictions on forms approved by APCHA.

k. **Unit Categories.** An applicant may qualify for a new unit that is the same as the currently owned unit or one category above or below such unit. (Example: the owner of a category 3 unit may qualify for an exchange to obtain a category 2, 3, or 4 unit.)

l. **Asset determination.** For the purposes of determining assets in accordance with Part III, Section 2.B.4.c, retirement funds (401K, 457, IRA, etc.), will not be included for an applicant who is downsizing.

m. **Asset determination relating to existing residence.** If the household downsizing has satisfied their mortgage, the net of the current value of said property minus the unit that is being purchased will determine the asset in determining the household’s category.

n. **Occupancy – dependents.** There must be a net bedroom gain from the transaction.

D. **In-complex Priority**

An in-complex bid is one made by a current owner who has owned and resided for at least one year in a unit in the same affordable housing complex or development as the listed unit. In-complex applicants must meet all requirements under these Regulations for the new unit, including minimum occupancy, and the in-complex applicant’s current home must be listed immediately upon closing and sold within 180 days after closing. [An in-complex bid by an owner who has owned a unit for less than one year whose household meets all the requirements of a top priority bid, will be classified as a second priority in-complex bid.]

In-complex bids submitted during the first week of the initial bid period will have first priority over all other bids except transfers to a co-owner, and will not be subject to lottery, unless more than one in-complex bid has been submitted. In-complex bids placed after the first week of the initial bid period are processed and prioritized like all other first priority bids.

If an owner owns a single-family home, at no time will that owner have the right for an in-complex bid on another single-family home.

**In-complex bidders can qualify at any category at or above their category except RO.**
In multi-phase affordable housing projects under construction, an APCHA owner who owns a newly constructed deed-restricted unit will have in-complex priority in bidding on units within the same construction phase of the project but will not have in-complex priority in later phases of the project until all phases are complete. The in-complex priority does not exist for newly constructed affordable housing units (resales only). **ONCE THE MULTI-PHASE PROJECT IS COMPLETED, THE STANDARD IN-COMPLEX BID PROCESS APPLIES.**

Multiple priority bids from applicants with one year or more of ownership are decided by lottery. In all cases of in-complex priority, the successful applicant’s currently owned property must become available through the lottery system within 30 days after closing of the purchase of the newly acquired unit.

Two (2) or more bids submitted at the listed sale price will be prioritized according to employment history and/or other criteria as described below. A lottery will be held for applicants meeting all APCHA top priority criteria.

All new projects must hold a lottery for all top priority applicants as stated in Table VII (unless the applicant was chosen according to Part V, Section 2.C.3).

**E. Mobility Disabled Units and Applicant Priority**

Under City of Aspen and Pitkin County land use regulations and building codes and Americans with Disability Act (ADA) Regulations, a certain percentage of APCHA ownership units are constructed or designed to be modified to meet the needs of persons with mobility disability (Type A units). Applicants with mobility disability that meet all other applicable APCHA requirements will have priority over in-complex bids for units specified for mobility disability preference only. Mobility disability bids are accepted only at the listed sale price. Two or more top priority qualified bids of mobility disability applicants will be decided by lottery.

**F. Displaced Residents**

Owners of free market and deed restricted units displaced by the construction of new affordable housing or conversion of existing affordable housing will have bid priority for the purchase of a unit of comparable size and category as the property owned when displaced, provided such displaced owners qualify and are in good standing with APCHA at time of displacement. Displaced residents are required to meet all APCHA qualifications except income and asset requirements.

**G. Emergency Workers**

- To be qualified as an Emergency Worker, the applicant’s employer must verify Emergency Worker Status by completing the Emergency Worker Verification form and submit the form to the APCHA Compliance Manager for final approval.
- The individual who has been an Emergency Worker for at least one year may be given credit

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1 Emergency Worker procedure changed by Resolution No. 04 (Series of 2019)
for four (4) years of employment in Pitkin County, with a maximum of five (5) chances in a lottery. All other criteria must be met; i.e., minimum occupancy, category, non-ownership of residential property within the OEZ. All such persons are required to maintain such employment until the completion of four years of service after acquiring the unit. If any such person leaves the emergency status position before that time, he or she is required to list the unit for sale in accordance with the deed restriction.

- The Emergency Worker priority will have five (5) chances per lottery until such time as the Emergency Worker has worked within Pitkin County over eight (8) years. A certified emergency worker with such priority who leaves his/her position before completing four (4) years of continuous service and certification will lose priority and be required to list his/her ownership unit for sale.

H. Local High School Graduates

Applicants who have graduated from a local high school located within the OEZ will be given credit for four years of employment in Pitkin County upon proof of the following:

- Diploma from the local high school; and
- At least one parent employed full-time in Pitkin County at time of graduation and at least four years prior to said graduation; and
- Present full-time employment in Pitkin County immediately following an absence of less than 5 years.

I. Employment/Work History Priority

Price bids at the listed sale price are prioritized according to qualified applicant employment/work history. Applicants with a minimum of four consecutive years of employment/work history receive highest priority. See Table VII for chances.

Priority bids are decided by lottery. If competing priority bids are not submitted, if priority bidders do not accept the unit, or if the priority bidders are unable to meet the requirements of the sales contract, non-priority bids, if any, will be accepted and decided by lottery. See Table VII for bid priority per unit size and employment/work history. Two (2) or more bids submitted at the listed sale price will be prioritized according to employment history and/or other criteria as described below. A lottery will be held for applicants meeting all APCHA top priority criteria. All new projects require a lottery to be held for all top priority applicants as stated in Table VII (unless the applicant was chosen according to Part V, Section 2.C.3).
**TABLE VII**

**APCHA BID PRIORITY PER EMPLOYMENT HISTORY & OCCUPANCY**
*Per Category and Household Size of Ownership Applicant*

The following are the priorities among competing bids for each type of unit in the APCHA inventory. **The requirement for years refers to consecutive years of full-time employment (as defined in these Regulations within Pitkin County immediately prior to application for all types of units noted below):**

**Studio Units (refer to ** above for employment requirements)**
1. Single qualified person household with at least 4 years of employment.
2. Single qualified person household with 1 – 3 years of full-time employment.
3. Single qualified person household with less than 1 year of full-time employment
4. More than one qualified person with at least 4 years of employment
5. Household of any size with 1 to 4 years of employment
6. Household of any size with less than 1 year of employment

**One-bedroom Units (refer to ** above for employment requirements)**
1. Single or more qualified persons with at least 4 years of employment
2. Single or more qualified persons with at least 1 to 4 years of employment
3. Single or more qualified persons with less than 1 year of employment

**Two-bedroom Units (refer to ** above for employment requirements)**
1. Two qualified persons, or one qualified person and one dependent, with at least one qualified person with 4 or more years of employment
2. Two qualified persons, or one qualified person and one dependent, with at least one qualified person with 1 to 4 years of employment
3. Two qualified persons, or one qualified person and one dependent, with at least one qualified person with less than 1 year of employment
4. One qualified person with 4 or more years of employment
5. One qualified person with 1 to 4 years of employment
6. One qualified person with less than 1 year of employment

**Three-bedroom Units (refer to ** above for employment requirements)**
1. Two qualified persons and at least one dependent, or one qualified person with at least two dependents, with at least one qualified person with 4 or more consecutive years of employment
2. Two qualified persons and at least one dependent, or one qualified person and at least two dependents, with at least one qualified person with 1 to 4 years of employment
3. Two qualified persons and at least one dependent, or one qualified person and at least two dependents, where one qualified person with less than one year of employment
4. Three qualified persons where at least one qualified person with 4 or more consecutive years of employment
5. Three qualified persons where at least one qualified person with 1 to 4 years of employment
6. Three qualified persons where at least one qualified person with less than one year of employment
7. Two qualified persons, or one qualified person and at least one dependent, in which at least one qualified person has 4 or more years of employment
8. Two qualified persons, or one qualified person and one dependent, in which at least one qualified person has worked 1 to 4 years of employment
9. Two qualified persons, or one qualified person and one dependent, in which at least one qualified person has worked less than 1 year of employment
10. One qualified person with four or more years of employment
11. One qualified person with 1 to 4 years of employment
12. One qualified person with less than one year of employment

**Four-bedroom Units (refer to ** above for employment requirements)**
1. Two qualified persons and at least two dependents, or one qualified person with at least three dependents, in which at least one qualified person has 4 or more years of employment
2. Two qualified persons and at least two dependents, or one qualified person and at least three dependents, in which at least one qualified person has worked 1 to 4 years of employment
3. Two qualified persons and at least two dependents, or one qualified person and at least three dependents, in which at least one qualified person has worked less than 1 year of employment
4. Two qualified persons and one dependent or one qualified person with two dependents, in which at least one qualified person has 4 or more years of employment
5. Two qualified persons and one dependent, or one qualified person and two dependents, in which at least one qualified person has worked 1 to 4 years of employment
6. Two qualified persons and one dependent, or one qualified person and two dependents, in which at least one qualified person has worked less than 1 year of employment
7. Three qualified persons where at least one qualified person with 4 or more consecutive years of employment
8. Three qualified persons where at least one qualified person with 1 to 4 years of employment
9. Three qualified persons where at least one qualified person with less than one year of employment
10. Two qualified persons, or one qualified person and one dependent, in which at least one qualified person has 4 or more years of employment
11. Two qualified persons, or one qualified person and one dependent, in which at least one qualified person has worked 1 to 4 years of employment
12. Two qualified persons, or one qualified person and one dependent, in which at least one qualified person has worked less than one year of employment
13. One qualified person with 4 or more years of employment
14. One qualified person with 1 to 4 years of employment
15. One qualified person with less than one year of employment

Section 3. Lottery Process

Lottery dates are specified in sale advertisements. Lotteries are usually scheduled to occur at noon on the Monday following the end of a bid period (unless Monday falls on a holiday).

A. Lottery Chances

Priority bids are assigned a number of lottery chances according to length in years of consecutive employment/work history. Should there be no first priority applicant, non-priority bids will then be assigned chances according to length of employment. Each chance represents a single entry of the name in the lottery. In the event of equally qualified applicants, Table VIII defines the number of lottery chances assigned according to consecutive years of employment within Pitkin County/Aspen.
TABLE VIII  
NUMBER OF APCHA LOTTERY CHANCES FOR PRIORITY BIDS

<table>
<thead>
<tr>
<th>Years employed/worked in Pitkin County</th>
<th>Number of lottery chances</th>
</tr>
</thead>
<tbody>
<tr>
<td>more than 4 years, less than 8</td>
<td>5</td>
</tr>
<tr>
<td>more than 8 years, less than 12</td>
<td>6</td>
</tr>
<tr>
<td>more than 12 years, less than 16</td>
<td>7</td>
</tr>
<tr>
<td>more than 16 years, less than 20</td>
<td>8</td>
</tr>
<tr>
<td>more than 20 years</td>
<td>9</td>
</tr>
</tbody>
</table>

1. Lottery Entry Verification

All priority bids are entered into the lottery with the applicable number of lottery chances. To ensure that no qualified priority bid is excluded, names of applicants with priority bids in the lottery will be printed and verified by APCHA prior to running the lottery. APCHA will post the names of lottery entries online by 5:00 PM on the Friday prior to the lottery.

2. Lottery Winners

A lottery continues until the bids of persons included in the lottery are drawn once. The first-place lottery winner’s application, qualification and bid materials will be reviewed by APCHA for completion and verification before the winner is notified. APCHA has the authority to disqualify a winner if such person’s qualifications cannot be verified or if they are incomplete or inaccurate.

If the first-place lottery winner does purchase the unit for any reason, the second-place lottery winner will be offered the opportunity to purchase the unit, and so on through the list.

Section 4. Sales Contract

A. Legal Counsel

APCHA does not provide legal advice to buyers or sellers. Buyers and sellers of deed restricted units are advised to consult legal counsel regarding contracts, financial agreements, deed restrictions, title documents, condominium declarations and covenants, HOA policies including Capital Reserves policies, and any other legal matters pertaining to a sale. Buyers and sellers retaining professional services related to purchase or sale must do so at their own expense.

B. Three-day Contract Negotiation Period

A qualified buyer with a winning bid must sign an APCHA approved sales contract stating all terms of the proposed purchase within three (3) business days after the lottery is held. APCHA will then present the contract to the seller for approval and execution.
If negotiations fail before a contract is signed, or if a contract fails before closing, the unit will be offered to the second-place lottery winner at which time a new negotiation period will commence.

C. Deed Restriction Agreement

At closing, the Qualified Buyer signs a memorandum of acceptance or deed restriction agreement, whichever is applicable. Said document will be recorded with the Pitkin County Clerk and Recorder along with the deed and other pertinent closing documents. All buyers are also required to sign an Affidavit of Compliance and Requirements for Continuing Eligibility prior to closing.

D. Co-signers

All parties to a sales transaction must sign the closing documents as required. A person who is not APCHA-qualified but who will co-sign a financial agreement related to the purchase of an affordable housing unit must sign a Non-qualified Co-owner Affidavit stating he/she will not occupy the unit and must release the unit for resale by APCHA should the resident owner no longer be in compliance.

Section 5. Sale of an Ownership Unit / Listing a Unit for Sale

Unless otherwise stated in a unit’s deed restriction, APCHA units are listed for sale through APCHA. All aspects of the sale are managed by APCHA in accordance with these Regulations. APCHA acts as a Transaction Broker representing both buyer and seller and will represent both parties fairly. The parties may seek legal counsel at their own expense.

A. Listing Agreement & Inspection

Sellers must sign a Listing Agreement with APCHA establishing sale procedures and terms, including fees. Starting January 1, 2022, an Inspection paid for by APCHA by an APCHA-approved professional building inspector must be completed prior to APCHA advertising the unit for sale. This is for determining compliance with the minimum livability and life safety standards. APCHA retains a copy of the Inspection Report.

The Inspection will include, but is not limited to, the following items:

**Life & Safety**

- Windows able to lock and broken panes replaced
- Roof: Roof in good repair with no leaks (if home is a single-family dwelling)
- Plumbing system: Plumbing in good repair with no leaks
- Electrical system in safe working condition: Light fixtures, outlets, switches secure and in working order
- HVAC/Furnace in good working condition
- No other leaks
- Foundation in good condition
• Free from mold
• Passes radon test
• No structural issues with primary unit (if home single-family dwelling)
• No safety issues

Livability

• Clean, odor-free interior
• Carpets professionally steam-cleaned within two (2) days of closing
• Surface scratches, marks, holes in doors, floors, walls, woodwork, cabinets, counter tops, other than normal wear and tear, repaired
• Walls in good repair and paint-ready
• Window screens in place and in good repair
• Doors and door locks in good repair; working keys for all locks at closing
• Tile grout in good repair and clean

B. Sales Fee

A sales fee is equal to two percent (2%) of the sale’s price of the property, unless otherwise specified in the deed restriction, payable to APCHA. Seven hundred and fifty dollars ($750) of the sales fee will be collected by APCHA at time of the listing. The remaining sales fee will be collected at time of closing from seller’s proceeds.

In the event that the seller: a) fails to comply with the listing contract, b) rejects all offers at maximum price in cash or cash-equivalent terms, or c) withdraws the listing after advertising has commenced, that portion of the sales fee paid at listing will not be refunded. In the event that the seller withdraws for failure of any bids to be received at maximum price or with acceptable terms, the advertising and administrative costs incurred by APCHA will be deducted from the fee. The balance will be credited to the seller’s sales fee when the property is sold.

C. Listing Period

Units listed for sale must be advertised in successive bid periods until the unit is sold or the listing withdrawn. Units must be listed for sale for a minimum of six (6) months before any adjustments to maximum sales price (unless Seller should choose to lower the sales price before the end of the six (6) month period). If the unit is being sold as the result of a compliance issue, the sales price will not be adjusted (increased) until the property is sold.

D. Minimum Standards for Maximum Sale Price

APCHA sellers and buyers are provided a checklist of Minimum Standards for a sale to be eligible for listing at Maximum Sale Price, including, but not limited to:

• Clean, odor-free interior;
• Carpets professionally steam-cleaned within two (2) days of closing;
• Surface scratches, marks, holes in doors, floors, walls, woodwork, cabinets, counter tops, other than normal wear and tear, repaired;
• Walls in good repair and paint-ready;
• Windows and window locks in good repair; broken panes replaced;
• Window screens in place and in good repair;
• Doors and door locks in good repair; working keys for all locks at closing;
• Light fixtures, outlets, switches secure and in working order;
• Plumbing in good repair with no leaks;
• Tile grout in good repair and clean;
• Roof in good repair with no leaks (if home is a single-family);
• Safety hazards resolved.

1. Seller’s Property Disclosure Form

Seller’s Property Disclosure form and Seller’s Listing Checklist must be completed and submitted prior to listing a unit for sale. Sellers must describe conditions meeting minimum standards and all conditions, items, fixtures, installations, etc., in the unit requiring repair and/or cleaning.

2. Mitigation of Repairs

APCHA will conduct a cursory inspection pointing out items that may show up in an inspection report; however, APCHA’s inspection does not take the place of the inspection done by an expert.

If a unit does not meet minimum standards, APCHA may, at its discretion, require that the cost of necessary repairs be deducted from the closing sale price, or that seller place into escrow the funds necessary to ensure satisfactory repairs. Any escrow balance remaining after necessary repairs are satisfactorily made will be returned to seller.

E. Maximum Sale Price

Unless otherwise stated in the deed restriction applicable to the unit, the Maximum Sale Price for an APCHA ownership unit meeting minimum standards is calculated as follows:
• Seller’s purchase price;
• Plus three percent (3%) simple appreciation for each year owned, or a multiple of the Consumer Price Index (CPI) between date of purchase and date of listing, whichever is lower;
• Plus cost, at present value, of approved, permitted capital improvements, not to exceed ten percent (10%) of purchase price, less depreciation;
• Plus cost at present value of approved exempt capital improvements required to meet health and safety standards.
Section 6. Resident-Occupied (RO) Unit Sale Policies and Procedures

RO units are subject to the deed restriction applicable to the unit as approved by APCHA and recorded in the real property records, and to the Regulations in effect at the time such deed restriction was recorded. Some RO units are subject to deed restrictions preceding publication of these Regulations as stated therein.

Unless otherwise specified in applicable deed restriction, prospective owners must meet and maintain APCHA qualifications, including employment/work, residency and occupancy requirements. Maximum household income requirements are waived for RO ownership and a maximum household net asset limit applies only to qualification to purchase a RO unit.

The sale of and qualification for a RO unit may be subject to additional requirements as specified in the applicable Deed Restriction. For example, Williams Ranch includes ten (10) “RO Category 5” units, for which APCHA qualification is limited to different gross income and net assets per household.

If a vacant lot is purchased for RO unit development for a qualified buyer, a Certificate of Occupancy must be obtained within three (3) years of the purchase of the lot or owner will be deemed out of compliance and will be required to immediately list the property for sale.

A. Sale Managed according to Deed Restrictions and Regulations

Even when a RO unit is not required to be listed with APCHA, APCHA must qualify prospective buyers (under APCHA qualifications). Any other resale of RO units must be listed with APCHA and will be marketed through the same process as the category units, unless specified otherwise in the applicable deed restriction. The Seller is required to pay the Sales Fee which is equal to two percent (2%) of the sale’s price of the property, unless otherwise specified in the Deed Restriction. Seven hundred and fifty dollars ($750) of the sales fee will be collected by APCHA at the time of listing with the balance collected from the proceeds at closing.

B. RO Maximum Sale Price

Unless otherwise specified in applicable deed restrictions, any sale of a RO unit after the initial sale will be subject to a maximum sale price calculated as follows (value of “sweat equity” is NOT included):

- Initial purchase price of the RO unit or lot;
- Plus three percent (3%) simple appreciation for each year owned by Seller, or a multiple of the Consumer Price Index (CPI) between date of purchase and date of listing, whichever is less (some RO units’ appreciation at 4% or 3% per year – see specific deed restriction);
- Plus actual cost at present value of construction of the RO unit on the lot, plus 3% or a multiple of the CPI of that amount, whichever is less, from the date of issuance of a Certificate of Occupancy (CO);
• Plus actual cost and present value, if any, of construction to expand the RO unit to the maximum net livable square footage of 2,200 square feet, plus 3% or a multiple of the CPI, whichever is less, from the date of issuance of a CO of the expansion;
• Plus actual cost at present value, of approved, permitted capital improvements, not to exceed ten percent (10%) of initial sale price of the completed unit, less depreciation;
• Plus actual cost at present value of approved exempt capital improvements required to meet health and safety standards.

Deed restrictions specific to the unit permit a mobile home converted to a RO unit by an APCHA-qualified owner will not be subject to an appreciation cap (except for units within the Woody Creek Park Subdivision).

Section 7. Foreclosures

If set forth in the applicable deed restriction, a unit sold at a foreclosure sale or acquired by any person or entity in lieu of foreclosure, APCHA has the option to acquire such Property. If any such person or entity is not a Qualified Buyer (top priority) and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, such person must list the property for sale as stated in the deed restriction. The terms of the deed restriction remain in full force and effect with respect to the property until modified, amended or terminated.

Only fully Qualified Buyers (top priority) may acquire an interest in a Property at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Property is not a fully Qualified Buyer (top priority) and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, the owner must list the home for sale as stated in the deed restriction. The APCHA still has the right-of-first refusal within 30 days upon the Qualified Buyer obtaining the confirmation deed.

In the event that APCHA or the Board, as the designee of the APCHA, exercise the option described above, the APCHA and/or its designee, may sell the Property to Qualified Buyers as that term is defined herein, or rent the Property to qualified tenants who meet the income, occupancy and all other qualifications, established by these Regulations until a sale to a qualified buyer is affected.

It is APCHA’s policy to purchase the property at the foreclosure sale on the Courthouse steps; however, APCHA may still exercise the option of purchasing the property within 30 days of the Certificate of Purchase to the buyer on the Courthouse steps.
PART VI

MAINTAINING ELIGIBILITY, COMPLIANCE AND GRIEVANCE POLICIES

Section 1. Maintaining Eligibility

APCHA tenants and owners of workforce housing must maintain the requirements for tenancy and ownership in good standing as described below unless otherwise required in the deed restriction.

All residents of workforce housing including members of the household, roommates, renters, and visitors must maintain requirements for residency as stated in these Regulations unless otherwise required in the applicable deed restriction.

APCHA has the right to request additional documentation through an audit or follow up on a complaint at any time to confirm compliance with the APCHA qualification requirements.

A. Rental - Requalification every Two Years/Tenant Responsibilities

Every tenant, whether the unit is under APCHA or private sector property management, is required to re-qualify with APCHA at least every two (2) years.

Requalification requires submission of APCHA forms, verification documents, and other information as requested, along with a Requalification Fee.

Tenants are not allowed to sub-let their unit and are not permitted to lease their units for short-term rentals (a short-term rental is defined as any rental period less than three (3) months). All tenants must be full-time employees within Pitkin County and must be named on the lease.

A re-qualifying tenant receiving unemployment benefits must still meet the full-time work requirement of 1,500 hours per calendar year.

An APCHA tenant who has been notified that they are under review for non-compliance is not eligible for requalification and will not be permitted to renew his/her lease until compliance issues are resolved.

- At least thirty (30) days prior to the end of the qualification period, the landlord of an affordable housing rental unit, whether APCHA or a private sector property manager, must notify tenants in writing of the requirement to re-qualify. An APCHA Rental Qualification Form must accompany the notice.
- APCHA must approve ALL leases for affordable housing rental units, including lease renewals, before the lease is signed and prior to occupancy.
- Tenants and the owner(s) of the rental property must submit copies of the executed leases to APCHA.
• When re-qualifying, maximum gross income will be increased an additional fifty percent (50%) of the maximum amount regularly applicable in the respective category to address temporary increases in household income. This *adjusted* maximum gross income will only be used when the composition of the entire unit is the same; it does not apply if there are changes to tenants.

• If income or asset limits are exceeded even beyond 150% of maximum gross income, the tenant will be given one year to come back into compliance or to vacate the leased premises. The rent will be adjusted based on the tenant’s new income and asset category for that one-year term.

B. Ownership – Affidavits and Audits

After acquisition of a deed restricted unit, Qualified Owners are not required to maintain household gross income and net asset limitations, or meet minimum occupancy requirements, (unless otherwise stated in the deed restriction) but are required to maintain all other APCHA qualification requirements.

APCHA requires all owners to complete and sign the Biennial Owner Affidavit at least every two (2) years and affirm that they continue to meet the requirements of a Qualified Owner.

A Notice of Violation will be issued to an owner who fails to complete the requested forms and/or submit requested documentation. Appreciation will be terminated until the owner is brought back into compliance. Such owners are prohibited from recouping the appreciation lost during the period of non-compliance.

C. Death of Qualified Employee

1. Rental Units

Any qualified household member in occupancy at the time of a qualified tenant’s death is permitted to continue to occupy the respective rental unit for the balance of the lease term, or a minimum of six months if the lease expires earlier than the six-month period of time. Any such household member who meets the requirements of the applicable Deed Restriction and the APCHA Regulations, including without limitation the minimum occupancy requirement, is entitled to a new lease for the unit as a qualified tenant.

2. Ownership Units

A. A qualified spouse and/or child in occupancy at the time of a qualified owner’s death is not required to satisfy the requirements for the applicable category for the unit nor the minimum occupancy requirement. A relative other than a qualified spouse and/or child who is in occupancy of the unit at the time of a qualified owner’s death will be permitted to continue to occupy the respective ownership unit only if such person is or becomes APCHA-qualified within six months of the approved owner’s death.
B. A child of a deceased owner who is not in occupancy at the time of the qualified owner’s death, must meet the following requirements in order to obtain title to the unit as a qualified buyer:
   i. Assets and income must be at or below the requirements for a category 5 unit as determined at the time of the owner’s death;
   ii. Applicable minimum occupancy requirement minus one (minimum occupancy may be waived if child can document a work history of 10 consecutive years in Pitkin County prior to point of transfer);
   iii. The child must document his or her four-year work history in Pitkin County immediately prior to the qualified owner’s death or document that he or she is currently enrolled in high school, college, or graduate degree program, or that the school requirement and the work requirement is at least the four years; and
   iv. In order for a spouse of the qualified child to be added (but not substituted) to title by to a quitclaim deed or otherwise, such person must demonstrate proof of marriage as determined by APCHA.

C. If a dependent minor (under age 18) is the sole surviving member of an approved household and opts to stay in the unit; the following conditions must be met by the dependent minor in order to remain in the unit:
   i. enrolled full-time in an accredited lower or high school program and/or thereafter such person enrolls in an accredited higher education program; and
   ii. verification of education enrollment is submitted to APCHA in a timely manner; and
   iii. Reasonable progress on a degree and/or a career track must be submitted for approval; and
   iv. At least one bedroom is rented out to a qualified employee while the individual is attending a higher education program or pursuing a career path; and
   v. Upon completion or termination of such enrollment, in order to retain ownership and occupancy, the approved occupant/household must meet all the requirements of the deed restriction and the Regulations that apply to qualified buyers or the unit must be offered for sale as provided therein.

APCHA will address ownership on a case-by-case basis to ensure consistency with our Regulations.

A legal guardian of the dependent minor has the right to remain in the unit if such person is a qualified employee. Guardianship does not constitute employment.

If occupants of an APCHA ownership unit become ineligible or disqualified, such unit will be marketed and sold according to the deed restriction.

A new deed restriction is required during any transfer of Ownership.
Section 2. Landlord Responsibilities

A. All tenants must be qualified and approved by APCHA prior to executing a lease and prior to occupancy. Property managers/landlords may not lease a unit until they receive approval from APCHA.

B. Property managers/landlords must provide a copy of the lease to APCHA verifying the rental amount is less than or equal to the maximum rent allowed per these Regulations and the deed restriction.

C. Deed restricted rental units must always be leased and occupied. The maximum period allowed between tenancies is forty-five (45) days. This also applies to a vacancy by a roommate.

D. Property managers/landlords must notify tenants of the requirement to requalify at least thirty (30) days prior to the end of the two-year qualification period.

E. Property managers/landlords must, at their own cost and expense, maintain the interior and exterior of the entire structure and property, including all residential units and adjacent open areas, in safe and clean condition, in good order and repair, except for reasonable wear and tear.

Section 3. Owner Responsibilities

APCHA shall from time-to-time schedule educational programs for affordable housing purchasers and owners to review HOA responsibilities and responsibilities under these Regulations and applicable deed restrictions.

A. Property Management

1. Homeowner Associations (HOAs)
   a. Dues and Assessments
      It is a violation of these Regulations for an Owner to fail to pay HOA assessments.
   b. Capital Reserves
      Every HOA is required to adopt a capital reserve policy for long-term capital repairs. All newly formed HOAs must also maintain a separate capital reserve fund to support the policy.

2. Affordable Housing Rendered Unaffordable
   APCHA may from time to time in its discretion determine that a deed-restricted ownership unit located in a condominium or subdivision that also includes free market units has been rendered unaffordable as a result of general or special HOA assessments.

   APCHA, City of Aspen, or Pitkin County may determine to purchase an employee housing unit rendered unaffordable. In that event, APCHA may at its discretion release applicable deed restrictions and sell such property at fair market value. APCHA will be reimbursed the sale price plus the APCHA transaction fee from sale proceeds. The balance of the proceeds must be deposited in the city and/or county Housing Development Fund to support the APCHA housing program. Any HOA assessments paid by the city, county, or APCHA will also be reimbursed from sale proceeds.
B. Maintaining Ownership Qualification

1. Owners must remain in good standing with their HOA and maintain all qualification requirements in these Regulations and the deed restriction. (See Part III, Section 1) Failure of any co-owner to remain qualified will constitute a violation.

2. Where one or more co-owners of a two- or three-bedroom unit vacates the unit within four (4) years from the date of purchase, unless a different time period is required by the deed restriction, the unit must be sold in accordance with the applicable deed restriction. An exception may be recognized by APCHA if a court order requires otherwise.

3. Owners must remain in good standing with Pitkin County Property Taxes.

4. Owners must certify compliance with APCHA at least every two (2) years by completing a Biennial Owner Affidavit attesting to the requirements in these Regulations and the deed restriction and by submitting other information as required by APCHA.

5. Owners selected under the Random Audit process are required to provide to APCHA documentation of continued compliance with these Regulations and the deed restriction. See Part III for requalification policies and procedures.

6. If any Owner, Owner’s spouse, or a member of Owner’s household acquires any other residential property within the OEZ, one of the properties MUST be sold within 180 days. If the Owner has not sold one of the properties within 180 days, the newly acquired property must be listed for sale. This may require the Owner to move back into the older ownership property. If both units are deed-restricted, Owner must list their existing property for sale immediately upon closing or before closing. At no time may an Owner own more than two deed-restricted properties; and any such Owner will not be allowed to enter into a lottery and/or contract for a third unit.

7. Any other violation of the Regulations and/or deed restriction, where the sale of a unit is required as a result of a violation, and if the property has not sold within 180 days of the listing agreement, the Owner will be bound by the following:
   - On day 181, Owner must accept any valid contracts (as determined by the Colorado Real Estate Commission) of at least ninety-five percent (95%) of the maximum sales price.
   - If the unit has still not sold after another 30 days at or above 95% of the maximum sales price, the Owner must accept any valid contracts at or above ninety percent (90%) of the maximum sales price.
   - For each additional month the unit has not sold, the minimum bid price that must be accepted will decrease by an additional five percent (5%) of the maximum sales price.
   - For RO units that do not have an appreciation cap, the same will apply based on the appraised market value of said unit.
C. Property Maintenance

Owners of workforce housing must maintain their units in good repair, including but not limited to the roof, boiler, water heater, appliances, and fixtures, per HOA requirements, deed restrictions and these Regulations. To achieve the Maximum Sale Price, owners must maintain their units according to the minimum standards as described below.

D. Capital Improvements Policy and Procedure

When permitted by applicable deed restrictions, owners may make capital improvements to deed-restricted units and add the cost of such improvements to the maximum sales price.

1. Added Value to Maximum Sale Price

- The cost, or present value, of specified capital improvements as permitted under these Regulations and deed restrictions and as approved by APCHA staff, less depreciation, may be added to the maximum sales of a unit. Deed restrictions specific to a unit may impose a capital improvements cap in determining the maximum sale price of a unit.

- Generally, no more than ten percent (10%) of the purchase price may be added to the maximum sale price for capital improvements. However, capital improvements associated with health and safety requirements may be exempt from the cap. The value of capital improvements requiring a building permit shall be added only if the city or county Building Department has issued a Letter of Completion, a copy of which shall be submitted to APCHA with verification of capital improvement costs and payments.

- In determining maximum sales price, the capital improvements shall be depreciated according to the published schedule in an approved reference, such as the Marshall & Swift Residential Cost Handbook. Owners are advised to consult APCHA regarding valuation in advance of making any capital improvements.

- An ownership unit remodeled to include an additional bedroom shall continue to be categorized according to the original number of bedrooms and occupancy standards; e.g., a one-bedroom unit remodeled into a two bedroom will be listed as a one-bedroom unit, allowing a single person household to meet occupancy standards.

2. Permitted Capital Improvements

Only the cost of the capital improvements permitted under these Regulations or applicable deed restriction and as approved in writing by APCHA staff may be added to the maximum sale price. Permitted Capital Improvements may include:

- Fixtures constructed, installed or attached as permanent, functional, non-decorative improvements to real property;
3. Application for Permitted Capital Improvements

APCHA owners must apply to APCHA for approval to make Permitted Capital Improvements the costs of which they intend to add to the Maximum Resale Price.

E. Roommate Rental Policy for Ownership Units

Owners are permitted to rent unoccupied bedrooms to roommates under the following terms and conditions:

- Deed restrictions and/or covenants applicable to the respective ownership unit must expressly permit rental of unoccupied bedrooms;
- Owner(s) must continue to reside in the unit as their sole and exclusive residence;
- Owners must maintain all APCHA qualification requirements and not be subject of a compliance investigation;
- Roommate/renters must qualify through APCHA as a Qualified Tenant prior to executing a lease and moving in; income and asset limits do not apply. See Regulations Part III for eligibility and qualification;
- Lease terms must be at least one month in duration, unless otherwise stated in the deed restriction;
- Roommate rental rates must be prorated according to the unit category and size. For example, one roommate in a two-bedroom unit will pay no more than one half the rate; in a three-bedroom unit, no more than one-third the rate. The permitted maximum monthly rental rate must not exceed the total of Owner’s normal monthly expenses including mortgage payments, HOA dues, utilities in Owner’s name, insurance and property taxes not included in mortgage payment, plus fifty dollars ($50) per month; or the maximum rental amount stated in Table III of these Regulations for the category and bedroom size of the unit, whichever is greater.
Owners may not charge any additional amount for furniture, use of a garage, use of a storage unit, or any other cost associated with the unit or any other cost.

- Roommates are subject to all rules, regulations, and covenants applicable to the unit;
- Owners are not permitted to lease their units for short-term rentals (a short-term rental is defined as any rental period less than 3 months);
- Owners are not permitted to rent their units as income producing properties (charging more than maximum rental amount as set forth by these Regulations);
- Owners may not charge rent for a parking space or a carport or a garage parking space; and
- Owners must be in good standing with their Homeowner Association and in compliance with their deed restriction and these Regulations in order to obtain approval.
- The roommate is not on APCHA’s ineligibility list.
- In kind rentals are prohibited and are subject to the applicable deed restriction.

F. Owner Leave of Absence Policy and Procedure

Owners of deed restricted housing units who wish to leave their unit for a limited period of time, resulting in non-compliance with the nine-month residency requirement and employment requirement, may request a Leave of Absence (LOA). The Owner must be up to date with their HOA dues and property taxes to request a LOA. Upon APCHA approval of a LOA Request and all other applicable requirements, owner’s residency and employment requirements for maintaining ownership qualification will be temporarily waived during the period of the LOA.

1. Leave Request

At least thirty (30) days prior to the start of the leave, Owners must submit a LOA Request form. The form must be completed by the Owner, reviewed, approved and signed off by the HOA, and then submitted to APCHA for final approval. Should APCHA or the HOA deny the leave request, the owner(s) may request a Hearing with the Hearing Officer.

**LOA’s are not guaranteed to be approved.**

2. Approved Leave Period

An Owner may request a Leave of Absence for up to one year. An Owner may request a LOA for a second year, but it is not guaranteed. Owners will not receive any appreciation on the sales price of the unit during the second year. At no such time will a LOA be approved for longer than two (2) years.

Owners seeking to extend an approved LOA must submit an additional LOA Request form using the process described above, to the HOA and APCHA at least thirty (30) days prior to expiration date of the proper leave period. If the LOA is requested AFTER the Owner has VACATED THE UNIT, the appreciation of the sales price of the unit terminates retroactively to the date the Owner vacated the premises. Lost appreciation will not be recouped even after the Owner is back in compliance.
and re-occupying the unit. Once an Owner is back into compliance and determined by APCHA to be a Qualified Owner, appreciation will begin from that date.

A household on a LOA cannot bid on any other property until such time they are back in compliance working in Pitkin County and living in their deed-restricted unit.

An owner is allowed to be on a leave of absence for at most 24 months during a 10-year period.

3. Rental during Approved Leave Period

If the deed restriction applicable to a unit permits an Owner to take an approved LOA, the Owner may rent his/her unit subject to APCHA approval to Qualified Tenants/Households as stated in these Regulations Section 3, subsection F, above.

Qualified Tenants/Households must meet all APCHA qualifications otherwise applicable to tenants except for income and asset limits. All Tenants must qualify through APCHA prior to moving in and/or executing a lease.

A. Rental Rate

If the deed restriction does not establish a rental rate, the permitted maximum monthly rental rate must not exceed the total of owner’s normal monthly expenses including mortgage payments, HOA dues, utilities in owner’s name, insurance and property taxes (not included in mortgage payment), plus fifty dollars ($50) per month; or the maximum rental amount stated in Table III of these Regulations for the category and bedroom size of the unit, whichever is greater. Owners may not charge any additional amount for furniture, use of a garage, use of a storage unit, or any other cost associated with the unit or any other cost.

B. Lease Requirements

Tenants must agree in writing that they will abide by applicable HOA covenants, APCHA deed restrictions, rules and regulations of the association, lease terms and these Regulations. A copy of the executed lease must be submitted to APCHA and the respective HOA. Approval of a tenancy pursuant to this section does not establish any right or priority for the purchase of the unit if the owner elects or is required to sell during or at the end of the LOA and termination of the tenancy.

Lease terms may not exceed the duration of the approved leave of absence.

Owners must notify APCHA and provide APCHA proof of employment upon return. APCHA will conduct a site visit upon expiration of the LOA.
G. Retiring in APCHA Ownership Housing

Provided that such owner meets the requirements of a “qualified retiree in APCHA housing” as specified in Part VII, Definitions, of these Regulations, an owner may retire and retain ownership of the unit exempt from the APPLICABLE requirements of employment. Retirees must:

- Receive approval by APCHA by demonstrating to APCHA that they meet the qualified retiree criteria as defined in these regulations;
- Occupy the unit as their primary residence by living in the unit at least nine months per year, unless the owner has received an approved LOA to rent the unit as stated in paragraph F above, or the deed restriction otherwise requires;
- Continue to not own other developed residential property in the ownership exclusion zone.

APCHA qualified retirees must complete and sign a Biennial Affidavit at least every two (2) years to attest compliance with these Regulations and the deed restriction. The owner may request a LOA to rent the unit for up to six months each year. See paragraph H below for the specific requirements pertaining to this leave of absence.

H. Rental Policy for Approved Retirees who Own Deed-Restricted Housing

A qualified retiree in APCHA Housing, who has met the definition of “qualified retiree in APCHA housing” as defined in Part VII, may be absent from the unit for up to three months per year without a requirement to lease the unit. The owner may request a LOA for up to six months per calendar year; during which time, the unit must be rented to an APCHA qualified employee. See Section 3, paragraph E.

If any of the above conditions are not met as detailed above, the lease will terminate, and the appreciation will stop until the homeowner is brought back into compliance. Such owners are prohibited from recouping the appreciation lost during the period of non-compliance.

Section 4. Ineligibility List

The Ineligibility List is used by APCHA to determine whether to allow an applicant or potential applicant to rent or purchase a unit, or to be qualified as a roommate. It is the responsibility of the APCHA staff to review this list prior to qualifying any person for APCHA Housing. An individual on the Ineligibility List may not rent a unit when APCHA is the beneficiary of a deed restriction or otherwise responsible for management, nor may such persons rent from an owner of a deed restricted unit. Additionally, an individual on the Ineligibility List is not qualified to purchase a deed restricted unit.

A. Criteria

The following criteria will be considered by APCHA in determining to add an individual to the Ineligibility List (including but not limited to):

1. Fraud or Misrepresentation in transacting any business with APCHA;
2. Submitting untrue, misleading or inaccurate information to APCHA;
3. Violation of a Lease, Deed Restriction, or APCHA Regulation, including but not limited to:
   a. Non-approved pet in a unit;
   b. Multiple incidents of disruptive behavior or noise complaints from neighbors;
   c. Unapproved tenants or roommates;
   d. Illegal fires;
   e. Multiple parking violations;
   f. Inexcusable damage to a Unit;
   g. Vandalism of APCHA’s or any other person’s property;
   h. Threatening behavior towards APCHA staff or neighbors;
   i. Theft of APCHA property; or
   j. Repeated late payments or rent (3 or more within a lease term)
4. Outstanding debt of any kind to APCHA;
5. Safety risk to APCHA staff or neighbors;
6. Subleasing a unit w/o APCHA approval
7. Trespassing on other property;
8. Eviction based upon lease violation;
9. Sale of property as a result of violating a deed restriction;
10. Other Violation(s) of applicable Deed Restriction or Violation(s) of APCHA Regulation;
11. Stage V Fine previously imposed;
12. Other reason, as determined by APCHA.

B. Procedure for Additions to Ineligibility List
   1. The Executive Director, in consultation with the Deputy Director of Compliance, may add an individual to the Ineligibility List at any time.
   2. Upon adding an individual to the List, APCHA will notify the individual of such action within 15 days by email and letter. The notice must identify with particularity the reason(s) for adding the individual to the List.
   3. The notice must advise such person of the opportunity to appeal such action to the APCHA Hearing Officer in the same manner as an appeal from a Notice of Violation as provided in Part VI, Section 5.B.e-g of these Regulations. The decision of the Hearing Officer constitutes final agency action for the purpose of judicial review.

C. Procedure for Removal from Ineligibility List
   Any person on the Ineligibility List may request to be removed from the List. The request to be removed must be addressed to, and determined by, the APCHA Hearing Officer in the same manner as an appeal from a Notice of Violation as provided in Part VI, Section 5.B.e-g of these Regulations. The decision of the Hearing Officer is considered final for purposes of judicial review. The Hearing Officer will consider, without limitation, the following:
   1. Where possible, if the reason for placing the person on the List has been cured;
   2. The severity of the conduct which resulted in placing the individual on the List;
   3. The likelihood of future violations of the same nature;
   4. Conduct of the individual in connection with any tenancy or ownership since placement on the Ineligibility List; and
5. Any mitigating or aggravating circumstances associated with the past conduct of the individual towards APCHA or neighbors.

Section 5. Enforcement Policies and Procedures

A. Compliance with Applicable Deed Restrictions and APCHA Regulations.

All tenants, owners and occupants of deed restricted rental and ownership housing in the APCHA inventory must comply with the requirements of applicable deed restrictions, the APCHA Regulations as amended from time to time, and applicable federal, state and local laws. All violations of such requirements are subject to enforcement as provided herein.

B. Enforcement Procedures.

Enforcement procedures may be initiated by an APCHA investigation or a complaint from a third party.

1. Notice of Investigation (NOI)
   At the discretion of the APCHA, before issuing a Notice of Violation (NOV), APCHA may issue a notice to the person under investigation that APCHA is seeking information in order to determine if a violation has occurred and providing such person at least fifteen (15) days from the date of the notice to provide information in accordance with the notice. Notice is provided by certified mail, regular mail, e-mail, text message, phone to the extent that APCHA has been provided with current and accurate mailing address, e-mail address, and phone number. It is the responsibility of program participants (i.e., tenants, owners, roommates, renters, landlords, homeowners’ associations, property managers and property owners) to provide APCHA with up-to-date contact information at all times.

2. Notice of Violation (NOV)
   a) In the event that APCHA, as a result of an independent investigation or based upon a third-party complaint as described in Section 4, paragraph A, below, or for failure to comply with a compliance request, audit, requalification or affidavit requirement, determines that a violation has occurred, APCHA will serve a Notice of Violation (“NOV”) on the person(s) deemed to be in violation. The NOV may be served by regular mail, certified mail, e-mail, text message and phone, to the extent that APCHA has been provided with current and accurate mailing address, e-mail address and phone number, or as otherwise provided by the applicable deed restriction or by law for service of process. The NOV must state the following:
      i. identify the name of the alleged violator, and
      ii. the date(s) of the violation if known, and
      iii. the actions or inactions constituting the violation, and
      iv. the requirement(s) which have been violated.
b) The NOV at the discretion of APCHA requires one or more of the following:
   i. the violation be cured within fifteen (15) days of the NOV;
   ii. the lease (if a rental unit) shall be terminated within a specified period of time;
   iii. the unit shall be listed for sale (if an ownership unit) within a specified period of time;
   iv. the owner will forfeit appreciation from the date that the violation occurred, until the
      violation is cured, or the unit is sold, whichever first occurs; and/or
   v. a fine be paid in accordance with the Schedule of Fines found in the appendices of these
      Regulations.

c) The NOV will provide that the person charged in the NOV may, within fifteen (15) days of
   the date of the NOV, request in writing a hearing before the APCHA Hearing Officer. The
   hearing may be requested to appeal the finding(s) that a violation has occurred and/or to
   appeal the relief demanded in the NOV.

d) If the alleged violator does not comply with the requirements of the NOV and does not
   request a hearing before the Hearing Officer within the fifteen (15) day period, the
   violation identified in the NOV and the relief demanded will be deemed final. In the event
   of litigation, the failure to request a hearing as provided above will be deemed by APCHA
   to constitute a failure to exhaust administrative remedies for the purpose of judicial
   review. At the conclusion of the fifteen (15) day period, APCHA may pursue all remedies as
   provided by law or in equity, including, where applicable, a requirement that the subject
   property be sold in accordance with the deed restriction.

e) If, within the fifteen (15) day period, a hearing is requested before the Hearing Officer,
   such hearing will be scheduled to commence no later than thirty (30) days from the date
   of the request. At such hearing, APCHA staff, the person requesting the hearing, and
   interested members of the public, including witnesses, are permitted to present evidence
   in the form of testimony and documents to the Hearing Officer.

f) The Hearing Officer must base its decision upon the evidence in the record and will make
   its decision in writing within sixty (60) days of the conclusion of the hearing. The Hearing
   Officer may uphold the NOV in whole or in part, or it may dismiss the NOV. In taking any
   such action, the Hearing Officer may impose a remedy appropriate to the case, which may
   include a requirement for the owner to pay a fine and/or sell the subject property or
   require the occupants to vacate the premises in accordance with paragraph 2(b) above.
   Where a sale is required, the procedures identified in the applicable deed restriction will
   be followed. The determination of the Hearing Officer may direct that legal action be taken
   to enforce its decision. The costs of such action, including reasonable attorney’s fees, will
   be assessed against the proceeds of the sale, or tenant’s security deposit. In the event that
   the decision has been made by a Hearing Officer, that decision is subject to administrative
   appeal to the APCHA Board as provided in Part E below.

g) APCHA staff and the alleged violator must exchange the documentary evidence they wish
   to present at the hearing at least one (1) week prior to the hearing. The Hearing Officer
may accept additional documentary evidence at the hearing for good cause shown and may continue the hearing if it is deemed necessary in the interest of fairness.

3. Complaint Based Investigation
   a) Any person may submit to APCHA a complaint that a violation has occurred. Within thirty (30) days of the receipt of any such complaint, and if sufficient grounds are found to exist, APCHA staff must commence an investigation and notify the alleged violator of the receipt of such complaint. For good cause and as authorized by law, APCHA may withhold the identity of the complainant.

   b) In connection with its investigation of the complaint, APCHA will proceed in accordance with Part VI, Section 5B, and will request that the alleged violator provide written information as may be reasonably necessary for its investigation, and the alleged violator must provide such information within fifteen (15) days from the date of the request, or at such additional time as permitted by APCHA. APCHA will maintain the confidentiality of any financial or other information provided by the alleged violation which is not required to be disclosed by the Colorado Open Records Act.

   c) APCHA staff will complete its investigation as soon as possible, and within ninety (90) days from the receipt of the complaint whenever possible. Upon completion of its investigation, APCHA staff will either notify the parties in writing that there are not reasonable grounds to determine that a violation has occurred, or it will issue an NOV and proceed in accordance with the subsection 5.B.2 above and follow those procedures.

4. Investigations and Site Visits

   In responding to a complaint or as part of any other investigation, APCHA may inspect the subject premises. APCHA will provide at least 24-hours written notice to the tenants(s), owner(s) and occupants of any such inspection. Notice will be provided either by mail or posted on the premises in a conspicuous place. Except in an emergency, all such inspections will occur between 8:00 a.m. and 5:00 p.m., Monday through Friday.

5. Aspen Municipal Code and Pitkin County Code

   Enforcement by APCHA as provided herein does not constitute a waiver by the City of Aspen or Pitkin County of any authority they may have pursuant to their respective ordinances for enforcement with respect to the events described in an APCHA NOV.

6. Maximum Sales Price – Compliance Forced Sale

   If an ownership unit is required to be sold as the result of a compliance matter, the maximum sales price will be lowered by 10% every six (6) months if a unit does not sell.
C. Grievance Procedure

A “grievance” is any dispute, claim, or request a person may have with APCHA, not covered by Section 5B above, arising out of a deed restriction or the APCHA Regulations.

1. Any person with a grievance must first submit such matter to APCHA staff. APCHA staff will attempt to resolve such matter informally with the aggrieved party, but in doing so, APCHA staff is not authorized to make any determination contrary to a deed restriction, APCHA Regulations, APCHA policies, or established precedents.

2. At such time as APCHA staff or the aggrieved party determines that the procedure identified in Section C.1 above will not resolve the matter, or by agreement of APCHA staff and the aggrieved party, the grievance may be submitted to the Hearing Officer for a determination. All such grievances must be submitted in writing and must include the following information:
   - Name, address, telephone number and e-mail address of the aggrieved party; and
   - A summary of the grievance, the relief requested, and identification of the provision of the applicable deed restriction and APCHA Regulations at issue.

3. Upon receipt of a grievance in accordance with subsection C.2 above, the matter will be set for a public hearing before the APCHA Hearing Officer, at which time the Hearing Officer must consider the testimony and other evidence presented by APCHA staff, the aggrieved party, and members of the public.

4. APCHA staff and the aggrieved party must exchange the documentary evidence they wish to present at the hearing at least one (1) week prior to the hearing. The APCHA Hearing Officer may accept additional documentary evidence at the hearing for good cause shown.

5. The APCHA Hearing Officer must base its determination regarding the grievance upon the evidence in the record in accordance with the provisions of Sections E.4 and F. below.

D. APCHA Eligibility and Qualification – Trusts (Part II, Section 2 (d))

Applicants for rental and ownership units who are trust beneficiaries may apply to APCHA for an exception to the requirement that trust assets are included when considering the maximum net assets of the applicant in accordance with Part II, Section 2 of these Regulations. The determination will be made by the Hearing Officer appointed by the APCHA Board in accordance with Section E.4 and F. below.

E. Hearing Officer

1. Establishment
   There is hereby established within APCHA the position of Hearing Officer.
2. **Appointment**
The Hearing Officer is appointed by and serves at the discretion of the APCHA Board. The Board may appoint more than one Hearing Officer if deemed necessary, based on conflict of interest, availability, or for other good reason. No employee of APCHA or member of the APCHA Board can serve as Hearing Officer. The Hearing Officer will be subject to the same code of conduct/code of ethics as the members of the APCHA Board.

3. **Powers and duties**
The Hearing Officer will hear and consider those matters specific in these Regulations. All matters considered by the Hearing Officer must be conducted in a public hearing and all such hearings shall be recorded. Notice of all such hearings must be given in the same manner as meetings of the APCHA Board. In addition, personal notice be given in writing to the appellant and all other persons known by APCHA staff to have an interest in the matter.

4. **Decisions**
The Hearing Officer may approve, approve with conditions, or deny any matter subject to his/her review. The decisions of the Hearing Officer shall include findings of fact and conclusions of law, and shall be made in writing, signed and dated. All such decisions shall be deemed final after 15 days of the date of the decision unless appealed to the APCHA Board as provided below. An unappealed decision of the Hearing Officer is not subject to judicial review in accordance with CRCP Rule 106(a)(4), based on the failure to exhaust administrative remedies.

F. **Appeals of Hearing Officer decisions**

1. **General Procedures**
   a. Any person adversely affected or aggrieved by a decision of the Hearing Officer may appeal such decision to the APCHA Board as provided herein.

   b. Notice of appeal and a written summary of the grounds for the appeal must be submitted to the APCHA executive director within fifteen (15) days of the date of the Hearing Officer’s decision.

   c. No appeal shall be considered by the APCHA Board until the appellant, at its expense, presents the executive director with a transcript of the proceedings before the Hearing Officer, which must occur no later than sixty (60) calendar days after the Hearing Officer’s decision unless extended by the APCHA Board for good cause shown.

   d. Upon receipt of the transcript, the Board shall schedule the appeal for a public hearing at the earliest date possible, with the consideration to the interests of all parties.
2. **Scope of review**

   a. The appeal to the Board shall be based solely on the record of the proceedings before the Hearing Officer. The Board shall consider the arguments of the appellant, APCHA staff, and other interested parties based on the record.

   b. Based upon the arguments made at the hearing, the Board may affirm, modify or reverse the decision of the Hearing Officer. In addition, the Board may determine that additional evidence is necessary and remand the matter to the Hearing Officer for the receipt of additional evidence and reconsideration based thereon. The Board’s decision shall be made in writing and shall include findings of fact and conclusions of law.

3. **Judicial review**

   The decision of the APCHA Board shall constitute final agency action subject to judicial review in accordance with CRCP Rule 106(a)(4).
PART VII
DEFINITIONS

Accessory Dwelling Unit (ADU) - A dwelling unit which must be totally separate from the primary dwelling unit, with a private entrance, a full bath and a kitchen, as further specified in these Regulations and City of Aspen Land Use Code, Chapter 26.520.070.

Accredited – Accreditation is a process by which an education facility’s services and operations are examined by a third-party accrediting agency to determine if applicable standards are met. If the standards are met, the facility receives accredited status. In the United States, educational accreditation is performed by a private nonprofit membership association.

Adult - An individual who is 18 years of age or older or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.

Affordable Housing/Employee Housing/Work Force Housing - Dwelling units restricted to the housing size and type for individuals meeting asset, income, minimum occupancy and other requirements of the Aspen City Council, Board of County Commissioners and/or the APCHA, whichever shall apply, as explained in Deed Restrictions.

Affordable Housing Zone District - See Aspen Land Use Code, Chapter 26.710.

APCHA Senior – An APCHA senior is a person who is 65 years or older, who may have up to 150% of the net assets otherwise allowed at the top of their applicable income category where they are applying to reside or currently residing.

Aspen/Pitkin County Housing Authority – APCHA.

APCHA Employee Housing Guidelines – Now known as the Aspen/Pitkin Employee Housing Regulations as of May 6, 2020.

Assets – Real or personal property owned by an individual that has commercial or exchange value. Assets include specific property or claims against others, in contrast to obligations due others. See also definition for Gross Assets and Net Assets.

Basement - As defined by the applicable City or County Land Use Code.

Bedroom – A room in a dwelling unit designed to be used for sleeping purposes that must include closets and access to a bathroom, and that meets applicable City or County International Building Code requirements for light, ventilation, sanitation and egress.
**Buy-down Unit** – A free market unit that the government (City of Aspen, Pitkin County, APCHA) and/or private sector acquire, and deed restricts to affordable housing in accordance with these Regulations.

**Capital Improvements** – Except as otherwise defined in the applicable Deed Restriction, any improvement to real property excluding repair, replacement and maintenance.

**Caretaker Dwelling Unit (CDU)** – A dwelling unit that must be a totally separate unit – private entrance, full bath and kitchen, as required in these Regulations and current Section of the Pitkin County Land Use Code.

**Cash-in-Lieu / Fee-in-Lieu / Impact Fee** – A monetary exaction imposed by the City and/or County as a condition of, or in connection with, approval of a development project for the purpose of defraying all or some of the costs to mitigate for employee housing generated by the project. Further information can be found in the respective City or County Land Use Codes.

**Category** – A classification of employees, qualified residents, buyers, and deed restricted dwelling units by income limits, sales prices or maximum rental rates as determined by the APCHA based upon household gross income and net assets.

**Consumer Price Index (CPI)** - The Consumer Price Index that is used for purposes of the Regulations and for purposes of the Deed Restriction is the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) in the U.S., Midwest, and West, not seasonally adjusted, All Items (1967=100). The U.S. City Average is the one that is used. The information is received on a monthly basis from the U.S. Department of Labor, Bureau of Labor Statistics.

**Co-signer** - A joint signatory, with a qualified buyer, of a promissory note, who may not occupy the unit unless qualified by the APCHA.

**Deed Restriction** - A contract entered into by the APCHA, City of Aspen, and/or Pitkin County and the developer, owner or purchaser of real property identifying the conditions of occupancy and resale as affordable housing.

**Dependent** – A dependent is defined as a member of a household other than the head of the household or the co-head of the household, who is a qualifying child or a qualifying relative as defined herein. To be a qualifying child or a qualifying relative, the subject property must be the primary residence of such person, and such person must occupy the property for at least 9 months out of the year unless a custody agreement, divorce decree or similar document is provided and requires otherwise. A dependent subject to a custody agreement, divorce decree or similar document must reside in the home for a minimum of 100 days out of the year. A household employee is not considered a member of the household.

1. A qualifying child must meet the following criteria:
   (a) the son, daughter, adopted child, stepchild, or foster child of the head/co-head of household;
   (b) under the age of 19 at the time of application; and
   (c) claimed as a dependent for tax purposes by the head/co-head of the household and not by any other person.
2. A qualifying child may be of any age if permanently and totally disabled. A person is permanently and totally disabled if:
   (a) he or she cannot engage in any substantial gainful activity because of a physical or mental condition as determined by a medical doctor.
3. A qualifying relative must:
   (a) be the sibling, stepsibling, father, mother, grandparent, stepparent, niece, nephew, aunt or uncle for the head/co-head of the household;
   (b) be claimed as a dependent for tax purposes by the head/co-head of the household and not by any other person; and
   (c) receive more than one-half of his or her financial support from the head/co-head of the household.

4. Any person who is a member of the household may be exempt from the requirements of 5(a) above, provided that such person satisfies the requirements of 1 and 5(b) through 5(d).

Disability - An inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or (b) in the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time. Proof of disability is required.

Dormitory – A structure or portion thereof under single management that provides group sleeping accommodations for occupants in one (1) or more rooms for compensation. Standards for use, occupancy, and design of such facilities shall be approved by APCHA. See part II, sec. 3.

Earned Income – APCHA follows the Internal Revenue Service’s definition of earned income, which can be found here: https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/earned-income

Employer (Pitkin County Employer) - A business whose business address is located within Aspen and/or Pitkin County, whose business employs employees (as defined herein) within Pitkin County, and whose 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 work in Pitkin County a minimum of 1,500 hours per calendar year for individuals, businesses or institutional operations located within Pitkin County.

Employee Dwelling Unit – Any deed-restricted dwelling unit that is required to be rented out in accordance with Pitkin County Land Use Code, Section 3-150-120.

Employee Housing – See definition of Affordable Housing.

Family – For purposes of transferring property only, a family (or immediate family) is defined as husband, wife, mother, father, brother, sister, son, daughter, either biologically or by legal adoption of a minor child. Any transfer of a deed-restricted unit to a family member must meet this definition in order to be valid.

Fiduciary – One who owes to another the duties of good faith, trust, confidence and candor, and who must exercise a high standard of care in managing another’s money or property.

Financial Statement – A statement detailing all personal assets, liabilities, and net worth (the difference between assets and liabilities) as of a specific date.
Full-Time Work – Full time work, as defined for the APCHA program, is someone who is working at least 1,500 hours per calendar year within Pitkin County, can document summer and winter employment (if not employed in a year-round position) and earn at least 75% of their income within Pitkin County. Full-time work requires that the person must work for an Employer (Pitkin County Employer) as defined in these Regulations.

Gross Assets – The total of real and personal property of a person which has tangible or intangible value. This includes among other things, patents and causes of action which belong to any person, as well as any stock in a corporation and any interest in the estate of a decedent; also, the property or estate that is available for the payment of debts. Gross assets shall include funds or property held in a trust or any similar entity or interest, where the person has management rights or the ability to utilize the assets for the payment of debts or for other purposes. Gross assets shall also include 60% of a valid pension plan.

Gross Income – The total income of a person including maintenance and child support, derived from a business, trust, employment, or income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances.

Household – a) All persons who will be occupying a unit regardless of legal or marital status, b) a married couple, whether both will be living in the unit or not. A person may be part of more than one household. In determining if individuals constitute members of a household, APCHA may consider the circumstances of the relationship(s), including without limitation the following:
   1. Legal residence and domicile;
   2. Ownership and location of real and personal property;
   3. Access to and use of the real and personal property of other individuals;
   4. Family relationship or cohabitation;
   5. The extent to which the relationship(s) is close and intimate or is an arm’s length relationship; and
   6. The permanence, duration, and degree of commitment in the relationship(s).

For purposes of a lottery all married couples may only enter into a lottery once and neither person may bid separately in that lottery. If two (2) separate households (single, file separate income tax returns as single, etc.) enter together into one lottery bid, the same combined income and assets will be utilized in any future lotteries for a one-year period of time. Should circumstances change within the one-year time frame, a person may request a change in household status (i.e., category) once during that one-year time frame.

Household Net Assets – The combined net assets of all individuals who will be occupying a unit regardless of marital or legal status.

Household Income – The combined gross income of all individuals who will be occupying a unit regardless of marital or legal status. Adjustments/additions to gross income for business expenses are permitted for persons who are self-employed.

Immediate Family – A defined group of relations, including a person’s parents, siblings, spouses, children or an individual by blood whose close association is an equivalent of a family relationship.

In-Complex (In House) Bid – A priority bid granted to person(s) for a unit in the same complex in which they presently reside and have resided for at least 12 consecutive months. If a new project is built in phases, the in-complex priority does not go into effect until all affordable housing phases of the project are completed. In order to obtain an in-complex bid, the existing ownership unit MUST come up for sale in the lottery system.
**Kitchen** – For Accessory Dwelling Units, Caretaker Dwelling Units and all other deed-restricted units, a kitchen must include, at a minimum, a two-burner stove with oven, standard sink, and a refrigerator plus freezer. The oven must be able to bake and broil and be at least 5 cubic feet; the sink must measure at least 14”WX16”DX5.25”H; refrigerator must be at least 5.3 cubic feet and include at least a .73 cubic foot freezer.

**Lottery** – A random drawing among competing bidders to select a winner from applicants of the highest priority.

**Maximum Sales Price** – Unless otherwise defined in the applicable deed restriction, the owner’s purchase price multiplied by the appreciation (as permitted by the deed restriction) plus the present value of capital improvement costs for which verification of the expenditure has been provided to and approved by APCHA.

**Minimum Occupancy** – A requirement that at least one person (with a leasehold or ownership interest) per bedroom must reside in a unit. A minor child or dependent will be granted equal status as a person for this purpose. In a two-adult household, both adults must be working in Pitkin County in order to qualify for a two (2) bedroom.

**Net Assets** – Gross assets minus liabilities; 60% of a valid retirement account will be included as an asset; otherwise, the entire account will be included.

**Net Livable Square Footage** – The size of a dwelling unit calculated as the interior living area measured interior wall to interior wall, including all interior partitions. This also includes, but is not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

**Own or Ownership** - for the purpose of determining the ownership of real property or other assets, must include any interest held, in whole or in part, personally, or directly or indirectly, as a shareholder or member of a corporation, as a partner in a partnership, as a joint venture in a joint venture, as a beneficiary of a trust, or through any other legal entity or legal arrangement.

**Ownership Exclusion Zone (OEZ)** – The land area in which is located any developed residential property 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 and unincorporated areas of Aspen, Basalt, Carbondale, El Jebel, Glenwood Springs, Marble, Meredith, New Castle, No Name, Redstone, Rifle, Snowmass, Snowmass Village, and Woody Creek.

**On-Site / Off-Site** – With reference to the location of deed-restricted property provided for mitigation purposes, either next to or attached to the development (on-site) or at a separate approved location (off-site).

**Prequalification** – A borrower’s tentative mortgage approval from a lender.

**Primary Residence** – The sole and exclusive place of residence of a person. A tenant or owner is deemed to have ceased to use a unit as his/her primary residence by accepting employment outside of Pitkin County, or by residing in the unit fewer than nine (9) months out of any twelve (12) consecutive months.
**Purchaser** – A person who is buying or has purchased a deed-restricted unit which is subject to these Regulations, including any qualifying potential purchaser or past owner of any such deed-restricted unit, but only with respect to any issue arising under these Regulations.

**Qualified Buyer** – See Part I, Section 6.

**Qualified Resident** – A person(s) meeting the income, asset, employment, residency, property ownership and other requirements of these Regulations and the applicable deed restriction, including retired and disabled persons, or dependent(s) of any of these as such terms are defined herein. Includes Qualified Tenants and Qualified Owners.

**Qualified Retiree in APCHA Housing** – A person who has reached the retirement age as defined below and who has, for at least ten (10) consecutive years immediately prior to retirement, met the requirements of an “Employee,” and who has leased or owned a deed-restricted unit for at least four (4) consecutive years immediately prior to retirement. An individual is allowed to retire at age 62 if they can document a 30-year work history with 15 of those years immediately preceding retirement age residing in APCHA housing.

**Regulations** – Aspen/Pitkin County Employee Housing Regulations or APCHA Employee Housing Regulations; formerly known as the APCHA Employee Housing Guidelines.

**Requalification** – Requirements which renters/tenants and owners of workforce housing must meet bi-annually to ensure continued eligibility.

**Resale Agreement** – A contract entered into by APCHA, City of Aspen, and/or Pitkin County and the developer, owner or purchaser of real property identifying the conditions of resale as affordable housing.

**Residential Dwelling Unit** – Any residential property that has an address within the Ownership Exclusion Zone.

**Retiree** – See Qualified Retiree above.

**Retirement Age for APCHA Housing** – A current tenant or owner can qualify to become an APCHA 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 APCHA program. Any change in full retirement age will require review and approval by the APCHA Board, City Council and the BOCC. (Also see definition of Qualified Retiree in APCHA Housing above.)

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<thead>
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<th>Year of Birth</th>
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<td>1943 – 1954</td>
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<td>66 and 10 months</td>
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<td>1960 and later</td>
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**Roaring Fork River Drainage / Roaring Fork Valley** – See the Ownership Exclusion Zone.

**Seasonal Employee** – A person who works at least 30 hours per week during the Winter Season (generally November through April) and/or Summer Season (generally June through August).

**Self-Employed**: A person who carries on a trade or business for profit as a sole proprietor or an independent contractor; or a member of a partnership that carries on a trade or business. Such persons must demonstrate a profit on an income tax return for at least three (3) out of every five (5) years. The trade or business is required to provide goods and services to individuals, businesses, or institutional operations within Pitkin County.

**Senior** – See APCHA Senior definition.

**Storage Space** – Space within a dwelling unit intended and commonly utilized as a location for preservation or later use or disposal of items. Such space must be used for storage purposes only and shall not contain plumbing fixtures or mechanical equipment that support the principal residential use.

**Student** – A student enrolled in an accredited school full-time, and/or an intern who is a student or recent graduate undergoing supervised practical training full-time and working in a temporary capacity for a Pitkin County business; and/or a full-time combination of work in Pitkin County and school; such student shall be 18 years of age or older.

**Tenant** – For purposes of these Regulations a person who is leasing or has leased a deed-restricted unit which is subject to these Regulations, and any qualifying potential lessee or past lessee of any such deed-restricted unit.
### APPENDIX A: APCHA FEE SCHEDULE

<table>
<thead>
<tr>
<th>APCHA Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership Application Fee</td>
<td>$50</td>
</tr>
<tr>
<td>Payable upon submission of Qualification Application and non-refundable</td>
<td></td>
</tr>
<tr>
<td>Bid Submission Fee for Lottery/Purchase</td>
<td>$5</td>
</tr>
<tr>
<td>Per-bid amount payable upon submission of bids (non-refundable)</td>
<td></td>
</tr>
<tr>
<td>First-Time Tenant Long-term Rental Application Fee (Non-Managed, Managed, Tax Credit Properties) / Non-refundable and Payable upon submission of application</td>
<td>$50</td>
</tr>
<tr>
<td>Seasonal/Dormitory Rental Application Fee (per person)</td>
<td>$35</td>
</tr>
<tr>
<td>Non-refundable and Payable upon submission of application</td>
<td></td>
</tr>
<tr>
<td>Rental Requalification Fee (Non-Managed, Managed, Tax Credit Properties)</td>
<td>$35</td>
</tr>
<tr>
<td>Non-refundable and Payable by APCHA tenants and owners upon requalification every two years</td>
<td></td>
</tr>
<tr>
<td>Sale Listing Fee</td>
<td>$750</td>
</tr>
<tr>
<td>Non-refundable portion of Transaction Fee payable by seller upon listing</td>
<td></td>
</tr>
<tr>
<td>Sale Transaction Fee</td>
<td>2% of sale price</td>
</tr>
<tr>
<td>Payable upon closing, includes non-refundable Sale Listing Fee</td>
<td></td>
</tr>
<tr>
<td>Ownership Transfer Fee</td>
<td>$1,000</td>
</tr>
<tr>
<td>Payable by transferor upon transfer of ownership unit to immediate family member</td>
<td></td>
</tr>
<tr>
<td>No transaction fee for immediate family transfers</td>
<td></td>
</tr>
<tr>
<td>Capital Improvements Review and Site Visit</td>
<td>$50</td>
</tr>
<tr>
<td>Fee-in-lieu (city fee) and Impact Fee (county fee),</td>
<td>*</td>
</tr>
<tr>
<td>Also known as a Dedication Fee charged for private sector property development,</td>
<td></td>
</tr>
<tr>
<td>Calculated under city and county land use regulations and codes and APCHA Regulations</td>
<td></td>
</tr>
</tbody>
</table>

*The fee-in-lieu/impact fee is based on the corresponding sections of the Land Use Codes for the City and County.
## SCHEDULE OF FINES

<table>
<thead>
<tr>
<th>#</th>
<th>Stage 1 Violation</th>
<th>Fine Range**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Failure to provide requested information to establish continued compliance by original deadline set by APCHA.</td>
<td>$150 - $180</td>
</tr>
<tr>
<td>2</td>
<td>Failure to pay HOA assessments (general or special) after failing to cure delinquency. HOA must follow collections policies and procedures under CCIOA before reporting owner to APCHA.</td>
<td>$150 - $180</td>
</tr>
<tr>
<td>3</td>
<td>Failure to pay property taxes annually by the deadline imposed by Pitkin County.</td>
<td>$150 - $180</td>
</tr>
<tr>
<td>4</td>
<td>Failure to allow the APCHA to inspect the property or unit as provided in the deed restriction, after providing Owner with no less than 24 hours’ written notice.</td>
<td>$150 - $180</td>
</tr>
<tr>
<td>5</td>
<td>Failure to get roommate approved prior to move-in.</td>
<td>$150 - $180</td>
</tr>
<tr>
<td>6</td>
<td>Intentionally Left Blank</td>
<td>$150 - $180</td>
</tr>
</tbody>
</table>

**Fines will be adjusted annually based upon the Consumer Price Index, All Items, U.S. City Average, Urban Wage Earners and Clerical Workers (Current Series) published by the U.S. Department of Labor, Bureau of Labor Statistics. Fine amounts shall increase by an amount based upon the CPI effective January 1 of each year. Stage 1 Violations will have 15 days to cure prior to assessing any fines.
<table>
<thead>
<tr>
<th>#</th>
<th>Stage 2 Violation</th>
<th>Fine Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Failure to maintain eligibility (generally).</td>
<td>$400 to $480</td>
</tr>
<tr>
<td>2</td>
<td>Failure to obtain approved Leave of Absence (LOA).</td>
<td>$400 to $480</td>
</tr>
<tr>
<td>3</td>
<td>Failure to provide APCHA with copy of signed lease prior to occupancy by tenant(s).</td>
<td>$400 to $480</td>
</tr>
<tr>
<td>4</td>
<td>Failure to notify APCHA in writing of any default within five business days of Owner’s notification; e.g., pending foreclosure.</td>
<td>$400 to $480</td>
</tr>
<tr>
<td>5</td>
<td>Failure to cure Stage 1 Violation.</td>
<td>$400 to $480</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#</th>
<th>Stage 3 Violation</th>
<th>Fine Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Failure to get lease approved in advance.</td>
<td>$1,000 - $1,200</td>
</tr>
<tr>
<td>2</td>
<td>Charging rent up to $200 in excess of amount permitted by Deed Restriction and/or Regulations.</td>
<td>$1,000 - $1,200</td>
</tr>
<tr>
<td>3</td>
<td>Exceeding maximum vacancy period of rental unit.</td>
<td>$1,000 - $1,200</td>
</tr>
<tr>
<td>4</td>
<td>Failure to cure Stage 2 Violation or Pay Stage 2 Fine.</td>
<td>$1,000 - $1,200</td>
</tr>
<tr>
<td>5</td>
<td>Intentionally Left Blank</td>
<td>$1,000 - $1,200</td>
</tr>
<tr>
<td>#</td>
<td>Stage 4 Violation</td>
<td>Fine Amount</td>
</tr>
<tr>
<td>----</td>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1</td>
<td>Failure to occupy unit as sole and exclusive place of residence.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>2</td>
<td>Failure to use and occupy unit exclusively to house persons who meet the definition of Qualified Resident(s) (owner(s)) and their families.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>3</td>
<td>Failure to work full-time in Pitkin County as required by Deed Restriction and/or Regulations.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>4</td>
<td>Use of premises for other than residential purposes.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>5</td>
<td>Advertising rental without APCHA approval as required by Deed Restriction and/or Regulations.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>6</td>
<td>Charging more than $200 in rent in excess of amount permitted by Deed Restriction and/or Regulations.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>7</td>
<td>Failure to cure Stage 3 Violation or Pay Stage 3 Fine.</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>8</td>
<td>Intentionally Left Blank</td>
<td>$2,500 - $3,000</td>
</tr>
<tr>
<td>#</td>
<td>STAGE 5 VIOLATION</td>
<td>Fine Amount</td>
</tr>
<tr>
<td>----</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1</td>
<td>Selling or conveying a property or unit without APCHA approval.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>2</td>
<td>Encumbering property with debt in any form which exceeds at any time the Maximum Resale Price of the Unit.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>3</td>
<td>Permitting any use or occupancy of Unit not in compliance with the Deed Restriction and/or Regulations.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>4</td>
<td>Making unauthorized improvements and/or failing to obtain building permit or certificate of occupancy with respect to capital improvements.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>5</td>
<td>Creating an additional dwelling unit as defined in the Pitkin County or City of Aspen Land Use Codes, in or on the property.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>6</td>
<td>Rental of all or part of a unit in violation of the Deed Restriction and/or Regulations.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>7</td>
<td>Submitting false/inaccurate information.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>8</td>
<td>Failure by Non-Qualified Transferees to transfer Property or Unit to a Qualified Buyer.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>9</td>
<td>Using deed restricted property as income producing property.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>10</td>
<td>Failure to list home by deadline after NOV becomes final.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>11</td>
<td>Accepting any consideration which would cause an increase in the purchase price above the bid price to induce an Owner to sell to a prospective buyer.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>12</td>
<td>Fraud (as defined in Regulations).</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>13</td>
<td>Selling or otherwise transferring Unit not in accordance with the Deed Restriction and/or Regulations.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>14</td>
<td>Sell or otherwise transfer Unit for use in a trade or business.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>15</td>
<td>Purchasing other developed residential property in OEZ while owning an APCHA deed restricted property.</td>
<td>$5,000 - $6,000</td>
</tr>
<tr>
<td>16</td>
<td>Failure to Cure Stage 4 Violation or Pay Stage 4 Fine</td>
<td>$5,000 - $6,000</td>
</tr>
</tbody>
</table>