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BLAINE COUNTY HOUSING AUTHORITY

COMMUNITY HOUSING GUIDELINES

March 2015

Table of Contents

- 1. Introduction..... 1
 - 1.1 Mission Statement 1
 - 1.2 Purpose of Guidelines 1
 - 1.3 Role of Blaine County Housing Authority 1
 - 1.4 Authority of the Blaine County Housing Authority 2
- 2. Qualifying to Rent or Purchase Community Housing..... 3
 - 2.1 Basic Qualifications for the Rental or Purchase of Community Housing with an Income Category Deed Covenant..... 3
 - 2.2 Filing an Application for Rental or Purchase of a Community Home 4
 - 2.3 Verifying Application Information 5
 - 2.4 Process for Matching Applicants to Available Community Housing..... 6
 - 2.5 Priority Points and How to Accumulate Them 7
 - 2.6 Qualifications to Purchase a Community Home Subject to a Workforce Market Deed Covenant 10
- 3. Renting Community Housing..... 11
 - 3.1 Procedures for the Rental of an Income-Category Deed Restricted Community Home..... 11
 - 3.2 Post-Rental Obligations/Requirements 11
 - 3.3 Annual Re-Qualification to Rent Community Housing 12
- 4. Purchasing Community Housing..... 13
 - 4.1 Procedures for the Purchase of a Deed Covenant Community Home subject to an Income Category..... 13
 - 4.2 Reserving a Community Home..... 14
 - 4.3 Applicant Pool for a Particular Community Housing Development..... 14
 - 4.4 Post-Purchase Obligations/Requirements..... 15
 - 4.5 Options for Owners of Community Housing During a Required Leave of Absence 15
 - 4.6 Procedures for the Purchase of a Workforce Market Community Home 16
 - 4.7 Purchase of Community Housing by Local Employers..... 16
 - 4.8 Local Employer Developments 18
- 5. Selling Community Housing 19
 - 5.1 Procedures for the Sale of an Income-Category Community Home 19
 - 5.1.1 Notifying BCHA of Intent to Sell..... 19
 - 5.1.2 Selection of Purchaser and Solicitation of Offers 20
 - 5.2 Procedures for the Sale of a Workforce Market Community Home 21
 - 5.2.1 Notifying BCHA of Intent to Sell..... 21
 - 5.2.2 Selection of Purchaser and Solicitation of Offers 21
 - 5.3 Administration Fees and Other Fees..... 22
 - 5.4 Acknowledgement of Deed Covenants..... 22
 - 5.5 Additional Information Regarding Sales 23
 - 5.6 Extended Community Home Sale Process 23
 - 5.6.1 After no less than 30 days from executing a Notice of Intent to Sell..... 23
 - 5.6.2 After no less than 60 days from executing a Notice of Intent to Sell..... 24
 - 5.6.3 After no less than 180 days from executing a Notice of Intent to Sell and at least 120 days after..... implementing 5.6.2..... 24
 - 5.6.4 After no less than 240 days from executing a Notice of Intent to Sell and at least 60 days after..... implementing 5.6.3..... 24
 - 5.6.5 After no less than 300 days from executing a Notice of Intent to Sell and at least 60 days after..... implementing 5.6.4..... 25
 - 5.6.6 After no less than 390 days from executing a Notice of Intent to Sell and at least 90 days after implementing 5.6.5..... 25
- 6. Developing Community Housing 26
 - 6.1 Priorities for Community Housing..... 26
 - 6.1.1 Land Use Considerations 27
 - 6.1.2 Transportation/Access..... 27
 - 6.2 Integration of Community Housing..... 27

6.3	Community Housing Plan	28
6.3.1	Housing to be constructed by developer	28
6.3.2	Conveyance of Land or Fees In Lieu of Development.....	29
6.4	Community Housing Development Agreement.....	29
6.5	Community Housing Minimum Livable Square Footage.....	29
6.6	Income-Category Deed Covenant.....	31
6.7	Workforce Market Deed Covenant.....	31
6.8	In Lieu Mitigation.....	31
6.8.1	Off-Site Construction Option	32
6.8.2	Conveyance of Land Option.....	33
6.8.3	In Lieu Fees Option	34
6.8.4	Conveyance of Previously Owned/Occupied Housing Option	34
6.9	Development of Employee Housing	35
6.9.1	Employee Housing Minimum Livable Square Footage	35
6.9.2	Design Criteria for Employee Housing.....	36
6.9.3	Location of Employee Housing.....	36
6.9.4	Employee Qualification	36
6.9.5	Administration Fees.....	36
6.10	Building Code Compliance and Inspections.....	36
6.11	Minimum Construction Standards	37
7.	Income Categories and Pricing.....	38
7.1	Calculation of Sales Prices for Newly Constructed/Available Community Housing	38
7.1.1	Calculation of Maximum Sales Price.....	39
7.2	Maximum Monthly Gross Rental Rates for Community Housing.....	39
8.	Procedures for Special Review and Grievances.....	41
8.1	Petition for a Special Review.....	41
8.1.1	Grievance Procedure.....	41
	Appendix A: Definitions.....	44

1. Introduction

1.1 Mission Statement

The Blaine County Housing Authority’s mission is to advocate, promote, plan and preserve the long-term supply of desirable and affordable housing choices in all areas of Blaine County in order to maintain an economically diverse, vibrant, and sustainable community.

1.2 Purpose of Guidelines

The purpose of these Guidelines is to define and describe the process of renting, purchasing, or developing Community Homes and Employee Housing within Blaine County. They are intended to assist government staff, the development community, Applicants, and the general public, in understanding the priorities for and processes of governing Community Housing development and administration in Blaine County. The Guidelines, however, cannot cover every individual aspect of this process and will not replace the invaluable professional guidance available from the Blaine County Housing Authority (BCHA) staff.

These Guidelines are intended to support the attainment of BCHA goals and to supplement, rather than supersede, land use and building codes used by the County and Cities. The Guidelines should be used to review land use applications, to establish affordable rental rates and sales prices, to establish criteria for admission and occupancy, and to develop and prioritize current and long-range community housing programs.

These Guidelines shall be reviewed on an annual basis and updated as needed in order to account for the changes that are occurring within Blaine County, as well as to account for the annual adjustments to the income factors as made by U.S. Department of Housing and Urban Development (HUD). Once these Guidelines have been approved by the Board of Commissioners of BCHA, they will remain in effect until such time as amended Guidelines are approved by the same body.

1.3 Role of The Blaine County Housing Authority

The role of BCHA is to:

1. Qualify Applicants for Community Housing using the criteria set forth in these Guidelines and maintaining an Applicant Database of those persons eligible to rent or purchase Community Homes.
2. Match qualified Applicants with available Community Homes.
3. Monitor compliance with and enforcement of these Guidelines and deed covenants.
4. Develop the criteria by which Community Housing is located, designed, developed, and priced.

5. Provide recommendations regarding proposed Community Housing to Blaine County and its municipalities in accordance with these Guidelines.

1.4 Authority of the Blaine County Housing Authority

A. BCHA is an independent public body, corporate and politic created by Blaine County and has all the powers and authority bestowed upon a housing authority pursuant to Title 31, Chapter 42 and Title 50, Chapter 19, Idaho Code.

B. The authority of BCHA may be described generally as follows:

1. BCHA has the authority to administer to municipalities within Blaine County the Community Housing program in accordance with the covenants set forth in the deeds governing each Community Home including, but not limited to, the qualification and selection of purchasers, the administration of purchase and sale agreements, and the enforcement of compliance with the Community Housing covenants affecting the Community Housing property.

2. BCHA may be given authority by Blaine County and its municipalities to incorporate BCHA's location, type and design criteria, and pricing recommendations into proposed development plans and enforce the execution of approved Community Housing Plans for the development of Community Housing.

All capitalized words and terms are defined in Appendix A.

2. Qualifying to Rent or Purchase Community Housing

2.1 Basic Qualifications for the Rental or Purchase of Community Housing with an Income Category Deed Covenant

In order to qualify to rent or purchase an Income-Category Community Home, the Applicant/Applicant Household must meet the criteria stated in subparagraphs A through E below:

- A. The Applicant and Co-Applicant must be legal residents of the United States or be in the process of applying for legal residency and,
 - B. At least one non-dependent member of the Applicant Household must meet one of the following criteria:
 - 1. Be a Full-Time Employee working in Blaine County; or
 - 2. Be a Retired Person who was a Full-Time Employee in Blaine County immediately prior to his/her retirement and who currently lives in Blaine County as his/her Primary Residence; or
 - 3. Be a Disabled Person residing in Blaine County who was a Full-Time Employee in Blaine County immediately prior to his/her disability and who currently lives in Blaine County as his/her Primary Residence, and
 - C. The Applicant/Applicant Household states his/her intent to occupy the Community Home as his/her Primary Residence; and
 - D. No member of the Household may own developed residential real estate or a mobile home within Blaine County. (Exception: A Community Home Owner pursuant to Guidelines Section 2.5.)
- If the Applicant owns vacant (undeveloped) land in Blaine County while renting or owning a Community Home and the undeveloped land is later improved with a residence, the Applicant must relinquish the Community Home or sell the ownership interest in the later-developed residence; and
- E. The total Gross Income of all members of the Household shall not exceed the maximum Household Income specified in the current Income Limits published by BCHA on its website for the particular Income Category and Household Size; and
 - F. The Household Net Worth (the total net worth of all members of the Household) shall not exceed the Allowable Net Worth specified for the particular Income Category.

Table 2.1 Household Income Categories by Area Median Income (AMI).

Income Category	Percentage of Area Median Income
1	Less than 50%
2	50% to 60%
3	60% to 80%
4	80% to 100%
5	100% to 120%
6	120% to 140%
7	140% to 160%
8	160% to 180%
9	180% to 200%

2.2 Filing an Application for Rental or Purchase of a Community Home

STEP ONE: General Application

A. All persons wishing to rent or purchase a Community Home shall submit a General Application for Community Housing to BCHA (the current application can be found on BCHA’s website). The application to rent is a single step process (General Application form only); the application to purchase is a two-step process (General Application and Purchase Requirements). A General Application will be certified by BCHA as complete only when the necessary steps have been completed.

B. All Applicants (whether for purchase or rental of a Community Home) shall complete the General Application form provided by BCHA, by providing the following information Date of Application.

- Name of the Applicant and Co-Applicant. (And additional Co-Applicants, if any.)
- Applicant’s and Co-Applicant’s legal residency status.
- Applicant’s and Co-Applicant’s current mailing address.
- Applicant’s and Co-Applicant’s current phone number(s).
- Applicant’s and Co-Applicant’s personal e-mail address (if any).
- Relationship of Co-Applicant to the Applicant.
- Names and date of birth of dependent children.
- Applicant’s and Co-Applicant’s retirement and/or disability status.
- Volunteer information.
- Place of employment of the Applicant and Co-Applicant.
- Type of employment (job title) of the Applicant and Co-Applicant.
- Applicant’s and Co-Applicant’s consecutive years of employment within Blaine County.
- OPTIONAL Ethnicity/Race and Age information.
- Applicant’s and Co-Applicant’s current income.
- Applicant’s and Co-Applicant’s income for the past three tax years.
- Net worth of the Household.
- Applicant’s current or prior status as the owner of other real estate.

- Applicant's current status as the owner or renter of a Community Home.
- Applicant's completion of homebuyer's course and/or prequalification.
- Applicant's down payment and credit score information.
- Preferences (location, residence type, rent or own, etc.) for housing.

C. Upon receipt of the completed General Application, BCHA will provide the Applicant with a Letter of Eligibility specifying the Income Category. The Letter of Eligibility is based only on information supplied by the Applicant and, as such, is unverified; verification is explained further in Section 2.3 below.

STEP TWO: Purchase Requirements

D. If an Applicant desires to be in the Applicant Database to purchase a Community Home, he/she shall provide the additional following information to BCHA in order to be qualified for purchases:

- 1) Evidence of completion of the Homebuyer Education Course approved by BCHA;
and
- 2) The funds required for the down payment are available to complete the purchase.

E. At the time a Community Home is offered to an Applicant, the Applicant shall within 5 days provide the following information:

- 1) A pre-qualification letter from a recognized mortgage lender, evidencing that Applicant will qualify for a loan for the purchase price of Community Housing in the Income Category for which the Applicant is qualified and deemed eligible. To be acceptable, the lender must certify in the pre-qualification letter that a credit report has been obtained and the standard federal residential loan application has been completed and reviewed by the lender; and the Applicant is qualified to obtain a standard "principal and interest 30-year fixed rate loan" for a home in the price range for which the Applicant is eligible. The purpose of this requirement is to standardize the pre-qualification process; however, the Applicant may select from other loan products available at the time of purchase.

2.3 Verifying Application Information

A. In order to determine that an Applicant meets all of the criteria set forth in Section 2.1 and/or to verify the information provided in the application under Section 2.2, BCHA may request additional documentation such as proof of residency, income, assets, and employment. All information and documentation submitted shall be held as confidential by BCHA. All or some of the following may be requested:

- 1) Federal income tax returns for the last three (3) years;
- 2) A current income statement and a current financial statement, in a form acceptable to BCHA, verified by Applicant to be true and correct; or other financial documentation acceptable to BCHA. When current income is twenty percent (20%) more or less than income reported on tax returns, the Applicant's income will be averaged based upon current income and the previous year's tax returns to establish an Income Category for the purpose of purchasing a Community Home;

3) Verification of employment in Blaine County (i.e., wage stubs, employer name, address, and phone number, plus evidence of legal residency [Form I-9 Employment Eligibility Verification (rev 06/05/07) from U.S. Department of Homeland Security] or other appropriate documentation as requested by BCHA);

4) Copy of valid Idaho Driver's License or valid State Identification Card;

5) Vehicle registration, if owned;

6) If the Applicant has been divorced and receives alimony and/or child support, a certified copy of the divorce decree must be provided, including all exhibits, supplements and modifications to said decree; and

7) Any other documentation that BCHA deems necessary to make a determination of eligibility.

B. Once the Applicant's information is verified and until further action is initiated by either BCHA or by the Applicant, the Applicant's name and all information for individuals, Households, and/or Local Employers will be retained in the Applicant Database. In order to remain in the Applicant Database, on an annual basis, the Applicant must confirm or update the information. All information will be re-verified at the time an Applicant is selected to rent or purchase a Community Home.

C. It is the responsibility of the Applicant to make sure that information provided to BCHA remains current. Additionally, BCHA will, from time to time, contact Applicants to request updated information and to determine whether they wish to remain in the Applicant Database. Income, employer, and household size changes in particular can dramatically affect an Applicant's priority status. In the event that any information is deemed, in the sole opinion of BCHA, to be inaccurate, and the Applicant is unable or unwilling to provide corrected information or documents, the Applicant may be removed from the Applicant Database.

2.4 Process for Matching Applicants to Available Community Housing

A. To match Applicants with appropriate Community Housing, BCHA employs a system of ranking Applicants based on their profiles (including Household size and Income Category), the needs and priorities of the jurisdictions that need Community Housing (as may be set forth in the Development Agreement), and the length of the Applicant's employment in Blaine County.

B. In general, the matching process occurs as follows: When a Community Home becomes available, the Home size, type, Income Category, and location of that Home are checked against the Applicant Database. All Applicants matching the qualifications for a given Community Home are then grouped into the "Applicant Pool" for that Home.

C. This system also uses "Priority Points," which are additional considerations specific to the individual Applicant/Applicant Household. To earn Priority Points, an Applicant must qualify initially with regard to Income Category and Net Worth for the Community Home in question and then Priority Points are "earned" to establish the overall priority score for purchase or rental of a particular Home. Each Applicant in the Applicant Pool for any particular Home is assigned an overall priority score. An Applicant's overall priority score is unique to the

particular Home; in fact, their overall priority score will most certainly change if the property location changes relative to employment location, and other factors.

However, in the event that an Applicant has qualified for Priority Points as described under the Household size (Section 2.5.A.1) and the Applicant's Household size subsequently changes (due to marriage, divorce, separation, an increase or reduction in the number of dependents, etc.), the Applicant may be eligible for Priority Points under Section 2.5 (9) Special Circumstances. In any case, only a single set of Priority Points may be utilized by an Applicant (or Applicant/Household) in a subsequent application. At the time an Applicant actually purchases a Community Home, the Applicant's application will be extinguished and may not be used to qualify for another Community Home. If an owner of a Community Home wishes to purchase another Community Home, he/she must file a new application.

2.5 Priority Points and How to Accumulate Them

A. Applicants meeting the Household Income, Household Net Worth, and occupancy guidelines stated in Guidelines, Section 2.1 above will be ranked further according to a Priority Points schedule that is related to the location and type of the available Community Home using the following criteria:

1) **Household Size:** Maximum occupancy in a Community Home¹ is two adults per bedroom and the preferred minimum occupancy is one person per bedroom. Please note that Households with fewer than one person per bedroom are not eligible for points in this category.^{1,2} The following points may be earned based on the number of persons per bedroom (maximum 30 points available):

Two persons per bedroom, including dependent children	15 points
One person per bedroom	10 points
Households with children	15 points

¹ A minor child, 18 years or younger, or a dependent residing in the Community Home longer than 183 days out of any twelve-month period shall be counted as an occupant for purposes of determining occupancy.

² When a Community Home has been expanded or remodeled by the original qualifying homeowner to include another bedroom, minimum occupancy shall be based on the original bedroom count. Thus, for example, a single-person household would still meet the minimum occupancy even though a one-bedroom Community Home was expanded to a two-bedroom Community Home.

2) **Length of Continuous Employment in Blaine County:** Each six months as a Full-Time Employee within Blaine County earns 1.5 points (maximum 15 points available).^{3,4}

3) **Location:** The location of a qualified Applicant’s current employment within Blaine County in relation to the location of the available Community Home earns points as detailed below. *(In the event there is more than one person employed in the Applicant Household, the number of Priority Points will be based upon the person in the Household whose place of current employment is closest to the available Community Home).* BCHA also recognizes there are other factors, like proximity to schools, that Applicants value and the Applicant’s stated location preference earns points as detailed below. (maximum 20 points per household available):

Employment in same Zone as Community Home	10 points
Employment in adjacent Zone	3 points
Available home is in Applicant’s first preference	10 points
Available home is in Applicant’s second preference	3 points

“Employment Zones” are described as follows:

North Valley: includes areas north of Ketchum, the cities of Ketchum and Sun Valley and the area south of Ketchum to Cold Springs Road.

Mid Valley: includes the areas of Blaine County south of Cold Springs Road to north of Hailey city limits.

Hailey: Includes areas within Hailey city limits and areas south to the northern border of the Woodside area at Fox Acres Road.

Woodside: Includes areas from Fox Acres Road to the southern limit of the City of Bellevue.

South County: Includes all areas south of the City of Bellevue.

4) **Time in Applicant Database (from date of Letter of Eligibility):** Each month in Applicant Database earns 0.25 points, which is equal to three (3) points per year (maximum 10 points per Household available).

5) **Disability Status (applies to ADA accessible Community Homes only):** 15 points;

6) **Reserved.**

³Applicants who are currently residing in Blaine County as their Primary Residence and who are Retired Persons may determine their employment score under (b) Length of Continuous Employment in Blaine County, by counting the consecutive number of years of Full-Time Employment in Blaine County prior to retirement and adding the number of years of retirement as a full-time resident in Blaine County. If retirement began before age sixty (60), the Applicant may only count the number of consecutive years of Full-Time Employment in Blaine County and the number of years since reaching age 60.

⁴Applicants who are disabled may count the number of consecutive years of Full-Time Employment in Blaine County prior to the occurrence of the disability, plus the number of consecutive years of full-time residency since the disability occurred.

7) Essential Services Workers & First Responders:

Applicants employed in positions which are deemed by BCHA as Essential Services Workers. 10 points

Applicants employed in positions which are deemed by BCHA as First Responders (police, fire and EMS personnel only). 15 points

8) Current Community Home Owner(s): Person(s) who own a Community Home and wish to sell and move to a different Community Home, thereby making their current residence available to a new buyer shall receive 15 points.

9) Special Circumstances: Additional points, not to exceed 100 points, may be awarded by BCHA in special situations where a Household in a Community Home is reconfigured due to death or divorce and one member of the original Household wishes to retain the Community Home. In these situations, the Community Home will be available only to a qualified Applicant^{5,6,7} currently residing in the Home.

Please note that a transfer under this paragraph 9 requires payment of an Administration Fee to BCHA based on an hourly fee for services rendered as set by the Board from time to time.

10) Tenants currently residing in a Local Employer-owned Community Home: These Applicants shall receive first priority in the purchase of the Home should it be made available for sale, regardless of accumulated Priority Points. All regulations (such as time frames for Purchase and Sale Agreement presentation and acceptance) other than priority ranking will still apply to any such sale.

B. BCHA will, at the request of Blaine County, or a municipality within the County, award additional points to any of the above categories or expand the definition of a category in situations where a specific need is demonstrated.

⁵ An Applicant may count her/his years as a minor dependent (less than 18 years of age), as long as he/she can show proof that at least one of his/her parents or guardians was a Full-Time Employee in Blaine County during that time.

⁶ Applicants may count the years as an unemployed spouse, as long as the Applicant's husband/wife was a Full-Time Employee in Blaine County during that time.

⁷ Persons displaced from a residence in Blaine County due to conversion or reconstruction of that residence by government action may receive higher priority upon Special Review. This does not include persons displaced as a result of voluntary sale of their residential property for the purpose of its redevelopment.

2.6 Qualifications to Purchase a Community Home Subject to a Workforce Market Deed Covenant

Workforce Market Community Homes are intended to be occupied by Full-Time Employees or Retired Persons of Blaine County. The deed covenant on these Homes is designed to keep the Home available for the local workforce in perpetuity. A sample Workforce Market Deed Covenant may be viewed on BCHA's website or by request. These properties differ from Income-Category Community Housing because their sales prices are not limited by Income Category. Instead, the Homes may be sold for a price dictated by the market, provided that the proposed buyer meets the qualifications set forth in the Deed Covenant to which the Home is subject. Differing jurisdictions may have different forms of Workforce Market Deed Covenants and different definitions and qualifications for qualified buyers.

In such cases, BCHA shall issue a Letter of Qualification certifying that the buyer meets the requirements in the applicable Deed Covenant. After reviewing and verifying the information provided, BCHA shall issue a Letter of Qualification to each qualified buyer. Only an Applicant holding a Letter of Qualification may purchase a home subject to the Workforce Market Community Housing Deed Covenant. BCHA may charge a reasonable fee for the issuance of each Letter of Qualification. Each Certificate will have an expiration date of one year from issuance. Please note that a person requesting a Letter of Qualification need not be in BCHA Applicant Database.

3. Renting Community Housing

All Applicants interested in renting Community Housing must submit a General Application for Community Housing to BCHA (the General Application for Community Housing may be viewed on BCHA’s website or by request) and receive a Letter of Eligibility that indicates the Income Category and rental range for which the Applicant is eligible (See Section 2, “Qualifying to Rent or Purchase Community Housing”). In all cases, BCHA is the “qualifying agent” charged with providing landlords and owners of Community Housing with a list of qualified potential renters and with facilitating the rental of a Community Home. An administrative fee, as set by the Board, shall be charged to the landlord/owner for these services.

3.1 Procedures for the Rental of an Income-Category Deed Restricted Community Home

A. Each Community Home is designated for occupancy by residents within a certain Income Category. Thus, only those Applicants with incomes at or below the Income Category of the available rental will be eligible. In matching an Applicant to a specific Community Home, BCHA will employ the system of ranking Applicants based on their unique profile (as determined by the General Application and their total Priority Points) as well as the Community Housing needs in a given jurisdiction (as may be set forth in the Development Agreement) and the available housing (See Section 2.4 for a description of the Applicant matching process).

B. Once BCHA has received a Notice of Intent to Rent (a sample form may be viewed on BCHA’s website or by request) from the owner of rental Community Housing, BCHA will notify the rental Applicant with the highest number of Priority Points to determine their interest in renting the available Home. When there is more than one Applicant with the same total Priority Points, BCHA will notify (either in writing or by phone) each of the qualifying rental Applicants to determine their interest in the available Home. At that time, all application information will be updated and verified to the satisfaction of BCHA (Sections 2.3 and 2.4). Then, provided that the selection criteria are met, the first rental Applicant to respond will be given the opportunity to rent the Home.

C. With a single exception, a rental Applicant who is selected to rent a Community Home, but who decides not to take the Home, will not lose any Priority Points in consideration for future available Community Housing. However, should a rental Applicant be selected to rent a Community Home three times and refuse to rent the Home all three times, then that Applicant will receive a deduction of 15 Priority Points (as calculated in Section 2.5) on all future selection calculations.

3.2 Post-Rental Obligations/Requirements

Once an Applicant is successful in securing a rental Community Home through BCHA, the landlord must file a copy of the executed lease with BCHA. The Applicant/Tenant must use the Home as their Primary Residence and both Tenant and landlord must adhere to the following additional requirements:

A. If an Applicant/Tenant accepts permanent employment outside of Blaine County or resides in the Home fewer than nine (9) out of any twelve (12) months, he/she shall be deemed to have ceased to use the Home as his/her Primary Residence and shall be required to relinquish the Community Home; and

B. Every lease must provide disclosure that Tenants must be re-qualified for each year of the lease term.

C. Every Applicant/Tenant must execute an Acknowledgement and Acceptance of BCHA terms and conditions governing the rental of Community Housing. A sample of this form may be viewed on BCHA's website or by request.

3.3 Annual Re-Qualification to Rent Community Housing

A. The eligibility of Tenants to lease and occupy Community Housing that are managed by BCHA shall be reviewed and verified annually (i.e., re-qualified) to ensure that they meet minimum occupancy and income category requirements under BCHA Guidelines that are in force at the time of the review. (Tenants may, at time of annual renewal, exceed income category limits by up to a maximum of 10%.) BCHA shall charge the landlord an annual renewal fee as set by the Board.

B. To assist in this re-qualification process, BCHA will send a Rental Renewal Approval form (a sample of this form may be viewed on BCHA's website or by request) and instructions for re-qualification.

C. The Tenant shall, within 10 days:

- Complete the form
- Update application information if any changes
- Send a copy of current pay stub
- Send a copy of most recent tax return

D. The Rental Renewal form shall be sent concurrently to the landlord to verify rent, utilities, and lease dates within 10 days of receipt.

E. If, upon review and re-qualification, BCHA determines that the Tenant no longer meets the minimum occupancy and Income Category requirements (up to a maximum of 10% over category limits), the Tenant may continue to rent and occupy the Community Home at the rental rate, and upon the terms established by the landlord's lease, for up to six (6) additional months in order to provide adequate time to secure new housing or comply with the requirements. An additional extension may be provided upon successful appeal to the landlord and BCHA based on circumstances of serious illness or other hardship beyond the control of the Tenant.

4. Purchasing Community Housing

All persons interested in purchasing either Income Category or Workforce Market Community Housing must submit the appropriate Application to BCHA and receive as applicable, a Letter of Eligibility or a Letter of Qualification.

4.1 Procedures for the Purchase of a Deed Covenant Community Home subject to an Income Category

A. Each Community Home is designated for occupancy by residents within a certain Income Category. Thus, only those Applicants with incomes at or below the specified Income Category will be eligible. In matching an Applicant to a specific Home, BCHA will employ the system of ranking Applicants based on their unique profile (as determined by the General Application and their total Priority Points) as well as the Community Housing needs in a given jurisdiction (as may be set forth in the Development Agreement) and the available housing. See Sections 2.4 and 2.5 for Applicant matching process and Priority Point determination.

B. All Applicants interested in purchasing an Income Category Community Home must submit an Application for Community Housing (the General Application for Community Housing may be viewed on BCHA's website or by request) to BCHA and receive a Letter of Eligibility that indicates the Income Category of the Applicant (See Section 2, Qualifying to Rent or Purchase Community Housing). In all cases, BCHA is the "qualifying agent" charged with providing a qualified list of potential purchasers of Community Housing to the Seller.

C. First, BCHA will notify the for-purchase Applicant with the highest number of Priority Points to determine their interest in purchasing the available Home. When there is more than one Applicant with the same total Priority Points, BCHA will notify each of the qualifying Applicants to determine their interest in the available Home. The Applicant that responds first when notified by BCHA will receive the first opportunity to purchase the Community Home. At that time, all application information will be updated and verified to the satisfaction of BCHA (Sections 2.3 and 2.4). Then, provided that the selection criteria are met, the Applicant(s) will be given the opportunity to purchase the Home.

D. When the Applicant is matched to a Community Home, the Applicant will be required to sign documents necessary to permit BCHA to obtain a copy of the completed loan application submitted to the lender. If an Applicant fails to secure financing for that Home in the time period allowed (as it may be extended by the purchaser and the lender), that Applicant will be eliminated from consideration for purchase of that particular Community Home, but will not lose any priority in consideration for future available Homes.

F. The Applicant may engage the services of a licensed Real Estate Broker or may represent himself in the transaction. Any fees charged by the Real Estate Broker will be the responsibility of the Applicant.

G. Any co-ownership interest other than Joint Tenancy or Tenancy In Common must be approved by BCHA. Co-signers may be approved for ownership of the Community Home but may not jointly occupy the Community Home unless qualified by BCHA. No person may own

more than one Community Home either as a sole owner or as a Joint Tenant or Tenant In Common, nor may such person's spouse own another Community Home.

H. Each purchaser is required to sign an acknowledgment and acceptance of the Deed Covenant. (A sample of this form may be viewed on BCHA's website or by request)

4.2 Reserving a Community Home

BCHA will use all reasonable efforts to show new Community Housing to Applicants prior to the issuance of the certificate of occupancy. The qualified Applicant who is successfully matched with a Community Home will be given the opportunity to enter into a Reservation Agreement (a sample of this form may be viewed on BCHA's website or by request) for that Community Home. Upon the filing of the final plat the Reservation Agreement may be converted to a Purchase and Sale Agreement (a sample of this form may be viewed on BCHA's website or by request) in accordance with the terms of the Reservation Agreement.

4.3 Applicant Pool for a Particular Community Housing Development

A. Some Community Homes are located in developments that are constructed by or made available by a government agency or by a private developer for a particular group of employees (e.g. Blaine County School District). In those instances, a special Applicant Pool will be established for the particular development. If and when a Community Home in such a development becomes available for sale or re-sale, BCHA will first utilize the special Applicant Pool for that particular development to find qualified buyers.

B. Applicants in the special Applicant Pool will be prioritized under the same Housing Guidelines which were utilized initially to prioritize the Applicants, or according to special prioritization as may be approved by BCHA. The Applicant in the special Applicant Pool who most closely matches the particular Community Home in the development will be offered the opportunity to purchase the Home. To qualify, the Applicant must demonstrate that they are income- and net worth-qualified, and that they qualify for the same or more Priority Points as they had previously qualified for in the general Applicant Database. The most current income and net-worth limits will be used to assess income and net-worth re-qualification.

C. If the Applicant meets the above qualifications to purchase the available Community Home, the Applicant will be given the opportunity to enter into a Purchase and Sale Agreement. Otherwise, the next Applicant in the special Applicant Pool will be offered the chance to qualify. Should the special Applicant Pool for the Community Housing in that particular development be exhausted, the Applicants in the special Applicant Pool for smaller homes - should there be any- will be offered the chance to qualify for the larger home. Should the special Applicant Pool be exhausted without a Community Home being sold, it will be offered to the general Applicant Database and BCHA will follow the priority procedures as outlined in Section 2.4.

4.4 Post-Purchase Obligations/Requirements

Once an Applicant is successful in purchasing a Community Home through BCHA, a copy of the executed Purchase and Sale Agreement and closing documents must be filed with BCHA. The Applicant/Applicant Household must use the Community Home as their Primary Residence, comply with all provisions of the applicable Deed Covenant, and must adhere to the following additional requirements;

- 1) For continued residence after purchase, the owner must continue to meet the requirements of Section 2.1 A and B;
- 2) The owner must complete and submit to BCHA the annual compliance monitoring form;
- 3) The owner must cooperate with BCHA on regular review of property condition and maintenance issues to ensure compliance with provisions of the Deed Covenant. Deferred maintenance may result in the inability to realize the maximum sale price allowable by the Deed Covenant.

4.5 Options for Owners of Community Housing During a Required Leave of Absence

A. If an owner of a Community Home must leave Blaine County for a limited period of time and desires to rent the Home during the absence, a leave of absence may be granted by BCHA for up to one year upon clear and convincing evidence that shows a bona fide reason for leaving and a commitment to return to Blaine County. At least thirty (30) days prior to leaving, the owner must provide a letter to BCHA requesting permission to rent the Home during the leave of absence.

B. The leave of absence may be for up to one year and may, at the discretion of BCHA, be extended for up to one additional year, but in no event may the rental period exceed two consecutive years. The Community Home may be rented in accordance with the Guidelines during the authorized period so long as the Deed Covenant covering the Home permits the rental. The Tenant must be qualified by BCHA prior to execution of a lease. If the owner's leave exceeds two years, the Community Home must be released to BCHA for resale.

C. Prior to BCHA's qualification of a Tenant, said Tenant shall acknowledge as part of the lease that he/she has received, read, and understood the homeowners' association covenants, rules, and regulations for the Community Home and shall abide by them and shall maintain the home as required by the Deed Covenant. Enforcement of the covenants, rules, and regulations shall be the responsibility of the homeowners' association. A copy of the executed lease shall be furnished by the owner or tenant to BCHA.

D. In the event that the rental rate is not set forth in the Deed Covenant, the rent shall be established at the greater of "Owner's Cost" or the rent established in accordance with the Guidelines for Community Housing at the appropriate income category (see Section 7.2). "Owner's Cost" as used in this context includes the monthly mortgage principal and interest

payment, plus condominium/homeowner's association fees, plus utilities remaining in owner's name, plus property taxes and insurance prorated on a monthly basis, plus \$20 per month.

E. Additionally, an owner may request a one-time, in-county leave of absence for one (1) year by Special Review of BCHA with all the above conditions applying.

4.6 Procedures for the Purchase of a Workforce Market Community Home

A. Workforce Market Deed Restricted Homes may be sold to any qualified buyer as defined in the applicable deed covenant. The applicable deed covenant will, among other things, describe the following:

- 1) The owner's right to rent the home, and under what circumstances;
- 2) Any Administration Fee to be paid by the owner to BCHA;
- 3) Any restrictions on resale of the Home;
- 4) Any limits to appreciation that the owner may realize on resale; and
- 5) Any recapture provision.

B. The purchaser may engage the services of a licensed Real Estate Broker or may represent himself in a transaction. Any fees charged by the Real Estate Broker will be the responsibility of the purchaser.

C. Any person interested in purchasing Workforce Market Community Housing shall first obtain a Letter of Qualification from BCHA (See Section 2.6).

D. Each purchaser is required to sign an acknowledgment and acceptance of the Workforce Market Deed Covenant.

4.7 Purchase of Community Housing by Local Employers

Local Employers are recognized as important partners in the creation and ownership of Community Housing. In instances where a developer constructs or creates for-sale Community Housing, a Local Employer may desire to purchase some Community Housing for use as rental Housing for employees. Local Employers are exempt from the income and net worth requirements for owning Community Housing. Local Employers (who are not the developers of the Community Housing development) participating in this program must use the Community Housing as rental Housing for a minimum of two years and must comply with the Guidelines with respect to renting to their employees and with the terms set forth in the Deed Covenant. Local Employers who wish to be qualified as purchasers of Community Housing must apply to BCHA prior to the date the Notice of Intent to Sell is executed by BCHA. A Local Employer who is not the developer of the Community Housing development desiring to sell its Community Housing within two (2) years after the date of acquisition must offer the Community Housing for sale in accordance with Section 5 of these Guidelines.

A. Qualifying Local Employer must provide to BCHA the following:

1. The Local Employer must have offices and employees who work in the same city in which the Community Housing will be located. If the Housing is located in unincorporated Blaine County, the Local Employer's office and/or primary business activity must be located within ten (10) miles of the Community Housing. Exceptions to this provision may be granted, e.g. for telecommuting employees, by Special Review.

2. The Local Employer must provide evidence that it has employees who are qualified to rent the Community Housing. A listing of the positions and pay scales of the employees must be provided to BCHA. BCHA will review this list and provide a summary of the employees who would qualify to rent the housing.

B. Purchase Price of Community Housing for Local Employers:

BCHA shall determine within any given development the maximum prices and Income Categories of the Community Homes available for Local Employer purchase. The prices for the Homes will be the same for Local Employers as for the general public.

C. Limitations on the amount of Community Housing a Local Employer may purchase:

Subject to the exception set forth below, within any one development (including subdivisions, contiguous developments, condominium/townhome developments and scatter site developments by one developer), **Local Employers may purchase a cumulative maximum of thirty percent (30%) of the Community Housing for use as employee rental Housing.** Local Employers will be allowed to purchase an additional ten percent (10%) of the Community Homes for a total of forty percent (40%) of the Community Housing, provided that the remaining Community Housing has not been sold to Applicants during a period of ninety (90) days or longer. A developer may provide BCHA a written request to sell an additional ten percent (10%) with documentation that there is little or no interest from Applicants in the Applicant Database. BCHA will evaluate the request by Special Review.

D. Local Employer Use of Community Housing

Local Employers purchasing Community Housing must rent the Homes in accordance with these Guidelines. While it is assumed that Local Employers have purchased the Community Housing for their employees, they may also rent to the general public where permitted and in accordance with these Guidelines.

E. Compliance with the Guidelines:

1. To ensure that the Local Employer is in compliance with the Guidelines, they or their managing agents must provide evidence as reasonably requested by BCHA.

2. For any violation of the Guidelines, BCHA will issue a notice to the Local Employer. The Local Employer will have 30 days to correct the violation. If the violation goes uncorrected for more than 30 days, BCHA may force an immediate sale of the Home in question or initiate a plan to sell all of the Community Housing owned by the Local Employer and/or impose fines.

F. Purchase of Local Employer Owned Housing by the Employee:

After a minimum period of two years, a Local Employer who desires to sell its Community Housing may first offer the Housing to the employee renting the Home. If the employee does not wish to purchase or does not qualify for the purchase of the Home, the Home shall be offered to the Applicant Pool in accordance with Section 4.

4.8 Local Employer Developments

In those instances where a Local Employer develops “for sale” Community Housing for its employees, a special Applicant Pool will be established for the development pursuant to Section 4.3.

5. Selling Community Housing

Community Home ownership strengthens household ties to the community and provides opportunities for homeowners to invest in its economic health. To preserve the long-term affordability of Community Housing, all owners of Community Housing interested in selling are required to honor the applicable Deed Covenant and take certain steps to ensure compliance with it. BCHA will work diligently with Community Home owners to assist them in matching qualified buyers with their Community Homes. However, owners of Community Housing should be aware that BCHA does not guarantee the sale of a Community Home, nor that the Home will sell at any particular price or within any particular time frame.

5.1 Procedures for the Sale of an Income-Category Community Home

This section of the Guidelines is intended to assure that all purchasers and all sellers will be treated fairly and impartially by BCHA. BCHA will answer all questions and provide help to any potential purchasers or sellers equally and in accordance with the current Guidelines.

In pursuit of the goal, it should be clearly understood by and between all parties that the staff members and board of Commissioners of BCHA are not acting as licensed brokers or real estate agents representing any party to the transaction, but solely as representatives of BCHA and its interests.

5.1.1 Notifying BCHA of Intent to Sell

A. An owner interested in selling their Community Home should consult with BCHA staff and review the Deed Covenant to determine the maximum sales price permitted and other applicable provisions concerning a sale. The Deed Covenant and Section 7 of these Guidelines should be referenced for guidance to determine the pricing of “for-sale” Community Housing. Owners are encouraged to approach BCHA early in the process for the opportunity of generating reservations by interested Applicants.

B. The owner of the Community Home may list the property for sale with a licensed real estate broker or may represent himself/herself in the transaction. Any fees charged by the real estate broker shall be in addition to the Administration Fee due to BCHA pursuant to the Deed Covenant.

C. If a real estate broker is used, the broker must, within three (3) business days after execution of the listing agreement for the Community Home, sign an acknowledgement and agreement with BCHA that the sale will be conducted in accordance with the terms of the Deed Covenant on the Community Home and these Housing Guidelines.

D. Whether or not a real estate broker is engaged by the owner, the owner is required to execute and deliver to BCHA a “Notice of Intent to Sell” in the form provided by BCHA (A sample of this form may be viewed on BCHA’s website or by request). The selection of the purchaser and terms of the transaction will be as described in the Community Housing Guidelines in effect on the date BCHA receives the Notice of Intent to Sell.

E. The selection of the purchaser and approval of the sale price and terms shall be monitored and must be approved by BCHA. If BCHA receives a “Notice of Intent to Sell” from the owner, and the owner later fails to consummate a sale transaction, the owner shall reimburse BCHA in accordance with Section 5.3 below.

F. All purchasers and sellers are advised to consult legal counsel regarding terms of sale, examination of title, and any other contracts, agreements, and documents pertaining to the transfer of ownership of the Community Home. The retention of such counsel, licensed real estate brokers, or such related services, shall be at purchasers or seller’s own expense. BCHA Administration Fees and other fees are to be paid regardless of any expenses incurred by the seller or purchaser in connection with the sales transaction.

5.1.2 Selection of Purchaser and Solicitation of Offers

A. After BCHA receives the “Notice of Intent to Sell” from the owner (see Section 5.1.1.D. above), BCHA will initiate the Applicant qualification procedure, utilizing all of the Applicants within its Applicant Database to create the Applicant Pool for each Community Home to be offered.

B. BCHA will notify the for-purchase Applicant with the highest number of Priority Points to determine their interest in purchasing the available Home. When there is more than one Applicant with the same total Priority Points, BCHA will notify each of the qualifying Applicants to determine their interest in the available Home. The Applicant that responds first when notified by BCHA will receive the first opportunity to purchase the Community Home. At that time, all application information must be updated and verified to the satisfaction of BCHA (Sections 2.3 and 2.4). Then, provided that the selection criteria are met, the Applicant(s) will be given the opportunity to purchase the Home.

C. The Applicant selected under this procedure shall have five (5) days from the date of being notified by BCHA to execute a Purchase and Sale Agreement for the Community Home. If the Applicant does not execute a Purchase and Sale Agreement within that time period, he/she shall forfeit their position and the next person in line in the Applicant Pool will be notified and so on, until the Community Home is under contract for purchase.

D. If the owner and Applicant cannot reach an agreement, the next Applicant, per the Priority Point scoring system for the Community Home, will have the opportunity to present a Purchase and Sale Agreement to the owner for consideration. All subsequent Applicants will be allowed the opportunity, in like fashion, to purchase the Community Home until the Community Home is sold or all Applicants are rejected.

E. If the owner rejects all offers within the Income Category price range, then the owner shall be subject to the provisions of Section 5.3 (below) regarding the fee and reimbursement of costs due to BCHA.

5.2 Procedures for the Sale of a Workforce Market Community Home

This section of the Guidelines is intended to assure that all purchasers and all sellers will be treated fairly and impartially. BCHA will answer all questions and provide help to any potential purchasers or sellers equally and in accordance with the current Guidelines.

In pursuit of the goal, it should be clearly understood by and between all parties that the staff members and board of Commissioners of BCHA are not acting as licensed brokers or real estate agents representing any party to the transaction, but solely as representatives of BCHA and its interests.

5.2.1 Notifying BCHA of Intent to Sell

A. The owner of a Community Home subject to a Workforce Market Deed Covenant desiring to sell that Community Home should consult with BCHA staff and review the applicable deed covenant covering that Community Home, the procedures for qualifying potential purchasers, and the fees charged by BCHA.

B. The owner of the Community Home may choose to list the property for sale with a licensed real estate broker or may represent himself/herself in the transaction. Any fees charged by the real estate broker shall be in addition to any Administration Fees or other fees charged by BCHA.

C. If a real estate broker is used, the broker must, within three (3) business days after execution of the listing agreement on the Community Home, sign an acknowledgement and agreement with BCHA that the sale will be conducted in accordance with the terms of the deed covenant and the Housing Guidelines.

D. Whether or not a real estate broker is engaged by the owner, the owner shall execute and deliver to BCHA a “Notice of Intent to Sell” form (A sample of this form may be viewed on BCHA’s website or by request), provided by BCHA. The qualification of purchasers shall be as described in the Deed Covenant. The fees to be charged by BCHA shall be as set forth in the “Notice of Intent to Sell and Pricing Agreement”.

E. The selection of the purchaser and approval of the sale must be monitored and approved by BCHA.

F. All purchasers and sellers are advised to consult legal counsel regarding terms of sale, examination of title and any other contracts, agreements, and documents pertaining to the transfer of ownership of the Community Home. The retention of such counsel, licensed real estate brokers, or related services, shall be at the purchaser’s or seller’s own expense. Any fees due to BCHA are to be paid regardless of any other expense incurred by purchaser or seller in connection with the transaction.

5.2.2 Selection of Purchaser and Solicitation of Offers

A. Shall be as described in Section 5.1.2.

5.3 Administration Fees and Other Fees

A. Income-Category Community Homes:

At the closing of the sale, the seller shall pay BCHA an Administration Fee equal to three percent (3%) of the sales price or the amount set forth in the Deed Covenant if it is less than three percent (3%). The requirement to pay this fee is contained in the Deed Covenant and in the interest in the property held by BCHA. The fee is earned by BCHA during the term of each occupant's ownership and helps to support BCHA's efforts to promote and produce Community Housing in Blaine County, as well as its activities in the processes of purchaser selection and monitoring compliance. BCHA may instruct the title company to pay said fee to BCHA out of the funds held for the seller at the closing.

B. Workforce Market Community Homes:

At closing of the sale, the seller shall pay BCHA a fee as set forth in the deed covenant and/or as agreed upon in the Notice of Intent to Sell. The fee is earned by BCHA during the term of each occupant's ownership and helps to support BCHA's efforts to promote and produce Community Housing in Blaine County, as well as its activities in qualifying purchasers and monitoring compliance.

C. All Community Homes:

1) Unless otherwise instructed by BCHA staff, the seller shall pay a non-refundable prepayment of \$250.00 to BCHA at the time the owner delivers the signed Notice of Intent to Sell to BCHA. This amount will be deducted from the total Administration Fee due to BCHA at closing.

2) In the event that the seller fails to perform as specified in the Notice of Intent to Sell, rejects all purchase offers in cash or cash-equivalent terms, or decides to withdraw the Notice of Intent to Sell after advertising has commenced, the prepaid portion of the fee will not be refunded. In the event that the seller withdraws for failure of any bids to be received, the advertising and administrative costs incurred by BCHA shall be deducted from the fee and the balance refunded to the seller.

5.4 Acknowledgement of Deed Covenants

Each purchaser must execute, in a form provided by BCHA and for recording with the Clerk's Office of Blaine County concurrent with the closing of the sale, a document acknowledging the purchaser's agreement to be bound by the recorded deed covenant covering the Community Home and these Guidelines.

5.5 Additional Information Regarding Sales

A. Any co-ownership interest other than Joint Tenancy or Tenancy-in-Common is subject to approval by BCHA. Co-signers on a mortgage may be approved for ownership of the Community Home but may not occupy the Community Home unless qualified by BCHA pursuant to these Guidelines. Not more than one Community Home may be owned by the same person (Applicant), either as a sole owner or as a Joint Tenant or Tenant-in-Common, nor may such person's spouse (Applicant's spouse) own another Community Home.

B. If a Notice of Intent to Sell has been given to BCHA and the owner must relocate to another area before the Community Home has been sold, the home may, upon approval of BCHA, be rented to a qualified individual, in accordance with these Guidelines (See Sections 3 and 7) for a maximum period of two (2) years. Notice of the owner's intent to rent the Community Home should also be provided to any applicable homeowner's association at the time the rental request to BCHA is made. A letter requesting permission from BCHA to rent the Community Home until it is sold must be sent to BCHA before the home can be rented.

C. All Tenants must be qualified by BCHA and the Community Home must be leased pursuant to the terms set forth in the Deed Covenant on the Community Home or, if there are no such provisions in the Deed Covenant, upon terms approved by BCHA.

- 1) Each Tenant is entitled to a minimum six (6) month written lease that includes a move out clause with a sixty (60) day notification to the Tenant that the Community Home has been sold.
- 2) A copy of the executed lease shall be furnished by the owner to BCHA.

5.6 Extended Community Home Sale Process

In the event Owner, in good faith compliance with the procedures set forth in the Guidelines, exhausts the pool of Qualified Buyers provided by BCHA without entering into an agreement for the Sale of the Property, Owner shall notify BCHA of such occurrence in writing. Upon such written notice BCHA and the Owner may enter into an Extended Community Home Sale Process as outlined in this section.

5.6.1 After no less than 30 days from executing a Notice of Intent to Sell

- A. BCHA and Owner will meet to review activity to date.

The goal of this meeting is for BCHA and the Owner to discuss the needs and goals of the Applicant Pool in relation to the needs and goals of the Owner. Topics of discussion may include, but are not limited to, the appropriateness of the current listed price of the Community Home and ways to increase exposure for the Community Home to Qualified Buyers including the Owner considering engaging a licensed real estate professional to list the Community Home on the Multiple Listing Service (MLS).

- B. BCHA will expand marketing in areas like social media outlets, Craigslist, Zillow, Constant Contact, Mt. Express classified advertising.

5.6.2 After no less than 60 days from executing a Notice of Intent to Sell

- A. BCHA and Owner will meet to review activity to date.

In this meeting BCHA and the Owner will reevaluate the current listed price and review the results of the increased marketing efforts taken in 5.6.1. BCHA and the Owner will take corrective measures, if necessary, including but not limited to competitive pricing of the Community Home to attract Qualified Buyers.

- B. BCHA will offer the Community Home to Supplemental Applicant Pool I defined as:
 - a. Current qualified BCHA Applicants in the Income Category above the subject Community Home's designated category.
 - b. Other Qualified Applicants identified through increased marketing efforts.
- C. BCHA will expand marketing efforts in areas like real estate publications, movie theaters or radio advertising.
- D. The Owner will contract with a licensed real estate agent to list the Community Home on the MLS.

5.6.3 After no less than 180 days from executing a Notice of Intent to Sell and at least 120 days after implementing 5.6.2.

The provisions of 5.6.3 through 5.6.6 are only available to Owners that have listed their Community Home on the MLS at a reasonable price with respect to the market conditions for a minimum of 60 days and is contingent on the home remaining on the MLS for the duration of this process.

- A. BCHA offers to allow the rental of the Community Home according to the terms of the Deed Covenant or, if not covered in the Deed Covenant, the terms of these Guidelines (See Sections 3 and 7).
- B. BCHA reviews its option to purchase the Community Home according to the terms of the Deed Covenant.

5.6.4 After no less than 240 days from executing a Notice of Intent to Sell and at least 60 days after implementing 5.6.3.

- A. BCHA will offer the Community Home to Supplemental Applicant Pool II defined as:
 - a. All current qualified BCHA Applicants regardless of Income Category.
 - b. Other Qualified Applicants identified through increased marketing efforts.
 - c. The Deed Covenant remains in place.

5.6.5 After no less than 300 days from executing a Notice of Intent to Sell and at least 60 days after implementing 5.6.4.

- A. BCHA will offer the Community Home to Supplemental Applicant Pool III defined as:
 - a. Any Blaine County resident (regardless of income) who:
 - i. Works in Blaine County and
 - ii. Will occupy the home as their primary residence
 - b. Other Qualified Applicants identified through increased marketing efforts.
 - c. The Deed Covenant remains in place.

5.6.6 After no less than 390 days from executing a Notice of Intent to Sell and at least 90 days after implementing 5.6.5.

- A. BCHA exercises its option to purchase the Community Home (Board Approval Required), or
- B. BCHA permits an unrestricted sale (Board Approval Required).
 - a. Deed Covenant is terminated,
 - b. Owner sells unit at market rate through a BCHA approved real estate agent,
 - c. BCHA receives any amount of the market rate sale price above the price listed in the current Notice of Intent to Sell. This payment to BCHA is in consideration of the termination of the Deed Covenant.
 - d. This option requires a duly executed contract between the Owner and BCHA that is reviewed and approved by BCHA legal counsel to ensure the terms of this section are legally enforceable.

BCHA its staff and Board of Commissioners do not act as licensed brokers or real estate agents representing any party to the transaction, but solely as representatives of BCHA and its interests in administering the Deed Covenant Running with the Land.

The onus to sell the Community Home remains the responsibility of the Owner, and the Owner's licensed agent(s), throughout this process. If at any time during this Extended Community Home Sale Process BCHA determines, at its sole discretion, the Owner is not making a good faith attempt to sell their Community Home BCHA may terminate this process.

6. Developing Community Housing

Developers are required to contact BCHA and the local planning staff early in the conceptual stages of a development to determine how Community Housing obligations shall be met and/or the amount, size, type, and Income Categories of Community Housing and/or Employee Housing that are recommended for inclusion in the developer's Community Housing Plan. BCHA is interested in discussing with developers options that may benefit both the developer and the community. The final requirements for inclusion in the Community Housing Plan will be decided by the jurisdiction granting the development permit.

BCHA recognizes that non-profit organizations including Community Land Trusts and Community Housing Development Organizations (CHDO) are able to significantly leverage housing dollars thereby making it possible to construct or acquire more, and in some cases more appropriate, Community Housing, than private developers. As such, the conveyance of land and/or monetary funding by private developers are considered favorable methods of meeting Community Housing obligations. All methods shall be considered for developments on a case-by-case basis. For more details, see Section 6.8 below.

6.1 Priorities for Community Housing

The priorities set forth below are intended to serve as a guide to members of the development community, elected and appointed officials, planning and building department staff, and BCHA staff. BCHA remains flexible in its approach to providing Community Housing and Employee Housing, but not at the expense of listed priorities being ignored or not given due consideration.

A. The intent of BCHA is not to build one or two large complexes to accommodate the needs of the area's workforce, but to provide human-scale communities. Community Housing should be constructed with the intent to create, preserve, and maintain a sense of community. For example, where a development contains Community Housing, the Community Housing component should generally be dispersed throughout the market rate homes rather than concentrated in one specific portion of the development. The location of Community Housing should be balanced with the transportation, environmental, recreational, economic, and social needs of the overall community.

B. General priorities for preferred Community Housing types, sizes and location will be based on need as evidenced by ongoing assessments and the Applicant Database characteristics. BCHA remains responsive to market fluctuations, economic factors, and jurisdictional needs.

C. The pricing of Community Housing should reflect not only the need for affordable housing, but also the relative difficulty in producing such housing in Blaine County. In most cases, the respective City Council or the Blaine County Commissioners render the final decision on the Income Categories and prices for Community Housing. BCHA will recommend the average Income Categories for Community Homes in different areas of Blaine County in order to provide assistance to decision-making bodies.

D. The characteristics of the Applicant Database, published in BCHA's quarterly reports, will be used to determine the demand for various types of Community Housing within the community housing market. (Quarterly reports are available on BCHA's website).

6.1.1 Land Use Considerations

Developments should be compatible with present land use and zoning codes. Areas of high priority include:

- A. Sites adjacent to or near existing incorporated cities or unincorporated villages;
- B. Lands within municipal areas of impact;
- C. Sites that are adjacent to or that are zoned for residential use; and
- D. Development proposals with the potential to serve existing and newly developing commercial, service or industrial areas.

6.1.2 Transportation/Access

A. Sites should be developed with present and future public transportation systems in mind, and should have relatively easy access to existing arterial and collector routes and systems.

1) Priority for Community Housing should be given to sites that provide access to existing and/or proposed future busing, including school busing, Blaine County multi-use path system, and the regional public transportation system.

2) Developments that offer easy vehicular access to Highway 75 via existing connection nodes (East Fork Road, Deer Creek Road, Croy Canyon Road, Gannet Highway, etc.) are encouraged.

B. Developments within incorporated cities will not be required to have direct access to arterials or collectors. Pedestrian access and public transit access to job centers will be of greater emphasis in these areas.

6.2 Integration of Community Housing

Where Community Housing is to be provided on site, BCHA prefers Community Housing be fully integrated into the market rate homes. BCHA does not require that developers provide Community Housing in locations which could provide the developer the opportunity to maximize the sales price of market-rate housing, e.g. on top (penthouse) floors or building orientations that provide exceptional views; however, Community Housing should be spread among different floors and various orientations.

Within developments primarily targeting the second-home market, (e.g. time-share or fractional ownership homes), BCHA may recommend grouping Community Housing in order to foster a sense of community among the full time, working residents. Grouping of Community Housing may be allowed in single-family plats, provided that such grouping furthers the objectives of BCHA, preserves the sense of community, or meets other objectives of public benefit.

6.3 Community Housing Plan

Developers proposing to develop Community Housing or Employee Housing are required to submit a Community Housing Plan to BCHA for review and approval. It is strongly recommended that the planning staff having jurisdiction direct the developer to meet with BCHA staff to discuss the community housing requirements prior to making a written submittal for approval. BCHA will, upon approval of the Community Housing Plan, forward its recommendation together with a copy of the Community Housing Plan to the appropriate planning and zoning body for consideration.

6.3.1 Housing to be constructed by developer

The required elements of a Community Housing Plan where housing is to be constructed on or off site by the developer include the following, with suggested timeline for submittal:

Submit prior to or concurrent with application to jurisdiction:

These items are necessary for BCHA review and comment, which is required before the application is considered complete by the jurisdiction:

A. **Requirement Calculations.** Calculations determining the Community Housing Units that indicate each step of the calculation, per jurisdiction's ordinance.

B. **Method.** The method by which Community Housing Units (or alternatives) are to be provided.

C. **Analysis of Standards.** A written description of how the application meets the standards set forth in BCHA Guidelines.

D. **Location:** Identify the location of the proposed development.

E. **Site Plan:** Identify location (at least approximate location) of Community Housing within the proposed development.

F. **Community Housing Type, Range of Sizes, and Parking:** Identify home types (condo, townhouse, single family detached), range of sizes, and whether covered parking will be provided.

G. **Income Categories:** Identify the Income Categories of each of the proposed Community Homes by type and size. (Range of pricing will be discussed by BCHA and developer.)

H. **Delivery Schedule:** Provide the anticipated delivery schedule of the market rate, Community Housing, and Employee Housing.

Prior to jurisdiction approval of the development:

I. **Floor Plans and Building Elevations:** Provide floor plans and typical building elevations for market rate, Community Housing, and Employee Housing.

J. **Construction Standards:** Provide a general description of the proposed home finishes, appliance and carpet grades for the housing. BCHA minimum standards and specifications may be viewed on BCHA's website or by request.

K. **HOA Assessments:** Provide information regarding regular and special assessments for Community Housing and identify how these will be capped or otherwise kept affordable.

L. **Draft CCR's (or Rules and Regulations for rental properties):** Provide draft CCR's (or Rules and Regulations) that include provisions for maintaining affordability of Community Homes (e.g. Assessments) and that require BCHA approval of any amendments to these documents with respect to Community Housing provisions.

Prior to issuance of building permit:

M. **Pricing:** Provide the proposed sales prices/ rental rates of each Community Home by type, size, and Income Category. (Pricing should not be determined for units that may be delivered more than one year out, due to changes in Area Median Income.)

6.3.2 Conveyance of Land or Fees In Lieu of Development

The required elements of a Community Housing Plan where conveyance of land or fees in lieu are proposed shall be as determined by BCHA, but shall include at a minimum:

A. **Requirement Calculations:** Calculations determining the number of required Community Housing Units that indicate each step of the calculation, per jurisdiction's ordinance.

B. **In-lieu calculations:** Calculations determining the monetary amount of fees and/or land value that indicate each step of the calculation.

C. **Location:** Identify the location of the land to be conveyed, if applicable.

D. **Delivery Schedule:** Provide the anticipated delivery schedule of land and/or fees.

6.4 Community Housing Development Agreement

Once a proposed development has received conceptual approval by the government having jurisdiction, BCHA will provide the government having jurisdiction a Community Housing Development Agreement (a sample of this form may be viewed on BCHA's website or by request) between BCHA and the developer for incorporation into its final approvals of the development. This Agreement shall be executed prior to the issuance of the first building permit for the development, or prior to final plat approval for residential subdivisions of land that do not include construction of dwellings.

6.5 Community Housing Minimum Livable Square Footage

In general, BCHA will not approve a Community Housing Plan that does not meet certain size minimums. Developers may choose to construct larger Community Homes but allowable rental and sales prices for such larger Community Housing may not exceed the maximum rates set by BCHA. **Table 6.1** sets forth the minimum net Livable Square Footage for each Community Home Type and Income Category.

Table 6.1 Minimum Livable Square Footage for Each Community Home Type

Community Home Type	Square Footage for Income Categories 1-3	Square Footage for Income Categories 4-9
Multifamily Apartments		
Studio	450	600
1 Bedroom	550	700
2 Bedroom	750	900
3 Bedroom	950	1100
Duplex/Townhome/Condo		
1 Bedroom	750	900
2 Bedroom	900	1000
3 Bedroom	1050	1150
Single family		
2 Bedroom	1050	1250
3 Bedroom	1150	1350
4 Bedroom	1250	1450

Regardless of Community Home Type or Income Category, all bedrooms shall have a minimum interior dimension of 9’ 6” and a minimum interior square footage of 105 square feet and at least one window, a door, and a closet. Closets shall have a minimum width of 4’ 6” and a minimum depth of 2’. Developers are encouraged to design spaces that exceed these minimums. In addition, adequate storage space for bicycles, skis, camping gear, etc. must be provided.

The Livable Square Footage calculations are required for the Community Housing component of a development and must be verified by the appropriate building department prior to issuance of any building permits for either the free market or Community Housing component of the development. The planning and zoning departments or BCHA shall check the building permit application for compliance with the approved Community Housing Plan. The building department shall retain a set of approved building permit drawings for the development and the planning and zoning departments or BCHA may check the actual construction of the Community Housing for compliance with the approved Community Housing Plan.

When required Community Housing is set out in “number of Community Homes,” those homes shall be of a size and type comparable to the market rate units in the subject development, unless smaller configurations reflect the needs of potential purchasers in BCHA Applicant Database. For example, if a developer of a condominium development constructs market rate homes with an average size of 2,000 square feet and is required to provide one Community Home, the developer may suggest that providing one (1) 850 square foot, one-bedroom Community Home and one (1) 1,150 square foot, two-bedroom Community Home instead of one (1) 2,000 square foot Community Home. This proposed housing “mix” may better serve the Community Housing need. The smaller Community Housing configurations may also allow the developer to better utilize the site and/or may provide a better ratio of sale price to construction cost. The

decision to allow such trade-offs will be at the discretion of BCHA and subject to final approval by the governing body.

6.6 Income-Category Deed Covenant

The goal of BCHA is to ensure the long-term supply of desirable affordable Community Housing choices in all areas of Blaine County in order to maintain an economically diverse, vibrant and sustainable community. In order to ensure long term affordability of Community Housing, BCHA requires that an Income-Category Deed Covenant be recorded in the official records of Blaine County for every Community Housing property so designated by BCHA.

The Income-Category Deed Covenant sets the maximum sales price and/or maximum rental rates for community housing and limits future appreciation of ownership units. The Income-Category Deed Covenant (a sample of this form may be viewed on BCHA's website or by request) shall be recorded prior to the earlier of the issuance of the building permit or the recordation of the final plat for the subdivision in which the Community Housing is located.

6.7 Workforce Market Deed Covenant

A. BCHA encourages Community Housing that is price controlled by Income Category and by limited appreciation, both of which are limited by the Income-Category Deed Covenant in order to ensure affordability over the long term. However, BCHA has developed an alternative deed covenant, the Workforce Market Deed Covenant (a sample of this form may be viewed on BCHA's website or by request), in response to the City of Hailey's approval of developments to be offered to households with limited net worth who live and work in Blaine County. This alternative deed covenant allows Community Housing without limitations on pricing but with a defined "qualified buyer" profile.

B. BCHA will assist those jurisdictions utilizing a Workforce Market Deed Covenant by qualifying buyers in accordance with the definitions set forth in the governing Workforce Market Deed Covenant.

C. Since there is no history for predicting the preservation of long-term affordability under the Workforce Market Deed Covenant, BCHA considers its use a pilot project and will measure the results of its use over the next three to five years before recommending its use on future developments.

6.8 In Lieu Mitigation

As long as non-profit housing development organizations are able to significantly leverage available funding for the construction or acquisition of Community Housing, the payments of fees in lieu of housing construction and/or the conveyance of land may be considered acceptable methods of meeting Community Housing obligations. In fact, these methods may be preferred over the construction of on-site housing units by the developer. Each development will be considered on a case-by-case basis and developers are required to contact BCHA early in the planning process to work together to achieve the most desirable and cost-effective outcome for the provision of Community Housing.

BCHA recognizes that in some circumstances integrating Community Housing into the development may be inappropriate, impractical, and/or cause hardship to prospective owners or tenants due to a number of factors including, but not limited to:

- Development location is distant from an urban center and/or an employment center thus creating the need for additional transportation to and from employment and essential services;
- Life and safety issues;
- Inappropriate zoning;
- Association fees and potential assessment fees that are not affordable for the income categories targeted for the development;
- High density of affordable housing in the area;
- Development location is within the 100-year floodplain as defined by Federal Emergency Management Agency (FEMA).

When Community Housing is a condition of development approval by governmental jurisdiction(s), it is the policy of BCHA that those housing obligations be met by one of or a combination of, the following options, as recommended by BCHA on a case-by-case basis:

- On-site construction, integrated into the development and in accordance with the provisions of this Section 6.
- Off-site construction, pursuant to 6.8.1 below.
- Conveyance of land, pursuant to 6.8.2 below.
- Payment of fees, pursuant to 6.8.3 below.
- Conveyance of previously owned/occupied housing.

6.8.1 Off-Site Construction Option

A. The number of Community Homes constructed off site should be calculated at 100% for the Community Homes that would have been provided on site in the development.

B. The land use considerations set forth in Section 6.1.1 should be applied.

C. All off-site Community Homes should be located between the northern city limits of Ketchum/Sun Valley and the southern city limits of Bellevue.

D. There is a preference that the off-site Community Homes be located within the limits of the jurisdiction approving the development.

E. The development of the off-site Community Housing must be delivered concurrently and in same ratio as the delivery of market rate units.

6.8.2 Conveyance of Land Option

As long as non-profit housing development organizations are able to leverage available funding for the construction or acquisition of Community Housing, the conveyance of land is a highly favored method of meeting Community Housing obligations.

A. In order to fully protect the land conveyed as a community asset, the land shall be conveyed to the approving jurisdiction or to BCHA.

B. The land to be conveyed may be part of the development site, or in an alternate location preferably within the same jurisdiction. An alternate site must meet the requirements of the approving jurisdiction and be suitable for the development of Community Housing. At the very least, it should be located between the northern city limits of Ketchum/Sun Valley and the southern city limits of Bellevue.

C. The land must be appropriately zoned under applicable local law so as to permit the construction of both the required number and/or type of Community Housing plus sufficient market rate units to create a mixed-income and mixed-type development.

D. The land use consideration set forth in Section 6.1.1 should be applied.

E. There is a preference that the land conveyed for Community Housing be located within the jurisdiction approving the development.

F. In order to qualify as an acceptable in lieu mitigation, the land must be fully developable with roads, water supply, sewage disposal, and other basic services readily available. A soils report or other necessary reports may also be required, addressing whether the land is suitable for the type of construction contemplated and identifying any special construction techniques which may prove necessary for its development.

G. The land must have a fair market value at least equal to the in lieu fee amount calculated according to the formula contained in the codes and regulations of the applicable jurisdiction. This amount should be established at the time of preliminary plan approval. Fair market value shall be established, at the developer's expense, by a licensed professional real estate appraiser acceptable to the local jurisdiction. Fair market value shall be net of any customary real estate commission for the sale of land.

H. The conveyance of the land shall occur according to the delivery schedule as set forth in the Community Housing Plan, provided however that financial surety is in place prior to issuance of the first building permit for the development, or prior to final plat approval for residential subdivisions of land that do not include construction of dwellings.

6.8.3 In Lieu Fees Option

As long as non-profit housing development organizations are able to leverage available funding for the construction or acquisition of Community Housing, the payment of fees in lieu of housing construction is a highly favored method of meeting Community Housing obligations.

A. Pursuant to applicable land use and zoning codes and ordinances, a developer may satisfy the Community Housing requirement by payment of an in lieu fee. Acceptance of the in lieu fee shall be at the sole discretion of the respective governing body and in consultation with BCHA. Any such fees shall be paid according to a schedule as set forth in the Community Housing Plan, provided however that financial surety is in place prior to issuance of the first building permit for the development, or prior to final plat approval for residential subdivisions of land that do not include construction of dwellings.

B. All in lieu payments shall be made by the participating developer to the approving jurisdiction to be held in a fund dedicated to the development and administration of Community Housing, or shall be paid into the local housing trust fund administered by BCHA.

C. The method for calculating the in-lieu fee shall be determined by the jurisdiction in consultation with BCHA. BCHA's preferred method for calculating an in-lieu fee is referred to as the "Affordability Gap Method." Simply defined this is the difference between the market rate price and the price that is affordable to the target household. In those jurisdictions which express the required Community Housing in "units," the units will be converted to square feet based upon Table 6.1 (Minimum Livable Square Footage for Each Community Housing type) using a mix of Community Housing types approved by BCHA.

6.8.4 Conveyance of Previously Owned/Occupied Housing Option

Because of the potential for increased maintenance risks and costs associated with previously owned or occupied dwelling units, the potential inability to amend CCRs already in place, and because it is unclear whether the conveyance of previously owned/occupied housing adds to the affordable housing stock, BCHA recommends that jurisdictions use extreme caution when such units are proposed to satisfy Community Housing obligations.

A. The land use considerations set forth in Section 6.1.1 should be applied where applicable.

B. All previously owned/occupied housing proposed as Community Homes should be located between the northern city limits of Ketchum/Sun Valley and the southern city limits of Bellevue.

C. There is a preference that the previously owned/occupied housing proposed as Community Homes be located within the limits of the jurisdiction approving the development.

D. The delivery of the previously owned/occupied housing proposed as Community Housing should be delivered concurrently and in same ratio as the delivery of market rate units, or in a schedule as set forth in the Community Housing Plan.

E. A home inspection must be conducted by a certified home inspector, selected by BCHA, at the sole cost of the developer. All recommended repairs and/or upgrades should be completed at the sole cost of the developer to ensure that the home is in good and safe condition. The home should meet the minimum construction standard set forth in BCHA’s Minimum Construction Standards (available on BCHA’s website or by request) to the extent feasible.

F. The developer shall ensure that HOA regular dues and special assessments shall be capped to ensure the affordability of the home. If existing CCR’s require amendment for such provisions, the jurisdiction shall require such amendments to be completed prior to approval. The cost of amending CCR’s shall be paid for by the developer.

G. The developer should establish and provide initial funding for a capital reserve fund, as appropriate, to ensure that money will be available for future capital expenses related to the home.

6.9 Development of Employee Housing

A. In those instances where Employee Housing is required by the local jurisdiction, BCHA has developed criteria for housing types, design, and Income Categories. It is envisioned that Employee Housing will be provided by an employer on a rental basis. To ensure continued affordability of the Employee Housing, permanent covenants running with the land that will restrict rents to prescribed Income Categories should be recorded prior to the issuance of the certificate of occupancy. The covenants will allow for periodic Income Category adjustments based upon a clear showing that an adjustment is justified based upon the current employee profile. Such covenants should be reviewed and approved by BCHA.

B. In order to promote healthy living conditions for employees and cultivate long term employment, there is a strong preference for Employee Housing containing 1 bedroom and 1 bath or 2 bedrooms and 2 baths with rent levels based upon Income Categories 2-3, unless and to the extent that the employer can show that more highly compensated employees will occupy the Housing.

6.9.1 Employee Housing Minimum Livable Square Footage

In general, no Employee Housing should be accepted for development which does not meet certain size minimums. **Table 6.3** sets forth the allowable minimum Livable Square Footage recommended for each Employee Home type and Income Category.

Table 6.3 Minimum Livable Square Footage for Employee Housing

Employee Home Type	Square Footage for Income Categories 1-3	Square Footage for Income Categories 4-6
Multifamily Apartments:		
Studio	400	600
1 Bedroom	550	700
2 Bedroom	750	900
3 Bedroom	950	1100

6.9.2 Design Criteria for Employee Housing

All Employee Housing designed to accommodate roommates should provide separate closets for each occupant. BCHA recommends that studios should be limited to one occupant. Each bedroom should be sized to accommodate sleeping arrangements for two unrelated adults and should contain, at least, one window, a door and closet(s). Each Employee Home should contain adequate storage space for bicycles, skis, camping gear, etc. Dishwashers, garbage disposals, self-cleaning ovens, frost-free refrigerators, sound insulation, efficient heating system, and internet service are highly recommended. Individual utility metering is encouraged to discourage excessive usage and waste. Whenever possible, individual outside entries should be provided without the use of a common hallway. Adequate onsite parking should be based upon the employee profile provided by the operator.

6.9.3 Location of Employee Housing

The development of Employee Housing is preferred in close proximity to the employment site and, where site conditions permit, on the employment site.

6.9.4 Employee Qualification

When the approving jurisdiction appoints BCHA to manage or monitor the Employee Housing, employees selected or designated to occupy Employee Housing shall meet the income qualifications of BCHA. Monthly Gross Rental Rates shall not exceed the current published maximum gross rental rates for each Income Category published by BCHA. BCHA shall have the right to periodically monitor employee qualifications and rent levels to ensure compliance with these Guidelines.

6.9.5 Administration Fees

BCHA may charge the operator of the employment center and the Employee Housing a reasonable fee annually for monitoring compliance with the Employee Housing program.

6.10 Building Code Compliance and Inspections

A. All new Community Housing subject to a deed covenant must be in a marketable condition and comply with the applicable building code and with all rules, regulations, and codes of all governmental utilities and agencies having jurisdiction. The determination of whether a Community Home is in “marketable” condition shall be at the sole discretion of BCHA. Prior to sale, all Community Housing must be inspected and approved by a certified building inspector, architect, engineer, or other professional approved by BCHA for compliance with the Development Agreement and the Community Housing Plan. Cost of such inspections shall be the responsibility of the developer, and the results of such inspection must be approved by BCHA.

B. Developers must correct punchlist items promptly and cooperate fully with BCHA and the Buyer in resolving construction deficiencies and warranty items.

6.11 Minimum Construction Standards

BCHA's Construction Standards shall be used in the construction of Community Housing or Employee Housing. (Available on BCHA's website or by request).

7. Income Categories and Pricing

A. Income Categories are used by BCHA to determine the appropriateness of Community Housing development proposals in a given location and also to determine which Applicants shall be considered for particular Community Homes. These Income Categories are based on percentages of the Area Median Income (AMI) that are assigned to Blaine County by HUD on an annual basis. A Household may purchase or rent a Community Home in a higher Income Category, but not in a lower Income Category.

B. The Household Net Worth shall not exceed the published allowable net worth specified for the particular Income Category. Current income limits and allowable net worth are available on BCHA’s website or by request.

Table 7.1 Household Income Categories by Area Median Income (AMI).

Income Category	Percentage of Area Median Income
1	Less than 50%
2	50% to 60%
3	60% to 80%
4	80% to 100%
5	100% to 120%
6	120% to 140%
7	140% to 160%
8	160% to 180%
9	180% to 200%

7.1 Calculation of Sales Prices for Newly Constructed/Available Community Housing

Maximum sales prices are calculated based upon the federal affordability calculation allowing thirty percent (30%) of Household Income to be allocated to monthly housing cost. The sales price for newly constructed/available Community Housing varies according to the Area Median Income in any given year and according to the calculation of the “maximum monthly housing cost.” “Maximum monthly housing cost” includes the following monthly payments:

- Principal, interest, and mortgage insurance payment (if any) on first mortgage
- Escrow payment of property taxes and property insurance
- Land lease payments, if any
- Homeowners/condominium association fees, if any
- Utility costs

7.1.1 Calculation of Maximum Sales Price

The maximum sales price is based on the minimum income of an Income Category in order to ensure that the price of a Community Home is affordable to every purchaser within that Income Category, or by adding \$1.00 to the maximum income in the next lower Income Category. For example, the maximum housing cost for Income Category 4 is calculated by taking the income amount shown in Income Category 3 and adding \$1.00.

BCHA has developed the “Community Housing Price Calculator” for ease in determining maximum sale price. This spreadsheet performs the above calculations when the applicable interest rate and HOA dues assumptions are input. Please contact BCHA office or find the Community House Pricing Calculator on BCHA’s website. (www.bcoha.org)

To calculate the maximum sales price, follow the steps below:

Step 1. Determine the maximum monthly housing cost by Income Category and Home Size.

Step 2. Deduct 15% of the maximum monthly housing cost for real estate taxes, insurance, and utilities.

Step 3. Deduct any homeowners fees or other required payments such as a land lease payment from the amount arrived at in Step 2.

Step 4. Obtain the interest rate from BCHA. **The goal of BCHA’s Community Housing Programs are permanent affordability. Therefore, current interest rates do not necessarily apply in setting the initial price for Community Housing. The indexed resale calculation in the Deed Covenants (the affordability mechanism) is based on the initial purchase price. Setting too low of an interest rate for the initial purchase price will require additional subsidy to keep these homes affordable when interest rates rise.**

Step 5. Utilizing the payment arrived at in Step 3 and the interest rate assumption from Step 4, calculate a total maximum allowable sale price for the Home.

7.2 Maximum Monthly Gross Rental Rates for Community Housing

A. The maximum monthly gross rental rates for newly constructed/available Community Housing are published by BCHA on a schedule in conjunction with the release of Income Limit data provided by HUD. The latest maximum monthly gross rental rates can be found on BCHA’s website. These monthly Gross Rental Rates shall be in effect for the term of the initial lease (six (6) month minimum). Thereafter, the maximum monthly gross rental rate can be adjusted in accordance with the published maximum monthly gross rental rates at the time of renewal. The maximum monthly GROSS RENTAL RATES are based on a housing payment equal to thirty percent (30%) of the Household Income per month. This gross rental rate figure includes utilities. Please contact BCHA for a Utility Allowance Analysis based on each unit’s size, appliances and heat source to get a net rental rate figure. The maximum Net Monthly Rent will be less than the published Monthly Gross Rental Rates.

B. Maximum monthly gross rental rates are used for developments not subsidized by federal tax credits. (Developments subsidized by the Low Income Housing Tax Credit program use the published maximum rents issued by the Idaho Housing Finance Association (IHFA); these figures are adjusted annually). Rental rates shall apply whether the Community Homes are provided furnished or unfurnished. Rental rates include (and may not be increased to pay for) all operational costs of managing the rental development, including the cost of utilities in common areas, condominium dues, management costs and taxes.

C. Tenants must be qualified by BCHA and be issued a Letter of Eligibility prior to renting or occupying any Community Home for rent that is subject to a deed covenant. The owner shall be required to provide a copy of the proposed lease agreement with the Tenant to BCHA for approval, which shall be given or denied within five (5) working days after receipt by BCHA. Leases shall meet occupancy standards and allowed rental rates, and shall be for a minimum term of six (6) consecutive months. An executed copy of the lease agreement shall be provided to BCHA prior to occupancy by the Tenant. (This is not a requirement of properties that are governed by the Low Income Housing Tax Credit program and/or the HOME Loan program.)

D. In those hotel, lodge, commercial, agricultural operation, or residential developments in which BCHA has been appointed to manage or monitor to Employee Housing, employees of the ownership or management entity who meet BCHA requirements have first priority for renting Employee Housing associated with that development. If there are no qualified persons directly employed by the owner or manager, the Housing shall be offered to other qualified persons according to the procedures in Section 2.4 of the Guidelines.

E. All Community Housing for rent must comply with the applicable building code and all rules, regulations, and codes of all governmental bodies and agencies having jurisdiction. At their own expense, owners of Community Housing for rent must maintain the interior and exterior of the total structure (including all living areas therein). They must also keep adjacent open areas in a safe, clean condition and in good order and repair.

8. Procedures for Special Review and Grievances

The Blaine County Housing Authority is committed to creating and maintaining a user-friendly process that provides the long-term supply of desirable and affordable Community Home choices in all areas of Blaine County for those who work and subsequently retire here. However, situations may arise where either a Grievance needs to be addressed or a Special Review is appropriate to provide resolution to a situation. BCHA will respond to Applicants, Tenants, Sellers or Owners of Community Homes who are experiencing difficulty through one of the two processes described below:

8.1 Petition for a Special Review

Any Applicant/Tenant/Owner petitioning for a Special Review may file a petition in writing with BCHA stating 1) the ground(s) for the Special Review request, 2) the action requested, and 3) the name, address, and telephone number of the petitioner, and similar information about his/her representative, if any.

Upon receipt of the petition BCHA Board of Commissioners may delegate the Special Review to staff or BCHA will convene a Special Review Committee to review the petition and additional evidence, if any, presented by the petitioner at the next regularly scheduled meeting of BCHA. The Special Review Committee, shall be appointed and report back to BCHA Board pursuant to Article IV, Section 11 of BCHA by-laws.

BCHA will provide petitioner a written decision and include therein the reasons for its determination. BCHA will make every attempt to render a decision within thirty (30) days after the filing of the petition; however, the matter may be continued at the discretion of BCHA.

8.1.1 Grievance Procedure

Any Grievance must be presented in writing to BCHA. It may be simply stated, but must specify: 1) the particular ground(s) upon which it is based; 2) the action requested; and 3) the name, address, telephone number of the complainant and similar information about his/her representative, if any. Upon presentation of a written Grievance, a hearing before BCHA shall be scheduled. The complainant shall be afforded a fair hearing providing the basic safeguard of due process, including notice and an opportunity to be heard in a timely, reasonable manner.

The complainant and BCHA shall have the opportunity to examine and, before the hearing at the expense of the complainant, to copy all documents, records, and regulations of BCHA that are relevant to the hearing. Any document not made available by BCHA or the complainant, as applicable, after written request may not be relied upon at the hearing. The complainant has the right to be represented by counsel. The matter may be continued at the discretion of BCHA.

The Grievance hearing shall be conducted by BCHA as follows:

A. Oral or documentary evidence may be received without strict compliance with the rules of evidence applicable to judicial proceedings.

B. The right to cross-examine shall be at the discretion of BCHA and may be regulated by BCHA as it deems necessary for a fair hearing.

C. Based on the records of proceedings, BCHA will provide a written decision and include therein the reasons for its determination. The decision of BCHA will be binding and BCHA shall take all actions necessary to carry out the decision. Every attempt shall be made to settle a Grievance with BCHA within six months after the date the Grievance is filed.

D. The decision of BCHA may be appealed to the Blaine County Commissioners in writing within ninety (90) days after the date the decision is rendered.

E. If the complainant fails to appear at the scheduled hearing, BCHA may make a determination to postpone the hearing or make a determination based upon the written documentation and the evidence submitted.

The foregoing, together with all appendices, comprises the Blaine County Housing Authority's Community Housing Guidelines, as adopted on March 18, 2015.

David Patrie, Executive Director

Date

STATE OF IDAHO)
) ss.
County of Blaine)

On this ____ day of _____, 20__, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared David Patrie, the Executive Director of the BLAINE COUNTY HOUSING AUTHORITY, an Idaho independent public body corporate and politic, known to me, or proven to me by oath and identification, to be the person whose name is subscribed to this instrument, and acknowledged to me under oath that he executed the same on behalf of said housing authority.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Name: _____
Notary Public for Idaho
Residing at _____
My commission expires _____

Appendix A: Definitions

Administration Fee – The fee charged by BCHA in connection with a completed purchase and sale transaction or a rental lease transaction as compensation for the creation of and monitoring compliance with the deed covenants of Community Housing.

Applicant/Applicant Household – Persons or households that have completed the application process to obtain, either through purchase or rental, a Community Home.

Applicant Database – The group of persons who have submitted applications to BCHA for the rental or purchase of housing subject to a deed covenant (or other housing managed or administered by BCHA).

Applicant Pool – A group of Applicants selected from the Applicant Database and matched to a specific property for consideration to either rent or purchase that property.

Assets - Anything owned by an individual that has commercial or exchange value. Assets consist of specific property or claims against others, in contrast to obligations due others.
Assets = Liabilities + Owner's Equity.

Capital Improvements - Unless otherwise defined in the deed covenants covering the Community Housing unit, any fixture erected as a permanent improvement to real property that enhances the value of the property, excluding repair, replacement, maintenance costs, and standard depreciation when applicable.

Community Housing/Home - Dwellings restricted (typically via deed covenant) by size and type for individuals meeting asset, income and minimum occupancy Guidelines approved by BCHA and the appropriate governmental body, whichever shall apply.

Co-signer - A joint signatory of a promissory note, mortgage and/or deed of trust, who may not occupy the Community Home unless qualified by BCHA.

Deed Covenant - A contract entered into between BCHA and the owner or purchaser of real property identifying the conditions of occupancy and resale. Also known as a “deed restriction.”

Disabled Person/Dependent - A person who meets the definition of "individual with a disability" contained in 29 U.S.C. Section 706(8), and/or as defined in the Americans with Disabilities Act of 1990.

Essential Services Worker - An employee of an organization that provides a service deemed by BCHA to be essential to the health, safety and welfare of the community. Such employment includes, but is not limited to, the following: clerical fire and police department workers, hospital

emergency room technicians, registered nurses, social service workers (mental health and abuse case workers), communications dispatchers through the Sheriff's Office or Police Department, full-time on-call water, sewer and street department personnel, schoolteachers and various support staff. A written verification of employment duties from the employer is required. Such verification shall also demonstrate the need of that agency to house essential workers in the Blaine County area. Final determination of Essential Service Worker status shall be at the sole discretion of BCHA.

Employee Housing - Housing which is required to be developed in conjunction with an agricultural or commercial enterprise and is intended for rental by the employees of the enterprise. The rental rates for such housing are set forth in Section 7 and the recorded deed covenants.

First Responder - An employee of an organization or government entity that provides front line emergency services within Blaine County. Such employment includes, but is not limited to firefighters, mountain rescue, sheriff's deputies, police officers, ambulance drivers and emergency medical technicians. Final determination of First Responder status shall be at the sole discretion of BCHA.

Full Time Employee - A person who is employed and physically working in Blaine County for one or more employers on the basis of a minimum of 1,500 hours worked per calendar year in Blaine County (which averages 35 hours a week). The term **Employed** means having a job with one or more employers in Blaine County. Breaks in employment which do not disqualify Applicant include: temporary physical or mental disability, acting as primary caretaker of ill relative, extended vacation not to exceed six months every six years, and full-time education or training. Although these breaks in employment do not disqualify Applicants, the time spent in such activity cannot be included in the total number of years when calculating consecutive years of employment. Only the actual time that an Applicant is gainfully employed in Blaine County will be utilized in the calculation of Priority Points.

Fixture - Personal property which has been attached to or installed on land or a structure thereon in such a way as to become a part of the real property.

Grievance - Any dispute that an Applicant, purchaser, seller or tenant may have with BCHA with respect to action or failure to act in accordance with the complainant's rights, duties, welfare or status.

Gross Income - The total income derived from a business, trust, employment and from income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances. Gross Income shall also include alimony and child support.

Gross Rental Rate - The total cost (including but not limited to utilities, management fees, taxes, dues, snow removal, etc) charged to a qualified renter for community housing.

Household - All individuals who will be occupying the Community Home.

Household Income – The total Gross Income of all individuals who will be occupying the Community Home. Adjustments to Gross Income for business expenses may be made for persons who are self-employed.

Income Category – The classification of annual income based upon household size as a percentage of the Area Median Income assigned to Blaine County by the U.S. Department of Housing and Urban Development.

Joint Tenancy - Ownership of real property by two (2) or more persons, each of whom has an undivided interest with the right of survivorship. Joint tenancy is typically used by related persons.

Liabilities - Those monetary obligations and debts owed to someone by an individual.

Livable Square Footage - Is calculated on interior area and is measured interior wall to interior wall (i.e., “paint-to-paint”), including all interior partitions. Also included, but not limited to, are habitable basements and interior storage areas, closets and laundry area. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

Local Employer - A business whose business address is located within Blaine County and whose business employs persons within Blaine County.

Maximum Sale Price – The allowable sale price as determined by the Community Housing Price Calculator, or for subsequent sales, as set forth in the applicable Deed Covenant.

Net Worth/Household Net Worth - Combined net worth (all assets minus all liabilities) of all individuals who will be occupying the Community Home, regardless of legal status. Retirement accounts will be reviewed on a case-by-case basis to determine whether or not they shall be included in the net worth calculation.

Primary Residence - The sole and exclusive place of residence. The owner or renter shall be deemed to have ceased to use the Community Home as his/her sole and exclusive place of residence by accepting permanent employment outside of Blaine County, or residing in the Community Home fewer than nine (9) months out of any twelve (12) months.

Retired Person – A person who

- (a) has (i) resided in or (ii) was either self-employed full-time or was a Full-Time Employee in Blaine County, Idaho, for not less than ten (10) out of the twenty-five (25) years prior to the date of qualification;
- (b) shall not have a Net Worth (as such term is defined in Generally Accepted Accounting Principles) in excess of the maximum allowed in Section 7 of these Guidelines; and
- (c) does not own any other developed residential real property or dwelling units in Blaine County, Idaho, or anywhere else in the United States of America.

Retirement Age – 60 years of age.

Senior - A person of the age of 60 years or more.

Special Review - A review of a petition to waive a provision of these Guidelines due to special circumstances. The process for a Special Review is described in Section 8.1.

Tenant - A person who is leasing or has leased a Community Home that is subject to these Guidelines, and any qualifying potential lessee or past lessee of any such home, but only with respect to any issue arising under these Guidelines.

Tenancy in Common - An ownership of real property by two or more persons, each of whom has an undivided interest, without right of survivorship. Upon the death of one of the owners, the ownership share of the decedent is inherited by the party or parties designated in the decedent's will.