



**\*\*\*SPECIAL MEETING\*\*\***  
**BLAINE COUNTY HOUSING AUTHORITY**  
Thursday, January 08, 2026, 2:00 PM  
191 5th St. West, Ketchum, Idaho 83340

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## AGENDA

### PUBLIC PARTICIPATION INFORMATION

Public information on this meeting is posted outside City Hall.

**We welcome you to watch Board Meetings via live stream.**

You will find this option on our website at <http://www.bcoha.org>.

**If you would like to comment on a public hearing agenda item, please select the best option for your participation:**

- Join us via Zoom (please mute your device until called upon)  
**Join the Webinar:** <https://zoom.us/j/95503161717>  
Webinar ID: 955 0316 1717
  - Address the Board in person at Ketchum City Hall or the Hailey City Hall dependent upon the meeting location.
  - Submit your comments in writing at [info@bcoha.org](mailto:info@bcoha.org) (by 24 hours prior to the meeting)  
This agenda is subject to revisions. All revisions will be underlined.
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**CALL TO ORDER:** By Board Chairman Keith Perry

**ROLL CALL:** Pursuant to Idaho Code Section 74-204(4), all agenda items are action items, and a vote may be taken on these items.

**COMMUNICATIONS FROM BLAINE COUNTY HOUSING AUTHORITY BOARD:** Communications from the Board of Directors

1. Public Comment submitted
2. Public Comment in person

**COMMUNICATIONS FROM THE LIASONS:** Updates from the Liaisons on their jurisdictions

3. Liaison Reports

**CONSENT AGENDA:**

*ALL ACTION ITEMS - The Board is asked to approve the following listed items by a single vote, except for any items that a board member asks to be removed from the Consent Agenda and considered separately.*

4. Recommendation to Approve Exception Request- Heather Nicolai, Operations Manager

**ADJOURNMENT:**



# BLAINE COUNTY HOUSING AUTHORITY

## BOARD MEETING AGENDA MEMO

Meeting Date:  Staff Member:

Agenda Item:

### Recommended Action:

"I move to approve the Exception Request to allow vacant community housing apartments at the 1<sup>st</sup> and 4<sup>th</sup> Condominium development to be able to be marketed and leased to BCHA applicants who:

- (a) Do not fall in the designated income categories for these apartments, and/or
- (b) Who do not meet the employee definition in BCHA's policies (i.e. seasonal workers)"

### Policy Analysis and Background (non-consent items only):

A portion of the 1<sup>st</sup> and 4<sup>th</sup> community housing apartments transition to employee housing on May 1<sup>st</sup> and there aren't year-round employees interested in leasing for the short time frame. BCHA staff request an exception to broaden the eligibility criteria and thus the pool of applicants for these vacant apartments. The request derives from our current policies not allowing apartments to be rented to applicants whose income does not fall within the designated income category for the apartment and for applicants who do not meet the full-time, local employee definition without prior approval of the board.

#### Background

Twelve (12) of the fifteen (15) community housing apartments at the 1st and 4th Condominium development are transferring to hotel employee housing May 1, 2026. As these 12 apartments have come up for rental recertification in the past 6 months, BCHA staff has struggled to fill these apartments as existing tenants have moved out. Currently there are two 1-bedroom/Category 5 and two 1-bedroom/Category 4 apartments empty and available. Property Management has reduced the rent for the Category 5 apartments to help entice applicants to sign a short-term lease. One of these units has been vacant since July 2025, two since October 2025 and the most recent unit became vacant at the end of December 2025.

BCHA policies prohibit renting to applicants who do not fall into the income category the apartment's designated income category:

*"BCHA will not qualify a Tenant for the rental of a Community Home designated Category 1 through 6 to an Applicant whose income category is higher or lower than the unit's designated category. BCHA will not qualify a buyer for the sale of a Community Home designated Category 1 through 6 to an Applicant whose income category is higher than the unit's designated category. (Section 1.E.5)"*

BCHA staff has repeatedly invited applicants whose self-reported income and household size fall in the income category and have been unable to fill these apartments. Since it is common for self-reported income to be inaccurate, staff also invited applicants from the income category above and below. Applicants comment on how nice the apartments are. They are not turning down the apartments because they are too expensive, evidenced by the owner's reduction of the rental rate by \$185. This reduction is an example of the owner's good-faith effort to adhere to the deed covenant, which states, *"If City provides Declarant with Qualified Occupant(s) in a timely manner and determines that the Declarant is not, in good faith, proceeding with signing a rental agreement and providing the right of possession to Qualified Occupant, the City may after written notice and opportunity to cure determine that the Declarant is in default pursuant to Section 6. The Declarant, if noticed in writing to be in violation by the BCHA or City, shall pay monetary damages to the City that equal the Maximum Rent for the duration of the known violation. Property vacant for more than three (3) months or ninety (90) days following City's written referral constitutes a default. (Section 3.1.a)"*

Applicants are turning down the apartments because of the shorter lease terms. Depending on where applicants fall under income category, they may be paying more/less than 30% of their income for housing costs.

However, these shorter lease terms may be more appealing to seasonal workers. To qualify as an employee under BCHA policies they must work *"a minimum of 1,500 hours worked per calendar year (average of 30 hours per week). (Section 1.F.12)"* Seasonal workers would not qualify for the 1,500 hours annually but could qualify for 30 hours per week. If the owner rents to an ineligible renter without this exception, then the owner must pay a fee and be considered in default of the covenant:

*"If City/[Program Administrator] is notified in writing that the Declarant may be renting to an Ineligible Renter, the City/[Program Administrator] will notify the Declarant in writing, requesting documentation and clarification from the Declarant. If the City/[Program Administrator] confirms Declarant knowingly allowed occupation by an Ineligible Renter, monetary damages must be paid to the City/[Program Administrator] that equal the difference between the Maximum Rent, if any, and (i) the monthly rent charged, as confirmed by bank statements, a signed Rental Agreement, a signed tenant statement, or other documentation accepted by the City/[Program Administrator] for the duration of the violation. Upon such determination, the Declarant must work with the City/[Program Administrator] on transitioning out the current Ineligible Renter to a Qualified Occupant. (Section 3.1.b)"*

**Criteria that must be met to approve the exception request:**

*"The Board may approve, approve with conditions or alterations, or deny a request for an Exception. A decision to approve a request for an Exception must be based on the request and any supplemental documents or information considered meeting following requirements:*

- (a) The strict application of the Policies to the Applicant, Tenant, or Owner causes an undue hardship or burden, and not merely an inconvenience or issue of preference, which is unique to the person and circumstances for which the request is made.*
- (b) The strict application of the Policies to the Applicant, Tenant, Owner is the primary cause of the undue hardship or burden, such that the remedy of any other contributing factors would not relieve the Applicant, Tenant, or Owner of the undue hardship or burden.*
- (c) Approval would be consistent with the spirit, purpose, and intent of the Policies.*
- (d) Approval will not give the person requesting the Exception an undue or unfair advantage over another person, but will merely relieve them of the undue hardship or burden;*
- (e) Approval would not conflict with any provisions of the BCHA Deed Covenant on the property subject to the request.*

(f) *Approval is the only reasonably available remedy to the undue hardship or burden, and the exception is not overly broad in its scope. (Section 6.A.4.)”*

**Staff recommendation:** Approve the exemption request to allow vacant apartments at the 1st and 4th development to be able to be marketed and leased to BCHA applicants who:

- (a) Do not fall in the designated income categories for these apartments, and/or
- (b) Who do not meet the 1,500 hour per year work requirement in BCHA’s policies (i.e. allow seasonal workers)

The analysis of the Exception Request, if the above conditions are applied, are as follows:

CRITERIA	STAFF RECOMMENDATION
<p><b>Undue hardship or burden on BCHA</b> refers to the idea that an accommodation or modification would be unreasonable to provide. When determining if an accommodation is reasonable, courts consider a number of factors, including:</p> <ul style="list-style-type: none"> <li>- <b>Resources:</b> The resources of the entity that would be providing the accommodation</li> <li>- <b>Purpose:</b> Whether the accommodation would undermine the purpose of the requirement</li> <li>- <b>Nexus:</b> Whether there is a clear connection between the requested accommodation and the individual's circumstances</li> <li>- <b>Fair housing laws:</b> Whether the accommodation would violate fair housing laws</li> </ul>	<p><b>NO:</b> There is no undue hardship or burden in allowing the vacant apartments to be temporarily occupied by applicants who don’t meet all BCHA income and employee requirements.</p>
<p>The strict application of the Policies to the Applicant, Tenant, or Owner causes <b>an undue hardship or burden</b>, and not merely an inconvenience or issue of preference, which is unique to the person and circumstances for which the request is made.</p>	<p><b>YES:</b> The application of the policies is an undue hardship as these apartments have been unable to be rented, some of them have been empty for months. This is a real loss of revenue to the owner.</p>
<p>The strict application of the Policies to the Applicant, Tenant, or Owner causes an undue hardship or burden, and not merely an inconvenience or issue of preference, <b>which is unique to the person and circumstances for which the request is made.</b></p>	<p><b>YES:</b> These apartments are unable to be rented due to the shorter-term leases. There are no other community housing apartments in the portfolio that are set to transition to hotel employee housing. Not approving this request would place the property management team in default of their covenant due to apartments remaining vacant. By approving this request, it would allow these apartments a better opportunity to be filled and allow property management to remain in compliance.</p>
<p>Approval would be <b>consistent with the spirit, purpose, and intent of the Policies.</b></p>	<p><b>YES:</b> The apartments would be occupied by and provide stable housing for a local occupant.</p>
<p>Approval <b>will not give the person requesting the exception an undue or unfair advantage over another person</b>, but will merely relieve them of the undue hardship or burden.</p>	<p><b>NO:</b> This is a temporary solution to a unique situation.</p>
<p>Approval would <b>not conflict with any provisions of the BCHA Deed Covenant</b> on the property subject to the request.</p>	<p><b>NO:</b> Approving the exemption to the policies would enable them to remain in compliance with the covenant.</p>

Approval is **the only reasonably available remedy** to the undue hardship or burden, and the exception is not overly broad in its scope

**YES:** Due to the unique nature of these apartments only being available for shorter term (approximately 4 months) approving the exemption would better allow these apartments to be filled and enable the property management to remain in compliance.

**STAFF RECOMMENDATION: Approve the exemption request.**

Attachments:

1. Resolution 2026-01

RESOLUTION 2026-01  
BEFORE THE BOARD OF COMMISSIONERS  
OF THE BLAINE COUNTY HOUSING AUTHORITY  
BLAINE COUNTY, IDAHO

A RESOLUTION OF THE BLAINE COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS APPROVE AN EXCEPTION  
REQUEST

WHEREAS, the vacant community housing apartments at the 1<sup>st</sup> and 4<sup>th</sup> development are unable to be rented due to their shorter-term availability; and

WHEREAS, the BCHA staff is requesting that BCHA provide exceptions to allow vacant community housing apartments at the 1st and 4th Condominium development to be able to be marketed and leased to BCHA applicants who:

- (a) Do not fall in the designated income categories for these apartments, and/or
- (b) Who do not meet the employee definition in BCHA’s policies (i.e. seasonal workers);” and

WHEREAS, the BCHA Board and administrative staff agree with the justifications set forth in the Exception Requests, and believe that the circumstances are unique because of short-term availability of the apartments; and

WHEREAS, the BCHA Board and administrative staff agree that the strict application of the policies are the primary cause of the undue hardship or burden; and

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Blaine County Housing Authority, Blaine County, Idaho, as follows:

The Blaine County Housing Authority Board of Commissioners approve the Exception Request filed by BCHA Staff, Heather Nicolai, attached and incorporated herein.

*[This space left intentionally blank]*

DATED this \_\_\_\_ day of \_\_\_\_\_, 2026

ATTEST:

BLAINE COUNTY HOUSING  
AUTHORITY BOARD OF  
COMMISSIONERS

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Chair