

**Telluride Housing Authority  
Employee Qualification and Waiting List Policy**

[As amended through December 2, 2003]

**Section 1  
Intent and Philosophy**

**1.1 Intent and Purpose of Policy** The Telluride Housing Authority (THA) has created this Policy to:

- a. establish guidelines to determine eligibility for housing units under the control of THA;
- b. define a "Shandoka Qualified Employee" and
- c. set policy for administration of the Shandoka wait list.

This policy is intended to help preserve a sufficient supply of affordable housing to meet the needs of locally employed residents in the Telluride R-1 School District. The Housing Authority invites public input on any aspect of this Policy.

**1.2 Guiding Philosophy** The Board of Directors has set the following goals in creating the provisions of this Policy:

- a. **Fairness** This Policy is to be applied fairly to all persons affected.
- b. **Compliance with Other Laws, Restrictions and Regulations** Certain provisions of this Policy are in place to maintain compliance with the Deed Restrictions of the Property (as set by agreement with the Town of Telluride), and with applicable State Law, contractual obligations of various projects and programs, and Federal Regulations. Those provisions are so noted.

**Section 2  
Definitions**

**Adult** A person who is 18 years of age or older.

**Applicant** A person who has submitted a standard application to THA and paid the application fee.

**Child** A person who is less than 18 years of age.

**Dependant** A person who is a Child, Elderly, Handicapped or Disabled and who can be legally claimed as a dependant on a Federal Income Tax return.

**Disabled** Defined According to the Social Security Act: "A person who is unable to

engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period." This definition shall be automatically changed to match the corresponding change made in the Social Security Act.

**Elderly** A person who is sixty years of age or older.

**Employment** Documentable services performed for other persons or entities with or without compensation.

**Family** A group of people consisting of at least one Adult Shandoka Qualified Employee and at least one Dependant Family Member.

**Family Member** A person who is related to a Shandoka Qualified Employee by blood, marriage, legal action or long-standing relationship who lives with the Shandoka Qualified Employee at least 50% of the time.

**Handicapped** A person who has a physical or mental impairment which will be of long and indefinite duration and which impedes the person's ability to secure Employment.

**Minimum Employment** Demonstration of an intent to work at least 1000 hours per year within the boundaries of the Telluride R-1 School District.

**Occupant** A person who maintains a residence as her/his principle place of living for more than 30 days.

**On-call Town Employee** Employees of the Town of Telluride whose job description designates on-call status. A specific on-call Town Employee shall be either a named person or an unfilled open position, which the Town of Telluride has advertised to fill.

**Pre-Leasing Agreement** An agreement between an Applicant and Telluride Housing Authority in which the Applicant gives THA a deposit and agrees to lease and occupy a unit during a certain time period.

**Priority** The order in which waiting list applications are received. Priority is assigned in the order the application is received.

**Resident** A person who lives in a particular place for more than six months out of a year is considered a Resident of that place.

**Shandoka Qualified Employee** A person who meets the requirements of Section 3 of

this Policy.

**Tenant** A person who is granted the rights of tenancy by a written lease agreement with THA.

### **Section 3**

#### **Definition of Shandoka Qualified Employee**

**3.1 Minimum Definition of Shandoka Qualified Employee** A Shandoka Qualified Employee shall be a person who

- a. is employed and who works or can demonstrate intent to work an average of at least 1000 hours per year within the boundaries of the Telluride R-1 School District; or,
- b. is Elderly, Handicapped or Disabled and who has been a Resident within the boundaries of the Telluride R-1 School District for at least one year immediately prior to the effective date of a lease or rental agreement; or,
- c. holds a rental assistance voucher issued by the Telluride Housing Authority or any governmental entity within San Miguel County authorized to issue such certificates or vouchers.

and who meets such additional qualifications as the Telluride Housing Authority may set from time to time.

No Shandoka Qualified Employee shall be permitted to own or occupy Employee Housing or Affordable Housing if such Employee, such Employee's spouse or such Employee's Dependent owns any material interest, direct or indirect, in a improved "Single-Family Residence" or "Condominium" zoned for "Residential" use (as such or similar terms are defined in the Land Use Code applicable to property) located elsewhere in the Telluride R-1 School District. This prohibition includes full or partial corporate, partnership, trust or other ownership established for the purpose of evading this provision or to provide beneficial interest sufficient to permit use and occupancy by the owner or part owner.

### **Section 4**

#### **Additional Requirements of Employment, Income and Residency**

**4.1 Shandoka Deed Restriction** Units in Shandoka are restricted by agreement with the Town of Telluride to be occupied only by individuals who are Shandoka Qualified Employees and their Family Members. This provision may only be changed by amending the Shandoka Affordable Housing Development Agreement.

- c. **Tenants and Other Occupants** All Shandoka Qualified Employees who occupy a Shandoka unit shall be listed as Tenants on the Lease. Dependents

may occupy a Shandoka unit but shall have no rights or responsibilities of tenancy under the Lease. Additional rules of leasing may be found in Section 7 below.

**d. Income Limit at Application**, the cumulative total yearly income for the previous calendar year of all Occupants of a unit shall not exceed five times the total yearly housing cost for the unit. The total yearly housing cost is defined as rent plus average utilities for the type of unit. The total yearly income is defined as the gross income less any exemptions which the family would be entitled to under the regulations set forth in the United States Housing Act of 1937 as amended. The Executive Director of the Authority will maintain a list of the income requirements for each unit and update the same as rent and average utility costs change, together with an explanation of the exemptions to income allowed. This provision is set by the Laws of the State of Colorado and by the Indenture of Trust for the Project financing. It may not be modified. Occupants or prospective occupants may request a higher exception rent as a means of complying with this limitation. Exception rents will be set from time to time by the THA Board of Directors by resolution. Such resolution may specify conditions upon which the exception rents may be granted.

## **Section 5**

### **Waiting List Procedure for Shandoka**

**5.1 Shandoka Waiting List Application** Applications for the Shandoka Waiting are available at the THA offices. Only complete applications will be accepted. A non-refundable application fee, a social security number and a photo ID are required elements of the application. Applicants must provide a San Miguel County phone number and mailing address in order to be considered. Applicants are responsible for updating THA with any new contact information, including changes in telephone numbers and mailing address.

**5.2 Town of Telluride Special Preference** Application for Special Preference under the provision for certain Town Employees shall be made by the Town Manager only. This provision is set by agreement with the Town of Telluride and may only be changed by amending the Shandoka Affordable Housing Development Agreement.

**5.3 Waiting List Applications Order** Any person who qualifies as a "Shandoka Qualified Employee" may apply for the Shandoka Waiting List. Except as noted below, the Waiting List shall be kept in first-come, first-served order.

**5.4 Shandoka III Special Priority** For Shandoka Phase III units only, an available unit shall be offered to the highest applicant on the Waiting List who qualifies as a Family. If there are no applicants on the Waiting List who qualify as a Family, an available Shandoka Phase III unit shall be offered to the highest non-Family applicant on the Waiting List.

**5.5 Town of Telluride Special Preference** Special preference shall be granted to any Town of Telluride on-call Employee for up to five units total in all three phases of Shandoka, ahead of all other applicants. This Preference shall only be granted in cases where there are fewer than five units leased to on-call Town Employees who obtained their units by this Preference and where the Town Manager has applied on behalf of the on-call Town Employee at least thirty days prior to the availability of such a unit. A unit shall be considered "available" if on the date of application by the Town Manager one of the following conditions exists:

- a. The current Tenant(s) have given the Authority written notice of their desire to vacate the unit on a date at least thirty days beyond the date of application by the Town Manager for the unit; or,
- b. The Term of the Lease ends on a date at least thirty days beyond the date of application by the Town Manager for the unit,

and no Lease or Pre-Leasing Agreement has been signed with any other party effective on a date following the date on which the current Tenant(s) desire to vacate the unit. At any time when there are fewer than five units leased to on-call Town employees, THA shall not sign a lease or Pre-Leasing Agreement for the available unit more than 45 days prior to the first day of the lease for that unit. A Shandoka Phase III unit shall not be considered "available" for this preference if the Town Preference applicant does not qualify as a Family and there are applicants on the regular waiting list who do qualify as a Family. The establishment and administration of this shall not be changed to conflict with the Shandoka Affordable Housing Project Agreements.

**5.6 Waiver of Waiting List Order and Procedures** At its discretion, THA Staff may waive any or all waiting list procedures in order to ensure the financial viability of the Shandoka project.

**5.7 Unit Offers** When a unit comes available, the procedure for contacting Applicants will be as follows:

- a. The first Applicant on the waiting list will be **contacted by phone** and offered the unit.
- b. Once contacted, the Applicant will be given at least one business day to accept or decline the unit offered. Upon acceptance of the offer, the Applicant will be required to execute a standard Pre-Lease Agreement for the unit.
- c. The Pre-Lease Agreement will require a deposit of \$200.00. If the applicant is Elderly, Handicapped, Disabled or a holder of rent subsidy voucher, the required deposit is \$50.00. The Pre-Lease Agreement requires that:
  1. a Lease be executed on or before a certain date set by THA Staff based on the prior resident(s) moving out;
  2. all verifications (updates) of income and employment be provided prior

to the execution of a Lease;

3. all statements of fact on the Application, Pre-Lease Agreement and all other paperwork be true and correct to the best of the Applicant's knowledge and belief.

4. if these requirements are not met, or if any of the other terms of the Pre-Lease Agreement are violated, the Applicant shall forfeit both the deposit and the right to lease the unit.

d. If the Applicant declines the unit offer, disposition of the Application is as follows:

1. If the Applicant currently has a lease in her or his name which does not allow the Applicant to move without penalty, the Applicant may stay on the waiting list without change in Priority. If the Applicant is offered the same unit type a second time, Staff may remove the Applicant from the waiting list at its discretion.

2. In other cases, an offer of a unit which is not accepted will result in the removal of the Applicant's name from the Waiting List.

**5.8 Purging of Waiting List** Twice per year, THA Staff will contact each person on the Waiting List via telephone or US Mail. The purpose of this contact is to require an Applicant to contact THA within a specific time frame, confirming continued interest in the Waiting List and updating phone numbers and addresses.

**5.9 Choice of Unit** The following rules apply to choice of unit:

**a. Unit Changes** When a unit is vacated, current Tenants (who are registered on a unit transfer waiting list) have first choice ahead of new Applicants for that unit, thereby allowing a Tenant to change the type or location of his/her unit. A unit shall not be considered "available" to the Waiting List until all unit change requests have been evaluated. If a unit becomes available during a Tenant's lease term and the Tenant desires to move to the new unit, then the Tenant will be responsible for both the rent of the new unit and the rent of the old unit, until the old unit is rented. A Tenant must complete one year of tenancy and be in good standing with THA before s/he is eligible to apply for a unit transfer.

## **Section 6** **Verifications**

**6.1 Verifications** Following is a list of acceptable forms of verification:

Residence: Certification of Residency shall be based on criteria including, but not limited to percent of income earned within the Telluride R-1 School District, place of voter registration, driver's license address, signed lease or rental documents, income tax records and public service involvement within the Telluride region.

Income: Copy of previous year's income tax statement, and/or a sworn statement by Applicant.

Employment: Certification of Employment shall be based on criteria including, but not limited to, percent of income earned within the Telluride R-1 School District, income tax records, signed statement of employer on letterhead or on THA verification form, copies of pay stubs which indicate number of hours worked, and public service involvement within the Telluride region. Those who are self-employed may also be required to supply a copy of their business license showing a place of business within the boundaries of the Telluride R-1 School District in addition to such other verification as THA Staff may reasonably require.

Intent to Work: Determination of intent to work in the future may be made on the basis of evidence including, but not limited to, work patterns and references prior to moving to San Miguel County, income tax records, current employment within the Telluride R-1 School District, percent of income earned from employment sources and public service involvement.

60 Years or Older: Copy of driver's license, passport or birth certificate.

Handicapped or Disabled: Signed statement of physician or copy of Letter of Determination from the Social Security Administration.

On-call Town Employee: Application by Town Manager on behalf of the Employee.

In verifying any of the requirements outlined in Section 3 or 4 herein, compliance with all of the given criteria is not necessary. THA Staff shall consider the criteria cumulatively, as they relate to the intent and purpose of the Policy, and may also require additional or alternate means of verification to document unusual cases.

**6.2 Duration of Verification and Certification** THA may request an update of any verification or certification at any time if Staff either has reason to believe that the applicant's circumstances have changed, or for any reason 120 days after the information has been presented to THA. A person who occupies affordable housing may be required to vacate their unit if THA finds that the person no longer meets the applicable qualifications.

## **Section 7** **Shandoka Leasing and Occupancy**

**7.1** All Occupants of the unit must be listed on the Lease. It shall be the sole responsibility of the Occupants to provide necessary documentation of eligibility to THA Staff and to execute all required forms and documents to make changes in the Lease.

**7.2** Shandoka's maximum occupancy standards:

- two adults per one bedroom unit;
- four adults per two bedroom unit;

- six adults per three bedroom unit.

Occupants may request a Staff review of the maximum occupancy standards if one or more of the occupants is under the age of six.

**7.3 Lease Renewals** In order to renew the lease, Occupant(s) must be re-qualified under this policy.

- a. At its sole discretion, THA Staff will determine if a new Lease is offered to a Tenant. Denial of a new Lease may be based on: 1) repeated late payment of monthly rent; 2) lack of cooperation with THA Staff in complying with reasonable requests for information; 3) behavior, which in the sole opinion of THA Staff, causes an unreasonable annoyance to other residents or damages the premises, building or grounds; or, 4) other behavior, which has caused significant inconvenience or damage to THA. THA Staff shall inform the Tenant in the notice of termination that the Tenant has been denied an offer of a new Lease.
- b. Under certain circumstances and at their discretion, THA Staff may allow a Lease to continue after the termination date (“Holdover”) on a month-to-month basis with the same terms and conditions and monthly rent, as described in the Lease agreement. During such Holdover period, the Lease may be terminated on the first day of any calendar month upon 30 days prior written notice by either the Tenant or THA. Under no circumstance may the Holdover period exceed 90 days.

**7.4 Town On-call Employee Leases** Leases may not be signed on behalf of an unfilled open position for a Town On-call Employee, and units will not be left empty pending filling of an open position.

## **Section 8** **Exceptions and Appeals**

**8.1 Appeals of Staff Decisions** An appeal of decisions made by Staff in administration of this Policy may be made by the affected party. Applications for appeal must be made in writing, submitted to Staff no later than 30 days from the date of the Staff decision being appealed, and accompanied by a \$25.00 non-refundable fee. Exceptions may be granted to these criteria on a case by case basis by THA, provided THA finds such exception will promote the provision of affordable housing.

## **Section 9** **Amendments to this Policy**

**9.1 Resolution to Amend the Policy** Any amendment shall be proposed to the Telluride Housing Authority Board of Directors for its approval. Such amendment shall be presented in the form of a written resolution of the THA Board of Directors, and shall be subject to the notice and hearing procedures established by the Telluride Town Council for its written resolutions.