

ORDINANCE NO. 22

Series 2022

AN ORDINANCE ESTABLISHING A DIVISION OF HOUSING WITHIN
COMMUNITY PLANNING AND DEVELOPMENT AUTHORIZED TO CREATE
AND PRESERVE WORKFORCE HOUSING AND IN CONNECTION
THEREWITH ADOPTING FINES AND PENALTIES

WHEREAS, the Town of Breckenridge, Town Council historically has been a government industry leader and on the forefront of providing funding and resources to create and preserve workforce housing;

WHEREAS, in 2006, the Town of Breckenridge, Town Council, previously entered into an Intergovernmental Agreement (“IGA”) pursuant to Title 29, Article 1, Part 2, C.R.S., as amended, and article XIV, section 18 of the state constitution, to form the Summit County Combined Housing Authority (“SCHA”) together with Summit County, Dillon, Frisco, Montezuma, and Silverthorne to provide for the planning, financing, acquisition, construction, reconstruction, or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan the Town of Breckenridge Town Council strives for innovation in policies and programs that will assist employees and the local workforce to find permanent housing solutions;

WHEREAS, in 2006 the Summit County Housing Authority (“SCHA”) referred a ballot measure to levy a sales tax of .125% and an impact fee of two (2) dollars or less per square foot on new construction to be used for affordable housing purposes, initially for a period of ten years, which were reauthorized in 2015 to run in perpetuity;

WHEREAS, in 2007, the Town adopted amended rules and regulations for collection and administration for the SCHA impact fee;

WHEREAS, the Town of Breckenridge Housing Authority, after petition filed and after hearing by Town Council, was formed by Resolution No. 1, Series 2015 approved by Town Council on January 13, 2015;

WHEREAS, in 2016 SCHA referred a ballot measure to levy an additional .6% sales for affordable housing purposes for a period of ten years;

WHEREAS, in 2021, the Town Council adopted a regulatory fee imposed upon accommodation units used for short term rental units to defray the burden on, among other things, the loss of long term rental housing for the local workforce and created a fund for housing policies and programs, including buy downs, lease to locals, acquisition of deed restricted units, and/or construction of new units;

WHEREAS, these various funding sources are allocated to the Town of Breckenridge housing fund managed by the division of housing for the purposes of creation and preservation of workforce housing;

WHEREAS, the Town Council desires to create a division of housing and embed the current programs more permanently within the municipal code;

WHEREAS, pursuant to C.R.S. § 31-16-101 and its home rule charter, section 5.8, the Town is empowered to adopt penalties by ordinance to be imposed for violations of local laws within its jurisdiction;

WHEREAS, the Town Council finds and determines that creation of the division of housing for the administration of employee housing and adoption of compliance, enforcement, and penalty provisions is necessary to ensure continued success of employee housing programs; and,

WHEREAS, ensuring continued compliance with employee housing requirements in the Town is in the best interest of the public health, safety and welfare of the community.

Section 1. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO: That a new Chapter 16, entitled: "WORKFORCE HOUSING" shall be added to Title 9 of the Breckenridge Development Code as follows:

**CHAPTER 16
WORKFORCE HOUSING**

SECTION:

9-16-1: PURPOSE.

The Town recognizes a permanent, year round population plays an important role in sustaining a healthy, viable community. The Tourism economy depends on the local workforce and employees of the Town. Availability and affordability of housing plays a critical role in creating quality living and working conditions for the local workforce. Further, the Town recognizes its important role in conjunction with the private sector in ensuring housing is available and affordable for its employees and local workforce.

9-16-2: AUTHORITY.

In order to increase the supply of both for-sale and rental housing, the division of housing is authorized to:

A. Oversee the construction and preservation of workforce housing units;
B. Administer programs to create and preserve workforce housing
C. Manage the inventory of workforce housing;
D. Acquire and sell real property as part of the "Buy Down" program as originally authorized by Ordinance No. 40, Series 2019, "Buy Down" Housing Program that is hereby incorporated and superseded by more permanently embedding the authority within this chapter 16 of the municipal code.

D. Expend funds that have been budgeted and appropriated in the Town's housing fund for costs associated with the authorities granted in this chapter 16 to increase workforce housing both within the territorial limits of the Town of Breckenridge and extraterritorial areas where the local workforce may reside.

E. "Employee housing" or "workforce housing" as used in this chapter 16 have the same meaning as in section 9-1-5 of the development code.

9-16-3: REPORTING AND VERIFICATION REQUIREMENTS.

A. An owner of a workforce housing unit shall annually submit a sworn affidavit on a form provided by the Town to the housing division attesting to compliance with the terms of the governing deed restriction or covenant, or this code

B. Upon reasonable request by the Town, any owner or property owner subject to a Town deed restriction or covenant shall submit any information reasonably necessary to determine compliance with the occupancy and use restrictions or covenants.

9-16-4: RULES AND REGULATIONS.

The housing division is authorized to adopt rules and regulations to implement the requirements of this chapter 16. Any rules and regulations promulgated under this chapter 16 shall

supersede and replace the Town of Breckenridge Housing Guidelines, adopted by Resolution No. 35, Series 2017 ("housing guidelines") and replace the guidelines as referenced in any existing deed restrictions or covenants.

9-16-5: ENFORCEMENT.

The housing division is authorized to enforce the requirements of this chapter 16.

9-16-6: NOTICE, FINES AND PENALTIES.

A. Fines and Penalties. Failure to comply with the requirements of this chapter 16 or the code may result in the following fines and penalties:

1. Failure to comply with a deed restriction or covenant shall be punishable by an administrative penalty in the amount of one hundred (100) dollars per day.

2. Failure to file an annual verification affidavit or respond to a request for compliance information from the Town shall be punishable by an administrative penalty of two hundred and fifty (250) dollars.

3. Failure to comply with occupancy or employment covenants in any deed or restrictive covenant may result in limitations on housing sale appreciation amounts.

4. Violations of this chapter shall be subject to the general penalty set forth in section 1-4-1 of this code, including failure to pay the administrative penalty imposed by this section in a timely manner.

5. Fines and penalties under this section are cumulative.

B. Warnings and Notice.

1. Written notice of an administrative penalty shall be provided by first class United States mail to such person at such person's last known address. The administrative penalty shall be due and payable within fourteen (14) days of the date of the notice.

2. The housing division will issue a first warning prior to imposing fines or penalties in accordance with chapter 16.

9-16-7: APPEALS.

A. Any party found in violation of this chapter 16 has a right to appeal to an administrative hearing officer by submitting a complaint in writing setting forth both the grounds for the appeal and supporting facts within ten (10) days after the date of mailing of notice of violation.

B. Notice of an administrative hearing shall be given by the hearing authority to each party establishing the time and place of a hearing not less than twenty (20) days before the date the hearing is to be held. The hearing authority may continue any administrative hearing, upon timely request, for good cause shown, or upon its own initiative.

C. Each party may appear with counsel at the cost of the party and has the right to present such evidence as may be relevant, and to cross examine all witnesses. The strict rules of evidence shall not apply to an administrative hearing.

D. The burden of proof shall be on the proponent of a claim or issue to prove such claim or issue by a preponderance of the evidence, and on the party raising any affirmative defense or matter of mitigation to prove such affirmative defense or matter of mitigation by a preponderance of the evidence. "Preponderance of the evidence" means to prove that something is more probably true than not.

E. The finding or decision of a hearing authority in connection with any administrative hearing shall be in writing. The decision of the hearing authority shall be final,

subject to the right of any aggrieved party to contest the matter in an appropriate court action commenced under rule 106(a)(4) of the Colorado rules of civil procedure. For purposes of determining the time limit for the commencement of an action under rule 106(a)(4) of the Colorado rules of civil procedure, the decision of the hearing authority shall be deemed to be final upon the hearing authority's issuance of the written finding or decision.

Section 2. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of July, 2022.

This ordinance was published in full on the Town of Breckenridge website on July 14, July 15, July 16, July 17 and July 18, 2022.

A public hearing on this ordinance was held on July 26, 2022.

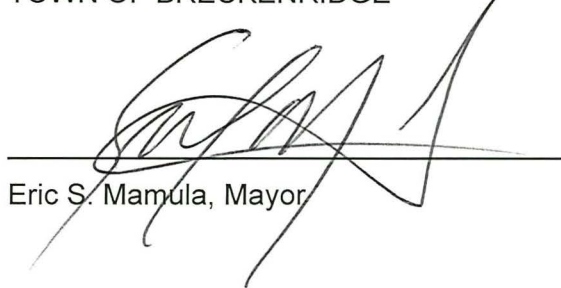
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26th day of July, 2022. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

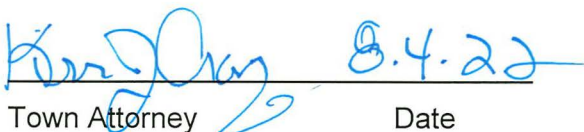


Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on July 31, August 1, August 2, August 3 and August 4, 2022. This ordinance shall become effective on September 3, 2022.