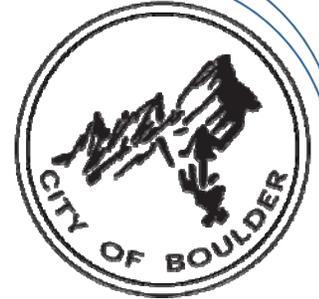


# Cooperative Housing Ordinance



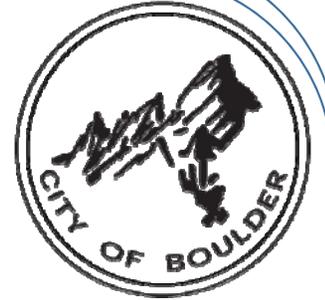
October 11, 2016

# Issues Raised By Proponents During the Public Hearing



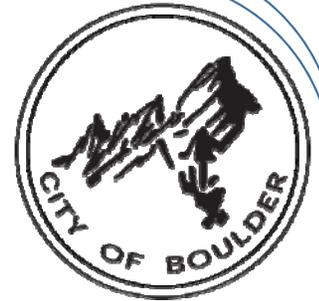
- Definitions – Recommends BoCHA's
- Occupancy – 4 to 15 or one person per 150 to 200 square feet
- Parking – 3 cars permitted on street, on site based on the home
- No 30 day Prior Notice
- Audits and Education
- Third-Party Certification
- Management Agreement Requirement

# Issues Raised by Opponents at the Public Hearing



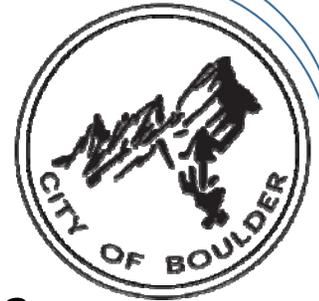
- Permitted Location – High or high and medium density only
- Require Prior Notice
- Hire Sufficient Enforcement Staff
- No Rental Cooperatives
- Qualify Residents as Low or Moderate Income

# Questions for Council



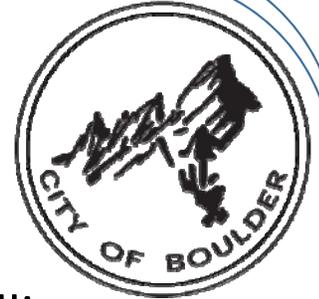
1. Where should co-ops be allowed?
2. How many cooperatives should be allowed?
3. Should rental cooperatives be permitted?
4. How many people should be permitted to occupy a cooperative?
5. Does Council want third-party certification/education/qualification?
6. Does Council want to amend the definitions in the proposed ordinance?
7. How should parking be addressed?
8. Should notice be required before or after occupancy?
9. Should a management agreement be required?
10. Should there be income qualifications?
11. What should the separation/concentration requirements be?
12. Should there be rent limitations?
13. Should co-ops be allowed to have short-term rental licenses?
14. Should there be additional enforcement provisions?

# Certification



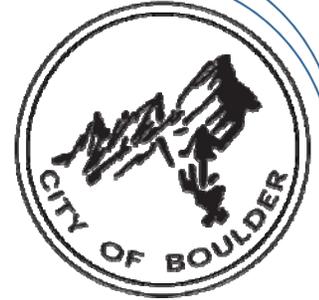
- Certification by the City Manager, who can add additional criteria
- Criteria:
  - (1) a documented governance structure;
  - (2) a list of members; and
  - (3) bylaws that provide for the following:
    - (a) provisions prohibiting discrimination or harassment;
    - (b) a provision requiring regular meetings of all members;
    - (c) a democratic decision-making structure;
    - (d) provisions for discipline or discharge of members; and
    - (e) provisions for sharing of resources.

# Additional Proposed Certification Criteria



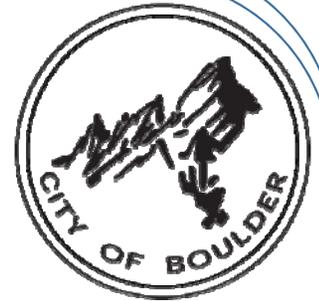
- (1) Whether the members of the household share the entire dwelling unit and live, cook and eat together as a single housekeeping unit;
- (2) Whether the members of the household have an adopted set of rules covering democratic governance, maintenance responsibilities, and other household issues;
- (3) Whether the members of the household use the dwelling unit as their legal address for purposes including but not limited to voter registration, driver's license or identification purposes, motor vehicle registration and the filing and receipt of tax documents;
- (4) Whether the group is transient or temporary in nature, as an intentional community shall be expected to remain in place for a period in excess of one (1) calendar year;
- (5) Whether the members of the household share expenses for food, rent or ownership costs, utilities and other household expenses.

# Property Right for Equity Cooperatives



- Included in the ordinance
- Does Council wish to provide for higher penalties for equity cooperatives?

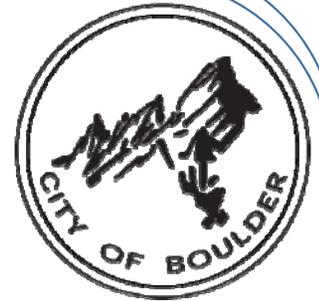
# Occupancy Limits



## Amended Language:

- (1) in the Rural Residential and Residential Low Density zone districts to no more than one occupant per 400 square feet of interior space, exclusive of any uninhabitable space or garage;
- (2) in the Residential Medium Density zone districts to no more than one occupant per 300 square feet of interior space, exclusive of any uninhabitable space or garage; or
- (3) in all other zone districts to no more than one occupant per 200 square feet of interior space, exclusive of any uninhabitable space or garage.

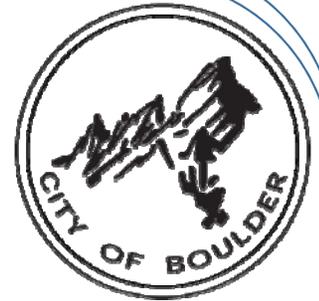
# Occupancy – Proposed Amendment



Amend section 9-6-3(b) to add the following:

(4) Provided however, that in any dwelling unit subject to this subsection (d) shall the occupancy limit be less than **six** persons or more than **twelve** persons.

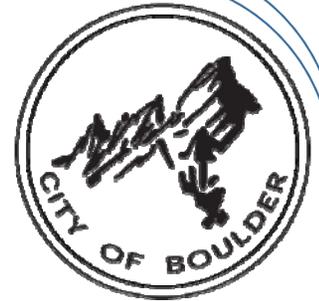
## Existing Definition of Uninhabitable Space



Uninhabitable space means a room or portion thereof that is six feet or less in floor to ceiling height, or a room solely used to house mechanical or electrical equipment that serves the building, including, without limitation, heating, cooling, electrical, ventilation and filtration systems, or any parking facility located completely below grade on all sides of the structure regardless of the topography of the site (see definition of "floor area") § 9-16-1 B.R.C. 1981 ("Definitions")



# License Not Tied to Ownership



Amended language:

“Only a Legitimate Cooperative Organization may be an applicant for a cooperative housing license. A licensed Legitimate Cooperative Organization may operate a cooperative only with the written consent of the property owner and only in a premises licensed pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981.”

# Definitions

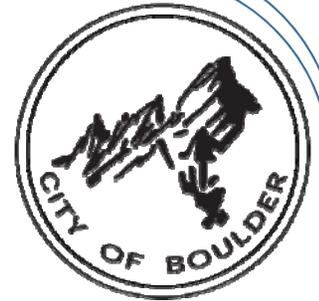
## BoCHA Definition

*Private Equity Cooperative* means a housing cooperative in which a majority of the adult residents own an interest in the property, a majority of the individuals who own an interest in the property are also residents of the property, and the owner-residents hold a controlling ownership interest in the property. A 501(c)3 non-profit with a housing focused mission may own a minority interest in the property.

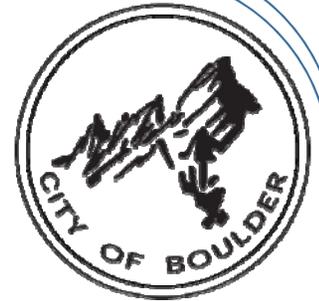
## Proposed Ordinance

*Private Equity Cooperative* means a cooperative operating on a property owned jointly by the residents of the cooperative.

*Limited Equity Cooperative* means a cooperative operating on a property owned in part by its occupants. A not-for-profit corporation may own an interest in the property.



# Definitions



## **BoCHA Definition**

*Group Equity Cooperative* means a housing cooperative in which a majority ownership interest is held by either a 501(c)3 non-profit organization with an affordable housing focused mission, or a public housing authority.

## **Proposed Ordinance**

*Not-for-Profit Rental Cooperative* means a rental cooperative owned by a corporation registered with the United States government pursuant 26 U.S.C. § 501(c)(3).

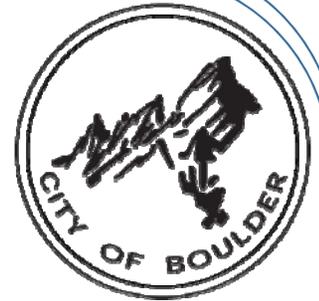
# Definitions

## **BoCHA Definition**

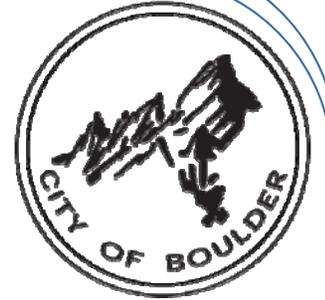
*Rental Housing Cooperative* means any housing cooperative which does not satisfy the requirements for either a private or group equity housing cooperative.

## **Proposed Ordinance**

*Rental Cooperative* means a cooperative in which some or all of the residents do not have an ownership interest in the property in which the cooperative operates.

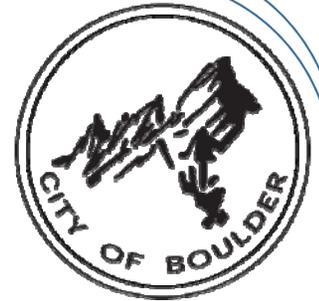


## Number of Licenses



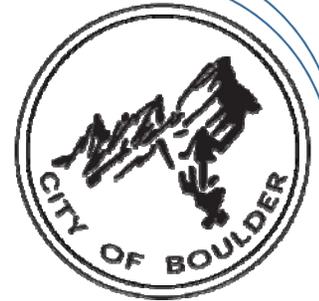
- Fifteen or Twenty or some other number

# Parking



## Amended Language:

Each applicant for a cooperative housing license shall prepare a parking management plan. Approval of any such plan shall be a condition of issuance of any cooperative housing license. The plan shall limit the number of automobiles associated with the property to no more than four vehicles per license. An agreement by the licensee to require that all residents have a local bus pass with the Regional Transit District may be included in such a plan, but is not required.



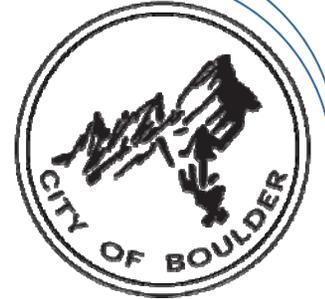
# Additional Parking Language

Amend 4-32-2(c) as follows:

(c) No more than two resident permits shall be in effect at any time for any person. No person shall be deemed a resident of more than one zone, and no more than one permit may be issued for any one vehicle even if persons residing in different zones share ownership or use.

Provided, however, that any property licensed pursuant to Chapter 10-11, "Cooperative Housing" B.R.C. 1981, shall be limited to a number of permits equal to the total number of unrelated residents permitted pursuant to Section 9-8-5 "Occupancy of Dwelling Units" divided by three.

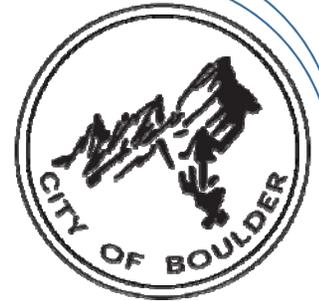
# Neighborhood Notification



- Proposed Ordinance:

A certification that the applicant has provided to a resident of each dwelling on the street face contact information for the applicant and the organization responsible for certifying the applicant.

# Neighborhood Notification – Potential Amendment



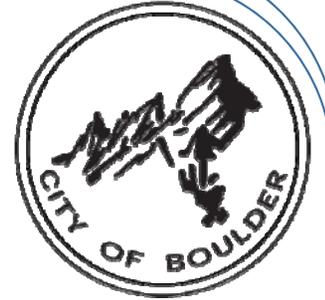
## Section 10-11-4a Neighborhood Notification

(a) Within seven days of initial occupancy, the licensee shall provide written notification to each residential dwelling unit with a mailing address on the block face of the dwelling unit occupied by the licensee. The notice shall include the following information:

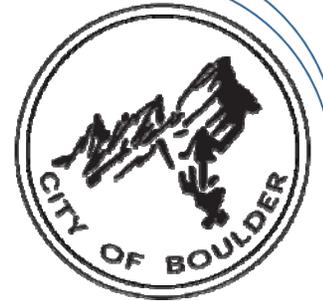
- (1) A statement that the licensee is a cooperative organization;
- (2) The address of the property occupied;
- (3) The name, address, telephone number and e-mail address of a person to contact for additional information or with complaints;

(b) The licensee shall provide supplemental written notification to each residential dwelling unit with a mailing address on the block face of the dwelling unit occupied by the licensee within seven days of any change to the information in the original notification.

Other issues?



## Proposed Amendment - Separation



(d) The city manager shall not issue any license for any cooperative housing unit that is within 100 feet of any licensed cooperative housing unit.