



HOUSING BOULDER WORKING GROUP AGENDA #4

Strengthen Partnerships Working Group #4

13th Street Conference Room – 1720 13th St., Boulder, CO 80302

April 2, 2015

6 – 8 p.m.

(Light refreshments will be served)

Objective: discuss overall coordination with the five working groups; review purpose and objective of working group; discuss how to organize the work of the group; continue and expand conversation about partnerships; provide feedback to Code for America on proposed community engagement tools; discuss how the working group will participate in the upcoming sub-community meetings.

Come to the meeting prepared to talk about what rises to the top.

6:00 – 6:05	Agenda overview/logistics <ul style="list-style-type: none">- Speaker panel on Apr. 27 (6-8pm)- Five sub-community meetings early to mid May	Facilitator
6:05 – 6:15	Review revised goal See attached	All
6:15 – 6:25	Coordination among working groups	All

Review the handout describing the shortlist of tools emerging from the other working groups. Discuss where there is overlap and where there may be gaps. How does this inform your discussion of your goal and the tools?

6:25 – 6:55	Focus Efforts / brainstorm final work product of the group	All
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The goal for the working groups is to identify the partnerships or types of partnerships (that can leverage or facilitate which tools, policies, themes or strategies) that would benefit from a larger community discussion. It would be useful for the group to have something to share at the May Subcommunity meetings.

In order to efficiently use the remaining two meetings, the group should brainstorm a way to organize a summary of the groups' deliberations of the strengthening partnerships goal. What are the messages this group wants to send? *E.g. evaluation of partnerships in general or in light of key tools?, identify themes that have come out of the work of this committee and evaluate the partnership potential for the tools identified at the last working group meeting?, etc.* Other groups will be prioritizing what tools best address their goal, but this goal is different so the group should decide how best to proceed.

There is one more meeting scheduled in late May that will be one hour as a working group and one hour with all the groups combined. Does the group feel the need to schedule an additional meeting between the April and May meetings?

6:55 – 7:30	Partnership considerations and evaluation of partnership opportunities for the tools	All
7:30 – 7:50	Code for America and Community Engagement Tools	Jay, Becky

This is an opportunity for CfA to share community engagement tools that we are testing with Housing Boulder and how we hope these tools will help create community interest in Housing Boulder and encourage people to participate (3 minute, 3 hours, 3 days) both online and also in person at the upcoming Sub-community meetings.

The second part of this discussion is how best to represent the work of the working groups to date. How would wg members like to participate at the sub-community meetings? What kind of feedback would be most beneficial to creating a summary of your deliberations?

7:50 – 8:00	Public Comment
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HOUSING BOULDER

STRENGTHEN PARTNERSHIPS

PROPOSED REVISIONS TO GOAL LANGUAGE



Strengthen current partnerships and explore creative new public-private partnerships to address our community's housing challenges (*e.g. University of Colorado, private developers, financing entities, affordable housing providers, etc.*)

Strengthen, assess and potentially discontinue current partnerships; ~~and~~ explore and form creative and inclusive new public-private, public-public or other partnerships (neighborhood, regional, financial or transportation-related) to address our community's housing challenges and expand housing options. (*e.g. University of Colorado, private developers, financing entities, affordable housing providers, etc.*)

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HOUSING BOULDER Working Groups' Discussion Topics

	Strengthen Current Commitments	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
GENERAL HOUSING					
A1. ACCESSIBLE HOUSING					X
A2. ACCESSORY DWELLING UNIT/OWNER'S ACCESSORY UNIT REQUIREMENTS	X	X	X	X	X
A3. CO-HOUSING		X	X		
A4. COOPERATIVE HOUSING		X	X	X	X
A5. MOBILE HOME PARKS	X				
A6. SENIOR HOUSING OPTIONS					X
A7. SMALL HOMES	X	X		X	
A8. TINY HOMES	X	X	X	X	
A9. HOUSING THE HOMELESS	X				
EXISTING PROGRAMS					
B1. HOME REHABILITATION LOAN PROGRAM					X
B2. HOMEBUYER ASSISTANCE PROGRAMS		X			
B3. INCLUSIONARY HOUSING (IH) PROGRAM	X	X		X	
B4. REVENUE SOURCES FOR AFFORDABLE HOUSING	X	X			
B5. ANNEXATION	X	X			
PRESERVATION STRATEGIES					
C1. COMMUNITY LAND TRUSTS					
C2. LAND BANKING	X	X			
C3. PRESERVATION OF RENTAL AFFORDABILITY	X	X			X
C4. HISTORIC PRESERVATION OF SMALLER HOUSES AND ACCESSORY BUILDINGS		X			
PARTNERSHIP INITIATIVES					
D1. EMPLOYER-ASSISTED HOUSING	X	X			



HOUSING BOULDER Working Groups' Discussion Topics

	Strengthen Current Commitments	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
D2. GREEN AND LOCATION-EFFICIENT MORTGAGES		X			
D3. HOUSING CHOICE (SECTION 8) VOUCHER OPTIONS	X				
D4. REVERSE MORTGAGES					
D5. UNIVERSITY STUDENT, FACULTY, AND STAFF HOUSING	X				
LAND USE AND REGULATIONS					
E1. BONUSES FOR HIGHER AFFORDABILITY AND CERTAIN HOUSING TYPES	X	X	X		X
E2. FEE REDUCTIONS, EXPEDITED REVIEW PROCESS, AND/OR MODIFICATION OF STANDARDS	X				X
E3. HEIGHT LIMIT	X	X			
E4. LAND USE DESIGNATION AND ZONING CHANGES	X	X	X		
E5. LINKAGE FEES FOR NON-RESIDENTIAL DEVELOPMENT	X				
E6. OCCUPANCY LIMITS		X	X	X	X
E7. RESIDENTIAL GROWTH MANAGEMENT SYSTEM	X				
58. SERVICE AREA EXPANSION					
OTHER					
F1. HOMEOWNERS' ASSOCIATION (HOA) FEE AFFORDABILITY		X			
F2. HOUSING ADVISORY BOARD					
F3. REGIONAL SOLUTIONS AND STATE-LEVEL ADVOCACY	X				
F4. RENT CONTROL	X	X			



B3. Inclusionary Housing (IH) Program

Inclusionary Housing (IH) in Boulder requires that new residential development contribute at least 20% of the total units as permanently affordable housing. Options for meeting this requirement include providing the permanently affordable units on-site, dedicating off-site newly constructed or existing units as permanently affordable, dedicating vacant land for affordable unit development, or making a cash contribution to the Affordable Housing Fund in lieu of providing affordable units (cash in lieu).

Key Issues:

- Unless the 20% IH requirement is increased, diverting IH unit production to middle-income homes or other community benefits would reduce the [number of low-/moderate-income units or cash in lieu realized through the program](#).
- IH preserves affordability by limiting appreciation. Resale of middle-income permanently affordable homes often takes much longer than for moderate-income homes. Analysis should be done to determine if this is the best method to preserve middle-income prices.
- If the 20% requirement is not adjusted, substituting middle-income units for low-/moderate-income units will effectively reduce the Inclusionary Housing requirement (middle-income units are less expensive for a developer to provide than low-/moderate-income units).
- A minimum of one half of the required for-sale affordable units are required on-site; however, all of the requirements may be met with a cash-in-lieu payment or provided off-site if the developer provides additional community benefit (defined as 50% higher cash in lieu).
- Due to a State Statute on rent control, rentals do not have an on-site requirement and may provide the units off-site or through cash in lieu at no additional community benefit.
- The IH Program is in place, staffed, and would be relatively quick and easy to modify.
- It is reasonable to assume any modification would piggyback on the program's proven success to produce desired outcomes.
- As the city approaches build-out, a reduction in housing development will provide fewer opportunities to gain community benefits through this program.

Implementation Options:

1. Modify the IH Program to include housing affordable to middle-income households.
2. Modify IH requirements to incentivize other community benefits (e.g., accessible units, providing free office space for non-profits in development, or free child care space).

Goals Addressed Through this Tool:

- ✓ **Strengthen Our Commitments**
- ✓ **Maintain the Middle**
- ✓ **Create Diverse Housing Choices in Every Neighborhood**
 - Create 15-Minute Neighborhoods
 - Strengthen Partnerships
 - Enable Aging in Place



True Corner—22 permanently affordable condominiums.

Source: www.forumre.com/communities/colorado/boulder/true-corner-condominiums



A4. Cooperative Housing

Cooperative housing is a form of rental or ownership housing where unrelated individuals live in one or more residential buildings owned by a membership-based corporation. Cooperative housing is characterized by shared management and consensus (i.e., arriving at a common decision rather than voting) or other egalitarian governance. Cooperative rental housing typically features shared common areas (e.g., kitchen, community room, bathrooms) and private bedrooms, though there are many variations on this model.

Key Issues:

- Advocates for cooperative housing have cited the following barriers to using the [Cooperative Housing Ordinance B.R.C. 1981 9-6-3\(b\)](#) (CHO):
 - Conditional land use with 5-year renewal period;
 - 6- to 8-person occupancy limit: 10+ residents would be required for a viable co-op;
 - Ownership requirement: Existing legal co-ops in Boulder are 501(c)3-owned;
 - Parking requirements are too high for cooperative housing;
 - The bus pass is expensive for low-income residents; and
 - There is a one-time revocation of conditional use for code violation (i.e., weeds, trash, noise).
- The ordinance was written for ownership cooperatives, yet the greatest interest has been expressed for rental co-ops.
- Concerns related to cooperative housing in existing neighborhoods include noise, activity, trash, traffic, and parking.
- Cooperative housing, as practiced by the Boulder Housing Coalition (BHC), is a more efficient use of land and advances many city sustainability goals.
- Cooperative living is a lifestyle that will work for and/or appeal to a relatively small portion of the population; thus enabling cooperative housing is likely to create additional housing opportunities for only a small niche of Boulder residents, including primarily service and nonprofit workers, seniors and some families. It is often cited as an affordable housing option.
- Cooperative living builds the capacity of residents who must equitably share responsibility for the household, participate in governance, and navigate shared living. Many residents translate these skills into volunteer efforts, work in local nonprofits, and community activism.

Background:

- The existing CHO was adopted in the mid 1990s and has yet to produce any cooperative housing.
- [Boulder Housing Coalition](#) (BHC), a HUD-recognized CHDO (pronounced “chodo”—Community Housing Development Organization), reports strong demand for their rooming and family units.
- A handful of informal rental cooperatives exist in Boulder, demonstrating interest in this model as well.
- BHC bypassed the CHO to establish its 3 affordable rental cooperatives as grandfathered non-conforming uses.

Implementation Options:

1. Amend one or more of the current restrictions to encourage this housing type (e.g., requirements for homeownership, minimum habitable space, EcoPasses, off-street parking, and the six-person occupancy limit) and also respond to neighborhood concerns.

See also, “Occupancy Limits”.



The Masala Co-op. Source: [boulderhousingcoalition.org](#)

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E6. Occupancy Limits

Land use regulations limit the number of unrelated persons who may occupy a dwelling unit. Use of this tool would raise or eliminate the limit—citywide or in specific areas—so that more people can share and thereby reduce their living costs.

Key Issues:

- Increased or eliminated occupancy limits could greatly increase housing choice and opportunity in Boulder.
- The current code, [9-8-5 Occupancy of Dwelling Units](#), allows up to three unrelated persons in low-density residential districts and up to four in medium-density and high-density districts.
- Two exceptions to the occupancy limits: The cooperative housing ordinance allows an increase over the occupancy limit on a limited and selective basis. There are also a limited number of legal non-conforming units which have occupancies greater than currently allowed in the zone.
- Preliminary outreach found that many residents, particularly in single-family neighborhoods, are concerned that raising the occupancy limit could create more noise, activity, trash, traffic, and parking problems.
- Considering higher occupancy limits for seniors was identified as an “early win” task for Housing Boulder and is currently underway.
- A study/analysis could help to predict demand for people electing to live at higher occupancies than they currently are.
- Removing or significantly increasing occupancy limits could normalize a number of currently illicit rentals and increase legal housing availability.
- Higher occupancy limits could enable new housing models. For example, new student housing tends to default to four bedrooms, yet other unit types could emerge if occupancy limits change.

Background:

Boulder: Current occupancy limits have been in place since 1981. Occupancy limits in Boulder are enforced on a complaint basis.

Elsewhere: Most university towns nationwide have occupancy limits in place; however, a number of Northeast cities have no limits on unrelated roommates—the Oregon State University (OSU) campus in Bend, Oregon is one of them.

California Supreme Court held that it was impermissible to have different zoning rules for related individuals than for those unrelated, writing, “In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users.” California cities have been unable to enforce any occupancy restrictions. Instead, occupancy limits are determined by size of units, rather than their number of bedrooms. California codes establish limits based on square footage: 70 to 119 square feet can accommodate two people and 120 to 169 square feet can accommodate three people.

Implementation Options:

1. Explore revisions of occupancy limits by zone.

2010 AHTF RECOMMENDED

2. Consider establishing a pilot project in a specific site or neighborhood district.
3. Explore eliminating occupancy limits.

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A8. Tiny Homes

Tiny homes or tiny houses are generally 400 square feet or less, but can range up to 800 square feet and down to as little as 80 square feet. Many tiny houses are built on trailers. The tiny house movement is driven by a number of concerns, including environmental, affordability and “simplicity”.

Key Issues:

- Tiny homes use land and energy efficiently and conserve resources, which align with city sustainability goals.
- Tiny homes are inherently more affordable and considered one approach to addressing homelessness.
- Building regulations that protect life and safety could reduce the affordability of tiny homes. Though some tiny home manufacturers are choosing to comply with International Building Code standards, tiny houses are typically designed to avoid code compliance by building the structure to be non-permanent structures by building the home on chassis or other means and limiting the footprint (size) below a community’s regulatory threshold.
- Similar to ADUs and OAU, rent from tiny homes could help offset the primary homeowner’s housing costs or tiny homes could house people who support older and/or disabled homeowners with home maintenance and care needs.
- Tiny homes in existing single-family neighborhoods may raise concerns about additional parking demand.
- Tiny homes are often built to be mobile and may be a dynamic source of housing.

Background:

- Tiny homes already exist in Boulder.
- Other communities across the country are:
 - Using tiny homes to address homelessness
 - Allowing tiny home R/V parks
 - Allowing tiny home pilot and/or temporary communities;
 - Allowing tiny home coops

Implementation Options:

1. Explore the use of tiny homes as one approach to address homelessness.
2. Explore current regulatory barriers to encourage backyard tiny homes.
3. Explore a pilot project for Option 1 and/or Option 2.

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Photo Source: countryliving.com accessed January 22, 2015



Photo source: <http://www.nbcnews.com/business/real-estate/tiny-houses-big-idea-end-homelessness-n39316> accessed January 29, 2015



A7. Small Homes

Smaller homes, not just those that are deed restricted, may provide a source of relatively inexpensive housing. This tool suggests exploring incentives and/or regulations to encourage new smaller homes and preserve existing smaller homes and their relative affordability. It would also explore regulations and/or disincentives to construction of very large units and major expansions of existing smaller homes.

Key Issues:

- Smaller, older homes are inherently more affordable than new, larger homes.
- Some members of the community have expressed concern with the demolition of smaller homes in favor of very large, expensive homes.
- While housing unit size factors into affordability, unit type (attached vs. detached) and location may be even more influential to affordability.
- Small units promote energy efficiency and resource conservation, thus aligning with city sustainability goals.
- Small units may appeal to a specific segment of the population due to relatively lower costs. They may be less appealing to larger households.
- Many in the community argue that the lack of flexibility with linkage fees, Inclusionary Housing, parking, and other per-unit development requirements create unintended incentives to build bigger housing units.

Background:

- In the 1990s, the City of Boulder introduced the “Built to Be Affordable” Program featuring size-restricted units. The price to the first buyer was required to be below market value, but subsequent sales prices were not restricted. The program produced 108 restricted units that are in existence today, and of the original 108, 20 owners bought out of the restriction. However, the program failed to establish or require an ongoing re-sale price or buyer income limitations. Right away, the units were bought by realtors/developers and flipped for large profit.
- Micro-units are often cited as a potential new housing type that offers rents 60-80 percent of market-rate rents. Each unit is less than 300 square feet and shares common facilities such as kitchens and common gathering spaces—each with a separate lease. Anything larger than 300 square feet is considered simply an “efficiency” unit and not considered “micro”. Seattle, Portland, and San Francisco have recent examples of this type of housing. City staff is developing a proposal to test this housing type on a partner-owned site (the parking lot at Spruce and Broadway is one possible site).

Implementation Options:

1. Identify and implement incentives and/or regulations for *building* smaller units.

2010 AHTF RECOMMENDED 

2. Identify and implement incentives and/or regulations for *preserving* smaller units.

2010 AHTF RECOMMENDED 

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Courtyard Housing. Source: daily.sightline.org

A2. Accessory Dwelling Unit/Owner's Accessory Unit Requirements



An Accessory Dwelling Unit (ADU)/Owner's Accessory Unit (OAU) is a secondary living unit that is located within a residence or in an accessory building on the same property. Most often, accessory units are created through the conversion of basement or attic space, or space above a garage (sometimes known as "granny flats" or "in-law apartments"). They are allowed in an owner-occupied house in low-density residential zones and must meet specific criteria to ensure compatibility with the neighborhood.

Key Issues:

- Amending some or all requirements in the ADU/OAU ordinance (e.g., no more than 10% ADUs in a specific area, parking requirement, neighborhood notice, and size limitation of 6,000 square feet for OAU) could create more ADUs and OAUs within the city.
- This type of housing can impact neighborhood character due to change in density, diminished privacy and increased noise, activity, and traffic created by accessory unit tenants.
- ADUs and OAUs can provide additional affordability options in existing neighborhoods with amenities and access to services.
- ADUs and OAUs can allow seniors to downsize by moving into the ADU while renting out the primary house.
- ADUs and OAUs use land efficiently and advance many city sustainability and historic preservation goals.

Background:

- The Boulder Valley Comprehensive Plan (BVCP) policy on accessory units (2.11) states: "Consistent with existing neighborhood character, accessory units will be encouraged in order to increase rental housing options in single family residential neighborhoods. Regulations developed to implement this policy will address potential cumulative negative impacts on the neighborhood. Accessory units will be reviewed based on the characteristics of the lot, including size, configuration, parking availability, privacy, and alley access."
- ADUs are regulated by section [9-6-3, "Specific Use Standards – Residential Uses"](#) of the Boulder Revised Code 1981.
- Year ADU Ordinance (BRC 1981, 9-6-3(a)) was adopted: 1982.
- The [2012 ADU Study](#) found 186 ADUs and 42 OAUs in Boulder.
- General Provisions (ADU, OAU, LAU): (i) Owner Occupied—the owner of the property must reside in one of the permitted dwelling units on the site; (ii) The occupancy of any accessory unit must not exceed two persons. Overall, the occupancy for one dwelling unit cannot exceed the occupancy requirements set forth in section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981; and (iii) Additional Roomers Prohibited—the property cannot also be used for the renting of rooms pursuant to paragraph 9-8-5(a)(1), B.R.C. 1981.
- ADUs are fairly evenly distributed through the city, with slight concentrations in the Newlands, University Hill neighborhoods, and in South Boulder. OAUs are primarily located in the Whittier neighborhood in Central Boulder.

Implementation Options:

1. Consider amendments to the current ordinance to encourage this housing type and respond to neighborhood concerns.

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Above-Garage Accessory Dwelling Units.
Source: accessorydwellingunits.org/what-are-and-why-people-build-them/, accessed November 17, 2014

HOUSING BOULDER

STRENGTHEN PARTNERSHIPS

RESPONSE TO QUESTIONS ABOUT PERMANENTLY AFFORDABLE HOUSING



The program guarantees affordability at the point of sale. The restrictions in this program are permanent, so all future buyers will need to meet the income requirements set out in the covenant. The restrictions are based on a set formula of HUD AMI + x% (HUD + 10% is the low-moderate income limit, but we range from HUD-5% to HUD + 50%). In order to ensure that future buyers can afford to purchase the home, we do appreciation and the value of capital improvement credits.

We do not continue to monitor incomes after a household purchases their home (either increases or decreases). One of the benefits of homeownership is for owners to maintain or increase financial stability by having the home as an asset as they earn more equity. I actually don't know of any homeownership programs in the country that monitor incomes and force resale because of increases or decreases. This is standard for affordable rental programs, but I'm not sure how a legal transaction (like a home sale) could be "undone". I don't think there is a mortgage lender that would ever get on board with a program like that and make loans because they would have a very difficult time guaranteeing their constituents' investments. Plus, I think that most communities make an investment in affordable homeownership programs so that they can decrease transience of tax dollars.

A little data:

Currently 776 homes in the program

Those 776 homes have sold 1,452 times (average of 1.8 times each)

Length of Ownership:

46%, 0-5 years

28%, 6-10 years

20%, 11-15 years

6%, more than 15 years

A few more tidbits, maybe useful, may be not:

Unit entry dates:

133: 2010-present

426: 2000-2009

138: 1990-1999

79: Pre-1990

Unit Types:

541 Condos

31 Duplexes

107 Single Families

97 Townhomes

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