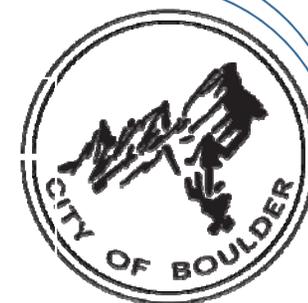


Cooperative Housing Ordinance

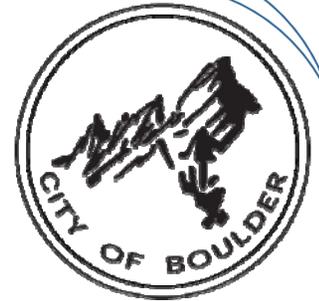
October 4, 2016





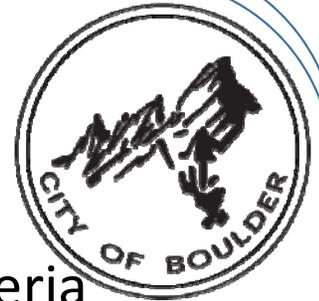
November 10, 2015	Council passed occupancy ordinance
November 17, 2015	Council decided to address cooperatives through the legislative process
January 26, 2016	Council study session
March 24, 2016	Staff published first draft ordinance
April 5, 2016	Staff met with advocates and drafted a revised ordinance
April 21, 2016	Planning Board considered both versions of the ordinance
May 17, 2016	Council public hearing on first reading
June 21, 2016	Continued public hearing on first reading
October 4, 2016	Council public hearing on second reading
December 6, 2016	Scheduled third reading on cooperative housing

Issues for Discussion



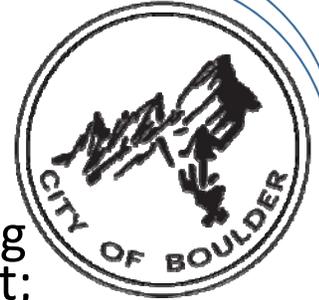
1. Certification
2. Property Right for Equity Cooperatives/Fines
3. Occupancy Limits
4. License Not Tied to Ownership
5. Definitions
6. Number of Licenses
7. Notification
8. Separation
9. Parking Regulation
10. Legal Entity
11. Other

Certification



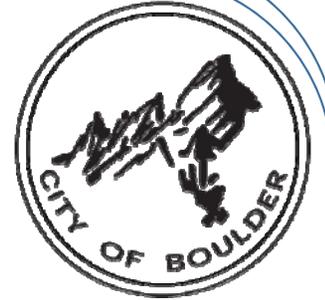
- Certification by the City Manager, who can add additional criteria
- Criteria:
 - (1) a documented governance structure;
 - (2) a list of members; and
 - (3) bylaws that provide for the following:
 - (a) provisions prohibiting discrimination or harassment;
 - (b) a provision requiring regular meetings 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:



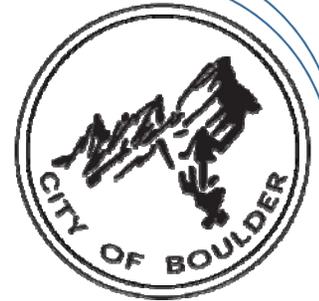
- (1) Whether the members of the household share the entire dwelling unit and live, cook and eat together as a single housekeeping unit;
- (2) Whether the members of the household have an adopted set of rules covering democratic governance, maintenance responsibilities, and other household issues;
- (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?

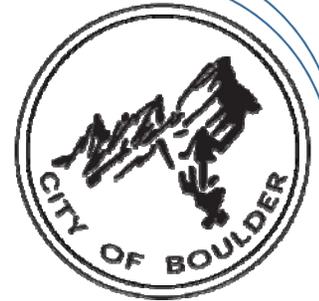
Occupancy Limits



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.

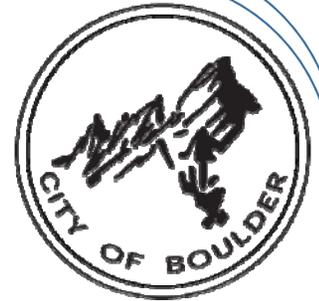
Occupancy – Proposed Amendment



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.

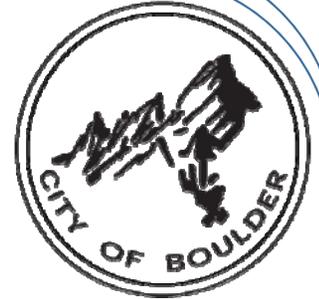
Existing Definition of Uninhabitable Space



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

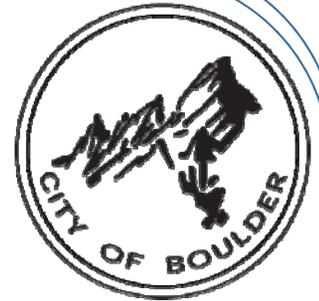
BoCHA Defintion

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.



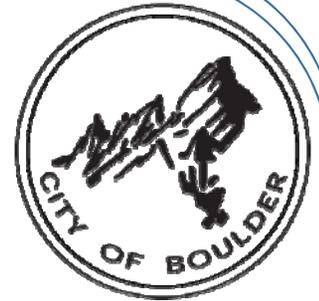
Definitions

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 to 26 U.S.C. § 501(c)(3).



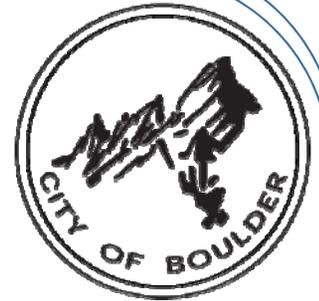
Definitions

BoCHA Definition

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

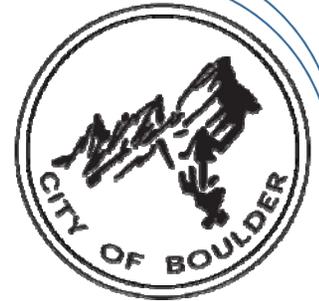
Proposed Ordinance

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.

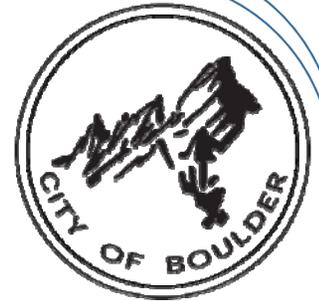


Number of Licenses

- Fifteen or Twenty or some other number

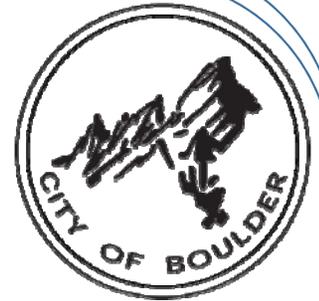


Parking



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.

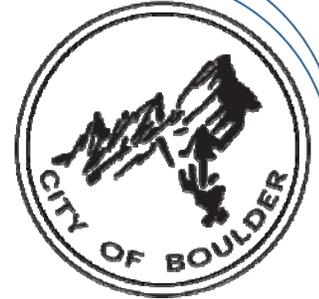


Additional Parking Language

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.

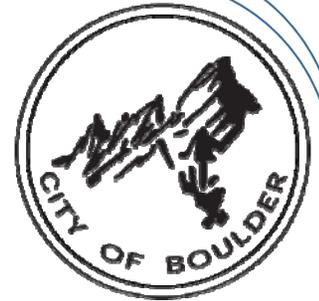
Neighborhood Notification



- 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.

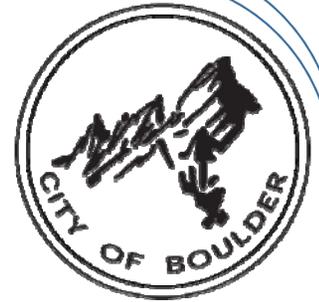
Neighborhood Notification – Potential Amendment



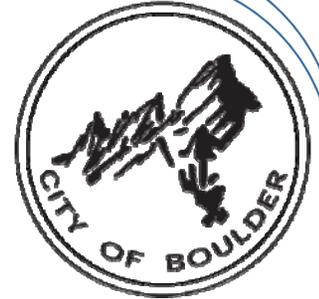
Section 10-11-4a Neighborhood Notification:

- (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; and
 - (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.