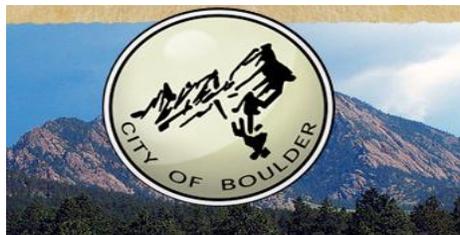


# City of Boulder Homeownership Programs

## Realtor Program Guide 2014



*In accordance with the provisions of the Equal Opportunity Act and the Boulder County Homeownership Programs' policies, there will be no discrimination against an applicant for these benefits on the basis of age, source of income, sex, race, marital status, sexual orientation, national origin, religion or handicap.*

**Table of Contents**

**Welcome!.....3**

**Program Overview.....4-5**

**City of Boulder Covenant Summary.....6**

**Setting the Maximum Resale Price for Permanently Affordable Homes.....7**

**Sale Process for Permanently Affordable Homes.....8-11**

**Frequently Asked Questions.....12**

**Appendixes**

    Appendix A: Sample Maximum Resale Letter.....13

    Appendix B: Marketing Procedures for Permanently Affordable Homes.....14



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## Welcome!

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Dear Real Estate Professional,

We are so pleased that you are working with a buyer or owner in City of Boulder's Affordable Homeownership program! This is a great community in which to live, and the citizens of Boulder have taken steps to ensure an inventory of permanently affordable homes and opportunities for ownership in our community.

The City of Boulder makes homes affordable through regulations and subsidies. As such there are a number of responsibilities to which program buyers and owners commit. This manual was developed to provide a program overview to Realtors, while giving specifics about the city's requirements and timeframes for approving and drafting documents for closing.

During the sale one city staff member will be assigned to the transaction. This staff member is charged with protecting the interests of the community, the buyers, and the sellers. It is their objective to be fair and neutral throughout. You should not hesitate to notify them with questions, or if you need assistance.

Sincerely,

The Homeownership Program Team  
City of Boulder  
Division of Housing

City of Boulder Homeownership Programs  
Physical Address: 1300 Canyon Boulevard, Boulder 80302  
Mailing Address: P.O. Box 791 Boulder, CO 80306  
303-441-3157, ext. 2  
homeownership@bouldercolorado.gov  
www.boulderadffordablehomes.com



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## Eligibility Requirements: Homeworks Permanently Affordable

Homeworks Permanently Affordable Program: Eligibility Requirements			
<b>LOW-to-MODERATE INCOME HOUSEHOLDS</b>	<b>Family Size</b>	<b>Income Limit</b>	<b>Asset Limit</b>
	1	\$51,490	\$55,000
	2	\$58,850	\$70,000
	3	\$66,220	\$85,000
	4	\$73,520	\$100,000
Inquire for larger family sizes, or see below for special asset scenarios			
<b>MIDDLE INCOME HOUSEHOLDS</b>	<b>Family Size</b>	<b>Income Limit</b>	<b>Asset Limit</b>
	1	\$76,400	\$140,000
	2	\$87,360	\$155,000
	3	\$98,330	\$170,000
	4	\$109,110	\$185,000
Inquire for larger family sizes, or see below for special asset scenarios			
<b>INDIVIDUAL SCENARIOS THAT CAN AFFECT ASSET LIMITS</b>	<b>Scenario</b>	<b>Asset Limit</b>	
	Recently Divorced	\$85,000	
	Retired	\$85,000	
	Permanently Disabled	\$140,000	
	Additional Family Members	\$15,000 added per person	
<b>FEES</b>	\$25.00 application fee		
<b>DEBT-TO-INCOME RATIO</b>	Debt-to-Income ratio may not exceed 42% in most cases.		
<b>BUYER'S MINIMUM CASH CONTRIBUTION</b>	Buyers are required to contribute at least \$2,000 of their own money. Check with your lender for minimum requirements for your particular loan beyond the minimum \$2,000.		
<b>HOMEBUYER EDUCATION</b>	<p>To participate in the program each household must attend a 75-minute city Orientation, and a day-long Homebuyer Education class offered by certified housing counseling agencies. These classes are also available on-line.</p> <p>To purchase a Homeworks Permanently Affordable home, both requirements must be fulfilled before closing.</p> <p>However, applicants may enter a lottery or submit a contract if their full application documentation has been received and approved, but the classes are not yet completed.</p>		



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<b>LENDER/MORTGAGE LOAN</b>	<p>Applicants must submit as part of their city application packet:</p> <ul style="list-style-type: none"> <li>• Copy of the mortgage loan application (as prepared by their lender, not handwritten)</li> <li>• Mortgage Preapproval Letter that lists maximum purchase price, loan amount, minimum down payment, estimated PITI, interest rate, and loan type</li> </ul>
<b>FIRST-TIME HOMEBUYER REQUIREMENT</b>	<ul style="list-style-type: none"> <li>• No requirement</li> <li>• You may have owned a home in the past, or still own a home at time of application</li> <li>• You must sell your home before closing on a Homeworks home</li> </ul>
<b>RESALE RESTRICTIONS</b>	<ul style="list-style-type: none"> <li>• Homes must be re-sold to an eligible buyer after a fair marketing period</li> <li>• Resale price will be based on the original purchase price, plus annual appreciation (up to 3.5% per year), plus approved capital improvements</li> </ul>
<b>OTHER REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• Property must be owner-occupied</li> <li>• Number of bedrooms may exceed number in household by one</li> <li>• Buyer must adhere to all covenant restrictions</li> </ul>



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## City of Boulder Affordable Covenant Summary

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Homes that are designated as permanently affordable and sold through our Homeworks program come with an affordable covenants that ensure the homes remain affordable into the future. The buyer must accept all terms of the covenant to be eligible to purchase the home.

### Covenant Key Points

#### **Income Restrictions**

The maximum income of a new buyer will be established in advance of sale or re-sale, and the home may not be sold to a buyer that exceeds the maximum income limit.

#### **Maximum Resale Price**

The home will have a Maximum Resale Price Limit which includes limiting appreciation.

#### **Maintenance Requirement**

The buyer is required to maintain their affordable home in a manner that protects the health, safety and livability of the home's future owners.

#### **Capital Improvements**

Eligible capital improvements for which a homeowner can receive credit in the resale price are limited in amount and type, and must be pre-approved by the city to receive credit.

#### **Refinance**

The ability to refinance is limited to 93% of the Maximum Resale Price Limit. The city must be contacted prior to arranging refinancing with a lender.

#### **Owner Occupancy**

The home must be occupied by the owner unless the city has approved a rental arrangement.

#### **Rental**

- The home cannot be rented in its entirety during the first five years of ownership.
- After five years of ownership the home may be rented for one year out of every seven.
- A bedroom in the home may be rented at any time of owner occupancy, providing no city codes are violated.

*If you would like to receive a full sample copy of the Covenant please email [homeownership@bouldercolorado.gov](mailto:homeownership@bouldercolorado.gov).*



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## Setting the Maximum Resale Value of Permanently Affordable Homes

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When your client purchased their home through the city's program, they received the benefit of community investments in the form of a below-market price. The program requires that they pass those benefits on to the next buyer. When your client notifies us of their intent to sell we will provide them with a Maximum Resale letter (Appendix A).

The formula that sets the maximum price strikes a balance between keeping the price affordable and allowing your client to receive return on their investment in the property. Note that this formula focuses on keeping the homes affordable, and is not tied to the performance of the real estate market. Here is how the city calculates maximum resale values:

- Start with the original purchase price
- Subtract the amount of any Solution Grant monies received
- Add appreciation between 1.0 - 3.5 % per year, as announced by the City of Boulder in the annual homeowner letter
- Add the cost of any approved capital improvements or updates that were made to the home
- Add allowable costs of sale (marketing, 2.5% Realtor commission, and closing)
- Subtract the cost of any excessive damage to the home

### Example

Home Purchase Price:	\$210,000
Solutions Grant Received:	<u>-\$8,000</u>
Starting Price for Resale:	\$202,000
Appreciation Year One (2.3%):	\$4,646 ( $\$202,000 \times 2.3\%$ )
New Max Resale Price:	\$206,646 ( $\$202,000 + \$4,646$ )
Appreciation Year Two (1.8%):	\$3,636 ( $\$202,000 \times 1.8\%$ )
Capital Improvement Credit:	\$3,800
New Max Resale Price:	\$214,082 ( $\$206,646 + \$3,636 + \$3,800$ )



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***This guide is in reference to Homeworks homes—homes established to be permanently affordable within the City of Boulder. The vast majority of homes that are a part of the city’s program fall into this category. However if you are representing a seller of a home that has deed restrictions but is not part of the Permanently Affordable program then please contact Homeownership staff for information on pay-off and release terms.***

### **STEP 1: SELLER DECIDES HOW THEY WOULD LIKE TO SELL THEIR HOME.**

Sellers can choose to hire a professional real estate broker, or can sell the home through a For Sale By Owner process. In either case, the maximum resale price will be increased by a set amount to help cover sale and closing costs.

If the seller chooses to work with a real estate professional they may work with any agent that they’d like. The City will need to see a copy of the listing contract before the sale can move forward.

To make the selling process more affordable the city will add 2.5 percent commission and \$650 for closing costs to the resale price. The city’s website maintains a list of participating real estate agents who have agreed to work for a reduced commission, though a seller is free to work with any real estate agent they choose. Please note that if the commission exceeds 2.5 percent, or the closings costs exceed \$650, additional costs will not be added to the resale price, but will be out of pocket.

**STEP 2: DECIDE ON YOUR INSPECTION PROCESS.** The Covenant requires that the home be maintained in good, safe and habitable condition. As a Realtor® you can help your seller decide whether the property is currently ready for sale and can wait for the buyer's inspection, or if it should have an inspection before going to market. Within the program there are two inspection choices:

*Option One: City Inspection Before Listing, and Buyer’s Inspection After Contract*

If your buyer chooses to have the property inspected before sale then the city will hire and pay for an inspector to check for damage and maintenance issues. The inspection will happen before calculating the maximum resale price, and within two weeks of receiving the Intent to Sell form (Appendix A). After reviewing a copy of the inspection report we will offer the opportunity to fix items needed to restore the home to a good, safe and habitable condition. If your client chooses to not make the repairs then the maximum resale price of your home will be reduced to cover the cost of repairs for the buyer.

*Note: The buyer will also be required to have an inspection after going under contract to purchase the home, so there will be two inspections performed if this option is chosen. If the buyer’s inspection turns up items that need correction (even if they did not show up in the city inspection) then the city will require correction of those items as well.*



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### *Option Two: Buyer's Inspection After Contract*

If your seller chooses to wait for the buyer's inspection then they must agree that the maximum resale price of the home may decrease based on the results of that inspection. We will review the buyer's inspection and the city will determine what items must be repaired to restore the home to a good, safe and habitable condition. The seller may opt to drop the sales price based on the findings of the inspection if this is amenable to the buyer.

**STEP 3: MARKET AND SHOW THE HOME.** The Covenant requires that the seller abide by fair marketing procedures. In order to ensure fair public access to limited affordable homeownership opportunities, the city has developed standard marketing procedures. Please read the Marketing Procedures for Permanently Affordable Homes document found in Appendix B.

The home must be sold to an income eligible buyer and cannot be sold for more than the maximum price allowed. The home must be marketed for a minimum of 30 days, and the home cannot go under contract during that time. Interest in buying affordable homes varies, just as with market-rate homes. This home will be "competing" with other affordable homes, both new and resale, so we encourage Realtors to seek feedback from prospective buyers and their agents, and use it to assist clients in the sale.

The property will be listed on our website. To create the online listing we will use information from the City Website Marketing Information Form. The information included in this form must be accurate and complete before we can list your home. You will also need to identify whether the home will be available for showings, or only shown by Open House. The Homeownership team member assigned to the sale will collect photos and listing information.

### **STEP 4: LOTTERY AND AVAILABLE HOMES**

**Lottery:** Newly listed homes (both new development and resale properties) have a required 30-day marketing period. At the end of the marketing period a lottery is held on a published date. This date will be 30 days after the listing becomes public at [www.boulderadffordablehomes.com](http://www.boulderadffordablehomes.com). Lotteries are open to the public, but attendance is not mandatory.

If a household decides they would like to purchase the home then they will submit a Lottery Entry Form. Lottery Entry Forms are only accepted from households that have been certified to purchase in the program. If Lottery Entry Forms are received from two or more buyers then a lottery is held. If only one form is received then a lottery is not needed, and the household that submitted the form may write a contract. If no forms are received then the home is immediately available for contracts from city certified buyers.

At the lottery entrants will be ranked by the city's preference system, and then those with equal ranking will be drawn from sub-lotteries. The Homeownership Team member in charge of the sale will develop a list of lottery entrants, their rankings, and their contact information. (Please note that this information is confidential, so will not be shared with the seller.)



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Preference in lotteries will be given to applicants who live and/or work in the city of Boulder as detailed below (ranked from highest to lowest preference):

#1 – live + work + certified for the program for 1 year or more

#2 – live + work

#3 – work + certified for the program for 1 year or more

#4 - work only

#5 – live + certified for the program for 1 year or more

#6 - live only

#7 – does not live or work in the city of Boulder + certified for the program for 1 year or more

#8—does not live or work in the city of Boulder + certified for the program for less than 1 year

In addition, some units may have unique preferences, such as Family Friendly (at least one minor household member), or Accessible (preference given to those with physical disabilities). In these scenarios lottery entrants will be ranked accordingly.

If a home does not sell at the time of lottery then it is considered to be “Available”, and a buyer can immediately place an offer, regardless of their preference ranking. Homes with this status will be identified on the website as “Available” and will be categorized based on the number of bedrooms, but will not be found under “New Listings”.

**STEP 5: GOING UNDER CONTRACT** The lottery winner has 24 hours to submit a purchase contract to the seller. A seller can reject an offer and move on to the next person on the lottery list for the following reasons:

- a) The offer is lower than the maximum resale price.
- b) The lottery winner owns a home and needs to sell it before the closing can take place.
- c) The purchase contract did not arrive within 24 hours.

If a contract is refused for one of the reasons listed above then the next person in line (second place in the lottery) will have 24 hours to present a purchase contract to the seller. Once a buyer has put a contract on a home they are not eligible to enter lotteries, or make offers on other homes unless they terminate an existing contract.

**STEP 6: CONTRACT PERIOD AND CLOSING** The seller and buyer, along with their real estate agents, lenders, inspectors, appraisers, Homeownership staff, and the Title Company will work together to complete the transaction. Typically 30-60 days elapse between contract and closing.

Please provide us with a copy of your final contract within 48 hours of it being signed. The city will need to review the terms of the contract, and prepare to work within the timeframes established for the sale. All of these items are listed in the sales contract, so no extra work will be required on your part.

Please include the following additional provision in the contract: Please include the following information under “Additional Provisions” in the contract:



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*Buyer understands this property is covenant restricted. The City of Boulder Division of Housing will provide the Buyer with a copy of the Affordable Housing Covenant by the Title Deadline. Buyer has until the Title Objection Deadline to object to the Covenant terms. If Buyer has no objection than it is assumed he/she agrees to all conditions of such covenant including limitations on resale and occupancy requirements.*

The buyer will be required to have an inspection of the property. Once this has happened please forward the inspection to the city within 48 hours for review. We will determine whether any mandatory corrections will need to be made based on the sellers agreement to maintain the home in good, safe, and habitable condition. If corrections are identified they must either be repaired within the timeframe specified in the contract and to the specifications established by the city, or the seller must agree to reduce the sales price so that buyer can make the repairs after closing (must be agreed to by the buyer).

In preparation for closing the city will prepare documents that, at closing, will release the seller from their obligations to the community with regard to the affordable home. These obligations will be transferred to the new owner when they sign the Covenant and city documents at closing. A meeting will be held between the buyer and the city to review documents. The buyer's Realtor is welcome to attend.



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## Frequently Asked Questions

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### **How much should the home be valued at for purposes of property taxes?**

The Boulder County Assessor's office recognizes your maximum resale price as the value of your home for tax purposes. The City Housing Division sends an updated list to the Assessor's office annually. If the Notice of Valuation from the Assessor is significantly different from the maximum resale price, please contact [homeownership@bouldercolorado.gov](mailto:homeownership@bouldercolorado.gov) or 303-441-3157 x 2.

### **Is there an owner occupancy restriction?**

Yes. Buyers must live in their home for at least five years before being eligible to rent the home in full. At that point it may be rented for a period of time totaling 12 months out of every seven years. A room in the house may be rented at any time.

### **How should an appraiser go about valuing the home?**

Appraisers should use standard market comparable properties. Fannie Mae has issued appraisal guidelines to this effect. See "Ann. 06-03: Properties Subject to Resale Restrictions or Located on Land Owned by Community Land Trusts (03/22/06)." A copy of these guidelines can be found on our website.

### **What happens in the event of foreclosure?**

The city's resale restrictions terminate upon foreclosure. The security value of the home is its unrestricted market value.

### **Why does the City of Boulder hold a \$10 note and deed?**

Most of the properties sold through the program have been deemed permanently affordable. In order to be notified of any legal transactions related to the property and to continue to secure the community's interest in the property, the city records a \$10 note and deed.



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**Appendix A**  
**SAMPLE MAXIMUM RESALE LETTER**

7/15/2013

Sherry Boulder  
2917 Bolder Boulder Dr.  
Boulder, CO 80304

Dear Ms. Boulder:

Thank you for sending written notice of your intent to sell your home located at 2917 Bolder Boulder Dr, Boulder, CO 80304. The maximum resale price for your home as of 10/15/2013 has been calculated as follows:

**CPI-U/AMI Appreciation / Depreciation Calculation:**

Year	Effective Start and End Dates		Allowed	Allowed	Pro-Rated
	Start Date	End Date	Percent Change	Dollar Change	
2005	07/27/2005	12/31/2005	0.10%	\$74	Yes
2006	01/01/2006	12/31/2006	0.00%	\$0	No
2007	01/01/2007	12/31/2007	1.10%	\$1,885	No
2008	01/01/2008	12/31/2008	2.20%	\$3,770	No
2009	01/01/2009	12/31/2009	2.40%	\$4,113	No
2010	01/01/2010	12/31/2010	1.00%	\$1,714	No
2011	01/01/2011	12/31/2011	1.87%	\$3,205	No
2012	01/01/2012	12/31/2012	1.40%	\$2,399	No
2013	01/01/2013	10/15/2013	1.00%	\$1,352	Yes

**Maximum Resale Price Calculation:**

Description	Amount
Purchase Price:	\$171,371
Appreciation:	\$18,512
Post-2007 Improvements:	\$941
Closing Fee:	\$650
<b>Resale Price:</b>	<b>\$191,474</b>
Realtor Commission 2.50%:	\$4,910
<b>Resale Price w/Realtor:</b>	<b>\$196,384</b>

\$18,512

This price reflects the maximum price for which your home may be sold. As with any property that is sold, the condition of the home and closing terms may result in a selling price that is below this maximum resale price.

**Summary of Improvements and Damages Assessed:**

The table below shows the actual value of all improvements that have been approved for this home, along with any damage assessments. Note that for improvements prior to 2008 the amount included in the resale price is subject to an annual cap that accumulates each year.

Date	Type	Amount
10/28/2011	Flooring	\$941
		<b>\$941</b>

In order to qualify to purchase your home the buyer must be income certified by the City of Boulder Housing Division. The income limits for your home will be posted on the details page for your home on our website at [www.BoulderAffordableHomes.com](http://www.BoulderAffordableHomes.com).

If you have questions please contact me at 303-441-3157 ext. 2.

Sincerely,  
Homeownership Program Coordinator



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## Appendix B

### Open Marketing Procedures for Permanently Affordable Homes

City of Boulder, Division of Housing

In order to ensure fair public access to permanently affordable homeownership opportunities, the Division of Housing has developed required marketing procedures. When you are ready to market your Permanently Affordable home, these are the steps to follow:

1. You or your Realtor® should contact the Division of Housing at least 60 days before you hope to close on the sale of your home. We will ask for more information about the sale of your home and will then provide you with the maximum resale price of your home. We will market your home on our website.
2. You must market your home for a minimum of 30 days to all potential buyers (Open Market Period). The Open Market Period cannot begin until five days after we have received written notice of your intent to sell, along with the “City Website Marketing Information” form. You must also agree to provide interested buyers with at least 30 days between the end of the marketing period and the date of closing unless both of you agree to a quicker closing.
3. You may not commit to sell to any buyer during the Open Market Period.
4. During the Open Market Period you must either list your home on the MLS or advertise at least twice in a local daily general publication. The Division of Housing will post your home on our website and may notify specific groups of income-certified buyers by email. If you have selected the advertising option then the marketing period cannot begin until your ads are scheduled.
5. You or your Realtor® must make arrangements to show your home by appointment to all interested buyers *and/or* schedule at least two open houses. If you choose not to show by appointment, you must select at least two dates for open houses with at least one within the first two weeks of the end of the marketing period. At least one open house must be during evening hours. Please keep a list of all buyers who see your home.
6. Interested buyers who have received preliminary certification letters from the Division of Housing and have seen your home should submit a Lottery Entry Form during the Open Market Period. Any buyers who have not applied to the city for certification should do so by the deadline listed on the city’s web page for your home.
7. If there is more than one interested purchaser at the highest preference level, the city will conduct a lottery.
8. The Division of Housing will provide lottery results as applicable. You must give the buyers selected in the lottery a chance to sign a contract in the order selected. The first person drawn will have 24 hours to sign a contract. If this person fails to do so, you may offer the unit to the second person drawn and so on. You may take any number of backup offers if you so decide.
9. Once you have completed a contract with a buyer, forward a copy to the Division of Housing. At that time we will provide the buyer with a final certification of eligibility to purchase your home.



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10. In accordance with the provisions of the Equal Opportunities Act and the City of Boulder's Human Rights Ordinance, you can not discriminate against a potential buyer based on their age, sex, race, creed, color, marital status, religion, national origin, ancestry, handicap, sexual orientation or familial status.

Homeownership Team, Division of Housing

Phone: 303-441-3157 ext. 2

E-mail: [homeownership@bouldercolorado.gov](mailto:homeownership@bouldercolorado.gov)

Fax: 720-564-2188

Postal Mail: PO Box 791, Boulder, CO 80306



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