

ORDINANCE NO. 2

Series 2023

A BILL FOR AN ORDINANCE CONFORMING POLICY 24 (ABSOLUTE) TO THE WORKFORCE HOUSING DIVISION ADMINISTRATIVE RULES AND REGULATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. That subsection H of section 9-1-19-24A:POLICY 24 (ABSOLUTE) entitled "THE SOCIAL COMMUNITY" of the code is hereby amended by adding the language underlined and deleting the language stricken as follows:

H. Occupancy And Deed Restrictions:

1. ~~Each employee housing unit provided pursuant to this policy shall be encumbered by a properly recorded restrictive covenant in a form acceptable to the town attorney. The terms of such restrictive covenant shall be consistent with the Administrative Rules and Regulations Pertaining to Workforce Housing, as amended from time to time ~~this policy~~, and such restrictive covenant shall not be subordinate to any senior lien or encumbrance, except the lien of the general property taxes.~~

2. ~~Employee Housing shall not be leased or rented for a period less than one hundred twenty (120) consecutive days.~~

3. ~~Employee housing may be sold or transferred as a separate unit on the site.~~

4. ~~Employee housing shall not remain vacant for a period in excess of three (3) consecutive months unless, despite the owner's reasonable and documented efforts to fill the vacancy, the employee housing remains unoccupied.~~

5. ~~Employee housing shall be occupied at all times by a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the employee housing, earns his or her living by working for a business located in and serving in Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.~~

6. ~~Each year, the owner of an employee housing unit shall submit an affidavit of compliance to the town, or its assignee, containing the following information:~~

a. ~~Evidence to establish that the employee housing unit has been occupied throughout the year by an employee;~~

b. ~~The rental rate (unless owner occupied);~~

c. ~~The employee's employer; and~~

d. ~~Evidence to demonstrate that at least one person residing in the employee housing is an employee as defined in subsection (5), above.~~

i. ~~Timing: All employee housing required by this policy shall be provided prior to the issuance of a Certificate of Occupancy for the affected development.~~

j. ~~No Taking: The town council intends that the application of this policy not result in an unlawful taking of private property without the payment of just compensation.~~

k. ~~Acknowledgement Of Summit County Housing Authority Impact Fee: In connection with the adoption of this policy the town council considered the contributions made by the "Housing Development Impact Fee For Affordable Housing Purposes" adopted by the Summit Combined Housing Authority on December 6, 2006.~~

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. 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 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 13th day of December, 2022.

This ordinance was published in full on the Town of Breckenridge website on December 15, December 16, December 17, December 18 and December 19, 2022.

A public hearing on this ordinance was held on January 10, 2023.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of January, 2023. 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 January 13, January 14, January 15, January 16 and January 17, 2023. This ordinance shall become effective on February 16, 2023.