



City of Boulder Housing & Human Services

Affordable Housing Marketing Procedures for Developers

Updated 1/2024

In order to ensure fair public access to permanently affordable homeownership opportunities, the Affordable Ownership Program, referred to as the "Program" in this document, has developed required marketing procedures. The following are the steps required to market your Permanently Affordable home:

1. Preparing to market affordable homes. Notify the Program that you are preparing to market the homes, provide contact information for a representative to manage the process, and ask about required and suggested marketing procedures. The Program requires a 30-day open marketing period for all affordable units. Although you may begin to advertise your upcoming properties prior to the beginning of this period, no commitment can be made to any buyer until the completion of the open marketing period and the steps outlined in this document are completed. Affordable units are required to be marketed concurrently with market-rate units.
2. Open Marketing Period. Propose dates for the beginning and end of your 30-day open marketing period. The marketing period may not begin until the affordable Covenant is executed. It also may not begin prior to the first public advertising for the units, or prior to the time you notify the Program that the units are for sale. Affordable prices will be established at the time of building permit issuance.
3. Advertise the units. Advertise in a daily general publication or the MLS during the open marketing period. Your advertising must describe the type of unit, indicate that the units are permanently affordable through the Program, and provide prices or price ranges. Program staff will post available units on the city website and may notify specific groups of program-certified buyers.
4. Marketing the units. A representative must be available to discuss floor plans, unit models, site plans, unit features, etc. with potential purchasers during the open marketing period. All interested buyers need to apply to the Program and be certified as program eligible. Your representatives should refer potential buyers with eligibility and application questions to the Affordable Ownership Program (www.boulderadffordablehomes.com; homeownership@bouldercolorado.gov).
5. Selection Process. During the open marketing period interested buyers submit the Program's selection entry forms indicating their intent to purchase. The form should specify any and all individual units the purchaser wants to purchase in order of preference. Do not commit to sell any unit to any buyer during the open marketing period. Be sure all interested purchasers have submitted selection process entry forms to the program by the end of the open marketing period. The Program will screen the purchasers by the preferences mandated by City Council. Currently a higher preference is given to purchasers who work in Boulder. In cases of equal preference, the Program will conduct a random drawing. Following this screening/drawing, the Program will send the developer's representative a rank ordered list of applicants eligible to purchase. The developer will work with the first person on the list to get a home under contract. If there is more than one home the developer will work through the list from top to bottom until all homes are under contract. Copies of signed contracts are then forwarded to the city.

6. Executing a contract. The Program will provide you with the selection process results after which you may offer sales contracts. The first household drawn for a unit will have 24 hours to sign a contract. If this household fails to do so, you may offer the unit to the second household drawn and so on. You may take any number of back up offers from eligible buyers for particular units. Units which are not matched with a household at the time of the fair selection process are then available first-come, first-serve. You do not have to conduct any further selection processes and may offer a contract to any program-certified buyer. Keep in mind that the Program will not allow households to purchase a unit in which the number of bedrooms exceeds the household size by more than one. In other words, a single person may not purchase a three-bedroom unit.
7. Sales contract. Once you have completed a contract with a buyer, at the time of signing or immediately thereafter, forward a copy of the contract to the Program. Program staff will finalize the buyer's eligibility to purchase the property. Households are not finally certified to purchase an affordable unit until the Program has received a copy of the contract.
8. Closing. Once you have selected a title company and have scheduled closing dates for your units, you must inform the Program **at least five business days prior to closing**. The Program will send each buyer a copy of the affordability Covenant recorded against the property and a number of other documents ensuring the city's ability to enforce the restrictions on the property. These documents will be forwarded to the appropriate title company before closing.
9. Equal Opportunity. In accordance with the provisions of the Equal Opportunities Act and the City of Boulder's Human Rights Ordinance, you may 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.

Additional Requirements:

- You may not enter into contracts with potential buyers until your building permit applications have been submitted to the City's Planning department. Alternative arrangements such as earlier options and reservations may be permitted if buyers can withdraw without penalty or there is convincing evidence that unit design is final and construction will occur in a timely fashion.
- The earnest money required must be affordable to low-income buyers. The program requires that buyers contribute a minimum of \$2000 to the purchase, so earnest money requirements up to that amount are acceptable. If you feel a higher requirement is appropriate, provide the Program with a rationale and we will consider an exception.
- The Program has a policy governing allowable pre-purchase upgrades. Please contact us before offering upgrades.
- The Program expects that you will communicate fully with buyers about any changes that occur between the date of contract and closing, e.g., construction delays, approved pre-purchase upgrades, design changes, etc.