



TOWN OF VAIL EMPLOYEE HOUSING COMMUNITY LOTTERY FAQ

I'm interested in applying for upcoming employee housing lotteries. What is my first step?

- First, please understand the general eligibility requirements listed below. However, your homebuying process begins with finding a trusted, reliable mortgage lender and receive your pre-qualification letter. We recommend using a local lender that is familiar with the deed restrictions and this Eagle County market.

Do I have to work within the Town of Vail in order to qualify for the application process?

- No, you need to work within Eagle County in order to apply as a qualified buyer.

What is a qualified buyer?

- Applicants must be a qualified buyer. A **Qualified Buyer** means the Town or a person who, upon purchase of the Property, will be a Qualified Owner.
- **Qualified Owner** means an Owner who is an individual who works an average of 30 hours or more each week over the course of a year at a business in Eagle County, Colorado that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business.

What exactly is a deed restriction?

- The deed restriction runs with the property and is binding upon every future owner. The deed restriction is not interchangeable once it's been recorded. A property can have a variety of multiple deeds on the home.
- Resident Occupied Deed Restriction has limits on owning other real estate, must be a primary residence, must be occupied by a household who works for a business located in Eagle County, requires Annual Recertification, requires the buyer complete an application and be approved prior to purchase.
- Price Capped Deed Restriction has limits on owning other real estate, must be a primary residence, must be occupied by a household who works for a business located in Eagle County, requires Annual Recertification, requires the buyer complete an application and be approved prior to purchase, has an appreciation cap and policy for capital improvements, and must be resold using The Town of Vail's resale lottery process.

Okay, I live and work in Eagle County. What are the basic eligibility requirements to qualify?

- The following are basic eligibility requirements to qualify:
 - Shall be prequalified for the maximum resale price with a mortgage lender who accepts the terms of the deed restriction, and file a complete application with the Town on forms provided by the Town.
 - The residence must be used as an owner-occupied primary home;
 - Applicants must be employed at an Eagle County business and must work a minimum of 30 hours each week over the course of a year and continue working that same amount



until the sale of the property or retirement;

- 75 percent of the applicant’s total income must be earned by working at an Eagle County business; and
- Applicants must agree to an annual maximum resale price appreciation cap percentage as stated in the deed restriction;
- Neither the applicant nor any member of the applicant’s immediate family may own improved residential real estate in Eagle County at the time of closing, except where that real estate is deed-restricted as a Town of Vail employee housing unit.

My significant other and I both qualify, separately, to apply for the home for sale via lottery. Does that mean we have the opportunity to add more than 3 tickets into the lottery?

- No. We are accepting 1 application per household, per home.

New this time, I see I MUST have a Homebuyer Class Certificate, at time of application, in order to qualify for the current lottery. I don’t have a Homebuyer Class Certificate but I already own a home Eagle County. Do I need to take the Homebuyer Class?

- Yes, you will need to provide a certificate for the completion of a Home Buyer Class as listed on the Current Listings website. Please know, if you are seeking first time homebuyer down payment assistance as guided through your mortgage lender, or through Eagle County offerings, you may be required to take a different online first time homebuyer class. This will not cover our requirements but it will be helpful.

What is the maximum # of tickets that someone can receive for the lottery?

- Each qualified applicant shall receive a minimum of one lottery ticket for entry into the resale lottery drawing, by turning in a complete application packet. Additional lottery tickets shall be awarded, up to a maximum of three total, based upon the following criteria:
 - Submit a complete lottery application = 1 lottery ticket
 - Not owning non-deed restricted real estate within the Town of Vail at the time of the lottery application submission = 1 lottery ticket
 - Unsuccessful participation in a Town of Vail housing public lottery process within the previous 24 months of the scheduled lottery date. = 1 lottery ticket
- Reminder, earlier on this page, only 1 application will be accepted per household, per home that you are applying to purchase.

I plan to apply for the lottery with my relative or significant other. Can we combine our tickets into the lottery for better chances?

- No. If two individuals are applying jointly, you must choose one individual as the applicant.
- One applicant, per household, is permitted to apply.

What if I have already applied for another lottery within the Town of Vail in the past?

- You will need to re-submit your application and paperwork for each property lottery that you wish to enter.
- New in 2022, if you have applied for a Town of Vail Community Housing Lottery in the last 24 months, you will receive a ticket in addition to the one that you will receive for submitting a



complete and approved application. However, if you win the lottery and turn down the property, you will not be eligible for this ticket for 24 months.

What if I have already applied for other home lotteries within Eagle County? Is that application valid?

- No. You must apply separately for each new home lottery and through the directions and qualifications for the specific residence/lottery. This lottery process and required documentation varies from the Eagle County application process.

Will I be expected to provide any additional forms in the application process?

- Nothing herein shall prevent the Town from requesting and requiring the submission of reasonable additional information to assist the Town in determining eligibility.

I'm a business owner, what should I have ready for the application process?

- W2s, paystubs, tax returns for the business.
- Tax returns for you, personally.
- If you are a Corporation or Sole Proprietor, and do not run payroll (or have W2s or paystubs) please gather PDFs of the following to show your work in Eagle County.
 - Secretary of State in Good Standing Document
 - Secretary of State Summary Page which also shows your physical address of the business location
 - Sales Tax License
 - Valid tax forms for two years for the business and that show the profit and subsequent payout that shows up on your personal tax returns
 - The K1 schedule as part of your full set of tax documents as a corporation or LLP
 - P&L document as part of your full set of tax documents for a sole proprietor
 - Not all business financials look the same. Please give thought to how you can show the TOV, without a doubt, that 75% (or more) of your overall income comes from working at an eligible business in Eagle County. Is there any additional income that would hinder being in compliance? If you have questions, we highly recommend that you meet with a Housing Coordinator well in advance of the Application deadline.
 - If you would like, please feel free to combine all of your business compliance paperwork into one PDF (besides the Tax Forms)
 - If there are multiple businesses and tax forms, please summarize the income shown in the business tax forms that then transfer over to the personal taxes as earned income.

What can be the biggest challenge for applicants in the lotteries within Eagle County?

- You will need time to gather your supporting documents as well as a prequalification letter from your lender early on, which often take applicants a few lotteries to provide complete applications. All claims will be verified by Town of Vail staff. Claims within your application that do not check out or are un-verifiable will not be counted in determining your eligibility.
- Reminder, the affidavit is a form that is provided by the Town of Vail and is listed on the current listings page.
- Reminder, also, that a valid ID cannot be expired.



Who needs to sign the affidavit verification for real estate ownership?

- You will need to sign the affidavit in front of a notary. Within the document, you will list a third party representative of your choosing that knows you and can certify that you don't currently own non deed restricted real estate in the Town of Vail. This person and their valid phone number could be your boss, banker, brother, broker or colleague for example.

Will Town Staff reach out to me if I missed information or documentation, made a mistake or a correction needs to be made to my application?

- No. All applicants are advised to review their applications and documentation carefully before submission as Town staff will evaluate lottery applications as submitted. The Housing Guidelines and schedule do not allow time for Housing Staff to review applications, notify applicants and provide time to re-submit for the current lottery round.

Going into the lottery, will I know how many tickets I will have entered?

- Yes, if you choose. It will be posted to the website on the current listings page associated with the lottery that is applicable.

What are the next steps/timeline if I am the winner?

- The top 5 names in the drawing order will be notified and asked to provide supporting documents via email and set up a time for review within the next business day by 5 p.m.
- You will be notified by a representative from the Town of Vail and the transaction broker will assist with next steps in the contractual process. If the winner of the lottery does not proceed to contract within three (3) business days after notification, the next in line will be notified and so on, until the unit is under contract for purchase. Back-up contracts in the priority order set forth in the lottery will be accepted.

Are all deed restrictions the same in way of capital improvement caps, maximum sales price caps and more?

- No. Deed restrictions vary from building to building and even residence to residence. Review the deed restriction, specific to the property lottery that you are applying for each time. You will want to read it carefully in advance of applying for the home purchase and again prior to signing on the home purchase. At the time of closing, you will be asked to initial each page of the deed restriction pages to make certain you have read the document thoroughly.

Upon purchasing the residence, may I rent it to a local employee?

- If an Owner leases a room within the Property, the lease shall include a clear reference to the Deed Restriction and a brief summary of the Deed Restriction, and shall by reference incorporate the terms and conditions of this Deed Restriction. Copies of all leases shall be filed with the Town during the annual verification process. Reminder, the owner of the residence must reside full time in the residence in order to continue to qualify and be in compliance with the deed restriction. Reminder, the home MUST be owner occupied and cannot be short-term rented.



Upon purchasing a deed restricted home, are there measures I need to do on an annual basis?

- Yes, in addition to paying your monthly HOA dues, an annual verification is needed, as provided in the Deed Restriction. No later than February 1st of each year, every Owner shall submit a sworn affidavit, on a digital form provided by the Town, verifying that the Property is occupied in accordance with the Deed Restriction and these Guidelines.

Is there a fee or penalty associated with failure to comply with the above annual compliance process?

- Yes, there is a mandatory fee of \$250 if compliance is not met but the form is quick and the deed restriction lists exactly which forms of back-up will be needed each year. You will complete the form and upload your documents electronically at the start of each new year.

I work with a trusted broker in the area and would like to work with them again. What is their commission?

- You will not need to contract a licensed broker when seeking a home purchase through the Town of Vail Housing Lottery program. Town staff are not licensed brokers, but instead, act as representatives of the Town and its interests. A transaction local broker is contracted by the Town of Vail to serve as your transaction broker for deed restricted housing sales.

What happens the day of the lottery, do I need to be present at the lottery in order to win and what are the next steps?

- On the date and at the time selected by the Town, the Town shall conduct a random drawing from the pool of eligible applicants. Applicants are welcome to join but are not required. The Town will notify the selected Qualified Buyer as soon as practicable after the lottery. Within 3 business days of notification from the Town, the selected Qualified Buyer shall make a written, binding offer to the selling Owner, using Colorado standard real estate forms.
- The final list and order of the winner followed by the order of reserve applicants will be posted on vailgov.com/currentlistings.

If I am selected first in the lottery drawing, am I locked in or owe anything?

- No. If the selected Qualified Buyer and the selling Owner are successful in their negotiations, they will enter into a purchase and sale contract, using Colorado standard real estate forms. If the negotiations fail, the Town will notify the next selected Qualified Buyer based on the alternative list. This process will continue until the Property is under contract for sale. Price is not negotiable.

If I submit my application in time for the deadline but locate an important supporting document after the deadline, will it be accepted?

- No. All application submittals and documentation is due before the application deadline. The program that you will upload your files to will time stamp it. Thank you for planning ahead. Any work you do, now, towards the lottery, will be helpful for you in the future. Please be sure to save and keep a copy for your files as you will re-submit materials each time you apply for a new lottery.