

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 34, SERIES 2024**

**A RESOLUTION APPROVING A RESIDENTIAL DISASTER RELIEF PROGRAM  
POLICY**

**WHEREAS**, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

**WHEREAS**, attached hereto is the Residential Disaster Relief Program Policy; and

**WHEREAS**, the Town Council is familiar with the Policy and finds it to be in the best interest of the Town, its residents, and the general public; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO, AS FOLLOW:**

**Section 1. Approval**

The Policy is hereby approved in substantially the form as attached hereto, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON APRIL 9, 2024.**

**TOWN OF TIMNATH, COLORADO**

  
Mark J. Soukup, Mayor

**ATTEST:**



Milissa Peters-Garcia, CMC  
Town Clerk



**EXHIBIT A**

**Residential Disaster Relief Program Policy**



**TOWN COUNCIL ADOPTED POLICY  
TOWN OF TIMNATH**

**SUBJECT: Residential Disaster Relief Program Policy**

**ISSUE DATE**

**APRIL 10, 2024**

**EFFECTIVE DATE**

**JANUARY 1, 2024**

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**INTENT**

This Policy (“Policy”) establishes the Residential Disaster Relief Program (“Program”), which provides guidelines for Town staff regarding the criteria and eligibility for residents seeking a waiver of certain Town of Timnath Use Taxes due to the need to reconstruct a disaster-impacted residential structure. It is not the intent of this Policy to cover community-wide disaster events or incidents such as hailstorms that affect multiple properties or areas within the Town of Timnath. Instead, the Program is designed to address unforeseen individual disasters specific to a property within the Town of Timnath (Town) boundary, such as a home burning down or a tree falling on a house.

**PUBLIC PURPOSE**

This Policy serves a broad public purpose by offering a waiver of up to a portion of the Town of Timnath Use Tax to residents affected by a disaster-related event in the Town of Timnath. The Town may award use tax waivers for the Town building materials use tax as defined in Section 4-4-30 of the Town municipal code, or a portion thereof, for the reconstruction of residential structures damaged or destroyed due to factors beyond the property owner’s control.

**POLICY**

The Town will accept applications from residential property owners to the Program on an as-needed basis. The Town will award relief subject to the application process and considerations outlined in this Policy. The Town Council authorizes the Town Manager the right to accept or reject any application at its discretion. Should an application be rejected, the applicant may appeal the decision to the Town Council. An application for relief does not guarantee approval.

The Town has identified the following relief to address unforeseen disaster-impacted residential structures within the community.

**Residential Disaster Relief Program**

The Town seeks to support the reconstruction of residential structures affected by events beyond a property owner’s control. This assistance is provided through a waiver of all or a portion of the Town’s building materials use tax.



A property owner may be considered for the Program if they meet the following criteria:

- It is an insured residential property in the Town that was damaged or destroyed by means outside the control of the property owner and the owner's insurance company is financially supporting the repairs and/or replacement.
- The property owner is the property owner of record at the time of the disaster and must be the applicant of the Program. The Program does not apply to persons, financial institutions, renters or family/friends residing at the residence, or other entities who acquire the property at a later date.
- The damaged residential structure was constructed under a valid building permit prior to the disaster.
- The damaged property is the property owner's primary place of residence. Investment properties or second homes are not eligible.
- The residential structure(s) being rebuilt are the same as the structure(s) that existed prior to the disaster (i.e., original location and footprint, same floor area or smaller, same height or smaller). Modified, expanded, or upgraded structures may qualify for that portion of use tax associated with replacement of the original structure.
- The reconstruction must adhere to all Homeowners Association and Metropolitan District requirements.

Applicants are eligible to seek a use tax waiver, which is based on the building permit's valuation. This valuation is determined by the estimated cost provided by the applicant/builder and verified to be reasonable in terms of construction and labor costs by the Town's Building Department. The maximum financial use tax credit will be capped at \$10,000 per property.

In addition to the use tax waiver, the Town would like to work with property owners to facilitate a quick and efficient process for deconstruction, site clean-up, and reconstruction. Property owners should consult with Town staff to explore options for streamlined review and permitting.

*Application Requirements:*

To be considered for the Program, the applicant shall submit a formal request to the Town Manager within eighteen (18) months of the date of the disaster. The following information must be included:

- Property owner name(s). Must match name/entity on the Larimer or Weld County Assessor record.
- Damaged/destroyed property address.
- Contact phone number and email address.
- Residential structure reconstruction valuation.



- Description of the need for the use tax waiver, specifically:
  - A copy of the insurance claim and settlement to confirm eligibility for the relief. There are no income restrictions, and the property owner does not need to demonstrate a financial shortfall related to reconstruction expenses to qualify for the use tax waiver. The insurance claim and settlement will be used solely to authenticate the application.
  - Description of the disaster and the circumstances that led to it.
  - Description of the reconstruction. Will the structure(s) be rebuilt to pre-disaster state, or are there planned modifications to the structure(s)?
  - Project timeline including expected completion.

*Review and Approval:*

- The Town will review all applications and determine eligibility of the use tax waiver based on the best interest of the Town, considering factors including without limitation: completeness of the application, need of the applicant, budgetary considerations, and whether the application furthers the intent and purpose of this policy.
- Town staff reviews the application for completeness but not approval and brings forth the application and recommended use tax waiver amount to the Town Manager and/or their designee for consideration.
- Review and approval of the use tax waiver will not be unreasonably withheld so as to not delay the project.
- Upon approval, the Town Manager may authorize a use tax waiver up to \$10,000.
- Should the applicant decide not to deconstruct/reconstruct the impacted structure after the issuance of a building permit, the process for withdrawing the permit and refunding the eligible portions of the building permit shall be as per the Town's adopted building codes.
- All building permit requirements are to be per the adopted Town's Building Code.
- Upon approval, Town staff shall notify Town Council of the approved waiver.

**OTHER CONSIDERATIONS**

No statements or representations by Town staff or officials shall be binding upon the Town nor relied upon, except as set forth in this policy and approved in writing by the Town Manager or approved by formal action of the Town Council and signed on behalf of the Town.

A recommendation of approval on an application from Town staff does not automatically guarantee approval, as the final approval or denial is at the discretion of the Town Manager or the Town Council and may be subject to budgetary considerations. The Town will consider all requests on a case-by-case basis and no project approval or rejection by Town Manager or Town Council shall be considered precedent for future recommendations or decisions.

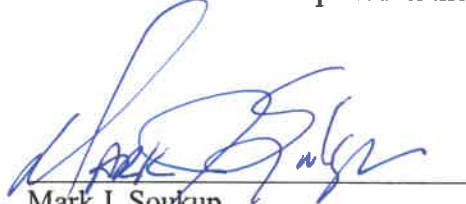
Approval of a disaster relief application by the Town does not imply approval of the development of property or a particular use thereof. The owner shall be required to comply with all land use, permitting and other approval requirements of the Town and other governmental jurisdictions.



Applicants should be advised that any written or visual communications with Town staff are subject to open records requests. Confidential information should be labeled as privileged information or confidential. In the event that information is labeled as confidential, Town staff will work with the applicant within the limits of the Colorado Open Records Act, as it relates to confidentiality, provided that the Applicant reimburses the Town for its costs associated with seeking a court order to restrict disclosure or defending an appeal of a denial of an open records request. The Town may disclose any information without liability if it is not labeled confidential or pursuant to a court order requiring disclosure. Any applicant who is concerned with information being subject to open records are encouraged to consult with Town staff prior to submitting anything to the Town.


**Amendment to This Policy**

Town Council has the authority to amend this Policy and may also consider waiving any requirement at its discretion to address any extraordinary circumstances not contemplated in the Policy.



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Mark J. Soukup  
Mayor



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Attest: Milissa Peters, CMC  
Town Clerk