

Special Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

July 12, 2021

2:30 PM

In-Person at County Chambers and Streamed via Swagit and Zoom Platforms

Chair: Natalia Macker

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. ZOOM LINK FOR PUBLIC PARTICIPATION

DIAL 1.669.900.6833 WEBINAR ID: 893 3078 9828

OR

LINK TO JOIN WEBINAR: <https://us02web.zoom.us/j/89330789828>

II. ROLL CALL AND ANNOUNCEMENTS

III. ENERGY CONSERVATION WORKS (ECW) VOLUNTEER BOARD INTERVIEWS

IV. EXECUTIVE SESSION

Pursuant to WY Statute §16-4-405(a)(ii)

V. 3:00 PM - PUBLIC COMMENT

This section is reserved for questions and comments from the public on items that are not otherwise included in this agenda. As a general practice, the Electeds will not hold discussion or debate these comments. Nor will they make any decisions on items presented during this time but rather refer items to staff for follow-up. If you would like to communicate with the Electeds during the meeting, please address them during open public comment, when public comment is called for on a specific item, or send an email to commissioners@tetoncountywy.gov and Council@jacksonwy.gov.

VI. CONSENT CALENDAR

A. Minutes

1. June 7, 2021 JIM Minutes
2. June 22, 2021 Special JIM Minutes

VII. DISCUSSION/ACTION ITEMS

- A. Update on the Housing Preservation Program
- B. Annual Update to Housing Program Rules & Regulations
- C. Travel and Tourism Amendment to JPA

VIII. MATTERS FROM COUNCIL, COMMISSIONERS, AND STAFF

IX. COUNTY ADJOURN

X. TOWN ONLY ACTION

Please note that at any point during the meeting, the Chairman or Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

A. Council Action on Executive Session Item from July 6, 2021

XI. TOWN ADJOURN

XII. PROPOSED AGENDA ITEMS FOR UPCOMING JIMs

8/2 item tbd

9/6 Rec Center Expansion (Steve Ashworth, 60 mins)

9/6 Housing Rules and Regs Adoption (April Norton, consent)

9/6 Northern South Park Discussion (Chris Neubecker, 30 mins)

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**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

JUNE 7, 2021

JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 3:00 P.M.

I. ROLL CALL. Upon roll call the following were present:

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, Mark Barron and Mark Newcomb, were present in-person, and Greg Epstein was present via Zoom.

TOWN COUNCIL: Mayor Hailey Morton Levinson, Vice-Mayor Arne Jorgensen, Jim Rooks, and Jessica Sell Chambers were present.

STAFF: Larry Pardee, Chris Neubecker, Ryan Hostetter, Lea Colasuonno, Claire Hutchinson, Kristi Malone, Roxanne Robinson, Alyssa Watkins, Tyler Sinclair, Keith Gingery and Chalice Weichman.

II. PUBLIC COMMENT. None.

III. CONSENT CALENDAR.

A. Meeting Minutes. To approve the meeting minutes for the April 28th, 2021 Special JIM, April 29th, 2021 Special JIM, May 3rd, 2021 JIM, and the May 24th, 2021 Special JIM meetings as presented.

B. Energy Conservation Works Budget. To approve the budget as presented.

C. Travel and Tourism Budget. To approve the budget as presented.

Commissioner Epstein pulled item C, the Travel and Tourism Budget, from consent.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the consent calendar for today's joint information meeting that includes the minutes for the April 28th, April 29th, May 3rd, and the May 24th, 2021 JIM meetings, and the budget for Energy Conservation Works. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to approve the consent calendar for today's joint information meeting that includes the minutes from the April 28th, April 29th, May 3rd, and the May 24th, 2021 JIM meetings, and the budget for Energy Conservation Works. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

C. Travel and Tourism Budget. The Commission and Council discussed the Budget for the Travel and Tourism Board.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Barron to approve the Travel and Tourism Budget as presented. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Councilmember Jorgensen and seconded by Councilmember Schechter to approve the Travel and Tourism Budget as presented. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

IV.A. MATTERS FOR DISCUSSION: FY22 Comprehensive Plan Indicator Report and Work. Tyler Sinclair, Community Development Director, presented to the Commission and Council for consideration of approval a Fiscal Year 2022 Implementation Work Plan. The

Boards were presented with a draft Work Plan for Comprehensive Plan implementation recommended by Staff and the Town and County Planning Commissions. The Boards could approve the Work Plan recommended or make specific changes prior to approval.

Public comment was given by Kelly Lockhart.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Rooks to approve the proposed FY 22 Implementation Work Plan dated June 2, 2021, with the addition of the Fairgrounds Neighborhood Plan to the work plan beginning January 2022, as proposed. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to accept the changes to approve the proposed FY 22 Implementation Work Plan dated June 2, 2021, with the addition of the Fairgrounds Neighborhood Plan to the work plan beginning January 2022, as proposed. Chairwoman Macker called for the vote. The vote showed three in favor and the motion carried 3-2 for the County with Commissioner Barron and Epstein opposed.

IV.B. Consideration of Amendment #1 to the Jackson Hole Travel and Tourism Board Joint Powers Agreement Regarding Employees. Keith Gingery, Deputy County Attorney, presented to the Commission and the Council for consideration of approval a Draft proposal for an amendment to the Agreement Establishing the Jackson Hole Travel and Tourism Joint Power Board to allow the hiring of employees.

The Town of Jackson and Teton County entered into an Agreement establishing the Jackson Hole Travel and Tourism Joint Power Board on January 4, 2011. Paragraph 10 Methods of Operation states that the "The Board shall not have employees ... " With the ongoing discussion surrounding creating a Destination Management and Marketing Organization and the RFP being issued for a new executive director, there has been discussion of by the Travel and Tourism Board of asking the Town of Jackson and Teton County to remove the prohibition that does not allow the Travel and Tourism Board to have employees. The Travel and Tourism Board voted at their April 2021 board meeting to make this request to the Town Council and the Board of County Commissioners.

Brian Gallagher, Travel and Tourism Board Chairman, and Brian Modena, Travel and Tourism Board Secretary, answered questions from the Board.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue this item to July 12, 2021. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to continue this item to a date uncertain. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried for the Town.

IV.C. Consideration of Housing Nexus Study & regional Housing Needs Assessment Scope of Work and Contract Approval. Tyler Sinclair, Community Development Director, presented to the Commission and Council the award of the contract for services for a Housing Nexus Study and Regional Housing Needs Assessment. Once complete, these studies will provide 1) the legal nexus for the housing mitigation program and 2) the current and future workforce housing needs for the region (Teton County, Wyoming; Teton County, Idaho; and Northern Lincoln County, WY).

Wendy Sullivan, WSW Consulting, answered questions from the Council and Commission.

There was no public comment.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to recommend approval by the Teton County Board of County Commissioners of a contract for services with WSW Consulting to complete the Regional Housing Needs Assessment and Employee Generation by Land Use Study for a not to exceed amount of \$299,760. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to accept the changes to approve the Contract for Services with WSW Consulting to complete the Regional Housing Needs Assessment and Employee Generation by Land Use Study for a not to exceed amount of \$299,760. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-1 for the County with Commissioner Barron opposed.

IV.D. Consideration of Northern South Park Neighborhood Plan Scope of Work Amendment. Chris Neubecker, Director of Planning and Building Services, presented to the Commission and Council for consideration of approval changes to the scope and schedule for the Northern South Park Neighborhood Plan.

The Northern South Park neighborhood planning process began in December 2020 with a \$400,000 budget and December 2020-July 2021 project timeline. Based on additional time spent by the consultant group on the Steering Committee and public engagement, that timeline has been extended by approximately one month for anticipated completion in August 2021. Consideration of amending the project scope and timeline arose from the Board of County Commissioners in May 2021, as summarized in the Staff Report.

Public comment was made by Brooke Sausser.

The Commission and Council were provided with optional motions but decided not to take the action on this item. Staff were instructed to proceed without changes to the scope and schedule for the Northern South Park Neighborhood Planning process.

V. MATTERS FROM COMMISSION AND COUNCIL. Resolution in support of a ban on commercial air tours: the Commission discussed the need for a conversation regarding the direction of the resolution.

Adjourn. On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Schechter to adjourn. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 5:08 p.m.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk

**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

JUNE 22, 2021

JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a virtual joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 10:45 A.M.

I. ROLL CALL. Upon roll call the following were present:

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, and Greg Epstein were present via Zoom. Mark Barron and Mark Newcomb joined the meeting after roll call at 10:48 A.M.

TOWN COUNCIL: Vice-Mayor Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom. Mayor Hailey Morton Levinson joined the meeting at 10:54 A.M. and Jim Rooks were absent.

I. VOLUNTEER BOARD INTERVIEWS. The following applicants for the Travel and Tourism and Energy Conservation Works Boards were interviewed virtually:

- A. Travel and Tourism Board
 - i. Erik Dombroski

Mayor Morton Levinson joined the meeting at 10:54 A.M.

- ii. Julie Calder
- iii. Mike Geraci
- iv. Mary Bess
- v. Charisse Meadows Haws

II. EXECUTIVE SESSION – Pursuant to WY Statute §16-4-405(a)(ii) To consider appointments to volunteer boards, specifically the appointment of a board member as a public officer.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Jorgensen to enter executive session. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting entered executive session at 11:29 A.M.

Commission present: Natalia Macker, Luther Propst, Mark Barron, Greg Epstein and Mark Newcomb were present via Zoom.

Council present: Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom.

Staff: Alyssa Watkins, Board of County Commissioners Administrator was present via Zoom.

Clerk: Chalice Weichman, Deputy County Clerk was present in the Commissioners' Chambers.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the county.

The Town exited executive session. The meeting exited executive session at 11:43 A.M.

VOLUNTEER BOARD INTERVIEWS CONTINUED

A. Energy Conservation Works

- i. Jim Obrien
- ii. Nancy Shea

Laura Bonich and Jim Speyer applied for Energy Conservation Works and were unable to attend the interviews.

III. EXECUTIVE SESSION II – Pursuant to WY Statute §16-4-405(a)(ii) To consider appointments to volunteer boards, specifically the appointment of a board member as a public officer.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Jorgensen to enter executive session. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting entered executive session at 11:56 A.M.

Commission present: Natalia Macker, Luther Propst, Mark Barron, Greg Epstein and Mark Newcomb were present via Zoom.

Council present: Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom.

Staff: Alyssa Watkins, Board of County Commissioners Administrator was present via Zoom.

Clerk: Chalice Weichman, Deputy County Clerk was present in the Commissioners' Chambers.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

The Town exited executive session. The meeting exited executive session at 12:04 P.M.

No appointments were made.

Adjourn. On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Jorgensen to adjourn. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 12:05 P.M.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk

**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

JUNE 7, 2021

JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 3:00 P.M.

I. ROLL CALL. Upon roll call the following were present:

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, Mark Barron and Mark Newcomb, were present in-person, and Greg Epstein was present via Zoom.

TOWN COUNCIL: Mayor Hailey Morton Levinson, Vice-Mayor Arne Jorgensen, Jim Rooks, and Jessica Sell Chambers were present.

STAFF: Larry Pardee, Chris Neubecker, Ryan Hostetter, Lea Colasuonno, Claire Hutchinson, Kristi Malone, Roxanne Robinson, Alyssa Watkins, Tyler Sinclair, Keith Gingery and Chalice Weichman.

II. PUBLIC COMMENT. None.

III. CONSENT CALENDAR.

A. Meeting Minutes. To approve the meeting minutes for the April 28th, 2021 Special JIM, April 29th, 2021 Special JIM, May 3rd, 2021 JIM, and the May 24th, 2021 Special JIM meetings as presented.

B. Energy Conservation Works Budget. To approve the budget as presented.

C. Travel and Tourism Budget. To approve the budget as presented.

Commissioner Epstein pulled item C, the Travel and Tourism Budget, from consent.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the consent calendar for today's joint information meeting that includes the minutes for the April 28th, April 29th, May 3rd, and the May 24th, 2021 JIM meetings, and the budget for Energy Conservation Works. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to approve the consent calendar for today's joint information meeting that includes the minutes from the April 28th, April 29th, May 3rd, and the May 24th, 2021 JIM meetings, and the budget for Energy Conservation Works. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

C. Travel and Tourism Budget. The Commission and Council discussed the Budget for the Travel and Tourism Board.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Barron to approve the Travel and Tourism Budget as presented. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Councilmember Jorgensen and seconded by Councilmember Schechter to approve the Travel and Tourism Budget as presented. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

IV.A. MATTERS FOR DISCUSSION: FY22 Comprehensive Plan Indicator Report and Work. Tyler Sinclair, Community Development Director, presented to the Commission and Council for consideration of approval a Fiscal Year 2022 Implementation Work Plan. The

Boards were presented with a draft Work Plan for Comprehensive Plan implementation recommended by Staff and the Town and County Planning Commissions. The Boards could approve the Work Plan recommended or make specific changes prior to approval.

Public comment was given by Kelly Lockhart.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Rooks to approve the proposed FY 22 Implementation Work Plan dated June 2, 2021, with the addition of the Fairgrounds Neighborhood Plan to the work plan beginning January 2022, as proposed. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to accept the changes to approve the proposed FY 22 Implementation Work Plan dated June 2, 2021, with the addition of the Fairgrounds Neighborhood Plan to the work plan beginning January 2022, as proposed. Chairwoman Macker called for the vote. The vote showed three in favor and the motion carried 3-2 for the County with Commissioner Barron and Epstein opposed.

IV.B. Consideration of Amendment #1 to the Jackson Hole Travel and Tourism Board Joint Powers Agreement Regarding Employees. Keith Gingery, Deputy County Attorney, presented to the Commission and the Council for consideration of approval a Draft proposal for an amendment to the Agreement Establishing the Jackson Hole Travel and Tourism Joint Power Board to allow the hiring of employees.

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Brian Gallagher, Travel and Tourism Board Chairman, and Brian Modena, Travel and Tourism Board Secretary, answered questions from the Board.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue this item to July 12, 2021. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to continue this item to a date uncertain. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried for the Town.

IV.C. Consideration of Housing Nexus Study & regional Housing Needs Assessment Scope of Work and Contract Approval. Tyler Sinclair, Community Development Director, presented to the Commission and Council the award of the contract for services for a Housing Nexus Study and Regional Housing Needs Assessment. Once complete, these studies will provide 1) the legal nexus for the housing mitigation program and 2) the current and future workforce housing needs for the region (Teton County, Wyoming; Teton County, Idaho; and Northern Lincoln County, WY).

Wendy Sullivan, WSW Consulting, answered questions from the Council and Commission.

There was no public comment.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to recommend approval by the Teton County Board of County Commissioners of a contract for services with WSW Consulting to complete the Regional Housing Needs Assessment and Employee Generation by Land Use Study for a not to exceed amount of \$299,760. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

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IV.D. Consideration of Northern South Park Neighborhood Plan Scope of Work Amendment. Chris Neubecker, Director of Planning and Building Services, presented to the Commission and Council for consideration of approval changes to the scope and schedule for the Northern South Park Neighborhood Plan.

The Northern South Park neighborhood planning process began in December 2020 with a \$400,000 budget and December 2020-July 2021 project timeline. Based on additional time spent by the consultant group on the Steering Committee and public engagement, that timeline has been extended by approximately one month for anticipated completion in August 2021. Consideration of amending the project scope and timeline arose from the Board of County Commissioners in May 2021, as summarized in the Staff Report.

Public comment was made by Brooke Sausser.

The Commission and Council were provided with optional motions but decided not to take the action on this item. Staff were instructed to proceed without changes to the scope and schedule for the Northern South Park Neighborhood Planning process.

V. MATTERS FROM COMMISSION AND COUNCIL. Resolution in support of a ban on commercial air tours: the Commission discussed the need for a conversation regarding the direction of the resolution.

Adjourn. On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Schechter to adjourn. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 5:08 p.m.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk

**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

JUNE 22, 2021

JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a virtual joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 10:45 A.M.

I. ROLL CALL. Upon roll call the following were present:

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, and Greg Epstein were present via Zoom. Mark Barron and Mark Newcomb joined the meeting after roll call at 10:48 A.M.

TOWN COUNCIL: Vice-Mayor Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom. Mayor Hailey Morton Levinson joined the meeting at 10:54 A.M. and Jim Rooks were absent.

I. VOLUNTEER BOARD INTERVIEWS. The following applicants for the Travel and Tourism and Energy Conservation Works Boards were interviewed virtually:

- A. Travel and Tourism Board
 - i. Erik Dombroski

Mayor Morton Levinson joined the meeting at 10:54 A.M.

- ii. Julie Calder
- iii. Mike Geraci
- iv. Mary Bess
- v. Charisse Meadows Haws

II. EXECUTIVE SESSION – Pursuant to WY Statute §16-4-405(a)(ii) To consider appointments to volunteer boards, specifically the appointment of a board member as a public officer.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Jorgensen to enter executive session. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting entered executive session at 11:29 A.M.

Commission present: Natalia Macker, Luther Propst, Mark Barron, Greg Epstein and Mark Newcomb were present via Zoom.

Council present: Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom.

Staff: Alyssa Watkins, Board of County Commissioners Administrator was present via Zoom.

Clerk: Chalice Weichman, Deputy County Clerk was present in the Commissioners' Chambers.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the county.

The Town exited executive session. The meeting exited executive session at 11:43 A.M.

VOLUNTEER BOARD INTERVIEWS CONTINUED

A. Energy Conservation Works

- i. Jim Obrien
- ii. Nancy Shea

Laura Bonich and Jim Speyer applied for Energy Conservation Works and were unable to attend the interviews.

III. EXECUTIVE SESSION II – Pursuant to WY Statute §16-4-405(a)(ii) To consider appointments to volunteer boards, specifically the appointment of a board member as a public officer.

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Council present: Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, and Jessica Chambers were present via Zoom.

Staff: Alyssa Watkins, Board of County Commissioners Administrator was present via Zoom.

Clerk: Chalice Weichman, Deputy County Clerk was present in the Commissioners' Chambers.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

The Town exited executive session. The meeting exited executive session at 12:04 P.M.

No appointments were made.

Adjourn. On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Chambers and seconded by Councilmember Jorgensen to adjourn. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 12:05 P.M.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk



JOINT INFORMATION MEETING

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Affordable Housing

PRESENTER: April Norton, Director

MEETING DATE: July 12, 2021

SUBJECT: Pilot Preservation Program Update

STATEMENT/PURPOSE

Staff will provide the Board of County Commissioners ("Board") and the Jackson Town Council ("Council") with an update on the Pilot Preservation Program that launched in February 2021. Staff will also provide the Board and Council with some options for potential upgrades to the program.

BACKGROUND/ALTERNATIVES

The Housing Action Plan, approved by the Board and Council in November 2015, directs staff to "preserve existing workforce housing stock to avoid leakage" (Initiative 2.C). This initiative further directs staff to "restrict existing workforce housing, ensuring programs for households in different income categories exist".

The 2020 Housing Supply Plan, approved by the Board and Council in March 2020, identified a Restriction Fund program that would "purchase permanent deed restrictions on existing and new housing stock". The program, as described in the Supply Plan, would "assign values to different deed restrictions and homeowners, prospective buyers, and developers may apply for funds based on the restriction they would like to sell and the value of the home".

The 2019 SPET Ballot had the following language on the ballot that was approved by the voters. This proposed program complies with the SPET ballot language, specifically that the SPET funds may be used for "the purchase of deed restrictions to house the local workforce."

Community Housing Opportunities

\$5,500,000.00 for the purchase of appropriately zoned land to develop permanently deed restricted housing thereon and/or the purchase of deed restrictions to house the local workforce. Funds will be placed in the Jackson/Teton County Housing Authority Housing Supply account. The Jackson Town Council and the Teton County Board of County Commissioners must authorize and direct the expenditure of these funds. This project is sponsored by Teton County.

At the January 2021 Joint Information Meeting the Board and Council approved a pilot program that would utilize 2019 Specific Purpose Excise Tax ("SPET") Community Housing Priorities funds to purchase permanent deed restrictions on existing homes located in Teton County, Wyoming. The Board and Council also directed staff to provide an update on the program at the July 2021 Joint Information Meeting.

The pilot program was approved to purchase restrictions in one of two ways:

- 1) Down payment assistance to Qualified Households who sought to purchase a market rate home. The household could apply to receive up to 16.5% of the appraised value or sales price (whichever is lower) capped at \$150,000. To qualify, a household must have at least one person who works full-time for a local business and 75% of the household's income must be earned locally. The household may not own property within 150 miles of Teton County, Wyoming. At closing, the Qualified Household records a permanent Workforce Ownership deed restriction on the home. Thus far, two households have closed on homes using down payment assistance; a third

household is currently under contract to purchase a home using down payment assistance. Another 13 households are pre-qualified for the program.

- Household One purchased a townhome in Rafter J. Sale price: \$840,000; Closing Date: March 2, 2021; Preservation Program contribution: \$135,000 (appraised value was lower than sale price).
 - Household Two purchased a townhome north of town. Sale price: \$968,000; Closing Date: June 1, 2021; Preservation Program contribution: \$150,000.
 - Household Three is under contract to purchase a Virginian Village Condo. Sale price: \$596,150; Closing Date: August 4, 2021; Preservation Program contribution: \$98,365. For this transaction, the Seller approached the Housing Department about selling the home to a household that qualified for the Workforce Program. The Housing Department sent an email with the details of the home out to the households who were prequalified for the Preservation Program and one of those households went under contract to buy the home the following week. The household has also moved into the condo, renting it from the owner while they go through the buy/sell process.
- 2) Payment to a household who owns a home located in Teton County, Wyoming in return for the recordation of a permanent Workforce Ownership deed restriction on the home. The household provides a current appraisal and inspection report for the home. The Housing Authority can pay up to 16.5% of the appraised value or \$150,000 – whichever is less – for the permanent deed restriction. Thus far, no households have sold a deed restriction on a residence they already own.

Now that the program has been active for a few months, staff seeks direction from the Board and Council regarding any upgrades or changes to the program.

Key Question One: Should existing homeowners who wish to sell a permanent deed restriction on their home be exempt from qualifying as a Workforce household at initial sale and from the annual requalification process?

Example: Household owns a home they wish to restrict. The household also owns another residential unit in Teton County, Wyoming. Under the Workforce Program qualification requirements this household would not qualify to sell the deed restriction because they own real estate within 150 miles.

Staff recommends exempting households who wish to sell a permanent deed restriction on a residential unit they own from qualifying for the Workforce Program. The exception to this rule is for a Workforce unit that is being rented. In that scenario the tenant must qualify for the Workforce Program.

Key Question Two: Should funds be spent to increase affordability on existing deed restricted housing stock? For example, funds can be used to buy down Workforce units to Affordable units.

Example: Two-bedroom Westview Townhome listed for \$700,000. Maximum sales price for a 2-bedroom Affordable 80-120% MFI is \$334,211 or a difference of \$365,789.

Staff does not recommend using funds to buy down already permanently deed restricted units. As Workforce units come up for resale through the Housing Department their restriction will be changed to an Affordable 80-120% if the maximum sales price is within the maximum allowable sales price for an Affordable 80-120%. This is currently the practice being applied to the 810 West development. Over time, because of the appreciation cap, these units are becoming more affordable.

Key Question Three: Should the amount of funding available to purchase a deed restriction be increased?

Down Payment Assistance

Example: Home appraises for \$850,000. Under the current program, the maximum amount of funding the Housing Authority can provide to purchase the deed restriction is \$140,250, reducing the maximum sales price to \$709,250 (from which the home would begin to appreciate at CPI capped at 3%). In this example, the household is required to provide \$29,750 towards the down payment as well, reducing the mortgage amount to \$679,500. A household needs to earn a minimum of \$124,000 annually for the \$3,100 monthly mortgage on the home to be considered affordable to that household (no more than 30% of the household's income spent on housing).

One option is to increase the maximum amount the Housing Authority can spend to purchase a deed restriction to 20% of appraised value or sales price, whichever is lower, capped at \$200,000 and include a requirement that the household contribute 5% of the sales price toward the down payment.

Applying this change to the example above, the Housing Authority would provide \$170,000 down payment assistance, the household would provide \$42,500 toward the down payment, reducing the mortgage amount to \$637,500 and the monthly payments to \$2,900. The home's maximum resale value would be set at \$680,000 from which it would begin to appreciate at CPI capped at 3%. A household would need to earn a minimum of \$116,000 annually for this to be considered affordable.

Sales Price or Appraised Value	16.5% capped at \$150,000	20% capped at \$200,000
\$550,000 – likely a 1-bedroom condo or townhome	Preservation Program: \$90,750 Buyer: \$19,250 New Max Price: \$459,250 Monthly Payment: \$1,931 Min Household Income: \$77,240	Preservation Program: \$110,000 Buyer: \$27,500 New Max Price: \$440,000 Monthly Payment: \$1,810 Min Household Income: \$72,400
\$700,000 – likely a 1 or 2-bedroom condo or townhome	Preservation Program: \$115,500 Buyer: \$24,500 New Max Price: \$584,500 Monthly Payment: \$2,579 Min Household Income: \$103,160	Preservation Program: \$170,000 Buyer: \$35,000 New Max Price: \$530,000 Monthly Payment: \$2,172 Min Household Income: \$86,880
\$850,000 – likely a 2-bedroom condo or townhome	Preservation Program: \$140,250 Buyer: \$29,750 New Max Price: \$679,500 Monthly Payment: \$3,100 Min Household Income: \$124,000	Preservation Program: \$170,000 Buyer: \$42,500 New Max Price: \$637,500 Monthly Payment: \$2,900 Min Household Income: \$116,000
\$1,000,000 – likely a 2 or 3-bedroom condo, townhome, or small single-family	Preservation Program: \$150,000 Buyer: \$50,000 New Max Price: \$850,000 Monthly Payment: \$3,652 Min Household Income: \$146,080	Preservation Program: \$200,000 Buyer: \$50,000 New Max Price: \$800,000 Monthly Payment: \$3,423 Min Household Income: \$136,920
\$1,500,000 – likely a 2, 3, or 4-bedroom condo, townhome, or small single-family	Preservation Program: \$150,000 Buyer: \$150,000 New Max Price: \$1,350,000 Monthly Payment: \$5,415 Min Household Income: \$216,600	Preservation Program: \$200,000 Buyer: \$100,000 New Max Price: \$1,300,000 Monthly Payment: \$5,415 Min Household Income: \$216,600

For context, the public investment at Mercill Condos is less than \$80,000/unit and less than \$145,000/unit at Kelly Place. Both developments will result in Workforce Ownership homes. In addition to the per unit public investment, these units require 24 months to design, permit, and build, plus Town and County staff time.

Staff recommends increasing the maximum amount provided for a deed restriction purchase to 20% of the sales price or appraised value, whichever is less, capped at \$200,000. This provides greater affordability for homes priced below \$1,000,000 and restricts a market home on a relatively quick timeline and with less staff time than developing new units requires.

Deed Restriction Purchase from an Existing Homeowner

Example: Home appraises for \$1,000,000. Under the current program, the maximum amount of funding the Housing Authority can provide to purchase a deed restriction is \$150,000. This will reduce the maximum sales price to \$850,000 and sets the appreciation at CPI capped at 3%.

One option is to increase the maximum amount the Housing Authority can spend to purchase a deed restriction to 20% of appraised value capped at \$200,000. In the example above, 20% of the appraised value is \$200,000 and would set the maximum sales price at \$800,000 from which it will appreciate at CPI capped at 3%.

Staff recommends increasing the maximum amount provided for a deed restriction purchase to 20% of the appraised value, capped at \$200,000. This provides greater incentive for current homeowners to participate in the program and ensures speculative buyers cannot purchase the homes once the current owners are ready to sell.

Key Question Four: What other ideas would the Board and Council like staff to consider and bring back for further discussion or consideration?

COMPREHENSIVE PLAN ALIGNMENT

Comprehensive Plan

Principle 5.1: Maintain a diverse population by providing workforce housing.

Principle 5.3: Reduce the shortage of housing that is affordable to the workforce.

Principle 5.4: Use a balanced set of tools to meet our housing goals.

Housing Action Plan

Initiative 2C: Preserve existing workforce housing stock to avoid leakage.

STAKEHOLDER ANALYSIS

Stakeholders include Town and County taxpayers; homeowners; households seeking safe, stable housing; and local businesses. Staff released a community survey to garner feedback on the program. The survey closed July 9, 2021, and results will be included in the presentation at the JIM.

FISCAL IMPACT

The Board and Council directed and authorized the Housing Authority to utilize \$1,000,000 in SPET funds for this pilot program. Another \$2,000,000 was identified for this use in the 2021 Housing Supply Plan that was approved by the Board and Council in May 2021.

To-date, \$383,665 have been used for three deed restriction purchases (this includes 1 pending purchase), which leaves \$616,335 left in the initial \$1,000,000 allocation.

STAFF IMPACT

The program requires time from the Housing Manager, Housing Sales Coordinator, Housing Director, and Town and County Legal Departments.

LEGAL REVIEW

L. Colasuonno and A. Moore

ATTACHMENTS

None

RECOMMENDATION

Staff recommends:

- Exempt current homeowners who wish to sell deed restrictions on their homes from Workforce Program qualification requirements. Require all tenants in these units to meet Workforce Program qualification requirements.
- Increase the maximum amount the Housing Authority can pay to purchase a deed restriction to 20% of the appraised value or sales price, whichever is lower, capped at \$200,000.

SUGGESTED MOTION

Both Town and County:

I move to direct and authorize the Jackson / Teton County Housing Authority to make the following changes to the Preservation Program:

1. Exempt current homeowners who wish to sell a deed restriction on their home from Workforce Program qualification requirements. Require all tenants in these units to meet Workforce Program qualification requirements.
2. Increase the maximum amount the Housing Authority can pay to purchase a deed restriction to 20% of the appraised value or sales price, whichever is lower, capped at \$200,000.



JOINT INFORMATION MEETING

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Housing

PRESENTER: Stacy Stoker/April Norton

MEETING DATE: July 12, 2021

SUBJECT: Update to Jackson/Teton County Housing Department Rules and Regulations

STATEMENT/PURPOSE

The Board and Council will consider proposed changes to the Jackson/Teton County Housing Department Rules and Regulations and provide direction to staff. These changes include four policy questions along with minor clarifications, and additional definitions.

BACKGROUND/ALTERNATIVES

In June of 2018, the Jackson Town Council ("Council") and Teton County Board of County Commissioners ("Board") adopted the Jackson/Teton County Housing Department Rules and Regulations. Staff brings proposed changes to the Council and Board annually for approval.

Four policy questions are listed below. The Housing Authority Board (HAB) reviewed and discussed the policy questions at their June 2nd Regular Meeting. Staff Recommendations and HAB recommendations are included.

POLICY QUESTIONS

Policy Question #1 (Section 3-2.A.2.b):

Should individuals with a disability be exempt from employment requirements?

Status Quo: Disabled individuals are automatically exempt from employment requirements if they are not able to gain employment due to their disability.

Disability is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Major life activities include but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Key Points:

1. The U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Justice (DOJ) released a Joint Statement on Reasonable Accommodations under the Fair Housing Act (FHA).

A Reasonable Accommodation is an adjustment made in a system to accommodate or make fair the same system for a disabled individual based on a proven need.

The Joint Statement from HUD and the DOJ indicates that Reasonable Accommodation Requests are required to be approved if they do not impose undue financial and administrative burden on the organization or if they do not fundamentally alter the nature of the organization's operations. The organization should consider various factors, such as

the cost of the requested accommodation, the financial resources of the organization, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

2. The Housing Department has been working through a scenario over the past three years with the owners of an Employee Housing unit. The owners were found to be in default because their tenant was not employed in Teton County. The tenant verified that she had a disability and claimed that the reason she was not employed was due to her disability. She was allowed by the Housing Department to continue her tenancy because of the current Rules and Regulations policy that disabled individuals are exempt from employment requirements. The owners were then found to be in default a second time because the tenant was not occupying the unit. The tenant verified the reason she was not occupying the unit was due to needing continual treatment in another state for her disability. Staff and the Town and County Attorneys have been working to determine if we are required by the Fair Housing Act (FHA) to allow her to continue her tenancy even though she is not occupying the unit. Our legal team found precedence in a court case where a landlord was able to show that in their specific case, granting the accommodation to the disabled individual fundamentally altered the nature of the organization's operations. However, due to the automatic exemption policy for disabled individuals in our Rules and Regs, our legal team advised us to either allow the unit to remain unoccupied by the tenant or change the Rules and Regulations.

3. Automatically exempting disabled individuals from the employment requirement, which is our current policy, eliminates the Reasonable Accommodation application process, which would allow the Housing Department to evaluate whether specific situations should be approved or denied based on whether granting of the accommodation would impose undue financial and administrative burden on our organization or whether it would fundamentally alter the nature of our operations.

4. The Housing Rules and Regulations have a process in place which would allow an applicant who received a denial of a request for reasonable accommodation to have a hearing by the Housing Authority Board.

Options:

1. Keep the status quo.
2. Remove the disabled exemption of the employment rule and add a Request for Reasonable Accommodation process to the Rules and Regulations.
3. Other as put forth by Council or Commission.

Staff Recommendation: Reasonable Accommodation requests allow staff and the HAB to make decisions on a case-by-case basis in accordance with the HUD and DOJ Joint Statement on Reasonable Accommodations under the FHA. Each situation is unique so there should not be an automatic exemption for disabled individuals. Staff recommends Option 2.

HAB Recommendation: The HAB supports staff recommendation of Option 2.

Policy Question #2 (Section 3-2.B):

Should Deferred Action Childhood Arrivals (DACA) recipients qualify to purchase restricted housing units?

DACA is a United States immigration policy that allows some individuals with unlawful presence in the United States after being brought to the country as children to receive a renewable two-year period of deferred action from deportation and become eligible for a work permit in the U.S. To be eligible for the program, recipients cannot have felonies or serious misdemeanors on their records. DACA does not provide a path to citizenship for recipients.

Status Quo: For the purchase of restricted units, Qualified households must have at least one adult member who is a U.S. Citizen or is a Lawful Permanent Resident (holds a Green Card). DACA recipients are not eligible.

Key Points:

1. Recent changes by Fannie Mae, Freddy Mac, and FHA allow financing for the purchase of a home to DACA recipients. They must hold a valid Social Security Number and a valid Employment Authorization Document ("EAD")

2. Staff reached out to local lenders who confirmed they are now able to lend to DACA recipients for the purchase of a home.

3. DACA recipients have not been eligible to purchase Housing Department homes in the past because they were considered non-U.S. Citizens. The Council and Board have never discussed or considered allowing DACA recipients to have eligibility to purchase in the past.

Options:

1. Keep the status quo.
2. Allow DACA recipients who hold a valid Social Security Number and a valid Employment Authorization Document eligibility to purchase Housing Department Program homes.
3. Other as put forth by Council or Commission.

Staff Recommendation: DACA recipients are in the country legally. While they do not hold US Citizen status and are not considered Lawful Permanent Residents, they do have legal documentation such as a Social Security Number and Employment Authorization and are at low risk of deportation. For these reasons, Fannie Mae, Freddie Mac, and FHA are willing to provide financing to them for the purchase of homes. Staff recommends Option 2.

HAB Recommendation: The HAB supports staff recommendation of Option 2.

Policy Question #3 (Section 3-3.B.2):

Should the rule that owners and tenants of restricted units may not own residential real estate within 150 miles of Teton County be changed?

Status Quo: Purchasers of ownership restricted housing units are not allowed to own residential real estate within 150 miles of Teton County at time of purchase or during ownership. If they do own real estate at time of purchase, they are required to sell it. Tenants in Workforce or Affordable housing may not own real estate within 150 miles of Teton County during their tenancy.

Key Points:

- Purchasers of Affordable Housing must qualify under income and asset limits. Real estate owned would be included in the net assets of the household (liabilities subtracted).
- Purchasers and tenants of Workforce units do not have a limit on asset value; however, they must earn 75% of income locally. Income from rental units owned outside of Teton County would be included in this calculation as non-local income if it shows up on their taxes. If a rental unit were allowed to be owned within Teton County, the income would be considered local income.
- Tenants of Affordable restricted housing units do not have an asset limit; however, they do have an income limit. Income from rental units owned would be included in their income calculation.
- Owners of Affordable restricted housing units are only required to requalify annually to prove employment, occupancy, and non-ownership of other residential real estate. They are not required to requalify income or asset wise.
- Households who own units in other counties and can rent or own a restricted unit locally would help meet the goal of housing 65% of the workforce locally.
- If Households are allowed to spend money investing in residential real estate either inside or outside of Teton County, they would be using funds that could potentially be used to purchase a market home, which would open up a restricted home for someone else.
- Conducting compliance on a mileage-based range is difficult. It is much easier for staff to check for ownership and enforce compliance on a county-based range. Changing the rule from 150 miles of Teton County to within specific counties would make it easier to conduct compliance. For example, a household living in a restricted unit in Teton County, Wyoming and purchases a second home or investment property in Big Sky, Montana. The Housing Department can do a search in Gallatin County Montana for compliance purposes.

Options:

1. Keep the status quo

2. Reduce the requirement for Affordable and Workforce rental and ownership units to 75 miles from Teton County. This range is a closer commute than 150 miles. If someone owns residential real estate within this range, they should be utilizing it as their home.
3. Option 2 but keep the status quo for Affordable ownership units.
4. Change the requirement for Affordable and Workforce rental and ownership units to no ownership of residential real estate within Teton County.
5. Option 4 but keep the status quo for Affordable ownership units.
6. Change the requirement from a mileage-based range to county based with no ownership in the following Counties: Teton County, Wyoming; Teton County, Idaho; Lincoln County, Wyoming; Sublette County, Wyoming; Madison County, Montana; and Gallatin County, Montana. This would include surrounding counties and other nearby resorts such as Island Park and Big Sky.
7. Other as put forth by Council or Commission.

Staff Recommendation: Staff has not experienced any issues with the 150-mile rule. It is working as is. Staff recommends Option 1, keep the status quo.

HAB Recommendation: The HAB had a split recommendation.

- a. Option 6: The intent is for households to save and move into the market opening the restricted unit for someone else. It is not for owners of restricted units to purchase residential real estate for investment purposes and continue to occupy the restricted unit. This option will make it easier for staff to conduct Compliance.
- b. Option 4: Require that any residential real estate owned by the household at time of purchase to be included in the calculation of income and assets for the household's qualification. Require any acquisition of residential real estate by gift, inheritance, or purchase during ownership of a restricted unit to trigger requalification under then existing regulations with the inclusion of the newly acquired residential real estate (Workforce units already requalify annually. This would have the most impact on Affordable units.).

Policy Question #4 (Section 6-4.A.4):

Should the method of calculating rent for Affordable dormitory units and the definition of dormitory units be changed to make rents for dorm tenants affordable?

Status Quo: Units with 4 or more bedrooms are most often designated as dorms. The calculation for rent of dorm rooms is currently 75% of a Studio (75% is a rule set by the Housing Regulations). The Studio is 85% of a one-bedroom (85% is a rule set by HUD).

An Income Range Chart showing MFI relating to Income Ranges is attached as a reference.

Example:

80% - 120% Income Range:

1-bedroom max rent:	\$1,618
Studio:	\$1,375
Dorm Room:	\$1,031
4-bedroom Dorm:	\$4,125 (\$1,031 per bedroom)
4-bedroom Single Family:	\$2,312

Key Points:

- Dorms share kitchens, laundry areas, living areas, storage, and normally share bathrooms.
- Studios and one-bedrooms have their own kitchens, laundry, bathrooms, living areas, and storage.
- The Livability Standards in the Housing Rules and Regulations require dorms to have the following:
 - A minimum of one full bath for every four people.
 - A kitchen facility or access to a common kitchen adequate to serve the amount of people that will be occupying the dorms.
 - Appliances adequate for the number of occupants.
 - Adequate seating (one seat at a bar or table for each occupant).

- 150 SF of net livable floor area of living space per person.
- Each unit occupant must have 20 SF of enclosed storage space in addition to the 150 SF of livable floor area.
- Dorm units may not exceed eight people.
- Members of the workforce who are housed in dorms are typically not upper-level employees and earn less than 80% of Median Family Income (MFI)
- The Maximum Affordable Rents include basic utilities (electricity, gas, water/sewer, trash removal).
- Units that are restricted as Single Family Dwellings can be rented to unrelated individuals as long as they don't exceed three unrelated pursuant to the Town Ordinance.
- The rates shown below are maximum rates owners can charge. These rates are what is affordable to households earning within the income range.
- For rental units, there is no minimum income to qualify. An 80% - 120% unit can be rented to a household earning in the 0 – 50% income range, which would not be affordable to them but still less than market rates.
- Dormitories are currently not allowed to be used as mitigation for a developer's housing requirement unless the development is in the Teton Village or Snow King resort district.

Affordable Rental Rates per Income Range – Single Family Units

Maximum Rents for Affordable Rental Units

	0 – 50%	50% - 80%	80% - 120%
Dorm per room	\$387	\$645	\$1,031
Studio	\$516	\$860	\$1,375
1-bedroom	\$607	\$1,012	\$1,618
2-bedroom	\$694	\$1,156	\$1,850
3-bedroom	\$780	\$1,301	\$2,081
4-bedroom	\$867	\$1,445	\$2,312

Options for Maximum Affordable Rent for dorm rooms:

1. Keep the status quo.
2. Change the maximum allowed rent for dorms to be based on 30% of the low end of the income range for household size. The household size would be based on the number of bedrooms in the dorm (4 bedrooms = a 4-person household). The maximum rent would be divided between the number of bedrooms to calculate the maximum rent per bedroom.

Option 2 Example:

In this option rent is based on what is affordable to the income range and charges less per bedroom when there are more people living in the dorm and sharing one kitchen, living, and bathroom(s).

80 – 120% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$2,081	\$694	\$2,081	N/A
Four	\$2,312	\$578	\$4,125	\$1,031
Six	\$2,682	\$445	\$6,188	\$1,031
Eight	\$3,052	\$381	\$8,248	\$1,031

50% - 80% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$1,301	\$434	\$1,301	N/A
Four	\$1,445	\$361	\$2,580	\$645
Six	\$1,676	\$279	\$3,870	\$645
Eight	\$1,907	\$238	\$5,160	\$645

0 – 50% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$780	\$260	\$780	N/A
Four	\$867	\$217	\$1,548	\$387
Six	\$1,006	\$168	\$2,322	\$387
Eight	\$1,144	\$143	\$3,096	\$387

Option 3. Change the calculation method from 75% of a studio to 60% of a studio for a 3-bedroom dorm and minus 3% for each added bedroom. This means less rent is charged to each tenant as more bedrooms per dorm unit are added. This makes sense because more bedrooms means more occupants are sharing kitchen, bath, and living areas.. This option achieves a goal of making dorms more affordable, but is only indirectly connected to MFI through the studio maximum rent. For three- or four-bedroom units, allow the developer to choose whether to restrict it as a dorm or single family.

Option 3 Example:

80% - 120% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$2,475	\$825	\$3,093	\$1,031
Four	\$3,135	\$784	\$4,125	\$1,031
Six	\$4,207	\$701	\$6,188	\$1,031
Eight	\$5,280	\$660	\$8,248	\$1,031

50% - 80% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$1,548	\$516	\$1,301	N/A
Four	\$1,961	\$490	\$2,580	\$645
Six	\$2,632	\$439	\$3,870	\$645
Eight	\$3,304	\$413	\$5,160	\$645

0 - 50% Income Range

Bedrooms	Proposed Max Rent	Proposed Max Rent/Bedroom	Current Max Rent	Current Max Rent/Bedroom
Three	\$929	\$310	\$780	N/A
Four	\$1,176	\$294	\$1,548	\$387
Six	\$1,579	\$263	\$2,322	\$387
Eight	\$1,981	\$248	\$3,096	\$387

Option 4. Other as put forth by Council or Commission.

Options for Definition of Dormitory:

Option 1. Keep the status quo.

Option 2. Change the definition to: *A housing unit with more than two bedrooms that is designed to house unrelated individuals and meets the requirements for a dormitory in the Livability Standards.* For three- or four-bedroom units, allow developers to choose whether they want to restrict the unit as a dormitory or a Single-Family Dwelling.

Option3. Other as put forth by Council or Commission.

Staff Recommendation: For maximum rent, staff recommends Option 2. This option is directly related to the amount of income a household earns within a specific income range and what is affordable to them. For the definition of Dormitory, staff recommends Option 2. This definition allows flexibility for developers to classify 3 or more-bedroom units to be

classified as dorms according to their needs but keeps the rent at a rate that is affordable to tenants regardless of whether the unit will be used as a dorm or a single-family dwelling. It also ensures that any dorm unit complies with the Livability Standards.

HAB Recommendation: For both maximum rent and definition of Dormitory, the HAB's recommendation is Option 2, the same as staff.

COMPREHENSIVE PLAN ALIGNMENT

Common value 3, Section 5 is to ensure a variety of workforce housing opportunities so that at least 65% of those employed locally also live locally. The Housing Department Rules and Regulations govern the workforce housing to ensure that the units are being used as the community intends.

Housing Action Plan – The Housing Rules and Regulations annual update aligns with Chapter 3 of the Housing Action Plan *Housing Management Plan*, which requires the Housing Manager to revise existing Rules into a unified set of rules that address: standards and processes for enforcement and monitoring of restrictions; maintenance and improvement of restricted housing units; minimum requirements for new restricted units; and minimum standards of livability for existing units to be adopted by the Town Council and the Board of County Commissioners.

STAKEHOLDER ANALYSIS

Stakeholders include applicants, owners and tenants of restricted homes, the public, elected officials, and staff. The process for making changes to the Housing Rules and Regulations provides ample opportunity for stakeholders to make public comment. This JIM meeting is the first opportunity. The Town Council will then have three (3) readings of the ordinance, each providing opportunities for public comment. The Board of County Commissioners will have a 45-day public comment period prior to adopting the changes.

FISCAL IMPACT

N/A

STAFF IMPACT

Tracking, reviewing, and keeping notes on needed or potential changes to the Housing Rules and Regulations has taken a significant amount of both legal and housing staff time.

LEGAL REVIEW

A. Moore and L. Colasuonno

ATTACHMENTS

- Housing Rules and Regulations with changes highlighted and explained.
- Income and Asset Limit Chart

RECOMMENDATION

Staff recommends approval of proposed changes.

SUGGESTED MOTION

County motion:

I move to direct staff to make the changes to the Housing Rules and Regulations, as proposed today, and release the document for the mandatory 45-day comment period.

Town motion:

I move to direct staff to make the changes to the Housing Rules and Regulations, as proposed today, and to prepare an ordinance for adoption.



Which Income Range Are You?

Go to your household size and move across the board to your income range

How many in your household?

0% - 50% of MFI

50% - 80% of MFI

80% - 120% of MFI

Over 120%
may qualify for Workforce Housing

One	\$0 —————> \$40,460	—————> \$64,736	—————> \$92,988	No Income Limit
Two	\$0 —————> \$46,240	—————> \$73,984	—————> \$110,976	No Income Limit
Three	\$0 —————> \$52,020	—————> \$83,232	—————> \$124,848	No Income Limit
Four	\$0 —————> \$57,800	—————> \$92,480	—————> \$138,720	No Income Limit
Five	\$0 —————> \$62,424	—————> \$99,878	—————> \$149,818	No Income Limit
Six	\$0 —————> \$67,048	—————> \$107,277	—————> \$160,915	No Income Limit
Seven	\$0 —————> \$71,672	—————> \$114,675	—————> \$172,013	No Income Limit
Eight	\$0 —————> \$76,296	—————> \$122,074	—————> \$183,440	No Income Limit
Net Asset Limits for Affordable Units	\$115,600	\$231,200	\$277,440	No Limit to value of assets owned

MFI = Median Family Income for Teton County, Wyoming

Income Ranges effective April 18, 2021 until next HUD update in 2022

Teton County & Town of Jackson *Wyoming*



Jackson/Teton County Housing Department Rules and Regulations June 2021 Update



June 4, 2018 - Updated July 23, 2018; July 2020

Commonly Used Acronyms

List of Commonly Used Acronyms

Acronym	Full Text
ARU	Accessory Residential Units
AMI	Area Median Income
CC&Rs	Covenants, Conditions, & Restrictions
CPI	Consumer Price Index
HOA	Homeowners Association
HUD	U.S. Department of Housing and Urban Development
JTCHA	Jackson/Teton County Housing Authority
LDRs	Land Development Regulations
MFI	Median Family Income
MRP	Maximum Resale Price
OPP	Original Purchase Price
SF	Square Feet
SFD	Single Family Dwelling

Section 1. Purpose and General Goals
1-1. Purpose

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SUMMARY OF HOUSING PROGRAMS

The general goal of all housing programs covered by the Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming. The housing programs addressed in the Housing Department Rules and Regulations are: Affordable Ownership, Affordable Rental, Workforce Ownership, and Workforce Rental. Legacy programs (including Accessory Residential Units, Attainable units, Employee units, and Employment-based units) are referenced in some properties' deed restrictions, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs.

Descriptions of Applicable Programs:

Accessory Residential Units (ARU) – Units created through this program are developed as part of nonresidential developments that are exempt from the housing requirements set by the LDRs. These units are rented to workers employed in Teton County, and they must remain as rental property (i.e., they cannot be converted to condominiums). Accessory Residential Units developed after June 4, 2018 will be part of the “Workforce Rental” program and are required to have a Special Restriction for Workforce Rental Housing recorded on them. To qualify to rent these units, at least one person in the household must be employed at a Local Business for a minimum of 1,560 hours per year. They may not own residential real estate within 150 miles of Teton County. A minimum of 75% of the household's income must be earned from a Local Business(es). The tenants must physically occupy the unit a minimum of 80% of their lease term. Tenants will be required to requalify annually or upon lease renewal. The units are not allowed to remain vacant in excess of 60 days. Rents are set by the owner.

Affordable – These are units created through the mandatory affordable housing mitigation requirements included in the Town and County Land Development Regulations (LDRs). The Affordable housing program is divided into “Affordable Ownership” and “Affordable Rental,” and each has restricted pricing based on applicable affordability ranges. To qualify to purchase these units, household income and assets must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed. The owners must physically occupy the units a minimum of 10 months each year. Tenants must physically occupy the units a minimum of 80% of their lease term. Tenants will be required to requalify annually. Owners will be required to provide proof of continued local employment, occupancy, and non-ownership of residential real estate annually. Maximum rents and sales prices are based on median family income as published by HUD. Ownership units appreciate based on the Consumer Price Index.

Attainable – These units were built before housing standards were codified in the LDRs. No more Attainable housing units will be constructed, but the Housing Department Rules and Regulations still apply through the management of existing units. Specific requirements for these units are recorded as covenants on the property deed, and the Housing Department Rules and Regulations are referenced through these covenants. To qualify to purchase these units, household income and assets must be

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within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed at time of purchase. The owners must physically occupy the units a minimum of 10 months each year. No requalification or future documentation will be required after purchase of the unit.

Employee – These rental housing units are built to comply with the housing mitigation requirements for new nonresidential development set out in the Town and County LDRs. Initially, these units were intended to provide housing to seasonal workers, but they are not restricted to occupancy by seasonal workers. These Housing Department Rules and Regulations have been updated to reflect the Town and County’s policy direction in 2018 which aligns with the Comprehensive Plan’s goal of housing the local year-round workforce. The owner of the Employee housing units ultimately makes the decision about unit tenancy so long as the household qualifies. These units can be converted to condominiums and sold to private entities but must be used as rental units as required by their Restriction in perpetuity.

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Employee units developed after June 4, 2018 will be part of the “Affordable Rental” program. To qualify to rent these units, household income must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed. Owners will be required to report annually and provide tenant information to the Housing Department pursuant to the Housing Department’s request for information. The units are not allowed to remain vacant in excess of 60 days.

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Employment-Based – This is a program that the Town of Jackson initiated to create restricted ownership units for sale to households that are employed in Teton County, but do not fit within the affordability ranges set out in the LDRs. These units are not developed under a mandatory requirement set out in the Town’s LDRs. Employment-Based units developed after June 4, 2018 will be part of the “Workforce Ownership” program. To qualify to purchase these units, at least one person in the household must be employed at a Local Business for a minimum of 1,560 hours per year. They may not own residential real estate within 150 miles of Teton County. A minimum of 75% of the household’s income must be earned from a Local Business(es). Owners must physically occupy the units for a minimum of 10 months of each year. Owners will be required to re-qualify annually.

Workforce Housing Programs – This program is divided into “Workforce Rental” units and “Workforce Ownership” units. They are provided through incentives in the LDRs. Households who purchase or rent Workforce units are required to earn a minimum of 75% of their income from a Local Business. They may not own other residential real estate within 150 miles of Teton County, and at least one person in the household must earn 1,560 hours annually from a Local Business. There is no cap on the initial sales price. Once an ownership unit is sold, the maximum resale price is restricted to an appreciation cap on the unit as indicated in the Special Restrictions recorded on the property. The owners of Workforce Rental Units set the rental rates. There is no cap on rental rates. Owners and tenants will be required to re-qualify annually.

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Deed Restrictions, July 2021

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	Affordable Ownership	Affordable Rental	ARU	Workforce Ownership	Workforce Rental
Applicability	All non-exempt residential or commercial development	All non-exempt residential or commercial development	Nonresidential ARUs	Workforce Housing FAR Bonus, Section 7.8.4; non-exempt residential or commercial	Workforce Housing FAR Bonus, Section 7.8.4; non-exempt residential or commercial
Rent/Own	Own	Rent (no owner occupancy)	Rent	Own or Rent	Rent (no owner occupancy)
Income/Asset Restrictions	Based on income ranges and asset limits associated with each	Based on income ranges and asset limits associated with each	75% household income earned locally	75% household income earned locally	75% household income earned locally
Ownership of Real Estate	Not within 150 miles	Not within 150 miles.	Not within 150 miles	Not within 150 miles	Not within 150 miles
Income Ranges	0 - 50%, 50 - 80%, 80% - 120% of Median Family Income	0 - 50%, 50 - 80%, 80% - 120% of Median Family Income	None	None	None
Income Limit for Tenant Qualification	N/A	<50%, <80%, <120% MFI	75% of household income earned locally	75% of household income earned locally	75% of household income earned locally
Teton County, WY Employment	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year
Residency Requirement	US Citizen, Lawful Permanent Resident or <u>DACA Recipient</u>	None	None	US Citizen, Lawful Permanent Resident or <u>DACA recipient</u>	None
Occupancy Requirement	10 months/yr	Minimum 80% of lease term.	Minimum 80% of lease term	10 months/yr, Minimum 80% of lease term if rental	Minimum 80% lease term
Vacancy Requirement	N/A	No more than 60 days	No more than 60 days	No more than 60 days	No more than 60 days
Household Qualification	At time of purchase and must continue to be employed full-time	Continuous	Continuous	Continuous	Continuous
Appreciation Restrictions	CPI with max. 3% per year compounded	No measured appreciation	No measured appreciation	CPI with max. 3% per year compounded	No measured appreciation
Sales Process	Weighted Drawing	By Owner	By Owner	Weighted Drawing after initial sale	By Owner
Rental Rate	N/A	Max. 30% of low end of income range	None	None	None
Rental Term	N/A	Not less than 6 months	Not less than 6 months	Approval by Housing Department	Not less than 6 months
Incentive	N/A	N/A	FAR exempt	2:1 Workforce Housing FAR Bonus, Section 7.8.4	2:1 Workforce Housing FAR Bonus, Section 7.8.4
Requirement	According to LDR 6.3 - must record a restriction on the unit	According to LDR 6.3 - must record a restriction on the unit	According to LDR 6.1.11.8.3.b - must record a restriction. Nonresidential only.	According to LDR 6.3. Must record a restriction on all required and bonus Workforce units.	According to LDR 6.3. Must record a restriction on all required and bonus Workforce units.

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Commented [SS6]: Same as above.

SECTION 1. PURPOSE AND GENERAL GOALS

1-1. Purpose

The Jackson/Teton County Affordable Housing Department (“Housing Department”) was created by Teton County, Wyoming and the Town of Jackson, Wyoming on March 14, 2016 Town Resolution 16-04 and County Resolution 16-008. The purpose of these Housing Department Rules and Regulations (“Housing Rules”) is to provide comprehensive and consistent provisions that apply to housing units created through the Town or County established housing programs and/or administered by the Housing Department.

The Housing Department Rules and Regulations were formerly known as the “Guidelines.” When the Housing Guidelines are referenced in documents promulgated prior to the adoption of the 2018 Housing Department Rules and Regulations, the reference of Guidelines refers to these Housing Department Rules and Regulations.

a. Applicability

1. Subject to Provisions that are Unique to Specific Program

Each housing program covered in these Housing Department Rules and Regulations is subject to provisions that are unique to that program as indicated in these Housing Department Rules and Regulations.

2. Subject to Provisions of the Restrictions Recorded on the Property

Restricted housing units are subject to individual deed restrictions, Special Restrictions, or ground leases, (collectively “Restrictions”) which may have additional requirements or provisions. If the Housing Department Rules and Regulations and the restrictions conflict, then the language, requirement, and/or provision of the Restrictions shall be applied and followed, not the Housing Department Rules and Regulations. The Restrictions recorded on the property supersede any inconsistency in these Housing Department Rules and Regulations.

3. Subject to Federal Fair Housing Law (The Fair Housing Amendments Act of 1988)

The Housing Department recognizes that the Office of Fair Housing and Equal Opportunity administers and enforces federal laws and establishes policies that ensure that all Americans have equal access to the housing of their choice. The Housing Department does business in accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988).

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a. Discrimination

It is illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the sale or rental of housing, in the financing of housing, in the provision of real estate brokerage services, or in the appraisal of housing.

1. Filing a Complaint

Anyone who feels he/she/they has been discriminated against may file a complaint of housing discrimination to the HUD Housing Discrimination Hotline, 1-800-669-9777 (Toll Free), or the TDD line for the hearing impaired, 1-800-927-9275.

b. Blockbusting

Blockbusting is also prohibited. Blockbusting is the practice of illegally frightening homeowners by telling them that people who are members of a particular race, religion, or national origin are moving into their neighborhood and that they should expect a decline in the value of their property. The purpose of this scheme is to get the homeowners to sell at a deflated price.

4. Disclaimer

The Housing Department expressly disclaims any and all warranties, express or implied, including without limitation fitness for a particular purpose with respect to the provision of restricted housing units. The Housing Department does not represent, warrant, or promise to construct, finance, or otherwise produce, in whole or in part, any restricted housing units pursuant to these Housing Department Rules and Regulations or under any other programs. No applicant may rely upon any promise implied or expressed that restricted housing units shall be constructed, financed, or otherwise produced, in whole or in part, by the Housing Department. In no event shall the Housing Department be liable to any applicant for any direct, indirect, incidental, punitive, or consequential damage of any kind whatsoever, including without limitation lost profits, lost sales, lost business, lost opportunity, lost information, lost or wasted time. None of the information contained in these Housing Department Rules and Regulations constitutes an offer to sell or the solicitation of an offer to buy a restricted housing unit.

1-2. General Policy Goals

The general goal of all housing programs covered by these Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming, which includes the Affordable, Attainable, Employee, Employment-Based, Accessory Residential Unit, and Workforce housing programs. This is accomplished by regulating the occupancy, use, sale and/or rental of the restricted housing units covered by the Housing Department Rules and Regulations to qualified households as defined herein.

a. Promoting Economic and Social Diversity

Certain housing programs also limit initial eligibility of qualified households based on financial means criteria, which may include both household income and household net assets. Such financial qualifying factors promote economic and social diversity within the Jackson Hole community.

b. Ensuring Long-Term Affordability

Many of the restricted housing units covered by these Housing Department Rules and Regulations are subject to price limitations for sale, resale and/or rental. These limitations are intended to ensure affordability for both the current household occupying the restricted housing unit and to ensure the long-term affordability of the restricted housing unit.

c. Providing Housing for the Local Workforce

Minimum occupancy requirements apply to all restricted housing units to ensure that the unit meets the community's goals of providing housing for the local workforce by maximizing the space and filling the bedrooms, and to ensure that the restricted housing unit does not serve as a second home.

d. Providing Fair and Consistent Administration

These Housing Department Rules and Regulations are intended to provide clear, fair, and consistent administration of the housing programs to which they apply. It is recognized that there are individual households or restricted housing units that may not fit clearly into the specific provisions of the Housing Department Rules and Regulations, but still meet these general policy goals. For these cases, exception, appeal, and grievance processes have been included in Section 7.

1-3. Relationship to Land Development Regulations

The Town of Jackson and Teton County Land Development Regulations (LDRs) set out standards for the development and use of land within each jurisdiction. The LDRs include requirements for certain developments to provide Affordable housing or fees to offset the additional housing need that the developments create. Specific programs address different types of development. The Planning Department of each jurisdiction reviews development applications to check for compliance with the LDRs.

These Housing Department Rules and Regulations impose additional requirements on the developers of any type of restricted housing units. The Housing Department reviews compliance with these Housing Department Rules and Regulations, both prior to development and during occupancy and use.

a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations

Generally, the LDRs address any provisions that must be met during the development approval phase, while the Housing Department Rules and Regulations address provisions that ensure proper use and maintenance of the restricted housing units throughout their lifetime.

LDR Provisions	Housing Department Rules and Regulations Provisions
Rental/Sale Mix (required mix of units)	Livability Standards (Interior)
Occupancy Standards	Dormitory Livability Standards
Distribution of Income Categories	Livability Requirements for Conversion of Existing Housing Stock
Requirements for Fees in Lieu	Restrictive Covenant Form and Process
Requirements for Conveyance of Land or Conversion of Existing Housing Stock	Sale/Rental Standards and Procedures including Qualification and Eligibility for Each Program
Procedure for Banking Credits	Compliance with Housing Department Rules and Regulations.
Phasing Plan	Compliance with Restrictive Covenants
Mix by Number of Bedrooms	

Section 1. Purpose and General Goals
1-2 General Policy Goals

b. References Retained for Convenience

All references to the LDRs in these Housing Department Rules and Regulations are for convenience and are not a part of the Housing Department Rules and Regulations.

SECTION 2. HOUSING DEVELOPMENT STANDARDS AND PROCEDURES

2-1. Purpose

The Jackson/Teton County Comprehensive Plan lists three common community values, one of which is quality of life. One of the ways called out to achieve quality of life is through local workforce housing. With regards to workforce housing, the Comprehensive Plan includes the four following principles:

- Maintain a diverse population by providing workforce housing
- Strategically locate a variety of housing types
- Reduce the shortage of housing that is affordable to the workforce
- Use a balanced set of tools to meet our housing goal

The Town of Jackson and Teton County have several tools to increase the amount of housing that is affordable to the workforce. One of these tools is the requirement and/or incentive in the LDRs for residential and non-residential development to provide permanently restricted workforce housing. This housing represents a substantial and long-term public investment. As such, it is imperative the restricted housing produced be livable and of good quality.

This section, Housing Development Standards and Procedures, is meant to provide guidance to the prospective developers of restricted housing units. Section 2-2 lays out the requirements of the Housing Mitigation Plan, which is reviewed by both the Planning Department and the Housing Department. Section 2-3 sets out the Livability Standards, which are under the Housing Department's purview.

a. Applicability

This Section applies to all developments subject to Division 6.3 of the County LDRs and Division 6.3 of the Town LDRs. It also applies to any restricted housing units not required through the LDRs that are presented to the Board of County Commissioners or Town Council in development applications.

b. General Policy Goals

1. Inform Developers of Standards and Procedures

These Housing Development Standards and Procedures inform prospective developers of the standards and guidelines for construction and sale of restricted housing units, as required by the LDRs and the Housing Department Rules and Regulations.

2. Provide Fair and Consistent Implementation of Standards and Procedures

These Housing Development Standards and Procedures help the Housing Department implement policies of the LDRs and the Housing Department Rules and Regulations in a fair and consistent manner.

2-2. Housing Mitigation Plan

A Housing Mitigation Plan for each project shall be submitted according to the provisions of the Teton County and Town of Jackson LDRs [See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3]. A packet with a checklist for a Housing Mitigation Plan can be obtained through the Housing Department or the Town or County Planning Departments.

a. Procedures

1. Consultation with Applicant (Optional)

Applicants may meet with Housing Department staff prior to submitting a Housing Mitigation Plan. Although this step is not required, it is often helpful for the applicant and the Housing Department staff to discuss the development proposal and how it meets the LDRs and Housing Department Rules and Regulations.

2. Review

Applications for development that have been submitted to the Town or County Planning and/or Building Departments are reviewed by the Housing Department for compliance with these Housing Department Rules and Regulations.

3. Streamlined Applications

Applications that have housing units required that are allowed to go directly to building permit are required to get their units approved by the Housing Department prior to submitting for building permit.

Section 2. Housing Development Standards and Procedures
2-2. Housing Mitigation Plan

b. Content

The Housing Mitigation Plan contains some provisions that fall under the purview of the Planning Department, while others fall under the purview of the Housing Department. Specifically, the Housing Department oversees the Livability Standards. Developers should refer to the LDRs for requirements such as the mitigation methods, the mix of units by number of bedrooms and the mix of units by affordability ranges.

1. Mitigation Method

See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

2. Requirement Calculation

See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

3. Fee Calculations

If the developer proposes Fees In-Lieu as the preferred form of mitigation, the developer shall submit the proposed amount with a Final Development Plan.

The Planning Department shall update the Fees In-Lieu for the restricted housing units on an annual basis. Fees In-Lieu figures are available at the Planning Department.

4. Unit Descriptions

a. Unit Size

There is no minimum or maximum unit size based on square footage. Size by bedroom mix is located in the LDRs.

b. Rental/Sale Mix

As part of the Housing Mitigation Plan, the developer shall state which units are intended as rentals and which are intended as ownership in accordance with the LDRs (See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).

c. Mix of Units by Number of Bedrooms

The intent of the restricted housing programs is to provide a variety of unit types to meet the housing needs of our diverse workforce. The Town and County LDRs set out the specific

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

occupational requirements for housing units. The mix of units by number of bedrooms in each unit is also determined by the Town and County LDRs.

d. Distribution of Income Ranges

See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

5. Special Restriction Form and Process

A Special Restriction is a contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to satisfy the Town or County LDRs. It also applies to other restricted housing units that will be administered by the Housing Department. Special Restrictions shall keep the restricted housing units affordable in perpetuity and provide proper notification of this obligation to subsequent buyers or other interested parties. (See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).

a. Requirement

The developer shall record Special Restrictions in the public land records for the subject property prior to the issuance of a Certificate of Occupancy by the County or Town.

b. Process

The Housing Department shall prepare Special Restrictions according to the process below. Restrictive covenant templates are available from the Housing Department or the Housing Department website.

1. Inspection of Unit

The Housing Department must inspect the unit prior to recording the restriction and prior to issuance of Certificate of Occupancy.

2. Compliance Conference

Developer shall meet with the Housing Department prior to issuance of Certificate of Occupancy to review the Compliance Checklist.

3. Special Restriction Information Sheet

The developer shall complete the "Special Restriction Information Sheet" and submit to the Housing Department. This form is found at the Housing Department website, or at the Housing Department offices.

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

There are four types of restrictions, Workforce Ownership, Workforce Rental, Affordable Ownership, and Affordable Rental.

4. Preparation of Special Restriction

The Housing Department will prepare the Special Restriction and provide the document to the developer for review via email or other delivery method.

5. Review

Once reviewed by the developer for accuracy, the Housing Department and the developer (“declarant”) will sign the Special Restriction and deliver to the County or Town for the required signature.

6. Developer Responsibilities

The developer is responsible for signing the Special Restriction, recording the Special Restriction with the Teton County Clerk, and paying for the recording fees. The original restriction will be returned to the Housing Department office. The Housing Department shall witness the recording.

7. Modification/Amendment

The developer shall not make modifications to the Special Restrictions with the exception that when an alternate housing program is approved by the Town Council or County Commissioners. Modifications or amendments to the restricted covenant must be approved by the Town Council or Teton County Commissioners. The developer or owner may be responsible for any legal costs to amend a restrictive covenant.

2-3. Livability Standards

To meet the community's goals of providing working families a viable choice of housing, to protect social diversity, and to contribute to economic stability, the LDRs and the Housing Department Rules and Regulations require that restricted housing units are designed to provide adequate size, building and site design, and finishings to serve future tenants. These are all criteria in the Housing Department's decisions as to whether a development meets the goals of the LDRs and the Housing Department Rules and Regulations. For additional construction standards, see Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

a. Process

These Livability Standards are associated with interior components of the units, functionality, light, and outdoor space. Review by the Housing Department will be completed during the planning process and at time of building permit. It is encouraged that applicants review restricted housing unit designs with the Housing Department early in the design process.

Restricted housing units will also be subject to Planning Department review, as some Livability Standards are requirements of the LDRs (See Teton County Land Development Regulations: Divisions 6.3 or Town of Jackson Land Development Regulations: Divisions 6.3).

b. Intent

The Livability Standards in the LDRs do not include minimum size requirements for units. To ensure functionality of units regardless of size, these Livability Standards have been adopted. The Housing Department may consider flexibility within these standards as long as the intent of functionality is being met. All building, plumbing, electrical, and fire code requirements are still required to be met. These standards do not supersede other requirements.

Restricted housing units are expected to be designed with logical and functional room layout. This includes adequate space for normal living based on two (2) persons per one-bedroom unit, three (3) persons per two-bedroom unit, and four (4) persons per three-bedroom unit and adequate circulation pathways through the unit based on a reasonable furniture configuration.

The standards contained in this document provide minimum requirements for specific items and are not intended to be "build to" specifications.

1. Exceptions

Applicants may request approval of components that do not conform to these Livability Standards by completing the "Request for Exception" form. The request must include a detailed explanation

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of why the applicant wishes to diverge from these Livability Standards, and how the proposed difference is meeting the intent of these Livability Standards. Detailed drawings of what is being proposed shall also be submitted (See Section 7-3)

c. Acceptance of Restricted Housing Units

Proposed floor plans will be reviewed by the Housing Department at time of Sketch Plan submittal, Final Development Plan submittal and/or other permit submittal. Proposed unit designs and components must be approved by the Housing Department prior to submittal for building permit. The Housing Department will inspect all restricted units before certificate of occupancy to ensure that the unit is built according to the approved designs.

d. Standards for Restricted Units

1. Kitchen

a. Cabinets

All units shall have kitchen cabinet or other storage area (such as a pantry) proportionate to unit size that, at a minimum, meet the required space listing in the table below. A stove/oven may not be used to meet cabinet requirements, and no more than two cabinet spaces less than one foot in width may be used to meet cabinet requirements.

Unit Size	Lineal Ft of Base Cabinets*	Lineal Ft of Upper Cabinets*
Efficiency/studio/one-bedroom < 475 SF	4'	4'
One bedroom > 475 SF	5'	5'
Two bedrooms	6'	6'
Three bedrooms or more	7'	7'

*Assumes standard 24" depth and 26" height for base cabinets and 12" depth and 30" height for upper cabinets.

Note that additional kitchen storage beyond the minimum is desirable. In some cases, additional cabinetry is provided as either base or upper cabinets and credit is requested to reduce cabinetry elsewhere. Requests to alter storage requirements will be considered as an exception to be approved by the Housing Department.

b. Countertops

The surface of countertops shall be made of new, durable, easily cleaned materials that are commonly used for countertops. One, two- and three-bedroom units must provide a

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minimum three (3) feet of continuous countertop workspace not including interior corner space.

c. Appliances

1. Table of Appliance Specifications

The following table specifies minimum appliance requirements.

Unit Size	Sink width*	Range/oven width*	Refrigerator cubic feet*	Dishwasher*
Studio/One bedroom < 475 SF	24"	24"	18 CF	18"
One bedroom >475 SF	30"	30"	20 CF	24"
Two bedroom	32"	30"	25 CF	24"
Three bedrooms or more	32"	30"	25 CF	24"

*Minimum Size

2. Quality and Warranty

All appliances shall be new, Energy Star, and UL (Underwriters Laboratories Standards for Safety) listed, and approved appliances. Documentation of the estimated reliability of proposed appliances, such as Consumer Report ratings, should be provided.

Appliances must be of sound quality with the following minimum warranties:

i. Range or Stove and Oven

One-year minimum warranty. All major appliances used for surface cooking must have a ventilation system that meets code (typically, a fan rated at a minimum of 150 CFM).

ii. Refrigerator

One-year minimum warranty on the entire appliance.

iii. Dishwasher

One-year minimum warranty on the entire appliance.

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iv. Garbage Disposal

If provided in the market rate units, all restricted ownership units shall include a garbage disposal each with a one-year minimum warranty on the entire appliance.

v. Microwaves and other small appliances are optional.

2. Bathrooms

At least one full bathroom is required and must contain a bathtub with shower, sink, toilet, and a minimum of four (4) square feet of storage. Flexibility is allowed as to how the storage is provided and will be approved by the Housing Department.

3. Closets and Storage Areas

Adequate storage is essential to providing livable housing. For safety reasons, mechanical rooms should be separate from any storage space and to ensure usable storage space should not open into storage space. All closets and storage areas should have a minimum 7.5' height except those under stairs which can include sloping ceilings down to 6' height unless it is not being counted toward the requirement. All dimensions shall be calculated from the finish trim dimension.

a. Table of Minimum Storage Dimensions

Unit Size	Bedroom closet width	Linen closet* width	Additional storage square feet
Studio/one-bedroom < 475 SF	6'	24"	25 SF
One-bedroom > 475 SF	6'	30"	30 SF
Two-bedroom	6'	30"	40 SF
Three-bedroom or more	6'	36"	50 SF

b. Other Storage Standards

1. Closet Depth

Closet depth must be a minimum of 26 inches.

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2. Bedrooms

Bedrooms must each contain a closet that includes one shelf over a rod.

3. Entryway Closets

Entryway closets are not a requirement. If an entryway closet is not provided that will adequately store coats and shoes/boots for one person in a studio, two persons in a one-bedroom, three persons in a two-bedroom and four persons in a three-bedroom, then an area for hanging/storing coats and shoes/boots near the entryway is required that will adequately provide for the same persons per unit.

4. Additional Storage

In addition to bedroom, linen and entryway storage, additional storage must be provided. Locations may include the basement, garage, exterior to the unit or interior to the unit. The intent of this storage is to provide space for large or outdoor items such as bicycles, strollers, recreational gear, etc. If appliances are located in this area, their footprint cannot be counted toward square footage of storage and must be approved by the Housing Department. Additional storage must have a height minimum of six feet (6').

Commented [SS7]: Clause added.

5. Closet and Storage Doors

Closet and storage doors must be sliding doors, folding doors, or doors that open outwards to allow for access to space. Doors are not required on interior storage. Closets and storage space may not have any other doors opening into the space.

4. Floor Coverings

New carpet, wood, tile, vinyl, or linoleum floor covering shall be provided, with a minimum 10-year warranty. New water-resistant floor covering other than carpet is required in kitchens and bathrooms. Floor coverings are required on all subfloor material with the exception that concrete can be used as flooring material.

5. Room Sizes and Shapes

All units must include appropriate and adequate room sizes and room shapes (generally rectilinear) that allow for functional furniture placement. Minimum sizes should be measured at the narrowest point in the room. Where any room such as the dining room is adjacent to the kitchen area, a three feet (3') wide buffer between all kitchen cabinets, appliances and workspaces may not be included in the minimum room calculation. All dimensions shall be calculated from the finish trim dimension.

It is highly recommended that room dimensions include an additional one to two inches (1-2") as a margin of error to accommodate discrepancies in the framing and finish.

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a. Minimum Room Size

Unit Size	Minimum Square Feet
Studio/One-bedroom <475 SF	100 SF
One-bedroom	120 SF
Two-bedroom	180 SF
Three-bedroom or more	200 SF

b. Bedrooms

The first bedroom shall be a minimum of 120 square feet. Additional bedrooms shall be a minimum of 90 square feet. No bedroom shall have a finish dimension less than nine feet (9').

c. Living/Dining Rooms

Living/Dining Rooms shall provide the following minimum dimensions with no dimension less than ten feet (10').

Connections and openings, circulation to and through, and exterior doors and windows shall not compromise the ability to furnish the living/dining area. Furniture layouts shall be used to set critical room dimensions. There shall be a minimum of one layout that is possible that will seat every household member assuming one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom and at least one seven-foot sofa, space for side tables, and ample leg room. Mechanical features, such as fuse boxes, shall not be visible or a central feature in the living area.

The eating/dining area may be in a separate room, part of a combined living/dining area, or in the kitchen provided a three feet (3') wide buffer between all kitchen cabinets, appliances and work spaces is not included in the minimum room calculation and a table and chairs (minimum two (2) chairs – four (4) chairs for two-bedroom or larger) can be shown to fit into the space without blocking circulation or doorways. A countertop eating area a minimum of twelve inches (12") deep and thirty-six inches (36") in length may be an acceptable alternative for units with less than two-bedrooms.

d. Studios and One-Bedrooms Less Than 475 Square Feet

All units must include appropriate room shapes (generally rectilinear) that allow for functional furniture placement including a sleeping area that will accommodate a twin bed, a living area that can accommodate a six foot (6') sofa, and a kitchen with eating area (table or island) that will accommodate two (2) persons/chairs or stools. Furniture layouts shall be used to set critical room dimensions that include room for circulation.

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6. Windows/Noise Mitigation

All living areas and bedrooms shall have a minimum of one window that can be opened.

Housing units that share walls with other residential or non-residential spaces must provide noise mitigation in walls, floors, and ceilings for both airborne and impact sound.

All windows in rental units that have locations where pedestrians or passersby can see directly into the window must provide window shades or coverings that open from the top down to allow partial closing that provides privacy but also allows for the maximum amount of natural light to enter the unit and for ventilation.

For developments that propose restricted units facing on and within one hundred yards (100 yd) of roadways with allowable speeds in excess of thirty-five (35) miles per hour or other types of industrial or other noise must have windows facing these conditions that meet a thirty-two (32) Sound Transmission Class (STC) rating standard for noise mitigation or greater.

7. Laundry

Restricted ownership units shall include washer/dryer hookups.

8. Heating and Hot Water

Furnaces, boilers, or hot water heaters provided must have a five (5) year minimum warranty. Hot water heaters must be appropriately sized to adequately serve the number of anticipated occupants based on one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom.

Heating mechanical units may not be located on any patio or deck used to meet open space requirements or interior to the unit in a way that reduces usable floor area.

9. Other Design Features

The following features are encouraged and may be used in the place of other requirements with approval from the Housing Department:

- Built-in storage space such as drawers under beds, stairs, etc.
- Creative shelving in dead space
- Washer/Dryer or communal laundry area in rental units
- Extra storage for recreational equipment
- Additional closet space
- Additional cabinetry

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e. Standards for Dormitories

General Livability Standards (Section 2-3. Livability Standards) will apply except when these dormitory standards differ. There shall be a minimum of 150 square feet net livable floor area per person, including sleeping, bathroom, kitchen, and lounge space. Net livable floor area shall not include interior or exterior hallways, parking, patios, decks, laundry rooms, mechanical areas, and storage.

Commented [SS8]: Add new rent calculations according to policy question. Waiting for direction from Council and Commission.

1. Bathroom

At least one bathroom shall be provided for shared use by no more than four persons, containing at least one toilet, one sink, one bathtub with a shower, and a total area of at least 60 habitable square feet.

2. Kitchen Facility

A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Housing Department's approval and determination that the facilities are adequate in size to service the number of persons using the facility.

The kitchen facility must provide seating at a table or bar area for each person proposed to use the facility. The kitchen must have a range with a minimum of four (4) burners and an oven. A refrigerator at least five (5) cubic feet per person proposed to use the dorm. Each unit must have a minimum of seven (7) lineal feet of base cabinets and upper cabinets. Each unit shall have a kitchen sink at least 31 inches wide.

3. Storage Space

Each unit occupant shall be provided at least 20 net square feet of enclosed storage space located within, or in close proximity to, the unit. This is in addition to the required 150 square feet of net livable floor area of living space per person.

4. Occupancy

A dormitory unit shall not be occupied by more than eight persons.

5. Variances

At its discretion, Housing Department staff may allow a variance to the requirement of 150 square feet. To receive approval for a variance, an applicant shall provide a minimum of 60 square feet of sleeping area per person and meet conditions one (1)- four (4), listed above.

f. Standards for Conversions of Existing Housing Stock

If existing unrestricted housing is offered and accepted by the Town of Jackson or Teton County, as adequate to meet a housing requirement, the existing units must be upgraded in accordance with the following standards, unless a variance from these requirements is approved by the Planning Department of the Town or County.

Applicants shall bear the costs of any required upgrades to meet the standards, as listed below. Applicants will also be responsible for any structural/engineering reports requested by the Housing Department to assess compliance with the Housing Department standards of the proposed units.

1. Standards

a. Paint

All units must be freshly painted.

b. Appliances

All appliances must be purchased within the last five years and be in good condition and in working order. Evidence must be provided to verify the appliance was purchased within the last five years.

c. Carpet

New carpet shall be provided (unless carpet has been purchased in the last five (5) years and is in good condition and repair). Evidence must be provided to verify the carpet was installed within the last five years.

d. Exterior

The exterior walls shall be freshly painted within one year of dedication, a general level of upgrade to yards and landscaping shall be provided, and windows, heating, plumbing, and electrical systems, fixtures and equipment shall be in good condition and working order.

e. Roof

For ownership units, the roof must have a remaining useful life of at least ten (10) years. Evidence must be provided to verify this; and

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2-3. Livability Standards

f. Building Standards

The unit shall meet Uniform Building Code minimum standards, as well as any applicable housing code.

g. Existing Housing Stock

See Section 6.3 of the LDRs for other existing housing stock requirements.

2. Compliance with Section 2-3 Livability Standards

It is recognized that use of existing housing stock makes it more difficult for units to be in compliance with Section 2-3 Livability Standards. The Housing Department will inspect the unit prior to approval to analyze the unit based on the Livability Standards. Flexibility will be allowed according to Section 2-3.d.9: Other Design Features at the sole discretion of the Housing Department.

SECTION 3. QUALIFICATION & ELIGIBILITY

3-1. General Descriptions

Each housing program described in these Housing Department Rules and Regulations is evaluated on two levels to determine the requirements of occupants and/or owners to purchase and/or occupy the housing unit in question; the two levels of evaluation are herein referred to as qualification and eligibility.

a. Qualification

Qualification is the most general and applies to all housing programs.

b. Eligibility

Eligibility refers to additional requirements specific to a particular restricted housing unit or program.

3-2. Qualification

To be considered a qualified household under these Housing Department Rules and Regulations, all of the following criteria must be met prior to the time of closing:

a. Employment Requirement

At least one member of the household must fit one of the following categories:

1. Employed in Teton County

Be employed at a Local Business or organization located in Teton County an average of at least thirty (30) hours per week or 1560 hours annually. For purchases outside of a Weighted Drawing, the household can be under contract for employment at a Local Business or organization located in Teton County, Wyoming, where such contract commences employment before move-in or closing on a restricted housing unit, and the employment will be for a minimum of 30 hours per week or 1560 hours per year. For teachers, 250 hours are added to their annual hours to account for hours worked without pay such as renewing certifications, grading papers, etc.

Section 3. Qualification and Eligibility

3-1. General Descriptions

a. Self-Employed

If self-employed, hours of work must be documented to substantiate meeting the 30-hour per week / 1560 hours per year requirement. Since self-employment is often unique, different methods of verification may be used. Reasonable annual income is the first method that will be reviewed. Other methods may include verification from vendors, employees, or other applicable methods.

2. Employment Exemptions

a. Military Service

Active military service in the U.S. Armed Services counts as employment in Teton County, Wyoming if that member of the household met employment criteria in Teton County, Wyoming for a minimum of two years prior to enlisting.

b. Caregiver

Work as a caregiver counts as an employment exemption if the following criteria are met:

1. Full-time Resident

The caregiver is a full-time resident of Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

2. Duration and Timing of Caregiving

The caregiver was or is volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member who lives in Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming and, therefore, was unable to gain full-time employment in Teton County. Verification will be required using varying methods including but not limited to birth certificates, letter from health provider, and affidavits from family members or neighbors.

3. Qualifying Hours

No more than eight (8) hours per day between 8:00 a.m. and 5:00 p.m. may be counted. Hours may not be counted during periods when another person is available to be the caregiver (spouse or other adult family member). Hours during the times school aged children are attending school may not be counted unless the children are being officially home schooled.

Commented [SS9]: Disabled exemption has been deleted pending direction by Council and Commission.

Commented [SS10]: This paragraph has been added

Section 3. Qualification and Eligibility
3-2. Qualification

c. Secondary School Attendance

Secondary education counts as an employment exemption if other employment criteria were met in Teton County, Wyoming at least two (2) years immediately prior to seeking secondary education.

Section 3. Qualification and Eligibility

3-2. Qualification

d. Hospitalization

Hospitalization counts as an employment exemption if the hospitalized member of the household worked in Teton County, Wyoming at least two (2) years immediately prior to becoming hospitalized.

b. Citizenship

At least one (1) member of the household must be a U.S. Citizen, hold a Lawful Permanent Residency card in the United States, or be an individual classified under the Deferred Action Childhood Arrivals program ("DACA") in order to qualify to purchase a restricted housing unit. All other Qualification and Eligibility Rules apply.

Commented [SS11]: DACA was added pending direction from Council and Commission.

1. DACA Recipients

DACA Recipients must hold a valid Social Security Number and a valid Employment Authorization Document ("EAD")

Commented [SS12]: Added pending direction from Council and Commission.

c. Age

At least one (1) member of the household must be eighteen (18) years of age.

d. Financial Ability

The Household must qualify without a cosigner for a loan through an institutional lender to purchase a restricted housing unit.

1. Contingencies

Any contingencies on lender's qualification may be a cause for the Housing Department to deny qualification to the household. If a contingency requires the household to sell a home prior to the purchase of a restricted housing unit, it will be disclosed to the seller, and the seller will have the option to deny going under contract with the selected household.

2. Disclosure of Financial Gifts

Financial gifts received by the household must be disclosed to the Housing Department and will be counted toward household net assets. A letter from the gift or certifying the gift and the amount of the gift will be required.

Section 3. Qualification and Eligibility
3-2. Qualification

3. Use of Retirement Savings for Down Payment

Down payment funds that are withdrawn from retirement accounts will be counted toward household net assets.

4. Qualified Mortgages

All liens that encumber the property must be 'qualified mortgages' made by a 'qualified mortgagee' or will not be secured by the property (See Section 9. Definitions).

e. REASONABLE ACCOMMODATION

1. Housing Department Consideration

The Housing Department will consider all requests for Reasonable Accommodations. Approvals will be given according to the Joint Statement made by HUD/DOJ (Reasonable Accommodations under the FHA). Reasonable Requests will be approved if they do not impose undue financial and administrative burden on the Housing Department or if they do not fundamentally alter the nature of the Housing Department's operations. Determinations will be made on a case by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Department, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

2. Process

Households wishing to submit a request for a Reasonable Accommodation shall do so using the Housing Department's Request for Reasonable Accommodation Form along with the following documentation:

a. Verification from Healthcare Provider

Verification using Housing Department's form by a licensed healthcare provider that has a history of treatment of the individual requesting the Reasonable Accommodation. The provider must state with sufficient clarity whether the applicant qualifies as disabled as defined by the U.S. Department of Housing and Urban Development and the Fair Housing Act, what accommodation is requested and describe the relationship between the reasonable accommodation and the applicants disability and verify that the individual has a disability that requires the Reasonable Accommodation.

b. Assistance Animal Addendum

Commented [SS13]: This section was added pending direction from Council and Commission.

Section 3. Qualification and Eligibility

3-2. Qualification

Households who are approved to have Assistance Animals shall sign an Agreement with the Housing Department. The Agreement includes but is not limited to the following: to keep the animal under control at all times; to keep the animal on a leash or in a cage while in common areas; to never leave the animal unattended; to immediately dispose of all droppings properly; to keep the animal from causing annoyance to tenants or neighbors; to remove offspring from the premises within six (6) weeks after birth; to keep only approved Assistance Animals on the premises. Failure to comply may be cause for revocation of approval for the Assistance Animal.

c. Other Documentation:

The Housing Department reserves the right to request other documentation as deemed necessary on a case-by-case basis.

3-3. Eligibility

Households may be required to meet one or all of the following eligibility criteria to be eligible to purchase, rent and / or occupy a housing unit. The restriction on the housing unit and / or the specific housing program will determine if additional eligibility requirements apply.

a. Household Income

Eligibility Criteria differs between units that are targeted to different affordability ranges. The “Household Income and Asset Chart” that sets income and asset requirements is updated annually and published on the Housing Department website. It can also be obtained from the Housing Department.

1. Affordability Ranges

Below are the affordability ranges based on percentage of Median Family Income (MFI) as calculated by the U.S. Department of Housing and Urban Development (HUD). Legacy units restricted prior to 2018 adoption of Housing Mitigation Standards in the LDRs used different “income categories.” These income categories will still apply to legacy units that set out these income categories in the unit’s restrictive covenants.

a. Affordable and Affordable Rental

Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards

0 – 80% Category 1

80% – 100% Category 2

100% – 120% Category 3

120% – 140% Category 4

140%– 175% Category 5

175% – 200% Category 6

Rental units developed after 2018 adoption of Housing Mitigation Standards

0 – 50%

50% – 80%

80% – 120%

Workforce Housing – No income range/limits

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3-3. Eligibility

Ownership units developed after 2018 adoption of Housing Mitigation Standards

50% - 80%

80% – 120%

Workforce – No income range/limits

b. Legacy Attainable Units

Category 2 = <=120%

Category 3 = <=140%

Category 4 = <=175%

c. Employee

Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards

Households are eligible for these Employee Housing Units if they make up to 120% MFI. If this is inconsistent with the deed restriction recorded on the Employee Housing Unit, the deed restriction shall supersede these Housing Department Rules and Regulations.

d. Employment-Based

There is no income limit for Employment-Based units. However, at least 75% of the household's combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a Local Business.

e. Workforce Housing Program

There is no income limit for Workforce housing units. However, at least 75% of the household's combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a Local Business.

f. Other Restricted Housing Units

Income eligibility for other restricted housing units may be set out in restrictive covenants that apply to the restricted housing unit.

Section 3. Qualification and Eligibility

3-3. Eligibility

2. Calculation of Income

Household income is based on the current income earned by all intended adult occupants of the restricted housing unit at estimated closing date and is calculated by the Housing Department using the current household income to estimate an annual (12 month) income basis. W-2 earners who have inconsistent incomes and have the same jobs as prior years will have their income averaged over three (3) years or less if less than three (3) years were worked. Households must use their current income and may not make changes or adjustments to earnings in order to fit into a category. For Affordable units, any changes to income must be given to the Housing Department prior to the initiation of a Weighted Drawing process in order to be eligible to enter the Weighted Drawing.

a. College-Aged Children

The income of adult children under the age of 25 who are members of the household and who are attending college will not be counted. Income of adult children over the age of 25 will be counted.

Commented [SS14]: This sentence was added for clarity.

b. Business Income

Gross income is used minus cash expenses.

Businesses that do not have 2 full prior years of income:

1. Tax returns are used to calculate gross income earned in the first year of business minus cash expenses (if taxes have not been paid, the Profit and Loss will be used for that year to calculate gross income minus cash expenses). The gross income will be divided by the number of months the business was operating during that year. That number will be multiplied by 12 to calculate one year of income for the first year.
2. If the business has a full year of income in the second year of operation, the tax returns will be used to calculate gross income minus cash expenses. This will be the income for the second year.
3. If there is no income for the current year. The first and second years will be averaged.
4. If there is income for the current year, the Year to Date (YTD) Profit and Loss will be used to calculate gross income minus cash expenses. The gross income will be divided by the number of months to date in the current year. That number will be multiplied by 12 to calculate one year of income for the current year.
5. The current year will then be averaged with the past year(s).
6. If there is only the current year, the current year number will be used.

Businesses that have 2 full prior years of income:

Section 3. Qualification and Eligibility

3-3. Eligibility

1. Tax returns will be used for each of the 2 prior years.
2. The gross income minus cash expenses for each year will be used.
3. For the current year, the YTD Profit and Loss will be used. The gross income minus cash expenses divided by the number of months to date in the current year to calculate average monthly income. The average monthly income will be multiplied by 12 to calculate one year of income for the current year.
4. The current year will be averaged with the 2 prior years.
5. If there is no income for the current year, Step 1 will be used to calculate for 3 prior years and the 3 prior years will be averaged.
6. If the third prior year is the first year the business was operating, tax returns will be used to calculate gross income minus cash expenses. The gross income will be divided by the number of months the business was operating in that year to calculate average monthly income. Average monthly income will be multiplied by 12 to calculate one full year for the first year in business.

Seasonal Businesses:

1. The steps above will be used to calculate average monthly income. The average monthly income will be multiplied by 12 to calculate one full year of income.

c. Household Members

All individuals who are intending to occupy the unit must be included on the application. All adults not attending college and/or age 25 or higher must include income and assets on the application. For Affordable units adults not listed on the application may not reside in the home within the first year and without prior approval from the Housing Department. For Workforce units, additional adults may reside in the home at any time, but the household must qualify and have approval from the Housing Department. No approval will be given to either Affordable or Workforce owners without all adult occupants signing an Occupancy Agreement. For Affordable units, divorces must be finalized prior to closing on the home. For Workforce units divorces are not required to be finalized, and applicants can apply without their spouse, and the spouse's income/assets, etc. will not be counted.

b. Household Net Assets

Eligibility for some restricted housing units is also based on a qualifying household's net assets.

1. Calculation of Net Assets

Household net assets include the value of all assets over \$500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets

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3-3. Eligibility

do not include retirement accounts unless money will be withdrawn to be used as a down payment or closing costs, business assets are limited to liquid assets.

Total household net assets shall not exceed two times the four-person household Income requirement for the income category of the housing unit. All household members' shares of liquid business assets shall be included in determination of total household net assets. Net assets of all household members shall be combined in determination of total household net assets. See the "Household Income and Asset Chart" for net asset thresholds, which is updated annually and published on the Housing Department website. A copy may be obtained from the Housing Department.

Rental units do not have asset limits.

2. Ownership of Real Property

a. Ownership at Time of Application:

At the time of application, a Household may own other undeveloped or developed residential or commercial property. The fair market value of such property will be taken into consideration when determining household net assets. A price opinion using a market analysis will be obtained by the Housing Department through a local real estate firm within thirty (30) days from the date of submittal of an application for a restricted housing unit to determine fair market value of the other undeveloped or developed property. The owner of the property will be solely responsible to pay for the price opinion in conjunction with submittal of the Housing Department Application.

1. Ownership of Commercial Property

A household will be able to maintain ownership of commercial property.

2. Designation of Mobile Homes

Mobile homes situated in a mobile home park or on other land with hook-ups to water/sewer and electricity will be considered residential property, and thus, will be required to be sold as with other residential property. If the mobile home is not situated in a mobile home park or other land with hook-ups to water/sewer and electricity, it will only be considered an asset.

3. Rental Income and Rental Assets

Rental income from any residential real estate will be counted toward household income and the asset will be counted toward net assets.

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3-3. Eligibility

b. Required Sale of Residential Property

Once under contract for a restricted housing unit, the qualifying Household must list residential property (developed or undeveloped), located within 150 miles driving distance from the Town of Jackson, for sale at a price commensurate with the price opinion. If the property has not sold or is not under contract after one year from the listing date, within 30 days of the year expiring, another price opinion will be obtained. If the price opinion is lower than the listed price, the owner will have 30 days from the date of the price opinion to lower the asking price to that of the price opinion. If after 24 months from the date first listed, the property still has not sold or gone under contract, the Housing Manager of the Housing Department will issue an analysis of the property with a determination of the salability of the restricted housing unit along with the next steps required. A copy of the analysis will be provided to the owner, and the owner will have the opportunity to appeal the determination of the Housing Authority Board. The owner may be required to sell their restricted housing unit if the Residential Real Estate has not sold.

3. Disposition of Assets

Any member of a household who has assigned, conveyed, transferred or otherwise disposed of property or other assets within the last two (2) years in order to meet the net asset limitation or the property ownership limitation shall be ineligible to purchase a restricted housing unit.

c. Readiness to Purchase

Individuals purchasing a restricted housing unit must demonstrate readiness to purchase by showing the following:

1. Contingencies

Contingencies on lender's qualification must be approved by the Housing Department prior to entering a Weighted Drawing. Such contingencies include but are not limited to requirement to sell property, requirement to prove down payment via account statement, gift letter or other, and requirement to pay off debt. Examples of proof of down payment are a letter from a family member who may be providing a gift or a bank statement showing funds available.

2. Age

At least one individual in the household must be at least 18 years of age.

3. Execution of Legally Binding Contract

Individuals must be capable to legally enter into a contract.

Section 3. Qualification and Eligibility
3-3. Eligibility

d. Homebuyer Education

Completion of the Homebuyer Education course is required to meet eligibility criteria to enter a Weighted Drawing for a restricted housing unit and/or purchase a restricted housing unit. The required course is offered by Wyoming Housing Network or another Housing Department approved organization. The financial counseling offered after the completion of the homebuyer education course is encouraged but not required.

Commented [SS15]: Sentence added for clarity.

e. Online Intake Form

The Online Intake Form must be completed prior to entering a Weighted Drawing for a home. Completion of this form will put a household on the Housing Department's email list, and the household will begin receiving emails with information about homes when they are available. All advertising of homes available will be done through email to those who have completed the Online Intake Form and on the Housing Department website. The Online Intake Form can be found on the Housing Department's website: jhaffordablehousing.org. This form must be completed in its entirety and updated at least annually. It cannot be completed or updated during a Weighted Drawing process for a unit in the Affordable Program that the household wishes to enter. The Online Intake Form does not automatically enter a household into a Weighted Drawing. The Weighted Drawing is a separate process. See Section 4 Weighted Drawing.

Commented [SS16]: Word added for clarity.

SECTION 4. WEIGHTED DRAWING

The Affordable and Workforce Housing requirements may utilize the Weighted Drawing process to select a qualified household using the procedures listed below. The Weighted Drawing will be advertised on the Housing Department website, jhaffordablehousing.org, and via email to all households that have completed the Online Intake Form. See Section 3-3e: Online Intake Form.

4-1. Minimum Occupancy Requirement

To ensure that the units meet the intended goals of housing the Teton County workforce and are consistent with mitigation requirements, the following occupancy requirements for units in the Affordable Program are:

Studio:	One (1) or two (2) people
One-bedroom:	One (1) or more people
Two-bedroom:	Two (2) or more people
Three-bedroom:	One (1) or two (2) adults with two (2) or more dependents For rental units; 3 or more people
Four-bedroom:	One (1) or two (2) adults with three (3) or more dependents For rental units; 4 or more people

There are no minimum occupancy requirements for units in the Workforce Housing program, except that if a household enters a drawing and meets the minimum occupancy requirements in accordance with the requirements for the Affordable Program, the household will be given one (1) point (entry) in the drawing.

For purposes of counting household size, children or adult dependents must live with the household and be claimed as a dependent on Federal Income tax returns.

Any deviation from the minimum occupancy requirements must be approved prior to the drawing through the exception process.

Section 4. Weighted Drawing
4-1. Minimum Occupancy Requirement

4-2. Weighted Drawing Points

Eligible households receive points that will determine the number of entries the household will receive in the Weighted Drawing. One (1) point is equal to one entry in the Weighted Drawing. One (1) point is assigned for each full year of consecutive full-time employment at a Local Business

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

immediately prior to entering a Weighted Drawing, with a maximum of ten (10) points. One (1) point is assigned for each qualified Critical Service Provider with a maximum of two (2) points. One (1) point is given to a household who enters a drawing for a unit in the Workforce Program and meets the minimum occupancy requirements in accordance with the requirements for units in the Affordable Program. The total maximum points a household can receive is thirteen (13). Households are not eligible to enter a Weighted Drawing until they have one (1) full year of full-time employment in Teton County for a Local Business or one (1) point.

Points are given based on one person in the household. Years working in Teton County cannot be doubled up and must be verifiable. For example, a two-person household, one of which has been employed in Teton County for two years and the other for four years, would be assigned four (4) points.

a. Employment

At least one member of a household must be employed full-time in Teton County at a Local Business. Full-time employment is defined as at least one thousand five hundred sixty (1,560) hours per year or an average of at least thirty (30) hours per week. Employment exemptions found in Section 3 apply.

1. Interruption of Employment

Interruption of employment will be allowed in special circumstances if other employment criteria are met in Teton County, Wyoming at least two (2) years immediately prior to the interruption of employment. Interruption of employment will only be allowed for a maximum period of two (2) years. Points will not be given for the time during the interruption of employment. Points will be given for years employed full-time at a Local Business immediately prior to the interruption of employment. To obtain points for prior employment, a household must have reestablished full-time employment at a Local Business within one (1) month upon termination of the reason for the interruption of employment. Reasons for allowed interruption of employment include caring for a sick or disabled immediate family member, attending secondary school, and hospitalization. Verification documentation of the reason for interruption of employment will be required to obtain points for prior employment.

b. Additional Points

1. Critical Service Provider

Qualified Critical Service Providers (CSPs), as defined in SECTION 10. DEFINITIONS, may be eligible for a maximum of two (2) additional points. Any household may not receive more than two (2) points. However, if a household has one (1) person who qualifies as a Critical Service Provider for two (2) organizations, they will receive two (2) points.

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

The following conditions must be met to receive the Critical Service Provider designation and priority:

a. Critical Service Provider Designation

Organizations who believe their employees or volunteers meet the definition of Critical Service Provider can apply to the Housing Department to become an approved Critical Service Provider organization and have certain job positions deemed “qualified”. The Jackson/Teton County Housing Authority Board will approve or deny Critical Service Provider organization applications. Critical Service Provider Critical Service Provider Organization applications must be approved at a regular scheduled Housing Authority Board meeting prior to the close of a Weighted Drawing for applicants to enter a drawing as a qualified Critical Service Provider.

1. Required Documentation

Employees who work in these “qualified” positions for approved Critical Service Provider organizations can enter a Weighted Drawing and receive additional points. The positions must be approved as Critical Service Provider Positions at a regular scheduled Housing Authority Board meeting prior to the close of a Weighted Drawing. These individuals must submit a “Critical Service Provider Supervisor Questionnaire” along with their Weighted Drawing entry documents. These will be held on file for a period of six months before needing to be updated. The Housing Department will contact the Critical Service Provider’s supervisor to update the Supervisor’s Questionnaire.

b. One Year of Full-Time Employment

A qualified Critical Service Provider must earn one (1) point for one (1) year of full-time employment in Teton County at a Local Business prior to receiving points as a Critical Service Provider.

c. Approval Process

Applications received by the Housing Department for approval as Critical Service Provider Organizations will be processed by staff. The Housing Manager will make a recommendation to the Jackson/Teton County Housing Authority Board who will approve or deny the application.

c. Accessible Units

Priority will be given to households with member(s) who are mobility impaired. If more than one Weighted Drawing entry is received for Accessible units, a Weighted Drawing will be held. If no households with members who have mobility impairments apply, the Weighted Drawing will be held with all other applicants.

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

d. No Qualified Entries

After a Weighted Drawing where no qualified entries exist, the unit will be offered again in a Weighted Drawing. If the unit has minimum occupancy requirements, it will be open to households in the next tier of the minimum occupancy requirements. If there are no minimum occupancy requirements or if after offering the unit again in a Weighted Drawing there are still no qualified entries, the home will be offered first come, first served. The first qualified household to submit a complete application will have the opportunity to purchase. First come households will be allowed to make an offer on the home. In the case an offer is made that is less than the Maximum Resale Price, the owner may accept or reject the offer. The Housing Department may make a different determination if the owner is in default and/or if the sale is a forced sale.

Commented [SS17]: Highlighted sentences in this paragraph have been added for clarity.

e. Email Confirmation

Households who submit a complete Weighted Drawing entry during an open Weighted Drawing for a housing unit will receive an email confirmation that their Weighted Drawing entry has been entered. The confirmation will be sent prior to the close of the Weighted Drawing and will include the number of entries received.

Commented [SS18]: This paragraph has been added

f. Incomplete Weighted Drawing Entries

The Housing Department will not accept or enter any incomplete Weighted Drawing Entries into a Weighted Drawing. It is the responsibility of the household wishing to enter the Weighted Drawing to submit a complete Weighted Drawing entry with updated documentation and to contact the Housing Department to ensure it is complete and has been accepted.

Commented [SS19]: This paragraph has been added

g. Drawing Results

Drawing results are kept on file with the Housing Department and may be requested by the public.

h. Town and County Options

When the Town of Jackson or Teton County holds an option on a unit, Town or County employees will have a preference in Weighted Drawings.

4-3. Weighted Drawing entry

Commented [SS20]: This entire section has been added as a clarification.

a. Open Weighted Drawing

When a housing unit under a Housing Department program becomes available for rent or for sale, a Weighted Drawing will be opened by the Housing Department. Open Weighted Drawings begin on Wednesdays, remain open for two (2) weeks and close at 4:00 PM on Tuesdays. Information about the housing unit and how to enter the Weighted Drawing will be posted on the Housing Department's website www.jhaffordablehousing.org. Households who have completed an Intake Form will receive an email notice that the housing unit is available with links to information about the unit and how to enter the Weighted Drawing. A text message will also be sent. The Housing Department may also advertise using other methods.

b. Required Documents

1. Weighted Drawing Entry Form

A Weighted Drawing Entry Form must be submitted for each housing unit's Weighted Drawing. It must be completed in its entirety. Fields that do not apply shall be completed with N/A or a strike.

2. Current Work Verification

Documentation showing total income earned and hours worked at the current place of employment. An Affidavit of Current Employment must be submitted for each adult member of the household (except adult children under the age of 25 who are attending college). The Affidavit of Current Employment must be completed by the employer or employer's agent and include the employer's notarized signature. If the employer does not have access to a notary, they may deliver it directly to the Housing Department via email, USPS, fax, or by hand.

3. Previous Work Verification

Affidavits of Previous Employment are required to verify a minimum of one year of full-time working hours for a Local Business in Teton County, WY. Only one member of the household must verify one year of full-time work. Affidavits of Previous Employment are to be completed by the former employer or employer's agent and include a notarized signature. If the employer does not have access to a notary, they may deliver it directly to the Housing Department via email, USPS, fax, or by hand.

Affidavits of Previous Employment are also used by the Housing Department to verify years of work history for points in the Weighted Drawing. See Section 4-2.

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

Other types of verification of previous employment may also be accepted such as a final pay stub for the year showing business name and total hours worked for the year.

4. Other Types of Employment Verification

In cases where Affidavits of Employment are not possible, the Housing Department may accept the following documentation.

- Full year W-2s with final pay stub of the year showing hourly wage and annual hours worked.
- Sworn statement/affidavit from past business owner or owner's agent including hours worked.
- Caregiver – One (1) year verification of residency immediately prior to drawing entry, two (2) forms of the following: lease, warranty deed, utility bills or other statement showing physical address verifying full-time residency in Teton County Wyoming, Teton County Idaho, or Lincoln County Wyoming, and a birth certificate for child, or letter from a health care provider for adult.
- Military – two (2) years local employment verification prior to beginning military service.

5. Homebuyer Education Certificate

At least one member of the household must complete the Homebuyer Education Course. The required course is offered by the Wyoming Housing Network or if not available, another course approved by the Housing department. See Section 5-2.C.1.h.4.

6. Lender's Qualification Worksheet

A current Lender's Qualification Worksheet (within one year of the date the Weighted Drawing opens) is required to be completed by a lending institution. See Section 5-2.C.1.b

7. Credit Report

A full credit report may be required and must include a credit score along with data from all accounts. See Section 5-2.1.c

8. Self-employment Verification

Self-employed individuals must submit the following:

- Three (3) years of complete business tax returns or as many years up to three (3) years that the business has been operating.
- Year-to-Date Profit & Loss and Balance sheet
- Documents to verify hours worked
 - Copies of business contracts/agreements
 - Affidavits from vendors

Section 4. Weighted Drawing 4-2. Weighted Drawing Points

- Detailed log of hours worked

9. Critical Service Provider Verification

Individuals working in approved Critical Service ProviderCritical Service Provider positions must submit a Critical Service ProviderCritical Service Provider Supervisor Questionnaire. See Section 4-2.B.1

10. Interruption of Employment Verification

Individuals who qualify for Interruption of Employment must submit two (2) years of work history immediately prior to the start of the Interruption of Employment, and verification of the reason for the Interruption of Employment such as school transcripts, or a letter from a health care provider. See Section 4-2.A.1.

SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES

5-1. Sale and Resale Standards

a. **Applicability**

Each restricted housing program dictates both the initial sales price and the maximum resale price. The restrictions for each unit should be consulted for exact details.

1. Affordable Housing Program

For the Affordable housing program, these Housing Department Rules and Regulations set out how to determine both the initial sales price and the maximum resale price.

2. Employment-Based Housing Program

The initial sales prices and maximum resale prices for Employment-Based housing units are determined by these Housing Department Rules and Regulations.

3. Workforce Housing Program

The initial sales prices for Workforce housing units are negotiated between the owner and the buyer. After the initial sale, the value will appreciate according to the Denver-Aurora-Lakewood CPI with a maximum of 3%. If the Denver-Aurora-Lakewood CPI no longer exists, another similar index will be used.

4. Attainable Housing Program

The Attainable housing program does not place limits on sale or resale prices, but buyers still must meet the qualification and eligibility rules laid out in Section 3. Qualification and Eligibility.

5. Other Programs

For other restricted housing units, the property's restrictions clarify how the sale and resale prices are configured.

Section 5. Purchase and Sale Standards and Procedures
5-1. Sale and Resale Standards

6. Rental Rates

For information on maximum rental rates permitted by the rental housing programs, see Section 5-2 and 6.

Section 5. Purchase and Sale Standards and Procedures
5-1. Sale and Resale Standards

b. Maximum Sales Price

The Housing Department updates the maximum sales prices for Affordable housing units obligated by the LDRs on April 1st of each year. The maximum sales prices are available on the Housing Department's website or at the Housing Department. The methodology listed below shall determine the maximum sales prices. The intent of the maximum sales prices is to ensure initial and long-term affordability.

1. Median Family Income

Each year, the U.S. Department of Housing and Urban Development (HUD) releases Median Family Income figures for Teton County, Wyoming. The Housing Department uses this data to determine household incomes for the applicable restricted housing units based on number of bedrooms and persons per bedroom.

2. Household Size

The Household Size for determining maximum sales price is based on number of persons per bedroom in the applicable restricted housing unit.

3. Affordability Range

The household income for the applicable restricted housing unit is set at the middle of the affordability range to ensure affordability. For example: the MFI used to calculate affordability for the 80% - 120% income range is 100% of MFI.

4. Percentage of Income

The national standard for household affordability is that a household does not pay more than 30% of its gross income toward housing costs. Therefore, monthly payments (including principle, interest, taxes, insurance and HOA dues) cannot exceed 30% of the Median Family Income for each affordability range.

5. Maximum Sales Price Calculation

The maximum sales price for a restricted housing unit is determined by calculating 30% of a qualifying household's income, using the following assumptions:

a. Loan Principal and Interest

22% of household income covers principal and interest.

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5-1 Sale and Resale Standards

b. HOA dues, Taxes, and Insurance

Eight percent (8%) of household income covers HOA dues, taxes, and insurance,

c. Mortgage Assumptions.

Assumptions for the mortgage include: 30-year mortgage, 5% down payment, 20-year rolling average interest rate for a qualifying household earning the median of the applicable income category.

6. Potential Variability of Maximum Sales Price

a. Below grade or no garage

The maximum sales prices will be lower if the unit is below grade, or if there is no garage.

b. Housing Department Option to Purchase

If an owner is determined to be in default of their restrictions, the Housing Department will have the option to purchase the property for a purchase price equal to the maximum resale price or the appraised value, whichever is less, subject to the Housing Department's ability to limit appreciation and/or reduce proceeds, and on such other terms as are provided in the restrictions.

c. Stopping Appreciation

If an owner is found to be in default of their restrictions, the Housing Department may cease the appreciation of the property when determining the maximum resale value beginning on the known date the owner began being in default.

c. Maximum Resale Price

The intent of the maximum resale price is to ensure long-term affordability of the restricted housing units at resale. The maximum resale price (MRP) shall be the original purchase price (OPP) with the following adjustments:

1. Appreciation 3% or Denver-Aurora-Lakewood CPI

Appreciation of the value of the restricted housing unit is based on the Denver-Aurora-Lakewood CPI each year not to exceed 3%. The latest published numbers for Quarter two (2) and Quarter four (4) of each year will be used unless the deed restrictions or ground lease specifically reference an alternative appreciation method or no measured appreciation.

The following standards apply:

Section 5. Purchase and Sale Standards and Procedures

5-1. Sale and Resale Standards

1. Date of purchase is defined as seller's original closing date (date seller purchased the restricted housing unit). If the closing date is on or after the 15th of the month, the month is not counted for prorating the value. If the closing date is before the 15th of the month, the entire month is counted.
2. Three (3) months will be added to the date that the "Letter of Intent to Sell" is received and will be considered the estimated closing date.
3. If the Letter of Intent to Sell is received on or before the 15th of the month, the entire month is counted. If the Letter of Intent to Sell is received after the 15th of the month, the month will not be counted. Each eligible whole month will be prorated.

a. Denver-Aurora-Lakewood CPI

The CPI used to calculate maximum resale prices in some restrictions is the Denver-Aurora-Lakewood (formerly Denver-Boulder-Greeley) CPI. New figures are published by the Colorado Department of Labor and Statistics twice a year, normally in March and August. In calculating the allowed maximum appreciation of a home, the latest reported figure will be averaged with the other reported figure for the year and used up to the date new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the Denver-Aurora-Lakewood Colorado CPI ceases to exist, a comparable index will be used.

b. Northwest Wyoming Cost of Living Index

The Northwest Wyoming Cost of Living Index (NWCLI) figure used to calculate maximum resale prices in some ground leases is obtained from the Wyoming State Division of Economic Analysis and is calculated with All Items minus Housing. It is updated quarterly and released generally in June for the First (1) Quarter, October for the Second (2nd) Quarter, December for the Third (3rd) Quarter and March for the Fourth (4th) Quarter. The latest reported figure will be averaged with the other reported Quarters of the year and will be used up to the date the new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the NWCLI ceases to exist, a comparable index will be used.

c. Flat Appreciation Rate of 2.5 Percent

The flat appreciation rate of 2.5% found in some restrictions is not based on an index. Rather, it is based on an analysis of incomes over 20 years, where it was found that incomes rose on average by 2.5% per year.

Section 5. Purchase and Sale Standards and Procedures

5-1 Sale and Resale Standards

2. Cost of Actual Capital Improvements

Restricted housing units that have deed restrictions or ground leases allowing for improvement credits can add the value of these improvements to the appreciated value to calculate the MRP based on the following.

Credit for capital improvement expenditures on the restricted housing unit given at resale will be no more than 10% of the OPP of the home except where the Housing Department has determined otherwise. All capital improvements must be pre-approved by the Housing Department and properly permitted and inspected by the Town of Jackson or Teton County Building Official. Approval/disapproval must be determined prior to actual construction to be considered at time of sale. Improvements done without prior approval will not be considered for capital improvement credit. It is the owner's responsibility to secure any approval necessary from the restricted housing unit's Homeowners Association and obtain any necessary permits prior to undertaking any Capital Improvement. Please consult Section 5-1.E. Capital Improvement Standards.

3. Depreciated Costs of Capital Improvements

The depreciated costs of Capital Improvements can be added to the appreciated value to calculate the MRP, so long as they do not exceed ten percent (10%) of the OPP or as determined by the Housing Department on a project-specific basis. All capital improvements will be depreciated as applicable according to the National Association of Home Builders/Bank of America Home Equity Study of Life Expectancy of Home Components or a similar resource. See Section 5-1.E Capital Improvement Standards.

Commented [SS21]: This has been changed due to the expense of the Marshall Swift Handbook that was formerly used.

4. Maintenance Adjustment

Households are required to keep restricted housing units in a properly maintained state. Housing Department staff and/or a third-party inspector hired by the Housing Department will inspect the property after receiving the Letter of Intent to Sell from the owner. The inspector will provide an inspection report to the Housing Department. The Housing Department may require the owner to repair or replace items on the inspection report. The buyer also has the opportunity to inspect the property and provide the Housing Department with a list of items. If required repairs, replacement, or cleaning are not made by the owner prior to the Housing Department's final walkthrough two (2) business days before closing, the Housing Department will estimate the costs at its sole discretion, and an adjustment may be made to the seller's proceeds or to the maximum resale price. These funds will either be given to the buyer to make the repairs or held by the Housing Department at the Housing Department's sole discretion. If funds are given to the buyer, the buyer will be expected to make the repairs on their own. If the repairs are not made, the buyer will be charged when they sell the home. If the Housing Department holds the funds, the

Section 5. Purchase and Sale Standards and Procedures

5-1. Sale and Resale Standards

buyer will be reimbursed based on receipts received from the buyer. If any funds remain after the repairs are completed, they will be released to the seller.

5. Other Costs

Any additional costs allowed by the Housing Department pursuant to the policies in effect on the date of the restricted household's Letter of Intent to Sell.

d. Selling Procedures

All restricted housing units shall be sold in accordance with applicable restrictions and/or these Housing Department Rules and Regulations as determined by the Housing Department, Town and/or County, which may vary depending on the specific housing program under which the restricted housing units were created.

1. Letter of Intent to Sell

The seller shall submit a completed Letter of Intent to Sell form to the Housing Department to begin the selling process. The form can be found on the Housing Department's website or can be obtained from the Housing Department. The Housing Department staff will set up a meeting with the seller to review the selling process and the seller documents. The Letter of Intent to Sell must be submitted and the meeting with the seller must occur the week prior to the beginning of the Weighted Drawing entry period. See section 4. The seller shall be given the option to choose the Title Company. If the seller has no preference, the Housing Department will choose the Title Company. If the seller decides not to sell the unit after submitting the Letter of Intent to Sell, the seller must reimburse the Housing Department for any costs the Housing Department has incurred. Once the contract has been signed by buyer and seller, both parties are legally bound by the contract.

2. Facilitation of Sale

The Housing Department facilitates the sales of restricted housing units to accomplish the sale according to the instructions in the Ground Lease/Deed Restriction and to provide a transfer to a Qualified Household. Specifically, the Housing Department facilitates sales of Affordable housing units, Employment-Based units, and Workforce housing units. Sellers will be required to enter into a Facilitation Agreement with the Housing Department to sell their home. The Facilitation Agreement must be executed prior to advertising the home for sale through a Weighted Drawing process.

Section 5. Purchase and Sale Standards and Procedures
5-1 Sale and Resale Standards

3. Maximum Resale Letter

The resale price of the restricted housing unit shall be calculated according to its restriction and stated in the "Maximum Resale Letter." Maximum resale prices will be rounded to the nearest dollar. An official copy will be mailed, or hand delivered. A copy can be requested from the Housing Department by email or fax. The Maximum Resale Price shall be the only exchange of value between parties to any sale of the restricted housing unit. Any exchange of value outside the allowed sale price shall invalidate the sale.

4. Facilitation Fee (2%)

At the closing of the sale, the seller will pay to the Housing Department a fee equal to two percent (2%) of the sales price, unless otherwise instructed in the deed restriction, for facilitation services. The Housing Department may instruct the Title Company to pay such fees out of the funds held for the seller at closing. The Housing Department may also waive the fee, or a portion thereof, in its sole discretion.

5. Costs for Declining Initiated Sale

If the seller decides not to sell the restricted housing unit at any point before closing, the seller will be responsible for all advertising and/or other costs associated with listing the unit for sale.

6. Viewing of Unit

Once the Weighted Drawing is completed, the first household drawn will be contacted by the Housing Department and a time set up to view the unit. This viewing shall occur within five (5) business days of the household being notified that they were selected first in the drawing. The household will have two (2) business days to respond to the Housing Department's efforts to contact them to notify them that they were selected. A phone call and an email will be sent to the household. If there is no response, the Housing Department will move on to the next household drawn. The seller is required to make the restricted housing unit available with reasonable notice on a minimum of two (2) occasions to show the property to the selected household prior to going under contract.

7. Inspection

The Housing Department will order a third-party inspection to be done on the home by a qualified home inspector. The inspection information/report is for the use of the Housing Department and will not be released to any buyer. Buyers shall have the option to order their own inspection to be done on the home. It is the Housing Manager's sole discretion as to whether items found by an inspector will be required to be repaired. A list of items required to be repaired will be given to the seller by the Housing Department. The seller is expected to have the items completed no later than three (3) business days prior to the closing date.

Section 5. Purchase and Sale Standards and Procedures

5-1. Sale and Resale Standards

8. Complete Application

The household shall have five (5) business days from the day they are notified that they were selected first in the drawing to submit a complete application to the Housing Department. The Checklist for Complete Application and Application form can be obtained from the Housing Department's website or from the Housing Department. The Housing Department reserves the right to request additional documentation when verifying a Household's eligibility and qualification. If for any reason the buyer cannot close within three (3) weeks of the seller's timeline, the seller may choose to move on to the next household drawn.

9. Qualification

The Housing Department shall review the application and supporting documents and calculate income, assets, and hours worked to verify eligibility and qualification. This process normally is complete within five (5) business days of receiving the application. However, it may take longer in unique circumstances. Once the Housing Department completes the review and verification of eligibility and qualification, the applicant is notified of approval or denial. If the applicant does not qualify, the next household drawn in the Weighted Drawing will be notified and the process will start over.

10. Qualified Household Meeting

When the Housing Department has identified a qualified household who wishes to move forward with the purchase of the home, the qualified household will have five (5) business days to attend a meeting to review the purchase process and purchase documents, which include the Contract for Purchase and Sale of Residential Real Estate or Residential Improvements in the case of a Ground Lease and the buyer's Facilitation Agreement. The applicant has five (5) business days from the meeting day to review and execute the purchase documents and return them to the Housing Department with earnest money as called for in the Contract. If the contract is not signed and returned within five (5) business days, the next household selected in the drawing will be notified and given the option to purchase the home if qualified.

11. Final Walk Through

The seller shall be notified immediately upon receipt of the signed contract and earnest money to execute the contract. The seller shall have two (2) business days to return the signed contract, or the closing may be delayed. A copy of the contract and the earnest money are then delivered by the Housing Department to the Title Company.

A final walk through will occur generally two (2) business days prior to the closing date. If the Housing Department finds maintenance or repair items that have not been completed, the Housing Department will estimate the costs of the maintenance/repair items and funds will be withheld from the seller's proceeds to cover the costs.

Commented [SS22]: Added for clarity.

e. **Capital Improvement Standards**

1. **Approval Required**

Owners must receive written approval from the Housing Department prior to beginning the work in order to receive credit for the capital improvement. To obtain approval, the Request for Capital Improvement form must be submitted along with estimated costs and drawings and/or plans and a narrative of the work to be done. Once the improvement is complete, copies of all receipts for materials and labor must be given to the Housing Department. No credit will be given for sweat equity.

a. **Capital Improvement Request Fee**

Applicants for Capital Improvement requests will be charged a fee by the Housing Department in accordance with the Housing Department Fee Schedule.

2. **Workmanlike Manner**

All improvements whether approved Capital Improvements or other must be built in a workmanlike manner, and according to Town of Jackson or Teton County building codes. All required permits and completion releases must be obtained from the Town or County. Any owner that does capital improvements without obtaining the proper permits or if it is determined at the Housing Department's sole discretion that the improvements have not been done in a workmanlike manner may be required to make repairs or remove the improvements and return the home to its original condition.

3. **Approved Capital Improvements**

A Capital Improvement is an improvement done to the home for which the homeowner can receive credit. The capital improvement requires an expenditure that either increases the value of the property or extends its life expectancy but is not a luxury item. The term "approved capital improvement" shall only include the following:

1. Fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements.
2. For the benefit of seniors and/or handicapped persons.
3. Health and safety protection devices (including radon).
4. Adding and/or finishing of permanent/fixed storage space.
5. Finishing of unfinished space.

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5-1. Sale and Resale Standards

6. Landscaping; Adding trees, shrubs, lawn, patio, walkways, or sprinkler systems.
7. Decks and balconies, and any extension thereto.
8. Partial credit may be given for upgrade improvements that will increase the life of the component as compared to the original product or increase the long-term affordability of the home.

4. Improvements Not Approved for Credit

Permitted capital improvements shall not include the following:

1. Jacuzzis, saunas, steam showers and other similar items.
2. Upgrades or addition of decorative items, including lights, window treatments and other similar items.
3. Upgrades of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of a unit, unless replacement is shown to improve the lifespan of the component or the long-term affordability of the restricted housing unit;
4. Repair and Maintenance Items – a repair or maintenance item is an expenditure that restores a property to a sound state.

f. Resale and Transfer Limitations

1. Transfer of Title

Transfer of title is not allowed unless approved by the Housing Department. To apply for approval, owners need to complete the Housing Department's Request for Transfer of Ownership (Title) form and submit it to the Housing Department along with a fee in accordance with the Housing Department Fee Schedule published annually, which covers legal and recording fees. In some cases, a complete application will be required to be submitted for qualifying purposes.

a. Divorce

In the event of the divorce of an owner, the Housing Department may consent to the transfer of the residential unit to a spouse of an owner, which spouse may not otherwise qualify as a qualified household, only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

b. Death

1. Nonqualified Transfer on Death

Section 5. Purchase and Sale Standards and Procedures

5-1 Sale and Resale Standards

In the event of the death of an owner, the Housing Department may consent to the transfer of the residential unit to an heir or devisee of such deceased owner, which heir or devisee may not otherwise qualify as a qualified household only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

2. Qualified Transfer on Death

In the event of the death of an owner, a qualified transferee must meet Occupancy, Use, Qualification and Eligibility criteria in accordance with these Housing Rules and Regulations within 90 days of the transfer of title.

c. Nonqualified Transferee

If title to the restricted housing unit vests in a nonqualified transferee, as defined in these Housing Department Rules and Regulations Section 3-2. Qualification, the restricted housing unit shall immediately be listed for sale in accordance with the restrictions and the Housing Department Rules and Regulations. The following shall apply when the Housing Department determines there is a nonqualified transferee:

1. Cooperation with the Housing Department

A nonqualified transferee shall cooperate with the Housing Department to affect the sale, conveyance or transfer of the restricted housing unit to a qualified household (or the Housing Authority in the event of its exercise of its option to purchase) and shall execute any and all documents necessary to such sale conveyance or transfer.

2. Compliance with Restriction

A nonqualified transferee shall comply with the restrictions, the Housing Department Rules and Regulations, and all other covenants regulations, ordinances, statutes, laws, or rules governing the ownership, occupancy, use, development or transfer of the restricted housing unit, and further may only occupy the restricted housing unit with the prior written consent of the Housing Department.

2. Trusts

Restricted housing units may not be put into any type of a trust. This is the equivalent of transferring ownership, and trusts are not qualified to be the owner of a restricted housing unit.

3. Nontestamentary Transfer on Death

A Nontestamentary Transfer on Death deed is allowed to be recorded on restricted housing units. Applicant for a Nontestamentary Transfer on Death will use the Housing Department's form and pay a fee to the Housing Department in accordance with the Housing Department Annual Fees schedule. The Form will include the following:

Section 5. Purchase and Sale Standards and Procedures

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1. Beneficiary

It conveys an interest in real property to a beneficiary designated by the owner and states the deed is effective upon the death of the owner.

2. Subject to Encumbrances

It must be subject to all other encumbrances on the property to which the owner was subject to during their lifetime, including the Restrictions on the property.

3. Approval by Housing Department

The Housing Department must approve the document before recordation.

4. Title

Applicants and Co-applicants are required to be on title to the home or sign an Occupancy Agreement. See Section 5-1.F.5. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. Transfers of title without the consent of the Housing Department constitute Default.

5. Occupancy Agreement

All adults who are not on title and occupy any restricted housing unit for more than 30 cumulative days in a calendar year, except for children under the age of twenty-five (25) attending college, must sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Individuals who sign an Occupancy Agreement will be considered a member of the Household and will be included in annual re-qualifications and check-ins.

Commented [SS23]: This sentence was added for clarity.

6. Occupancy Affidavit

Owners of Affordable units may allow other adults to occupy their unit after one year of ownership with approval from the Housing Department. Owners of Workforce units may allow other adults to occupy their unit anytime after closing on the purchase with approval from the Housing Department. One person households purchasing Affordable Units will be required to sign an Occupancy Affidavit at closing affirming that no other adults will occupy the home for a minimum of one year. All adults not on title who occupy a restricted housing unit will need to sign and Occupancy Agreement. See Section 5-1.F.5

Commented [SS24]: This paragraph was added for clarity.

g. Other Sale and Resale Standards

1. Privy to Purchase and Sales Agreement

Sellers and buyers shall provide a copy of the Purchase and Sale Agreement to the Housing Department. All financial information shall remain confidential, except as follows:

a. Public Records

Any document that would customarily be a matter of public record in the public records of Teton County, Wyoming, and is subject to the Wyoming Public Records Act.

b. Weighted Drawing Positions

The names and positions of all persons who have participated in any Rental Weighted Drawing held under these Housing Department Rules and Regulations.

c. Freedom of Information Act or Wyoming Public Records Act

Any other information, which a court of competent jurisdiction rules must be released under the Freedom of Information Act or the Wyoming Public Records Act; and

d. Audits

In addition, the Housing Department may allow access to personal and private information to any person or entity undertaking an independent audit of the records kept under these Housing Department Rules and Regulations, provided that such person or entity agrees to be subject to this confidentiality provision.

2. Independent Legal Counsel

All sellers and buyers of restricted housing units are advised to consult independent legal counsel to examine all contracts, CC&Rs, deed restrictions, agreements, affidavits, closing statement, title documents, etc. The retention of such counsel, or related services, shall be at the seller's and buyer's own expense. The sellers and buyers and/or their attorneys will not be allowed to make changes to Housing Department documents. A Buyer's Acknowledgement form will be required to be signed prior to closing acknowledging recommendation to obtain legal counsel. The Buyer's Acknowledgement form will be provided to the buyer for review prior to closing.

3. Title Company

The Housing Department advises sellers to use a title company and escrow agent located in Jackson, Wyoming to close the transaction because of their expertise with the Housing Department's restricted housing programs and their unique and technical closing documents. The seller and buyer shall authorize the Housing Department to review the Settlement Statement prior

Section 5. Purchase and Sale Standards and Procedures

5-1. Sale and Resale Standards

to closing. Sellers can select a title company and escrow agent of their choice. If no title company is indicated, the Housing Department will select one.

4. Lenders

a. Approved Lending Institutions

Borrowers are restricted to the following lending institutions licensed to engage in mortgage lending practices in the State of Wyoming:

1. Institutional Lender

An “institutional lender” such as, but not limited to, a federal, state, or local housing finance agency, a bank (including savings and loan association or insured credit union), an insurance company, or any combination of the foregoing, the policies and procedures of which Institutional Lender are subject to direct governmental supervision; or

2. Community Loan Fund

A “community loan fund”, or similar non-profit lender to housing projects for income-eligible persons (e.g. is not given to or acquired by any individual person); or

3. Non-Affiliated Legitimate Finance Company

A non-affiliated, legitimate, finance company. In no event shall such finance company be an individual or any company that is affiliated with or has any affiliation with the owner or any family member of the owner.

b. Required Down Payment and Loan to Value Ratio

The Housing Department requires that all buyers have at least 3.5% down payment on a purchase, and no refinance or second mortgage obtained after the original purchase is allowed to be higher than 95% loan to value.

c. Debt to Income Ratio

The total debt to income ratio for a household may not exceed 45%.

d. Qualified Mortgage

Lenders may submit a Qualifying Mortgage form to the Housing Department to have the mortgage deemed a “qualifying mortgage.” When submitting a qualified mortgage request, a copy of the title commitment and the Transmittal Summary (HUD Form 1008), or other documentation containing the same information, is required to be attached. The Qualifying Mortgage form can be obtained from the Housing Department or from the Housing Department’s website.

Section 5. Purchase and Sale Standards and Procedures

5-1 Sale and Resale Standards

For homes that do not have a measured appreciation, such as Attainable homes, an appraisal recognizing the restriction on the property is required.

The Housing Department reserves the right to require additional information before approving a mortgage as a “qualifying mortgage”.

5. Total Debt

Owners shall not incur debt, liens or other obligations secured by the restricted housing unit that exceed 95% of the Original Purchase Price of the unit and shall notify the Housing Department immediately when a change in the total of these secured obligations is anticipated. No second mortgages, including but not limited to home equity lines of credit, shall encumber the restricted housing unit without advance approval by the Housing Department.

6. Co-Ownership

Any co-ownership arrangement other than Joint Tenancy or Tenancy-In-Common must be approved by the Housing Department. All adults occupying the unit, with the exception of children under the age of twenty-five (25) attending college, must sign an Occupancy Agreement.

Commented [SS25]: This clause was added for clarity.

7. Co-Signors

Co-signors are guarantors for payment of mortgage. If an exception to the “no co-signors” rule is granted, co-signors shall not occupy the unit. Co-signors are not co-owners, so they are not allowed on the title. No lien or security can be placed on the property besides the mortgage itself.

8. Homeowners Associations

The restricted housing unit may be subject to a Homeowners Association (HOA). All owners of restricted housing units are required to pay HOA dues, and potential special assessments and fees if applicable, unless otherwise exempted. HOA dues may be substantial and are factored into the maximum sales price. Homeowners Associations frequently have interests and regulations, other than the Restriction, that affects the restricted housing unit. It is the owner’s responsibility to be aware of these interests and regulations. Failure of an owner to comply with the HOA Rules and Regulations or CC&Rs constitutes default of the Housing Department Rules and Regulations.

9. Homeowners’ Hazard Insurance

Owners are required to keep hazard insurance on their homes for 100% replacement cost. Since the homes are subsidized, this amount could be more than the price of the home. Often times Homeowners Associations provide insurance. Depending on how much coverage the HOA provides, the owner may be required to provide additional insurance to guarantee complete replacement of the home. Ground lease properties are required to name the Jackson/Teton County Housing Authority as additionally insured.

5-2. Purchase Procedures

a. Selection of Qualified Household

A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding each housing program. The restrictive covenant should be consulted for exact details.

1. Weighted Drawing

In the event that the Housing Department receives one or more Weighted Drawing entry sheets at the maximum resale price from qualified households during the Weighted Drawing entry period, the buyer will be selected according to preferences set for that particular Housing Program. In the event no Weighted Drawing entry sheets are received during the Weighted Drawing entry period, the selection process would be determined either by a bid process or a "first come first served" process. The restrictions on the property clarify which selection procedure to use.

a. Errors

Every effort is made by the Housing Department to ensure fair and equitable drawings. Drawings are not drawn by the Housing Department. Housing Department staff compiles Weighted Drawing entry sheets with all eligible households included. The Weighted Drawing is drawn by outside counsel. On the rare occasion that an error is made in compiling or drawing of a Weighted Drawing, the error will be corrected, and the Weighted Drawing will be re-drawn.

2. Bid Process

If the restrictions require it, the qualified household submitting the highest bid price (not to exceed the maximum resale price) during the Bid Period shall have the first right to purchase the unit. The owner of the unit shall have the right to accept or reject the bid.

3. No Qualified Weighted Drawing Entries

Refer to Section 4-2.d. Other Sale/Resale Procedure.

4. Owner Selection

If the restriction permits, the owner of the restricted housing unit may be allowed to select the qualified household. Other than verifying that the qualified household meets the qualification and eligibility requirements for the restricted housing unit, the Housing Department shall not have any authority to choose the buyer of the restricted housing unit unless authorized by the owner.

Section 5. Purchase and Sale Standards and Procedures
5-2. Purchase Procedures

5. Attainable Housing Program Sale Procedures

a. Listing of Unit

When an owner wishes to sell an Attainable housing unit, they can either list the home with a realtor or for sale by owner.

b. Letter of Intent to Sell

The owner of the Attainable housing unit is required to submit a Letter of Intent to Sell to the Housing Department before listing or advertising the unit for sale.

c. Advertising

The owners will be responsible for advertising their Attainable housing unit for sale with the exception that the Housing Department will advertise the unit on their website at no cost to the owner.

d. Sale Price

There is not a maximum resale price for Attainable housing units. The owner will set the price with the understanding that the household who buys the unit will need to qualify under income, asset, and employment criteria. The price may be negotiated before entering into an agreement to purchase.

e. Purchase and Sale Agreement (Contract)

The buyer will be responsible for providing the Purchase and Sale Agreement at the time of making an offer to purchase an Attainable housing unit. The seller may make a counteroffer that includes changes to the Purchase and Sale Agreement. The Attainable housing unit is under contract when an offer and/or a counteroffer is accepted, and both the buyer and seller have signed it. The Purchase and Sale Agreement must contain a contingency that the Housing Department must verify that the buyer is “qualified” to purchase the Attainable housing unit. The Housing Department will not deem a buyer “qualified” until a contract has been executed by the seller and the potential buyer.

f. Housing Department Privy to Purchase and Sale Agreement

A full copy of the fully executed Purchase and Sale Agreement shall be provided to the Housing Department. All financial information shall remain confidential except that the Housing Department will provide information concerning sales prices when needed.

Section 5. Purchase and Sale Standards and Procedures
5-2. Purchase Procedures

g. Application for Qualification

1. Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.
2. Time to Process: If the application is complete and thorough, the Housing Department will have a determination of qualification within five (5) business days of receiving the application. It may take longer if the Housing Department must request further information from the applicant.
3. Qualified Buyer Letter: Once the household is deemed to be “qualified” to purchase the Attainable housing unit, the Housing Department will provide a Qualified Buyer Letter to the applicant. This letter will be used to verify to the seller and the title company that the household is qualified to purchase the unit.
4. Lenders: See Section 5-1.G.4 Lenders
5. Closing: The closing date and time is set between the sellers, buyers, financial institution, the title company, and the Housing Department. The buyers will be required to sign a Buyer’s Acknowledgement at the time of closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home, and also agreeing to the Housing Department’s right of first option to purchase the unit in case of default by signing a Power of Attorney in Case of Default.

b. Viewing of Restricted Housing Unit

The seller of the restricted housing unit will allow the potential buyer to view the unit to see that it meets their household’s needs. If the household decides to purchase the restricted housing unit, they will have the opportunity to inspect the unit further once it is under contract.

c. Submit Application

The potential buyer will have five (5) business days to submit a complete application. The required Housing Department documents are available from the Housing Department or from the Housing Department website.

1. Materials Included with Application

a. Application

Housing Department Application for Restricted Ownership or Rental Housing.

Section 5. Purchase and Sale Standards and Procedures

5-2. Purchase Procedures

The Housing Department Application for Homeownership is a three (3) page form with an additional two (2) pages made up of a Certification and Oath section that will need to be signed by all applicants and notarized, as well as an Authorization to Release Information.

A sworn statement of the facts contained in the application will be required including at least the following certifications:

1. That the facts contained in the application are true and correct to the best of the applicant's knowledge.
2. That the applicant has been given the standard application information packet by Housing Department Staff; and
3. That the applicant, on the basis of the application presented, believes the Household qualifies to occupy the restricted housing unit in question according to the restriction, these Housing Department Rules and Regulations, and all other applicable procedures.
4. This Certification and Oath is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department.

b. Lender's Qualification Worksheet

A current Lender's Qualification Worksheet (within one year of the date the Weighted Drawing begins) is required to be completed by a lending institution. The Lender's Qualification Worksheet must be submitted to enter a Weighted Drawing. Lender's Qualification Worksheets may not be faxed; they can either be emailed or submitted in person or mailed by USPS. The worksheet must reflect a loan amount and down payment amount that is equal to or greater than the sale price of the home.

c. Credit Report

A three-bureau credit report including credit scores (not more than one year old) is required to help Housing Department Staff determine if the Household is financially healthy and able to make payments on a mortgage. The credit report also helps determine debt to income ratios.

d. Verification of Down Payment

An account statement or signed and notarized letter from someone supplying a gift, or other verification of funds for a down payment is required.

e. Verification of Hours and Years Worked

Affidavits of Employment, detailed check stubs, or other adequate proof of hours and years worked is required at Weighted Drawing entry to receive points in the Weighted Drawing. Affidavits are required to be completed, signed, and returned directly to the Housing

Section 5. Purchase and Sale Standards and Procedures

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Department by the employer. They may not be completed by the applicant. If hours or years worked cannot be verified, they will not be counted.

Commented [SS26]: Clause added for clarity.

Historical information for hours and years worked will be kept on file with the Housing Department. Information is required to be updated annually or if any changes occur.

f. Power of Attorney in Case of Default

Buyers may be required to sign a Power of Attorney in Case of Default form appointing the Housing Manager of the Housing Department Attorney in Fact in the case of default and forced sale. The Housing Department may use other methods for remedying a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.

g. Federal Tax Returns

Signed federal income tax returns and all attachments (including W-2s and 1099s) and schedules for the last two (2) years for all adult household members are required. If there is self-employment, three (3) years of business and personal tax returns, along with a current Profit and Loss Statement and balance sheet, are required. The Housing Department uses tax returns to verify several different aspects of qualification such as but not limited to income, assets, residential homeownership, and sources of income.

h. Additional Information

Additional information may be requested to determine eligibility or qualification status. This may include:

1. Verification of Household Net Assets

Household net assets are verified through tax returns, account statements, verification of deposits from financial institutions, and the NADA or Kelly Blue Book.

2. Verification of Current Employment in Teton County

One or more of the following are needed to verify employment in Teton County:

Wage stubs

Employer name, address, and phone number

Contract for employment

“Affidavit of Employment” (Housing Department)

3. Authorization to Release Information

Section 5. Purchase and Sale Standards and Procedures

5-2. Purchase Procedures

An Authorization to Release Information form signed by all adults in the household to obtain third party employment verifications.

4. Verification of Completion of Homebuyer Education Course

At least one adult per household must complete the Homebuyer Education Course. The required course is offered by the Wyoming Housing Network or if not available, another course approved by the Housing Department. This applies to all households regardless of whether they have owned a home or not. This certification only needs to be completed once; however, if a household changes size and the adult who completed the certification is no longer a part of the household, it will need to be taken by an adult who is a part of the household. The Housing Department will keep a record of the certificate. It is encouraged that households keep a copy as well. The applicant must provide evidence of attendance of an approved Homebuyer Education Course prior to purchase. This is required to be submitted at time of Weighted Drawing.

5. Uniform Residential Loan Application

Applicants must provide a copy of the final Uniform Residential Loan Application at closing.

6. Occupancy Affidavit

No persons outside of the persons included in the household on the Weighted Drawing Entry Form and Intake Form at time of Weighted Drawing entry may be moved into the home without express written approval of the Housing Department. Approval will not be given within twelve (12) months from closing on a home for adults being added to the household. An Occupancy Affidavit will be required to be signed by buyers at or before closing. Any adult that is added to a household will be required to be added to title on the home or must sign an Occupancy Agreement.

Commented [SS27]: This clause was added for clarity.

7. Accessible Unit Preference

Applicants that wish to be considered for accessible units must submit a Verification Form for Accessible Unit Preference.

8. Critical Service Provider

Organizations applying for Critical Service Provider approval and their corresponding approved positions must gain approval before a critical service worker can gain points in a Weighted Drawing. The organization must complete a Critical Services Organization Application and submit it to the Housing Department. If the organization and positions are approved, a Supervisor Questionnaire must be completed by the applicant's supervisor and submitted with the other required documents when entering the Weighted Drawing. All certifications must be completed for the position and a

Section 5. Purchase and Sale Standards and Procedures

5-2. Purchase Procedures

recommendation from the supervisor is required. The Supervisor Questionnaire will need to be updated every six months.

9. Birth Certificate for Children Under One (1) Year of Age

Applicants must provide the birth certificate for children less than one (1) year of age.

10. Weighted Drawing Entry Form

A Weighted Drawing entry form must be completed and signed and submitted when entering a Weighted Drawing according to Housing Department processes. Weighted Drawing entry forms may be submitted online, in person, or by USPS.

No incomplete Weighted Drawing entry forms will be accepted. This means that every blank must contain information, "N/A," or a strikethrough so that the Housing Department knows that it was not overlooked.

The Housing Department is not responsible for receiving Weighted Drawing entry forms. It is the responsibility of the household to confirm that the Weighted Drawing entry form was received, and the household is entered in the Weighted Drawing.

11. Intake Form

All households are required to complete the Online Intake Form. This form must be completed in its entirety before entering a Weighted Drawing. Any changes made to the form must be made prior to the opening of an Affordable Weighted Drawing the household wishes to enter or the household will be ineligible to enter the Weighted Drawing. Households may make changes to their Intake Form if applying for Workforce Housing. The Intake form must be updated annually to be eligible to continue to enter drawings.

Commented [SS28]: Sentence added for clarity.

d. Verification of Application

To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the Application is true and correct and may request additional documents to assist in this process. The Housing Department strives to complete verification within two (2) weeks of application submittal.

Any material misstatement of fact or deliberate fraud by the household in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or forced sale of the restricted housing unit.

Section 5. Purchase and Sale Standards and Procedures
5-2. Purchase Procedures

e. Verification of Qualified Household

The Housing Department verifies that each Household selected to purchase a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit. See Section 3. Qualification and Eligibility for more details on the verification process for each housing program.

f. Qualification Letter

Once the Housing Department verifies that the household meets the Qualification and Eligibility criteria for the particular restricted housing unit, it will issue a Qualification Letter to the buyer, a copy of which will be provided to the title company upon request.

g. Purchase and Sale Agreement

Buyers must sign a “Purchase and Sale Agreement” within five (5) business days of the date of the Buyer Meeting with the Housing Department. Buyers will be given the five (5) business days to review the “Purchase and Sale Agreement” and are encouraged to get legal advice. Sellers and buyers shall make the Housing Department privy to the “Purchase and Sale Agreement.” All financial information shall remain confidential except as noted in Section 5-1g.1. Privy to Purchase and Sale Agreement.

1. Earnest Money

At time of signing the Purchase and Sale Agreement, one thousand dollars (\$1,000.00) in earnest money will be required. The check is made out to the title company referenced in the Purchase and Sale Agreement.

2. Closing Date

In most cases, the buyer has fifty (50) days to close on the property. The Closing Date will be agreed upon between the buyer and the seller and will be included in the Purchase and Sale Agreement. The closing date will be the date the buyer takes possession of the restricted housing unit.

3. Inspections

The buyer may perform inspections on the restricted housing unit commencing on the effective date of the contract until closing. However, the buyer will have 30 days from the effective date of the contract to notify the Housing Department of any objections to items found during inspections. Sellers shall make the restricted housing unit available for inspections. If the seller refuses to remedy the objection, the Housing Department will notify the buyer, and the buyer will have three (3) business days to give notice to the Housing Department of their intention, either:

Section 5. Purchase and Sale Standards and Procedures
5-2. Purchase Procedures

a. Waiving Objection

Waiving the objection and proceeding to closing, or

b. Termination

Terminating the Purchase and Sale Agreement.

Section 6. Rental Standards and Procedures

6-1. Applicability

4. Facilitation

Pursuant to Wyoming Statute 33-28-101 through 124, the Real Estate License Act of 1971, the Housing Department is participating in the transaction as a facilitator without a Wyoming real estate license and in the performance of official duties.

5. Buyer's Acknowledgement

The buyers will be required to sign a "Buyer's Acknowledgement" at closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home. In addition, by signing this form, the buyer agrees to the JTCHA's right of first option to purchase the unit in case of default.

h. **Purchase by Housing Authority**

The Housing Authority through the Housing Department shall have the option (Option) to purchase any restricted residential unit for which an owner desires to sell, an owner is forced to sell, or the residential unit is in default of their mortgage or in foreclosure.

Commented [SS29]: This section was added for clarity. It is already a part of the Special Restriction template.

1. Owner Desires to Sell

In cases where the Housing Department desires to exercise their Option when the owner desires to sell their restricted residential unit, the Housing Department shall provide written notice to the owner of its election within thirty (30) days of receipt of Letter of Intent to Sell. Such notice shall include the purchase price and the timing for the closing of the purchase. The purchase price shall be the Maximum Resale Price as calculated by the Housing Department in accordance with the Special Restriction and the Housing Rules and Regulations or the appraised value, whichever is less. The seller shall not be required to pay a facilitation fee to the Housing Department. The Housing Department shall provide the contract and shall not be required to pay earnest money.

2. Owner is Forced to Sell

In cases where the Housing Department desires to exercise their Option when an owner of a restricted residential unit is found by the Housing Department to be in Default and is therefore forced to sell their home, the Housing Department shall provide written notice to the owner of its election within ninety (90) days of determination of Default. The notice shall include the purchase price and the timing of the closing of the purchase. The purchase price shall be the Maximum Sales Price as calculated by the Housing Department in accordance with the Special Restriction and the Housing Rules and Regulations. Notwithstanding the foregoing, the Maximum Sales Price will not include appreciation after the known date the owner went into default. This known date may be prior to the Housing Department's Notice of Default to the owner.

Section 6. Rental Standards and Procedures
6-2. Housing Department Program Rental Standards and Procedures

3. Foreclosure

In cases where the Housing Department desires to exercise their Option when the restricted residential unit is in foreclosure, the Housing Department must exercise the Option within ninety (90) days from the receipt of notification of a borrower Default of Mortgage or the property foreclosure.

4. Application of Proceeds

Whether the Housing Department elects to exercise its Option or to force a sale in accordance herewith, all proceeds, unless otherwise required by statute, will be applied in the following order:

FIRST, to the payment of any unpaid taxes.

SECOND, to the payment of any Qualified Mortgage.

THIRD, to assessments, claims and liens on the Residential Unit (not including any mortgage or lien purportedly affecting a Residential Unit which is not a Qualified Mortgage

FOURTH, to the payment of the closing costs and fees.

FIFTH, to the two percent (2%) facilitation fee to the Housing Department.

SIXTH, to the payment of any penalties assessed against owner by the Housing Department.

SEVENTH, to the repayment to the Housing department of any monies advanced by it in connection with a mortgage or other debt with respect to a Residential Unit, or any other payment made in owner's behalf.

EIGHTH, to any repairs needed for the Residential Unit; and

NINTH, any remaining proceeds shall be paid to owner.

If there are insufficient proceeds to satisfy the foregoing, owner shall remain personally liable for such deficiency.

5. Appointment of Housing Department as Owner's Attorney-in-fact.

In the event the Housing Department exercises its Option or requires a forced sale, owner shall cooperate or irrevocably appoint the Housing Manager as such owner's Attorney-in-Fact to effect any such purchase or sale on owner's behalf (including without limitation the right to cause an inspection of the Residential Unit and make such repairs to the Residential Unit as the Housing department may reasonably deem necessary), and to execute any and all deeds of conveyance or other instruments necessary to fully effect such purchase or sale and conveyance. Buyers of restricted units under these Rules and Regulations agree to this at time

Section 6. Rental Standards and Procedures
6-1. Applicability

of purchase by signing the Buyer's Acknowledgment which is recorded in the office of the Teton County Clerk.

SECTION 6. RENTAL STANDARDS AND PROCEDURES

6-1. Applicability

All rental housing units administered by the Housing Department, including the Affordable Rental program (which includes legacy Employee housing units), the Workforce Rental program (which includes the legacy ARU program), and restricted ownership units who apply to rent a room in their unit are subject to these Housing Department Rules and Regulations, with the exception of units that are owned by Teton County or the Town of Jackson and used for housing their employees.

6-2. Housing Department Program Rental Standards and Procedures

a. Affordability

To ensure that the rents are affordable to households earning less than one hundred twenty percent (120%) MFI, rents for Affordable units will be calculated using the following method (rents for Workforce units are set by owner and have no cap):

1. Standard of Affordability

The standard for affordability provided by HUD is that no more than thirty percent (30%) of a household's income should be spent on housing costs. Included in this thirty percent (30%) are rent, property tax, water, sewer, gas and/or electric, and trash removal. One parking space is required at no charge to the tenant unless otherwise approved by the Town Council or Board of County Commissioners.

2. Household Size for Rent Calculation

For purposes of calculating rental rate only:

Studio:	One (1) person
One-bedroom:	One (1) person
Two-bedroom:	Two (2) Persons

Section 6. Rental Standards and Procedures
6-1. Applicability

Three-bedroom: Three (3) persons
Four-bedroom: Four (4) persons

Section 6. Rental Standards and Procedures
6-2. Housing Department Program Rental Standards and Procedures

3. Calculation of Rent

Monthly rent will be the lower income limit for each respective affordability range (specific to the number of bedrooms to determine household size), divided by twelve (12), and multiplied by thirty percent (30%). Studio units may charge eighty percent (80%) of a one-bedroom unit. Dorm units may charge seventy-five percent (75%) of a studio. See Section 3-3 for income ranges.

a. "Plus" Units

Fifty dollars (\$50) will be added for "Plus" units. "Plus" units have extra floor area for offices, play areas, etc.

b. Lease Renewals

The rent will be calculated each year and applied to a lease renewal. Tenants will be notified three (3) months in advance of the new lease amount. The new calculation will also be applied for new households signing a lease.

4. Qualified Household

Tenant households must qualify under the housing program designated to each unit. See Section 3-3. Tenant households will be required to re-qualify annually. Household income will qualify as long as it is below the income limit for the income range.

5. Leases

All leases are required to be approved by the Housing Department.

b. Primary Residence

1. Occupancy Requirement

Households shall physically occupy their home full-time at least 80% of the term of their lease.

2. Business Activity Restricted

Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.

3. No Guests for an Extended Period

Households who rent restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.

Section 6. Rental Standards and Procedures
6-3. Rental Procedures

c. Eviction

If a tenant household is in default of their lease agreement, they may be evicted from the rental unit. The eviction process will be in accordance with Wyoming law and all applicable Wyoming Statutes.

d. Selection Process

A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding the Housing Department-administered rental housing programs.

1. Weighted Drawing

When an Affordable rental owned by the Housing Authority is available, tenants will be identified through the Weighted Drawing process. Applicants will submit a complete application, which will be kept on file for one-year (Affidavits of Current Employment will need updating after six (6) months). Weighted Drawing entries for drawings entered within the one year will only need to submit a Weighted Drawing Entry Form assuming a complete up to date application is on file with the Housing Department. A qualified household shall be selected to rent according to the rules set forth in these Housing Department Rules and Regulations, Section 4.

2. First Come First Served

In the event no Weighted Drawing entries are received during the Weighted Drawing entry period, the selection process will be determined by a first come first served basis. The first qualified household submitting a complete application will be allowed an opportunity to rent if eligible.

e. Complete Application

Each household entering a Weighted Drawing to rent a restricted housing unit owned by the Housing Authority is required to submit a completed "Application for Restricted Rental Housing" or a "Weighted Drawing Entry Form. Weighted Drawing Entry Forms will only be accepted if a complete and up to date application is on file with the Housing Department. A certification page will also be signed by the applicant and notarized. In addition, an Authorization to Release Information is signed by the applicant, which allows the Housing Department to obtain banking information and any other relevant information. Application forms can be obtained from the Housing Department or from the Housing Department's website.

Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

f. Verification of Selected Household

The Housing Department verifies that each household selected to rent a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit.

g. Materials Required

To determine that a household desiring to rent a restricted housing unit meets all of the required criteria, the Housing Department will request all of the following for a complete application, which will be submitted at Weighted Drawing entry:

1. Housing Department Application for Restricted Ownership

or Rental Housing

Completed and signed Housing Department Application for Housing.

2. Weighted Drawing entry Form

Completed and signed Weighted Drawing Entry Form. See Section 5-3.c.2.

3. Credit Report

Full three-bureau credit report that reflects credit scores for all adult household members dated no more than 30 days from submittal of application.

4. Federal Income Tax Returns

Federal income tax returns and all attachments (including W-2s, 1099s) and schedules for the last two (2) years for all adult household members.

5. Verification of Current Employment in Teton County

One or more of the following will be required for verification of Current Employment in Teton County includes:

1. Wage stubs.
2. Employer name, address, and phone number.
3. Contract for employment.
4. Authorization to Release Information form signed by all adults in the household to obtain third party employment verifications; and

Section 6. Rental Standards and Procedures

6-3. Rental Procedures

If deemed applicable, the Housing Department may request the following be submitted with an application:

1. If self-employed, three (3) years of business and personal tax returns along with a current Profit and Loss Statement and balance sheet.
2. Verification Form for Accessible Unit Preference.
3. Any other documentation that the Housing Department deems necessary to determine qualification, such as, divorce decrees, Social Security income, rental income, etc.

h. Verification of Application

To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the application is true and correct and may request additional documents to assist in this process. All financial information shall remain confidential, except that the Housing Department may provide information to the public concerning sales prices.

i. Qualification Letter

After the Housing Department verifies that the household meets the qualification and eligibility criteria for the restricted housing unit, it will issue a Qualification Letter to the potential renter within 10 business days.

6-3. Private Owner Rental Standards and Procedures

To maintain the character of neighborhoods and respect the nature of the community, restricted ownership units are not allowed to be rented without prior approval from the Housing Department. This includes renting any portion of the dwelling, any room within the dwelling or the garage.

a. Primary Residence

Owners of restricted housing units shall maintain the home as their primary residence.

1. Occupancy Requirement

Households shall occupy their home full-time at least 10 months out of each calendar year.

Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

2. Business Activity Restricted

Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.

3. No Guests for an Extended Period

Households who own restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.

4. Leave of Absence

A one-year exception may be granted in cases of illness, short-term leaves of absence for education or training purposes, or other exigent circumstances with the advance written approval of the Housing Department.

a. Rental of Restricted Unit during Leave of Absence

If granted a leave of absence, the owner is allowed to rent the property according to the provisions below in Section 5-2.b.

5. Post Leave of Absence

a. Timing

After the restricted housing unit is rented for nine (9) months, owner will be required to notify the housing department in writing of either, (a) their intention to move back to the restricted housing unit upon expiration of the lease and/or the rent approval period; or (b) provide the housing department with a Letter of Intent to Sell form, which will begin the selling process of the restricted housing unit.

b. Choice to Sell

If the owner chooses to sell the restricted housing unit instead of returning when the lease expires, there will be no accrual of appreciation during the term of the rental (this does not apply to medical emergencies).

b. Rental Procedures for Owner -Occupied Properties

The Housing Department may approve rental of space within owner-occupied Affordable, Employment-Based, and Workforce units when pressing circumstances exist. The owner must continue to occupy the unit, and the Housing Department must certify that the renter meets the qualification and eligibility standards set out in Section 3. Qualification and Eligibility. A fee will be charged along with the request as set forth in the Annual Schedule of Fees.

Section 6. Rental Standards and Procedures
6-3. Rental Procedures

1. Requests to Rent during Leave of absence

Approvals for “Requests to Rent” are given at the sole discretion of the Housing Department’s Housing Manager. Approvals to rent will only be given for a maximum period of one (1) year. Approvals to rent will only be given in unique and pressing circumstances.

a. Medical Emergency Documentation

Medical emergencies applicable to a restricted housing unit homeowner will require documentation using the Housing Department Medical Emergency Leave” form to substantiate the need to leave the area.

b. Processing Fee

A fee will be charged to a restricted housing unit homeowner for a “Request to Rent”. A separate “Annual Schedule of Fees” document that is updated annually and published by the Housing Department provides the processing fee amount.

2. Qualification and Eligibility of Tenants

a. Qualified Household

Tenants shall be a Qualified Household according to the general Qualification and Eligibility Criteria contained in the recorded Restriction and these Housing Department Rules and Regulations.

b. Eligibility Criteria

Tenants shall meet the Eligibility Criteria with respect to Income and Assets that apply to the restricted housing unit in question at time of initial occupancy.

c. Verification of Qualification

Prior to signing a lease for or occupancy of a restricted housing unit, owner must provide the Housing Department with proof of the tenant’s qualification under the housing unit’s specific program prior to occupancy.

d. Recertification

Qualification and eligibility shall be recertified by owner of the restricted housing unit at any time there is a change in occupancy of the restricted housing unit or renewal of lease agreement.

Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

3. Execution of Lease

Rental of restricted ownership units must be by a written Lease provided by the Housing Department. The Housing Department will retain a copy of the fully executed lease.

a. Rent Limitations

Rent charged while the owner is on leave will be limited to 30% of the low end of the Income Range for the unit or total housing costs (mortgage payment, taxes, insurance, Ground Lease Fees and HOA dues), whichever is less.

b. Housing Department Fee

A fee will be charged by the Housing Department for a request to rent as set forth in the Annual Schedule of Fees updated annually and published by the Housing Department.

4. Requests to Rent a Room

Approvals to rent a room in a restricted unit are at the sole discretion of the Housing Manager and are only allowed in pressing circumstances. The following process will be followed:

a. Submittal of Request to Rent

The owner will submit a "Request to Rent" form to the Housing Department along with the associated fee as outlined on the fee schedule published annually by the Housing Department. The form can be found on the Housing Department website or from the Housing Department.

b. Approval by the Housing Manager

If the owner is in compliance with their restrictions, the Housing Manager will review the request to rent and approve or deny the request based on the circumstances. Approval can be given for a maximum of one year.

c. Identification of Tenant

When the owner has identified a potential tenant who they believe qualifies under the income, asset, and employment requirements of the restriction on the unit, the potential tenant is required to submit a complete application to the Housing Department.

d. Tenant Approval

The Housing Department will verify that the tenant qualifies under the income, asset, and employment requirement.

Section 6. Rental Standards and Procedures
6-3. Rental Procedures

e. Lease Agreement

The Housing Department provides the Lease Agreement to be signed by the owner, tenant, and the Housing Department.

f. Notification of Termination of Lease

The owner is required to notify the Housing Department upon termination of the lease. If the owner still wishes to rent the room and still has approval from the Housing Department, the process will start again with Step c Identification of Tenant.

g. Rental Rates

The Housing Department will approve the rental rate based on the housing costs of the owner.

6-4. Affordable Rentals Owned by a Private Entity

Commented [SS30]: This section was added. It was already policy but was not in the correct location in the Rules and Regs.

a. Affordability

To ensure that rents are affordable to households earning income within the Affordable Income Ranges, rents for Affordable Units will be calculated using the following method:

1. Standard of Affordability

The standard for affordability provided by HUD is that no more than thirty percent (30%) of a household's income should be spent on housing costs. Included in this thirty percent (30%) is rent, property tax, water, sewer, gas and/or electric, and trash removal. One parking space is required at no charge to the tenant unless otherwise approved by the Town Council or Board of County Commissioners.

2. Household Size for Rent Calculation

For purposes of calculating rental rate only:

<u>Unit Type</u>	<u>Household Size</u>
Studio:	One (1) person

Section 6. Rental Standards and Procedures

6-3. Private Owner Rental Standards and Procedures

One-bedroom	One (1) person
Two-bedroom	Two (2) persons
Three-bedroom:	Three (3) persons
Four-bedroom:	Four (4) persons

Dormitories are defined as a rental housing unit with more than 4 bedrooms. The household size will be based on one (1) person per bedroom (i.e. a six (6) bedroom dorm unit will be calculated as a six (6) person household).

Commented [SS31]: Need to add policy about calculating rent for dorm units. Currently is 75% of Studio per person.

3. Rental Housing Units (SFD or Apartments)

a. Maximum Rent Calculation

The maximum rent calculation is thirty percent (30%) of the low end of the Income Range for the household size. For household size see Section 6-4.A.2

Example based on 2021 MFI:

50% - 80% Income Range 3-bedroom

Low end of the 50% - 80% Income Range for 3-person household =

$(\$52,020 \times 30\%) / 12 = \$1,301$

4. Dormitories

Commented [SS32]: Based on staff recommendation. May need to change depending on direction by Council and Commission.

a. Maximum Rent Calculation

The maximum rent calculation for dormitories is thirty percent (30%) of the low end of the Income Range for the household size.

Example:

Six bedroom 50% - 80% Income Range dorm = six (6) person household

Low end of 50% - 80% MFI for 6 person household = $(\$67,049 \times 30\%) / 12 = \$1,676$ per month

b. Maximum Rent Per Person

The maximum rent charged per person is calculated by dividing the maximum rent per month by the number of bedrooms.

Section 6. Rental Standards and Procedures
6-3. Rental Procedures

Example:

Six (6) bedroom 50% - 80% Income Range dorm = maximum rent of \$1,676 per month.

$\$1676 / 6 = \279 per person per month

SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES

7-1. Compliance Process

Special Restriction are recorded on all Housing Department homes. These restrictions control the occupancy and use of the unit. They also refer to these Rules and Regulations.

The Housing Department Compliance Specialist monitors occupancy and use restrictions to ensure owners are in compliance, and acts on various complaints from the public concerning compliance issues. The Housing Department Compliance Specialist also receives and processes requests for exceptions, appeals, leave of absence, requests to rent, transfer of title, and qualified mortgages.

a. Compliance Requirements

1. Affordable Units

Owners of Affordable housing units with restrictions recorded after June 4, 2018 will receive annual requests for information concerning employment, insurance requirements, ownership of residential real estate, and occupancy of the unit. Owners of Affordable housing units with restrictions recorded prior to June 4, 2018 are not required to verify continued employment or ownership of residential real estate annually, however, they may be required to verify occupancy and insurance requirements.

2. Employment-based and Workforce Housing Units

Employment-based units and Workforce housing units are required to provide information to the Housing Department annually concerning income, employment, and ownership of other residential real estate.

3. Employee Housing Units

Owners of Employee housing units will be required to submit information annually about the occupants of the units, their income, employment, and ownership of other residential real estate.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-1. Compliance Process

4. Accessory Residential Units

Owners of ARUs will be required to annually submit information concerning the occupants of the units, their employment, and ownership of residential real estate.

5. Exemption for Retirees

During ownership, owners that reach retirement age as defined by the Federal Social Security Administration (FSSA) and further defined in these Housing Department Rules and Regulations are exempt from income and employment requirements but must remain a qualified household for the duration of the ownership on all other aspects of the recorded Special Restriction including but not limited to the sole residency requirement, occupancy, and no ownership of other residential real estate within 150 miles of Teton County. Owners or members of the household that have not reached retirement age as defined by FSSA will be required to continue to comply with qualification criteria and reporting requirements in accordance with the Special Restriction and these Housing Rules and Regulations.

Commented [SS33]: This paragraph was changed for clarification of policy.

b. Submittal and Timeline

1. Housing Department Request for Information

The Housing Department will send a letter to owners of restricted units requesting information. The letter will outline what type of information is required based on the unit's restrictions. The owner will be given thirty (30) days from the date of the letter to submit the requested information to the Housing Department.

2. Default

Failure by the owner to submit requested information will be considered default.

c. Common Default Violations

In cases where the restriction defines the default process, it will control the process. If the restriction does not define the process, the default process is as follows:

Common violations include, but are not limited to:

1. Occupancy

A household that does not occupy the restricted housing unit for the number of months in a calendar year as required by the restriction is in violation of the Housing Department Rules and Regulations.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-1. Compliance Process

2. Guests

Guests over the age of 18 are not allowed to occupy a restricted housing unit in excess of 30 cumulative days per calendar year.

3. Renting

Renting a restricted ownership unit is only allowed per the restrictive covenant or as set out in Section 5-2.

4. Leave of Absence

Leaves of absence must be preapproved if the household is expected to be gone longer than permitted by the Housing Department Rules and Regulations or the deed restrictions.

5. Pets

Specific policies for pet ownership are outlined in the Covenants, Conditions and Restrictions and/or the Master Rules and Regulations and are enforced by the Homeowners Association. Policies for rental units are outlined in the lease agreement.

6. Mortgage Delinquency

Failure to maintain obligations required under any mortgages is considered a default under Special Restrictions.

7. HOA Delinquency

Failure to pay Homeowners Association dues is considered a violation of the Special Restrictions.

8. Ground Lease Delinquency

It shall be an event of default if lessee fails to pay the ground lease fee or other charges required by the terms of the lease.

9. Water/Sewer Dues Delinquency

Unpaid water and sewer dues can result in a lien placed on property that would constitute a violation of the Special Restrictions.

10. Employment Verification

Employment-based and Workforce units require an owner to work an average of 30 hours per week at a Local Business located in Teton County, Wyoming. The owner must earn at least 75% of their household income at a Local Business within Teton County. Annual verification of employment and income is required for owners of Employment-based and Workforce restricted housing units.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-1. Compliance Process

Affordable units built after June 4, 2018 will be required to provide proof of employment in Teton County at a Local Business.

11. Ownership of Residential Real Estate

Owners of Employment-based and Workforce housing units are not allowed to own Residential Real Estate within 150 miles of Teton County. All renters of Housing Department-administered rental units are not allowed to own Residential Real Estate within 150 miles of Teton County.

12. Estate Planning

Restricted housing units cannot be put into a trust. A trust does not meet the definition of qualified household and therefore cannot own a restricted housing unit. The Housing Department does accept other related documents for estate planning (Non-testamentary Deed upon Death).

13. Covenants, Conditions and Restrictions (CCR) Violations

Any default or breach of the CCRs, Mortgage Agreements, and/or Master Rules and Regulations is considered a default of the Special Restrictions or ground lease. This includes but is not limited to prompt payment of Homeowners Association dues and ground lease fees.

14. Bankruptcy

Restrictions are recorded on properties with the strict intent that the restrictions will run with the property in perpetuity. Restrictions may not be stripped from the property in cases of bankruptcy.

7-2. Process for Default Contested Case Hearings

All default hearings are conducted in compliance with the Wyoming Administrative Procedures Act and are contested cases for which the rules and processes are set forth herein. All requests for hearings and subsequent documents shall be submitted and filed with the Housing Department, and all records related to the contested case hearing shall be maintained by the Housing Department.

a. Notice of Default

When the Housing Department deems an owner to be in default of a Special Restriction, the Housing Department shall notify the owner with a Notice of Default Letter.

1. The Notice of Default

A Notice of Default shall be sent to the owner via U.S. Mail certified with return receipt requested and via email, if an email address is known. The letter will be considered delivered on the date it is sent.

The owner shall have thirty (30) days from the date of the Notice of Default to:

1. Cure the default, or
2. Request a default hearing of the Jackson/Teton County Housing Authority Board, or
3. Provide the Housing Department with a "Letter of Intent to Sell" the home or unit in accord with the Special Restriction.

2. Housing Department Discretion

The Housing Department shall determine what constitutes a cure of the default based upon the Special Restriction and the circumstances of the owner.

b. Request for Default Hearing

In the event the owner fails to cure the default or desires to challenge the default identified by the Housing Department, the owner may request a hearing before the Jackson/Teton County Housing Authority Board (JTCHA) to determine the merits of the allegations of the default.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-2. Process for Default Contested Case Hearings

1. Request for Hearing

To request a hearing, the owner must submit a “Request for Default Hearing” form to the Housing Department within the thirty (30) day cure period.

2. Fee

A fee shall be charged by the Housing Department for such “Request for Default Hearing.” The fee amount will be set annually in a separate document titled “Housing Department Annual Fees” to be updated and published by the Housing Department.

c. **Failure to Respond to Default**

If the owner fails to respond to the Notice of Default, the Housing Department shall take steps to enforce the default in accord with the applicable Special Restriction and/or the Housing Department Rules and Regulations. Enforcement of the default includes but is not limited to forcing the sale of the home or unit.

Commented [SS34]: This paragraph was changed to clarify.

d. **Multiple Defaults**

Upon the fourth time an owner is found to be in Default, the owner will not have an opportunity to cure. Multiple Defaults include any Defaults of failure to comply with the same or different Rules or Restrictions. The Housing Department will force the sale of the home or follow through with other remedies allowed by the Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

Commented [SS35]: Added for clarity.

e. **Default Hearing**

1. Designation of Hearing Officer

JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.” If JTCHA desires, they can elect to appoint a non-exclusive Hearing Officer for a period of two (2) years, recognizing that there may be a need to appoint a different Hearing Officer in some cases including but not limited to a conflict of interest or absence.

2. Scheduling Order

Within thirty (30) days of the signed Order, the Hearing Officer will issue a scheduling order, which shall include the Official Notice of Hearing, and deadlines for the parties to submit evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-2. Process for Default Contested Case Hearings

3. Documentation

Evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums, to include a written statement of facts, conclusions of law, and proposed order shall be exchanged by the parties, filed with the Housing Department in the contested case proceeding, submitted to the Hearing Officer and to the JTCHA, at least fifteen (15) days prior to the hearing date. Any document or witness not included in these submissions by the deadline shall not be raised at the hearing and shall not be admitted into evidence at the hearing.

4. Transcripts

Hearing proceedings may be recorded but are not required to be transcribed. If either party wishes to have a court reporter present to transcribe a hearing, all associated costs shall be paid by the party unless the parties agree to share costs.

5. Witnesses

All witnesses who provide testimony at the hearing will be sworn in under oath by either a court reporter if one is present, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. The parties shall be permitted to cross-examine witnesses, and the JTCHA and the Hearing Officer shall have the opportunity to ask questions of the witnesses and Housing Department staff.

6. Burden of Proof

The Housing Department's determination the Notice of Default is presumed to be correct, and the burden of proof shall be on the complainant, not on the Housing Department.

7. Interpreter

If the owner requires an interpreter, the Housing Department will arrange to provide one and bear the costs.

8. Failure to Appear

If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, can proceed to review the evidence based upon the written submissions, or can deem the failure to appear as a breach of default.

f. JTCHA Deliberation and Decision

1. Deliberation

The Hearing Officer or JTCHA Chair, if no Hearing Officer is present, shall close the evidentiary hearing, and the Housing Authority Board will commence deliberation in public to include the following:

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-2. Process for Default Contested Case Hearings

a. Examination of Evidence

The JTCHA will examine the Special Restriction, the evidence presented in writing, and any testimony provided at the hearing and shall make a determination on the allegations of the Notice of Default based upon the preponderance of evidence standard of review.

b. Burden of proof

The burden of proof shall be on the owner to refute the alleged default.

2. JTCHA Decision

The JTCHA Decision will be to either:

a. Affirmation of Notice of Default

Affirm the Housing Department's Notice of Default. The Housing Department would proceed to exercise its remedies against the owner according to the Special Restriction or ground lease recorded on the property, or

b. Rejection of Notice of Default

Reject the Notice of Default of the Housing Department and no further action would be pursued for the specific alleged default under the Special Restriction or ground lease recorded on the property.

3. JTCHA Decision and Motion

The JTCHA shall make a motion in the affirmative {e.g.: I move to affirm the Housing Department's assertion that the owner (owner's name) of (address) is in default of the Special Restriction recorded on the property pursuant to the Notice of Default}. The motion shall receive a second. JTCHA will enter into discussion on the motion and vote. Order of Decision

4. Order of Decision

The prevailing party will draft the Findings of Fact and Conclusions of Law and Order, which shall set forth the Board's decision. The Findings of Fact and Conclusions shall be transmitted to the Hearing Officer, then reviewed and approved by the JTCHA at a subsequent meeting of the JTCHA in a timely manner no later than sixty (60) days following the hearing date, which shall be properly noticed and open to the public. The Order shall be filed in the contested case file with the Housing Department. No appeal of the JTCHA decision shall be made to the Jackson Town Council or the Board of County Commissioners. Any appeal of the JTCHA Order shall be to the District Court of Teton County, Wyoming, unless otherwise stated in the Special Restriction.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-3. Process for Exception Hearing

7-3. Process for Exception Hearing

a. Request for Exception

The Housing Department will consider requests for exceptions to rules pertaining to qualification and eligibility criteria as well as to rules pertaining to occupancy and use. Granting of exceptions is rare; however, it is recognized that certain unique circumstances exist that are not contemplated in these Housing Department Rules and Regulations. Exceptions will only be granted in unique circumstances that are beyond control of the household and are not addressed in these Housing Department Rules and Regulations. Requests for exceptions must be submitted prior to the opening of a Weighted Drawing for a home. In cases where a Weighted Drawing is not used for identifying a buyer, the request must be submitted prior to submission of an application. All Requests for Exceptions are subject to the review and approval of the Housing Manager.

A household may submit a “Request for Exception” to the Housing Department using the Request for Exception form with the required fee, which is specified in a separate Fee Schedule document that is updated annually. The Housing Manager will review and render a decision on the Request for Exception within fifteen (15) days from the date of submittal.

b. Request for Exception Hearing Process

If the Request for Exception is denied by the Housing Manager, the applicant may request a hearing of the JTCHA.

1. Request for Hearing

Submit a Request for Hearing form with a fee to the Housing Department within fifteen (15) days of the date of denial of Request for Exception.

Requests for Exception Hearings must contain the following information:

a. Grounds

The particular ground(s) upon which it is based, including a copy of the Request for Exception and the Housing Manager's decision.

b. Action

The action or remedy requested.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-3. Process for Exception Hearing

c. Contact Information

The name address, telephone number of the complainant and similar information of complainant's representative, if any.

d. Notification to Homeowners Association

Proof of notification of hearing request to the housing unit's Homeowners Association, if applicable; and

e. Fee

Appeal Fee in accordance with the Housing Department's fee schedule published annually.

c. Housing Department Review and Recommendation

All requests for hearings will be reviewed by Housing Department for completeness and provided to the JTCHA Board within thirty (30) days with a recommendation for action, copied to the complainant and/or representative.

d. Hearing

The hearing will be heard by the JTCHA Board at a properly noticed meeting scheduled at least thirty (30) days following the Housing Department's receipt of the "Request for Hearing" to ensure notice and due process.

1. Hearing Officer

JTCHA may designate a Hearing Officer and sign an Order Appointing the Hearing Officer. If JTCHA desires, they can elect to appoint a non-exclusive Hearing Officer for a period of two (2) years, recognizing that there may be a need to appoint a different Hearing Officer in some cases including but not limited to a conflict of interest or absence.

a. Scheduling Order

If a Hearing Officer is designated, within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline.

b. Transcripts

Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-3. Process for Exception Hearing

2. Hearing Process

a. Designation of Hearing Officer

JTCHA may designate a Hearing Officer and sign an "Order Appointing the Hearing Officer."

b. Scheduling Order

Within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline for the parties to submit evidentiary documents and a list of witnesses.

c. Documentation

Evidentiary documents and witness list along with a written statement of facts shall be submitted by each party to the opposite party fifteen (15) days prior to the hearing date.

d. Transcripts

Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

e. Witnesses

All witnesses that provide testimony will be sworn in under oath by the court reporter, and if no court reporter, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. Both parties shall be permitted to cross-examine witnesses, and the JTCHA shall have the opportunity to ask questions of the witnesses and Housing Department staff.

f. Burden of Proof

The Housing Department's decision concerning the exception will be assumed correct, and the burden of proof shall be on the complainant.

g. Failure to Appear

If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, may make a determination based upon the evidence submitted, or may dismiss the matter for failure to appear.

3. JTCHA Decision Binding

Based on the evidence considered at the hearing, the JTCHA will provide a decision by means of a motion and majority vote. The decision of the JTCHA shall be binding, and the Housing Department shall take all actions necessary to carry out the decision. No appeal of the JTCHA shall

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-3. Process for Exception Hearing

be made to the Town Council or County Commissioners. Any appeal shall be made to the District Court of Teton County, Wyoming.

e. Other Remedies

The Housing Department shall have the right to enforce the provisions of these Housing Department Rules and Regulations under any civil or criminal remedy provided under Wyoming Law.

7-4. Grievance Procedure

A grievance is any dispute that seller, buyer, or owner may have with the Housing Department with respect to an action or failure to act in accordance with the individual's rights, duties, welfare, or status. A grievance may be presented to the Housing Department under the procedures below.

a. Request for Grievance Form

Any grievance must be presented in writing to the Housing Department on the "Request for Grievance" form and include:

1. Grounds

The particular ground(s) upon which it is based.

2. Action

The action or remedy requested.

3. Contact Information

The name address, telephone number of the complainant and similar information of complainant's representative, if any; and

4. Fee

Grievance fee.

b. Housing Department Review and Decision

1. Housing Manager Review

The Housing Department Housing Manager will review all "Requests for Grievances."

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-4. Grievance Procedure

2. Summary Letter

The Housing Manager shall issue a written letter summarizing the decision regarding the requested grievance within thirty (30) days of receipt of the "Request for Grievance." The letter will be sent via U.S. mail certified return receipt requested and via email if an email address is known.

3. Request for Hearing

The applicant may request a hearing of the JTCHA pursuant to Section 7-3.a.2. if the grievance decision of the Housing Manager is disputed.

SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS

8-1. Occupancy and Use

Rental and ownership units have occupancy and use restrictions. Households will be required to comply with the following occupancy and use restrictions.

a. Household Income

Households who own or rent a Workforce home and households who rent an Affordable home will be required to requalify annually to verify that their income meets the requirements of the restriction.

b. Employment Requirement

Households who own or rent a Workforce or Affordable home will be required to verify that they are meeting the employment requirement. At least one adult in the household must be employed with a Local Business a minimum of an average of thirty (30) hours per week or one thousand five hundred sixty hours annually. The employment calculation will be based on the prior calendar year. Affordable homes sold prior to June 4, 2018 will not have this requirement.

c. No Teton County Residential Real Estate

No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) residential real estate within one hundred fifty (150) miles of Teton County, Wyoming at any time during occupancy of the Residential Unit.

d. Occupancy

1. Household Occupancy

Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied

Section 9. Other Housing Programs

9-2. Preservation Program

residential unit shall physically reside therein on a full-time basis, at least ten (10) months each year (a year being twelve (12) months beginning with the first month following the month the month the household took ownership).

a. Leave of Absence

The Housing Manager of the Housing Department may grant a one (1) year leave of absence if the household submits a "Request for Leave of Absence" form, along with the coinciding fee in accordance with the "Housing Department Annual Fees" published annually by the Housing Department.

b. Permission to Rent

Owners who need a leave of absence may request to rent their residential unit. This is done by submitting a "Request to Rent" form to the Housing Department along with the coinciding fee.

c. Attainable Housing Program Exception

Attainable housing owners can rent a room in their home as long as the owner still occupies the units on a substantially full-time basis (9 months per year as required by their Special Restriction).

2. Owner Occupancy

Owners of Affordable or Workforce rental units shall not reside in or occupy the residential unit. For purposes of this paragraph, if owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, and any trustee or beneficiary of the trust.

3. Household Composition

Only members of the Qualified Household may occupy a Residential Unit, except that Owners of rental units may restrict who may reside in a residential unit, provided that such owner-restriction does not violate federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the residential unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.

4. Guests

No persons other than those comprising the Qualified Household shall be permitted to occupy Affordable or Workforce rental units for periods in excess of ten percent (10%) of the rental term in cumulative days per calendar year.

Section 8. Occupancy and Use of Restricted Units

8-1. Occupancy and Use

No persons other than those comprising the Qualified Household shall be permitted to occupy Affordable or Workforce ownership units in excess of thirty (30) cumulative days per calendar year.

e. Use

1. Business Activity

No business activities shall occur in a residential unit, other than a home occupation use that is allowed by applicable zoning and properly permitted.

2. Compliance with Laws, Declaration

The residential unit shall be occupied in full compliance with these Housing Rules and Regulations, Special Restrictions, along with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowner's association, as the same may be adopted from time to time.

3. Maintenance

The owner shall take good care of the interior of the residential unit and all other aspects of the residential unit not otherwise maintained by the homeowner's association and shall make all repairs and maintain the residential unit in a safe, decent, sanitary (see definitions) manner. In case of damage to the residential unit the owner shall repair the damage or replace or restore any destroyed parts of the residential unit as speedily as practical.

4. Capital Improvements

The owner may only undertake capital improvements according to these Rules and Regulations (Section 5-1.e). The policy includes but is not limited to, a limitation on the valuation of such improvements at resale, requirements regarding the advance written approval of such improvements, and documentation of proposed and completed improvements.

5. Insurance

The owner shall keep the residential unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the residential unit. Owners are required to provide evidence of insurance to the Housing Department upon request.

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6. Periodic Reporting, Inspection

In order to confirm compliance with the Special RestrictionSpecial Restrictions, the Rules and Regulations and other covenants, regulations, ordinances, or rules governing the ownership, occupancy, use, development or transfer of a Residential Unit, Owner shall comply, and shall cause all occupants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to Owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with the Special RestrictionSpecial Restrictions and the Rules and Regulations and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of two (2) years.

SECTION 9. OTHER HOUSING PROGRAMS

Commented [SS36]: This section was added – Business Option was moved from Section 5. Preservation Program is a Pilot Program so is not yet being added, Once it is permanent, it will be added.

9-1. Business Option

The “Business Option” is a mechanism specific to a developer’s Housing Mitigation Plan that must be approved by elected officials on a case-by-case basis. It only applies to exempt units, meaning restricted housing units that are not required by the LDRs. The “Business Option” allows a business to identify a proposed purchaser from their employees or someone who has a material nexus to the business or organization, which would allow the household to have the first option to purchase the restricted housing unit.

a. Purpose and Program Goals

The intent of the “Business Option” program is to help qualified businesses house their employees by providing the employees first option to purchase. This program furthers the Jackson/Teton County Comprehensive Plan’s goal of housing 65% of the workforce locally and its transportation goals.

b. Applicability

This section applies to restricted housing units that have been approved by the Board of County Commissioners or Town Council for the “Business Option” program.

c. Qualified Business

A qualified business is a non-profit entity, governmental entity, charitable foundation, or for-profit business which meets the definition of a qualified business according to the Special Restrictions on the property and/or the Housing Department Rules and Regulations.

Section 9. Other Housing Programs

9-2. Preservation Program

1. Qualified Business Application

The business completes a “Qualified Business Application,” which can be obtained from the declarant or from the Housing Department and submits it to the Housing Department. If the business has affiliates, it must be indicated on the application.

2. Verification

The Housing Department verifies that the business meets the criteria of a qualified business with the following documentation. The Housing Department may ask for additional documentation.

3. Option Agreement

The Housing Department verifies that the business is a true Local Business, organization, or government agency operating in Teton County.

4. Determination of Qualification

a. Qualified Business Letter

The Housing Department will provide a “Qualified Business Letter” once the verification process is complete and the business is approved to be a qualified business. The Housing Department will then sign the “Option Agreement”; or

b. Not a Qualified Business

If the business is not deemed to be a qualified business, the Housing Department will inform the business with a written letter and copy the declarant or option holder. The business will not be allowed to obtain an option if it is not approved as qualified by the Housing Department.

c. Cause for Expulsion

Any material misstatement of fact or deliberate fraud by a business in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or for obtaining or keeping an option.

d. Option Procedures

1. Obtaining an Option

Options are available from a declarant or from another option holder. A declarant can choose to provide an option if the business is a qualified business and does so by recording an “Option

Section 9. Other Housing Programs

9-2. Preservation Program

Agreement” signed by the declarant, the Housing Department, and the qualified business. An option holder may provide an option to a qualified business by assigning the option.

2. Notice of Right to Exercise or Waive Option

The Housing Department will immediately send a notice to the business holding the option (optionor) upon the following three events:

1. Housing Department’s receipt of a “Notice to Sell” by the owner of the property.
2. Housing Department’s exercise of its default option as set forth in the Special Restrictions.
3. The occurrence of a default and forced sale as set forth in the Special Restrictions.

This notice triggers the timeframe the optionor has to identify a proposed purchaser as outlined in the “Option Agreement.”

3. Exercise of Option

An optionor shall have a time frame as outlined in the “Option Agreement” to exercise the option. The timeframe will begin upon receipt of the “Option Notice.” To exercise the option, an optionor must notify the Housing Department on or before the expiration of the timeframe that they have identified a proposed purchaser for the home. Additionally, the proposed purchaser must submit a complete application, as outlined in Section 5-4c, on or before the expiration of the timeframe. The Housing Department will take approximately five (5) business days to determine whether the proposed purchaser is:

1. Qualified under “Option Agreement.”
2. Qualified under terms of the Housing Department’s Special Restrictions.

The Housing Department will verify that the business continues to be a qualified business each time the option is exercised (See Section 5-4c).

4. Waiver of Option

If the Optionor does not wish to exercise the option, they can sign the “Affidavit of Waiver” indicating they are waiving the option. This affidavit will be recorded with the Teton County Clerk’s Office.

In the case where an option is waived, the Housing Department will find a buyer using the process outlined in Section 4 of these Housing Department Rules and Regulations.

Section 9. Other Housing Programs

9-2. Preservation Program

a. Failure to Identify Purchaser during Required Timeframe

If the optionor does not identify a proposed purchaser on or before the expiration of the timeframe, the optionor will automatically have waived their option.

5. Assignment

An optionor can assign its option to another qualified business. If at any time the business holding the option ceases to be a qualified business, they must assign the option. This is done using the following process:

a. Written Notice

The optionor provides the Housing Department with written notice that they wish to assign their option.

b. Application

The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 5-4c).

c. Housing Department Approval

If the business qualifies, the Housing Department will provide a “Qualified Business Letter” to the business and sign the “Option Agreement.”

d. Consideration

The assignment may not have any consideration except for consideration required to make the assignment legal.

e. Qualified Purchaser

The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

1. Letter of Certification

The purchaser will be qualified by the Housing Department only if they have a material nexus to the optionor as approved by the Housing Department. A “Letter of Certification” form demonstrating the material nexus the proposed purchaser has with the Optionor must be completed by the optionor. The “Letter of Certification” form is available from the Housing Department. The optionor must deliver documentation satisfactory to the Housing Department that verifies (1) that the proposed buyer is a full-time employee of optionor; or (2) that the identified purchaser otherwise has a material nexus to optionor.

Section 9. Other Housing Programs
9-2. Preservation Program

2. Qualified Household

A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 3 of the Housing Department Rules and Regulations.

If the identified purchaser does not qualify because of not meeting the Housing Department Rules and Regulations requirements, Housing Department Special Restrictions, or “Option Agreement,” and the timeframe has not expired, the optionor may identify another proposed purchaser.

3. Affidavit of Exercise

When the Housing Department determines the household meets qualifying criteria of the “Option Agreement,” these Housing Department Rules and Regulations, and Housing Department Special Restrictions, the Housing Department will sign an “Affidavit of Exercise of Option Right” indicating the household is qualified. The optionor will also sign the “Affidavit of Exercise of Option Right” indicating they are exercising the option right. The affidavit will be recorded with the Teton County Clerk’s land records.

9-2. Preservation Program

Reserved

SECTION 10. DEFINITIONS

Commented [SS37]: Formerly Section 9

10-1. Definitions

Accessible Unit: A unit that has been built or adapted with specific design features that make the unit accessible to those with mobility and hearing handicaps.

Application: A packet that households who are selected in an affordable housing Weighted Drawing submit for Housing Authority staff to verify that the household is qualified to purchase the home. The application consists but is not limited to the following:

- ✓ Housing Department Application for Restricted Ownership or Rental Housing
- ✓ Signed Certification and Oath
- ✓ Signed Authorization to Release Information
- ✓ Completed Lender's Qualification Worksheet (completed by lender)
- ✓ Full three tier Credit Report that includes credit scores. (Can be obtained from lender)
- ✓ Previous two years of tax returns with W-2s
- ✓ Employment Affidavit for each job currently held by wage earners in the household
- ✓ If self-employed, previous three years of tax returns with an income statement and a balance sheet.

Appeal: A process requested by an applicant/owner/renter when they understand the qualification, eligibility, and preference criteria and have requested an exception from the Housing Manager and have been denied.

Approved Lending Institution: Approved lending institutions include institutional lenders; community loan funds, or other similar nonprofits; or other legitimate, non-affiliated finance companies. See Definitions of Institutional Lenders and Community Loan Fund.

Asset: see Household Net Asset.

Assigned Number: A computer-generated number based on first name of applicants in alphabetical order that households are listed in a Weighted Drawing.

Area Median Income (AMI): See Median Family Income (MFI)

Authorization to Release Information Form: This form, which an affordable housing applicant signs, allows the Housing Department staff to verify information supplied by applicants from banks, employers, etc.

Balance Sheet: A statement of the total assets and liabilities of a business.

Section 10. Definitions

10-1. Definitions

Bid Period: The time period that the Housing Authority accepts bids for an available housing unit. The bid period only takes place if no Weighted Drawing entry sheets are submitted for an available restricted housing unit.

Borrowed Light: An indirect source of natural light; for example, a room in a home uses borrowed light when it has a window that looks into another room, where the other room receives direct sunlight.

Capital Improvements: Improvements done to the home for which the homeowner can receive credit. The capital improvement requires an expenditure that either increases the value of the property or extends its life expectancy.

Caregiver: A full-time Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming resident who is or was volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member and was therefore unable to gain full-time employment in Teton County.

Closing Date: The date on which ownership of property transfers from the former owner to the new owner.

Combined Loan to Value (CLTV). Loan to Value is the ratio of the loan amount to the value of the home. Combined Loan to Value is when a second mortgage exists and the two loan amounts are combined and compared to the value of the home. **Community Loan Fund:** A loan fund that is set up in a community for the purpose of providing down payment assistance or other types of loans for restricted housing units.

Critical Service Provider: An employee or volunteer of a community based institutional or non-profit organization on call 24 hours per day for public safety emergencies.

DTI: Debt to Income. This is a ratio that compares the amount of debt a household has to the amount of income they make. It is used to analyze the ability of a household to pay their debt.

Deed Restriction: A document recorded against a housing unit that describes the unit's housing program. It provides restrictions on the purchase, occupancy, use, and resale of the restricted housing unit. A deed restriction is a type of restrictive covenant that is recorded at the time of certificate of occupancy.

Dependent: A child or adult who lives with the household and can be claimed on the tax returns of an adult in the household.

Developer: An individual or group who builds housing.

Disabled: Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Section 10. Definitions

10-1. Definitions

Dormitory: A housing unit with more than two (2) bedrooms that is designed to house unrelated individuals and meets the requirements for a dormitory in the Livability Standards.

Commented [SS38]: Added but is pending direction from Council and Commissioners.

Earnest Money: Money that a buyer gives to a seller to bind a contract. Earnest money goes toward the costs of the purchase of the home and is held in escrow by the title company until closing.

Eligibility Criteria: Criteria defined in either the Deed Restriction or the Housing Department Rules and Regulations, which are used to measure whether a household is eligible to apply for a unit.

Employment-Based: A restricted housing unit where occupancy is limited to employees in Teton County, Wyoming. There are no income qualifications for an occupant. This type of unit may include, but is not limited to, Accessory Residential Units and Employment-Based Units.

Employment Requirement: At least one member of a household must demonstrate an average of 30 hours per week (1560 hours per year) of employment in Teton County, Wyoming; or demonstrate a clear intent to work an average of 30 hours per week in Teton County, Wyoming (must have been hired even if hasn't started the job yet.)

Escrow: A legal arrangement where the JTCHA holds money until a particular condition has been met. This includes but is not limited to inspection maintenance & repair items that were not completed prior to closing on a home.

Exception: If a household understands the eligibility and qualification criteria, but feels their situation is unique and there is a compelling reason the rule(s) should not apply to them, they may request an exception. Exceptions are only considered before a Weighted Drawing process opens or before an application is submitted.

Fair Market Rents (FMR): Fair market rents are the maximum chargeable gross rent, including utilities, in an area for projects participating in the Housing and Urban Development (HUD) Section 8 Program. The HUD Section 8 Program targets incomes of 80% and below of the Median Family Income (MFI). The Jackson/Teton County Affordable Housing Department does not participate in HUD's Section 8 Program; however, FMR applies to some Employee Housing rental units. The rental rate corresponds to the number of bedrooms in a unit.

Final Development Plan Approval: The point in the development review process when either the Teton County Board of County Commissioners or the Town of Jackson Town Council approves a development.

Final Inspection: The inspection that is done on a home at least 48 business hours before closing on the sale of the home. The purpose is to determine whether the home has been properly cleaned and that proper maintenance and repairs have been completed.

Finance Company: A company that regularly makes loans to clients.

Garage: An enclosed shelter for automotive vehicles.

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10-1. Definitions

Grievance: A dispute that applicants, sellers, buyers, or owners may have with the Housing Department with respect to an action or failure to act in accordance with the individual's rights, duties, welfare, or status.

Habitable Floor Area: Habitable floor area is floor area used for living purposes, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area does not include mechanical rooms, elevators, and fireplaces. Habitable floor area is measured either from the exterior of the faces of the building or the exterior limits of any interior wall that separates habitable floor area from uninhabitable floor area, whichever is applicable.

Handicapped: having a physical or mental disability.

Hearing Impaired: Individuals with hearing measures between 25 dB and total hearing loss.

Heir: A person legally entitled to the property of another person upon the latter person's death.

Homebuyer Education: Class required by the Jackson/Teton County Housing Authority for households to be eligible to purchase a restricted housing unit. The class educates homebuyers about the entire home buying process.

Homeowners' Association: An organization comprised of neighbors concerned with managing the common areas of a subdivision or condominium complex. These associations take on issues such as plowing, clearing sidewalks, painting exteriors of a subdivision and collecting dues from residents. The homeowners' association is also responsible for enforcing Covenants, Conditions & Restrictions (CC&Rs) that apply to the property. They do not enforce Deed Restrictions.

Household: a social unit composed of those living together in the same dwelling.

Household Income: The current income going forward 12 months of all adult wage earners within a household before taxes. Income from dependents that are enrolled in college or another type of school is not included in the household income calculation. For self-employed individuals, Income is the net income from the business with depreciation added back in averaged over either the life of the business or the last three (3) years, whichever is shorter. Other types of deductions may be added back in as well, such as home business use.

Household Net Assets: The value of all assets over \$500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

Housing Programs: Programs intended to provide housing for the workforce of Teton County and administered under the Jackson/Teton County Affordable Housing Department They include ownership and rental units created through the Land Development Regulations, through the direct construction of restricted housing units, or the financing thereof.

Section 10. Definitions

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Housing Mitigation Plan: The portion of a development plan that specifies how an applicant will satisfy the Affordable and/or Workforce Housing requirements in Division 6.3.6 of the Teton County and Town of Jackson Land Development Regulations.

Immediate Family Member: Individuals that include a parent, spouse, or child, including stepchildren, foster children, stepparents, and foster parents.

Initial Inspection: An inspection done on a home once a letter of intent to sell is received by the Housing Department. The purpose is to inform the seller of the selling process and to check for maintenance and repairs that may be required before the sell occurs.

Institutional Lender: A lender that is a legitimate financial institution that regularly loans money for real estate transactions.

Joint Tenancy: When two or more people own property as joint tenants and one owner dies, the other owners automatically own the deceased owner's share. No will is required.

Leave of Absence: Permission granted by the Housing Department for an owner of a restricted housing unit to be absent from the unit for an extended period of time for a legitimate and compelling reason, without violating the unit's deed restriction.

Lawful Permanent Resident: Any foreign national who has been granted the right to reside permanently in the United States.

Lender's Qualification: The Institutional Lender's judgement of the household's financial ability to obtain financing for purchasing a home.

Letter of Intent to Sell: A letter that a homeowner submits to the Teton County Housing Authority informing the Housing Department that they desire to sell their restricted housing unit. The Housing Department must receive this letter before the selling process can begin.

Liabilities: Any debt, loans, or balances that a household owes. Liabilities are subtracted from assets when calculating Household Net Assets.

Living Space: A room in a home used by a family for leisure activities, entertaining guests, etc. It includes space for couches, chairs, tables, and may open to the kitchen.

Local Business:

Two Part Definition

A.) A Local Business means (1) a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) ~~A minimum of seventy-five percent (75%)~~ of the business' clients or customers are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

Commented [SS39]: This clause was added for clarification

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Or

B.) A business physically located in Teton County Wyoming who employs two or more Qualified Employees, which qualified employees must work in Teton County Wyoming to perform their job.

Maintenance: A repair or maintenance item is an expenditure that restores a property to a sound state.

Maintenance Adjustment: The amount of money credited to the buyer at closing for maintenance, cleaning, or repairs that are found to be needed on the home at the final inspection.

Maximum Rental Rates: The maximum rental rate that may be charged to a tenant occupying an Employee Housing unit. The rates must include basic utilities (water/sewer, electric, gas, and trash removal). The specific restriction recorded on the unit instructs the method to be used to calculate maximum rental rates.

Maximum Resale Price: The maximum amount that a restricted housing unit can be sold for. This price is calculated by the Housing Department according to the restricted housing unit's deed restriction or the Housing Department Rules and Regulations.

Maximum Resale Letter: A letter given to a seller of an Affordable or Employment-Based housing unit informing them of the maximum amount that the unit may be sold for

Maximum Sales Price: The maximum amount that newly provided ownership housing units can be sold for initially. There is 10 percent reduction from the maximum sales price for no garage and a 20 percent reduction from the maximum sales price if the unit is below grade.

Median Family Income (MFI): The Department of Housing and Urban Development (HUD) calculates this figure by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more. Then, adjustments are made based on family size. The Jackson/Teton County Affordable Housing Department uses MFI to determine eligibility for restricted housing units. The Housing Department also uses MFI to calculate maximum sales prices.

Mentally Challenged: Individuals who have an intellectual functioning level that is well below average and that causes significant limitations in daily living skills.

Mobility Impaired: Individuals who have reduced function of legs and feet that leads them to be permanently dependent on a wheelchair or an artificial aid to walking.

Military Service: Active deployment in the U.S. Armed Services for any amount of time. Military Service counts as employment in Teton County, Wyoming for the sake of gaining the 1-year eligibility in the Weighted Drawing if the person deployed met employment criteria in Teton County Wyoming for minimum of two years immediately prior to deployment.

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10-1. Definitions

Net Livable Floor Area: This area is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions including, but not limited to habitable basements and interior storage areas, closets, and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks, and porches.

Nonqualified Transferee: A household to whom the title of a restricted housing unit is transferred, but it does not meet the qualification and eligibility standards set out in these Housing Department Rules and Regulations.

Occupancy Agreement: An Occupancy Agreement is an agreement signed by an owner and a new resident of a restricted unit with approval of the Housing Department. The new resident certifies that they are qualified for occupancy of the unit and acknowledges the deed restriction and any other rules pertaining to the property and agrees to follow them. The owner consents to the new resident and agrees that any violation by the new resident constitutes a violation by the owner.

Commented [SS40]: This was added

Occupancy Requirements: A type of preference used in the Affordable and Employment-Based Programs' Weighted Drawing selection processes through which household is eligible to enter a Weighted Drawing based on how closely it aligns with the unit size.

Original Purchase Price (OPP): The amount the current homeowner originally paid for the home.

"Plus" Units: Restricted housing units that have extra floor area for offices, play areas, etc.

Post-Secondary Education: Attendance as a full-time student at an educational establishment after high school or college preparatory school.

Possession Date: The date a buyer takes possession of a home. This is normally the date of closing unless for some reason funds are unable to be disbursed on that day or other arrangements are made.

Price Opinion: The market value of residential or commercial property, as determined by a local real estate firm.

Primary Education: Attendance at a school for primary education located in Teton County Wyoming.

Primary Residence: A Household's sole residence, occupied at least ten (10) months during each calendar year, or as otherwise stated in the Housing Unit's Restriction.

Profit and Loss Statement: A statement showing a business's income and expenses up through the month prior to application.

Purchase and Sales Contract: Contract entered into by the seller and the buyer which outlines the terms and conditions under which the property will be sold.

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10-1. Definitions

Qualified Critical Service Provider: An employee or volunteer on call 24 hours per day for public safety emergencies of an approved community-based organization that provides immediate response to health and safety services.

Qualified Employee: A person who works for a Local Business in Teton County Wyoming a minimum of 1,560 hours annually (average of 30 hours per week).

Qualification Letter: Letter issued to applicant confirming that they are qualified to purchase the home. This letter is needed by the Title Company to allow the closing to take place.

Qualified Households: Households that have applied for housing through the Housing Department, where Housing Department staff deem them as eligible to purchase a restricted housing unit after verification of information, based on the unit's Deed Restriction and the Housing Department Rules and Regulations. Information includes but is not limited to household income, assets, employment, and minimum occupancy requirements.

Qualified Mortgage/Qualified Mortgagee: A loan attained from an Approved Lending Institution/the buyer of a restricted housing unit that has been approved for a mortgage.

Resale Process: The process by which an owner of a restricted housing unit sells it to a new owner.

Residential Property: A parcel that either includes a residential dwelling unit or has the by-right potential for developing a residential dwelling unit per local zoning regulations.

Commented [SS41]: Replaced with Residential Real Estate to keep terms consistent.

Residential Dwelling Unit: Any property used for personal or commercial residential purposes. Examples include, but are not limited to, single-family homes, condominiums, cooperatives, duplexes, townhouses, and multi-family homes.

Commented [SS42]: Added

Residential Real Estate: A parcel that either includes a Residential Dwelling Unit or has the by-right potential for developing a Residential Dwelling Unit per local zoning regulations.

Commented [SS43]: Added to replace Residential Property

Restricted Housing Unit: Any housing units in the Town of Jackson or Teton County that have Restrictive Covenants or Ground Leases that regulate the occupancy, use, sale, and/or rental of the unit or are restricted by the Land Development Regulations in order to further the Town/County's workforce housing goals.

Restrictive Covenant: a contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to ensure the affordability of a housing unit for perpetuity (sometimes referred to as Special Restrictions, Deed Restrictions, or Restrictions).

Restrictive Covenant Template: A standard form to be used as a recorded instrument on all restricted housing units.

Restrictive Covenant Information Sheet: A form that the developers of restricted housing units must fill out as part of the Housing Mitigation Plan.

Section 10. Definitions

10-1. Definitions

Retirement Age: The age at which the Federal Social Security Administration allows an individual to begin collecting Social Security.

Safe Decent Sanitary Housing: Safe, decent sanitary housing means that housing units must be kept in a habitable state fit for human occupancy to protect the physical health and safety of the renter.

Landlords must:

- a. Maintain common areas of the residential unit in a sanitary and reasonably safe condition.
- b. Maintain electrical systems, gas systems, plumbing, heating and hot and cold water and keep them in working order.
- c. Unit must be structurally sound, clean, weathertight, in good repair, and meet local building codes in place at time of construction or as required for a change of use, if applicable.
- d. Maintain other appliances and facilities as specifically contracted in the rental agreement.

Secondary Education: Attendance at a high school or college preparatory school located in Teton County, Wyoming.

Settlement Statement: Itemizes all costs, and/or credits due from the buyer and seller at closing.

Teacher: Any individual who (1) works with individuals age three (3) – eighteen (18), and (2) whose duties involve classroom or other instruction or the supervision or direction of classroom or other instruction, and (3) whose primary employment is at least thirty (30) hours a week for at least nine (9) months per year, but is not employed in that position for at least two (2) months per year.

Tenancy-In-Common: When two or more people own a shared interest in a property. If one owner dies, they can will their portion to other beneficiary(s) and not to the other owner(s) if they desire.

Uniform Residential Loan Application (or Fannie Mae Form 1003): The application required by law for mortgage lenders to use to supply home loans. The Housing Department may require that applicants supply this application when applying for a restricted housing unit.

Verification Checklist: Checklist used by JTCHA to verify whether a household is qualified to purchase a particular home.

Voluntary Affordable/Employee Housing Units: Units with a restricted rent or sale price to be affordable to households earning no more than 200 percent of Teton County Median Family Income. A developer may propose these units in addition to those required by the Land Development Regulations.

Weighted Drawing: The event that selects the order, of all the applicants for an applicable restricted housing unit, which the home will be offered for sale.

Weighted Drawing: Entry Period: The period (normally two weeks) that the Housing Department accepts Weighted Drawing entry sheets for an available restricted housing unit.

Section 10. Definitions

10-1. Definitions

Weighted Drawing Entry Sheet: Households complete a Weighted Drawing entry sheet and submit it to the Housing Department along with other documentation within the Weighted Drawing entry period when the household is interested in purchasing an available restricted housing unit.

Weighted Drawing Number: A number that a household receives from a Weighted Drawing that reflects the household's standing in the Weighted Drawing for an applicable restricted housing unit.

Weighted Drawing Form: The form used to record all households who submitted Weighted Drawing entry sheets for a particular home. The households are recorded in alphabetical order. This form is given to outside counsel who then assigns each household a number. The numbers are placed in a pool and drawn out one by one. The results of the drawing are recorded in order on the Weighted Drawing Form and returned to the Housing Department.

Weighted Drawing Process: The process by which the Housing Department accepts Weighted Drawing entries from households wishing to purchase a restricted home and determines the order the households will be offered the home for purchase. (Separate lotteries are conducted for each program).

Workforce Housing Program: An incentive program applicable within the Town of Jackson through which bonus floor areas are available in nonresidential or mixed-use buildings if the developer provides restricted housing units. These units can be either Ownership or Rental, and the number of units to be provided is determined by a ratio set out in the Town LDRs.

Public Comment

From: Susan Durfee <sdurfee@cwcc.edu>

Sent: Thursday, June 24, 2021 4:27 PM

To: April Norton <ahnorton@tetoncountywy.gov>

Cc: Jessica Jaubert <jessica@threeelephantpr.com>; Brad Tyndall <btyndall@cwcc.edu>; Noseep Willard <wnoseep@cwcc.edu>; Lynne McAuliffe <lmcaulif@cwcc.edu>; Natalia Macker

<NMacker@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Newcomb

<mnewcomb@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Mark Barron

<mbarron@tetoncountywy.gov>; Arne Jorgensen <AJorgensen@jacksonwy.gov>; Jonathan Schechter

<JSchechter@jacksonwy.gov>; Jim Rooks <JRooks@jacksonwy.gov>; Jessica Chambers

<JChambers@jacksonwy.gov>; Hailey Morton Levinson <hmortonlevinson@jacksonwy.gov>

Subject: Central Wyoming College Jackson . Housing Rules and Regulations

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Director Norton and Housing Supply Board,

Central Wyoming College respectfully requests consideration to revise the Teton County/Town of Jackson Housing Rules and Regulations to enable CWC Jackson students to live in workforce subsidized rentals while attending school. Students would have to show they are enrolled at CWC no less than the indicated number of credits and be employed, volunteer or have an internship in Jackson Hole.

Central Wyoming College Jackson students must be enrolled each semester a minimum of 12 credits and work no less than an average of 15 hours per week over the course of the semester, or be enrolled for the minimum of 30 credits and working no less than an average of 15 hours per week over the course of the year. We also request that CWC internship hours be counted towards the work requirement hours.

We feel that these requirements and the workforce housing restrictions would mend nicely together, especially since approximately 95% of our students live in the greater Teton County area. Many currently struggle with stable housing and others are moving out of their parent's home looking to maintain their roots in the community, gain an education and begin a career.

We hope to begin a dialogue with you and that this would be considered during the July 12 Joint Information Meeting where these Housing Rules and Regulations updates will be addressed.

Thank you for your consideration.

Sincerely,

Susan Durfee

Susan

Susan Durfee

Director, Central Wyoming College-Jackson

PO Box 4795

Jackson WY 83001

307-200-6150



**BOARD OF COUNTY
COMMISSIONERS**



TOWN COUNCIL

JOINT INFORMATION MEETING AGENDA DOCUMENTATION

PREPARATION DATE: June 3, 2021
MEETING DATE: July 12, 2021

SUBMITTING DEPARTMENT: Jackson Hole Travel and Tourism
PRESENTER: Keith Gingery

SUBJECT: Proposed Amendment #1 to Joint Powers Board Agreement – Jackson Hole Travel and Tourism – Allowing for Hiring of Employees

STATEMENT/PURPOSE

Draft proposal for an amendment to the Agreement Establishing the Jackson Hole Travel and Tourism Joint Power Board to allow the hiring of employees.

BACKGROUND/ALTERNATIVES

The Town of Jackson and Teton County entered into an Agreement establishing the Jackson Hole Travel and Tourism Joint Power Board on January 4, 2011. Paragraph 10 Methods of Operation states that the “The Board shall not have employees . . . “ With the ongoing discussion surrounding creating a Destination Management and Marketing Organization and the RFP being issued for a new executive director, there has been discussion of by the Travel and Tourism Board of asking the Town of Jackson and Teton County to remove the prohibition that does not allow the Travel and Tourism Board to have employees. The Travel and Tourism Board voted at their April 2021 board meeting to make this request to the Town Council and the Board of County Commissioners.

Attached is the original 2011 Agreement and a proposed First Amendment to the 2011 Agreement. The First Amendment would allow for the Joint Powers Board to have employees and for those employees to be handled through the same salary matrix, personnel policies, and payroll used by the county. There are multiple options involved with this possible amendment. The employees could be handled through the town instead of the county, or the Joint Power Board could handle employees independent of the county or town.

Originally in 2011 when the Joint Travel and Tourism Board was created, the Board of County Commissioners and the Jackson Town Council did not want the Joint Power Boards to have their own employees, thus for both the Energy Conservation Works Joint Power Board (also created in the same time period) and the Travel and Tourism Joint Power Board the Jackson Town Council and Board of County Commissioners directed that if any staff was needed then that staff would be provided by already existing county and town employees that would assist those boards. This model was used for the first year, but after about a year of solely using county staff, an independent contractor was hired through an RFP process. An independent contractor is someone who

is contracted to perform a service as a non-employee. Generally, an independent contractor has direction over the work being done and employer can't control how it's done – only the expected results. An independent contractor submits a bid amount to complete the tasks assigned. Thus, no employee benefits are accorded to an independent contractor.

In 2011 the Board of County Commissioners and Town Council were concerned with a “slippery slope,” that if the Joint Power Boards started hiring their own employees, similar to the airport board model, then the number of employees would increase each year. The other option was to hire employees that were designated as county employees or town employees. This too was a concern as to the potential of increase in employees, either on the town side or the county side.

The independent contractor model appeared to work because the Travel and Tourism Board primarily operates as a pass-through entity that distributes funds to other entities that perform the actual work and produce a work product (marketing, events, fulfillment booking, etc.) The other reason articulated by the Town Council and Board of County Commissioners was to ensure that the Travel and Tourism Board did not become a “bureaucracy” top heavy with employees, rather than a pass-through entity. There was debate as to whether the marketing, event planning, booking fulfillment, etc. should be handled “in-house,” which would most likely require employees, or should the functions be performed by outside agencies such as marketing firms, in which case then employees were probably not needed.

The current independent contractor is SHE, Inc.. The current independent contractor contract has been sent out for RFP, and it is understood that SHE, Inc. will not be submitting a proposal. The Travel and Tourism Board is interested in perhaps having the executive director position transition from being an independent contractor and rather be an employee. The Travel and Tourism Board would have preferred to have an answer to the employee question prior to issuing the executive director RFP, but the current independent contractor contract expires this Fall, and the Travel and Tourism Board believed that they needed to start the RFP process. If the Travel and Tourism Board is granted the power to have employees, the executive director position will most likely be transitioned from a independent contractor to an employee. There is also a discussion as to creating a Destination Marketing and Management Organization, which may require employees.

If it is decided that employees are needed rather than utilizing independent contractors, then the next question is to define which entity the employee would be attached to. The employee could be either a town employee or a county employee, with the employee following the respective salary matrix, personnel policies, payroll distribution, etc. The amendment being presented today is written to allow the employee to be a county employee. The other option is the Travel and Tourism Board to create their own personnel policies, salary matrix, etc., and the employee would be an employee directly of the Travel and Tourism Board with no connection to the Town of Jackson or Teton County. In all three options the Travel and Tourism Board would make all hiring and firing decisions. There has been some discussion that the Travel and Tourism Board may want to be the direct employer and create a salary matrix different from the county and town matrices in order to reflect a different pay scale of the type of work performed by the Travel and Tourism Board.

ATTACHMENTS

The Town of Jackson and Teton County Agreement Establishing the Jackson Hole Travel and Tourism Joint Powers Board

Proposed Amendment #1

LEGAL REVIEW

Gingery/Colasuonno

RECOMMENDATION

The County Administrator recommends continuation of the existing model. Should the Commission and Council choose to change this model, both the County Administrator and Town Manager recommend that hiring, firing, and disciplinary authorities reside directly with the employing entity (e.g., a County employee to be hired, fired, or disciplined by the County, a TTB employee to be hired, fired or disciplined by the TTB, or a Town employee to be hired, fired, or disciplined by the Town).

SUGGESTED MOTION

I move to approve Amendment #1 to the 2011 Agreement Establishing the Jackson Hole Travel and Tourism Joint Powers Board.

FIRST AMENDMENT TO THE AGREEMENT ESTABLISHING JACKSON HOLE TRAVEL AND TOURISM JOINT POWERS BOARD

This First Amendment to the Agreement Establishing the Jackson Hole Travel and Tourism Joint Powers Board is made and entered into to be effective as of the ____ day of _____, 2021, by and between the Town of Jackson, Wyoming, a Municipal Corporation of the State of Wyoming, hereinafter referred to as "Town", and Teton County, Wyoming, a duly organized county of the State of Wyoming, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, The Town of Jackson and Teton County entered into an Agreement establishing the Jackson Hole Travel and Tourism Joint Powers Board ("JPA") on January 4, 2011; and

WHEREAS, the parties wish to amend the JPA to reflect the removal of the prohibition on the Joint Power Board having employees; and

NOW THEREFORE, it is hereby resolved by the Town and County in consideration of the foregoing and of the cooperation to be had between the parties and the performance of the promises contained herein, and the parties hereto agree as follows:

Paragraph 10. Methods of Operation. shall be amended to reflect a change to remove the prohibition on the Joint Power Board having employees and the paragraph shall now read as follows:

10. **Methods of Operation.** The Board may hire employees. All employees will be employees of the Board who shall have the power to hire, fire, and discipline their employees. In the performance of its duties the Board may utilize the services of any officer or employee of the Town or County with the

approval of the Town Council, Board of County Commissioners, or elected County Official depending on the assistance needed. The board may engage through professional and service contracts for technical, legal, research, and consulting services. Property which is solely owned by the Town shall be insured by the Town. All property jointly owned or solely owned by the County shall be insured by the County.

IN WITNESS WHEREOF, the undersigned have executed this agreement on the day and year indicated, but to be effective as of the day and year above written.

TOWN OF JACKSON, WYOMING

By: _____
Hailey Morton Levinson, Mayor

Dated

Attest:
By: _____
Sandy Birdyshaw, Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF TETON COUNTY, WYOMING

By: _____
Natalia D. Macker, Chair

Dated

Attest:
By: _____
Maureen E. Murphy, County Clerk

STATE OF WYOMING
OFFICE OF ATTORNEY GENERAL

In accordance with Wyo. Stat. §16-1-105(a)(ii), I hereby certify that the foregoing First Amendment to the Agreement establishing the Jackson Hole Travel and Tourism Joint Powers Board was received by this office and has been reviewed and is approved as to form and with respect to compliance with the Constitution and Law of the State of Wyoming. The approval of this First Amendment to the January 4, 2011 Agreement Establishing the Jackson Hole Travel and Tourism Joint Powers Board is limited to the terms and conditions of the Agreement and Amendment themselves, and the approval does not extend to any activities, services, project or financing of any activities, services or project contemplated under the Agreement or Amendment.

Approved this ____ day of _____, 2021

ATTORNEY GENERAL

By: _____
Bridget Hill
Attorney General
State of Wyoming

This agreement is made and entered into to be effective as of the 4th day of January 2011, by and between the Town of Jackson, Wyoming, a Municipal Corporation of the State of Wyoming, hereinafter referred to as "Town", and Teton County, Wyoming, a duly organized county of the State of Wyoming, hereinafter referred to as "County."

NOW THEREFORE, it is hereby resolved by the Town and County in separate meetings duly assembled, and in consideration of the foregoing and of the cooperation to be had between the parties and the performance of the promises contained herein, and the parties hereto agree as follows as follows:

STATE OF WYOMING)
COUNTY OF TETON)

Received and Filed this 2011 at 3:30 p.m.

SHERRY L. DAIGLE,
Teton County Clerk by:

1. **Purpose.** The purpose of this agreement is to jointly create and establish a Joint Powers Board for Travel and Tourism, (hereinafter referred to as the Board). The Board shall be a body corporate and politic, and a public corporation with power to sue and be sued.

2. **Duration.** This agreement shall commence on the date of approval by the Wyoming Attorney General, following the adoption and approval of this agreement by both parties hereto, and the parties shall take the necessary actions to dissolve the board if the lodging tax is terminated and all legal and fiscal matters have been wrapped up.

3. **Name.** This agreement creates the Jackson Hole Travel and Tourism Joint Power Board.

4. **Board Composition.** The Board shall consist of seven (7) voting members all of whom shall be qualified electors of Teton County, Wyoming. All members shall be appointed by joint appointment by the Board of County Commissioners of Teton County, Wyoming, and the Town Council of the Town of Jackson, for three (3) year staggered terms. Two (2) of the original members shall have a term of one (1) year, two (2) of the original members shall have a term of two (2) years, and three (3) of the original members shall have a term of three (3) years. Vacancies for unexpired terms shall be filled by joint appointment by the Board of County Commissioners and the Town Council of the Town of Jackson. A majority of the board membership shall be comprised of representatives of the travel and tourism industry. No individual member of the board shall be personally liable for any actions or procedure of the board. When actually engaged in the performance of their duties, members of the board shall receive no compensation but shall be reimbursed for travel and per diem expenses as provided to state employees. No member of the County Commission or the Town Council may serve on the Board.

5. **Removal.** Any member of the Board may be removed with or without cause or notice by the joint approval of the Board of County Commissioners and the Town Council of Jackson.

6. **Powers and Duties of the Board.** The Board shall :

(a) Promptly following appointment of its members, the board shall meet, organize and elect from its membership a chairman, vice-chairman, secretary and treasurer. The newly chosen Secretary of the Board shall notify the Town of Jackson Clerk and the Teton County Clerk of the Board's organization and shall file a certificate with the Teton County Clerk and the Secretary of State showing its organization. Upon filing of the certificate with the Teton County Clerk and the Secretary of State the board shall automatically become a body corporate and politic, and a public corporation with power to sue and be sued.

(b) The Board shall meet at least once every three (3) months at the call of the chairman or within five (5) days after an oral or written request of a majority of the board members.

(c) The Board shall spend funds only for the purpose of promoting travel and tourism within Teton County and the Town of Jackson. Expenditures for travel and tourism promotion shall be limited to promotional materials, television and radio advertising, printed advertising, promotion of tours and other specific tourism related objectives. None of the funds shall be spent for capital construction or improvements and not more than \$40,000.00 of the funds may be spent for the purpose of matching funds under the matching fund programs administered by the Wyoming Business Council.

(d) The Board shall fund the Jackson Hole Chamber of Commerce to promote travel and tourism at a level determined appropriate by the Board, subject to Paragraph 8(e).

7. **Ownership of Facilities.** The Board shall have no ownership in any real or personal property. Each Party shall be deemed to own a one-half (1/2) undivided interest in equipment and facilities. Future acquisitions of property must be designated as co-owned or as solely owned by one party at the time of its acquisition. If property is not designated at its time of acquisition, the default shall be sole ownership by the respective Party.

8. Financing and Budget.

(a) General Finance. All expenditure and revenue transactions pertaining to the Board shall be recorded in a separate Special Revenue Fund that will be part of the Teton County reporting entity. This special fund shall be called the Lodging Tax Fund (hereinafter referred to as "Fund").

(b) Fiscal Manager. The Board shall contract with a fiscal manager.

(c) Investment. Investment of idle funds must be done in compliance with the Board adopted investment policy and Wyoming Statutes.

(d) Attorney. The Teton County Attorney's Office shall serve as legal counsel to the Board.

(e) Budget Approval. The Budget and operating plan shall be reviewed and approved by the parties. The Board shall submit their proposed budget and operating plan to the parties no later than May 15 of every year.

9. Auditor Recommendations. The Parties intend to abide by all recommendations of their auditors. Recommendation of the parties' auditors proposed after the date hereof shall be deemed incorporated herein as they may be made from time to time. The Board shall hire the same firm used by either Teton County or the Town of Jackson to do all audits. The annual audit shall be delivered to the County and Town within 10 days of receipt by the Board.

10. Methods of Operation. The Board shall not have employees but may engage through professional and service contracts for technical, legal, research, and consulting services. In the performance of its duties the Board may utilize the services of any officer or employee of the Town or County with the approval of the Town Council, Board of County Commissioners, or elected County official depending on the assistance needed. Property which is solely owned by the Town shall be insured by the Town. Any property in which the County has an ownership interest shall be insured by the County.

11. Termination or Extension of Agreement. This agreement may be terminated by the resolution of either the Board of County Commissioners of Teton County, Wyoming, or the Town Council of the Town of Jackson, Wyoming duly adopted; provided, however, that neither party shall be permitted to terminate this agreement or

its obligations hereunder if said termination, or the manner of termination, constitutes a breach of any contract for the purpose, lease, use or hiring of any facilities, property or services pursuant hereto. Upon such termination, all properties belonging to one of the agencies which provided the property as hereinabove designated, shall revert to and be the sole and separate property of that agency. All properties jointly provided or funded by the parties hereto shall be by mutual agreement between the parties.

12. Prior Agreements. This agreement shall supersede any and all prior agreements between the parties hereto with respect to the travel and tourism board and all such related facilities, and any such prior agreements are hereby rescinded and rendered null and void. This agreement contains the entire agreement between the parties concerning the establishment of a separate entity as hereinabove contemplated for the travel and tourism board hereinabove described.

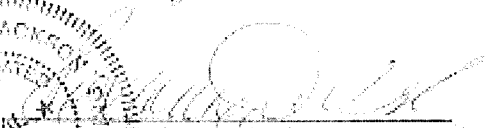
IN WITNESS WHEREOF, the undersigned have executed this agreement on the day and year indicated, but to be effective as of the day and year above written.

TOWN OF JACKSON, WYOMING

By:

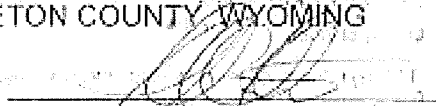

Mark Barron, Mayor

Attest:
By:


Roxanne DeVries Robinson, Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF TETON COUNTY, WYOMING

By:


Leland Christensen, Chair

Attest:
By:

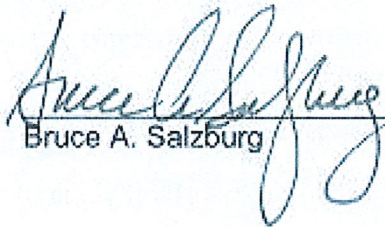

Sherry Daigle, County Clerk

STATE OF WYOMING
OFFICE OF THE ATTORNEY GENERAL

In accordance with Wyo. Stat. § 16-1-105(a)(ii), the Wyoming Attorney General has reviewed The Town of Jackson and Teton County Agreement Establishing the Jackson Hole Travel and Tourism Joint Powers Board and determined that the agreement is compatible with the laws and constitution of the State of Wyoming. The approval of the agreement by the Attorney General is limited to the terms and conditions of the agreement itself and does not extend to any individual project or the financing of any individual project contemplated under the Agreement.

Approved this 3rd day of February, 2011.

ATTORNEY GENERAL


Bruce A. Salzburg

THE STATE OF WYOMING
County of Teton

I, Sherry L. Daigle, County Clerk and Ex-Officio Register of Deeds, within and for Teton County, in the State of Wyoming, do hereby certify that the above and foregoing is a full, true and complete copy of transcript of

Joint Powers Agreement

being so full, true and complete, as the same now appears upon record.

IN TESTIMONY WHEREOF, I have unto set my hand and

the official seal at Jackson, Wyoming, this 25 day of February

2011

County Clerk and Ex-Officio Register of Deeds

By _____ Deputy Clerk