

Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

September 13, 2021

3:00 PM

Streamed via Swagit and Zoom

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

- A. To join, click the link or copy to your browser: <https://us02web.zoom.us/j/84616185728>
If the link does not work, join at zoom.com with Webinar ID **846 1618 5728**
or join by phone **1.669.900.6833** with Webinar ID **846 1618 5728**

II. CALL TO ORDER, ROLL CALL, AND ANNOUNCEMENTS

III. PUBLIC COMMENT

This section is reserved for comments on items that are not otherwise included in this agenda. Public comment is limited to 3 minutes. As a general practice, the Electeds will not hold discussion or debate these comments. Nor will they make any decisions presented during this time, but rather refer to staff for follow-up. If you would like to communicate with the Electeds during the meeting, please address them during this open public comment, when public comment is called for on a specific agenda item or send an email to council@jacksonwy.gov and commissioners@tetoncountywy.gov.

IV. CONSENT CALENDAR

- A. Meeting Minutes
1. August 2, 2021 Minutes

V. DISCUSSION/ACTION ITEMS

- A. County Only Action: Housing Rules and Regs Adoption
- B. Town Only Action: Housing Rules and Regs Adoption
1. **Ordinance D**: Title 16 Housing Rules and Regulations Summary of Housing Programs (presented for third reading and designated ordinance 1289, Stacy Stoker)
 2. **Ordinance E**: Title 16 Housing Rules and Regulations Additional Storage (presented for third reading and designated ordinance 1290, Stacy Stoker)
 3. **Ordinance F**: Title 16 Housing Rules and Regulations Qualification and Eligibility (presented for third reading and designated ordinance 1291, Stacy Stoker)
 4. **Ordinance G**: Title 16 Housing Rules and Regulations Weighted Drawing (presented for third reading and designated ordinance 1292, Stacy Stoker)
 5. **Ordinance H**: Title 16 Housing Rules and Regulations Sale Procedures (presented for third reading and designated ordinance 1293, Stacy Stoker)

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.

6. **Ordinance I:** Title 16 Housing Rules and Regulations Purchase Procedures (presented for third reading and designated ordinance 1294, Stacy Stoker)
7. **Ordinance J:** Title 16 Housing Rules and Regulations Business Option (presented for third reading and designated ordinance 1295, Stacy Stoker)
8. **Ordinance K:** Title 16 Housing Rules and Regulations Rental Standards (presented for third reading and designated ordinance 1296, Stacy Stoker)
9. **Ordinance L:** Title 16 Housing Rules and Regulations Compliance (presented for third reading and designated ordinance 1297, Stacy Stoker)
10. **Ordinance M:** Title 16 Housing Rules and Regulations Definitions (presented for third reading and designated ordinance 1298, Stacy Stoker)
- C. START Update - Micro-Transit Selection and Winter Service
- D. Northern South Park – *update only*
- E. Year-End FAA Grant to Airport
 1. County-Only Resolution Approval and Joint Approval of FAA AIP Grant Agreement 3-56-0014-070-2021
 2. Town-Only Resolution Approval and Joint Approval of FAA AIP Grant Agreement 3-56-0014-070-2021

VI. MATTERS FROM COUNCIL, COMMISSIONERS AND STAFF

VII. PROPOSED ITEMS FOR FUTURE JOINT INFORMATION MEETINGS

- A. 10/4 Human Service Partner Updates
- B. 10/4 Future Funding for Town/County Discussion
- C. 10/4 Public Art Task Force Becoming Joint
- D. 10/4 Rec Center Expansion
- E. 11/1 Village Transit Service Agreement

VIII. ADJOURN

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.

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

AUGUST 2, 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 3:03 P.M.

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

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, Mark Barron, and Greg Epstein were present. Mark Newcomb joined after roll call.

TOWN COUNCIL: Vice-Mayor Arne Jorgensen, Jim Rooks, Jonathan Schechter and Jessica Sell Chambers. Mayor Hailey Morton Levinson was absent.

STAFF: Keith Gingery, Maureen Murphy, Tyler Sinclair, Alyssa Watkins, Larry Pardee, Lea Colasuonno, Roxanne Robinson, and Chalice Weichman.

II. PUBLIC COMMENT. Public comment was given by Dianne McGee regarding covered tennis courts; Rebecca Bextel, regarding the Housing Preservation Program; Clare Stumpf, regarding the Housing Preservation Program; Blair Moss, regarding the Housing Preservation Program; Dave Meaney, regarding the Housing Preservation Program; Jim McKinney, regarding the Housing Preservation Program; Rich Sugden, regarding the Housing Preservation Program; Claire Van Slyke, regarding the Housing Preservation Program; and David Scheurn, regarding the Housing Preservation Program.

III. CONSENT CALENDAR.

A. Meeting Minutes. To approve the meeting minutes for the, July 6th and July 12th, 2021 as presented.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the consent calendar for today's joint information meeting that includes the minutes for the July 6th, 2021 JIM meeting and the July 12th, 2021 Special JIM Meeting. 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 Rooks and seconded by Councilmember Chambers to approve the consent calendar for today's joint information meeting that includes the minutes the minutes for the July 6th, 2021 JIM meeting and the July 12th, 2021 Special JIM Meeting. Vice-Mayor Jorgensen called for a vote. The vote showed all in favor and the motion carried for the Town.

IV. MATTERS FOR DISCUSSION

IV.A. TTB Request to Change Board from 7 to 9 Members. The Commission and Council considered an amendment to the 2011 agreement establishing the Jackson Hole Travel and Tourism JPB increasing the number of board members from 7 to 9.

The Town of Jackson and Teton County entered into an agreement in 2011 establishing the Jackson Hole Travel and Tourism Joint Power Board. Paragraph 4 of the 2011 Agreement established a 7-member board. Wyoming Statute §16-1-106(a) only provides a minimum number of board members and does not provide a maximum number of members to be on a joint power board. The minimum is 5.

Public comment was given by Anna Olson and Joe Madera.

Erik Dombroski, Travel and Tourism Board Treasurer, answered questions from the Board.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Chambers to increase the number of board members from 7 to 9 on the Jackson Hole Travel and Tourism Joint Powers Board. Vice-Mayor Jorgensen called for the vote. The vote showed one in favor and the motion failed 1-3 for the Town with Councilmembers Jorgensen, Rooks, and Chambers opposed.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to keep the board at 7 members. Chairwoman Macker called for the vote. The vote showed three in favor and the motion carried 3-2 for the County with Commissioners Propst and Newcomb opposed.

On behalf of the Town, a motion was made by Councilmember Chambers to reconsider the earlier Town vote to go to 9 members. The motion to reconsider failed due to the lack of a second.

A motion was made by Councilmember Chambers and seconded by Councilmember Schechter to approve the first amendment to the agreement establishing the Travel and Tourism Joint Powers Board to change the number of board members to 7 or 9, and strike the suggested following language under Board Composition:

“one of the new board members shall be appointed to a term ending June 30, 2022, and one of the new board members shall be appointed to a term ending on June 30, 2024. This will have the effect of the terms ending for 3 board members every year.”

The motion passed 3-1 for the Town with Councilmember Rooks opposed.

Both Boards must approve an identical motion in order to move forward with any change. The Boards did not pass identical motions, thus no change was made to the Agreement Establishing the Jackson Hole Travel and Tourism Board, and the board membership remains at 7 members.

V. EXECUTIVE SESSION. On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii) to discuss appointments to a volunteer board, specifically the appointment of a board member as a public officer. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-1 for the County with Commissioner Propst opposed.

On behalf of the Town, a motion was made by Councilmember Rooks and seconded by Councilmember Schechter to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii) to discuss appointments to a volunteer board, specifically the appointment of a board member as a public officer. Vice-Mayor Jorgensen called for a vote. The vote showed three in favor and the motion carried 3-1 for the Town with Councilmember Chambers opposed.

The meeting entered executive session at 4:29 P.M.

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

Town Council Present: Arne Jorgensen, Jim Rooks, Jonathan Schechter, and Jessica Sell Chambers were present via Zoom.

Others: Alyssa Watkins, and Maureen Murphy, were present via Zoom and Chalice Weichman was present in the Commission 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 County exited executive session at 4:57 P.M.

The Town exited executive session at 4:57 P.M.

Appointments. On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to appoint Mary Bess to the Travel and Tourism Board, for a term of three years ending June 30, 2024. 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 Rooks and seconded by Councilmember Chambers to appoint Mary Bess to the Travel and Tourism Board for a term of three years ending June 30, 2024. Vice-Mayor Jorgensen called for a vote. The vote showed all in favor and the motion carried for the Town.

VI. MATTERS FROM COMMISSION AND COUNCIL. There were none.

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. Vice-Mayor Jorgensen called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 5:04 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 Housing

PRESENTER: Stacy Stoker

MEETING DATE: September 13, 2021

SUBJECT: Housing Rules and Regulations – 2021 Adoption

STATEMENT/PURPOSE

The Board will consider adoption of the Housing Department Rules and Regulations document after its 45-day public comment period. The Council will consider adoption of the new Ordinances on Third Reading.

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 ("Rules and Regulations"). In August of 2019, and October of 2020 the Board and Council adopted several changes based on staff recommendation and public comment. At the July 12, 2021 JIM, the Council and Commissioners considered four (4) policy questions. Direction was given to staff to make changes to three (3) policies along with other clarifications within the Rules and Regulations.

The Board directed staff to make the recommended changes and advertise the document for the required 45-day public comment period prior to adoption. The Council directed staff to make the changes to the Ordinances and bring them to the Council for the required three readings prior to adoption.

The First Reading took place at the Regular Town Council Meeting on August 2, 2021. The Second Reading was held at the Regular Town Council Meeting on August 16, 2021. Written public comment received during the 45-day public comment period is attached.

Key Changes:

1. Replace the exemption of employment requirements for individuals with disabilities with a Reasonable Accommodation Process.
2. Allow Deferred Action Childhood Arrivals (DACA) recipients to qualify to purchase restricted homes.
3. Change the calculation method for dorms to be based on 30% of the low end of the income range and base it on one person per bedroom to determine household size. Divide the amount evenly by number of bedrooms. Change the definition of Dormitory 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.

Analysis:

1. 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.
2. While DACA recipients do not hold a US Citizenship status and are not considered Lawful Permanent Residents, they do have legal documentation such as a Social Security Number and Employment Authorization Documentation (EAD) and are at low risk for deportation. For these reasons, Fannie Mae, Freddie Mac, and FHA are currently providing

financing to DACA recipients for the purchase of homes. The Housing Authority has the option to purchase residential units via appointing the Housing Manager Attorney in Fact where/if needed.

3. Maximum rent should be directly related to the Median Family Income for Teton County. This is the best way to determine affordability for each income Range. Dorm rents have not been calculated in this manner in the past. Changing the method to calculate the rents for dorms will ensue affordability to the tenants.

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.

FISCAL IMPACT

N/A

STAFF IMPACT

Tracking, reviewing, and keeping notes on needed or potential changes to the Housing Rules and Regulations takes a significant amount of Housing and Legal staff scrutiny and time.

LEGAL REVIEW

L. Colasuonno and A. Moore

ATTACHMENTS

- Public Comment
- Housing Rules and Regulations with highlighted explanation of changes.
- Final Housing Rules and Regulations Document.
- Town Ordinance D (Ordinance 1289)
- Town Ordinance E (Ordinance 1290)
- Town Ordinance F (Ordinance 1291)
- Town Ordinance G (Ordinance 1292)
- Town Ordinance H (Ordinance 1293)
- Town Ordinance I (Ordinance 1294)
- Town Ordinance J (Ordinance 1295)
- Town Ordinance K (Ordinance 1296)
- Town Ordinance L (Ordinance 1297)
- Town Ordinance M (Ordinance 1298)

RECOMMENDATION

Staff and the Housing Authority Board recommend approval of the proposed changes.

SUGGESTED MOTION

County motion:

I hereby approve the amendments to the 2018 Jackson/Teton County Housing Department Rules and Regulations.

Town motion:

First Motion:

I move to read ordinances in short title.

Second Motion:

I move to approve ordinances D through M on third reading, and designate them ordinances 1289 through 1298, respectively.

From: [Monica Ruiz](#)
To: [Town Council](#)
Subject: Housing for DACA recipient
Date: Thursday, July 29, 2021 11:23:10 AM
Attachments: [image001.jpg](#)

To Whom It May Concern,

As a DACA recipient knowing that affordable housing will be available for us to purchase in the near future makes me feel part of the community and knowing we're being heard.

I would love to have a stable place to live and raise my daughter and not do worry about being kick out or not been able to afford rent.

Thank you giving us the chance to advocate for us.

Monica Ruiz, Operations Manager
Monica@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001
24 Hour Helpline | 307-733-SAFE

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Central Wyoming College - Jackson

240 S. Glenwood St. Jackson, Wyoming 83001 307.733.7425 jackson.cwc.edu

July 30, 2021

Dear Mayor Morton Levinson, Vice-Mayor Jorgensen, and Town Councilors,

We appreciate all the work you are doing this summer and year-round to keep our Town and community safe.

As you know, Central Wyoming College (CWC) is respectfully requesting 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.

At your Monday, August 2nd meeting, we hope you will make suggestions during the First Reading to reflect this change.

We feel this is important because programs such as nursing, accounting, and education are intensive and do not have the required working hours of some of the CWC programs such as the Culinary and Hospitality. Despite the fact that our students are 95% local, they face the same housing challenges that everyone does with reasons ranging from their current housing (parents) situation has changed, or they need to move out for personal or space reasons.

For example, most students entering the nursing program at CWC will take full time college classes for at least three years, and in order to succeed in the coursework it is not possible to work long hours. Access to subsidized housing will enable these students to prepare for jobs that are in high demand in our community and become one of our local workforce living in affordable, stable housing. We need an opportunity for these students to look forward to opportunities and careers in our community. One that allows local children the ability to grow their careers and contribute to their town after graduating high school.

Students would have to show they are enrolled at CWC no less than 24 credits a year and be employed, volunteer or have an internship in Jackson Hole for no less than an average of 15 hours per week over the year. CWC can work with the Housing Authority to adjust these calculations for students that have only a semester to complete their program. There can also be stipulations that those applying for subsidized workforce housing as a CWC student can show they have been Wyoming residents for at least one year. We also request that CWC internship hours be counted towards the work requirement hours.

This proposal is a path forward to providing an opportunity to these students and indicates an important priority of supporting local residents through a means to develop, nourish, and create a sustainable life here. We look forward to working together with you and staff.

I appreciate your consideration.

Sincerely yours,



Susan Durfee
CWC Jackson
Director

cc: April Norton, Jessica Jaubert, Willie Noseep



September 3, 2020

RE: DACA recipients and public homes

Dear Teton County Commissioners and Jackson Town Councilors,

Thank you for taking the time to consider allowing DACA recipients (also known as “Dreamers”) to apply for housing through the joint Housing Department. We support this proposal and ask you to permit Dreamers to purchase homes through our public Jackson/Teton County Affordable Housing Department.

Recently, [the Federal Housing Administration has given Dreamers the option to apply for mortgages](#), enabling them to purchase publicly-subsidized homes. DACA recipients also qualify for homes through the Jackson Hole Community Housing Trust and the Wyoming Community Development Authority. Applicants must have a Social Security number and employment authorization documents. We should enable Dreamers to own publicly-subsidized housing on a county level as well as a private, state, and federal level.

Dreamers are full participants in and members of our society, and their health and wellness benefits our whole community—and our economy. Wyoming DACA recipients and DACA-eligible individuals paid an estimated [\\$923,000 in state and local taxes in 2018](#). This summer, we have seen businesses and public services cut their operating hours and close their doors in the face of record-high visitation coupled with skyrocketing real estate prices. Providing homes to local workers is of the utmost importance if we are going to have a sustainable economy, especially as the demand for service workers and bilingual employees rises.

Given the housing emergency in Jackson Hole, we must allow all critical members of our community and our workforce to access resources that give them the opportunity for housing security. **Please support the staff’s recommendation and allow DACA recipients to apply for community housing now.** We support our immigrant workers just like all of our local workers, and they too deserve a fair chance to participate in publicly-subsidized housing and realize the dream of living securely in Jackson Hole.

Sincerely,

ShelterJH

Clare Stumpf - Coordinator

Mary Erickson, Elizabeth Hutchings, Christine Walker, Mike Welch, Skye Schell, Ryan Nourai,
Ash Hermanowski - Board of Directors

From: [Anna Kerr](#)
To: [Town Council](#); [Board Of County Commissioners](#)
Subject: DACA home ownership
Date: Monday, August 23, 2021 1:25:17 PM

Jackson and Teton Co electeds,

I am writing to voice my support for DACA recipients eligibility for home ownership in Teton County.

The Dreamers that I work with and am surrounded by daily here in Teton County are absolutely essential to keep this valley running (far more so than second home owners who are rarely ever here or remote workers who are helping the rise of increasing rent and real estate prices). Dreamers live here, work here, and keep local businesses open, along with simply being human beings deserving the right to own a home of their own.

I urge you to move forward in allowing them home ownership in Teton County.

Thank you,
Anna Kerr

From: Victoria Parker <vdparker17@gmail.com>

Sent: Wednesday, July 14, 2021 10:10 PM

To: Board Of County Commissioners <commissioners@tetoncountwy.gov>

Subject: Address the housing crisis!

Good evening Commissioners,

I'll keep this brief and polite, please address the much neglected community of Jackson and implement affordable housing immediately. Vote YES for affordable housing.

Business owners and employees are extremely tired, stressed and the reality is- the crisis is causing people to turn down a very sad road. Take Creekside, for example.

Also I read this book last summer, maybe you should give it a read for a stark reminder of the situation you are responsible for.

<https://press.princeton.edu/books/hardcover/9780691176673/billionaire-wilderness>

Thanks,

Tori

Sent from my iPhone, please excuse any unusual typos.

From: Nataly Espinoza <nataly0922@live.com>

Sent: Thursday, July 22, 2021 1:12 PM

To: towncouncil@jacksonwy.gov; Board Of County Commissioners
<commissioners@tetoncountywy.gov>

Subject: Affordable Housing for Dreamers

Dear members of the Town Council & County Commissioners:

I am writing this letter in support of allowing recipients of Deferred Action for Childhood Arrivals (DACA) to apply for affordable home ownership in Teton County, Wyoming.

I was 14 years old when I arrived in Jackson, Wyoming in the summer of 2000 and have since lived in the area. I graduated from our local High School in 2003 and I then attended the University of Wyoming where I also graduated with a B.S. in Political Science in 2007. Although I was

fortunate to attend college before the DACA program was created, my desire to attend the College of Law at UW after graduation came to a halt due to the legal complexities of my status without DACA at the time. For people who may have this idea that immigrating to this country or simply trying to “get legal” is a viable process; the reality is rather grim.

I returned to Jackson after graduating college and once DACA was created I was able to put my skills to work. I worked for the Town of Jackson for over six years. I also became a mother in 2019 right before our entire community, country, and the world found themselves dealing with an unimaginable pandemic. Needless to say as a new mother I faced new challenges and difficulties in the midst of a pandemic. I left my job with the town in the fall of 2020 and I now work part-time in town. This has been a good alternative as I am able to take care of my child without the stress of not being able to find adequate and affordable child care.

However, as all of us working people struggle to find affordable housing I wonder how much longer I can remain in this area and raise my child. I consider Jackson my home and my son was born here, so this is home for us. Affordable home ownership is a dream that many working people aspire to, this includes my family. There are many rights and responsibilities as a DACA recipient; I have been given the right to live and work in this country, although this program is uncertain and it will remain uncertain until and if it is settled in the Courts and/or Congress. There are also costly payments associated with being a DACA recipient as well as background checks and biometrics taken before a two-year period expires. This is not a “free-ride” program, yet it is a fair program. Allowing applications for affordable home ownership for tax-paying DACA recipients is not infringing on other qualifying applicants’ opportunity to own an affordable home, it is a fair and just decision and I ask you to respectfully change the rules to allow for a path for home ownership. I am hopeful that we can keep and maintain a rich and diverse group of community members; I would very much dislike to see this community become an exclusive community.

Thank you for your time and consideration.

Sincerely,

Nataly Espinoza

From: Olivia Schultheis <olivia@csnjh.org>

Sent: Wednesday, July 14, 2021 3:35 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Allow Dreamers to Buy Homes

To Whom It May Concern,

I fully support changing the rules that govern who is eligible to buy publicly subsidized and “affordable” workforce homes so DACA recipients can be given the chance to purchase these units. I believe DACA recipients have the right to purchase public affordable houses. It would be unethical if the Town Council and Teton County Board of County Commissioners did not change the rules to include DACA community members.

Thank you for giving the community an opportunity to make comment.

Regards,

Olivia Schultheis, Operations & Advocate Manager

olivia@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001

24 Hour Helpline | 307-733-SAFE

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From: Pamela Gumport <pamelagumport@gmail.com>

Sent: Wednesday, July 14, 2021 12:35 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Comment re Dreamers/Affordable housing

Hopefully legal US tax paying residents/citizens working in Jackson have priority over the dreamers.

Pam Ucko Gumport

908.451.2389

Please note my new email address is pamelagumport@gmail.com

From: Andrii Onysko <andriio@uoregon.edu>

Sent: Wednesday, July 21, 2021 10:53 AM

To: Board Of County Commissioners <commissioners@tetoncountwy.gov>

Subject: DACA/Affordable Housing

Dear Commissioners,

I hope this e-mail finds you well. My name is Andrii and I have been a resident of Teton County for the past 7 years. I have recently completed my first year at the University of Oregon School of Law, but I am planning on returning to Teton County after graduation.

I have been appalled to find out the County Commission is planning to extend the affordable housing eligibility onto undocumented children of illegal migrants from Central America. While there has been no substantive improvement in the availability of affordable housing in the county, it's shocking to realize that local authorities are extending the eligibility onto people whose status in the country is highly questionable and likely not permanent.

I would love to attend the County Commissioners' meeting and express my discontent with this decision.

Would you be willing to provide me the schedule of public hearings on this matter?

Thank you,



Andrii Onysko | 1L Student

p: (917) 974-2838

e: andriio@uoregon.edu

-----Original Message-----

From: Becca Williams <rebeccawilliams1180@gmail.com>

Sent: Monday, July 19, 2021 7:36 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Homeowner Rights for DACA Recipients

Dear County Commissioners,

My name is Rebecca Williams and I have lived in Jackson for 3 years. I work for the Teton Literacy Center and used to work for Teton Science Schools. I consider myself an active member of the community in Jackson, and am very involved with education and families who live in the valley. I love Jackson, and want it to be a place that values all of our community members. I know people who are DACA recipients who have contributed time, love and money to our community in ways that far exceed what I have done in my own few years here. However, because I am a citizen I have certain rights that someone who is a DACA recipient does not have. I know that Jackson values all of its community members, and think it is very clear that we need to shift our rules on homeownership to start to show that. I believe that the town of Jackson can be a model for the rest of the world and show people what it looks like to really practice what we preach about valuing individuals, community, and equality. So, I am asking you to please change our law in Jackson so that DACA recipients are allowed to be homeowners. This is one small and achievable step that Jackson as a town has the power to take.

Thank you for your time,

Becca

Sent from my iPhone

From: Kinney, Thomas <tkinney@stjohns.health>
Sent: Saturday, July 17, 2021 3:36 PM
To: April Norton <ahnorton@tetoncountywy.gov>
Subject: Re: July 16 Housing Update

[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.]

April, thank you for the update. Was there any discussion of my request to consider a way to make exceptions to the minimum time lived here, in order to help with recruitment?

-
-
-

#housingjh #communityfirstresortsecond



Correspondence, including e-mail, to and from employees of Teton County, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Correspondence, including e-mail and other electronic communications, to and from employees and elected officials of the Teton County Hospital District, dba St. John's Health, may be subject to disclosure under the Wyoming Public Records Act. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message. Thank you for your cooperation.

From: Laura Langberg <lauralangberg@gmail.com>

Sent: Sunday, July 18, 2021 4:42 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Re: Proposal for DACA recipient eligibility for affordables

Hello,

I am writing to voice my support for the proposal to allow DACA recipients to buy affordable housing in Jackson and Teton County. Many DACA recipients have been members of this community since they were young and have contributed in more ways that can be counted. Furthermore, they are *people* and deserve a chance at housing stability.

Thank you for your consideration,

Laura

From: K B <kevin@afterbyrner.com>

Sent: Monday, July 19, 2021 8:03 AM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Proposal to all US non-citizens to purchase county housing

Hello All,

With regards to the following article (<https://buckrail.com/local-daca-recipients-could-qualify-for-affordable-housing/>) the Teton County Commissioners have no legal standing to authorize taxpayer subsidies going to people who are not recognized Federally as having legal standing as citizens (<https://www.cnet.com/news/federal-judge-rules-daca-is-illegal-blocks-new-applicants/>). The fact that you need to talk about this issue as is suggests there is a desire amongst town/county officials to creatively break the law and divert tax payer money for illegal use. If there is a desire amongst Teton County and/or the town of Jackson commissioners to support DACA members it should be done through their personal financial means only. I contend you also have no moral standing to support DACA members with taxpayer funds when there are so many legal US citizen residents of Teton County in dire need of housing such as sheriff's deputies who can't afford currently to live within Jackson proper. Please do not get our county mixed up within this illegal DACA mess and keep your focus on matters that only benefit the US citizen tax payers of Teton County.

Regards,

Kevin Byrne

Alta, WY

From: Anne Stalker <anne.sonshine@charter.net>

Sent: Sunday, July 18, 2021 4:19 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Public comment regarding DACA folks in JH purchasing affordable homes in Teton County

Dear Commissioners,

Thank you for your service and hard work.

This is a public comment regarding DACA folks in JH purchasing affordable homes in Teton County

Please leave the regulations stand as they are currently written -- that households looking to buy properties restricted by the Housing Department must have at least one adult member who is a U.S. citizen or a green card holder.

That policy echoes current law, American justice, and common sense.

President Obama did not have the authority to grant amnesty to any group or subset of a group who entered the USA illegally. It was Executive Branch overreach. Obama circumvented Congress. One of the consequences is that as such DACA folks drain WY educational, healthcare, and (with this proposed change) subsidized housing resources. DACA violates Administration Procedure Act according to the news.

Facts don't care about feelings. Everyone and their brother wants to live in Teton County. Tons of folks want hand outs regarding housing in Teton County. Illegals are illegal. PERIOD!

Please, just say "No" to the proposed change.

Respectfully,

Anne Stalker

15 year resident of Jackson, WY

From: Grace Peck <gracepeck6@gmail.com>

Sent: Saturday, July 31, 2021 8:56 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: DACA Recipients and Affordable Housing

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing today to encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities for home ownership through the Teton County Housing Department.

I am a local business owner, and have had hiring struggles as many other local businesses have had this season. Jackson needs talented young professionals, but the high cost of housing and the scarcity of affordable housing is driving many young adults away. Many DACA recipients either already have college degrees or are working towards them. Although they may want to stay in Jackson after finishing college, the housing crunch is causing many of them to move away. They are taking their talent elsewhere.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Extending affordable homes to DACA recipients helps local businesses and the economy.

By extending the ability to purchase affordable housing to DACA recipients, you can help ensure Jackson remains a community for our talented local workforce.

Thanks for your consideration,

Grace Peck

From: [Isabel Zumel](#)
To: [Town Council](#)
Subject: Homeownership for DACA recipients
Date: Sunday, August 22, 2021 5:42:00 PM
Attachments: [SFH FHA INFO 21-04.pdf](#)

Dear Mayor Morton Levinson and Town Council Members,

I am writing in support of the proposed housing rule change to allow DACA recipients to apply for affordable homeownership opportunities through the Jackson/Teton County Housing Department.

Per a [January 20, 2021 Federal Housing Authority \(FHA\) Memo](#), the FHA is now permitting DACA recipients who are legally permitted to work eligibility for FHA-backed mortgages. (Memo is attached.) Allowing DACA recipients who are residents of the Town of Jackson or Teton County to apply for affordable homeownership opportunities would bring our local rules into closer alignment with the FHA policy change.

I understand that questions have been raised about ensuring the DACA and work authorization status of individuals who may attain affordable homes should our local rules change. The FHA memo addresses this in detailing that employment authorization is a requirement for DACA status recipients who apply for FHA-backed mortgages. It states “The Employment Authorization Document [issued by USCIS] is required to substantiate work status. If the Employment Authorization Document will expire within one year and a prior history of residency status renewals exist, the lender may assume that continuation will be granted. If there are no prior renewals, the lender must determine the likelihood of renewal based on information from USCIS.”

My estimation is that the majority of local DACA recipients who would be in a position to apply for homeownership and qualify for a loan are those who have had DACA renewals. Like all prospective homeowners, a solid and tenured work and income history is a prerequisite for working individuals seeking a mortgage.

I know local DACA recipients who are bilingual, bicultural professionals in our community or who have recently completed bachelor’s and master’s degrees. They are counselors, teachers, nonprofit staff, nurses and support staff in medical/dental and banking fields. Returning to Jackson and Teton County after completing post-secondary education or remaining in Teton County is a common goal in order to be closer to their families, most of whom have been settled in Jackson and Teton County for 15-20 years. These young adults know our community well, having completed most, if not all, of their K-12 education in our community. Their skills are essential to our community’s future.

Thank you for your consideration.

Sincerely,
Isabel Zumel

From: [Lori McCune](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: housing and DACA
Date: Tuesday, July 27, 2021 10:28:40 AM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities to apply for home ownership through the Teton County Housing Department.

As a retired teacher in Driggs myself, whose daughter and son-in-law both work in the Jackson school system, I have often thought about the quantity of money that our communities have already spent educating DACA recipients and their siblings and friends. They speak, read and write English because of the time, energy and funds we have poured into them. They have skills of all types because of their Teton County education and the fact that most have been working in our community alongside their parents since they were children. Many have had the opportunity to study post-high school at CWC in Jackson or UW or trade schools while their parents worked 2-3 jobs back in Jackson to proudly provide for their Jackson Hole High School grads.

Jackson needs talented young professionals and workers of all types, as we all know. But the high cost of housing and the scarcity of affordable housing is driving away young adults of all ilks. So many of my former students have had to move far from Jackson in order to find housing. They are taking their talent elsewhere. This great place is actually experiencing "brain drain" due to our lack of housing availability.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Their strong ties to the community due to their extended families living in the area, their school friends, their life-long JH contacts, will positively influence the business climate and economy of this town for decades to come.

Please consider extending the ability to purchase affordable housing to DACA recipients, which will only help ensure Jackson remains a community for our talented local workforce.

Thank you for your service to our whole community,
Lori

Lori L. McCune
Immigrant Hope - Wyoming/Idaho
90 W Kelly Ave/PO Box 942
Jackson WY 83001
208-709-0131
lori.mccune@immigranthope.org

From: [Joe Petrick](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: Housing Authority Board's recommendation for DACA recipients
Date: Thursday, July 29, 2021 3:27:45 PM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing to ask you to approve the Housing Authority Board's recommendation that DACA recipients be allowed to purchase affordable housing managed by the County and Town. DACA recipients are immigrants who were brought to the US when they were children. Many local DACA recipients see the US, and the Jackson area in particular, as home.

In thinking about what we want our community to look like, I hope you will agree with me that Jackson should be a diverse community in which the local workforce can afford to live and continue to call home. Those who grew up here, including DACA recipients, should have priority in housing. This is a pivotal issue as DACA recipients have grown in the Jackson area since they were children, and continue to contribute to this community.

DACA recipients are school counselors, teachers, nonprofit staff, and nurses to name just a few of the important positions they fill within our community. By allowing DACA recipients to purchase affordable housing in Jackson, they can gain a foothold in the area and know that they have a place to raise a family. Let's make sure these important community members are not left out of housing opportunities!

Thank you,

Joe Petrick

From: [Monica Ruiz](#)
To: [Town Council](#)
Subject: Housing for DACA recipient
Date: Thursday, July 29, 2021 11:23:10 AM
Attachments: [image001.jpg](#)

To Whom It May Concern,

As a DACA recipient knowing that affordable housing will be available for us to purchase in the near future makes me feel part of the community and knowing we're being heard.

I would love to have a stable place to live and raise my daughter and not do worry about being kick out or not been able to afford rent.

Thank you giving us the chance to advocate for us.

Monica Ruiz, Operations Manager
Monica@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001
24 Hour Helpline | 307-733-SAFE

Advocates for safety, shelter, and hope
Domestic Violence | Sexual Assault | Stalking

From: [Anahi Morillon](#)
To: [Town Council](#)
Subject: Housing Ownership for Daca Recipients
Date: Tuesday, July 27, 2021 6:12:08 PM
Attachments: [Screen Shot 2021-01-20 at 2.59.31 PM.png](#)

Dear Members of Town Council and County Commissioners,

I am a Deferred Action for Childhood Arrival DACA recipient. I have been a member of the Jackson community for 21 years. As a community member of this town, I am writing to ask you for your participation to vote on the suggestions to change the rules and regulations of the Housing Department that would allow DACA recipients, like myself, the opportunity for homeownership through the Teton County Housing Department.

I consider Jackson my home. I attended the school system and have created personal and professional bonds with the Jackson community. I currently hold employment with community business owners, such as Vista Counseling. I work as a bilingual and cultural therapist and social worker who focuses on providing holistic trauma-informed therapy. I hold a Bachelor's and Master's degree in Social Work from the University of Wyoming. I'm an active member of the community by providing fundamental services to both the Hispanic and Anglo communities. Due to my position as a therapist, I have noticed that the basic needs of many of my clients and myself have not been met due to a shortage of housing in this community. It's shocking to see the direct correlation that the lack of housing has on our mental health and overall lives.

I consider myself being part of this community, yet, I currently do not have access to own my own house. I have to rely on renting which has become extremely difficult to find and unreliable. My contract can be terminated at any instant leaving me with no other option but to relocate myself and my family to another part of this nation. This would be unfortunate since I would no longer be able to provide mental health services to all community members. Due to the ever-growing community, it is evident this community is in high need of multicultural professionals who can help grow the economy. In addition, DACA recipients currently qualify for FHA loans, and securing a mortgage is no longer a barrier in seeking homeownership.

I want to continue to be your neighbor, friend, and most importantly continue to provide services to this community. Your vote can not only change my life, but also the life of other DACA recipients who contribute to this community.

Thank you for your consideration!

Anahi Morillon, MSW, PCSW

DACA recipient & community member



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From: [Hillary Rowse](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: Housing Ownership Opportunities for DACA Recipients
Date: Monday, August 16, 2021 1:26:25 PM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing today to encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities for home ownership through the Teton County Housing Department.

Jackson needs talented young professionals, but the high cost of housing and the scarcity of affordable housing is driving many young adults away. Many DACA recipients either already have college degrees or are working towards them. Although they may want to stay in Jackson after finishing college, the housing crunch is causing many of them to move away. They are taking their talent elsewhere.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Extending affordable homes to DACA recipients helps local businesses and the economy.

By extending the ability to purchase affordable housing to DACA recipients, you can help ensure Jackson remains a community for our talented local workforce.

Thanks for your consideration,

Hillary Rowse



FHA INFO #21-04

January 20, 2021

FHA to Permit DACA Status Recipients to Apply for FHA Insured Mortgages

Effective January 19, 2021, the Federal Housing Administration (FHA) is permitting individuals classified under the "Deferred Action for Childhood Arrivals" program (DACA) with the U.S. Citizenship & Immigration Service (USCIS) and are legally permitted to work in the U.S. are eligible to apply for mortgages backed by the FHA.

Prior to today's announcement, the FHA Single Family Housing Handbook ("Handbook 4000.1 Section II.A.1.b.ii(A)(9)(c) includes this statement: ***"Non-US citizens without lawful residency in the U.S. are not eligible for FHA-insured mortgages."*** This language was incorporated into the FHA Handbook by the Obama Administration in September 2015 although it was first incorporated into FHA guidelines in 2003.

The term "lawful residency" pre-dates DACA and thus did not anticipate a situation in which a borrower might not have entered the country legally, but nevertheless be considered lawfully present. To avoid confusion and provide needed clarity to HUD's lending partners, FHA is [waiving](#) the above referenced FHA Handbook subsection in its entirety. In a subsequent update to the FHA Handbook the language will be removed.

Other FHA requirements remain in effect for all potential borrowers including DACA status recipients:

- the property will be the borrower's principal residence;
- the borrower has a valid Social Security Number (SSN), except for those employed by the World Bank, a foreign embassy, or equivalent employer identified by HUD;
- the borrower is eligible to work in the U.S., as evidenced by the Employment Authorization Document issued by the USCIS; and
- the borrower satisfies the same requirements, terms, and conditions as those for U.S. citizens.

The Employment Authorization Document is required to substantiate work status. If the Employment Authorization Document will expire within one year and a prior history of residency status renewals exists, the lender may assume that continuation will be granted. If there are no prior renewals, the lender must determine the likelihood of renewal based on information from the USCIS.

A borrower residing in the U.S. by virtue of refugee or asylee status granted by the USCIS is automatically eligible to work in this country. The Employment Authorization Document is

not required, but documentation substantiating the refugee or asylee status must be obtained.

Quick Links

- Waiver of Handbook 4000.1:
https://www.hud.gov/program_offices/administration/hudclips/waivers/
- Online and PDF versions of the SF Handbook at:
https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsgb

Need Support? Contact the FHA Resource Center.

- Visit our knowledge base to obtain answers to frequently asked questions 24/7 at www.hud.gov/answers.
- E-mail answers@hud.gov. Emails and phone messages will be responded to during normal hours of operation, 8:00 AM to 8:00 PM (Eastern), Monday through Friday on all non-Federal holidays.
- Call 1-800-CALLFHA (1-800-225-5342). Persons with hearing or speech impairments may reach this number by calling the Federal Relay Service at 1-800-877-8339.

About FHA INFO

FHA INFO is a publication of the Federal Housing Administrations (FHA), Office of Single Family Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. We safeguard our lists and do not rent, sell, or permit the use of our lists by others, at any time, for any reason.

Visit the [FHA INFO Archives](#) to access FHA INFO messages. For additional information and resources, visit the FHA Single Family Housing main page on HUD.gov

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Andrew V. Hardenbrook, Attorney at Law

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Jackson, WY 83001
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Caroline A. M. Baker, Attorney at Law
Reilly K. Ward, Attorney at Law

Reilly K. Ward
RW@TrefonasLaw.com

Teton County Board of County Commissioners
Administration Building
200 S Willow Street
Jackson, WY 83001

Town of Jackson
Mayor & Town Council
150 E Pearl Avenue
Jackson, WY 83001

September 7, 2021

Dear Members of Town Council and County Commissioners:

I have practiced immigration law since 2014, and I have been practicing in this field in Jackson since 2018. While my practice primarily focuses on representing employers in connection with work visa applications and the sponsorship of foreign workers, my practice in Jackson also includes representing numerous DACA recipients in our community.

First, I write to reiterate that our DACA recipients are, by both virtue of their humanity and by legal definition, a valuable and essential part of our community. To qualify for DACA, these individuals must prove that (a) they were brought to the US as children, prior to 2007, (b) that they have completed (or are working toward completing) a high school education, and (c) that they have no significant criminal history.¹ These people have been part of our schools, our social

¹ The United States Immigration and Citizenship Services website clearly sets forth the following criteria, which each DACA recipient must have proven in order to qualify for DACA status:

- (1) The individual was under the age of 31 as of June 15, 2012;
- (2) The individual came to the United States before reaching their 16th birthday;
- (3) The individual has continuously resided in the United States since June 15, 2007, up to the present time;
- (4) The individual was physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- (5) The individual had no lawful status on June 15, 2012, meaning that:
 - They never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that they obtained prior to June 15, 2012, had expired as of June 15, 2012;

circles, our churches and community groups, and our sports leagues for FAR longer than most people who currently live in Jackson (myself included). Our local DACA recipients include business owners, bankers, landscapers, restaurant managers and staff, and peer counselors (just to name a few).

Because they were brought to the US as children, DACA recipients have not (and could not have) made the conscious choice to violate the immigration laws of the United States. However, each DACA recipient has made the conscious choice to raise their hands, to tell the US government that they are here, and to provide the government with information that could enable them or their families to be deported. Every 2 years, they are required to pay another \$495+ to USCIS, hire an attorney to complete renewal application, and again prove to USCIS that they continue to meet the DACA criteria. In exchange, DACA recipients are given a Social Security Number, and a two-year unrestricted employment authorization document. DACA status alone affords them no path to citizenship, and no ability to sponsor family members. In essence, they exist in a continual state of “probation,” in spite of having no criminal history.

Without minimizing the individual merits of each DACA recipient that I have had the pleasure to know within this community, I have been asked to specifically address the importance of DACA recipients to our local employers. In short, the work authorized status afforded to DACA recipients also extends protections to our local employers. If an employer hires a noncitizen who lacks work authorized status in the US, or a noncitizen whose work authorized status was sponsored by a different employer, that employer opens themselves up to liability. Sponsoring a noncitizen for work authorized status is not only expensive and time consuming, but it is often impossible (for example, in cases where the prospective noncitizen employee has a history of immigration violations). DACA affords an exceptional category of temporary, work-authorized status that is not specific to a certain employer. This means that DACA recipients can change employers, or work for multiple employers, without the employer having to pay for sponsorship or incur potential liability.

With the shortage in today’s labor market, the flexibility that employers enjoy in hiring DACA recipients is significant. The DACA population, therefore, represents an essential labor pool within our existing community. Just like with our entire local labor pool, the biggest issue in hiring and retaining these workers becomes housing. Because these individuals, by definition, have more tenure in this community than most of us, they are perhaps even more deserving of access to affordable housing in this community than the newer transplants to this community (like myself).

-
- (6) The individual was currently in school, or had graduated or obtained a certificate of completion from high school [GED]... or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
 - (7) The individual has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

For these reasons, I urge the Town Council to support the proposed changes to affordable housing eligibility, and include DACA recipients among those eligible for affordable housing in the Jackson area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Reilly K. Ward". The signature is fluid and cursive, with the first name "Reilly" being more prominent.

Reilly K. Ward, *Attorney at Law*
WY SBN 7-6201 / CO SBN 51013



P.O. Box 2527, 175 S. King St., Ste. 100
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Teton County Board of County Commissioners
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150 E Pearl Avenue
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September 7, 2021

Dear Members of Town Council and County Commissioners:

I have practiced immigration law in Jackson since 2006, which includes representing numerous DACA recipients in our community. I write to reiterate that our DACA recipients are, by both virtue of their humanity and by legal definition, a valuable and essential part of our community. I urge the Board and Council to include DACA recipients among those eligible for affordable housing in the Jackson area.

To qualify for DACA, these individuals must prove that (a) they were brought to the US as children, prior to 2007, (b) that they have completed (or are working toward completing) a high school education, and (c) that they have no significant criminal history.¹ These people have been part of our schools, our social circles, our churches and community groups, and our sports leagues for FAR longer than most people who currently live in Jackson. Our local DACA recipients include

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- (6) The individual was currently in school, or had graduated or obtained a certificate of completion from high school [GED]... or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- (7) The individual has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

business owners, bankers, landscapers, law enforcement and EMTs, nurses, restaurant managers and staff, and peer counselors (just to name a few).

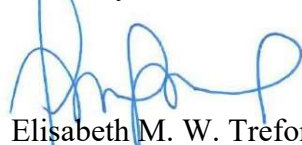
Because they were brought to the US as children, DACA recipients have not (and could not have) made the conscious choice to violate the immigration laws of the United States. However, each DACA recipient has made the conscious choice to raise their hands, to tell the US government that they are here, and to provide the government with information that could enable them or their families to be deported. Every 2 years, they are required to pay another \$495+ to USCIS, hire an attorney to complete renewal application, and again prove to USCIS that they continue to meet the DACA criteria. In exchange, DACA recipients are given a Social Security Number, and a two-year unrestricted employment authorization document. DACA status alone affords them no path to citizenship, and no ability to sponsor family members. In essence, they exist in a continual state of “probation,” in spite of having no criminal history.

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For these reasons, I urge the Town Council to support the proposed changes to affordable housing eligibility and include DACA recipients among those eligible for affordable housing in the Jackson area.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Elisabeth M. W. Trefonas', with a stylized, flowing script.

Elisabeth M. W. Trefonas, *Attorney at Law*
WY SBN 6-4168 / CA SBN 242533

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 2021

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

Summary of Housing Programs

Table of Contents

SUMMARY OF HOUSING PROGRAMS	8
SECTION 1. PURPOSE AND GENERAL GOALS	13
1-1. Purpose	13
a. Applicability.....	13
1-2. General Policy Goals	15
a. Promoting Economic and Social Diversity.....	15
b. Ensuring Long-Term Affordability	15
c. Providing Housing for the Local Workforce	15
d. Providing Fair and Consistent Administration	15
1-3. Relationship to Land Development Regulations.....	16
a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations	16
b. References Retained for Convenience.....	17
SECTION 2. HOUSING DEVELOPMENT STANDARDS	19
AND PROCEDURES	19
2-1. Purpose	19
a. Applicability.....	19
b. General Policy Goals	20
2-2. Housing Mitigation Plan.....	20
a. Procedures	20
b. Content	21
2-3. Livability Standards <u>Livability Standards</u>	Error! Bookmark not defined.
a. Process	24
b. Intent.....	24
c. Acceptance of Restricted Housing Units.....	25
d. Standards for Restricted Units.....	25
e. Standards for Dormitories	31
f. Standards for Conversions of Existing Housing Stock.....	32
SECTION 3. QUALIFICATION & ELIGIBILITY.....	34
3-1. General Descriptions.....	34
a. Qualification.....	34

Summary of Housing Programs

b. Eligibility	34
3-2. Qualification	34
a. Employment Requirement	34
b. Citizenship	37
c. Age	37
d. Financial Ability	37
e. REASONABLE ACCOMMODATION	38
3-3. Eligibility	40
a. Household Income	40
b. Household Net Assets	43
c. Readiness to Purchase	45
d. Homebuyer Education	46
e. Online Intake Form	46
SECTION 4. WEIGHTED DRAWING	47
4-1. Minimum Occupancy Requirement	47
4-2. Weighted Drawing Points	48
a. Employment	49
b. Additional Points	49
c. Accessible Units	50
d. No Qualified Entries	51
e. Email Confirmation	51
f. Incomplete Weighted Drawing Entries	51
g. Drawing Results	51
h. Town and County Options	51
4-3. Weighted Drawing entry	52
a. Open Weighted Drawing	52
b. Required Documents	52
SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES	55
5-1. Sale and Resale Standards	55
a. Applicability	55
b. Maximum Sales Price	57
c. Maximum Resale Price	58

Summary of Housing Programs

d. Selling Procedures.....	61
e. Capital Improvement Standards.....	64
f. Resale and Transfer Limitations.....	65
g. Other Sale and Resale Standards.....	68
5-2. Purchase Procedures	71
a. Selection of Qualified Household	71
b. Viewing of Restricted Housing Unit	73
c. Submit Application.....	73
d. Verification of Application	77
e. Verification of Qualified Household.....	78
f. Qualification Letter	78
g. Purchase and Sale Agreement	78
h. Purchase by Housing Authority.....	80
SECTION 6. RENTAL STANDARDS AND PROCEDURES	83
6-1. Applicability.....	83
6-2. Housing Department Program Rental Standards and Procedures	83
a. Affordability	83
b. Primary Residence	85
c. Eviction.....	86
d. Selection Process	86
e. Complete Application	86
f. Verification of Selected Household.....	87
g. Materials Required.....	87
h. Verification of Application	88
i. Qualification Letter	88
6-3. Private Owner Rental Standards and Procedures.....	88
a. Primary Residence	88
b. Rental Procedures for Owner -Occupied Properties	89
6-4. Affordable Rentals Owned by a Private Entity.....	92
a. Affordability	92
SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES	95

Summary of Housing Programs

7-1.	Compliance Process	95
a.	Compliance Requirements.....	95
b.	Submittal and Timeline	96
c.	Common Default Violations	96
7-2.	Process for Default Contested Case Hearings.....	99
a.	Notice of Default	99
b.	Request for Default Hearing	99
c.	Failure to Respond to Default	100
d.	Multiple Defaults	100
e.	Default Hearing	100
f.	JTCHA Deliberation and Decision	101
7-3.	Process for Exception Hearing	103
a.	Request for Exception	103
b.	Request for Exception Hearing Process	103
c.	Housing Department Review and Recommendation	104
d.	Hearing.....	104
e.	Other Remedies	106
7-4.	Grievance Procedure.....	106
a.	Request for Grievance Form	106
b.	Housing Department Review and Decision.....	106
SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS		108
8-1.	Occupancy and Use.....	108
a.	Household Income	108
b.	Employment Requirement.....	108
c.	No Teton County Residential Real Estate	108
d.	Occupancy.....	108
e.	Use	110
SECTION 9. OTHER HOUSING PROGRAMS.....		112
9-1.	Business Option	112
a.	Purpose and Program Goals	112
b.	Applicability.....	112
c.	Qualified Business	112

Summary of Housing Programs

d. Option Procedures	113
e. Qualified Purchaser.....	115
9-2. Preservation Program	116
a. Purpose and Program Goals	Error! Bookmark not defined.
b. Applicability.....	Error! Bookmark not defined.
c. Down Payment Assistance.....	Error! Bookmark not defined.
d. Housing Department Purchase of a Deed Restriction	Error! Bookmark not defined.
SECTION 10. DEFINITIONS.....	117
10-1. Definitions.....	117

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.

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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.

Commented [SS2]: Global comment. Waiting for direction from Council and Commission

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

Summary of Housing Programs

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.

Commented [SS3]: This clause was added for clarity.

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.

Summary of Housing Programs

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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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.B.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.

Commented [SS5]: Added pending direction from Council and Commission.

Commented [SS6]: Same as above.

Summary of Housing Programs

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).

Section 1. Purpose and General Goals

1-1. Purpose

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures
2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

e. Standards for Dormitories

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

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.

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

Section 2. Housing Development Standards and Procedures
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

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

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

Commented [SS10]: This paragraph has been added

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.

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

Section 3. Qualification and Eligibility

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

Section 3. Qualification and Eligibility

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.

Section 3. Qualification and Eligibility

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 9. 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.

Section 5. Purchase and Sale Standards and Procedures
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.

Section 5. Purchase and Sale Standards and Procedures

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

5-1. Sale and Resale Standards

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.

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

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

5-2. Purchase Procedures

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.

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.

Section 9. Other Housing Programs
9-2. Preservation Program

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.

Section 10. Definitions

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

10-1. Definitions

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

Section 10. Definitions

10-1. Definitions

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.

Section 10. Definitions

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.

Section 10. Definitions

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.

Teton County & Town of Jackson *Wyoming*



Jackson/Teton County Housing Department Rules and Regulations

Adopted June 2018

Amended August 2019

Amended October 2020

Amended September 2021



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

Summary of Housing Programs

Table of Contents

SUMMARY OF HOUSING PROGRAMS	8
SECTION 1. PURPOSE AND GENERAL GOALS	13
1-1. Purpose	13
a. Applicability.....	13
1-2. General Policy Goals	15
a. Promoting Economic and Social Diversity.....	15
b. Ensuring Long-Term Affordability	15
c. Providing Housing for the Local Workforce	15
d. Providing Fair and Consistent Administration	15
1-3. Relationship to Land Development Regulations.....	16
a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations	16
b. References Retained for Convenience.....	17
SECTION 2. HOUSING DEVELOPMENT STANDARDS	19
AND PROCEDURES	19
2-1. Purpose	19
a. Applicability.....	19
b. General Policy Goals	20
2-2. Housing Mitigation Plan.....	20
a. Procedures	20
b. Content	21
2-3. Livability Standards.....	Error! Bookmark not defined.
a. Process	24
b. Intent.....	24
c. Acceptance of Restricted Housing Units.....	25
d. Standards for Restricted Units.....	25
e. Standards for Dormitories	31
f. Standards for Conversions of Existing Housing Stock.....	32
SECTION 3. QUALIFICATION & ELIGIBILITY.....	34
3-1. General Descriptions.....	34
a. Qualification.....	34

Summary of Housing Programs

b. Eligibility	34
3-2. Qualification	34
a. Employment Requirement	34
b. Citizenship	37
c. Age	37
d. Financial Ability	37
e. REASONABLE ACCOMMODATION	38
3-3. Eligibility	40
a. Household Income	40
b. Household Net Assets	43
c. Readiness to Purchase	45
d. Homebuyer Education	46
e. Online Intake Form	46
SECTION 4. WEIGHTED DRAWING	47
4-1. Minimum Occupancy Requirement	47
4-2. Weighted Drawing Points	48
a. Employment	49
b. Additional Points	49
c. Accessible Units	50
d. No Qualified Entries	51
e. Email Confirmation	51
f. Incomplete Weighted Drawing Entries	51
g. Drawing Results	51
h. Town and County Options	51
4-3. Weighted Drawing entry	52
a. Open Weighted Drawing	52
b. Required Documents	52
SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES	55
5-1. Sale and Resale Standards	55
a. Applicability	55
b. Maximum Sales Price	57
c. Maximum Resale Price	58

Summary of Housing Programs

d. Selling Procedures.....	61
e. Capital Improvement Standards.....	64
f. Resale and Transfer Limitations.....	65
g. Other Sale and Resale Standards.....	68
5-2. Purchase Procedures	71
a. Selection of Qualified Household	71
b. Viewing of Restricted Housing Unit	73
c. Submit Application.....	73
d. Verification of Application	77
e. Verification of Qualified Household.....	78
f. Qualification Letter	78
g. Purchase and Sale Agreement	78
h. Purchase by Housing Authority.....	80
SECTION 6. RENTAL STANDARDS AND PROCEDURES	83
6-1. Applicability.....	83
6-2. Housing Department Program Rental Standards and Procedures	83
a. Affordability	83
b. Primary Residence	85
c. Eviction.....	86
d. Selection Process	86
e. Complete Application	86
f. Verification of Selected Household.....	87
g. Materials Required.....	87
h. Verification of Application	88
i. Qualification Letter	88
6-3. Private Owner Rental Standards and Procedures.....	88
a. Primary Residence	88
b. Rental Procedures for Owner -Occupied Properties	89
6-4. Affordable Rentals Owned by a Private Entity.....	92
a. Affordability	92
SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES	95

Summary of Housing Programs

7-1.	Compliance Process	95
a.	Compliance Requirements.....	95
b.	Submittal and Timeline	96
c.	Common Default Violations	96
7-2.	Process for Default Contested Case Hearings.....	99
a.	Notice of Default	99
b.	Request for Default Hearing	99
c.	Failure to Respond to Default	100
d.	Multiple Defaults	100
e.	Default Hearing	100
f.	JTCHA Deliberation and Decision	101
7-3.	Process for Exception Hearing	103
a.	Request for Exception	103
b.	Request for Exception Hearing Process	103
c.	Housing Department Review and Recommendation	104
d.	Hearing	104
e.	Other Remedies	106
7-4.	Grievance Procedure.....	106
a.	Request for Grievance Form	106
b.	Housing Department Review and Decision.....	106
SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS		108
8-1.	Occupancy and Use.....	108
a.	Household Income	108
b.	Employment Requirement.....	108
c.	No Teton County Residential Real Estate	108
d.	Occupancy.....	108
e.	Use	110
SECTION 9. OTHER HOUSING PROGRAMS.....		112
9-1.	Business Option	112
a.	Purpose and Program Goals	112
b.	Applicability.....	112
c.	Qualified Business	112

Summary of Housing Programs

d. Option Procedures	113
e. Qualified Purchaser.....	115
9-2. Preservation Program	116
a. Purpose and Program Goals	Error! Bookmark not defined.
b. Applicability.....	Error! Bookmark not defined.
c. Down Payment Assistance.....	Error! Bookmark not defined.
d. Housing Department Purchase of a Deed Restriction	Error! Bookmark not defined.
SECTION 10. DEFINITIONS.....	117
10-1. Definitions.....	117

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.

Commented [SS1]: Added this clause for clarity.

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. Units with three (3) or four (4) bedrooms may be restricted as dormitories if they are allowed by the LDRS in the proposed location, meet the definition of dormitory in these Rules and Regulations, and comply with the Livability Standards.

Commented [SS2]: Global comment. JIM voted to keep this.

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

Commented [SS3]: This was changed by JIM.

Summary of Housing Programs

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 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.

Commented [SS4]: This clause was added for clarity.

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.

Commented [SS5]: Added for clarity.

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.

Summary of Housing Programs

Deed Restrictions, July 2021

	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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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.B.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.

Commented [SS6]: Added pending direction from Council and Commission.

Commented [SS7]: Same as above.

Summary of Housing Programs

DRAFT

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).

Section 1. Purpose and General Goals

1-1. Purpose

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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 [SS8]: 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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

e. Standards for Dormitories

Commented [SS9]: Add new rent calculations according to policy question. Waiting for direction from Council and Commission.

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.

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

Section 2. Housing Development Standards and Procedures
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 [SS10]: Disabled exemption has been deleted pending direction by Council and Commission.

Commented [SS11]: 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 [SS12]: 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 [SS13]: 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 [SS14]: 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

Section 3. Qualification and Eligibility

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 [SS15]: 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

Section 3. Qualification and Eligibility

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.

Section 3. Qualification and Eligibility

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 [SS16]: 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 [SS17]: 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 [SS18]: 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 [SS19]: 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 [SS20]: 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 [SS21]: 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.

Section 5. Purchase and Sale Standards and Procedures
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 [SS22]: 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 [SS23]: 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.

Section 5. Purchase and Sale Standards and Procedures

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

5-1. Sale and Resale Standards

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 [SS24]: 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 [SS25]: 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 [SS26]: 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

5-2. Purchase Procedures

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 [SS27]: 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 [SS28]: 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 [SS29]: 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 [SS30]: 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 [SS31]: 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 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. 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 [SS32]: Change made by Council and BCC.

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 [SS33]: Change made by Council and BCC

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

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

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

Example:

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

$\$1676 / 6 = \279 per bedroom 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 [SS34]: 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 [SS35]: 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 [SS36]: 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.

Section 9. Other Housing Programs
9-2. Preservation Program

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 [SS37]: 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 [SS38]: 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 [SS39]: 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.

Section 10. Definitions

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

10-1. Definitions

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 [SS40]: This clause was added for clarification

Section 10. Definitions

10-1. Definitions

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.

Section 10. Definitions

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 [SS41]: 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.

Section 10. Definitions

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 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.

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.

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.

Retirement Age: The age at which the Federal Social Security Administration allows an individual to begin collecting Social Security.

Commented [SS42]: Replaced with Residential Real Estate to keep terms consistent.

Commented [SS43]: Added

Commented [SS44]: Added to replace Residential Property

Section 10. Definitions

10-1. Definitions

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.

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.

Section 10. Definitions

10-1. Definitions

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.

ORDINANCE D

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1259, 1242, AND 1195 AND SECTION 16.10.000(B) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING RULES AND REGULATIONS SUMMARY OF HOUSING PROGRAMS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1259, 1242, and 1195 and Section 16.10.000(B) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.000 Introduction

B. Summary 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' restrictions, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs. Descriptions of Applicable Programs:

1. **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.
2. **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. Maximum rents and sales prices are based on median family income as published by HUD. Ownership units appreciate based on the Consumer Price Index. Units with three (3) or four (4) bedrooms may be restricted as dormitories if they are allowed by the LDRS in the proposed location, meet the definition of dormitory in these Rules and Regulations, and comply with the Livability Standards.

3. **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 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.
4. **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. 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. Tenants will be required to requalify annually. The units are not allowed to remain vacant in excess of 60 days

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Deed Restrictions, July 2021

	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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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% of 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.B.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.

(Ord ____ § 1, 2021; Ord. 1259 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2021.

PASSED 2ND READING THE ____ DAY OF _____, 2021.

PASSED AND APPROVED THE ____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE E

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1259, 1242, AND 1195 AND SECTION 16.10.200(C)(4)(c)(ii)(d) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS ADDITIONAL STORAGE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1259, 1242, and 1195 and Section 16.10.200(C)(4)(c)(ii)(d) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.200 Housing Development Standards and Procedures

d. 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').

(Ord. _____ § 1, 2021; Ord. 1259 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE F

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1260, 1242, AND 1195 AND SECTIONS 16.10.300(B), 16.10.300(C)(1)(b)(i) AND 16.10.300(C)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS QUALIFICATION AND ELIGIBILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1260, 1242, and 1195 and Sections 16.10.300(B), 16.10.300(C)(1)(b)(i) and 16.10.300(C)(4) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.300 Qualification and Eligibility

B. 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.

1. Employment Requirement - At least one member of the household must fit one of the following categories:

a. 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.

b. 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.

c. Employment Exemptions.

i. 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.

ii. Caregiver - Work as a caregiver counts as an employment exemption if the following criteria are met:

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

b) 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 and, therefore, was unable to gain fulltime 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.

c) 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.

iii. 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.

iv. 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.

2. Citizenship - At least one (1) member of the household must be a U.S. Citizen or be 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.

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

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

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

a. 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.

b. 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.

c. Use of Retirement Savings for Down Payment - Down payment funds that are withdrawn from retirement accounts will be counted toward household net assets.

d. 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 16.10.900 Definitions).

5. Reasonable Accommodation

a. 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 don't 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.

b. 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:

i. 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 applicant's disability and verify that the individual has a disability that requires the Reasonable Accommodation.

ii. Assistance Animal Addendum – 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.

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

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b. 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. 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.

i. College-Aged Children - The income of adult children 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.

. . .

4. 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.

5. 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 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 16.10.004.C.5.

(Ord. _____ § 1, 2021; Ord.1260 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____

Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE G

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1261, 1242, AND 1195 AND SECTIONS 16.10.400(B)(4) AND 16.10.400(C) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS WEIGHTED DRAWING AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1261, 1242, and 1195 and Sections 16.10.400(B)(4) and 16.10.400(C) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.400 Weighted Drawing

4. 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.

5. 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.

6. 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.

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

8. 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.

C. Weighted Drawing Entry

1. 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.

2. Required Documents

a. 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.

b. 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.

c. 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.

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.

d. Other Types of Employment Verification – In cases where Affidavits of Employment are not possible, the Housing Department may accept the following documentation:

i. Full year W-2s with final pay stub of the year showing hourly wage and annual hours worked.

ii. Sworn statement/affidavit from past business owner or owner’s agent including hours worked.

iii. 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.

- iv. Military – two (2) years local employment verification prior to beginning military service.
- e. 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.
- f. 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.
- g. Credit Report – A full credit report may be required and must include a credit score along with data from all accounts.
- h. Self-employment Verification – Self-employed individuals must submit:
 - i. Three (3) years of complete business tax returns or as many years up to three (3) years that the business has been operating.
 - ii. Year-to-Date Profit & Loss and Balance sheet.
 - iii. Documents to verify hours worked:
 - a) Copies of business contracts/agreements.
 - b) Affidavits from vendors.
 - c) Detailed log of hours worked.
- i. Critical Service Provider Verification – Individuals working in approved Critical Service Provider Critical Service Provider positions must submit a Critical Service Provider Critical Service Provider Supervisor Questionnaire.
- j. 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.

(Ord. _____ § 1, 2021; Ord. 1261 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.
PASSED 2ND READING THE _____ DAY OF _____, 2021.
PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTIONS 16.10.500(A)(3)(c), (A)(4)(k), (6)(d),(e) AND (f) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS SALE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Sections 16.10.500(A)(3)(c), (A)(4)(k), (6)(d),(e) and (f) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.500 Purchase and Sale Standards and Procedures

c. 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. .

...

k 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.

...

d. Title - Applicants and Co-applicants are required to be on title to the home or sign an Occupancy Agreement. 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.

e. 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.

f. 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 an Occupancy Agreement.

...

f. 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 be on the title of the restricted housing unit or sign an Occupancy Agreement.

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SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2021.

PASSED 2ND READING THE ____ DAY OF _____, 2021.

PASSED AND APPROVED THE ____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____

Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE I

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTION 16.10.500(C) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS PURCHASE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Section 16.10.500(C) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.600 Rental Standards and Procedures

1. 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.

a. 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.

i. Errors - Every effort is made by the Housing Department to ensure fair and equitable lotteries. Lotteries 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.

b. 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.

c. No Qualified Weighted Drawing Entries – Refer to Section 16.10.004(B)(4) Other Sale/Resale Procedure.

d. 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.

e. Attainable Housing Program Sale Procedures

i) 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.

ii) 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.

iii) 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.

iv) 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.

v) 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.

vi. 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 as noted in Section 16.10.500.D.7.a. Privy to Purchase and Sales Agreement.

f. Qualification for Application

i. Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.

ii. 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 has to request further information from the applicant.

iii. 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.

iv. Lenders: See Section **16.10.500.A.7.d.** Lenders.

v. 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.

2. 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.

3. 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.

a. Materials Included with Application

i. Housing Department Application for Restricted Ownership or Rental Housing.

Application - 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:

a. That the facts contained in the application are true and correct to the best of the applicant's knowledge.

b. That the applicant has been given the standard application information packet by Housing Department Staff; and

c. 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.

d. This Certification and Oath is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department

ii. 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.

iii. 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.

iv. 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.

v. 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 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.

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.

vi. 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.

vii. 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.

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

a) 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.

b) Verification of Current Employment in Teton County - One or more of the following are needed to verify employment in Teton County:

1) Wage stubs.

2) Employer name, address, and phone number.

3) Contract for employment.

4) "Affidavit of Employment" (Housing Department).

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

c) 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.

d) 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.

e) Uniform Residential Loan Application - Applicants must provide a copy of the final “Uniform Residential Loan Application” at closing.

f) 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 sign an Occupancy Agreement along with the Owner or must sign an Occupancy Agreement.

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

h) Critical Services Provider - Organizations applying for critical services 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 recommendation from the supervisor is required. The “Supervisor Questionnaire” will need to be updated every six months.

i) 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.

i) 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.

j) 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.

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8. 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.

a. 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.

b. 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.

c. 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.

d. Application of Proceeds:

i. 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:

a) FIRST, to the payment of any unpaid taxes.

- b) SECOND, to the payment of any Qualified Mortgage.
- c) 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
- d) FOURTH, to the payment of the closing costs and fees.
- e) FIFTH, to the two percent (2%) facilitation fee to the Housing Department.
- f) SIXTH, to the payment of any penalties assessed against owner by the Housing Department.
- g) SEVENTH, to the repayment to the Housing department of any monies advanced by in connection with a mortgage or other debt with respect to a Residential Unit, or any other payment made in owner's behalf.
- h) EIGHTH, to any repairs needed for the Residential Unit; and
- i) NINTH, any remaining proceeds shall be paid to owner.

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

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

(Ord. _____ § 1, 2021; Ord. 1262 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2021.
PASSED 2ND READING THE ____ DAY OF _____, 2021.
PASSED AND APPROVED THE ____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE J

AN ORDINANCE REPEALING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTION 16.10.500(D) AND ADDING SECTION 16.10.850 OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS BUSINESS OPTION AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Section 16.10.500(D) of the Municipal Code of the Town of Jackson are hereby repealed and Section 16.10.850 of the Jackson Municipal Code is hereby added to read as follows:

(Ord. _____ § 1, 2021; Ord. 1262 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

16.10.850 Business Option

A. 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.

1. 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.
2. 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.
3. 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.
 - a. 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.
 - b. 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.
 - c. Option Agreement - The Housing Department verifies that the business is a true local business, organization, or government agency operating in Teton County.

d. Determination of Qualification.

- i. 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
- ii. 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.
- iii. 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.

4. Option Procedures.

- a. 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 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.
- b. 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:
 - i. Housing Department's receipt of a "Notice to Sell" by the owner of the property.
 - ii. Housing Department's exercise of its default option as set forth in the special restrictions.
 - iii. 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."

- c. Exercise of Option - An optionor shall have a timeframe 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 16.10.500.E.3.a. Qualified Business Application, 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:

- i. Qualified under "Option Agreement."
- ii. 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 16.10.500.E.3.b. Verification).

d. 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 16.10.500.C. Sales and Resale Procedures of these Housing Department Rules and Regulations.

i. 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.

e. 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:

i. Written Notice - The optionor provides the Housing Department with written notice that they wish to assign their option.

ii. Application - The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 16.10.500.E.3.a. Qualified Business Application).

iii. Housing Department Approval - If the business qualifies, the Housing Department will provide a "Qualified Business Letter" to the business and sign the "Option Agreement."

iv. Consideration - The assignment may not have any consideration except for consideration required to make the assignment legal.

5. Qualified Purchaser - The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

a. 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.

b. Qualified Household - A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 16.10.500.D. Purchase Procedures 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.

c. 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.

(Ord. _____ § 1, 2021)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE K

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1263, 1242, AND 1195 AND SECTION 16.10.600(E) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS RENTAL STANDARDS AND PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1263, 1242, and 1195 and Section 16.10.600(E) of the Municipal Code of the Town of Jackson is hereby amended and reenacted read as follows:

16.10.600 Rental Standards and Procedures

E. Affordable Rentals Owned by a Private Entity - 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
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 housing unit with more than two (2) bedrooms that is designed to house unrelated individuals and meets the requirements for a dormitory I the Livability Standards. 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.

3. Rental Housing Units (SFD or Apartments) - 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

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 = \1676 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.

Example:

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

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

(Ord. _____ § 1, 2021; Ord. 1263 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE L

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1264, 1242, AND 1195 AND SECTION 16.10.700(A) AND (B) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS COMPLIANCE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1264, 1242, and 1195 and Section 16.10.700(A) and (B) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.700 Compliance and Exception, Appeal, and Grievance Standards and Procedures.

A. Compliance Process - Special Restrictions 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.

1. Compliance Requirements.

- a. 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 annually or ownership of residential real estate, however, they may be required to verify occupancy and insurance requirements.
- b. 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.
- c. 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.
- d. 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.
- e. Exemption for Retirees - During ownership, if one (1) member of the household meets the retirement age as defined by the Federal Social Security Administration defined in these Housing

Department Rules and Regulations, the household will be exempt from continued compliance with income and employment eligibility standards.

f. 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.

...

B.3 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.

B.4 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.

(Ord. _____ § 1, 2021; Ord. 1264 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

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Lynsey Lenamond, Town Clerk

ORDINANCE M

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1266, 1242, AND 1195 AND SECTION 16.10.800(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS DEFINITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1266, 1242, and 1195 and Section 16.10.800(A) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.900 Definitions

23. **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.

...

55. Local Business: 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

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.

...

65. **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.

...

81. **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.

82. **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.

(Ord. _____ § 1, 2021; Ord. 1266 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk



JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Housing

PRESENTER: Stacy Stoker

MEETING DATE: September 13, 2021

SUBJECT: Housing Rules and Regulations – 2021 Adoption

STATEMENT/PURPOSE

The Board will consider adoption of the Housing Department Rules and Regulations document after its 45-day public comment period. The Council will consider adoption of the new Ordinances on Third Reading.

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 ("Rules and Regulations"). In August of 2019, and October of 2020 the Board and Council adopted several changes based on staff recommendation and public comment. At the July 12, 2021 JIM, the Council and Commissioners considered four (4) policy questions. Direction was given to staff to make changes to three (3) policies along with other clarifications within the Rules and Regulations.

The Board directed staff to make the recommended changes and advertise the document for the required 45-day public comment period prior to adoption. The Council directed staff to make the changes to the Ordinances and bring them to the Council for the required three readings prior to adoption.

The First Reading took place at the Regular Town Council Meeting on August 2, 2021. The Second Reading was held at the Regular Town Council Meeting on August 16, 2021. Written public comment received during the 45-day public comment period is attached.

Key Changes:

1. Replace the exemption of employment requirements for individuals with disabilities with a Reasonable Accommodation Process.
2. Allow Deferred Action Childhood Arrivals (DACA) recipients to qualify to purchase restricted homes.
3. Change the calculation method for dorms to be based on 30% of the low end of the income range and base it on one person per bedroom to determine household size. Divide the amount evenly by number of bedrooms. Change the definition of Dormitory 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.

Analysis:

1. 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.
2. While DACA recipients do not hold a US Citizenship status and are not considered Lawful Permanent Residents, they do have legal documentation such as a Social Security Number and Employment Authorization Documentation (EAD) and are at low risk for deportation. For these reasons, Fannie Mae, Freddie Mac, and FHA are currently providing

financing to DACA recipients for the purchase of homes. The Housing Authority has the option to purchase residential units via appointing the Housing Manager Attorney in Fact where/if needed.

3. Maximum rent should be directly related to the Median Family Income for Teton County. This is the best way to determine affordability for each income Range. Dorm rents have not been calculated in this manner in the past. Changing the method to calculate the rents for dorms will ensue affordability to the tenants.

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.

FISCAL IMPACT

N/A

STAFF IMPACT

Tracking, reviewing, and keeping notes on needed or potential changes to the Housing Rules and Regulations takes a significant amount of Housing and Legal staff scrutiny and time.

LEGAL REVIEW

L. Colasuonno and A. Moore

ATTACHMENTS

- Public Comment
- Housing Rules and Regulations with highlighted explanation of changes.
- Final Housing Rules and Regulations Document.
- Town Ordinance D (Ordinance 1289)
- Town Ordinance E (Ordinance 1290)
- Town Ordinance F (Ordinance 1291)
- Town Ordinance G (Ordinance 1292)
- Town Ordinance H (Ordinance 1293)
- Town Ordinance I (Ordinance 1294)
- Town Ordinance J (Ordinance 1295)
- Town Ordinance K (Ordinance 1296)
- Town Ordinance L (Ordinance 1297)
- Town Ordinance M (Ordinance 1298)

RECOMMENDATION

Staff and the Housing Authority Board recommend approval of the proposed changes.

SUGGESTED MOTION

County motion:

I hereby approve the amendments to the 2018 Jackson/Teton County Housing Department Rules and Regulations.

Town motion:

First Motion:

I move to read ordinances in short title.

Second Motion:

I move to approve ordinances D through M on third reading, and designate them ordinances 1289 through 1298, respectively.

From: [Monica Ruiz](#)
To: [Town Council](#)
Subject: Housing for DACA recipient
Date: Thursday, July 29, 2021 11:23:10 AM
Attachments: [image001.jpg](#)

To Whom It May Concern,

As a DACA recipient knowing that affordable housing will be available for us to purchase in the near future makes me feel part of the community and knowing we're being heard.

I would love to have a stable place to live and raise my daughter and not do worry about being kick out or not been able to afford rent.

Thank you giving us the chance to advocate for us.

Monica Ruiz, Operations Manager
Monica@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001
24 Hour Helpline | 307-733-SAFE

Advocates for safety, shelter, and hope
Domestic Violence | Sexual Assault | Stalking



Central Wyoming College - Jackson

240 S. Glenwood St. Jackson, Wyoming 83001 307.733.7425 jackson.cwc.edu

July 30, 2021

Dear Mayor Morton Levinson, Vice-Mayor Jorgensen, and Town Councilors,

We appreciate all the work you are doing this summer and year-round to keep our Town and community safe.

As you know, Central Wyoming College (CWC) is respectfully requesting 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.

At your Monday, August 2nd meeting, we hope you will make suggestions during the First Reading to reflect this change.

We feel this is important because programs such as nursing, accounting, and education are intensive and do not have the required working hours of some of the CWC programs such as the Culinary and Hospitality. Despite the fact that our students are 95% local, they face the same housing challenges that everyone does with reasons ranging from their current housing (parents) situation has changed, or they need to move out for personal or space reasons.

For example, most students entering the nursing program at CWC will take full time college classes for at least three years, and in order to succeed in the coursework it is not possible to work long hours. Access to subsidized housing will enable these students to prepare for jobs that are in high demand in our community and become one of our local workforce living in affordable, stable housing. We need an opportunity for these students to look forward to opportunities and careers in our community. One that allows local children the ability to grow their careers and contribute to their town after graduating high school.

Students would have to show they are enrolled at CWC no less than 24 credits a year and be employed, volunteer or have an internship in Jackson Hole for no less than an average of 15 hours per week over the year. CWC can work with the Housing Authority to adjust these calculations for students that have only a semester to complete their program. There can also be stipulations that those applying for subsidized workforce housing as a CWC student can show they have been Wyoming residents for at least one year. We also request that CWC internship hours be counted towards the work requirement hours.

This proposal is a path forward to providing an opportunity to these students and indicates an important priority of supporting local residents through a means to develop, nourish, and create a sustainable life here. We look forward to working together with you and staff.

I appreciate your consideration.

Sincerely yours,



Susan Durfee
CWC Jackson
Director

cc: April Norton, Jessica Jaubert, Willie Noseep



September 3, 2020

RE: DACA recipients and public homes

Dear Teton County Commissioners and Jackson Town Councilors,

Thank you for taking the time to consider allowing DACA recipients (also known as “Dreamers”) to apply for housing through the joint Housing Department. We support this proposal and ask you to permit Dreamers to purchase homes through our public Jackson/Teton County Affordable Housing Department.

Recently, [the Federal Housing Administration has given Dreamers the option to apply for mortgages](#), enabling them to purchase publicly-subsidized homes. DACA recipients also qualify for homes through the Jackson Hole Community Housing Trust and the Wyoming Community Development Authority. Applicants must have a Social Security number and employment authorization documents. We should enable Dreamers to own publicly-subsidized housing on a county level as well as a private, state, and federal level.

Dreamers are full participants in and members of our society, and their health and wellness benefits our whole community—and our economy. Wyoming DACA recipients and DACA-eligible individuals paid an estimated [\\$923,000 in state and local taxes in 2018](#). This summer, we have seen businesses and public services cut their operating hours and close their doors in the face of record-high visitation coupled with skyrocketing real estate prices. Providing homes to local workers is of the utmost importance if we are going to have a sustainable economy, especially as the demand for service workers and bilingual employees rises.

Given the housing emergency in Jackson Hole, we must allow all critical members of our community and our workforce to access resources that give them the opportunity for housing security. **Please support the staff’s recommendation and allow DACA recipients to apply for community housing now.** We support our immigrant workers just like all of our local workers, and they too deserve a fair chance to participate in publicly-subsidized housing and realize the dream of living securely in Jackson Hole.

Sincerely,

ShelterJH

Clare Stumpf - Coordinator

Mary Erickson, Elizabeth Hutchings, Christine Walker, Mike Welch, Skye Schell, Ryan Nourai,
Ash Hermanowski - Board of Directors

From: [Anna Kerr](#)
To: [Town Council](#); [Board Of County Commissioners](#)
Subject: DACA home ownership
Date: Monday, August 23, 2021 1:25:17 PM

Jackson and Teton Co electeds,

I am writing to voice my support for DACA recipients eligibility for home ownership in Teton County.

The Dreamers that I work with and am surrounded by daily here in Teton County are absolutely essential to keep this valley running (far more so than second home owners who are rarely ever here or remote workers who are helping the rise of increasing rent and real estate prices). Dreamers live here, work here, and keep local businesses open, along with simply being human beings deserving the right to own a home of their own.

I urge you to move forward in allowing them home ownership in Teton County.

Thank you,
Anna Kerr

From: Victoria Parker <vdparker17@gmail.com>

Sent: Wednesday, July 14, 2021 10:10 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Address the housing crisis!

Good evening Commissioners,

I'll keep this brief and polite, please address the much neglected community of Jackson and implement affordable housing immediately. Vote YES for affordable housing.

Business owners and employees are extremely tired, stressed and the reality is- the crisis is causing people to turn down a very sad road. Take Creekside, for example.

Also I read this book last summer, maybe you should give it a read for a stark reminder of the situation you are responsible for.

<https://press.princeton.edu/books/hardcover/9780691176673/billionaire-wilderness>

Thanks,

Tori

Sent from my iPhone, please excuse any unusual typos.

From: Nataly Espinoza <nataly0922@live.com>

Sent: Thursday, July 22, 2021 1:12 PM

To: towncouncil@jacksonwy.gov; Board Of County Commissioners
<commissioners@tetoncountywy.gov>

Subject: Affordable Housing for Dreamers

Dear members of the Town Council & County Commissioners:

I am writing this letter in support of allowing recipients of Deferred Action for Childhood Arrivals (DACA) to apply for affordable home ownership in Teton County, Wyoming.

I was 14 years old when I arrived in Jackson, Wyoming in the summer of 2000 and have since lived in the area. I graduated from our local High School in 2003 and I then attended the University of Wyoming where I also graduated with a B.S. in Political Science in 2007. Although I was

fortunate to attend college before the DACA program was created, my desire to attend the College of Law at UW after graduation came to a halt due to the legal complexities of my status without DACA at the time. For people who may have this idea that immigrating to this country or simply trying to “get legal” is a viable process; the reality is rather grim.

I returned to Jackson after graduating college and once DACA was created I was able to put my skills to work. I worked for the Town of Jackson for over six years. I also became a mother in 2019 right before our entire community, country, and the world found themselves dealing with an unimaginable pandemic. Needless to say as a new mother I faced new challenges and difficulties in the midst of a pandemic. I left my job with the town in the fall of 2020 and I now work part- time in town. This has been a good alternative as I am able to take care of my child without the stress of not being able to find adequate and affordable child care.

However, as all of us working people struggle to find affordable housing I wonder how much longer I can remain in this area and raise my child. I consider Jackson my home and my son was born here, so this is home for us. Affordable home ownership is a dream that many working people aspire to, this includes my family. There are many rights and responsibilities as a DACA recipient; I have been given the right to live and work in this country, although this program is uncertain and it will remain uncertain until and if it is settled in the Courts and/or Congress. There are also costly payments associated with being a DACA recipient as well as background checks and biometrics taken before a two-year period expires. This is not a “free-ride” program, yet it is a fair program. Allowing applications for affordable home ownership for tax-paying DACA recipients is not infringing on other qualifying applicants’ opportunity to own an affordable home, it is a fair and just decision and I ask you to respectfully change the rules to allow for a path for home ownership. I am hopeful that we can keep and maintain a rich and diverse group of community members; I would very much dislike to see this community become an exclusive community.

Thank you for your time and consideration.

Sincerely,

Nataly Espinoza

From: Olivia Schultheis <olivia@csnjh.org>

Sent: Wednesday, July 14, 2021 3:35 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Allow Dreamers to Buy Homes

To Whom It May Concern,

I fully support changing the rules that govern who is eligible to buy publicly subsidized and “affordable” workforce homes so DACA recipients can be given the chance to purchase these units. I believe DACA recipients have the right to purchase public affordable houses. It would be unethical if the Town Council and Teton County Board of County Commissioners did not change the rules to include DACA community members.

Thank you for giving the community an opportunity to make comment.

Regards,

Olivia Schultheis, Operations & Advocate Manager

olivia@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001

24 Hour Helpline | 307-733-SAFE

Advocates for safety, shelter, and hope

Domestic Violence | Sexual Assault | Stalking

From: Pamela Gumport <pamelagumport@gmail.com>

Sent: Wednesday, July 14, 2021 12:35 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Comment re Dreamers/Affordable housing

Hopefully legal US tax paying residents/citizens working in Jackson have priority over the dreamers.

Pam Ucko Gumport

908.451.2389

Please note my new email address is pamelagumport@gmail.com

From: Andrii Onysko <andriio@uoregon.edu>

Sent: Wednesday, July 21, 2021 10:53 AM

To: Board Of County Commissioners <commissioners@tetoncountwy.gov>

Subject: DACA/Affordable Housing

Dear Commissioners,

I hope this e-mail finds you well. My name is Andrii and I have been a resident of Teton County for the past 7 years. I have recently completed my first year at the University of Oregon School of Law, but I am planning on returning to Teton County after graduation.

I have been appalled to find out the County Commission is planning to extend the affordable housing eligibility onto undocumented children of illegal migrants from Central America. While there has been no substantive improvement in the availability of affordable housing in the county, it's shocking to realize that local authorities are extending the eligibility onto people whose status in the country is highly questionable and likely not permanent.

I would love to attend the County Commissioners' meeting and express my discontent with this decision.

Would you be willing to provide me the schedule of public hearings on this matter?

Thank you,



Andrii Onysko | 1L Student

p: (917) 974-2838

e: andriio@uoregon.edu

-----Original Message-----

From: Becca Williams <rebeccawilliams1180@gmail.com>

Sent: Monday, July 19, 2021 7:36 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Homeowner Rights for DACA Recipients

Dear County Commissioners,

My name is Rebecca Williams and I have lived in Jackson for 3 years. I work for the Teton Literacy Center and used to work for Teton Science Schools. I consider myself an active member of the community in Jackson, and am very involved with education and families who live in the valley. I love Jackson, and want it to be a place that values all of our community members. I know people who are DACA recipients who have contributed time, love and money to our community in ways that far exceed what I have done in my own few years here. However, because I am a citizen I have certain rights that someone who is a DACA recipient does not have. I know that Jackson values all of its community members, and think it is very clear that we need to shift our rules on homeownership to start to show that. I believe that the town of Jackson can be a model for the rest of the world and show people what it looks like to really practice what we preach about valuing individuals, community, and equality. So, I am asking you to please change our law in Jackson so that DACA recipients are allowed to be homeowners. This is one small and achievable step that Jackson as a town has the power to take.

Thank you for your time,

Becca

Sent from my iPhone

From: Kinney, Thomas <tkinney@stjohns.health>
Sent: Saturday, July 17, 2021 3:36 PM
To: April Norton <ahnorton@tetoncountywy.gov>
Subject: Re: July 16 Housing Update

[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.]

April, thank you for the update. Was there any discussion of my request to consider a way to make exceptions to the minimum time lived here, in order to help with recruitment?

-
-
-

#housingjh #communityfirstresortsecond



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From: Laura Langberg <lauralangberg@gmail.com>

Sent: Sunday, July 18, 2021 4:42 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Re: Proposal for DACA recipient eligibility for affordables

Hello,

I am writing to voice my support for the proposal to allow DACA recipients to buy affordable housing in Jackson and Teton County. Many DACA recipients have been members of this community since they were young and have contributed in more ways that can be counted. Furthermore, they are *people* and deserve a chance at housing stability.

Thank you for your consideration,

Laura

From: K B <kevin@afterbyrner.com>

Sent: Monday, July 19, 2021 8:03 AM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Proposal to all US non-citizens to purchase county housing

Hello All,

With regards to the following article (<https://buckrail.com/local-daca-recipients-could-qualify-for-affordable-housing/>) the Teton County Commissioners have no legal standing to authorize taxpayer subsidies going to people who are not recognized Federally as having legal standing as citizens (<https://www.cnet.com/news/federal-judge-rules-daca-is-illegal-blocks-new-applicants/>). The fact that you need to talk about this issue as is suggests there is a desire amongst town/county officials to creatively break the law and divert tax payer money for illegal use. If there is a desire amongst Teton County and/or the town of Jackson commissioners to support DACA members it should be done through their personal financial means only. I contend you also have no moral standing to support DACA members with taxpayer funds when there are so many legal US citizen residents of Teton County in dire need of housing such as sheriff's deputies who can't afford currently to live within Jackson proper. Please do not get our county mixed up within this illegal DACA mess and keep your focus on matters that only benefit the US citizen tax payers of Teton County.

Regards,

Kevin Byrne

Alta, WY

From: Anne Stalker <anne.sonshine@charter.net>

Sent: Sunday, July 18, 2021 4:19 PM

To: Board Of County Commissioners <commissioners@tetoncountywy.gov>

Subject: Public comment regarding DACA folks in JH purchasing affordable homes in Teton County

Dear Commissioners,

Thank you for your service and hard work.

This is a public comment regarding DACA folks in JH purchasing affordable homes in Teton County

Please leave the regulations stand as they are currently written -- that households looking to buy properties restricted by the Housing Department must have at least one adult member who is a U.S. citizen or a green card holder.

That policy echoes current law, American justice, and common sense.

President Obama did not have the authority to grant amnesty to any group or subset of a group who entered the USA illegally. It was Executive Branch overreach. Obama circumvented Congress. One of the consequences is that as such DACA folks drain WY educational, healthcare, and (with this proposed change) subsidized housing resources. DACA violates Administration Procedure Act according to the news.

Facts don't care about feelings. Everyone and their brother wants to live in Teton County. Tons of folks want hand outs regarding housing in Teton County. Illegals are illegal. PERIOD!

Please, just say "No" to the proposed change.

Respectfully,

Anne Stalker

15 year resident of Jackson, WY

From: Grace Peck <gracepeck6@gmail.com>
Sent: Saturday, July 31, 2021 8:56 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: DACA Recipients and Affordable Housing

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing today to encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities for home ownership through the Teton County Housing Department.

I am a local business owner, and have had hiring struggles as many other local businesses have had this season. Jackson needs talented young professionals, but the high cost of housing and the scarcity of affordable housing is driving many young adults away. Many DACA recipients either already have college degrees or are working towards them. Although they may want to stay in Jackson after finishing college, the housing crunch is causing many of them to move away. They are taking their talent elsewhere.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Extending affordable homes to DACA recipients helps local businesses and the economy.

By extending the ability to purchase affordable housing to DACA recipients, you can help ensure Jackson remains a community for our talented local workforce.

Thanks for your consideration,

Grace Peck

From: [Isabel Zumel](#)
To: [Town Council](#)
Subject: Homeownership for DACA recipients
Date: Sunday, August 22, 2021 5:42:00 PM
Attachments: [SFH FHA INFO 21-04.pdf](#)

Dear Mayor Morton Levinson and Town Council Members,

I am writing in support of the proposed housing rule change to allow DACA recipients to apply for affordable homeownership opportunities through the Jackson/Teton County Housing Department.

Per a [January 20, 2021 Federal Housing Authority \(FHA\) Memo](#), the FHA is now permitting DACA recipients who are legally permitted to work eligibility for FHA-backed mortgages. (Memo is attached.) Allowing DACA recipients who are residents of the Town of Jackson or Teton County to apply for affordable homeownership opportunities would bring our local rules into closer alignment with the FHA policy change.

I understand that questions have been raised about ensuring the DACA and work authorization status of individuals who may attain affordable homes should our local rules change. The FHA memo addresses this in detailing that employment authorization is a requirement for DACA status recipients who apply for FHA-backed mortgages. It states “The Employment Authorization Document [issued by USCIS] is required to substantiate work status. If the Employment Authorization Document will expire within one year and a prior history of residency status renewals exist, the lender may assume that continuation will be granted. If there are no prior renewals, the lender must determine the likelihood of renewal based on information from USCIS.”

My estimation is that the majority of local DACA recipients who would be in a position to apply for homeownership and qualify for a loan are those who have had DACA renewals. Like all prospective homeowners, a solid and tenured work and income history is a prerequisite for working individuals seeking a mortgage.

I know local DACA recipients who are bilingual, bicultural professionals in our community or who have recently completed bachelor’s and master’s degrees. They are counselors, teachers, nonprofit staff, nurses and support staff in medical/dental and banking fields. Returning to Jackson and Teton County after completing post-secondary education or remaining in Teton County is a common goal in order to be closer to their families, most of whom have been settled in Jackson and Teton County for 15-20 years. These young adults know our community well, having completed most, if not all, of their K-12 education in our community. Their skills are essential to our community’s future.

Thank you for your consideration.

Sincerely,
Isabel Zumel

From: [Lori McCune](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: housing and DACA
Date: Tuesday, July 27, 2021 10:28:40 AM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities to apply for home ownership through the Teton County Housing Department.

As a retired teacher in Driggs myself, whose daughter and son-in-law both work in the Jackson school system, I have often thought about the quantity of money that our communities have already spent educating DACA recipients and their siblings and friends. They speak, read and write English because of the time, energy and funds we have poured into them. They have skills of all types because of their Teton County education and the fact that most have been working in our community alongside their parents since they were children. Many have had the opportunity to study post-high school at CWC in Jackson or UW or trade schools while their parents worked 2-3 jobs back in Jackson to proudly provide for their Jackson Hole High School grads.

Jackson needs talented young professionals and workers of all types, as we all know. But the high cost of housing and the scarcity of affordable housing is driving away young adults of all ilks. So many of my former students have had to move far from Jackson in order to find housing. They are taking their talent elsewhere. This great place is actually experiencing "brain drain" due to our lack of housing availability.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Their strong ties to the community due to their extended families living in the area, their school friends, their life-long JH contacts, will positively influence the business climate and economy of this town for decades to come.

Please consider extending the ability to purchase affordable housing to DACA recipients, which will only help ensure Jackson remains a community for our talented local workforce.

Thank you for your service to our whole community,
Lori

Lori L. McCune
Immigrant Hope - Wyoming/Idaho
90 W Kelly Ave/PO Box 942
Jackson WY 83001
208-709-0131
lori.mccune@immigranthope.org

From: [Joe Petrick](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: Housing Authority Board's recommendation for DACA recipients
Date: Thursday, July 29, 2021 3:27:45 PM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing to ask you to approve the Housing Authority Board's recommendation that DACA recipients be allowed to purchase affordable housing managed by the County and Town. DACA recipients are immigrants who were brought to the US when they were children. Many local DACA recipients see the US, and the Jackson area in particular, as home.

In thinking about what we want our community to look like, I hope you will agree with me that Jackson should be a diverse community in which the local workforce can afford to live and continue to call home. Those who grew up here, including DACA recipients, should have priority in housing. This is a pivotal issue as DACA recipients have grown in the Jackson area since they were children, and continue to contribute to this community.

DACA recipients are school counselors, teachers, nonprofit staff, and nurses to name just a few of the important positions they fill within our community. By allowing DACA recipients to purchase affordable housing in Jackson, they can gain a foothold in the area and know that they have a place to raise a family. Let's make sure these important community members are not left out of housing opportunities!

Thank you,

Joe Petrick

From: [Monica Ruiz](#)
To: [Town Council](#)
Subject: Housing for DACA recipient
Date: Thursday, July 29, 2021 11:23:10 AM
Attachments: [image001.jpg](#)

To Whom It May Concern,

As a DACA recipient knowing that affordable housing will be available for us to purchase in the near future makes me feel part of the community and knowing we're being heard.

I would love to have a stable place to live and raise my daughter and not do worry about being kick out or not been able to afford rent.

Thank you giving us the chance to advocate for us.

Monica Ruiz, Operations Manager
Monica@csnjh.org | 307-733-3711



PO Box 1328 Jackson WY 83001
24 Hour Helpline | 307-733-SAFE

Advocates for safety, shelter, and hope
Domestic Violence | Sexual Assault | Stalking

From: [Anahi Morillon](#)
To: [Town Council](#)
Subject: Housing Ownership for Daca Recipients
Date: Tuesday, July 27, 2021 6:12:08 PM
Attachments: [Screen Shot 2021-01-20 at 2.59.31 PM.png](#)

Dear Members of Town Council and County Commissioners,

I am a Deferred Action for Childhood Arrival DACA recipient. I have been a member of the Jackson community for 21 years. As a community member of this town, I am writing to ask you for your participation to vote on the suggestions to change the rules and regulations of the Housing Department that would allow DACA recipients, like myself, the opportunity for homeownership through the Teton County Housing Department.

I consider Jackson my home. I attended the school system and have created personal and professional bonds with the Jackson community. I currently hold employment with community business owners, such as Vista Counseling. I work as a bilingual and cultural therapist and social worker who focuses on providing holistic trauma-informed therapy. I hold a Bachelor's and Master's degree in Social Work from the University of Wyoming. I'm an active member of the community by providing fundamental services to both the Hispanic and Anglo communities. Due to my position as a therapist, I have noticed that the basic needs of many of my clients and myself have not been met due to a shortage of housing in this community. It's shocking to see the direct correlation that the lack of housing has on our mental health and overall lives.

I consider myself being part of this community, yet, I currently do not have access to own my own house. I have to rely on renting which has become extremely difficult to find and unreliable. My contract can be terminated at any instant leaving me with no other option but to relocate myself and my family to another part of this nation. This would be unfortunate since I would no longer be able to provide mental health services to all community members. Due to the ever-growing community, it is evident this community is in high need of multicultural professionals who can help grow the economy. In addition, DACA recipients currently qualify for FHA loans, and securing a mortgage is no longer a barrier in seeking homeownership.

I want to continue to be your neighbor, friend, and most importantly continue to provide services to this community. Your vote can not only change my life, but also the life of other DACA recipients who contribute to this community.

Thank you for your consideration!

Anahi Morillon, MSW, PCSW

DACA recipient & community member



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From: [Hillary Rowse](#)
To: [Board Of County Commissioners](#); [Town Council](#)
Subject: Housing Ownership Opportunities for DACA Recipients
Date: Monday, August 16, 2021 1:26:25 PM

Dear Teton County Commissioners, Town of Jackson Mayor, and City Council Members,

I am writing today to encourage you to vote in support of approving the recommended changes to the rules and regulations of the Housing Department which would allow DACA recipients opportunities for home ownership through the Teton County Housing Department.

Jackson needs talented young professionals, but the high cost of housing and the scarcity of affordable housing is driving many young adults away. Many DACA recipients either already have college degrees or are working towards them. Although they may want to stay in Jackson after finishing college, the housing crunch is causing many of them to move away. They are taking their talent elsewhere.

Meanwhile, nonprofits, local government, and businesses are all looking for bilingual workers. Jobs exist for DACA recipients, and local businesses are desperate to hire them, but DACA recipients have limited options when it comes to housing. Staying with their parents or living with many roommates is feasible when they are young, but it is not a long-term solution. Extending affordable homes to DACA recipients helps local businesses and the economy.

By extending the ability to purchase affordable housing to DACA recipients, you can help ensure Jackson remains a community for our talented local workforce.

Thanks for your consideration,

Hillary Rowse



FHA INFO #21-04

January 20, 2021

FHA to Permit DACA Status Recipients to Apply for FHA Insured Mortgages

Effective January 19, 2021, the Federal Housing Administration (FHA) is permitting individuals classified under the "Deferred Action for Childhood Arrivals" program (DACA) with the U.S. Citizenship & Immigration Service (USCIS) and are legally permitted to work in the U.S. are eligible to apply for mortgages backed by the FHA.

Prior to today's announcement, the FHA Single Family Housing Handbook ("Handbook 4000.1 Section II.A.1.b.ii(A)(9)(c) includes this statement: ***"Non-US citizens without lawful residency in the U.S. are not eligible for FHA-insured mortgages."*** This language was incorporated into the FHA Handbook by the Obama Administration in September 2015 although it was first incorporated into FHA guidelines in 2003.

The term "lawful residency" pre-dates DACA and thus did not anticipate a situation in which a borrower might not have entered the country legally, but nevertheless be considered lawfully present. To avoid confusion and provide needed clarity to HUD's lending partners, FHA is [waiving](#) the above referenced FHA Handbook subsection in its entirety. In a subsequent update to the FHA Handbook the language will be removed.

Other FHA requirements remain in effect for all potential borrowers including DACA status recipients:

- the property will be the borrower's principal residence;
- the borrower has a valid Social Security Number (SSN), except for those employed by the World Bank, a foreign embassy, or equivalent employer identified by HUD;
- the borrower is eligible to work in the U.S., as evidenced by the Employment Authorization Document issued by the USCIS; and
- the borrower satisfies the same requirements, terms, and conditions as those for U.S. citizens.

The Employment Authorization Document is required to substantiate work status. If the Employment Authorization Document will expire within one year and a prior history of residency status renewals exists, the lender may assume that continuation will be granted. If there are no prior renewals, the lender must determine the likelihood of renewal based on information from the USCIS.

A borrower residing in the U.S. by virtue of refugee or asylee status granted by the USCIS is automatically eligible to work in this country. The Employment Authorization Document is

not required, but documentation substantiating the refugee or asylee status must be obtained.

Quick Links

- Waiver of Handbook 4000.1:
https://www.hud.gov/program_offices/administration/hudclips/waivers/
- Online and PDF versions of the SF Handbook at:
https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsgb

Need Support? Contact the FHA Resource Center.

- Visit our knowledge base to obtain answers to frequently asked questions 24/7 at www.hud.gov/answers.
- E-mail answers@hud.gov. Emails and phone messages will be responded to during normal hours of operation, 8:00 AM to 8:00 PM (Eastern), Monday through Friday on all non-Federal holidays.
- Call 1-800-CALLFHA (1-800-225-5342). Persons with hearing or speech impairments may reach this number by calling the Federal Relay Service at 1-800-877-8339.

About FHA INFO

FHA INFO is a publication of the Federal Housing Administrations (FHA), Office of Single Family Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. We safeguard our lists and do not rent, sell, or permit the use of our lists by others, at any time, for any reason.

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Reilly K. Ward, Attorney at Law

Reilly K. Ward
RW@TrefonasLaw.com

Teton County Board of County Commissioners
Administration Building
200 S Willow Street
Jackson, WY 83001

Town of Jackson
Mayor & Town Council
150 E Pearl Avenue
Jackson, WY 83001

September 7, 2021

Dear Members of Town Council and County Commissioners:

I have practiced immigration law since 2014, and I have been practicing in this field in Jackson since 2018. While my practice primarily focuses on representing employers in connection with work visa applications and the sponsorship of foreign workers, my practice in Jackson also includes representing numerous DACA recipients in our community.

First, I write to reiterate that our DACA recipients are, by both virtue of their humanity and by legal definition, a valuable and essential part of our community. To qualify for DACA, these individuals must prove that (a) they were brought to the US as children, prior to 2007, (b) that they have completed (or are working toward completing) a high school education, and (c) that they have no significant criminal history.¹ These people have been part of our schools, our social

¹ The United States Immigration and Citizenship Services website clearly sets forth the following criteria, which each DACA recipient must have proven in order to qualify for DACA status:

- (1) The individual was under the age of 31 as of June 15, 2012;
- (2) The individual came to the United States before reaching their 16th birthday;
- (3) The individual has continuously resided in the United States since June 15, 2007, up to the present time;
- (4) The individual was physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- (5) The individual had no lawful status on June 15, 2012, meaning that:
 - They never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that they obtained prior to June 15, 2012, had expired as of June 15, 2012;

circles, our churches and community groups, and our sports leagues for FAR longer than most people who currently live in Jackson (myself included). Our local DACA recipients include business owners, bankers, landscapers, restaurant managers and staff, and peer counselors (just to name a few).

Because they were brought to the US as children, DACA recipients have not (and could not have) made the conscious choice to violate the immigration laws of the United States. However, each DACA recipient has made the conscious choice to raise their hands, to tell the US government that they are here, and to provide the government with information that could enable them or their families to be deported. Every 2 years, they are required to pay another \$495+ to USCIS, hire an attorney to complete renewal application, and again prove to USCIS that they continue to meet the DACA criteria. In exchange, DACA recipients are given a Social Security Number, and a two-year unrestricted employment authorization document. DACA status alone affords them no path to citizenship, and no ability to sponsor family members. In essence, they exist in a continual state of “probation,” in spite of having no criminal history.

Without minimizing the individual merits of each DACA recipient that I have had the pleasure to know within this community, I have been asked to specifically address the importance of DACA recipients to our local employers. In short, the work authorized status afforded to DACA recipients also extends protections to our local employers. If an employer hires a noncitizen who lacks work authorized status in the US, or a noncitizen whose work authorized status was sponsored by a different employer, that employer opens themselves up to liability. Sponsoring a noncitizen for work authorized status is not only expensive and time consuming, but it is often impossible (for example, in cases where the prospective noncitizen employee has a history of immigration violations). DACA affords an exceptional category of temporary, work-authorized status that is not specific to a certain employer. This means that DACA recipients can change employers, or work for multiple employers, without the employer having to pay for sponsorship or incur potential liability.

With the shortage in today’s labor market, the flexibility that employers enjoy in hiring DACA recipients is significant. The DACA population, therefore, represents an essential labor pool within our existing community. Just like with our entire local labor pool, the biggest issue in hiring and retaining these workers becomes housing. Because these individuals, by definition, have more tenure in this community than most of us, they are perhaps even more deserving of access to affordable housing in this community than the newer transplants to this community (like myself).

-
- (6) The individual was currently in school, or had graduated or obtained a certificate of completion from high school [GED]... or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
 - (7) The individual has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

For these reasons, I urge the Town Council to support the proposed changes to affordable housing eligibility, and include DACA recipients among those eligible for affordable housing in the Jackson area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Reilly K. Ward". The signature is fluid and cursive, with the first name "Reilly" being more prominent.

Reilly K. Ward, *Attorney at Law*
WY SBN 7-6201 / CO SBN 51013



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Reilly K. Ward, Attorney at Law

Teton County Board of County Commissioners
Administration Building
200 S Willow Street
Jackson, WY 83001

Town of Jackson
Mayor & Town Council
150 E Pearl Avenue
Jackson, WY 83001

September 7, 2021

Dear Members of Town Council and County Commissioners:

I have practiced immigration law in Jackson since 2006, which includes representing numerous DACA recipients in our community. I write to reiterate that our DACA recipients are, by both virtue of their humanity and by legal definition, a valuable and essential part of our community. I urge the Board and Council to include DACA recipients among those eligible for affordable housing in the Jackson area.

To qualify for DACA, these individuals must prove that (a) they were brought to the US as children, prior to 2007, (b) that they have completed (or are working toward completing) a high school education, and (c) that they have no significant criminal history.¹ These people have been part of our schools, our social circles, our churches and community groups, and our sports leagues for FAR longer than most people who currently live in Jackson. Our local DACA recipients include

¹ The United States Immigration and Citizenship Services website clearly sets forth the following criteria, which each DACA recipient must have proven in order to qualify for DACA status:

- (1) The individual was under the age of 31 as of June 15, 2012;
- (2) The individual came to the United States before reaching their 16th birthday;
- (3) The individual has continuously resided in the United States since June 15, 2007, up to the present time;
- (4) The individual was physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- (5) The individual had no lawful status on June 15, 2012, meaning that:
 - They never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that they obtained prior to June 15, 2012, had expired as of June 15, 2012;
- (6) The individual was currently in school, or had graduated or obtained a certificate of completion from high school [GED]... or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- (7) The individual has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

business owners, bankers, landscapers, law enforcement and EMTs, nurses, restaurant managers and staff, and peer counselors (just to name a few).

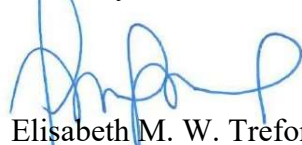
Because they were brought to the US as children, DACA recipients have not (and could not have) made the conscious choice to violate the immigration laws of the United States. However, each DACA recipient has made the conscious choice to raise their hands, to tell the US government that they are here, and to provide the government with information that could enable them or their families to be deported. Every 2 years, they are required to pay another \$495+ to USCIS, hire an attorney to complete renewal application, and again prove to USCIS that they continue to meet the DACA criteria. In exchange, DACA recipients are given a Social Security Number, and a two-year unrestricted employment authorization document. DACA status alone affords them no path to citizenship, and no ability to sponsor family members. In essence, they exist in a continual state of “probation,” in spite of having no criminal history.

Without minimizing the individual merits of each DACA recipient that I have had the pleasure to know within this community, the work authorized status afforded to DACA recipients also extends protections to our local employers. If an employer hires a noncitizen who lacks work authorized status in the US, or a noncitizen whose work authorized status was sponsored by a different employer, that employer opens themselves up to liability. Sponsoring a noncitizen for work authorized status is not only expensive and time consuming, but it is often impossible (for example, in cases where the prospective noncitizen employee has a history of immigration violations). DACA affords an exceptional category of temporary, work-authorized status that is not specific to a certain employer. This means that DACA recipients can change employers, or work for multiple employers, without the employer having to pay for sponsorship or incur potential liability.

With the shortage in today’s labor market, the flexibility that employers enjoy in hiring DACA recipients is significant. The DACA population, therefore, represents an essential labor pool within our existing community. Just like with our entire local labor pool, the biggest issue in hiring and retaining these workers becomes housing. Because these individuals, by definition, have more tenure in this community than most of us, they are perhaps even more deserving of access to affordable housing in this community than the newer transplants to this community (like myself).

For these reasons, I urge the Town Council to support the proposed changes to affordable housing eligibility and include DACA recipients among those eligible for affordable housing in the Jackson area.

Sincerely,



Elisabeth M. W. Trefonas, *Attorney at Law*
WY SBN 6-4168 / CA SBN 242533

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 2021

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

Summary of Housing Programs

Table of Contents

SUMMARY OF HOUSING PROGRAMS	8
SECTION 1. PURPOSE AND GENERAL GOALS	13
1-1. Purpose	13
a. Applicability.....	13
1-2. General Policy Goals	15
a. Promoting Economic and Social Diversity.....	15
b. Ensuring Long-Term Affordability	15
c. Providing Housing for the Local Workforce	15
d. Providing Fair and Consistent Administration	15
1-3. Relationship to Land Development Regulations.....	16
a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations	16
b. References Retained for Convenience.....	17
SECTION 2. HOUSING DEVELOPMENT STANDARDS	19
AND PROCEDURES	19
2-1. Purpose	19
a. Applicability.....	19
b. General Policy Goals	20
2-2. Housing Mitigation Plan.....	20
a. Procedures	20
b. Content	21
2-3. Livability Standards <u>Livability Standards</u>	Error! Bookmark not defined.
a. Process	24
b. Intent.....	24
c. Acceptance of Restricted Housing Units.....	25
d. Standards for Restricted Units.....	25
e. Standards for Dormitories	31
f. Standards for Conversions of Existing Housing Stock.....	32
SECTION 3. QUALIFICATION & ELIGIBILITY.....	34
3-1. General Descriptions.....	34
a. Qualification.....	34

Summary of Housing Programs

b. Eligibility	34
3-2. Qualification	34
a. Employment Requirement	34
b. Citizenship	37
c. Age	37
d. Financial Ability	37
e. REASONABLE ACCOMMODATION	38
3-3. Eligibility	40
a. Household Income	40
b. Household Net Assets	43
c. Readiness to Purchase	45
d. Homebuyer Education	46
e. Online Intake Form	46
SECTION 4. WEIGHTED DRAWING	47
4-1. Minimum Occupancy Requirement	47
4-2. Weighted Drawing Points	48
a. Employment	49
b. Additional Points	49
c. Accessible Units	50
d. No Qualified Entries	51
e. Email Confirmation	51
f. Incomplete Weighted Drawing Entries	51
g. Drawing Results	51
h. Town and County Options	51
4-3. Weighted Drawing entry	52
a. Open Weighted Drawing	52
b. Required Documents	52
SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES	55
5-1. Sale and Resale Standards	55
a. Applicability	55
b. Maximum Sales Price	57
c. Maximum Resale Price	58

Summary of Housing Programs

d. Selling Procedures.....	61
e. Capital Improvement Standards.....	64
f. Resale and Transfer Limitations.....	65
g. Other Sale and Resale Standards.....	68
5-2. Purchase Procedures	71
a. Selection of Qualified Household	71
b. Viewing of Restricted Housing Unit	73
c. Submit Application.....	73
d. Verification of Application	77
e. Verification of Qualified Household.....	78
f. Qualification Letter	78
g. Purchase and Sale Agreement	78
h. Purchase by Housing Authority.....	80
SECTION 6. RENTAL STANDARDS AND PROCEDURES	83
6-1. Applicability.....	83
6-2. Housing Department Program Rental Standards and Procedures	83
a. Affordability	83
b. Primary Residence	85
c. Eviction.....	86
d. Selection Process	86
e. Complete Application	86
f. Verification of Selected Household.....	87
g. Materials Required.....	87
h. Verification of Application	88
i. Qualification Letter	88
6-3. Private Owner Rental Standards and Procedures.....	88
a. Primary Residence	88
b. Rental Procedures for Owner -Occupied Properties	89
6-4. Affordable Rentals Owned by a Private Entity.....	92
a. Affordability	92
SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES	95

Summary of Housing Programs

7-1.	Compliance Process	95
a.	Compliance Requirements.....	95
b.	Submittal and Timeline	96
c.	Common Default Violations	96
7-2.	Process for Default Contested Case Hearings.....	99
a.	Notice of Default	99
b.	Request for Default Hearing	99
c.	Failure to Respond to Default	100
d.	Multiple Defaults	100
e.	Default Hearing	100
f.	JTCHA Deliberation and Decision	101
7-3.	Process for Exception Hearing	103
a.	Request for Exception	103
b.	Request for Exception Hearing Process	103
c.	Housing Department Review and Recommendation	104
d.	Hearing.....	104
e.	Other Remedies	106
7-4.	Grievance Procedure.....	106
a.	Request for Grievance Form	106
b.	Housing Department Review and Decision.....	106
	SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS	108
8-1.	Occupancy and Use.....	108
a.	Household Income	108
b.	Employment Requirement.....	108
c.	No Teton County Residential Real Estate	108
d.	Occupancy.....	108
e.	Use	110
	SECTION 9. OTHER HOUSING PROGRAMS.....	112
9-1.	Business Option	112
a.	Purpose and Program Goals	112
b.	Applicability.....	112
c.	Qualified Business	112

Summary of Housing Programs

d. Option Procedures	113
e. Qualified Purchaser.....	115
9-2. Preservation Program	116
a. Purpose and Program Goals	Error! Bookmark not defined.
b. Applicability.....	Error! Bookmark not defined.
c. Down Payment Assistance.....	Error! Bookmark not defined.
d. Housing Department Purchase of a Deed Restriction	Error! Bookmark not defined.
SECTION 10. DEFINITIONS.....	117
10-1. Definitions.....	117

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.

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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.

Commented [SS2]: Global comment. Waiting for direction from Council and Commission

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

Summary of Housing Programs

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.

Commented [SS3]: This clause was added for clarity.

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.

Commented [SS4]: Added for clarity.

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.

Summary of Housing Programs

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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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.B.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.

Commented [SS5]: Added pending direction from Council and Commission.

Commented [SS6]: Same as above.

Summary of Housing Programs

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).

Section 1. Purpose and General Goals

1-1. Purpose

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

e. Standards for Dormitories

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

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.

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

Section 2. Housing Development Standards and Procedures
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

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

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

Commented [SS10]: This paragraph has been added

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.

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

Section 3. Qualification and Eligibility

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

Section 3. Qualification and Eligibility

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.

Section 3. Qualification and Eligibility

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 9. 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.

Section 5. Purchase and Sale Standards and Procedures
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.

Section 5. Purchase and Sale Standards and Procedures

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

5-1. Sale and Resale Standards

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.

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

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

5-2. Purchase Procedures

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.

Section 9. Other Housing Programs
9-2. Preservation Program

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.

Section 10. Definitions

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

10-1. Definitions

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

Section 10. Definitions

10-1. Definitions

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.

Section 10. Definitions

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.

Section 10. Definitions

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.

Teton County & Town of Jackson *Wyoming*



Jackson/Teton County Housing Department Rules and Regulations

Adopted June 2018

Amended August 2019

Amended October 2020

Amended September 2021



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

Summary of Housing Programs

Table of Contents

SUMMARY OF HOUSING PROGRAMS	8
SECTION 1. PURPOSE AND GENERAL GOALS	13
1-1. Purpose	13
a. Applicability.....	13
1-2. General Policy Goals	15
a. Promoting Economic and Social Diversity.....	15
b. Ensuring Long-Term Affordability	15
c. Providing Housing for the Local Workforce	15
d. Providing Fair and Consistent Administration	15
1-3. Relationship to Land Development Regulations.....	16
a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations	16
b. References Retained for Convenience.....	17
SECTION 2. HOUSING DEVELOPMENT STANDARDS	19
AND PROCEDURES	19
2-1. Purpose	19
a. Applicability.....	19
b. General Policy Goals	20
2-2. Housing Mitigation Plan.....	20
a. Procedures	20
b. Content	21
2-3. Livability Standards.....	Error! Bookmark not defined.
a. Process	24
b. Intent.....	24
c. Acceptance of Restricted Housing Units.....	25
d. Standards for Restricted Units.....	25
e. Standards for Dormitories	31
f. Standards for Conversions of Existing Housing Stock.....	32
SECTION 3. QUALIFICATION & ELIGIBILITY.....	34
3-1. General Descriptions.....	34
a. Qualification.....	34

Summary of Housing Programs

b. Eligibility	34
3-2. Qualification	34
a. Employment Requirement	34
b. Citizenship	37
c. Age	37
d. Financial Ability	37
e. REASONABLE ACCOMMODATION	38
3-3. Eligibility	40
a. Household Income	40
b. Household Net Assets	43
c. Readiness to Purchase	45
d. Homebuyer Education	46
e. Online Intake Form	46
SECTION 4. WEIGHTED DRAWING	47
4-1. Minimum Occupancy Requirement	47
4-2. Weighted Drawing Points	48
a. Employment	49
b. Additional Points	49
c. Accessible Units	50
d. No Qualified Entries	51
e. Email Confirmation	51
f. Incomplete Weighted Drawing Entries	51
g. Drawing Results	51
h. Town and County Options	51
4-3. Weighted Drawing entry	52
a. Open Weighted Drawing	52
b. Required Documents	52
SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES	55
5-1. Sale and Resale Standards	55
a. Applicability	55
b. Maximum Sales Price	57
c. Maximum Resale Price	58

Summary of Housing Programs

d. Selling Procedures.....	61
e. Capital Improvement Standards.....	64
f. Resale and Transfer Limitations.....	65
g. Other Sale and Resale Standards.....	68
5-2. Purchase Procedures	71
a. Selection of Qualified Household	71
b. Viewing of Restricted Housing Unit	73
c. Submit Application.....	73
d. Verification of Application	77
e. Verification of Qualified Household.....	78
f. Qualification Letter	78
g. Purchase and Sale Agreement	78
h. Purchase by Housing Authority.....	80
SECTION 6. RENTAL STANDARDS AND PROCEDURES	83
6-1. Applicability.....	83
6-2. Housing Department Program Rental Standards and Procedures	83
a. Affordability	83
b. Primary Residence	85
c. Eviction.....	86
d. Selection Process	86
e. Complete Application	86
f. Verification of Selected Household.....	87
g. Materials Required.....	87
h. Verification of Application	88
i. Qualification Letter	88
6-3. Private Owner Rental Standards and Procedures.....	88
a. Primary Residence	88
b. Rental Procedures for Owner -Occupied Properties	89
6-4. Affordable Rentals Owned by a Private Entity.....	92
a. Affordability	92
SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES	95

Summary of Housing Programs

7-1.	Compliance Process	95
a.	Compliance Requirements.....	95
b.	Submittal and Timeline	96
c.	Common Default Violations	96
7-2.	Process for Default Contested Case Hearings.....	99
a.	Notice of Default	99
b.	Request for Default Hearing	99
c.	Failure to Respond to Default	100
d.	Multiple Defaults	100
e.	Default Hearing	100
f.	JTCHA Deliberation and Decision	101
7-3.	Process for Exception Hearing	103
a.	Request for Exception	103
b.	Request for Exception Hearing Process	103
c.	Housing Department Review and Recommendation	104
d.	Hearing.....	104
e.	Other Remedies	106
7-4.	Grievance Procedure.....	106
a.	Request for Grievance Form	106
b.	Housing Department Review and Decision.....	106
SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS		108
8-1.	Occupancy and Use.....	108
a.	Household Income	108
b.	Employment Requirement.....	108
c.	No Teton County Residential Real Estate	108
d.	Occupancy.....	108
e.	Use	110
SECTION 9. OTHER HOUSING PROGRAMS.....		112
9-1.	Business Option	112
a.	Purpose and Program Goals	112
b.	Applicability.....	112
c.	Qualified Business	112

Summary of Housing Programs

d. Option Procedures	113
e. Qualified Purchaser.....	115
9-2. Preservation Program	116
a. Purpose and Program Goals	Error! Bookmark not defined.
b. Applicability.....	Error! Bookmark not defined.
c. Down Payment Assistance.....	Error! Bookmark not defined.
d. Housing Department Purchase of a Deed Restriction	Error! Bookmark not defined.
SECTION 10. DEFINITIONS.....	117
10-1. Definitions.....	117

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.

Commented [SS1]: Added this clause for clarity.

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. Units with three (3) or four (4) bedrooms may be restricted as dormitories if they are allowed by the LDRS in the proposed location, meet the definition of dormitory in these Rules and Regulations, and comply with the Livability Standards.

Commented [SS2]: Global comment. JIM voted to keep this.

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

Commented [SS3]: This was changed by JIM.

Summary of Housing Programs

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 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.

Commented [SS4]: This clause was added for clarity.

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.

Commented [SS5]: Added for clarity.

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.

Summary of Housing Programs

Deed Restrictions, July 2021

	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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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.B.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.

Commented [SS6]: Added pending direction from Council and Commission.

Commented [SS7]: Same as above.

Summary of Housing Programs

DRAFT

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).

Section 1. Purpose and General Goals

1-1. Purpose

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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 [SS8]: 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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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 [SS9]: 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

Section 2. Housing Development Standards and Procedures
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

Commented [SS10]: Disabled exemption has been deleted pending direction by Council and Commission.

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

Commented [SS11]: This paragraph has been added

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.

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 [SS12]: 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 [SS13]: 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 [SS14]: 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

Section 3. Qualification and Eligibility

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 [SS15]: 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

Section 3. Qualification and Eligibility

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.

Section 3. Qualification and Eligibility

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 [SS16]: 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 [SS17]: 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 [SS18]: 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 [SS19]: 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 [SS20]: 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 [SS21]: 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.

Section 5. Purchase and Sale Standards and Procedures
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 [SS22]: 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 [SS23]: 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.

Section 5. Purchase and Sale Standards and Procedures

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

5-1. Sale and Resale Standards

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 [SS24]: 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 [SS25]: 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 [SS26]: 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

5-2. Purchase Procedures

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 [SS27]: 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 [SS28]: 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 [SS29]: 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 [SS30]: 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 [SS31]: 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 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. 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 [SS32]: Change made by Council and BCC.

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 [SS33]: Change made by Council and BCC

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

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

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

Example:

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

$\$1676 / 6 = \279 per bedroom 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 [SS34]: 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 [SS35]: 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 [SS36]: 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.

Section 9. Other Housing Programs
9-2. Preservation Program

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 [SS37]: 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 [SS38]: 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 [SS39]: 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.

Section 10. Definitions

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

10-1. Definitions

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 [SS40]: This clause was added for clarification

Section 10. Definitions

10-1. Definitions

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.

Section 10. Definitions

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 [SS41]: 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.

Section 10. Definitions

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 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.

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.

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.

Retirement Age: The age at which the Federal Social Security Administration allows an individual to begin collecting Social Security.

Commented [SS42]: Replaced with Residential Real Estate to keep terms consistent.

Commented [SS43]: Added

Commented [SS44]: Added to replace Residential Property

Section 10. Definitions

10-1. Definitions

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.

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.

Section 10. Definitions

10-1. Definitions

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.

ORDINANCE D

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1259, 1242, AND 1195 AND SECTION 16.10.000(B) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING RULES AND REGULATIONS SUMMARY OF HOUSING PROGRAMS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1259, 1242, and 1195 and Section 16.10.000(B) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.000 Introduction

B. Summary 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' restrictions, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs. Descriptions of Applicable Programs:

1. **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.
2. **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. Maximum rents and sales prices are based on median family income as published by HUD. Ownership units appreciate based on the Consumer Price Index. Units with three (3) or four (4) bedrooms may be restricted as dormitories if they are allowed by the LDRS in the proposed location, meet the definition of dormitory in these Rules and Regulations, and comply with the Livability Standards.

3. **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 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.
4. **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. 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. Tenants will be required to requalify annually. The units are not allowed to remain vacant in excess of 60 days

...

Deed Restrictions, July 2021

	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 DACA Recipient	None	None	US Citizen, Lawful Permanent Resident or DACA recipient	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% of 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.B.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.

(Ord ____ § 1, 2021; Ord. 1259 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2021.

PASSED 2ND READING THE ____ DAY OF _____, 2021.

PASSED AND APPROVED THE ____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE E

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1259, 1242, AND 1195 AND SECTION 16.10.200(C)(4)(c)(ii)(d) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS ADDITIONAL STORAGE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1259, 1242, and 1195 and Section 16.10.200(C)(4)(c)(ii)(d) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.200 Housing Development Standards and Procedures

d. 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').

(Ord. _____ § 1, 2021; Ord. 1259 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE F

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1260, 1242, AND 1195 AND SECTIONS 16.10.300(B), 16.10.300(C)(1)(b)(i) AND 16.10.300(C)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS QUALIFICATION AND ELIGIBILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1260, 1242, and 1195 and Sections 16.10.300(B), 16.10.300(C)(1)(b)(i) and 16.10.300(C)(4) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.300 Qualification and Eligibility

B. 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.

1. Employment Requirement - At least one member of the household must fit one of the following categories:

a. 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.

b. 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.

c. Employment Exemptions.

i. 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.

ii. Caregiver - Work as a caregiver counts as an employment exemption if the following criteria are met:

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

b) 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 and, therefore, was unable to gain fulltime 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.

c) 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.

iii. 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.

iv. 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.

2. Citizenship - At least one (1) member of the household must be a U.S. Citizen or be 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.

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

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

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

a. 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.

b. 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.

c. Use of Retirement Savings for Down Payment - Down payment funds that are withdrawn from retirement accounts will be counted toward household net assets.

d. 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 16.10.900 Definitions).

5. Reasonable Accommodation

a. 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 don't 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.

b. 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:

i. 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 applicant's disability and verify that the individual has a disability that requires the Reasonable Accommodation.

ii. Assistance Animal Addendum – 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.

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

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b. 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. 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.

i. College-Aged Children - The income of adult children 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.

. . .

4. 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.

5. 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 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 16.10.004.C.5.

(Ord. _____ § 1, 2021; Ord.1260 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____

Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE G

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1261, 1242, AND 1195 AND SECTIONS 16.10.400(B)(4) AND 16.10.400(C) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS WEIGHTED DRAWING AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1261, 1242, and 1195 and Sections 16.10.400(B)(4) and 16.10.400(C) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.400 Weighted Drawing

4. 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.

5. 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.

6. 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.

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

8. 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.

C. Weighted Drawing Entry

1. 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.

2. Required Documents

a. 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.

b. 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.

c. 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.

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.

d. Other Types of Employment Verification – In cases where Affidavits of Employment are not possible, the Housing Department may accept the following documentation:

i. Full year W-2s with final pay stub of the year showing hourly wage and annual hours worked.

ii. Sworn statement/affidavit from past business owner or owner’s agent including hours worked.

iii. 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.

- iv. Military – two (2) years local employment verification prior to beginning military service.
- e. 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.
- f. 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.
- g. Credit Report – A full credit report may be required and must include a credit score along with data from all accounts.
- h. Self-employment Verification – Self-employed individuals must submit:
 - i. Three (3) years of complete business tax returns or as many years up to three (3) years that the business has been operating.
 - ii. Year-to-Date Profit & Loss and Balance sheet.
 - iii. Documents to verify hours worked:
 - a) Copies of business contracts/agreements.
 - b) Affidavits from vendors.
 - c) Detailed log of hours worked.
- i. Critical Service Provider Verification – Individuals working in approved Critical Service Provider Critical Service Provider positions must submit a Critical Service Provider Critical Service Provider Supervisor Questionnaire.
- j. 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.

(Ord. _____ § 1, 2021; Ord. 1261 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.
PASSED 2ND READING THE _____ DAY OF _____, 2021.
PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTIONS 16.10.500(A)(3)(c), (A)(4)(k), (6)(d),(e) AND (f) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS SALE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Sections 16.10.500(A)(3)(c), (A)(4)(k), (6)(d),(e) and (f) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.500 Purchase and Sale Standards and Procedures

c. 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. .

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k 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.

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d. Title - Applicants and Co-applicants are required to be on title to the home or sign an Occupancy Agreement. 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.

e. 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.

f. 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 an Occupancy Agreement.

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f. 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 be on the title of the restricted housing unit or sign an Occupancy Agreement.

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SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____

Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

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I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE I

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTION 16.10.500(C) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS PURCHASE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Section 16.10.500(C) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.600 Rental Standards and Procedures

1. 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.

a. 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.

i. Errors - Every effort is made by the Housing Department to ensure fair and equitable lotteries. Lotteries 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.

b. 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.

c. No Qualified Weighted Drawing Entries – Refer to Section 16.10.004(B)(4) Other Sale/Resale Procedure.

d. 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.

e. Attainable Housing Program Sale Procedures

i) 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.

ii) 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.

iii) 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.

iv) 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.

v) 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.

vi. 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 as noted in Section 16.10.500.D.7.a. Privy to Purchase and Sales Agreement.

f. Qualification for Application

i. Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.

ii. 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 has to request further information from the applicant.

iii. 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.

iv. Lenders: See Section **16.10.500.A.7.d.** Lenders.

v. 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.

2. 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.

3. 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.

a. Materials Included with Application

i. Housing Department Application for Restricted Ownership or Rental Housing.

Application - 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:

a. That the facts contained in the application are true and correct to the best of the applicant's knowledge.

b. That the applicant has been given the standard application information packet by Housing Department Staff; and

c. 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.

d. This Certification and Oath is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department

ii. 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.

iii. 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.

iv. 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.

v. 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 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.

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.

vi. 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.

vii. 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.

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

a) 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.

b) Verification of Current Employment in Teton County - One or more of the following are needed to verify employment in Teton County:

1) Wage stubs.

2) Employer name, address, and phone number.

3) Contract for employment.

4) "Affidavit of Employment" (Housing Department).

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

c) 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.

d) 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.

e) Uniform Residential Loan Application - Applicants must provide a copy of the final “Uniform Residential Loan Application” at closing.

f) 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 sign an Occupancy Agreement along with the Owner or must sign an Occupancy Agreement.

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

h) Critical Services Provider - Organizations applying for critical services 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 recommendation from the supervisor is required. The “Supervisor Questionnaire” will need to be updated every six months.

i) 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.

i) 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.

j) 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.

...

8. 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.

a. 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.

b. 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.

c. 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.

d. Application of Proceeds:

i. 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:

a) FIRST, to the payment of any unpaid taxes.

- b) SECOND, to the payment of any Qualified Mortgage.
- c) 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
- d) FOURTH, to the payment of the closing costs and fees.
- e) FIFTH, to the two percent (2%) facilitation fee to the Housing Department.
- f) SIXTH, to the payment of any penalties assessed against owner by the Housing Department.
- g) SEVENTH, to the repayment to the Housing department of any monies advanced by in connection with a mortgage or other debt with respect to a Residential Unit, or any other payment made in owner's behalf.
- h) EIGHTH, to any repairs needed for the Residential Unit; and
- i) NINTH, any remaining proceeds shall be paid to owner.

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

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

(Ord. _____ § 1, 2021; Ord. 1262 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.
PASSED 2ND READING THE _____ DAY OF _____, 2021.
PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE J

AN ORDINANCE REPEALING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1262, 1242, AND 1195 AND SECTION 16.10.500(D) AND ADDING SECTION 16.10.850 OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS BUSINESS OPTION AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1262, 1242, and 1195 and Section 16.10.500(D) of the Municipal Code of the Town of Jackson are hereby repealed and Section 16.10.850 of the Jackson Municipal Code is hereby added to read as follows:

(Ord. _____ § 1, 2021; Ord. 1262 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

16.10.850 Business Option

A. 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.

1. 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.
2. 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.
3. 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.
 - a. 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.
 - b. 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.
 - c. Option Agreement - The Housing Department verifies that the business is a true local business, organization, or government agency operating in Teton County.

d. Determination of Qualification.

- i. 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
- ii. 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.
- iii. 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.

4. Option Procedures.

- a. 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 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.
- b. 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:
 - i. Housing Department's receipt of a "Notice to Sell" by the owner of the property.
 - ii. Housing Department's exercise of its default option as set forth in the special restrictions.
 - iii. 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."

- c. Exercise of Option - An optionor shall have a timeframe 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 16.10.500.E.3.a. Qualified Business Application, 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:

- i. Qualified under "Option Agreement."
- ii. 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 16.10.500.E.3.b. Verification).

d. 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 16.10.500.C. Sales and Resale Procedures of these Housing Department Rules and Regulations.

i. 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.

e. 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:

i. Written Notice - The optionor provides the Housing Department with written notice that they wish to assign their option.

ii. Application - The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 16.10.500.E.3.a. Qualified Business Application).

iii. Housing Department Approval - If the business qualifies, the Housing Department will provide a "Qualified Business Letter" to the business and sign the "Option Agreement."

iv. Consideration - The assignment may not have any consideration except for consideration required to make the assignment legal.

5. Qualified Purchaser - The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

a. 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.

b. Qualified Household - A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 16.10.500.D. Purchase Procedures 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.

c. 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.

(Ord. _____ § 1, 2021)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE K

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1263, 1242, AND 1195 AND SECTION 16.10.600(E) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS RENTAL STANDARDS AND PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1263, 1242, and 1195 and Section 16.10.600(E) of the Municipal Code of the Town of Jackson is hereby amended and reenacted read as follows:

16.10.600 Rental Standards and Procedures

E. Affordable Rentals Owned by a Private Entity - 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
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 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. 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.

3. Rental Housing Units (SFD or Apartments) - 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

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 = \1676 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.

Example:

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

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

(Ord. _____ § 1, 2021; Ord. 1263 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____

Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE L

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1264, 1242, AND 1195 AND SECTION 16.10.700(A) AND (B) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS COMPLIANCE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1264, 1242, and 1195 and Section 16.10.700(A) and (B) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.700 Compliance and Exception, Appeal, and Grievance Standards and Procedures.

A. Compliance Process - Special Restrictions 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.

1. Compliance Requirements.

- a. 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 annually or ownership of residential real estate, however, they may be required to verify occupancy and insurance requirements.
- b. 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.
- c. 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.
- d. 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.
- e. Exemption for Retirees - During ownership, if one (1) member of the household meets the retirement age as defined by the Federal Social Security Administration defined in these Housing

Department Rules and Regulations, the household will be exempt from continued compliance with income and employment eligibility standards.

f. 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.

...

B.3 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.

B.4 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.

(Ord. _____ § 1, 2021; Ord. 1264 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk

ORDINANCE M

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1266, 1242, AND 1195 AND SECTION 16.10.800(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS DEFINITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1266, 1242, and 1195 and Section 16.10.800(A) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

16.10.900 Definitions

23. **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.

...

55. Local Business: 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

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.

...

65. **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.

...

81. **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.

82. **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.

(Ord. _____ § 1, 2021; Ord. 1266 § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VI.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2021.

PASSED 2ND READING THE _____ DAY OF _____, 2021.

PASSED AND APPROVED THE _____ DAY OF _____, 2021.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Lynsey Lenamond, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, _____.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Lynsey Lenamond, Town Clerk



JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: START

PRESENTERS: Darren Brugmann

MEETING DATE: September 13, 2021

SUBJECT: START Updates: Microtransit and Winter Level of Service (LOS).

STATEMENT/PURPOSE

To update County Commission and Town Council on the status of introducing on-demand Microtransit service to the Town of Jackson and Winter Level of Service for 2021-22.

BACKGROUND/ALTERNATIVES

Microtransit

A major component of START's 2020-25 Route Plan is the introduction of on-demand Microtransit service to the Town of Jackson. START recently adopted a Route Plan that identified the need to implement Microtransit service connecting the eastern portion of Jackson with downtown and a new transit center. This strategy will allow fixed routes to operate more efficiently while also better serving the dispersed areas of east Jackson. The planned service area for the Microtransit service is shown in Attachment 1.

START seeks to partner with a private company to provide turn-key operations for service to begin on November 27, 2021:

- a. Implement and operate an on-demand, Microtransit system for the Town;
- b. Provide and manage a standalone App-based rider reservation and real-time information system;
- c. Prepare monthly ridership and service performance reports.

START conducted a Request for Proposals (RFP) on June 18, 2021. The following firms submitted a timely response:

- Downtowner, LLC
- LAZ Transportation Services with Transloc
- A Black Car Service
- River North Transit (AKA Via)

START formed a selection review committee comprised of the following individuals to review, interview and select a preferred vendor:

- Jared Smith, START Board Chair
- Wes Gardner, START Board Member
- Darren Brugmann, START Director
- Jeff Deal, START Operations Manager
- Tyler Sinclair, Town of Jackson Community Development Director
- Amy Ramage, Teton County Engineer

The Selection Review Committee interviewed the firms submitting a responsive proposal. Currently, the Selection Review Committee met on September 8th to select a preferred vendor in order to begin contract

negotiations and formalize an agreement for services to begin on November 27, 2021 – the first day of winter service. Downtowner LLC is the preferred vendor and we will begin contract negotiations immediately.

Winter Level of Service

START has been challenged with providing a level of service consistent with levels budgeted in the FY22 Operations Plan and Adopted budget. START's major challenge has been recruiting, hiring and retaining Seasonal Drivers since the end of Winter Season 2020-21, and continuing into our Spring and Summer season. START has been preparing and planning for the level of service we can provide for this upcoming winter service considering the national employee shortage affecting all businesses across the nation – including public transit.

START is focused on the following 3 strategies and alternatives to ensure a stable public transit schedule for the upcoming winter season:

1. **Driver Compensation Package**

- Starting wage for Seasonal raised from \$19.25 to \$22.00 per hour in FY22 adopted budget
- Consideration of Winter Season Bonus raised from \$1750 to \$3000 with CDL endorsements as critical new additional bonus
- Continued housing options, including the West Snow King facility
- Use of seasonal ski pass privileges

START is currently reviewing the feasibility of increasing the current starting wage and bonus paid to attract more candidates. Any changes would come before County and Town for approval with a budget amendment.

2. **Solicit Contract Services** - from local and regional transportation providers

- A RFP will be issued to solicit interest, capability and cost to provide transportation services
- If warranted, depending on the staffing levels, a vendor(s) will be ready to provide assistance once Winter service begins on November 27, 2021.

3. **Reduce Level of Service (LOS)**

- START has engaged LSC Consultants to provide possible route changes to reduce service if needed due to driver shortages.
- START needs approximately 38 Seasonal hires to operate the FY22 Budgeted amount of service. To date, START has approximately 5-8 commitments at this time (normally we would have 15-20 at this time). Possible reductions in level of service could reduce our driver need to approximately half of that number.
- Routes/service areas under consideration for reduced level of service include:
 - a. South Jackson Village Route
 - b. Stilson to Village (additional service currently provided by Teton Village Association but budgeted for START takeover in FY22)
 - c. Village Local: Routing changes with advent of Microtransit in East Jackson area
 - d. Commuter service full round trips to remain at 3 to/from Star and Teton Valleys

START Board will be reviewing these options and alternatives at the September 9th START Board meeting.

COMPREHENSIVE PLAN ALIGNMENT

Community Goals:

- a. Create an affordable, efficient transportation option for visitors to travel between popular tourist points of interest within the central/eastern Town of Jackson without using single-occupancy vehicles;

- b. Create an expedient and inexpensive transportation option for residents traveling between work, home, grocery stores and other daily locales within the Town of Jackson as an alternative to private, single-occupancy vehicle trips;
- c. Provide real-world experience in the provision of microtransit service that may in the future be applied to other areas of the community and region.

STAKEHOLDER ANALYSIS

This new Microtransit service will impact how the Town of Jackson community will utilize public transit into the future. Despite START serving the community with fixed-route buses and paratransit, the Town has a high rate of single-occupancy vehicle commuters and it seeks to reduce its automobile dependency. To support the adopted goals of the *Jackson/Teton County Integrated Transportation Plan* it is necessary to reimagine transit services both to reduce auto use in Jackson as well as to better provide “first-mile/last-mile” connections with regional services.

The successful vendor will be responsible for community outreach efforts describing the intended service.

Conversely, the impact of reducing level of service will impact our stakeholders and passengers utilizing the service. START has focused on the ridership levels of all routes operated last winter season in its evaluation of possible proposed changes. It is the goal and intent of START to continue to offer service to all areas currently served by START, but possibly at reduced levels.

The START Operations Committee has been meeting to review options with the assistance of our Route Plan Consultant, LSC Consultants. The Operations Committee will be reviewing possible options with the full START Board at the September 9th START Board meeting and will be prepared to discuss START Board comments at the September 13th JIM meeting

FISCAL IMPACT

Microtransit: The FY22 Adopted budget has \$370,500 approved for Microtransit service. This represents 6 months of service for FY22.

Winter Level of Service: Any proposed budget amendments will be brought forward to Commission and Council for approval.

STAFF IMPACT

Microtransit: Considerable. START staff will be considerably engaged with assisting the successful vendor, Downtowner, LLC in community outreach efforts describing the intended service.

Winter Level of Service: Considerable. Public outreach and budget amendments forthcoming.

LEGAL REVIEW

County: Gingery

Town: Colasuonno

ATTACHMENTS

Attachment 1 – Microtransit Service Area

RECOMMENDATION

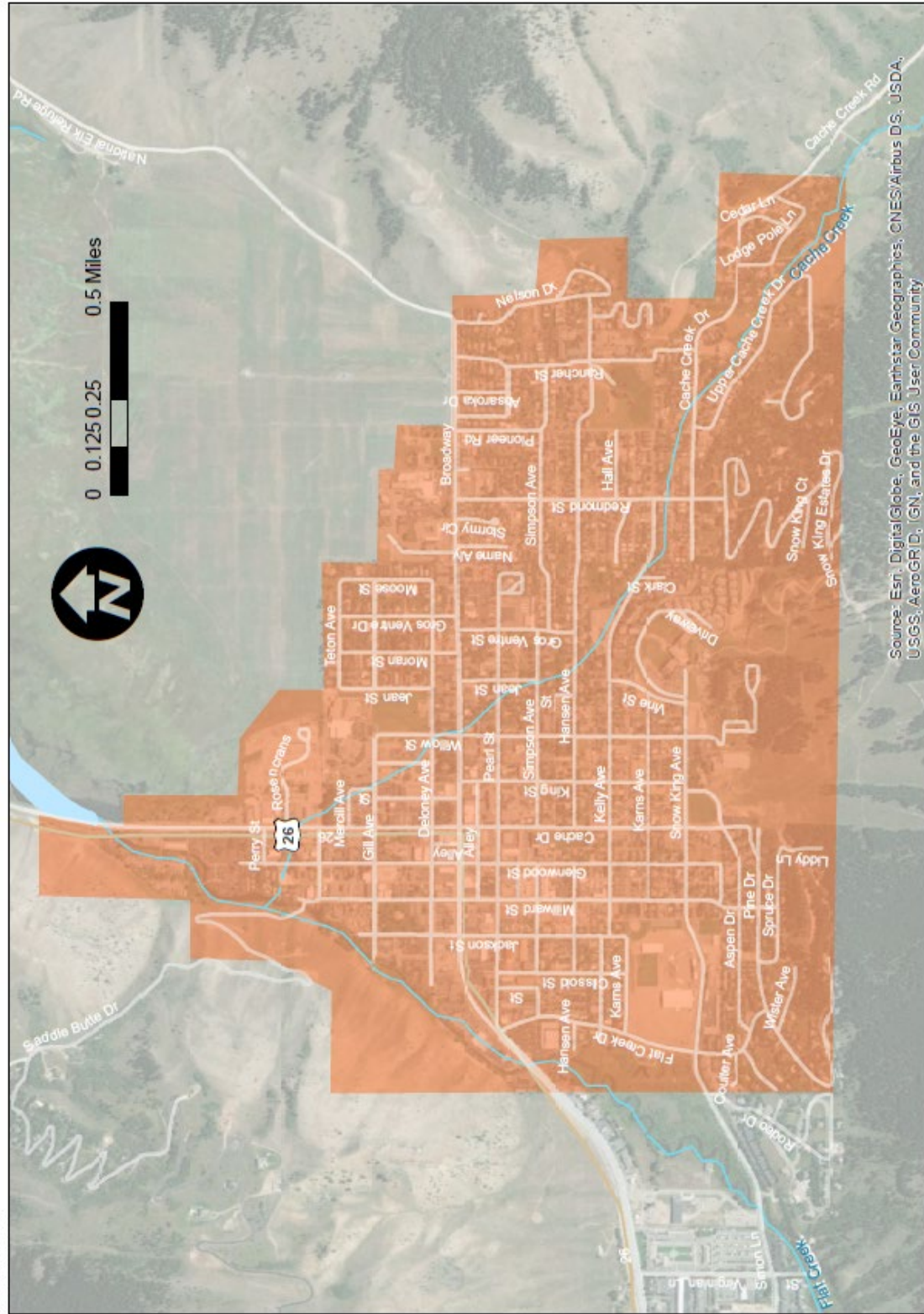
No action is associated with this update item and thus no recommendation is provided.

SUGGESTED MOTION

No action is associated with this update item and thus no motion is provided



Exhibit 1 East Jackson Service Area



Source: Esri, Digital Globe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



TOWN COUNCIL



BOARD OF COMMISSIONERS

JOINT INFORMATION MEETING

AGENDA DOCUMENTATION

PREPARATION DATE: September 8, 2021

SUBMITTING DEPT: Long-Range Planning

MEETING DATE: September 13, 2021

DEPT. DIRECTORS: Chris Neubecker & Tyler Sinclair

SUBJECT: Update on Northern South Park Neighborhood Planning Process (MSC2020-0022)

PRESENTERS: Chris Neubecker & Tyler Sinclair

PURPOSE/REQUESTED ACTION

The purpose of this item is to update the Board of County Commissioners and Town Council on the status and progress of the Northern South Park neighborhood plan project. No action is requested.

BACKGROUND

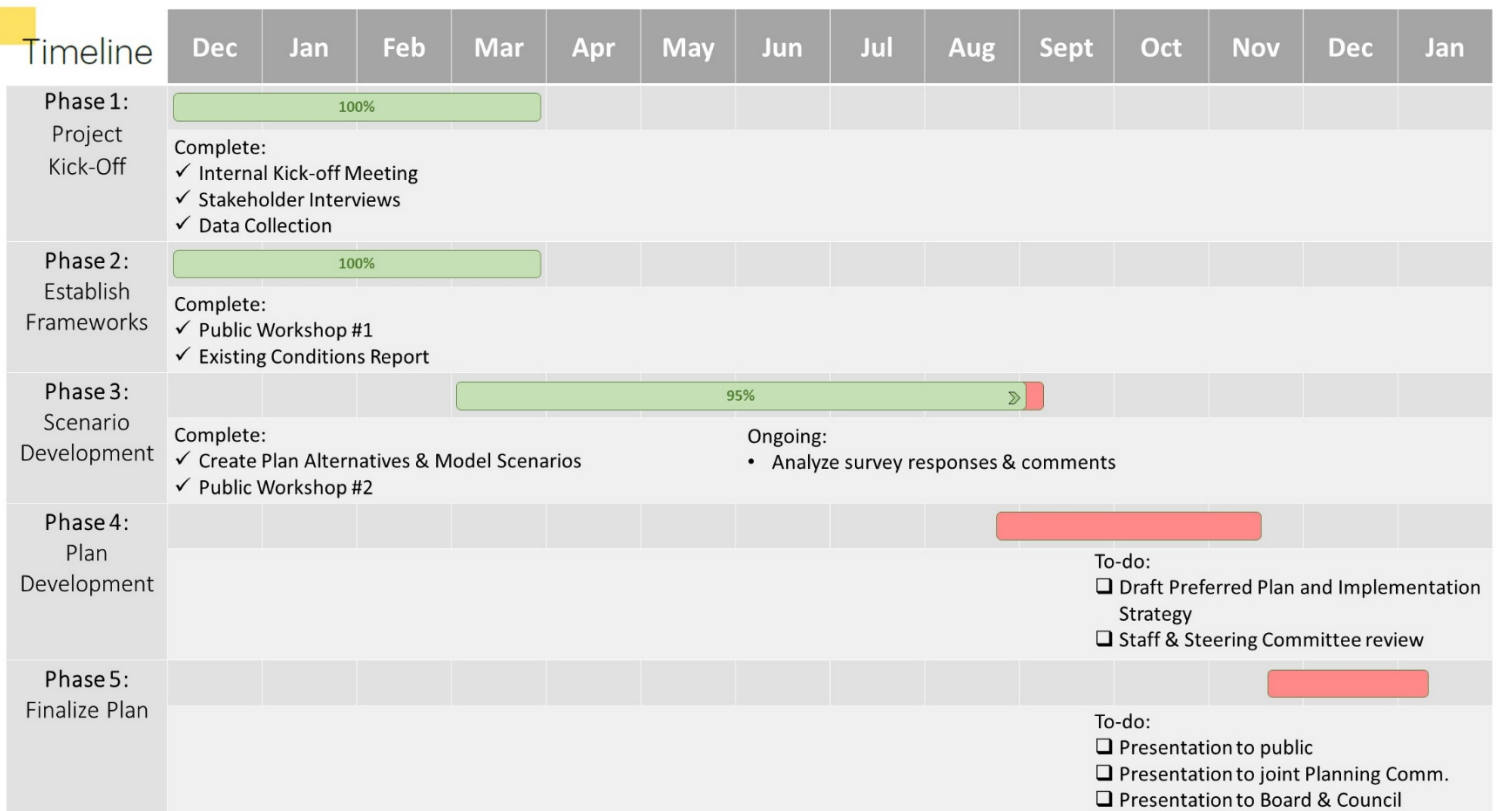
Development of a neighborhood plan for the Northern South Park subarea was directed by the Board of County Commissioners and Town Council. Progress highlights since your last project update on [April 12, 2021](#) are listed below:

- **April 15 & 16:** Steering Committee Workshops on Creation of Plan Alternatives and Scenario Modeling Considerations
- **April 19:** [Existing Conditions Report](#) available
- **April 19-August 19:** Consultant preparation of Plan Alternatives & Modeling Results
- **June 7:** [Consideration of Project Scope/Timeline Changes](#)
- **August 19:** Presentation + Open House on Plan Alternatives (English)
- **August 19-September 7:** Online Workspace (presentation materials, survey, comment field) open to public (English)
- **August 20:** Steering Committee meeting on review of Plan Alternatives
- **August 26:** Focus Group Discussions + Survey (Spanish)
- **August 30:** [Financial Feasibility Data available](#)

STAFF ANALYSIS

The project is currently within the agreed upon budget but is behind schedule. The timeline will likely be extended through the end of the year. A letter from the consultant team explaining project timeline extensions was provided [July 20, 2021](#). Currently, staff is working to coordinate meetings between the landowners of the project site and the consultant team to review questions on financial feasibility assumptions and modeling. The Board of County Commissioners briefly discussed this issue at their September 7, 2021 regular meeting. Any changes to the modeling

data that result from landowner questions and comments, review by the Steering Committee, review by local technical/advisory contacts, or review by the public will be made public and incorporated into the proposed neighborhood plan in the next phase of this project. For more detail on tasks included in upcoming Phases 4 and 5 of the project, please see the linked contract and scope, below.



PLANNING COMMISSIONS & STAFF RECOMMENDATIONS

Not applicable; no action is requested for this item.

ATTACHMENTS

1. Project Scope and Schedules
 - a. [Approved Opticos contract and scope of work](#)
2. Phase 3 (Scenario Development) Deliverables
 - a. [Plan Alternatives + Modeling Presentation](#)
 - b. [Plan Alternatives + Modeling Exhibit Posters](#)

PUBLIC COMMENT

Public comment on the scenario information is currently being compiled as of the writing of this staff report and will become a part of the preferred scenario report. Since this item is a project update with no requested action, no public comment is required at this meeting.

FISCAL IMPACT

Of the \$400,000 approved funding for consultant services to complete this project, \$198,476 has been paid for work completed through July 31, 2021 with \$201,524 still remaining in the budget. With initial budget allocations of \$250,000 and \$150,000 respectively, Teton County is billed 62.5% and Town of Jackson is billed 37.5% of every invoice.

STAFF IMPACT

In the approved Fiscal Year 2021 Work Plan, this project was estimated to need 1,540 staff hours for completion. Staff estimates that over two-thirds of these hours have been expended so far, with the remainder of staff time to be exhausted supporting the intensive phases from now to project completion.

LEGAL REVIEW

County: Gingery

Town: Colasuonno

SUGGESTED MOTIONS

Town Council: No action is requested, so no motion has been provided.

Board of County Commissioners: No action is requested, so no motion has been provided.

Meeting Date: _____, 2021

Presenter: Keith Gingery

Submitting Dept: Attorney

Subject: Year-End FAA Grant to Airport - AIP Grant No. 3-56-0014-070-2021

Statement / Purpose: The Federal fiscal year ends on September 30, 2021. It appears that FAA will have unencumbered FY 20-21 funds which it will offer to the Jackson Hole Airport, to fund infrastructure replacements and improvements which are identified in the Airport's currently approved Capital Improvement Plan. The amount of such year-end grant is expected to be in the neighborhood of \$5,500,000. However, FAA has informed the Airport that there is the possibility that additional unencumbered funds will be available, and because the Airport has several eligible projects currently identified on its FAA-approved CIP, it would be a candidate for receipt of such funds. The Airport has therefore made application to FAA for a grant of \$20,000,000 for the purposes described below, which are all projects identified its CIP.

Background / Description (Pros & Cons): The purpose of this Grant is (1) Runway 1/19 Reconstruction: Schedule II – Reconstruct Taxiway A4 and Schedule III – Reconstruct Taxiway A1, which would be part of the 2022 runway replacement project, (2) Rehabilitate Taxiway A (North), and construct Bypass Taxiway, which would also be part of the 2022 runway replacement project, and (3) expand the Deice Apron and Construct Access Taxiway, to reduce deicing-related departure delays during the winter season. None of these projects would increase the capacity of the Airport or expand the type or size of aircraft which may use the Airport. As a sponsor of this grant the County is agreeing to the following:

1. Money is used within 4 years of acceptance
2. May not spend the funds for ineligible or unallowable costs
3. The final amount provided by the FAA may go up or down.
4. Any funds spent fraudulently, wastefully or in violation of U.S. law must be paid back by the sponsor.
5. Must comply with air and water regulations, and other applicable federal laws.
6. Must comply with all federal financial reporting requirements
7. An audit upon completion must be completed
8. Standard federal contract bans on texting and human trafficking
9. It is important to understand that as a sponsor, Teton County is jointly and severally responsible for compliance.

Stakeholder Analysis & Involvement: As our co-sponsors, the Jackson Hole Airport Board is scheduled to adopt a similar Resolution at its meeting of September 15, 2021. The Jackson Town Council was scheduled to consider a similar Resolution at its _____, 2021 meeting.

Fiscal Impact: None.

Staff Impact: None

Legal Review: Gingery

Staff Input / Recommendation: Approve

Attachments: Draft FAA Grant

Suggested Motion: I move adoption of the proposed Resolution, and approval of FAA AIP Grant Agreement 3-56-0014-070-2021, for Constructing Access Taxiway, Constructing Bypass, and/or Expanding the Deicing Pad at the Jackson Hole Airport, with the FAA obligation under the grant being an amount not-to-exceed \$20,000,000.

RESOLUTION NO. 2021-_____

**TETON COUNTY, WYOMING BOARD OF COUNTY COMMISSIONERS
APPROVAL OF GRANT AGREEMENT WITH THE
FEDERAL AVIATION ADMINISTRATION**

Grant No. 3-56-0014-070-2021

September ____, 2021

The Board of County Commissioners of Teton County, Wyoming, hereby finds as follows:

WHEREAS, Teton County and the Town of Jackson formed the Jackson Hole Airport Board on January 17, 1968 pursuant to Wyoming Statute §10-5-202 and 16-1-105; and

WHEREAS, as such the Jackson Hole Airport Board is authorized to receive certain grants from Federal Aviation Administration (“FAA”) from time-to-time in relation to the operation of the Jackson Hole Airport (the “Airport”); and

WHEREAS, FAA has tendered a draft Grant Agreement, in the form annexed hereto as **Exhibit A**, which when finalized will make a grant offer to the Airport Board in the amount up to but not exceeding Twenty Million Dollars (\$20,000,000) for the purpose of *Runway 1/19 Reconstruction: Schedule II – Reconstruct Taxiway A4 and Schedule III – Reconstruct Taxiway A1, Expand Deice Apron and Construct Access Taxiway, Rehabilitate Taxiway A (North), and/or Construct Bypass Taxiway* at the Jackson Hole Airport, which are all projects identified on the Airport’s current Capital Improvement Plan;

WHEREAS, approval and acceptance by Teton County, the Town of Jackson and the Jackson Hole Airport Board, each as a co-sponsor under FAA requirements, are all required before any FAA grant will be made; and

WHEREAS, the Teton County Board of County Commissioners desires as a co-sponsor to approve and accept such grant in such not-to-exceed amount, and to authorize the appropriate officers of Teton County to execute the associated grant agreement, in the form annexed hereto as **Exhibit A**.

NOW, THEREFORE, it is resolved by the Teton County Board of County Commissioners, in open and public meeting as follows:

1. Teton County, as a co-sponsor hereby approves and accepts FAA Grant Number 3-56-0014-070-2021 in the not-to-exceed amount of Twenty Million Dollars (\$20,000,000) and in the form annexed hereto as **Exhibit A**, for the purpose set forth in the Grant Agreement.

2. The Board of County Commissioners of Teton County hereby designate and approve the Chair of the Teton County Board of County Commissioners to execute said Grant Agreement on behalf of the Board, and ratifies and approves any such execution whether made before or after the date of this Resolution.

Adopted by the Board in open and public meeting this ____ day of September, 2021

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Natalia D. Macker, Chairwoman

Attest:

Sherry Daigle, Teton County Clerk

STAFF REPORT



Meeting Date:	September 20, 2021	Meeting Title:	Regular Meeting
Submitting Department:	Town Administration	Presenter:	Lynsey Lenamond
Agenda Item:	Resolution 21-25 Providing Approval for FAA AIP Grant No. 3-56-0014-070-2021 to repair Taxiway	Public Comment:	Yes

Purpose & Policy Considerations.

For Council to consider a resolution authorizing the Jackson Hole Airport Board to accept a grant for taxiway reconstruction.

Requested Action.

For Council to approve Resolution 21-25.

Recommendations.

Staff recommends approval of the resolution.

Background.

The Airport Board has received a grant offer from the FAA for Airport Improvement Project No. 3-56-0014-070-2021 in an amount not to exceed \$20,000,000.00 for the purpose of Constructing Access Taxiway, Constructing Bypass, and/or Expanding the Deicing Pad.

The Teton County Board of Commissioners, Town Council, and the Jackson Hole Airport Board must each accept and approve grants and amendments thereto for improvements at the Jackson Hole Airport. The FAA requires a resolution by each as the acceptance and approval method.

Analysis.

The stakeholders include all residents and guests to the community that utilize the Jackson Hole Airport, the Jackson Hole Airport Board, Teton County, and the Town of Jackson.

Alternatives (Optional).

Approve the Resolution as presented

Approved the Resolution as amended by Council

Deny the Resolution

Comprehensive Plan & Priority Alignment.

This item is directly aligned with Quality Community Service Provision, specifically that the Town:

- Maintain current, coordinate service delivery (Principle 8.1)
- Coordinate the provision of infrastructure and facilities needed for service delivery (Principle 8.2)

Fiscal Impact.

This grant would have no fiscal impact on the County or Town's budgets overall.

Staff Impact.

The impact on staff for preparing this item has been minimal, amounting to a couple of hours in the Legal and Administrative Departments.

Attachments or Links.

Resolution 21-25

Grant Offer and Agreement

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

I move to adopt the Resolution authorizing the Jackson Hole Airport Board to accept FAA Grant No. 3-56-0014-070-2021.

**TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING
RESOLUTION 21-25**

**A RESOLUTION PROVIDING APPROVAL FOR A GRANT
FROM FEDERAL AVIATION ADMINISTRATION**

GRANT NO. 3-56-0014-070-2021

WHEREAS, the Jackson Hole Airport Board (the “Board”) was organized as an airport board on January 17, 1968 pursuant to Wyoming Statute §10-5-202; is deemed a joint power board pursuant to Wyoming Statute §16-1-105; and is the owner and operator of a public use airport known as the Jackson Hole Airport (“Airport”); and

WHEREAS, as such the Board is authorized to receive grants from the Federal Aviation Administration (“FAA”) for airport purposes; and

WHEREAS, FAA has tendered a draft Grant Agreement, in the form annexed hereto as **Exhibit A**, which when finalized will make a grant offer to the Board in an amount not-to-exceed Twenty Million Dollars (\$20,000,000) for costs directly related to the Airport, for the purpose of *Runway 1/19 Reconstruction: Schedule II – Reconstruct Taxiway A4 and Schedule III – Reconstruct Taxiway A1, Expand Deice Apron and Construct Access Taxiway, Rehabilitate Taxiway A (North), and/or Construct Bypass Taxiway* at the Jackson Hole Airport, which are all projects identified on the Airport’s current Capital Improvement Plan;

WHEREAS, the FAA requires a resolution of approval from the Town of Jackson, as co-sponsor, in order for the Airport to receive such a grant.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Jackson, Wyoming that it hereby provides approval for the Board to accept FAA Grant Number 3-56-0014-070-2021 in the not-to-exceed amount of \$20,000,000 for the purpose of *Runway 1/19 Reconstruction: Schedule II – Reconstruct Taxiway A4 and Schedule III – Reconstruct Taxiway A1, Expand Deice Apron and Construct Access Taxiway, Rehabilitate Taxiway A (North), and/or Construct Bypass Taxiway*, at the Jackson Hole Airport, which are all projects identified on the Airport’s current Capital Improvement Plan.

This Resolution shall become effective upon adoption.

PASSED, APPROVED, AND ADOPTED this 13th day of September 2021

TOWN OF JACKSON, WYOMING

ATTEST:

Lynsey Lenamond, Town Clerk

By: _____
Hailey Morton Levinson, Mayor



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

{{DateTime_es_:_signer1:calc(now()):format(date," mmmm d, yyyy")}}

Mr. John Eastman, President
Jackson Hole Airport Board
1250 East Airport Road
Jackson, WY 83001

The Honorable Hailey Morton Levinson, Mayor
Town of Jackson
150 E. Pearl Avenue
Jackson, WY 83001

Ms. Natalia Macker, Chairwoman
Teton County Board of Commissioners
200 S. Willow Street
Jackson, WY 83001

Dear Mr. Eastman, Mayor Morton Levinson, and Commissioner Macker:

We are transmitting to you for execution the Grant Offer for Airport Improvement Program (AIP) Project No. 3-56-0014-070-2021 at the Jackson Hole Airport. Please read this letter and the Grant Offer carefully.

To properly enter into this agreement, you must do the following:

- The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- The grant must be executed no later than **September 21, 2021**, in order for the grant to be valid.
- The sponsor's authorized representative must execute the grant by providing their electronic signature.
- Once the sponsor's authorized representative has electronically signed the grant, the sponsor's attorney will automatically be sent via email the grant to provide their electronic signature.
- You may not make any modification to the text, terms or conditions of the grant offer.
- Following the attorney's action, the executed grant will be automatically sent to all parties as an attachment to an email.

Subject to the requirements in 2 CFR § 200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. To ensure proper stewardship of Federal funds, **you are expected to submit payment requests for reimbursement of allowable incurred project expenses in accordance with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in “inactive” status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at the end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

Once the project is completed and all costs are determined, we ask that you close the project without undue delay and submit the final closeout report documentation as required by FAA’s Denver Airports District Office.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards. **A copy of a "Single Audit Certification Form" will be sent separately via email.** Please complete and return a copy to our office with the executed Grant Agreement. Please make a copy for your files.

Rebecca Wersal is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. If you should have any questions, please contact Rebecca at (303) 342-1257.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

{Sig_es_:signer1: signature}}

John P. Bauer
Manager, Denver Airports District Office

Enclosures



U.S. Department
of Transportation
Federal Aviation
Administration

**FAA Airport Improvement Program (AIP)
GRANT AGREEMENT
Part I - Offer**

Federal Award Offer Date	{{DateTime_es_:signer1:calc(now()):format(date," mmmm d, yyyy")}}
Airport/Planning Area	Jackson Hole Airport
FY2021 AIP Grant Number	3-56-0014-070-2021 [Contract No. DOT-FA21NM-1087]
Unique Entity Identifier	12-280-0647

TO: Jackson Hole Airport Board, Town of Jackson and County of Teton, Wyoming
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated September XX, 2021, for a grant of Federal funds for a project at or associated with the Jackson Hole Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Jackson Hole Airport (herein called the "Project") consisting of the following:

Reconstruct Runway 1/19 (Phase IV)

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2); and the representations contained in the Project Application; and in consideration of:

- (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto
- (b) the Sponsor's acceptance of this Offer; and

(c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100.00 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$XXXXXXX.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):
 \$0 for planning;
 \$XXXXXXX airport development or noise program implementation; and,
 \$0 for land acquisition.

The source of this Grant includes funding from the Small Airport Fund, in accordance with 49 U.S.C. § 47116.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

- a. Period of Performance:

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).

- b. Budget Period:

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the period of performance provided in Paragraph a.1. Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to § 200.308.

- c. Close Out and Termination

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later

than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary, and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, and the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"). Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project, and request prior approval from FAA. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 21, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.

11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.**13. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.**15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.**16. Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.**17. Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects if funds are available;
- c. May be increased by not more than the greater of the following for a, land project, if funds are available:
 - 1. 15 percent; or

2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

18. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

19. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

20. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

21. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not –
 - 1. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - 2. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - 3. Use forced labor in the performance of the Grant or any subgrants under this Grant.
- b. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - 1. Is determined to have violated a prohibition in paragraph a. of this condition; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph a. of this condition through conduct that is either –
 - a. Associated with performance under this Grant; or
 - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a. of this condition.
- d. Our right to terminate unilaterally that is described in paragraph a. of this condition:
 - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - 2. Is in addition to all other remedies for noncompliance that are available to us under this Grant Agreement.

22. Exhibit "A" Property Map. The Exhibit "A" Property Map dated October 5, 2007, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.

23. Employee Protection from Reprisal.

- a. Prohibition of Reprisals —
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph a.2. below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.

2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph a. of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this condition more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
24. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all Co-Sponsors.

SPECIAL CONDITIONS

25. **Agency Agreement.** The FAA, in tendering this Offer on behalf of the United States, recognizes the existence of an Agency relationship between the Sponsor, as principal, and the Wyoming Department of Transportation, Division of Aeronautics, as agent. The Sponsor agrees that it will not amend, modify, or terminate said Agency Agreement without prior written approval of the FAA or its designated representative.
26. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and with the Airport District Office's (ADO) concurrence, that no payments totaling more than 90.0 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be substantially complete. Substantially complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list. Furthermore, no payments totaling more than 97.5 percent of the United States Government's share of the project's estimated allowable cost may be made until: (1) The sponsor submits all necessary closeout documentation and (2) The sponsor receives final payment notification from the ADO.
27. **AGIS Requirements.** Airports GIS requirements, as specified in Advisory Circular 150/5300-18, apply to the project included in this grant offer. Final construction as-built information or planning

deliverables must be collected according to these specifications and submitted to the FAA. The submittal must be reviewed and accepted by the FAA before the grant can be administratively closed.

28. **Solid Waste Recycling Plan.** The Sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as prescribed by 49 U.S.C. § 47106(a)(6).
29. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.
30. **Lighting.** The Sponsor must operate and maintain the lighting system during the useful life of the system in accordance with applicable FAA standards.
31. **Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Airport Sponsor Grant Assurance 11, Pavement Preventive Management. The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport. The Sponsor further agrees that the program will:
 - a. Follow the current version of FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
 - b. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
 - c. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
 - a. Location of all runways, taxiways, and aprons;
 - b. Dimensions;
 - c. Type of pavement; and,
 - d. Year of construction or most recent major rehabilitation.
 2. Inspection Schedule.
 - a. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
 - b. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
 3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
 - a. Inspection date;

- b. Location;
 - c. Distress types; and
 - d. Maintenance scheduled or performed.
4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.

32. Project Containing Paving Work in Excess of \$500,000. The Sponsor agrees to:

- a. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:
 - 1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract;
 - 2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided;
 - 3. Procedures for determining that the testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation referenced in the contract specifications (D 3666, C 1077);
 - 4. Qualifications of engineering supervision and construction inspection personnel;
 - 5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test; and
 - 6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
 - a. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed; highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.
 - b. Failure to provide a complete report as described in paragraph b., or failure to perform such tests, will, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the Grant Agreement.
 - c. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

33. **Airport Layout Plan.** The Sponsor understands and agrees to update the Airport Layout Plan to reflect the construction to standards satisfactory to the FAA and submit it in final form to the FAA. It is further mutually agreed that the reasonable cost of developing said Airport Layout Plan Map is an allowable cost within the scope of this project.

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DRAFT

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

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{Sig_es_:signer1: signature}}
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(Signature)

John P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated **{{DateTime_es :signer2:calc(now()):format(date," mmmm d, yyyy")}}**

JACKSON HOLE AIRPORT BOARD

(Name of Sponsor)

{{Sig_es :signer2: signature}}

(Signature of Sponsor's Authorized Official)

By: {{N_es :signer2: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title: {{*Ttl_es :signer2: title}}

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer3: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at **{{DateTime_es :signer3:calc(now()):format(date," mmmm d, yyyy")}}**

By:

{{Sig_es :signer3: signature}}

(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁴

Dated **{{DateTime_es :signer4:calc(now()):format(date," mmmm d, yyyy")}}**

TOWN OF JACKSON, WYOMING

(Name of Sponsor)

{{Sig_es :signer4: signature}}

(Signature of Sponsor's Authorized Official)

By: {{N_es :signer4: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title: {{*Ttl_es :signer4: title}}

(Title of Sponsor's Authorized Official)

Attested By:

{{Sig_es :signer5: signature}}

(Signature of Sponsor's Attestation)

{{N_es :signer5: fullname}}

(Typed Name of Sponsor's Attestation)

{{*Ttl_es :signer5: title}}

(Title of Sponsor's Attestation)

⁴ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer6: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁵

Dated at **{{DateTime_es :signer6:calc(now()):format(date," mmmm d, yyyy")}}**

By:

{{Sig_es :signer6: signature}}

(Signature of Sponsor's Attorney)

⁵ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁶

Dated **{{DateTime_es :signer7:calc(now()):format(date," mmmm d, yyyy")}}**

COUNTY OF TETON, WYOMING

(Name of Sponsor)

{{Sig_es :signer7: signature}}

(Signature of Sponsor's Authorized Official)

By:

{{N_es :signer7: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title:

{{*Ttl_es :signer7: title}}

(Title of Sponsor's Authorized Official)

Attested By:

{{Sig_es :signer8: signature}}

(Signature of Sponsor's Attestation)

{{N_es :signer8: fullname}}

(Typed Name of Sponsor's Attestation)

{{*Ttl_es :signer8: title}}

(Title of Sponsor's Attestation)

⁶ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer9: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁷

Dated at **{{DateTime_es :signer9:calc(now()):format(date," mmmm d, yyyy")}}**

By:

{{Sig_es :signer9: signature}}

(Signature of Sponsor's Attorney)

⁷ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 – Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 – Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.¹
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Non-procurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures
- e. 14 CFR Part 16 – Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport noise compatibility planning.
- g. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for predetermination of wage rates.¹
- j. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- k. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- m. 49 CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- n. 49 CFR Part 20 – New restrictions on lobbying.

- o. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- p. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- q. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- r. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- s. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- t. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- u. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- v. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- w. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- x. 49 CFR Part 41 – Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States

Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and

purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The Jackson Hole Airport Board, Town of Jackson and County of Teton, Wyoming, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

- e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2)

transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

Engineering and Design Services. If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U. S. C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects as of

`{{DateTime_es_:_signer1:calc(now()):format(date," mmmm d, yyyy")}}`.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or

operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1. Describes the requests;
 - 2. Provides an explanation as to why the requests could not be accommodated; and
 - 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.