Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

September 12, 2022
3:00 PM
Commission Chambers
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

To join, click the link or copy to your browser: https://us02web.zoom.us/j/81809164156
If the link does not work, join at zoom.com with Webinar ID **818 0916 4156**
or join by phone **1 669 900 6833** with Webinar ID **818 0916 4156**

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 commisioners@tetoncountywy.gov.

IV. CONSENT CALENDAR

A. Meeting Minutes
   1. August 1, 2022 Joint Information Meeting
B. Housing Rules & Regulations Public Release
C. Reallocation of SLIB Consensus Funds Towards Fleet Maintenance

V. DISCUSSION/ACTION ITEMS

A. Consideration of Safe Streets for All Safety Action Planning Grant Application (20 mins)

VI. MATTERS FROM COUNCIL, COMMISSIONERS AND STAFF

VII. PROPOSED ITEMS FOR FUTURE JOINT INFORMATION MEETINGS

10/3 Housing Rules & Regs – Final Approval and 3rd Reading
10/3 Quarterly Human Service Updates
10/3 Regional Transportation Governance Discussion

VIII. ADJOURN - County

IX. RECESS TO EXECUTIVE SESSION - Town

A. Recess or Adjourn meeting to executive session to consider matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(iii).

X. ADJOURN - Town

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 1, 2022 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 1:33 P.M.

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

COUNTY COMMISSIONERS: Chairwoman Natalia Macker, Vice-Chairman Luther Propst, and Greg Epstein. Mark Barron joined after roll-call at 1:34 P.M. and Mark Newcomb was absent.

TOWN COUNCIL: Mayor Hailey Morton Levinson, Vice-Mayor Arne Jorgensen, and Jonathan Schechter were present in-person, and Jim Rooks was present via Zoom. Jessica Sell Chambers was absent.

STAFF: Maureen Murphy, Alyssa Watkins, Heather Overholser (Zoom), Lea Colasuonno, Abigail Moore, Larry Pardee, Tyler Sinclair, Roxanne Robinson, Amy Ramage, Charlotte Frei, and Chalice Weichman.

II. PUBLIC COMMENT. Public comment was given by:
- Carrie Geraci regarding an upcoming Capital Improvement Projects and the Jackson Hole Public Art event, "Moon Shot," with Jason McLennan as speaker.
- Carrie Stern regarding affordable housing and Jackson Street apartments.
- Michael Stern regarding affordable housing and Jackson Street Apartments.

III. HUMAN SERVICE UPDATES. The Council and Commission heard updates on current projects, events, staffing, and challenges surrounding the operations of the following Human Service organizations:

- Community Entry Services – Shawn Griffin
- JH Community Counseling Center – Deidre Ashley
- Senior Center of Jackson Hole – Becky Zaist
- Voices JH – Jordan Rich
- Teton Literacy Center – Laura Soltau
- One 22 Resource Center- Carey Stanley
- Community Safety Network – Shannon Brooks Hamby

The meeting recessed at 2:13 P.M. and reconvened at 2:19 P.M

- Teton Youth and Family Services – Sarah Cavallaro
- Hole Food Rescue – Hannah Cooley
- Learning Center – Patty Boyd
- Cultivate Ability – Seadar Rose Davis
- Climb Wyoming – Bonnie Self

IV. CONSENT CALENDAR.

A. **Meeting Minutes.** To approve the meeting minutes for the July 5, 2022, July 6, 2022, and July 18, 2022 meetings as presented.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve the consent calendar for today's joint information meeting that includes the minutes for the July 5, 2022, July 6, 2022, and July 18, 2022 meetings. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilmember Schechter and seconded by Councilmember Jorgensen to approve the consent calendar for today's joint information meeting that includes the minutes for the July 5, 2022, July 6, 2022, and July 18, 2022 meetings. Mayor Morton Levinson called for a vote. The vote showed all in favor and the motion carried for the Town.

V. ACTION/DISCUSSION ITEMS

A. Consideration of BUILD Grant Subrecipient Agreement Between Teton County and the Town of Jackson

Alyssa Watkins, board of County Commissioners Administrator, and Heather Overholser, Director of Public Works, presented to the Commission and Council for consideration of approval a Subrecipient Agreement between the Town of Jackson and Teton County for the Teton Mobility Corridor Improvements (TMCI) BUILD Grant project components that are joint projects of the Town and County. The internal deadline for signing this agreement is August 1, 2022. Without approval of the required Subrecipient Agreements, the BUILD grant funding is jeopardized.

Larry Pardee, Town Manager, Lea Colasuonno, Town Attorney, and Bruce Abel, Interim START Director answered questions from the Boards.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein that the Teton County Board of County Commissioners approve the BUILD Transportation Grant Subrecipient Agreement between the Town of Jackson and Teton County, Wyoming as presented. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

This item is scheduled to be heard by the Town at tonight’s regular Town Council meeting, therefore, Councilmembers chose not to take action during this meeting.

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

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

The meeting adjourned at 3:51 P.M.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

____
Natalia D. Macker, Chairwoman

ATTEST:

____
Maureen E. Murphy, County Clerk

TOWN OF JACKSON

____
Hailey Morton Levinson, Mayor

ATTEST:

Town Clerk

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Housing **PRESENTER**: Stacy Stoker

MEETING DATE: September 12, 2022

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

STATEMENT/PURPOSE

The Teton County Board of County Commissioners ("Board") and Jackson Town Council ("Council") will consider directing staff to release the Jackson/Teton County Housing Department Rules and Regulations with the 2022 changes and updates for the County's mandatory 45-day Public Comment period and to prepare an Ordinance for the Town.

BACKGROUND/ALTERNATIVES

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

On February 28, 2022, the Town Council and Board of County Commissioners identified a list of topics to be analyzed by staff and discussed at the annual Rules and Regulations Update.

On June 13, 2022 and July 6, 2022, the Council and Board considered the list of topics and directed staff to make changes to the Rules and Regulations. The redlined document is attached, which shows the details of each change. The changes are as follows:

1. **Page 31 | Section 3-3.G:**
   Add a new rule requiring that developments with both restricted and market units have limitations on the Homeowner Association Assessments and Fees that can be imposed upon the restricted housing units.
2. **Page 33, 34 | Section 4-2.A:**
   Change to the definition of full-time employment so that households must average 30 hours of local employment per week per adult. For example:
   a. One adult in the household = minimum 30 hours per week
   b. Two adults in the household = minimum 60 hours per week
3. **Page 36, 44 | Section 4-2.D and 4-3.C:**
   Change to allow cosigners and/or guarantors solely in cases where the buyer is unable to afford to purchase the unit on their own. The cosigner will be considered supplemental income, which will be counted as Non-local income. The amount of supplemental income must be enough to lower the buyer's total Debt to Income Ratio to 45%.
4. **Page 41 | Section 4-3.A.2.d:**
   Deductions to household income from rental properties will now be prohibited.
5. **Page 41, 42 | Section 4-3.A.2.e:**
   Change to count child support and local retirement pension as income earned from a Local Business.
6. **Page 47 | Section 5-2.A.1:**
   Change to the allowed time for interruption of employment from 2 years to 5 years and an additional requirement that the household must work for one full year, full-time for a Local Business prior to applying in the Weighted Drawing.
7. **Page 83 | Section 7-3.B.3.a:**

Change to calculation method for maximum rents owners of restricted units may charge when renting their home while on an approved leave of absence from 30% of the low-end of their applicable income range to their actual housing costs (mortgage, taxes, insurance, HOA).

8. **Page 89 | Section 8-1.A.6:**
   Owners of restricted rental units can choose to send their tenants to the Housing Department for qualification rather than collecting documentation themselves.
9. **Page 116 | Section 11:**
   Definitions: Change the definition of Household for Workforce Housing Rental units to allow more than one Household to occupy a unit.
10. **Page 117 | Section 11:**
    Definitions: Change the definition of Local Business as follows:
    a. Remove the Town of Jackson Business License as a method of providing verification of physical location in Teton County.
    b. Add part C to the definition allowing private residences to qualify as a Local Business.

The following changes were not part of the direction from the elected officials but are recommended by the Town Attorney and County Attorney. .

1. **Page 2-9 | Section 1:** Add section headings to the Summary of Housing Programs.
2. **Page 107-111 | Section 10-2:** Add the rules for the Housing Preservation Program.

Staff has also made some clarifications to the language of certain sections and corrections to scrivener's errors, which are not a change to current policies. Clarifications are included in the redlined document attached.

COMPREHENSIVE PLAN ALIGNMENT

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

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

STAKEHOLDER ANALYSIS

Stakeholders include applicants, owners and tenants of restricted homes, the public, elected officials, and staff. The process for making changes to the Housing Rules and Regulations provides ample opportunity for stakeholders to make public comment and includes the following:

- January 31, 2022: Housing Department sent out an email to over 4,000 community members, highlighting the opportunity to provide suggested upgrades or changes to the Rules and Regulations.
- February 28, 2022: Joint Information Meeting – Topic Identification
- May 4, 2022: Housing Authority Board Meeting, Rules and Regulations Annual Update Recommendations
- June 13, 2022: Joint Information Meeting – Rules and Regulations Annual Update Discussion and Direction to staff.
- July 6, 2022: Continuation of June 13 Rules and Regulations Annual Update Discussion and Direction to staff.
- Beginning in September 2022: The Rules and Regulations are enacted as an ordinance in the Town of Jackson Municipal Code and undergo three ordinance readings, each of which include a public comment opportunity, that take place on three different days, that span, at minimum, ten days. The anticipated dates of the ordinance readings are October 3, October 19, and November 7. Should Council and the Board elect to continue this item, the anticipated ordinance reading dates will shift and new anticipated dates will be provided in the future staff report. The Rules and Regulations will be available for public comment for the required 45-day period prior to adoption by the Board.

- The Housing Department began receiving public comment January 31st. The public has had the opportunity to comment throughout the process to the Housing Department or to the Town Council and Board of County Commissioners via email or at public meetings. All public comment was provided to the Council and Board.
- November 7, 2022 JIM: The Council will hear the 3rd Reading of the Ordinance and will consider adoption. The Board will consider adoption of the Rules and Regulations post 45-day Public Comment Period. This meeting will provide the final opportunity for public comment.

FISCAL IMPACT
N/A

STAFF IMPACT
Tracking, reviewing, and keeping notes on needed or potential changes to the Housing Rules and Regulations has taken approximately 30 hours of both Town and County Legal staff time and 200 hours of Housing staff time.

LEGAL REVIEW
L. Colasuonno, Town Attorney
A. Moore, Deputy County Attorney

ATTACHMENTS
- Housing Rules and Regulations with changes Redlined
- Public comment received since the July 6, 2022 JIM

RECOMMENDATION
Staff recommends directing staff to prepare an Ordinance for the Town and the 45-day public comment period for the County.

SUGGESTED MOTION
County motion:
I move to direct staff to release the Jackson/Teton County Housing Rules and Regulations as presented by staff for the mandatory 45-day public comment period.

Town motion:
I move to direct staff to prepare an Ordinance for adoption based on the Jackson/Teton County Housing Rules and Regulations presented by staff.

From:	April Norton
To:	Stacy Stoker
Subject:	Fwd: Please forward to TCC and JTC..thank you.
Date:	Sunday, August 14, 2022 8:04:25 AM
Attachments:	image001.png image002.jpg

Begin forwarded message:

> **From:** Hannah Navarro <hihannahnavarro@gmail.com>
> **Date:** August 13, 2022 at 11:56:08 PM MDT
> **To:** April Norton <ahnorton@tetoncountywy.gov>
> **Cc:** Mark Barron <mbarron@tetoncountywy.gov>
> **Subject: Re: Please forward to TCC and JTC..thank you.**
>
> [**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.]
>
> Hello,
> I would like to follow up on any changes, or changes back to grandfather in families that are in an affordable home getting first pick to a larger home when available. I know I am not the only family of 4 living in a one bedroom in my neighborhood, I know it would be great to have more space as our kids grow. Time to give these one bedrooms to a local who fits their needs better than a family of four, don't you agree?
> Thank you for your time.
> Hannah Navarro
>
> On Sun, Oct 3, 2021 at 9:48 AM April Norton <ahnorton@tetoncountywy.gov> wrote:
>
> > Good Morning,
> >
> > Mrs. Navarro is correct. In 2018 the elected officials directed staff to make changes to the Housing Rules & Regulations and removing the preference for households within the same development was one of those changes. I've received a few questions about this and we will add it to the list of topics to discuss during the March Joint Info Meeting during which the Commission and Council will direct staff on what changes to the Rules to bring back for consideration.

Please reach out to me with any other questions, etc.

Best,

April

April Norton

Director I Jackson/Teton County Affordable Housing Department

(o) 307-732-0867 (m) 307-690-7442

www.jhaffordablehousing.org

Follow us on Facebook, Twitter, Instagram, LinkedIn

#housingjh #communityfirstresortsecond

"Stabilizing our community by providing healthy housing solutions."

image001.png	image002.jpg

From: Hannah Navarro <hihannahnavarro@gmail.com>
Sent: Friday, October 1, 2021 7:48 PM
To: Mark Barron <mbarron@tetoncountywy.gov>
Cc: April Norton <ahnorton@tetoncountywy.gov>
Subject: Re: Please forward to TCC and JTC..thank you.

[**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.]

Hi Mark,

It is Mrs. Navarro.

Hannah

On Fri, Oct 1, 2021 at 6:04 PM Mark Barron <mbarron@tetoncountywy.gov> wrote:

> Hi April,
>
> Is Ms. Navarro correct?
>
> Have a great weekend!
>
> Best,
>
> mark
>
> > On Oct 1, 2021, at 2:01 PM, April Norton <ahnorton@tetoncountywy.gov> wrote:
> >
> > Hi All,
> >
> > Please find public comment from Ms. Navarro, below.
> >
> > Best,
> >
> > April
> >
> > April Norton
> >
> > Director I Jackson/Teton County Affordable Housing Department
> >
> > (o) 307-732-0867 (m) 307-690-7442
> >
> > www.jhaffordablehousing.org
> >
> > Follow us on Facebook, Twitter, Instagram, LinkedIn

#housingjh #communityfirstresortsecond

“Stabilizing our community by providing healthy housing solutions.”

<image001.png><image002.jpg>

From: Hannah Navarro <hihannahnavarro@gmail.com>
Sent: Friday, October 1, 2021 1:59 PM
To: April Norton <ahnorton@tetoncountywy.gov>
Subject: Please forward to TCC and JTC..thank you.

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Commissioners and Jackson Town Council ,

My name is Hannah Navarro and I bought a one bedroom home in the Millward neighborhood in 2015. Since then I have had two kids and we are now a family of four. We love this space and our neighborhood. It feels like the healthiest loop to raise kids on in the valley. I was made aware of the news that a close neighbor plans to sell their 3 (or maybe 4) bedroom home next summer. I am aware that rules have sadly changed and owners are no longer given priority to a larger home in the same neighborhood as they were in the past. So I wont ask but I will mention that it would be prudent of me to let TCHA know that our family of four would love an opportunity to upgrade and stay in the Millward neighborhood. We love our neighbors like family and this home is only two houses away from our current home. I have been living in the valley since 2000 and feel incredibly blessed to own a home. We are happy in our 600 sq ft but it could be a wonderful opportunity for another person to own a small home in the valley. Thank you for your time and consideration.

Marcelino & Hannah Navarro

From:	Brian Smith
To:	April Norton; Stacy Stoker; commissioners@teton-countywy.gov; Shila Morillon-Arellano; Hailey Morton Levinson; Arne Jorgensen; kjschechter@gmail.com; Jessica Chambers; Mark Newcomb
Cc:	Cyndi Hargis; nat patridge
Subject:	Affordable Housing Variance and Exceptions for long term Teton County employees
Date:	Saturday, September 3, 2022 11:35:01 AM

Dear Teton County Housing Authority, County Commissioners, Mayor, and Exum Mountain Guides,

My name is Brian Smith and I am writing you today because the Teton County Affordable Housing program is not working for long-term, dual seasonal employees like myself. Let me briefly summarize my history in Teton County: I've lived in Teton County for 24 years, guided climbing and skiing for Exum Mountain Guides for 18 years, ski patrolled at Snow King and Jackson Hole Mountain Resort for 12 years, ski guided at JHMR for 4 years, and taught for the American Avalanche Institute for 5 years. I also have a 10-year-old daughter who has lived here her entire life.

Teton County is primarily a tourist-based economy and dual-seasonal employees like myself are vital to our economy. For many years, I have been living in the affordable housing on Clark Street, adjacent to Snow King. In the summertime, I move out and into a cabin that Exum Mountain Guides owns in Grand Teton National Park. The Grand Teton Music Festival Employees live in the Clark Street affordable units in the summertime. This arrangement works well for all.

On August 10th, 2022, I was notified by email that I needed to fill out an application for the Teton County Housing Authority in order to move back into my unit on Clark Street. This short notice was in the midst of the busiest timeframe during the summer guiding season, when I am working every day other than the days I spend with my 10-year-old daughter. I did my best to fill out the lengthy application and download documentation in a timely matter and the time constraint was and still is very stressful. On Thursday, Sept 1st, my daughter and I met with Shila to submit the application and paperwork. I expressed my concern to Shila about the short notice as well as the requirement of 1560 hours per year worked in Teton County.

As a dedicated employee of many local businesses and as a long-term resident of Teton County, I want to express my deep concern that the hourly requirement makes it extremely difficult or even impossible for residents like myself to either find or sustain affordable housing. Please allow me to explain why, using my situation as an example. Even though I guide and teach locals and visitors alike in Teton County in the summers and winters, my profession also involves traveling for work in the off-season. For example, I travel to Moab, Red Rocks, the Wasatch, the Bugaboos, Cody, Peru, and Alaska to guide and teach clients, many of which whom also regularly spend time in Jackson Hole climbing and/or skiing with me. Without any doubt, the diversity of my guiding career has helped to build my experience and make me better at my job in Teton County. I am an asset to local guiding companies and an asset to the tourist economy in Teton County.

I'm sure there are many long-term seasonal employees here that are facing a similar challenge in finding or keeping affordable housing. I do not think I am alone in this, which is why I am asking all of you to please consider a variance or exception to the hourly requirement as soon as possible. I understand the requirements are in place to prevent people from taking advantage of the system, but when the requirements leave dedicated Teton County residents like myself out of the affordable housing market, it is our duty to create change in order to help our community stay intact.

Please contact me with any questions, concerns, or ideas you might have and I sincerely appreciate your time and assistance.

Best Regards,

Brian
--
Brian Smith
Exum Lead Guide
IFMGA Certified Mountain Guide
www.tetonclimbingguide.com
307-413-0331

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Section 1. 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' Special Restriction, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs.

1-1. Descriptions of Applicable Programs:

A. 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, the Household must meet the Employment Requirement. ~~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.

B. 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, and~~.~~ ~~At least one person in the Household must work a minimum of 1,560 hours per year.~~ the Household must meet the Employment Requirement. 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.

C. Attainable

These units were built before housing standards were codified in the LDRs. No more Attainable Restricted 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~~ 9 months each year. No requalification or future documentation will be required after purchase of the unit.

D. Employee

These rental Restricted 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 Restricted 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 Special 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~~Households must meet the full-time employment requirement outlined in the Housing Unit's Special Restriction. 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.

E. 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.

F. 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. Households~~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~~the Household must meet the Employment Requirement. 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.

1-2. Special Restrictions

	Affordable Ownership	Affordable Rental	ARU	Workforce Ownership	Workforce Rental
Applicability	All non-exempt residential or commercial dev.	All non-exempt residential or commercial dev.	Nonresidential ARUs	FAR Bonus; non-exempt res or com	FAR Bonus, non-exempt res or com
Rent/Own	Own	Rent (no owner occupancy)	Rent	Own or Rent	Rent (no owner occ)
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 mls	Not within 150 mls	Not within 150 mls
Income Ranges	0 - 50%, 50 - 80%, 80% - 120% of MFI	0 - 50%, 50 - 80%, 80% - 120% of MFI	None	None	None
Income Limit for Tenant Qualification	N/A	<50%, <80%, <120% MFI	75% of income earned locally	75% of income earned locally	75% of 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 Cit., Law Perm Resident or DACA Recipient	None	None	US Cit, Law Perm Res, 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 cont. FT employment	Continuous	Continuous	Continuous	Continuous
Appreciation Restrictions	CPI with max. 3% per year compounded	No measured appreciation	No measured app.	CPI with max. 3% per year comp.	No measured appreciation
Sales Process	Weighted Drawing	By Owner	By Owner	Weighted Drawing after initial sale	By Owner
Rental Rate	N/A	30% of bottom inc. range	None	None	None
Rental Term	N/A	Not less than 6 months	Not less than 6 m.	HD Approval	Not less than 6 m.
Incentive	N/A	N/A	FAR exempt	2:1 Workforce Housing FAR Bonus	2:1 Workforce Housing FAR Bonus
Requirement	According to LDR 6.3 - must record a restriction	According to LDR 6.3 - must record a restriction	According to LDR 6.1.11.B.3.b - must record a rest commercial only.	According to LDR 6.3. Must record a restriction	According to LDR 6.3. Must record a restriction

Section 2. PURPOSE AND GENERAL GOALS

2-1. 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 Restricted 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).

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.

2-2. 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.

2-3. 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	

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 3. HOUSING DEVELOPMENT STANDARDS

3-1. 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 3-2 lays out the requirements of the Housing Mitigation Plan, which is reviewed by both the Planning Department and the Housing Department. Section 3-3 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

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.

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.

3-2. 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.

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. Mitigation Fee in -Lieu 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 occupational requirements for Restricted 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.~~ All required housing mitigation units and Housing Units that are provided using an incentive or bonus tool in the Jackson or Teton County Land Development Regulations, with the exception of Accessory Residential Units that are secondary to Residential Use, are required to have the approved template for the applicable Special Restriction recorded on the property prior to issuance of Certificate of Occupancy for the development associated with the Housing Unit.

~~c.~~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 Special 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.

There are four types of Special 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 Special 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.

3-3. Livability Standards

To meet the community's goals of providing working families a viable choice of housing, to protect social diversity, preserve affordability, and to contribute to economic stability, the LDRs and the Housing Department Rules and Regulations require that Restricted Housing Units are designed to provide, affordability, 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 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.

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 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:

a. 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).

b. Refrigerator

One-year minimum warranty on the entire appliance.

c. Dishwasher

One-year minimum warranty on the entire appliance.

d. 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.

e. 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.

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').

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.

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 (10'0).

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.

6. Windows/Noise Mitigation

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

Restricted 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. Parking

All restricted housing units must have access to a minimum of one parking space. The parking provided must be equivalent to parking provided for use by the market units in the development.

~~9.~~10. 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

E. Standards for Dormitories

General 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

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 Livability Standards

It is recognized that use of existing housing stock makes it more difficult for units to be in compliance with 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 when other design features above and beyond the Livability Standards requirements exist at the sole discretion of the Housing Department.

G. Standards for Assessments Imposed by Covenants, Conditions and Restrictions

To preserve affordability of the community's Restricted Housing Units, the Covenants, Conditions and Restrictions, or like governing documents, for developments that comprise all restricted units with a mix of restriction types or that have a mix of restricted units and market units, must meet the following standards.

1. Prohibition on Assessments for Luxury Items.

Costs for Luxury Items may not be assessed against Restricted Housing Units unless 100% of the owners of the Restricted Housing Units vote to approve the proposed Luxury Item.

2. Prohibition on Assessments for Common Areas

Costs for maintenance and operations of common areas or shared amenities that are not accessible for use by the Restricted Housing Units may not be assessed against Restricted Housing Units.

3. Regular Dues Assessments

Regular Dues Assessments imposed on Restricted Housing Units may not exceed the Value Comparison Percentage. The Value Comparison Percentage for each restricted unit is calculated by dividing the value of the Restricted Housing Unit by the total value of all housing units in the development.

For the purposes of calculating the Value Comparison Percentage for the Restricted Housing Units, values for each unit type in the Development will be determined as follows:

Market Units: The value of each market unit in a development in the first year Regular Dues Assessments are imposed is the original sale price of each market unit as set by the developer. In subsequent years, the value of each market unit is the Teton County Assessor's assessed value for the applicable calendar year.

Workforce Restricted Units: The value of each Workforce Restricted Housing Unit in a development in the first year Regular Dues Assessments are imposed is the original sale price of each unit as set by developer. In subsequent years, the value of each Workforce Restricted Housing Unit in a development is the Teton County Assessor's assessed value for the applicable calendar year.

Affordable Restricted Units: The value of each Affordable Restricted Housing Unit in a development in the first year Regular Dues Assessments are imposed is the Maximum Resale Value. In subsequent years, the value of each Affordable Restricted Housing Unit is the Teton County Assessor's assessed value for the applicable calendar year.

Undeveloped lots: The Value Comparison Percentage shall be calculated for undeveloped lots, whether Market or Restricted, in the same manner

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Sample Calculation of Value Comparison Percentage and Special Assessment

Subject Unit – Affordable Restricted Value
Unit A: $200,000

Other Restricted Units in the Development Values

Unit B:	$250,000
Unit C:	$500,000
Unit D:	$498,000

Market Units in the Development Values

Unit E:	$3,000,000
Unit F:	$3,800,000
Unit G:	$2,950,000
Unit H:	$5,050,000
Unit I:	$4,000,000
Unit J:	$3,800,000

Step 1: Calculate the total value of all units in the development (A-J) by adding the values = $24,048,000

Step 2: Calculate Unit A's Value Comparison Percentage by dividing Unit A's value ($200,000) by the total value of all units in the development = 0.0083 or **.83%**

Example Annual Regular Dues Assessments = $10,000

Value Comparison Percentage for All Units in the Development

Unit A:	**0.83%**	**$83**
Unit B:	1.04%	$104
Unit C:	2.08%	$208
Unit D:	2.07%	$207
Unit E:	12.48%	$1,248*
Unit F:	15.80%	$1,580*
Unit G:	12.27%	$1,227*
Unit H:	21.00%	$2,100*
Unit I:	16.63%	$1,663*
Unit J:	15.80%	$1,580*

*The method used in this sample for assessing Market Units is not a requirement under these Rules and Regulations. Market Units may be assessed as determined by the CCRs.

Sample Special Assessment for Unit A: A Special Assessment for the Development totaling $8,000 will be $66.40 for Unit A. The maximum payment requirement per year may not exceed $16.60

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4. Special Assessments

Special Assessments imposed on restricted housing units may not exceed the Value Comparison Percentage for each unit.

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5. Payment of Special Assessments

Payment of Special Assessments for Restricted Housing Units must be amortized over a period of time such that-the maximum payment requirement is no more than twenty percent (20%) of the annual obligation for the Regular Dues Assessments. Special Assessments are calculated and assessed separately and in addition to Regular Dues Assessments.

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6. Review of CCRs and Budget

The Housing Department shall review and approve the CCRs that will be recorded for a development prior to issuance of final plat as well as any subsequent amendments thereto.

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Section 4. QUALIFICATION AND ELIGIBILITY

4-1. 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 Restricted 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.

4-2. 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 (purchase) or move-in (rental):

A. Employment Requirement

~~At least one member of the Household must fit one of the following categories:~~ To qualify for any restricted housing unit or program, Households must meet the Employment Requirement, which is determined by the Household's total combined number of hours worked at a Local Business per adult. The requirement is as follows:

If there is one adult in the Household: A minimum of an average of thirty (30) hours per week or 1,560 hours per calendar year.

If there are two adults in the Household: A minimum of an average of sixty (60) hours per week or 3,120 total hours per calendar year for the Household.

For each additional adult in the Household, an additional minimum of thirty (30) hours per week or 1,560 hours per calendar year are required.

Adult members of the Household can fulfill the Empljoyment Requirement by being employed in one or more of the following categories:

1. Employed in Teton County

Be employed forat a Local Business. ~~an average of at least thirty (30) hours per week or 1560 hours annually.~~

For purchases or rentals that are not subject to the ~~outside of a~~ Weighted Drawing process, , the Household can be under contract for employment at a Local Business, where such contract commences employment before the date of move-in (rental) or closing (purchase) of~~n~~ 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.

a. Self-Employed

If self-employed, ~~hours of work must be documented to substantiate meeting the 30-hour per week / 1560 hours per year~~the business must meet the definition of a Local Business. Second, the number of work hours must be documented to substantiate meeting the Employment Requirement. ~~requirement.~~ Since self-employment is often unique, different methods of verification may be used, however, a log of hours is ~~.~~required. ~~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 and if the individual has returned to employment for a Local Business withing sixty (60) days of terminating enlistment with the U.S. Armed Services..

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.

~~. 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.~~

~~. 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.~~

~~F.~~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.

1. DACA Recipients

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

~~G.~~C. Age

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

~~H.~~D. Financial Ability

The Household must qualify without a cosigner for a loan through an institutional lender to purchase an Affordable ~~Restricted~~ Housing Unit. Workforce units are allowed a cosigner with the approval of the Housing Department.

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.

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.

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

b. 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.

c. Other Documentation:

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

4-3. 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 Restricted Housing Unit. The Special 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

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 Special Restriction recorded on the Employee Housing Unit, the Special 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 Local Business 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 Restricted Housing Units. However, at least 75% of the Household's combined income must be earned from a Local Business 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.

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 who are boyth under the age of 25 who are members of the Household and who are A~~a~~ttending C~~c~~ollege will not be counted. Income of adult children who are members of the Household over the age of 25 will be counted.

b. Business Income

Gross income is used minus cash expenses. Examples of non-cash expenses that are prohibited deductions include but are not limited to depreciation, travel, meals, entertainment, and business use of the home.

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:

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 who will be occupying the unit must include income and assets on the application except children of intended members of the Household that are under the age of 25 and Attending College. ~~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 Restricted Housing Unit within the first year and may not reside in the restricted unit thereafter without prior approval from the Housing Department. For Workforce units, additional adults may reside in the Restricted Housing Unit 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 Restricted Housing Unit. 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.

d. Residential Rental Income

All income from residential real estate will be counted toward Household income. All expense deductions are prohibited.

e. Local Income

Local Income is an income earned from employment compensation of self-employment from a Local Business. Child support and local retirement income may also be counted as Local Income.

f. Non-Local Income

Non=Local Income includes, but is not limited to, the following:

- Dividends
- Income from a party that does not meet the definition of Local Business
- Child support, except for child support being paid by a person working for or self-employed with a Local Business if it can be demonstrated and verified.
- Alimony

Rental Income

Retirement, except if the person receiving the retirement income is over the age of 62 or the retirement income is from being fully vested in a pension pan associated with past employment with a Local Business. If either o the age of the recipient or the status of the pension plan can be demonstrated and verified, the income will be deemed Local Income.

Social Security

Disability

Unemployment

All consistent sources of income not from a Local Business.

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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 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 Restricted 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.

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.

4. Co-signers and Guarantors

a. Affordable Units

Cosigners and Guarantors are prohibited when a Household is purchasing Affordable Units.

b. Workforce Units

Cosigners and Guarantors are allowed when a Household is purchasing Workforce Housing units with the approval of the Housing Department, which approval will only be granted when, a cosigner or guarantor is needed solely due to the buyer's lack of ability to afford the unit on their own. Cosigners and Guarantors are prohibited from being on title to the Housing Unit.

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~~E.~~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~~available through the 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.

~~F.~~E. Online Intake Form

The Online Intake Form must be completed prior to entering a Weighted Drawing for a Restricted Housing Unit. 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 Restricted Housing Units when they are available. All advertising of Restricted Housing Units 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.

Section 5. 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.

5-1. 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.

5-2. 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 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.~~Each Household must meet the Employment Requirement herein.

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 five~~two~~ (5~~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 of~~upon~~ termination of the reason for the interruption of employment and must have met the Employment Requirement for one entire year upon reestablishing compliance with the Employment Requirement. The only reasons~~Reasons~~ a Household's employment may be ~~for allowed interruption of employmen~~interrupted are~~t include~~ caring for a sick or disabled immediate family member, attending post-secondary school, and hospitalization. Appropriate~~Verification~~ documentation verifying to the satisfaction of the Housing Department permitted interruption of employment include but are not limited to, a letter from a health care provider, or school transcripts, and will be required to obtain points for prior emploument.~~of the reason for interruption of employment will be required to obtain points for prior employment.~~

~~C. Additional Points~~

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~~1.~~2. Critical Service Provider

Qualified Critical Service Providers (CSPs), 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) CSP organizations, they will receive two (2) 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.

~~D.~~B. 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.

~~E.~~C. 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 Restricted Housing Unit will be offered first come, first served. The first Q~~q~~ualified Household to submit a complete application will have the opportunity to purchase. First come Qualified Households will be allowed to make an offer on the Restricted Housing Unit. In the case an offer is made that is less than the Maximum Resale Price, the ~~owner~~ Seller may accept the offer or make a counteroffer. The prospective buyer Household then has the opportunity to accept the Seller's counteroffer or issue a counteroffer. If made, the Seller can accept or counteroffer a second time. As long as there is not another Qualified Household in line, the first Qualified Household can continue to make counteroffers until the Seller accepts. If there is another Qualified Household in line, the first Qualified Household is limited to accepting the Seller's second counteroffer or rejecting it. If the Seller's second counteroffer is rejected, the second Qualified Household will have the opportunity to make an offer, but it must be more than the first Qualified Household's highest offer. This process will continue until an offer is accepted by the Seller or the Seller withdraws its Letter of Intent to Sell. Notwithstanding the foregoing, the Housing Department may make a different determination if the owner is in default and/or if the sale is a forced sale. ~~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.~~

Email Confirmation

Households who submit a complete Weighted Drawing entry during an open Weighted Drawing for a Restricted 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.

~~F.~~D. 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.

~~G.~~E. Drawing Results

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

~~H.~~F. 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.

5-3. Weighted Drawing Entry

A. Open Weighted Drawing

When a Restricted 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 Restricted 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 Restricted 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 Restricted 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 A~~a~~ttending C~~c~~ollege). 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.

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.

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.

7. Credit Report

A full credit report or an equivalent, as such may be determined by the Housing Department is~~may be~~ required and must include ~~a credit score along with~~ data from all accounts.

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
  - Detailed log of hours worked

9. Critical Service Provider Verification

Individuals working in approved Critical Service Provider positions must submit a Critical Service Provider Supervisor Questionnaire.

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.

5-4. Notice to Selected Household

Upon receipt of the Weighted Drawing results, the Housing Department will notify the Household chosen first in the drawing. The Housing Department will use the contact information given in the Household's Intake Form to contact the Household. The Household will have five (5) business days to respond to the Housing Department. If there is no response from the Household within five (5) business days, the Household drawn second in the drawing will have the option to purchase, under the same circumstances as the first. The process continues until a Household provides the requisite response within the five (5) business days.

The Housing Department may simultaneously notify the Households drawn first, second, and third in the drawing for purposes of speeding up the purchase process, however, the timelines for response outlined above will be maintained.

Households that may be out of town at the time of a drawing or unable to be reached are encouraged to notify the Housing Department and make necessary arrangements in case they are drawn in a drawing for which they have entered.

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Section 6. PURCHASE AND SALE STANDARDS AND PROCEDURES

6-1. Sale and Resale Standards

A. Applicability

Each restricted housing program dictates both the initial sales price and the maximum resale price. The Special 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 Restricted 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 standards.

5. Other Programs

For other Restricted Housing Units, the property's Special Restrictions clarify how the sale and resale prices are configured.

B. Maximum Sales Price

The Housing Department updates the maximum sales prices for Affordable Restricted 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.

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 Special 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 Special Restrictions.

c. Stopping Appreciation

If an owner is found to be in default of their Special 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 Special Restrictions or ground lease specifically reference an alternative appreciation method or no measured appreciation.

The following standards apply:

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 Special 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 Restricted Housing Unit, 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. Appreciation Rate of 2.5 Percent

The 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.

2. Cost of Actual Capital Improvements

Restricted Housing Units that have Special 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 Restricted Housing Unit 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.

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.

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 Restricted Housing Unit. If the Housing Department holds the funds, the 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. 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/Special Restrictions and to provide a transfer to a Qualified Household. Specifically, the Housing Department facilitates sales of Affordable Restricted Housing Units, Employment-Based Restricted Housing Units, and Workforce Restricted Housing Units. Sellers will be required to enter into a Facilitation Agreement with the Housing Department to sell their Restricted Housing Unit. The Facilitation Agreement must be executed prior to advertising the Restricted Housing Unit for sale through a Weighted Drawing process.

3. Maximum Resale Letter

The resale price of the Restricted Housing Unit shall be calculated according to its Special 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 Special Restrictions, 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 Owner 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 Restricted Housing Unit 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 Restricted Housing Unit. 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.

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 Restricted Housing Unit, 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 Restricted Housing Unit 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.

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 Restricted Housing Unit to its original condition.

3. Approved Capital Improvements

A Capital Improvement is an improvement done to the Restricted Housing Unit 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.

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 Restricted Housing Unit.

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

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 Qualification, the Restricted Housing Unit shall immediately be listed for sale in accordance with the Special 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 Special Restriction

A nonqualified transferee shall comply with the Special 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. If a restricted housing unit is placed in a trust illegally, the trust is a Non-qualified Transferee and will be handled as such.

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:

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 Special 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 Restricted Housing Unit 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.

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) A~~a~~ttending C~~c~~ollege, 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.

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 any time 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 Restricted Housing Unit for a minimum of one year. All adults not on title who occupy a restricted housing unit will need to sign and Occupancy Agreement.

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, Special 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 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.

For Restricted Housing Units that do not have a measured appreciation, such as Attainable Restricted Housing Units, an appraisal recognizing the Special 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.

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 Special 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 Restricted Housing Units for 100% replacement cost. Since the Restricted Housing Units are subsidized, this amount could be more than the price of the restricted housing unit. 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 restricted housing unit. Ground lease properties are required to name the Jackson/Teton County Housing Authority as additionally insured.

6-2. 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 Special 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 Special 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 Weighted Drawing Section.~~

~~5.~~3. Owner Selection

If the Special 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.

~~6.~~4. Attainable Housing Program Sale Procedures

a. Listing of Unit

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

b. Letter of Intent to Sell

The owner of the Attainable restricted 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 restricted 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 Restricted 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 restricted housing unit. The seller may make a counteroffer that includes changes to the Purchase and Sale Agreement. The Attainable restricted 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 restricted 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.

g. Application for Qualification

1. Time of Submittal: The Attainable restricted 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 restricted 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. 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 Special Restrictions as well as agreeing to allow the Housing Department to release the sales price of the restricted housing unit, 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.

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 Special 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 restricted housing unit.

c. Credit Report

A ~~three-bureau~~complete 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 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.

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)

1. Authorization to Release Information

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 housing unit in the past 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.

2. 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 restricted housing unit without express written approval of the Housing Department. Approval will not be given within twelve (12) months from closing on a restricted housing unit 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 restricted housing unit or must sign an Occupancy Agreement.

3. Accessible Unit Preference

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

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

5. 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.

6. 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.

7. 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.

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.

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. 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. 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:

a. Waiving Objection

Waiving the objection and proceeding to closing, or

b. Termination

Terminating the Purchase and Sale Agreement.

c. 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.

d. 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 Special Restrictions as well as agreeing to allow the Housing Department to release the sales price of the restricted housing unit. 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.

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 restricted housing unit, 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.

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

Section 7. RENTAL STANDARDS AND PROCEDURES

7-1. Applicability

All rental Restricted Housing Units administered by the Housing Department, including the Affordable Rental program (which includes legacy Employee Restricted 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.

7-2. 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
Three-bedroom:	Three (3) persons
Four-bedroom:	Four (4) persons

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.

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. 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 restricted housing unit 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.

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.

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.

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.

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

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.

7-3. 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 restricted housing unit as their primary residence.

1. Occupancy Requirement

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

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 these Housing Rules and Regulations.

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. Qualification and Eligibility. A fee will be charged along with the request as set forth in the Annual Schedule of Fees.

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 Special 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 restricted 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.

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, which include only (the mortgage payment, taxes, insurance, Ground Lease Fees and HOA dues)~~, whichever is less~~. The actual cost of utilities can be added to the rent or billed to the tenant if utilities are in the owner's name. Housing costs shall be verified by the Housing Department prior to approval of the lease.

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 Special 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 E~~e~~mployment R~~r~~equirements of the Special 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 E~~e~~mployment R~~r~~equirement.

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.

7-4. ~~Affordable~~ Restricted Rentals Owned by a Private Entity

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~~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:~~

~~0. 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.~~

~~0. Household Size for Rent Calculation~~

~~For purposes of calculating rental rate only:~~

~~Unit Type~~	~~Household Size~~
~~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 rental restricted 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.~~

~~0. Rental Restricted 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.~~

~~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 x 30%) / 12 = $1,301~~

~~0. Dormitories~~

~~. 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 x 30%) / 12 = $1676 per month~~

~~. 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 person per month~~

A. Affordable Units

1. Standard of Affordability

The standard for affordability used by Teton County is based on HUD standards which provide 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. Additionally, one parking space is required at no charge to the tenant.

To ensure that housing costs are affordable for the Households who qualify within the applicable affordable income range of the Special Restriction for a particular Affordable Housing Unit, rent charged may not exceed the Maximum Affordable Rent as set forth below.

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2. Maximum Affordable Rent Calculation

The Maximum Affordable Rent for an Affordable Housing Unit will be calculated using the Housing Department Income Range and Asset Chart which establishes the dollar amounts for each affordable income range based on the Median Family Income (MFI) for Teton County calculated annually by HUD, and according to the following method and requirements:

Step 1 – Determine household size applicable to the Affordable Housing Unit
For the purposes of calculating Maximum Affordable Rent only, household size is determined not by the number of persons to occupy an Affordable Rental Unit but by the Unit Type (number of bedrooms):

Unit Type	Household Size
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:	Household Size = Number of bedrooms in Dormitory

*Dormitory is defined as a rental housing unit with more than 4 bedrooms and may not exceed 8 bedrooms under the Livability Standards.

Step 2 – Determine annual income amount applicable to the Affordable Housing Unit
The annual income amount used to calculate the Maximum Affordable Rent is the lowest dollar figure on the current annual Housing Department Income Range and Asset Limit Chart within the income range applicable to the Affordable Housing Unit for the household size/Unit Type as determined in Step 1 ("Income Number"):

Example:	3-bedroom Affordable Rental Uit in 50 to 80% income range
Step 1:	For a 3-bedroom unit, refer to a 3-person household
Step 2:	The lowest allowable income for 3-person household in the 40% to 80% income range on the income Range and Asset Chart is $55,350*
	(*Housing Department Income and Asset Char effective April 20, 2022)

For Affordable Rental Units subject to the zero (0) to 50% income range, the Income Number for calculating Maximum Affordable Rent is thirty percent (30%) of MFI for Teton County according to HUD.

Step 3 – Calculate Annual Maximum Affordable Rent for the Affordable Housing Unit
Multiply the Income number by thirty percent (30%) ("Annual Maximum Affordable Rent").

Example:	3-bedroom Affordable Rental Unit in 50% to 80% income range
Step 3:	$55,350 multiplied by 30% = $16,605 (Annual Maximum Affordable Rent)

Step 4: - Calculate Monthly Maximum Affordable Rent for the Affordable Housing Unit
Divide the Annual Maximum Affordable Rent by twelve (12) and round up or down to the nearest dollar ("Monthly Maximum Affordable Rent")>

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Example: 3-bedroom Affordable Rental Unit in 50% to 80% income range
Step 4: $16,605/12 = $1,383.75
Round up = $1,384 (Monthly Maximum Affordable Rent)

Step 5: (Dormitories only) – Calculate Maximum Affordable Rent for Each Dormitory Unit
Follow Step 1 - Step 4 to calculate the Monthly Maximum Affordable Rent for the entire Dormitory and then divide by the number of bedrooms to determine the Maximum Affordable Rent that can be charged per bedroom.

Example 6 bedroom Dormitory in 50% - 80% income range
Step 1: For 6 bedroom dormitory, refer to a 6-person household
Step 2: The lowest allowable income for a 6-person household in the 50% to 80% income range on the Income Range and Asset Chart = $71,340* (*Housing Department Income and Asset effective April 20, 2022)

Step 3: Annual Maximum Affordable Rent is $71,340 multiplied by 30% = $21,402
Step 4: Monthly Maximum Affordable Rent is $21,402 divided by 12 = $1,783.50
Step 5: Maximum Affordable Rent for Dormitory Unit is $1,783.50 divided by 6 = $297.25

3. Prohibitions on Additional Charges to Maximum Affordable Rent

Maximum Affordable Rent shall afford tenants the right to occupancy and possession of the leased unit, as well as all necessary services for livability including at least one parking space, trash removal, and utilities (water/sewer, electricity, gas, and/or other energy source). Necessary services for livability may not be charged to tenants in addition to Maximum Affordable Rent.

Tenants may not be charged in addition to Maximum Affordable Rent for any generally applicable or routine costs incurred by landlord, property owner, or any management company such as real estate or other taxes, insurance, administration expenses, building and property maintenance and operations expenses, or other costs which are not specifically and solely related to an actual cost incurred due to occupancy of the Affordable Housing Unit by the tenant and which are charged to tenant pursuant to their written lease agreement.

Luxury Items, including cable/satellite/internet services or furniture, may not be charged to tenants of Affordable Rental Units in addition to Maximum Affordable Rent without their written consent.

All agreements between the tenant and landlord must be memorialized in the written lease or otherwise approved by the Housing Department.

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Section 8. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES

8-1. Compliance Process

Special Restriction are recorded on all Housing Department Restricted Housing Units. These Special 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 Special 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 Restricted Housing Units with Special 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 Restricted Housing Units with Special 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 Restricted Housing Units

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

3. Employee Restricted Housing Units

Owners of Employee Restricted 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.

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 E~~e~~mployment R~~r~~equirements 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.

6. Method for Providing Required Information

Regardless of the language in the special Restriction recorded on the unit, landlords may choose to have the Housing Department qualify their tenant(s) independently. If a landlord chooses to have the Housing Department do so, the Housing Department will adhere to its internal practices, policies and procedures for tenant qualification (which are available upon request), which may be changed from time to time at the discretion of the Housing Department. If so qualified, the Housing Department will provie the tenant and landlord with a Qualified Tenant Letter. Prior to qualifying a tenant, the Housing Department will require the landlord to submit a signed lease agreement that names the tenant and is contingent upon the tenant's qualification with the Housing Department or another type of document acceptable to the Housing Department.

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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 Special Restrictions. The owner will be given thirty (30) days from the date of the letter to submit the requested information to the Housing Department or for their tenant to be qualified by 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 Special Restriction defines the default process, it will control the process. If the Special 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 Special Restriction is in violation of the Housing Department Rules and Regulations.

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 these Housing Rules and Regulations.~~forth herein.

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 Special 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.~~that the Household meets the Employment

Requirement. ~~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.

Affordable units built after June 4, 2018 will be required to verify that their Household meets the Employment Requirement. ~~provide proof of employment in Teton County at a Local Business.~~

11. Ownership of Residential Real Estate

Owners of Employment-based and Workforce Restricted 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

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

8-2. 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 restricted housing 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.

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 restricted housing unit.

D. Multiple Defaults

Upon the fourth time an owner is found to be in Default within fifteen (15) years, the owner will not have an opportunity to cure. Multiple Defaults include any Defaults or~~f~~ failure to comply with ~~the same or different~~ Housing Rules and Regulations or the applicable Special Restrictions. The Housing Department will force the sale of the restricted housing unit or follow through with other remedies allowed by the Special Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

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.

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 unless otherwise stipulated or ordered. 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:

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.

8-3. 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 restricted housing unit. 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.

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 restricted 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.

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 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.

8-4. 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.”

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 these Housing Rules and Regulations if the grievance decision of the Housing Manager is disputed.

Section 9. OCCUPANCY AND USE OF RESTRICTED UNITS

9-1. Occupancy and Use

Rental and ownership units have occupancy and use Special Restrictions. Households will be required to comply with the following occupancy and use Special Restrictions.

A. Household Income

Households who own or rent a Workforce restricted housing unit and Households who rent an Affordable restricted housing unit will be required to requalify annually to verify that their income meets the requirements of the Special Restriction.

B. Employment Requirement

Households who own or rent a Workforce or Affordable restricted housing unit will be required to verify annually that they are meeting the E~~e~~mployment R~~r~~equirement. ~~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 Restricted Housing Units 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 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 restricted housing unit 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.

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. 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.

6. Periodic Reporting, Inspection

In order to confirm compliance with the Special 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 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 10. OTHER HOUSING PROGRAMS

10-1. 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.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.

1. 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.

2. Option Agreement

The Housing Department verifies that the business is a Local Business. 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 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 restricted housing unit. Additionally, the proposed purchaser must submit a complete 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:

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.

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 Weighted Drawing process.

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.

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.

2. Qualified Household

A Household will be qualified by the Housing Department using the Application and Verification process as set forth herein.

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.

10-2. Housing Preservation Program

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A. Program Purpose and Goals

The purpose of the Housing Preservation Program is to protect existing market housing for the local workforce in perpetuity. The program is intended to stop housing leakage, which is the loss of workforce housing that is sold to non-local workers. This is accomplished by recording a Special Restriction for Workforce Ownership Housing or a Special Restriction for Workforce Rental Housing ("Workforce Special Restriction") on the property in exchange for Housing Preservation Program funds.

B. Applicability

The Housing Preservation Program applies to existing market homes that are not otherwise restricted either by Land Development Regulations or a recorded Special Restriction.

C. Down Payment Assistance Available to Purchasers

Buyers of market homes can apply to receive Housing Preservation Program funds in exchange for recording a Workforce Special Restriction on the property. Owners may apply to record either a Special Restriction for Workforce Ownership Housing (“Workforce Ownership Restriction) or a Special Restriction for Workforce Rental Housing (“Workforce Rental Restriction”).

1. Funding Available

a. Workforce Ownership Restriction.

The amount of funds provided for down payment assistance in exchange for recording a Workforce Ownership Restriction will be twenty percent (20%) of the appraised value of the home or the purchase price, whichever is less. The maximum amount of down payment assistance is two hundred thousand dollars ($200,000).

b. Workforce Rental Restriction.

The amount of funds provided for down payment assistance in exchange for recording a Workforce Rental Restriction will be ten percent (10%) of the appraised value of the home or the purchase price, whichever is less. The maximum amount of down payment assistance for a property purchased for rental use is one hundred thousand dollars ($100,000).

2. Qualification of Applicants

Applicants must submit a complete application for either a Workforce Ownership Restriction or a Workforce Rental Restriction f to the Housing Department on forms provided by the Housing Department that must include all signatures and notarizations, documents, and information listed as required on the Housing Preservation Program Application form.

The Housing Department will review submitted applications for completeness and will determine whether the applicant meets the qualification criteria for the applicable Workforce Housing Program. If the Housing Department finds that the applicant meets the qualification criteria, the Housing Department will submit the applicant to the Housing Authority Board with a recommendation for approval. If the applicant is approved by the Housing Authority Board, a Qualification Letter will be issued to the applicant.

Issuance of a Qualification Letter does not guarantee availability of Housing Preservation funds. The Qualification Letter is good for one year. All applicable qualification criteria must continue to be met by the applicant through the closing and purchase of qualified housing with available

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Housing Preservation Program funds. . Any changes to the information that was included in the Housing Preservation Program Application must be reported to the Housing Department and may require re-qualification including approval by the Housing Authority Board and issuance of a new Qualification Letter prior to Final Approval as outlined below and commitment of funds.

3. Final Approval and Closing

Funds will not Funds will not be wired until Final Approval which will not occur until the following conditions have been satisfied:

a. **Title Compan.** Closing must take place at a title company.

b. **Appraisal.** A complete appraisal dated within sixty days of closing must be submitted to the Housing Department prior to final approval.

c. **Home Inspection**. A complete home inspection report must be submitted to the Housing Department dated within sixty days and performed by a professional Home Inspector is required prior to final approval.

d. **Title Insurance.** The buyer must provide title insurance to insure clear title to the property prior to recording the Workforce Special Restriction. The Title Commitment provided by the buyer to the lender is sufficient. The Housing Department must approve the Title Insurance Commitment prior to final approval.

e. **Approval of Closing Statement.** The final closing statement must be reviewed and approved by the Housing Department.

f. **Final Loan Approval**. The Housing Department must receive a letter from any mortgagee stating that the buyer has received final loan approval for financing of the purchase of the housing unit.

g. **Final HUD 1008 Statement.** The Housing Department must approve the final HUD 1008 Statement for any mortgage financing the purchase of the housing unit.

h. **Workforce Special Restriction** The buyer must execute the applicable Housing Department template Workforce Special Restriction prior to closing on the home. The applicable Workforce Special Restriction will be recorded in the land records of the Teton County Clerk.

i. **Buyer's Acknowledgment** The buyer shall execute the Buyer's Acknowledgment template form provided by the Housing Department at the time of closing, which shall be recorded in the land records of the Teton County Clerk on the housing unit by the title company.

j. **Closing Instructions.** The Housing Department will provide instructions to the title company concerning required signatures, recording of documents, and disbursement of funds.

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D. Payment of Funds Available to Existing Owners

Owners of market homes can apply to receive Housing Preservation Program funds in exchange for recording a Workforce Special Restriction on their property. Owners may apply to record either a Workforce Ownership Restriction or a Workforce Rental Restriction.

1. Occupancy

a. Workforce Ownership Restriction

Housing with a Workforce Ownership Restriction may be occupied by the owner or may be rented to a Qualified Household approved by the Housing Department pursuant the Workforce Housing Program.

b. Workforce Rental Restriction

Housing with a Workforce Rental Restriction may only be occupied by a tenant who is a Qualified Household approved by the Housing Department pursuant to the Workforce Housing Program. Owners may not occupy housing with a Workforce Rental Restriction.

2. Funding Available

a. Workforce Ownership Restriction.

The amount of funds provided for down payment assistance in exchange for recording a Workforce110mountp Restriction will be twenty percent (20%) of the appraised value of the home or the purchase price, whichever is less. The maximum amount of down payment assistance is two hundred thousand dollars ($200,000).

b. Workforce Rental Restriction

The amount of funds provided for down payment assistance in exchange for recording a Workforce Rental Restriction will be ten percent (10%) of the appraised value of the home or the purchase price, whichever is less. The maximum amount of down payment assistance for a property purchased for rental use is one hundred thousand dollars ($100,000).

3. Qualification of Applicants

Applicants must submit a complete application for either a Workforce Ownership Restriction or a Workforce Rental Restriction to the Housing Department on forms provided by the Housing Department that must include all signatures and notarizations, documents, and information listed as required on the Housing Preservation Program Application form.

The Housing Department will review submitted applications for completeness and will determine whether the applicant meets the qualification criteria for the applicable Workforce Housing Program. If the Housing Department finds that the applicant meets the qualification criteria, the Housing Department will submit the applicant to the Housing Authority Board with a recommendation for approval. If the applicant is approved by the Housing Authority Board, a Qualification Letter will be issued to the applicant.

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Issuance of a Qualification Letter does not guarantee availability of Housing Preservation funds. The Qualification Letter is good for one year. All applicable qualification criteria must continue to be met by the applicant through the closing and purchase of qualified housing with available Housing Preservation Program funds. Any changes to the information that was included in the Housing Preservation Program Application must be reported to the Housing Department and may require re-qualification including approval by the Housing Authority Board and issuance of a new Qualification Letter prior to Final Approval as outlined below and commitment of funds.

4. Final Approval and Closing

Funds will not be wired until Final Approval which will not occur until the following conditions have been satisfied:

a. **Title Company.** Closing must take place at a title company.

b. **Appraisal.** A complete appraisal dated within sixty days of closing is required prior to final approval.

c. **Home Inspection.** A complete home inspection report dated within sixty days and performed by a professional Home Inspector is required prior to final approval.

d. **Title Insurance.** The buyer must provide title insurance to insure clear title to the property prior to recording the Workforce Special Restriction. The Title Commitment provided by the buyer to the lender is sufficient. The Housing Department must approve the Title Insurance Commitment prior to final approval.

e. **Workforce Special Restriction.** The approved Household must execute the applicable Housing Department template Workforce Special Restriction prior to receiving payment. The Title Company will record the applicable Workforce Special Restriction at time of closing.

f. **Owner's Acknowledgment** The owner shall execute the Owner's Acknowledgment template form provided by the Housing Department at the time of closing, which shall be recorded in the land records of the Teton County Clerk on the housing unit by the title company.

g. **Closing Instructions.** The Housing Department will provide instructions to the title company concerning required signatures, recording of documents and disbursement of funds.

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Section 11. DEFINITIONS

11-1. 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.

Affordability: No more than thirty percent (30%) of a household's income should be spent on housing costs. This percentage is the standard of affordability used by the Department of Housing and Urban Development (HUD).

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 restricted housing unit. The application consists of 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)

Attending College: Enrollment in an accredited institution for higher learning for a minimum of twelve (12) credit hours per semester or its equivalent.

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.

Bid Period: The time period that the Housing Authority accepts bids for an available restricted 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 housing unit 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 restricted housing unit 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 housing unit. Combined Loan to Value is when a second mortgage exists and the two loan amounts are combined and compared to the value of the housing unit. 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.

Debt: A sum of money due by certain and express agreement requiring the borrower to pay the money back, typically by a certain date.

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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.

Development: Physical subdivision of land or construction of buildings that may include both commercial and residential uses, which may be condominiums, single family homes, townhouses or apartments governed by the same CCRs or other governing documents.

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.

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.

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 housing unit and is held in escrow by the title company until closing.

Eligibility Criteria: Criteria defined in either the Special Restrictions 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.)~~

If there is one adult in the Household, the adult must be employed at a Local Business, as that term is defined herein, for a minimum of an average of thirty (30) hours per week or 1,560 hours per calendar year. If there are two or more adults in the Household, an average of thirty (30) hours per week or 1,560 hours per calendar year is added to the requirement of working for a Local Business. Adult children of Household member(s) who are under age 25 and attending college are exempt from the Employment Requirement. One adult can work all of the required hours, or the required hours can be divided between the adults in the household.

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 housing unit.

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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 housing unit at least 48 business hours before closing on the sale of the housing unit. The purpose is to determine whether the housing unit 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.

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 Special Restrictions.

Household: ~~a social unit composed of those living together in the same dwelling.~~

Affordable and Workforce Ownership: A social unit composed of those living together in the same dwelling.

Workforce Rental: One person or a group of two or more persons living together in the same dwelling that comprise a social unit composed of at least one adult that have established ties and familiarity with each other, including but not limited to, by marriage, domestic partnership, blood, or guardianship. More than one Household can occupy one Workforce rental unit.

Dormitory: One person who will be renting a bed or bedroom in a dormitory unit.

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Household Income: The current income going forward 12 months of all adult wage earners within a Household before taxes. Income from dependents that are under the age of 25 and ~~enrolled in~~Attending ~~c~~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~~ all non-cash expenses 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, travel, and entertainment/meals.

Household Net Assets: The value of all ~~assets~~ items owned by the Household that are valued more than~~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.

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 restricted housing unit 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 Special Restrictions.

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 restricted housing unit.

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 housing unit 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:

Three~~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.

Or

B.) A business physically located in Teton County Wyoming who employs two or more Qualified Employees, which Q~~q~~ualified E~~e~~mployees must work in Teton County Wyoming to perform their job.

Or

C.) A private residence physically located in Teton County, Wyoming that employs a minimum of one Qualified Employee who must be physically located in Teton County, Wyoming to perform their job.

Luxury Item: An item or feature of an item that is not essential or necessary but is an amenity or desired bonus that adds pleasure, comfort, or convenience to either aesthetics of function and which may increase the market values of the unrestricted properties.

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 restricted housing unit at the final inspection.

Market Unit: A housing unit that does not have a Housing Department, Housing Trust, or Habitat for Humanity Special Restriction or Ground Lease either recorded on or associated with the property.

Maximum Affordable Rents:~~Rental Rates~~: The maximum rental rate that may be charged to a tenant occupying an ~~restricted~~ Affordable Housing unit (fka Employee). The rates must include ~~basic utilities~~ all necessary life services, which include but are not limited to one parking space, ~~(~~water/sewer, electric, gas or other source of energy, ~~and~~ trash removal, and costs associated with maintenance, administration and operations~~)~~. ~~The specific Special 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 Special Restrictions or the Housing Department Rules and Regulations.

Maximum Resale Letter: A letter given to a seller of a restricted housing unit informing them of the maximum amount for which the unit may be sold.

Maximum Sales Price: The maximum amount that newly provided ownership Restricted 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.

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 Special Restrictions 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.

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 restricted housing unit.

"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 restricted housing unit. 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 Restricted Housing Unit's Special 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.

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 restricted housing unit. 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 Special Restrictions 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.

Regular Dues and Assessments: Dues that are assessed to units within a development on a regular basis (for example: monthly or quarterly) that cover costs of regular and consistent maintenance, insurance and operations for the development.

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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 housing units, condominiums, cooperatives, duplexes, townhouses, and multi-family housing units.

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.

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 ental 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.

Special Restriction: A contract between the Board of County Commissioners, the Town of Jackson, and/or the Jackson/Teton County Housing Authority and the owner of real property, which has been developed or designated to ensure the occupancy and use of the real property will be as intended by the community's Workforce Housing Program in perpetuity. Special Restrictions are recorded on the property in the land records of the Teton County Clerk. Special Restrictions are sometimes also referred to as Deed Restrictions, or Restrictions.

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Teacher: Any individual who (1) works with individuals aged 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 pass their portion to other beneficiary(s) and not to the other owner(s) if they desire through a will.

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.

Value Comparison Percentage: The percentage of the total development's budgeted expenses, not including Luxury Items, a restricted unit can be charged for dues and assessments. The Value Comparison Percentage for each restricted unit is calculated by dividing the value of the restricted unit by the average value of all of the housing units in the development.

Verification Checklist: Checklist used by JTCHA to verify whether a Household is qualified to purchase a particular restricted housing unit.

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 restricted housing unit 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.

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 restricted housing unit. 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 housing unit and determines the order the Households will be offered the restricted housing unit 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 WYOMING

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Town Finance
PRESENTER: Kelly Thompson, Finance Director
MEETING DATE: September 12, 2022

SUBJECT: Office of State Lands Investment Board County Wide Consensus Grant Reallocation

STATEMENT/PURPOSE
The purpose of this item is to apply for reallocation of Consensus Office of State Lands Investment Board (SLIB) County Wide Consensus (CWC) Grant funds. The County and Town must jointly approve CWC project funds.

BACKGROUND/ALTERNATIVES
On August 6, 2020, SLIB approved CWC-15454 TE grant funding for the Cache Creek Tube Improvement Project totaling $810,000. Due to the Town receiving a Wyoming Department of Environmental Quality matching funds, a portion of the SLIB grant $483,793 was not utilized for this project as anticipated. Per SLIB rules, these funds are eligible for reallocation to another project. Town requests reallocation to the Core Services Vehicle Maintenance Facility Project (Project).

This request amends Joint Resolution Teton County #20-021 and Town of Jackson #20-007. The Project was approved by Town Council on August 1, 2022 and is scheduled to break ground in September 2022. If the Town and County approve the resolution, Town staff will submit reallocation documents to SLIB for their December 1, 2022, Board meeting. Pending approval by SLIB in December, Town will execute grant documents and expend remaining CWC grant funds.

Should SLIB approve the application, this grant application will reduce Town and County local matches for this Project.

COMPREHENSIVE PLAN ALIGNMENT
- Chapter 2: Climate Sustainability
  - Principle 2.3 - Reduce greenhouse gas emissions through transportation
- Chapter 7: Multimodal Transportation
  - Principle 7.3 – Coordinate transportation planning regionally
- Chapter 8: Quality Community Service Provision
  - Principle 8.1 – Maintain current, coordinated service delivery
  - Principle 8.2 – Coordinate the provision of infrastructure and facilities needed for service delivery

STAKEHOLDER ANALYSIS
Town and County benefit in that they are direct stakeholders whose local match for the Project will be reduced. This will allow the shifting of funds from the Project to other opportunities and capital projects for each entity. Community members benefit from the Project due to increasing local government's ability to provide services.

FISCAL IMPACT
The fiscal impact would be in $483,793 grant revenue. These funds will offset the Town and County local match obligations for the Project.

STAFF IMPACT
Town staff will spend approximately 5 hours per month documenting and submitting for reimbursement. There will be minimal annual staff time producing these documents should OSLI or Town auditors require them.

LEGAL REVIEW
Gingery
Colasuonno

ATTACHMENTS
- Reallocation application for Core Services Vehicle Maintenance Facility Project
- Joint Resolution

RECOMMENDATION
Staff recommends County and Town apply for SLIB, CWC reallocation in the amount of $493,793 for the Core Services Vehicle Maintenance Facility Project.

SUGGESTED MOTION

County
I move to approve a Joint Resolution, authorizing the Town to apply to the State Lands Investment Board, to reallocate County Wide Consensus Grant funds in the amount of $493,793 to the Core Services Vehicle Maintenance Facility Project.

Town
I move to approve a Joint Resolution, authorizing the Town to apply to the State Lands Investment Board to reallocate County Wide Consensus Grant funds in the amount of $493,793 to the Core Services Vehicle Maintenance Facility Project and authorize the Mayor or their designee to execute all necessary documents.

State of Wyoming
State Loan and Investment Board
Mineral Royalty Grant Program

APPLICANT INFORMATION

Applicant	Town of Jackson				
Mailing Address	PO Box 1687				
City	Jackson	**State**	WYOMING	**Zip**	83001
E-Mail Address	kthompson@jacksonwy.gov	**Phone #**	307-733-3932		
Tax ID #:	83-6000069				
Contact Person (Name and Title)	Kelly Thompson, Finance Director				
Phone #	307-733-3932 x1150	**E-Mail Address**	kthompson@jacksonwy.gov		

Applicant's submitting multiple applications must establish priority ranking for each application.

Priority 1 **of** 1

PROJECT FUNDING INFORMATION

Name of Project Core Services Vehicle Maintenance Facility

Amount of Funding Requesting $483,793 NOTE: This amount must match the amount on the submitted resolution

List all other funding sources for the project in the table below including the status and amount expended, if any.

Other Funding Source Description	Amount	Status*		Amount Expended	Funding Percentage
		Pending	Approved		
1% Local Option	$10,081,647		X	$0	31.11%
1% Specific Purpose Excise Tax	$18,000,000		X		55.54%
Teton County	$3,841,190		X		11.85%
					0.00%
Total Other Funding	**$31,922,837**			**$0**	

***Documentation to support the status must be attached to the Application Packet.**

Estimated Total Project Cost: $32,406,630

Balance of Project Incomplete: 32,406,630
Auto Calculated
(Estimated Project Costs less Amount Expended)

Estimated Reimbursement Rate: 1% (Final Reimbursement Rate is Determined by Board Approved Amount)
% is auto calculated
(Amount Requested/Estimated Project Costs)

I certify that I am authorized to sign this application on behalf of our governing body, and the applicant will comply with all appropriate requirements, if approved. To the best of my knowledge and belief, the information in this application is true and correct. I understand the State may review any relevant documents or instruments relating to the analysis of this application.

Signature Date

Tyler Sinclair, Interim Town Manager
Name and Title (typed)

Applicant: Town of Jackson

Name of Project Core Services Vehicle Maintenance Facility

Population 10,760

	Directly	Indirectly
Percentage of population directly served by the project	100%	

	Yes	No
1. Requesting funding for a Water and/or Sewer Project? If yes, complete the Water/Sewer Questionnaire.		X
2. Requesting funding for a Street and/or Road Project? If yes, complete the Street Questionnaire.		X
3. Requesting funding for a Fire Apparatus? If yes, complete Fire Apparatus Questionnaire.		X
4. Requesting funding to purchase a Vehicle? If yes, complete Vehicle Replacement Certification Form.		X
5. Do or will you own the asset for which funding is being requested?	X	
6. Do you have an asset management plan? If yes, please provide a copy.	X	
7. Do you have a maintenance plan for the project asset for which funding is requested? If yes, please provide a copy of the current plan.	X	
8. Do you have an Administrative Order? (If yes, provide copy of the Administrative Order)		X
9. Is project needed to meet federal or state health and/or safety requirement? If yes, provide specific health or safety requirement project will address.		X

Yes. The facility is used to maintain local government vehicle and equipment for the Town and County. These vehicles are maintained subject to DOT rules. Additionally, transit buses purchased with federal grants are maintained subject to grant rules.

	Yes	No
10. If only partial funding is possible, would that be beneficial to your project? If yes, detail the minimum amount needed and why this amount would be beneficial.	X	

This project was supported locally via a Specific Purpose Excise Tax vote in 2019. Construction inflation in Teton County has exceeded available funds since the election due to pandemic. Given the voters supported the project, we are obligated to complete this project. Any funding will help Town and County fund the deficit. Because the funds we seek for this project were already allocated to our municipality, the preference is for the full amount to remain with the municipality as we seek to simply reallocate them to a different project.

This Core Services Vehicle Maintenance Facility initiative would allow the Town to construct a core services fleet maintenance shop to adequately service Town, County and Community vehicles, including but not limited to:
- All Town of Jackson vehicles, including: snow plows, police, administration, engineering, building/planning, water, and sewer.
- All joint agencies between the Town and County: Animal Shelter, START Bus, Jackson Hole Fire & EMS (as needed).
- Teton County vehicles maintained: Fair Board, Sheriff, Search and Rescue, Administration, Road and Levee, Coroner, Weed and Pest, Emergency Management, Public Health, Integrated Solid Waste and Recycling.
- Other Community vehicles that are maintained: Snow King Center, Senior Center, Learning Center, and St. John's Hospital.

11. If full funding is received but there are cost overruns or unexpected expenses, how will those additional costs be covered?

Town will be required to reprioritize its 10-Year Capital Improvement Plan, thereby delaying other scheduled capital projects into future fiscal years. 1% Local Option Tax will fund any match and additional funding required.

12. How was it determined this project was needed?

The Town's fleet shop services over 350 vehicles and equipment for Town of Jackson, Teton County, and local non-profits. The current facility is inadequate to meet demand. This facility will incresae service bays from 7 to 14. This project was identified thru years of Council direction, capital improvements planning, and community input. The voters of Teton County supported this need during the 2019 Specific Purpose Excise Tax vote.

13. Please describe any other funding sources applied for to fund this project but were denied, if applicable.

N/A

Applicant: Town of Jackson

Name of Project Core Services Vehicle Maintenance Facility

1. Briefly describe the project for which you are requesting funding.

The project is to construct a new Core Services Vehicle Maintenance Facility (mechanic shop), to service and maintain critical response and general use vehicles of Teton County and the Town of Jackson. The facility will have 14 bays totaling 32,000 square feet. The design includes locked storage for parts inventory and mechanic tools, including office space for the Fleet Divison Manager. Additionally, the entire site on which the project sits will be completed with a parking lot, curb & gutter, landscaping, grading & drainage, and lighting.

2. Describe how the project will contribute to the health, safety and welfare of the citizens in your community.

The project aligns with the Teton County Comprehensive Plan to support:
- Increase the capacity for use of alternative transportation modes.
- Establish a regional transportation strategy.
-Coordinate the provision of infrastructure and facilities needed for service delivery.

Various public safety and emergency response vehicles will be supported by this infrastructure.

3. Describe how the project will protect citizens from hazards that may result if the project is not done?

The project will protect citizens by creating large efficiency gains by having our mechanics work on multiple critical government vehicles and equipment at the same time. This will ensure that our critical response vehicles and equipment will be repaired quicker that current operations allow.

4. Describe your financial need in relation to the project.

This funding request represents 1% of the total project cost. Teton County voters funded 55.54% of the project via Specific Purpose Excise Tax vote. Town of Jackson and Teton County will fund the remaining portion with 1% Local Option Tax.

5. Provide a detailed breakdown of the project costs

Activity Costs:

Administration	$ -
Legal	$ -
Land Acquisition	$ -
Engineering Costs by Service	
Basic Services	$ -
Resident Project Representative Services	$ 1,694,630
Additional Services**	
Construction	$ 29,962,000
Contingency	$ 750,000
Total Project Costs	$ 32,406,630

Auto Calculates

**** Please provide a description of the "Additional Engineering Services" to be provided.**

6. Provide estimated project schedule

	Date
Design	12/1/2019
Bid	1/20/2022
Start Construction	10/1/2022
End Construction	1/31/2023

7. Provide estimated grant draw down schedule

Time Frame	Amount
FY2023 (1/1/2023 - 6/30/2023)	$ 207,340
FY2024 (7/1/2023 - 6/30/2024)	$ 276,453
Total Draws	$ 483,793

Applicant: Town of Jackson

Name of Project: Core Services Vehicle Maintenance Facility

Date Prepared: 9/1/2022

Prepared By: Kelly Thompson, Finance Director
(Name and Title)

1. Assessed Valuation, this Fiscal Year (FY) $ 503,793,468

2. Total Mills levied by the Entity, this FY 0.5

3. What is number of the total mill levied on real property in the Entity's jurisdiction?

0.5

4. What is the Entity's Total bonded and non-bonded indebtedness (Including principal balance, interest rate, and remaining term?)

Total = $1,650,629
$939,532; 4%, due 2042
$711,097; 0.5%; due 2035

5. Please provide the following information for the past three FYs

Total Investments

	Year	Amount Levied
6/30/	2019	$ 36,965,958
6/30/	2020	$ 31,246,325
6/30/	2021	$ 38,420,215

Total Cash Balances

	Year	Amount Levied
6/30/	2019	$ 3,038,533
6/30/	2020	$ 10,988,580
6/30/	2021	$ 22,363,633

6. What is the Sales and Use Tax levied in the County in which the project is located?

	Year	Amount Levied
6/30/	2022	6%
6/30/	2021	6%
6/30/	2020	6%

7. **Please provide the following information related to reserve accounts.**

Water Reserve Account

	Year	Amount Levied	
6/30/	2019	$	4,715,755
6/30/	2020	$	5,690,672
6/30/	2021	$	6,361,578

Sewer Reserve Account

	Year	Amount Levied	
6/30/	2019	$	4,463,255
6/30/	2020	$	5,517,271
6/30/	2021	$	5,728,375

General Fund Reserve

	Year	Amount Levied	
6/30/	2019	$	8,673,764.00
6/30/	2020	$	7,330,238.00
6/30/	2021	$	13,190,266.00

Other

	Year	Amount Levied	
6/30/	2019	$	4,488,520
6/30/	2020	$	1,615,055
6/30/	2021	$	1,133,943

County Wide Consensus Block Grant Application Form

BFY15/16 Funding

TETON COUNTY REOLUTION #

TOWN OF JACKSON RESOLUTION # 22-21

JOINT RESOLUTION

We, the undersigned Teton County Board of Commissioners, hereby certify that the Board and at least seventy percent (70%) of the incorporated population within Teton County have reached agreement on the following project(s) to be funded under Chapter 26, Section 324 and in compliance with rules promolgated by the State Loan and Investment Board, Chapter 32.

County Consensus List

Priority Listing:

Available $ -

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
			E + G + I								C - D		L - M	N / C
Project Owner	Project Name	Total Estimated Project Cost	Total Funding Secured & in place	Amount of Grants, Loans, and Other types of previously secured funding	Grant #, Loan #, Other Information for Previously secured funding	Local Match If any	Local Match If any (Please provide detail)	Other Match	Other Match If any (Please provide detail)	Percentage of Total Project Already Funded	Balance of Project needing funding	Project Share requested from this consensus list	Amount of Project not funded after consensus list funding request	Percentage of project not yet funded
Town of Jackson	Cache Creek Tube Improvement		-		CWC-15454 TE; project funded locally; move funding to 1 project						-	(483,793.49)		
Town of Jackson	Core Services Vehicle Maintenance Facility	32,406,630.00	31,922,836.51		Substitute Project	31,922,836.51	1% Local Option Tax			98.51%	483,793.49	483,793.49	(0.00)	0%
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	Totals:	$ 32,406,630.00	$ 31,922,836.51	$ -		$ 31,922,836.51		$ -				$ -		

Page 1 Consensus Total:	$ -	$ -
Page 2 Consensus Total:	$ -	
Balance after Priority Listing:	$ -	

Fully Obligated Available Funds

Signature	Signature	Signature	Signature
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TETON COUNTY WYOMING

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: County Public Works - Pathways **PRESENTER**: Brian Schilling

MEETING DATE: September 12, 2022

SUBJECT: **Consideration of a Safe Streets for All Grant Application for a Town/County Safety Action Plan**

STATEMENT/PURPOSE

To authorize the submission of a federal Safe Streets for All grant application in the amount of $600,000 for the development of a Town/County Multi-Modal Safety Action Plan. The application would be jointly submitted by Teton County and the Town of Jackson, with the County being the lead agency for grant administration and reporting.

BACKGROUND/ALTERNATIVES

The Safe Streets and Roads for All (SS4A) program was approved as part of the bipartisan infrastructure bill to provide $1 billion annually over the next 5 years to local governments to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries. The SS4A program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants (capital construction or programs). This application is for an Action Plan Grant to develop a comprehensive safety action plan that meets the federal requirements and is a requirement of eligibility to apply for an Implementation Grant. Safety Action Plans identify a comprehensive set of projects and strategies to address identified safety problems in the transportation network. The projects and strategies are focused on infrastructure, behavioral, and/or operational safety improvements, and are prioritized in a list that includes an implementation time frame and criteria for prioritizing the projects. Currently, neither the Town of Jackson nor Teton County has a qualifying Action Plan in place. The SS4A program has allocated $400 million for Action Plan Grants for this fiscal year. Applications are due September 15th, and all grants require a minimum 20% local match. Once a Safety Action Plan is completed using funding as requested with this Action Plan Grant request, the Town/County would be able to apply for Implementation Grants for projects focused on improving conditions for all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators.

Sustainable Strategies DC (S2), the consultant hired by the Town of Jackson to identify and recommend grant opportunities for the community, flagged the SS4A Safety Action Plan Grant as an opportunity in their August 15th presentation to the Town Council. Between the Town and County, there are numerous high priority projects in each agency's respective Capital Improvement Program that would be excellent candidates for SS4A Implementation Grants, including but not limited to Gregory Lane, North Cache Streetscape, High School Road improvements, South 89 streetscape improvements, Snow King/Scott Lane/Maple Way corridor improvements, and pathway connectors along South 89 and WY390. S2 and Town/County staff have already completed the application for the Safety Action Plan Grant and can be ready to submit the grant by the September 15th deadline. The current proposal is to submit a joint application with Teton County as the lead applicant and the Town of Jackson as a supporting applicant, but there are other scenarios that could also work for the application. In the event a grant is awarded, both entities would sign the grant agreement, but the lead applicant (proposed to be the County) would be responsible for ensuring proper grant administration.

COMPREHENSIVE PLAN ALIGNMENT

Essentially the whole of the Comprehensive Plan's Transportation section (Chapter 7) is reflected in the Safe Streets and Roads for All program. The SS4A program is tailor-made to support the Town and County's transportation goals.

The following Comprehensive Plan principles and strategies are all specifically discussed in the SS4A program documentation or are identified as required components in a Safety Action Plan:

- Principle 7.1 - Meet future transportation demand with walk, bike, carpool, transit, and micromobility infrastructure.
- Policy 7.1.b: Create a transportation network based on "complete streets" and "context sensitive" solutions.
- Principle 7.3—Coordinate transportation planning regionally.
- Strategy 7.1.S.2: Consider adopting "complete streets" and/or "context-sensitive" policies and updated road design standards for all roadways. (Safety Action Plan required component).
- Strategy 7.1.S.4 Develop a local Transportation Improvement Program (TIP) for highways, streets (including pedestrian facilities), transit, and pathways. (Safety Action Plan required component).
- Strategy 7.2.S.1: Continue to fund the local match for federal transportation grants and the administration of alternative mode travel programs through the General Fund so additional money can be dedicated to infrastructure.
- Strategy 7.2.S.5: Consider specific provisions for current planning review to require walk, bike, carpool, and transit components in new development. (Safety Action Plan required component).
- Policy 10.1.c: Plan based on community engagement. (Safety Action Plan required component).

STAKEHOLDER ANALYSIS

Primary stakeholders are the Town of Jackson and Teton County. Town of Jackson staff and the Town Council have been involved with S2 in identifying grant opportunities and are aware of the recommendation to apply for the SS4A Safety Action Plan Grant. Teton County staff and the Board of County Commissioners have been brought into the conversation following the recommendation from S2.

FISCAL IMPACT

The minimum request for Safety Action Plan Grants is $200,000 and the maximum is $5,000,000 for joint applications. All grants require a minimum 20% match. The proposed grant application amount is a total of $600,000 (up to $480,000 federal money requiring a minimum $120,000 local match). Potential funding partners have verbally committed to cover the 20% match. Teton County and the Town of Jackson would be jointly responsible for any matching funds not otherwise covered by funding partners. Should partner funding not be secured to cover the majority of the required match, this item would be reconsidered by the Town and County prior to acceptance of a grant award. A Safety Action Plan Grant would provide funding to cover several Town/County planning efforts that have been proposed or are scheduled for the near future, such as the Town Mobility Overlay, Smart Mobility Hubs study, and Town/County LDR and design guide updates (for items such as bike parking, intersections, and street cross sections), and others (more listed below under Staff Impact).

STAFF IMPACT

Grant application preparation: Town/County staff have already completed the grant application (approximately 8 hours of work). Submitting the grant through Grants.gov will require an additional 1-2 hours of staff time.

Project management and Safety Action Plan development (if a grant is awarded): This will comprise the largest impact to staff and will involve staff from multiple departments in both the Town and County. The number of staff hours necessary for the Safety Action Plan effort will vary based upon the project scope. The Pathways Coordinator will likely be the Safety Action Plan Project Lead and will be most impacted. A rough estimate is 100-200 hours of staff time over the course of 6-12 months. The Regional Transportation Planning Administrator would also commit time to the planning process, estimated at approximately 50% of that of the Pathways Coordinator (and also dependent on project scope). Staff from Town and County Public Works, Planning, and Community Development would participate in the planning and public outreach process to a lesser degree.

Grant reporting and administration (if a grant is awarded): For Safety Action Plan Grants, the lead applicant (Teton County) is required to provide quarterly reports on program performance and financial status. This is the same requirement for most federal grants and will impact County Finance Department staff and the Grant Project Lead (likely the Pathways Coordinator). This effort will require several hours each quarter for the duration of the Grant. Because the grant application is for less than $750,000, it is not subject to an audit (Single Use Audit). S2 classifies this as a low-level administrative effort for a federal grant.

The Pathways Coordinator is confident that he has the capacity to handle the additional task of managing a Safety Action Plan process. The Pathways Coordinator's workplan includes several planning efforts currently ongoing or proposed for the near future that would be included in the Safety Action Plan effort, which would significantly reduce the impact to staff. These planning projects include the completion of the Teton Mobility Project, the Town of Jackson Mobility Overlay, Town/County LDR updates and design guideline updates, Pathways Intersection Safety Audit, Level of Traffic Stress Analysis for the Town and County transportation networks, and a Teton County Complete Streets plan. These are all projects that are planned for FY2023 and FY2024; therefore, the Safety Action Plan process would not be wholly additive to the workplan, but would collectively consider these subprojects as a whole rather than as individual efforts. Importantly, a Safety Action Plan Grant would provide an umbrella process and funding to cover all these projects.

Additional projects that will be delegated or delayed, if needed, in order to free up staff capacity to complete the Safety Action Plan in 6-12 months include: the delegation of smaller capital projects to the Park Planner, Elk Refuge Road pathway preliminary planning, Teton Pass Trail extension, involvement with the North Cache streetscape, or other projects as determined by the elected officials.

Additional capacity for the Pathways Coordinator will be created through the continued delegation of Pathways maintenance, administration, and planning, including bike network maintenance, sealcoating and asphalt repair, memorial bench management, data collection, public outreach, education and programming, and small project management.

The Safety Action Plan Grant, and a subsequent Implementation Grant, would have the strategic benefit of providing significant funding resources toward Town and County priorities. The projects this program would fund are those that the Town and County have prioritized, and ones for which identifying and securing outside funding sources will be important.

Because of the strategic and comprehensive nature of the SS4A planning process, the SS4A program is anticipated to (1) reduce long-term impacts to staff and (2) save time and money in completing high priority projects for the Town and County.

LEGAL REVIEW

Gingery and Colasuonno

ATTACHMENTS

1. SS4A Overview Memorandum (Sustainable Strategies DC) – 3 pages
2. SS4A Safety Action Plan components – 2 page graphic
3. Link to SS4A program Home Page (with FAQ page): https://www.transportation.gov/grants/SS4A
4. Link to SS4A Notice of Funding Opportunity (detailed description of the SS4A grant program) https://www.transportation.gov/sites/dot.gov/files/2022-08/SS4A-NOFO-FY22-Amendment-1.pdf

RECOMMENDATION

Staff recommends submitting a joint application for a Safety Action Plan Grant. The SS4A program:

- Represents a significant opportunity for local governments for funding multimodal transportation projects on a large scale;
- Aligns well with local priorities – the Safety Action Plan Grant is a high priority because it will help the Town and County fund transportation projects that have ranked as highest priorities; and,
- Can provide significant funding for multiple projects in a single grant application.

Developing a joint Town/County Safety Action Plan positions the Town and County to apply not only for SS4A funds but also for future federal transportation programs. Safety Action Plans that incorporate the parameters outlined in the SS4A guidance documentation are likely to be a prerequisite for future funding programs beyond the 5-year term of the SS4A program because FHWA has committed to making "Complete Streets the default approach" for all non-access-controlled roadways. The $400 million in planning grant funding available this fiscal year is significantly more than usual, and it is highly likely that qualified applicants will have a better chance of receiving future funding.

SUGGESTED MOTION

Teton County:

I move to approve applying for a Safe Streets for All Safety Action Plan Grant in the amount of $600,000 with Teton County as the lead applicant and the Town of Jackson as a joint applicant, and to direct staff to submit all the required application materials.

Town of Jackson:

Same motion

MEMORANDUM

To: Sustainable Strategies DC Client

From: Sarah Marin, Associate & Client Services Manager

Date: June 2, 2022

Subject: DOT Safe Streets and Roads for All (SS4A) Memo

This memorandum provides an overview of the Department of Transportation (DOT) Safe Streets and Roads for All (SS4A) opportunity and outlines the steps your community will need to take to work with Sustainable Strategies DC (S^2) to submit a competitive proposal.

The U.S. Department of Transportation Safe Streets and Roads for All (SS4A) program is offering grants of up to $30 million to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators. Projects should seek to adopt innovative technologies and strategies to promote safety, ensure equitable investment in the safety needs of underserved communities, provide accessibility to all users on public roadways, incorporate evidence-based projects and strategies, and align with the DOT's mission and priorities such as equity, climate and sustainability, quality job creation and economic strength and global competitiveness. DOT encourages applicants to adopt the "Safe System Approach" for achieving progress on Vision Zero, and for applicants to utilize "Complete Street" approaches to increasing roadway safety.

DOT seeks grants to be implemented in 12-24 months, but performance periods of up to 5 years can be permitted. A 20% non-federal match is required. For FY2022, DOT will provide $1 billion total in SS4A grants, and will award $5 billion total over five years.

The SS4A program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants:

- **Action Plan Grants ($200,000 - $1 million; up to $5 million for multijurisdictional projects)** are used to develop, complete, or supplement a comprehensive safety action plan. Action Plan must include the following components:

    1. An official public commitment by a high-ranking official and/or governing body to an eventual goal of zero roadway fatalities or serious injuries ("Vision Zero") with a target date for Vision Zero OR an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date.

2. A body established and charged with oversight of the Action Plan development, implementation, and monitoring
3. An analysis of existing conditions and historical trends to provide a baseline for crash levels involving fatalities and series injuries. Based on this analysis, higher-risk locations should be geospatially identified.
4. Robust engagement with the public and relevant stakeholders that allows for both community representation and feedback. Plans and processes must be coordinated and aligned with other plans and planning processes to the extent practical.
5. Identification of underserved communities through data and other analyses in collaboration with appropriate partners. Should include both population characteristics and initial equity impact assessment of the proposed projects and strategies.
6. An assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize transportation safety.
7. A comprehensive set of projects and strategies that will address the safety problems described in the Action Plan. These projects and strategies should be prioritized in a list that provides time ranges and explains the prioritization criteria used. This list should contain interventions focused on infrastructure, behavioral, and/or operational safety.
8. Methods to measure progress including outcome data. Must include at minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

- **Implementation Grants ($5 million - $30 million; $3 million minimum for rural projects)** are available to implement strategies or projects that are consistent with an existing, qualifying Action Plan. Implementation Grants may also fund associated planning and design and supplemental Action Plan activities in support of an existing Action Plan. DOT encourages Implementation Grant applicants to include supplemental Action Plan activities in their application to further improve and update existing plans. Applicants for Implementation Grants must self-certify that they have in place one or more plans that together are substantially similar to and meet the eligibility requirements for an Action Plan. Applicants must also upload their plan or plans as an attachment to the application.

Eligibility applicants include metropolitan planning organizations (MPOs), local governments, political subdivisions of a state or territory, Tribal governments, and multijurisdictional groups of entities. A 20% match required.

Applications for the SS4A grant program are due by **September 15, 2022**.

Sustainable Strategies DC recommends the following steps to submit a competitive proposal:

1. ***Grants.gov Submission Issues:*** We need to confirm that your community has a valid and active Grants.gov and SAM accounts. If not, we need to take immediate action to register as it can take more than a month to establish an active account. S^2 can take the lead on registering your locality, but we will need your DUNS number, EIN number and additional information to do so.

2. ***Confirm Project Scope, Budget, and Match:*** Your team should set up a call with S^2 to discuss your community's project concept and determine whether your jurisdiction has an applicable

Action Plan in place. This will help to decide whether to apply for Action Planning or Implementation. Your team should then draft a bulleted project scope with estimated expenses for each line item, which will help determine the project budget and size of the 20% local match. You may wish to coordinate with trusted vendors with the expertise to help produce safety action plans, to determine the right scope and cost estimation for an action plan.

3. ***Consider Multi-Jurisdictional Partnerships:*** Your jurisdiction should confer with your local/regional MPO and other neighboring jurisdictions to determine whether a multi-jurisdictional application, particularly for development of a safety Action Plan, would be more effective in achieving project goals and application competitiveness. Even if you decide to not pursue a multi-jurisdictional award, you should consider working closely with your MPO, or consider having the MPO be the grant applicant.

4. ***Project Narrative:*** Narrative elements for SS4A include a 300-word written response for action planning projects and a 10-page written narrative for implementation projects. S^2 will work with your team to obtain relevant information for these narratives including information on higher-risk locations and potential locations and corridors for vision zero projects and strategies. S^2 will send a draft out for your team's review and incorporate all edits and comments into the final application.

5. ***Map:*** Applicants must submit a map that shows the location of the jurisdiction and highlights the roadway network under the applicant's jurisdiction.

6. ***Letter of Match Commitment:*** If non-Federal share funds or in-kind contributions are from entities who are not the applicant, your locality will need to include commitment letters or evidence of allocated cost share as a supporting document. S^2 can put together a match commitment letter for your review and distribution.

7. ***Self-Certification Eligibility Worksheet (for Implementation only):*** Applicants proposing an implementation project must complete the self-certification eligibility worksheet to determine whether your existing plan is substantially similar to an Action Plan. S^2 will work with your team to obtain existing plans and will draft this worksheet for your review.

8. ***Submission:*** **All materials must be submitted by Thursday, September 15, at 5:00 PM EDT.**

Please contact Sarah Marin at 202.308.7125 with any questions.

Safe Streets and Roads for All

Action Plan Components

This document is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: https://www.transportation.gov/SS4A

Leadership Commitment and Goal Setting

An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following:

(1) the target date for achieving zero roadway fatalities and serious injuries, OR

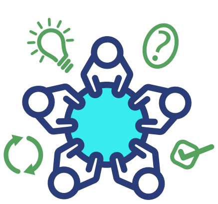
(2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.

Planning Structure

A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.

Safety Analysis

Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).

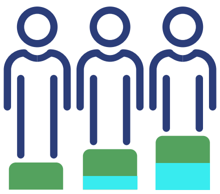


Engagement and Collaboration

Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.

Safe Streets and Roads for All

Action Plan Components



Equity Considerations

Plan development using inclusive and representative processes. Underserved communities* are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.

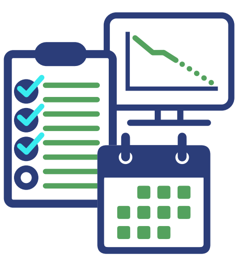
Policy and Process Changes

Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.

Strategy and Project Selections

Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.

Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.



Progress and Transparency

Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

* An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table https://datahub.transportation.gov/stories/s/tsyd-k6ij; any Tribal land; or any territory or possession of the United States.

U.S. Department of Transportation