

# Teton County & Town of Jackson *Wyoming*



## Jackson/Teton County Housing Department Rules and Regulations



June 4, 2018 – Updated July 23, 2019

Prepare by:

**CLARION**

## List of Commonly Used Acronyms

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

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# SUMMARY OF HOUSING PROGRAMS

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

## Descriptions of Applicable Programs:

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

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

**Attainable** – These units were built before housing standards were codified in the LDRs. No more Attainable housing units will be constructed, but the *Housing Department Rules and Regulations* still apply through the management of existing units. Specific requirements for these units are recorded as covenants on the property deed, and the *Housing Department Rules and Regulations* are referenced through these covenants. To qualify to purchase these units, household income and assets must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed at time of purchase. The owners must physically occupy the units a minimum of 10 months each year. No requalification or future documentation will be required after purchase of the unit.

**Employee** – These rental housing units are built to comply with the housing mitigation requirements for new nonresidential development set out in the Town and County LDRs. Initially, these units were intended to provide housing to seasonal workers, but they are not restricted to occupancy by seasonal workers. These *Housing Department Rules and Regulations* have been updated to reflect the Town and County's policy direction in 2017, which aligns with the Comprehensive Plan's goal of housing the local year-round workforce. The owner of the Employee housing units ultimately makes the decision about unit tenancy so long as the household qualifies. These units can be converted to condominiums for workforce employers. Employee units developed after June 4, 2018 will be part of the "Affordable Rental" program. To qualify to rent these units, household income must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed. Tenants will be required to requalify annually. The units are not allowed to remain vacant in excess of 60 days.

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

**Workforce Housing Programs** – This program is divided into “Workforce Rental” units and “Workforce Ownership” units. They are provided through incentives in the LDRs. Households who purchase or rent Workforce units are required to earn a minimum of 75% of their income from a local business. They may not own other residential real estate within 150 miles of Teton County, and at least one person in the household must earn 1,560 hours annually from a local business. There is no cap on the original purchase 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.

### Deed Restrictions, January 2019

	Affordable Mitigation Ownership	Affordable Mitigation Rental	ARU (Incentive)	Workforce Ownership (Incentive)	Workforce Rental (Incentive)
Applicability	All non-exempt residential or commercial development	All non-exempt residential or commercial development	Commercial or Residential Voluntary ARU	25% Bonus or additional height in UR-PUD	25% Bonus or additional height in UR-PUD
Rent/Own	Own	Rent (no owner occupancy)	Rent	Own or Rent	Rent (no owner occupancy)
Income/Asset Restrictions	Yes	Yes	No	No	No
Ownership of Real Estate	Not within 150 miles	Not within 150 miles.	Not within Teton Co., WY	Not within 150 miles	Not within 150 miles
Income Ranges	0 - 50%, 50 - 80%, 80% - 120% of median income	0 - 50%, 50 - 80%, 80% - 120% of median income	None	None	None
Income Limit for Tenant Qualification	N/A	<50%, <80%, <120%	None	None	None
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 and 75% of income from local business	Avg 30 hrs/wk and 75% of income from local business
Residency Requirement	US Citizen or Lawful Permanent Resident	None	None	US Citizen or Lawful Permanent Resident	None
Occupancy Requirement	10 months/yr	Minimum 80% of lease term.	Minimum 80% of lease term	10 months/yr, 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
Household Qualification	At time of purchase and must continue to be employed full-time	Continuous	Continuous	Continuous	Continuous
Appreciation Restrictions	CPI with max. 3% per year compounded	No measured appreciation	No measured appreciation	CPI with max. 3% per year compounded	No measured appreciation
Sales Process	Weighted Drawing	By Owner	By Owner	Weighted Drawing after initial sale	By Owner
Rental Rate	N/A	Max. 30% of low end of income range	None	None	None
Rental Term	N/A	Not less than 6 months	90 days or more	Not less than 31 days	Not less than 6 months
Incentive	N/A	N/A	FAR exempt	Height in UR-PUD & FAR exempt	Height in UR-PUD and FAR exempt
Requirement	Formula, according to LDR 6.3 - Restriction	Formula, depending on use (LDR 6.3) - Restriction	If gaining from providing - needs Restriction. Commercial only	Restriction	Restriction



# SECTION 1. PURPOSE AND GENERAL GOALS

## 1-1. Purpose

The Jackson/Teton County Affordable Housing Department (“Housing Department”) was created by Teton County, Wyoming and the Town of Jackson, Wyoming on March 14, 2016 Town Resolution 16-04 and County Resolution 16-008. The purpose of these *Housing Department Rules and Regulations* (“Housing Rules”) is to provide comprehensive and consistent provisions that apply to housing units created through the Town or County established housing programs and/or administered by the joint Town of Jackson/Teton County Housing Department (hereafter “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 or she 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 Jackson/Teton County Affordable Housing Department (“Housing Department”) expressly disclaims any and all warranties, express or implied, including without limitation fitness for a particular purpose with respect to the provision of restricted housing units. The Housing Department does not represent, warrant, or promise to construct, finance, or otherwise produce, in whole or in part, any restricted housing units pursuant to these *Housing Department Rules and Regulations* or under any other programs. No applicant may rely upon any promise implied or expressed that restricted housing units shall be constructed, financed, or otherwise produced, in whole or in part, by the Housing Department. In no event shall the Housing Department be liable to any applicant for any direct, indirect, incidental, punitive, or consequential damage of any kind whatsoever, including without limitation lost profits, lost sales, lost business, lost opportunity, lost information, lost or wasted time. None of the information contained in these *Housing Department Rules and Regulations* constitutes an offer to sell or the solicitation of an offer to buy a restricted housing unit.

## 1-2. General Policy Goals

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

### a. Promoting Economic and Social Diversity

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

### b. Ensuring Long-Term Affordability

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

### c. Providing Housing for the Local Workforce

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

### d. Providing Fair and Consistent Administration

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

# 1-3. Relationship to Land Development Regulations

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

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

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

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

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

## **b. References Retained for Convenience**

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



# **SECTION 2. HOUSING DEVELOPMENT STANDARDS AND PROCEDURES**

## **2-1. Purpose**

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

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

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

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

### **a. Applicability**

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

## **b. General Policy Goals**

### **1. Inform Developers of Standards and Procedures**

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

### **2. Provide Fair and Consistent Implementation of Standards and Procedures**

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

## **2-2. Housing Mitigation Plan**

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

## **a. Procedures**

### **1. Consultation with Applicant (Optional)**

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

### **2. Review**

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

### **3. Streamlined Applications**

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

## **b. Content**

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

### **1. Mitigation Method**

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

### **2. Requirement Calculation**

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

### **3. Fee Calculations**

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

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

### **4. Unit Descriptions**

#### **a. Unit Size**

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

#### **b. Rental/Sale Mix**

As part of the Housing Mitigation Plan, the developer shall state which units are intended as rentals and which are intended as ownership in accordance with the

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

**c. Mix of Units by Number of Bedrooms**

The intent of the restricted housing programs is to provide a variety of unit types to meet the housing needs of our diverse workforce. The Town and County LDRs set out the specific occupational requirements for housing units. The mix of units by number of bedrooms in each unit is also determined by the Town and County LDRs.

**d. Distribution of Income Ranges**

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

**5. Special Restriction Form and Process**

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

**a. Requirement**

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

**b. Process**

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

**1. 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 restrictions, Workforce Ownership, Workforce Rental, Affordable Ownership, and Affordable Rental.

## **2. 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.

## **3. 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.

## **4. Developer Responsibilities**

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

## **5. Modification/Amendment**

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

## **2-3. Livability Standards**

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

## **a. Process**

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

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

## **b. Intent**

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

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

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

### **1. Exceptions**

Applicants may request approval of components that don't 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 (See Section 7-3)

## **c. Acceptance of Restricted Housing Units**

Proposed floor plans will be reviewed by the Housing Department at time of Sketch Plan submittal, Final Development Plan submittal and/or other permit submittal. Proposed unit designs and components must be approved by the Housing Department prior to submittal for

building permit. The Housing Department will inspect all restricted units before certificate of occupancy to ensure that the unit is built according to the approved designs.

## **d. Standards for Restricted Units**

### **1. Kitchen**

#### **a. Cabinets**

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

Unit Size	Lineal Ft of Base Cabinets*	Lineal ft of Upper Cabinets*
<b>Efficiency/studio/one-bedroom &lt; 475 SF</b>	4	4
<b>One bedroom &gt; 475 SF</b>	5	5
<b>Two bedrooms</b>	6	6
<b>Three bedrooms or more</b>	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 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 3 feet of continuous countertop work space 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*
<b>Studio/One bedroom &lt; 475 SF</b>	24"	24"	18	18"
<b>One bedroom &gt;475 SF</b>	30"	30"	25	24"
<b>Two bedroom</b>	32"	30"	30	24"
<b>Three bedrooms or more</b>	32"	30"	30	24"

\*Minimum Size

## 2. Quality and Warranty

All appliances shall be new, Energy Star, and UL (Underwriters Laboratories Standards for Safety) listed, and approved appliances. Documentation of the estimated reliability of proposed appliances, such as Consumer Report ratings, should be provided. Appliances must be of sound quality with the following minimum warranties:

### i. Range or Stove and Oven

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

### ii. Refrigerator

One-year minimum warranty on the entire appliance.

### iii. Dishwasher

One-year minimum warranty on the entire appliance.

### iv. Garbage Disposal

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

### v. Microwaves and other small appliances are optional.

## **2. Bathrooms**

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

## **3. Closets and Storage Areas**

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

### **a. Table of Minimum Storage Dimensions**

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

### **b. Other Storage Standards**

#### **1. Closet Depth**

Closet depth must be 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.

#### **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 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 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

#### **d. 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 (9'0).

#### **e. 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 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 2 chairs – 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 12" deep and 36" in length may be an acceptable alternative for units with less than two-bedrooms.

#### **f. 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 6' sofa, and a cooking eating area (table or island) that will accommodate two 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.

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 affordable units facing on and within 100 yards of roadways with allowable speeds in excess of 35 miles per hour or other types of industrial or other noise must have windows facing these conditions that meet a 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 5-year minimum warranty. Hot water heaters must be appropriately sized to adequately serve the number of anticipated occupants based on one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom.

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

## **9. Other Design Features**

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

- Built-in storage space such as drawers under beds, stairs, etc.

- Creative shelving in dead space
- Washer/Dryer or communal laundry area in rental units
- Extra storage for recreational equipment
- Additional closet space
- Additional cabinetry

## e. Standards for Dormitories

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

### 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.

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 4 burners and an oven. A refrigerator at least 5 cubic feet per person proposed to use the dorm. Each unit must have a minimum of 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 1- 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 an affordable 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 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 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 Section 2-3 Livability Standards**

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



# SECTION 3. QUALIFICATION AND ELIGIBILITY

## 3-1. General Descriptions

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

### a. Qualification

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

### b. Eligibility

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

## 3-2. Qualification

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

### a. Employment Requirement

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

#### 1. Employed in Teton County

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

### **a. Self-Employed**

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

## **2. Employment Exemptions**

### **a. Military Service**

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

### **b. Disabled**

An individual who is defined as disabled and is unable to be gainfully employed due to the disability meets the employment qualifications for housing in Teton County if the individual has a minimum of one (1) year of full-time residency in Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

### **c. 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 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.

**d. 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.

**e. Hospitalization**

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

**b. Citizenship**

At least one (1) member of the household must be a U.S. Citizen or be hold a Lawful Permanent Residency card in the United States in order to qualify to purchase a restricted housing unit.

**c. Age**

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

**d. Financial Ability**

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

**1. Contingencies**

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

**2. Disclosure of Financial Gifts**

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

### **3. Use of Retirement Savings for Down Payment**

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

### **4. Qualified Mortgages**

All liens that encumber the property must be ‘qualified mortgages’ made by a ‘qualified mortgagee’ or will not be secured by the property (See 0: section 9. Definitions).

## **3-3. Eligibility**

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

### **a. Household Income**

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

#### **1. Affordability Ranges**

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

##### **a. Affordable and Affordable Rental**

*Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards*

0 – 80%	Category 1
80% – 100%	Category 2
100% – 120%	Category 3
120% – 140%	Category 4
140% – 175%	Category 5

175% – 200%      Category 6

*Rental units developed after 2018 adoption of Housing Mitigation Standards*

0 – 50%

50% – 80%

80% – 120%

>120%

*Ownership units developed after 2018 adoption of Housing Mitigation Standards*

50% - 80%

80% – 120%

>120%

### **b. Legacy Attainable Units**

Category 2 = <=120%

Category 3 = <=140%

Category 4 = <=175%

### **c. Employee**

*Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards*

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

### **d. Employment-Based**

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

#### **e. Workforce Housing Program**

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

#### **f. Other Restricted Housing Units**

Income eligibility for other restricted housing units may be set out in restrictive covenants that apply to the particular 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. 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 members of the household and who are attending college will not be counted.

#### **b. Business Income**

Gross income is used minus cash expenses

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

1. Tax returns are used to get 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 get 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 get 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 get 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 get 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 get 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 get average monthly income. The average monthly income will be multiplied by 12 to get 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 get gross income minus cash expenses. The gross income will be divided by the number of months the business was operating in that year to get average monthly income. Average monthly income will be multiplied by 12 to get one full year for the first year in business.

Seasonal Businesses:

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

**c. Household Members**

All individuals who are intending to occupy the unit must be included on the application. All adults not attending college and/or age 25 or older must include income and assets on the application. For Affordable units adults not listed on the application may not reside in the home within the first year and without prior

approval from the Housing Department. For Workforce units, additional adults may reside in the home at any time, but the household must qualify and have approval from the Housing Department. No approval will be given to either Affordable or Workforce owners without all adult occupants signing an Occupancy Agreement. For Affordable units, divorces must be finalized prior to closing on the home. For Workforce units divorces are not required to be finalized, and applicants are allowed to apply without their spouse, and the spouse's income/assets, etc. will not be counted.

## **b. Household Net Assets**

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

### **1. Calculation of Net Assets**

Household net assets include the value of all assets over \$500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts unless money will be withdrawn to be used as a down payment or closing costs. Business assets are limited to liquid assets.

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

Rental units do not have asset limits.

### **2. Ownership of Real Property**

#### **a. Ownership at Time of Application:**

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

undeveloped or developed property. The owner of the property will be solely responsible to pay for the price opinion in conjunction with submittal of the Housing Department Application.

### **1. Ownership of Commercial Property**

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

### **2. Designation of Mobile Homes**

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

### **3. Rental Income and Rental Assets**

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

#### **d. 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 property 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.

## **d. Homebuyer Education**

Completion of the Homebuyer Education course is required to meet eligibility criteria to enter a weighted drawing for a restricted housing unit and/or purchase a restricted housing unit. The required course is offered by Wyoming Housing Network or another Housing Department approved organization.

## **e. Online Intake Form**

The Online Intake Form must be completed prior to entering a weighted drawing for a home. Completion of this form will put a household on the Housing Department's email list, and the household will begin receiving emails with information about homes when they are available. All advertising of homes available will be done through email to those who have completed the Online Intake Form and on the Housing Department website. The online Intake Form can be found on the Housing Department's website: [jhaffordablehousing.org](http://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 enter a household into a weighted drawing. The weighted drawing is a separate process. See Section 4: Weighted Drawing.

## **SECTION 4. WEIGHTED DRAWING**

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

### **4-1. Minimum Occupancy Requirement**

In order 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:

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

There are not 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.

### **4-2. Weighted Drawing Points**

Eligible households receive points that will determine the number of entries the household will receive in the weighted drawing. One (1) point equals 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 services provider with a maximum of two (2) points. One (1) point is given to a household who enters a drawing for a unit in the Workforce Program and meets the minimum occupancy requirements in accordance with the requirements for units in the Affordable Program. The total maximum points a household can receive is thirteen (13). Households are not eligible to enter a weighted drawing until they have one (1) full year of full-time employment in Teton County for a local business or one (1) point.

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

## **a. Employment**

At least one member of a household must be employed full-time in Teton County at a local business. Full-time employment is defined as at least one thousand five hundred sixty (1,560) hours per year or an average of at least thirty (30) hours per week. Employment exemptions found in Section 3-2 apply.

### **1. Interruption of Employment**

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

## **b. Additional Points**

### **1. Critical Services Provider**

Qualified critical services providers, as defined in 0: section 9. Definitions, may be eligible for a maximum of two (2) additional points. Any household may not receive more than two (2) points. However, if a household has one (1) person who qualifies as a critical services provider for two (2) organizations, they will receive two (2) points.

The following conditions must be met to receive the critical services provider designation and priority:

#### **a. Critical Services Provider Designation**

Organizations who believe their employees or volunteers meet the definition of critical services provider can apply to the Housing Department to become an approved critical services provider organization and have certain job positions deemed 'qualified.' The Teton County Board of County Commissioners and the Jackson Town Council will approve or deny critical services provider organization applications.

##### **1. Required Documentation**

Employees who work in these "qualified" positions for approved critical services provider organizations can enter a weighted drawing and receive additional points. These individuals must submit a "Critical Services 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 CSP's supervisor to update the Supervisor's Questionnaire.

#### **b. One Year of Full-Time Employment**

A qualified critical services 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 services provider.

#### **c. Approval Process**

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

### **c. Accessible Units**

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

### **d. No Qualified Entries**

After a weighted drawing where no qualified entries exist, the unit will be offered again in a weighted drawing. It will be open to households in the next tier of the minimum occupancy requirements. If there are still no qualified entries, the home will be offered first come, first served. The first qualified household to submit a complete application will have the opportunity to purchase.

### **e. Drawing Results**

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



# SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES

## 5-1. Sale and Resale Standards

### a. Applicability

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

#### 1. Affordable Housing Program

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

#### 2. Employment-Based Housing Program

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

#### 3. Workforce Housing Program

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

#### 4. Attainable Housing Program

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

#### 5. Other Programs

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

## **6. Rental Rates**

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

## **b. Maximum Sales Price**

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

### **1. Median Family Income**

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

### **2. Household Size**

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

### **3. Affordability Range**

The household income for the applicable restricted housing unit is set at the middle of the affordability range to ensure affordability. For example: the income range for affordability range 3 is 81% - 120% MFI; therefore, an income of 100% MFI would be used in calculating the maximum sales price.

### **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:

- 22% of household income covers principal and interest,
- 8% of household income covers HOA dues, taxes, and insurance,
- 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

- The maximum sales prices will be lower if the unit is below grade, or if there is no garage.
- If an owner is determined to be in default of their restrictions, the Housing Department will have the option to purchase the property for a purchase price equal to the maximum resale price or the appraised value, whichever is less, subject to the Housing Department's ability to limit appreciation and/or reduce proceeds, and on such other terms as are provided in the restrictions.
- If an owner is found to be in default of their restrictions, the Housing Department may cease the appreciation of the property when determining the maximum resale value beginning on the known date the owner began being in default.

## c. Maximum Resale Price

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

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

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

The following standards apply:

#### a. Date of Purchase

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.

**b. Proration**

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.

**c. Date of Receipt of Letter of Intent to Sell**

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.

**d. Denver-Aurora-Lakewood CPI**

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

**e. Northwest Wyoming Cost of Living Index**

The 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.

#### **f. Flat Appreciation Rate of 2.5 Percent**

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

### **2. Cost of Actual Capital Improvements**

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

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

### **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 Marshall and Swift Residential Cost Handbook 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 home. 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 must be submitted and the meeting with the seller must occur the week prior to the beginning of the weighted drawing entry period. See section 4. The seller shall be given the option to choose the Title Company. If the seller has no preference, the Housing Department will choose the Title Company. If the seller decides not to sell the unit after submitting the Letter of Intent to sell, the seller must reimburse the Housing Department for any costs the Housing Department has incurred. Once the contract has been signed by buyer and seller, both parties are legally bound by the contract.

## **2. Facilitation of Sale**

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

## **3. Maximum Resale Letter**

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

## **4. Facilitation Fee (2%)**

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

## **5. Costs for Declining Initiated Sale**

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

## **6. Viewing of Unit**

Once the weighted drawing is completed, the first household drawn will be contacted by the Housing Department and a time set up to view the unit. This viewing shall occur within five (5) business days of the household being notified that they were selected first in the drawing. The household will have two (2) business days to respond to the Housing Department's efforts to contact them to notify them that they were selected. A

phone call and an email will be sent to the household. If there is no response, the Housing Department will move on to the next household drawn. The seller is required to make the restricted housing unit available with reasonable notice on a minimum of two (2) occasions to show the property to the selected household prior to going under contract.

## **7. Inspection**

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

## **8. Complete Application**

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

## **9. Qualification**

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

## **10. Qualified Household Meeting**

When the Housing Department has identified a qualified household who wishes to move forward with the purchase of the home, the qualified household will have five (5)

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

## **11. Final Walk Through**

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

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 withhold funds from the seller's proceeds. The funds are then given to the buyer and the buyer is responsible for completing the maintenance/repair items.

## **12. Closing**

The closing will be held on or before fifty (50) days from complete execution of the Contract. The Buyer will take possession of the unit on closing day.

# **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.

## **2. Workmanlike Manner**

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

## **3. Approved Capital Improvements**

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

- Fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements;
- For the benefit of seniors and/or handicapped persons;
- Health and safety protection devices (including radon);
- Adding and/or finishing of permanent/fixed storage space;
- Finishing of unfinished space;
- Landscaping; Adding trees, shrubs, lawn, patio, walkways, or sprinkler systems;
- Decks and balconies, and any extension thereto;
- Partial credit may be given for upgrade improvements that will increase the life of the component as compared to the original product or increase the long-term affordability of the home.

## **4. Improvements Not Approved for Credit**

Permitted capital improvements shall not include the following:

- Jacuzzis, saunas, steam showers and other similar items;
- Upgrades or addition of decorative items, including lights, window treatments and other similar items;

- 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.
- 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**

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.

#### **c. Nonqualified Transferee**

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

## **1. Cooperation with the Housing Department**

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

## **2. Compliance with Restriction**

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

## **2. Trusts**

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

## **3. Nontestamentary Transfer on Death**

A “Nontestamentary Transfer on Death” deed is allowed to be recorded on restricted housing units, and must include the following:

### **a. 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.

### **b. Subject to Encumbrances**

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

### **c. Approval by Housing Department**

The Housing Department must approve the document before recordation.

## **4. Title**

All adults who occupy the restricted housing unit for more than 30 accumulative days in a calendar year, except for children attending college, must sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement

include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. An adult may not be moved into an Affordable unit for at least one year after closing and only with approval from the Housing Department. Adults may be moved into workforce units prior to one year, however, the household must be qualified and approved by the Housing Department. Buyers will be required to sign an Occupancy Agreement at closing.

## **g. Other Sale and Resale Standards**

### **1. Privy to Purchase and Sales Agreement**

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

#### **a. Public Records**

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

#### **b. Weighted Drawing Positions**

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

#### **c. Freedom of Information Act or Wyoming Public Records Act**

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

#### **d. Audits**

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

## **2. Independent Legal Counsel**

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

## **3. Title Company**

The Housing Department advises sellers to use a title company and escrow agent located in Jackson, Wyoming to close the transaction because of their expertise with the Housing Department's restricted housing programs and their unique and technical closing documents. The seller and buyer shall authorize the Housing Department to review the "Settlement Statement" prior 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 homes that do not have a measured appreciation, such as Attainable homes, an appraisal recognizing the restriction on the property is required.

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

**5. Total Debt**

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

**6. Co-Ownership**

Any co-ownership arrangement other than Joint Tenancy or Tenancy-In-Common must be approved by the Housing Department. All adults occupying the unit, with the exception of children 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 Restriction, that affects the restricted housing unit. It is the owner’s responsibility to be aware of these interests and regulations. Failure of an owner to comply with the HOA Rules and Regulations or CC&Rs constitutes default of the *Housing Department Rules and Regulations*.

## **9. Homeowners’ Hazard Insurance**

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

# **5-2. Tenancy and Rental Standards and Procedures**

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

## **a. Primary Residence**

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

## **1. Occupancy Requirement**

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

## **2. Business Activity Restricted**

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

## **3. No Guests for an Extended Period**

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

## **4. Leave of Absence**

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

### **a. Rental of Restricted Unit during Leave of Absence**

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

#### **b. Post Leave of Absence**

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 of sell" form, which will begin the selling process of the restricted housing unit.

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

## **b. Rental Procedures for Owner -Occupied Properties**

The Housing Department may approve rental of space within owner-occupied Affordable, Employment-Based, and Workforce units when pressing circumstances exist. The owner must continue to occupy the unit, and the Housing Department must certify that the renter meets

the qualification and eligibility standards set out in Section 3: Qualification and Eligibility. A fee will be charged along with the request as set forth in the Annual Schedule of Fees.

## **1. Requests to Rent during Leave of absence**

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

### **a. Medical Emergency Documentation**

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

### **b. Processing Fee**

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

## **2. Qualification and Eligibility of Tenants**

### **a. Qualified Household**

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

### **b. Eligibility Criteria**

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

### **c. Verification of Qualification**

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

#### **d. Recertification**

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

### **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 Fair Market Rents as published by HUD or total housing costs (mortgage payment, taxes, insurance, Ground Lease Fees and HOA dues), whichever is less.

#### **b. Housing Department Fee**

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

### **4. Requests to Rent a Room**

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

#### **a. Submittal of Request to Rent**

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

#### **b. Approval by the Housing Manager**

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

**c. Identification of Tenant**

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

**d. Tenant Approval**

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

**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.

## **5-3. Purchase Procedures**

### **a. Selection of Qualified Household**

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

#### **1. Weighted Drawing**

In the event that the Housing Department receives one or more weighted drawing entry sheets at the maximum resale price from qualified households during the weighted drawing entry period, the buyer will be selected according to preferences set for that particular Housing Program. In the event no weighted drawing entry sheets are received

during the weighted drawing entry period, the selection process would be determined either by a bid process or a “first come first served” process. The restrictions on the property clarify which selection procedure to use.

#### **a. Errors**

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

### **5. Bid Process**

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

### **6. No Qualified Weighted Drawing Entries**

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

#### **a. Owner Selection**

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

#### **b. Attainable Housing Program Sale Procedures**

##### **1. Listing of Unit**

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

##### **2. Letter of Intent to Sell**

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

### **3. Advertising**

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

### **4. Sale Price**

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

### **5. Purchase and Sale Agreement (Contract)**

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

### **6. 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.

### **7. Application for Qualification**

- i. Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.
- ii. Time to Process: If the application is complete and thorough, the Housing Department will have a determination of qualification within five (5) business days of receiving the application. It may take longer if the Housing Department has to request further information from the applicant.

- iii. Qualified Buyer Letter: Once the household is deemed to be “Qualified” to purchase the Attainable housing unit, the Housing Department will provide a “Qualified Buyer Letter” to the applicant. This letter will be used to verify to the seller and the title company that the household is qualified to purchase the unit.
- iv. Lenders: See Section 5-1g.4: Lenders.
- v. Closing: The closing date and time is set between the sellers, buyers, financial institution, the title company, and the Housing Department. The buyers will be required to sign a “Buyer’s Acknowledgement” at the time of closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home, and also agreeing to the Housing Department’s right of first option to purchase the unit in case of default by signing a Power of Attorney in Case of Default.

## **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. 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:

- That the facts contained in the application are true and correct to the best of the applicant's knowledge;
- That the applicant has been given the standard application information packet by Housing Department Staff; and
- That the applicant, on the basis of the application presented, believes the Household qualifies to occupy the restricted housing unit in question according to the restriction, these *Housing Department Rules and Regulations*, and all other applicable procedures.

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

**d) Lender's Qualification Worksheet**

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

**e) Credit Report**

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

**f) 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.

**g) 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 notarized

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.

#### **h. 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.

#### **i. 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.

#### **j. Additional Information**

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

##### **1. Verification of Household Net Assets**

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

##### **2. Verification of Current Employment in Teton County**

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

- Wage stubs
- Employer name, address, and phone number
- Contract for employment
- “Affidavit of Employment” (Housing Department)

### **3. Authorization to Release Information**

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

### **4. Verification of Completion of Homebuyer Education Course**

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

### **5. Uniform Residential Loan Application**

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

### **6. Occupancy Agreement**

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

### **7. Accessible Unit Preference**

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

### **8. Critical Services Provider**

Organizations applying for critical services provider approval and their corresponding approved positions must gain approval before a critical service

worker can gain points in a weighted drawing. The organization must complete a “Critical Services Organization Application” and submit it to the Housing Department. If the organization and positions are approved, a “Supervisor Questionnaire” must be completed by the applicant’s supervisor and submitted with the other required documents when entering the weighted drawing. All certifications must be completed for the position and a recommendation from the supervisor is required. The “Supervisor Questionnaire” will need to be updated every six months.

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

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

### **2. 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 DrawingEntry” 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.

### **3. 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 a weighted drawing the household wishes to enter or the household will be ineligible to enter the weighted drawing. The Intake form must be updated annually to be eligible to continue to enter lotteries.

## **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. See Section 3: Qualification and Eligibility for more details on the verification process for each housing program.

## f. **Qualification Letter**

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

## g. **Purchase and Sale Agreement**

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

### **4. Facilitation**

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

### **5. Buyer’s Acknowledgement**

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

## **5-4 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*.

### **1. Qualified Business Application**

The business completes a “Qualified Business Application,” which can be obtained from the declarant or from the Housing Department and submits it to the Housing Department. If the business has affiliates, it must be indicated on the application.

### **2. Verification**

The Housing Department verifies that the business meets the criteria of a qualified business with the following documentation. The Housing Department may ask for additional documentation.

### **3. Option Agreement**

The Housing Department verifies that the business is a true local business, organization, or government agency operating in Teton County.

### **4. Determination of Qualification**

#### **a. Qualified Business Letter**

The Housing Department will provide a “Qualified Business Letter” once the verification process is complete and the business is approved to be a qualified business. The Housing Department will then sign the “Option Agreement”; or

#### **b. Not a Qualified Business**

If the business is not deemed to be a qualified business, the Housing Department will inform the business with a written letter and copy the declarant or option

holder. The business will not be allowed to obtain an option if it is not approved as qualified by the Housing Department.

### **c. Cause for Expulsion**

Any material misstatement of fact or deliberate fraud by a business in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or for obtaining or keeping an option.

## **d. Option Procedures**

### **1. Obtaining an Option**

Options are available from a declarant or from another option holder. A declarant can choose to provide an option if the business is a qualified business and does so by recording an “Option 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:

- Housing Department’s receipt of a “Notice to Sell” by the owner of the property.
- Housing Department’s exercise of its default option as set forth in the special restrictions.
- The occurrence of a default and forced sale as set forth in the special restrictions.

This notice triggers the timeframe the optionor has to identify a proposed purchaser as outlined in the “Option Agreement.”

### **3. Exercise of Option**

An optionor shall have a time frame as outlined in the “Option Agreement” to exercise the option. The timeframe will begin upon receipt of the “Option Notice.” To exercise the option, an optionor must notify the Housing Department on or before the expiration of the timeframe that they have identified a proposed purchaser for the home.

Additionally, the proposed purchaser must submit a complete application, as outlined in

Section 5-4c, on or before the expiration of the timeframe. The Housing Department will take approximately five (5) business days to determine whether the proposed purchaser is:

- Qualified under “Option Agreement.”
- Qualified under terms of the Housing Department’s special restrictions.

The Housing Department will verify that the business continues to be a qualified business each time the option is exercised (See Section 5-4c).

#### **4. Waiver of Option**

If the Optionor does not wish to exercise the option, they can sign the “Affidavit of Waiver” indicating they are waiving the option. This affidavit will be recorded with the Teton County Clerk’s Office.

In the case where an option is waived, the Housing Department will find a buyer using the process outlined in Section 4 of these *Housing Department Rules and Regulations*.

##### **a. Failure to Identify Purchaser during Required Timeframe**

If the optionor does not identify a proposed purchaser on or before the expiration of the timeframe, the optionor will automatically have waived their option.

#### **5. Assignment**

An optionor can assign its option to another qualified business. If at any time the business holding the option ceases to be a qualified business, they must assign the option. This is done using the following process:

##### **a. Written Notice**

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

##### **b. Application**

The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 5-4c).

##### **c. Housing Department Approval**

If the business qualifies, the Housing Department will provide a “Qualified Business Letter” to the business and sign the “Option Agreement.”

#### **d. Consideration**

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

### **e. Qualified Purchaser**

The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

#### **1. Letter of Certification**

The purchaser will be qualified by the Housing Department only if they have a material nexus to the optionor as approved by the Housing Department. A “Letter of Certification” form demonstrating the material nexus the proposed purchaser has with the Optionor must be completed by the optionor. The “Letter of Certification” form is available from the Housing Department. The optionor must deliver documentation satisfactory to the Housing Department that verifies (1) that the proposed buyer is a full-time employee of optionor; or (2) that the identified purchaser otherwise has a material nexus to optionor.

#### **2. Qualified Household**

A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 3 of the *Housing Department Rules and Regulations*.

If the identified purchaser does not qualify because of not meeting the Housing Department Rules and Regulations requirements, Housing Department special restrictions, or “Option Agreement,” and the timeframe has not expired, the optionor may identify another proposed purchaser.

#### **3. Affidavit of Exercise**

When the Housing Department determines the household meets qualifying criteria of the “Option Agreement,” these *Housing Department Rules and Regulations*, and Housing Department special restrictions, the Housing Department will sign an “Affidavit of Exercise of Option Right” indicating the household is qualified. The optionor will also sign the “Affidavit of Exercise of Option Right” indicating they are exercising the option right. The affidavit will be recorded with the Teton County Clerk’s land records.

# SECTION 6. RENTAL STANDARDS AND PROCEDURES

## 6-1. Applicability

All rental housing units administered by the Housing Department, including the Affordable Rental program (which includes legacy Employee housing units) and the Workforce Rental program (which includes the legacy ARU program), 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. Section 6-1 does not apply to cases where the Housing Department has approved rental of a room in a unit.

## 6-2. Rental Standards

### a. Affordability

To ensure that the rents are affordable to households earning less than eighty percent (120%) AMI, 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 (75%) of a studio. See Section 3-3 for income ranges.

#### **a. "Plus" Units**

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

#### **b. Lease Renewals**

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

### **4. Qualified Household**

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

### **5. Leases**

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

## **b. Primary Residence**

### **1. Occupancy Requirement**

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

### **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**

In the event that 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.

# **6-3 Rental Procedures**

## **a. Selection Process**

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

### **1. Weighted Drawing**

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

### **2. First Come First Served**

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

### **3. 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.

## **b. 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.

## **c. Materials Required**

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

### **1. Housing Department Application for Restricted Ownership or Rental Housing**

Completed and signed Housing Department Application for Housing.

### **2. Weighted Drawing Entry Form**

Completed and signed "Weighted drawing Entry" form. See Section 5-3.c.2.

### **3. Credit Report**

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

### **4. Federal Income Tax Returns**

Signed federal income tax returns (electronic signature is not sufficient) 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:

- Wage stubs;
- Employer name, address, and phone number;
- Contract for employment;
- "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:

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

## **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. All financial information shall remain confidential, except that the Housing Department may provide information to the public concerning sales prices.

## **e. Qualification Letter**

After 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 potential renter within 10 business days.

its transportation goals.

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

## **7-1. Compliance Process**

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

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

### **a. Compliance Requirements**

#### **1. Affordable Units**

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

## **2. Employment-based and Workforce Housing Units**

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

## **3. Employee Housing Units**

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

## **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, if one (1) member of the household meets the retirement age as defined by the Federal Social Security Administration defined in these *Housing Department Rules and Regulations*, the household will be exempt from continued compliance with income and employment eligibility standards.

## **b. Submittal and Timeline**

### **1. Housing Department Request for Information**

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

### **2. Default**

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

## **c. Common Default Violations**

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

Common violations include, but are not limited to:

## **1. Occupancy**

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

## **2. Guests**

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

## **3. Renting**

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

## **4. Leave of Absence**

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

## **5. Pets**

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

## **6. Mortgage Delinquency**

Failure to maintain obligations required under any mortgages is considered a default under special restrictions.

## **7. HOA Delinquency**

Failure to pay Homeowners Association dues is considered a violation of the special restrictions.

## **8. Ground Lease Delinquency**

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

## **9. Water/Sewer Dues Delinquency**

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

## **10. Employment Verification**

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

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

## **11. Ownership of Residential Property**

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

## **12. Estate Planning**

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

## **13. Covenants, Conditions and Restrictions (CCR) Violations**

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

## **14. Bankruptcy**

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

## 7-2. Process for Default Contested Case Hearings

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

### a. Notice of Default

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

#### 1. The Notice of Default

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

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

- Cure the default, or
- Request a default hearing of the Jackson/Teton County Housing Authority Board, or
- Provide the Housing Department with a “Letter of Intent to Sell” the home or unit in accord with the special restriction.

#### 2. Housing Department Discretion

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

### b. Request for Default Hearing

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

## **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 “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 will consider the non-action or failure to respond as a breach of default and 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 breach or violation includes but is not limited to forcing the sale of the home or unit.

## **d. 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. 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 make arrangements 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.

### **e. 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. If the motion carries, the JTCHA affirms the Notice of Default. If the motion fails, the JTCHA has decision

## **4. Order of Decision**

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

## 7-3. Process for Exception Hearing

### a. Request for Exception

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

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

### b. Request for Exception Hearing Process

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

#### 1. Request for Hearing

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

Requests for Exception Hearings must contain the following information:

##### a. Grounds

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

##### b. Action

The action or remedy requested;

##### c. Contact Information

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

**d. Notification to Homeowners Association**

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

**e. Fee**

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

## **c. Housing Department Review and Recommendation**

All requests for hearings will be reviewed by Housing Department for completeness and provided to the JTCHA Board within thirty (30) days with a recommendation for action, copied to the complainant and/or representative.

## **d. Hearing**

The hearing will be heard by the JTCHA Board at a properly noticed meeting scheduled at least thirty (30) days following the Housing Department's receipt of the "Request for Hearing" to ensure notice and due process.

### **1. Hearing Officer**

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

#### **a. Scheduling Order**

If a Hearing Officer is designated, within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline.

#### **b. Transcripts**

Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

## **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.

# 7-4. Grievance Procedure

A grievance is any dispute that seller, buyer, or owner may have with the Housing Department with respect to an action or failure to act in accordance with the individual's rights, duties, welfare, or status. A grievance may be presented to the Housing Department under the procedures below.

## a. Request for Grievance Form

Any grievance must be presented in writing to the Housing Department on the "Request for Grievance" form and include:

### 1. Grounds

The particular ground(s) upon which it is based;

### 2. Action

The action or remedy requested;

### 3. Contact Information

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

### 4. Fee

Grievance fee.

## b. Housing Department Review and Decision

### 1. Housing Manager Review

The Housing Department Housing Manager will review all "Requests for Grievances."

## **2. Summary Letter**

The Housing Manager shall issue a written letter summarizing the decision regarding the requested grievance within thirty (30) days of receipt of the "Request for Grievance."

The letter will be sent via U.S. mail certified return receipt requested and via email if an email address is known.

## **3. Request for Hearing**

The applicant may request a hearing of the JTCHA pursuant to Section 7-3.a.2. if the grievance decision of the Housing Manager is disputed.

# **SECTION 8. OCCUPANCY AND USE OF RESTRICTED UNITS**

## **8-1. Occupancy and Use**

Rental and ownership units have occupancy and use restrictions. Households will be required to obey the following occupancy and use restrictions.

### **a. Household Income**

Households who own or rent a Workforce home and households who rent an Affordable home will be required to requalify annually to verify that their income meets the requirements of the restriction.

### **b. Employment Requirement**

Households who own or rent a Workforce or Affordable home will be required to verify that they are meeting the employment requirement. At least one adult in the household must be employed with a local business a minimum of an average of thirty (30) hours per week or one thousand five hundred sixty hours annually. The employment calculation will be based on the prior calendar year. *Affordable homes sold prior to June 4, 2018 will not have this requirement.*

### **c. No Teton County Residential Real Estate**

No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company,

corporation, association, or the like) residential real estate within one hundred fifty (150) miles of Teton County, Wyoming at any time during occupancy of the Residential Unit.

## **d. Occupancy**

### **1. Household Occupancy**

Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied 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 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.

#### **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 are allowed to rent a room in their home as long as the owner still occupies the units on a substantially full-time basis (9 months per year as required by their Special Restriction).

### **2. Owner Occupancy**

Owners of Affordable or Workforce rental units shall not reside in or occupy the residential unit. For purposes of this paragraph, if owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, and any trustee or beneficiary of the trust.

### **3. Household Composition**

Only members of the Qualified Household may occupy a Residential Unit, except that Owner 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 (Section 5-1.e). The policy includes but is not limited to, a limitation on the valuation of such improvements at resale, requirements regarding the advance written approval of such improvements, and documentation of proposed and completed improvements.

#### **5. Insurance**

The owner shall keep the residential unit continuously insured against “all risks” of physical loss (not otherwise covered by a homeowner’s association insurance), for the full replacement value of the residential unit.

#### **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 9. DEFINITIONS

## 9-1 Definitions

**Accessible Unit:** A unit that has been built or adapted with specific design features that make the unit accessible to those with mobility and hearing handicaps.

**Application:** A packet that households who are selected in an affordable housing weighted drawing submit for Housing Authority staff to verify that the household is qualified to purchase the home. The application consists but is not limited to the following:

- ✓ Housing Department Application for Restricted Ownership or Rental Housing
- ✓ Signed Certification and Oath
- ✓ Signed Authorization to Release Information
- ✓ Completed Lender's Qualification Worksheet (completed by lender)
- ✓ Full three tier Credit Report that includes credit scores. (Can be obtained from lender)
- ✓ Previous two years of tax returns with W-2s
- ✓ Employment Affidavit for each job currently held by wage earners in the household
- ✓ If self-employed, previous three years of tax returns with an income statement and a balance sheet.

**Appeal:** A process requested by an applicant/owner/renter when they understand the qualification, eligibility, and preference criteria and have requested an exception from the Housing Manager and have been denied.

**Approved Lending Institution:** Approved lending institutions include institutional lenders; community loan funds, or other similar nonprofits; or other legitimate, non-affiliated finance companies. *See Definitions of Institutional Lenders and Community Loan Fund.*

**Asset:** *see Household Net Asset.*

**Assigned Number:** A computer-generated number based on first name of applicants in alphabetical order that households are listed in a weighted drawing.

**Area Median Income (AMI):** A figure published annually by HUD which is calculated 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.

**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 housing unit. The bid period only takes place if no weighted drawing entry sheets are submitted for an available restricted housing unit.

**Borrowed Light:** An indirect source of natural light; for example, a room in a home uses borrowed light when it has a window that looks into another room, where the other room receives direct sunlight.

**Capital Improvements:** Improvements done to the home for which the homeowner can receive credit. The capital improvement requires an expenditure that either increases the value of the property or extends its life expectancy.

**Caregiver:** A full-time Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming resident who is or was volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member and was therefore unable to gain full-time employment in Teton County.

**Closing Date:** The date on which ownership of property transfers from the former owner to the new owner.

**CLTV:** Combined Loan to Value. Loan to Value is the ratio of the loan amount to the value of the home. Combined Loan to Value is when a second mortgage exists and the two loan amounts are combined and compared to the value of the home.

**Community Loan Fund:** A loan fund that is set up in a community for the purpose of providing down payment assistance or other types of loans for restricted housing units.

**Critical Services Provider:** An employee or volunteer of a community based institutional or non-profit organization on call 24 hours per day for public safety emergencies.

**Deed Restriction:** A document recorded against a housing unit that describes the unit's housing program. It provides restrictions on the purchase, occupancy, use, and resale of the restricted housing unit. A deed restriction is a type of restrictive covenant that is recorded at the time of certificate of occupancy.

**Dependent:** A child or adult who lives with the household and can be claimed on the tax returns of an adult in the household.

**Developer:** An individual or group who builds housing.

**Disabled:** Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

**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.

**Earnest Money:** Money that a buyer gives to a seller to bind a contract. Earnest money goes toward the costs of the purchase of the home and is held in escrow by the title company until closing.

**Eligibility Criteria:** Criteria defined in either the Deed Restriction or the *Housing Department Rules and Regulations*, which are used to measure whether a household is eligible to apply for a unit.

**Employment-Based:** A restricted housing unit where occupancy is limited to employees in Teton County, Wyoming. There are no income qualifications for an occupant. This type of unit may include, but is not limited to, Accessory Residential Units and Employment-Based Units.

**Employment Requirement:** At least one member of a household must demonstrate an average of 30 hours per week (1560 hours per year) of employment in Teton County, Wyoming; or demonstrate a clear intent to work an average of 30 hours per week in Teton County, Wyoming (must have been hired even if hasn't started the job yet.)

**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 amount of bedrooms in a unit.

**Final Development Plan Approval:** The point in the development review process when either the Teton County Board of County Commissioners or the Town of Jackson Town Council approves a development.

**Final Inspection:** The inspection that is done on a home at least 48 business hours before closing on the sale of the home. The purpose is to determine whether the home has been properly cleaned and that proper maintenance and repairs have been completed.

**Finance Company:** A company that regularly makes loans to clients.

**Garage:** An enclosed shelter for automotive vehicles.

**Grievance:** A dispute that 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:**

**Hearing Impaired:** Individuals with hearing measures between 25 dB and total hearing loss.

**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.

**Heir:** A person legally entitled to the property of another person upon the latter person's death.

**Homebuyer Education:** Class required by the Jackson/Teton County Housing Authority for households to be eligible to purchase a restricted housing unit. The class educates homebuyers about the entire home buying process.

**Homeowners' Association:** An organization comprised of neighbors concerned with managing the common areas of a subdivision or condominium complex. These associations take on issues such as plowing, clearing sidewalks, painting exteriors of a subdivision and collecting dues from residents. The homeowners' association is also responsible for enforcing Covenants, Conditions & Restrictions (CC&Rs) that apply to the property. They do not enforce Deed Restrictions.

**Household Income:** The current income going forward 12 months of all adult wage earners within a household before taxes. Income from dependents that are enrolled in college or another type of school is not included in the household income calculation. For self-employed individuals, Income is the net income from the business with depreciation added back in averaged over either the life of the business or the last three (3) years, whichever is shorter. Other types of deductions may be added back in as well, such as home business use.

**Household Net Assets:** The value of all assets over \$500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer

equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

**Housing Programs:** Programs intended to provide housing for the workforce of Teton County and administered under the Jackson/Teton County Affordable Housing Department. They include ownership and rental units created through the Land Development Regulations, through the direct construction of restricted housing units, or the financing thereof.

**Housing Mitigation Plan:** The portion of a development plan that specifies how an applicant will satisfy the Affordable and/or Workforce Housing requirements in Division 6.3.6 of the Teton County and Town of Jackson Land Development Regulations.

**Immediate Family Member:** Individuals that include a parent, spouse or child, including stepchildren, foster children, stepparents and foster parents.

**Initial Inspection:** An inspection done on a home once a letter of intent to sell is received by the Housing Department. The purpose is to inform the seller of the selling process and to check for maintenance and repairs that may be required before the sell occurs.

**Institutional Lender:** A lender that is a legitimate financial institution that regularly loans money for real estate transactions.

**Joint Tenancy:** When two or more people own property as joint tenants and one owner dies, the other owners automatically own the deceased owner's share. No will is required.

**Leave of Absence:** Permission granted by the Housing Department for an owner of a restricted housing unit to be absent from the unit for an extended period of time for a legitimate and compelling reason, without violating the unit's deed restriction.

**Lawful Permanent Resident:** Any foreign national who has been granted the right to reside permanently in the United States. Lawful Permanent Residents may apply for Affordable and Attainable housing but are ineligible to apply for Employment-Based housing, as it is available for US Citizens only.

**Lender's Qualification:** The Institutional Lender's judgement of the household's financial ability to obtain financing for purchasing a home.

**Letter of Intent to Sell:** A letter that a homeowner submits to the Teton County Housing Authority informing the Housing Department that they desire to sell their restricted housing unit. The Housing Department must receive this letter before the selling process can begin.

**Liabilities:** Any debt, loans, or balances that a household owes. Liabilities are subtracted from assets when calculating Household Net Assets.

**Living Space:** A room in a home used by a family for leisure activities, entertaining guests, etc. It includes space for couches, chairs, tables, and may open to the kitchen.

**Local Business:**

Two Part Definition

A.) A local business means (1) a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) the business serves clients or customers who are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

Or

B.) A business physically located in Teton County Wyoming who employs two or more Qualified Employees, which qualified employees must work in Teton County Wyoming to perform their job.

**Maintenance:** A repair or maintenance item is an expenditure that restores a property to a sound state.

**Maintenance Adjustment:** The amount of money credited to the buyer at closing for maintenance, cleaning, or repairs that are found to be needed on the home at the final inspection.

**Maximum Rental Rates:** The maximum rental rate that may be charged to a tenant occupying an Employee Housing unit. The rates must include basic utilities (water/sewer, electric, gas, and trash removal). The specific restriction recorded on the unit instructs the method to be used to calculate maximum rental rates.

**Maximum Resale Price:** The maximum amount that a restricted housing unit can be sold for. This price is calculated by the Housing Department according to the restricted housing unit's deed restriction or the *Housing Department Rules and Regulations*.

**Maximum Resale Letter:** A letter given to a seller of an Affordable or Employment-Based housing unit informing them of the maximum amount that the unit may be sold for

**Maximum Sales Price:** The maximum amount that newly provided ownership housing units can be sold for initially. There is 10 percent reduction from the maximum sales price for no garage and a 20 percent reduction from the maximum sales price if the unit is below grade.

**Median Family Income (MFI):** The Department of Housing and Urban Development (HUD) calculates this figure by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more. Then, adjustments are made based on family size. The Jackson/Teton County Affordable Housing Department uses MFI to determine eligibility for restricted housing units. The Housing Department also uses MFI to calculate maximum sales prices.

**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 Requirements:** A type of preference used in the Affordable and Employment-Based Programs' weighted drawing selection processes through which household is eligible to enter a weighted drawing based on how closely it aligns with the unit size.

**Original Purchase Price (OPP):** The amount the current homeowner originally paid for the home.

**“Plus” Units:** Restricted housing units that have extra floor area for offices, play areas, etc.

**Post-Secondary Education:** Attendance as a full-time student at an educational establishment after high school or college preparatory school.

**Possession Date:** The date a buyer takes possession of a home. This is normally the date of closing unless for some reason funds are unable to be disbursed on that day or other arrangements are made.

**Price Opinion:** The market value of residential or commercial property, as determined by a local real estate firm.

**Primary Education:** Attendance at a school for primary education located in Teton County Wyoming.

**Primary Residence:** A Household's sole residence, occupied at least ten (10) months during each calendar year, or as otherwise stated in the Housing Unit's Restriction.

**Profit and Loss Statement:** A statement showing a business's income and expenses up through the month prior to application.

**Purchase and Sales Contract:** Contract entered into by the seller and the buyer which outlines the terms and conditions under which the property will be sold.

**Qualified Critical Services Provider:** An employee or volunteer on call 24 hours per day for public safety emergencies of an approved community-based organization that provides immediate response to health and safety services.

**Qualified Employee:** A person who works for a local business in Teton County Wyoming a minimum of 1,560 hours annually (average of 30 hours per week).

**Qualification Letter:** Letter issued to applicant confirming that they are qualified to purchase the home. This letter is needed by the Title Company in order to allow the closing to take place.

**Qualified Households:** Households that have applied for housing through the Housing Department, where Housing Department staff deem them as eligible to purchase a restricted housing unit after verification of information, based on the unit's Deed Restriction and the *Housing Department Rules and Regulations*. Information includes but is not limited to household income, assets, employment, and minimum occupancy requirements.

**Qualified Mortgage/Qualified Mortgagee:** A loan attained from an Approved Lending Institution/the buyer of a restricted housing unit that has been approved for a mortgage.

**Resale Process:** The process by which an owner of a restricted housing unit sells it to a new owner.

**Residential Property:** A parcel that either includes a residential dwelling unit or has the by-right potential for developing a residential dwelling unit per local zoning regulations.

**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 rental agreement.

**Secondary Education:** Attendance at a high school or college preparatory school located in Teton County, Wyoming.

**Settlement Statement:** Itemizes all costs, and/or credits due from the buyer and seller at closing.

**Teacher:** Any individual who (1) works with individuals age three (3) – eighteen (18), and (2) whose duties involve classroom or other instruction or the supervision or direction of classroom or other instruction, and (3) whose primary employment is at least thirty (30) hours a week for at least nine (9) months per year, but is not employed in that position for at least two (2) months per year.

**Tenancy-In-Common:** When two or more people own a shared interest in a property. If one owner dies, they can will their portion to other beneficiary(s) and not to the other owner(s) if they desire.

**Uniform Residential Loan Application (or Fannie Mae Form 1003):** The application required by law for mortgage lenders to use to supply home loans. The Housing Department may require that applicants supply this application when applying for a restricted housing unit.

**Verification Checklist:** Checklist used by JTCHA to verify whether a household is qualified to purchase a particular home.

**Voluntary Affordable/Employee Housing Units:** Units with a restricted rent or sale price to be affordable to households earning no more than 200 percent of Teton County Median Family Income. An applicant may propose these units in addition to those required by the Land Development Regulations.

**Weighted Drawing:** The event that selects the order, of all the applicants for an applicable restricted housing unit, which the home will be offered for sale.

**Weighted Drawing Entry Period:** The period (normally two weeks) that the Housing Department accepts weighted drawing entry sheets for an available restricted housing unit.

**Weighted Drawing Entry Sheet:** Households complete a weighted drawing entry sheet and submit it to the Housing Department along with other documentation within the weighted drawing entry period when the household is interested in purchasing an available restricted housing unit.

**Weighted Drawing Number:** A number that a household receives from a weighted drawing that reflects the household's standing in the weighted drawing for an applicable restricted housing unit.

**Weighted Drawing Form:** The form used to record all households who submitted weighted drawing entry sheets for a particular home. The households are recorded in alphabetical order. This form is given to outside counsel who then assigns each household a number. The numbers are placed in a pool and drawn out one by one. The results of the drawing are recorded in order on the Weighted drawing Form and returned to the Housing Department.

**Weighted Drawing Process:** The process by which the Housing Department accepts weighted drawing entries from households wishing to purchase a restricted home and determines the order the households will be offered the home for purchase. (Separate lotteries are conducted for each program).

**Workforce Housing Program:** An incentive program applicable within the Town of Jackson through which bonus floor areas are available in nonresidential or mixed-use buildings if the developer provides restricted housing units. These units can be either Ownership or Rental, and the number of units to be provided is determined by a ratio set out in the Town LDRs.