

# Jackson/Teton County Housing Rules and Regulations

## SECTION 2 RENTAL POLICIES

### SECTION 201 PURPOSE AND APPLICABILITY

- 201.1 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 Rules and Regulations is to provide comprehensive and consistent provisions that apply to [Housing Units](#) created and owned by the Jackson/Teton County Housing Authority (JTCHA) and/or administered by the Housing Department.
- 201.2 The purpose of Section 2 is to summarize Housing Department rental policies for rental housing owned by the JTCHA and/or rental housing administered by the Housing Department (sometimes referred to herein as Rental Units or Housing Units). All Rental Housing Units administered by the Housing Department are subject to these Housing 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.
- 201.3 Fair Housing and Equal Opportunity. The Housing Department recognizes that the Office of Fair Housing and Equal Opportunity administers and enforces federal laws and establishes policies that make sure 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. 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 or residential lots, in advertising 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. Blockbusting is also illegal.

B. Anyone who believes he or she has been discriminated against by the Housing Department may file a complaint of housing discrimination: 1-800-669-9777 (Toll Free), 1-800-927-9275 (TDD).

## **SECTION 202      GENERAL POLICY GOALS**

- 202.1      The general goal of all Housing Programs covered by these Housing Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment in Teton County. This is accomplished by regulating occupancy and rental of the Housing Units covered by the Housing Rules and Regulations to Qualified Households as defined herein.
- 202.2      Housing Department Rental Programs limit eligibility for occupancy to Qualified Households that meet specific criteria, which may include both [Household Income](#) and [Employment](#). Such qualifying factors of financial means promote economic and social diversity within the Jackson Hole community.
- 202.3      Many of the Housing Units covered by these Housing Rules and Regulations are subject to price limitations for rental. These limitations are intended to insure affordability for both the current Household occupying the Housing Unit and to ensure the long-term affordability of the Housing Unit.
- 202.4      Housing Department Rental Programs limit the use of the Housing Unit to ensure that the Housing Unit meets the community's goals of providing housing for local workforce and does not serve as a second home.
- 202.5      These Housing Rules and Regulations are intended to provide clear, fair, and consistent administration of the Housing Department Rental Programs to which they apply. It is recognized that there are individual Households or Housing Units that may not fit clearly into the specific provisions of the Housing Rules and Regulations but still meet these general policy goals. For these cases, Exception,

Appeal, and Grievance processes may be submitted to the Housing Department as set forth in Section 109.

202.6 **Disclaimer:** The Jackson/Teton County 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 Housing Units. The Jackson/Teton County Housing Department does not represent, warrant or promise to construct, finance or otherwise produce, in whole or in part, any Housing Units pursuant to these Housing Rules and Regulations or under any other programs. No applicant may rely upon any promise implied or express that 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 Rules and Regulations constitutes an offer to sell or the solicitation of an offer to buy or rent a Housing Unit.

## **SECTION 203 HOUSEHOLD QUALIFICATION, ELIGIBILITY AND PRIORITY**

203.1 Each Housing Program described in these Housing Rules and Regulations is evaluated on three levels to determine the requirements of occupants and/or owners to purchase and/or occupy the Housing Unit in question; the three levels of evaluation are herein referred to as Qualification, Eligibility and Preference.

- A. **Qualification** is the most general and applies to all Housing Programs.
- B. **Eligibility** refers to additional requirements specific to a particular Housing Unit or Program.
- C. **Preference** refers to the rules by which applicants for rental Housing Unit(s) are prioritized for the purpose of offering the Unit(s) for rent as they become available (lottery procedure or first come first served).

203.2 **Qualified Household Defined:** To be considered a **Qualified Household** (sometimes referred to herein as "Household") under these Housing Rules and Regulations, all of the following criteria must be met prior to execution of a lease and must continue to be re-qualified by the Housing Department on an annual basis. Tenants will be required to submit income and employment documentation forty-five (45) days prior to lease expiration. The Housing Department will notify tenants thirty (30) days prior to lease expiration of status of their qualification. If a household does not qualify, their lease will not be renewed, and this notification will serve as their thirty day notice to vacate:

**A. Employment Requirement:** At least one member of the Household must fit one of the following categories:

1. Be able to demonstrate an average of thirty (30) hours per week or 1560 hours a year (full-time) of employment in Teton County, Wyoming, or
2. Be a **Senior** or Disabled who is not currently employed in Teton County, but has been employed according to section 203.2.A.1 a minimum of two (2) full consecutive years immediately prior to retiring or becoming disabled.
  - a. A Senior is defined as an individual at least 62 years of age who is a resident of Teton County, or
  - b. Disabled is defined as an individual who has a physical or mental condition that substantially limits one or more major life activity, and is unable to be gainfully employed due to the disability.

**B. Citizenship:** At least one (1) member of the Household must be a U.S. Citizen or hold a valid "Green Card" as proof of his or her permanent residency in the United States in order to qualify to rent the Housing Unit.

**C. Age:** At least one (1) member of the Household must be at least eighteen (18) years of age.

D. **Financial Ability:** The Household must demonstrate that they have the financial ability to pay the rent. The Household's debt to income ratio may not exceed 45%. Notwithstanding the foregoing, the Housing Department may check references and consider past history of rent and payment record to allow a household to go beyond 45% debt to income.

D. **Occupancy:** The Household must occupy the Housing Unit as its primary residence.

1. **Primary Residence Defined:** A primary residence for a rental unit is considered the Household's exclusive single family dwelling for at least eleven months of each calendar year.

203.3

**General Eligibility Criteria for Rental:** Households will be required to meet all of the following eligibility criteria to be eligible to rent and occupy a Housing Unit:

A. **Household Income:** Gross household combined income of all intended adult occupants of the Housing Unit at time of application may not exceed 120% of Area Median Income as calculated by HUD for the household size.

1. **Calculation of Income:** **Household Income** is calculated by the Housing Department using the current combined household income to estimate an annual (12 month) income. This income will be recalculated annually.
  - a. Incomes of adult children attending college will not be counted.
  - b. **Business Income:** Business income is calculated using an average of the last three (3) years of income on the business' tax returns. A year to date profit and loss determination will also be used to compute business income.

B. **Employment:** At least one adult in the household must be employed at a business physically located within Teton County, Wyoming for an annual average of at least 30 hours per week or 1560 hours per year.

C. **Ownership of Property:** Eligible households may not own any developed residential property within 150 miles of Teton County, Wyoming.

203.4 **Household Preference:** In order to meet the community's goals of providing affordable housing to our workforce, some preferences will be given in the selection process. This section only applies to a household receiving preference in a lottery, and not to being eligible or qualifying to enter a lottery.

A. **Occupancy Preference:** The intent of the Occupancy Preference is to utilize a unit's bedroom count as efficiently as possible to help meet the community's goal of housing at least 65% of the workforce locally.

1 person household = preference for 1 bedroom

2 person household = preference for 1 or 2 bedroom

3 person household = preference for 1, 2 or 3 bedroom

For purposes of determining household size, children must be eligible to be claimed as a dependent on the households' Tax Returns to be counted in household size.

B. **Employment Preference:** To ensure that Housing Units are utilized by families that contribute to our workforce and community, at least one (1) member of a Household shall be required to prove employment in Teton County, Wyoming for a minimum of four (4) consecutive years immediately prior to time of application to receive the Employment Preference.

1. Definition of Employment. At least one member of the Household must demonstrate an average of at least thirty (30) hours per week or 1560 hours per calendar year of employment at a local business in Teton County, Wyoming.

2. Employment Preference Exemptions:

a. **Military Service** – Active deployment in the U.S. Armed Services counts as employment in Teton

County, Wyoming if that member of the household met employment criteria according to Section 203.2.A in Teton County, Wyoming for a minimum of two years prior to deployment.

- b. **Primary Education** – Primary Education attendance in Teton County, Wyoming will be applied toward employment preference.
- c. **Secondary Education** – Pursuit of Secondary Education will apply toward employment preference if other employment criteria are met in Teton County, Wyoming for a minimum of two (2) years prior to enrollment of Secondary Education.
- d. **Caregiver** – Work as a Caregiver counts as employment in Teton County (See Section 103.2.A.3)
- e. **Critical Services Provider** – A Qualified Critical Services Provider will receive the employment preference even though they do not have a four-year history working full-time in Teton County.

- C. **Accessible Units:** Accessible units are designed specifically for those with mobility and/or hearing impairments.

Units that are built with Accessible amenities will have a preference given to individuals who have mobility impairment and/or hearing impairment.

Verification from a healthcare professional or other type of specialist will be required.

Employment Preference, and minimum occupancy preferences still apply (See Section 110.5).

- D. **Critical Services Provider** (Adopted Jan. 15, 2009). See Section 103.4.G

## **SECTION 204**

## **RENTAL PROCESS**

204.1 **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's Rental Housing Program.

- A. **Lottery:** For the initial rental of new rental housing, a lottery process will be used. Applicants will submit a complete application and a Lottery Entry Form during the Lottery Entry Period. A Qualified Household shall be selected to rent according to preferences set forth in these Housing Rules and Regulations Section 203.4 and 110.5.A.
- B. **First Come First Served:** In the event no Lottery Entries are received during the Lottery 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.

Once the initial rentals are filled with tenants, and rental units become available from time to time, the units will be rented using the lottery system (see section 110.5.A).

204.2 **Verification of a Qualified Household:** The Housing Department verifies that each Household selected to rent a Housing Unit meets the Qualification, Eligibility and Preference requirements specific to the Housing Unit.

- A. **Application Submitted:** Each Household entering a lottery to rent a Housing Unit is required to submit a completed Application and a Lottery Entry Form. 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, etc. Application forms can be obtained from the Housing Department or from The Housing Department's website.

To determine that a household desiring to rent a Housing Unit meets all of the criteria set forth in Section 503, the

Housing Department will request all of the following for a complete application, which will be submitted at Lottery Entry:

1. Completed and signed Teton County Housing Authority Application for Housing,
2. Completed and signed Lottery Entry Form,
3. Full credit report for all adult household members dated no more than 30 days from submittal of application,
4. Signed federal income tax returns and all attachments (including W-2s, 1099s) and schedules for the last two (2) years for all adult household members
5. Verification of current employment in Teton County which includes:
  - a. Wage stubs,
  - b. Employer name, address and phone number,
  - c. Contract for employment,
  - d. Release to the Housing Department signed by all adults in the Household to obtain third party employment verifications, and

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

1. If self-employed, three (3) years of business and personal tax returns along with a current [Profit and Loss Statement](#) and [Balance Sheet](#).
2. Verification form for Accessible Unit preference.
3. Any other documentation that the the Housing Department deems necessary to determine qualification, such as, Divorce Decrees, Social Security income, rental income, etc.

- B. **Verification:** To protect the interests of the community that has invested in the creation of Housing Units, the Housing Department verifies that information submitted on the Application is true and correct and may request documents outlined in Section 104.2 to assist in this process.
- C. **Qualification Letter:** After the Housing Department verifies that the Household meets the Qualification, Eligibility and Preference criterion for the particular Housing Unit, it will issue a [Qualification Letter](#) to the potential renter within 10 business days.

- 204.3 **Privacy:** All personal and financial information provided to the Housing Department Staff will be kept strictly confidential, except as follows:
- A. 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. The names and lottery positions of all persons who have participated in any Rental Lottery held under these Housing Rules and Regulations; and,
  - C. 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.

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 Rules and Regulations, provided such person or entity agrees to be subject to this confidentiality provision.

- 204.4 **Determination of Eligibility:** The Housing Department's Housing Manager shall determine whether a Household is eligible to rent a Housing Unit. The Housing Department's Housing Manager may determine that the Household is not eligible to rent a Housing unit based upon any or all of the following:
- A. The Household does not meet the requirements of these Housing Rules and Regulations.

- B. The Household has failed to provide documentation required by these Housing Rules and Regulations.
- C. The Household's documentation on income or employment of the Household is incomplete or inconsistent.
- D. The Household is deemed to have inadequate resources to meet the requirements of the financial obligations and thus determined to be a risk.
- E. There are other circumstances that do not support the Household's ability to participate successfully in the Housing Program created by these Housing Rules and Regulations, and other policies of Teton County or the Town of Jackson.

No Household member or other party shall have the right to sue or bring other legal process against the Housing Department, Teton County, Town of Jackson, or any person affiliated with any of them arising out of these Housing Rules and Regulations, and neither the the Housing Department, Teton County, or the Town of Jackson shall have any liability whatsoever to any person aggrieved by the decision of the Housing Manager regarding eligibility, qualification or preference of a prospective buyer or any other matter relating to these Housing Rules and Regulations.

#### **SECTION 205            EVICTION PROCESS**

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

#### **SECTION 206            AFFORDABILITY**

To ensure that the rents are affordable to households earning Category 1 and below incomes, rents will be calculated using the following method:

The national 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, water, sewer, gas and/or electric, and trash removal.

For purposes of calculating rental rate only:

One (1) Bedroom = One (1) Person Household

Two (2) Bedroom = Two (2) Person Household

Three (3) Bedroom = Three (3) Person Household

Monthly rent will be the income limit for Category 1 specific to number of bedrooms to determine household size, minus 10%, divided by 12 multiplied by .30

Fifty (\$50) dollars will be added for "Plus" units.

Fifty (\$50) dollars will be added for households earning Category 3 income.

Once rent is calculated, it will not be lowered for lease renewals. However, the rent will be calculated each year and applied to a lease renewals if the new calculation is higher than the former lease amount. The new calculation will also be applied for new households signing a lease.

## **SECTION 207            EXCEPTIONS, APPEALS AND GRIEVANCES**

207.1            **See Section 109**