

## ORDINANCE 1329

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1291, 1260, 1242, AND 1195 AND SECTIONS 16.10.300(B)(1), 16.10.300(B)(4), 16.10.300(C)(1)(b), 16.10.300(C)(3)(d), AND 16.10.300(C)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING RULES AND REGULATIONS QUALIFICATION AND ELIGIBILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

## SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1291, 1260, 1242, and 1195 and Sections 16.10.300(B)(1), 16.10.300(B)(4), 16.10.300(C)(1)(b), 16.10.300(C)(3)(d), and 16.10.300(C)(4) of the Municipal Code of the Town of Jackson are hereby amended and reenacted read as follows:

**16.10.300 Qualification and Eligibility.**

**B. Qualification** - To be considered a qualified household under these Housing Department Rules and Regulations, all of the following criteria must be met prior to the time of closing (purchase) or move-in (rental):

1. Employment Requirement - At least one member of the household must fit one of the following categories:
  - a. Employed in Teton County - Be employed for 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 or rentals that are not subject to the Weighted Drawing process, 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 the date of move-in (rental) or closing (purchase) of 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.
    - i. Self-Employed - If self-employed, the business must meet the definition of a Local Business. Second, the number of work hours must be documented to substantiate meeting the Employment Requirement. Since self-employment is often unique, different methods of verification may be used; however, a log of hours is required. Other methods may include verification from vendors, employees, or other applicable methods.
  - b. Employment Exemptions.
    - i. Military Service - Active military service in the U.S. Armed Services counts as employment in Teton County, Wyoming if that member of the household met employment criteria in Teton County, Wyoming for a minimum of two years prior to enlisting and if the individual has returned to employment for a Local Business within sixty (60) days of terminating enlistment with the U.S. Armed Services.
    - ii. Caregiving.
      - a) Purpose. The purpose of this exemption is to allow hours worked as the primary caregiver of children or immediate family to be counted towards a household's employment requirements as the household would otherwise be paying a daycare provider or other individual for the service, which increases the need for services, employees, and affordable workforce housing in Teton County.
      - b) Criteria. Hours worked as a caregiver may be counted towards a household's employment requirements under this exemption if the following criteria and conditions are met:
        - I. The caregiver is a full-time resident (resides a minimum of 10 months per calendar year) of Teton County, Wyoming or Teton County, Idaho or Lincoln County, Wyoming.
        - II. The caregiver is an adult in the household.
        - III. The caregiver is the primary caregiver for:
          1. Children under the age of twelve (12) who are members of the household; or
          2. An immediate family member residing in Teton County, Wyoming who is unable to care for themselves and/or cannot be left alone due to a serious mental or physical disability, or illness such that they require a permanent or long-term caregiver.
        - IV. No other adult in the household is available to provide care at that time because they are working at a verifiable place of employment.
        - V. No more than 6 hours a day may be counted.
        - VI. Hours worked during no more than 5 days per week may be counted.

- VII. No more than 30 hours per week may be counted per household.
  - VIII. Hours may not be counted for providing care to school aged children during times when the school in which the child is enrolled is in session.
  - IX. Hours providing care for children who are being officially home schooled will be verified by the Housing Department on a case-by-case basis. Households undergoing qualification for Restricted Housing who wish to have hours counted towards employment requirements under this caregiver exemption must have the exemption approved by the Housing Department prior to the start of a Drawing Process.
  - X. Hours shall not be counted for children in the household 12 and older unless they have been approved for homeschooling hours by the Housing Department, have a long-term illness, are disabled, or need long term care for some other reason that renders them unable to care for themselves.
- c) Verification. Documentation will be required to verify and substantiate caregiver hours under this exemption which may include birth certificates, letters from health care provider, court orders, and affidavits from employers, family members, and neighbors. The Housing Department has the discretion to determine whether caregiving hours will be allowed to be counted towards employment requirements based upon its review of the documentation and circumstances.
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4. Financial Ability - The Household must qualify without a cosigner for a loan through an institutional lender to purchase an Affordable Housing Unit. Workforce units are allowed a cosigner with the approval of the Housing Department.
- ...
- i. College-Aged Children - The income of adult children who are both under the age of 25 who are members of the household and who are attending college will not be counted. Income of adult children who are members of the Household over the age of 25 will be counted.
  - ii. Business Income - Gross income is used minus cash expenses. Examples of non-cash expenses that are prohibited deductions include but are not limited to depreciation, travel, meals, entertainment, and business use of the unit.
  - iii. Household Members - All individuals who are intending to occupy the unit must be included on the application. All adults who will be occupying the unit must include income and assets on the application except children of intended members of the Household that are under the age of 25 and Attending College.. For Affordable units, adults not listed on the application may not reside in the unit within the first year and may not reside in the restricted unit thereafter without prior approval from the Housing Department. For Workforce units, additional adults may reside in the unit at any time, but the household must qualify and have approval from the Housing Department. No approval will be given to either Affordable or Workforce owners without all adult occupants signing an Occupancy Agreement. For Affordable units, divorces must be finalized prior to closing on the unit. 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.
  - iv. Residential Rental Income - All income from residential real estate will be counted toward Household income. All expense deductions are prohibited.
  - v. Local Income - Local Income is an income earned from employment compensation of self-employment from a Local Business. Child support and local retirement income may also be counted as Local Income.
  - vi. Non-Local Income - Non-Local Income includes, but is not limited to, the following: Dividends; Income from a party that does not meet the definition of Local Business; Child support, except for child support being paid by a person working for or self-employed with a Local Business if it can be demonstrated and verified; Alimony; Rental Income; Retirement, except if the person receiving the retirement income is over the age of 62 or the retirement income is from being fully vested in a pension plan associated with past employment with a Local Business. If either the age of the recipient or the status of the pension plan can be demonstrated and verified, the income will be deemed Local Income; Social Security; Disability; Unemployment; All consistent sources of income not from a Local Business.
- ...
- d. Co-Signers and Guarantors
- i. Affordable Units - Cosigners and Guarantors are prohibited when a Household is purchasing Affordable Units.

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

4. Homebuyer Education - Completion of the Homebuyer Education course is required to meet eligibility criteria to enter a weighted drawing for a restricted housing unit or purchase a restricted housing unit. The required course is available through the Wyoming Housing Network or another Housing Department approved organization. The financial counseling offered after the completion of the homebuyer education course is encouraged but not required.

(Ord. 1329 § 1, 2022; Ord. 1291 § 1, 2021; Ord. 1260 § 1, 2020; Ord. 1242 § 1, 2019; Ord. 1195 § 1, 2018)

**SECTION II.**

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

**SECTION III.**

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

**SECTION VI.**

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

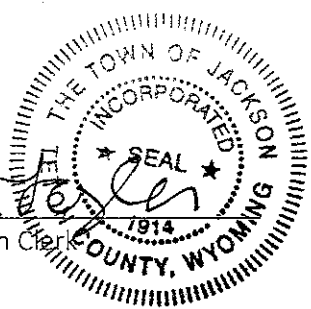
PASSED 1ST READING THE 7 DAY OF NOVEMBER , 2022.  
 PASSED 2ND READING THE 21 DAY OF NOVEMBER , 2022.  
 PASSED AND APPROVED THE 5 DAY OF DECEMBER , 2022.

TOWN OF JACKSON

BY: *Hailey Morton Levinson*  
 Hailey Morton Levinson, Mayor

ATTEST:

BY: *Riley Taylor*  
 Riley Taylor, Town Clerk



ATTESTATION OF TOWN CLERK

STATE OF WYOMING )  
 ) ss.  
 COUNTY OF TETON )

I hereby certify that the foregoing Ordinance No. 1329 was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the 7<sup>th</sup> day of December, 2022.

I further certify that the foregoing Ordinance was duly recorded on page 281 of Book 9 of Ordinances of the Town of Jackson, Wyoming.

*Riley Taylor*  
 Riley Taylor, Town Clerk