

## **SECTION 5 RENTAL POLICIES**

### **SECTION 501      PURPOSE AND APPLICABILITY**

- 501.1      The Teton County Housing Authority, (“TCHA”), is a duly constituted Housing Authority established by Teton County, Wyoming, pursuant to W.S. §15-10-116, as amended, and the purpose of these Teton County Housing Authority Guidelines is to provide comprehensive and consistent provisions that apply to [Housing Units](#) created through TCHA [Housing Programs](#) and/or administered by TCHA.
- 501.2      The purpose of Section 5 is to summarize TCHA rental policies for rental housing created through TCHA Rental Programs and/or rental housing administered by TCHA (sometimes referred to herein as Rental Units or Housing Units). Housing Units available for rent are subject to these Guidelines.
- 5013      Fair Housing and Equal Opportunity. TCHA 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. TCHA 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 TCHA may file a complaint of

housing discrimination: 1-800-669-9777 (Toll Free), 1-800-927-9275 (TDD).

## **SECTION 502      GENERAL POLICY GOALS**

- 502.1      The general goal of all Housing Programs covered by these Guidelines is to provide and maintain housing affordable to persons and families who make a living primarily from employment in Teton County, Wyoming, which include the TCHA Rental Programs. This is accomplished by regulating occupancy and rental of the Housing Units covered by the Guidelines to Qualified Households as defined herein.
- 502.2      TCHA Rental Programs limit eligibility for occupancy to Qualified Households that meet specific financial means criteria, which include both [Household Income](#) and [Employment](#). Such qualifying factors of financial means promote economic and social diversity within the Jackson Hole community.
- 502.3      Many of the Housing Units covered by these Guidelines 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.
- 502.4      TCHA 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.
- 502.5      These Guidelines are intended to provide clear, fair, and consistent administration of the TCHA 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 Guidelines but still meet these general policy goals. For these cases, Exception, Appeal, and Grievance processes may be submitted to TCHA as set forth in Section 506.
- 502.6      **Disclaimer:** The Teton County Housing Authority 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 Teton County Housing Authority does not represent, warrant or promise to construct, finance or otherwise produce, in whole or in part, any Housing Units pursuant to these guidelines 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 Teton County Housing Authority. In no event shall the Teton County Housing Authority 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 guidelines constitutes an offer to sell or the solicitation of an offer to buy a Housing Unit.

### **SECTION 503           HOUSEHOLD QUALIFICATION, ELIGIBILITY AND PRIORITY**

503.1       Each Housing Program described in these Guidelines 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.

**Qualification** is the most general and applies to all Housing Programs.

**Eligibility** refers to additional requirements specific to a particular Housing Unit or Program.

**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).

503.2       **Qualified Household Defined:** To be considered a [Qualified Household](#) (sometimes referred to herein as "Household") under these Guidelines, all of the following criteria must be met prior to execution of a lease and must continue to be re-qualified by TCHA on an annual basis. Tenants will be required to submit income and

employment documentation forty-five (45) days prior to lease expiration. TCHA 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 of employment in Teton County, Wyoming, or
  - 2. Be a **Senior** who has been employed in Teton County a minimum of two (2) consecutive years during their current residency in Teton County. A Senior is defined as an individual at least 62 years of age who is a resident of Teton County, or
  - 3. Be an individual who is **Disabled**. A Disabled individual is 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. **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.

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

503.4 **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.

- A. **Occupancy 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.

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

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.

1. Definition of Employment. At least one member of the Household must demonstrate an average of at least thirty (30) hours per week of employment in Teton County, Wyoming per calendar year.
2. Employment 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 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** – To qualify for the Caregiver exemption, and receive the 4-year preference, all of the following criteria must be met:
    - i. A full time resident of Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming; and
    - ii. Currently employed in Teton County; and
    - iii. Have a previous family member who was a full time Teton County, Wyoming,

- employee at least two out of the last four years; and
- iii. Volunteering or not receiving compensation for time caring for his or her own child, children, ailing family member, or disabled immediate family member for a period of time during the last four (4) years; and
- iv. Due to acting as a caregiver, were not previously able to be employed full-time in Teton County, Wyoming.
- e. **Critical Services Provider** – A Qualified Critical Services Provider is exempt from employment preference.

- 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.

- D. **Critical Services Provider** (Adopted Jan. 15, 2009). Organizations who believe their employees or volunteers meet the definition of Critical Services Provider can apply to the TCHA Board to become an Approved Critical Services Provider Organization and have certain job positions deemed qualified.

Employees who work in these qualified positions for Approved Critical Services Provider Organizations can enter a lottery and receive preference:

1. For those who do not meet the four-year general preference category, Qualified Critical Services Providers will receive the four-year preference.
2. Those who meet the general four-year preference will receive an extra entry in the lottery.

To receive the preference in the lottery, organizations and positions must be approved by the TCHA Board prior to the lottery deadline.

Individuals wishing to enter a lottery as a Qualified Critical Services Provider must submit a *Critical Services Provider Supervisor Questionnaire* along with their lottery entry documents. These will be held on file for a period of six months and updated semi-annually.

## **SECTION 504      RENTAL PROCESS**

504.1      **Selection Process:** A unique process applies for selecting each Qualified Household within each Housing Program. The following Sections provide specific details regarding the 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 TCHA Guidelines Section 503.4.
  
- 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 on a first come first served basis. A waiting list will be kept for each unit type, and the first household on the list will be notified when a unit is available. The household will be required to submit a complete application to TCHA and if qualified will be allowed to lease the unit. Household size preferences will apply.



504.2 **Verification of a Qualified Household:** TCHA 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 TCHA to obtain banking information, etc. Application forms can be obtained from TCHA or from TCHA's website.

To determine that a household desiring to rent a Housing Unit meets all of the criteria set forth in Section 503, TCHA 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 TCHA signed by all adults in the Household to obtain third party employment verifications, and

If deemed applicable, TCHA 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 TCHA deems necessary to determine qualification, such as, Divorce Decrees, Social Security income, rental income, etc.
- B. **Verified by TCHA:** To protect the interests of the community that has invested in the creation of Housing Units, TCHA verifies that information submitted on the Application is true and correct and may request documents outlined in Section 104.3 to assist in this process.
- C. **Qualification Letter:** After TCHA 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 days.

504.3 **Privacy:** All personal and financial information provided to TCHA 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 Guidelines; 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, TCHA may allow access to personal and private information to any person or entity undertaking an independent audit of the records kept under these Guidelines, provided such person or entity agrees to be subject to this confidentiality provision.

504.4 **Determination of Eligibility:** The TCHA Executive Director shall determine whether a Household is eligible to rent a Housing Unit. The TCHA Executive Director 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 Guidelines.
- B. The Household has failed to provide documentation required by these Guidelines.
- 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.
- F. There are other circumstances that do not support the Household's ability to participate successfully in the Housing Program created by these Guidelines, 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 TCHA, Teton County, Town of

Jackson, or any person affiliated with any of them arising out of these Guidelines, and neither the TCHA, Teton County, or the Town of Jackson shall have any liability whatsoever to any person aggrieved by the decision of the Executive Director regarding eligibility, qualification or preference of a prospective buyer or any other matter relating to these Guidelines.

## **SECTION 505            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 506            EXCEPTIONS, APPEALS AND GRIEVANCES**

### **506.1            Definitions:**

- A.    **Exceptions:** Except as otherwise set forth herein, a request for an exception to the standards and requirements of the Guidelines may be appropriate when the applicant understands and acknowledges the criteria and believes there is a legitimate and compelling reason why the applicant should be exempt from such criteria or allowed a modification of the criteria. Exceptions may be granted to the Guidelines on a case-by-case basis, provided that TCHA finds such exception will promote the provision of affordable housing.
- B.    **Appeals:** An appeal is appropriate when the applicant understands and acknowledges the criteria and believes that the criteria have been applied incorrectly to the applicant.
- C.    **Grievances:** A grievance is any dispute that Seller, Buyer, tenant, or Owner may have with TCHA 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 TCHA Board under the procedures below.

### **506.2            Exception Procedure:**

- A.    A Request for Exception must be presented in writing to TCHA and include:
  - 1.    The particular ground(s) upon which it is based;
  - 2.    The action or remedy requested;

3. The name, address, telephone number of the complainant and similar information of complainant's representative, if any; and
4. Exception fee of \$25.00.

Request for Exception forms are available from TCHA.

- B. **Process:** TCHA Staff will review all Requests for Exceptions.
1. The TCHA Staff shall prepare a written report summarizing its decision regarding the requested exception within 30 days.
  2. The TCHA Staff shall distribute a copy of the decision to the Board, the Applicant requesting the exception, and make the decision available to the public.
  3. If the decision is a Denial or less than a complete approval, Applicant may appeal to the TCHA Board pursuant the Appeals Section, below.

506.3

**Appeal Procedure:**

- A. Any appeal must be presented in writing to TCHA and include:
1. The particular ground(s) upon which it is based;
  2. The action or remedy requested;
  3. The name, address, telephone number of the complainant and similar information of complainant's representative, if any;
  4. Appeal fee of \$25.00.

Appeal forms are available from TCHA.

- B. **Process:** All appeals will be reviewed by TCHA Staff for completeness and forwarded with a recommendation for action to TCHA Board within 30 days.
1. The TCHA Board shall address the appeal at the next scheduled board meeting provided that the appeal is submitted to TCHA in sufficient time for advertising for the next board meeting. Applicant shall be entitled to present evidence in support of the appeal.

2. Based on the information provided at the meeting, the TCHA Board will provide a final determination.
3. Binding Determination: The final determination of the TCHA Board shall be binding and TCHA shall take all actions necessary to carry out the decision.

#### 506.4 **Grievance Procedure**

- A. Grievance Application. Any grievance must be presented by an Applicant or Household (the "Contestant"), in writing to TCHA and include:
  1. The particular ground(s) upon which it is based, specific Guidelines or otherwise;
  2. The action or remedy requested;
  3. The name, address, telephone number of the complainant and similar information of complainant's representative, if any; and
  4. Grievance fee of \$25.00.
  
- B. Hearing and Hearing Process. The TCHA Board shall schedule the grievance for a hearing within thirty (30) days from the date the grievance was submitted to TCHA. The hearing shall occur no later than sixty (60) days from the date the grievance was submitted. The Contestant shall be afforded a fair hearing, which includes TCHA providing notice of the scheduled hearing to Contestant. The TCHA Board shall ensure that notice and due process are provided to the Contestant in a timely and reasonable manner. TCHA Board may continue the hearing as needed.
  1. Contestant may appear before the TCHA Board pro se, without an attorney, or may choose to hire counsel. TCHA Staff shall retain an attorney to represent its interest and to assist in record keeping and procedural requirements.
  2. The Contestant and TCHA Staff shall have the opportunity to examine all documents, records and regulations of TCHA that are relevant to the hearing. Contestant shall be responsible for all photocopying expenses. Any document not made available after written request may not be relied upon at the hearing.

3. If the Contestant fails to appear at the hearing, the TCHA Board may make a determination to postpone the hearing or make a determination based upon the evidence submitted.
  4. The hearing shall be conducted by a designated member of the TCHA Board as the "Hearing Officer" or the TCHA Board may appoint a "Hearing Officer." The hearing shall be recorded and may be transcribed by a court reporter at the discretion of the TCHA Board, or upon request by the Contestant. A transcript of the proceeding may be requested by the Contestant at his or her sole cost.
  5. All persons or witnesses who give testimony at the hearing shall do so under oath and both parties shall have the opportunity to question those persons. Evidence may be admitted at the hearing and will be included in the official record.
  6. The standard of proof shall be based on the preponderance of the evidence standard for an administrative hearing. The burden of proof shall lie with the Contestant that the decision of the TCHA and/or the TCHA Executive Director, was in error, was misapplied, or was misinterpreted under these Guidelines..
- C. Decision and Post-Decision. The TCHA Board will issue a written decision within thirty (30) days of the hearing. The prevailing party shall prepare the TCHA Board's decision in the form of findings of fact, conclusions of law, and Order, as may be applicable to the nature of the Grievance and the decision. The decision by the TCHA Board will be based upon the Official Record, briefs submitted, arguments made, oral testimony provided, and evidence admitted at the hearing. The decision of the TCHA Board shall be binding upon TCHA and the Contestant. TCHA shall take all actions necessary to carry out the decision of the TCHA Board.
- D. Rules of Procedure. Grievances shall also be governed by the contested case rules adopted by the Teton County Board

of County Commissioners, pursuant to the Wyoming  
Administrative Procedures Act.