

#	Proposed Change	Applies to:	Why?
1.	Formatting and grammatical changes, as well as clarifications and elimination of redundancy throughout	All	These are content-neutral, not reflective of change to policy or practice, just make the restrictions easier to use and understand. These are all represented in <b>GREY</b> highlight.
2.	Expand from one template to be edited for all restriction types to four templates covering the most typical restriction types: Affordable Rental, Affordable Ownership, Workforce Rental, Workforce Ownership	All	The single modifiable template was designed for consistency, but users found it difficult to navigate and understand without staff assistance
3.	PDF Form with interactive drop-downs and simple entry fields	All	The current template is available online as a non-modifiable PDF and is sent from Housing Staff to landowners as a Word document that can be edited. A PDF Form with modifiable fields allows landowners to easily use without making substantive changes to the document.
4.	<p>Adjust restrictions for banked units:</p> <ol style="list-style-type: none"> <li>Delete all of third Whereas section except:  <i>Declarant is restricting:</i> <ul style="list-style-type: none"> <li>Unit _____, with _____ [number of] bedrooms</li> <li>Unit _____, with _____ [number of] bedrooms</li> <li>Unit _____, with _____ [number of] bedrooms</li> </ul> <i>(together or individually "Residential Unit").</i> </li> <li>Delete Permit No. references</li> <li>Add to General Provisions section:  <u>Banked Units.</u> <i>The Residential Unit is voluntarily restricted and is not tied to any requirement in the Land Development Regulations.</i>   <u>Re-recording Required.</u> <i>This restriction shall be amended and restated in a re-recording in the Office of the Teton County Clerk to associate the Residential Unit with the employee generating development that utilizes the banked unit to meet Affordable Workforce Housing requirements.</i>   <u>20-Year Limit.</u> <i>The unit shall be banked for a maximum of 20 years past the Effective Date, at which time, if not associated with an Affordable Workforce Housing requirement of the Land Development Regulations through an amended and restated restriction, the</i> </li> </ol>	<p>Workforce Rental</p> <p>Workforce Ownership</p>	Banking of units does not occur at a frequency warranting its own template type, but should have an easy-to-follow rule set to adjust templates accordingly when it does occur.

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	<i>Residential Unit retains this restriction and can no longer be used as a banked unit.</i>		
5.	<p>Adjust restrictions for Housing Preservation Program:</p> <ol style="list-style-type: none"> <li>Delete all of third Whereas section except:  <i>Declarant is restricting:</i> <ul style="list-style-type: none"> <li>Unit _____, with _____ [number of] bedrooms</li> <li>Unit _____, with _____ [number of] bedrooms</li> <li>Unit _____, with _____ [number of] bedrooms</li> </ul> <i>(together or individually "Residential Unit").</i> </li> <li>Add to Whereas section:  <i>WHEREAS, Declarant voluntarily participated in the Housing Preservation Program (or a like successor), pursuant to which in exchange for restricting the Land and the Residential Unit with a Workforce Program restriction in accordance with the Jackson/Teton County Housing Department Rules and Regulations, Declarant received Housing Preservation Funds, all as more specifically set forth in the Rules and Regulations;</i> </li> <li>Delete Permit No. references</li> <li>In the Workforce Ownership restriction, replace Exception for Declarant section with:  <i><u>Exception for Declarant.</u> Notwithstanding the foregoing, it is understood and acknowledged that at the time of recordation of this Restriction the Declarant may still hold title to the Residential Unit. If Declarant still holds title to the Residential Unit at the time of recordation, Declarant is not required to be a Qualified Household; provided, such exception applies only until, the earlier of, Declarant's death, transfer, or sale of the Residential Unit. Declarant understands and agrees that Declarant i) may only sell and transfer the Residential Unit to a Qualified Household in accordance with the terms of this Restriction and the Rules and Regulations and ii) should any portion of the Residential Unit be rented it may only be rented to a Qualified Household.</i> </li> </ol>	<p>Workforce Rental Workforce Ownership</p>	<p>Housing Preservation Program participation does not occur at a frequency warranting its own template type, but should have an easy-to-follow rule set to adjust templates accordingly when it does occur.</p>

6.	Adjust restrictions for Deed Restriction Purchase Program: TBD as program is developed	All	
7.	Adjust restrictions for ARU Program: TBD as program is developed	Workforce Rental	
8.	Streamline the Whereas statements that tell us why, which, and what type of units are being restricted	All	The current template has different Whereas statements for units required by mitigation and incentive tools. The proposed change simplifies the statements and makes them a consistent structure with specific drop-down choices for either mitigation or incentive units.
9.	Specify that the restriction applies to all future owners regardless of if they are a person, organization, partnership, or other entity.	All	Current template only references “person”
10.	Specify that developers have one year past receiving certificate of occupancy to sell Ownership homes to a qualifying household	Affordable Ownership Workforce Ownership	Acknowledges that it may take the developer time to sell the unit to a qualifying household, but that more than one year is considered a Breach. This is especially relevant to Workforce Ownership units where the developer may price the unit too high to sell and must lower the price after one year to avoid Breach of the restriction.
11.	Add that unredacted copy of lease must be provided to Housing Department	Workforce Rental	The amount of rent being charged for Workforce Rental units is not limited by the Housing Department Rules & Regulations, but this data is important in evaluating the community benefit of the Workforce Program. Some owners of Workforce Rentals are redacting leases so that the Housing Department does not know how much rent is being charged and we need this information for ongoing analysis and evaluation of the Program.
12.	Remove term specifying that JTCHA can own Rental units	Affordable Rental Workforce Rental	Nothing prevents JTCHA from owning restricted Rental units, so this term is unnecessary and confuses users
13.	Add to Section 2.4 Maintenance that the Housing Department can but is not required to actively maintain the physical components of restricted units	All	This edit provides coverage for the Housing Department to help residents in an emergency but does not obligate the Housing Department to intervene on regular maintenance for which the owner is responsible.
14.	Delete record retention requirements	Affordable Ownership Workforce Ownership	Ownership units are maintained by their occupants, so the Housing Department doesn’t need to verify that the unit is being kept up for renters
15.	Delete information on Capital Improvement rules	Affordable Rental Workforce Rental	Does not apply to Rentals

16.	Add that insurance required to be carried by the owner is set by the Rules and Regulations as applied by the Housing Department and is not negotiable	All	This is a frequent compliance issue that should be made more clear to owners at time of entering the restriction
17.	Make clear that Rental units are required to be rented and are subject to vacancy prohibitions	Affordable Rental Workforce Rental	Current language uses “may” instead of “must” and does not specify vacancy rules, which sometimes becomes a compliance issue
18.	Add examples of materials collected by Housing Staff in regular compliance: 1040 tax returns, W-2s, employment affidavits, bank statements, court decrees, leases, etc.	All	Helps the owner understand what to expect from compliance process
19.	Add that the unit must be occupant’s sole and primary residence	Affordable Rental Workforce Rental	Already in Ownership restrictions but was missing from Rental restrictions
20.	Add that the Housing Department may approve use of a realtor as needed	Affordable Ownership Workforce Ownership	For unique circumstances where a realtor has access to prospective buyers, especially for higher end Workforce Ownership homes, it may be advantageous
21.	Add that, prior to sale of Rental units, the prospective buyer needs to meet with Housing Department to understand and agree to restriction rules	Affordable Rental Workforce Rental	Helps the owner understand what to expect from compliance process
22.	Change standard procedure for death of an owner to defer to the Rules & Regulations	Affordable Ownership Workforce Ownership	Reflects Rules & Regulations change
23.	Add perjury to Breach definition	All	Reflects Rules & Regulations change
24.	Add that Purchase Option and Forced Sale Breach remedies only apply to Rental units when they can be legally separated from an existing multi-family or mixed use context	Affordable Rental Workforce Rental	It is not reasonable remedy to force the sale of attached apartments that are not in Breach or are not restricted because they are on the same lot of record as a Breaching unit. The same applies for ARUs that cannot be legally separated from the lot of record on which they are located. Ownership units exist as individual lots of record, so Forced Sale and Purchase Option are viable remedies.
25.	Add process for unit price reduction if a Breaching unit is not sold within allotted time period	All?	Helps the owner understand what to expect from compliance process
26.	Remove Limitation on Appreciation at Resale	Affordable Rental Workforce Rental	Rental units do not have an appreciation cap on resale value
27.	Add that monetary damages for Breach of restriction may be up to \$750/day	All	Helps the owner understand what to expect from compliance process
28.	Change effective date of notice from day after it is mailed to day it is mailed	All	Reflects Rules & Regulations change

29.	Replace reciprocal Attorneys’ Fees payment with requirement that only Town, County, JTCHA, or Housing Department Attorneys fees may be repaid if owner loses court suit	All	County Attorney request
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