



November 10, 2021

RE: Emergency Moratorium

Dear Mayor Morton-Levinson and Councilors,

The board and membership of ShelterJH is calling for an **emergency moratorium** in the Town of Jackson on any new development and building permits for one year, or until the Town updates its zoning standards to incentivize and regulate the production of homes that locals can afford. Projects with at least 80% deed restricted units should be exempt from this moratorium.

As our elected officials, your job is to protect the **public health, safety and welfare of your constituents**. The lack of affordable homes in our community impacts all your constituents:

- Teton county workers are housing insecure: forced to live in cars, inhabit overcrowded homes, sleep in shifts, or commute long distances. These challenges impact their health and safety.
- Businesses cannot hire or retain enough employees to run their businesses, impacting their welfare and profitability.
- Many of our essential workers are forced to live outside the valley including 36% of hospital employees and nearly 100% of law enforcement officers, impacting the safety of all your constituents.
- Our workforce is in a constant state of insecurity, relying on our overstretched and under-funded social service providers for survival. Providing adequate affordable housing, especially rental properties, will reduce social service costs and increase health, education and financial outcomes.
- More than 100 children are homeless or housing insecure in Teton County. As one of the wealthiest counties in the country, this travesty is inexcusable.

Current zoning standards are leading to an increasingly exclusive community and forcing local workers out of the valley. Zoning standards allow luxury condos, high-end single-family homes, and boutique hotels, but make it difficult to build multi-family affordable rentals. Public investment in housing is predominantly Workforce-restricted, doing little to create homes for working people in our community.

Here is the bottom line: the impact of our zoning and public investment is discriminatory, pushing those with less means and more often people of color into unhealthy living conditions.

These practices are putting the Town of Jackson at [legal risk](#) as we are increasingly in violation of the Fair Housing Act's disparate impact standards of discrimination. The disparate impact rule has a long history and has been upheld in federal circuit courts for more than 40 years. It was codified in 2013, allowing people to challenge policies and practices that aren't explicitly discriminatory, but have disproportionately adverse impacts based on race, color, religion, sex, familial status, national origin, or disability. Although it has a long history, discriminatory effects analysis has been given varying weight over the years; however, on June 25, 2021, the US Department of Housing and Urban Development (HUD) published in the *Federal Register* a notice of proposed rulemaking (NPRM) to restore the discriminatory effects rule adopted by HUD in 2013, indicating increased support for the test. Accordingly,

organizations need to pay closer attention to the effects of their policies than was the case during the previous administration.

We are calling for an emergency moratorium to stop all new development because the current policies of the Town of Jackson increasingly put our community members at risk, and make us vulnerable to legal action.

There is no silver bullet to solve this problem, but **there are a number of bold actions you can take NOW as our elected officials to protect the health, safety, and welfare of your constituents**, honor the tenets of the Comprehensive Plan, and begin to set Jackson on a fairer, more inclusive path. These include:

- Levy a penny of sales tax or increase property taxes in the town to fund homes serving the spectrum of need
- Enforce short-term rental regulations and alter the definition of “short-term” to fewer than 90 days instead of 30 days
- Eliminate single-family zoning and increase density in all districts in town for deed-restricted product
- Require all public facilities to include deed-restricted housing to at least offset the impacts from new employee generation associated with the facility
- Reinstate a 25% inclusionary zoning requirement for residential development
- Eliminate non-profit and institutional exemptions from Commercial Mitigation
- Shrink the lodging overlay
- Reinstate 4th story incentive for deed-restricted housing in appropriate zones
- Require an on-site affordable housing component for all commercial development/redevelopment with guaranteed public investment to buy-down the affordability on at least 50% of the residential square footage to avoid low-density commercial redevelopment such as REI and Target,
- Parking:
 - Institute paid on-street parking with free parking pass for local residents and a \$2,000 annual fee for non-working residents
 - Allow on-street parking in winter and utilize alternate side plowing
 - No on-site parking requirement for deed-restricted housing (on street allowed to meet parking needs)
- Exempt deed-restricted homes from the growth cap; decrease market-rate growth cap as possible over time

All of these changes are possible and they require political will and courage. **The members of ShelterJH and hundreds of other members of our community will stand with you as you begin to take this kind of bold action to address our housing emergency.** It is time to put the people of Jackson first.

Sincerely,

ShelterJH Board of Directors on behalf of the ShelterJH membership