

**DECLARATION OF APPLICABILITY
OF
INCLUSIONARY HOUSING REQUIREMENTS**

THIS DECLARATION OF APPLICABILITY OF INCLUSIONARY HOUSING REQUIREMENTS (“**Declaration**”), is made this _____ day of, 202__, by and between _____ (“**Declarant**”), in favor of the MAYOR AND CITY COUNCIL OF BALTIMORE, a municipal corporation in the State of Maryland (“**City**”), acting by and through its DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (“**HCD**”).

EXPLANATORY STATEMENT

A. The Baltimore City Inclusionary Housing requirements, set forth in Article 13, Subtitle 2B of the Baltimore City Code (the “**Inclusionary Housing Law**”), require developers of multifamily, market-rate residential projects which meet certain criteria to make affordable housing units within their projects available to households with limited incomes at reduced rents for a period of 30 years commencing on the date the City issues a Certificate of Occupancy for the residential project (the “**Inclusionary Housing Requirements**”).

B. Declarant has received from the City a major public subsidy or a significant land use authorization (each as defined in the Inclusionary Housing Law) to benefit the multifamily, market-rate residential project which it owns in Baltimore City, Maryland located at [**Project Address Here**] which is more fully described in Appendix 1 attached to and made a part hereof (the “**Project**”).

C. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Project because Declarant has received a major public subsidy or a significant land use authorization from the City.

NOW, THEREFORE, in consideration of the premises set forth in the Explanatory Statement and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, Declarant and City agree as follows:

1. The Project is subject to the Inclusionary Housing Law and the Inclusionary Housing Requirements are applicable to the Project.
2. The Inclusionary Housing Requirements are applicable to the Project commencing on the date that the Certificate of Use and Occupancy is issued for the Project, for a period of 30 years from such date, so long as the City provides the High-Performance Inclusionary Housing Tax Credit in City Code Art. 28 § 10-18.2 (or economically equivalent consideration) to the Project.
3. Upon termination of the Inclusionary Housing Requirements with respect to the Project in accordance with this Declaration, the City shall promptly provide to Declarant a certificate in recordable form verifying such termination.

4. This Declaration shall be binding on Declarant and its successors and assigns with respect to the Project.

[signatures appear on the next page]

DRAFT

IN WITNESS WHEREOF, Declarant and City have executed this Declaration the day and year above written.

[Declarant Business Name Here]

Attest: _____

By: _____ (SEAL)

Name:

Title:

STATE OF MARYLAND:
CITY OF BALTIMORE:

I HEREBY CERTIFY that on this _____ day of _____, 202_, before me, the Subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore, personally appeared _____, who acknowledged himself/herself to be the duly serving authorized _____ of **[Declarant Name Here]**, who acknowledged the foregoing Declaration of Covenant to be the corporate act of **[Declarant Name Here]**, and being duly authorized to do so, in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, Declarant and City have executed this Declaration the day and year above written.

Mayor and City Council of Baltimore acting by and through the Department of Housing and Community Development

Attest: _____

By: _____ (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit;

I HEREBY CERTIFY, that on this _____ day of _____, 202__, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, Commissioner of the Department of Housing and Community Development of Baltimore City, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that being authorized to do so, himself/herself executed the same in the capacity and for the purposes therein stated and that the foregoing instrument to be the act of the Mayor and City Council of Baltimore, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

By: _____
Notary Public

My Commission expires: _____

APPROVED as to form and legal sufficiency, this _____ day of _____, 202__.

By: _____
Chief Solicitor

Appendix 1

PROPERTY DESCRIPTION

Sample Property Description – Baltimore City Hall

(Randomly generated for illustrative purposes only – not legally accurate)

Beginning at a point on the southeasterly side of East Fayette Street, said point being located approximately 145.00 feet southwest of the intersection of East Fayette Street and the centerline extended of North Gay Street; thence running southeasterly along East Fayette Street a distance of 210.00 feet to a point at the intersection with the southwesterly side of North Holliday Street; thence running southwesterly along North Holliday Street a distance of 280.00 feet to a point on the northerly side of East Saratoga Street; thence running northwesterly along East Saratoga Street a distance of 210.00 feet to a point at the intersection with the southeasterly side of North Gay Street; thence running northeasterly along North Gay Street a distance of 280.00 feet to the point of beginning.

Containing **approximately 58,800 square feet**, more or less, being the parcel commonly known as “**Baltimore City Hall,**” **100 North Holliday Street**, and further described as Block 1356, Lot 001 per the records of the Maryland Department of Assessments and Taxation.

Together with all improvements situated thereon, and subject to covenants, easements, and conditions of record.