



CITY OF SOMERVILLE

Office of Strategic Planning & Community Development

AFFORDABLE HOUSING ACKNOWLEDGEMENT

Property Address:	
Zoning District:	
Applicant:	
Address:	
Phone:	Email:
Property Owner (if not applicant):	
Address:	
Phone:	Email:

This MEMORANDUM OF UNDERSTANDING (“MOU”) is made on this _____ day of _____, 20____ by and between the Housing Director of the City of Somerville (“Housing Director”), with an address of OSPCD Housing Division, 50 Evergreen Avenue, City Hall Annex, Somerville, Massachusetts 02145 and _____, including its successors and assigns and affiliated entities, (the “Developer”) with an address of _____ for the residential development at _____ (“the Property”).

BACKGROUND

The Developer is submitting a Development Review Application to the Inspectional Services Division of the City of Somerville to develop a _____ building type with a total of _____ dwelling units in the _____ (“_____”) zoning district and is required to provide affordable dwelling units (ADUs) pursuant to Section _____ (12.1 Affordable Housing or 8.1 Affordable Housing Overlay District) of the Somerville Zoning Ordinance. The Developer is currently planning a _____ (rental/homeownership) project.

AGREEMENT

NOW, THEREFORE, with good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Developer, for itself, and the Housing Division covenant agree as follows:

1. The Developer shall provide _____ total deed restricted ADU(s) and shall pay a fractional buyout equivalent to _____ ADUs, pursuant to Section 12.3 Buyouts & Payments of the Somerville Zoning Ordinance. Of the total deed restricted ADUs required, _____ will be priced at Tier 1, _____ will be priced at Tier 2, and _____ will be priced at Tier 3.
2. Any development with thirty (30) or more dwelling units must provide at least twenty percent (20%) of the ADUs with three (3) or more bedrooms. Any fractional number resulting from this calculation is rounded up to the next whole number and regarded as a whole number.
3. The Developer shall agree to and sign an Affordable Housing Implementation Plan (“AHIP”), approved at the discretion of the Housing Director, prior to the issuance of any Building Permit for the Property, in accordance with the Section 12.1 Affordable Housing of the Somerville Zoning Ordinance.

Developer initial here: _____

4. The Developer shall pay any authorized fractional buyout to the Somerville Affordable Housing Trust Fund or, alternatively, to the City of Somerville for transfer to a Massachusetts non-profit housing finance corporation, at the discretion of the Director of Housing, prior to the issuance of any Building Permit for the Property, in accordance with the Section 12.3 Buyouts & Payments of the Somerville Zoning Ordinance.
5. The Developer shall execute and record a deed restriction known as an Affordable Housing Restriction limiting the sale, rent, or lease of all ADUs to eligible households in perpetuity with the Middlesex South Registry of Deeds, or filed with the Land Registration Office, in a form approved by the City Solicitor prior to the issuance of any Certificate of Occupancy for the Property.
6. If permitted by the Housing Director's standards for ADUs, the Developer shall either engage, at their own expense, a 3rd party to certify the income eligibility of any household selected for occupancy of an ADU in accordance with 24 CFR 5.609 or provide a fee to the Housing Division for certification services in the event a 3rd party cannot be engaged.
7. The Developer shall agree to and sign a Memorandum of Understanding for the monitoring of compliance to the provisions of the Somerville Zoning Ordinance, all legal agreements, and other standards established by the Director of Housing for rental ADUs prior to the issuance of any Certificate of Occupancy for the Property.
8. The Developer shall agree to and sign a new Affordable Housing Acknowledgement in the following circumstances:
 - a. Following the issuance of any Special Permit subsequent to the date of this MOU authorizing an in-lieu payment instead of providing one (1) or more ADUs.
 - b. Following any action by the review boards that changes the total dwelling unit count for the Property.
 - c. Prior to submitting a revision to a previously approved development review application that includes a change in the total dwelling unit count for the Property.

IN WITNESS WHEREOF, the Developer has executed this Acknowledgement under seal as of as of the date first written above.

Developer/Property Owner

Authorized Representative (Print and Sign)

Date: _____

Developer initial here: _____