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**AFFORDABILITY PLAN OF AVALONBAY
COMMUNITIES, INC. FOR BELOW-MARKET-RATE
("BMR") UNITS AT GREYROCK PLACE
APARTMENTS, 50 FOREST STREET,
STAMFORD, CONNECTICUT**

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**SUBMISSION TO CITY OF
STAMFORD ZONING BOARD**

REVISED: September 25, 2009

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AFFORDABILITY PLAN FOR BELOW-MARKET-RATE UNITS, GREYROCK PLACE APARTMENTS

INTRODUCTION

AvalonBay Communities, Inc. ("AvalonBay") submits this Affordability Plan to the City of Stamford Zoning Board for management of Below-Market-Rate Units ("BMR Units") at Greyrock Place Apartments ("Greyrock Place") 50 Forest Street, Stamford, Connecticut. Forestbroad LLC, fee owner of Greyrock Place, is a wholly-owned subsidiary of AvalonBay Communities, Inc.

The City of Stamford approved an affordability plan dated November 15, 2001 to implement the land use approvals for the Greyrock Place development and the City's "PD" Zone Bylaws for BMR Units (the "2001 Plan"). AvalonBay has successfully operated and managed the BMR Units for seven years, and it submits this revision to the 2001 Plan to update the plan, clarify procedures, and eliminate outdated information. With the Zoning Board's approval, AvalonBay intends this revision to supersede the 2001 Plan.

In the event of a conflict between this revised Plan and the City of Stamford's Affordable Housing Guidelines ("Guidelines"), this Plan shall govern.

EXHIBITS

- A. Greyrock Place BMR Unit Designations and Initial Occupancy Dates
- B. Qualification Standards for Prospective Residents
- C. Affordable Housing Guidelines (Revised to Oct. 1, 2001)

I. Homes Designated As Below-Market-Rate Units.

Thirty-eight (38) of the 306 apartment homes of the Greyrock Place development ("Greyrock Place") are designated as Below-Market-Rate Units ("BMR Units"), as defined in Article III, Section AA (pp. 9-7 to 9-11) of the Stamford Zoning Bylaws and the Guidelines. The specific units designated as BMR Units are set forth in Exhibit A attached hereto.

II. Affordability Period.

The BMR Units shall be designated as affordable for fifty (50) years. The fifty (50) year period shall be calculated separately for each BMR Unit, and the period shall begin on the date of initial occupancy of each such BMR Unit. Annual compliance plans filed in accordance with Section V of this Plan shall contain a listing of the initial occupancy date of each BMR Unit. A list of BMR Units with initial occupancy dates is attached as Exhibit A.

III. Pro-Rata Construction And Dispersion.

The BMR Units have been built and are offered for rental on a *pro rata* basis with market rate units. The BMR Units comply with Section II of the Guidelines with respect to size, quality, amenities, services, utilities and standards.

IV. Entity Responsible For Administration And Compliance.

This Affordability Plan will be administered by AvalonBay Communities, Inc. ("AvalonBay"), or its successors and assigns, as owner or agent. With respect to the BMR Units at Greyrock Place, AvalonBay has assumed the role of "Affordable Housing Manager" as defined in the Guidelines, Section III. Such role is subject to the enforcement powers stated in Section XIV of this Plan. AvalonBay hereby represents that its staff has the experience necessary to administer this Plan and to carry out all duties set forth in Section IV of the Guidelines.

AvalonBay recognizes the intent of the City and the Zoning Board, as set forth in the Guidelines, to transition the role of Affordable Housing Manager for Greyrock to a centralized entity that will be responsible for City-wide administration of the BMR Unit Program. AvalonBay agrees to cooperate with that transition, subject to reasonable notice and/or negotiation of a transition agreement. Until such time as such a transition occurs, the role of Affordable Housing Manager may be transferred or assigned by AvalonBay to another entity, provided that such entity has the experience and qualifications to administer this Plan, and provided that AvalonBay provides timely written notice to and receives prior written approval from the Stamford Zoning Board.

V. Reporting Requirements.

It is acknowledged by AvalonBay that the BMR Unit program, as implemented by the Guidelines, constitutes an important public policy program of the City of Stamford, and therefore requires reporting to City agencies and officials as necessary to ensure proper implementation and compliance. Therefore, AvalonBay, as Affordable Housing Manager, shall, no later than January 31 of each year, file with the Zoning Board, the City's Land Use Bureau, the Director of Public Health, Safety and Welfare, and the Office of the Mayor, the following information; accurate as of the report date:

- A. Total number of units available for occupancy, with unit vacancies listed.
- B. Total number of units occupied.
- C. Total number of BMR Units available for occupancy, with unit vacancies listed.
- D. Total number of BMR Units occupied.

E. By number of bedrooms in the unit, the total income reported by the household during the application or recertification process and certified by AvalonBay as satisfying the BMR Unit program criteria; the total number of persons occupying the unit; the occupation of each adult resident of the unit, as reported during the application or recertification process; and the gross and net rent, utility allowance, and any mandatory fees paid for the current occupancy of the unit. Such information shall be reported without inclusion of or reference to the names of the occupants. The receipt, handling, custody, access to, and storage of application materials and household income information shall be subject to the enforcement and inspection provisions set forth in Section XIV of this Plan.

F. A summary, without names, addresses, or other identifying information, of reasons given in writing by the Affordable Housing Manager for the rejection of any household after completion of an application package, or for dismissal from the waiting list.

G. The total number of persons/households on the Waiting List, reported by unit size qualification.

VI. Notices Of Availability For Rental Of BMR Units.

The Affordable Housing Manager shall first notify those on the waiting list (as defined in the Guidelines, Section IX, and this Affordability Plan) of availability of BMR Units for rental, and thereafter, if warranted, by advertising to the general public.

In general, the program for providing notice shall be discussed with and approved by the City's Director of Public Safety, Health and Welfare. Such notices shall be prominently advertised in newspapers of general circulation in the City of Stamford. Such notices shall include a description of the available BMR Unit(s), the eligibility criteria for potential tenant households as set forth in the Guidelines and in this Plan, the rental price and terms as set forth in the Guidelines and in this Plan, and the availability of application forms and additional information. Such notices shall be promulgated so as to reasonably come to the attention of those "least likely to apply" as defined in §§ 8-37e-300 *et seq.* of the Connecticut State Agency Regulations, which regulations may be used by the City and the Affordable Housing Manager as guidelines for providing notice of BMR Unit availability. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, Conn. Gen. Stat. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

VII. Household Income.

Maximum and minimum income limits for households to rent a BMR Unit of particular bedroom size in the Greyrock Place development are as follows:

A. Maximum Household Income.

In accordance with Section VII of the Guidelines, a standard of Fifty-six Percent of the Median Income for the Stamford-Norwalk, Connecticut HUD Metro FMR Area (56% AMI), as annually published by the US Department of Housing and Urban Development (HUD), shall be used to determine the maximum income for eligible households in the BMR Units developed in the PD zoning district.

HOUSEHOLD INCOME LIMITS BASED ON FY 2009 HUD STANDARDS

Household size:	1	2	3	4	5	6
Eligible unit size:	1BR	1BR / 2BR	2BR / 3BR	2BR / 3BR	3 BR	3 BR
Maximum household income:	\$47,950	\$54,800	\$61,650	\$68,500	\$74,000	\$79,500

B. Minimum Household Income.

The income of a household at the time of initial occupancy must be at least two times the annual net rent.

VIII. Application Process.

A household seeking to rent one of the BMR Units ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Acts.

A. Application Form.

The application form shall be provided by the Affordable Housing Manager and shall include forms and notices substantially in the form set forth in Exhibit B. In general, income for purposes of determining an Applicant's qualification shall include the Applicant household's total anticipated income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Affordable Housing Manager shall not consider this change unless there is a reasonable assurance that the change will in fact occur. In determining what is and is not to be included in the definition of household annual income, the Affordable Housing

Manager shall use the criteria set forth in Section VII of the Guidelines, and for items not covered by the Guidelines, may refer to or seek guidance from 24 Code of Fed. Regs. § 5.609, as amended.

B. Applicant Interview.

The Affordable Housing Manager shall interview an Applicant upon submission of the completed application. Specifically, the Affordable Housing Manager shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of household income and assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.
4. Require the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.
6. Review with the Applicant the process and restrictions regarding re-certification and renewal.

C. Verification Of Applicant's Income.

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Affordable Housing Manager shall require verification of the Applicant's reported income.

D. Application Fee.

AvalonBay may charge an application fee of \$100 for the purpose of covering its administrative expenses in processing applications for first time occupancy, including payments for the use of third-party credit reporting services. No application fee shall be charged for recertification, renewal, or in-building relocation of an existing household.

IX. Prioritization Of Applicants.

The changes to the preference categories in Zoning Bylaws, Article III, Section AA.3.h shall apply prospectively, and shall not affect applicants on the waiting list on the date this revised plan becomes effective. In the event of a question as to whether a particular applicant qualifies for a preference, the determination of the City's Director of Public Safety, Health and Welfare shall be final.

X. Maximum Rent Calculation.

Calculation of the maximum rent for a BMR Unit shall be calculated at 50 percent of AMI, as adjusted to household size in accordance with the Guidelines, Section XI.

**Sample Rent Calculations for BMR Units Restricted at 50 Percent AMI
Effective July 2009**

	1 BR	2 BR	3 BR
1. Determine Area Median Income (Stamford-Norwalk):	\$122,300	\$122,300	\$122,300
2. Determine adjusted income based on household size:	\$91,725	\$110,070	\$127,192
3. Multiply Item 2 by affordability level of BMR Unit (56 percent):	\$45,863	\$55,035	\$63,596
4. Calculate 30 percent of Item 3 representing maximum portion of a household's income that may be used for housing:	\$13,759	\$16,511	\$19,079
5. Divide Item 4 by 12 to determine the maximum monthly outlay:	\$1,146	\$1,375	\$1,589
6. Determine utility allowance:	\$ 187	\$ 227	\$ 276
7. Subtract Item 6 from Item 5 to determine amount available for rent:	\$959	\$1,148	\$1,313

XI. City to Provide Utility Allowances and Approve Maximum Rent.

AvalonBay shall obtain updated utility allowances from the Director of Charter Oak Communities (formerly the Stamford Housing Authority) no later than April 15 of each year. AvalonBay will provide the updated utility allowances and updated calculations of the maximum rent for the BMR Units to the Director of Public Safety, Health and Welfare within fifteen (15)

days of receiving the updated utility allowances. The Director of Public Safety, Health and Welfare shall verify that such calculations are correct before AvalonBay may change the rent for the BMR Units. If the Director of Public Safety, Health and Welfare does not notify AvalonBay of problems with the calculations within thirty days, it is presumed that the calculations are correct, and AvalonBay is authorized to change the maximum rent for the BMR units.

XII. Required And Optional Services and Amenities.

Rents for BMR Units shall be net rents that shall include all amenities that are provided free of charge or are bundled as a mandatory package for households in market-rate units. Amenities included in such net rent at Greyrock Place shall include one parking space; access to any concierge services, business center, conference rooms, fitness center, clubroom (business hours/daytime), pool, or indoor or outdoor active or passive recreation facilities offered at the site to market-rate unit households; but shall not include an additional parking space, out-of-unit storage space, nighttime or holiday rental of clubroom for private parties/special events, telephone, cable TV, or other telecommunications services. If renters' insurance is made available to market-rate unit households, it will be made available on the same terms to BMR Unit households.

AvalonBay, as Affordable Housing Manager, may establish other fees for optional or discretionary services such as a non-refundable and monthly pet fee, storage fee, and additional parking space fee.

XIII. Principal Residence.

BMR Units shall be occupied only as an Applicant's/household's principal residence. Subleasing of BMR Units shall be prohibited, and such prohibition shall be stated in the lease or lease rider.

XIV. Change Of Income Or Qualifying Status Of Household Of BMR Unit.

In the event that a tenant's income increases beyond the income limit for the BMR Unit, based on annual recertification of income, the following restrictions shall apply:

A. If a tenant's income exceeds the income limit for the BMR Unit by less than 10 percentage points (i.e., a tenant at 65 percent of AMI in a BMR Unit designated for a household at 56 percent of AMI), no restrictions shall apply.


B. If a tenant's income exceeds the income limit for the BMR Unit by 10 percentage points or more but still has income below 80 percent of the Area Median Income (i.e., a tenant at 66 to 79 percent of AMI in a BMR Unit designated for household at 56 percent of AMI), the tenant will be able to occupy the unit for no more than one year following the recertification.

C. If a tenant's income exceeds 80 percent of the AMI at an annual recertification, that tenant shall be notified in writing that they will no longer be eligible to occupy a BMR Unit and that within 90 days after such recertification, the tenant must vacate the unit.

XV. Enforcement.

A violation of this Affordability Plan shall not result in a forfeiture of title, but the Stamford Zoning Board shall otherwise retain all enforcement powers granted by the General Statutes or any Special Act, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the BMR Unit Program to determine compliance of BMR Units with the applicable regulations, the Guidelines, and this Plan. AvalonBay agrees to collect and maintain all books, records, files, and information necessary to permit the City or the Zoning Board to determine compliance with the Guidelines or this Plan. The City Zoning Enforcement Officer and the Director of Public Safety, Health and Welfare shall be permitted to inspect the property and examine all books, records, application forms, waiting lists, and rent rolls of the BMR Unit Program, including the household income information provided by applicants or households, provided that all such applicant and household information shall be confidential and shall not be deemed a public record, subject to disclosure under the Freedom of Information Act. Notwithstanding the zoning enforcement powers possessed by the Stamford Zoning Board under the Stamford Zoning Regulations, and subject to any contract or agreement providing otherwise, the City of Stamford and the Stamford Zoning Board retain all rights to pursue all legal and/or equitable remedies available to them and to assert any and all claims and causes of action against any person, firm, corporation, or other legal entity arising from the administration of this Plan.

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CONSENTED TO AND APPROVED BY
THE CITY OF STAMFORD ZONING BOARD:

Norman F. Cole
Principal Planner

EXHIBIT A
Greyrock Place BMR Unit Designations and Initial Occupancy Dates

Unit Number	Unit Size (# BR)	Occupancy Date
501	3/2	11/29/2001
502	2/1	2/26/2002
504	2/1	11/26/2001
506	2/1	12/10/2001
508	2/1	1/16/2002
510	2/1	12/10/2001
514	1/1	12/15/2001
516	1/1	1/4/2002
602	2/1	12/28/2001
603	1/1	12/10/2001
604	2/1	2/14/2002
606	2/1	2/1/2002
608	2/1	12/17/2002
610	2/1	12/20/2001
614	1/1	12/6/2001
616	1/1	1/19/2002
702	2/1	12/13/2001
703	1/1	2/1/2002
704	2/1	1/17/2002
706	2/1	12/4/2001
708	2/1	12/7/2001
710	2/1	1/2/2002
714	1/1	1/16/2002
716	1/1	12/7/2001
802	2/1	12/27/2001
803	1/1	12/3/2001
804	2/1	12/17/2001
806	2/1	3/1/2002
808	2/1	12/17/2001
810	2/1	11/30/2001
814	1/1	11/30/2001
902	2/1	12/10/2001
903	1/1	11/26/2001
904	2/1	12/1/2001
906	2/1	12/7/2001
908	2/1	12/7/2001
914	1/1	12/3/2001
916	1/1	12/5/2001

EXHIBIT B

Qualification Standards For Prospective Residents

Fair Housing

AvalonBay complies with the Federal Fair Housing Act. AvalonBay does not discriminate on the basis of race, color, religion, national origin, sex, familial status or disability, or any other basis protected by applicable state, Federal or local fair housing laws.

Applications

Each person that will occupy the apartment who is 18 years old or older must complete an application and sign the lease. Each applicant that is 18 years of age or older, and not a full time student who can be claimed as a dependent on the primary applicant's tax return, will be qualified by AvalonBay in accordance with these qualification standards. Applications are to be completed in full. Applications containing untrue, incorrect or misleading information will be declined. Each application is evaluated with a scoring method that weighs the indicators of future rent payment performance. The score is based on statistical analysis of prior renters' indicators and subsequent payment performance. Based on the score, we may choose to accept or decline an applicant, or seek additional requirements for approving the lease. These additional requirements include an additional deposit or a Guarantor.

NOTE: The following **MUST** accompany **ALL** applications:

- The two most recent original pay stubs or Leave and Earnings Statement or signed offer letter on company letterhead (copies to be maintained in resident file).
- A valid driver's license, age of majority card, military ID or state issued Photo ID card (view and document only).
- All applicants in the United States on a VISA must list the number on the Application For Residency.
- Emancipated minors presenting court appointed documentation are eligible to qualify as long as they meet the noted criteria.

Credit History

- Credit reports will be run on each applicant and will be considered in the overall credit worthiness of the application. Unsatisfactory credit history can disqualify an applicant from renting an apartment home at this community. An unsatisfactory credit report is one that reflects past or current bad debts, late payments or unpaid bills, liens, judgments or bankruptcies. If an applicant is declined for poor credit history, the applicant will be

given the name, address and telephone number of the credit reporting agency that provided the report. An applicant declined for unsatisfactory credit is encouraged to obtain a copy of the credit report from the credit reporting agency.

- Applicants who meet all other qualifying criteria but do not have credit, maybe required to pay an additional deposit or re-qualify with a Guarantor.

Rent/Mortgage Payment History

Any legal proceedings/judgments/evictions/skips may result in a declined application.

Employment History

- Employment must be verified. In the case of new employment, applicant must present a signed offer letter on company letterhead stating income. Employment must begin within 30 days of the lease start date.
- Self-employed applicants must provide the most current annual tax return (submission of 1099's only is not sufficient) or a notarized statement from a Certified Public Accountant or attorney indicating the amount of anticipated annual income.

Income Requirements

- Gross monthly household income must be sufficient to cover the rent and other typical household obligations. Household income of less than twice the rent is automatically considered insufficient. For savings to be considered in lieu of income, applicant may provide a current savings account statement showing proof of at least three (3) times the annual rent.
- Official documentation must be submitted to support the following, and any other, sources of additional income you wish us to consider:

*Investment Account *Dividends *Child Support *Interest
*Retirement Income/Savings *Military Housing Allowance *Trust Fund Income *Alimony

Conviction Information

The application of any person who has been convicted or plead guilty or "no contest" to a misdemeanor or felony involving sexual misconduct shall be declined.

Nothing set forth in these Qualification Standards should be construed to be a guaranty by AvalonBay that residents of this community have not been convicted or plead guilty or "no contest" to any misdemeanor or felony involving sexual misconduct.

Guarantors/Increased Security Deposits

- Guarantors may be permitted based on the applicants' score. Guarantors' gross annual income or savings must be sufficient to cover the annual rental rate in order to support their current housing payments and that of the applicant(s). Guarantors must meet all other qualification standards listed. All lease-associated paperwork signed by Guarantor must be notarized if not signed at the Leasing Information Center in the presence of an AvalonBay office associate.
- Increased security deposits may be permitted based on the score. The increased security deposit will be equivalent to one (1) month's rent unless otherwise dictated by law.
- A Guarantor may be permitted in lieu of an increased security deposit based on the above criteria for Guarantors.

Roommates

Each resident and Guarantor is jointly and severally (fully) responsible for the entire rental payment as well as all community rules and policies. Management will not refund any part of a security deposit until the apartment is vacated by all leaseholders.

Affordable Housing Program/Below Market Rent Programs

Applicants for the Affordable Housing Program/Below Market Rent Program (if applicable at this community) must be qualified based on the governing authority's income classifications. The income ranges are derived from the maximum low/moderate income. Please reference the Affordable Housing Rent/Income Guidelines to determine eligibility. Affordable Housing Program/Below Market Rent Program guidelines supersede these Qualification Standards.

Occupancy Guidelines

Governed by state, city, and local ordinances. In the absence of any more stringent requirements by the aforementioned agencies, the standard occupancy guidelines will be a maximum of two (2) residents per bedroom. Residents under the age of 18 months will not be considered in the occupancy guidelines. (Input by jurisdiction) An occupant will be considered a resident and must be listed on the lease agreement if they reside at the premises more than 50 percent of the time.

NOTE: Lofts are not considered bedrooms.



EXHIBIT C
Affordable Housing Guidelines (Revised to Oct. 1, 2001)

**Guidelines
For the Management of
Below Market Rate Rental Units**

I. Introduction

In order to promote the development of housing affordable to persons and families of low and moderate income, the Zoning Board of the City of Stamford (the Zoning Board or Zoning), as a condition of development, may require developers of market rate rental housing units to set-aside Below Market Rate units within their developments, or to provide Below Market Rate units at another site.

II. General Intent

In compliance with applicable law including, but not limited to, the Connecticut and Federal Fair Housing Acts, these Guidelines set forth standardized compliance procedures for developing and managing all Below Market Rate rental units (BMR) required to have been built as a condition of development in Stamford. Should any section of these Guidelines be invalidated, such invalidated section shall be deemed severable, and the remaining Guidelines shall remain in effect.

Notwithstanding the fact that individual developments can be subject to project-specific conditions, the following general principles shall apply to all BMR's that fall within the jurisdiction of these Guidelines.

- BMR units shall not be materially different from market rate units in the same development in terms of size, amenities, services, utilities, maintenance standards or any other aspect that will materially affect the value of the unit to a tenant, except as specified in these Guidelines;
- Prior to receiving a Certificate of Occupancy, the owner of any development subject to a BMR requirement as a condition of development must record an Affordability Plan approved by the Zoning Board on the Stamford Land Records.

III. Affordability Plans

No Affordability Plan will be approved unless, at a minimum, it:

- Identifies the BMR units;
 - Evidences that BMR units have been distributed throughout the development;
 - Designates an entity responsible BMR Management, as defined herein;
 - Notwithstanding the foregoing, the Affordability Plan shall acknowledge the City's intent and right to designate an Affordable Housing Manager (AHM), either an individual or organization, to manage a citywide BMR program and shall state the owner's agreement to pay reasonable compensation to the AHM and to fully delegate BMR Management to the AHM, including such additional activities as required to ensure an orderly transition;
 - Describes any credit and reference standards employed in tenant selection and certifies that these standards will be uniform with respect to market rate and BMR applicants;
 - Describes any site-specific requirements that may impact the management of BMR units;
- and

- States a commitment to provide affordable housing in compliance with these Guidelines, the zoning regulations, and the ordinances of the City of Stamford, as each may be amended from time to time.

IV. BMR Management

For the purposes of these Guidelines, BMR Management shall include the following activities as specified in these Guidelines:

- Marketing the availability of BMR units to the public if there are not sufficient applicants on a waiting list to fill anticipated vacancies;
- Accepting applications from the public for BMR dwelling units;
- Determining the eligibility of those applicants;
- Implementing tenant-selection preferences;
- Maintaining waiting lists for BMR units;
- Selecting eligible tenants for BMR units;
- Performing annual recertification of tenant eligibility;
- Ensuring that rents are set in accordance with these Guidelines;
- Ensuring that amenities are provided in accordance with these Guidelines;
- Implementing procedures for changes in tenant circumstances;
- Monitoring owner compliance with these Guidelines and the approved Affordability Plan;
- Providing at least annual reports of activities, program compliance, and program finances as requested by the Zoning Board.

The Zoning Board may appoint an Affordable Housing Manager (AHM) to implement these Guidelines. In the event that no AHM has been appointed, the entity designated in the approved Affordability Plan will be responsible for BMR Management. Oversight of the abovementioned activities will be undertaken by the Director of Public Safety, Health and Welfare.

V. Applications

Applications shall be accepted from the public for BMR housing units except if the waiting list for any particular size unit cannot reasonably be expected to be housed within 2 years.

An application shall be complete once it contains sufficient documentation to verify preferences and income eligibility, provided that a reasonable opportunity will be provided to applicants to produce additional documentation.

In the event that a prospective applicant is unable to apply because a waiting list is closed, information will be provided about how the next opening of the waiting list will be publicized and any other relevant information about the application process.

VI. Eligibility – Household Size

Eligibility for each class of BMR units shall be based on household size or other factors. Typical eligibility will be as follows:

- A household consisting of two or fewer individuals may be eligible for a one-bedroom BMR unit.
- A household consisting of three or four persons may be eligible for a two-bedroom BMR unit.

- A household consisting of four or more persons may be eligible for a three-bedroom BMR unit.

No household shall occupy a BMR unit with more bedrooms than the household has numbers. For example, a household consisting of two individuals shall not be eligible to occupy a BMR unit with more than 2 bedrooms.

Notwithstanding these general Guidelines, any documented special needs of household members, any particular household configuration, and income-eligibility may be considered by the AHM when determining the appropriate class of BMR unit.

VII. Eligibility -- Income

Eligibility at the time of application, at the time of initial leasing, and during occupancy of any BMR unit shall be determined based on the most current statistics of Area Median Income (AMI) for the Stamford Standard Metropolitan Statistical Area (SMSA) as published and periodically revised by the U.S. Department of Housing and Urban Development (HUD).

Income limits (Maximum): The income of a household at the time of initial occupancy in a BMR unit shall not exceed the AMI, adjusted for household size, times the affordability percentage specified in the zoning regulations and the Affordability Plan. If no income limits are specified in the applicable zoning regulations, the HUD Low-Income standard, as annually published by that agency, shall be used. The income of an applicant household seeking to be placed on the waiting list for a BMR unit shall not exceed the AMI, adjusted for household size, times 60%.

Minimum income: The income of a household at the time of initial occupancy must be at least three times the annual rent

Gross Income means the total annual income from all sources of all members of the household except income received by a family household member (other than the head of household or spouse) who is under 18 years old or a full-time student of any age. Income includes but is not limited to compensation for employment services, interest, dividends, rent, pension benefits, government benefits, unemployment compensation, welfare payments, disability income, support payments, and return-on-assets income as defined below.

Return-on-Assets Income shall include the dollar amount resulting from multiplying the value of the net household assets by 10% after excluding the first \$5,000 in assets.

Net Household Assets means the total value of equity in real property, including gains from the sale of real property, savings and other forms of capital investment of all household members, but not including equity in a business operation where that business operation is the principal means of support of the household, amounts in an irrevocable trust fund or the value of personal property (e.g., car, furniture, etc.)

For holders of Section 8 Vouchers or certificates or other similar instrument of governmental housing subsidy, or in the case of project-based Section 8, minimum income will be calculated based on the Net Rent less the amount of assistance provided under the relevant program.

The appendix to these Guidelines shows income limits and sample rents. This appendix will be updated at least annually by the Director of Public Safety, Health & Welfare.

VIII. Preferences

In determining eligibility of applicants for placement in BMR units, any preferences or other criteria included in the Zoning Regulations for the relevant zoning district, or any special exception or other conditional approval by the Zoning Board, shall be implemented.

IX. Waiting List

At the time of initial leasing of BMR units, or when an insufficient number of applicants is available on an existing waiting list, an affirmative marketing effort should be undertaken to publicize the availability of BMR units, the process for application, and the waiting list system.

If there are more eligible applicants for any class of BMR units (i.e. one-bedroom) than there are units, a waiting list for that class shall be established. The AHM may utilize a lottery or time-of-application system to determine waiting list order. Eligible applicants shall be placed on the waiting list for the appropriate class of apartment and shall be ordered by the results of a lottery or time-of-application system.

An applicant may refuse an available appropriate BMR unit one time and remain on the waiting list. Upon a second refusal, the applicant will be removed from the waiting list. Applicants shall be notified of their options with regard to refusing a unit at the time that a unit is offered.

Based on the annual determination of eligibility, ineligible applicants shall be removed from the waiting list. Such applicants shall be notified within two days of such removal.

X. Credit and Reference Checks

Prior to occupancy in a BMR unit, an eligible applicant may be required by the owner to meet specific credit and reference standards, as included in the Affordability Plan for the relevant development and approved by the Zoning Board.



XI. Rents

The monthly net rents charged for BMR units shall be calculated as follows: The BMR rent for a one-bedroom BMR unit shall be based on the AMI adjusted for a household size of 1.5 (75% of AMI). The BMR rent for a two-bedroom BMR unit shall be based on the AMI adjusted for a household size of 3 (90% of AMI). The BMR rent for a three-bedroom BMR unit shall be based on the AMI adjusted for a household size of 4.5 (104% of AMI). The monthly gross rent shall be equal to the appropriate AMI, times the affordability level of the BMR unit, divided by twelve, multiplied by 0.3. If any utilities are separately billed throughout the development, a utility allowance must be deducted from the gross rent to determine the net rent. Utility allowances shall be the Section 8 utility allowances determined annually by the Housing Authority of the City of Stamford. A schedule of BMR rents shall be made available by the City of Stamford and updated regularly.

XII. Amenities

Rents for BMR units are net rents that include all amenities, including one parking space, but not including telephone, cable television, or other telecommunications services or other elective amenities not usually included in the base rent for market rate units in the same development.

XIII. Changes in Tenant Circumstances

In the event that a tenant's income increases beyond the income limit for the BMR unit, based on annual recertification of income, the following restrictions shall apply:

- If a tenant's income exceeds the income limit for the BMR unit by less than 10 percentage points (i.e. a tenant at 59% of AMI in a BMR unit designated for a household at 50% of AMI), no restrictions shall apply.
- If a tenant's income exceeds the income limit for the BMR unit by 10 percentage points or more but still has income below 80% of the Area Median Income (i.e. a tenant at 60% to 79% of AMI in a BMR unit designated for a household at 50% of AMI), The tenant will be able to occupy the unit for no more than two years following the recertification. However, if the tenant's income remains below 50% of AMI (i.e. in the case of a tenant with income at 45% of AMI in a BMR unit designated for a household at 25% of AMI), the tenant shall be permitted to remain in the unit until a BMR unit at the appropriate affordability level is available.
- If a tenant's income exceeds 80% of the AMI at an annual recertification, that tenant shall be notified in writing that they will no longer be eligible to occupy BMR unit and that within 90 days after such recertification, the tenant must vacate the unit.

If a tenant in a BMR unit experiences an increase in household size, they may be placed at the top of the waiting list for an appropriate sized BMR unit.

XIV. Annual Rent Changes

At the annual income recertification for each tenant, the rent for each BMR unit will be set based on the latest rents set by the City of Stamford and utility allowances released by HACS.

XV. Security Deposits

Tenants in BMR units shall be responsible for paying security deposits. Owners of BMR units shall not charge more than 2-times the monthly rent for the BMR unit as a security deposit. The AHM shall advise all applicants on the waiting lists of this requirement.

Appendix

Sample Income Guidelines and Below Market Rents: effective September, 2001

Unit size:	1 BR	1 BR	2 BR	2 BR	3 BR	3 BR
Household size:	1	2	3	4	4	5
<i>25% of AMI</i>						
Maximum Income:	19,215	21,960	24,705	27,450	27,450	29,646
Minimum income:	13,152	13,152	15,368	15,368	17,262	17,262
<i>50% of AMI</i>						
Maximum Income:	38,430	43,920	49,410	54,900	54,900	59,292
Minimum income:	31,868	31,868	37,827	37,827	43,215	43,215
<i>60% of AMI</i>						
Maximum Income:	46,116	52,704	59,292	65,880	65,880	71,150
Minimum income:	39,355	39,355	46,811	46,811	53,596	53,596
<i>HUD Low-Income*</i>						
Maximum Income:	43,200	49,350	55,500	61,700	61,700	66,600
Minimum income:	31,868	31,868	37,827	37,827	43,215	43,215
Affordable Net Rents						
	1 BR	2 BR	3 BR			
25%	362	423	475			
50%	876	1,040	1,188			
60%	1,082	1,287	1,474			
Utility Allowance						
	153	195	239			

Note: The US Department of Housing and Urban Development (HUD) provides updates to area median income estimates each spring. Utility allowances are calculated based on a

* The HUD Low-Income standard shall be used to determine maximum income for tenants in BMR units developed in the PD zoning district.

schedule determined by the Housing Authority of the City of Stamford and updated annually.

DONNA M LOGLISCI
CITY AND TOWN CLERK
CITY OF STAMFORD

DATE:09/29/2009
TIME:11:41:39 AM
RECEIPT:2009026439

AVALON BAY

ITEM -01 AGREE 11:41:39 AM
FILE:2009010187 BK/PAGE:0 9715/0333

FIRST PARTY

RECORDING FEE	113.00
FARMLAND PRES ST	36.00
FARMLAND PRES CITY	3.00
FARMLAND PRES TOWNCLK	1.00
Sub. Total	153.00

AMOUNT DUE:	\$153.00
PAID CHECK:	\$153.00
TOTAL PAID:	\$153.00