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**AFFORDABILITY PLAN FOR  
BELOW MARKET RATE UNITS  
LIBERTY COMMONS CONDOMINIUMS  
STAMFORD, CONNECTICUT**

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# **AFFORDABILITY PLAN FOR BELOW MARKET RATE UNITS, AT LIBERTY COMMONS CONDOMINIUMS**

## **INTRODUCTION**

JH Real Estate Group, LLC ("JH") submits this Affordability Plan (the "Plan") to the City of Stamford Zoning Board for development, sale, and administration of Below Market Rate Units ("BMR Units") Liberty Commons Condominiums, Stamford, Connecticut ("Liberty Commons"). Liberty Commons is a 51 unit planned community to be located in the R-MF District, as defined by the Stamford Zoning Regulations.

This Plan is intended to establish compliance with the Stamford Zoning Regulations pertaining to the R-MF District and BMR Units, as well as with federal and state fair housing laws, 42 U.S.C. §§ 3601 *et. seq.* and Conn. Gen. Stat. §§ 46-64c *et. seq.* As set forth in the Stamford Zoning Regulations, Article III, § 7.4-C3, it is acknowledged that this Plan must be approved by the Zoning Board and recorded on the land records in the City of Stamford.

### ATTACHED SCHEDULES

- A. Designation of BMR Units at Liberty Commons
- B. HUD Income Definitions
- C. Required Documentation of Income
- D. Deed Restrictions
- E. Stamford Zoning Regulations – BMR Units – Article III, § 7.4
- F. Stamford Zoning Regulations – R-MF, Article III, § 9.G

### **I. Homes Designated As Below Market Rate Units; Construction Quality And Amenities.**

The townhomes in Liberty Commons designated as BMR Units, as defined in Article III, § 7.4 of the Stamford Zoning Regulations (the "BMR Unit Regulations") and the Stamford R-MF Zoning Regulations, are set forth in Schedule A. Construction quality and amenities for the designated BMR Units shall be similar to the standard units at Liberty Commons, except they will not have decks or lofts.

**II. Affordability Period.**

Pursuant to the BMR Unit Regulations, the BMR Units shall remain subject to sale, rental, and resale controls for so long as the development exists.

**III. Entity Responsible For Administration And Compliance.**

The City's Director of Public Safety, Health and Welfare, or the Director's designee, shall serve as the Affordable Housing Manager ("AHM") for Liberty Commons and, subject to the enforcement powers set forth in this Plan, will be responsible for administering this Plan and for complying with Article III, § 7.4-C3 of the Stamford Zoning Regulations, Schedule E.

JH has selected the Housing Development Fund, Inc. ("HDF"), a non-profit entity with an expertise in affordable housing sales, to perform the homebuyer selection process for Initial Sales under this Plan, in accordance with the contract between JH and HDF. JH shall compensate HDF for its duties and retention of HDF by JH shall be for Initial Sales only. Accordingly, the City has forwarded all names and contact information it has received from prospective homebuyers to HDF for inclusion in its homebuyer selection process.

Notwithstanding the foregoing, the City's Director of Public Safety, Health, and Welfare shall retain all enforcement powers and remedies as AHM and does not by this Plan relinquish or delegate its rights or remedies.

**IV. Responsibilities Of The AHM.**

The AHM will manage the application, income eligibility, sale/resale price, conveyance, administration, record-keeping, and certification processes for the BMR Units and will maintain the information and documentation necessary to ensure and demonstrate compliance with this Plan.

**V. Reporting Requirements.**

It is acknowledged by JH that the BMR Unit program 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, following completion of the initial leasing period, the AHM, no later than January 31 of each year, shall file with the City's Planning Department, 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 tenant household during the application or recertification process and certified by the AHM 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 AHM 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 preference category and unit size qualification.

**VI. Notices Of Initial Sale Of BMR Units.**

The AHM shall provide notices of the initial availability of each BMR Unit in accordance with the Affirmative Fair Housing Marketing Plan set forth in § VIII. The AHM shall also provide such notice to the Zoning Board. Such notices shall include a description of the available BMR Units, the eligibility criteria for potential purchasers, the maximum sales price, 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 §§ 8-37ee-300 *et. seq.* of the Regulations of Connecticut State Agencies, as amended, which the AHM may use as guidelines for providing notices of BMR Unit availability. All such notices shall also 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. Initial Purchaser/Renter Eligibility.**

The BMR Units shall be affordable to the range of incomes set forth in § 5.h of the R-MF Regulations. Of the fifty-one (51) units at Liberty Commons, six (6) units (In connection with JH's development project on Third Street known as the 23 unit project on Third Street JH agreed to develop and market an additional BMR unit at Liberty Commons) shall be affordable to families earning not more than 50 percent of the median household income of the Stamford Standard Metropolitan Statistical Area ("SMSA"). The median household income of the SMSA will be determined using the statistics published and periodically revised by the U.S. Department of Housing and Urban Development ("HUD"). The AHM and JH shall encourage the purchase

and occupancy of BMR Units by families with Section 8 vouchers or other governmental housing assistance. In the event JH is unable to sell the BMR Units to a qualified purchaser, then JH is allowed to rent the unsold BMR Units to a family meeting the income qualification standards stated herein for up to one year from the date of execution of this Affordability Plan.

#### **VIII. Affirmative Fair Housing Marketing Plan.**

The availability of the BMR Units at Liberty Commons shall be publicized, using state regulations for affirmative fair housing marketing programs (§§ 8-37ee-300 *et. seq.*), as guidelines. The purpose of such efforts shall be to apprise residents of municipalities of relatively high concentrations of minority populations of the availability of such units. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The AHM shall also provide such notices to the Zoning Board. Such notices shall include a description of the available BMR Units, the eligibility criteria for potential purchasers, the maximum sale price (as hereinafter defined), and the availability of application forms and additional information.

Using the above-referenced state regulations as guidelines, dissemination of information about available affordable and market rate units shall include:

A. Analyzing census, Connecticut Department of Economic and Community Development city profiles, and other data to identify racial and ethnic groups least likely to apply based on representation in Stamford's population, including Asian Pacific, Black, Hispanic, and Native American populations.

B. Announcements/advertisements in publications and other media that will reach minority populations, including newspapers, such as the Stamford Advocate or radio stations serving Stamford and other cities and towns in the metropolitan statistical area and regional planning area, and advertisements or flyers likely to be viewed on public transportation or public highway areas.

C. Announcements to social service agencies and other community contacts serving low-income minority families (such as churches, civil rights organizations, the housing authority and other housing authorities in nearby cities and towns, legal services organizations, etc.).

D. Assistance to minority applicants in processing applications.

E. Marketing efforts in geographic area of high minority concentrations within the housing market area and metropolitan statistical area.

F. Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent completion.

**IX. Application Process.**

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

**A. Application Form.**

The application form shall be provided by the AHM and shall include an income pre-certification eligibility form and an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family'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 AHM 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 family annual income, the AHM shall use the criteria set forth in Schedule B.

**B. Applicant Interview.**

The AHM shall interview an Applicant upon submission of the completed application. Specifically, the AHM 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 family income and family 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-sale.

**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. If the

Applicant appears to be eligible, however, the AHM shall issue a pre-certification letter. The letter shall indicate to the Applicant and JH that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

If applicable, the Applicant shall provide the documentation listed on Schedule C to the AHM. This list is not exclusive, and the AHM may require any other verification or documentation, as the AHM deems necessary.

**D. Application Fee.**

The AHM may charge a reasonable application fee for the purpose of covering its administrative expenses in processing applications for occupancy and screening of applicants for eligibility for BMR Units.

**X. Prioritization Of Applicants/Lottery.**

If, after publication of the Notice of Initial Sale as described in § VI hereof, the number of qualified applicants exceeds the number of BMR Units, the AHM shall conduct a lottery to select purchasers, which will be held upon the completion of the application process described in § IX above. The BMR Units will then be offered for sale according to the lottery's results. In the event the BMR Units are offered for sale in phases, a lottery procedure shall be held for each phase.

**XI. Maximum Sales Price For Initial Sales.**

Calculation of the maximum initial sale price ("Maximum Sales Price") for a BMR Unit, so as to satisfy the BMR Unit and R-MF Regulations, shall be determined, maintained, and periodically updated by the AHM. Such calculation shall utilize the median household income statistics of the SMSA, as in effect on the day JH signs a purchase and sale agreement with the buyer (who shall be referred to as the "Owner"). The AHM may make such adjustments to calculation factors, except those expressly dictated by the BMR Unit Regulations or published data sources, as are necessary to achieve the goals of the BMR Program. The criteria for pricing one bedroom BMR Units shall be the SMSA median income for families of two persons; two bedroom BMR Units shall be priced based on the SMSA median income for families of four persons; and three bedroom BMR Units shall be priced based on the SMSA median income for families of five persons.

Using the 2017 data as an example, the Maximum Sales Price shall be calculated as follows:

**EXAMPLE OF CALCULATION OF MAXIMUM SALES PRICE FOR TWO BEDROOM UNIT FOR THREE PERSON HOUSEHOLD EARNING 50 PERCENT OF THE MEDIAN INCOME**

**COMPUTATIONS BASED ON FY 2017 DATA**

1. Determine area median income for family of 3	\$ 71,400
2. Monthly income available for housing (90%)	\$ 1,607
3. Fixed housing costs (taxes and association fees)	\$ 395
4. Funds available for mortgage (principal/interest)	\$ 1,041
5. Mortgage, 30 years, 3.46% interest rate, 90 percent/10 percent down payment	
6. Maximum sales price	\$259,058

Using the 2017 data as an example, the Maximum Rental Price shall be calculated as follows:

**EXAMPLE OF CALCULATION OF MAXIMUM RENTAL PRICE FOR TWO BEDROOM UNIT FOR THREE PERSON HOUSEHOLD EARNING 50 PERCENT OF THE MEDIAN**

**COMPUTATIONS BASED ON FY 2017 DATA**

1. Determine area median income for family of 3	\$ 71,400
2. Yearly income available for housing (90%)	\$ 64,260
3. Maximum annual rental price, inclusive of all basic utilities except telephone, not to exceed 30% of criteria family income	\$ 19,278
4. Maximum monthly rental price, inclusive of all basic utilities except telephone	\$ 1,607
5. Basic utilities except telephone, per month	\$ 209
6. Maximum rental price	\$ 1,398



**XII. Availability of Services and Amenities.**

BMR Units shall include, and BMR Unit occupants shall have access to, any services or amenities offered at Liberty Commons upon payment of any mandatory association fee established by the Liberty Commons Condominium Association, Inc. ("Association"). Off-street parking is provided to Unit Owners at no additional cost.

**XIII. Principal Residence; Leasing/Subleasing Prohibited.**

BMR Units shall be occupied only as an Owner's principal residence. Leasing or subleasing of BMR Units shall be prohibited, and such prohibition shall be stated in the deed. Leasing or subleasing without express written consent of the AHM shall be deemed an act of fraud by the unit owner, and the AHM shall be permitted to pursue all civil remedies appropriate to such violation.

**XIV. Requirement To Maintain Condition.**

All Owners/Renters are required to maintain their units. The Owner/Renter shall not destroy, damage, or impair the unit, allow the unit to deteriorate, or commit waste on the unit. The AHM shall be permitted to pursue all available civil remedies for any property damage or waste beyond reasonable wear and tear. When a BMR Unit is offered for resale, the AHM may cause the unit to be inspected, and repaired as needed, prior to sale.

**XV. Procedures For Resale Of A BMR Unit.**

An Owner shall notify the AHM in writing of his or her interest in transferring a BMR Unit. Within fourteen (14) days of receipt of such notice, the AHM shall calculate the maximum resale price of the BMR Unit as defined in § XV below ("Maximum Resale Price") and furnish the Owner, in writing, with a written determination of the Maximum Resale Price and provide the Owner with guidance as to what would constitute the maximum household income for eligible purchasers.

If a waiting list of eligible purchasers exists at the time of a proposed resale, the AHM shall notify the next group of eligible purchasers on the waiting list of the availability of a BMR Unit, who shall be eligible to purchase the BMR Unit in the same order in which they appeared on the waiting list. If there are no such purchasers on the AHM's list, the AHM shall publish notice of the availability of the BMR Unit in the same manner as was followed for the initial sale, as set forth in § V above.

Until the AHM has notified the Owner that the AHM is unable to locate any eligible purchasers, the eligible purchasers shall be located solely by the AHM. The AHM shall have sixty (60) days from the date on which it is notified of the Owner's intent to sell to locate a eligible purchaser. If the AHM locates one or more eligible purchasers, the Owner shall accept

the highest offer from the next eligible purchaser on the waiting list, in order of seniority on the list, who is able to close within a reasonable amount of time after acceptance of the offer. The Owner shall have the discretion to reject any offer below the Maximum Resale Price. In the event that the AHM is unable to locate an eligible purchaser offering the Maximum Resale Price by the end of the 60 day period, the Owner may undertake his or her own efforts to locate an eligible purchaser and, in such event, may accept any offer that does not exceed the Maximum Resale Price. Upon locating a purchaser, the Owner shall also provide the AHM with notice thereof and the AHM shall determine the eligibility of that purchaser in accordance with § IX above.

The AHM shall inform any eligible purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the eligible purchaser with a copy of this Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the AHM that the purchaser meets the eligibility criteria set forth in this Plan. The Owner's acceptance of a purchaser's offer or bid on his or her Unit, and the closing of title thereto shall be subject to the AHM's written certification that the purchaser satisfies the eligibility criteria established by this Plan and that the sales price does not exceed the Maximum Resale Price for the Unit. The AHM shall furnish the Owner with such certifications, in writing, within fourteen (14) days from the date upon which all necessary documentation required to determine eligibility is submitted. Resale without these certifications is prohibited and any sale completed without such certifications shall be void.

In the event of the Owner's death, the transfer of the BMR Unit to the Owner's spouse, domestic partner, party to a civil union, or child shall be permitted by the AHM, provided that the individual (a) resided with the Owner in the BMR Unit for at least one (1) year immediately prior to the Owner's death; and (b) satisfies the income eligibility restrictions for the BMR Unit established in § VI above.

At the request of the AHM, the Owner shall reimburse the AHM for reasonable expenses incurred in administering the transaction, including conducting the inspection required by § XVI below, in an amount not to exceed 2.5 percent of the Maximum Resale Price.

**XVI. Maximum Resale Price.**

For so long as the community known as Liberty Commons exists, the AHM shall determine the Maximum Resale Price using the two formulas set forth in subsections A and B below. The Maximum Resale Price shall be the higher of the two prices.

**A. Formula Based on Median Income.**

The Maximum Resale Price shall be calculated using the formula established for the Initial Sale in § X above. That price shall be adjusted in that any Eligible Capital Improvements, as defined in subsection C below, shall be added and any Excessive Damage Amount, as defined in subsection D below, shall be subtracted.

B. Formula Based on Appreciation and Improvements.

The Maximum Resale Price shall be calculated as follows:

1. Determine the purchase price paid by the Owner (not including any real estate commissions, loan origination fees, appraisal fees, title insurance premiums, closing prorations, and other similar transaction costs) (the "Start Price").
2. Calculate the amount of permissible Appreciation derived by multiplying the number of years of ownership (starting with the date of the Owner's purchase of the Unit (the "Start Date") to the date of the Owner's notification of intent to sell the Unit (the "End Date")), pro-rated monthly, by two (2) percent.
3. Calculate the amount of Eligible Capital Improvements, as defined in subsection C below.
4. Deduct any Excessive Damage Amount, as defined in subsection D below.
5. Result of Steps 1-4 shall be the Maximum Resale Price.

C. Eligible Capital Improvements.

To constitute an Eligible Capital Improvement, the improvement must satisfy each of the following requirements:

1. The AHM must pre-approve, in writing, the improvement prior to the start of its construction.
2. The improvement must be completed within 12 months of the AHM's pre-approval and must receive final AHM approval in writing upon completion. The AHM shall have the right to inspect the improvement at times that are mutually agreeable to the AHM and the Owner, to confirm that the improvement has been completed in a workmanlike manner, and to determine the appraised value thereof.
3. The improvement must constitute one of the following types of improvements:
  - Accommodation for a person with a "disability" as defined in the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq. or a successor United States statute;
  - Improvements to the kitchen, provided that all such improvements are part of a comprehensive renovation project for the kitchen (which may include, but are not limited to, major kitchen appliances that remain part of the kitchen until the next comprehensive renovation project, or until they wear out, whichever occurs first), the last comprehensive kitchen renovation project that

qualified as an Eligible Capital Improvement was completed at least fifteen (15) years before the current one, and at least \$2,000 is spent on the comprehensive renovation project within a twelve month period;

- Improvements to a bathroom, provided that all expenditures are part of a comprehensive renovation project for the bathroom, the last such comprehensive renovation project for the bathroom that qualified as an Eligible Capital Improvement was completed at least fifteen (15) years before the current one, and at least \$2,000 is spent on the comprehensive renovation project within a twelve month period;
- Replacement of a unit system such as hot water heaters or furnaces, provided that the last such replacement which qualified as an Eligible Capital Improvement was completed at least 20 years before the current one (unless the AHM determines, in its sole discretion, that an earlier unit system replacement was warranted);
- Such other improvements as the AHM, in its sole discretion, may determine to allow as an Eligible Capital Improvement; and
- Capital Assessment Payments, provided that the Unit Owner's share of the cost was paid through a special assessment by the condominium association (AHM consent not required for this expense to be deemed an Eligible Capital Improvement).

4. Notwithstanding the foregoing, the following improvements do not constitute Eligible Capital Improvements:

- Upgrades or replacement of appliances, plumbing and mechanical fixtures, carpets, flooring, painting, counter tops, cabinets, tile and similar items as a result of normal wear and tear (except as they may be part of a comprehensive renovation project otherwise qualifying as an Eligible Capital Improvement);
- Jacuzzis, saunas, steam showers and other similar items; and
- Upgrades or addition of decorative items, including lights, window coverings and other similar items.

5. If an improvement constitutes an Eligible Capital Improvement, the cost of such Eligible Capital Improvement shall be included in the Maximum Resale Price formula established in subsection B above, provided that the value shall be depreciated annually at the rate of ten (10) percent of the cost, starting from the date on which the Eligible Capital Improvement is given final approval by the AHM, and ending ten (10) years from the date of the AHM approval. No depreciation beyond the cost of the improvement shall be permitted under this section. For capital assessments levied by the Association, the value shall be depreciated in the same manner, starting from the date the improvement is completed by the Association.

Nothing in these Resale Restrictions shall prohibit a Unit Owner from making an improvement to the Unit, which does not qualify as an Eligible Capital Improvement, provided that such improvement does not otherwise violate this Affordability Plan.

D. Excessive Damage Amount

Upon notification of the Owner's intent to sell until the time a contract is signed between the Owner and a purchaser, the AHM shall have the right to inspect the BMR Unit to determine whether the Owner has complied with the maintenance obligations set forth in this Affordability Plan. If, after such inspection, the AHM determines, in its sole judgment, that the Owner has not fully complied with such obligation, the AHM shall determine, in its sole judgment, the cost to complete the necessary repairs, maintenance, replacement, and other work to restore the Unit, and to bring it into full compliance with this Affordability Plan. This amount (the "Excessive Damage Amount") shall be calculated into the Maximum Sales Price as set forth in subsection B above.

**XVII. Foreclosure.**

In the event of a foreclosure, the City of Stamford shall retain an assignable right of first refusal to purchase the BMR Unit from the foreclosing lender within ninety (90) days from the date the Unit is listed for sale. If the BMR Unit is purchased by the City under its right of first refusal, the Maximum Resale Price restrictions established by this Affordability Plan shall survive foreclosure. Otherwise, the Maximum Resale Price restrictions established by this Affordability Plan shall be eliminated upon foreclosure.

A lien in the amount of \$1.00 shall be placed on the land records for each BMR Unit in favor of the AHM in order to ensure that the AHM receives notice of a foreclosure sale.

**XVIII. Enforcement.**

A violation of this Affordability Plan shall not result in a forfeiture of title, but the City of Stamford, Stamford Zoning Board, Zoning Enforcement Officer (collectively, for the purposes of this Section, the "City") and the AHM 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 related to the BMR Units to determine compliance with the applicable regulations and this Plan.

JH, as developer of Liberty Commons, shall retain all enforcement powers and remedies as project developer, unit seller, owner, and maintainer of the development and does not by this section relinquish or delegate any private rights or remedies. JH agrees to collect and maintain all books, records, files, and information necessary to permit the City to determine compliance with the Regulations or this Plan. The City and the AHM shall be permitted to inspect the property and examine all books, records and application forms of the BMR Units, including the household income information provided by applicants and the records of JH and the Association with respect to the BMR Units, provided that all such applicant 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 retains all rights to pursue all legal and/or equitable remedies available to it 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.

The City reserves, and each Owner and the Association are deemed to have granted the City, the right to review and enforce compliance with all matters contained in this Affordability Plan. In the event of any default under this Affordability Plan, the AHM shall give the Owner who is in default, five (5) days written notice of such default. If the default is not cured to the satisfaction of the City within five (5) days from the giving of such notice, the City may pursue any and all remedies available to it in law or equity; provided however, that if the first mortgage is held or insured by HUD, these resale restrictions may not be enforced by any of the following, unless expressly approved in writing by HUD: (a) voiding a conveyance by the Owner; (b) terminating the Owner's interest in the Unit; (c) accelerating the first mortgage; (d) increasing the interest rate for the first mortgage; or (e) subjecting the Owner to contractual liability.

**XIX. Deed Restrictions.**

The Deed Restrictions contained in Schedule D shall be included in each deed of a BMR Unit to provide notice of the affordability restrictions and to bind future purchasers.

**XX. Refinancing.**

Refinancing and any other financing occurring after the purchase of the BMR Unit shall be permitted only with the prior written consent of the AHM.

**XXI. Amendment.**

This Affordability Plan may be amended without the consent of the Owners of the BMR Units so long as the amendment shall not cause material harm to the Owner of a BMR Unit.

**SCHEDULE A  
DESIGNATION OF BMR UNITS**

Liberty Commons is a 51 unit planned community. The following units are hereby designated as Below Market Rate Units ("BMR Units"): Units 8, 11, 14, 17, 32, and 50.

**SCHEDULE B**  
**DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME**

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609 and includes, but is not limited to, the following:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
  - b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;
  - c. Interest, dividends, and other net income of any kind from real or personal property;
  - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;
  - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
  - f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:
    - (1) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus
    - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;
  - g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);
  - h. All regular pay, special pay and allowances of a member of the armed forces;
  - i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.



2. Excluded from the definition of family annual income are the following:
  - a. Income from employment of children under the age of 18;
  - b. Payments received for the care of foster children;
  - c. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;
  - d. Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;
  - e. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;
  - f. Amounts received under training programs funded by HUD;
  - g. Food stamps; and
  - h. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).
  
3. Net family assets for purposes of imputing annual income include the following:
  - a. Cash held in savings and checking accounts, safety deposit boxes, etc.;
  - b. The current market value of a trust for which any household member has an interest;
  - c. The current market value, less any outstanding loan balances of any rental property or other capital investment;
  - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit, and money market funds;
  - e. The current value of any individual retirement, 401K, or Keogh account;
  - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;

g. Any lump-sum receipts not otherwise included in income (i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);

h. The current market value of any personal property held for investment (i.e., gems, jewelry, coin collections); and

i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.

4. Net family assets do not include the following:

a. Necessary personal property (clothing, furniture, cars, etc.);

b. Vehicles equipped for handicapped individuals;

c. Life insurance policies;

d. Assets which are part of an active business, not including rental properties;  
and

e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

**SCHEDULE C  
REQUIRED DOCUMENTATION OF INCOME**

The following documents shall be provided, where applicable, to the Affordable Housing Manager to determine income eligibility:

1. Employment Income. Verification form must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable form of verification (of which at least one must be included in the Applicant file) include:
  - a. An employment verification form completed by the employer.
  - b. Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
  - c. W-2 form if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
  - d. Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.
2. Social Security, Pensions, Supplementary Security Income, Disability Income.
  - a. Benefit verification form completed by agency providing the benefits.
  - b. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
  - c. If a local Social Security Administration ("SSA") office refuses to provide written verification, the Affordable Housing Manager should meet with the SSA office supervisor. If the supervisor refuses to complete the verification form in a timely manner, the Affordable Housing Manager may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.
3. Unemployment Compensation.
  - a. Verification form completed by the unemployment compensation agency.

- b. Records from unemployment office stating payment dates and amounts.
- 4. Government Assistance.
  - a. All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.
  - b. Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.
- 5. Alimony or Child Support Payments.
  - a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
  - b. A letter from the person paying the support.
  - c. Copy of latest check. The date, amount, and number of the check must be documented.
  - d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.
- 6. Net Income from a Business. The following documents show income for the prior years. The Affordable Housing Manager must consult with Applicant and use this data to estimate income for the next twelve (12) months.
  - a. IRS Tax Return, Form 1040, including any:
    - (1) Schedule C (Small Business)
    - (2) Schedule E (Rental Property Income)
    - (3) Schedule F (Farm Income)
  - b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

- c. Audited or unaudited financial statement(s) of the business.
- d. A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

b. Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

a. Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.

b. Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.

c. Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held. For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

a. Verification forms, letters, or documents from a financial institution, broker, etc.

b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

c. Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.

d. Real estate tax statements if tax authority uses approximate market value.

e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

f. Appraisals of personal property held as a investment.

g. Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

a. Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.

b. If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:

- (1) A list of all assets disposed of for less than FMV;
- (2) The date Applicant disposed of the assets;
- (3) The amount the Applicant received; and
- (4) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.

c. If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Affordable Housing Manager must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant. The following, adjusted for changes expected during the next twelve (12) months, may be used:

a. IRS Form 1040 with Schedule E (Rental Income).

- b. Copies of latest rent checks, leases, or utility bills.
- c. Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).
- d. Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- a. Written verification from the registrar's office or appropriate school official.
- b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

**SCHEDULE D  
DEED RESTRICTIONS**

The language below shall be inserted in each deed for a BMR Unit:

The property conveyed hereby is a "BMR Unit" as defined in Article III, § 7.4 of the Stamford Zoning Regulations. Said property is subject to the following permanent restrictions (the "Restrictions"):

1. The owner of said unit ("Owner") shall sell or transfer said unit only to a family or household whose income is equal to or less than 50 percent of the median income for the Stamford Standard Metropolitan Statistical Area (the "SMSA") as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development ("HUD"). Determination of a purchaser's eligibility shall be made by the Affordable Housing Manager ("AHM") (as defined in that certain Affordability Plan (the "Affordability Plan") for Liberty Commons Condominiums, which is on file in the Stamford Zoning Board's office and recorded at Volume 9492, Page 28 of the Stamford Land Records. Any exceptions to this income restriction shall be made solely by the AHM in accordance with the term of the Affordability Plan and § 7.4 (Below Market Rate Units) and § 9.G (R-MF District) of the Stamford Zoning Regulations, as may be amended.
  
2. An Owner shall notify the AHM in writing of his or her interest in transferring a Unit. Within fourteen (14) days of receipt of such notice, the AHM shall calculate the Maximum Resale Price of the Unit and furnish the Owner, in writing, with a written determination of the Maximum Resale Price. If a waiting list of eligible purchasers exists at the time of a proposed resale, the AHM shall notify the next group of eligible purchasers on the waiting list of the availability of a BMR Unit, who shall be eligible to purchase the BMR Unit in the same order in which they appeared on the waiting list. If there are no such purchasers on the AHM's list, the AHM shall publish notice of the availability of the Unit in the same manner as was followed for the initial sale, as set forth in § V of the Affordability Plan. Until the AHM has notified the Owner that the AHM is unable to locate any eligible purchasers, the eligible purchasers shall be located solely by the AHM. The AHM shall have sixty (60) days from the date on which it is notified of the Owner's intent to sell to locate an eligible purchaser.

If the AHM locates one or more eligible purchasers, the Owner shall accept the highest offer from the next eligible purchaser on the waiting list, in order of seniority on the list, who is able to close within a reasonable amount of time after acceptance of the offer. The Owner shall have the discretion to reject any offer below the Maximum Resale Price. In the event that the AHM is unable to locate



an eligible purchaser offering the Maximum Resale Price by the end of the 60 day period, the Owner may undertake his or her own efforts to locate an eligible purchaser and, in such event, may accept any offer that does not exceed the Maximum Resale Price. Upon locating a purchaser, the Owner shall also provide the AHM with notice thereof and the AHM shall determine the eligibility of that purchaser in accordance with § VIII of the Affordability Plan. The AHM shall inform any eligible purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the eligible purchaser with a copy of the Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the AHM that the purchaser meets the eligibility criteria set forth in the Affordability Plan.

The Owner's acceptance of a purchaser's offer or bid on his or her Unit, and the closing of title thereto shall be subject to the AHM's written certification that the proposed purchaser satisfies the eligibility criteria established by this Plan and that the sales price does not exceed the Maximum Resale Price for the Unit. The AHM shall furnish the Owner with such certifications, in writing, within fourteen (14) days from the date upon which all necessary documentation required to determine eligibility is submitted. Resale without these certifications is prohibited and any sale completed without such certifications shall be void.

3. The Owner shall occupy the Unit as his or her principal residence and shall not lease or sublease the Unit. Leasing or subleasing (unless authorized in writing by the AHM) shall be deemed an act of fraud by the Owner, and may subject the Owner to civil liability in an action brought by the AHM.
4. The Owner shall maintain the Unit. The Owner shall not destroy, damage or impair the property, allow the property to deteriorate, or commit waste on the property. Property damage or waste beyond reasonable wear and tear may subject the Owner to civil liability in an action brought by the AHM. When the Unit is offered for re-sale, the AHM may cause the Unit to be inspected, and repaired as needed at the Owner's cost.
5. A violation of the Restrictions shall not result in a forfeiture of title, but the Stamford Zoning Board, its designated agent, the Zoning Enforcement Officer, and the AHM shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, the Affordability Plan, and this deed, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the AHM to determine compliance with all applicable regulations.
6. In the event of a foreclosure, the City of Stamford shall retain an assignable right of first refusal to purchase the Unit from the foreclosing lender within ninety (90) days from the date the Unit is listed for sale. If the Unit is purchased by the City under its right of first refusal, the restrictions on the sales price of a BMR Unit

established by this Affordability Plan shall survive foreclosure. Otherwise, the restrictions on the sales price of a BMR Unit established by this Affordability Plan shall be lifted upon foreclosure.

A lien in the amount of \$1.00 shall be placed on the land records in favor of the AHM in order to ensure that the AHM receives notice of a foreclosure sale.

7. Refinancing and any other financing occurring after the purchase of the BMR Unit shall be permitted only with the prior written consent of the AHM.
8. This deed restriction is subject to periodic amendments to the Affordability Plan.

**SCHEDULE E  
STAMFORD ZONING REGULATIONS  
BELOW MARKET RATE UNITS,  
ARTICLE III, § 7.4**

SECTION 7.4 – BELOW MARKET RATE DWELLING UNITS

**A. FINDINGS**

It is the public purpose and policy of the City of Stamford, the Southwestern Regional Planning Agency and the State of Connecticut to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the City and are beneficial to the health, safety and welfare of its residents and to the environmental quality and economy of the region.

The Stamford Master Plan 2002 has documented a growing affordability gap between the supply of housing and the demand for housing. This affordability gap is driven by several broad trends including the fact that home sale prices have grown as fast or faster than household earnings, that rents in newer apartment developments are well out of reach of most low and moderate income households, and that the limited inventory of affordable market-rate apartments and condos coupled with the inventory of assisted housing units is inadequate to meet the demand for affordable housing.

A significant cause of this affordability gap and crisis in the availability of a diversity of housing opportunities is the rapid increase in employment in the City. Employment in Stamford increased by 8,000 jobs between 1980 and 1990 and is projected to add 9,000 more jobs by the year 2000 and an additional 7,700 jobs by the year 2010.

The Master Plan establishes the goal of providing decent, affordable housing for all of the residents of Stamford, whatever their economic conditions. To address the continuing loss of affordable housing, coupled with the increasing affordability gap and growing housing demand, the City of Stamford has established the goal of producing a minimum of 8,000 affordable housing units, in addition to what is currently available.

The Master Plan recommends, as a key element of a coordinated housing strategy, that the City's Zoning Regulations incorporate a mandatory inclusionary housing requirement, with appropriate incentives, consistent with established planning principles and contextual development.

The inclusionary housing program defined herein is necessary to provide continuing housing opportunities for low and moderate income households and working people. It is necessary to help maintain a diverse housing stock and to allow working people to have better access to jobs and upgrade their economic status. The regional trend toward increasing housing prices will,

without intervention, result in inadequate supplies of affordable housing and will negatively impact the ability of local employers to attract and maintain an adequate work force. Because remaining opportunity for new residential development within the city is limited, it is essential that a reasonable proportion of new development be devoted to housing that is affordable to low and moderate income residents and working people.

Therefore, to implement the policies of the Master Plan, it is essential that new residential development contain housing opportunities for households of low and moderate income, and that the City provide a regulatory and incentive framework that ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments of the community.

#### B. AUTHORITY

These regulations are enacted under the authority of the Charter of the City of Stamford and Section 8-2(i) of the Connecticut General Statutes.

#### C. STANDARDS

The purpose of this section is to establish uniform definitions, standards and procedures to apply in all cases where Below Market Rate (BMR) Dwelling Units are required under the terms of these Regulations. Standards for the level of affordability and the number of required BMR units and other special standards are established separately by zoning district and are stated elsewhere in these Regulations.

1.) The term "Below Market Rate Dwelling Unit" (BMR) shall be defined to be a dwelling unit restricted as to sale or rent based on the most current statistics of median family income for the Stamford Standard Metropolitan Statistical Area (SMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development. The criteria for pricing one-bedroom BMR units shall be the SMSA median income for families of two persons; two-bedroom BMR units shall be priced based on the SMSA median income for families of four persons; and three-bedroom BMR units shall be priced based on the SMSA median income for families of five persons. BMR units offered for sale shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the criteria family income, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a ten percent (10%) down payment. BMR units offered for rent shall be restricted to a maximum annual rent, inclusive of all basic utilities except telephone, not to exceed 30% of the criteria family income, according to unit type as set forth above.

Rental restrictions shall remain in full force and effect for so long as the building or development exists, and shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale

price equal to the current BMR sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse, or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

ELIGIBLE FAMILY INCOME LIMITS – YEAR 2011

AFFORDABILITY	FAMILY SIZE					
	one	two	three	four	five	six
25% of Median	\$22,155	\$25,320	\$28,485	\$31,650	\$34,182	\$36,714
50% of Median	\$44,310	\$50,640	\$56,970	\$63,300	\$68,364	\$73,428
60% of Median	\$53,172	\$60,768	\$68,364	\$75,960	\$82,036	\$88,114

2.) Below Market Rate Dwelling Units shall be designed, constructed, sold or rented, managed and controlled as to resale in accordance with such other necessary written administrative policies, definitions and guidelines as officially adopted by the Zoning Board and/or the City of Stamford, as amended from time to time. When located within the development, such BMR units shall be constructed with floor area, finishes and amenities comparable to the market rate units within the development, and shall be reasonably distributed throughout the project and provided in a mix of unit types, as determined by the Zoning Board, provided that the average floor area of BMR units shall be comparable to the average floor area of two-bedroom market rate units within the development. When more than the minimum number of required BMR units are proposed, the total floor area of BMR units divided by the minimum number of required BMR units shall remain comparable to the average floor area of the two-bedroom market rate units.

3.) Management Plan. A proposal to establish BMR units shall be accompanied by a management plan ("Affordability Plan"), subject to approval of the Zoning Board, providing all of the necessary information and documentation to ensure the construction and continued operation of affordable housing, including the following:

- i) The person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms;
- ii) Affirmative fair marketing procedures governing the sale or rental of the BMR units;
- iii) Proposed sale or rental prices of BMR units and the basis for their determination;
- iv) Identification and timetable for the completion and even distribution of the BMR units among the market-rate units in the development; and

v) Other information as may be required by the Zoning Board.

The Affordability Plan shall encourage the participation of families with Section 8 vouchers and use of other local, State and/or federal programs and initiatives to further write down the affordability of BMR units to families earning less than fifty percent (50%) of the Stamford SMSA median income or to increase the number of BMR units within the project.

4.) Alternative Methods of Compliance: Pursuant to an application for Special Exception, the Zoning Board in its sole discretion may approve alternative methods of satisfying a BMR requirement including, but not limited to, the dedication of vacant land, the construction of BMR units on another site, the acquisition and enforcement of rental/sales price restrictions on existing dwelling units, or the payment of an appropriate in-lieu housing fee. Any such proposal shall demonstrate to the satisfaction of the Zoning Board that the alternative method(s) is desirable and will further affordable housing opportunities in the City to a greater extent than the provision of on-site BMR units, either through the production of a greater number of affordable housing units and/or larger bedroom size units and/or units for families below the required targeted income brackets.

(a) Land Dedication: a BMR requirement may be satisfied by the dedication of land within the City in-lieu of providing affordable housing on-site. The value of land to be dedicated shall be determined by an independent appraiser, at the cost of the developer, who shall be selected from a list of certified appraisers provided by the City, or by such alternative means of valuation mutually acceptable to the developer and the City. The land to be dedicated shall have a value equal or greater than the fee-in-lieu contribution that would otherwise be required to satisfy the BMR requirement. In addition, the land must be of suitable character and location, and zoned to allow construction of a number of dwelling units equal or greater than the number of BMR units being satisfied.

(b) Dedication of Existing Units: a BMR requirement may be satisfied by restricting the rental or sale price of existing dwelling units within the City, through covenants, contractual arrangements, or resale restrictions, the form and content of which are acceptable to the Zoning Board. The restriction of such existing units must result in the creation of units that are equivalent in value, quality, and size as compared to the on-site BMR units that would otherwise be constructed.

(c) Off-Site Construction of BMR Units: a BMR requirement may be satisfied through the off-site construction or substantial rehabilitation of BMR dwelling units within the City of Stamford, subject to the following standards: (i) the location, architectural design and siting of such units shall be subject to approval by the Zoning Board; (ii) such units shall not serve to displace existing affordable housing units; (iii) off-site BMR units shall be generally consistent with all applicable standards of this section; (iv) the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner.

(d) Fee-in Lieu Payment: a BMR requirement may be satisfied, in whole or in part, through the payment of a “fee-in-lieu” cash contribution to a City of Stamford fund, or other approved non-profit or for-profit organization dedicated to affordable housing initiatives. Off-site BMR units created with such funds shall be maintained as affordable in a manner similar to on-site BMR units. The cash contribution to be provided shall be calculated based on the applicable SMSA median income, as periodically revised, and based on bedroom size as defined in Subsection 7.4-C-1 above, and the following criteria for each of three required affordable income ranges: BMR units affordable at the 25% of SMSA family income level shall require a cash contribution not less than 240% of the SMSA median income; BMR units affordable at the 50% of SMSA median family income level shall require a cash contribution not less than 145% of the SMSA median income; and BMR units affordable at the 60% of SMSA median family income level shall require a cash contribution not less than 110% of the SMSA median income. Where the contribution is targeted to assist an identified off-site project providing affordable housing, the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner. (205-11)

EXAMPLE CALCULATIONS OF CASH PAYMENT - YEAR 2011

Cash contribution for a One-Bedroom BMR unit is based upon the Year 2011 Stamford SMSA Median Family Income for a Family of Two = \$101,280. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:	$\$101,280 \times 240\% = \$243,072$
50% of Median Units:	$\$101,280 \times 145\% = \$146,856$
60% of Median Units:	$\$101,280 \times 110\% = \$111,408$

Cash contribution for a Two-Bedroom BMR unit is based upon the Year 2011 Stamford SMSA Median Family Income for a Family of Four = \$126,600. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:	$\$126,600 \times 240\% = \$303,840$
50% of Median Units:	$\$126,600 \times 145\% = \$183,570$
60% of Median Units:	$\$126,600 \times 110\% = \$139,260$

Cash contribution for a Three-Bedroom BMR unit is based upon the Year 2011 Stamford SMSA Median Family Income for a Family of Five = \$136,728. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:	$\$136,728 \times 240\% = \$328,147.20$
50% of Median Units:	$\$136,728 \times 145\% = \$198,255.60$
60% of Median Units:	$\$136,728 \times 110\% = \$150,400.80$

(e) Other Equivalent Actions: a BMR requirement may be satisfied through other in-lieu contributions and efforts that, in the discretion of the Zoning Board, are judged to have a value that is equal or greater than the “fee-in-lieu” cash contribution otherwise required and will further the affordable housing goals and purposes of this section. (203-08)



**SCHEDULE F  
STAMFORD ZONING REGULATIONS  
R-MF MULTI-FAMILY DESIGN DISTRICT**

1. Purpose. The purpose of this district is to set aside and protect areas, which have been or may be developed predominantly for high middle density housing in low-rise buildings. Certain other uses are permitted as-of-right or by Special Exception subject to adequate conditions and safeguards. It is intended that new development permitted in this district be harmonious and compatible with existing buildings. It is hereby found and declared that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

2. Procedure. All projects located on lots of 20,000 square feet or more, and all applications for R-MF Special Exception uses shall be subject to approval of site and architectural plans by the Zoning Board. R-MF projects located on lots of less than 20,000 square feet shall be subject to review and approval by the Zoning Enforcement Officer.

3. Permitted Uses. As-of-Right In any R-MF district a building or other structure may be erected, altered, arranged, designed or used, and a lot of structure may be used as-of-right for any of the following purposes and no other:

- a. Apartment Building for the Elderly provided increase over as-of-right density does not exceed fifty percent (50%)
- b. Apartment - Garden Type
- c. Apartment House
- d. Dwelling - Single Family, Two-Family, Multiple
- e. Garages, Private
- f. Home Occupation
- g. Professional Offices, Accessory Use
- h. School, Public

4. Permitted Uses. Special Exception. The following uses shall be permitted by Special Exception:

- a. Boarding House, Rooming House
- b. Camp, Summer Day
- c. Cemeteries and Mausoleums
- d. Child Day Care Center
- e. Christmas Trees, etc., Temporary Sale
- f. Churches & Religious Institutions
- g. Clubs and Lodges, Non-Profit
- h. Colleges and Dormitories

- i. Community Center
- j. Historic Site
- k. Hospital Complex
- l. Nursing Home
- m. Public and Charitable Agencies
- n. Public Library or Branch thereof
- o. Public Utility Transformer and Pi-imp Stations
- p. Radio and Television Broadcasting Stations and Masts
- q. School, Non-Public
- r. Accessory on-grade parking for Surgical Center/Outpatient, provided such parking shall not exceed 20 spaces, is physically adjacent to the principal use, and the reviewing board shall find that at the time of the application it is unlikely or impractical for residential uses to occur on site. (95-017)
- s. Apartment Building for Supportive Housing. (95-014)
- t. Auto Rental Service Facility. (See Section 7-N) (97-014)
- u. Clinic, Community Health Center (201 -20)

5. Building Regulations

a. Minimum lot area: 5,000 square feet

b. Minimum lot area per dwelling unit:

For all lots less than 20,000 square feet there shall be at least 2000 square feet of lot area per dwelling unit.

On lots of at least 5000 square feet but less than 6000 square feet there may be located by conversion a third dwelling unit in a building existing as of September 1, 1983. Such dwelling unit shall be limited to one bedroom. No increase in building coverage shall be permitted except for exterior stairways required by the Building Code.

For lots 20,000 square feet or more there shall be at least 1500 square feet of lot area per dwelling unit.

c. Minimum lot area per dwelling unit. Apartment Building for the Elderly:

An Apartment Building for the Elderly may be built on any lot consisting of 8000 square feet or more. Because these units tend to be smaller and require less parking, the density for such buildings may be increased. The minimum lot area per dwelling unit may be as follows:

For all lots of at least 8000 square feet but less than 20,000 square feet there shall be at least 1333 square feet of lot area per dwelling unit.

For lots 20,000 square feet or more there shall be at least 1000 feet of lot area per dwelling unit.

The provisions of this paragraph (c) shall apply only to Apartment Buildings for the Elderly.

d. Minimum Frontage:

Lots less than 20,000 square feet:	50 feet
Lots 20,000 square feet or more:	100 feet

e. Maximum Building Coverage, all buildings:

Lots less than 20,000 square feet:	30 percent
Lots 20,000 square feet or more:	35 percent

f. Maximum Building Height: 4 stories, may not exceed 40'

g. Minimum Yards: Front - 15 feet. Rear - 30 feet

Side: Lots less than 20,000 square feet or 20,000 square feet or more utilizing the bonus density set forth in subsection (h) below: one side 8 feet, both sides 18 feet.

Lots 20,000 square feet or more not utilizing the bonus density set forth in subsection (h) below: one-half the height of the building but need not exceed 15 feet each side.

h. Below Market Rate Requirement: On lots with an area greater than 20,000 square feet not utilizing any bonus density, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units. By application for special exception, the Zoning Board may approve a bonus density not to exceed 40 dwelling units per acre on lots with an area of 20,000 square feet or more, provided that an additional number of units shall be offered for rent or sale as BMR units, and any existing subsidized dwelling units on site shall be retained or replaced pursuant to a plan approved by the Zoning Board. Projects utilizing bonus density shall provide BMR units totaling not less than ten percent (10%) of the density permitted in Section 9-G-5 plus one-fourth (1/4th) of the bonus density utilized.

For projects utilizing bonus density, where non-subsidized housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the Zoning Board may exclude those units with a market rent or sale value greater than 150% of current BMR rent/sale limits.

Required Below Market Rate units shall be affordable to households earning not more than fifty percent (50%) of the Stamford SMSA Median income and shall be provided in accordance with the standards, definitions and procedures contained within Article III, Section 7.4 of these Regulations. (201-23; 203-14).

i. On lots with an area of 20,000 square feet or more utilizing the bonus density set forth in subsection (h) above, the Zoning Board may approve the following modifications of R-MF development standards:

i) front setback from street center may be reduced or waived.

ii) useable open space shall be provided on-site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.

iii) the requirements of Article III, Section 7-K may be reduced or waived.

(201-23, 203-14).

6. Screening of Parking.

a. The following requirements shall apply to all parking areas for more than five (5) cars on any lot of 20,000.00 square feet or more in the R-MF District:


1) There shall be a buffer strip of land on the same lot as the parking area located between the parking area and the property line. The buffer strip shall be at least three feet wide and shall not be encroached on or over by any part of a parked car.

2) Said buffer strip shall be landscaped with dense evergreen planting of a species which normally grows to a height of at least four feet, at least two feet high at planting, designed to screen noise, odors, visibility and headlight glare in the parking area from adjacent property. A suitable opaque fence or wall at least five feet high may be substituted for the evergreen planting. In cases where a fence or wall is provided, such wall or fence shall be supplemented by landscaping. Landscaping shall consist of hedges or other ornamental plants supplemented by shade or flowering trees. There shall be at least one tree for each twenty-five linear feet of buffer area.

3) All trees and plants required by this section shall be maintained in a healthy growing condition. The property owner shall replace plant materials, which do not meet this requirement. (99-004)

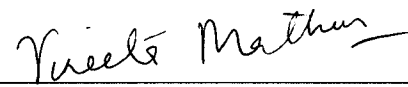
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IN WITNESS WHEREOF, THE CITY OF STAMFORD ZONING BOARD has hereunto caused its name to be set by its Associate Planner, Vineeta Mathur, this 21<sup>st</sup> day of September 2017.

  
\_\_\_\_\_  
Tracy F. Brisson

CONSENTED TO AND APPROVED BY THE  
CITY OF STAMFORD ZONING BOARD

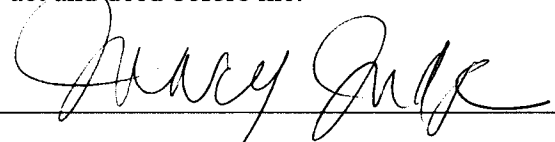
  
\_\_\_\_\_  
Mary Judge

  
\_\_\_\_\_  
Vineeta Mathur  
Its: Associate Planner

STATE OF CONNECTICUT )  
  )  
COUNTY OF FAIRFIELD )

ss: Stamford

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of Sept. 2017 by Vineeta Mathur, Associate Planner of THE CITY OF STAMFORD ZONING BOARD, on behalf of the Zoning Board as his and its free act and deed before me.

  
\_\_\_\_\_  
Notary Public/Commissioner of Superior Court

**MARY JUDGE**  
**Notary Public, State of Connecticut**  
**My Commission Expires 9/30/2018**

IN WITNESS WHEREOF, JH REAL ESTATE GROUP, LLC has hereunto caused its name to be set by its Member, James Heffernan, this 26<sup>th</sup> day of September 2017.

Matthew G. McGoldrick  
Matthew G. McGoldrick

SUBMITTED BY  
JH REAL ESTATE GROUP, LLC

William W. Ward  
William W. Ward

James Heffernan  
Its: Member

STATE OF CONNECTICUT )  
  )      ss: Stamford  
COUNTY OF FAIRFIELD )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of September 2017 by James Heffernan, Member of JH REAL ESTATE GROUP, LLC, on behalf of the JH Real Estate Group, LLC as his and its free act and deed before me.

William W. Ward  
Notary Public/Commissioner of Superior Court