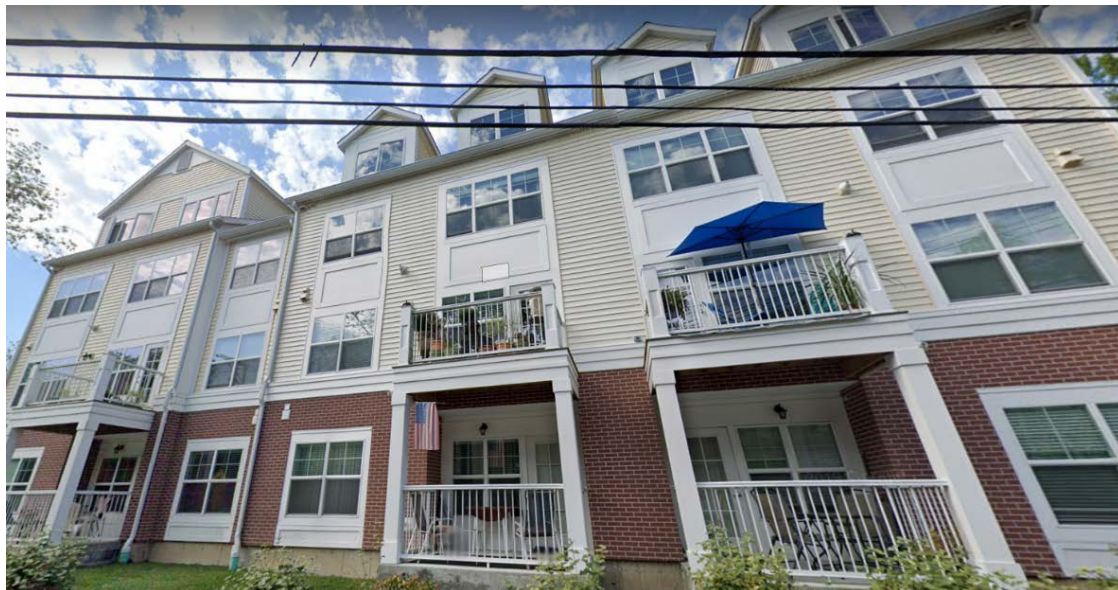


MILLPORT APARTMENTS

73 Units, 100% Affordable, 8-30g/ELIHC
Completed 2018



**DOCUMENTATION OF ELIGIBILITY FOR CERTIFICATE OF
AFFORDABLE HOUSING PROJECT COMPLETION**

- 1) PROJECT NAME:** Millport Apartments
- 2) PROJECT TYPE:** 73 Family Rentals under 8-30g, financing by ELIHC/CHFA
- 3) PROJECT ADDRESS:** 59, 61 Millport Avenue
New Canaan, CT 06840
- 4) PROPERTY OWNER AND ADDRESS:**
Housing Authority of New Canaan (HANC) (aka NCHA)
57 Millport Avenue
New Canaan, CT 06840
- 5) DEVELOPER/OWNER:**
Millport Phase I + Phase II Limited Partnership
57 Millport Avenue
New Canaan, CT 06840
- 6) PERSON OR ENTITY RESPONSIBLE FOR COMPLIANCE:**
Westmount Management
36 Park Place
Branford, CT 06405
- 7) PROJECT NARRATIVE AND DESCRIPTION:**

In 2015, the New Canaan Planning & Zoning Commission approved the tear-down of the 22 Millport Apartments, in six buildings that dated from the 1980s and construction of 73 new affordable dwelling units in four buildings. This property is owned by the Housing Authority of New Canaan (HANC) and includes an additional parcel at 33 Millport Avenue that contained a two-family house that was purchased by HANC and merged with the adjoining land. The Housing Authority of New Canaan was represented by Attorney Tim Hollister of Shipman & Goodwin LLP in its application to the Planning and Zoning Commission.

The construction took place in two phases. Phase I, completed in 2016, involved the construction of thirty-three units spread between two buildings at 33 and 35 Millport Avenue. There are 50 HUE Points created from this phase of the development that have not been claimed by the Town for a Moratorium. Due to the Town’s pending appeal following DOH’s decision to not accept said 50 points, this application only refers to Phase II which involves two buildings, 59 Millport Avenue and 61 Millport Avenue.

Each building respectively contains 20 units and were completed in 2018. In the approval and financing documents, the addresses of this development vary. The documents refer to 57 and 65 Millport as well as the addresses listed above. Due to numerous lot mergers required for this project, there have been address changes as the project reached completion. The two buildings are currently identified by the US Postal Service as 59 and 61.

The project was financed under the ELIHC program with CHFA, and the income restrictions follow §8-30g income limits. An affordability plan was approved as a part of the application to the Planning & Zoning Commission designating at least 15% of the units (11 units) restricted to 60% of State Median Income and the remaining 62 units restricted to 80% State Median Income for a term of 40 years. Currently, nearly 25% of the units at Millport are restricted to those making 60% of State Median Income or less, which is higher than what was originally required by the affordability plan. This affordability restriction on the rebuilt units utilizes State Median Income making them more restrictive than previously.

8) LIST OF ALL UNITS CONTRIBUTING TO HUE POINTS:

59 Millport Avenue	Building 3	20 units
61 Millport Avenue	Building 4	20 units

9) TABLE OF POINTS:

Type of Unit	# of Units	Housing Unit-Equivalency Point Value Per Unit	Total Housing Unit-Equivalency Points
Family units, rented, that are restricted to households with annual income no more than: <ul style="list-style-type: none"> • 80% of (State) median income <ul style="list-style-type: none"> • 1 and 2 BRs • 3 BRs • 40% of (State) median income <ul style="list-style-type: none"> • 1 and 2 BRs • 3 BRs 	29 4 5 2	1.5 1.75 2.5 2.75	67.5 14 28 9
TOTAL	40		68.5 HUE Points

10) LIST OF INCLUDED DOCUMENTATION OF AFFORDABILITY RESTRICTION:

Documents justifying the claim of 68.5 HUE points for the 40 family rental units in Buildings 3 and 4 (59 and 61 Millport Avenue) are listed in the table that follows and further explained in the bullet points below. Restrictions in documents filed in the New Canaan Planning & Zoning Department and Town of New Canaan Land Records ensure that rents for the Millport Avenue Apartments are established under “enforceable obligations” that are “binding at the time of application for at least the duration required by Section 8-30g at the time of the submission to the Commission.”

References to the establishment of affordable rents in the financing documents listed in the table refer to “Area Median Gross Income in the federal regulations, which is defined as “income determined by the Secretary of the Treasury in a manner consistent with determinations under Section 8 of the United States Housing Act of 1937, as amended” The Planning & Zoning Commission also approved an Affordability Plan as part of its approval, which states that “Under this Plan, 73 newly-constructed apartment homes will meet or exceed the criteria for affordable housing as defined in Connecticut General Statutes 8-30g(a).”

Note:

As noted in the 2017 Certificate of Housing Completion, 31 Millport Avenue, known as the Millport Apartments is a project that involved the demolition and re-development of affordable apartment buildings that were built in the 1980’s, creating 73 new units of housing which are located in four buildings. Six buildings containing a total of 22 units were torn down to make room for the four new buildings. The approval and construction of 73 new units at 33, 35, 57 and 63 Millport Avenue (the “Millport Apartments”) was referred to during the P&Z review/approval process as “Phase II” of the New Canaan Housing Authority (NCHA) Millport Avenue Developments. However, the financing document pertaining to the commencement of the “Phase II” portion of the property is referred to as “Phase I” for the purposes of construction of the buildings at 33 and 35 Millport Avenue (totaling 33 new units). The financing for the second phase at 59 and 61 Millport Avenue (40 new units) will be referred to as “Phase II.”

The documents listed in the table contain at least the following restrictions:

- The Ground Lease shows that the property has been leased to Millport Phase II Limited Partnership for a period of **90 years**
- The ELIHC (Extended Low-Income Housing Commitments) with the Connecticut Housing Finance Authority (CHFA) limits rents to “Qualified Persons” defined as “individuals and families who ... are of low income, having an annual income not exceeding sixty percent of area median gross income ... within the meaning of the [federal] Code ...”
- The Land Use Restriction Agreements (for bond financing from the HANC) refer to the 90-year period in the Ground Lease, and “Rental Term” and

“Term” mean the period commencing on the dates of the issuance of the Bonds. Rent rates are to be controlled showing the restrictions “for the first forty-two (42) years of the Rental Term,” referencing Gross Rent to Qualified Tenants of Moderate Income.

- The “Affordability Plan for Phase II/73 Apartment Homes” was submitted to the New Canaan Planning & Zoning Commission as part of the application for approval of the development, along with a proposed text amendment to the Zoning Regulations for the Millport Housing Zone and an application to amend the Zoning Map. The Site Plan for the development, the Regulation Amendment and the zoning map amendment were all adopted by the P&ZC on January 29, 2015.

Following the table are copies of each document.

Document	Description	Notes
Certificate of Occupancies & 8-30H Certification		
Zoning Approval	P&ZC adopted approvals for: - Zoning Text Amendment - Zoning Map Amendment - Site Plan Approval	Adopted 1/29/2015
Zoning Regulation	New Section 5.7 – “Millport Housing Zone”	Adopted 1/29/2015 Section 5.7.H references maximum monthly payments under 8-30g

<p>Affordability Plan</p>	<p>Dated January 2015</p>	<p>Page 2 references the income limits under 8-30g and the 40-year affordability period</p>
<p>Deed Restriction</p>	<p>Notice of Ground Lease -Vol 973 / Pgs 590 - 595</p>	<p>Lease term of 90 years</p>
<p>Financing/Assistance Agreement</p>	<p>Rental Assistance Demonstration (RAD) Use Agreement -Vol 973 / Pgs 623 – 650</p>	<p>Reference to “long-term, project-based Section 8 rental assistance.” Initial 20-year term</p>
<p>Financing/Assistance Agreement</p>	<p>ELIHC with CHFA -Vol 973 / Pgs 680-693</p>	<p>Pg 2 reference to “Qualified Persons” at 60% AMI Pg 4 reference to “Extended Use Period” for 40 years</p>
<p>Recorded Covenant</p>	<p>Land Use Restriction Agreement - Vol 973 / Pgs 694-716</p>	<p>Pg 8 Reference to “Rental Term” through 5/1/2054 and reference to 42-year Rental Term for Moderate Income Restriction</p>

<p>Recorded Covenant</p>	<p>Declaration of Land Use Restrictive Covenant -Vol 973 / Pgs 717-731</p>	<p>Pg 6 explicit income and rent restrictions for the 40 units</p>
<p>Deed Restriction</p>	<p>Open-End Leasehold Mortgage Deed - Vol 973 / Pgs 951 - 967</p>	<p>Pg 7 references the January 2015 Affordability Plan and the RAD</p>
<p>Low Income Housing Tax Credit (LIHTC) Compliance</p>	<p>Compliance Report by Spectrum dated 10/23/2023</p>	<p>No issues were found with compliance with income limitations</p>



CERTIFICATE OF USE AND OCCUPANCY

TAB 3

Town of New Canaan

77 Main Street, New Canaan CT 06840 PHONE 203 594-3012, FAX 203 594-3121

Address: 57 MILLPORT AVE
NEW CANAAN, CT 06840

Certificate of Occupancy Date: 02/14/2018

CO Number: BP-17-00129
M/B/L: N/80/644

THIS IS TO CERTIFY THAT THE BUILDING LOCATED AT 57 MILLPORT AVE IS COMPLETED IN ACCORDANCE WITH BUILDING PERMIT NUMBER AND WAS INSPECTED TO THE BEST OF OUR KNOWLEDGE AND DETERMINED TO SUBSTANTIALLY COMPLY WITH THE CONNECTICUT STATE BUILDING CODE.

Built under State Building Code
Use Group: Permit Issued:

Permit Project Description

BUILDING 3-FOUR-STORY RESIDENTIAL BUILDING WITH 20 RESIDENTIAL APARTMENT UNITS, 1 ELEVATOR, (34 BEDROOMS, 31 FULL BATHS), 24388 SQ FT."

A handwritten signature in black ink, appearing to be "D. V. ...", positioned above the title line.

CHIEF BUILDING OFFICIAL



CERTIFICATE OF USE AND OCCUPANCY

TAB 3

Town of New Canaan

77 Main Street, New Canaan CT 06840

PHONE 203 594-3012, FAX 203 594-3121

Address: 57 MILLPORT AVE
NEW CANAAN, CT 06840

Certificate of Occupancy Date: 03/28/2018

CO Number: BP-17-00130
M/B/L: N/80/644

THIS IS TO CERTIFY THAT THE BUILDING LOCATED AT 57 MILLPORT AVE IS COMPLETED IN ACCORDANCE WITH BUILDING PERMIT NUMBER AND WAS INSPECTED TO THE BEST OF OUR KNOWLEDGE AND DETERMINED TO SUBSTANTIALLY COMPLY WITH THE CONNECTICUT STATE BUILDING CODE.

Built under State Building Code
Use Group: Permit Issued:

Permit Project Description

BUILDING 4-FOUR-STORY RESIDENTIAL BUILDING WITH 20 RESIDENTIAL APARTMENT UNITS, 1 ELEVATOR, (34 BEDROOMS, 31 FULL BATHS), 24388 SQ FT."

CHIEF BUILDING OFFICIAL

**CERTIFICATION OF CERTIFICATES OF OCCUPANCY
New Canaan Application for
State Certificate of Affordable Housing Completion**

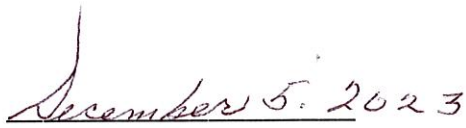

I hereby certify that valid Certificates of Occupancy have been issued and are currently in effect for the following residential developments which contain affordable housing units within the Town of New Canaan as per the dates indicated and as shown on the copies of the certificates attached.

	Date Issued
<u>57 (now 59) Millport Avenue (Building 3)</u> 20 affordable units	2/14/2018
<u>57 (now 61) Millport Avenue (Building 4)</u> 20 affordable units	3/28/2018

40 TOTAL AFFORDABLE UNITS

State of Connecticut
 County of Fairfield
 ss: New Canaan 
 Brian Platz, Chief Building Official

Personally appeared , signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed before me.

Dated:  
 Notary Public

COMPLIANCE CERTIFICATION AFFIDAVIT
Pursuant to Sec. 8-30h of the Connecticut General Statutes

Connecticut General Statutes. Sec. 8-30h. Annual certification of continuing compliance with affordability requirements. Noncompliance.

On and after January 1, 1996, the developer, owner or manager of an affordable housing development, developed pursuant to subparagraph (B) of subdivision (1) of subsection (a) of section 8-30g, that includes rental units shall provide annual certification to the commission that the development continues to be in compliance with the covenants and deed restrictions required under said section.

If the development does not comply with such covenants and deed restrictions, the developer, owner or manager shall rent the next available units to persons and families whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance.

The commission may inspect the income statements of the tenants of the restricted units upon which the developer, owner or manager bases the certification. Such tenant statements shall be confidential and shall not be deemed public records for the purposes of the Freedom of Information Act, as defined in section 1-200.

To: New Canaan Planning and Zoning Department 77 Main Street New Canaan, CT

From: Frederick Ross, Compliance Manager
Westmount Management, 36 Park Place, Branford, CT 06405

Development Name/Address: Millport Apartments Phase II - 59 & 61 Millport Avenue

I/We hereby certify that the forty (40) units in the 100% affordable "set-aside" development (see detailed information on the attached sheets), are restricted under an Affordability Plan filed in the office of the Planning & Zoning Department, that the units are restricted in compliance with that Plan for a period of 40 years from the date of the issuance of the Certificate of Occupancy for each of the units, and that, therefore, the development continues to be in compliance with the restrictions required under Connecticut General Statutes Section 8-30g.

I have ascertained to the best of my knowledge that the required income limits for tenants have been met. The occupant(s) have provided the appropriate supporting documentation from which I verified their income.

State of Connecticut ss New Canaan
County of Fairfield

[Signature]
Compliance Manager

Personally appeared Frederick Ross, signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed before me.

[Signature]
(Name)
Commissioner of the Superior Court
(or Notary Public)

Dated: 12/4/2023



My Commission Expires 2/29/24



TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET
NEW CANAAN, CT 06840

STEVE KLEPPIN
TOWN PLANNER
SR. ENFORCEMENT OFFICER

TEL: (203) 594-3044
FAX: (203) 594-3127
steven.kleppin@newcanaanct.gov

Certified Mail/Return Receipt: 7012 2920 0001 3978 9411

February 17, 2015

Timothy Hollister
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

RE: Resolutions & Approvals: Millport Phase II

Dear Mr. Hollister:

Attached please find the resolution language approving your text and map amendments for the "Millport Zone" and the accompanying Site Plan Application, which were approved at the Commission's January 27, 2015 meeting.

Section 8.2.A.5.a of the zoning regulations requires that a Mylar copy of the approved Site Plan be filed. I would recommend the map also include the consolidation of all the affected parcels into a single parcel, if possible at that time.

Should you have any questions please contact me.

Sincerely,

Steve Kleppin, AICP
Town Planner/Sr. Enforcement Officer

cc w/encl. C. Berman, NC Housing Authority
S. Hobbs, NC Housing Authority
D. McCarthy, Jonathon Rose Company

Town of New Canaan
Planning and Zoning Commission

Requests

1. Upon application of Timothy Hollister, Shipman & Goodwin LLP, Authorized Agent, for New Canaan Housing Authority, owner; such application made pursuant to Connecticut General Statutes Section 8-30g, for a text amendment to the Zoning Regulations, amended through April 14, 2014, to add section 5.7 to the regulations, "Millport Housing Zone" and to amend the Zoning Map dated January 7, 2010, rezoning 33 Millport Avenue (Map R Block 80 Lot 623), 35 Millport Avenue (Map R Block 80 Lot 630) from the B Residence Zone; and 41 Millport Avenue (Map R Block 80 Lot 645), 57 Millport Avenue (Map N Block 80 Lot 644) and 65 Millport Avenue (Map N Block 80 Lot 643) from the Multi-Family Zone to the Millport Housing Zone.

Resolution

WHEREAS, the applications were physically received by the Planning and Zoning Department on October 24, 2014.

WHEREAS, the Planning and Zoning Commission (Commission) opened a hearing on said application on November 18, 2014 and conducted subsequent hearings on December 16, 2014 and January 29, 2015.

WHEREAS, the Commission closed the hearing on the application on January 29, 2015.

WHEREAS, the Commission conducted and concluded deliberations on the closed application on January 29, 2015, at which time they made the following findings:

1. The Commission finds that the proposed regulation amendment is consistent with relevant goals contained within the Plan of Conservation and Development.
2. The Commission finds that the proposed text amendment will help the town in their goal of providing additional affordable housing in and around New Canaan's downtown.
3. The proposed Millport Regulation, which includes minimum acreage, existing multi-family use, recent additional parcel acquisitions by the applicant, and need to coordinate the addition of new multi-family units with existing units all justify the drafting and adoption of a zoning regulation that is specific to the Millport Avenue site.
4. The proposed regulation contains appropriate standards to control the new development, integrate it with existing site conditions, and ensure a level of quality that is consistent with the surrounding neighborhood and uses.

5. The proposed density is appropriate in light of the site already being used for multi-family residential purposes.
6. The regulation has been drafted in a site-specific way that does not constitute spot zoning, and does not subject other parcels of land in New Canaan to comparable level of development.

THEREFORE, BE IT RESOLVED, that upon a motion made by Ms. Grzelecki and seconded by Mr. Papp, the Commission voted to approve the proposed amendment to the zoning regulations with an effective date of February 15, 2015.

Town of New Canaan
Planning and Zoning Commission

Requests

1. Upon application of Timothy Hollister, Shipman & Goodwin LLP, Authorized Agent, for New Canaan Housing Authority, owner; such application made pursuant to Connecticut General Statutes Section 8-30g, for a text amendment to the Zoning Regulations, amended through April 14, 2014, to add section 5.7 to the regulations, "Millport Housing Zone" and to amend the Zoning Map dated January 7, 2010, rezoning 33 Millport Avenue (Map R Block 80 Lot 623), 35 Millport Avenue (Map R Block 80 Lot 630) from the B Residence Zone; and 41 Millport Avenue (Map R Block 80 Lot 645), 57 Millport Avenue (Map N Block 80 Lot 644) and 65 Millport Avenue (Map N Block 80 Lot 643) from the Multi-Family Zone to the Millport Housing Zone.

Resolution

WHEREAS, the applications were physically received by the Planning and Zoning Department on October 24, 2014.

WHEREAS, the Planning and Zoning Commission (Commission) opened a hearing on said application on November 18, 2014 and conducted subsequent hearings on December 16, 2014 and January 29, 2015.

WHEREAS, the Commission closed the hearing on the application on January 29, 2015.

WHEREAS, the Commission conducted and concluded deliberations on the closed application on January 29, 2015, at which time they made the following findings:

1. The Commission finds that the proposed map amendment is consistent with relevant goals contained within the Plan of Conservation and Development.
2. The Commission finds that the proposed map amendment will help the town in their goal of providing additional affordable housing in and around New Canaan's downtown.
3. Rezoning of 4.8 acres to Millport Zone is appropriate considering the site's location, abutting and neighboring uses, utilities, traffic access, elevations, and topography considering the type of development proposed in the Millport regulation.
4. The site's location near the center of New Canaan makes it an ideal location for expansion of the existing multi-family development.

THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Flinn and seconded by Ms. Grzelecki, the Commission voted to approve the proposed amendment to the zoning map with an effective date of February 15, 2015.

Town of New Canaan
Planning and Zoning Commission

Requests

1. Upon application of Timothy Hollister, Shipman & Goodwin LLP, Authorized Agent, for New Canaan Housing Authority, owner; such application made pursuant to Connecticut General Statutes Section 8-30g, for a Site Plan approval to construct 88 residential apartment homes in four new buildings and the demolition of six existing residential buildings for property located at 33 Millport Avenue (Map R Block 80 Lot 623), 35 Millport Avenue (Map R Block 80 Lot 630), 41 Millport Avenue (Map R Block 80 Lot 645) and 57 Millport Avenue (Map N Block 80 Lot 644).

Resolution

WHEREAS, the applications were physically received by the Planning and Zoning Department on October 24, 2014.

WHEREAS, the Planning and Zoning Commission (Commission) opened a hearing on said application on November 18, 2014 and conducted subsequent hearings on December 16, 2014 and January 29, 2015.

WHEREAS, the Commission closed the hearing on the application on January 29, 2015.

WHEREAS, the Commission conducted and concluded deliberations on the closed application on January 29, 2015, at which time they made the following findings:

1. The site's location near the center of New Canaan makes it an ideal location for expansion of the existing multi-family development.
2. The applicant has demonstrated that the proposed site plan complies with the standards contained within the proposed Millport Regulation.
3. The applicant has made several substantial revisions of the site plan, including density, parking, landscaping, and buffering of abutting uses, in response to comments from the Commission and the public.
4. The applicant has also made renovations to the building's architecture to address concerns of the Commission and the public which will result in a project that is in keeping with the high architectural standards of the town.
5. The site plan as proposed will increase New Canaan's multi-family residential housing stock at rents that will be accessible to moderate and own income households and will provide additional economic diversity.

THEREFORE, BE IT RESOLVED, that upon a motion made by Ms. DeLuca and seconded by Mr. Flinn, the Commission voted to approve the proposed Site Plan application with the following conditions.

1. Per Final Site Layout SE1, Alternate "C", Site Grading & Soil Erosion Control Plan SE2, Site Utility Plan SE3 and Construction Notes & Details DT1, 33, 35, 41, 57 & 65 Millport Avenue, Plan dated 1/21/15, prepared by McChord Engineering Associates, on-file with the Planning & Zoning Department.
2. Per Building 1, Typ. Floor Plans (A-101), Building 2, Typ. Floor Plans (A-102), Building 3, Typ. Floor Plans (A-103), Building 3, Typ. Floor Plans (A-104), Per Building 4, Typ. Floor Plans (A-105), Building 4, Typ. Floor Plans (A-106), Building 1, Elevations (A-201), Building 1, Elevations (A-201), Building 2, Elevations (A-202), Building 3, Elevations (A-203), Building 4, Elevations (A-204), Typ. Bldg. 1 Section (A-301), Typ. Bldg. Section, Bldg. 2, 3 & 4 (A-302), dated 1/24/15, prepared by Doh. Chung & Partners, on-file with the Planning & Zoning Department.
3. Per Clubhouse Plans & Elevations, A-107, dated 10/24/15, prepared by Doh. Chung & Partners, on-file with the Planning & Zoning Department.
4. Per Building Typ. 1 Bedroom & Loft Floor Plans (A-501), Typ. 2 Bedroom & Loft Floor Plans (A-502) and Patio Unit Floor Plans (A-503), prepared by Doh. Chung & Partners, on-file with the Planning & Zoning Department.
5. Per Landscape Site Plan, SPL-1.0, Trash Enclosure Planting, SKL-1.0 and Lighting Plan, dated 1/27/15, prepared by Eric Rains Landscape Architect, on-file with the Planning & Zoning Department.

Section 5.5

SECTION 5.5. FLOODPLAIN OVERLAY ZONE**A. Purpose**

The Floodplain Overlay Zone is intended to provide reasonable notice regarding property that may be subject to the effects of flooding.

B. Standards

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone provided that they comply with the requirements of the Town Code relating to floodplains and any requirements of the Environmental Commission, acting as the administrator of the floodplain standards.

SECTION 5.6. AQUIFER PROTECTION OVERLAY ZONE**A. Purpose**

The purpose of the Aquifer Protection Zone is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

B. Standards

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code relating to aquifer protection and any requirements of the Environmental Commission, acting as the administrator of the aquifer protection standards.

SECTION 5.7. MILLPORT HOUSING ZONE ←**A. Purpose**

The Millport Housing Zone is intended to increase economic diversity of housing types in New Canaan by allowing a small, well-designed and landscaped multi-family development.

B. Properties Eligible for Rezoning to Millport Housing Zone

To be eligible for rezoning to Millport Housing Zone, a parcel or parcels to be merged must total at least four (4.0) acres and have no less than 300 feet of frontage on Millport Avenue.

C. Uses Permitted by Site Plan Approval

Multi-family residential dwellings with a maximum of forty (40) units per building, with a total density of not more than thirty (30) units per gross acre.

Section 5.7

- Special Zones
5. Exterior lighting shall:
 - a. be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;
 - b. not be directed into any abutting properties; and
 - c. comply with Section 6.11.
 6. Sidewalks shall:
 - a. have a minimum width of four (4) feet;
 - b. be concrete, brick, or other surface acceptable to the Commission; and
 - c. be provided between dwelling units and parking areas, streets, and driveways.
 7. Retaining walls shall:
 - a. have a maximum height of fifteen (15) feet;
 - b. when tiered, be separated by at least four (4) feet;
 - c. be no closer to a side property line than five (5) feet;
 - d. have a surface treatment / appearance that is suitable to a residential development; and shall be screened from abutting property by planting or landscaping.
 8. Stormwater Management: In addition to compliance with Section 6.4.J of these Regulations, applicant shall use Low Impact Design practices and techniques to the maximum extent possible, including the use of a "green roof" to collect and renovate stormwater.
 9. Grading, Excavation, Soil Disturbance.
 - a. Excavating, grading, or soil disturbance, including removal of trees and vegetative ground cover, shall occur only as specifically approved by the Commission as part of site plan approval, and shall be granted only as essential to the construction or alteration of residential and accessory buildings, and installation of driveways, utilities, or amenities.
 - b. The applicant shall provide the Commission, in connection with its site plan application, a calculation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut / fill calculation.
 - c. The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import / export.
 - d. The applicant shall comply with the provision of Section 6.4.H and 6.4.I of these Regulations.

G. Standards and Regulations for Household Income and Sale / Resale Price Limitations

A development in a Millport Housing Zone shall be either a "set aside development" or "assisted housing" in compliance with General Statutes § 8-30g.

H. Affordable Apartment Home Requirements

The purpose of the Millport Housing Zone is to facilitate a residential community containing household income / price-restricted dwellings that comply with § 8-30g of the General Statutes. The following requirements shall apply:

1. Affordable apartment homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes (if any) within the community. The Affordability Plan shall identify the locations within the community of the affordable apartment homes.
2. Calculation of the maximum monthly payment for affordable apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.
3. The maximum monthly payment that the owner of an affordable apartment home shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g.
4. An affordable apartment home shall be occupied only as a principal residence. Sub-leasing of affordable apartment homes shall be prohibited.
5. Notice of availability of the apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of New Canaan, by providing notice to the New Canaan Town Council, the New Canaan Town Clerk, and the New Canaan Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Affordability Plan.
6. Each lease for an affordable apartment home will contain substantially the following provision:

"This apartment home is an affordable housing unit and is therefore subject to a limitation at the date of leasing and occupancy on the maximum annual income of the household that may occupy the apartment home, and is subject to a limitation on the maximum monthly rent. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of New Canaan."
7. The forty (40) year affordability period shall be calculated separately for each affordable apartment home in a Millport Housing Zone, and the period shall begin on the date, as stated in the lease, of occupancy of the affordable apartment home.

Section 5.7

8. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the New Canaan Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

I. Conflicts

Where any provision of this Section conflicts with any other provisions of the New Canaan Zoning Regulations, the provisions of this Section shall govern.

J. Submission Requirements

1. As applicant seeking approval of a site plan for a Millport Housing Zone development shall submit all information required by Section 8.2 of these Regulations.
2. The applicant shall also submit an Affordability Plan explaining how household income and rental price limits will be calculated and administered, and how the development will comply with General Statutes § 8-30g.

MILLPORT AVENUE

MILLPORT AVENUE
NEW CANAAN, CONNECTICUT

Affordability Plan for Phase II/
73 Apartment Homes

Revised Submission Draft
January 2015

Submitted by New Canaan Housing Authority
to the New Canaan Planning and Zoning Commission

PREPARED BY:

Charles Berman
cberman54@gmail.com
New Canaan Housing Authority
199 Elm Street
New Canaan, CT 06840
PHONE: (203) 966-2408

Timothy S. Hollister
thollister@goodwin.com
Shipman & Goodwin LLP
One Constitution Plaza
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INTRODUCTION

New Canaan Housing Authority ("NCHA") submits this Affordability Plan for Phase II, Millport Avenue, in conjunction with its applications to the Town of New Canaan for approval of a regulation amendment, rezoning, and site plan approval for "Millport Avenue," a residential community located at 33, 35, 41, 57 and 65 Millport Avenue in New Canaan, Connecticut.

Under this Plan, 73 newly-constructed apartment homes will meet or exceed the criteria for affordable housing as defined in Connecticut General Statutes ("C.G.S.") § 8-30g(a). This Affordability Plan for Phase II satisfies the requirements of § 8-30g and describes how affordability restrictions required by C.G.S. § 8-30g will be administered. The Millport Avenue development, when completed in compliance with the land use approvals requested, will consist of Phase I, 40 apartment homes in nine buildings; and Phase II, 73 apartment homes in four buildings. Phase I is already governed by an existing Affordability Plan, which will continue.

This application complies with C.G.S. § 8-30g as amended by Public Act 00-206, as well as the federal and state Fair Housing Acts.

The Town of New Canaan, acting by its Planning and Zoning Commission, shall be a party to this Affordability Plan ("Plan"). As such, the Town of New Canaan shall have the right to monitor said Plan and to enforce the terms and conditions of this Plan.

DEFINITIONS

"**Community**" or "**Millport Avenue**" – means Millport Avenue, a residential rental development, approved by the New Canaan Planning and Zoning Commission, whose boundary is described in Schedule A.

"**Affordable Apartment Home**" – means an apartment home within the Millport Avenue development that is subject to long-term restrictions as set forth in this Plan.

"**Developer**" – means New Canaan Housing Authority, or its successors and assigns.

AFFORDABILITY PLAN FOR MILLPORT AVENUE

I. Homes Designated as Affordable Apartment Homes.

Within Phase II of Millport Avenue, at least fifteen percent (15%) of the 73 apartment homes (11 apartment homes) will be rented to a household or family whose annual income is equal to or less than sixty percent (60%) of the median income as defined in § 8-30g-1(10) of the Regulations of Connecticut State Agencies. All other apartment homes will be rented to a household or family whose annual income is equal to or less than eighty percent (80%) of the median income as defined in § 8-30g-1(10) of the Regulations of Connecticut State Agencies. Because Phase II of Millport Avenue may be financed through the federal Low Income Housing Tax Credit ("LIHTC") program, the applicant reserves the right, subject to the Planning and Zoning Commission's approval, to conduct leasing at lower / more § 8-30g compliant levels.

II. Forty Year Period.

The Affordable Apartment Homes shall comply with this Plan for a minimum of forty (40) years. The forty (40) year affordability period shall be calculated separately for each Affordable Apartment Home, which calculation shall begin on the first day of occupancy as provided for in the lease for that Apartment Home. The NCHA reserves the right to extend this Affordability Plan without further approvals.

III. Nature Of Construction Of Affordable Apartment Homes.

Within Millport Avenue, Affordable Apartment Homes shall be no less than the square footage set forth in the approved site plan, as on file with the New Canaan Town Planning and Zoning Commission, and shall be, at a minimum, constructed in conformance with the specifications referenced in Schedule B of this Plan.

IV. Entity Responsible For Administration And Compliance.

This Affordability Plan will be administered by the Applicant, the NCHA, or its designees, successors and assigns ("Administrator"). The NCHA represents that its staff has the experience necessary to administer this Plan. The Administrator shall submit a written status report to the New Canaan Planning and Zoning Commission on compliance with this Affordability Plan annually on or before January 31 as per C.G.S. § 8-30h of the following year. The role of Administrator may be transferred or assigned to another entity, provided that such entity has the experience and qualifications to administer this Plan. In the event of any assignment of the role of Administrator, the NCHA as the case may be, or its successors will provide prior written notice to the New Canaan Town Planning and Zoning Commission. The Administrator shall not allow to be recorded on the land records or otherwise imposed on an approved site plan any private restriction or covenant that will or may conflict with any

obligation or procedure stated in this Plan. Such administration shall expressly include but not be limited to oversight and reporting to ensure ongoing compliance with the maximum rental and maximum rental price stated in Section X of this Plan.

V. Notice Of Initial Rental Of Affordable Apartment Homes.

Except as provided in Section IX, the Administrator shall provide notice of the initial availability for rental of each Affordable Apartment Home. Such notice shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in the Town of New Canaan ("Town"). The Administrator shall also provide such notice to the Town of New Canaan Housing Authority. Such notice shall include a description of the available Affordable Apartment Home(s), the eligibility criteria for potential tenants / purchasers, the maximum rent (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

VI. Affirmative Fair Housing Marketing Plan.

The rental of Affordable Apartment Homes in Millport Avenue shall be publicized, utilizing all applicable State and Federal regulations for affirmative fair housing marketing programs as guidelines. The Administrator shall also comply with the affirmative fair marketing requirements of the CHFA and the State of Connecticut Department of Housing.

VII. Application Process.

A family or household seeking to rent one of the Affordable Apartment Homes ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with all applicable State and Federal regulations for affirmative fair housing marketing programs. The Administrator shall also assure that the application form and process comply with the applicable affirmative fair marketing requirements.

A. *Application Form.*

The application form shall be provided by the Administrator 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 Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. The Applicant's income need not be re-verified after the time of initial purchase / rental. In determining what is and is not to be

included in the definition of family annual income, the Administrator shall use the criteria set forth by HUD and listed on Schedule D, attached.

B. *Applicant Interview.*

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator 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 applicant. The term "family" shall be as defined by the Zoning Regulations of the Town of New Canaan.
4. Request 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 certified decision as to eligibility cannot be made until all items on the application have been verified.

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 Administrator shall issue a pre-certification letter. The letter shall indicate to the Applicant and the Administrator 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 E attached hereto, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation, as the Administrator deems necessary.

VIII. Prioritization Of Applicants For Initial Rental.

First priority for the initial (but not subsequent) rental of the 73 new Phase II apartment homes at Millport Avenue shall be afforded to employees of the Town of New Canaan. "Employee of the Town" shall mean a full-time employee of the Town or of the New Canaan Board of Education.

IX. Maximum Rental Price.

Calculation of the maximum rental price ("Maximum Rental Price") for an Affordable Apartment Home, so as to satisfy C.G.S. § 8-30g, shall utilize the lesser of the area median income data for the Town or the statewide median income as published by HUD as in effect on the day a lease is signed by the lessee of the Mixed Income Unit ("Resident"). The Maximum Rent shall be calculated as follows:

ONE BEDROOM AFFORDABLE APARTMENT HOME FOR FAMILY EARNING LESS THAN 60 PERCENT OF STATEWIDE MEDIAN INCOME	SAMPLE COMPUTATIONS BASED ON FY 2014 DATA
1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$64,800
3. Calculate 60 percent of Item 2	\$38,880
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$11,664
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$972
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk, CT HMFA	\$1,249
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$972
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$125
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$847

**ONE BEDROOM AFFORDABLE APARTMENT HOME
FOR FAMILY EARNING LESS THAN 80 PERCENT
OF STATEWIDE MEDIAN INCOME**

**SAMPLE
COMPUTATIONS BASED
ON FY 2014 DATA**

1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$64,800
3. Calculate 80 percent of Item 2	\$51,840
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$15,552
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,296
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk HMFA (\$1,249) times 120 percent	\$1,499
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,296
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$125
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,171

**TWO BEDROOM AFFORDABLE APARTMENT HOME
FOR FAMILY EARNING LESS THAN 60 PERCENT
OF STATEWIDE MEDIAN INCOME**

**SAMPLE
COMPUTATIONS BASED
ON FY 2014 DATA**

1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 3 persons by calculating 90 percent of Item 1	\$77,760
3. Calculate 60 percent of Item 2	\$46,656
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$13,997
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,166
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk, CT HMFA	\$1,551
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,166
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$150
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,016

**TWO BEDROOM AFFORDABLE APARTMENT HOME
FOR FAMILY EARNING LESS THAN 80 PERCENT
OF STATEWIDE MEDIAN INCOME**

**SAMPLE
COMPUTATIONS BASED
ON FY 2014 DATA**

1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 3 persons by calculating 90 percent of Item 1	\$77,760
3. Calculate 80 percent of Item 2	\$62,208
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$18,662
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,555
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk HMFA (\$1,551) times 120 percent	\$1,861
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,555
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$150
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,405

**THREE BEDROOM AFFORDABLE APARTMENT
HOME FOR FAMILY EARNING LESS THAN
60 PERCENT OF STATEWIDE MEDIAN INCOME**

**SAMPLE
COMPUTATIONS BASED
ON FY 2014 DATA**

1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1	\$89,856
3. Calculate 60 percent of Item 2	\$53,914
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$16,174
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,348
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk, CT HMFA	\$1,932
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,348
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$160
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,188

**THREE BEDROOM AFFORDABLE APARTMENT
HOME FOR FAMILY EARNING LESS THAN
80 PERCENT OF STATEWIDE MEDIAN INCOME**

**SAMPLE
COMPUTATIONS BASED
ON FY 2014 DATA**

1. Determine lower of relevant year (2014) area median income for Stamford-Norwalk, CT HMFA (\$125,100) or statewide median income (\$86,400), adjusted for family size (family of 4), as published by HUD	\$86,400
2. Determine adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1	\$89,856
3. Calculate 80 percent of Item 2	\$71,885
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$21,565
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,797
6. Compare HUD 2014 Fair Market Rents for Stamford-Norwalk, CT HMFA (\$1,932) times 120 percent	\$2,318
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,797
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$160
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,637

X. Principal Residence.

Affordable Apartment Homes shall be occupied only as a tenant's principal residence. Sub-leasing by the tenant shall be prohibited.

XI. Requirement To Maintain Condition.

Applicant is responsible to ensure that all tenants maintain their Apartment Homes. No tenant shall destroy, damage or impair any apartment home, allow any apartment home to deteriorate, or commit waste. When an Affordable Apartment Home is offered again for rental, the Administrator shall cause the Affordable Apartment Home to be inspected.

XII. Change Of Income Or Qualifying Status Of Tenant Of Rental Unit.

If the Administrator becomes aware, at the time of annual income certification or earlier, that an Affordable Apartment Home within 33, 35, 41, 57, and/or 65 Millport Avenue is rented to a tenant whose income exceeds the applicable qualifying maximum, or if the tenant otherwise becomes disqualified, such tenant will continue to be treated as an Affordable Apartment Home tenant. If, however, the tenant's income increases above one hundred and forty percent (140%) of the maximum allowable income, the tenant will be required to vacate the premises at the end of the lease.

XIII. Enforcement.

A violation of this Affordability Plan shall not result in a forfeiture of title, but the New Canaan Town Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, 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 Administrator to determine compliance of Affordable Apartment Homes with the affordable housing requirements.

**SCHEDULE A
PROPERTY DESCRIPTION**

All that certain piece or parcel of land together with the buildings and improvements thereon, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, and shown on a map or plan entitled, "ZONING LOCATION & TOPOGRAPHIC SURVEY 33, 35, 41, 57 & 65 MILLPORT AVENUE AND A PORTION OF 173 EAST AVENUE PREPARED FOR NEW CANAAN HOUSING AUTHORITY NEW CANAAN, CONNECTICUT SCALE 1" = 20 FT. JANUARY 22, 2013", prepared by William W. Seymour & Associates, P.C. Land Surveyors Zoning & Land Use Consultants 170 Noroton Avenue 203-655-3331 Darien, Conn. Said premises are described as follows:

Beginning at a point on the westerly side of Millport Avenue, said point being the most southeasterly corner of the herein described parcel;

Thence running S 01° 56' 30" W a distance of 38.04 feet.
 Thence running S 20° 47' 30" W a distance of 39.35 feet to a point;
 Thence running S 45° 52' 30" W a distance of 50.22 feet to a point;
 Thence running S 53° 23' 00" W a distance of 13.83 feet to a point;
 Thence continuing S 53° 23' 00" W a distance of 43.21 feet to a point;
 Thence running S 60° 44' 40" W a distance of 87.17 feet to a point;
 Thence running S 62° 40' 20" W a distance of 43.85 feet to a point;
 Thence running S 78° 17' 30" W a distance of 181.09 feet to a point;
 Thence running S 64° 38' 30" W a distance of 60.10 feet to a point;
 Thence running S 58° 58' 00" W a distance of 76.13 feet to a point;
 Thence running S 64° 15' 20" W a distance of 62.38 feet to a point;
 The last eleven courses being along Millport Avenue.

Thence running along a curve to the right with a delta of 64° 53' 18" a radius of 35.00 feet and a distance of 39.64 feet along the intersection of Lakeview Avenue and Millport Avenue.

Thence running along a curve to the left with a delta of 00° 51' 47" a radius of 1,462.00 feet and a distance of 22.02 feet; Thence running S 51° 43' 09" E a distance of 30.58 feet to a point; the last two courses being along Lakeview Avenue.

Thence turning and running N 48° 09' 40" E a distance of 195.38 feet along land shown as N/F BRUCE J. MAJOR TAX LOT 648 74 Lakeview Avenue and N/F LAWRENCE P. CZASONIS TAX LOT 624 78 Lakeview Avenue, in part by each.

Thence turning and running N 41° 50' 20" W a distance of 116.44 feet along land shown as N/F BRUCE J. MAJOR TAX LOT 648 74 Lakeview Avenue.

Thence turning and running N 45° 42' 50" E a distance of 85.81 feet to a point;
Thence running N 46° 03' 30" E a distance of 202.43 feet to a point;
Thence turning and running N 46° 33' 30" W a distance of 127.44 feet to a point;
The last three courses being along land shown as N/F GRAY STONE CONDOMINIUMS TAX
LOT 647 52-70 Lakeview Avenue.

Thence turning and running N 44° 16' 00" E a distance of 66.35 feet to a point;
Thence running N 42° 59' 00" E a distance of 115.70 feet to a point;
The last two courses being along land shown as N/F ESSEX RIDGE CONDOMINIUM TAX
LOT 642 164-176 Summer Street.

Thence turning and running S 47° 24' 00" E a distance of 86.85 feet to a point;
Thence running S 49° 20' 00" E a distance of 55.50 feet to a point;
Thence running S 56° 38' 00" E a distance of 13.25 feet to a point;
The last three courses being along land shown as N/F OLD FORGE GREEN CONDOMINIUM
TAX LOT 621 141-161 EAST AVENUE.

Thence turning and running S 36° 28' 00" W a distance of 46.84 feet to a point;
Thence turning and running S 45° 58' 50" E a distance of 193.54 feet to a point;
Thence turning and running N 62° 37' 30" E a distance of 5.07 feet to a point;
Thence turning and running S 57° 58' 00" E a distance of 24.93 feet to a point;
Thence running S 50° 38' 00" E a distance of 5.19 feet to a point;
Thence running S 57° 04' 20" E a distance of 92.74 feet to the point and place of beginning. The
last six courses being along land shown as 57, 35 and 33 Millport Avenue, in part by each and a
portion of 173 East Avenue.

SCHEDULE B ARCHITECTURAL NARRATIVE

The style of the buildings is a traditional New England Colonial style. The structure is a four-story wood-frame building which has a gable roof with dormers. There are a certain indentations on the facade of the buildings with subtle surface color variations to break up the building masses and to help to bring down the scale of the buildings. Exterior finishes are a combination of brick on the ground floor with horizontal sidings above with trim boards. Roof is an Asphalt shingle with either weathered wood or slate look finishes.

The first and second floor units are one or two bedroom units, and the third floor units are duplex units with a lofted bedroom above. The living rooms on the first floor have porches with overhangs which become balconies for the second floor living rooms as added amenities.

SCHEDULE C
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 or grant 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, except combat pay as in 2.h, below;
 - 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 (including foster children);
 - b. Payments received for the care of foster children or foster adults;
 - c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
 - d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses 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. Income of a live-in aide, as defined in 24 C.F.R. § 5.403;
 - h. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 - i. Food stamps;
 - j. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).
 - k. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 - l. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 - m. Adoption assistance payments in excess of \$480 per adopted child;
 - n. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
 - o. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

- p. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
- q. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.

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 D
DOCUMENTATION OF INCOME**

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

Verification forms 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 forms 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 forms 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 Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator 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 Administrator 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 an 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 Administrator 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.