

ZONING COMMISSION CASE NO. 06-34

**COMSTOCK EAST CAPITOL, L.L.C.
Planned Unit Development**

Affordable Housing Commitment Standards

Development Standards

- Total Square Footage:** Applicant shall commit to reserve not less than 9,008 gross square feet of the total marketable residential square footage for units affordable to households within the Target Income Range.
- Unit Types:** The mixture of affordable unit types shall be comparable to the mixture market rate unit types. The proportion of affordable studios and 1-bedrooms may not exceed the proportional mix of market rate studios and 1-bedrooms.
- The Applicant currently plans the following mixture of unit types within the building: 5 two-bedrooms, 4 one-bedrooms, 2 studios.
- Unit Sizes:** Internal square footage of affordable units should be comparable to market rate units.
- Unit Distribution:** Affordable units shall be reasonably distributed vertically and horizontally throughout the building except for the top floor. Affordable units shall not constitute a majority of units on any floor, building or phase of the project. Nor shall any floor, building or phase of the development contain 100% of the affordable units.
- The Applicant currently plans a distribution within the building as follows:
Third Floor - 2 Units (1 two-bedroom, 1 studio);
Second Floor - 2 Units (1 two-bedroom, 1 one-bedroom);
First Floor - 3 Units (2 two-bedrooms, 1 one-bedroom);
Cellar Level - 4 Units (1 two-bedroom, 2 one-bedrooms, 1 studio)
- Construction:** External design and materials of affordable units shall be indistinguishable from market rate units. Internally, appliances and finishes shall be comparable, but may be of different quality.

Household Standards

Target Income Range: Eligible households are defined as those households that meet the following criteria:

Having household income not exceeding 80% of the then-applicable Area Median Income for the Washington, D.C. Metropolitan Statistical Area and adjusted for family size (see below for summary of current income limits); Purchasing or renting their primary residence; Have no ownership interest in any other housing within the past three years; Commit to continuous occupancy per the lease terms or deed covenants; Qualify for any necessary mortgage financing and down payment, and Have an income eligibility certification letter per the requirements of Chapter 26 of the Zoning Regulations.

Initial Housing Cost: Shall be determined based on the following assumptions, as may be adjusted by future income limits.

- Monthly housing payment shall equal to 30% of the Income Limits by family size and unit type.

Unit Type	Household Size	2007 Income Limit
Studio/Efficiency	1 Person Household	\$50,560
1-Bedroom	2 Person Household	\$57,800
2-Bedroom	3 Person Household	\$65,000
3-Bedroom	5 Person Household	\$79,460

- Purchase assumptions include:
 - 5% Down payment;
 - Monthly housing payment includes principal, interest, taxes, insurance and condo or home association fees
 - 30 year term;
 - Current national average interest rate determined by FreddieMac weekly survey of mortgage (see www.freddiemac.com)
- Rental assumptions include:
 - Housing payment includes rent and a utility allowance.

Final Housing Cost: Shall be determined 60 days prior to marketing of the affordable units using current information for the same assumptions above.

Occupant Selection: Applicant shall hold a lottery of all qualified families to be selected as the Initial Unit Purchasers. Applicant will provide

notice of the lottery through advertisements in local newspapers and other vehicles reasonable to ensure broad exposure to potentially eligible purchasers. The Department of Housing and Community Development will also advise existing applicants to its home purchase assistance programs of this affordable housing opportunity. The Initial Unit Purchasers and the Initial Unit Price shall be determined six months prior to the projected completion of the Affordable Units.

Affordability Control Period:

The affordability control period shall be for a time period of twenty years from the issuance of the first Certificate of Occupancy for the residential unit.

Resale Restrictions:

Resale During Control Period - The Affordable Units will be restricted (through a deed restriction, covenant and/or other legal means) in their resale for a period of 20 years to: (1) income-eligible homebuyers, a list of whom may be obtained from the Department of Housing and Community Development's applicant pool for home purchase assistance programs; (2) a maximum Purchase Price equal to the Initial Unit Price plus the cumulative change in the consumer price index and the cost of permanent improvements to the Unit; and (3) Sale within a given 20 year affordability restriction period shall create a new 20 year affordability restriction period.

Resale After Control Period - Upon the expiration of the 20-year restricted selling period, the then current Owner of the Unit may sell the Unit without restriction but the sales proceeds shall be allocated as follows:

First, to the-seller in the amount of the original sales price plus the cumulative change in the consumer price index, the cost of permanent improvements to the Unit, the closing costs paid by the seller at closing and a reasonable sales commission.

The remainder shall be split equally between the seller and a District of Columbia government fund dedicated to the provision of affordable housing.

Enforcement:

The District government shall retain all rights to enforce the provisions of the affordability covenants, according to the provisions of this document or such enforcement mechanisms as the District government may deem appropriate. The

District government shall have the right to recapture any enforcement costs.

Procedural Changes:

The substance of any of the above clauses that are included in deed restriction terms may not be modified without consent of both the unit owner(s) and the District government. Administrative, monitoring and enforcement mechanisms not included in deed restrictions may be modified at the sole discretion of the District government.