*[TO BE PRINTED ON OWNER’S LETTERHEAD]*

Owner's Agreement to Prioritize Units for the Department of Mental Health /

Department of Developmental Services/ MassAbility/ Executive Office of Elder Affairs and to Create Accessible Units

\_\_\_\_\_\_\_\_, 2024

Chrystal Kornegay, Chief Executive Officer

Massachusetts Housing Finance Agency

One Beacon Street

Boston, Massachusetts 02108

RE: Development:

MassHousing No.

Dear Ms. Kornegay:

It is our understanding that the Massachusetts Housing Finance Agency (“MassHousing”) has adopted a policy relating to housing persons with disabilities and elders. As a condition to financing relating to the above-referenced development, MassHousing has required that we comply with this policy and that we also comply with all other applicable accessibility requirements. In this regard, we commit ourselves as follows:

1. 3% Priority Program *[not applicable to assisted living, group homes, Options for Independence or Elder CHOICE developments, or developments with 16 or fewer affordable units up to 80% AMI]*

We will provide an occupancy priority in 3% of all subsidized units, pro-rated among low-income and moderate units as applicable for residents referred by the Department of Mental Health (DMH), the Department of Developmental Services (DDS), MassAbility (formerly the Massachusetts Rehabilitation Commission) and/or the Executive Office of Elder Affairs (EOEA) (each an “EOHHS Referring Agency”) according to the Memorandum of Understanding Relating to 3% Priority Units among MassHousing, the Massachusetts Development Finance Agency, the Massachusetts Housing Partnership Fund Board, and the Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development, as succeeded by the Executive Office of Housing and Livable Communities (“EOHLC”) and the EOHHS Referring Agencies (the “3% Priority MOU”). Units subsidized by the Community-Based Housing (CBH) or Facilities Consolidation Fund (FCF) programs or other similar programs or units already serving clients of an EOHHS Referring Agency will be counted towards the requirement for 3% Priority Units. 3% Priority Units may also count towards the number of units EOHLC requires to be restricted to Extremely Low Income Households under EOHLC’s Qualified Allocation Plan, if applicable. All EOHHS Referring Agency referrals must pass the usual management screening and comply with any eligibility requirements under the Tenant Selection Plan approved for the development by MassHousing. In return, each of the EOHHS Referring Agencies have agreed to offer any services necessary to maintain acceptable tenancies and to offer alternative housing should such tenancy fail. (See 3% Priority MOU for details.) If an EOHHS Referring Agency does not make a referral for a particular 3% Priority Unit vacancy in a timely manner in accordance with the 3% Priority Operations Manual, we may fill that vacancy by renting to an otherwise qualified household in accordance with the Tenant Selection Plan after notifying MassHousing. Additionally, should MassHousing determine that a particular EOHHS Referring Agency has failed to meet its obligations under the terms of the 3% Priority MOU, MassHousing may suspend or terminate our agreement to accept referrals from that EOHHS Referring Agency for the development in question, but our obligation to provide an occupancy priority for residents referred by the other EOHHS Referring Agencies shall remain in place.

2. Accessible Units *[check applicable provision(s)]*

[ ] ***The development receives no federal financial assistance other than tax credits or tenant-based vouchers.***We have or will modify at least one (1) unitto meet the accessible unit standards of the Americans with Disabilities Act (“ADA”) and the Massachusetts Architectural Access Board (“AAB”).

[ ]***The development receives federal financial assistance other than tax credits or tenant-based vouchers****.* We have or will modify at least one (1) unit and have or will modify and/or set aside funds to modify up to 5% of the units, according to the limits of the law, to meet the accessible unit standards for persons with mobility impairments of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the ADA and the AAB.

[ ] ***The development was originally funded through the Section 202 Direct Loan Program for Housing for the Elderly or Persons with Disabilities (as in effect prior to the effective date of the National Affordable Housing Act of 1990) or the Section 811 Program of Supportive Housing for Persons with Disabilities***. In addition, we have or will modify (to meet the accessible unit standards set forth above) such greater percentage of units above 5%, according to the limits of the law, as may be required by the United States Department of Housing and Urban Development in implementing Section 504 and the Fair Housing Act of 1988, as amended from time to time.

[ ] ***The development was originally funded through the Section 202 Direct Loan Program for Housing for the Elderly or Persons with Disabilities (as in effect prior to the effective date of the National Affordable Housing Act of 1990)*** Under the original tenant selection plan in effect at the time of the original development and continuously thereafter, we have admitted persons with mobility impairments, regardless of age, to units within the development with accessibility features, such units constituting \_\_\_ % of the units within the development, and we intend to continue to admit such persons to such units.

[ ] ***The development involves (i) new construction or (ii) substantial renovation or alteration (as defined in applicable law) of an existing facility***. In addition, we have or will modify up to an additional 2% of the units (at least one [1] unit), according to the limits of the law, to meet the accessible unit standards for persons with hearing or vision impairments of Section 504, the ADA and the AAB.

As used herein, the phrase “according to the limits of the law” shall mean “to the maximum extent feasible” under Section 504 and ADA regulations, as amended from time to time.

3. Disability Fair Housing Compliance

We will comply with all applicable federal and state disabilities fair housing laws, including Section 504, the ADA, the Fair Housing Amendments Act of 1988, M.G.L. c. 151B, M.G.L. c. 93, Section 103, Massachusetts Executive Order 246, the rules and regulations of the AAB and any other or subsequent applicable laws and regulations. We further understand that in compliance with the above laws and regulations, we have obligations to house any eligible applicant who meets screening requirements without regard to disability.

This agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes, shall be binding on the undersigned and shall have the same force and effect, for all purposes, as an original signature. Without limitation, in addition to electronically produced signatures, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

We understand that MassHousing will rely on these commitments in closing the above-referenced financing transaction.

Sincerely,

OWNER: