

**Owner's Agreement to Set Aside Units for
the Department of Mental Health/Department of Mental Retardation and to Create
Accessible Units**

Revised April 2006

June 1, 2007

Mr. Thomas R. Gleason
Executive Director
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: Waterford Place Apartments
MassHousing No. _____

Dear Mr. Gleason:

It is our understanding that the Massachusetts Housing Finance Agency ("MassHousing") has adopted a policy relating to housing the physically and mentally handicapped. As a condition to the above-referenced financing, 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. DMH/DMR Set-Aside [*not applicable to Options for Independence or Elder CHOICE developments*]

We will set aside 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) and/or the Department of Mental Retardation (DMR) according to the Interagency Agreement on Massachusetts Housing Finance Agency Set-Asides (Parity Agreement) between DMH and DMR. All such referrals must pass the usual management screening and comply with the elderly eligibility requirements under the Tenant Selection Plan approved for the Project by MassHousing. In return, DMH and DMR have agreed to offer any services necessary to maintain acceptable tenancies and to offer alternative housing should such tenancy fail. (See MassHousing/DMH/DMR/EOHHS Set-Aside Agreement for details.) Should MassHousing determine that DMH or DMR has failed to meet its obligations, MassHousing will suspend or terminate this agreement for the development in question.

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 unit to 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 unit and 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 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 rehabilitation of an existing facility. In addition, we have or will modify up to an additional 2% of the units (at least one 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.

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

Sincerely,

CCBA Waterford Place LLC

By:  _____
Michael Wong, President

updated: October 2005