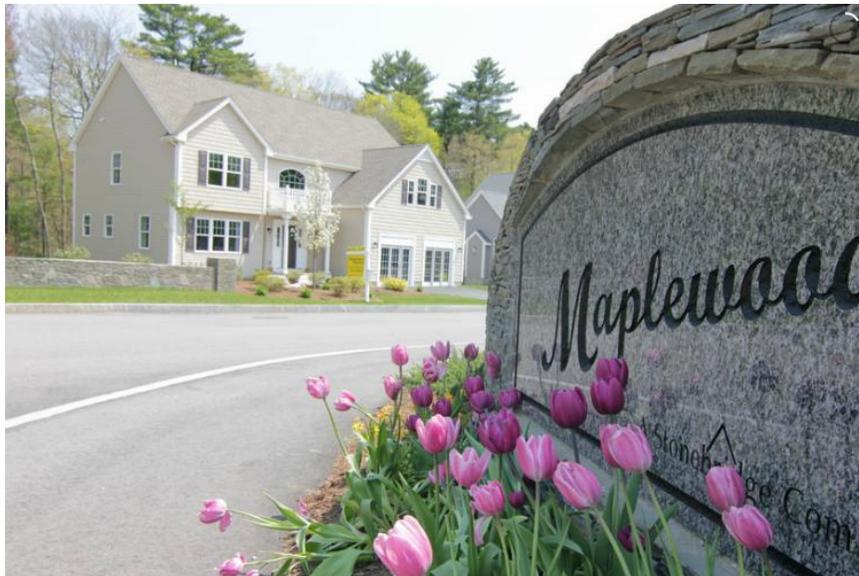


# MAPLEWOOD ESTATES ROCKLAND, MA



AFFORDABLE HOUSING INFORMATION  
PACKAGE AND APPLICATION



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## Section One

### Questions & Answers



## AFFORDABLE HOUSING LOTTERY

**Development Name: Maplewood Estates**

**Location: Rockland, MA**

### INTRODUCTION

An integral part of the lottery package includes the “**FREQUENTLY ASKED QUESTIONS**” section which must be read prior to completing and submitting the application.

A private developer, Maple Realty Trust and officials of the Town of Rockland have collaborated to provide this affordable housing opportunity in Rockland. The development has been approved for 72 single family homes of which 18 homes are designated as affordable and sold to first time homebuyers with incomes at or below 80% of the area median income.

Six (6) of the affordable homes were sold as a result of previous lottery. **This lottery will be for the remaining twelve (12) affordable homes.** The affordable homes will be sold at sales prices of **\$203,250** for the (9) 3 bedroom homes and **\$220,750** for the (3) 4 bedroom homes. All of the homes being offered will have an attached garage.

The Town of Rockland was first settled around 1673. It was formerly the northeast section of Abington. Population was 4,000 when incorporated under its present name. Rockland derived its name geologically from its rocky nature. Rockland is approximately 20 miles from Boston; 8 miles from Brockton, and is bordered by the following towns: North by Weymouth and Hingham, South by Hanson, East by Norwell and Hanover; and West by Whitman and Abington. Maplewood Estates is on Webster Street (Rt. 123) abutting the Hanover town line.

It is estimated that the total **monthly cost** of your mortgage payment including Principal, Interest, Real Estate Taxes, Private Mortgage Insurance (PMI), Homeowners Insurance will be approximate **\$1,473** for the 3 bedroom homes and **\$1,591** for the 4 bedroom homes. This assumes a 30 year fixed rate mortgage at current rates of 4.06 % with a 5% down payment. **You cannot rely on this estimated amount**, this is only an estimate. Your actual mortgage payment may be different based on the actual interest rate and other factors. You should verify your actual mortgage payment with your lender and or accountant. This monthly mortgage payment is **pre-tax and does not include the tax advantage of home ownership**. To determine your net expense post tax you should consult with your accountant or tax advisor.

All affordable homes will have a “Deed Restriction” in perpetuity that will be recorded with the mortgage at the time of purchase. This deed restriction in part, limits the amount the home can be resold for or refinanced for and requires that it be resold to another affordable buyer. A summary of the Deed Restriction is included herein. You may also log onto the following web site for a complete typical Deed Rider:

<https://www.masshousing.com/portal/server.pt/gateway/PTARGS 0 2 368 0 0 18/B114.pdf>

## **AVAILABILITY OF APPLICATIONS**

### **INFORMATION AND APPLICATIONS ARE AVAILABLE ON THE FOLLOWING WEBSITES:**

- MassAccess Accessible/Affordable Housing Registry [www.massaccesshousingregistry.org](http://www.massaccesshousingregistry.org)
- Mass Affordable Housing Alliance – [www.massaffordablehomes.org](http://www.massaffordablehomes.org)

### **APPLICATIONS WILL BE AVAILABLE FOR PICK UP AT THE FOLLOWING LOCATIONS:**

- Rockland Town Hall - 242 Union Street, Rockland, MA 02370-1897
- Rockland Memorial Library - 20 Belmont Street, Rockland, MA 02370

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Should you not have access to the internet you may call Dawn Cunha at 508 961-7339 and an application will be sent to you.

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It is anticipated that there will be more interested and eligible applicants than available homes. A lottery will be held as further described herein.

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## FREQUENTLY ASKED QUESTION FOR HOUSING LOTTERIES

### **Q: Who is eligible to apply for Affordable Homes?**

A: **Applicants must be first-time homebuyers.** A person is a “first-time home buyer” if no person in his or her household has, within the preceding three years, owned a home or owned an interest in a home with one or more people, such as through joint ownership with the **exception of:**

- Displaced homemakers where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner
- Single parents where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent, unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant
- Elderly households (where at least one household member is 55 or over);
- Households that owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; and
- Households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

**Individuals who have a financial interest in the development and their families shall not be eligible.**

### **Q: If I am currently in the process of a separation and plan on being legally divorce can I still apply?**

A: Your divorce does not need to be finalized when you apply for the lottery; however it must be finalized before you sign the purchase and sale agreement. You will not be allowed to purchase an affordable home until the terms regarding the allocation of assets and custody of children must be finalized, so your income and assets eligibility can be accurately be determined. If you have only filed for separation and your divorce is not finalized, you will not be allowed to purchase one of the affordable homes.

### **Q: I am disabled; will the home be modified based on my disability?**

A: Developer, staff and consultants are committed to the intent and the spirit of both **state and federal fair housing laws** in the selection of lottery applicants. They will not discriminate against any protected class in the selection of applicants. Furthermore, the developer has pledged that reasonable accommodations will be taken into consideration for an approved qualified disabled applicant, to adapt the home for the applicants’ particular disability.

### **Q: What is the maximum family income and asset eligibility requirement?**

A: To be eligible to purchase an affordable home, annual income and assets of all **household members** must be below the maximum level as adjusted for family size.

## **MAXIMUM INCOME – 2015 Income Limits**

Maximum allowable household, total income cannot exceed:

| <b>Household Size</b> | 1        | 2        | 3        | 4        | 5        | 6        |
|-----------------------|----------|----------|----------|----------|----------|----------|
| <b>* Max. Income</b>  | \$48,800 | \$55,800 | \$62,750 | \$69,750 | \$75,300 | \$80,900 |

Generally on an annualized basis the US Department of Urban Development (HUD) publishes income guidelines. The applicant will be subject to the published guidelines in effect at the time of their application.

## **MAXIMUM ASSETS**

Household assets shall not exceed \$75,000

## **DEFINITION OF ASSETS**

The value of necessary items of personal property, such as furniture or automobiles shall be excluded. Determination of assets shall be based upon a full and fair present cash value of the asset at the time of application to the program. If a potential purchaser divests himself or herself of an asset for less than full and fair present cash value of the asset, the full and fair cash value of the asset at the time of its disposition must be declared and shall be included for purposes of calculating eligibility.

Applicants are not permitted to reduce household assets in order to meet the appropriate asset limit (property, cash or total limits) by paying off loans or other debts or gifting money at any point after initiation of the marketing period. For projects with extended marketing periods, asset cannot be reduced by paying off loans or other debts or gifting money up to 90 days prior to the date of application. Any reductions in assets or changes in household assets during these periods will not be taken into consideration in establishing the applicant's eligibility.

### **Household Assets include the following:**

1. Cash held in savings and checking accounts, safe deposit boxes, homes, etc: For savings accounts, use the current balance. For checking accounts, use the average balance for the last six months. Assets held in foreign countries are considered assets.
2. Revocable trusts: The cash value of any revocable trust available to the applicant.
3. Equity in rental property or other capital investments: The current fair market value less (a) any unpaid balance on any loans secured by the property and (b) reasonable costs that would be incurred in selling the asset (e.g., penalties, broker fees, etc.).
4. Stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts: The value of stocks and other assets vary from one day to another and should be determined within a reasonable time in advance of the applicant's submission of an application to participate in the subject housing program.
5. Individual retirement, 401K, and Keogh accounts: When the holder has access to the funds, even though a penalty may be assessed. If the applicant is making occasional withdrawals from the account, determine the amount of the asset by using the average balance for the previous six months. (Do not count withdrawals as income.)
6. Retirement and pension funds.
  - a) While the person is employed: Amounts the applicant can withdraw without retiring or terminating employment. Count the whole amount less any penalties or transaction costs.

b) At retirement, termination of employment, or withdrawal: Periodic receipts from pension and retirement funds are counted as income. Lump-sum receipts from pension and retirement funds are counted as assets. Count the amount as an asset or as income, as provided below. If benefits will be received in a lump sum, include the lump-sum receipt in net household assets. If benefits will be received through periodic payments, include the benefits in annual income. Do not count any remaining amounts in the account as an asset.

If the applicant initially receives a lump-sum benefit followed by periodic payments, count the lump-sum benefit as an asset as provided in the example below and treat the periodic payment as income. In subsequent years, count only the periodic payment as income. Do not count the remaining amount as an asset.

NOTE: This paragraph assumes that the lump-sum receipt is a one-time receipt and that it does not represent delayed periodic payments. However, in situations in which a lump-sum payment does represent delayed periodic payments, then the amount would be considered as income and not an asset.

7. Cash value of life insurance policies available to the applicant before death (e.g., the surrender value of a whole life policy or a universal life policy): It would not include a value for term insurance, which has no cash value to the applicant before death.

8. Personal property held as an investment: Gems, jewelry, coin collections, or antique cars held as an investment. Personal jewelry is NOT considered an asset.

9. Lump-sum receipts or one-time receipts: Inheritances, capital gains, one-time lottery winnings, victim's restitution, settlements on insurance claims (including health and accident insurance, worker's compensation, and personal or property losses), and any other amounts that are not intended as periodic payments.

10. A mortgage or deed of trust held by an applicant: Payments on this type of asset are often received as one combined payment of principal and interest with the interest portion counted as income from the asset. This combined figure needs to be separated into the principal and interest portions of the payment. (This can be done by referring to an amortization schedule that relates to the specific term and interest rate of the mortgage.)

To count the actual income for this asset, use the interest portion due, based on the amortization schedule, for the 12-month period following the certification. To count the imputed income for this asset, determine the asset value at the end of the 12-month period following the certification.

**Household Assets DO NOT include the following:**

- Personal property (clothing, furniture, cars, wedding ring, other jewelry that is not held as an investment, vehicles specially equipped for persons with disabilities).
- Interests in Indian trust land.
- Term life insurance policies (i.e., where there is no cash value).
- Equity in the cooperative home in which the applicant lives.
- Assets that are part of an active business: "Business" does NOT include rental of properties that are held as investments unless such properties are the applicant's main occupation.
- Assets that are NOT effectively owned by the applicant: Assets are not effectively owned when they are held in an individual's name, but (a) the assets and any income they earn accrue to the benefit of someone else who is not the applicant, and (b) that other person is responsible for income taxes incurred on income generated by the assets.

**Q: How do you determine household income?**

**A:** The Lottery Agent will determine a household's income based on all sources of income for all household members ages 18 or older with the exception of full time students.

This includes, but is not limited to, Social Security, alimony, child support, overtime pay, bonuses, unemployment, severance pay, part-time employment, matured bonds, monies to be received in court settlements and imputed interest and dividends on bank accounts and other assets.

**Q: What constitutes a household?**

A. A household constitutes the number of persons who plan to reside the home regardless of marital status. Gross income from all household members over the age of 18 (except for full time students) shall be considered in determining compliance with income eligibility requirements.

**Q: I am expecting a child do I add the child to our household size?**

A: You must submit documentation from your OBGYN (Obstetrician/Gynecologist) stating you are expecting a child. This will determine if the child can be included in the household.

**Q: When will the affordable home be available for occupancy?**

A. The minimum rate of construction of the affordable home is based on the comprehensive permit. Typically, the ratio is 1 Affordable Home for every 3 Market Rate Homes built. Generally the minimum rate at which the affordable homes will be built is at a percentage of all of the homes under construction as determined by the comprehensive permit issued by the Zoning Board of Appeals. The developer has the option of accelerating this ratio.

**Q: Do I have to be a resident of the Town to apply?**

A: No. All households that meet the income guidelines specified above may apply for an affordable unit.

**Q: If I presently own a home could I qualify to purchase an affordable home?**

A: Yes, with special limitations as specified within this Section. However, the home must be sold prior to purchasing (closing) on the affordable home. In addition you must not exceed the maximum assets, including equity as defined within this Section.

**Q: Once I submit all my documents, will any additional documents be required?**

A. Possibly. Upon further review, the lottery agent and/or the Monitoring Agent may request or require additional information to make their independent determination. Once the Monitoring Agent has deemed the applicant to be eligible, they will issue a "Certificate of Eligibility" which must be recorded at the Registry of Deeds at the time of the closing.

## FINANCING:

### **Q: Do I need to attend homebuyer education classes?**

A: All financing programs offered by “MassHousing” [www.MassHousing.com](http://www.MassHousing.com) and “MassHousing Partnership” [www.MHP.net](http://www.MHP.net), require the borrower to complete a pre-purchase homebuyer education course.

We strongly suggest that all applicants who have not previously owned a home complete a pre-purchasing homebuyer course prior to entering the lottery. A schedule of upcoming first-time homebuyer workshops is posted on CHAPA’s website at [www.chapa.org](http://www.chapa.org) under “Looking for Housing?”

### **Q. Do we need to get a pre-approval from a lender?**

A: A pre-approval is required for the application process.

### **Q. How or where do I apply for a mortgage?**

A: We strongly recommend that applicants apply for financing with banks that are familiar with the deed restrictions (see Deed Rider Summary) and guidelines for affordable housing programs.

There are many lenders and mortgage brokers that are familiar with the qualifying process to purchase the affordable homes. We are willing to share these references upon request by email or phone request. In addition there are other lenders and mortgage brokers who may participate in this process. Your lender must be a conventional lender.

There are many programs available for First Time Home Buyers including those offered by the MassHousing. We suggest you or your lender refer to the MassHousing website [www.MassHousing.com](http://www.MassHousing.com).

There are programs being offered by the MassHousing Partnership (MHP) such as the “**MHP Soft Second Program**” which is offered to buyers typically at a rate of 1% less than a lenders typical best rate to a conventional buyer. We suggest that you contact a lender who is on the list of lenders participating in the program as shown on the MHP website [www.MHP.net](http://www.MHP.net).

Financing is being offered directly by United States Department of Agriculture (USDA) [www.rurdev.usda.gov](http://www.rurdev.usda.gov) such as the 502 Direct Loan. A 502 Direct Loan can provide a lower monthly mortgage payment than a commercial loan. Based on income and real estate qualifications, the loan may provide an interest rate subsidy.

### **Q. Are there any requirements on the type of loan I receive?**

A. The program requirements are:

- Down payment must be 3% of which half can be a gift. (\*)
- Mortgage amount cannot exceed 97% of the purchase price. (\*)
- Mortgage loan must be 30-fixed rate.
- The loan has a current fair market interest rate of no more than 2 percentage points above the current Mass Housing rate. ([www.MassHousing.com](http://www.MassHousing.com))
- The Buyer may pay no more than 2 points.

Households should demonstrate availability of sufficient funds for a down payment, closing costs and pre-pays. Applicants should inquire with their lender as to what closing costs will be. Closing costs can include but may not be limited to fees for Loan Origination, Appraisal, Credit Reports, Inspection, Document Preparation, Attorney and Title Insurance. Pre-Paid can include interest that accrues from the date of settlement to the first monthly payment. Pre-Paid can also include insurances such as Hazard, Flood, and Mortgage Insurance.

For down payment and closing costs assistance programs, please refer to [www.mhp.net/uploads/resources/softsecond\\_community\\_contact\\_downpay\\_assist.pdf](http://www.mhp.net/uploads/resources/softsecond_community_contact_downpay_assist.pdf)

Non-Household members cannot be co-signers on the mortgage.

\*An exemption to the above may be allowed for mortgages given by the US Department of Agriculture (USDA) housing program or often state and federal housing programs that may offer 100% financing which must be approved by the Monitoring Agent.

**Q: What are the minimum income requirements?**

A: To qualify for a mortgage loan the total annual household income as determined by the lender and the monitoring agent, must be adequate to support the requested mortgage amount.

Monthly housing costs (inclusive of principal, interest, property taxes, hazard insurance, private mortgage insurance and condominium or homeowner association fees) shall not exceed 38% of monthly income for a household earning 80% of area median income, adjusted for household size.

**Q: Once I am approved by the lender are there additional approvals required.**

A: Yes. Typically your lender will re-qualify you for the loan a few days prior to closing, including but not limited to an additional credit check, job verification, marital status, etc. As a result your lender could deny your loan even though it may have been previously approved.

Therefore, **“before any household member decides to make any lifestyle changes”**, such as but not limited to; job changes, marital status, substantial additional debt for payments for large purchases, etc., consult with your lender as to what effect this could have on your loan.

**Q: Are there restrictions upon resale or refinancing?**

A: Yes, the intention of the Affordable Housing Programs is to give persons the opportunity to purchase homes at reduced prices that otherwise may not qualify for a conventional purchase. There is a likely possibility that the home you are purchasing could be worth substantially more on the open market without the deed restriction. However, you would not be able to sell the home at market rate prices and pocket the difference

All affordable homes will have a “Deed Restriction” that will be recorded with the mortgage at the time of purchase. This deed restriction in part, limits the amount the home can be resold for or refinanced for and requires that it be resold to another affordable buyer. The deed restriction insures that the home stays affordable for perpetuity. You may find a summary of the Deed Restriction herein. .

Upon resale or refinance you must notify the community and the Monitoring Agent, in accordance with the requirements in the Deed Rider.

The Monitoring Agent will determine the Maximum Resale or refinancing amount. The price you paid for the property will be divided by the Base Income Number (which is the Area Median Income for a 4-person household). This determines the Resale Price Multiplier which is inserted into your Deed Rider. The Resale Price Multiplier will be multiplied by the Base Income Number at the time of your resale of the Property to determine the Maximum Resale Price. In addition, the resale fee as indicated in the Deed Rider would be added to the Maximum Resale Price along with capital improvements of the home that had been approved by the Monitoring Agent.

**Q. What if I do not fully understand the conditions of the Deed Rider?**

A: Attached to the application section (Section Two) of the lottery package is a Deed Rider Summary explaining some of its key components. If you have further questions and our office is unable to answer those questions to your satisfaction **we urge that you seek legal counsel.**

The Deed Rider is a critical legal document explaining your responsibility regarding re-sale, re-finance and household improvements.

To view the entire Deed Rider, either copy the following address and paste into your browser or type:

[https://www.masshousing.com/portal/server.pt/gateway/PTARGS\\_0\\_2\\_368\\_0\\_0\\_18/B114.pdf](https://www.masshousing.com/portal/server.pt/gateway/PTARGS_0_2_368_0_0_18/B114.pdf)

***Keep this document accessible. It contains valuable contact information.***

## **NEW ENGLAND FUND (NEF) HOMEBUYER DISCLOSURE STATEMENT**

This Deed Rider Summary summarizes your rights and obligations in purchasing this home. You are about to purchase a home at less than the home's fair market value, under the New England Fund (NEF) Program. When you sell the home, that same opportunity will be given to the new buyer. In exchange for the opportunity to purchase the home at less than its fair market value, you must agree to certain use and transfer restrictions. These restrictions are described in detail in the Deed Rider that will be attached to the deed to your home and recorded at the Registry of Deeds.

### **PLEASE REMEMBER:**

- You must occupy this home as your primary residence;
- You must obtain consent from the monitoring agent and the Municipality before renting, refinancing or granting any other mortgage, or making any capital improvements to your home;
- You must give written notice to the Monitoring Agents when you decide to sell your property.

The contact information for the Monitoring Agents is listed in the Deed Rider. Please read the Deed Rider restriction in its entirety because it describes and imposes certain important legal requirements. It is strongly recommended that you consult an attorney to explain your legal obligations and responsibilities.

### **Primary Residence**

You must occupy your property as your primary residence.

### **Renting, Refinancing and Capital Improvements**

You must obtain the prior written consent of the Monitoring Agents before you do any of the following:

- Rent your home;
- Refinance an existing mortgage or add any other mortgage including a home equity loan; or
- Make any Capital Improvements (for example, a new roof or a new septic system - see attached Capital Improvements Policy) if you wish to get credit for those costs (at a discounted rate) when you sell your home.

Before taking any action, please contact the Monitoring Agent for instructions on renting, mortgaging, or making capital improvements to your home. If you do not obtain the required consent from the Monitoring Agents, you can be required to pay all of the rents or proceeds from the transaction to the Municipality.

### **Resale Requirements**

When you sell your home, you are required to give written notice to the Monitoring Agents of your desire to sell so that they may proceed to locate an Eligible Purchaser for your home. Your sale price will be computed by the Monitoring Agent based on the formula set forth in the Deed Rider to reflect your original purchase price plus certain limited adjustments.

The allowed sale price is defined as the "Maximum Resale Price" in the Deed Rider. It is calculated by adjusting the purchase price you paid for the home to reflect any change in the area median income from the time you purchased the home to the time of the resale plus:

- (a) The Resale Fee as stated in the Deed Rider;
- (b) Approved marketing fees, if any; and
- (c) Approved Capital Improvements, if any.

The Maximum Resale Price can never be more than the amount which is affordable to an Eligible Purchaser earning 70% of the area median income, as determined by a formula set forth in the Deed Rider. The sales price will also never be less than the purchase price you paid, unless you agree to accept a lower price.

The Monitoring Agents have up to 90 days after you give notice of your intention to sell the home to close on a sale to an Eligible Purchaser, or to close on a sale to a Monitoring Agent, or to a buyer that one of them may designate. This time period can be extended, as provided in the Deed Rider, to arrange for details of closing, to locate a subsequent purchaser if the first selected purchaser is unable to obtain financing or for lack of cooperation on your part.

It is your obligation to cooperate fully with the Monitoring Agents during this resale period.

If an Eligible Purchaser fails to purchase the home, and none of the Monitoring Agents (or their designee) purchases the home, you may sell the home to a purchaser who does not qualify as an Eligible Purchaser (in this event, this purchaser is referred to as an ineligible purchaser), subject to the following:

- (i) the sale must be for no more than the Maximum Resale Price;
- (ii) the closing must be at least 30 days after the closing deadline described above;
- (iii) the home must be sold subject to a Deed Rider; and
- (iv) if there are more than one interested ineligible purchasers, preference will be given to any purchaser identified by Monitoring Agent as an appropriately-sized household whose income is more than 80% but less than 120% of the area median income.

Any sale by you to an Eligible Purchaser, or to an ineligible purchaser (as described in the Deed Rider), is subject to the normal and customary terms for the sale of property, which are set forth in the Deed Rider and which will be included in your Purchase and Sale Agreement.

There is no commitment or guarantee that an Eligible Purchaser will purchase the home, or that you will receive the Maximum Resale Price (or any other price) for your sale of the home. A sale or transfer of the home will not be valid unless (1) the total value of all consideration and payments of every kind given or paid by the selected purchaser do not exceed the Maximum Resale Price, and (2) the Compliance Certificate that confirms that the sale or transfer was made in compliance with the requirements of the Deed Rider is executed by the Monitoring Agents and recorded at the Registry of Deeds by the closing attorney.

If you attempt to sell or transfer the home without complying with the Deed Rider requirements, the Monitoring Agents may, among their other rights, void any contract for such sale or the sale itself.

## **Foreclosure**

In the event that the holder of a mortgage delivers notice that it intends to commence foreclosure proceedings, the Deed Rider gives the Municipality an option to purchase the home (or to designate another party to purchase the home) for a period of 120 days after notice of the Lender's intent to foreclose.

If this foreclosure purchase option is exercised, the purchase price will be the greater of (i) the amount of the outstanding balance of the loan secured by the mortgage, plus the outstanding balance of the loans secured by any mortgages senior in priority, up to the Maximum Resale Price as of the date the mortgage was granted, plus any future advances, accrued interest and/or reasonable costs and expenses that the mortgage holder is entitled to recover, or (ii) the

Maximum Resale Price at the time of the foreclosure purchase option, except that in this case the Maximum Resale Price may be less than the purchase price you paid. By signing the Deed Rider, you are agreeing that you will cooperate in executing the deed to the Municipality (or its designee) and any other required closing documents.

If the foreclosure purchase option has not been exercised within 120 days of delivery of the foreclosure notice to the Monitoring Agents, the mortgage holder may conduct a foreclosure sale. The mortgage holder or an ineligible purchaser may purchase the home at the foreclosure sale, subject to the Deed Rider.

If the sale price at the foreclosure sale is greater than the purchase price that would have applied for the Municipality's foreclosure purchase option as described above, the excess will be paid to the Municipality. By signing the Deed Rider, you are agreeing to assign any rights and interest you may otherwise have in the balance of any foreclosure proceeds available after satisfaction of all obligations to the holder of the foreclosing mortgagee, for delivery to the Municipality.

There is no commitment or guarantee that the Municipality will exercise the foreclosure purchase option, or that your Lender will receive the Maximum Resale Price (or any other price) in any foreclosure sale of the home. In addition, the foreclosing lender retains the right to pursue a deficiency against you.

### **Violation of Restriction Requirements**

If you violate any of the Restriction terms, you will be in default and the Monitoring Agents may exercise the remedies set forth in the Deed Rider.

If one or more of the Monitoring Agents brings an enforcement action against you and prevails, you will be responsible for all fees and expenses (including legal fees) for the Monitoring Agent(s). The Monitoring Agent(s) can assert a lien against the home to secure your obligation to pay those fees and expenses.

### **Acknowledgements**

By signing below, I certify that I have read this Deed Rider Summary and understand the benefits and restrictions described. I further certify that I have read the Deed Rider and understand the legal obligations that I undertake by signing that document.

I also certify that I have been advised to have an attorney review this document and the Deed Rider with me.

Dated \_\_\_\_\_, 2015

Homebuyer \_\_\_\_\_ Witness \_\_\_\_\_

Homebuyer \_\_\_\_\_ Witness \_\_\_\_\_

## CHAPA's Policies and Procedures on Capital Improvements

### Definition

CHAPA defines capital improvement as a necessary maintenance improvement, not covered by a condominium or homeowner association fee, that if not done would compromise the structural integrity of the property.

Examples of necessary capital improvements including the following:

- New roof
- The replacement of windows due to damage or long-term wear and tear
- The replacement of siding, shingles or clapboard due to damage or long-term wear
- Exterior painting due to deterioration
- Heating or plumbing replacement
- Structural deficiencies such as termite or other pest damage, water damage, or other maintenance as required
- Septic tank replacement
- Appliance replacement (stove, dishwasher, refrigerator)
- Other improvements identified by the owner and reviewed by CHAPA.

Improvements such as the installation of central air conditioning, outdoor decks, flooring (except in cases of replacement due to damage or long-term wear), additions or finish

### Getting Capital Improvements Approved

Capital improvements must be approved by the monitoring agent in order to be considered and added to the resale price. CHAPA requires that a request be made in writing for the improvement, including a description of the work to be done, an estimate of the cost, and an explanation of why the work is a capital improvement. If the request is approved, CHAPA will require a copy of the paid invoice after the completion of the work.

If the owner is purchasing materials and is completing the project on their own, only the cost of the materials can be taken into consideration.

If a condominium or homeowners' association has a special assessment, CHAPA will take into consideration the cost to the homeowner on a case by case basis. Additional documentation may be requested.

At the time of resale, CHAPA will determine the current value of the improvement. For example, if a new heating system is installed for \$5,000 and the owner sells the property 5 years later, the full \$5,000 will not be added to the resale price. As with market rate properties, the value of the heating system is the greatest when it is new and it depreciates over time.

### Contacting CHAPA

Requests for capital improvements or questions can be directed to:

Carol Marine

CHAPA

18 Tremont Street, Suite 401

Boston, MA 02108

Phone: 617-742-0820

Fax: 617-742-3953

Email: [cmarine@chapa.org](mailto:cmarine@chapa.org)