



CITY OF ROCKVILLE

MPDU RENTAL OFFERING AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 201_ by and between [insert ownership entity] (hereinafter referred to as "Applicant") and CITY OF ROCKVILLE, MARYLAND (hereinafter referred to as "City").

WHEREAS, Applicant desires to offer for rent as Moderately Priced Dwelling Units (hereinafter referred to as "MPDUs") certain dwelling units described in Schedule A, attached hereto, pursuant to the provisions and requirements of Chapter 13.5 of the Rockville City Code and applicable City of Rockville Regulations.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and obligations provided for herein, it is hereby agreed between the parties hereto as follows:

1. DESCRIPTION OF PROPERTY: Applicants offers for rental as MPDUs those certain [insert number of units] multi-family units located in the City of Rockville, Maryland. These properties are more particularly described by lot or unit, block, and subdivision, in accordance with Schedule A, attached hereto and made a part hereof.

2. DELIVERY: The Properties that are described in Schedule A must be available for occupancy in compliance with City building requirements, within thirty (30) days from receipt of the Property's Certificate of Occupancy. If the project is built in phases, MPDUs located within each phase must be available for occupancy contemporaneously with market-rate units that are located within the same phase.

3. ELIGIBILITY OFFERING: In accordance with Chapter 13.5 of the Rockville City Code, for a period of 90 days from the date of the issuance of the Certificate of Occupancy for each phase, the MPDUs shall be marketed initially to MPDU-qualified persons, without regard to household or family composition, during a priority notification and marketing period conforming to the City's MPDU requirements. [If project has additional marketing preference

conditions as part of City approvals, insert additional marketing preference language]

4. **PHYSICAL DESCRIPTION OF INDIVIDUAL UNITS:** The physical description of each unit, along with the items contained in each unit, is listed in Schedule C, attached hereto, and made a part hereof. Applicant warrants and guarantees that each unit will conform, at the time of delivery by Applicant, to the minimum specifications for all dwelling units as required by the City of Rockville Department of Community Planning and Development Services ("Department"). The Department has the right to inspect the units to determine if the Applicant has complied with the minimum specifications.

5. **RENTAL RATE:** The rental rate for each MPDU offered for rent by Applicant must be at the price established by City Regulations at the time of commencement of the 90-day priority offering period for the City's eligibility list. Any MPDU that has not been rented during the 90-day priority offering period may be offered by the Applicant for rent to the general public at the rental price limits contained in this Agreement. The Applicant must have made a good-faith effort, as determined by the Department, to rent the unit during the priority offering period.

6. **DECLARATION OF COVENANTS:** At or before the time of execution of this Agreement by the Applicant, Applicant must supply the Department with the original and duly executed Declaration of Covenants, in recordable form as provided by the Department subjecting all required MPDUs in the subdivision to the requirements of Chapter 13.5 of the Rockville City Code.

7. **ATTACHMENTS:** Attached hereto and made a part hereof are the following documents and/or schedules:

- A. Identification of Units Being Offered (address and description of the MPDUs) (Schedule A)
- B. Rental Offering Agreement, with lease (Schedule B)
- C. Unit description and plans (Schedule C)
- D. One (1) copy of the recorded subdivision plat or plats (Schedule D)
- E. MPDU income limits and rental pricing (Schedule E)

8. **ADDITIONAL DOCUMENTS:** Applicant must execute such additional documents as may be necessary or required to effectuate the intent and purpose of this Agreement, Chapter 13.5 of the Rockville City Code, and applicable City Regulations.

9. **BINDING EFFECT:** This Agreement is binding upon Applicant and the

Applicant's agents, successors, assigns, personal representatives, and heirs.

10. **WAIVERS:** A waiver by the City of a specific requirement of default must be in writing and such a waiver must not be a waiver of any other or subsequent default of any nature.

11. **NOTICES AND LIAISON:** The City's liaison to this and any notices sent pursuant to this Agreement must be delivered in writing to:

Director, Community Planning and Development Services
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

12. **SURVIVAL:** The terms of this Agreement survive the execution and delivery of any deeds or leases and do not merge therein.

13. **APPLICABLE LAWS AND REGULATIONS:** Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to.

14. **SEVERABILITY:** If any part, portion or provision of this Agreement is found to be null, void, illegal, or unenforceable for any reason by any court or governmental regulation or ruling, then only such part, portion or provision is affected thereby, and the remainder of this Agreement remains in full force and effect.

IN WITNESS WHEREOF, on the day and year first hereinbefore written, the parties have caused this Agreement to be executed.

APPLICANT:

[OWNERSHIP ENTITY]

By: _____

[NAME]

[TITLE]

STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this _____ day of _____, 201_, before me, the undersigned, a Notary Public in the jurisdiction aforesaid, personally appeared **[Name]**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged himself/herself to be the **[Title]**, and that in such capacity and being so authorized to do so, executed the foregoing agreement for the purposes contained therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

MAYOR AND COUNCIL OF ROCKVILLE

By: _____ (Seal)

Name: _____

Title: _____

I HEREBY CERTIFY that on this _____ day of _____, 201_, before me, the undersigned, a Notary Public in the jurisdiction aforesaid, personally appeared Barbara Matthews, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged herself to be the City Manager of the Mayor and Council of the City of Rockville, Maryland, and that in such capacity and being so authorized to do so, executed the foregoing agreement for the purposes contained therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

STAFF REVIEW BY: _____

DATE: _____

SCHEDULE A
Identification of Units Being Offered

Provide or attach a legal description of property

Address	Unit Number	Unit Name/Type	Unit Bedroom Size

Attach floor plans for EVERY FLOOR with MPDUs clearly identified.

SCHEDULE B
Rental Offering Agreement

1. Project Name: _____

Is this the legal name of the subdivision? Yes _____ No _____

If not, what is the legal name? _____

2. Developer Name: _____

Is this the party who signed the MPDU Agreement? Yes _____ No _____

If not, who signed the MPDU Agreement? _____

3. What is the name and phone number of the contact person for information about this project?

Name: _____

Phone: _____

E-mail: _____

4. Are the utilities being paid by the owner or tenant? Owner _____ Tenant _____

If the tenant will pay the utilities, does this include water and sewer?

5. What is the required security deposit? _____

What (if any) restrictions will be placed on the tenant (e.g., no pets, no campers, etc.)?

Attach a copy of the lease for this project.

**SCHEDULE C
Unit Description**

Please describe the number of MPDUs and the features included in each MPDU. Attach floor plans for each type of MPDU. Specify approximate square footage of each unit type. Floor plans must be 8 1/2" x 11" in size. Provide a description of finishes and appliances.

STUDIO

Quantity	Structure Type (e.g., Garden, Mid-rise, Piggyback townhouse, etc.)	End Units	Interior Units (Townhouses only)					
No. of baths	<table border="0" style="width:100%;"> <tr> <td style="width:50%; border-top: 1px solid black;">Full</td> <td style="width:50%; border-top: 1px solid black;">Half</td> </tr> </table>	Full	Half	<table border="0" style="width:100%;"> <tr> <td style="width:50%; border-top: 1px solid black;">Rough-in baths</td> <td style="width:50%; border-top: 1px solid black;">Full</td> <td style="width:50%; border-top: 1px solid black;">Half</td> </tr> </table>	Rough-in baths	Full	Half	
Full	Half							
Rough-in baths	Full	Half						
Check the features/amenities available in the units:	Heat Pump	<input type="checkbox"/>	Garbage disposal	<input type="checkbox"/>				
	Electric Heat	<input type="checkbox"/>	Washer/dryer	<input type="checkbox"/>				
	Gas Heat	<input type="checkbox"/>	Dishwasher	<input type="checkbox"/>				
	Air conditioning	<input type="checkbox"/>						

ONE BEDROOM

Quantity	Structure Type (e.g., Garden Condo/Apt, Piggyback townhouse, etc.)	End Units	Interior Units (Townhouses only)					
No. of baths	<table border="0" style="width:100%;"> <tr> <td style="width:50%; border-top: 1px solid black;">Full</td> <td style="width:50%; border-top: 1px solid black;">Half</td> </tr> </table>	Full	Half	<table border="0" style="width:100%;"> <tr> <td style="width:50%; border-top: 1px solid black;">Rough-in baths</td> <td style="width:50%; border-top: 1px solid black;">Full</td> <td style="width:50%; border-top: 1px solid black;">Half</td> </tr> </table>	Rough-in baths	Full	Half	
Full	Half							
Rough-in baths	Full	Half						
Check the features/amenities available in the units:	Heat Pump	<input type="checkbox"/>	Garbage disposal	<input type="checkbox"/>				
	Electric Heat	<input type="checkbox"/>	Washer/dryer	<input type="checkbox"/>				
	Gas Heat	<input type="checkbox"/>	Dishwasher	<input type="checkbox"/>				
	Air conditioning	<input type="checkbox"/>						

TWO BEDROOM

Quantity	Structure Type (e.g., Garden Condo/Apt,	End Units	Interior Units (Townhouses only)
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Piggyback townhouse, etc.)

No. of baths _____ Rough-in baths _____
 Full Half Full Half

Check the features/amenities available in the units:

Heat Pump	<input type="checkbox"/>	Garbage disposal	<input type="checkbox"/>
Electric Heat	<input type="checkbox"/>	Washer/dryer	<input type="checkbox"/>
Gas Heat	<input type="checkbox"/>	Dishwasher	<input type="checkbox"/>
Air conditioning	<input type="checkbox"/>		

THREE BEDROOM

Quantity _____	Structure Type _____ (e.g., Garden Condo/Apt, Piggyback townhouse, etc.)	End Units _____ (Townhouses only)	Interior Units _____
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No. of baths _____ Rough-in baths _____
 Full Half Full Half

Check the features/amenities available in the units:

Heat Pump	<input type="checkbox"/>	Garbage disposal	<input type="checkbox"/>
Electric Heat	<input type="checkbox"/>	Washer/dryer	<input type="checkbox"/>
Gas Heat	<input type="checkbox"/>	Dishwasher	<input type="checkbox"/>
Air conditioning	<input type="checkbox"/>		

SUMMARY OF MPDU AND MARKET-RATE UNITS

Bedroom Size	# of Market Rate Units	# of MPDUs	Total Units
Studio			
One Bedroom			
Two Bedroom			
Three Bedroom			
Total Units			

Attach unit plans for each type of MPDU.