



/MIN, Mixed-Income Neighborhoods Overlay District Applicant Acknowledgement Form

Use this form to acknowledge the /MIN Mixed-Income Neighborhoods Overlay District requirements. Before a zoning permit can be issued, the Department of Planning and Development must review plans and sign and stamp this form to certify the application to the Department Licenses and Inspections.

Lot(s) & Zoning

Identify the location, application, zoning district, overlays other than /MIN, lot size, and any lot line changes.

Lot area must match submitted plans and be in Philadelphia District Standard. Plans must be sealed by a licensed surveyor. Lot line changes must be stamped by the Survey District.

1

Address _____

Zoning Permit
Application Number _____

Base District(s) _____

Other Overlays _____

Application includes a lot subdivision, consolidation, or adjustment?

☐

Yes

☐

No

Lot Area _____ sq. ft.

/MIN Requirements

All information from this section must also be included on submitted plans.

(a) Identify the total number of units.

(b) Identify the total number of on-site affordable units

Requirements are listed in § 14-533(3).

(c) Identify if a waiver is sought from providing 5% of required affordable units on-site

2

Identify if a payment or provision of off-site units is proposed. See § 14-533(3)(b)(1) and Planning Commission Regulations for requirements and waiver criteria. Include notarized affidavit with zoning permit application stating the reason for waiver request. Include attachment with address(es), permit number(s), and CO(s) for completed off-site units, if needed.

(a) Total Dwelling Units in Residential Housing Project

(b) Total On-Site Affordable Dwelling Units

(c) Waiver Request for On-Site Affordable Dwelling Units

☐

Payment to the City

Calculation _____

Estimated Payment \$ _____

☐

Completed Off-Site Units

Number of Claimed Units _____

Building Permit # _____

Date CO Issued _____

Applicant

Identify the applicant on the zoning permit application.

3

Name _____ Company _____

Address _____

Email _____ Phone _____

Property Owner

Identify the property owner on the zoning permit application.

4

Name _____

Address _____

Email _____ Phone _____

Acknowledgement Statement & Signatures

The above-referenced zoning permit application meets the requirements of /MIN Mixed-Income Neighborhoods Overlay District at the level of affordability, referenced above, in accordance with § 14-533(6) of the Philadelphia Code. Affordable housing or a payment to the City in lieu of providing affordable housing will be provided in a manner consistent with the Philadelphia Code and City-issued regulations and code bulletins issued.

I hereby acknowledge and understand the requirements of § 14-533 of the Philadelphia Code and the penalties for noncompliance. I certify I have read the "Requirement Summary" attached to this form. I further certify that I am authorized by the owner to make the foregoing acknowledgment. I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by law or ordinance.

Zoning Permit

Applicant's Signature: _____

Date: ____/____/____

Department of Planning
& Development Signature: _____ Date Certified: ____/____/____

/MIN, Mixed-Income Neighborhoods Overlay District Requirement Summary

Applicants must read this summary before signing the Applicant Acknowledgement Form.

Disclaimer

Affordable housing must be provided and payments in lieu must be made in a manner consistent with the Philadelphia Code and City-issued regulations and code bulletins. If this summary conflicts with any adopted regulation, ordinance, or code the regulation, ordinance, or code will govern.

Applicants Providing Affordable Housing

Legal Instrument

A legal instrument must be recorded in favor of the City before this issuance of a building permit. This instrument is a restrictive covenant approved by the Department of Planning and Development (DPD) and the Law Department. This commits the owner to the requirements of the bonus. The restrictive covenant is available for review upon request.

Affordable Building Plan

DPD must approve a submitted Affordable Building Plan before the issuance of a building permit. The applicant and the development's design professional must sign the Affordable Building Plan. Permit modifications may require DPD approval of a new Affordable Building Plan.

This Affordable Building Plan must include, but need not be limited to:

- A plan to market the affordable units to eligible tenants/purchasers.
- A site plan showing the location of affordable units.
- A statement and documentation from the design professional that affordable units will be comparable to market-rate units in exterior and interior design, size, appearance, building materials and finishes, overall construction quality, and energy efficiency.
- An outline of any development phasing including the timing of any temporary certificates of occupancy.
- An acknowledgment of penalties if the development does not conform to the Affordable Building Plan.

Unit Affordability

A minimum of 20% of all dwelling units and 20% of all sleeping units (rounded up if fractional) across the entire "Residential Housing Project" must be affordable as defined in the Zoning Code. A household is every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size to determine maximum monthly costs is 1.5 people per each bedroom in the unit and 1 person for studios and efficiencies. Area Median Income (AMI) is as reported by the U.S. Department of Housing and Urban Development for the Philadelphia Metropolitan Statistical Area. AMI is adjusted for actual household size to determine eligible occupancy.

Rental unit requirements:

- Total monthly costs (including rent and utility costs) cannot exceed 30% of the gross monthly income of an imputed household earning 40% of AMI.
- Units shall be occupied by households earning up to 40% AMI.
- Households cannot continue to occupy a unit if income exceeds 80% of AMI.

Owner-occupied unit requirements:

- The maximum sale price during the term of affordability is calculated based on a down payment of no more than 5% of the purchase price, a fixed-rate 30-year mortgage, consistent with the average monthly rate published by Freddie Mac, and monthly costs (including mortgage principal and interest, property taxes, property insurance, and condominium or homeowner association fees) that do not exceed 30% of gross monthly income an imputed household earning 60% of AMI.
- All sales during the affordability period must be to one or more members of a household with household earnings up to 60% of AMI.
- The unit must be the principal residence of at least one owner during the period of affordability.

Waivers

Per § 14-533(3)(b)(.1), Applicants may request a waiver to either (1) provide a payment-in-lieu to the City or (2) provide affordable units off-site within one-half mile of all other units. In addition to completing the Acknowledgement Form, applicants must submit a notarized affidavit providing details and reasoning for a waiver request prior to Zoning Permit approval.

Applicants Making a Payment to the City

Binding Agreement & Payment

If a waiver is approved by DPD, the property owner must sign an agreement with DPD and make a payment to the City before the issuance of a building permit. The payment agreement is available for review upon request.

Payment Calculations:

- In an RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, or CMX-5 zoning district: The maximum total gross floor area allowed, multiplied by \$9
- In an RM-1, CMX-1, CMX-2, or CMX-2.5 zoning district: The maximum total number of dwelling units allowed, multiplied by \$10,900
- In any other zoning district: The sum of the number of sleeping units divided by two and the number of dwelling units, multiplied by \$10,900

Applicants Providing Off-Site Affordable Housing

In order for previously constructed off-site affordable housing units to qualify for a waiver, they must meet the requirements contained in the Planning Commission Regulations. Applicants must submit addresses, permit numbers, and Certificate of Occupancy for such units.

Penalties and Enforcement

- No building permit will be issued until the property meets the mixed-income bonus requirements.
- No certificate of occupancy will be issued for dwelling units in a development unless:
 - Certificates of occupancy are issued for all affordable units;
 - An agreement is signed with DPD and payment is made instead of providing the affordable units; or
 - DPD issues a waiver upon showing of exceptional circumstances.
- Failure to comply with the recorded instrument will be grounds for:
 - Revocation of any building permit, certificate of occupancy, or rental license and the renewal of any such permits, certificates, or licenses;
 - A fine of \$500 a day; or
 - Any other remedies that are available by law.
- DPD has the right to inspect documents as necessary to determine continued compliance. This includes, but is not limited to, the financial records of any tenants or owners to confirm eligibility.