



Mixed-Income Housing Zoning Bonus Applicant Acknowledgement Form

Use this form to acknowledge the mixed-income zoning bonus requirements. Before a zoning permit can be issued, the Department of Planning and Development must review plans and sign this form to certify the application to the Department of Licenses and Inspections.

Lot(s) & Zoning

Identify the location, application, zoning district, lot size, and any lot line changes.

The zoning application must indicate the use of the mixed-income bonus. 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) _____

Overlays(s) _____

Application includes a lot subdivision, consolidation, or adjustment?

☐ Yes

☐ No

Lot Area _____ sq. ft.

Mixed-Income Bonus

Identify the intended bonus.

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

(a) Identify the selected bonus level.

(b) Identify the type of bonus(es) and the amount earned/used.

The bonus varies by zoning district and affordability level. See § 14-702(7).

(c) Identify if affordable housing or a payment will be provided to earn the bonus.

See § 14-702(7) for affordable unit and payment requirements. Include calculations if making a payment.

(d) Identify all other bonuses indicated on the permit application.

Include bonuses in § 14-702

2

(a) Bonus Level (select one)

☐

Moderate Income

☐

Low Income

(b) Project to Receive (select all that apply)

☐

Gross Floor Area

Additional Floor Area
(as a percentage of lot area)

% earned

% used

☐

Building Height

Additional Building Height

ft. earned

ft. used

☐

Dwelling Unit Density

Additional Units

earned

used

(c) Project to Provide (select one)

☐

Affordable Housing

☐

Payment to the City

Total Dwelling Units _____

Calculation _____

Affordable Dwelling Units _____

Estimated Payment \$ _____

(d) Other Bonuses (include additional floor area, height, and/or units earned for each bonus)

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 includes a mixed-income housing bonus at the level of affordability, type, and amount earned as referenced above, in accordance with § 14-702(7) 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 § 14-702(7) of the Philadelphia Code and the penalties for noncompliance. I certify I have read the "Bonus 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: ____/____/____

Mixed-Income Housing Zoning Bonus 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

At least 10% of all dwelling units, rounded up to the nearest whole number if a fraction, 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 60% of AMI for moderate income units or 50% of AMI for low income units.
- Households can earn up to 60% of AMI for moderate income units or 50% of AMI for low income units at the time of the household's initial occupancy.
- Households cannot continue to occupy a unit if income exceeds 120% of AMI for moderate-income units or 100% of AMI for low income units.

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 80% of AMI for moderate income units or 70% of AMI for low income units.
- All sales during the affordability period must be to one or more members of a household with household earnings up to 80% of AMI for moderate income units or up to 70% of the AMI for low income units.
- The unit must be the principal residence of at least one owner during the period of affordability.

Applicants Making a Payment to the City

Binding Agreement & Payment

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 and earning a floor area or height bonus, except for properties in the SFHA or overlays: by multiplying the maximum total gross floor area allowed (including the GFA earned through the mixed income housing bonus only), by eleven dollars and thirty cents (\$11.30), if the owner is seeking the moderate-income bonus, and by fourteen dollars and sixty cents (\$14.60), if the owner is seeking the low-income bonus.
- In an RM-1, CMX-1, CMX-2, or CMX-2.5 zoning district, the total number of residential dwelling units allowed (and including the dwelling units earned through the mixed income housing bonus only), multiplied by thirteen thousand six hundred dollars (\$13,600), if the owner is seeking the moderate-income bonus, and by seventeen thousand seven hundred dollars (\$17,700), if the owner is seeking the low-income bonus.

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.