

## **2216 CLOSING AND LEASE SIGNING PROCEDURES**

2216.1 Prior to closing, the Owner shall attach the following as an exhibit to the deed conveying a For Sale Inclusionary Unit:

- (a) The Declaration(s) of Eligibility provided to the Owner by the Eligible Household purchasing the Inclusionary Unit; or
- (b) Such portions of the document designated by DHCD.

2216.2 The Owner shall include the following statement in twelve (12) point or larger type, in all capital letters, on the front page of the deed:

THIS DEED IS DELIVERED AND ACCEPTED SUBJECT TO THE PROVISIONS AND CONDITIONS SET FORTH IN THAT CERTAIN INCLUSIONARY DEVELOPMENT COVENANT, DATED AS OF \_\_\_\_\_, 20\_\_, RECORDED AMONG THE LAND RECORDS OF THE DISTRICT OF COLUMBIA AS INSTRUMENT NUMBER \_\_\_\_\_, ON \_\_\_\_\_ 20\_\_, WHICH AMONG OTHER THINGS IMPOSES RESTRICTIONS ON THE SALE AND CONVEYANCE OF THE SUBJECT PROPERTY.

2216.3 Within seventeen (17) days after closing, the new Inclusionary Unit Owner shall provide DHCD with a fully signed copy of the Closing Disclosure and a copy of the new deed (including the Declaration of Eligibility).

2216.4 Prior to the signing of each lease or sales contract, the Owner shall provide a copy of the Inclusionary Development Covenant to the Eligible Household.

2216.5 A lease rider shall be attached to the lease agreement for each Rental Inclusionary Unit. The lease rider shall contain, but shall not be limited to, the following terms:

- (a) The Tenant shall provide a Certification of Income, Affordability, and Housing Size in accordance with § 2214.3;
- (b) The Tenant shall provide a Declaration of Eligibility in accordance with § 2214.2;
- (c) The Tenant shall annually confirm eligibility for the Inclusionary Unit based on the Annual Income requirements and § 2217.6;
- (d) The Tenant shall provide the information and documents required by § 2217.1 within the time period specified;
- (e) The Inclusionary Unit shall be the principal residence of all Household members who occupy the Inclusionary Unit;

## District of Columbia Municipal Regulations

- (f) The Tenant shall confirm receipt and acknowledgment of the Inclusionary Development Covenant; and
- (g) The Tenant shall not make intentional misrepresentations to DHCD or the Certifying Entity.

2216.6 Within thirty (30) days after the signing of each lease, the Inclusionary Development Owner shall provide DHCD with a fully signed copy of each lease, including a copy of the lease rider and the Declaration of Eligibility.

2216.7 All members of the Household who are eighteen (18) years of age or older shall sign the lease and lease rider.

2216.8 Once a Household signs a lease for a Rental Inclusionary Unit or closes on the purchase of a For Sale Inclusionary Unit, that Household will be removed from the registration list. The Household may re-register pursuant to § 2209.

SOURCE: Notice of Final Rulemaking published at 56 DCR 3907 (May 15, 2009); as amended by Final Rulemaking published at 56 DCR 9295, 9296 (December 11, 2009); as amended by Final Rulemaking published at 64 DCR 13582 (December 29, 2017).