

- (D) **Compliance.** To achieve compliance, all Affordable Housing built under the standards of this Code shall provide the following:
- (1) **Certification Letter.** The applicant shall submit a notarized affidavit to the Director that provides how the development meets the affordability standards above and administrative requirements. Upon review and acceptance of the affidavit in consultation with the Director of the Social Sustainability Department, the Director will provide a letter certifying that the development meets the standards stated above and any administrative requirements (Certification Letter). This letter is required to be submitted as part of the building permit application before a building permit can be issued for the development but is not required to as a part of a land use review.
 - (2) **Qualified Preservation Partner (QPP).** If applicable, the Certification Letter shall identify the Qualified Preservation Partner.
 - (3) **Covenant/Deed Restriction.** The units will be required by binding legal instrument acceptable to the City, providing rights of enforcement to the City, and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least ~~ninety-nine (99) fifty (50)~~ years. This covenant shall be recorded prior to issuance of a building permit for the development. There will be language placed in real estate sales documents, acceptable to the City, clearly noticing the deed restriction as part of the sale, and containing a continued requirement of notice in all future sales.
- (E) **Timing of Development.** The construction of the affordable dwelling units or spaces shall occur before the construction of the market rate units, or at no case less than on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units.
- (F) **Annual Reporting.** The applicant or Qualified Preservation Partner shall provide annual documentation to the Director, who shall provide a copy to the Director of the Social Sustainability Department, relating to the affordable dwelling units in the development. This documentation must commence no later than thirty (30) days following issuance of a Certificate of Occupancy (CO) for the affordable dwelling units and will include, at minimum, the following:
- (1) Occupancy and demographic report;
 - (2) Rent report (annually at minimum and at any time the applicant/owner proposes to increase rents);
 - (3) Reporting required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection; and
 - (4) Any further documentation/verification the City may deem necessary to verify the validity of the affordable housing reporting, including, but not limited to, seeking direct verification from tenants/owners of affordable units.
- (G) **Monitoring and Enforcement.**
- (1) **Monitoring.** The Director in consultation with the Director of Social Sustainability Department shall periodically monitor and verify the commitments made by the applicant or Qualified Preservation Partner in the Declaration of Covenants, Conditions and Restrictions. Upon reasonable notice to the applicant or Qualified Preservation Partner, the applicant or Qualified Preservation Partner shall provide information to the City sufficient to verify the following:
 - (a) Compliance with all Affordable Housing Requirements as set forth in this Division.
 - (b) The affordable dwelling units are occupied by households earning income as required in the Declaration of Covenants, Conditions and Restrictions.