



DATE

TITLE COMPANY

VIA E-MAIL:

Re: Affordable Housing Closing

Dear TITLE COMPANY;

This letter serves to provide closing instructions for the sale of _____.

These units are subject to the terms and conditions of an affordable housing covenant, which restricts price and buyer income limits, in accordance with the City and County of Denver's Affordable Housing Program. Due to the potential ramifications of non-compliance with the Covenant—particularly voidable title—the City strongly recommends that you list the Covenant in the “Schedule B - Section 1, Requirements” portion of your title commitment, with a requirement that the buyer provide a copy of a verification letter from the City (as the seller is required to have buyer seek under the terms of the Covenant) that will provide sufficient evidence that affordability restrictions in the Covenant have been met.

Provided below are instructions for securing the long-term affordability of these units.

1. At least two business days prior to closing, provide a copy of the draft Seller's and Buyer's Settlement Statements to affordablehousing@denvergov.org. An Income & Price Certification Form will be sent to you via return email. **Do not proceed with closing until you have received this certification.**
2. **At least two business days prior to closing, provide a current market rate appraisal, with no other affordable units as comparables, if required by Covenant.**
3. Assure the City's Affordable Housing Covenant has been recorded against the property in the real estate records of the City and County of Denver. **If no Covenant is located, please contact our office immediately.** Closing cannot occur until a Covenant has been recorded and it must be recorded prior to any other documents including Deeds and loan documents.
4. Have the buyer sign the Memorandum of Acceptance, notarize it and record it in the real estate records of the City and County of Denver. **When the MOA is recorded, it must be recorded as a “Notice” with the Clerk and Recorder's Office.** Prior to recording, label the document for the return of the original as follows:

After recording, return original document to:

Denver Department of Housing Stability
Affordable Housing Compliance
201 W. Colfax Ave., Dept. 615
Denver, CO 80202

affordablehousing@denvergov.org

Department of Housing Stability
201 West Colfax Ave. | Denver, CO 80202
www.denvergov.org/housing



5. After closing, provide the following documents for our files:
- a. Copy of recorded warranty deed;
 - b. Copy of Final and signed Seller's and Buyer's Settlement Statements;
 - c. Copy of market rate appraisal, with no affordable unit comparables, if required by Covenant;
 - d. If not previously recorded, copy of recorded Covenant; and
 - e. Copy of recorded Memorandum of Acceptance signed by the buyer and notarized.

NOTE: Closing can not occur until buyer(s) have been income verified by the City and County of Denver. These instructions may be modified by the City and County of Denver upon written notice.

Please acknowledge your agreement to these instructions by signing where indicated and return by email to affordablehousing@denvergov.org.

Please contact our office if you have any questions regarding this process.

Sincerely,

Attachments: Covenant
Memorandum of Acceptance

TITLE COMPANY ACCEPTANCE

Accepted and agreed to by:

Property Information:

Signature

Title

Date