

**CONSTRUCTION AGREEMENT REGARDING
AFFORDABLE DWELLING UNITS**

THIS AGREEMENT is dated the ____ day of _____, 20__, by and between _____ (the “Applicant”) and Loudoun County (the “County”).

WHEREAS, the Applicant intends to construct ____ *{number}* Affordable Dwelling Units “ADUs” in a development known as _____ *{Development name}*, [pursuant to Proffer _____ of ZMAP/ZCPA ____ - ____]; and

WHEREAS, _____ *{Development name}* (the “Development”) is subject to Article VII of the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”) and Chapter 1450 of the Codified Ordinances of Loudoun County (the “Chapter 1450”), as the same may be amended from time to time (the Zoning Ordinance and Chapter 1450 are collectively referred to hereinafter as the “Ordinance”); and

WHEREAS, the Applicant is the owner of all of the property that composes the Development as set forth and described in the list attached hereto and made a part hereof as **Exhibit A**, including the sections(s) of the same property proffered or dedicated to be provided as ADUs as described in the list attached hereto and made a part hereof as **Exhibit B**; and

WHEREAS, the Applicant desires to execute and deliver to the County this written Agreement acknowledging and documenting the number of ADUs to be constructed in the Development, the required timing for the construction of such ADUs as provided in the Ordinance, the specifications for construction of ADUs which must be met, and the requirements governing the sale or rental of the ADUs, including the limits on sales prices and rents, and providing a staging plan for the construction and availability of the ADUs.

NOW THEREFORE, in consideration of the mutual premises, conditions and obligations provided for herein, Applicant acknowledges and agrees and the County agrees as follows:

1. Foregoing Recitals are hereby incorporated and made part of this Agreement.
2. Applicant will construct ____ *{number}* ADUs at _____ *{Development name}* in general compliance with the Enclosed Schedule attached hereto and made a part thereof as **Exhibit C**.
3. The Applicant will construct such ADUs along with or preceding the construction of the market rate dwelling units in the Development in accordance with the Zoning Ordinance.
4. Applicant acknowledges that Applicant has reviewed and is familiar with the specifications for ADUs developed and approved by the Affordable Dwelling Unit Advisory Board (“ADUAB”) and has incorporated these specifications into each ADU included in building plans for the Development, as provided to the County and dated _____. Applicant agrees to construct the proposed ADUs in conformance with the above-referenced building plans.

5. The County shall be entitled to enter upon the Development and/or into the ADUs for the purpose of inspection to determine that such ADUs are being constructed in conformance with building plans and specifications as set forth above.

6. Applicant shall offer the ADUs for sale or rental in accordance with the requirements of the Ordinance. The Applicant shall not offer any ADUs for sale or rent until the final and effective receipt by the County of a fully and truthfully completed Notice of Availability and Sales Offer of Affordable Dwelling Units that has been submitted to the Loudoun County Office of Housing by registered or certified mail. Such Notice and Sales Offer shall be in the form provided by the Loudoun County Office of Housing and shall be submitted only after the issuance of a zoning permit for the ADU which is being offered for sale or rental. The sales price or rental amount for such ADU will be established by ADUAB only after the final and effective receipt of said Notice and Sales Offer.

On behalf of the Applicant, I _____ certify that the above information is true and correct and that I am an authorized agent/representative of the Applicant.

IN WITNESS hereof _____ (*Name of Applicant*) has signed this Agreement on _____, 20____.

The foregoing agreement was acknowledged before me, _____, Notary Public, in the [State] [Commonwealth] of _____, this ____ day of _____ by () who is personally known to me or () who voluntarily acknowledged this instrument under the penalty of perjury as the _____ (*Title*) of _____ (*Name of Applicant*), on behalf of such Applicant.

My Commission Expires: _____
Registration Number: _____ Notary Public

County of Loudoun
Loudoun County Office of Housing

Received and Approved on _____

By _____