

Subdivision/Development Name: \_\_\_\_\_

**NOTICE OF AVAILABILITY OF FOR-RENT AFFORDABLE DWELLING UNITS**

**This Notice of Availability (the “Notice of Availability” or “Notice”) of For-Rent Affordable Dwelling Units** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ (the “Owner”).

**WHEREAS**, Owner wishes to offer for rent as Affordable Dwelling Units (ADUs) certain dwelling units described in **Schedule A**, attached hereto (the “For-Rent ADUs”) [pursuant to Proffer \_\_\_\_\_ of ZMAP/ZCPA \_\_\_\_\_, approved on \_\_\_\_\_ (the “Proffers”) and] pursuant to the provisions and requirements of Article 7 of the 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”) and Chapter 1450 of the Loudoun County Codified Ordinance (the “Chapter 1450”), as the same may be amended from time to time (the Zoning Ordinance and the Chapter 1450 are collectively referred to hereinafter as the “Ordinance”) ; and

**WHEREAS**, these For-Rent ADUs are subject to a Construction Agreement for the development executed on \_\_\_\_\_, 20\_\_.

**NOW THEREFORE**, in consideration of promises, conditions and obligations provided for in the Ordinance, [the Proffers], and this Notice, the Owner affirms, acknowledges and agrees as follows:

1. **NOTICE OF AVAILABILITY**: Owner hereby offers for rent as Affordable Dwelling Units (ADUs) \_\_\_\_\_ (number) units located in \_\_\_\_\_ (Development name) (the “Development”). This Development and the For-Rent ADUS are more particularly described by address, lot or unit, block, parcel identification number, subdivision/Development, and occupancy target date in **Schedule A**, attached hereto and made a part hereof. The Owner affirms that Zoning Permits have been issued for each of these For-Rent ADUs. For purposes of the calculation of any time periods that, pursuant to the Ordinance and this Notice of Availability shall commence upon the receipt of this Notice, the receipt of this Notice by the County shall not be considered final and effective to commence the running of such time periods until all information required to establish rental prices for the ADUs in conformance with the Ordinance has been submitted by the Owner or its developer and the rental control prices have been approved by the Affordable Dwelling Units Advisory Board (“ADUAB”). Owner affirms that the date of this Notice of Availability does not exceed one hundred and twenty (120) days from the date the Owner has established as the target date for occupancy of each For-Rent ADUs being offered herein.

2. **PHYSICAL DESCRIPTION OF INDIVIDUAL UNITS:** The physical description of each of the For-Rent ADUs being hereby offered, including the number of bedrooms, floor area (in square feet), and amenities is listed in **Schedule C**. The number of For-Rent ADUs available, their location within the Development, reference to the approved subdivision plat, condominium plat and/or site plan for the Development in which the For-Rent ADU is located, and general information about the Development is included in **Schedule B**, both Schedules A and B attached hereto and made a part thereof. Owner warrants and guarantees that each of the For-Rent ADUs conforms, or will conform at time of initial rental by the Owner, to the minimum specifications for ADUs as required by the County.

3. **PRICE:**

A. The base rent for each For-Rent ADU being offered shall be the ADU rental control price established by the Affordable Dwelling Unit Advisory Board (“ADUAB”) in accordance with the Ordinance as of the time of receipt of this Notice by the County (**Schedule D**).

B. The Owner must construct each For-Rent ADU listed in Schedule A in accordance with the minimum specifications required by the County as set forth by the ADUAB. Owner acknowledges having had the opportunity of reviewing these specifications prior to signing this Notice of Availability.

4. **DELIVERY:** The For-Rent ADUs must be available for occupancy, as determined in compliance with County building code requirements by the issuance of an Occupancy Permit, within one hundred and twenty (120) days from the date the County has accepted this Notice from the Owner. Time is of the essence with respect to the time period provided for in this paragraph.

5. **DECLARATION OF ADU COVENANTS:**

Notwithstanding the provision of paragraph 1 above, receipt by the County of this Notice of Availability shall not be considered final and effective until a copy of an executed Declaration of ADU Covenants applicable to the For-Rent ADUs described in Schedule A of this notice, in a form approved by the County and recorded in the land records of Loudoun County, has been provided by the Owner to the County.

Owner, his agents, heirs, assigns or successors hereby irrevocably assigns to the County all its right, title, interest and obligations to enforce the provisions of the Declaration of ADU Covenants referred to herein during the term such ADU Covenants are in effect; to institute any proceeding in law or equity for the collection of such sums as may be in excess of those allowed by law; or to enjoy any violation or attempted violation of the ADU Covenants or the provisions of the Ordinance.

6. **ATTACHMENTS:** Attached hereto and made a part hereof are the following documents and/or schedules:

- A. Identification of addresses within the Development, lot and block, and parcel identification numbers (PINs) of the Development and each of the For-Rent ADUs, if applicable (**Schedule A**).
- B. General information sheet (**Schedule B**).
- C. ADU physical description and price sheet (**Schedule C**).
- D. ADU rental control price calculation sheets for each unit type (**Schedule D**).
- E. Floor plans for each unit type.
- F. 2 copies of the Subdivision Record Plat.
- G. 2 copies of the Site Plan.

7. **BINDING EFFECT**: This Notice of Availability is binding upon the Owner, and the Owner's agents, successors, assigns, personal representatives, and heirs.

8. **WAIVERS**: No waiver by the County of a specific requirement or default in this Notice of Availability or any deficiency or defect in any For-Rent ADU shall be effective unless in writing by the County; and any such a waiver shall not operate as or be deemed to operate as a waiver of any other or subsequent default of similar or different nature.

9. **NOTICE**: Any notice to the County must be delivered in writing to:

Loudoun County Office of Housing  
102 Heritage Way N.E., Suite 103  
Leesburg, Virginia 20176  
ATTN: ADU Rental Program Specialist

Notices to the Owner shall be sent to:

10. **SURVIVAL**: The terms of this Notice of Availability shall survive the execution and delivery of any deeds or leases and shall not merge or be deemed to merge therein.

11. **APPLICABLE LAWS AND REGULATIONS**: Owner agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Notice of Availability, whether or not such laws or regulations are herein specifically enumerated or referred to.

12. **SEVERABILITY**: If any part, portion or provision of this Notice of Availability is found to be null, void, illegal, or unenforceable for any reason by any court or governmental regulation or ruling, then only such part, portion or provision is affected thereby, and the remainder of this Notice will remain in full force and effect.

IN WITNESS WHEREOF, the Owner has caused these Notice of Availability to be executed by \_\_\_\_\_ (Name) its  
(Title), and its corporate seal to be affixed.

OWNER: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF VIRGINIA, COUNTY OF LOUDOUN, to-wit:

I hereby certify that before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared \_\_\_\_\_, for the Owner, and he/she executed the foregoing Notice of Availability in the name and on behalf of the Owner for the uses and purposes herein contained.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public

My Commission Expires:

Registration Number: \_\_\_\_\_

**County of Loudoun**

Loudoun County Office of Housing

Notice of Availability Received on: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: Brian P. Reagan

TITLE: ADU Program Supervisor, Office of Housing

SCHEDULE A

IDENTIFICATION OF UNITS BEING OFFERED FOR RENT AS ADUs

Name of Subdivision/Development:

\_\_\_\_\_

<u>Lot/Block/Unit/Parcel</u>	<u>Street Address</u>	<u>PIN (if applicable)</u>	<u>Zoning/ Permit #</u>	<u>Occupancy Target Date</u>

SCHEDULE B

1. Development Name: \_\_\_\_\_

Is this the legal name of the Subdivision as shown on the recorded plat? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, what is the legal name?

2. Developer Name: \_\_\_\_\_.

Is this the party which signed the Construction Agreement: Yes No

If not, who signed the Construction Agreement?

3. Who is the contact person for information about this Development:

Name:

Title:

Phone:

4. What is the anticipated date of the next For-Rent ADU offering in this Development?

SCHEDULE C

UNIT DESCRIPTION

NOTE: Please describe the items included in each ADU. These components shall be utilized in the pricing process. Attach floor plans for each ADU. Specify the square footage of each ADU.

EFFICIENCY/ONE BEDROOM (PINs or Units Nos. \_\_\_\_\_)

<u>Quantity</u>	<u>Structure Type</u> (i.e., single family detached; single family attached; multi-family)	<u># of End Units</u>	<u># of Interior Units</u> (townhouses only)
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Finished Area: \_\_\_\_\_ Sq. Ft.      Unfinished Square Footage: \_\_\_\_\_ Sq. Ft.

# of Full Baths: \_\_\_\_\_      # of 1/2 Baths: \_\_\_\_\_      # of Rough-in Baths \_\_\_\_\_

# of Bedrooms: \_\_\_\_\_

Other features

Heat Pump      Electric Heat      Gas Heat      Air Conditioning

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TWO BEDROOM (PINs or Units Nos. \_\_\_\_\_)

<u>Quantity</u>	<u>Structure Type</u> (i.e., single family detached; single family attached; multi-family)	<u># of End Units</u>	<u># of Interior Units</u> (townhouses only)
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Finished Area: \_\_\_\_\_ Sq. Ft.      Unfinished Square Footage: \_\_\_\_\_ Sq. Ft.

# of Full Baths: \_\_\_\_\_      # of 1/2 Baths: \_\_\_\_\_      # of Rough-in Baths \_\_\_\_\_

# of Bedrooms \_\_\_\_\_

Other features

Heat Pump      Electric Heat      Gas Heat      Air Conditioning

THREE BEDROOM (PINs \_\_\_\_\_ or Units Nos. \_\_\_\_\_)

<u>Quantity</u>	<u>Structure Type</u> (i.e., single family detached; single family attached; multi-family)	<u># of _____</u> End Units	<u># of _____</u> Interior Units (townhouses only)
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Finished Area: \_\_\_\_\_ Sq. Ft.      Unfinished Square Footage: \_\_\_\_\_ Sq. Ft.

# of Full Baths: \_\_\_\_\_      # of 1/2 Baths: \_\_\_\_\_      # of Rough-in Baths \_\_\_\_\_

# of Bedrooms \_\_\_\_\_

Other features \_\_\_\_\_

Heat Pump      Electric Heat      Gas Heat      Air Conditioning

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FOUR BEDROOM (PINs \_\_\_\_\_ or Units Nos. \_\_\_\_\_)

<u>Quantity</u>	<u>Structure Type</u> (i.e., single family detached; single family attached; multi-family)	<u># of _____</u> End Units	<u># of _____</u> Interior Units (townhouses only)
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Finished Area: \_\_\_\_\_ Sq. Ft.      Unfinished Square Footage: \_\_\_\_\_ Sq. Ft.

# of Full Baths: \_\_\_\_\_      # of 1/2 Baths: \_\_\_\_\_      # of Rough-in Baths \_\_\_\_\_

# of Bedrooms \_\_\_\_\_

Other features \_\_\_\_\_

Heat Pump      Electric Heat      Gas Heat      Air Conditioning



SCHEDULE D

ADU Rental Control Price per calculation sheets

Efficiency	\$
One Bedroom	\$
Two Bedroom	\$
Three Bedroom	\$
Four Bedroom	\$
Five Bedroom	\$

Prices of options, if offered:

Dishwasher/Disposal	\$
Washer	\$
Dryer	\$