



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Aaron Gornstein, Undersecretary

Regulatory Agreements

The Regulatory Agreement must be signed by all parties and recorded before construction of the project begins. DHCD requires that it be submitted in redlined form for review by DHCD PRIOR to signature by the Project Sponsor and the Municipality. The Regulatory Agreement and Deed Rider are model documents of DHCD. The Deed Rider may not be modified. If a developer or municipality intends to propose any modifications to the Regulatory Agreement, only changes that are essential to the workings of the particular project will be considered.

Once the Regulatory Agreement is in final form, the developer's attorney will make three complete copies, attaching a blank copy of the Deed Rider to each ownership RA. They should be signed by the Project Sponsor, by the Municipality, and by any mortgagees (Consent Form), then, **all three (3) originals are submitted to DHCD for review and agency approval.**

DHCD will not sign the Regulatory Agreement until all conditions required for Local Action Units approval have been met.

Once it is signed, the Regulatory Agreement must be recorded and within ten days of recording of the Regulatory Agreement, a copy of the executed Regulatory Agreement with either the instrument number or book and page # should be sent to DHCD.

In regard to Exhibit A attached to the Regulatory Agreement, please be advised that for the Legal Property description, DHCD will accept only a description of the land by metes and bounds (i.e., exactly as it appears on the deed) or by reference to a recorded or registered plan showing its boundaries.

In addition to the above documents, please submit the following:

- A list of all mortgagees holding mortgages with respect to the project;
- Documentation of compliance with conditions noted above;
- Documentation of authority to sign on behalf of the Project Sponsor, as follows:

ENTITY	DOCUMENTATION REQUIRED
Corporation or Project Sponsor has a corporate general partner	Certificate of Legal Existence; Corporation Clerk's Certificate of Vote of the Corporation or Board
Nominee Trust	Trustee Certificate and Authorization of Beneficiaries
Limited Partnership	Limited Partnership Certificate *
General Partnership	Authorization of the Partners
Limited Liability Company	Copy of Certificate of Organization and Certificate of Good Standing (from Sec'y of State)
Limited Liability Partnership	Copy of Registration and Certificate of Good Standing (from Sec'y of State)

* Long form from the Secretary of State, showing general partners

- Documentation that the Town Board of Selectmen or City Council has voted to sign the regulatory agreement (i.e. meeting minutes), or Mayor if authorized by City Charter.
- If the municipality or local housing authority provided the land to the developer, evidence of compliance with the Uniform Procurement Act, G.L. c. 30B.

Local Initiative Projects may be subject to the Massachusetts Environmental Policy Act (MEPA), which is administered by the Executive Office of Environmental Affairs (EOEA). Under certain circumstances, an Environmental Notification Form (ENF) must be filed with the EOEA MEPA office. To ensure MEPA compliance, for all LIP units, LIP requires each Project Sponsor to file a MEPA ENF Certification form with DHCD.