Tab 5b. Zoning

The applicant must demonstrate by submitting a letter from the municipality that the project (as proposed) either (1) meets the existing zoning requirements for the municipality (including that multifamily housing is a *permitted use by right* and that no significant waivers are needed),(2) has already been through the public process needed (pre-approved) to receive a zoning change for the development, or (3) has not been through the entire public process to receive the zoning change but that there is a schedule in place to be completely through the process within three months of the due date of the LIHTC application. If option (3) is in place, the applicant MUST submit evidence within three months of application that the public process has been completed. If such evidence is not submitted, the Agency will discontinue the review/processing of the application.

Multifamily housing must be permitted through one of the three options above; however, if project specific variances are needed (such as front or side set-backs), the applicant should include a letter from a land-use attorney or from the municipality itself explaining which variances are needed and the process to obtain those variances. (For preservation deals where the footprint of the building is not changing, a letter from a land use attorney or the municipality is not required).

Additionally, the applicant must provide a letter from the municipality that there is suitable means of egress to the property and that the project (if built) will be able to access all needed utilities including water. Additionally, there can be no restrictions for access to future taps.