

CONSENT TO THE SALE OR TRANSFER OF PROPERTY REQUEST FORM

HPD will require the following information and supporting documentation in connection with any request for the agency's consent to a sale or transfer of property that is subject to an HPD restriction, or to a sale or transfer of any direct or indirect ownership interest of such a property. HPD's consent may be required by one or more of your contracts with HPD, your corporate documents, or the law.

HPD will consider any such request after a review of the items listed in this form. HPD will not be responsible for any fees or other expenses that you or your affiliates may incur in connection with HPD's processing of the request.

This request form should be used for properties that are not currently in HPD's Development pipeline.

Required Items for All Requests

- Completed Sale/Transfer Request Form (see page 4)
- Completed Applicant Certification Form (see page 5)
- Request letter from the current owner stating the specific consent that is requested of HPD, in addition to any related actions, and providing the following information (as applicable):
 - o Description of the transaction and the rationale for it, and details about any new financing
 - o All borough, block, and lot numbers (BBLs) and addresses for each property associated with the transaction
 - o Proposed sale price
 - o Plan to maintain affordability at the property
 - o Documents pursuant to which the HPD consent is requested, with specific section references (e.g., *Deed, Land Disposition Agreement, Note, Mortgage, Regulatory Agreement, Security Agreement, Funding and Disbursement Agreement, Commitment Letter, Restrictive Declaration or Covenant*)
 - o Any contemplated full or partial release of an HPD document (please note that any release may be subject to additional requirements of law, including, but not limited to, the City's receipt of additional consideration for the release and/or the approval of the Comptroller of the City of New York, the City Council and/or the Mayor)
 - o List of any HPD or New York City Housing Development Corporation officials or employees who have otherwise been consulted or contacted in connection with the transaction
- Purchase and sale agreement (if applicable)
- Draft assignment and assumption agreement (if applicable)
- Draft deed (if applicable)
- Organizational chart showing existing and proposed ownership structure
- List of all parties and entities associated with the property and transaction (e.g., principals, syndicators, lenders, organizations, attorneys)
- Written consents of existing/senior lenders (if applicable)
- Copy of recent appraisal for property (please ensure that the appraisal conforms to HPD's [As-Is Appraisal Guidelines](#))
- Current title report

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- Completed HPD sponsor review [forms](#) by proposed owner or transferee (*may not be applicable for Inclusionary Housing or 421-a Programs*)
- Copies of HPD documents pursuant to which the consent is requested
- Any information required to be submitted by such HPD documents in connection with the request
- DHCR Registration (*if property is subject to Rent Stabilization*)
- If new financing is being obtained for the property, the following items:
 - Commitment letter, letter of interest, or term sheet from the new lender stating loan terms indicating: product type, interest rate, term, monthly principal and interest payment
 - Amount of existing debt on the property and a description of the owner's intent with regard to the existing debt (*e.g., payoff, subordination*)
 - If the new lender has requested a subordination of one or more HPD documents, please submit the subordination request [form](#)

Additional Requirements for Housing Development Fund Corporation (HDFC) Sales or Transfers

- Attorney General petition
- Original certificate of incorporation, bylaws, and all amendments
- A proposed closing statement and a description of how sale proceeds will be used towards low-income housing

(Please also refer to the July 2015 [Memorandum](#) from the New York State Attorney General's Office, Real Estate Finance Bureau)

Additional Requirements for Properties with HPD Enforcement Mortgage

- A statement of anticipated resale profits (and refinancing profits, if applicable) together with documents supporting such calculation and any other additional documentation required by the Enforcement Mortgage and Enforcement Note
- Copies of Enforcement Mortgage and Enforcement Note

Additional Requirements for Zoning Lot Merger and/or Transfer of Floor Area Requests

- Request letter should summarize the proposed transfer of floor area
- Draft DOB exhibits from the May 1978 DOB Memo
- Draft zoning lot development agreement
- Purchase and sale agreement
- Draft of any easements

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Send all required documentation via email to AMtransactions@hpd.nyc.gov

Please Note the Following:

- HPD's review of the request may result in HPD placing conditions on the sale or transfer or denying consent to the transaction as proposed.
- Requests will not be processed until all required items listed above are received.
- HPD may require additional documentation after review of the items requested in this request form.
- Please allow up to 90 days for processing from the date we receive all required documentation. Processing time may be longer during peak closing season months (November-December, May-July). Owners are encouraged to make requests early in order to account for potential delays.
- Requests that will require public approvals (e.g., City Council or Mayoral approvals) will take longer.
- If you do not receive a confirmation, please follow up via email 5 days after sending the original request and documentation at AMtransactions@hpd.nyc.gov

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PROPERTY INFORMATION

Project/Development Name:	
Street Address:	Borough/Block/Lot:

TAX BENEFIT/EXEMPTIONS/HPD PROGRAMS

HPD Program (check all that apply):	<input type="checkbox"/> 420-c <input type="checkbox"/> 421-a <input type="checkbox"/> 7A <input type="checkbox"/> 8A/HRP <input type="checkbox"/> Article XI <input type="checkbox"/> Third Party Transfer	<input type="checkbox"/> HOME <input type="checkbox"/> HPO <input type="checkbox"/> LIHTC <input type="checkbox"/> HUD MF <input type="checkbox"/> Inclusionary Housing <input type="checkbox"/> Multifamily Preservation Loan Program (MPLP)	<input type="checkbox"/> LAMP <input type="checkbox"/> Mitchell Lama <input type="checkbox"/> Participating Loan Program (PLP) <input type="checkbox"/> Supportive Housing Loan Program <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
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Was subject property ever owned by the City of New York? Yes No

Estimated Closing Date: _____

HPD MORTGAGE INFORMATION, if applicable

Loan Number:	Original Loan Amount:
Loan Servicer: <input type="checkbox"/> HPD (Dept. of Housing Pres. & Dev.) <input type="checkbox"/> HDC (NYC Housing Dev. Corp.)	<input type="checkbox"/> CPC (Community Pres. Corp.) <input type="checkbox"/> Other: _____ <input type="checkbox"/> Unknown

BENEFICIAL / LEGAL OWNER INFORMATION

Name(s):
EIN:
Street Address:
City, State, Zip:
Email:
Phone:

CONTACT INFORMATION (If Different from Above)

Name(s):
Company:
Relationship to Borrower:
Street Address:
City, State, Zip:
Email:
Phone:

ATTORNEY INFORMATION

Name(s):
Company:
Street Address:
City, State, Zip:
Email:
Phone:

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APPLICANT CERTIFICATION FORM

I hereby certify that: (a) I am the beneficial or legal owner (as applicable, the "Owner") of the project known as _____ and located at _____,

(b) I am the owner of a direct or indirect ownership interest in the Owner, or (c) I am a duly authorized representative of _____, which is the Owner or the owner of a direct or indirect ownership interest in the Owner.

I further certify that all of the statements, information, and supporting documentation that have been provided to the New York City Department of Housing Preservation and Development (HPD) in connection with this request are, to the best of my knowledge, true, accurate, and complete. I also acknowledge that my obligation to provide true, accurate, and complete statements, information, and supporting documentation fully applies to any future submissions that HPD may require in connection with this request.

I further certify that, to the best of my knowledge, all of the statements of fact that have been made by the Owner in agreements with HPD pursuant to which this request is being made (including, but not limited to, any representations or warranties) remain accurate as stated, except to the extent that any such statements specifically refer to an earlier date (or, if any such statement is not true as of the date of this certification, I have attached a detailed explanation of the matter).

I further certify that, to the best of my knowledge, the Owner is not in violation of any agreement with HPD or the New York City Housing Development Corporation, nor to the best of my knowledge, has any event occurred that, with the giving of notice or passing of time, would make the Owner in violation of any such agreement (or, if an event that could give rise to a violation has occurred, I have attached a detailed explanation of the matter and any corrective actions taken or to be taken).

I further recognize and accept my responsibility and obligation to notify HPD, in writing, if I become aware of any subsequent events or information that would change any statements, information, or supporting documentation that have been provided to HPD in connection with this request.

I further acknowledge that HPD is relying on the accuracy of the statements, information, and supporting documentation that have been provided to HPD in connection with this request, even though HPD may perform other due diligence, and that the accuracy of these statements, information and documentation is a material inducement to any consent that HPD may provide in connection with this request.

In executing this certification, I acknowledge that the falsification of any statements, information or supporting documentation may be a felony and subject to prosecution.

Certification Completed by:

Signature: _____

Date: _____

Print Name: _____

Title: _____