

NYMS Program Property Maintenance Declaration Instructions

Local Program Administrators (LPAs) must follow these procedures to complete Property Maintenance Declaration forms for assisted buildings.

The Local Program Administrator is responsible for obtaining and filing a Declaration for each property assisted. It is important to ensure that program participants are aware of the maintenance responsibilities and the Declaration requirement early in the project development process. LPAs must ensure that this requirement is clearly stated in the contract with property owners.

The maintenance term, or regulatory period, must be calculated from the date of Project Completion. The date of Project Completion is the date of the final inspection and must be documented by a formal, final inspection report. The LPA must use this date to calculate the termination date specified on the Declaration form. If the final inspection report is not formally documented or available in the LPA files, the maintenance term will begin on the date of final disbursement of NYMS funds. Please consult your OCR representative to confirm this date. Property owners must not be reimbursed with NYMS Funds until the signed, notarized Declaration is secured. Please refer to the NYMS Program Guide for additional guidance related to the Declaration.

I. Property Maintenance Declaration Form

For projects receiving NYMS Program Funds, the property owner must execute a Declaration. The Declaration must be signed, notarized and filed in the County Clerk's office in the county in which the assisted property is located, or the Office of the City Register for projects located in New York City. The LPA and Property Owner are both parties to the agreement and the form must be signed and notarized by both the LPA and the Property Owner.

Instructions for Completing Declaration Form:

There are two versions of this form. The "NYMS Declaration Boilerplate 2004-2009 Contracts" document should be used for those contracts awarded between years 2004 - 2009 which require a seven (7) year regulatory period. The "NYMS Declaration Boilerplate 2010 - Present" document should be used for all contracts awarded in 2010 to the present which require a five (5) year regulatory period.

- **LPA Name** – Replace with the Local Program Administrator (NYMS awardee organization) name.
- **Address** – Replace with the mailing and street address of the LPA.
- **Owner(s)** - Enter the full name(s) of the legal property owner(s).
- **Property Address** – Enter the street address of the building. This must be the address confirmed by the Office of Community Renewal.
- **Municipality and County** – Enter the municipality and County in which the project is located.
- **Section/Block/Lot** – Enter the tax parcel ID or Section / Block / Lot (SBL) number associated with the building. This must be confirmed by the Office of Community Renewal.
- **Amount of Grant Assistance** – Enter the amount of NYMS funding the property received.

- **Unit Assisted** – Identify the type and number of Residential, Commercial and Civic Units assisted with NYMS funds, e.g. Two first floor commercial units and two residential units (2A and 3B), or one first floor commercial unit, no residential units assisted.
- **Description of Assisted Improvements** – Provide a **brief** description of the general construction activities performed on the building to be subject to the maintenance requirements during the regulatory term, e.g. installed six windows, repointed façade, renovated bathroom.
- **Execution Date** – Enter the start date of the Declaration which is the date of project completion, as documented by final inspection reports, or the date of final disbursement of NYMS Funds for the applicable building
- **LPA Name** – Replace with the LPA (NYMS awardee organization) name.
- **Termination Date** – Calculate the termination date by adding either 5 or 7 years (depending on program year) to the Execution Date.
- **LPA Name** – Replace with the LPA (NYMS awardee organization) name.
- **Owner(s)** – The property owner(s) must sign here.
- **Mailing Address** – Enter the property owner(s) permanent mailing address.
- **LPA Name** – Replace with the LPA (NYMS awardee organization) name.
- **By** – An authorized LPA representative must sign here.
- **Name** - Enter the name of the LPA representative signing.
- **Title** - Enter the title of the LPA representative signing.

The remainder of the document should be completed by a Notary Public. Both the Owner(s) and LPA signatures must be notarized. The document must be filed with the County Clerk or City Register. A copy of the Declaration and filing receipt must be maintained in the LPA project files and provided to the Office of Community Renewal upon request.

II. Release of Declaration

In the event that a property owner decides to no longer participate in the NYMS Program, and returns the NYMS grant funds to the LPA to be returned to the Housing Trust Fund Corporation, a Release of Declaration should be filed to remove the maintenance responsibilities attached to the Declaration.

Instructions for LPA Release of Declaration Boilerplate:

This form is available upon request, and is used for releasing a Declaration that was filed with the current Declaration form where the LPA is party to the agreement, not the Housing Trust Fund Corporation.

- **LPA Name** - Replace with the LPA (NYMS awardee organization) name.
- **LPA Type** – Remove the type of LPA (either not-for-profit corporation or units of general local government) that does not apply. Remove the brackets.
- **LPA Address** - Enter the mailing and street address of the LPA.
- **Zip Code** - Enter the zip code of the LPA.

- **Date** – Enter the date the Declaration was executed.
- **Office** - Remove the type of Office that does not apply (City Register or Clerk). Remove the brackets. Only those projects filed in New York City are recorded in the Office of the City Register.
- **County** – Enter the name of the County where the Declaration was recorded.
- **Instrument No./Liber/Page** – This information can be found on the recorded Declaration or the filing receipt.
- **Date** – Enter the date the Declaration was recorded. This information can be found on the recorded Declaration or the filing receipt.
- **Date** – Enter the date the Release of Declaration is signed.
- **LPA Name (blank space)** - Enter the LPA (NYMS awardee organization) name.
- **By** - An authorized LPA representative must sign here.
- **Name** - Enter the name of the authorized LPA representative signing.
- **Title** - Enter the title of the authorized LPA representative signing.

The remainder of the document should be completed by a Notary Public. The LPA should file the document with the associated Office of the City Register or County Clerk and maintain the receipt in their files.

Instructions for HTFC Release of Declaration Boilerplate:

This form is available upon request, and is for releasing a Declaration that was filed using the original version of the Declaration form where the Housing Trust Fund Corporation (HTFC) is party to the agreement, not the LPA. Only complete the portion specified below; the remainder must be reviewed and completed by an HTFC representative.

- **Date** – Enter the date the Declaration was executed.
- **Office** - Remove the type of Office that does not apply (City Register or Clerk). Remove the brackets. Only those projects filed in New York City are recorded in the Office of the City Register.
- **County** – Enter the name of the County where the Declaration was recorded.
- **Instrument No./Liber/Page** – This information can be found on the recorded Declaration or the filing receipt.
- **Date** – Enter the date the Declaration was recorded. This information can be found on the recorded Declaration or the filing receipt.

Mail the partially completed document to the HTFC at the address specified on the document. The completed document will be returned to the LPA to file with the associated Office of the City Register or County Clerk.