

BMSI 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 essential 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 BMSI funds. Please consult an OCR representative to confirm this date. Property owners must not be reimbursed with BMSI 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 BMSI 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. 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:

The BMSI Declaration document should be used for all BMSI contracts.

- **LPA Name** – Replace with the Local Program Administrator (BMSI 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 BMSI funding the property received.
- **Unit Assisted** – Identify the type and number of Residential, Commercial and Civic Units assisted with BMSI funds, e.g. Two first floor commercial units and two residential units (2A and 3B), or one first floor commercial unit.
- **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 BMSI Funds for the applicable building
- **LPA Name** – Replace with the LPA (BMSI awardee organization) name.
- **Termination Date** – Calculate the termination date by adding either 5 years to the Execution Date.
- **LPA Name** – Replace with the LPA (BMSI 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 (BMSI 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 BMSI Program, and returns the BMSI grant funds to the LPA to be returned to the Housing Trust Fund Corporation, a Release of Declaration should be issued to remove the maintenance responsibilities attached to the Declaration. The Release form is available upon request from the Housing Trust Fund Corporation.