

Access to Home and RESTORE Programs **Property Maintenance Declaration (PMD) Instructions**

The Housing Trust Fund Corporation's ("the Corporation") Office of Community Renewal ("OCR") requires Local Program Administrators ("LPAs") to execute a Property Maintenance Declaration ("PMD") with participants, who also own the eligible property receiving Access to Home, Access to Home for Heroes, Access to Home for Medicaid Recipients ("Access to Home") or RESTORE Program assistance.

A participant, who also owns the eligible property receiving program assistance, is subject to use restrictions of a PMD for three (3) years, commencing on the date the PMD is signed and duly notarized. LPAs are responsible for ensuring that the requirements of the PMD are met. Units assisted with Access to Home programs in rental properties do not require a signed PMD.

The LPA shall require participants, who also own the eligible property receiving program assistance, including life tenants and their remainderman, to execute a PMD, in a form provided by the Corporation, to be filed in the County Clerk's office for the county in which the assisted property is located, or the Office of the City Register for projects located in New York City. If a PMD cannot be filed with the County Clerk's office, or City Register, due to local policies, an OCR approved method must be used to secure the public funds and ensure compliance. OCR retains the right to require an updated PMD if more than one hundred and twenty (120) days has elapsed between signing and the completion of the project.

The PMD shall be based on the estimated program award amount. The LPA will reconcile the amount to the actual project cost if lower than the estimated program award amount. If the actual project cost exceeds the estimated program award amount, reconciliation is not required, repayment would be based on the lesser amount. The regulatory term would remain as three (3) years from the date the original PMD was signed and notarized.

The PMD must be filed immediately upon completion of program activities and after final sign off by the participant, the contractor and LPA stating that all work has been completed to satisfaction and documented to meet NYS and/or Local Code. In the event of an irreconcilable dispute between the participant and contractor, the LPA must document that its Dispute Resolution Plan was followed, and evaluative measures were taken to substantiate the project was satisfactorily completed prior to filing the PMD. The LPA then has discretion to file the PMD at the time it determines improvements to be complete.

Rental property owners with units assisted with Access to Home program funds are not required to sign a PMD but must sign an Owner/Participant Agreement accepting the scope of work and acknowledging the program requirements and responsibilities. Should the participant vacate the premises prior to the end of the three (3) year regulatory period, the LPA must provide guidance to the property owner relative to marketing to another qualified tenant. If the new tenant does not meet the program requirements, where practicable, the LPA must try to recoup any movable structures (i.e., modular ramp, stair lift) that may have a resale value.

I. Property Maintenance Declaration Form

The PMD 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 participant, who also owns the eligible property receiving assistance, are parties to the agreement and both must execute the form.

Instructions for Completing the PMD Form:

The “Access to Home Property Maintenance Declaration Form” or “RESTORE Property Maintenance Declaration Form” is to be used for all programs in the Access to Home and RESTORE portfolio. The document requires a three (3) year regulatory period.

- **LPA Name** – Replace with the LPA name.
- **Address** – Replace with the LPA’s mailing and street address.
- **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 OCR.
- **Section/Block/Lot** – Enter the tax parcel ID or Section / Block / Lot (SBL) number associated with the building. This must be confirmed by OCR.
- **Amount of Grant Assistance** – Enter the amount of estimated or actual funding the property received.
- **Unit Assisted** – Identify the type and number of residential units assisted with Program funds, i.e., rental apartment in multi-family building (unit 2A), or single-family, owner-occupied unit.
- **Description of Assisted Improvements** – Provide a **brief** description of the general construction activities performed on the unit to be subject to the maintenance requirements during the regulatory term, i.e., expanded doorways, renovated accessible bathroom.
- **Execution Date** – Enter the start date of the PMD which is the date the PMD was signed and notarized. The PMD should be filed when the project is complete as documented by final inspection reports, or the date of final disbursement of program for the applicable property.
- **LPA Name** – Replace with the LPA name.
- **Termination Date** – Calculate the termination date by adding three (3) years to the date the original PMD was signed and notarized.
- **LPA Name** – Replace with the LPA name.
- **Owner(s)** – The participant, who also owns the eligible property receiving assistance, must sign here.
- **Mailing Address** – Enter the permanent mailing address of the participant, who also owns the eligible property receiving assistance.

- **LPA Name** – Replace with the LPA 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 participant, who also owns the eligible property receiving assistance, and LPA signatures must be notarized. The document must be filed with the County Clerk's office for the county in which the assisted property is located, or the Office of the City Register for projects located in New York City. A copy of the PMD and filing receipt must be maintained in the LPA project files and provided to OCR.

II. Release of Property Maintenance Declaration

If a participant, who also owns the eligible property receiving assistance, decides not to participate in the Program and returns the grant funds to the LPA for return to the Corporation, a "Release of Declaration" should be filed to remove the maintenance responsibilities under the PMD. The release can be obtained by contacting the OCR program staff upon return of funds to the Corporation.

Instructions for Housing Trust Fund Corporation Release of PMD Boilerplate:

This form is available upon request and is for releasing a PMD that was filed using the original version of the PMD form where the Corporation is party to the agreement, not the LPA. Only complete the portion specified below; the remainder must be reviewed and completed by OCR staff.

- **Date** – Enter the date the PMD 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 PMD was recorded.
- **Instrument No./Liber/Page** – This information can be found on the recorded PMD or the filing receipt.
- **Date** – Enter the date the PMD was recorded. This information can be found on the recorded PMD or the filing receipt.

Mail the partially completed document to the Housing Trust Fund Corporation at the address specified on the document. The completed document will be returned to the LPA to file with the associated County Clerk's office, or the Office of the City Register for projects located in New York City.