



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

Statewide Asset Management Unit (SAMU) Legal Checklist

HTFC/HFA Project Loan Refinancing

To: XXXXXXXXXXXXX

From: Asset Management Unit Rep. XXXXXXXXXXXXXXXXXXXX

Date: XXXXXXXXXXXX

Re: PROJECT NAME (SHARS/HFA #)

CC: TEAM LEADER/SUPERVISOR

1. Cover letter on Borrower letterhead and addressed to HTFC/HFA describing the refinance transaction. Include project SHARS ID# or HFA #, project name, any requests to modify or change HTFC's/HFA's lien position, the source(s) of payment for transaction fees, and uses of any cash requested to be taken out. Along with, name and contact information of borrower's counsel. I Indicate any perceived deadlines and the reasons supporting them.
2. Copies of all term sheets and loan commitments and proposed loan documents (as they become available) for the refinanced loan. **HTFC only: variable rate loans are not permitted by HTFC, and balloon payments cannot come due prior to the end of the HTFC Regulatory Period without the express approval of HTFC.**
3. Title report of the property to be refinanced, current to within 120 days of the request.

HTFC Only cash out transactions are strictly limited to additional funds being used for capital improvement(s) of the project and costs of the refinance. Additional funds from a cash out refinance cannot be used for the sole purpose of paying down deferred developer's fees or use of funds for purposes unrelated to the HCR financed housing. HCR's term sheet for refinancing and assuming subordinate HTFC/HFA debt with or without an Owner Distribution component can be found at the following link: <https://hcr.ny.gov/system/files/documents/2023/01/nys-hcr-term-sheet-final-11.1.22-1.pdf>

4. If rehabilitation or capital improvements will occur, an Integrated Physical Needs Assessment (IPNA) must be submitted at the time of application to the agency. The cost and scope of work will have to be deemed reasonable by HCR staff.

5. A development budget is required to verify the sources and uses of the refinance. All soft costs not covered by line items on Tab 1 of the development budget must be detailed on Exhibit A (Tab 2). The HCR development budget form can be found at the following link: <http://www.nyshcr.org/Forms/AssetManagement>.

Further documentation as may be required by the HCR Term Sheet for refinancing and assuming subordinate HTFC/HFA debt with or without an Owner distribution can be found at the following link: <https://hcr.ny.gov/system/files/documents/2023/01/nys-hcr-term-sheet-final-11.1.22-1.pdf>

6. Further documentation as may be requested by HCR to fully evaluate the proposed transaction.

NOTE: All submissions are to be submitted electronically, named, and numbered to correspond to the above checklist item. Partial submissions will not be accepted.

Once a COMPLETE packet is received the agency is likely to require 60 days to review, comment and prepare for closing on any transaction.