

OWNERSHIP TRANSFER REQUEST REQUIREMENTS

[NOTE: All required information/documents for a transfer request must be sent to ADFA in the same email or in multiple emails sent at the same time with the name of the project in the subject line. ADFA prefers that you not use Dropbox or a similar service to transmit documents. ADFA requests that you submit all required documents a minimum of 30 days prior to any deadline you may have for ADFA's decision on the proposed transfer.]

1. Ownership/General Partner/Limited Partner Interest Transfer Letter: Fill in and execute the ADFA Letter.

2. Copy of Letter of Intent and Sale/Purchase Agreement

3. Draft of Assignment and Assumption Agreement: [Note that this is not required for LP or GP transfers—only for property ownership transfers.] This is required for any property currently under a recorded document restricting use of the property, such as a Land Use Restriction Agreement (“LURA”) or a Deed Restriction. [This explanation will cover LURAs—though it should be the same for the other types of documents that restrict use of the property.]

The agreement must assign the obligations under the LURA from the Seller to the Purchaser. This document must also be recordable—since, if the transfer request is approved, a copy of the recorded Assignment/Assumption Agreement is required by ADFA. Finally, this document must (1) note that the property in question is subject to a LURA (with its filing date and recording information) and (2) contain this paragraph:

“Subject to the terms of the Sale Contract, Assignor does hereby ASSIGN, TRANSFER, SET OVER, and DELIVER to Assignee all of the Assignor’s covenants, obligations, and rights under the LURA. Assignee hereby ASSUMES and AGREES TO PERFORM all covenants, obligations, and rights under the LURA. Assignor and Assignee agree to execute such other documents as may be necessary to effect such assignment.”

4. Organizational Chart of Purchaser: ADFA must be provided with an org chart of the Purchaser. For each entity on the org chart, the entity/person owning it must be shown—with their ownership interests—continuing to drill down until each person involved (and their ownership interest in the

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respective entity) is shown. If any entity/person shown on the proposed buyer's org chart has previously worked with ADFA on any developments, please note the developments and years for that person. Finally, please note any entities/people who have never worked with ADFA prior.

5. Resume of Purchasers: This is required for all people with an ownership interest in the Purchaser who have not previously worked on an ADFA project, and it must set forth their relevant experience in housing.

6. Criminal Background and Disclosure Form [Attachment 1]: This is required for all people on the Purchaser's org chart.

7. Conflict of Interest Acknowledgment and Disclosure [Attachment 2]: This is required for all people on the Purchaser's org chart.

8. Contract and Grant Disclosure and Certification Form [Attachment 3]: This is required for all people on the Purchaser's org chart.

9. Release of Information Form [Attachment 4]: This is required for any state where the Purchaser and anybody named on its org chart has currently or previously had a development monitored by a housing agency.

10. Financials of all entities/persons involved: This is required for all people/entities on the Purchaser's org chart.

11. W-9: [Note that this is not required for LP or GP transfers—only for property ownership transfers.] Submit a signed W-9 for the new ownership entity.

12. Any Other Pertinent Information

13. Transfer Fee: A \$500 ownership transfer fee is required to be submitted contemporaneously with these documents. If the ownership transfer has already occurred without ADFA approval, then the transfer fee is \$1,000.

****NOTE: Upon a transfer of the property, all tenant files must be transferred to the new Owner**
—including 1st year records (with a 21-year retention requirement) and
all move-out files (with a 6-year retention requirement)***