

Tax Credit & Grants – Transfer of Ownership

Factsheet

Overview

This Factsheet is provided for transfer of ownership transactions that include a change in the vesting of the real property (recording a deed) for properties with tax credits and/or grant resources from OHCS (not for Bond financed properties). All transfers must be approved by OHCS. The buyer (also known as the "Successor Owner") must assume the applicable restrictive covenants in writing.

Common transfers include:

- ❖ Related party transfer due to Post-15 LIHTC transfer or another event; and
 - ❖ Non-related party transfer (sale or arm's length transaction).
- ***Owners are encouraged to contact OHCS as soon as marketing of the Property starts to review the transfer process and expectations before a transfer commences.***

Getting Started

To start the transfer of ownership approval process, please provide the following:

- 1) Complete submission of Transfer of Ownership request with all required document uploads.

[Transfer of Ownership Submission Form \(Click Here\)](#)

- 2) Owner/Seller written request for approval of the proposed transaction.
- 3) Seller must provide YTD stub financial statements via Procorem. (Upload statements and complete standard template.)

[Instructions for Financial Submissions in Procorem \(Click Here\)](#)

- 4) Sale Threshold Requirement: Purchase and Sale Agreement (or similar document), including estimated closing date.
- 5) Preliminary Title Report, including escrow agent contact information.
- 6) Lender Term Sheet, including buyer lender contact information.
- 7) Buyer entity documentation:

- Org Chart
- Partnership Agreement
- Management Agreement (if applicable)
- Articles of Organization
- Authorized Signatures
- Complete New Ownership Entity Reporting form

[Partnership/Ownership Structure with Transfer \(Click Here\)](#)

- 8) Attorneys contact information (for both Owner and Buyer).
- 9) HUD-2530 approval (if HUD funded, including Section 8, Risk Share).

Management Agent Packet	10) Complete and submit Management Agent Packet for approval, if applicable. (see Management Agent Packet section) <i>OHCS requires a minimum 90-day notice <u>PRIOR</u> to the estimated closing date.</i> Management Agent Packets are required for any Transfers of Ownership that also include a corresponding change in the management agent that is operating the property. These completed packets must include, but are not limited to, current property contact information, tenant selection plans, marketing plans, as well as a current resident services plan (when applicable) for review and OHCS approval. Management Agent Packet PDF (Click Here) Online Submission Form (Click Here) For Transfers of Ownership that <i>do not</i> result in a change in current management agent, it may be necessary to provide certain updated documentation for OHCS records. Examples may include, but are not limited to: • Executed Property Management Agreements • Updated Management Plan for the Property • Updated AFHMP (utilizing HUD Form 935.2A) • New Resident Services Plan and MOUs (if applicable) Questions specific to Management Agent Packets can be directed to: HCS.MAP.Review@hcs.oregon.gov
OHCS Response	OHCS will provide the necessary assumption documents to cover the resources provided by OHCS. Most of the documents are signed by OHCS, the Owner and the Successor Owner. Draft documents will be provided to the parties as soon as they are available. Final versions of the documents are subject to legal sufficiency review by the Department of Justice (OHCS' attorney). OHCS documents have been standardized and are not generally open to modification. Any legal costs incurred by OHCS for modifications will be billed and payable at closing. Once legal sufficiency is obtained, the original assumption document(s) will be signed by OHCS and submitted to the escrow agent for execution by the parties. Documents can be counter-signed if prior approval is provided by OHCS. <i>There is a \$750 document preparation charge applicable for certain OHCS documents required to complete the assumption/transfer process. Legal costs for modification to standard documents are in addition to this charge.</i>
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